

When Classical Fiqh Encounters the State: Reconfiguring Islamic Family Law in Indonesia's Plural Legal Order

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Abstract

The relationship between classical Islamic jurisprudence and modern state regulation represents a central issue in the development of Islamic family law in contemporary Muslim societies. In Indonesia, the governance of family relations reflects a plural legal environment in which classical fiqh, state legislation, and social practices coexist and interact in shaping legal norms. This study aims to examine how Islamic family law is reconfigured through the encounter between classical fiqh and state law within Indonesia's plural legal order. The research employs a qualitative socio-legal approach that combines doctrinal analysis of classical Islamic legal texts with the examination of statutory regulations governing family law in Indonesia. Primary legal sources include Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law, while classical jurisprudential works such as Al-Majmu', Al-Mughni, and Bidayat al-Mujtahid are used to identify the normative foundations of Islamic family law. The findings indicate that classical fiqh continues to provide the ethical and doctrinal basis for understanding marriage and family relations, particularly regarding the contractual nature of marriage, the reciprocal rights and obligations of spouses, and the principle of justice within the family. At the same time, the Indonesian state has institutionalized Islamic family law through legislative frameworks and judicial institutions that regulate marriage registration, polygamy, and family rights. The interaction between these two sources of legal authority demonstrates the

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operation of legal pluralism in Indonesian Islamic family law, where religious jurisprudence and state governance coexist and influence each other. The study concludes that Islamic family law in Indonesia represents a dynamic legal field shaped by the continuous negotiation between classical jurisprudential traditions and modern state regulation. Understanding this interaction provides important insight into the transformation of Islamic law within contemporary plural legal systems.

Introduction

Islamic family law remains one of the most enduring fields in which classical Islamic jurisprudence continues to shape contemporary legal systems. While many areas of Islamic law have undergone extensive transformation under modern legal institutions, family law still maintains a strong normative connection with classical fiqh (Badi 2016). Matters such as marriage, divorce, guardianship, inheritance, and marital obligations remain deeply embedded within religious norms and social practices (Alalwani 2010). Consequently, Islamic family law often becomes the principal arena where religious authority and modern state regulation intersect, interact, and sometimes contest one another in shaping legal governance within Muslim societies (Esposito 2001; Hallaq 2004).

Historically, the normative foundations of Islamic family law were developed through the intellectual tradition of classical fiqh elaborated by Muslim jurists across several centuries. These jurists formulated comprehensive doctrines governing family relations based on interpretations of the Qur'an, the Sunnah, and juristic reasoning (*ijtihad*) (EL ASSIJI 2025). Classical works such as *Al-Majmu' Sharh al-Muhadhdhab* by al-Nawawi, *Al-Mughni* by Ibn Qudamah, and *Bidayat al-Mujtahid* by Ibn Rushd contain extensive discussions regarding the regulation of marriage, marital rights, and the responsibilities of spouses (M. Akhtar et al. 2025). In these juristic texts, marriage is conceptualized as a binding legal contract (*'aqd al-nikah*) that legitimizes conjugal relations while establishing reciprocal rights and obligations between spouses. Classical jurists emphasized that the stability of the family constituted a fundamental component of social order and moral integrity within Muslim communities (Akhmad Hanafi Dain Yunta et al. 2023; Qudamah 1996).

Within the classical Islamic legal order, authority over legal interpretation was largely exercised by scholars rather than centralized political institutions. Islamic law functioned as a juristic tradition grounded in scholarly interpretation, where legal doctrines were developed through intellectual discourse and transmitted through educational institutions such as madrasas and judicial practices in Muslim societies (Lianne et al. 2025). Jurists produced legal commentaries, issued fatwas, and

elaborated methodological frameworks for deriving legal rulings from foundational sources. As noted by Hallaq, the authority of Islamic law historically resided in a decentralized network of jurists whose interpretive authority was recognized by society rather than imposed by state power (Hallaq 2004).

However, the emergence of modern nation-states in the Muslim world during the nineteenth and twentieth centuries fundamentally transformed the structure of Islamic legal authority. Newly established states sought to centralize legal administration through codified legislation and institutionalized court systems (Al-Turabi and Auda 2025). As part of this process, many Muslim-majority countries began to codify aspects of Islamic family law into national statutory frameworks administered by state institutions. This transformation involved translating juristic doctrines that historically existed within scholarly discourse into formal legal codes enforced by modern courts. Consequently, the governance of Islamic family law gradually shifted from the interpretive authority of jurists toward the institutional authority of the state (Esposito 2001; Hooker 1975).

