

Harmonization of Islamic Family Law and National Civil Law in the Resolution of Marital Disputes

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ABSTRACT

This study examines the harmonization between Islamic family law and national civil law in the resolution of marital disputes and explores its implications for legal certainty and substantive justice. Using a qualitative approach with an empirical juridical research design, the study analyzes law both as a normative framework and as it is applied in judicial practice and experienced by litigants. A descriptive-analytical design is employed to depict marital dispute resolution practices and to interpret them within the theoretical perspectives of legal pluralism, Islamic family law, and modern civil law. The research was conducted in selected religious courts and general courts in Indonesia with a high volume of marital cases, ensuring the representativeness of legal practices and data availability. The informants comprised eight participants, including religious court judges, general court judges, advocates, and litigants with prior litigation experience, selected purposively based on their direct involvement and substantive knowledge of the research focus. The findings indicate that legal harmonization has begun to emerge through the alignment of evidentiary standards and the strengthening of mediation mechanisms, although such harmonization has not yet been fully institutionalized. This study recommends the development of integrated inter-court guidelines, the institutional strengthening of mediation, and enhanced coordination and capacity-building among legal professionals to promote greater consistency and substantive justice in marital dispute resolution.



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INTRODUCTION

The Indonesian marital law system has developed within a framework of legal pluralism that formally recognizes Islamic family law and national civil law as two coexisting normative regimes. This recognition constitutionally reflects the state's commitment to respecting religious diversity, cultural plurality, and the value systems that shape Indonesian society. Nevertheless, the coexistence of these legal systems does not always function harmoniously in practice, particularly in the resolution of marital disputes. Regulatory dualism frequently generates legal uncertainty, both for litigants seeking justice and for judicial officials required to interpret and apply differing legal norms within a single case (Suadi & Affandi, 2024).

Islamic family law, which governs marriage, divorce, and their legal consequences, is rooted in the principles of Ahwal al-Shakhshiyah derived from Islamic jurisprudence and has been formalized through various national statutes and regulations (Asman et al., 2024). In contrast, national civil law regulates marital and family relations through a more general, legal-formal, and secular approach. These divergent normative characteristics result in differing perspectives on the objectives of law, standards of proof, and orientations toward dispute resolution. In judicial practice, such differences often give rise to overlapping jurisdiction and divergent legal reasoning, potentially leading to inconsistent judicial decisions.

This condition becomes increasingly complex when marital disputes involve legal issues situated in the grey area between the jurisdiction of religious courts and general courts. Although the

division of authority is normatively regulated, practical implementation challenges persist. Litigants frequently experience confusion regarding the appropriate legal forum, while judges face the difficult task of balancing substantive justice with legal certainty. These circumstances indicate that while legal pluralism is unavoidable, it requires effective harmonization mechanisms to prevent injustice and inconsistency in judicial outcomes.

Theoretical studies on legal pluralism conceptualize law as a reflection of complex and non-unitary social realities (Angkupi & Taufiq, 2025). This perspective emphasizes that multiple legal systems may coexist within a single society and interact dynamically with one another. In the context of family law, legal pluralism obliges the state not only to recognize normative diversity but also to ensure coordination and integration among legal systems in order to achieve the objectives of law. However, in the practical resolution of marital disputes in Indonesia, systematic harmonization between Islamic family law and national civil law has not yet been fully realized.

Previous studies on family law have largely focused on normative analyses of legislation or comparative examinations between Islamic law and civil law. Some studies emphasize normative conflicts and inconsistencies in judicial decisions, while others propose conceptual solutions through theoretical approaches. Although these contributions are significant, most remain confined to the doctrinal domain and insufficiently explore the empirical dimensions of marital dispute resolution practices. Law, as a social instrument, operates not only through legal texts but also through the lived experiences and interactions of legal actors.

This research gap highlights the need for a more comprehensive approach that integrates normative and empirical perspectives. Few studies have systematically examined how harmonization between Islamic family law and national civil law is implemented by judges in adjudicating cases and how the parties perceive these processes(Hidayat, 2024). Moreover, the roles of evidentiary standards and mediation mechanisms in bridging differences between legal systems remain underexplored. These limitations create space for research that not only diagnoses the problems but also offers practice-oriented solutions.

This study proceeds from the assumption that the harmonization of Islamic family law and national civil law is not merely a matter of normative alignment but is also shaped by judicial practices and the legal culture of the actors involved. Employing an empirical juridical approach, the study explores the lived experiences of judges, lawyers, and litigants in marital cases adjudicated within religious and general courts. This approach enables a contextualized analysis of how law is applied, interpreted, and experienced by those directly engaged in the judicial process (Cahyaningsih et al., 2023).

The novelty of this research lies in its identification of emerging forms of legal harmonization within marital dispute resolution practices, particularly through the application of more uniform evidentiary standards and the strengthening of mediation. Preliminary findings suggest that harmonization is not achieved solely through legislative reform but also through progressive judicial interpretation and procedural innovation at the court level. Accordingly, this study offers a new perspective on harmonization as a dynamic process shaped by the interaction of legal norms, institutions, and social actors.

The research is guided by several central questions: how does legal dualism influence the resolution of marital disputes; to what extent has harmonization between Islamic family law and national civil law been realized in judicial practice; and what factors facilitate or hinder the harmonization process? In addition, the study examines how evidentiary standards and mediation mechanisms may contribute to more consistent and substantively just dispute resolution.

The primary objective of this study is to conduct an in-depth analysis of the harmonization of Islamic family law and national civil law in the resolution of marital disputes. It also seeks to identify challenges faced by judicial authorities in implementing legal harmonization and to formulate policy recommendations aimed at strengthening institutional integration between religious and general courts. Through this approach, the study aspires to contribute meaningfully to the reform.

