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The Relationship Between Religious Law and State Law: Analytical Study of Receptio and Electicism Theories

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Abstract: This research delves into the intricate relationship between religious law and state law by examining them through the theoretical frameworks of reception and eclectic theory. Reception theory posits that religious law can exert an influence on state law through processes of adaptation and incorporation, whereby elements of religious law are absorbed and integrated into the legal framework of the state. In contrast, eclectic theory advocates for a consistent and harmonious interaction between the two legal systems, suggesting that they can coexist and complement each other without conflict. The study delves into both historical contexts and contemporary examples to demonstrate how these theories are reflected in various legal frameworks around the world. By providing a comparative analysis, it highlights the diverse ways in which religious and state laws intersect and influence one another across different cultures and legal traditions. The study also addresses significant challenges, such as the conflicts that arise when religious principles clash with state laws, and the efforts made to reconcile these differences in pursuit of legal harmony and social justice. It offers valuable insights into the ongoing evolution of legal theory and practice, emphasizing the importance of accommodating the diverse needs of society while striving for a balance between respecting religious traditions and upholding the rule of law. The findings presented aim to inform future directions in legal scholarship and practice, fostering a deeper understanding of the potential for synergy and conflict between these two fundamental pillars of legal systems.

Keywords: Eclecticism Theory; Receptio Theory; Religious Law; State Law

1. Introduction

The application of Islamic law in Indonesia coincided with the arrival of Islam in the archipelago around the 7th or 8th century AD.[1] For Muslims, the implementation of Islamic law is a fundamental aspect of their faith, as it embodies their submission to Allah SWT. Islamic law, being theocratic, derives all its rules and principles directly from divine revelation. Thus, adhering to Islamic law in all facets of life is not just a religious obligation but also an act of devotion, encompassing rules that govern both personal conduct and interpersonal relationships. The primary purpose of implementing Islamic law is to achieve the welfare and prosperity of humanity, ensuring justice and

[1] Ali Murtadho Emzaed, Ibnu Elmi As Pelu, and Shakhzod Tokhirov, 'Islamic Law Legislation in Indonesia: Anomalies of the Relationship between Political Configuration and Zakat Legal Product during the Reform Era', *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 1 (29 May 2023): 97–112, https://doi.org/10.24090/mnh.v17i1.7815.

harmony in both worldly life and the hereafter.[2] This integration of religious principles into daily living serves to create a balanced and morally guided society, aligning individual and collective actions with spiritual and ethical values. Consequently, the influence of Islamic law in Indonesia has been profound, shaping social norms, legal practices, and cultural traditions, and continues to play a pivotal role in the lives of Muslims across the nation.[3]

Along with the widespread spread of Islam in Indonesia and the emergence of Islamic kingdoms in various regions. So the customary laws that have existed and become part of Indonesian society before the arrival of Islam one by one began to be shifted and replaced with Islamic legal norms. Especially laws that are contrary to the principles of Islamic teachings such as laws or rules that contain elements of TBC (Superstition, Bid`ah and Churafat). So that little by little, the old traditions that were derived from Hinduism or Buddhism began to erode and gradually faded away. On the other hand, the colonisation of Indonesia by the West, especially the Dutch, led to the stagnation and even decadence of Islamic law that had taken root in the community. The Dutch wanted to replace the legal system that had grown and fused with Indonesian society with a system of Islamic law. The colonisers wanted Indonesia to be completely under their control, including in the legal system.[4]