Indonesia represents a particularly significant context for examining this transformation because of its unique legal and socio-religious landscape. As the largest Muslim-majority country in the world, Indonesia has developed a legal system that integrates Islamic legal principles within a national legal framework while simultaneously accommodating plural religious and cultural traditions (Nurlaelawati 2013). The enactment of Law No. 1 of 1974 on Marriage marked a crucial turning point in the institutionalization of Islamic family law in Indonesia. This law established a unified national framework governing marriage while maintaining the principle that marital validity is determined according to religious law. Through this dual recognition, the Indonesian state attempted to harmonize Islamic legal traditions with the institutional requirements of modern legal governance (Cammack and Feener 2012).

The development of Islamic family law in Indonesia was further strengthened through the issuance of the Compilation of Islamic Law (Kompilasi Hukum Islam) in 1991. This compilation serves as a practical guideline for the implementation of Islamic family law in Indonesia's religious courts (Azizah 2017). It provides detailed regulations regarding marriage, divorce, inheritance, and guardianship for Muslim citizens. The compilation represents a significant effort to translate classical juristic doctrines into a codified legal framework applicable within the Indonesian legal system. Through this codification process, elements of classical fiqh were institutionalized within state law while maintaining their connection to Islamic legal traditions (Nurlaelawati 2010).

Despite the existence of these legal frameworks, the practical operation of Islamic family law in Indonesia cannot be fully understood solely through statutory regulations. Marriage practices often reflect a broader interaction between religious

authority, community traditions, and state legal institutions. Religious scholars, community leaders, and Islamic educational institutions such as pesantren continue to play influential roles in shaping how Islamic legal principles related to family life are interpreted within society. Their authority frequently guides community perceptions regarding marital legitimacy, family responsibilities, and ethical obligations within marriage.

This interaction between religious authority and state regulation illustrates the broader socio-legal phenomenon commonly referred to as legal pluralism. Legal pluralism refers to the coexistence of multiple normative systems within a single social environment (Griffiths 1986). Rather than functioning as a unified legal order dominated entirely by state law, legal systems in plural societies often consist of overlapping normative frameworks including statutory regulations, religious norms, and customary practices (Menski 2018). In the Indonesian context, Islamic family law operates precisely within such a plural legal order where classical fiqh, state legislation, and community-based practices interact in regulating family life.

The encounter between classical fiqh and modern state regulation therefore represents a crucial dimension in the development of Islamic family law in Indonesia (al-Zuhayli 1985). While classical jurisprudence continues to provide normative foundations for legal reasoning, state institutions increasingly regulate family relations through legislative frameworks and judicial procedures. Religious courts in Indonesia frequently draw upon both statutory regulations and classical juristic principles when resolving disputes concerning marriage, divorce, and family rights. This interaction demonstrates that Islamic family law is not merely replaced by state law but rather reconfigured within a plural legal environment where multiple forms of authority coexist (Hooker 1975).

Understanding this process of legal reconfiguration is essential for analyzing the evolution of Islamic family law in contemporary Indonesia. The relationship between classical fiqh and state law does not represent a simple transition from religious authority to state authority. Instead, it reflects a dynamic process in which Islamic legal traditions are interpreted, adapted, and institutionalized within modern legal frameworks (Salim 2008). In some instances, state legislation reinforces principles already embedded within classical jurisprudence such as the protection of family welfare and the regulation of marital obligations. In other cases, the state introduces new administrative mechanisms designed to address contemporary concerns including gender equality, legal certainty, and institutional accountability.

This study therefore examines how Islamic family law in Indonesia is being reconfigured through the encounter between classical fiqh and modern state regulation. By analyzing the interaction between these two sources of legal authority, this research seeks to illuminate the broader dynamics of legal pluralism that shape the governance of marriage and family relations in

Indonesia. Rather than viewing classical jurisprudence and state law as competing systems, this article approaches them as interconnected elements within a plural legal order that continuously evolves in response to social, religious, and institutional transformations.

Through this perspective, the article argues that Islamic family law in Indonesia represents a dynamic legal field in which religious scholarship and state governance interact in shaping contemporary legal practice. The encounter between classical fiqh and the modern state demonstrates how Islamic legal traditions continue to influence contemporary legal systems while simultaneously being reinterpreted within institutional frameworks designed to regulate social life in modern societies.

