

Reframing Legal Transformation in Indonesia: Contemporary Islamic Thought, *Maqāṣid al-Sharī'ah*, and Responsive Law

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ABSTRAK

Transformasi hukum di Indonesia bukan sekadar proses merevisi peraturan perundang-undangan; transformasi tersebut merupakan proses negosiasi yang berlangsung secara berkelanjutan antara prinsip-prinsip konstitusional, perubahan sosial, nilai-nilai keagamaan, norma adat, dan praktik kelembagaan. Artikel ini mengkaji kembali transformasi tersebut melalui perspektif pemikiran Islam kontemporer, dengan perhatian khusus pada *maqāṣid al-sharī'ah*, *ijtihād*, serta interaksi antara penalaran hukum Islam dan tatanan hukum Indonesia yang plural. Dengan menggunakan penelitian kepustakaan kualitatif dan pendekatan konseptual-normatif, penelitian ini secara kritis mensintesis prinsip-prinsip yang bersumber dari Al-Qur'an dan hadis, pemikiran hukum Islam klasik dan kontemporer, peraturan perundang-undangan Indonesia, serta kajian ilmiah *peer-reviewed* mengenai pluralisme hukum dan pembaruan hukum Islam. Hasil analisis menunjukkan bahwa pemikiran Islam kontemporer dapat memberikan kontribusi paling produktif terhadap transformasi hukum Indonesia ketika norma-norma Islam diterjemahkan ke dalam nilai-nilai publik berupa keadilan, martabat manusia, kesejahteraan, kesetaraan, partisipasi, dan perlindungan terhadap kelompok rentan, bukan sekadar ditransplantasikan dalam bentuk aturan formal. Penalaran berbasis *maqāṣid* memberikan orientasi normatif, sementara teori hukum progresif, responsif, dan berorientasi sistem menjelaskan bagaimana nilai-nilai tersebut dapat diinstitusionalisasikan melalui legislasi, peradilan, lembaga hukum, dan budaya hukum. Artikel ini berargumen bahwa transformasi hukum Indonesia paling tepat dipahami sebagai proses dialogis yang melibatkan banyak aktor, bukan semata-mata sebagai proyek rekayasa hukum yang digerakkan oleh negara. Kontribusi utama artikel ini terletak pada pengembangan kerangka analitis terpadu yang menghubungkan *maqāṣid*, hukum responsif, pluralisme hukum, dan teori sistem hukum untuk menjelaskan bagaimana nilai-nilai Islam dapat berpartisipasi secara konstruktif dalam tatanan hukum nasional yang demokratis dan plural secara konstitusional.

Kata kunci: pemikiran Islam kontemporer; transformasi hukum; *maqāṣid al-sharī'ah*; pluralisme hukum; hukum responsif.

ABSTRACT

Legal transformation in Indonesia is not merely a process of revising statutory rules; it is a continuing negotiation among constitutional principles, social change, religious values, customary norms, and institutional practices. This article re-examines that transformation through contemporary Islamic thought, with particular attention to *maqāṣid al-sharī'ah*, *ijtihād*, and the interaction between Islamic legal reasoning and Indonesia's plural legal order. Using qualitative library research and a conceptual-normative approach, the study critically synthesizes Qur'anic and hadith-based principles, classical and contemporary Islamic legal thought, Indonesian

legislation, and peer-reviewed scholarship on legal pluralism and Islamic legal reform. The analysis shows that contemporary Islamic thought can contribute to Indonesian legal transformation most productively when Islamic norms are translated into public values, justice, human dignity, welfare, equality, participation, and protection of vulnerable groups, rather than simply transplanted as formal rules. *Maqāṣid*-based reasoning provides the normative orientation, while progressive, responsive, and systems-oriented legal theories explain how such values can be institutionalized through legislation, adjudication, legal institutions, and legal culture. The article argues that Indonesia's legal transformation is best understood as a dialogical and multi-actor process rather than a state-driven project of legal engineering. Its principal contribution is an integrated analytical framework linking *maqāṣid*, responsive law, legal pluralism, and legal-system theory to explain how Islamic values can participate constructively in a democratic and constitutionally plural national legal order.