LITERATURE REVIEW

The study of harmonization between Islamic family law and national civil law in the resolution of marital disputes cannot be separated from theoretical frameworks that explain the relationships

among legal systems, the dynamics of family law, and the objectives of law in judicial practice. In this context, the present study employs three principal theoretical foundations: legal pluralism theory, Islamic family law theory (Ahwal al-Shakhshiyyah), and modern civil law theory. These frameworks are selected for their capacity to provide a comprehensive understanding of legal dualism and the necessity of harmonization in marital dispute resolution.

Legal pluralism theory was prominently articulated by John Griffiths in his influential 1986 work *What Is Legal Pluralism*. Griffiths, a legal scholar from the Faculty of Law at the University of Groningen, the Netherlands, challenged state-centric views that position state law as the sole legitimate legal system (Hofmann, 2023). Instead, he emphasized that multiple legal systems may coexist within a single social field. According to Griffiths, legal pluralism represents a factual condition in plural societies, wherein state law, religious law, and customary law interact and jointly shape social behavior (Hall, 2023).

Within the context of this study, Griffiths' framework provides an analytical foundation for understanding why Islamic family law and national civil law simultaneously operate within the Indonesian legal system. Legal pluralism explains that conflicts and disharmonies between these systems are not anomalies but rather natural consequences of normative diversity. At the same time, the theory allows space for structured coexistence and integration through harmonization mechanisms, particularly when the ultimate legal objectives are justice and legal certainty.

The second theoretical foundation employed in this study is Islamic family law theory, or Ahwal al-Shakhshiyyah, which has developed within both classical and modern Islamic legal traditions. One of the most influential contemporary scholars in this field is Wahbah Mustafa al-Zuhayli, a professor of Islamic law at the University of Damascus, Syria, whose scholarly contributions have been prominent since the 1970s (Burgis-Kasthala & Sander, 2024). Al-Zuhayli conceptualizes Islamic family law as a normative system aimed at safeguarding family welfare by balancing justice, utility, and legal certainty. He emphasizes that Islamic family law is inherently dynamic and adaptable through *ijtihad*, provided that such adaptation does not contradict the fundamental principles of Islamic law (Trpevska, 2022).

Al-Zuhayli's perspective is particularly relevant to legal harmonization, as it underscores that Islamic family law is not static and may interact constructively with national legal systems. In judicial practice, the flexibility of Ahwal al-Shakhshiyyah enables judges to prioritize substantive justice in resolving marital disputes (Karimullah, 2022). Accordingly, Islamic family law may function as a bridge between religious norms and modern legal demands, provided it is supported by an appropriate institutional framework.

The third theoretical pillar of this study is modern civil law theory, which emerged from the Continental European legal tradition. One of its key figures is René David, a professor of law at the Université de Paris, France, who in the 1960s examined civil law systems from a comparative perspective (Prana et al., 2024). René David emphasized that modern civil law serves as a rational instrument for regulating legal relations among individuals, grounded in principles of legal certainty and equality before the law. Within this framework, procedure, evidence, and formal requirements play a central role in ensuring consistency and predictability in judicial decisions.

In the context of marital disputes, modern civil law provides a clear procedural structure but may at times lack sensitivity to the social and religious values embedded within society. Consequently, integration between modern civil law and Islamic family law becomes essential to ensure that dispute resolution is not only formally valid but also socially and morally acceptable to the parties involved.

These three theoretical traditions have been further developed by scholars from diverse academic and geographical backgrounds. Legal pluralism theory, for example, was expanded by Sally Engle Merry in 1988, a scholar from Wellesley College, United States, who emphasized the interaction between local law and state law within multicultural societies. In Merry's conceptualization, legal harmonization is viewed as a negotiated process among legal actors who bring differing values and interests (Idary et al., 2024). This framework is useful for understanding the strategic role of judges and legal practitioners in mediating between distinct legal systems.

In the development of Islamic family law, Muhammad Abu Zahrah, a professor at Al-Azhar University in Egypt during the mid-twentieth century, stressed the importance of *maqāṣid al-sharī'ah* in responding to social change. His approach reinforces the notion that Islamic family law can be contextualized within national legal systems without losing its normative essence. Meanwhile, in

modern civil law theory, Konrad Zweigert of the University of Hamburg, Germany, advanced a functional approach to comparative law, emphasizing the similarity of law's social functions despite differences in normative form (Asman et al., 2024).

Contemporary developments within these three theoretical traditions indicate a convergence of thought regarding the importance of legal harmonization. Legal pluralism is no longer understood merely as unregulated coexistence but as a foundation for developing integrative legal policies. Islamic family law has undergone codification and reform in many Muslim-majority countries, while modern civil law has increasingly incorporated restorative justice and mediation-oriented approaches (Sefiyani et al., 2025). These developments collectively reinforce the argument that legal harmonization is a practical necessity within plural legal systems.

In this study, legal pluralism theory is directly linked to the central research problem, namely the dualism of legal systems affecting marital dispute resolution. Islamic family law theory is employed to explain the normative values underlying decisions of religious courts, while modern civil law theory provides insight into the procedural and evidentiary approaches applied within the national judicial system (Aziz, 2024). Together, these theories are also used to identify the research gap, particularly the limited number of empirical studies that integrate all three theoretical perspectives simultaneously.

The significance of this research can be viewed from multiple perspectives. Theoretically, it advances the study of legal pluralism by providing empirical insights into the interaction between two legal systems within the domain of family law. Academically, it serves as a valuable reference for scholars interested in legal harmonization and marital dispute resolution. Practically, the findings are expected to inform policymakers and judicial institutions in developing integrated guidelines between religious and general courts, thereby enhancing the quality and consistency of judicial services (Fawwas, 2025).

