



Legal Authority and Judicial Legitimacy: The Role of the Compilation of Islamic Law in Shaping Binding Religious Court Decisions

Article	Abstract
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Introduction

The existence of the rule of law constitutes one of the fundamental pillars in the construction of a modern constitutional state.¹ In legal theory, a state based on law is generally founded upon several essential principles, namely legal certainty, equality before the law, democracy, and a government oriented toward public welfare. These principles are inseparable from the constitutional mandate embodied in the 1945 Constitution of the Republic of Indonesia, which aims to establish a just and prosperous society grounded in the philosophical values of Pancasila.

¹ Wael B. Hallaq, "Juristic Authority vs. State Power: The Legal Crises of Modern Islam," *Journal of Law and Religion* 19, no. 2 (2003): 243, <https://doi.org/10.2307/3649176>; Achmad Siddiq et al., "Reconstructing Waqf Share Policies: A Maqashid Sharia Approach with Insights from Indonesia," *El-Mashlahah* 15, no. 1 (June 18, 2025): 79–100, <https://doi.org/10.23971/el-mashlahah.v15i1.9029>.

Within this framework, law functions not merely as a mechanism of social control, but also as an instrument for achieving justice, order, and legal protection in social life.²

From the perspective of legal science, the Constitution serves as the supreme source of law in the Indonesian legal system.³ All forms of statutory regulations derive their legitimacy from constitutional principles and the hierarchy of laws established under Indonesian legislation. In addition to written constitutional norms, Indonesia also recognizes unwritten legal principles and conventions that develop within the practice of state administration. Consequently, the formation and implementation of national law cannot be separated from the interaction between written legal norms and living legal traditions existing within society.

In the Indonesian context, Islamic law represents one of the living legal systems that has significantly contributed to the development of national law. Alongside customary law and remnants of colonial legal traditions, Islamic law continues to shape legal consciousness and social order among Indonesian Muslims. This condition demonstrates that the Indonesian legal system is pluralistic in nature, accommodating various normative traditions that coexist within society. The incorporation of Islamic legal values into national legislation reflects the state's recognition of religious norms as an important component of legal development.

The integration of Islamic law into the national legal system has become increasingly visible through the institutionalization of Religious Courts and the enactment of various Islamic legal regulations. Daniel S. Lev argues that courts symbolize state power, while Islamic Religious Courts symbolize the institutional manifestation of Islamic authority within the state legal framework.⁴ In Indonesia, Religious Courts occupy a strategic position in resolving disputes concerning Islamic family law, inheritance, waqf, and other matters specifically assigned under statutory regulations. Their existence demonstrates the formal accommodation of Islamic legal principles within the national judicial system.

The development of Islamic law in Indonesia cannot be separated from the broader process of legal transformation and modernization. Law is no longer perceived merely as a static normative order emphasizing certainty and stability, but also as a dynamic instrument capable of responding to social change and societal aspirations. In this regard, Islamic law possesses considerable potential to contribute to the development of responsive national law, particularly because its values continue to live and develop within Indonesian Muslim society. The adaptation of Islamic legal norms into state law therefore reflects an effort to harmonize religious values with contemporary legal needs.

One of the most important milestones in the codification of Islamic law in Indonesia was the emergence of the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI). The idea of formulating the KHI arose from the practical necessity of establishing uniformity and legal certainty in the adjudication of cases within Religious Courts. Prior to the enactment of the KHI, judges frequently relied upon diverse classical fiqh references, resulting in inconsistencies in

² Amran Suadi, "Judicial Authority and the Role of the Religious Courts in the Settlement of Sharia Economic Disputes," *Lex Publica* 7, no. 2 (July 30, 2020): 1–14, <https://doi.org/10.58829/lp.7.2.2020.1-14>.

³ David S. Powers, "On Judicial Review in Islamic Law," *Law & Society Review* 26, no. 2 (April 2, 1992): 315–41, <https://doi.org/10.2307/3053900>.

⁴ M Cherif Bassiouni and Gamal M Badr, "The Shari'ah: Sources, Interpretation, and Rule-Making," *UCLA J. Islamic & Near EL* 1 (2001): 135.

judicial decisions. The absence of a unified legal reference created difficulties in achieving legal certainty and consistency in Islamic family law adjudication.⁵

The urgency of codifying Islamic legal principles became more apparent following the expansion of Religious Court authority under Law Number 14 of 1970 concerning Judicial Power. Through this law, the Supreme Court obtained authority to conduct judicial technical supervision over Religious Courts. Such institutional developments encouraged the need for a more systematic and standardized body of Islamic legal norms capable of guiding judicial reasoning and decision-making processes within Religious Courts throughout Indonesia.