Method

This study employs a qualitative research design using a socio-legal approach to examine the interaction between classical fiqh and state law in the governance of Islamic family law in Indonesia. The qualitative approach is appropriate for this research because the study aims to analyze legal concepts, interpret normative texts, and explore the interaction between different sources of legal authority rather than to measure statistical variables. In legal research, qualitative analysis allows scholars to investigate how legal norms are constructed, interpreted, and applied within particular social and institutional contexts (Creswell 2013; Menski 2018).

The socio-legal perspective is particularly relevant for this study because Islamic family law in Indonesia operates within a plural legal environment. The regulation of marriage and family relations is influenced not only by statutory legislation but also by classical Islamic jurisprudence and community-based religious interpretations. A socio-legal approach therefore enables the analysis of both normative legal frameworks and the broader social dynamics that shape the implementation of law in society. Rather than viewing law solely as a body of formal rules, socio-legal scholarship understands law as a social institution whose meaning and authority are continuously negotiated between different actors and normative systems (Griffiths 1986).

This research focuses on examining how Islamic family law in Indonesia is reconfigured through the encounter between classical fiqh and modern state regulation. Within this framework, classical fiqh refers to the body of Islamic jurisprudence developed by Muslim jurists in the classical legal tradition, particularly in works that discuss marriage and family relations. These include authoritative legal texts such as *Al-Majmu' Sharh al-Muhadhdhab* by al-Nawawi, *Al-Mughni* by Ibn Qudamah, and *Bidayat al-Mujtahid* by Ibn Rushd. These works represent key sources of juristic reasoning concerning the legal principles governing marriage, marital rights, and family obligations within Islamic law (Moors 1999).

State law in this study refers to the statutory regulations and institutional mechanisms established by the Indonesian government to regulate marriage and family relations. The primary legal sources examined include Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (Kompilasi Hukum Islam), which serve as the main legal framework governing Islamic family law within Indonesia's national legal system. These legal instruments provide formal regulations regarding marriage procedures, marital rights, polygamy, divorce, and family responsibilities for Muslim citizens.

The data used in this research consist primarily of documentary sources, which are analyzed through qualitative legal analysis. These sources can be categorized into three main types: primary legal materials, classical Islamic legal texts, and secondary academic literature (Alshater et al. 2022). The first category consists of primary legal materials, including national legislation, statutory regulations, and official legal documents related to Islamic family law in Indonesia. These materials provide the formal legal framework through which the state regulates marriage and family relations. Particular attention is given to the provisions contained in the Marriage Law and the Compilation of Islamic Law, as these legal instruments represent the institutionalization of Islamic family law within the Indonesian legal system.

The second category consists of classical Islamic legal texts, often referred to as *turāth* literature. These sources provide the doctrinal foundations of Islamic family law and offer insight into how classical jurists conceptualized marriage and family relations. By examining classical fiqh texts, the study aims to identify key legal principles governing marriage that continue to influence contemporary interpretations of Islamic family law (Nurlaelawati 2010).

The third category consists of secondary sources, including scholarly books, journal articles, and academic studies discussing Islamic law, legal pluralism, and the development of family law in Indonesia. These sources provide theoretical perspectives and contextual background for analyzing how Islamic legal traditions interact with modern state legal institutions (Hallaq 2004).

The analysis of data is conducted through qualitative doctrinal analysis combined with thematic socio-legal interpretation. The first stage of analysis involves examining statutory regulations and classical fiqh texts to identify the legal principles governing marriage within both classical jurisprudence and state law. This stage focuses on understanding how legal norms are formulated within each legal tradition (Tsaqilan 2025). The second stage of analysis involves comparing these legal frameworks to identify areas of convergence, divergence, and reinterpretation between classical fiqh and Indonesian state law. Through this comparative approach, the study aims to reveal how Islamic family law has been reconfigured through the interaction between religious jurisprudence and state legal governance.

To enhance analytical reliability, the research applies

source triangulation by comparing different types of legal and scholarly materials. By examining classical jurisprudential texts alongside statutory regulations and contemporary academic literature, the study seeks to produce a comprehensive understanding of the plural legal dynamics that shape Islamic family law in Indonesia. Through this methodological framework, the research seeks to illuminate how Islamic legal traditions and state legal institutions interact in shaping contemporary family law governance. The socio-legal approach adopted in this study allows for a deeper exploration of the relationship between religious authority and state regulation within Indonesia's plural legal order.

