



## The Compilation of Islamic Law in Indonesia: A Critical Analysis of Its Legal Position, Substantive Limitations, and Reform Prospects

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**Abstract:** The Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) is one of the most significant instruments in the development of Islamic law in Indonesia, particularly in the areas of marriage, inheritance, and waqf. Although it has served as the primary legal guideline for Religious Courts since its promulgation through Presidential Instruction No. 1 of 1991, the KHI continues to generate debates regarding its formal legitimacy, substantive provisions, and relevance to contemporary social developments. This study aims to critically examine the strengths, weaknesses, and reform directions of the KHI within the framework of Indonesia's national legal system. The research employs a library research method with a descriptive-analytical approach. Data sources consist of primary legal materials, including the KHI and related regulations, as well as secondary materials such as books, journal articles, and previous scholarly studies. Data were analyzed through a normative assessment of the KHI's legal position, functions, implementation, and challenges in Islamic family law practice. The findings indicate that the principal strength of the KHI lies in its ability to promote legal uniformity, simplify diverse fiqh opinions into operational legal provisions, and strengthen legal certainty within Religious Courts. However, the KHI also faces formal and substantive limitations, including its relatively weak legal status and its insufficient responsiveness to issues of gender justice, child protection, legal pluralism, and contemporary family dynamics. Therefore, KHI reform should be conducted through a participatory and maqāṣid al-syarī'ah-based approach that emphasizes substantive justice and social responsiveness.

**Keywords:** Compilation of Islamic Law, Islamic family law, Religious Courts, Islamic legal reform, national legal system.

*Abstrak:* Kompilasi Hukum Islam (KHI) merupakan salah satu instrumen penting dalam pengembangan hukum Islam di Indonesia, khususnya dalam bidang perkawinan, kewarisan, dan perwakafan. Meskipun telah menjadi pedoman utama dalam praktik Peradilan Agama sejak diberlakukannya melalui Instruksi Presiden Nomor 1 Tahun 1991, KHI masih menghadapi berbagai perdebatan terkait legitimasi formal, substansi norma, dan relevansinya terhadap perkembangan masyarakat kontemporer. Penelitian ini bertujuan menganalisis secara kritis kekuatan, kelemahan, serta arah reformasi KHI dalam konteks sistem hukum nasional Indonesia. Penelitian menggunakan metode studi kepustakaan (library research) dengan pendekatan deskriptif-analitis. Sumber data terdiri atas bahan hukum primer berupa KHI dan peraturan terkait, serta bahan hukum sekunder

*berupa buku, artikel jurnal, dan hasil penelitian terdahulu yang relevan. Analisis dilakukan melalui pengkajian normatif terhadap kedudukan, fungsi, implementasi, dan tantangan KHI dalam praktik hukum keluarga Islam. Hasil penelitian menunjukkan bahwa kekuatan utama KHI terletak pada kemampuannya menciptakan keseragaman hukum, menyederhanakan keragaman pandangan fikih, dan memperkuat kepastian hukum di lingkungan Peradilan Agama. Namun demikian, KHI memiliki kelemahan berupa posisi formal yang belum setara dengan undang-undang serta substansi yang belum sepenuhnya responsif terhadap isu keadilan gender, perlindungan anak, pluralisme hukum, dan dinamika keluarga modern. Oleh karena itu, reformasi KHI perlu dilakukan secara partisipatif, berbasis maqāsid al-syarī'ah, dan berorientasi pada keadilan substantif agar tetap relevan dengan kebutuhan masyarakat Indonesia.*

*Kata Kunci: Kompilasi Hukum Islam, hukum keluarga Islam, Peradilan Agama, reformasi hukum Islam, sistem hukum nasional..*

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## **Introduction**

The Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) is one of the important instruments in the development of Islamic law in Indonesia, particularly in the fields of family law, inheritance, and waqf. Its enactment through Presidential Instruction No. 1 of 1991 represented the state's effort to provide a more uniform legal guideline within the Religious Court system. Before the KHI was introduced, Religious Court judges frequently relied on various classical fiqh texts containing diverse schools of thought, which had the potential to produce disparities in decisions in cases with similar characteristics. In this context, the KHI functions as a normative reference designed to strengthen legal certainty, organize the diversity of fiqh sources into a more systematic formulation, and support the effective settlement of Islamic family-law cases in Indonesia.