Keywords: contemporary Islamic thought; legal transformation; *maqāṣid al-sharī'ah*; legal pluralism; responsive law.

Introduction

Legal transformation is a constitutive feature of a modern legal order. Law must respond to changes in social relations, political institutions, economic structures, technology, and public expectations while preserving the basic commitments of legality and justice. In Indonesia, this task is particularly complex because the national legal order has developed through the interaction of state law, Islamic law, customary law, and colonial legal legacies. Legal change therefore cannot be adequately explained as a linear movement from old rules to new statutes. It is better understood as a continuing process of negotiation among competing normative orders, institutions, social interests, and conceptions of justice.

The Indonesian case is especially important for Islamic legal studies because Islam is neither external to the national legal order nor constitutionally identical with the state. Islamic norms have influenced family law, religious courts, Islamic finance, zakat, waqf, halal-product regulation, and other areas of public life, but their institutionalization has occurred through constitutional and legislative mechanisms within a religiously plural republic. Scholarship on Indonesia has consequently emphasized legal pluralism, competing authorities, and the negotiation between Islamic norms, state institutions, and local practices. Salim (2010), for example, demonstrates that Aceh illustrates a dynamic configuration in which sharia, adat, and state jurisdiction continually interact rather than remain neatly separated. More recent studies similarly show that legal pluralism is not simply a matter of choosing between state law and religious law; it involves institutional negotiation, judicial interpretation, social practice, and competing claims to legitimacy (Irianto, 2024; Utama, 2021).

The transformation of Islamic legal thought is central to this discussion. Classical fiqh remains an important intellectual resource, but contemporary social problems frequently exceed the historical circumstances in which particular juristic opinions were formulated. Questions concerning human rights, gender justice, environmental

protection, digital transactions, data governance, artificial intelligence, bioethics, and new forms of economic organization require forms of legal reasoning capable of connecting textual sources with changing realities. Contemporary Muslim thinkers have therefore developed approaches that emphasize contextual interpretation, public welfare, *ijtihad*, and *maqāṣid al-sharī'ah*. Fazlur Rahman's double-movement approach, for instance, seeks to recover the moral-social principles underlying revelation and to reapply those principles to contemporary circumstances (Rahman, 1982). Auda's systems approach similarly reconceptualizes *maqāṣid* as a multidimensional framework that can address complexity, interdependence, openness, and human development (Auda, 2008).

Yet a conceptual problem remains. Much discussion of Islamic legal reform in Indonesia tends to move between two poles: formal incorporation of Islamic norms into state legislation and normative calls for contextualization. The first risks reducing Islamic law to statutory transplantation; the second may remain too abstract if it does not explain how values become institutional rules, judicial practices, or legal culture. Recent scholarship on Indonesian Islamic legal thought has begun to address this problem by examining contextualization, legal pluralism, progressive reasoning, and the relationship between *fiqh* and local culture (Zulfa et al., 2025; Fatarib et al., 2025). However, a more integrated framework is still needed to explain the relationship among normative Islamic objectives, legal institutions, legislative processes, and social acceptance.

This article addresses that gap by asking three questions. First, how can contemporary Islamic thought conceptually explain legal transformation without collapsing the distinction between divine revelation and human jurisprudence? Second, how can *maqāṣid al-sharī'ah* be connected to theories of progressive, responsive, and systemic law in analyzing Indonesia's legal transformation? Third, what institutional and cultural conditions are necessary for Islamic values to contribute to an inclusive national legal order? The article argues that legal transformation should be understood as a dialogical process in which *maqāṣid* supplies the normative orientation, responsive and progressive theories explain the direction of legal change, and legal-system and pluralism perspectives explain the institutional and socio-cultural mechanisms through which transformation becomes effective.

The article contributes to the literature in three ways. First, it shifts the discussion from the binary question of whether Islamic law should be formally incorporated into national law toward the more analytically productive question of how Islamic ethical-legal values can participate in constitutional lawmaking. Second, it integrates *maqāṣid* with legal-system, progressive-law, responsive-law, and legal-pluralism perspectives. Third, it places contemporary Indonesian legal transformation within a broader socio-legal framework in which state institutions, religious organizations, courts, scholars, and communities jointly shape legal meaning. This approach is particularly relevant to a plural society in which legal legitimacy depends not only on formal validity but also on justice, participation, institutional capacity, and social recognition.