Results and Discussion

Classical Fiqh as the Normative Foundation of Islamic Family Law

The Results and Islamic family law is historically rooted in the intellectual tradition of classical fiqh, which served as the primary source of legal authority in Muslim societies long before the emergence of modern nation-state legal systems. Within this tradition, Muslim jurists elaborated detailed legal doctrines governing marriage, divorce, guardianship, inheritance, and family responsibilities (Addzaky et al. 2025). These doctrines were developed through interpretations of foundational Islamic sources such as the Qur'an and the Sunnah, as well as through juristic reasoning (*ijtihad*) and scholarly debate. Over time, these legal interpretations were compiled into extensive juristic texts that became authoritative references in Islamic legal scholarship and judicial practice (Rosidah et al. 2025).

In classical Islamic jurisprudence, marriage (*nikāḥ*) is conceptualized not merely as a social or cultural institution but as a legally binding contract (*'aqd*) (Abisatya and Prasetyo 2024). This contract legitimizes conjugal relations while simultaneously establishing a framework of reciprocal rights and obligations between spouses. The legal nature of marriage in Islamic jurisprudence reflects the broader juridical approach adopted by classical scholars, who treated family relations as an area of law that required clear legal rules to regulate interpersonal responsibilities and protect social order (Amar et al. 2024).

Prominent classical jurists such as al-Nawawi, Ibn Qudamah, and Ibn Rushd provided extensive discussions regarding the legal foundations of marriage and family relations. Al-Nawawi, in his renowned work *Al-Majmu' Sharh al-Muhadhdhab*, explains that the marriage contract serves to legitimize intimacy between spouses while simultaneously establishing legal obligations related to maintenance, companionship, and mutual respect (Nurlaelawati 2010). According to al-Nawawi, the legal structure of marriage is designed to preserve moral integrity and ensure the

stability of family life within society. The contract therefore represents both a legal and ethical framework through which marital relations are regulated.

Similarly, Ibn Qudamah, in *Al-Mughni*, elaborates that marriage generates a system of rights and obligations that bind both husband and wife within a legally recognized relationship. Among the most important obligations discussed by classical jurists are the husband's responsibility to provide financial support (*nafaqah*) and the wife's entitlement to fair treatment and protection within the household (Anggraeni and Primadianti 2021; Qudamah 1996). These obligations reflect the juristic understanding that marriage is not solely a private relationship but also a social institution that contributes to the broader stability of the community.

Classical jurists also developed detailed discussions concerning the permissibility and regulation of polygamy within Islamic law. While the Qur'an permits a man to marry up to four wives, jurists consistently emphasized that this permission is conditional upon the ability of the husband to maintain justice among them. Ibn Rushd, in *Bidayat al-Mujtahid*, notes that the principle of justice (*'adl*) constitutes a central requirement in polygamous marriages (Kurniawan and Herlina 2022). The juristic discussions surrounding polygamy demonstrate that classical scholars were deeply concerned with balancing legal permissibility with ethical considerations intended to protect the welfare of women and the stability of family relations (Aminah and Muala 2023).

In addition to regulating marital relations, classical fiqh also addressed various aspects of family governance, including divorce procedures, guardianship over children, and inheritance rights. These legal doctrines formed a comprehensive system of family law that guided Muslim communities for centuries (Afrianti et al. 2022). Importantly, the authority to interpret and apply these legal principles historically belonged to jurists rather than to political rulers or state institutions. Islamic law functioned primarily as a juristic tradition in which legal authority was derived from scholarly expertise and recognized by society (Abdulghani and Alrumayh 2025).

This decentralized structure of legal authority allowed classical Islamic jurisprudence to develop through interpretive diversity. Different schools of law such as the Hanafi, Maliki, Shafi'i, and Hanbali traditions produced varying interpretations of legal principles based on their methodological approaches to deriving law from the foundational sources (Faizi and Ali 2024). Despite these differences, the schools shared a common commitment to the preservation of Islamic legal principles and the protection of social welfare within the family.