Nevertheless, the KHI cannot be understood merely as a product of Islamic legal codification. Its existence also reflects the complex relationship between religious norms, state legal policy, and the social dynamics of Indonesian society. The modernization of Islamic family law in Indonesia has taken place through a process of negotiation among classical fiqh traditions, the needs of contemporary society, and the direction of state legal policy (Kharlie, 2014). Thus, the KHI is a legal construction born from the encounter between fiqh authority and the need to formalize Islamic law within the national legal system. On the one hand, the KHI demonstrates the state's success in institutionalizing Islamic law within judicial practice. On the other hand, it still leaves several fundamental issues, especially concerning normative legitimacy, limited participation in its formulation process, and the relevance of its substance in responding to modern social developments.

Previous studies on the KHI reveal several major tendencies. First, some studies position the KHI as an instrument of unification and codification of Islamic

law. From this perspective, the KHI is seen as making an important contribution to creating legal uniformity, strengthening the basis of judicial reasoning, and simplifying fiqh concepts into more operational statutory provisions (Eko, 2017; Fatawi et al., 2017). The KHI is also understood as a form of collective *ijtihad* that is not entirely bound to a single school of law, thereby allowing room for adaptation to the social context of Indonesian society.

Second, a number of studies highlight the problems of implementing the KHI in Indonesian society, which is socially and culturally plural. For example, the inheritance provisions in the KHI often intersect with Minangkabau customary-law practices (Dewi, 2023; Prasna, 2018). This can also be seen in disputes over *pusako tinggi*, which reveal tensions between Islamic law and customary law in the practice of Muslim family life in Indonesia (Ferolina & Hidayati, 2025). These findings indicate that the implementation of the KHI does not take place in a homogeneous social space, but interacts with local traditions, social structures, and diverse community needs.

Third, other studies emphasize the issue of substantive justice in the KHI, particularly in relation to women's rights, child protection, marriage dispensation, and joint marital property. The fulfillment of women's rights after divorce continues to face problems of inequality, especially in the relationship between arrears of maintenance (*nafkah madhiyah*) and joint marital property (Haq, 2023). Kamarusdiana and Sofia (2020) argue that marriage dispensation needs to be understood more contextually because it is linked to child protection, the psychological readiness of prospective spouses, and social change (Kamarusdiana & Sofia, 2020). Meanwhile, Noor (2022) shows that the concept of joint marital property in the KHI is a form of adaptation of Islamic law to the needs of Indonesian society through the approaches of *istishlah*, *'urf*, and *qiyas* (Noor, 2022). These studies demonstrate that the KHI has an adaptive character, yet at the same time continues to face challenges in addressing contemporary family problems.

Based on this mapping, it can be understood that studies on the KHI still tend to be sectoral, focusing on particular issues such as inheritance, marriage dispensation, women's rights, joint marital property, or the relationship between Islamic law and customary law. Studies that position the KHI as a whole as a legal instrument with regulatory strengths, substantive weaknesses, and implementation challenges still need to be strengthened. Therefore, an integrative approach is necessary to understand the KHI not only as a legal text, but also as a product of legal politics, a judicial instrument, and a normative guideline that interacts with social realities.

The urgency of this study is further reinforced by the fact that the KHI is still widely used as the main reference in resolving Islamic family-law cases in the Religious Courts, even though its position in the hierarchy of laws and regulations

is not equivalent to that of a statute. This condition reveals a tension between the formal and practical strengths of the KHI. Formally, the KHI has a limited position because it was established through a presidential instruction. Practically, however, it continues to exert significant influence on the formation of judges' legal considerations. This tension calls for a critical reading of the KHI's position in the national legal system from normative, substantive, and implementation-related perspectives.