The colonisers wanted Indonesia to be completely under their control, including the legal system. The assumption was that if Indonesian Muslims were allowed to use the Islamic legal system, this would make it more difficult for the Dutch Colonials to control Indonesia. The colonisers' attempt to change the legal system that had been ingrained in the Islamic community in Indonesia meant disturbing the peace of life of the Islamic community in Indonesia. Therefore, one by one, the Islamic kingdoms in Indonesia fought back to expel the invaders until the Indonesian people finally achieved their independence.[5] Realising that the resistance was so great, the Dutch did not immediately replace the legal system but they made changes systematically and organised. After Indonesia's independence, national figures sought to create their own legal system that symbolised Indonesia's legal sovereignty that characterised the Indonesian people as Muslims. Various sessions were held to find the ideal legal system that could be applied to all Indonesian people in realising justice. However, it turned out that the hegemony of Dutch law as part of the colonial legacy had gripped the roots of the legal system of Indonesian society. So that when Indonesia became independent, the Dutch legal system still dominated the national legal system even though the majority of Indonesian people were Muslims.[6]

The purpose of this research is to comprehensively understand how the relationship between religious law and state law has evolved from the period of colonization to the present day. The author will conduct an in-depth analysis grounded in the theories that have developed over time. This historical examination will map the interactions, influences, and adaptations between these two legal systems across various epochs and regions. Beginning with the colonial era, the study will analyze how colonial powers introduced state law frameworks while interacting with indigenous religious legal systems, exploring dynamics of adaptation, resistance, and integration. It will then trace the evolution through post-colonial times, highlighting how newly independent states navigated the interplay between inherited colonial legal structures and indigenous religious

[2] Bambang Soesatyo, Kadir Johnson Rajagukguk, and Heri Wahyudi, 'Building Legal Foundation for a Prosperous Indonesia: Insights from MPR-RI Four Pillars', *Yustisia Jurnal Hukum* 12, no. 3 (12 December 2023): 240, https://doi.org/10.20961/yustisia.v12i3.71520.

[3] Teacher Shahin Siham AbdulRazaq, 'Reform and Modernization in the Ottoman Empire', *ALUSTATH JOURNAL FOR HUMAN AND SOCIAL SCIENCES* 226, no. 2 (1 September 2018): 115–40, https://doi.org/10.36473/ujhss.v226i2.81.

[4] Abdullah M. Al-Ansi et al., 'The Islamic Organizations in Indonesia "Muhammadiyah and NU": Social Perspective Explanation', *Dirasat: Human and Social Sciences* 50, no. 5 (30 September 2023): 550–64, https://doi.org/10.35516/hum.v50i5.1124.

[5] Ali Murtadho Emzaed, Kamsi Kamsi, and Ali Akhbar Abaib Mas Rabbani Lubis, 'THE A Politics of Recognition: The Legislation of Zakat Law in a Transition of New Order and Reform Era', *Ulumuna* 24, no. 2 (31 December 2020): 320–47, https://doi.org/10.20414/ujis.v24i2.404.

[6] Emzaed, Pelu, and Tokhirov, 'Islamic Law Legislation in Indonesia'.

laws, using case studies to illustrate diverse approaches and outcomes. By incorporating reception and eclectic theories, the research will elucidate mechanisms of legal borrowing and harmonious coexistence. Contemporary examples will demonstrate how the relationship continues to evolve in response to modern challenges such as globalization, human rights, and social justice. Ultimately, this research aims to provide a nuanced understanding of the complex dynamics between religious and state law from colonization to the present, offering insights into legal pluralism and future directions for legal theory and practice in diverse societies.

2. Method

This study adopts a qualitative research approach to conduct an analytical investigation into the relationship between religious law and state law, focusing specifically on the theories of reception and eclecticism. Qualitative methods are chosen for their capacity to delve deeply into complex social phenomena and interpret historical and contemporary data related to legal systems. The theoretical framework of the research is grounded in reception theory, which posits that religious legal principles can influence state law through adaptation and incorporation, and eclecticism theory, which advocates for a harmonious interaction between religious and state legal systems, emphasizing integration and mutual reinforcement. Data collection for this study will involve a thorough literature review encompassing scholarly articles, books, legal documents, and historical sources. This comprehensive review aims to establish a foundational understanding of how the relationship between religious and state law has evolved globally, and how reception and eclecticism theories have been applied and interpreted in different contexts.

