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Integration of Sharia Values into the Pancasila State Legal System: Constitutional Review of Article 29 of the 1945 Constitution and Actualization of Islamic Law Codification in Indonesia

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ABSTRACT

This study examines the dynamic interaction between Sharia values and the state legal system in Indonesia, the country with the largest Muslim population in the world based on the ideology of Pancasila. The background to this study is the tension and harmony in the process of integrating religious law into positive law, which is constitutionally accommodated by Article 29 of the 1945 Constitution. The objectives of this study are to (1) analyze Article 29 of the 1945 Constitution as the philosophical-constitutional basis for the integration of Sharia values; (2) examine the form and implications of Islamic law codification through case studies of the Compilation of Islamic Law (KHI) and the Qanun Jinayat Aceh; and (3) formulate a conceptual model that explains this unique relationship. This study uses a qualitative approach with a multiple case study design, combining normative-constitutional and legal sociology analysis. Data were collected through document studies, in-depth interviews with legal actors, and observations in three representative locations. The main findings show that the integration of Sharia values is interpreted not as an attempt to Islamize the state, but as a process of constitutionalizing the universal values of Islamic justice (maqāṣid al-sharī'ah) in line with Pancasila. Article 29 of the 1945 Constitution serves as an accommodative constitutional anchor, enabling the realization of legal pluralism through functional codification such as the KHI and the Qanun Aceh. Theoretically, this research contributes by formulating a "Symbiosis-Functional Integration Model" that enriches the discourse on religious constitutionalism and explains Indonesia's middle ground in balancing religious aspirations with the principles of a pluralistic constitutional state

INTRODUCTION

The relationship between religious law and state law in a modern nation-state is a complex and ongoing discourse (Anthony & Ziebertz, 2023) (Modood & Sealy, 2022). In various parts of the world, this dialectic manifests itself in various forms, ranging from strict secularism that strictly separates the two, to theocratic models where religious law is the sole source of state legislation (Göle, 2010) (An-Na'im, 2008). Indonesia, as the country with the largest Muslim population in the world, presents a unique model in which the interaction between Sharia values and the national legal framework takes place dynamically within the framework of the Pancasila ideology and the 1945 Constitution of the Republic of Indonesia (UUD 1945). This phenomenon is not merely theoretical discourse, but a legal and sociological reality manifested in various legal products and judicial institutional practices.

The central phenomenon that is the focus of this study is the process of integrating Sharia values into Indonesia's national legal system, which is constitutionally based on Article 29 of the 1945 Constitution. Article 29 Paragraph (1) reads, "The state is based on belief in One God," and Paragraph (2) states, "The state guarantees freedom for each citizen to embrace their respective religions and to worship according to their religion and beliefs," which serve as the constitutional anchor that allows the state to accommodate and facilitate the religious practices of its citizens, including in legal matters. The interpretation of this article shows that Indonesia is neither a purely secular state nor a religious state, but rather a "Pancasila state" that places the value of God as its main philosophical and juridical foundation (Nurdianzah et al., 2024) (Asshiddiqie, 2009). Consequently, the state has an obligation not only to guarantee freedom of religion, but also to regulate legal aspects derived from religious teachings for the benefit of its adherents (Hangabei et al., 2021).

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The significance of this research lies in the urgency to understand the model of interaction between religion and the state in the context of a pluralistic society. Amidst the rise of religion-based identity politics at the global level, the Indonesian model offers a perspective on how religious law can be peacefully and constructively integrated into the framework of a modern constitutional state. Academically, this research is relevant in filling a gap in the literature, which often discusses Islamic law and state law separately. Socially, a comprehensive understanding of the constitutional basis and practice of this integration is important to reduce tensions between groups demanding broader formalization of Sharia law and groups concerned about the erosion of pluralistic national principles. Thus, this research contributes not only to the development of legal science, but also to efforts to maintain social harmony and political stability in Indonesia.

Studies on the relationship between Islamic law and the state in Indonesia have been conducted extensively by scholars, both domestic and foreign. Previous studies can generally be classified into several clusters. First, there is a cluster of studies that

focus on the historical and political aspects of the implementation of Islamic law in Indonesia. These works review the political dynamics since the pre-independence era, the debates in the BPUPKI, to the Reformation era, which opened up greater space for the aspirations of Muslims (Boland, 1982) (Hooker, 2008). Second, the normative-juridical research cluster analyzes Sharia-based legal products, such as the KHI and the Qanun Aceh. These studies generally describe the substance of the law, its juridical basis, and its implications for the national legal system (Afriko, 2024) (Hidayat, 2022). Third, sociological and anthropological research clusters examine how Islamic law lives and is practiced in society (living law), as well as how society responds to the formalization of Islamic law (Cammack & Feener, 2012).