The plural character of classical jurisprudence played an important role in shaping the flexibility of Islamic family law (al-Hudawi et al. 2024; Anisah et al. 2025). Because juristic interpretations were developed through scholarly discourse rather than centralized legislation, Islamic legal doctrines were able to adapt to different social contexts across the Muslim world. Jurists often engaged in debates regarding the most appropriate interpretations of legal principles, allowing Islamic law to evolve while maintaining continuity with its foundational sources (Cammack and Feener 2012).

The intellectual authority of classical fiqh continues to influence contemporary understandings of Islamic family law in many Muslim societies (Nasution et al. 2025). Even in countries where family law has been codified into national legislation, classical jurisprudence often remains an important reference point for interpreting legal norms. Judges, scholars, and religious authorities frequently consult classical legal texts when addressing issues related to marriage, divorce, and family responsibilities (Lianne et al. 2025).

In the Indonesian context, the influence of classical fiqh remains particularly visible within religious education and judicial practice. Islamic boarding schools (*pesantren*) and traditional religious institutions continue to teach classical jurisprudential works as part of their curricula (Ali et al. 2024). These institutions play an important role in transmitting the intellectual heritage of Islamic law to new generations of scholars and religious leaders. As a result, classical legal doctrines continue to shape how Islamic family law is understood and interpreted within Indonesian Muslim communities (Akpanika 2019).

The continuing relevance of classical fiqh demonstrates that Islamic family law cannot be understood solely through the lens of modern state legislation. Although contemporary legal systems have introduced codified regulations governing marriage and family relations, these regulations often draw upon the normative foundations established by classical jurisprudence. The encounter between classical fiqh and modern legal governance therefore represents a crucial dimension in the development of Islamic family law in contemporary societies.

Understanding the normative foundations of Islamic family law within classical jurisprudence is essential for analyzing how these legal traditions interact with modern legal institutions. Classical fiqh provides the intellectual and ethical framework through which Islamic family relations have historically been regulated. At the same time, contemporary legal systems reinterpret these doctrines in response to new social and institutional contexts. The relationship between classical jurisprudence and modern state law thus forms the basis for understanding how

Islamic family law continues to evolve within plural legal environments such as Indonesia.

State Regulation and the Institutionalization of Islamic Family Law in Indonesia

The emergence of the modern Indonesian state introduced a new institutional framework for regulating family relations. While classical fiqh historically functioned as the primary source of legal authority in Muslim societies, the development of modern nation-states shifted part of that authority toward formal legal institutions and statutory legislation (Lianne et al. 2025). In Indonesia, the governance of Islamic family law has been significantly shaped by state policies designed to integrate religious norms within a unified national legal system. This transformation reflects a broader process in which Islamic legal traditions are institutionalized within the administrative structures of modern legal governance (R. C. Akhtar 2013).

One of the most significant milestones in this transformation was the enactment of Law No. 1 of 1974 on Marriage, which established the principal legal framework governing marriage in Indonesia. The law represents the state's effort to regulate family relations while acknowledging the religious character of marriage (Pudyastiwi, n.d.). Article 2 of the law stipulates that marriage is valid when conducted according to the religious law of the parties involved. At the same time, the law requires that marriages be officially registered with state authorities in order to obtain legal recognition. This dual structure illustrates the Indonesian state's attempt to harmonize religious legitimacy with modern legal administration (Akhmad Hanafi Dain Yunta et al. 2023).

Marriage registration plays a crucial role in the state's regulation of family relations. Through registration, the state creates official documentation that confirms the existence of marital relationships. Such documentation is essential for resolving disputes related to inheritance, divorce, child custody, and property ownership (Adriyeni et al. 2024). Without official registration, it becomes difficult for legal institutions to verify marital status or enforce family rights. Consequently, marriage registration serves as an administrative mechanism that ensures legal certainty within the family (Esposito 2001).

In addition to regulating marriage registration, the Indonesian legal system also introduces procedural limitations on polygamy. While Islamic law recognizes the permissibility of polygamous marriage under certain conditions, Indonesian legislation places strict legal requirements on its practice (Afan and Al-Am 2025). A husband who wishes to enter into a polygamous marriage must obtain permission

from the religious court and must demonstrate that he has legitimate reasons for doing so. Furthermore, the husband must prove financial capability to support multiple households and must obtain the consent of the existing wife (Aminah and Muala 2023). These legal requirements reflect the state's effort to prevent the misuse of polygamy while ensuring fairness and protection for family members.