In addition to the literature review, the research will incorporate case studies from various regions and historical periods. These case studies will serve to illustrate and analyze specific instances where reception and eclecticism theories have shaped the interaction between religious and state legal systems, providing empirical evidence of their impact and outcomes. Data analysis will employ thematic analysis techniques to identify recurring themes and patterns within the literature and case studies. Comparative analysis will also be utilized to contrast different geographical and historical contexts, examining variations in the application and interpretation of reception and eclecticism theories across diverse legal systems. Ethical considerations will be paramount throughout the research process, ensuring respect for intellectual property rights, confidentiality of sources, and cultural sensitivities in the interpretation and presentation of religious and legal texts.This research aims to contribute valuable insights into the complex dynamics between religious law and state law, offering theoretical advancements and practical implications for legal theory and practice in pluralistic societies.

3. Analysis or Discussion

3.1. Receptio In Complexu Theory

The Receptio In Complexu theory is a theory enacted by the VOC through the Regerings Reglemen (RR) in 1885. One of the Dutch jurists who recognised the existence and applicability of Islamic law was Solomon Keyzer (1823-1868). He argued that in Java (Indonesia) Islamic law applies, so that the law cannot be separated from the life of the community. The next figure who strengthened the Receptio Complexu theory was Lodewijk Willem Christian Van Den Berg in 1845-1927. He stated that for Muslims, Islamic law fully applies, because they have embraced Islam and are subject to its teachings, although in its implementation there are still deviations. Van Den Berg's efforts in defending Islamic law among the Muslim community were actually based on the principle of law following the religion adopted by a person.[7] Therefore, he concluded that the Indonesian people had accepted and applied Islamic law in a widespread manner in the practice of their lives, so that

[7] Lisa Nielson, 'GENDER AND THE POLITICS OF MUSIC IN THE EARLY ISLAMIC COURTS', *Early Music History* 31 (2012): 235–61, https://doi.org/10.1017/S0261127912000010.

this is what is called the Receptio In independence theory of Islamic law being a persuasive source of law (Persuasive Source) and Islamic law as an authoritative source.[8]

In the formation of national laws that apply in Indonesia, there are several theories that can explain how these laws are formed. So for more details about these theories, here is the explanation: Van Den Berg's efforts in maintaining Islamic law among the Muslim community are actually based on the principle of law following the religion adopted by a person. Therefore, he concluded that the Indonesian people have accepted and applied Islamic law in their life practices, so this is what is called the Receptio In Complexu theory. However, even so, the application of Islamic law in Indonesia experiences differences in each region. Because Indonesia is an archipelago and has religious entities. So that this greatly affects the application of Islamic law in Indonesia.[9] Before the Dutch came to Indonesia, there were already various religious courts that regulated and applied Islamic law in the community. These religious courts were established and mandated by the kingdom or sultanate in order to assist in the resolution of problems related to Islamic law. Among them are marriage law and inheritance law. Because marriage law and inheritance law are laws that live and are attached to the daily lives of Muslim communities. So that its existence is very necessary and very helpful in resolving disputes that grow in this realm.[10]

During the Dutch colonial period, despite their increasing dominance over the archipelago, Islamic legal practices such as marriage and inheritance laws continued to be acknowledged and enforced. The Dutch authorities compiled various legal collections, including the Resulitie Der Indersche Regeering issued on May 25, 1760, which recognized and codified Islamic laws. They referred to Islamic judicial manuals like the Compedium Freijher to guide officials in resolving legal issues among the indigenous Muslim population. This period, roughly spanning from 1602 to 1800, saw Islamic law firmly established and respected within the legal framework administered by Dutch colonial authorities. Furthermore, in regions such as Bone and Goa in South Sulawesi, qadhis in religious courts were permitted to consult authoritative Islamic texts like al-Muharrar and Clootwijk, underscoring the institutional recognition of Islamic jurisprudence by the Dutch.[11]

However, with the consolidation of Dutch control over Indonesia by the early 19th century, there was a systematic effort to curtail the influence of Islamic law and suppress the autonomy of religious courts. This shift aimed to diminish the societal impact of Islamic legal institutions, aligning with broader Dutch policies of Christianization across the archipelago. The Dutch perceived that a Christianized population would be more conducive to maintaining colonial control, ensuring loyalty to their administration and safeguarding Dutch interests in the region. Thus, the diminishing support for Islamic legal structures under Dutch rule marked a significant transition towards a legal framework that favored colonial governance and religious policies aligned with European norms.