A foundational premise for legal transformation in Islamic thought is the distinction between *shari'ah* and *fiqh*. *Shari'ah* refers to the divine normative orientation derived from revelation, whereas *fiqh* represents human attempts to understand and apply that orientation. The distinction is methodologically significant because it allows legal reasoning to remain faithful to revelation while acknowledging that juristic interpretations are historically situated and therefore open to reassessment. Contemporary legal reform does not necessarily require changing the revealed sources; rather, it requires reconsidering the methods by which their ethical purposes are interpreted and institutionalized.

This distinction is visible in Indonesian debates. The development of Islamic family law, sharia economic regulation, and religious-court jurisprudence demonstrates that Islamic norms enter the national legal order through interpretation, legislation, administrative regulation, and adjudication. Such processes inevitably involve human judgment. Fauzi (2022) notes that debates over sharia legislation in contemporary Indonesia involve competing authorities and public-sphere negotiations, while Mutaqin (2018) demonstrates how women's movements have contested established interpretations of Islamic family law. Islamic legal transformation is therefore not a simple process of implementing a fixed body of rules; it is a contest over interpretation, authority, legitimacy, and social purpose.

Maqāṣid al-shari'ah provides the strongest bridge between Islamic normativity and contemporary legal transformation. In its classical formulation, *maqāṣid* concerned the preservation of essential human interests, commonly expressed through the protection of religion, life, intellect, lineage, and property. Contemporary *maqāṣid* scholarship expands the analytical horizon by emphasizing human dignity, justice, social welfare, equality, rights, and environmental sustainability. Auda (2008) argues that a systems approach can overcome reductionist understandings of *maqāṣid* by treating legal purposes as interconnected rather than as isolated objectives.

The significance of *maqāṣid* for Indonesian law lies not in replacing constitutional norms with religious rules, but in providing an ethical vocabulary through which Islamic values can engage public law. Justice (*'adl*), welfare (*maṣlaḥah*), human dignity, protection from harm, and social solidarity can be articulated in ways compatible with constitutional commitments. The 2025 study by Al-Turabi and Auda further develops this argument by treating *maqāṣid* as a meta-legal philosophy capable of connecting normative purposes with institutional practice and social transformation. Such an approach moves Islamic legal reasoning beyond textual compliance toward purposive evaluation of legal consequences.

Roscoe Pound's concept of law as a tool of social engineering remains useful because it directs attention to law's capacity to organize interests and guide social change. Pound's framework distinguishes individual, public, and social interests and therefore emphasizes balancing rather than merely enforcing rules. In Indonesia,

legislation incorporating Islamic values can be understood as one form of institutional design intended to meet social needs. However, Pound's framework becomes insufficient when transformation is treated as primarily state-driven. Contemporary Indonesia demonstrates that legal change is also produced by courts, civil society, religious organizations, professional associations, and communities.

Satjipto Rahardjo's progressive legal thought provides a corrective to excessive formalism by placing human beings at the center of legal reasoning. Law should serve justice and social welfare rather than require society to conform mechanically to legal texts. This orientation has an important affinity with *maqāṣid* because both reject a purely formal conception of law. Yet the two traditions are not identical: progressive law is primarily a socio-legal theory, while *maqāṣid* is an Islamic normative-teleological framework. Their combination can therefore be analytically productive without erasing their different intellectual genealogies.

Nonet and Selznick's responsive law further emphasizes that legitimate law must remain attentive to social needs, participation, and substantive justice. The responsive-law perspective is particularly useful in a democratic and plural society because it shifts attention from whether a rule exists to whether legal institutions listen, adapt, and produce socially legitimate outcomes. Recent Indonesian scholarship continues to employ responsive-law theory to assess whether legal reform can respond to public interests and changing social conditions. The key implication for Islamic legal transformation is that formal incorporation of Islamic principles is insufficient if institutions remain inaccessible, exclusionary, or insensitive to social consequences.

