

The Compilation of Islamic Law as a Socio-Digital Product in the Reform of Islamic Law in Indonesia

M. Doni¹, Silfia Hanani^{2*}

¹ Universitas Islam Negeri Sjech M. Djamil Djambek Bukittinggi, Indonesia. E-mail: muhammad_doni99@yahoo.co.id

² Universitas Islam Negeri Sjech M. Djamil Djambek Bukittinggi, Indonesia. E-mail: Silfiahnanani@uinbukittinggi.ac.id

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Abstract: This study aims to analyze the Compilation of Islamic Law (KHI) as a digital social product reflecting the transformation of Islamic law in Indonesia amidst an increasingly digitized and complex society. It examines how information technology influences the understanding, interpretation, and application of Islamic legal norms contained in the KHI. This study employs a qualitative method with a field research approach, examining the process of drafting the KHI by considering social and digital factors, including public participation and the development of legal discourse. Field research was conducted to explore the implementation of KHI within Indonesia's religious court system, focusing on the utilization of digital technology to enhance access, transparency, and efficiency in the enforcement of Islamic law. The findings indicate that KHI functions not only as a formal legal document but also as a dynamic social construction that adapts to the needs of contemporary society and technological developments. However, challenges related to the relevance, flexibility, and formal legal status of KHI within the national legal framework still need to be addressed. The study concludes that reformulating KHI as a digital social product is crucial to responding to the modern legal challenges faced by the Indonesian Muslim community, emphasizing the need for adaptive and inclusive regulations. This contribution plays a strategic role for policymakers and legal practitioners to strengthen the role of KHI in building a responsive, participatory, and contextual Islamic legal system in the digital era.

Keywords: KHI, Socio-Digital, Islamic Law, Digital Era

1. Introduction

Islamic law in Indonesia has undergone significant development, heavily influenced by the social, political, and digital cultural dynamics of a rapidly evolving Muslim society. One of the most concrete manifestations of Islamic legal codification in Indonesia is the Compilation of Islamic Law (KHI), established through Presidential Instruction No. 1 of 1991,¹ which serves as the primary legal reference for resolving cases in religious courts, particularly in matters of marriage, inheritance, and endowments. KHI is not merely a legal document but a social product born out of a complex compromise between Islamic legal norms derived from the Qur'an and Hadith, the real needs of society, and state policies that aim to accommodate Islamic law within a broader, modern national legal framework. The formation of KHI reflects how Islamic law in Indonesia adapts to various social pressures and demands, including the shifting public mindset that is increasingly open to digital technologies which influence how people understand and access Islamic law. Therefore, examining KHI as a social product is crucial in providing a more comprehensive view of how Islamic legal mechanisms operate in a dynamic social context and how technological developments are reshaping society's interaction with the law—especially in today's

¹ Binarsa Binarsa and Khoiruddin Nasution, "Penerapan Kompilasi Hukum Islam Pasal 53 Tentang Kawin Hamil Dan Tajdid Al-Nikah Di Kecamatan Mlati Dalam Tinjauan Maqasid Syariah," *Millah* 20, no. 2 (February 28, 2021): 327–54, <https://doi.org/10.20885/millah.vol20.iss2.art6>.

digital era, which demands flexibility and innovation in the application of Islamic law across different layers of society.²

Although the Compilation of Islamic Law has served as the main reference in religious courts for decades, its position and relevance within Indonesia's national legal system remain subjects of ongoing academic inquiry and public debate.³ KHI faces the challenge of maintaining its relevance amid rapid social and technological changes, especially with the emergence of various digital phenomena that are transforming how people engage with legal systems and religious values. This includes the use of social media, digital legal applications, and the growing popularity of online legal consultation platforms. These developments require a deeper understanding of KHI's role as a socio-digital product—not only as a set of formal legal norms but also as part of a broader social transformation, where Islamic law in Indonesia must be capable of responding to the increasingly complex and diverse needs of society. Hence, research that places KHI within a socio-digital perspective is essential to explore how Islamic law can be effectively developed and reformed—while preserving its core religious principles—and simultaneously adapt to the demands of an era increasingly shaped by digital revolution and shifting cultural patterns among Indonesian Muslims.