In the past five years, a number of relevant studies have enriched this discourse. (Wicaksono & Mahipal, 2025) examined the opportunities and challenges of the existence of Islamic law in the national legal system, highlighting legal integration through the Religious Court and the sharia economy, as well as challenges from social pluralism and legal political dynamics (Shamsul, 2023). Other studies specifically analyze the challenges faced by the KHI, particularly regarding its unequal status with regard to legislation and its limitations in responding to contemporary issues (Khoo & de Almeida, 2022) (Afriko, 2024). Meanwhile, studies on the Qanun Jinayat in Aceh examine its existence in the national legal system as a manifestation of Islamic law legislation through regional autonomy, although its implementation still faces various technical, social, and legal obstacles (Putra & Yuliantin, 2025). Several studies have also begun to touch on sociological aspects, underlining the importance of understanding how people interact with Sharia principles in their daily lives amid modernization (Ma'u, 2023) (Wibowo, 2023).

Although the existing literature is quite rich, there are several significant research gaps that underlie the urgency of this study. First, there has been no comprehensive study that simultaneously compares the philosophical and constitutional basis of Article 29 of the 1945 Constitution with the practice of Islamic law codification in a single, comprehensive analysis. Many studies tend to focus on only one aspect—either abstract constitutional analysis or descriptive codification analysis—without bridging the two in depth. Second, most existing studies are still normative-descriptive in nature and have not extensively reviewed the empirical-sociological dimensions related to public acceptance and resistance as well as the practices of legal institutions (such as courts, police, and religious affairs offices) towards the integration of Sharia values. How legal actors and society interpret and implement these laws in daily practice remains an under-explored area. Third, there has been no systematic effort to formulate an ideal conceptual model for integrating Sharia values into the state legal system based on the principles of Pancasila. The debate often gets stuck in a polarization between total formalization and absolute rejection, without exploring a "middle path" that reconciles the principles of divine justice and social justice as enshrined in Pancasila.

Table 1. Framework of Legal Interaction in Indonesia

Kerangka Teoretis	Fokus Analisis	Relevansi dalam Penelitian
Teori Integrasi Sistem Hukum (Friedman)	Interaksi antara struktur, substansi, dan budaya hukum.	Menganalisis bagaimana substansi syariah masuk ke dalam struktur hukum nasional serta bagaimana interaksinya dengan budaya hukum masyarakat dan aparat penegak hukum.
Teori Konstitusionalisme Religius	Relasi harmonis antara norma konstitusi dan nilai agama.	Menafsirkan Pasal 29 UUD 1945 sebagai landasan yang memungkinkan integrasi nilai-nilai syariah tanpa menegasikan prinsip negara hukum modern.

Teori Maqāṣid al-Sharī'ah	Tujuan-tujuan luhur hukum Islam (kemaslahatan umum).	Menjadi alat evaluasi etis dan filosofis untuk menilai apakah produk kodifikasi hukum Islam (misalnya KHI, Qanun) telah mencapai tujuan keadilan dan kemaslahatan.
Teori Negara Pancasila Simbiotik	Hubungan saling menopang antara agama dan negara.	Membingkai fenomena integrasi nilai syariah sebagai manifestasi model hubungan khas Indonesia, bukan sebagai ancaman terhadap prinsip-prinsip Pancasila.

Based on the identification of phenomena, the significance of issues, and the research gaps that have been described, this study is formulated with the following objectives:

1. To analyze in depth the philosophical and constitutional basis of Article 29 of the 1945 Constitution as a foundation for ensuring the integration of sharia values into the national legal system without changing the character of Pancasila as the basis of the state.
2. To examine the form, dynamics, and implications of the actualization of Islamic law codification (case studies on the Compilation of Islamic Law and the Qanun Jinayat Aceh) as a concrete manifestation of the integration of sharia values into Indonesian positive law.

Formulating an ideal conceptual model of normative-sociological integration between Sharia values and the Pancasila state legal system, which can balance the fulfillment of the religious aspirations of the community and the preservation of the principles of a pluralistic and socially just state of law.

METHODS

Desain Penelitian

This study uses a qualitative design with a multiple case study approach to gain a deep, rich, and contextual understanding of the phenomenon of Sharia value integration in the Indonesian legal system (Creswell & Poth, 2018). A qualitative design was chosen because it is relevant for exploring the complexity of interactions between legal norms, social practices, and philosophical foundations that cannot be measured quantitatively. This approach allows researchers to explore the meanings, interpretations, and experiences of legal actors and the community regarding Article 29 of the 1945 Constitution and the implementation of Islamic law codification.