3.2. Impact of the Receptie Theory on Indonesian Legal and Colonial History

Receptie theory was pioneered by Christian Snouck Hurgronje and Cornelis van Volenhoven in 1857-1936. Snouck Hurgronje was an advisor to the Dutch East Indies government on matters of Islam and the country's children. He was appointed as a colonial advisor in 1898. Snouck Hurgronje studied and learnt about Islamic law in Makkah, Saudi Arabia, before he came to Indonesia. He obtained information about Islamic law in Indonesia in Makkah through discussions with

[8] Kathryn Robinson, 'Islamic Influences on Indonesian Feminism', *Social Analysis* 50, no. 1 (1 January 2006), https://doi.org/10.3167/015597706780886012.

[9] Tabinda Mahfooz Khan, 'Challenges with Studying Islamist Groups in American Political Science', *American Journal of Islam and Society* 39, no. 3–4 (16 February 2023): 112–41, https://doi.org/10.35632/ajis.v39i3-4.3085.

[10] Khudzaifah Dimyati et al., 'Indonesia as a Legal Welfare State: A Prophetic-Transcendental Basis', *Heliyon* 7, no. 8 (August 2021): e07865, https://doi.org/10.1016/j.heliyon.2021.e07865.

[11] Yohana Oktaviani Lavan, 'IMPLEMENTATION OF ISLAMIC VALUES IN INDONESIAN POLITICAL DYNAMICS', *Intelegensia : Jurnal Pendidikan Islam* 9, no. 1 (14 June 2021): 53–66, https://doi.org/10.34001/intelegensia.v9i1.2042.

Indonesians living in Makkah.[12] According to Hazairin, Snouck Hurgronje did not stay too long in Makkah because it was discovered that he was not a Muslim, and eventually he was expelled from the holy land of Makkah. The Receptie theory states that the applicable law for Muslims is their respective customary law. Islamic law can apply if it has been recognised or accepted by customary law. So it is customary law that determines whether or not Islamic law exists.

This theory was used as a tool by Snouck Hurgronje so that the indigenous people would not strongly hold the teachings of Islam and Islamic law. If they adhere to Islamic teachings and laws, it is feared that they will find it difficult to accept and be easily influenced by Western culture. In his assumption that Muslims become strong and cannot be controlled by the Dutch Colonial government when they are obedient in carrying out their religious teachings. Therefore, he wanted to make Islam only a symbol and not a norm in life. It also proved that the Dutch endeavoured to dig its fingernails into Indonesian territory. This theory is contrary to the Reception In Complexu theory. According to the Receptie theory, Islamic law does not automatically apply to Muslims. Islamic law applies to Muslims if it has been accepted or recognised by their customary law. Therefore, it is customary law that determines whether or not Islamic law applies.[13]

Snouck Hurgronje's recommendations for implementing his theory in the Dutch East Indies encompassed a multifaceted approach aimed at managing religious, societal, and constitutional dynamics effectively. Firstly, advocating for the government to grant Muslims unrestricted religious freedom, he underscored the importance of allowing genuine and unhindered practice of Islam during religious activities. Secondly, he urged recognition and support for local customary laws and traditions, viewing them as integral to social cohesion and progress. By encouraging the government to facilitate pathways that enhance the living standards of the colonized people through these traditions, he aimed to foster stability and cooperation. Lastly, in the realm of governance, Snouck Hurgronje cautioned against activities that could potentially align with or support Pan-Islamism, a movement seen as threatening to colonial authority. His proposals sought to strike a delicate balance between religious autonomy, socio-economic development through local customs, and political stability, thereby shaping a nuanced strategy for colonial administration in the Dutch East Indies.[14]

