

## **Absorption of Islamic Law in National Law: Analysis of Law No. 1 of 1974 and KHI on Marriage**

**Awaluddin Habibi Siregar<sup>1)</sup>, Ansari Yamamah<sup>2)</sup> & Arifuddin Muda Harahap<sup>3)</sup>**

<sup>1)</sup>Universitas Islam Negeri Sumatera Utara, Indonesia, E-mail: [awaluddinhabibi@gmail.com](mailto:awaluddinhabibi@gmail.com)

<sup>2)</sup>Universitas Islam Negeri Sumatera Utara, Indonesia, E-mail: [ansariyamamah@yahoo.com](mailto:ansariyamamah@yahoo.com)

<sup>3)</sup>Universitas Islam Negeri Sumatera Utara, Indonesia, E-mail: [arifuddinmudaharahap@uinsu.ac.id](mailto:arifuddinmudaharahap@uinsu.ac.id)

**Abstract.** *The absorption of Islamic law into national law in Indonesia is the result of a compromise between sharia principles and the prevailing positive legal system. One form of this is Law No. 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI), which regulates the legal aspects of marriage for Muslims. However, the implementation of these two regulations in various regions show variations, especially in determining the rights and obligations of husband and wife, including in terms of joint property. Cultural diversity and different legal interpretations often affect the application of this law, so an in-depth analysis is needed regarding the extent to which Islamic law has been absorbed into national law. This study aims to examine the implementation of Law No. 1 of 1974 and KHI in the context of Islamic marriage law, with a focus on the dynamics of the application of joint property. This study uses a qualitative method with a statute approach, a case approach, a comparative approach, and a conceptual approach. The results of the study show that although Islamic law has been accommodated in the national legal system, its application still faces challenges, especially related to differences in interpretation by judges and the community in judicial practice. In addition, social and cultural factors also influence the implementation of provisions regarding joint property in marriage. In conclusion, although Law No. 1 of 1974 and the KHI have adopted the principles of Islamic law, harmonization and uniformity of application are still challenges that need further attention to create better legal certainty.*

**Keywords:** *Community; Compilation; Islam; Law; Marriage.*

### **1. Introduction**

Islam entered the archipelago over a long period of time, starting from the arrival of Muslim traders in the 7th century AD until the establishment of Islamic rule on the coast of Sumatra and Java in the 13th century AD. Historians have different opinions regarding the time and route of entry of Islam into the archipelago. Some believe that Islam entered in the 7th century AD, while others, especially Dutch orientalists, believe in the 13th century AD. Further research shows that Islam entered in the first century of Hijri (7th century AD), but was only adopted by traders from India and the Middle East who settled in coastal areas. Islam then developed rapidly and had political power in the 13th

century AD with the establishment of the Samudera Pasai Sultanate in Sumatra and the Demak Sultanate in Java. There are four main theories regarding the route of entry of Islam into the archipelago: the Indian Theory, the Persian Theory, the Arab Theory, and the Chinese Theory. The Indian Theory is divided into two, namely the North Indian Theory and the South Indian Theory. The North Indian Theory states that Islam entered through Gujarat, India, which is supported by Pinjapel, Snouck Hurgronje, and Stutterheim. They argue that Islam was brought by Arabs who migrated to Gujarat and Malabar, then spread to the archipelago. Meanwhile, the South Indian Theory states that Islam originated from Bengali (Bangladesh), as stated by Sayed Qodratullah Fatimy. Evidence supporting this theory is the discovery of the tombstone of a Muslim woman named Fatimah binti Maimun in Leran, Gresik, who died in 1082 AD (Jamil, 2011).

The Persian theory states that Islam entered the archipelago in the 13th century AD through traders from Persia. The argument for this theory is based on cultural similarities between Persia and Indonesian Islamic society, such as the commemoration of 10 Muharram (Ashura) which is similar to the Tabuik tradition in West Sumatra and Syuro porridge in Java. In addition, there are similarities in Sufi teachings between Syaikh Siti Jenar and al-Hallaj from Iran, as well as the use of Persian terms in the Arabic spelling system. Hoesein Djajadiningrat is one of the supporters of this theory, who states that Islamic traditions and culture in the archipelago have similarities with Persia. The Arab theory or Meccan theory states that Islam entered the archipelago directly from the Arabian Peninsula, especially Mecca, Yemen, and Egypt. This opinion was put forward by Haji Abdul Karim Amrullah (Hamka) and al-Attas. They argued that in the 7th century AD, there were Muslim groups living in Canton, China, and the territory of the Srivijaya Kingdom. Another piece of evidence is the presence of an envoy from King Ta Shih (Muawiyah bin Abi Sufyan) to Queen Sima in Kalingga, Java, in 654/655 AD. This theory is also supported by the records of I-Tsing, a traveler from China, who recorded the presence of Muslims in the port of Sriwijaya in 671 AD. (Saumantri, 2022).