This study aims to analyze the Compilation of Islamic Law (KHI) as a digital social product that reflects the transformation process of Islamic law in Indonesia within the context of an increasingly digitized and complex society, where information technology plays a crucial role in shaping how the public understands, interprets, and implements Islamic legal norms.⁴ KHI is not merely viewed as a static formal legal document but as the outcome of a social construction arising from the dynamic interaction between religious norms derived from the Qur'an and Hadith, state policies that strive to accommodate societal diversity, and the ever-changing social realities in line with the times. This study will delve deeply into the process of formulating KHI, taking into account various social and digital factors influencing its development, including how advances in information technology have expanded public participation, fostered more inclusive and open legal discourses, and led to interpretations of Islamic law that are increasingly responsive and dynamic in addressing the needs of modern society. The research will also examine the implementation of KHI within the religious court system, exploring how the judicial system leverages digital technology to enhance access, transparency,⁵ and efficiency in enforcing Islamic law, as well as how digitalization impacts legal practices and societal understanding of the norms contained in KHI amidst an increasingly heterogeneous and complex social reality. Against the backdrop of rapid and diverse social changes in the digital era, this study will evaluate the relevance, flexibility, and adaptive capacity of KHI as a digital social product capable of addressing challenges in Islamic law in Indonesia, while providing contextual solutions aligned with the needs of Muslim communities within the broad and dynamic digital space.⁶

This research is expected to provide a comprehensive and up-to-date overview of the role of the Compilation of Islamic Law as a digital social product within Indonesia's national legal system, clarifying KHI's contribution to developing Islamic law that is responsive, inclusive, and adaptive to the rapidly evolving times marked by advances in digital technology and swift socio-cultural changes. Consequently, the findings will not only hold academic significance as a contemporary Islamic legal study integrating social and digital aspects but also offer strategic guidance for policymakers, decision-makers, and legal practitioners in formulating relevant, adaptive regulations capable of meeting the needs of modern

² Claerwen O'Hara, "Consensus, Difference and Sexuality: Que(e)rying the European Court of Human Rights' Concept of European Consensus," *Law and Critique* 32, no. 1 (April 18, 2021): 91–114, <https://doi.org/10.1007/s10978-020-09270-y>.

³ Nurunnisa Nurunnisa et al., "Implications of Annulment of Marriage on the Distribution of Joint Assets According to the Compilation of Islamic Law and National Law," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 1 (July 4, 2023): 1–23, <https://doi.org/10.18592/sjhp.v23i1.9523>.

⁴ Naskur Bilalu et al., "Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (October 3, 2022): 514, <https://doi.org/10.22373/sjkh.v6i2.12441>.

⁵ Wahidah Ideham, "Substitute Heirs in the Compilation of Islamic Law: An Overview from Gender Equality Perspective Case Study of the Religious Courts in Banjarmasin," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (December 31, 2022): 1046, <https://doi.org/10.22373/sjkh.v6i2.12466>.

⁶ Nur Solikin and Moh. Wasik, "The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's Maqashid Al-Shari'a," *Ulumuna* 27, no. 1 (June 30, 2023): 315–40, <https://doi.org/10.20414/ujis.v27i1.708>.

society. The study will also open new insights into how Islamic legal products like KHI can function as instruments of legal reform that are relevant and effective in the digital era, where demands for flexible, participatory, and contextual law continue to strengthen alongside ongoing socio-economic and technological transformations. Thus, this study is expected to make a valuable contribution to the development of modern and contextual Islamic law in Indonesia, while simultaneously reinforcing the position of KHI within the national legal system that is undergoing transformation to face the challenges of the digital age.

2. Method

This research is a field study conducted to obtain empirical data on the dynamics of the implementation of the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) within the contemporary social and digital context of Indonesian society. The population of this research includes various actors directly or indirectly involved in the application of KHI, such as judges in the religious courts, Islamic legal practitioners such as sharia advocates, academics specializing in Islamic family law, community leaders who serve as references in resolving Islamic legal issues at the grassroots level, and members of the general public who have interacted with the legal system based on KHI—whether as justice seekers or as active observers of legal dynamics within their social environment. To obtain highly relevant and in-depth data, the researcher employed purposive sampling, selecting informants based on specific criteria aligned with the objectives of the study. The selected informants are individuals with substantial knowledge, experience, and involvement in the formulation, application, or critical study of KHI, both from theoretical academic perspectives and practical legal contexts. This approach is intended to ensure that the information gathered is not only descriptive but also reflective and critical of the developments and challenges faced by KHI as an Islamic legal instrument in an increasingly digitalized era.

The data collection techniques used in this study consist of in-depth interviews, field observations, and document analysis. Interviews were conducted using a semi-structured approach, allowing the researcher to maintain control over the discussion topics while still giving informants the freedom to elaborate on their experiences and personal perspectives. Informants included active religious court judges handling KHI-based cases, sharia advocates involved in litigation within religious courts, Islamic law scholars and researchers from various universities, as well as members of the public who had been involved in Islamic civil cases. Observations were carried out at several religious courts that have adopted digital systems such as e-Court and the Case Tracking Information System (SIPP), to directly observe how digitalization impacts the application of KHI in legal practices. Document analysis involved reviewing various written sources such as the official KHI text, supporting legal instruments, archived court decisions, and scholarly literature on Islamic law and the KHI in particular. The research was conducted across several regions in Indonesia selected for their geographical representation, cultural diversity, and variation in digital technology adoption, over a period of approximately six months including preparation, data collection, analysis, and report writing phases. To ensure the validity and reliability of the data, triangulation was applied—both in terms of sources and methods—and member checking was conducted to verify the researcher's interpretation of interview data directly with the key informants. With this comprehensive approach, the research aims to provide a holistic picture of KHI's role as a form of Islamic law that is not only normative but also responsive to the ongoing social and technological transformations in Indonesia.