Historically, the existence of Religious Courts in Indonesia has experienced a long and dynamic development process. Since the colonial era, Religious Courts have functioned as institutions responsible for resolving disputes among Muslims concerning matters of personal status and family law. Following Indonesian independence, the institutional position of Religious Courts gradually strengthened through various legislative reforms, including Law Number 7 of 1989 concerning Religious Courts and its subsequent amendments. These reforms significantly enhanced the legal authority and institutional legitimacy of Religious Courts within the Indonesian judicial system.⁶

The promulgation of Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law represented a significant achievement in the institutionalization of Islamic law in Indonesia. Although formally enacted through a presidential instruction rather than a legislative statute, the KHI has functioned as the principal substantive legal reference for Religious Court judges in adjudicating Islamic family law disputes. The KHI encompasses three major areas of Islamic law, namely marriage, inheritance, and waqf, thereby providing a unified framework for judicial interpretation and legal application.

The presence of the KHI has contributed substantially to the realization of legal certainty and judicial consistency within Religious Courts. As a codified reference derived from various classical fiqh doctrines adapted to Indonesian social conditions, the KHI serves not only as a practical legal guide but also as a bridge between Islamic jurisprudence and the national legal system. Consequently, the KHI occupies a unique position as a quasi-codified Islamic legal instrument that continues to influence judicial practices in Indonesia.⁷

Despite its extensive application in judicial practice, the legal status and binding force of the KHI remain subjects of academic debate. Since the KHI was not enacted through formal legislative procedures, questions arise regarding its normative position within the hierarchy of Indonesian laws and regulations. Nevertheless, in practice, Religious Court judges consistently utilize the KHI as a primary legal basis in resolving disputes. This phenomenon indicates the existence of sociological legitimacy and institutional acceptance of the KHI within the Indonesian legal system.

From a sociological perspective, the authority of the KHI is strengthened by its compatibility with the legal consciousness of Indonesian Muslim society. Many Muslim communities continue to perceive Religious Courts as legitimate institutions capable of resolving disputes according

⁵ Sami Zubaida, *Law and Power in the Islamic World* (Tauris, 2003).

⁶ Intisar A Rabb, "The Islamic Rule of Lenity: Judicial Discretion and Legal Canons," *Vand. J. Transnat'l L.* 44 (2011): 1299.

⁷ Nahed Samour, "Judge and Jurisconsult-Coercive and Persuasive Authority in Islamic Law" (Juristische Fakultät, 2021), <https://doi.org/https://doi.org/10.18452/22264>.

to Islamic legal principles. In this context, the KHI functions as an instrument that translates Islamic normative values into positive legal norms applicable within state judicial institutions. The interaction between religious legitimacy and state authority thus becomes a defining characteristic of the implementation of Islamic law in Indonesia.⁸

Theoretically, the existence of the KHI reflects the broader theory of the existence of Islamic law within Indonesian national law. This theory explains that Islamic law constitutes an integral part of the national legal system, functioning both as an independent legal subsystem and as a source of normative values influencing legal development. Through legislative and non-legislative channels, Islamic law has increasingly contributed to the formation of national legal norms, particularly in matters closely related to Muslim social life.

Within the framework of judicial authority⁹, Religious Courts possess absolute competence over specific civil matters involving Muslims, including marriage, inheritance, waqf, zakat, and Islamic economic disputes. The exercise of such authority requires the existence of clear substantive legal norms capable of ensuring justice, legal certainty, and judicial accountability. In this regard, the KHI plays an essential role in supporting judges' legal reasoning and strengthening the legitimacy of Religious Court decisions.

The principles governing Religious Courts, such as the principles of Islamic personality, judicial independence, legality, simplicity, and access to justice, further reinforce the importance of coherent legal references in judicial practice. As emphasized by M. Yahya Harahap, Religious Courts are not merely institutions for dispute settlement but also instruments for implementing justice based on Islamic legal values within the constitutional framework of Indonesia. Therefore, the effectiveness of Religious Court decisions depends significantly on the legitimacy and authority of the legal norms applied by judges.

Based on the foregoing discussion, this study seeks to analyze the role of the Compilation of Islamic Law in shaping the legal authority and judicial legitimacy of Religious Court decisions in Indonesia.¹⁰ Specifically, this research examines the existence of the KHI as a legal basis for judicial decisions and analyzes the binding force of Religious Court judgments grounded upon the KHI. Employing a normative juridical method through statutory, conceptual, and analytical approaches, this study aims to contribute to contemporary discussions regarding the position of Islamic law within Indonesia's national legal system and its implications for judicial legitimacy and legal certainty.

Method

This research employs a normative juridical method to examine the legal authority and judicial legitimacy of the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) in shaping the binding force of Religious Court decisions in Indonesia.¹¹ The study focuses on analyzing

⁸ John Hursh, "The Role of Culture in the Creation of Islamic Law," *Ind. LJ* 84 (2009): 1401.