After Islam entered the archipelago, the development of Islamic law in Indonesia became an important topic. Islamic law consists of sharia and fiqh, which bind Muslims. However, as citizens, Muslims are also bound by national law. Indonesia, as a pluralistic country, must adapt Islamic law to the context of the state (Millah & Jahar, 2021). Islamic law in the context of the state is a regulation based on the Qur'an and Sunnah, which is recognized by the state and has been positively established as national law. Examples are Law No. 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI) based on Presidential Instruction No. 1 of 1991, which is a guideline for judges of Religious Courts in Indonesia. Historically, the implementation of Islamic law in Indonesia has experienced a tug-of-war between the Reception Theory and the Reception Exit Theory. The Reception Theory, put forward by Snouck Hurgronje, states that Islamic law only applies if it is accepted by customary law. This theory was criticized by Hazairin through the Reception Exit Theory, which stated that the Reception Theory is contrary to the culture of the majority of the Indonesian people. Sajuthi Thalib also criticized the Reception Theory with the Reception a Contrario Theory, which emphasized that Islamic law must be recognized as part of national law without having to go through customary law. (Agustian, 2019).

Historical facts show that Islamic law has been accommodated in Indonesian national law, starting from Law No. 1 of 1974 concerning Marriage to Law No. 21 of 2008 concerning Islamic Banking. Islamic fiqh law is accepted as national law because it has

lived in Indonesian society and is in accordance with customary law, especially in the field of marriage.(Gemala Dewi, 2018). Law No. 1 of 1974 and the KHI on Marriage serve as guidelines for Religious Court judges in resolving cases of marriage, divorce, and reconciliation (NTCR). The absorption of Islamic law into national law in Indonesia requires theoretical reconstruction, especially after the New Order era, where the absorption of Islamic law tended to be normative and symbolic. Analysis of Law No. 1 of 1974 and the KHI on Marriage shows that Islamic law has been adopted by adjusting to Indonesian conditions. However, there are advantages and disadvantages in its implementation, as well as impacts on the practice of marriage, divorce, and reconciliation. Thus, efforts are needed to strengthen the integration of Islamic law into the Indonesian national legal system.

This research is an original work that is different from previous research, which generally discusses the integration of Islamic law in national law normatively. Different from previous research, including;

*Islamic Law in Positive Law in Indonesia: A Critical Study of Inheritance Law according to KHI, by Suparman Usman* (Dissertation of PPs IAIN Syarif Hidayatullah Jakarta, 1998). In this dissertation, Suparman Usman highlights the problem of inheritance contained in KHI which is related to Positive Law. Although this dissertation examines KHI material, it only examines inheritance law material and does not examine Marriage Law material.

*"Islamic Law Reform in Indonesia: A Study of KHI" by Ramlan Yusuf Rangkuti* (Dissertation PPs IAIN Jakarta, 2003). This dissertation, although it studies the KHI, does not discuss the material issues of the KHI on marriage. The study is only related to the issue of Religious Court decisions, Judges and their authorities.

*Modernisation, Tradition and Identity: The Compilation of Islamic Law and Legal Practice of Indonesia Religious Court* by Euis Nurlaelawati (Dissertation at Utrech University, Netherlands, 2005, promoted in November 2007). This dissertation focuses its study on the intensity of the use of the Compilation of Islamic Law carried out by Judges in PA and PTA by analyzing several of its decisions, especially decisions in 2000-2005 after the existence of KHI, where data was obtained that there were still PA and PTA Judges who did not use KHI as a basis for legal considerations when deciding cases, especially those related to *hadhanah* and *itsbat nikah*.

The various studies above, and the results of the literature search that researchers have conducted both online and offline media, it can be seen that from the libraries above only have similarities in terms of research objects regarding Islamic law. While related research on the theoretical reconstruction of the absorption of Islamic law into national law in Indonesia: analysis of Law No. 1 of 1974 and KHI Concerning Marriage, as far as the researcher's knowledge and research, no one has researched. Therefore, the researcher feels confident to continue carrying out this research without any doubt about the assumption of plagiarism.