Then the Receptie theory promoted by Snouck Hurgronje was given a legal basis in the Dutch East Indies Constitution which replaced the RR called Wet Op De Staat Snrichting Van Nederlands Indie, which was abbreviated as Indische Staat. Regeering (IS) which was promulgated in 1929. Article 134 paragraph 2 further states that "In the event of a civil case between Muslims, it shall be settled by an Islamic judge if their customary law so requires and to the extent not otherwise provided by ordinance". But in fact, the policy of the Dutch government actually wanted to undermine and hinder the implementation of Islamic law, including by not including hudud and qisas punishments in the field of criminal law,[15] Islamic teachings concerning marriage and inheritance law began to be narrowed and so on. These efforts encountered difficulties due to religious differences between the colonisers and their colonised people. By looking at the existing reality, Dutch colonial government officials began a politics of interference in religious affairs. The Governor-General was allowed to interfere in religious matters and even had to supervise every move of the ulama. Dutch

[12] Ferdi Yufriadi and Fadilla Syahriani, 'Fiqh Siyasah Examination of the Dynamics of Implementation of Presidential Regulations on Covid-19 Vaccination in Pelalawan Regency, Riau', *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum* 21, no. 2 (20 December 2023): 153–67.

[13] Suci Ramadhan, 'ISLAMIC LAW, POLITICS AND LEGISLATION: DEVELOPMENT OF ISLAMIC LAW REFORM IN POLITICAL LEGISLATION OF INDONESIA', *ADHKI: Journal of Islamic Family Law* 2, no. 1 (21 July 2020): 63–76, https://doi.org/10.37876/adhki.v2i1.35.

[14] Nadia Saidah Rahayu et al., 'Policy on Maritime Border Disputes Between Indonesia and Australia: Stephen M. Walt's Neorealism Perspective', *Journal of Islamic World and Politics* 7, no. 1 (30 June 2023): 80–93, https://doi.org/10.18196/jiwp.v7i1.8.

[15] Hasanuddin Yusuf Adan et al., 'Islam and the Foundation of the State in Indonesia: The Role of the Masyumi Party in the Constituent Assembly the Perspective of Fiqh al-Siyāsah', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (31 March 2023): 377, https://doi.org/10.22373/sjhk.v7i1.16650.

efforts to control the operationalisation of Islamic law in various ways made the position of Islamic law continue to weaken until the end of Dutch East Indies rule in Indonesian territory in 1942.

3.3. Receptio A Contrario Theory in Indonesian Legal Discourse

The Receptio A Contrario theory, introduced by Hazairin and Sayuti Thalib, stands in stark contrast to the earlier Receptie theory articulated by Snouck Hurgronje. This theory represents a significant departure from its predecessor by asserting that customary law should be subordinate to Islamic law and must align with its principles to be valid.[16] According to Hazairin and Sayuti Thalib, Islamic law, rooted in the Quran and Hadith, serves as the ultimate authority in matters such as marriage and inheritance among Muslims. They argue that any customary law that contradicts Islamic teachings cannot be legally recognized or enforced within Muslim communities. This perspective underscores a fundamental shift in legal thinking towards prioritizing Islamic jurisprudence over customary practices, reflecting a deeper integration of religious principles into the fabric of Indonesian legal norms.[17]