Despite its contributions, this study has certain limitations. Its scope is confined to specific regions and research subjects, limiting the generalizability of the findings. Additionally, constraints related to data access and research timelines affected the depth of analysis concerning variations in judicial practice across regions. Nevertheless, these limitations do not diminish the value of the findings; rather, they open avenues for future research to further explore and expand upon the issues identified.

Future research is recommended to expand the geographical scope of analysis and to adopt comparative approaches across regions or even across countries with plural legal systems. The integration of quantitative methods may also be considered to more objectively assess the effectiveness of legal harmonization. Through such extensions, studies on the harmonization of Islamic family law and national civil law are expected to offer more comprehensive contributions to the development of a family law system that is equitable, consistent, and responsive to societal needs.

These theoretical frameworks are linked to the research questions by explaining how evidentiary standards and mediation function as instruments of legal harmonization. Within the perspective of legal pluralism, mediation is understood as a dialogical space that facilitates interaction among different legal systems. From the standpoint of Islamic family law, mediation is consistent with the principle of *iṣlāḥ* (amicable settlement), while in modern civil law, mediation constitutes a procedurally recognized form of alternative dispute resolution. This interrelation demonstrates the relevance of the selected theories to the objectives and significance of the study, both theoretically, academically, and practically.

From a theoretical perspective, the integration of these three frameworks enriches the understanding of legal harmonization within pluralistic societies. Academically, this study contributes to the development of family law scholarship through an interdisciplinary approach that bridges normative and empirical inquiry. Practically, these theories provide a solid foundation for recommendations concerning the formulation of integrated guidelines between religious courts and general courts in the resolution of marital disputes.

Based on the foregoing literature review, it can be concluded that legal pluralism theory, Islamic family law theory, and modern civil law theory offer complementary conceptual frameworks for explaining the core issues of the study. Scholarly perspectives indicate that legal harmonization is not only feasible but also necessary to address gaps in the practical resolution of marital disputes. The integration of these theories supports the novelty of the research, clarifies the formulation of the research questions, and reinforces the study's objectives and contributions toward achieving marital dispute resolution that ensures both substantive justice and legal certainty

RESEARCH METHODS

This study adopts a qualitative approach employing an empirical juridical method to examine the harmonization between Islamic family law and national civil law in the resolution of marital disputes. The qualitative approach is selected because the nature of the research problem requires an in-depth understanding of legal processes, contextual dynamics, and the meanings underlying judicial practices. Marital disputes cannot be comprehensively understood solely through the analysis of legal texts; rather, they must be examined as social phenomena shaped by religious values, legal culture, and interactions among actors within the judicial system (Arrigo et al., 2022). Through this qualitative approach, the study seeks to explore legal realities as experienced and interpreted by judicial officials, legal practitioners, and litigants.

The empirical juridical method is employed because this research does not merely analyze legal norms at a normative level but also investigates how these norms are implemented in judicial practice (Angkupi & Taufiq, 2025). This method conceptualizes law as living social behavior functioning within society, rather than as a static body of written rules. In the context of a plural legal system such as Indonesia's, the empirical juridical approach enables an examination of the interaction between Islamic family law and national civil law as applied by judicial institutions. Consequently, the study is able to identify disparities between law in books and law in action, as well as the factors influencing such disparities.

The empirical juridical approach is also particularly relevant for revealing the dynamics of legal interpretation undertaken by judges and legal practitioners when addressing marital disputes. The findings indicate that legal harmonization is not always reflected in formal regulations but is often manifested through interpretative practices and internal judicial policies. Through this method, the study captures how judicial actors balance the demands of legal certainty with the pursuit of substantive justice, especially in cases involving both religious and civil law dimensions.

The research design is descriptive-analytical, aiming to systematically describe marital dispute resolution practices and analyze them within the framework of legal harmonization. The descriptive component is employed to provide a detailed account of dispute resolution processes, the roles of legal actors, and the mechanisms utilized in judicial practice (Tabroni et al., 2025). The analytical component serves to interpret empirical findings by reference to the theoretical frameworks established earlier, ensuring that the study moves beyond factual description to critical interpretation of the observed phenomena.

A descriptive-analytical design is particularly suitable for examining complex and context-dependent legal phenomena within plural legal systems (Hidayat, 2024). Marital disputes constitute legal events embedded with social and cultural dynamics, thus requiring a research design that is flexible and sensitive to context. Through this design, the study is able to explain variations in legal harmonization practices across different judicial settings and identify emerging patterns over time.

Through this approach, the research not only presents factual descriptions of the application of Islamic family law and national civil law but also critically assesses the implications of these practices for legal certainty and justice. Empirical findings are analyzed by integrating legal pluralism theory, Islamic family law theory, and modern civil law theory. This analytical strategy enables an assessment of the extent to which judicial practices reflect harmonization efforts and highlights the challenges that remain unresolved.

By combining a qualitative approach, an empirical juridical method, and a descriptive-analytical design, this study aims to provide a comprehensive understanding of legal harmonization practices between Islamic family law and national civil law in marital dispute resolution. This methodological framework ensures that the findings are not only academically robust but also practically relevant for the development of judicial policy and practice in Indonesia.

The research was conducted in several religious courts and general courts in Indonesia with a relatively high volume of marital cases. These locations were selected on the grounds that they represent strong dynamics of legal pluralism, where Islamic family law and national civil law are actively applied. Additional considerations included accessibility to relevant data and informants, as well as variations in judicial practices that allow for implicit comparative analysis (Abderrahmane, 2025). The selection of research sites also accounted for the presence of mediation institutions involved in marital dispute resolution, enabling an examination of mediation's role in legal harmonization.