Based on the discussion above, this study aims to critically analyze the strengths and weaknesses of the Compilation of Islamic Law in the context of Indonesia's national legal system and contemporary social developments. This study does not merely position the KHI as a product of Islamic legal codification; it also examines how the KHI functions as a legal guideline, how its weaknesses affect responses to modern family issues, and the extent to which reform is needed for the KHI to remain relevant. Accordingly, this study is expected to provide a theoretical contribution to the development of contemporary Islamic legal studies and to serve as a reflective basis for the reformulation of Islamic family law in Indonesia so that it becomes more adaptive, inclusive, and responsive to social dynamics.

### **Method**

This study uses library research with a descriptive-analytical approach. This method was selected because the object of study is the Compilation of Islamic Law (KHI) as a normative document analyzed through legal literature, laws and regulations, and previous research findings. The focus of the study is directed toward three main aspects: the strengths of the KHI, the weaknesses of the KHI, and its relevance to Religious Court practice and the reform of Islamic family law in Indonesia.

The data sources in this study consist of primary and secondary legal materials. The primary legal materials include Presidential Instruction No. 1 of 1991 concerning the dissemination of the Compilation of Islamic Law and the text of the KHI regulating marriage, inheritance, and waqf. The secondary legal materials consist of books, journal articles, and research findings that discuss the codification of Islamic law, Islamic family law, the position of the KHI in the national legal system, Religious Court practice, and contemporary issues such as gender equality, child protection, and legal pluralism.

Data were collected through documentation study by tracing literature relevant to the research theme. The inclusion criteria for the literature covered sources that directly discuss the KHI, Indonesian Islamic family law, Religious Courts, or Islamic legal reform. Literature that was not directly related to the theme, was popular in nature without an academic basis, or did not support the normative analysis was excluded from the study materials. The selected literature was then classified by theme, namely the legal basis and position of the KHI, the codificatory strengths of

the KHI, the substantive weaknesses of the KHI, the application of the KHI in the courts, and the need for reform.

Data analysis was carried out descriptively and analytically. The descriptive stage was used to present the position, function, and substance of the KHI as reflected in legal documents and scholarly literature. The analytical stage was used to assess the strengths and weaknesses of the KHI by considering Islamic legal principles, the hierarchy of laws and regulations, and social developments. Through these steps, this study seeks to produce a critical reading of the KHI as a legal guideline that remains relevant but requires reform to become more responsive to the dynamics of modern society.

## Result and Discussion

### Result

The literature review shows that the KHI occupies a dual position. On the one hand, it is a highly influential legal guideline in Religious Court practice. On the other hand, it is not a statute, and therefore its formal force is weaker than regulations produced through the national legislative mechanism. This dual position is the main source of both the strengths and weaknesses of the KHI.

The research findings can be grouped into four main themes. These four themes show that an evaluation of the KHI cannot be carried out only at the level of the substance of its articles, but must also include the history of its formulation, its legal hierarchy, the reality of legal pluralism, and the competence of judicial actors. A summary of the findings is presented in Table 1.

**Table 1.** Synthesis of Findings on the Strengths and Weaknesses of the KHI

<b>Finding Theme</b>	<b>Description of Findings</b>	<b>Implications</b>
Regulatory-practical strength	The KHI provides relatively uniform guidelines for Religious Court judges in cases involving marriage, inheritance, and waqf. It also simplifies diverse fiqh opinions into more operational articles.	The KHI strengthens legal certainty, consistency of decisions, and public access to Islamic family law.
Formal weakness	The KHI is based on Presidential Instruction No. 1 of 1991, so its position is not equivalent to that of a statute within the hierarchy of laws and regulations.	The binding force of the KHI may be debated when it encounters higher regulations or human rights norms.
Substantive weakness	Some KHI provisions are not yet fully responsive to	Reinterpretation and reformulation are needed

	gender issues, child protection, changing family structures, unregistered marriages, and customary inheritance.	so that the KHI can address the needs of contemporary society.
Institutional challenges	The implementation of the KHI is influenced by the competence of judges and advocates, the readiness of court services, and public perceptions of family-dispute resolution.	KHI reform should be accompanied by capacity-building for legal actors and clearer implementation guidelines.

