

The Institutional Turn in Islamic Legal Studies: Evidence from Indonesian Religious Courts

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Abstract

Islamic legal scholarship has traditionally centred on doctrinal interpretation, juristic reasoning, and socio-legal inquiry, while comparatively less attention has been given to the institutional structures through which Islamic legal authority is organised and exercised within contemporary states. This article examines the institutional transformation of the Indonesian Religious Courts to develop an institutional perspective that treats institutions not merely as settings for applying Islamic law, but as constitutive sites through which Islamic legal authority is formed, mediated, and exercised. Employing institutional legal analysis and documentary research, the study examines legislation, Supreme Court regulations, judicial reform documents, institutional reports, and official judicial statistics to trace changes in the jurisdiction, governance, organisational capacity, and digital administration of the Religious Courts. The findings demonstrate that their transformation extends beyond legislative reform to encompass jurisdictional expansion, integration within the national judicial system, organisational standardisation, and digital judicial governance. These developments indicate that the practical authority of Islamic law depends not only on doctrinal validity but also on the institutional conditions through which legal norms are governed, implemented, and recognised as authoritative in public legal practice. Building on these findings, the article develops an Institutional Framework for Contemporary Islamic Legal Studies comprising five interrelated dimensions: legal doctrine, institutional governance, institutional capacity, institutional legitimacy, and legal authority. The framework advances an institutional turn in Islamic legal studies by conceptualising institutions as constitutive sites of Islamic legal authority, thereby complementing rather than replacing doctrinal, socio-legal, and legal-pluralist approaches.

Keywords:

Islamic legal studies; institutional turn; institutional governance; legal authority; Religious Courts.

Abstrak

Kajian hukum Islam secara tradisional berpusat pada interpretasi doktrinal, penalaran yurisprudensial, dan kajian sosio-legal, sementara perhatian yang relatif lebih sedikit diberikan kepada struktur kelembagaan yang menjadi tempat otoritas hukum Islam diorganisasikan dan dijalankan dalam negara-negara kontemporer. Artikel ini mengkaji transformasi kelembagaan Peradilan Agama di Indonesia untuk mengembangkan perspektif kelembagaan yang memandang institusi bukan sekadar sebagai tempat penerapan hukum Islam, melainkan sebagai ruang kelembagaan tempat otoritas hukum Islam dibentuk, dimediasi, dan dijalankan. Dengan menggunakan analisis hukum kelembagaan dan penelitian dokumenter, penelitian ini mengkaji peraturan perundang-undangan, peraturan Mahkamah Agung, dokumen reformasi peradilan, laporan kelembagaan, dan statistik peradilan resmi untuk menelusuri perubahan dalam yurisdiksi, tata kelola, kapasitas organisasi, dan administrasi digital Peradilan Agama. Temuan penelitian menunjukkan bahwa transformasi tersebut tidak hanya mencakup reformasi legislatif, tetapi juga meliputi perluasan yurisdiksi, integrasi ke dalam sistem peradilan nasional, standarisasi organisasi, dan tata kelola peradilan digital. Perkembangan tersebut menunjukkan bahwa otoritas praktis hukum Islam tidak hanya bergantung pada validitas doktrinal, tetapi juga pada kondisi kelembagaan yang memungkinkan norma hukum diatur, diterapkan, dan diakui secara otoritatif dalam praktik hukum publik. Berdasarkan temuan tersebut, artikel ini mengembangkan Kerangka Kelembagaan untuk Studi Hukum Islam Kontemporer yang terdiri atas lima dimensi yang saling berkaitan: doktrin hukum, tata kelola kelembagaan, kapasitas kelembagaan, legitimasi kelembagaan, dan otoritas hukum. Kerangka ini mendorong institutional turn dalam studi hukum Islam dengan memandang institusi sebagai ruang kelembagaan tempat otoritas hukum Islam dibentuk, sehingga melengkapi, bukan menggantikan, pendekatan doktrinal, sosio-legal, dan pluralisme hukum.

Kata Kunci:

studi hukum Islam; institutional turn; tata kelola kelembagaan; otoritas hukum; Peradilan Agama.