Specifically, this study adopts three complementary analytical approaches:

1. Normative-Constitutional Approach: This approach is used to analyze legal texts (law in books) doctrinally. Its main focus is to examine the hierarchy and harmonization of norms, starting from Pancasila as the staatsfundamentalnorm, Article 29 of the 1945 Constitution as the constitutional basis, to the laws and regulations below it, such as the Compilation of Islamic Law (KHI) and the Qanun Aceh. This analysis aims to map the formal juridical framework that legitimizes the integration of sharia values.
2. Socio-legal Approach: To go beyond textual analysis, a socio-legal approach is adopted to understand how the law works in practice (law in action). This approach explores the perceptions, acceptance, and resistance of legal practitioners and the community, as well as how legal institutions interpret and apply these norms in a dynamic socio-political context.

Case Study Approach: This study establishes two manifestations of Islamic law codification as the main case studies: the Compilation of Islamic Law (KHI) which applies nationally in the Religious Court environment, and the Qanun Jinayat in Aceh Province as an example of the implementation of Islamic law within the framework of special autonomy. The use of case studies allows for a focused and in-depth analysis of the dynamics, challenges, and implications of these two codification models (Yin, 2018).

Data Collection Procedure

Data collection was conducted systematically over a period of six months (estimated) using three main techniques that reinforced each other (method triangulation), as summarized in Table 2.

Table 2. Data Collection Technique Matrix

Teknik Pengumpulan Data	Tujuan	Sumber Data / Instrumen	Jenis Data yang Dihasilkan
Studi Dokumen & Kepustakaan	Menganalisis kerangka hukum formal dan diskursus akademik.	UUD 1945, TAP MPR, UU terkait (Perkawinan, Peradilan Agama, Perbankan Syariah), KHI, Qanun Aceh, putusan MK & MA, risalah sidang BPUPKI, jurnal ilmiah, buku, dan disertasi.	Data tekstual normatif, data historis, dan data konseptual.
Wawancara Mendalam (In-depth Interview)	Menggali perspektif, pengalaman, dan interpretasi mendalam dari partisipan.	Pedoman wawancara semi-terstruktur, alat perekam audio.	Data verbal (transkrip verbatim), narasi pengalaman, dan interpretasi personal.
Observasi Partisipatif Terbatas	Mengamati praktik penerapan hukum dan interaksi sosial di lapangan.	Catatan lapangan (field notes), dokumentasi foto (jika diizinkan).	Data deskriptif mengenai proses persidangan, interaksi aparat hukum, dan diskursus publik di Aceh.

In-depth interviews were conducted using a semi-structured approach (Osborne & Grant-Smith, 2021), in which researchers used interview guidelines containing key questions but remained flexible to explore new issues that arose during the conversation. Each interview session was audio recorded with the participants' consent and then transcribed verbatim to maintain data authenticity. Limited observations were conducted by attending several court sessions at the Aceh Sharia Court and public discussion forums to directly observe how legal norms are operationalized.

Analisis Data

Data analysis in this study is inductive and interactive, following the model developed by (Miles et al., 2014). The data analysis process consists of three simultaneous activities:

1. Data Reduction: This process includes selecting, focusing, simplifying, and abstracting raw data collected from interview transcripts, field notes, and documents. Irrelevant data is discarded, while key data is identified and given initial coding.
2. Data Display: After reduction, the data is organized into a concise and structured format, such as a matrix, flowchart, or thematic network. This display helps researchers to see patterns, relationships between themes, and lines of argument more systematically.
3. Conclusion Drawing/Verification: At this stage, researchers begin to interpret the meaning of the patterns that emerge in the presented data. Preliminary conclusions are

drawn tentatively, then continuously verified by referring back to the raw data to ensure that the conclusions have a strong empirical basis.

To identify the central themes from the interview and observation data, this study specifically applied Braun and Clarke's (2006) six-phase thematic analysis approach, which includes: (1) familiarization with the data, (2) initial coding, (3) theme search, (4) theme review, (5) theme definition and naming, and (6) final report preparation.

RESULTS AND DISCUSSION

Qualitative data analysis obtained through document studies, in-depth interviews, and limited participatory observation produced three interrelated central themes. These themes comprehensively answer the research questions regarding the basis, form, and dynamics of the integration of Sharia values into the Pancasila state legal system. The findings are presented thematically as follows: (1) Integration as the Constitutionalization of Justice Values, Not the Islamization of the State; (2) Article 29 of the 1945 Constitution as an Accommodative Constitutional Anchor; and (3) The Codification of Islamic Law as a Form of Functional Integration within the Framework of Legal Pluralism.