The Receptio A Contrario theory emphasizes the necessity of harmonizing customary law with Islamic legal standards to ensure legal coherence and moral integrity within Indonesian society. Sayuti Thalib further elaborated that while customary practices may have historical significance and cultural relevance, they must conform to Islamic ethical principles to be deemed valid under this theory. This approach not only upholds the sanctity of Islamic law as the primary legal framework for Muslims but also acknowledges the practical realities of customary practices in everyday life.[18] By rejecting customary laws that conflict with Islamic tenets and recognizing those that are in harmony with Islamic teachings, Hazairin and Sayuti Thalib sought to establish a legal system that respects religious beliefs while maintaining social cohesion. In essence, the Receptio A Contrario theory represents a pivotal moment in Indonesia's legal history, marking a transition towards a more unified and morally grounded legal framework that integrates both religious and customary laws in a coherent manner.[19]

At the Department of Justice conference in Salatiga in 1950, Haizairin said that the Islamic law applicable in Indonesia is not based on customary law, but on the basis of the Qur'an and Hadith. For the Muslim community, the law that applies and regulates all aspects of its life is Islamic law. Hazairin strongly rejected the Receptie theory, even mentioning that Snouck Hurgronje's Receptie theory was the Devil's theory.[20] This is because the Receptie theory contains the intention to erase the enactment of Islamic law for the Indonesian people, which is contrary to the faith of a Muslim to obey his religion. Therefore, the Receptie theory is very authentic to the task carried out by the Devil as the enemy of man. With the placement of the Jakarta Charter in the Presidential Decree dated 05 July 1959, the Jakarta Charter or the acceptance of Islamic law has become an authoritative-source in Indonesian constitutional law, no longer just a persuasive source. Furthermore, Prof Mahadi put forward the words "Obligations implementing Islamic law for its adherents" has two aspects, namely: First, the individual aspect, namely that every Muslim is obliged to implement Islamic law. Second, the state aspect has two aspects, namely the active

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[16] Afif Muamar, 'POLITIK HUKUM PEMBAHARUAN HUKUM KELUARGA ISLAM DI INDONESIA', *INKLUSIF (JURNAL PENGKAJIAN PENELITIAN EKONOMI DAN HUKUM ISLAM)* 2, no. 1 (1 June 2017): 1, https://doi.org/10.24235/inklusif.v2i1.1520.

[17] Supandi Supandi, 'REFORMASI: POLITIK ISLAM DI ERA REFORMASI DI INDONESIA', *Al-Ulum Jurnal Pemikiran Dan Penelitian Ke Islaman* 6, no. 2 (11 July 2019): 61–70, https://doi.org/10.31102/alulum.6.2.2019.61-70.

[18] Mark Fathi Massoud, 'Islamic Law, Colonialism, and Mecca's Shadow in the Horn of Africa', *Journal of Africana Religions* 7, no. 1 (15 January 2019): 121–30, https://doi.org/10.5325/jafrireli.7.1.0121.

[19] Trei Ilham Supawi, 'Politik Islam Di Indonesia: Ideologi Partai Masyumi Masa Orde Lama Dan Partai Kebangkitan Bangsa (PKB) Masa Reformasi', *MUKADIMAH: Jurnal Pendidikan, Sejarah, Dan Ilmu-Ilmu Sosial* 7, no. 1 (25 February 2023): 64–72, https://doi.org/10.30743/mkd.v7i1.6499.

[20] Ahmad Gazali, 'MAQASID AL-SYARIAH DAN REFORMULASI IJTIHAD SEBAGAI SUMBER HUKUM ISLAM', *Alhadharah: Jurnal Ilmu Dakwah* 18, no. 2 (7 February 2020), https://doi.org/10.18592/alhadharah.v18i2.3133.

aspect and the passive aspect. The passive aspect implies that the state or government should allow Muslims to implement Islamic sharia, as long as it can be harmonised with Pancasila, especially not disturbing security and order in religious life. While the active aspect means that it requires the state or government to be active, move and act in the form of; providing facilities, providing assistance, making the necessary regulations and others for the sake of Muslims in carrying out Islamic law.[21]