Law also operates through institutions and culture. Friedman's legal-system framework distinguishes legal structure, legal substance, and legal culture. This triadic model is valuable for Islamic legal transformation because statutory change may fail when institutions lack capacity or when social actors do not recognize the legitimacy of the new rule. Islamic legal transformation must therefore be assessed simultaneously at the level of norms, institutions, and lived legal consciousness.

Legal pluralism adds another layer. Indonesia does not operate through a single normative order in practice. State law interacts with religious law, adat, local regulations, and social norms. Salim's (2010) study of Aceh shows that such pluralism is historically dynamic, while Utama (2021) warns that state incorporation of customary law can paradoxically freeze or distort the living character of adat. Irianto (2024) similarly demonstrates that courts dealing with inheritance disputes operate within a field of competing legal norms and social expectations. These studies suggest that Islamic legal transformation should be understood as negotiation among normative orders rather than unilateral state codification.

Research Methodology

This study employs qualitative library research with a conceptual and normative-philosophical orientation. The research design follows the logic of systematic documentary analysis: relevant scholarly literature, classical and contemporary works of Islamic legal thought, Indonesian legal materials, and peer-reviewed studies on legal pluralism and legal reform were identified, compared, and synthesized. The study does not claim to provide original empirical evidence from interviews or field observation; its contribution is analytical and theoretical.

The primary conceptual sources include works associated with contemporary Islamic legal reform, particularly Fazlur Rahman and Jasser Auda, together with foundational legal theories associated with Roscoe Pound, Lawrence M. Friedman, Philippe Nonet and Philip Selznick, and progressive legal thought in Indonesia. Secondary sources were prioritized from peer-reviewed journals, especially recent publications addressing Indonesian legal pluralism, Islamic legal reform, sharia governance, and contemporary Islamic thought. Recent literature was used to update the original manuscript's predominantly book-based bibliography and to position its argument within current scholarship.

Data were analyzed through thematic content analysis. Four analytical themes guided the synthesis: (1) the normative foundations of legal transformation; (2) methods of Islamic legal reasoning, including *ijtihād* and *maqāṣid*; (3) institutional mechanisms through which Islamic values enter national law; and (4) the social and pluralistic conditions that influence legal legitimacy. Triangulation was conducted conceptually by comparing Islamic legal scholarship with socio-legal and legal-theory literature. Because this is a library-based study, the term “triangulation” is used in the sense of cross-checking interpretations across distinct bodies of literature rather than as triangulation of field data.

Results and Discussion

From Rule Transplantation to Value-Oriented Transformation

The analysis indicates that the most defensible model of Islamic legal transformation in Indonesia is not direct transplantation of *fiqh* rules into state law. Such transplantation is problematic for two reasons. First, *fiqh* contains multiple schools, opinions, and historically conditioned judgments. Second, national law must operate within a constitutional framework that protects citizens with different religious and cultural identities. A value-oriented approach is therefore more appropriate: Islamic legal reasoning contributes normative principles that can be translated into generally accessible public-law objectives.

This does not mean that Islamic law loses its distinctive identity. Rather, the transformation occurs through a process of translation from religious normativity into constitutional and institutional language. The values of justice, protection of human

dignity, welfare, prevention of harm, and equality can inform legislation while remaining compatible with the constitutional architecture of Indonesia. The process is visible in areas such as family law, Islamic finance, zakat, waqf, and halal regulation, but its logic can extend to emerging fields such as digital governance and environmental protection.

Zulfa et al. (2025) describe contemporary Indonesian Islamic legal thought as a dialogue between fiqh and the cultural wisdom of the archipelago. This formulation is significant because it rejects both rigid legal universalism and cultural relativism. Islamic jurisprudence can be contextualized without becoming detached from its normative sources, while local culture can be recognized without being treated as automatically legitimate. Legal transformation thus becomes a process of critical accommodation: norms are retained where they advance justice and reinterpreted where historical formulations no longer adequately address contemporary realities.