The first finding shows that the main strength of the KHI lies in its ability to build legal uniformity. The KHI reduces judges' dependence on highly diverse fiqh texts and provides a normative standard that is easier to operationalize. In practice, this standard helps judges formulate legal considerations more consistently. The KHI also makes it easier for the public to understand the broad outlines of Islamic family law without having to access complex classical fiqh literature.

The second finding shows that the formal weakness of the KHI is related to the basis of its formation. Because the KHI was disseminated through a presidential instruction, its position differs from that of laws enacted by the House of Representatives and the President. As a result, the KHI has strong practical authority, but its formal legitimacy remains open to debate. This tension becomes increasingly apparent when the KHI must be harmonized with laws on marriage, child protection, the elimination of domestic violence, population administration, and human rights principles.

The third finding reveals substantive problems. Several issues, such as polygamy, post-divorce maintenance, joint marital property, hadhanah, marriage dispensation, and customary inheritance, show that the norms of the KHI are not always sufficient to address the complexity of contemporary cases. In this context, judges often have to develop contextual interpretations so that decisions do not stop at formal certainty but also deliver substantive justice.

The fourth finding shows that the effectiveness of the KHI depends on the actors and institutions that implement it. Judges need strong interpretive guidelines, advocates need adequate competence in Islamic law, and courts need service systems that are accessible to the public. Without institutional strengthening, reforming the text of the KHI will not automatically improve legal practice.

## **Discussion**

### **The KHI as a Codification and an Instrument of Legal Certainty**

The strength of the KHI is most visible in its codification function. In the fiqh tradition, Islamic family law developed through diverse scholarly opinions that were not always uniform. This diversity is an intellectual richness, but in a modern judicial system it requires operational boundaries so that decisions do not depend too heavily on individual judges' preferences. The KHI transforms these diverse views into a structure of articles that can be more easily understood, taught, and applied. Therefore, the KHI can be read as a form of collective *ijtihad* that seeks to bridge fiqh traditions with the administrative needs of a modern judiciary.

As a guideline for substantive law, the KHI helps judges resolve cases through a more directed line of legal reasoning. The KHI performs an important function in the Religious Courts (Hermawan & Sumardjo, 2016). It has become part of the national legal order in a sociological-practical sense, even though its formal position is not the same as that of a statute (Eko, 2017). Thus, the strength of the KHI lies not only in its text, but also in the institutional acceptance and judicial practice that have developed over more than three decades.

The KHI also broadens public access to Islamic family law. People without a background in fiqh can understand the basic rules on marriage, inheritance, and *waqf* through more accessible article-based formulations. This educational function is important because family law is a field closely connected to everyday life. However, simplification also carries risks. When the richness of fiqh is reduced to certain articles, there is a possibility that the nuances of differing opinions and broader considerations of public benefit may be lost. Therefore, the KHI should be read as a basic guideline rather than the final boundary of Islamic legal reasoning.

### **Hierarchical Weaknesses and the Need for Legal Harmonization**

The formal weakness of the KHI stems from the basis of its applicability. Presidential Instruction No. 1 of 1991 played an important role in disseminating the KHI, but a presidential instruction does not have the same position as a statute. This situation raises questions about the binding force of the KHI within the system of laws and regulations. In practice, judges continue to use the KHI because it provides concrete legal formulations. Theoretically, however, the position of the KHI, which is not equivalent to a statute, makes it vulnerable to debate when it encounters higher norms.