Integration as the Constitutionalization of the Value of Justice, Not the Islamization of the State

The first finding that emerged consistently from various participant groups was the interpretation of the process of integrating Sharia values not as an effort to formalize Islam in the form of a religious state (Islamization), but as a process of absorption and institutionalization (constitutionalization) of universal values of justice derived from Islamic teachings into the national legal framework. The participants, including academics, legal practitioners, and community leaders, clearly distinguished between the symbolic formalism of Sharia and the substance of the values of maqasid al-shariah (the noble objectives of Sharia) which are in line with the philosophy of Pancasila.

A constitutional law expert (P1) articulated this view with a clear theoretical framework. According to him, Pancasila, especially the principle of Belief in One God, functions as both a filter and a bridge that allows religious values—including Islam—to be adopted into positive law as long as those values are universal and do not discriminate against other citizens.

"We must clearly distinguish between 'Islamization of law' and 'constitutionalization of Islamic values'. The former is a political agenda that seeks to replace the foundation of the state, which was debated in 1945. What is happening in Indonesia is the latter. Values such as justice, benefit, protection of life, reason, and lineage are universal values found in maqasid al-shariah. When the state adopts these values, for example in the Marriage Law or the Sharia Banking Law, the state is not becoming an Islamic state, but is carrying out the mandate of the constitution to realize social justice based on divine values." (P1, Constitutional Law Academic).

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This view is reinforced by an Islamic law expert (P2) who emphasizes substance over form. He argues that the Indonesian model is a contemporary ijtihad that successfully reconciles sharia and the modern nation-state.

"In the Islamic world, this debate is never-ending. But Indonesia offers a middle ground. We do not take classical fiqh at face value. The Compilation of Islamic Law (KHI), for example, is a product of the collective ijtihad of Indonesian scholars and intellectuals. Its contents absorb various schools of thought, then are adapted to the Indonesian context. So, the spirit is Sharia, but the body is national law. This is not formalization, but substantialization. The goal is not symbolism, but the benefit of Muslims

themselves within the corridor of the Pancasila state." (P2, Islamic Law Academic).

From the ranks of moderate Islamic community organizations (P3), the narrative that emerges is a reaffirmation of national commitment. The integration of Sharia values is seen as a constitutional right of Muslims that must be respected, but its implementation must not undermine the national consensus (mitsaqan ghalizhan) that has united the diverse Indonesian nation.

"For us at NU (Nahdlatul Ulama), the relationship between Islam and the state is final with the existence of Pancasila. The state protects and facilitates religious communities to practice their teachings, including in legal aspects. The establishment of the Religious Court and the Zakat Law are forms of state facilitation. This is not an attempt to establish an Islamic state, but an effort to enable Muslims to be good citizens and devout Muslims at the same time. The two do not need to be opposed. The boundaries are clear: Islamic law must not be imposed on non-Muslims and the fabric of the nation must not be damaged." (P3, Islamic mass organization leader).

Even at the practitioner level, a Religious Court (P4) judge provides perspective from the courtroom. He emphasizes that in carrying out his duties, he feels he is upholding state law, not religious law in the sense that it is separate from the national system.

"When I decide inheritance cases using the KHI, I am applying Indonesian positive law. The KHI is based on a Presidential Instruction, which is part of our legal system. Although the material source is from fiqh, the formal source is state regulations. We are state judges, not religious judges in the private sense. Our verdicts are headed 'In the Name of Justice Based on the One Almighty God', not 'In the Name of Islamic Law'. This shows that we work within the framework of the constitution." (P4, Religious Court Judge).

Overall, the findings on this theme show that there is a consensus among stakeholders that the integration of sharia values in Indonesia is carried out through constitutional channels that prioritize the substance of justice and benefit, and consciously avoids the trap of formalism that could threaten plurality and the foundations of the Pancasila state.

Article 29 of the 1945 Constitution as an Accommodative Constitutional Anchor

The second theme that emerged as a central finding was the fundamental role of Article 29 of the 1945 Constitution as the main legal basis that legitimizes and at the same time limits the process of integrating Sharia values. Participants consistently referred to the two paragraphs in this article as a whole that creates a model of religion-state relations that is unique to Indonesia: accommodative but not theocratic.

Paragraph (1) of Article 29, "The state is based on belief in One God," is interpreted not merely as a philosophical acknowledgment, but as a basic norm that imposes positive obligations on the state. The state must not be neutral-passive or secular-atheistic, but must actively promote and protect the values of God in the life of the nation and state, including in the formation of law.

A constitutional law scholar (P5) explains the legal implications of this article:

"Article 29 Paragraph (1) is the causa prima of all laws in Indonesia. This means that every legal product, from laws to village regulations, must not conflict with the value of Belief in God. This provides space for the state to adopt norms derived from religion into positive law. The state has a constitutional obligation to create laws that are not only sociologically and legally just, but also theologically and philosophically accountable to God Almighty. This is what distinguishes us from purely secular states." (P5, Constitutional Law Scholar).