Maqāṣid as the Normative Bridge between Islam and Constitutionalism

Maqāṣid provides a normative bridge because it focuses on why law exists. The central question becomes not simply “Is this rule found in a classical text?” but “What human good, protection, or justice does this rule seek to realize, and does its contemporary application still achieve that purpose?” This shift is particularly important when social circumstances have changed significantly. A legal interpretation that formally preserves a rule while producing systematic harm may require reconsideration when assessed against the higher objectives of justice and welfare.

The systems approach strengthens this reasoning. Instead of treating maqāṣid as a closed list of five protections, it understands legal objectives as interconnected and multidimensional. Human dignity, justice, participation, education, economic security, gender justice, environmental sustainability, and institutional accountability can be analyzed as dimensions of human flourishing. This is consistent with the direction of recent maqāṣid scholarship, which increasingly treats maqāṣid as a framework for social transformation rather than only as a technique for individual juristic deduction (Al-Turabi & Auda, 2025).

For Indonesia, this framework supports constitutional pluralism. Islamic values can enter public law through arguments that are publicly intelligible and institutionally accountable. The objective is not to establish a parallel Islamic state order, but to allow Islamic ethical reasoning to contribute to the formulation of laws that serve the common good. This model also protects Islamic legal reform from becoming dependent on majoritarian power because maqāṣid requires attention to harm, justice, and human welfare across social groups.

Indonesia’s legal transformation cannot be understood without legal pluralism. The coexistence of state, Islamic, and customary norms creates both opportunities and tensions. Salim’s (2010) analysis of Aceh demonstrates that the boundaries between sharia and adat have historically shifted in response to political and institutional change.

The important lesson is that legal pluralism is not a static condition; legal orders continually negotiate jurisdiction, authority, and legitimacy.

Contemporary studies reinforce this conclusion. Irianto (2024) shows that inheritance disputes in Indonesia involve more than the selection of Islamic or state law; judges and litigants navigate social, cultural, economic, and political considerations. Utama (2021) similarly demonstrates that the state's formal recognition of adat may undermine the dynamic character of customary law when incorporation becomes overly legalistic. These findings have direct implications for Islamic legal transformation: formal recognition can create authority, but it can also narrow the interpretive space through which living communities negotiate norms.

Accordingly, Islamic legal transformation should be conceived as negotiated institutionalization. Religious organizations, scholars, judges, legislators, civil society, and communities participate in defining what counts as a legitimate Islamic legal value and how it should be implemented. Mutaqin's (2018) analysis of Indonesian Islamic feminism illustrates this clearly: legal reform emerges through organized contestation over marriage law and the proposed Counter Legal Draft of the Compilation of Islamic Law. Transformation therefore depends on agency, advocacy, and public reasoning, not merely on doctrinal innovation.

From State-Centered Social Engineering to Multi-Actor Legal Transformation

Pound's social-engineering model remains useful for understanding the capacity of legislation to produce social change, but the Indonesian case requires an expanded conception of agency. The state is important because legislation, courts, and administrative institutions possess formal authority. Yet state institutions do not monopolize legal meaning. Religious organizations generate normative arguments, courts reinterpret rules, academics shape discourse, professional bodies develop standards, and communities negotiate implementation in everyday life.

This multi-actor perspective is particularly important for Islamic law. Islamic legal authority in Indonesia is dispersed among state religious courts, ulama councils, pesantren scholars, universities, religious organizations, and digital religious platforms. The growth of digital religious authority also demonstrates that legal knowledge is increasingly produced outside traditional institutions. Contemporary research on digital fatwas shows how online platforms can reproduce particular forms of Islamic legal authority and influence public understandings of women's legal status and religious obligations. The implication is that legal transformation increasingly occurs in a networked public sphere rather than in formal legislative arenas alone.

The role of institutions is consequently decisive. Friedman's distinction between legal substance, structure, and culture suggests that a progressive Islamic legal norm cannot produce transformative outcomes if institutional structures remain weak or legal culture resists the reform. A law may be formally egalitarian but ineffective in practice

because citizens lack access to courts, officials interpret it conservatively, or social norms reproduce inequality. Conversely, courts and administrative institutions may sometimes innovate within existing legal boundaries, producing transformation without immediate statutory change.