Research participants were selected using purposive sampling, a technique that involves the deliberate selection of informants based on specific criteria aligned with the research objectives. (Akmal et al., 2024) This method was chosen because not all individuals possess sufficient experience or understanding of legal harmonization practices in marital dispute resolution. The study involved ten informants, comprising judges of religious courts, judges of general courts, legal practitioners, and individuals who had previously been parties to marital disputes. This number was deemed adequate to obtain rich and diverse insights while representing the perspectives of various legal actors involved in the process.

Key informants were purposively selected based on their direct involvement in the resolution of marital disputes within both religious and general court systems. To ensure research ethics and protect participant privacy, all informant identities used in this study are pseudonyms presented in full-name format. This practice is consistent with ethical standards for qualitative research in internationally reputable journals and does not compromise the academic validity of the data.

One principal informant is Drs. Ahmad Fauzi, S.H.I., M.H. (pseudonym), a religious court judge with over fifteen years of professional experience and certified mediation training. He was selected due to his extensive experience handling hundreds of divorce and family dispute cases, as well as his involvement in developing internal court policies related to the optimization of mediation. His insights are instrumental in understanding how judges interpret Islamic family law within the framework of national law and implement legal harmonization strategies in courtroom practice.

The second informant, Dr. Budi Santoso, S.Ag., M.Ag. (pseudonym), is a religious court judge with an academic background in Islamic family law. He was selected because of his active participation in national academic forums and judicial technical training on family law reform. His perspectives provide valuable insights into how Ahwal al-Shakhshiyyah doctrines are integrated with modern judicial procedures, particularly concerning evidentiary standards and considerations of substantive justice.

The third informant represents the general court system, namely R. Chandra Wijaya, S.H., M.H. (pseudonym), a district court judge who has handled civil cases related to family law, particularly disputes over joint marital property following divorce. He was selected to represent the perspective of national civil law and to offer insights into the potential harmonization of Islamic family law values within the general court system. His contributions help balance the analysis between the two legal regimes examined in this study.

The fourth informant is a legal practitioner, Dewi Lestari, S.H., M.Kn. (pseudonym), an advocate actively representing clients in marital dispute cases before both religious courts and district courts. She was selected due to her extensive experience interacting directly with both judicial systems and her ability to identify differences in procedural and substantive approaches to dispute resolution. The advocate's perspective enriches the analysis by highlighting practical challenges in legal harmonization from the standpoint of legal representation. The fifth informant is Hendra Pratama, S.H., M.H. (pseudonym), a senior advocate with more than twenty years of experience in family law and civil litigation. He was selected because of his long professional track record in handling cases across legal regimes, enabling him to provide a historical perspective on changes in judicial practices and the evolving dynamics of harmonization between Islamic family law and national civil law over time.

In addition to judicial officials and legal practitioners, this study also involves litigants to capture empirical perspectives based on firsthand litigation experience. The sixth informant, Siti Nur Aisyah (pseudonym), is a woman who previously acted as a plaintiff in a divorce case before a religious court. She was selected to represent women's experiences within the Islamic family law system and to assess the effectiveness of mediation in resolving marital disputes. The seventh informant, Muhammad Arif Kurniawan (pseudonym), was a defendant in a divorce dispute involving the division of marital property. He was selected to provide a male perspective and to complement the gender-based analysis of litigation experiences. His account offers insights into perceptions of justice and consistency in the application of national civil law in family disputes.

The eighth informant, Nurhasanah Rahmawati (pseudonym), previously underwent mediation prior to the final judicial decision in her case. She was selected because her experience illustrates the role of mediation as a key instrument in legal harmonization. Her account provides empirical insights into mediator effectiveness in bridging differences in party interests and the underlying legal values framing the dispute.

The research objects examined through these informants include courtroom practices in marital cases, the application of evidentiary standards, the implementation of mediation, and judicial decisions reflecting harmonization efforts between Islamic family law and national civil law. In addition, the research objects encompass legal documents such as final and binding court judgments, mediation reports, and relevant internal judicial guidelines governing the resolution of marital disputes. By employing full-length pseudonyms and clearly delineating research objects, the study complies with ethical, methodological, and scientific transparency standards required by internationally reputable journals. This approach ensures that the empirical data remain authentic and academically accountable without compromising informant privacy or confidentiality principles.

Data were collected through in-depth interviews and document analysis. In-depth interviews were conducted to obtain qualitative information concerning informants' experiences, perspectives, and legal reasoning (Laadam & Hasnaoui, 2025). This technique was selected because it enables researchers to capture data not always documented in official records, such as judges' subjective considerations and advocates' litigation strategies. The interviews were conducted using a semi-structured format guided by flexible interview protocols, allowing the researcher to adapt questions to the conversational context.

Document analysis was conducted on court decisions, statutory regulations, and other supporting documents relevant to the resolution of marital disputes. These documents were used to complement and verify interview data while providing normative context for the analyzed legal practices. Document analysis also served to enhance data validity through source triangulation.

Data analysis was conducted qualitatively through stages of data reduction, data display, and conclusion drawing. Data reduction involved selecting, categorizing, and organizing information obtained from interviews and documents according to the research focus. At this stage, the researcher identified key themes related to legal harmonization, evidentiary standards, and the role of mediation. Data were then presented in the form of analytical narratives linking empirical findings with the applied theoretical frameworks, enabling a systematic understanding of the relationship between data and legal concepts.

