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Legal Pluralism and Islamic Family Law: Negotiating Sharia, Fiqh, and State Law

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Abstract: *Legal pluralism provides an important perspective for understanding how Islamic family law operates when religious norms, juristic interpretations, state regulations, and social practices coexist. This study examines how Sharia, fiqh, state law, customary norms, and social practices interact in shaping contemporary Islamic family-law authority. Using a qualitative library research design, the study analyzed relevant scholarly literature, legal documents, and academic sources through thematic analysis and conceptual synthesis. The analysis focused on the normative role of Sharia, the interpretive function of fiqh, the institutionalization of Islamic legal norms through state law, and the interaction of formal law with customary and social practices. The findings indicate that Islamic family law develops through continuous interaction among these legal dimensions rather than through a single source of authority. Sharia provides the normative foundation, fiqh enables interpretation and contextualization, while state law institutionalizes selected legal interpretations. Customary norms and social practices further shape the implementation of family-law norms in particular contexts. The study concludes that legal pluralism should be understood as a dynamic process of legal negotiation involving interaction, adaptation, and accommodation among different sources of authority. The study contributes a conceptual framework for understanding the transformation of Islamic family law within contemporary plural legal environments.*
Keywords: *Legal Pluralis, Islamic Family Law, Sharia, Fiqh, State Law, Legal Authority.*

INTRODUCTION

Legal pluralism has become an important perspective for understanding the regulation of family relations in contemporary Muslim societies, where Islamic norms, state legislation, and customary practices may operate simultaneously. This condition creates a complex legal environment in which individuals and institutions encounter multiple sources of normative authority. Recent research on Islamic family law in Indonesia demonstrates that the interaction between state law, Islamic law, and customary law generates distinctive legal dynamics, particularly in matters such as marriage, polygamy, and inheritance (Syahroni & Sukti, 2025). The existence of multiple normative systems therefore raises a fundamental question concerning how

Islamic family law is interpreted and applied when different sources of law coexist within the same social and institutional environment.

The relationship between Sharia, fiqh, and state law is particularly important in understanding this plural legal environment. Sharia represents the normative foundation of Islamic law, while fiqh constitutes the human interpretation and juristic elaboration of Islamic legal principles. In contemporary legal systems, however, selected interpretations of fiqh may become incorporated into statutory regulations and administered through state institutions. Sezgin (2023) demonstrates that Muslim family laws have increasingly been incorporated into formal legal systems and enforced through state courts across Muslim-majority and Muslim-minority jurisdictions. This process transforms the relationship between religious legal authority and state authority because the formulation, selection, and enforcement of Islamic family-law norms become increasingly connected to legislative and judicial institutions.

Recent developments in Indonesia illustrate this interaction particularly clearly. Muslih and Almi (2025) show that the Compilation of Islamic Law (KHI) occupies a complex position within Indonesia's legal system because it reflects state engagement with Islamic law while simultaneously facing questions concerning its formal legal status and responsiveness to social change. Similarly, Angkupi et al. (2025) identify the absence of a formal legislative process and the persistence of textual approaches as important issues in discussions concerning the future codification of Indonesian Islamic family law. These developments demonstrate that state involvement does not simply eliminate Islamic legal reasoning; instead, it creates a process through which Islamic legal interpretations are selected, codified, institutionalized, and subsequently interpreted within the framework of state law.

The complexity of this relationship is also visible when Islamic family law interacts with customary law. Research on familial relationships among the Suku Anak Dalam in Jambi demonstrates that Sharia and customary law may coexist and be negotiated within everyday family relations rather than operating as completely separate legal domains (Yanti et al., 2025). A similar dynamic appears in Aceh, where recent research conceptualizes the governance of Islamic family law through interlegality, emphasizing the interaction between state law, Islamic law, and customary norms rather than treating them as isolated systems. These findings suggest that legal

pluralism in Islamic family law should be examined as a dynamic process of interaction and negotiation rather than merely as the coexistence of multiple legal systems.

The interaction between these legal sources also produces concrete tensions in contemporary family-law governance. Recent research on Islamic family-law reform in Southeast Asia shows that Indonesia, Malaysia, and Brunei have developed different institutional arrangements for negotiating Islamic legal norms and state authority. Haji Puteh and Kurniawan (2025) identify substantial differences in the relationship between Sharia institutions, civil law, and state authority across the three jurisdictions. Meanwhile, research on interfaith marriage in Indonesia demonstrates how legal pluralism becomes particularly visible when Islamic legal norms encounter state regulation and interreligious social relations (Ma'u et al., 2025). These developments indicate that the authority of Islamic family law is not determined exclusively by religious texts or classical jurisprudence but is continuously shaped through institutional and social negotiations.