Meanwhile, Paragraph (2), "The state guarantees the freedom of each citizen to embrace their respective religions and to worship according to their religion and beliefs," is seen as a safety valve. This paragraph serves as a counterbalance, ensuring that the state's obligation in Paragraph (1) does not lead to the imposition of one religious law on all citizens. This paragraph forms the basis for the

principle of legal pluralism and the protection of human rights in religion.

An official at the Ministry of Religious Affairs (P6) provided the government's perspective as the policy implementer:

"Our task is to interpret the two verses of Article 29 in a balanced manner. On the one hand, we facilitate the drafting of the KHI, the Halal Products Bill, and so on. That is a manifestation of Verse (1) to serve the legal needs of the Muslim majority. But on the other hand, we also ensure that services for other religious communities continue to run. Sharia-based laws are specific in nature, apply to their adherents, and are not imposed on others. For example, our Marriage Law accommodates the laws of each religion. This is a reflection of Paragraph (2) in practice." (P6, Ministry of Religious Affairs official).

The dynamics between these two verses become particularly relevant when discussing specific cases such as the Qanun in Aceh. A judge at the Sharia Court in Aceh (P7) sees their special autonomy as a legitimate constitutional delegation, rooted in the state's recognition of Aceh's unique history and society, and remaining within the framework of Article 29.

“The implementation of Islamic law in Aceh, including the Qanun Jinayat, is not a separatist act in legal terms. It is the implementation of the Special Autonomy Law guaranteed by the 1945 Constitution. Article 29 provides the general basis, and then there are other articles on regional autonomy that provide specific bases. The state recognizes our special status. However, we remain part of the Republic of Indonesia. Our decisions can still be reviewed by the Supreme Court. This shows that Sharia law in Aceh operates under the umbrella of the national constitution, not outside it." (P7, Judge of the Aceh Sharia Court).

This finding underscores that Article 29 of the 1945 Constitution is not a passive article. It actively shapes the character of Indonesian law by providing a dialectical mechanism: opening space for religious values to enter the realm of state law (Paragraph 1), while also setting guidelines that guarantee diversity and freedom of religion (Paragraph 2).

The Codification of Islamic Law as a Form of Functional Integration within the Framework of Legal Pluralism

The final theme is a concrete manifestation of the two previous themes, which focus on how Sharia values are actualized through codified legal products. The findings show that codifications such as the Compilation of Islamic Law (KHI) and the Qanun Jinayat Aceh are forms of integration that are functional, pragmatic, and reflect the model of legal pluralism adopted by Indonesia.

1: Compilation of Islamic Law (KHI) as a Model of National Unification-Accommodation

The KHI is viewed by almost all participants as a monumental achievement in the history of Islamic law in Indonesia. Its function is not only as a guideline, but it has de facto become positive law that unifies various fiqh views and provides legal certainty for Muslims in the field of family law.

A senior Religious Court judge (P4) recounted his practical experience:

Before the KHI existed, religious judges could refer to dozens of different classical Islamic texts. One case could be decided differently by different judges, depending on the text they referred to. This created legal uncertainty. The KHI came to unify this. It draws from the Shafi'i school of thought, but also adopts other more progressive views that are in line with the Indonesian context, such as the inheritance rights of daughters. The KHI is ‘Islamic law with an Indonesian flavor’ and has become our mandatory guideline." (P4, Religious Court Judge).

A lawyer who frequently practices in the Religious Court (P8) added that although the status of the KHI is only a Presidential Instruction, its power in the courtroom is indisputable and has been accepted by the wider community.

"In terms of legislative hierarchy, the KHI is indeed weak. But in terms of sociology and Supreme Court jurisprudence, its power is equivalent to that of a law in the Religious Court. Our clients, the general public, have accepted the KHI as a reference. They come to court with the expectation that their rights,

for example regarding marital property or inheritance, will be resolved based on the KHI. This is an example of living law that has been successfully formalized by the state." (P8, Sharia Lawyer).

The Qanun of Aceh as a Model of Asymmetrical Special Autonomy

Unlike the KHI, which applies nationally, the Qanun Jinayat in Aceh is understood as a model of integration that is specific, asymmetrical, and the product of post-conflict political compromise. Observations in Aceh and interviews with local actors show that the implementation of the Qanun is a complex and dynamic process.

A Sharia Court judge (P7) explained the position of the Qanun in the national legal system:

"The Qanun is a lex specialis that only applies in Aceh and to Muslims. It is a manifestation of the state's recognition of Aceh's special status. In its implementation, we remain subject to the national criminal procedure law (KUHAP) insofar as it is not specifically regulated in the Qanun Acara Jinayat. We also coordinate with the police and prosecutors, who are national law enforcement officials. So, this is not a completely separate legal system, but rather a special system that is integrated into a larger system." (P7, Aceh Sharia Court Judge).