This hierarchical problem does not mean that the KHI has lost its relevance. Instead, it reveals the difference between formal validity and practical effectiveness. Formal validity concerns the position of a norm within the hierarchy of laws and regulations, while practical effectiveness concerns the extent to which a norm is used and accepted by legal institutions. The KHI has strong practical effectiveness because it is used as a reference by judges, advocates, academics, and the public.

However, practical effectiveness alone is insufficient to address the needs of long-term legal reform.

Harmonization is an urgent need because Islamic family law does not stand alone. The provisions of the KHI need to be read together with laws on marriage, child protection, population administration, women's protection, and human rights principles. A clear example can be seen in the issues of unregistered marriage and child protection. The legalization of unregistered marriages is often pursued to protect citizens' rights, but at the same time it may create administrative and legal-protection problems (Fauzi, 2023). Marpaung and Turnip (2025) also emphasize the importance of linking KHI norms with the protection of children's rights (Marpaung & Turnip, 2025). Therefore, reform of the KHI should be directed toward cross-regulatory harmonization, not merely editorial revision.

### **Responsiveness to Gender, Children, and Legal Pluralism**

Substantive criticism of the KHI appears mainly in issues related to gender relations and the protection of vulnerable groups. In divorce cases, women's rights to arrears of maintenance, *mut'ah*, and joint marital property often depend on evidentiary capacity and the courage of judges to explore substantive justice. Haq (2023) shows that the fulfillment of women's post-divorce rights still faces obstacles. Seff et al. (2025) also emphasize that Islamic family law in Indonesia is situated within a tension among normativity, reform, and social realities (Seff et al., 2025). These findings show that the KHI requires interpretations that are more sensitive to women's position in the family and in judicial processes.

Child protection also requires a rereading of the KHI. Provisions concerning *hadhanah* and parental obligations cannot be separated from developments in child-protection law. Marriage dispensation has implications for children's psychological readiness, education, and future prospects (Kamarusdiana & Sofia, 2020). Ramadhan et al. (2025) emphasize the need for comparative normative studies so that concepts of custody and guardianship become more responsive to the best interests of the child (Ramadhan et al., 2025). Thus, reform of the KHI should place the interests of children as a primary principle, not merely as a consequence of parents' legal relations.

Legal pluralism presents another challenge. In Minangkabau society, for instance, ancestral property and customary inheritance systems have a social logic that differs from individual inheritance in *fiqh*. Prasna (2018), Dewi (2023), and Ferolina and Hidayati (2025) show that tensions between customary law and the KHI cannot be resolved simply by declaring one system to be the most correct (Dewi, 2023; Ferolina & Hidayati, 2025; Prasna, 2018). Judges need to understand social contexts, kinship structures, and the meaning of property in customary communities. Therefore, the KHI needs to provide interpretive space that enables

dialogue among Islamic law, state law, and customary law, as long as principles of justice are not neglected.

The responsiveness of the KHI is also related to the issue of polygamy. In the KHI, polygamy is regulated with certain conditions, but in social practice it often gives rise to unequal power relations, emotional burdens, and problems in protecting the rights of wives and children. Luki et al. (2025) show that polygamous marriage practices have social impacts on the family that require deeper analysis (Luki et al., 2025). This strengthens the argument that formal provisions concerning permission and conditions for polygamy need to be supported by clearer measures of substantive justice, including evaluations of economic, psychological, and relational capacities within the family.

### **Religious Courts, Advocates, and the KHI Implementation Ecosystem**

The KHI gains meaning through judicial practice. Religious Court judges do not merely apply articles; they also interpret norms in concrete cases. Therefore, the quality of decisions is strongly influenced by judges' ability to balance legal certainty, justice, and utility. The KHI is used as a judicial consideration, but its application may differ depending on the context of each case. Such differences are not necessarily negative, provided they are based on clear and accountable legal arguments (Bilalu et al., 2022).