Data interpretation employed a hermeneutic approach, which focuses on interpreting the meanings underlying observed legal practices. This approach was chosen to conceptualize law not merely as textual regulation but as practice embedded with social meaning and normative values. Through this interpretive framework, empirical findings were analyzed in relation to legal pluralism theory, Islamic family law theory, and modern civil law theory, generating a holistic analysis. Conclusions were drawn inductively based on patterns emerging from the research data. Conclusions were not formulated hastily but developed through repeated verification between empirical findings and theoretical perspectives. The researcher ensured that all conclusions were supported by consistent and relevant empirical evidence, while also accounting for research limitations and the socio-legal context in which the study was conducted.

To ensure data credibility, the study applied source and method triangulation. Source triangulation was conducted by comparing information obtained from different informants, while methodological triangulation combined interview data with document analysis. These techniques were employed to minimize research bias and enhance confidence in the study's findings. Through this methodological framework, the study is expected to provide an accurate and in-depth representation of legal harmonization practices between Islamic family law and national civil law in the resolution of marital disputes (Alkhateeb & Mohamed, 2024). The empirical juridical approach adopted allows the research to address its research questions comprehensively and to offer relevant recommendations for the development of judicial policy and practice in Indonesia.

RESULTS AND DISCUSSION

The findings of this study indicate that legal dualism between Islamic family law and national civil law constitutes a primary factor influencing the resolution of marital disputes in Indonesia. This dualism is not merely normative in nature but is also reflected in judicial practice through divergent approaches, evidentiary standards, and dispute resolution orientations. Empirical findings confirm that such misalignment has the potential to generate legal uncertainty for litigants, particularly in marital cases involving both religious and civil dimensions. From the perspective of legal pluralism theory, this condition illustrates the concurrent operation of multiple legal systems within the same social space without fully established coordination mechanisms.

The implementation of legal pluralism is evident in how judges and legal practitioners acknowledge the existence and legitimacy of both legal systems. However, this recognition has not been accompanied by sufficient procedural and substantive harmonization. In several cases, judicial actors tend to prioritize the legal system that forms the institutional basis of their respective courts, resulting in non-uniform dispute resolution outcomes (Idary et al., 2024). These findings suggest that although legal pluralism is factually accepted, it remains functionally under-integrated, thus requiring more systematic coordination to achieve justice and legal certainty.

The study further reveals that the application of Islamic family law in marital dispute resolution demonstrates relative normative consistency, particularly concerning the principles of *Ahwal al-Shakhshiyyah*. Judges in religious courts generally prioritize substantive justice and family welfare as central considerations in adjudicating cases. This finding aligns with Islamic family law theory, which positions the protection of family integrity and the well-being of the parties as primary objectives of the law. Nevertheless, in practice, the application of these principles often encounters challenges arising from the formal requirements of national civil law, especially in relation to evidentiary standards and procedural administration .

With regard to modern civil law theory, the findings indicate that the national judicial system is structured around a legal certainty paradigm that emphasizes procedural rules, formal requirements, and rigid standards of proof as the foundation of dispute resolution. This approach reflects the characteristics of the Continental European legal tradition, which conceptualizes law as a rational instrument for regulating social relations in a systematic and predictable manner. In marital dispute cases, this paradigm manifests through standardized procedural rules, strict evidentiary requirements, and adherence to written norms, thereby providing procedural clarity and enhancing consistency in judicial processes.

However, the findings also demonstrate that an overly formalistic application of modern civil law does not always correspond to the social and religious complexities inherent in marital disputes. Such disputes do not merely concern juridical civil relationships between two individuals but also involve deeply embedded moral, religious, and social values. In practice, strict evidentiary requirements often disadvantage certain parties particularly women or those in socially vulnerable positions who may struggle to prove their claims formally despite the presence of substantive injustice.

As a result, the application of modern civil law in family disputes frequently generates tension with the substantive justice principles underlying Islamic family law. Whereas Islamic family law prioritizes justice, public interest (*maṣlahah*), and balance between rights and obligations, civil law formalism may restrict judicial discretion to consider broader social contexts. When procedural standards are applied rigidly without sensitivity to these values, judicial decisions may be procedurally valid yet socially perceived as unjust.

The findings suggest that such tension between civil law formalism and Islamic family law's substantive justice orientation is unavoidable in a plural legal system such as Indonesia's. Nevertheless, this tension should not be understood as inherently antagonistic but rather as an integrative challenge that necessitates harmonization. Harmonization enables the strengths of modern civil law in ensuring legal certainty to be combined with the sensitivity of Islamic family law toward substantive justice. Through this approach, law functions not merely as a regulatory instrument but also as a means of social transformation responsive to societal needs.

Within this framework, the study demonstrates that harmonization can be achieved through procedural adaptation and contextual judicial interpretation. Judges with interdisciplinary awareness tend to be better equipped to balance formal civil law requirements with the substantive values of Islamic family law. These practices indicate that modern civil law is not inherently rigid but may be applied progressively without undermining legal certainty. This finding reinforces the argument that legal harmonization is not solely the responsibility of legislators but is also an evolving practice at the judicial level.

In relation to the identified research gap, the findings clearly reveal that the absence of integrated guidelines on evidentiary standards between religious courts and general courts constitutes a fundamental problem in marital dispute resolution. This absence leads to divergent interpretations of evidence and burdens of proof, ultimately producing inconsistent decisions in cases with similar characteristics. Empirical data indicate that litigants frequently experience confusion and legal uncertainty due to differing standards applied depending on the judicial forum.

From the perspective of legal pluralism, this condition reflects weak coordination mechanisms among coexisting legal systems. While legal pluralism theoretically recognizes the coexistence of multiple legal systems within a single social arena, it also emphasizes the necessity of governance mechanisms to prevent legal fragmentation. The findings suggest that legal pluralism in marital dispute resolution in Indonesia remains largely coexistential rather than integrative, as evidenced by the limited instruments available to bridge procedural and evidentiary differences between judicial institutions.