## **2. Research Methods**

This research is a qualitative research. While the approaches used are the statute approach, case approach, comparative approach, and conceptual approach.(Mahmud Marzuki, 2005).This study focuses on joint property in the Compilation of Islamic Law

(KHI), so the data sources used consist of primary and secondary data. Primary data includes Law No. 1 of 1974 concerning Marriage and KHI Book I concerning marriage law. Meanwhile, secondary data is obtained from various laws and regulations, books, interviews with judges, and research results that discuss the rights and positions of women in relation to joint property. The determination of the sample in this study uses the Purposive Sampling method. And one way is to use the snowball method, namely looking for respondents and key informants.

Field data collection will be conducted using interview techniques with Islamic civil law experts (academies), either through direct in-depth interviews (in-depth interviews) by means of questions and answers while face to face, or by quoting the opinions of Islamic civil law experts indirectly such as quoting their opinions in various writings (research/books/journals) or by communicating via electronic media where researchers and informants can communicate verbally or in writing even though they cannot meet face to face directly. The data analysis used is qualitative analysis, therefore the data that has been obtained is not processed using statistical formulas.(Mahmud Marzuki, 2005). Drawing conclusions is based on logical thinking from the data obtained after the data is explained in the form of descriptions. Data is presented and analyzed at the same time, in other words, so as not to lose its relevance, data presentation is not separated from its analysis, but is done simultaneously.

### **3. Results and Discussion**

#### **3.1. Philosophical and Theological Basis for the Absorption of Islamic Law in National Law**

The absorption of Islamic law into Indonesian national law is a phenomenon that cannot be separated from the philosophical, theological and sociological bases that underlie it.(Harahap et al., 2024). As the country with the largest Muslim majority in the world, Indonesia has a moral and social responsibility to ensure that the religious values embraced by the majority of its citizens are reflected in its legal system. This is in line with the principles of justice, legal certainty, and benefit which are the main objectives of national law. This absorption process is not only normative, but is also supported by relevant legal doctrines, such as the doctrine of *receptio in complexu*, as well as the legal principles underlying the integration of Islamic law into the national legal system.(Aizid, 2015).

Philosophically, the absorption of Islamic law into Indonesian national law is based on the principle of justice and legal certainty. Justice is a universal value that is the main goal of every legal system, including Indonesian national law.(Tarina et al., 2023). In this context, Islamic law is seen as a source of values that can make a significant contribution to achieving such justice. As a country that recognizes religious and cultural diversity, Indonesia has a responsibility to ensure that national law is not only formally just, but also responsive to the religious values that live in society.

Theologically, the Qur'an and hadith provide a strong basis for the implementation of Islamic law in national life. The Qur'an, as the holy book of Muslims, is believed to be a universal source of truth and can be used as a guideline in various aspects of life, including law. One of the verses of the Qur'an that is often referred to is QS. Al-Maidah verse 48, which states: "And We have sent down to you the Book (the Qur'an) with the

truth, confirming what was before it, namely the books (that were previously revealed) and the touchstone of the other books." This verse emphasizes that the Qur'an is a source of truth that can be used as a guideline in organizing human life, including in the field of law. In addition to the Qur'an, the hadith of the Prophet Muhammad SAW also provides guidance on the importance of enforcing fair laws. In a hadith narrated by Bukhari and Muslim, the Prophet said: "Indeed, Allah is the Most Just Judge, and justice is the basis of all law." This hadith emphasizes that justice must be the main principle in every legal system, including national law. Thus, theologically, the absorption of Islamic law into Indonesian national law can be seen as an effort to realize the values of justice that originate from Islamic teachings.(Tarina et al., 2023).

The legal principles underlying the absorption of Islamic law into Indonesian national law are the principles of legal certainty, justice, and utility. These three principles are interrelated and are the main pillars in the process of integrating Islamic law into the national legal system.(Sutrisno et al., 2020). The principle of legal certainty emphasizes the importance of clear and predictable laws by society. In the context of the absorption of Islamic law, this principle is realized through the recognition of the principles of Islamic law in national legislation. For example, Law No. 1 of 1974 concerning Marriage explicitly recognizes the principles of Islamic law, such as equality of husband and wife, rights and obligations in marriage, and the prohibition of polygamy without valid reasons. Article 2 of Law No. 1/1974 states that a marriage is valid if it is carried out according to the laws of each religion and its beliefs. This shows that national law recognizes and respects religious law as an integral part of the Indonesian legal system.