⁹ Frédéric Volpi and Bryan S. Turner, "Introduction," *Theory, Culture & Society* 24, no. 2 (March 1, 2007): 1–19, <https://doi.org/10.1177/0263276407074992>.

¹⁰ Tamir Moustafa, *Constituting Religion: Islam, Liberal Rights, and the Malaysian State* (Cambridge University Press, 2018).

¹¹ John W. Creswell and J. David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Sage publications, 2017).

legal norms, statutory regulations, judicial doctrines, and conceptual frameworks related to the position of the KHI within the Indonesian legal system. A statutory approach (statute approach) is utilized to examine relevant legal instruments, including the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 1989 concerning Religious Courts and its amendments, Law Number 1 of 1974 concerning Marriage, Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law, and other related regulations. In addition, a conceptual approach (conceptual approach) is applied to explore theories concerning legal authority, judicial legitimacy, Islamic legal codification, and the existence of Islamic law within the national legal system.

The legal materials used in this study consist of primary, secondary, and tertiary legal sources. Primary legal materials include statutory regulations and judicial decisions relevant to Religious Court authority and the implementation of the KHI.¹² Secondary legal materials comprise scholarly books, journal articles, legal commentaries, and previous studies discussing Islamic law, Religious Courts, and legal pluralism in Indonesia. Meanwhile, tertiary materials include legal dictionaries and encyclopedias that support conceptual clarification. All collected legal materials are analyzed qualitatively through legal interpretation and systematic analysis to identify the normative position of the KHI and its influence on the binding character of Religious Court decisions. This method is intended to provide a comprehensive understanding of the interaction between Islamic legal norms and the Indonesian judicial system.¹³

Result and Discussion

The Normative Position of the Compilation of Islamic Law in the Indonesian Legal System

The Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) occupies a distinctive and complex position within the Indonesian legal system.¹⁴ Unlike statutory regulations enacted through legislative procedures, the KHI was promulgated through Presidential Instruction Number 1 of 1991, which formally places it outside the conventional hierarchy of legislation as stipulated in Indonesian law. Nevertheless, despite its unique juridical status, the KHI has developed into one of the most influential legal instruments governing Islamic family law adjudication in Indonesia. Its practical application within Religious Courts demonstrates that normative authority in the Indonesian legal system is not solely determined by formal legislative hierarchy but also by institutional acceptance and sociological legitimacy.¹⁵

¹² Purnama Hidayah Harahap et al., "Religious Court Decisions Regarding the Revocation of Grant (Hibah) in the Perspective of Islamic Jurisprudence," *Al-Manahij: Jurnal Kajian Hukum Islam*, November 17, 2023, 215–32, <https://doi.org/10.24090/mnh.v17i2.9767>; Nur Faizah et al., "The Role of Indonesian Women Ulama Congress (KUPI) in the Search for Gender Equality-Based Islamic Law," *Al-Adalah* 21, no. 2 (December 25, 2024): 323, <https://doi.org/10.24042/adalah.v21i2.23698>.

¹³ Muhammad Solikhudin et al., "National Fiqh and Maqasid-Based Ijtihad: Reassessing Ahmad Hasyim Muzadi through Jamal Al-Din 'Atiyyah," *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 SE-Articles (n.d.): 383–405, <https://doi.org/10.52496/mjhki.v3i2.38>.

¹⁴ Mark E Cammack and R Michael Feener, "The Islamic Legal System in Indonesia," *Pac. Rim L. & Pol'y J.* 21 (2012): 13.

¹⁵ Abdul Rahman, Muhammad Sopyan, and Khairuddin Hasibuan, "Compilation of Islamic Law as a Product of State Ijtihad: Analysis of Its Position and Implementation in the Indonesian Legal System," *Jurnal Sahabat ISNU SU* 3, no. 1 (January 30, 2026): 130–37, <https://doi.org/10.70826/jsisnu.v3i1.1479>; Durotun Nafisah et al., "Comparative Analysis of Islamic Family Law and Normative Law: Examining the Causes of Divorce in Purwokerto, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (May 21, 2024): 847, <https://doi.org/10.22373/sjhk.v8i2.16825>.

From the perspective of legal hierarchy, Indonesia recognizes a structured system of legislation derived from the Constitution of 1945 as the supreme legal norm. This hierarchical framework is reflected in legislation concerning the formation of laws and regulations, which classifies legal norms according to their constitutional authority and binding force. In this structure, presidential instructions are generally categorized as administrative policy instruments rather than formal statutory regulations. Consequently, debates frequently emerge concerning the legal standing of the KHI and whether it possesses sufficient normative authority to function as a binding legal reference in judicial proceedings.