In addition to judges, advocates have an important role in ensuring that litigants receive proper legal assistance. Law No. 18 of 2003 positions advocates as law enforcers, but in Religious Court cases this role is not always optimal. Asmuni (2024) emphasizes the importance of advocates' position from the perspective of Islamic law, while Naldi (2023) shows that advocates often face obstacles when assisting clients in the Religious Courts (Asmuni, 2024; Naldi, 2023). These obstacles include limited mastery of Islamic family law, insufficient openness from clients, and the public assumption that family cases can be resolved without professional assistance.

Judicial digitalization through e-Court also affects the implementation of the KHI. Studies show that the development of Religious Court services provides opportunities for efficiency, but it is not free from technical constraints and user-readiness issues (Pasha & Nuron, 2022). Recent studies further indicate that the principle of simple, speedy, and low-cost justice still requires strong institutional support (Arifyanto & Lubis, 2023). In the context of the KHI, digitalization will be effective only if accompanied by improved legal literacy among the public, legal-aid services, and the availability of information that is easily understood by justice seekers.

Accordingly, reform of the KHI should not stop at textual revision. Reform needs to include the formulation of judicial guidelines, training for judges and advocates, strengthening of legal aid, and the preparation of Islamic family-law literacy materials for the public. If reform is carried out only at the level of articles without

improving the implementation ecosystem, the gap between norms and practice will remain wide.

### **Directions for KHI Reform**

Based on the findings and discussion above, reform of the KHI should be directed toward three main agendas. The first agenda is strengthening legal legitimacy. The position of the KHI should be considered for elevation through a stronger regulatory mechanism, or at least supported by a clearer legal basis within the system of laws and regulations. Such strengthening is important so that judges, advocates, and the public have certainty regarding the position of the KHI when it encounters other regulations.

The second agenda is substantive reformulation. The content of the KHI needs to be evaluated by considering *maqāsid al-syarī'ah*, gender justice, child protection, legal pluralism, and changes in the social life of Muslim families. Reform does not have to mean abandoning *fiqh* traditions, but rather reinterpreting those traditions so that they can respond to the real needs of society. The principles of public benefit, justice, and the protection of life, lineage, property, and human dignity can serve as ethical foundations for reorganizing provisions that are no longer adequate.

The third agenda is procedural and participatory reform. Criticism of the elitist formulation process of the KHI needs to be addressed through a reform mechanism involving *ulama*, academics, judges, advocates, women's organizations, child-rights observers, customary communities, and civil society. Such participation is necessary so that the KHI is not only formally valid but also socially legitimate. In this way, the KHI can move from being merely a technical guideline toward becoming a more inclusive and responsive instrument of Islamic family law.

### **An Integrated Model of KHI Reform**

Reform of the KHI should not be positioned as a project to replace the entire structure of Islamic family law, but as a gradual evaluation process of norms that are no longer adequate. An integrated reform model can begin by mapping the articles that most often generate problems in court decisions and social practice. Articles on polygamy, marriage dispensation, joint marital property, post-divorce maintenance, *hadhanah*, guardianship, and customary inheritance should be prioritized because they are directly related to vulnerable groups and to cases frequently brought before the Religious Courts. In this way, KHI reform does not proceed abstractly, but starts from the real needs of justice seekers.

At the regulatory level, reform must address the issue of the legal position of the KHI. As long as the KHI remains based on a presidential instruction, debates over its binding force will continue. Strengthening can be pursued through two options. The first option is to promote the codification of Islamic family law in the form of a statute while maintaining the principle of Indonesia's legal plurality. The second option is to formulate implementing regulations or Supreme Court guidelines that

clarify the relationship between the KHI and other laws. Whichever option is taken, the main objective is to ensure that judges have a stronger basis when using the KHI in legal reasoning.

At the substantive level, KHI reform must bring fiqh tradition into conversation with contemporary principles of justice. The *maqāṣid al-syarī'ah* approach can be used to assess whether a provision truly protects religion, life, intellect, lineage, property, and human dignity. This approach is important so that reform is not understood as a rupture from classical fiqh, but as a continuation of the objectives of Islamic law in a changing social context. Thus, gender equality, child protection, and women's economic rights should not be positioned as agendas opposed to Islamic law, but as part of the fulfillment of public benefit.