The principle of justice demands that the law be able to provide protection and fair treatment for all parties(Sutrisno et al., 2020). In the context of the absorption of Islamic law, this principle is realized through the recognition of the values of justice derived from Islamic teachings. For example, the Compilation of Islamic Law (KHI) issued through Presidential Instruction No. 1 of 1991 regulates various aspects of Islamic family law, such as marriage, inheritance, and waqf, with the principle of justice as its main foundation. KHI not only regulates the rights and obligations of husband and wife in a balanced manner, but also provides protection for the rights of women and children, which are often ignored in customary law practices. The principle of benefit emphasizes the importance of laws that are able to meet the needs of society. In the context of the absorption of Islamic law, this principle is realized through the recognition of the legal needs of the Indonesian Muslim community. As the majority of the population, Muslims have specific legal needs, especially in the field of family law. By integrating the principles of Islamic law into national law, the state can ensure that the legal needs of the Muslim community are met without ignoring the interests of other groups.

The relevant legal doctrine in the discussion of the absorption of Islamic law into national law is the doctrine of *receptio in complexu*. This doctrine states that religious law can be accepted in its entirety as part of national law. The doctrine of *receptio in complexu* is in line with the principle of legal pluralism adopted by Indonesia, where religious, customary, and state laws can coexist in one national legal system. In the Indonesian context, the doctrine of *receptio in complexu* is realized through the recognition of Islamic law as part of the national legal system. For example, in the field of family law, Islamic law is recognized and integrated into national law through Law No. 1/1974 concerning Marriage and the KHI. This recognition is not only symbolic, but also has significant practical implications. For example, in cases of divorce, religious courts have

the authority to decide cases based on the principles of Islamic law, which are then recognized and implemented by the district court. The doctrine of *receptio in complexu* is also in line with the principle of the rule of law (*rechtsstaat*) adopted by Indonesia. As a state of law, Indonesia has an obligation to ensure that all citizens, including Muslims, can practice their religious teachings properly. By recognizing and integrating Islamic law into national law, the state can ensure that the principles of justice and legal certainty are met for all citizens.(Fajlurrahman Jurdi (Ed), 2012).

The implementation of the absorption of Islamic law into Indonesian national law can be seen in various fields, especially family law. Law No. 1/1974 concerning Marriage and the KHI are real examples of this integration process. Law No. 1/1974 regulates various aspects of marriage law, such as the conditions and pillars of marriage, the rights and obligations of husband and wife, and the prohibition of polygamy without a valid reason. Meanwhile, the KHI regulates in more detail Islamic family law, including inheritance, *waqf*, and guardianship. In addition, the absorption of Islamic law is also seen in the field of Islamic banking. Law No. 21 of 2008 concerning Islamic Banking recognizes sharia principles in banking activities, such as the prohibition of usury (interest) and the principle of profit sharing. This recognition not only provides legal certainty for the Islamic banking industry, but also meets the needs of the Muslim community who want to carry out economic activities in accordance with Islamic principles.

### **3.2. Analysis of Law No. 1/1974 concerning Marriage: Integration of Islamic Law and National Law**

Law No. 1 of 1974 concerning Marriage is one form of integration of Islamic law into the Indonesian national legal system.(Gemala Dewi, 2018). This law was created to unify various previously applicable marriage law systems, such as customary law, Islamic law, and Western law applied during the colonial period. In its development, Law No. 1/1974 not only functions as a legal instrument that regulates the procedures and requirements of marriage, but also as a reflection of the social dynamics and normative values that have developed in Indonesia. Before the enactment of Law No. 1/1974, the marriage law system in Indonesia was pluralistic, where Muslim communities referred more to Islamic law sourced from the Qur'an, Hadith, *Ijma'*, and *Qiyas*. Meanwhile, indigenous communities still maintained their customary law systems, and certain groups were subject to marriage laws regulated in Dutch colonial law. Therefore, the birth of Law No. 1/1974 was a major step in the effort to codify and unify marriage law in Indonesia.