Within the framework of Islamic family law, such inconsistency has serious implications for substantive justice. Islamic family law places strong emphasis on the protection of vulnerable parties and the preservation of family harmony as core objectives. When judicial outcomes vary due to inconsistent evidentiary standards, public trust in judicial institutions is at risk of erosion (Busriyanti et al., 2025). The findings indicate that some justice seekers perceive court decisions as prioritizing procedural formalism over the substantive justice they expect, thereby undermining confidence in the legal system.

From the perspective of modern civil law, this gap indicates that the regulatory function of law in ensuring certainty and predictability has not yet been optimally fulfilled. Legal certainty constitutes a core value of modern civil law, and inconsistencies in judicial decisions directly contradict this objective. The findings indicate that without integrated evidentiary standards, the judicial system risks losing its function as a guarantor of legal certainty. This condition affects not only individual litigants but also the overall stability and credibility of the legal system.

The findings further reveal that this gap has received limited attention in prior academic studies, which have generally emphasized normative analyses of legislation. Accordingly, this research fills the identified research gap by presenting empirical evidence on how divergent evidentiary standards influence judicial practice and the experiences of justice seekers (Fahimah et al., 2024). The reinforcement of an empirical perspective makes an important contribution to both the theoretical and practical development of legal harmonization.

The study demonstrates that harmonization efforts through the formulation of integrated guidelines have the potential to serve as a strategic solution to bridge these gaps. Such guidelines are not intended to standardize all legal aspects but rather to create procedural convergence that enables the integration of legal certainty and substantive justice (Sefiyani et al., 2025). Within this framework, modern civil law may retain its strengths in structure and predictability, while Islamic family law continues to serve as a reference point for contextual assessments of justice.

Accordingly, the elaboration of these findings confirms that the harmonization of Islamic family law and national civil law constitutes an urgent necessity in the resolution of marital disputes. The tension between formalistic and substantive approaches cannot be resolved by privileging one system exclusively, but rather through integrative mechanisms that allow both to complement one another. The findings suggest that without harmonization, plural legal systems risk producing legal uncertainty and injustice; conversely, with effective harmonization, legal pluralism may become a strength in addressing the complexity of marital disputes in contemporary society.

The study reveals that harmonization can be achieved through implementative efforts at the level of judicial practice, particularly by aligning evidentiary standards and strengthening the role of mediation. These implementations reflect contemporary developments in the three theoretical frameworks employed. Within the framework of legal pluralism, harmonization is understood as a negotiated process among coexisting legal systems. From the perspective of Islamic family law, the strengthening of mediation aligns with the principle of *iṣlāḥ* as a means of peaceful dispute resolution. Meanwhile, within modern civil law, mediation is a procedurally recognized alternative dispute resolution mechanism aimed at minimizing protracted conflict.

With regard to the research questions, the findings confirm that legal dualism significantly affects the resolution of marital disputes at both procedural and substantive levels. Empirical evidence demonstrates that legal harmonization has not yet been fully institutionalized but has begun to emerge through adaptive judicial practices. Judges play a pivotal role in bridging normative differences through progressive interpretation. This finding reinforces the relevance of legal pluralism theory, which emphasizes the role of legal actors in managing diversity among coexisting legal systems.

The findings also indicate that greater uniformity in evidentiary standards constitutes a crucial factor in supporting legal harmonization. Such standardization does not always originate from formal regulation but instead evolves through institutional practices and the exchange of best practices among

courts. From the perspective of Islamic family law, aligned evidentiary standards help safeguard substantive justice. Within modern civil law, uniform standards strengthen legal certainty and consistency in judicial decisions.

The research objective of analyzing harmonization practices between Islamic family law and national civil law is fulfilled by the finding that harmonization is not a static condition but an ongoing process. Its implementation is reflected in the increased use of mediation and growing judicial awareness of the importance of legal value integration. These findings demonstrate that the research objectives are achieved not only descriptively but also normatively, offering insight into the future direction of family law reform in Indonesia.

Furthermore, the findings provide a strong empirical foundation for formulating legal policy recommendations. Evidence regarding the effectiveness of mediation and the importance of integrated guidelines supports recommendations for establishing coordination instruments between religious courts and general courts. These recommendations align with developments in legal pluralism theory, which emphasizes the need for regulatory frameworks to manage legal diversity.

From a theoretical perspective, the findings contribute to the development of legal pluralism scholarship by offering empirical evidence of interaction between religious law and state law. The integration of Islamic family law theory and modern civil law theory within the analysis enriches the understanding of legal harmonization as a multidimensional phenomenon. The findings demonstrate that these theoretical frameworks do not operate in isolation but complement one another in explaining the dynamics of marital dispute resolution.

The academic contribution of this study is reflected in its advancement of family law and judicial studies literature. The empirical findings provide valuable reference material for future researchers examining similar issues or developing comparative approaches. The integration of theoretical frameworks and empirical evidence also presents an analytical model that may be replicated within other plural legal system contexts.

The practical contribution of the study is evident in its implications for judicial officials and legal practitioners. Findings concerning the importance of uniform evidentiary standards and the strengthening of mediation serve as a basis for improving the quality of judicial services. From the perspective of Islamic family law, these practices support the realization of substantive justice, while within modern civil law they reinforce legal certainty and procedural efficiency.

Overall, the findings affirm that the harmonization of Islamic family law and national civil law in the resolution of marital disputes is not only feasible but has already begun to materialize in judicial practice. Through the implementation of legal pluralism values, the flexibility of Islamic family law, and the rationality of modern civil law, harmonization may be continuously enhanced. This finding further strengthens the novelty of the study by demonstrating that legal harmonization does not necessarily require major regulatory reform but may be developed through reflective and adaptive judicial practices.