3. Result and Discussion

3.1. The Compilation of Islamic Law as a Socio-Digital Construct within the Framework of Islamic Jurisprudence

The Compilation of Islamic Law, as a legal product established through Presidential Instruction No. 1 of 1991, holds a unique and strategic position within the Indonesian legal system, particularly in the domain of religious courts. As a codification of Islamic law, the KHI functions not only as a normative guideline but also as a means of harmonizing Islamic teachings with the social dynamics of Indonesia's

multicultural society.⁷ Although it does not possess binding legal force in the same way as statutory laws—since it is not part of the formal hierarchy of laws and regulations as outlined in Law No. 12 of 2011 on the Formation of Laws and Regulations—the KHI is extensively used in the practice of religious courts as a primary legal reference in resolving cases related to Islamic family law. This reflects its functional legal authority derived from practical recognition and the real needs of society. According to Achmad Ali, the KHI represents the state's response to the legal needs of the Muslim community seeking clarity and certainty in the application of Islamic law, while remaining within the framework of a pluralistic state governed by Pancasila. As such, the existence of the KHI underscores the state's role in facilitating the implementation of Islamic law without neglecting the principles of nationalism and social justice. The KHI is also a concrete manifestation of a progressive legal approach that views law as a social instrument capable of adapting to its temporal context, rather than as a rigid and ahistorical normative text.⁸

Furthermore, the KHI plays a strategic role as a bridge between the normative values of Islam and the inclusive and pluralistic principles of national law. Its formulation involved various elements—ranging from religious scholars and legal academics to judicial practitioners—reflecting a collective *ijtihad* approach aimed at accommodating the diversity of thought and the needs of Indonesia's heterogeneous Muslim population. In practice, the KHI provides a systematic legal framework for judges in resolving cases involving marriage, divorce, reconciliation, child custody, inheritance, and endowments—matters that often lack a single definitive reference in classical *fiqh* literature. Nevertheless, the KHI has not been free from academic and social critique, particularly regarding its relevance and responsiveness to ongoing social change. For instance, in the chapter on inheritance, the KHI continues to apply classical principles that, in certain contexts, are viewed as insufficiently responsive to the realities of the modern Muslim family,⁹ such as the status of adopted children, women as primary heirs, or transnational inheritance cases.¹⁰ These critiques have led to growing calls for the revision and formal strengthening of the KHI, so that it may be recognized not only functionally but also with formal legitimacy as part of the national legal system. Therefore, updating the KHI is not merely a matter of textual amendment but also an effort to build a more effective bridge between Islamic values, societal needs, and the evolving and just principles of national law.

The Compilation of Islamic Law, as a social product, represents a compromise between the normative principles of Islamic law and the complex realities of Indonesian society. KHI does not adopt Islamic legal principles in a purely classical form; instead, it undergoes a process of adaptation that takes into account various social, cultural, and political factors. The legal concepts embedded within KHI reflect the diverse characteristics of the Indonesian Muslim community, where different schools of thought and Islamic traditions are brought together within a unified legal codification tailored to local needs. From a sociological perspective, the existence of KHI aligns with the theory of responsive law, which posits that legal systems must be flexible and capable of adjusting to social dynamics. In the Indonesian context, KHI emerges as a reconstruction of Islamic law that is more accommodating and context-sensitive. This flexibility is evident in several of its provisions, such as the rules of inheritance that consider gender justice and the concept of *wali hakim* (court-appointed guardian) in marriage, which does not exist in classical *fiqh* but is practiced in Indonesian religious courts to address practical and administrative issues in marriage contracts. These examples illustrate how KHI integrates Islamic values with local societal contexts, thereby enhancing its relevance and applicability.

In addition to reflecting a responsive legal framework, KHI embodies the theory of integrative law, which

⁷ Azni Azni et al., "The Timing Analysis of Inheritance Distributions in the Compilation of Islamic Law," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 2 (December 31, 2023): 258–73, <https://doi.org/10.30631/alrisalah.v23i2.1431>.

⁸ Shofiatul Jannah and Dwi Hidayatul Firdaus, "Reformulation of the Concept of Iddah in The Compilation of Islamic Law Perspective of Negotiative Hermeneutics," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (December 31, 2023): 286–300, <https://doi.org/10.18860/j-fsh.v15i2.21065>.

⁹ Nur Saniah, Nawir Yuslem, and Hasan Matsum, "Analysis of Maqāshid Sharī'a on Substitute Heir in Compilation of Islamic Law (KHI)," *Al-Adalah* 20, no. 1 (June 22, 2023): 35, <https://doi.org/10.24042/adalah.v20i1.16062>.