Despite these developments, existing studies tend to examine particular jurisdictions, legal issues, or forms of interaction without sufficiently synthesizing how Sharia, fiqh, and state law negotiate their respective positions within Islamic family law as a plural legal field. The conceptual problem is therefore not simply the existence of multiple legal systems, but the mechanisms through which their normative claims interact, overlap, and are institutionalized. This study consequently examines Legal Pluralism and Islamic Family Law: Negotiating Sharia, Fiqh, and State Law. Through library research and thematic analysis, the study seeks to develop a conceptual understanding of Islamic family law as an evolving field in which religious norms, juristic interpretations, and state regulation continuously negotiate legal authority and shape contemporary family-law governance.

METHOD

This study employed a qualitative approach with a library research design to examine legal pluralism within contemporary Islamic family law, particularly the interaction and negotiation between Sharia, fiqh, and state law. A qualitative approach was selected because the study seeks to interpret legal concepts, scholarly arguments, and relationships among different sources of legal

authority rather than measure variables statistically. Creswell (2018) as cited in Hariani & Jabbar (2026) explains that qualitative research emphasizes the interpretation of meanings and phenomena within their relevant contexts. Accordingly, this study adopts a library-based approach to examine how Islamic legal norms, juristic interpretations, and state regulations interact in the formation and governance of Islamic family law.

The study utilized secondary data consisting of peer-reviewed journal articles, academic books, legal documents, and relevant works concerning Islamic law and family-law governance. The literature was identified primarily through Scopus, Web of Science, and Google Scholar, supplemented by relevant legal and jurisprudential sources. The search focused on terms such as "legal pluralism and Islamic family law," "Sharia and state law," "fiqh and state law," "Islamic family law reform," and "Islamic legal authority." Priority was given to publications from 2022–2026 to ensure contemporary relevance. Sources were selected purposively based on their relevance, scholarly credibility, and substantive contribution to the research objectives, while duplicate and insufficiently relevant sources were excluded.

Data collection was conducted through documentary research and structured literature review. The selected publications were examined through their titles, abstracts, keywords, and substantive contents and subsequently organized according to their legal focus, geographical context, and contribution to discussions of plural legal authority. The collected literature was analyzed using thematic analysis by identifying recurring concepts, arguments, and patterns. The initial coding focused on four analytical dimensions: Sharia as a normative source, fiqh as juristic interpretation, state law as institutional authority, and legal pluralism as the interaction of multiple normative orders. These codes were subsequently grouped into broader themes concerning coexistence, contestation, negotiation, institutionalization, and legal adaptation.

The final stage involved conceptual synthesis, in which the identified themes were compared and integrated to explain how Sharia, fiqh, and state law interact within contemporary Islamic family law (Darmawan & Al Mu'allif, 2025). The synthesis examined how Islamic legal principles are translated into state regulations, interpreted by legal institutions, and negotiated within plural social contexts. The resulting conceptualization positions Sharia, fiqh, and state law as distinct but interconnected sources of normative and institutional authority, providing a

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framework for understanding Islamic family law as a dynamic product of legal negotiation within plural legal systems.

RESULT AND DISCUSSION

1. The Complexity of Islamic Family Law in Plural Legal Systems

The literature synthesis indicates that Islamic family law in contemporary Muslim societies operates within a plural legal environment. Family norms are influenced not only by Sharia and fiqh but also by state regulations, customary law, and changing social practices. These legal sources may coexist within the same social setting while performing different functions. Legal pluralism therefore refers not simply to the presence of several legal orders, but also to the interaction between them. This interaction may produce accommodation, adaptation, or contestation in the formulation and implementation of Islamic family law (Yanti et al., 2025).

Table 1. Dimensions of Legal Pluralism in Islamic Family Law

Legal Dimension	Main Source	Primary Function	Form of Interaction
Sharia	Qur'an and Sunnah	Provides normative foundations	Establishes religious principles
Fiqh	Juristic interpretation	Develops practical legal formulations	Interprets Sharia within specific contexts
State Law	Legislation and regulations	Provides formal legal authority	Codifies and regulates family matters
Customary Law	Local traditions	Provides community-based norms	Interacts with Islamic and state law
Social Practice	Community realities	Reflects changing social conditions	Encourages legal adaptation

The dimensions presented in Table 1 demonstrate that legal pluralism in Islamic family law involves interconnected normative, interpretive, institutional, and social dimensions. Sharia provides the normative foundation, fiqh translates these principles into juristic interpretations, while state law institutionalizes selected interpretations through legislation and legal institutions. Customary law and social practices further influence how these norms are understood and applied

in particular contexts. Thus, legal pluralism is not merely the coexistence of different legal sources but an ongoing interaction among them (Hariri & Babussalam, 2024; Anggraeni, 2023).

This interaction becomes particularly evident when Islamic legal interpretations are incorporated into state regulations. The process may involve adaptation, accommodation, or contestation between religious norms, state authority, and customary practices. In this context, Islamic family law develops through continuous negotiation among Sharia, fiqh, state law, and social realities rather than through a single source of legal authority (Fajar et al., 2026; Jalili & Solihu, 2026).