However, its implementation is not without challenges. An academic from a local university in Aceh (P9) highlighted the gap between the idealism of the Qanun and the reality on the ground.

"Normatively, the Qanun aims to create an Islamic and just social order. However, in practice, there are many challenges. These range from the capacity of law enforcement officials and varying levels of public understanding to criticism from human rights groups. The focus of law enforcement is sometimes more on issues of public morality (khamr, maisir, khalwat), while issues of economic justice, which are also part of sharia, have not been fully addressed. This is a process of continuous learning and improvement." (P9, Aceh Academic).

Findings from both case studies indicate that Indonesia does not apply a single model in integrating Sharia values. Instead, the state uses a flexible approach: a unification-accommodative model through the KHI for private issues on a national scale, and an asymmetric special autonomy model through the Qanun to accommodate strong local aspirations within the framework of the Unitary State of the Republic of Indonesia. These two models, although different in form and scope, both operate under the same constitutional umbrella and reflect the principle of legal pluralism.

Table 3. Models and Characteristics of Sharia Value Integration in the Indonesian Legal System

Aspek Analisis	**Model Unifikasi-Akomodatif Nasional** ***(Studi Kasus: KHI)***	**Model Otonomi Khusus Asimetris** ***(Studi Kasus: Qanun Jinayat Aceh)***
Bentuk Integrasi	Integrasi Substantif-Yuridis	Integrasi Formal-Legislatif dalam Kerangka Otonomi
Landasan Yuridis	Inpres No. 1/1991, Yurisprudensi MA, UU Peradilan Agama	UU No. 11/2006 tentang Pemerintahan Aceh, UUD 1945
Cakupan Wilayah	Nasional (berlaku di seluruh wilayah Indonesia)	Lokal (berlaku hanya di Provinsi Aceh)
Subjek Hukum	Berlaku khusus bagi pemeluk agama Islam	Berlaku bagi pemeluk agama Islam di Aceh (dan non-Muslim yang menundukkan diri)
Materi Hukum	Hukum Perdata Islam (Perkawinan, Kewarisan, Perwakafan)	Hukum Pidana Islam (Jinayat) dan Perdata Islam (Muamalat, dsb.)
Karakteristik Kunci	– Unifikasi beragam pandangan fiqh. – Memberikan kepastian hukum. – Diterima	– Implementasi syariah secara komprehensif (*kaffah*). – Menghadapi

	secara luas (*living law*). – Status hukum *de jure* masih diperdebatkan. – Produk kompromi politik dan rekonsiliasi.	tantangan implementasi dan isu HAM. – Tetap terintegrasi dalam sistem peradilan nasional.
Perspektif Partisipan	"KHI adalah hukum Islam bercita rasa Indonesia, menjadi pegangan wajib kami untuk kepastian hukum." *(P4, Hakim PA)*	"Qanun adalah *lex specialis* yang merupakan hak konstitusional kami, namun tetap beroperasi di bawah payung konstitusi nasional." *(P7, Hakim MS Aceh)*

DISCUSSION

This study explores the complex dynamics of integrating Sharia values into the Pancasila state legal system, focusing on the constitutional basis of Article 29 of the 1945 Constitution and its manifestation in the codification of Islamic law. The findings indicate that this process is more a constitutionalization of the value of justice than an Islamization of the state, in which Article 29 of the 1945 Constitution functions as an accommodative anchor, and codification products such as the Compilation of Islamic Law (KHI) and the Aceh Qanun Jinayat become manifestations of pragmatic functional integration. This discussion section will interpret the meaning of these findings, dialogue them with theoretical frameworks and previous studies, outline the implications and contributions of the research, and identify limitations and directions for further research.

Interpretation of Findings: Constitutionalization of the Value of Justice as Indonesia's Middle Way

The main finding of this study—that the integration of Sharia values is interpreted as the constitutionalization of universal values of justice, not the Islamization of the state—has significant implications. This interpretation shifts the discourse from the often polarizing political-ideological arena to the more substantive philosophical-juridical realm. Participants, ranging from academics to practitioners, consistently emphasized that the spirit of this process is the pursuit of maṣlaḥah (public interest) in line with the goal of the Pancasila legal state, namely the realization of social justice.

This interpretation directly affirms the Simbiotic Pancasila State Theory, which views the relationship between religion and the state as neither antagonistic nor separate, but rather mutually supportive. Religion, in this case Islam, provides a source of ethical values and justice, while the state provides a constitutional and institutional framework to actualize these values into positive laws that apply to its adherents. The finding that Religious Court judges view themselves as state judges who apply Indonesian positive law (even though it is derived from fiqh) is strong empirical evidence of the functioning of this symbiotic relationship at the micro level.