¹⁰ Jannah and Firdaus, "Reformulation of the Concept of Iddah in The Compilation of Islamic Law Perspective of Negotiative Hermeneutics."

seeks to establish coherence between religious norms and state law within a unified legal system. The existence of KHI demonstrates how Islamic law can be accommodated within the national legal structure without losing its essential values rooted in the *sharia*. Through this integrative approach, KHI functions not only as a judicial guide for religious courts but also as a legal instrument that harmonizes Islamic legal doctrines with national legal standards. This proves that Islamic law, when approached contextually and with a spirit of *ijtihad*, can evolve and coexist alongside modern legal principles and human rights norms upheld within Indonesia's legal framework. KHI, therefore, serves as a model for legal pluralism, showing that religious and state laws do not have to exist in opposition, but rather can reinforce one another in constructing a legal system that is both culturally rooted and constitutionally legitimate. Nonetheless, its role as a social product means that KHI must continually adapt to shifting social realities and evolving societal values. Some of its provisions, formulated decades ago, are increasingly seen as outdated in the face of contemporary legal and ethical concerns, such as gender equality, child protection, and citizens' rights in a democratic society.

The challenges surrounding KHI's implementation highlight the tension between tradition and reform in Islamic legal discourse. Rapid social transformation, legal reform, and evolving public awareness regarding issues such as gender justice and children's rights have spurred criticism that certain provisions in KHI are no longer adequate. One pressing example is the debate over the minimum age of marriage, where KHI's standard remains lower than the revised Marriage Law of Indonesia, creating legal and ethical discrepancies. This discrepancy has raised concerns among human rights activists, legal scholars, and policymakers who argue that KHI must be revised to align with modern standards of protection and justice. In response to these challenges, numerous Islamic legal experts and academics have called for a comprehensive revision of KHI, advocating for a more dynamic and inclusive framework that remains faithful to the core tenets of Islamic law while embracing contemporary values and societal needs. These proposed revisions are not merely legal technicalities but represent a broader movement to ensure that Islamic law, as interpreted in Indonesia, continues to be a living, evolving system—deeply rooted in religious tradition yet attuned to the aspirations of modern society. As such, the KHI stands at the intersection of sacred law and social transformation, embodying the possibility of legal frameworks that are both faithful to religious doctrine and responsive to the call for justice in a changing world.

3.2. The Application of the Compilation of Islamic Law within Indonesia's Religious Court System

The religious court institution plays a highly strategic and vital role in the implementation of the Compilation of Islamic Law in Indonesia, particularly in handling various cases related to Islamic family law. This role is not merely administrative or judicial but also reflects the institutionalization of Islamic law within the framework of national law.¹¹ In practice, religious courts have adopted the KHI as the primary legal reference in various rulings, especially in matters such as divorce, inheritance distribution, child custody disputes, and other issues concerning Muslim family life. KHI serves as a normative guideline for judges, providing legal certainty and uniformity in judicial decisions, thereby reducing disparities in verdicts and strengthening the legitimacy of Islamic law within Indonesia's plural legal system. The existence of KHI in the religious court system also creates a space for harmonizing Islamic values with the national legal system based on Pancasila and the 1945 Constitution. Thus, religious courts do not merely fulfill a judicial function but also act as key agents in the process of transforming and adapting Islamic law to align with social dynamics and the modern principles of justice upheld by the Indonesian legal framework.¹²

The central role of religious courts in the implementation of KHI does not come without challenges—both

¹¹ Ah. Kholish Hayatuddin Desti Widiyani, "Socio-Juridical Analysis on Polygamy Requirements in the Compilation of Islamic Law (KHI)," *Al-Adalah* 19, no. 1 (June 20, 2022): 195–222, <https://doi.org/10.24042/adalah.v19i1.10266>.

¹² Neng Eri Sofiana and Muhammad Ismail Sunni, "The Application of Article 53 of KHI (Islamic Law Compilation) Regarding Pregnant Marriage in Lottery Marriage," *Jurnal Ilmiah Al-Syir'ah* 19, no. 1 (June 30, 2021): 122, <https://doi.org/10.30984/jis.v19i1.1453>.

structural and cultural—that hinder the comprehensive enforcement of Islamic law. One of the primary obstacles is the low level of public understanding and awareness regarding the existence, substance, and normative function of the Compilation of Islamic Law within the national legal system. In many regions, Muslim communities still tend to refer to classical fiqh norms or local customary law when resolving family matters, resulting in discrepancies between the informal legal practices observed in society and the formal rulings issued by religious courts based on KHI. This tension between state law and societal norms often leads to resistance against court decisions and, in some instances, fosters dissatisfaction and mistrust toward the judicial system itself. To address this issue, systematic efforts are needed in the form of widespread legal education and outreach to the public, as well as continuous training for judges to interpret and apply KHI in a more contextual and socially responsive manner. In doing so, religious courts will be better positioned to serve as institutions that bridge the values of Islamic law with the legal needs of contemporary society.