Despite these debates, the KHI continues to function effectively as substantive law within Religious Courts throughout Indonesia. Judges consistently rely upon its provisions in resolving disputes concerning marriage, inheritance, waqf, and other aspects of Islamic family law. This reality indicates that the authority of the KHI is not merely formalistic but also functional and institutional. In practice, the KHI has become an integral part of judicial reasoning and legal interpretation within the Religious Court system, thereby strengthening its normative relevance despite the absence of formal legislative status equivalent to statutory law.¹⁶

The emergence of the KHI was closely connected to the broader effort to unify and standardize Islamic legal practice in Indonesia. Prior to its enactment, Religious Court judges often referred to diverse classical fiqh texts representing different schools of Islamic jurisprudence. Such diversity frequently produced inconsistent judicial decisions and legal uncertainty among court users. The codification of Islamic legal principles through the KHI therefore represented an important legal reform aimed at harmonizing judicial practices and ensuring greater consistency in the application of Islamic law within state institutions.

The normative position of the KHI must also be understood within the framework of Indonesia's pluralistic legal system. Indonesian law is characterized by the coexistence of multiple legal traditions, including customary law, Western-derived civil law, and Islamic law. Within this pluralistic structure, Islamic law functions not merely as a religious norm but also as a living law that influences social behavior and legal consciousness among Muslims.¹⁷ The recognition of Islamic legal norms through the KHI reflects the accommodation of religious values within the national legal framework.

The relationship between the KHI and the 1945 Constitution demonstrates the constitutional recognition of religious freedom and legal pluralism in Indonesia. The Constitution guarantees the rights of citizens to practice their religion and recognizes the importance of religious values in social life. In this context, the institutionalization of Islamic law through the KHI can be viewed as part of the state's constitutional responsibility to facilitate the religious needs of Muslim citizens. Thus, although the KHI is not explicitly mentioned within the constitutional hierarchy of laws, its existence aligns with broader constitutional principles concerning religious accommodation and access to justice.

In addition to its constitutional relevance, the KHI maintains a close relationship with Law Number 1 of 1974 concerning Marriage and Law Number 7 of 1989 concerning Religious Courts,

¹⁶ Yudian Wahyudi, "The Position of Islamic Law in the Indonesian Legal System (1900-2003)," *Asia-Pacific Journal on Religion and Society* 5, no. 1 (2021): 3–25, <https://doi.org/http://dx.doi.org/10.24014/apjrs.v5i1.1148>.

¹⁷ M. Doni and Silfia Hanani, "The Compilation of Islamic Law as a Socio-Digital Product in the Reform of Islamic Law in Indonesia," *Hakamain: Journal of Sharia and Law Studies* 4, no. 1 (June 8, 2025): 14–25, <https://doi.org/10.57255/hakamain.v4i1.1335>.

including subsequent amendments. These statutes provide the formal legal basis for the authority of Religious Courts and the administration of Islamic family law disputes. The KHI functions as a complementary substantive legal instrument that elaborates and operationalizes the broader principles contained within those laws. Consequently, the KHI plays an important role in filling normative gaps and facilitating the practical implementation of Islamic family law within judicial proceedings.¹⁸

The legal significance of the KHI also reflects the theory of the existence of Islamic law within Indonesian national law. This theory argues that Islamic law exists as an integral component of the national legal system and contributes to the formation of positive law in Indonesia. The existence theory emphasizes that Islamic legal norms are not external to the state legal system but are embedded within national legal development through legislative and institutional mechanisms. The KHI therefore represents a concrete manifestation of the integration between Islamic law and state law in Indonesia.

From the perspective of legal codification, the KHI represents an important attempt to transform Islamic jurisprudence into a systematic and accessible legal framework.¹⁹ Classical Islamic legal literature is often characterized by interpretative diversity and doctrinal complexity, which may create difficulties for uniform judicial application. Through codification, the KHI simplifies and standardizes selected Islamic legal principles into written norms applicable within Religious Courts. This process contributes significantly to legal certainty, judicial efficiency, and institutional coherence in Islamic legal adjudication.²⁰

Furthermore, the KHI may also be understood as a process of positivization of Islamic law in Indonesia.²¹ Positivization refers to the transformation of religious norms into formally recognized legal rules enforceable through state institutions. In the Indonesian context, the KHI functions as a bridge between normative Islamic teachings and the modern legal system administered by the state. Through this process, Islamic law acquires greater institutional authority and enforceability within judicial practice while remaining connected to its religious foundations.