2. Negotiating Sharia and Fiqh in Contemporary Islamic Family Law

Sharia and fiqh occupy different but interconnected positions in Islamic family law. Sharia provides the fundamental religious principles, whereas fiqh represents the human effort to interpret and formulate these principles into practical legal rules. This distinction creates room for diverse juristic opinions while maintaining the connection between legal interpretation and Islamic normative foundations. In contemporary family law, this relationship becomes important because changing social conditions require legal interpretations that remain responsive to new circumstances (Al Kadumi et al., 2024).

The negotiation between Sharia and fiqh can be observed in the reconstruction of Islamic family-law norms in response to contemporary social demands. Classical fiqh remains an important reference, but its formulations may be reconsidered through approaches such as maqāṣid al-sharīʿah, contextual interpretation, and gender justice. Such developments demonstrate that contemporary Islamic family law does not simply reproduce classical formulations but selectively reinterprets them to address changing family structures and social realities (Arrasyid et al., 2024; Tekin, 2025).

Taken together, the relationship between Sharia and fiqh demonstrates that Islamic family law is shaped through a continuous process of interpretation and contextualization. Sharia maintains the normative foundation, while fiqh provides the interpretive space through which these principles can be adapted to changing social and legal circumstances. The negotiation between the two therefore allows Islamic family law to preserve its religious orientation while responding to contemporary family realities.

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3. Institutionalizing Islamic Family Law through State Law

The institutionalization of Islamic family law occurs when selected Islamic legal interpretations are incorporated into formal regulations and administered through state institutions. In Indonesia, the Compilation of Islamic Law (KHI) represents an important example of this process, as it brings elements of classical fiqh into a state-supported legal framework. This process demonstrates how Islamic legal norms can move from juristic interpretation into formal legal regulation while remaining connected to their religious foundations (Al Kadumi et al., 2024).

State institutionalization, however, does not involve a simple transfer of fiqh into legislation. The formulation of Islamic family law is influenced by legal policy, judicial interpretation, and changing social demands. The development of Supreme Court regulations, for example, has contributed to the continuing reform of Islamic family law by adapting legal rules to contemporary issues and maqāṣid al-sharīʿah principles (Arrasyid et al., 2024).

Taken together, the institutionalization of Islamic family law shows that state law functions as a mediating mechanism between Islamic legal interpretation and formal legal authority. Through codification, regulation, and judicial development, selected interpretations of Islamic law acquire institutional force, while their application remains subject to social and legal change. State law therefore does not simply replace fiqh but becomes an important arena in which Islamic legal norms are selected, adapted, and transformed into contemporary family-law regulations.

4. Legal Pluralism and the Negotiation of Family-Law Authority

The interaction among Sharia, fiqh, state law, and customary norms demonstrates that Islamic family law operates through multiple sources of legal authority. These sources may provide different interpretations of the same family-law issue, particularly in marriage, inheritance, and marital property. Rather than functioning independently, they interact within particular social and institutional contexts, creating spaces for accommodation, adjustment, and negotiation (Yanti et al., 2025).

Legal negotiation becomes visible when formal legal rules encounter customary practices and social expectations. In such situations, families, religious authorities, customary leaders, and legal institutions may draw upon different normative references when resolving family-law issues. Studies of Muslim communities in Indonesia show that customary deliberation and formal judicial

mechanisms can operate alongside one another, while legal actors may reconcile statutory provisions, fiqh, and local practices according to the circumstances of each case (Umarama et al., 2026; Amri et al., 2026).

Taken together, the findings indicate that legal pluralism in Islamic family law is best understood as a dynamic process of negotiating legal authority rather than simply the coexistence of different legal systems. Sharia provides the normative foundation, fiqh offers interpretive flexibility, state law provides institutional authority, while customary norms and social practices contribute contextual legitimacy. Their interaction produces a continuously negotiated legal space in which Islamic family law is adapted to contemporary social and institutional realities.

CONCLUSION

This study concludes that Islamic family law operates within a plural legal environment in which Sharia, fiqh, state law, customary norms, and social practices interact in shaping legal authority. Sharia provides the normative foundation, fiqh enables interpretation and contextualization, while state law institutionalizes selected legal interpretations. Customary norms and social practices further influence their application within particular contexts. Legal pluralism therefore represents a dynamic process of interaction, adaptation, and negotiation rather than merely the coexistence of different legal systems.

Theoretically, this study contributes to understanding legal pluralism as a framework for examining the negotiation of authority within Islamic family law, particularly through the interconnected roles of Sharia, fiqh, state law, and social practice. Practically, this perspective can support legal scholars, policymakers, and Islamic family-law institutions in recognizing the need to consider religious principles, formal regulations, and social contexts when developing and implementing family-law policies. Such an approach may facilitate legal arrangements that remain normatively grounded while being responsive to contemporary social realities.

This study is limited by its reliance on library research and secondary literature, which restricts its ability to capture how legal negotiation occurs directly among families, religious authorities, customary actors, and state institutions. The conceptual findings should therefore be understood as an analytical framework rather than an empirical representation of particular

communities. Future research csuld examine the proposed framework through comparative or field-based studies across different regions and legal contexts to investigate how the negotiation among Sharia, fiqh, state law, and customary practices operates in actual family-law cases.

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