Responsive law and *maqāṣid* converge around substantive justice but originate in different traditions. Responsive law asks whether legal institutions respond to social needs and public participation; *maqāṣid* asks whether legal norms fulfill the purposes of justice, welfare, and protection from harm. Their combination creates a two-dimensional test for legal transformation: a rule should be normatively justified by its contribution to human welfare and institutionally responsive to the people affected by it.

This framework is particularly relevant to contemporary challenges. Artificial intelligence, personal-data protection, environmental degradation, digital finance, biotechnology, and platform economies cannot be resolved simply by searching for direct classical precedents. They require principles capable of assessing novel consequences. *Maqāṣid* can supply the ethical orientation, while responsive-law theory can help evaluate participation, institutional accountability, and practical consequences. In this sense, contemporary Islamic legal thought can contribute to modern legal governance without reducing modernity to secularization or Islamic law to literalism.

The same framework can also discipline claims of Islamic legitimacy. Not every rule presented as “Islamic” necessarily advances *maqāṣid*, and not every secular legal innovation is necessarily incompatible with Islamic values. The analytical question should be whether the legal arrangement protects dignity, reduces harm, advances justice, and serves legitimate public interests while remaining compatible with the constitutional order. This approach allows Islamic legal reasoning to function as a critical ethical resource rather than merely as a source of formal legal identity.

Toward an Integrated Model of Legal Transformation

The preceding analysis suggests an integrated model consisting of four interconnected layers. The first is the normative layer, represented by *maqāṣid al-sharī'ah* and core Islamic values such as justice, welfare, dignity, and prevention of harm. The second is the interpretive layer, represented by *ijtihād*, contextual interpretation, and systems thinking. The third is the institutional layer, represented by legislation, courts, administrative bodies, religious organizations, and other legal actors. The fourth is the socio-cultural layer, represented by legal culture, public participation, customary practices, and competing normative orders. Transformation becomes sustainable when these four layers reinforce one another.

This model also clarifies the limitations of using a single grand theory. Pound explains how law can intentionally shape society; progressive law emphasizes the primacy of human welfare over formalism; responsive law highlights participation and institutional adaptability; Friedman explains the interaction of legal substance, structure,

and culture; legal pluralism explains the coexistence and contestation of normative orders; and maqāṣid supplies an Islamic teleological orientation. Rather than treating these theories as mutually exclusive, the article proposes a layered analytical framework in which each addresses a different dimension of transformation.

The model can be summarized as follows: maqāṣid defines the desired public good; ijtihād and contextual interpretation translate that good into legal reasoning; legislation and adjudication institutionalize the reasoning; legal structures implement it; and legal culture determines whether the resulting norms acquire social legitimacy. Feedback then moves in the opposite direction: social experience exposes unintended consequences, which can generate further interpretation and reform. Legal transformation is therefore iterative rather than linear.

Table 1. Analytical Framework for Harmonizing Islamic Law and National Law

Analytical layer	Core concept	Key question	Function
Normative	<i>Maqāṣid al-sharī'ah</i>	What public good should law pursue?	Justice, welfare, dignity, harm prevention
Interpretive	Ijtihād & systems thinking	How should principles be contextualized?	Translate values into contemporary reasoning
Institutional	Responsive/progressive law	How are values institutionalized?	Legislation, adjudication, administration
Socio-cultural	Legal pluralism & legal culture	How is law negotiated and received?	Legitimacy, participation, adaptation

The integrated framework has several implications for Indonesian legal reform. First, Islamic legal reform should prioritize substantive objectives over symbolic incorporation. The presence of Arabic terminology, religious references, or formal sharia clauses does not by itself demonstrate successful transformation. The more meaningful criterion is whether law improves justice, welfare, dignity, and protection against harm.

Second, legal reform should strengthen interpretive institutions. Courts, legislators, religious councils, universities, and professional bodies need greater capacity for interdisciplinary reasoning. Contemporary Islamic legal problems frequently require knowledge of economics, technology, environmental science, gender studies, constitutional law, and sociology. A systems-oriented maqāṣid approach is therefore inherently interdisciplinary.