The discussion is grounded in the core issue identified at the outset of the study, namely legal dualism between Islamic family law and national civil law in marital dispute resolution. Drawing on the research findings, this dualism is shown to operate not only at the normative level but also in judicial practice through variations in approaches, evidentiary standards, and dispute resolution orientations. These findings strengthen the argument that legal disharmony arises not solely from normative differences but also from divergent implementation practices. In judicial practice, legal actors tend to apply the legal system corresponding to their institutional environment, thereby generating potential inconsistency in marital dispute resolution outcomes.

Previous findings indicate that judges and legal practitioners are generally aware of the importance of legal harmonization; however, such efforts remain partial and highly dependent on individual interpretation. This discussion emphasizes that this condition reflects the suboptimal functioning of institutional mechanisms in managing legal pluralism. Accordingly, the core research problem does not lie merely in the coexistence of two legal systems but rather in the absence of an integrative framework capable of systematically aligning them in the practical resolution of marital disputes.

With respect to the identified research gap, this discussion connects the empirical findings of the present study with prior research that has largely focused on normative legal analysis. The study demonstrates that the principal gap lies in the limited number of studies integrating legal pluralism

theory, Islamic family law theory, and modern civil law theory with empirical judicial practice (Laadam & Hasnaoui, 2025). The findings confirm that although a normative framework exists, its implementation remains constrained by divergent evidentiary standards and the lack of integrated guidelines. This gap explains why judicial decisions in similar cases may vary, thereby generating legal uncertainty for society.

The discussion further shows that this long-identified research gap in family law and civil law studies begins to be addressed through empirical findings on the role of mediation and the alignment of evidentiary standards as core instruments of legal harmonization. The findings reveal that mediation has evolved into a dialogical space facilitating value convergence between Islamic family law and national civil law. Mediation is no longer viewed merely as a formal procedural requirement prior to litigation, but as a substantive mechanism capable of accommodating party interests and the legal values underlying marital disputes. Nonetheless, the effectiveness of mediation remains highly dependent on mediator capacity, institutional support, and party awareness, resulting in uneven implementation across judicial settings.

By linking these findings, the discussion asserts that the identified research gap is not only academic but also practical, with direct implications for the quality of marital dispute resolution. This gap is reflected in the limited availability of operational instruments capable of bridging the differing orientations of Islamic family law, which prioritizes substantive justice, and national civil law, which emphasizes procedural certainty. Consequently, proposed solutions cannot remain purely conceptual but must be realistically implementable within judicial practice. The study demonstrates that optimizing mediation and aligning evidentiary standards constitute practical solutions with significant potential to address this gap.

The research question concerning the extent to which harmonization between Islamic family law and national civil law has been realized in marital dispute resolution is addressed through empirical findings indicating a gradual increase in harmonization. However, the discussion underscores that this improvement is neither uniform across cases nor consistent among courts. Variations in harmonization practices are strongly influenced by internal court policies, judicial competence, and the prevailing legal culture within each institution. In this sense, harmonization cannot be imposed through a single uniform model but must evolve in accordance with institutional and social contexts.

These findings reinforce the understanding of legal harmonization as a dynamic process occurring within the interaction of norms, institutions, and legal actors. The discussion highlights that the success of harmonization largely depends on judges and mediators as key actors who possess both authority and discretion to integrate legal values. Judges with heightened sensitivity to legal pluralism tend to be more capable of balancing civil law formalism with the substantive justice principles of Islamic family law. Conversely, judicial actors oriented solely toward procedural formalism are more likely to produce decisions that are legally valid yet insufficiently attentive to contextual justice (Alkhateeb & Mohamed, 2024).

The discussion further connects the research questions to the finding that the alignment of evidentiary standards constitutes a critical factor in enhancing the consistency of judicial decisions. Empirical findings indicate that differing interpretations of evidence and burdens of proof frequently serve as the primary sources of inconsistency in marital dispute resolution. Although not yet explicitly regulated through formal legislation, efforts to align evidentiary standards have begun to emerge through institutional practices, internal judicial deliberations, and the exchange of best practices among courts. This phenomenon illustrates that practical innovation can arise in response to needs for legal certainty and justice even in the absence of formal regulatory reform.

This discussion affirms that responses to the research problem do not rely solely on normative reform but also on the judiciary's capacity to adapt through evolving practices. This perspective highlights law as a social institution capable of learning and responding to societal dynamics (Maimanah et al., 2024). In the context of harmonizing Islamic family law and national civil law, such adaptability is crucial for maintaining public trust in the judicial system.

The primary objective of the research to analyze and construct an understanding of legal harmonization between Islamic family law and national civil law is addressed by findings demonstrating increasing judicial awareness of the importance of legal value integration. The discussion indicates that the research objectives have been met through the identification of implementative and contextual harmonization patterns. These patterns are reflected in the strengthened role of mediation,

the adoption of more flexible legal interpretation, and procedural alignment efforts that preserve the normative characteristics of each legal system.

The discussion further emphasizes that the achievement of the research objectives is not merely descriptive but also normative. The findings offer direction for judicial practice reform by underscoring the importance of integrative approaches to marital dispute resolution. Accordingly, the study not only documents existing conditions but also proposes a conceptual and practical framework for strengthening legal harmonization in the future.

Another research objective formulating legal policy recommendations is addressed by drawing on empirical findings highlighting the importance of integrated guidelines between religious courts and general courts. The discussion demonstrates that the proposed policy recommendations are empirically grounded and closely aligned with judicial practice needs. Integrated guidelines are regarded as essential instruments for bridging legal system differences and reducing jurisdictional conflicts, thereby promoting more consistent and just marital dispute resolution outcomes.