The central role of Article 29 of the 1945 Constitution as an "accommodative constitutional anchor" is key to this model. The research findings show a lively dialectic between Paragraph (1) and Paragraph (2). Paragraph (1) on "Belief in One God" is not interpreted passively, but as the highest material law (staatsfundamentalnorm) that obliges the state not to be secular-neutral, but to actively facilitate the religious life of its citizens. On the other hand, Paragraph (2) on the guarantee of freedom of religion functions as a "safety valve" that prevents the hegemony of one religion over another and protects the rights of minorities. This dialectic allows the state to absorb sharia values (for example, through the KHI and the Sharia Banking Law) without having to change its identity as a pluralistic Pancasila state.

Finally, functional integration through two different codification models—unification-accommodation (KHI) and asymmetric special autonomy (Qanun Aceh)—demonstrates the pragmatism and flexibility of the Indonesian legal system. KHI emerged as a solution to legal uncertainty caused by the diversity of fiqh references in the past, making it a product of collective ijtihad

unique to Indonesia that is widely accepted as living law. Meanwhile, Qanun Jinayat in Aceh is a manifestation of legal pluralism that accommodates historical particularities and local political aspirations within the framework of the Unitary State of the Republic of Indonesia (NKRI). Although different in scale and substance, both models operate under the umbrella of the constitution, showing that the integration of sharia values is not a monolithic process, but rather contextual and diverse.

Findings in Dialogue with Theoretical Frameworks and Previous Literature

The findings of this study not only answer the research questions but also engage in productive dialogue with the theoretical frameworks used and existing literature.

First, these findings empirically validate Lawrence Friedman's Legal System Integration Theory in the Indonesian context. The process of integrating sharia values can be dissected through Friedman's three components:

1. Legal Structure: The existence of institutions such as the Religious Court, the Sharia Court in Aceh, the Ministry of Religious Affairs, and Islamic financial institutions is a structure legitimized by the state to operationalize sharia law.
2. Legal *Substance*: Legal products such as KHI, Qanun Jinayat, Sharia Banking Law, Zakat Law, and Halal Product Guarantee Law are legal substances that are the object of this research.
3. Legal Culture: The perception, acceptance, and even resistance of legal practitioners, academics, CSOs, and the wider community—as illustrated by the interview data—is a reflection of a dynamic legal culture. The finding that KHI is accepted as *living law* despite its juridical status is "only" the Presidential Instruction shows how strong the role of legal culture is in legitimizing a norm.

Second, the findings regarding the dual role of Article 29 of the 1945 Constitution as both a facilitator and a limiter enrich the discourse on the Theory of Religious Constitutionalism. Unlike models in several other Muslim-majority countries that may establish sharia as the main source of legislation, Indonesia demonstrates a more moderate model. The Indonesian Constitution does not formally adopt Sharia law, but it opens space for Sharia values to be integrated as long as they are in line with Pancasila and human rights principles. This is in line with the arguments of scholars who state that there are various models of religion-state relations in the Muslim world, and the Indonesian model is a unique variant that attempts to reconcile the religious identity of the majority with a commitment to pluralism.

Third, the participants' emphasis on the aspects of justice, benefit, and protection of life, reason, and offspring as the essence of Islamic law integration echoes the principles of the Maqāṣid al-Sharī‘ah Theory. This finding shows that Maqāṣid al-Sharī‘ah is no longer just a classical theoretical concept, but has become a framework of thinking (manhaj al-fikr) for legal actors in Indonesia in justifying and evaluating legal products. When an academic states that the state adopts the universal values of maqasid to carry out the mandate of the constitution, he is effectively harmonizing the noble goals of sharia with the goals of a modern constitutional state. Recent research also shows that maqasid-based reasoning is increasingly being used in court decisions and policy formulation in Indonesia, which affirms the findings of this study.

Compared to previous literature, this study fills several identified gaps. Many previous studies tended to focus on normative-constitutional or descriptive-analytical aspects of specific legal products. This study goes beyond that by bridging constitutional-philosophical analysis (Article 29) with codification practices in the field (KHI and Qanun), and reinforces it with an empirical-sociological dimension through in-depth interviews with key actors. Thus, this research provides a more holistic and dynamic picture, filling the gap between *law in books* and *law in action*.

Research Implications and Contributions

The findings of this study offer a number of important contributions, both theoretically, practically, and policyly.