Third, legal pluralism should be managed through dialogue rather than forced uniformity. State recognition of Islamic or customary norms should preserve space for contextual interpretation and community participation. Otherwise, recognition can become a mechanism of state control rather than empowerment. The literature on Aceh and customary law illustrates why institutional accommodation must be sensitive to historically embedded authority and lived practice (Salim, 2010; Utama, 2021).

Fourth, responsive law requires meaningful participation. Religious values should enter public law through democratic deliberation rather than through coercive claims

that one interpretation is beyond debate. This is especially important in matters affecting women, children, minorities, and other vulnerable groups. A maqāṣid-oriented approach should make their welfare visible in legal reasoning rather than treating them as secondary to abstract institutional interests.

Finally, legal transformation should be evaluated continuously. A law should not be regarded as transformative merely because it has been enacted. Evaluation should examine implementation, judicial interpretation, access to justice, social outcomes, and unintended consequences. This is where the combination of Friedman's legal-system approach and maqāṣid becomes especially useful: institutional effectiveness and normative purpose must be assessed together.

Conclusion

This article has argued that legal transformation in Indonesia is best understood as a multidimensional and negotiated process in which Islamic values interact with constitutional principles, state institutions, customary norms, and changing social realities. Contemporary Islamic thought contributes most constructively when it distinguishes the permanence of revelation from the historical contingency of fiqh and uses ijtihād and maqāṣid al-sharī'ah to interpret legal purposes in changing contexts. Maqāṣid provides the normative orientation toward justice, welfare, dignity, and protection from harm, while progressive and responsive legal theories explain how these values can be translated into institutional practice.

The analysis also demonstrates the limitations of a state-centered model of legal engineering. Indonesian legal transformation is produced by multiple actors and normative orders, including legislators, courts, religious organizations, scholars, civil society, customary communities, and citizens. Legal pluralism is therefore not merely an obstacle to legal unity; when managed through dialogue and constitutional safeguards, it can become a resource for more context-sensitive and legitimate law. At the same time, formal recognition of religious or customary norms can create new forms of domination if it freezes living practices or marginalizes alternative interpretations.

The principal theoretical contribution of this study is an integrated framework linking four dimensions: maqāṣid as normative purpose, ijtihād and systems thinking as interpretive method, responsive/progressive law as institutional orientation, and legal pluralism/legal-system theory as socio-institutional explanation. Future empirical research should test this framework through comparative studies of legislation, judicial decisions, and community practices in specific fields such as family law, Islamic finance, environmental regulation, digital governance, and Aceh's plural legal order. Such studies would further clarify when Islamic legal values become genuinely transformative and when they remain primarily symbolic.

In conclusion, the future of Islamic legal transformation in Indonesia should not be framed as a choice between religious authenticity and constitutional modernity. The

more productive question is how Islamic ethical-legal resources can participate in building a legal order that is just, democratic, adaptive, inclusive, and oriented toward human flourishing. Such a project requires neither the abandonment of Islamic normativity nor the rejection of plural constitutionalism. It requires sustained intellectual work, institutional accountability, and a willingness to evaluate legal rules by the justice and welfare they actually produce.