To enhance the effectiveness of the implementation of the Compilation of Islamic Law, it is essential to strengthen the capacity of religious court judges, particularly in understanding the social and sociological dimensions of Islamic law. Islamic law is not merely a set of normative religious rules but also a product of dynamic social interactions that must be interpreted contextually according to the needs of society. Therefore, judges must possess not only doctrinal knowledge of fiqh but also the sensitivity to recognize the socio-cultural backgrounds of the parties involved in disputes. Comprehensive training programs, workshops, and continuous legal education should be provided to religious court judges to deepen their ability to interpret KHI not only based on textual understanding but also in accordance with the principles of justice and social welfare. In addition, the dissemination and socialization of KHI to the broader public must be significantly improved. Many communities still lack awareness of the content and authority of KHI within Indonesia's national legal framework, which often leads to legal uncertainty and resistance to religious court decisions. By promoting greater public understanding of the KHI, its application can be more effective in everyday life, helping to ensure that Islamic law serves as a unifying and accessible source of justice for all Muslim citizens in Indonesia.¹³

Beyond judicial capacity building, optimizing the role of religious courts in the implementation of KHI can also be achieved through the digitalization of legal services.¹⁴ The adoption of technology in religious court processes—such as the use of e-court systems, online case submissions, and virtual hearings—has the potential to expand access to justice,¹⁵ reduce procedural delays, and improve the overall efficiency of legal dispute resolution,¹⁶ particularly in Islamic family law cases. In the view of legal scholar Peter Mahmud, the modernization of religious courts through technological innovation is crucial for enhancing transparency, accountability, and responsiveness in handling cases that refer to the KHI. However, the integration of technology must be supported by a comprehensive legal and regulatory framework that ensures data security, procedural fairness, and equal access for all parties, especially those in remote or underserved areas.¹⁷ Such reforms will require collaboration between judicial institutions, the government,¹⁸ and civil society to develop policies and infrastructure that accommodate digital transformation while preserving the core values and procedural integrity of religious courts. In the digital

¹³ Khairil Anwar Al Jufri, Mohd Soberi Awang, and Mualimin Mochammad Sahid, "Maqasid Syariah Menurut Imam Al-Ghazali Dan Aplikasinya Dalam Penyusunan Undang-Undang Islam Di Indonesia," *Malaysian Journal of Syariah and Law* 9, no. 2 (December 31, 2021): 75–87, <https://doi.org/10.33102/mjssl.vol9no2.315>.

¹⁴ Birgit Hollaus, "Austrian Constitutional Court: Considering Climate Change as a Public Interest Is Arbitrary – Refusal of Third Runway Permit Annulled," *ICL Journal* 11, no. 3 (October 26, 2017): 467–77, <https://doi.org/10.1515/icl-2017-0070>.

¹⁵ Azhar Alam et al., "Identifying Problems and Solutions of the E-Court System of Religious Courts in Indonesia: An Analytic Network Process Study," *UUM Journal of Legal Studies* 15, no. 2 (July 30, 2024): 645–74, <https://doi.org/10.32890/uujls2024.15.2.10>.

¹⁶ Fajar Sugianto and Slamet Suhartono, "The Existence of President Instruction of The Republic of Indonesia Number 1 The Year 1991 on The Wide Spread of Compilation of Islamic Law in Indonesian Legal System," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 13, no. 2 (December 31, 2018): 291–309, <https://doi.org/10.19105/al-ihkam.v13i2.1727>.

¹⁷ Erna Wati and Tiara Rettina, "Inheritance Rights of Stepchildren in the Perspective of Compilation of Islamic Law," *MILRev: Metro Islamic Law Review* 1, no. 2 (December 27, 2022): 188, <https://doi.org/10.32332/milrev.v1i2.6208>.

¹⁸ Lúgia Mori Madeira and Leonardo Geliski, "An Analytical Model of the Institutional Design of Specialized Anti-Corruption Courts in the Global South: Brazil and Indonesia in Comparative Perspective*," *Dados* 64, no. 3 (2021), <https://doi.org/10.1590/dados.2021.64.3.240>.

era, the successful implementation of KHI increasingly depends on the extent to which religious courts can adapt to technological change without compromising their role as institutions of justice grounded in Islamic legal tradition.¹⁹