The Jakarta Charter, initially the preamble of the Draft 1945 Constitution crafted by the Indonesian Independence Preparation Efforts Investigation Board (BPUPKI), holds significant historical and constitutional relevance in Indonesia. It was affirmed in the Presidential Decree, which declares that the Jakarta Charter of June 22, 1945, breathes life into the 1945 Constitution and serves as an integral part of national unity. This affirmation was reiterated in subsequent legal documents, such as the Presidential Decree of July 5, 1959, which not only reaffirmed the Jakarta Charter in the constitution's preamble but also underscored its foundational role in the legal framework of Indonesia. The term "animates" in this context implies that the Jakarta Charter imbues the spirit of Islamic principles into the constitutional fabric, reflecting the belief that no legislation should contradict Islamic law for its followers, and conversely, it obligates Muslims to adhere to Islamic legal norms.[22]

The inclusion of the Jakarta Charter in these foundational documents signifies a commitment to integrating Islamic principles into the national legal framework, thereby acknowledging Islam's profound influence on Indonesian society and culture.[23] The term "Menjiwai" encapsulates both a negative and positive connotation: negatively, it precludes legislation that conflicts with Islamic law, ensuring legal consistency with religious beliefs; positively, it mandates adherence to Islamic law, affirming its role as a guiding moral and ethical framework for Muslims in Indonesia. Thus, the Jakarta Charter not only symbolizes the constitutional unity and integrity but also underscores the dual commitment to religious freedom and adherence to Islamic principles within the framework of Indonesian national law.

4. Eclecticism in Indonesian Legal Development

Eclecticism in the development of Indonesian law embodies a pivotal strategy that harmonizes a multitude of legal traditions into a cohesive framework. This approach involves purposefully selecting advantageous elements from a spectrum of sources, thereby playing a crucial role in navigating Indonesia's intricate legal terrain.[24] Rooted in a pragmatic synthesis of customary practices, Islamic jurisprudence, and Western legal principles, eclecticism strives to formulate laws that not only ensure efficacy but also profoundly reflect Indonesian societal norms and values. By integrating these diverse legal strands, eclecticism seeks to forge a legal system that is adaptive and responsive to the complexities of Indonesian society, fostering coherence and legitimacy in its legal framework. This approach acknowledges the historical significance of customary laws, respects the foundational principles of Islamic jurisprudence embraced by a substantial segment of Indonesia's population, and incorporates the pragmatic solutions offered by Western legal

[21] Toipah Toipah and M. Syakir Ni'amillah Fiza, 'Typology of Islamic Movements in Indonesia 18-19 Century', *Jurnal Studi Sosial Keagamaan Syekh Nurjati* 3, no. 2 (15 December 2023): 231–45, https://doi.org/10.24235/sejati.v3i2.67.

[22] Leor Halevi, 'Nationalist Spirits of Islamic Law after World War I: An Arab-Indian Battle of Fatwas over Alcohol, Purity, and Power', *Comparative Studies in Society and History* 62, no. 4 (October 2020): 895–925, https://doi.org/10.1017/S0010417520000328.

[23] Daniel F. Robinson and Nicole Graham, 'Legal Pluralisms, Justice and Spatial Conflicts: New Directions in Legal Geography', *The Geographical Journal* 184, no. 1 (March 2018): 3–7, https://doi.org/10.1111/geoj.12247.

[24] Hendrianto Stefanus, *Law and Politics of Constitutional Courts: Indonesia and the Search for Judicial Heroes*, 1st ed. (Abingdon, Oxon [UK]; New York, NY: Routledge, 2018. | Series: Islamic law in context: Routledge, 2018), https://doi.org/10.4324/9781315100043.

systems. Thus, eclecticism serves as a dynamic tool for legal development, facilitating the alignment of laws with societal realities while preserving the diverse cultural and religious identities that define Indonesia's legal landscape.[25]