Introduction

Over recent decades, Islamic legal studies has expanded considerably beyond the classical confines of *fiqh* and *uṣūl al-fiqh*, engaging increasingly with comparative law, socio-legal inquiry, legal pluralism, Islamic legal reform, and *maqāṣid*-oriented approaches. This expansion forms part of a broader reorientation in the study of law and religion, in which scholars have increasingly examined the entanglement of legal norms with social practices, political authority, state institutions, plural normative orders, and processes of governance.¹ Within Islamic legal studies, these developments have generated more context-sensitive accounts of how Islamic law is interpreted, transformed, and practised under modern political and social conditions.² Doctrinal scholarship remains primarily concerned with the sources, content, and methodologies of Islamic legal reasoning, explaining how norms acquire validity and how jurists construct legal meaning. Socio-legal scholarship, by contrast, directs attention to the

¹ Mona Oraby and Winnifred Fallers Sullivan, "Law and Religion: Reimagining the Entanglement of Two Universals," *Annual Review of Law and Social Science*, 2020, <https://doi.org/10.1146/annurev-lawsocsci-020520-022638>.

² Dominik M. Müller, "Islam, Law, and the State," in *The Oxford Handbook of Law and Anthropology*, ed. Marie-Claire Foblets et al. (Oxford: Oxford University Press, 2020), 192–209, <https://doi.org/10.1093/oxfordhb/9780198840534.013.16>.

interaction between Islamic norms, social practices, state regulation, and everyday actors, demonstrating that Islamic law cannot be adequately understood apart from the social and political contexts in which it operates.³ Comparative and legal-pluralist scholarship has further illuminated the coexistence, interaction, and contestation of Islamic, state, customary, and other normative orders across different Muslim societies.⁴ Taken together, these approaches have substantially broadened the analytical terrain of Islamic legal studies. Yet their dominant objects of inquiry remain either the normative foundations of Islamic law or its interaction with society, politics, and competing normative orders. Comparatively less sustained attention has been directed towards the institutional structures through which Islamic legal authority is organised, channelled, legitimised, and rendered effective in contemporary public life.

That institutional question becomes more consequential once Islamic law is examined within the modern state. The transformation of Islamic law under modern state structures did not simply relocate pre-existing norms into a new legal setting; it altered the relationship between religious authority, political power, and the institutional mechanisms through which law is produced and administered.⁵ Hallaq's account of this transformation remains foundational, while subsequent scholarship has demonstrated that the relationship between Islam, law, and state power is shaped by bureaucratisation, institutionalisation, political negotiation, and changing configurations of legal authority.⁶ The contemporary operation of Islamic law, therefore, cannot be reduced to the formal incorporation of Islamic norms into state legislation. State institutions participate in defining jurisdiction, allocating decision-making authority, standardising procedures, and mediating the relationship between religious normativity and public law.⁷ Yet recognising institutions as the context within which Islamic law operates is analytically different from treating institutions themselves as a primary object of legal inquiry. A contextual approach asks how Islamic law functions within existing institutional arrangements; an institutional approach asks how those arrangements themselves constitute legal authority by determining who may interpret, administer, and legitimise Islamic law, through which procedures, and with what consequences for its public effectiveness. This distinction provides the conceptual bridge between the broader institutional gap identified in the literature and the institutional perspective advanced in this article.

³ Baudouin Dupret, "What Is Islamic Law? A Praxiological Answer and an Egyptian Case Study," *Theory, Culture & Society* 24, no. 2 (2007), <https://doi.org/10.1177/0263276407074997>; Müller, "Islam, Law, and the State."

⁴ Norbert Oberauer, Yvonne Prief, and Ulrike Qubajat, eds., "Legal Pluralism in Muslim Contexts," in *Studies in Islamic Law and Society*, 19th ed. (Leiden: Brill, 2019); K. C. Mujeebu Rahman and Anindita Chakrabarti, "Sharia, Legal Pluralism and Muslim Personal Law: Ethnographic Lessons from the Mahallu System of Malabar, India," *Journal of Muslim Minority Affairs* 42, no. 1 (2022), <https://doi.org/10.1080/13602004.2022.2051946>; Samy A. Ayoub, "A Theory of a State? How Civil Law Ended Legal Pluralism in Modern Egypt," *Journal of Law and Religion* 37, no. 1 (2022), <https://doi.org/10.1017/jlr.2021.79>.

⁵ Wael B. Hallaq, *Shari'a: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), <https://doi.org/10.1017/CBO9780511815300>.