In addition to strengthening the internal capacity of religious courts, the harmonization between religious judicial institutions and other legal bodies must be significantly reinforced to ensure the effective implementation of the Compilation of Islamic Law within Indonesia's national legal system. In practice, religious courts are frequently required to collaborate with various institutions such as the District Court and civil registration offices, especially in legal matters involving marriage, divorce, and child custody, where administrative and legal jurisdictions often intersect. This inter-institutional coordination is vital to prevent overlapping authorities and legal confusion, which can hinder the enforcement of court decisions and undermine legal certainty for the parties involved. As Azmata emphasizes, the synergy between religious courts and other legal institutions not only facilitates a more coherent legal process but also ensures that the rulings based on KHI are recognized and executed effectively in all areas of law enforcement and public administration. Thus, the advancement of religious courts' roles in implementing KHI should not be viewed in isolation as an internal institutional matter, but rather as part of a broader systemic effort that involves improving communication, cooperation, and regulatory alignment among multiple stakeholders in the national legal framework. Such a comprehensive approach is indispensable for ensuring that Islamic family law, as codified in the KHI, operates harmoniously alongside other components of Indonesia's plural legal system and remains responsive to the evolving needs of society in both substance and implementation.

3.3. Reformulating the Compilation of Islamic Law in the Context of Islamic Law in the Digital Era

Along with societal changes and growing awareness of gender equality, some provisions in the Compilation of Islamic Law (KHI) are increasingly seen as outdated and no longer aligned with the needs of contemporary society.²⁰ For example, in matters of inheritance and the role of women within the household, KHI still heavily refers to classical fiqh provisions that are considered *ta'bidy* or absolute, without taking into account the socio-economic realities of modern women who contribute significantly in both public and domestic spheres. In this context, reformulation becomes essential to strengthen the principles of justice and equality in Islamic law, including the accommodation of more progressive and contextual fiqh perspectives.²¹ Women's rights in marriage—such as the role of head of the household, entitlement to financial support,²² and protections during divorce—need to be revisited in light of *maqashid al-shariah* principles, particularly the protection of life, dignity, and property. Furthermore, the role of women in inheritance can also be reconsidered by acknowledging today's social realities that demand more equitable legal treatment, without compromising the core principles of Islamic law. By undertaking reforms based on *ijtihad jama'i* (collective legal reasoning) and sociological analysis, KHI can become more responsive to the increasingly complex and diverse needs of Indonesia's Muslim society.²³ Currently, the Compilation of Islamic Law functions merely as "soft law"—a legal product that lacks formal binding power equivalent to statutory law, even though it is widely used as the main reference in religious courts for resolving Islamic family law cases. This status has caused various practical issues, including

¹⁹ Ita Musarrofa, Husnul Muttaqin, and Ridha Amaliyah, "The Problems of Islamic Family Law in the Digital Era and Its Relevance to Renewal of the Compilation of Islamic Law," *Jurnal Hukum Islam* 22, no. 1 (June 3, 2024): 89–124, https://doi.org/10.28918/jhi_v22i1_4.

²⁰ Musda Asmara, "Concept of Wali Mujbir in Marriage (Legal Criticism of Counter Legal Draft Compilation of Islamic Law)," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 8, no. 2 (April 1, 2024): 237, <https://doi.org/10.29300/mzn.v8i2.2798>.

²¹ Qonita Qothrunnada, Asy Syifak Qolbi Maghfur, and Lina Kushidayati, "For Justice! The Double Burden of Women in Indonesia from the Perspective of The Compilation of Islamic Law," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 9, no. 1 (November 11, 2024): 61–74, <https://doi.org/10.22515/alakhkam.v9i1.9680>.

²² Valentina Milano, "The European Court of Human Rights' Case Law on Human Trafficking in Light of L.E. v Greece: A Disturbing Setback?," *Human Rights Law Review* 17, no. 4 (December 1, 2017): 701–27, <https://doi.org/10.1093/hrlr/ngx031>.

²³ Mohamad Sar'an et al., "Implementation of Harmonious Family in the Concept of Proportionality of Obligations and Rights of Husband and Wife Relations: A Perspective on the Compilation of Islamic Law," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 2 (December 31, 2024): 695, <https://doi.org/10.22373/ujhk.v7i2.24662>.

inconsistencies in application and the weak legal standing of KHI within the national legal framework, especially when its provisions conflict with other formal regulations. Such ambiguity affects legal certainty and the legitimacy of religious courts in handling sensitive issues such as marriage, divorce, and inheritance. Therefore, the reformulation of KHI must focus not only on its substantive content but also on the legislative process to elevate its status into a constitutionally recognized legal product—such as a law or a government regulation in lieu of law. Strengthening KHI in this way would provide greater legal certainty for judges, legal practitioners, and the public in applying Islamic law in Indonesia. Moreover, having stronger legal formality would enable more effective harmonization between KHI and other statutory laws—such as the Marriage Law,²⁴ the Child Protection Law, and financial regulations related to Islamic economics—thereby contributing to a more integrative, modern, and just national legal system.²⁵ The advancement of digital technology in the modern era requires legal systems, including the Compilation of Islamic Law, to adapt to new, technology-based forms of legal administration and practices. Currently, many provisions in KHI do not explicitly address the use of digital media in the implementation of marriage, divorce, and other family law documentation. However, digital-based administration—such as e-court systems, online marriage registration, and the digitization of family law documents—has become an urgent necessity for improving efficiency, transparency, and access to legal services. Without clear regulations in KHI regarding the legality of digital documents, electronic authentication, and online legal mechanisms, the implementation of Islamic law risks falling behind the dynamics of digital society. Additionally, technology can provide solutions to improve access to justice for people in remote areas who struggle to reach religious courts in person. Therefore, the reformulation of KHI must include new provisions that accommodate advances in legal technology, including standards for digital security, the validity of electronic documents, and procedures for online court hearings—all of which must remain in line with Sharia principles. Such reforms would not only improve the effectiveness of religious courts but also make Islamic law more adaptive, modern, and relevant to contemporary developments, proving that Islam can synergize with technological progress without losing its moral and spiritual essence.