The sociological legitimacy of the KHI further strengthens its normative position within Indonesian society. Although its formal legal basis may be debated, the widespread acceptance of the KHI among judges, legal practitioners, and Muslim communities demonstrates its practical effectiveness and normative influence. Religious Court decisions based upon the KHI are generally accepted by society as legitimate and authoritative because they reflect both Islamic legal values and state judicial authority. This dual legitimacy constitutes one of the defining characteristics of Islamic legal implementation in Indonesia.²²

¹⁸ Hasnil Basri Siregar, "Islamic Law in a National Legal System: A Study on the Implementation of Shari'ah in Aceh, Indonesia," *Asian Journal of Comparative Law* 3 (April 16, 2008): 1–26, <https://doi.org/10.1017/S2194607800000156>.

¹⁹ Abu Rokhmad, "Institutions and Contributions to Islamic Law in Indonesia's Legal System," *Walisongo Law Review (Walrev)* 3, no. 1 (2021): 21–44.

²⁰ Sahid Wahid, Rahmatiah HL, and Andi Akmal, "Transformation of Islamic Law in the Indonesian National Legal System: Analysis of Its Evolution and Implementation," *Journal of Public Representative and Society Provision* 5, no. 2 (June 3, 2025): 449–57, <https://doi.org/10.55885/jprsp.v5i2.594>.

²¹ Dwi Asmoro and Ade Saptomo, "Islamic Law in the Development of Indonesian Law," *Riwayat: Educational Journal of History and Humanities* 7, no. 1 (2024): 138–47.

²² Abdul Aziz, "Characteristics of The Compilation of Islamic Law In Indonesia: A Study of Marriage Law From The Perspective of Political Law," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (November 6, 2024): 1882–1903, <https://doi.org/10.62976/ijjel.v2i4.731>.

Ultimately, the normative position of the Compilation of Islamic Law illustrates the dynamic interaction between religion, law, and state authority in Indonesia.²³ The KHI cannot merely be understood through a rigid positivistic perspective focused exclusively on legislative hierarchy. Rather, its significance lies in its ability to function as a living legal instrument that harmonizes Islamic legal principles with the institutional framework of the modern state. Through its role in strengthening legal certainty, judicial consistency, and institutional legitimacy, the KHI has become an essential component of Indonesia's contemporary legal system and the administration of justice within Religious Courts.

The Role of the Compilation of Islamic Law in Shaping Judicial Reasoning and Religious Court Authority

The Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) plays a central role in shaping judicial reasoning and strengthening the institutional authority of Religious Courts in Indonesia.²⁴ As a codified body of Islamic legal norms, the KHI serves as the primary substantive legal reference for judges in resolving disputes concerning marriage, inheritance, waqf, and other matters falling under the jurisdiction of Religious Courts. Its existence has significantly transformed the judicial process by providing standardized legal guidelines capable of supporting consistent and predictable adjudication. Consequently, the KHI has become an indispensable component of Islamic legal practice within Indonesia's judicial system.

Before the enactment of the KHI, Religious Court judges relied heavily upon classical fiqh literature as the principal source of legal reasoning. Although classical jurisprudence provided rich doctrinal resources, the diversity of interpretations among various schools of Islamic thought often generated inconsistencies in judicial decisions. Judges frequently applied different legal opinions when adjudicating similar cases, resulting in legal uncertainty and unequal treatment before the law. The promulgation of the KHI therefore represented a major institutional effort to harmonize Islamic legal interpretation and establish greater uniformity in judicial practice.²⁵

As a source of substantive law, the KHI functions as a practical legal framework guiding judges in interpreting and applying Islamic legal principles. The codified structure of the KHI enables judges to refer to clear legal provisions when resolving disputes, thereby reducing ambiguity in judicial interpretation.²⁶ Through its systematic arrangement of legal norms, the KHI simplifies the process of adjudication and facilitates the implementation of Islamic law within the formal judicial system. This codification contributes significantly to the efficiency and effectiveness of Religious Court proceedings.

²³ Zainal Arifin Hoesein, "Transformation of Islamic Law on the National Legal System in Indonesian Constitutional Perspective," *UUM Journal of Legal Studies* 3 (2012): 77-109.

²⁴ Ahmad Rofii, "WHITHER ISLAMIC LEGAL REASONING? The Law and Judicial Reasoning of The Religious Courts," *JOURNAL OF INDONESIAN ISLAM* 8, no. 2 (December 1, 2014): 235, <https://doi.org/10.15642/JIIS.2014.8.2.235-262>.

²⁵ Naskur Bilalu et al., "Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (October 3, 2022): 514, <https://doi.org/10.22373/sjhk.v6i2.12441>.

²⁶ Muhammad Ikhlas Supardin et al., "Legal Reasoning by Judges in the Decision of the Religious Court in the DKI Jakarta Area Regarding Sharia Financing," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (April 25, 2025): 1-29, <https://doi.org/10.29240/jhi.v10i1.10917>.