Theoretical Contributions

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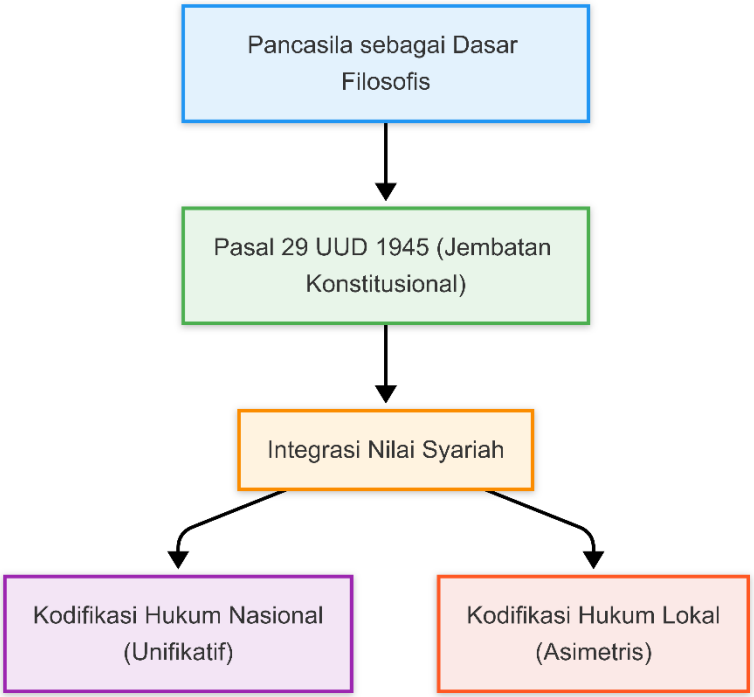

Figure 1. Symbiotic-Functional Integration Model of Sharia Values in the Pancasila Legal System

CONCLUSION

This study concludes that the integration of Sharia values into Indonesia's Pancasila legal system is a process of constitutionalizing substantive justice, not formalizing a religious state. This process is fundamentally rooted in a symbiotic interpretation of Article 29 of the 1945 Constitution, which functions as an accommodative constitutional anchor and a limitation. The main findings show that the dialectic between Paragraph (1), which bases the state on Belief in One God, and Paragraph (2), which guarantees freedom of religion, has given birth to a unique model of religion-state relations. This model enables the state to actively adopt the universal values of justice contained in maqāṣid al-sharī'ah—such as public interest, justice, and protection of basic rights—into positive law without

compromising the pluralistic character and ideological foundations of Pancasila. The actualization of this integration is manifested pragmatically and functionally through various forms of Islamic law codification, such as the unifying-national Compilation of Islamic Law (KHI) and the Qanun Jinayat in Aceh, which is a product of asymmetric autonomy, both of which operate within the framework of the Unitary State of the Republic of Indonesia.

Specifically, this study successfully answered its main objective by showing how Article 29 of the 1945 Constitution serves as a legal bridge that allows the absorption of Sharia values as part of the state's efforts to achieve social justice for all people, especially for the Muslim community. Furthermore, analysis of the KHI and the Qanun Aceh as case studies has confirmed that the form and dynamics of Islamic law codification in Indonesia are contextual and not monolithic, reflecting the flexibility of the national legal system in responding to the religious aspirations of the people. Thus, this study fills a gap in the literature, which has tended to discuss constitutional aspects and codification practices separately. By combining philosophical-constitutional, juridical-normative, and sociological-empirical analyses, this study offers a more holistic understanding of how law in books (constitutional norms and laws) interacts with law in action (judicial practices and the perceptions of legal actors).

The main theoretical contribution of this research is the formulation of a conceptual framework called the Symbiotic-Functional Integration Model. This model maps out how Pancasila, as a philosophical foundation, creates a mutually reinforcing (symbiotic) relationship between the state and religion. This relationship is then operationalized through the constitutional bridge of Article 29 of the 1945 Constitution, which further gives rise to diverse and functional legal manifestations (national-unifying and local-asymmetrical) in accordance with social-political needs and contexts. In practical terms, this finding provides academic justification for Indonesia's "middle way" in managing the relationship between religion and the state, which can be an important reference for other countries with significant Muslim populations facing similar challenges. This model also offers a constructive alternative narrative amid a global discourse that is often trapped in polarization between radical secularism and theocracy.

Although this study has provided a comprehensive overview, there are several limitations that open up opportunities for further research. The analysis in this study focuses on aspects of Islamic family and criminal law. Therefore, future research could expand its scope by examining in greater depth the integration of Sharia values in other rapidly developing sectors, such as the Sharia economy and finance, the halal industry, and productive waqf. In addition, this study is qualitative in nature, focusing on the perceptions of legal actors and document analysis. Further research could use a quantitative approach to measure the level of acceptance, effectiveness, and social impact of the implementation of Sharia-based regulations among the wider community. A comparative analysis with models of Islamic law integration in other countries, such as Malaysia or Turkey, would also enrich our understanding of the uniqueness and challenges of the Indonesian model in a global context.

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