⁶ Müller, "Islam, Law, and the State"; Asep Saepudin Jahar, "Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, Waqf and Family Law," *Studia Islamika* 26, no. 2 (2019): 207–245, <https://doi.org/10.15408/sdi.v26i2.7797>.

⁷ Abu Rokhmad, "Institutions and Contributions to Islamic Law in Indonesia's Legal System," *Walisongo Law Review (Walrev)* 3, no. 1 (2021), <https://doi.org/10.21580/walrev.2021.3.1.7282>.

Seen from their respective explanatory strengths, the major approaches within Islamic legal studies illuminate different dimensions of legal authority. Doctrinal scholarship is particularly effective in explaining the normative foundations, sources, and interpretive methodologies of Islamic law, but is less equipped to account for the organisational arrangements through which interpretive authority is distributed and exercised. Socio-legal scholarship, in turn, demonstrates how Islamic law is negotiated, contested, and experienced in social settings, including through interactions between state and non-state normative orders, but its principal analytical concern remains the relationship between law and society.⁸ Legal-pluralist scholarship further complicates this picture by demonstrating how multiple normative orders coexist and interact, yet its emphasis generally falls on the relationship and contestation among normative regimes rather than on the organisational structures through which particular forms of authority are institutionalised.⁹ Institutional scholarship offers a different analytical vocabulary, focusing on rules, organisational structures, governance, legitimacy, capacity, and institutional change.¹⁰ Recent Islamic legal scholarship has begun to engage more directly with institutionalisation, demonstrating that Islamic law may be incorporated into national legal systems through formal, procedural, and institutional mechanisms. Rokhmad, for instance, shows how the institutionalisation of Islamic law in Indonesia enables Islamic norms to acquire a recognised position within the national legal system and to contribute to broader processes of legal development.¹¹ Such scholarship is significant because it establishes institutionalisation as an important dimension of contemporary Islamic legal transformation. Yet institutionalisation as a process through which Islamic law becomes incorporated into state structures is not synonymous with institutional analysis as a framework for explaining how institutions themselves continuously constitute, mediate, and transform legal authority. The analytical question therefore shifts from how Islamic law becomes institutionalised to how institutional arrangements shape what Islamic legal authority can mean, how it can be exercised, and under what conditions it becomes publicly legitimate.

The distinction becomes particularly consequential in scholarship on the Indonesian Religious Courts, where institutional development has generated a substantial but analytically dispersed body of research. Existing studies have examined the historical emergence of Religious Courts, their incorporation into Indonesia's national judicial system, the expansion of their jurisdiction, judicial reasoning, family-law adjudication, and their contribution to Islamic legal reform.¹² More recent scholarship has continued to examine the courts as important sites of Islamic legal development,

⁸ Dupret, "What Is Islamic Law? A Praxiological Answer and an Egyptian Case Study"; Müller, "Islam, Law, and the State."

⁹ Oberauer, Prief, and Qubajat, "Legal Pluralism in Muslim Contexts"; Rahman and Chakrabarti, "Sharia, Legal Pluralism and Muslim Personal Law: Ethnographic Lessons from the Mahallu System of Malabar, India"; Ayoub, "A Theory of a State? How Civil Law Ended Legal Pluralism in Modern Egypt."

¹⁰ W. Richard Scott, *Institutions and Organizations: Ideas, Interests, and Identities*, 4th ed. (Thousand Oaks: SAGE Publications, 2013); Douglass C. North, *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press, 1990), <https://doi.org/10.1017/CBO9780511808678>; Mark C. Suchman, "Managing Legitimacy: Strategic and Institutional Approaches," *Academy of Management Review* 20, no. 3 (1995), <https://doi.org/10.5465/amr.1995.9508080331>.

¹¹ Rokhmad, "Institutions and Contributions to Islamic Law in Indonesia's Legal System."