The institutionalization of Islamic family law in Indonesia is further strengthened through the Compilation of Islamic Law (Kompilasi Hukum Islam), which was issued in 1991 as a guideline for religious courts. This compilation contains detailed provisions regulating marriage, divorce, inheritance, and guardianship for Muslim citizens (Azizah 2017). The Compilation of Islamic Law represents an attempt to translate elements of classical Islamic jurisprudence into a codified legal framework that can be implemented within the modern judicial system (Moors 1999). By codifying these rules, the Indonesian state seeks to provide greater legal clarity and consistency in the adjudication of family disputes.

Religious courts (*Pengadilan Agama*) serve as the primary institutions responsible for implementing Islamic family law within the Indonesian legal system. Judges in these courts are tasked with adjudicating cases related to marriage, divorce, inheritance, and family rights. In performing their duties, religious court judges frequently rely on both statutory regulations and classical juristic principles (Mahbub 2020). This institutional arrangement demonstrates how Islamic family law in Indonesia operates within a legal framework that integrates religious tradition with state governance. The transformation of Islamic family law through state regulation reflects a broader process of legal institutionalization. Classical juristic doctrines that historically existed within scholarly discourse are translated into legal provisions that can be implemented through formal legal procedures (Cebeci 2020). Through this process, Islamic family law becomes part of a national legal system that emphasizes administrative order, legal certainty, and the protection of individual rights.

The relationship between classical jurisprudence and state law can be better understood by comparing the normative principles of classical fiqh with the regulatory provisions established by Indonesian legislation (Fanani and Pohl 2024). While classical fiqh provides the ethical and doctrinal foundations of family law, state legislation introduces procedural mechanisms designed to ensure the practical implementation of those principles within a modern legal system.

Table 1 Comparison between Classical Fiqh Principles and State Regulation of Islamic Family Law in Indonesia

Aspect	Classical Fiqh Perspective	Indonesian State Regulation
Nature of Marriage	Marriage is a legal contract (<i>'aqd al-nikah</i>) legitimizing conjugal relations and establishing reciprocal rights and obligations between spouses.	Marriage is recognized as valid according to religious law but must be registered to obtain legal recognition.
Legal Authority	Legal interpretation developed through scholarly reasoning by jurists across different schools of law.	Legal authority institutionalized through statutory legislation and implemented by religious courts.
Marriage Registration	Classical jurisprudence does not require administrative registration of marriage.	Law No. 1 of 1974 requires official registration to ensure legal recognition and protection of rights.
Polygamy Regulation	Permitted with the condition that the husband maintains justice among wives.	Permitted only with court approval, consent of the first wife, and proof of financial capability.
Legal Adjudication	Family disputes historically resolved through juristic interpretation and local judges applying fiqh.	Religious courts adjudicate family disputes based on statutory law and the Compilation of Islamic Law.

The comparison above illustrates that while Indonesian state regulation draws heavily from classical Islamic legal principles, it also introduces administrative mechanisms designed to regulate the practical implementation of family law. The requirement of marriage registration and judicial approval for polygamy, for example, reflects the state's effort to adapt classical doctrines to contemporary legal governance.

This process of institutionalization demonstrates that Islamic family law in Indonesia is neither purely a continuation of classical jurisprudence nor entirely a product of modern state legislation. Instead, it represents a hybrid legal system in which religious principles and state regulations interact in shaping the governance of

family relations. The encounter between these two sources of legal authority illustrates how Islamic family law continues to evolve within the institutional framework of the modern state while remaining connected to its classical juristic heritage.

Legal Pluralism and the Reconfiguration of Islamic Family Law in Indonesia

The interaction between classical fiqh and modern state regulation in Indonesia illustrates the broader phenomenon of legal pluralism within contemporary Muslim societies. Legal pluralism refers to the coexistence of multiple legal or normative systems within a single social environment. Rather than functioning as a unified legal order dominated entirely by state institutions, plural legal systems consist of overlapping sources of authority that collectively influence how law is interpreted and applied in society (Alqawasmi 2024). In the Indonesian context, Islamic family law operates precisely within such a plural legal framework, where classical jurisprudence, state legislation, and social practices interact in regulating family relations (Anne et al. 2022).

Historically, Islamic law functioned as a juristic tradition grounded in scholarly interpretation rather than centralized political authority. Classical fiqh developed through scholarly debate among jurists who derived legal rules from foundational sources such as the Qur'an and the Sunnah (S. S. Ahmed 2025). These interpretations were transmitted through legal education and judicial practice within Muslim communities. As a result, legal authority was largely decentralized, with scholars and judges playing a central role in shaping how Islamic law was understood and applied.