Throughout Indonesian legal history, eclecticism has shaped the harmonization and adaptation of different legal traditions. Scholars like A. Qodri Azizy have advocated for the adoption of best practices from each legal system into national law, enhancing its legitimacy and acceptance among Indonesia's diverse population. This inclusive approach acknowledges the historical imprint of customary laws, the influence of Islamic jurisprudence, and the pragmatic solutions offered by Western legal principles. In practice, eclecticism fosters a cooperative relationship among legal systems rather than fostering conflict. Insights from scholars such as Syaukani, influenced by Azizy's work, highlight the complementary nature of customary law, Islamic law, and Western legal principles within Indonesia's legal framework. This perspective underscores the mutual enrichment and interdependence among these legal traditions, contributing to a more robust and adaptive legal system.[26]

Eclecticism serves as an epistemological foundation that reflects Indonesia's socio-cultural context and its democratic aspirations. By embracing diverse legal traditions through scholarly inquiry and democratic principles, Indonesia navigates its legal evolution with sensitivity to societal needs and values. Azizy's theory of eclecticism thus emerges not merely as a theoretical construct but as a practical framework for fostering legal pluralism and societal cohesion in Indonesia. Eclecticism in Indonesian legal development represents a strategic synthesis of diverse legal traditions aimed at creating a cohesive and adaptive legal framework.[27] By integrating customary practices, Islamic law, and Western legal principles, Indonesia embraces a pluralistic approach that enhances legal efficacy and societal resonance. This approach, championed by scholars and legal theorists, underscores Indonesia's commitment to navigating its legal landscape through inclusivity, cooperation, and the integration of diverse legal traditions into a unified legal system.

5. Conclusion

Conclusion from the discussion on the relationship between state law and religious law in Indonesia highlights the pivotal role of Islamic law throughout the country's historical and legal evolution. Since the inception of Islam in the archipelago, the establishment of Islamic kingdoms facilitated the development of Islamic judicial institutions, which played a crucial role in resolving community disputes under the Receptie In Complexu framework. However, during the era of Dutch colonial rule, efforts were made to undermine Islamic law's influence by subordinating it to customary law and placing Islamic courts under state jurisdiction. This strategic move aimed to weaken the autonomy of Islamic legal institutions, thereby enhancing the dominance of Dutch legal norms over the native populace. Despite these challenges, Islamic law persisted as a vital component of Indonesian societal fabric.

In the post-independence era, Hazairin's advocacy for the Receptie A Contrario theory marked a significant departure from the colonial approach. This theory asserted the primacy of Islamic law derived from the Quran and Hadith, stipulating that customary law should align with Islamic principles. This reaffirmation solidified Islamic law's foundational position within Indonesia's national legal system, emphasizing its role in shaping legal norms that resonate with the cultural and religious diversity of the Indonesian people. Concurrently, Eclecticism theory emerged as a forward-looking approach to legal development, advocating for the integration of beneficial

[25] Adi Hardiyanto Wicaksono, 'Political Law of General Elections in the Reformation Era in Indonesia', *Scientium Law Review (SLR)* 1, no. 2 (19 August 2022): 53–61, https://doi.org/10.56282/slr.v1i2.182.

[26] Ahmad Yani and Megawati Barthos, 'Transforming Islamic Law in Indonesia from a Legal Political Perspective', *Al-Ahkam* 30, no. 2 (30 October 2020): 159–78, https://doi.org/10.21580/ahkam.2020.30.2.6333.

[27] M. Bilal Nasir, 'Conjuring the Caliphate: Race, Muslim Politics, and the Tribulation of Surveillance', *Political Theology* 23, no. 6 (18 August 2022): 560–75, https://doi.org/10.1080/1462317X.2022.2078930.

elements from customary law, Islamic law, and Western legal frameworks. By embracing this integrative strategy, Indonesia aimed to forge a cohesive national legal framework that not only respects pluralism but also addresses the evolving needs of its diverse society. This ongoing evolution reflects Indonesia's commitment to fostering a fair and relevant legal system that upholds justice and harmony among its citizens while honoring its rich cultural heritage.

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