Law No. 1/1974 adopted the principle of monogamy as the main principle of marriage as stated in its legal provisions. This principle is a compromise between the demands of Islamic law which provides space for polygamy under certain conditions with the need for modernization of national law which prioritizes gender justice and family welfare.(Zamroni, 2019). From an Islamic legal perspective, polygamy is indeed permitted, but on the condition that the husband must act fairly as stated in QS. An-Nisa verse 3. However, in practice, justice in polygamy is very difficult to achieve, as implied in QS. An-Nisa verse 129 which states that absolute justice in polygamy is difficult to realize. Therefore, Law No. 1/1974 provides strict limitations regarding polygamy, including requiring the wife's consent and permission from the court.

In the regulation regarding the requirements and pillars of marriage, Law No. 1/1974 stipulates that a marriage is valid if it is carried out according to the laws of each religion

and belief. For Muslims, this provision means that a marriage must fulfill the pillars and requirements stipulated in Islamic jurisprudence, namely the existence of *ijab kabul*, a guardian, two witnesses, and a dowry. Thus, this law still respects the basic principles of Islamic law in marriage. However, on the other hand, this law also introduces the concept of marriage registration as a valid administrative requirement. This is a form of harmonization between Islamic law and national law, where marriage registration aims to protect the legal rights of the parties in a marriage, including the rights of the wife and children in the event of divorce and division of joint property. (Zamroni, 2019).

In the provisions regarding the rights and obligations of husband and wife, Law No. 1/1974 states that husband and wife have equal status in marriage, although it is stated that the husband is the head of the family and the wife is obliged to manage household affairs. This concept is in line with Islamic law which recognizes the different roles of husband and wife in the family, but remains within the framework of justice. (Aisyah, 2024). In Islam, the husband's leadership in the family is emphasized in QS. An-Nisa verse 34, which states that men are leaders for women because they have the responsibility to provide for their families. However, this leadership does not mean absolute domination, but rather the responsibility to protect and provide for the family fairly. In terms of divorce, Law No. 1/1974 stipulates that divorce can only be carried out in court after the court has attempted to reconcile both parties. This is a national legal effort to prevent irresponsible divorce, while also reflecting the principle of Islamic law which states that divorce is an act hated by Allah even though it is permitted. This restriction also aims to provide legal protection for women in the event of divorce, so that they get the rights they should have, such as *iddah* and *mut'ah* maintenance. On the other hand, Islamic law also regulates the mechanism of *khulu'* or divorce lawsuits by wives which are in line with the provisions in Law No. 1/1974, especially in the case of divorce at the wife's request.

From a theoretical perspective, Law No. 1/1974 can be studied through the responsive legal theory which states that good law is law that is able to respond to the needs of society and guarantee justice. Law No. 1/1974 is an example of how law can accommodate Islamic values in the national legal system without ignoring social development and the principle of gender equality. In addition, the progressive legal theory put forward by Mochtar Kusumaatmadja emphasizes that law must be dynamic and follow the development of the times. (Aditya, 2019). Law No. 1/1974 has opened up space for change, such as through various amendments and Constitutional Court decisions, for example regarding the age limit for marriage which was originally 16 years for women, then equalized to 19 years in the revision of the Marriage Law in 2019. The integration of Islamic law and national law in Law No. 1/1974 reflects ongoing efforts to create a marriage law system that is in accordance with religious values, social norms, and developments in the times.

### **3.3. Compilation of Islamic Law (KHI) as an Effort to Codify Islamic Law in National Law**

The Compilation of Islamic Law (KHI) is an effort to integrate Islamic law into the Indonesian national legal system. (Hasan, 1999). Compiled based on Presidential Decree Number 1 of 1991, the KHI aims to provide uniform legal guidelines for Muslims, especially in the fields of marriage, inheritance, and endowments. The KHI combines the principles of Islamic law derived from the Qur'an and Hadith by considering the social,

cultural context, and developments in national law. Thus, the KHI reflects efforts to harmonize Islamic law and national law to create legal certainty and justice for Muslims in Indonesia. The codification of Islamic law in the form of the KHI is a strategic step aimed at aligning Islamic law with the pluralistic national legal system. Before the KHI, the application of Islamic law in religious courts was still not uniform, depending on the jurisprudence of judges and the differences in schools of thought adopted. With the presence of the KHI, a legal unification was created that provided certainty in resolving cases in the religious court environment. This is in line with the legal principles initiated by Gustav Radbruch, who emphasized the importance of justice, legal certainty, and benefit in the legal system (Leawoods, 2000).