CONCLUSION

Based on the findings and discussion, this study concludes that legal dualism between Islamic family law and national civil law constitutes an inherent reality within the Indonesian legal system in the resolution of marital disputes. This dualism manifests not only in normative differences but also in judicial practice through variations in procedural and substantive approaches. The findings demonstrate that such misalignment carries the risk of legal uncertainty, particularly when marital disputes simultaneously involve religious and civil dimensions. Nonetheless, the study also identifies emerging harmonization efforts that have gradually developed within judicial practice.

The principal conclusion of this study is that the harmonization of Islamic family law and national civil law in marital dispute resolution is not a static condition but a dynamic process shaped by judicial awareness and the practical needs of justice seekers. The findings indicate that judges and legal practitioners have begun to adopt more integrative approaches by utilizing interpretative discretion and alternative dispute resolution mechanisms. As discussed, harmonization does not necessarily require immediate regulatory reform but may be realized through reflective and adaptive judicial practices.

Furthermore, the study concludes that differences in evidentiary standards constitute a major factor affecting the consistency of marital dispute resolution. The findings reveal that the gradual alignment of evidentiary standards, although not yet formally institutionalized, has begun to emerge in response to demands for legal certainty. The discussion reinforces this conclusion by demonstrating that more uniform evidentiary standards can serve as an effective instrument for bridging the substantive justice orientation of Islamic family law and the procedural certainty emphasized within national civil law.

Another important conclusion concerns the strengthened role of mediation in promoting legal harmonization. The results indicate that mediation functions not only as an alternative mechanism for dispute resolution but also as a dialogical space between legal systems. As discussed, mediation is consistent with Islamic family law principles emphasizing reconciliation and is procedurally recognized within modern civil law. Accordingly, mediation holds significant potential as a strategic instrument for integrating the values of both legal systems.

The study also concludes that the research gap in prior scholarship—largely characterized by a predominant focus on normative analysis—can be effectively addressed through an empirical juridical approach. The integration of normative analysis with empirical findings offers a more comprehensive understanding of legal harmonization practices. In this respect, the study contributes meaningfully to the academic discourse on legal pluralism and family law in Indonesia.

Overall, the findings confirm that increased harmonization between Islamic family law and national civil law in marital dispute resolution has begun to materialize in practice, despite persistent institutional and procedural challenges. The study concludes that further harmonization may be advanced through enhanced inter-court coordination, the formulation of integrated guidelines, and capacity-building for legal professionals. These conclusions underscore the relevance of the study in providing both empirical and conceptual foundations for the development of a marital dispute resolution system that ensures substantive justice and legal certainty in Indonesia.

Recommendations

Based on the study's conclusions, which indicate that the harmonization of Islamic family law and national civil law in marital dispute resolution has begun to develop but has not yet been systematically institutionalized, this research recommends strengthening integrative approaches in judicial policy and practice. Legal harmonization, which currently relies heavily on the individual interpretation of judicial actors, should be directed toward more structured mechanisms to ensure that legal certainty and substantive justice are more evenly experienced by justice seekers.

In line with the findings regarding divergences in evidentiary standards that contribute to inconsistent judicial decisions, this study recommends efforts to align evidentiary standards between religious courts and general courts. Such alignment is not intended to eliminate the distinctive characteristics of each legal system, but rather to establish procedural convergence that enables both systems to operate coherently. The development of flexible yet practically applicable joint guidelines may serve as a key instrument for enhancing consistency in marital dispute resolution, as emphasized in the study's conclusions.

Furthermore, the study emphasizes the importance of strengthening the role of mediation as a strategic instrument of legal harmonization. The findings demonstrate that mediation aligns closely with Islamic family law principles that prioritize reconciliation, while also being formally recognized within the national civil law system. Accordingly, mediation should be optimized not merely as a procedural stage, but as a substantive component of dispute resolution. Enhancing mediator capacity, improving the quality of facilitated dialogue, and providing adequate institutional support are expected to increase the effectiveness of mediation in bridging competing interests and normative differences.

Another recommendation concerns the need to enhance institutional coordination and communication between religious courts and general courts. The findings indicate that the absence of sustained coordination forums has resulted in fragmented and sporadic harmonization practices. Therefore, the development of judicial dialogue forums, best-practice exchanges, and inter-institutional discussions is recommended to foster shared understanding regarding the application of Islamic family law and national civil law. Such initiatives are expected to strengthen legal integration without diminishing the institutional autonomy of each judicial body.

Consistent with the study's findings on the pivotal role of legal actors in advancing harmonization, this research also recommends strengthening integrated education and training programs for judges and legal practitioners. Capacity-building initiatives are essential to equip legal professionals with a robust understanding of legal pluralism and the analytical skills required to integrate substantive justice and legal certainty. Through such efforts, judicial decisions may achieve not only procedural validity but also contextual justice responsive to societal needs.

The study further recommends the pursuit of future research that expands geographical scope and methodological approaches. Given the identified limitations concerning the generalizability of the findings, subsequent studies are expected to enrich the empirical foundation and provide broader comparative perspectives. Future research may also examine family law harmonization in cross-national contexts to draw lessons from best practices in other plural legal systems.

Overall, these recommendations underscore that enhancing the harmonization of Islamic family law and national civil law in marital dispute resolution requires synergy between legal policy, judicial practice, and human resource development. The integrated implementation of these recommendations is expected to strengthen a marital dispute resolution system that is equitable, consistent, and responsive to Indonesia's evolving social and legal dynamics.

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