In Indonesia's multicultural and pluralistic context, the implementation of the Compilation of Islamic Law (KHI) continues to face significant challenges, especially in regions with strong, deeply rooted customary legal systems. Many Muslim communities in Indonesia blend Islamic teachings with local traditions in the practice of family law, such as the matrilineal inheritance system in Minangkabau or traditional marriage customs in several regions of Eastern Indonesia. These practices often do not align entirely with the normative provisions of the KHI, thereby creating legal dilemmas for religious court judges who strive to issue rulings that are both fair and contextually appropriate. In such cases, the reformulation of KHI must consider a more inclusive approach to cultural diversity by accommodating local values that do not fundamentally contradict Sharia principles. This approach does not mean compromising Islamic teachings but rather building synergy between Islamic law and local wisdom to create a legal system that is socially acceptable and legitimate at the grassroots level. Through harmonization between KHI and customary law, the national legal system can better bridge the diverse practices of Muslim communities without undermining the authority of Islamic legal norms that have been codified. Furthermore, acknowledging local legal diversity can enhance the public's sense of justice, as the laws in practice would reflect the values that are alive and evolving within each community.²⁶

In an era of globalization and increasing cross-border mobility, the reformulation of the Compilation of Islamic Law (KHI) must also take into account transnational contexts in both its formulation and

²⁴ Amirul Bakhri and Imam Taufiq, "Legal Determination of Husband's and Wife's Disobedience in Shia Law and the Islamic Law Compilation: A Comparative Study," *Jurnal Hukum Islam* 21, no. 2 (December 24, 2023): 389–414, https://doi.org/10.28918/jhi_v21i2_07.

²⁵ Jeremy B. Bierbach, "The Reality Test of Residence Goes through the Looking Glass," *European Constitutional Law Review* 13, no. 2 (June 26, 2017): 383–99, <https://doi.org/10.1017/S1574019617000104>.

²⁶ Suqiyah Musafa'ah, Hammis Syafaq, and Nur Lailatul Musyafa'ah, "Hazairin's Interpretation of Inheritance Verses in the Qur'an and Its Influence on the Compilation of Islamic Law," *JOURNAL OF INDONESIAN ISLAM* 17, no. 1 (June 1, 2023): 147, <https://doi.org/10.15642/JIIS.2023.17.1.147-168>.

application. Numerous Islamic family law cases today involve international elements, such as interfaith or cross-national marriages, divorces across jurisdictions, and inheritance disputes involving assets and heirs in different countries. In practice, KHI often encounters limitations when faced with principles of international civil law, particularly due to the absence of detailed and explicit provisions regarding the legal status of mixed-nationality marriages or jurisdictional conflicts in cross-border inheritance cases. Therefore, the reformulation of KHI must be carefully designed to respond to global legal dynamics without neglecting the foundational principles of Sharia. Integration with international law can be achieved through normative alignment,²⁷ harmonization of universal justice principles, and the development of collaborative mechanisms with foreign legal systems to ensure the protection of the rights of spouses and children in cross-national families. In this context, KHI should not only serve as a national legal guideline but also as a legal instrument capable of addressing Islamic family law challenges on an international scale. Such efforts would not only reinforce KHI's standing as a modern and contextual Islamic legal code but also demonstrate Islam's legal flexibility to respond to contemporary changes without losing its normative identity and universal values.²⁸

To ensure that the reformulation of the Compilation of Islamic Law (KHI) genuinely addresses contemporary challenges, the approach used must be collective, inclusive, and grounded in the core principles of Islamic law. One of the key recommended methods is *ijtihad jama'i*—a collective *ijtihad* involving scholars from various schools of thought, Islamic law academics, legal practitioners, and community leaders. This approach not only enriches the legal perspectives used in reforming KHI but also prevents the dominance of a single *fiqh* interpretation that may not fully represent the diversity of Indonesian Muslims. Additionally, the principle of *maqashid al-shariah*—which includes the protection of religion, life, intellect, lineage, and property—must serve as the foundational basis for drafting new legal provisions. With a focus on Sharia's ultimate objectives, the reformulation of KHI can be more contextual, humanistic, and justice-oriented. For example, in addressing the issue of child marriage dispensation, a *maqashid*-based approach would support the creation of regulations that safeguard children's future in terms of education,²⁹ mental health, and economic well-being.³⁰ Consequently, KHI should no longer be seen merely as a compilation of classical *fiqh* opinions, but as a living legal product that continues to evolve to ensure the well-being of the Muslim community. This approach also opens the door for innovative Islamic legal development in Indonesia and demonstrates that Islamic law is capable of adapting to the growing social, economic, and technological complexities of the modern era.