At the implementation level, KHI reform requires application guidelines that bridge norms and practice. These guidelines may contain minimum standards for judicial reasoning in particular cases, such as marriage dispensation, division of joint marital property, permission for polygamy, and child-custody disputes. These standards are not intended to limit judicial independence, but to help ensure that decisions contain adequate analysis of the best interests of the child, protection of women, the economic conditions of the parties, and the social context of the family. In this way, legal uniformity does not become rigidity, but rather consistency that still leaves room for contextual justice.

An integrated reform model also requires a database of court decisions. The Religious Courts have many decisions that can serve as important sources for understanding patterns in the application of the KHI. Studies of court decisions can reveal which articles are most frequently used, which articles are interpreted differently, and which issues most often create uncertainty. These data can provide an academic basis for formulating reform. Without the support of decision-based data, KHI reform risks merely repeating normative debates without understanding the problems actually experienced by society.

### **Scholarly Contributions and Practical Implications**

The scholarly contribution of this article lies in its effort to integrate normative, social, and institutional readings of the KHI. Many previous studies discuss particular issues, such as inheritance, marriage dispensation, women's rights, or the legal status of the KHI. This article places those issues within a single evaluative framework so that the strengths and weaknesses of the KHI can be viewed more comprehensively. Through this framework, the KHI is understood not only as a collection of articles, but as a legal instrument influenced by the history of its formation, its position in national law, judicial practice, and changing social needs.

Practically, this implies that KHI reform needs to involve more stakeholders. Judges can provide experience regarding obstacles in applying articles to concrete cases. Advocates can explain evidentiary difficulties and clients' needs for legal

assistance. Academics can offer theoretical frameworks and research findings. Women's organizations and child-rights observers can ensure that vulnerable groups are not merely objects of regulation, but also help shape policy direction. Customary communities are also important to involve because some Islamic family-law cases intersect with local traditions that possess social legitimacy. The involvement of diverse actors will strengthen the social legitimacy of a reformed KHI.

Through this approach, the KHI can continue to serve as a bridge between fiqh and national law. This bridge needs to be maintained because Indonesian Muslims need family law that is not uprooted from religious tradition, while at the same time does not ignore social justice. The main challenge for the KHI is not merely to maintain its existence, but to renew the way it works so that it can address the problems of modern Muslim families. Therefore, evaluation of the KHI should be understood as part of strengthening Indonesian Islamic law, not as an effort to weaken its authority.

### **Conclusion**

This study concludes that the KHI continues to play a strategic role in Indonesia's national legal system, particularly as a substantive legal guideline within the Religious Courts. The main strength of the KHI lies in its ability to create legal uniformity, simplify diverse fiqh opinions into operational formulations, and strengthen the legitimacy of Religious Court practice. The KHI also has historical value as a form of Islamic legal formalization that seeks to adapt fiqh traditions to the needs of the modern state.

The weaknesses of the KHI are found at two levels. At the formal level, its reliance on Presidential Instruction No. 1 of 1991 means that its binding force is not equivalent to that of a statute. At the substantive level, a number of KHI provisions still need to be reread so that they become more responsive to gender issues, child protection, legal pluralism, unregistered marriages, customary inheritance, and contemporary family dynamics. In addition, the effectiveness of the KHI is also influenced by the readiness of judges, advocates, judicial institutions, and the legal literacy of society.

The implication of this study is the need for continuous reform of the KHI through a participatory, evidence-based approach oriented toward *maqāṣid al-syarī'ah*. Such reform should include strengthening the legal basis, reformulating substantive provisions, preparing implementation guidelines, and improving the capacity of Religious Court actors. This study is limited to library research; therefore, further research may be conducted through studies of court decisions, interviews with judges and advocates, or empirical studies of the experiences of justice seekers in Islamic family-law cases.

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