The influence of the KHI on judicial reasoning can be observed through its role in shaping judges' legal considerations in court decisions. Judicial reasoning constitutes an essential element of adjudication because it reflects the logical and normative foundation upon which legal conclusions are based. In Religious Courts, judges frequently cite provisions of the KHI to justify legal interpretations, evaluate evidence, and formulate legal arguments. The KHI therefore functions not merely as a procedural reference but also as a normative instrument influencing the intellectual framework of judicial decision-making.²⁷

Moreover, the KHI contributes to the development of legal certainty within Religious Court adjudication. Legal certainty is a fundamental principle of the rule of law, requiring the consistent and predictable application of legal norms. Prior to the codification of Islamic family law through the KHI, inconsistent judicial interpretations often created uncertainty among litigants and legal practitioners. By establishing uniform substantive legal standards²⁸, the KHI reduces interpretative disparities among judges and promotes greater consistency in Religious Court decisions throughout Indonesia.

The standardization of legal reasoning through the KHI also enhances public trust in Religious Court institutions. Consistent judicial decisions contribute to perceptions of fairness, impartiality, and professionalism within the judicial process. When similar cases are resolved through comparable legal reasoning, society is more likely to perceive the judicial system as legitimate and reliable. In this context, the KHI strengthens not only the technical quality of adjudication but also the broader social legitimacy of Religious Courts as institutions responsible for administering justice among Muslims.²⁹

In addition to promoting consistency, the KHI facilitates the integration of Islamic legal principles into the framework of national law.³⁰ Religious Court judges operate within a state judicial system governed by constitutional and statutory principles. Consequently, judges must balance Islamic normative values with the requirements of modern legal administration. The KHI serves as a bridge between these two dimensions by translating Islamic jurisprudential concepts into codified legal norms compatible with state judicial procedures. This integration reinforces the institutional coherence of Religious Courts within Indonesia's broader legal system.

The relationship between the KHI and the absolute authority of Religious Courts further illustrates the importance of substantive legal codification. Under Indonesian law, Religious Courts possess absolute jurisdiction over specific civil matters involving Muslims, including marriage, inheritance, waqf, zakat, and Islamic economic disputes. The effective exercise of such jurisdiction requires clear legal standards capable of guiding judicial action. The KHI provides the substantive legal foundation necessary for judges to exercise their authority in accordance with Islamic legal principles and national legal requirements.³¹

²⁷ Aziz, "Characteristics of The Compilation of Islamic Law In Indonesia: A Study of Marriage Law From The Perspective of Political Law."

²⁸ Bassiouni and Badr, "The Shari'ah: Sources, Interpretation, and Rule-Making."

²⁹ Nehaluddin Ahmad and Zheimie H Zamri, "The Imperative of Establishing an Islamic Judicial System in Turkiye: A Critical Examination from an Islamic Perspective," *J. Int'l L. Islamic L.* 20 (2024): 303.

³⁰ Mohamed Abdel-Khalek Omar, "Reasoning in Islamic Law: Part One," *Arab LQ* 12 (1997): 148.

³¹ Euis Nurlaelawati, *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts*, vol. 4 (Amsterdam University Press, 2010).

Furthermore, the implementation of the KHI strengthens the institutional authority of Religious Courts by reinforcing their identity as specialized judicial bodies applying Islamic law. The existence of codified Islamic legal norms distinguishes Religious Courts from General Courts and confirms their constitutional role within the Indonesian judiciary. Through the application of the KHI, Religious Courts demonstrate their capacity to administer justice based upon Islamic legal values while remaining integrated within the national legal structure. This dual function enhances both institutional legitimacy and judicial credibility.

The KHI also contributes to the professionalization of Religious Court judges. Codified legal norms provide judges with standardized interpretative guidance and reduce excessive dependence upon personal doctrinal preferences. This condition encourages greater objectivity and professionalism in judicial decision-making. At the same time, the KHI supports legal education and judicial training by offering a unified legal framework that can be systematically studied and applied within court practice. Consequently, the KHI strengthens the overall quality of Islamic legal adjudication in Indonesia.

From a sociological perspective, the use of the KHI reinforces the acceptance of Religious Court decisions within Muslim society. Judicial decisions based upon codified Islamic legal principles are often perceived as possessing both religious and state legitimacy. This dual legitimacy is particularly important in a pluralistic society where legal effectiveness depends not only upon formal authority but also upon social recognition and cultural compatibility. The KHI therefore functions as a mediating instrument connecting state law, religious values, and societal expectations.