4. Conclusion

This research offers a detailed and nuanced understanding of the Compilation of Islamic Law (KHI) as a dynamic social product that reflects the ongoing transformation of Islamic law within Indonesia's increasingly digital and complex society. The findings illustrate that KHI transcends its role as a mere formal legal text, emerging instead as a living document shaped by the intricate interplay between traditional Islamic legal sources and contemporary social realities influenced by technological advancements. The study highlights how digital technology has become integral in reshaping the religious court system, enhancing access, transparency, and efficiency in the application of Islamic law. This evolution underscores the critical necessity for KHI's reformulation to accommodate the demands of modern society—demands characterized by diversity, rapid social change, and the need for inclusivity—while maintaining the core principles and values of Islamic jurisprudence. Furthermore, the integration of

²⁷ Ahmad Izzuddin et al., "From Exclusivism to Openness: Deconstructing the Role of Deaf Individuals as Marriage Witnesses in the Compilation of Islamic Law," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 17, no. 2 (December 30, 2024): 287–307, <https://doi.org/10.14421/ahwal.2024.17208>.

²⁸ Junaidi Junaidi and Mila Surahmi, "Issue of Grant Property Withdrawal in Article 712 of Sharia Economic Law Compilation and Article 212 of Islamic Law Compilation," *Nurani: Jurnal Kajian Syariah Dan Masyarakat* 21, no. 1 (June 9, 2021): 25–30, <https://doi.org/10.19109/nurani.v21i1.7977>.

²⁹ Zulfikri Zulfikri and Fauziah Lubis, "Analysis of the Mourning Period (Ihdad) in The Compilation of Islamic Law Based on Sheikh Arsyad Al-Banjari's View," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 10, no. 1 (April 11, 2024): 39, <https://doi.org/10.29300/mzn.v10i1.2942>.

³⁰ Madeira and Geliski, "An Analytical Model of the Institutional Design of Specialized Anti-Corruption Courts in the Global South: Brazil and Indonesia in Comparative Perspective*."

a digital sociological perspective enriches the theoretical framework surrounding Islamic legal studies, offering fresh insights into how law can adapt to new modes of communication, public participation, and knowledge dissemination in the digital age. These insights are invaluable not only for academics but also for policymakers and practitioners aiming to ensure that Islamic law remains relevant, accessible, and effective amid Indonesia's ongoing legal and technological transformations.

While the research makes significant contributions to both the theoretical and practical understanding of KHI in the digital era, it also acknowledges inherent limitations such as the relatively focused scope of fieldwork and the continuously evolving nature of digital technologies that may alter the landscape further. These limitations highlight that the reformulation of KHI should be viewed as a continual and adaptive process, necessitating ongoing research, dialogue, and responsiveness to emerging challenges and opportunities. The implications of this study suggest that future research should broaden its scope to incorporate more diverse stakeholder perspectives, especially from marginalized communities, and further examine how digitalization impacts not only legal practices but also broader social and cultural dimensions of Islamic law. For policymakers and legal practitioners, this study provides critical guidance on developing regulatory frameworks that are legally robust, culturally sensitive, and technologically astute. Ultimately, fostering such an environment will promote a more just, participatory, and contextually relevant Islamic legal system that can meet the complexities of the digital age and better serve the evolving needs of Indonesia's Muslim population.

Declarations

Author Contribution Statement

M. Doni was responsible for designing the research concept and theoretical framework, conducting field data collection, and critically analyzing the findings. He also took the lead in drafting the initial manuscript. Silfia Hanani contributed to the literature review, refinement of the research methodology, and made substantial revisions to the content and structure of the writing. Both authors collaboratively discussed the conclusions and ensured the scholarly integrity of the entire research process.

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Data Availability Statement

The authors declare that there are no known competing financial interests or personal relationships that could have appeared to influence the conduct or findings of this research.

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The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper. Alternatively, The authors declare the following financial interests/personal relationships, which may be considered as potential competing interests.

Additional Information

Correspondence and requests for materials should be addressed to silfiahnanani@uinbukittinggi.ac.id

ORCID

M. Doni  <https://orcid.org/0009-0005-0269-1356>

Silfia Hanani  <https://orcid.org/0000-0001-9428-8081>

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