

The Expanding Role of Islamic Law in the Current Indonesian Legal Reform

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Abstract : In many Muslim countries, secularization has successfully reduced the role of Islamic law as a formal legal source during this last century. The most obvious fact was the reform of Daulah Utsmaniyah to be Secular Republic of Turkey. Religion is strictly separated from the state authorities in many countries today. But these last decades in Indonesia, a remarkable fact is apparent. Islamic law has expanded its role in Indonesian legal system, especially in districts regulations. In Aceh province, as a case in point, shariah has been the basic source of law in all regulations. There are more provinces in Indonesia which adopted Islamic law as a formal legal source by the end of 2014. Different from some other countries which clearly stipulates the status of Islam in formal ways, Indonesian constitution formally does not render any recognition for Islam to be the formal religion of the state. But in this Muslim majority country, Islamic law takes a place in democratic way, namely on the basis of the voice of majority. This paper will analyze how this reality increases significantly since what so called by Indonesian reformation era (end of nineties). Some causes will be identified regarding this tendency of expansion of role. Some lessons learned also will be recommended as the concluding remarks by the end of the paper.

Keywords : Islamic law, Indonesia, legal reform, Syariah local regulation

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