Ultimately, the role of the Compilation of Islamic Law in shaping judicial reasoning and Religious Court authority demonstrates the successful institutionalization of Islamic law within Indonesia's modern legal system. The KHI has transformed Religious Court adjudication by providing substantive legal certainty, strengthening judicial consistency, and reinforcing institutional legitimacy. Although debates concerning its formal legal status continue to exist, the practical influence of the KHI within judicial practice confirms its significance as an authoritative legal instrument that shapes both the reasoning of judges and the authority of Religious Courts in Indonesia.

Judicial Legitimacy and the Binding Force of Religious Court Decisions Based on the Compilation of Islamic Law

The concept of binding force constitutes one of the essential characteristics of judicial decisions within a modern legal system.³² In general, the binding force of a court decision refers to its capacity to create legal obligations and enforceable consequences for the parties involved. Within the Indonesian judicial system, decisions issued by Religious Courts possess legal authority equivalent to decisions rendered by other judicial institutions, particularly in matters falling under their absolute jurisdiction. Consequently, judgments concerning marriage, inheritance, waqf, and other Islamic civil disputes are legally binding upon litigants once they obtain permanent legal force. In this regard, the role of the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI)

³² Salma Waheedi and Kristen Stilt, "Judicial Review in the Context of Constitutional Islam," in *Comparative Judicial Review* (Edward Elgar Publishing, 2018), <https://doi.org/10.4337/9781788110600.00014>.

becomes highly significant because it provides the substantive legal foundation underlying many Religious Court decisions.

The binding character of Religious Court decisions derives not only from procedural judicial authority but also from the legitimacy of the legal norms applied by judges. In practice, Religious Court judges frequently rely upon the KHI as the principal source of substantive Islamic family law. Although the KHI was promulgated through Presidential Instruction Number 1 of 1991 rather than through formal legislative enactment, its provisions are consistently applied in judicial proceedings throughout Indonesia. This consistent application has gradually strengthened the normative authority of the KHI and contributed to the enforceability of court decisions based upon its provisions.³³

From a juridical perspective, the binding force of Religious Court decisions is closely related to the institutional authority granted by statutory regulations. Law Number 7 of 1989 concerning Religious Courts and its subsequent amendments formally recognize the competence of Religious Courts to adjudicate disputes involving Muslims in specific legal matters. Within this framework, the KHI functions as a complementary substantive legal instrument supporting the implementation of judicial authority. Therefore, although the KHI may not occupy the highest position within the hierarchy of laws, its normative function within judicial practice reinforces the legal validity of Religious Court decisions.

The legitimacy of Religious Court decisions may also be analyzed through the concept of judicial legitimacy, which encompasses both juridical and sociological dimensions.³⁴ Juridical legitimacy refers to the conformity of judicial decisions with established legal norms and procedural requirements. In contrast, sociological legitimacy concerns the extent to which judicial decisions are accepted and recognized by society as fair, authoritative, and appropriate. In the context of Religious Courts, these two dimensions are closely interconnected because Islamic legal values continue to shape the legal consciousness of Indonesian Muslim communities.

The sociological legitimacy of Religious Court decisions based upon the KHI is particularly evident in the acceptance of such decisions by Muslim society. Many Indonesian Muslims perceive Religious Courts as institutions capable of resolving disputes according to Islamic principles while simultaneously operating within the framework of state law. Decisions grounded in the KHI are therefore often viewed as possessing dual legitimacy, namely religious legitimacy derived from Islamic legal values and state legitimacy derived from judicial authority. This dual legitimacy significantly contributes to the effectiveness and social acceptance of Religious Court judgments.³⁵

The KHI also strengthens the predictability and consistency of judicial outcomes, which are essential elements of legal legitimacy. When judges apply relatively uniform legal standards in similar cases, litigants and society develop greater confidence in the fairness and reliability of judicial institutions. The codification of Islamic legal norms through the KHI reduces interpretative disparities among judges and promotes more consistent legal reasoning. As a result, Religious

³³ George N Sfeir, "Source of Law and the Issue of Legitimacy and Rights," *Middle East Journal* 42, no. 3 (May 10, 1988): 436-46, <http://www.jstor.org/stable/4327779>.

³⁴ Abdullahi Ahmed An-Naim, "The Compatibility Dialectic: Mediating the Legitimate Coexistence of Islamic Law and State Law," *The Modern Law Review* 73, no. 1 (January 8, 2010): 1-29, <https://doi.org/10.1111/j.1468-2230.2009.00782.x>.

³⁵ Ahmad and Zamri, "The Imperative of Establishing an Islamic Judicial System in Turkiye: A Critical Examination from an Islamic Perspective."