One of the main principles applied in the KHI is the principle of justice, which is reflected in Islamic inheritance law. (Samad, 2021). In QS. An-Nisa verses 11-12, it is stated that boys receive twice the share of girls, a provision based on the responsibility of living borne by men. However, in the KHI, there is a concept of a mandatory will that gives inheritance rights to people who are not included in the heirs according to the Qur'an, such as adopted children and adoptive parents. This shows the flexibility of Islamic law in facing the needs of modern law without ignoring basic principles. In addition, the KHI also regulates waqf, which is a form of social worship in Islam, by emphasizing that waqf must be carried out with sincere intentions for the public interest, in line with QS. Al-Baqarah verse 267 (ISLAM & ISLAM, nd). KHI also accommodates legal developments by introducing waqf of immovable objects such as land, as well as movable objects such as money and shares, reflecting the expansion of the concept of waqf in the context of modern Islamic economics.

Legally, the KHI does not have the status of a law because it is only a regulation stipulated through a Presidential Decree. However, the KHI has a strong influence in Indonesian legal practice, especially in religious courts, where the KHI is used as the main source of law in resolving cases. Several provisions in the KHI have also been included in Law No. 1 of 1974 concerning Marriage and Law No. 41 of 2004 concerning Waqf. Based on Hans Kelsen's theory of the hierarchy of legal norms, the KHI is at the level of policy regulations, which although they do not have binding force like laws, still influence the national legal system. (Kelsen, 2019). Therefore, there is a need to elevate the status of KHI to become a law in order to have stronger legal force. KHI also shows that Islamic law is a dynamic legal system and is able to adapt to social change, in accordance with the concept of maqashid sharia developed by Al-Ghazali and Ibn Asyur, which emphasizes the importance of achieving the welfare (maslahah) of humanity. (Bahsoan, 2011). In the context of marriage law, the KHI has introduced several progressive provisions, such as the minimum age limit for marriage and protection of women's rights in divorce. However, several provisions in the KHI face challenges, such as the issue of polygamy and the role of women in the household, which continue to be debated in society. (Jauhar, 2009).

The existence of the KHI as a codification of Islamic law in the Indonesian national legal system faces a number of challenges. One of them is the legal status of the KHI which is not yet equal to the law, considering that the KHI is still an administrative policy. Therefore, legislative efforts are needed to improve the status of the KHI so that it has higher legal force. In addition, social dynamics and changes in the paradigm of Islamic law also require several provisions in the KHI to be adjusted to the demands of gender justice, human rights, and the development of global Islamic law. Finally, there is



resistance to change, with some groups considering the KHI as a form of westernization of Islamic law (AZIS, 2012). Therefore, reform of KHI must be carried out carefully with an inclusive approach. So the author can conclude that evaluation and renewal of KHI are very necessary to remain relevant to the legal needs of Muslims in Indonesia. Reformulation of KHI must consider the principles of substantive justice, legal certainty, and legal benefits in the context of modern society. With an approach based on maqashid sharia, future KHI reform can become a legal instrument that is more adaptive and responsive to the dynamics of contemporary Islamic law.

#### 4. Conclusion

The absorption of Islamic law into Indonesian national law is an effort to integrate religious values with the state legal system. Philosophically, this absorption is based on Pancasila which recognizes God and religious moral values, and is recognized theologically because Islamic law is accepted by the majority of the Indonesian population, especially in family life. This integration reflects an effort to adjust state law to religious norms and respect the diversity of Indonesian society. Law No. 1/1974 concerning Marriage is an example of the absorption of Islamic law into national law, which regulates various aspects of marriage in accordance with the principles of Islamic law, such as the requirements for a valid marriage and the obligations of husband and wife. Although not all principles of Islamic law are directly accepted, this law attempts to accommodate the needs of the pluralistic Indonesian society. Thus, this law reflects an effort to harmonize religious law and state law. The Compilation of Islamic Law (KHI) is an effort to codify Islamic law that provides guidelines for Muslims in living family life. KHI contains provisions regarding marriage, inheritance, and family rights that are more structured and easily accessible. Despite the challenges in accommodating different views of the schools, the KHI serves as an important step in formulating Islamic law that is in accordance with the needs of Indonesian society. Overall, the absorption of Islamic law in Indonesian national law through Law No. 1/1974 and the KHI demonstrates a commitment to formulating laws that reflect religious values and the plurality of Indonesian society. These two instruments help achieve harmonization between state law and Islamic law in family life.