The emergence of modern nation-states introduced a new layer of legal authority into this traditional structure. Modern governments established centralized legal systems designed to regulate social life through codified legislation and institutionalized courts (Abdulghani and Alrumayh 2025). In many Muslim-majority countries, including Indonesia, aspects of Islamic family law were incorporated into national legal frameworks through legislative reforms. This process did not entirely replace classical jurisprudence but instead created a complex legal environment in which religious and state-based legal authorities coexist (Sezgin 2023).

In Indonesia, this plural legal structure is particularly evident in the governance of family law. On the one hand, classical fiqh continues to provide normative guidance for interpreting religious principles related to marriage, divorce, and family obligations. Islamic scholars, religious institutions, and educational traditions such as pesantren maintain the intellectual heritage of classical jurisprudence and continue to influence community perceptions of Islamic legal norms (Ahmad 1998). On the other

hand, the Indonesian state regulates family relations through statutory legislation such as Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law. These legal instruments establish formal procedures governing marriage registration, polygamy, divorce, and inheritance within the national legal system (Moors 1999).

The coexistence of these two sources of legal authority demonstrates how Islamic family law in Indonesia is shaped by the interaction between religious tradition and state governance. Religious courts, which function as formal institutions within the Indonesian judicial system, provide a practical example of this interaction (H. Ahmed 2025). Judges in these courts frequently rely on both statutory regulations and classical juristic principles when adjudicating family disputes. In this way, the judicial process itself becomes a site where different legal traditions intersect and are interpreted in relation to one another. However, the presence of multiple legal authorities does not always produce a harmonious relationship between religious norms and state regulations. In certain situations, tensions may arise when religious practices or interpretations differ from statutory legal requirements (Abusharif 2024). One example of such tension can be observed in the practice of unregistered marriage, commonly referred to as *nikah siri*. From the perspective of certain interpretations of classical fiqh, a marriage may be considered valid if it fulfills essential religious requirements such as the presence of witnesses, a guardian, and the consent of the parties involved (Hartono and Lestari 2022). However, under Indonesian state law, marriages must also be registered with official authorities in order to receive formal legal recognition.

This divergence between religious validity and administrative legality illustrates the complexity of legal pluralism in practice. For many individuals, religious legitimacy remains the primary criterion for determining whether a marriage is valid. At the same time, state institutions require formal documentation in order to regulate family relations within the legal system. As a result, individuals may navigate between different normative frameworks when making decisions regarding marriage and family life (Addzaky et al. 2025). The concept of legal pluralism provides an important analytical framework for understanding these dynamics. Rather than viewing law as a singular system governed exclusively by the state, legal pluralism recognizes that multiple normative systems can coexist and influence social behavior (Miftahussurur and Fikri 2024). In plural legal environments, individuals often draw upon various sources of authority when interpreting legal obligations and resolving disputes. These sources may include religious teachings, customary norms, and formal state legislation.

In the Indonesian context, the interaction between classical fiqh and state law demonstrates that Islamic family law is continuously reconfigured through social and institutional processes. The state's attempt to codify aspects of Islamic jurisprudence into statutory legislation represents an effort to institutionalize religious norms within a modern legal framework (Anggraini and Hikmah 2020). At the same time, religious scholars and community traditions continue to interpret and apply Islamic legal principles in ways that may not always align perfectly with formal legal procedures.

This process of legal reconfiguration reflects the dynamic nature of Islamic family law in contemporary societies. Rather than representing a fixed or static legal system, Islamic family law evolves through ongoing interactions between different forms of legal authority. The encounter between classical jurisprudence and modern state governance does not necessarily result in the dominance of one system over the other. Instead, it produces a hybrid legal order in which religious norms and state regulations coexist and influence one another (Belhaj 2022). Understanding this hybrid legal order is essential for analyzing the development of Islamic law in Indonesia. The regulation of family relations cannot be understood solely through statutory legislation or classical jurisprudence alone. Instead, it emerges from the interaction between religious scholarship, social practices, and state institutions. This interaction creates a plural legal environment in which legal norms are continuously negotiated and reinterpreted.