Court decisions become more stable and credible in the eyes of court users and the broader Muslim community.³⁶

Nevertheless, the use of the KHI within Indonesia's modern legal system is not free from criticism and controversy. One of the primary criticisms concerns the formal legal status of the KHI as a presidential instruction rather than a legislative statute enacted by parliament. Critics argue that this status weakens the juridical foundation of the KHI and creates uncertainty regarding its position within the hierarchy of laws and regulations. From a positivistic legal perspective, some scholars question whether a presidential instruction should possess sufficient authority to function as binding substantive law within judicial proceedings.³⁷

In addition to juridical critiques, the KHI has also faced criticism from perspectives emphasizing human rights, gender equality, and legal reform. Certain provisions within the KHI are considered by some scholars and activists to reflect patriarchal interpretations of Islamic law that may no longer correspond with contemporary social developments. Debates frequently arise concerning issues such as marriage guardianship, inheritance distribution, and gender relations within family law.³⁸ These criticisms indicate that the KHI remains a dynamic legal instrument continuously subjected to reinterpretation and reform discourse.

Another challenge concerns the tension between legal pluralism and legal uniformity in Indonesia. Although the KHI aims to standardize Islamic legal adjudication, Indonesian Muslim society itself remains diverse in terms of religious interpretation, local customs, and social practices. Consequently, the implementation of codified Islamic law occasionally encounters resistance from communities that maintain alternative legal traditions or doctrinal perspectives. This situation illustrates the broader challenge of harmonizing state legal codification with the diversity of living Islamic legal practices within society.³⁹

Despite these challenges, the KHI continues to demonstrate strong practical authority within Religious Court adjudication. Its consistent use by judges and acceptance by litigants indicate that legal legitimacy is shaped not solely by formal legislative status but also by institutional practice and societal recognition. The effectiveness of the KHI within judicial proceedings reflects the broader reality that legal norms acquire authority through their ability to respond to social needs and provide practical solutions for dispute resolution.

The future development of Islamic law in Indonesia will likely depend upon efforts to strengthen both the legal authority and substantive relevance of the KHI. Legal reform may involve revising certain provisions to align more closely with constitutional principles, human rights standards, and contemporary social realities while preserving the Islamic normative foundations of the legal system. Such reforms would enhance the credibility and adaptability of Religious Court adjudication in an increasingly dynamic legal environment.⁴⁰

Ultimately, the binding force and legitimacy of Religious Court decisions based upon the Compilation of Islamic Law demonstrate the unique interaction between religion, law, and state

³⁶ Intisar Rabb, "The Least Religious Branch: Judicial Review and the New Islamic Constitutionalism," *UCLA J. Int'l L. Foreign Aff.* 17 (2013): 75.

³⁷ Bassiouni and Badr, "The Shari'ah: Sources, Interpretation, and Rule-Making."

³⁸ Ahmad Yani Anshori, "The Contestation of Legal Foundations in the Resolution of Islamic Economic Disputes in Religious Courts," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (2024).

³⁹ Rabb, "The Islamic Rule of Lenity: Judicial Discretion and Legal Canons."

⁴⁰ Brinkley Messick and D S Powers, "Islamic Legal Interpretation," *Muftis and Their*, 1996.

authority in Indonesia. The KHI has evolved beyond a mere administrative guideline into a substantive legal instrument shaping judicial reasoning, institutional legitimacy, and public trust in Religious Courts. Although debates concerning its formal legal status and normative content continue to emerge, the KHI remains a central component of Islamic legal practice in Indonesia and an important foundation for the continuing development of Islamic law within the national legal system.

Conclusion

The Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) occupies a significant normative position within the Indonesian legal system despite its formal status as a product of Presidential Instruction rather than statutory legislation. The study demonstrates that the KHI has developed into a substantive legal instrument that plays an essential role in shaping judicial reasoning, strengthening legal certainty, and supporting the institutional authority of Religious Courts in Indonesia. Through its codification of Islamic family law principles, the KHI has successfully reduced disparities in judicial interpretation and created greater consistency in Religious Court decisions concerning marriage, inheritance, waqf, and other Islamic civil matters. Its practical implementation further reflects the integration of Islamic law into the national legal system and confirms the continuing relevance of Islamic legal norms within Indonesia's pluralistic legal framework. Furthermore, the binding force and legitimacy of Religious Court decisions based upon the KHI derive not only from formal judicial authority but also from sociological acceptance among Indonesian Muslim communities. The KHI functions as a bridge between Islamic normative values and the modern state legal system, thereby reinforcing both judicial legitimacy and public trust in Religious Courts. Although debates remain regarding the formal legal status of the KHI and the need for substantive legal reform in response to contemporary challenges, its existence continues to provide an important foundation for the administration of Islamic justice in Indonesia. Therefore, the strengthening of the KHI through future legal reform and institutional development is necessary to enhance the effectiveness, legitimacy, and adaptability of Religious Court adjudication within the evolving landscape of Indonesian national law.

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