#### 5. References

- Aditya, Z. F. (2019). Romantisme Sistem Hukum Di Indonesia: Kajian Atas Kontribusi Hukum Adat Dan Hukum Islam Terhadap Pembangunan Hukum Di Indonesia. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 8(1), 37–54.
- Agustian, T. (2019). Formalisasi Hukum Islam Kedalam Tata Hukum Indonesia. *El-Ghiroh: Jurnal Studi Keislaman*, 16(01), 15–36.
- Aisyah, S. F. (2024). Etika Bisnis Islam: Implementasi Prinsip Keadilan Dan Tanggung Jawab Dalam Ekonomi Syariah. *El-Iqthisady: Jurnal Hukum Ekonomi Syariah*, 49–61.
- Aizid, R. (2015). *Sejarah Peradaban Islam Terlengkap*. Diva Press.
- AZIS, M. A. (2012). *Wanprestasi dalam Perspektif Hukum Perdata Islam dan Hukum Perdata Indonesia*. Perpustakaan Uin Sunan Kalijaga.
- Bahsoan, A. (2011). Mashlahah sebagai maqashid al syariah (tinjauan dalam perspektif ekonomi Islam). *Jurnal Inovasi*, 8(01).
- Fajlurrahman Jurdi (Ed). (2012). *Asas-asas Hukum Pidana II*. Rangkang Education Yogyakarta & PuKAP-Indonesia.

- Gemala Dewi, S. H. (2018). *Hukum Perikatan Islam di Indonesia*. Prenada Media.
- Harahap, A. M., Efendi, R., Daulay, M. N., & Ahmad, M. H. (2024). Challenges And Problems In Labour Law From The Perspectives Of Indonesia And Malaysia. *Malaysian Journal of Syariah and Law*, 12(3), 535–549.
- Hasan, C. B. (1999). *Kompilasi Hukum Islam dan Peradilan Agama di Indonesia*. Jakarta: Logos Wacana Ilmu.
- ISLAM, D. D. H., & ISLAM, S. T. A. (n.d.). *Konflik Keluarga Dalam Pembagian Waris*.
- Jamil, A. (2011). Sejarah Kebudayaan Dinamika Islam. *Gresik: Putra Kembar Jaya*.
- Jauhar, A. al-M. H. (2009). Maqashid Al-Syariah Fi Al-Islam. *Translation. Khikmawati, Maqashid Syariah*. Jakarta: Amzah.
- Kelsen, H. (2019). *Pengantar teori hukum*. Nusamedia.
- Leawoods, H. (2000). Gustav Radbruch: An extraordinary legal philosopher. *Wash. UJL & Pol'y*, 2, 489.
- Mahmud Marzuki, P. (2005). Penelitian hukum. *Jakarta: Kencana Prenada Media*, 55.
- Millah, S., & Jahar, A. S. (2021). *Dualisme Hukum Perkawinan Islam di Indonesia: Fiqh dan KHI* (Vol. 253). Amzah (Bumi Aksara).
- Samad, S. A. A. (2021). Kajian Hukum Keluarga Islam dalam Perspektif Sosiologis di Indonesia. In *El-USRAH: Jurnal Hukum Keluarga* (Vol. 4, Issue 1, p. 138). Universitas Islam Negeri Ar-Raniry. <https://doi.org/10.22373/ujhk.v4i1.9899>
- Saumantri, T. (2022). Islamisasi di nusantara dalam bingkai teoritis. *AT-THARIQ: Jurnal Studi Islam Dan Budaya*, 2(02).
- Sutrisno, S., Puluhulawa, F., & Tijow, L. M. (2020). Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim Tindak Pidana Korupsi. *Gorontalo Law Review*, 3(2), 168–187.
- Tarina, A., Radian, M. L., & Andriani, M. (2023). Kepastian Hukum Atas Fatwa DSN-MUI Pada Bidang Perbankan Syariah Pasca Putusan Mahkamah Konstitusi Nomor 65/PUU-XIX/2021. *Jurnal Hukum Sasana*, 9, 210–228.
- Zamroni, M. (2019). *Prinsip-Prinsip Hukum Pencatatan Perkawinan di Indonesia*. Media Sahabat Cendekia.