Ultimately, the encounter between classical fiqh and the Indonesian state demonstrates that Islamic family law remains a dynamic field shaped by both historical tradition and contemporary legal governance. While classical jurisprudence continues to provide the ethical and doctrinal foundations of family law, modern state institutions introduce regulatory mechanisms designed to ensure legal certainty and administrative accountability. The coexistence of these two sources of legal authority illustrates how Islamic family law continues to adapt to changing social and institutional contexts within Indonesia's plural legal order.

Conclusion

This study has examined the interaction between classical fiqh and modern state regulation in the governance of Islamic family law in Indonesia through the analytical framework of legal pluralism. The analysis demonstrates that Islamic family law in Indonesia cannot be understood as a purely religious legal system nor as a fully state-controlled legal framework. Instead, it represents a plural legal field in which multiple sources of authority coexist and interact in shaping the regulation of family relations.

Classical Islamic jurisprudence provides the normative foundations that guide the ethical and doctrinal understanding of marriage and family life, while state law introduces institutional mechanisms designed to regulate these relations within the modern legal system.

The findings of this study show that classical fiqh continues to play an important role in defining the fundamental principles of Islamic family law. Juristic traditions developed by classical scholars established the conceptual framework through which marriage, marital obligations, and family responsibilities are understood in Islamic legal thought. Concepts such as the contractual nature of marriage, the mutual rights and duties of spouses, and the ethical requirement of justice within the household remain central components of Islamic family law. These principles continue to influence contemporary legal reasoning and religious interpretations related to family life.

At the same time, the Indonesian state has institutionalized Islamic family law through a series of legislative and administrative reforms. The enactment of Law No. 1 of 1974 on Marriage and the issuance of the Compilation of Islamic Law represent significant efforts to integrate Islamic legal principles into the national legal framework. Through these legal instruments, the state has established procedures governing marriage registration, polygamy, divorce, and other aspects of family relations. These regulations aim to provide legal certainty, protect the rights of family members, and ensure that family law is administered within a structured institutional system.

However, the interaction between classical fiqh and state law does not result in the replacement of one system by the other. Instead, the Indonesian experience illustrates a process of legal reconfiguration in which religious jurisprudence and modern legal governance coexist within a plural legal order. Religious scholars and community institutions continue to influence the interpretation of Islamic legal norms, while state institutions regulate family relations through formal legal procedures. The coexistence of these different sources of authority demonstrates the continuing relevance of legal pluralism in understanding how Islamic law operates in contemporary societies.

The concept of legal pluralism helps explain why Islamic family law in Indonesia reflects a dynamic interaction between religious norms, statutory legislation, and social practices. Individuals often navigate between these different normative frameworks when making decisions related to marriage and family life. In some cases, religious legitimacy may be prioritized in determining the validity of marriage, while in others the administrative requirements of state law play a decisive role in ensuring

legal recognition and protection. This interplay illustrates that the governance of family relations cannot be fully understood through a single legal perspective.

The encounter between classical fiqh and modern state law therefore represents an ongoing process in which Islamic legal traditions are interpreted and adapted within contemporary institutional frameworks. Rather than eliminating the influence of classical jurisprudence, modern legal systems often reinterpret its principles in ways that respond to changing social conditions and legal expectations. In Indonesia, this process has produced a hybrid legal structure in which religious authority and state governance jointly shape the development of Islamic family law.

Ultimately, the Indonesian experience demonstrates that Islamic family law continues to evolve through a process of negotiation between tradition and modernity. Classical fiqh remains an important source of normative guidance, while state law provides institutional mechanisms that regulate the practical implementation of family relations within a modern legal system. Understanding this interaction between religious jurisprudence and state regulation is essential for analyzing the transformation of Islamic law in contemporary Muslim societies.

Future research may further explore how legal pluralism shapes other areas of Islamic law beyond family relations, including inheritance, economic transactions, and religious governance. Such studies would contribute to a deeper understanding of how Islamic legal traditions interact with modern legal institutions in diverse social and political contexts.

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Disclosure Statement

Authors are required to fully disclose any potential conflicts of interest that may be associated with the research. This includes, but is not limited to, financial interests, institutional affiliations, personal relationships, or any involvement of third parties that could influence, or be perceived to influence, the objectivity, interpretation, or presentation of the research findings. Full and transparent disclosure is essential to

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Overall, careful attention to citation accuracy, source quality, and bibliographic consistency is essential to maintaining academic integrity, supporting the credibility of the research, and ensuring the manuscript meets the editorial standards of the journal.

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