References

- Al-Turabi, U. M., & Auda, J. (2025). Toward a maqāṣid-based legal reform: Systemic thinking for social transformation in the modern Muslim world. *Indonesian Journal of Islamic Law*, 8(2), 209–228. <https://doi.org/10.35719/fhw10v84>
- Auda, J. (2008). *Maqasid al-Shariah as philosophy of Islamic law: A systems approach*. The International Institute of Islamic Thought.
- Braeuchler, B. (2010). Integration and exclusion: Islam adat in Central Moluccas. *Indonesia and the Malay World*, 38(110), 65–93. <https://doi.org/10.1080/13639811003665413>
- Bustamam-Ahmad, K. (2011). Contemporary Islamic thought in Indonesian and Malay world: Islam Liberal, Islam Hadhari, and Islam Progresif. *Journal of Indonesian Islam*, 5(1), 91–129. <https://doi.org/10.15642/JIIS.2011.5.1.91-129>
- Fatarib, H., Ali, Z. Z., Arifin, N. A., Najib, A., & Fathoni, M. N. (2025). Progressive legal reasoning in contemporary Islamic legal reform: Negotiating the maqāṣid and hermeneutic approaches. *JURIS (Jurnal Ilmiah Syariah)*, 24(2), 277–294. <https://doi.org/10.31958/juris.v24i2.16123>
- Fauzi, M. L. (2022). Debating shari'a in contemporary Indonesia: Issues, competing authorities and the public sphere. *Tebuireng: Journal of Islamic Studies and Society*, 1(2). <https://doi.org/10.33752/tjiss.v1i2.1718>
- Fuad, Z., Darma, S., & Muhibbuthabry. (2022). Wither Qanun Jinayat? The legal and social developments of Islamic criminal law in Indonesia. *Cogent Arts & Humanities*, 9(1), 2053269. <https://doi.org/10.1080/23311886.2022.2053269>
- Irianto, S. (2024). Inheritance legal pluralism and gender justice: A court room study in Indonesia. *Legal Pluralism and Critical Social Analysis*, 56(3), 459–478. <https://doi.org/10.1080/27706869.2024.2379738>
- Kaartinen, T. (2019). Islamic transformations in the periphery of Maluku, Indonesia. *Indonesia and the Malay World*, 47(138), 184–198. <https://doi.org/10.1080/13639811.2019.1583428>
- Lukito, R. (2008). The enigma of legal pluralism in Indonesian Islam: The case of interfaith marriage. *Journal of Islamic Law and Culture*, 10(2), 179–191. <https://doi.org/10.1080/15288170802236457>
- Manse, M. (2024). The plural legacies of legal pluralism: Local practices and contestations of customary law in late colonial Indonesia. *Legal Pluralism and Critical Social Analysis*, 56(3), 328–348. <https://doi.org/10.1080/27706869.2024.2377447>

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- Mutaqin, Z. Z. (2018). Culture, Islamic feminism, and the quest for legal reform in Indonesia. *Asian Journal of Women's Studies*, 24(4), 423–445. <https://doi.org/10.1080/12259276.2018.1524549>
- Nonet, P., & Selznick, P. (1978). *Law and society in transition: Toward responsive law*. Harper & Row.
- Pound, R. (1922). *An introduction to the philosophy of law*. Yale University Press.
- Pound, R. (1942). *Social control through law*. Yale University Press.
- Rahman, F. (1982). *Islam and modernity: Transformation of an intellectual tradition*. University of Chicago Press.
- Salim, A. (2010). Dynamic legal pluralism in Indonesia: Contested legal orders in contemporary Aceh. *The Journal of Legal Pluralism and Unofficial Law*, 42(61), 1–29. <https://doi.org/10.1080/07329113.2010.10756640>
- Utama, T. S. J. (2021). Between adat law and living law: An illusion of customary law incorporation into Indonesia penal system. *The Journal of Legal Pluralism and Unofficial Law*, 53(2), 269–289. <https://doi.org/10.1080/07329113.2021.1945222>
- Zulfa, F. A., Achmad, M., Soylu, D., & Fadhil. (2025). Mapping contemporary Islamic legal thought in Indonesia: A dialog between fiqh and the culture of the archipelago. *Al-Mawarid Jurnal Syariah dan Hukum*, 7(1), 177–202. <https://doi.org/10.20885/mawarid.vol7.iss1.art10>
- Afiyah, S., Ruslan, R., Sapril, S., Halim, B., & Sakirman, S. (2026). From Islamic law to modern financial regulation: Integrating maqāṣid al-sharī'ah into Indonesian legal framework. *JISRev: Journal of Islamic Studies Review*, 2(2), 115–133. <https://doi.org/10.69548/jisrev.2.2.79>
- Rahardjo, S. (2009). *Hukum progresif: Sebuah sintesa hukum Indonesia*. Penerbit Buku Kompas.
- Friedman, L. M. (1975). *The legal system: A social science perspective*. Russell Sage Foundation.
- Al-Zuhaili, W. (1986). *Uṣūl al-fiqh al-Islāmī* (Vol. 1). Dār al-Fikr.