¹² Mark E. Cammack and R. Michael Feener, "The Islamic Legal System in Indonesia," in *Islamic Law in Practice*, vol. 3, 2017, <https://doi.org/10.4324/9781315251738>; Amran Suadi, "The Role of Religious Court in Islamic Law Reform in Indonesia," *Asy-Syari'ah* 21, no. 2 (2020): 125–134, <https://doi.org/10.15575/as.v21i2.5821>.

including their role in translating Islamic norms into judicial practice and their institutionalisation within the broader Indonesian legal order.¹³ Comparative research has also situated the Indonesian Religious Courts alongside their Malaysian counterparts, highlighting differences in institutional structure, jurisdiction, and historical development.¹⁴ Taken together, these studies establish that Religious Courts are active participants in the formation and administration of Islamic law rather than merely institutional venues in which pre-existing norms are applied. Yet the literature remains largely organised around particular legal fields, judicial practices, or historical episodes. The cumulative relationship between jurisdictional expansion, organisational development, judicial governance, institutional legitimacy, and changing modes of legal administration has received less systematic attention. Consequently, the Religious Courts have been extensively studied as sites of adjudication and Islamic legal reform, but less often theorised as institutions whose internal transformation reshapes the conditions under which Islamic legal authority is constituted and exercised.

The institutional transformation of Indonesia's Religious Courts can be traced through changes in jurisdiction, judicial integration, and organisational governance. The enactment of Law No. 7 of 1989 provided a more definitive statutory foundation for the Religious Courts, while the subsequent judicial reforms of the Reform Era fundamentally altered their position within the national judiciary. The transfer to the Supreme Court's unified judicial administration strengthened their status as part of the national judicial system rather than as courts administratively attached to the religious bureaucracy.¹⁵ Law No. 3 of 2006 subsequently expanded their jurisdiction, most notably to include sharia economic disputes, while Law No. 50 of 2009 further consolidated their institutional position and judicial independence.¹⁶ Jurisdictional expansion was therefore accompanied by a broader reconfiguration of institutional authority: the Religious Courts acquired not only additional fields of adjudication but also a more clearly defined position within the architecture of state judicial power.¹⁷ Such developments are significant from an institutional perspective because they demonstrate that the contemporary authority of Islamic law is produced through the interaction of substantive norms with jurisdictional rules, organisational arrangements, judicial administration, and state recognition. The transformation of the Religious Courts consequently represents more than the enlargement of a specialised court's competence; it reflects a process through which Islamic legal authority has been reorganised and embedded within the institutional architecture of the modern Indonesian state.

¹³ Eryandi Ray et al., "The Dynamics and Challenges of the Islamic Judicial System in Indonesia: A Historical Study and Institutionalization of Religious Courts," *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 12, no. 1 (2025), <https://doi.org/10.24252/al-qadau.v12i1.55287>.

¹⁴ Raihan Azzahra and Farid Sufian Shuaib, "Religious Courts in Indonesia and Malaysia: History, Structure, and Jurisdiction," *Indonesian Comparative Law Review* 4, no. 2 (2022), <https://doi.org/10.18196/iclr.v4i2.15911>.

¹⁵ R. Michael Feener, *Sharia and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia* (Oxford: Oxford University Press, 2013).

¹⁶ Republic of Indonesia, Law No. 3 of 2006 concerning the Amendment to Law No. 7 of 1989 on Religious Courts; Republic of Indonesia, Law No. 50 of 2009 concerning the Second Amendment to Law No. 7 of 1989 on Religious Courts. The official Supreme Court legal database confirms that Law No. 3 of 2006 expanded the jurisdiction of Religious Courts, including over sharia economic disputes, while Law No. 50 of 2009 constituted the second major amendment to the 1989 statute.

¹⁷ Suadi, "The Role of Religious Court in Islamic Law Reform in Indonesia"; Eryandi Ray et al., "The Dynamics and Challenges of the Islamic Judicial System in Indonesia: A Historical Study and Institutionalization of Religious Courts."

Jurisdictional expansion, however, represents only one dimension of the Religious Courts' institutional transformation. Equally significant has been the development of organisational governance and institutional capacity through which expanded jurisdiction can be exercised consistently across the judicial system. The integration of the Religious Courts into the Supreme Court's unified judicial administration has progressively subjected them to common standards of judicial management, performance monitoring, case administration, human-resource development, and institutional accountability.¹⁸ Such standardisation is not merely an administrative consequence of judicial integration. It affects the conditions under which judges exercise authority, the procedures through which cases are processed, and the organisational capacity of courts to translate legal norms into authoritative decisions. Recent scholarship on judicial practice further illustrates that Religious Court judges operate within an increasingly standardised and bureaucratised environment in which judicial reasoning must negotiate the requirements of state law with the interpretive resources of Islamic jurisprudence. Institutional capacity therefore becomes analytically relevant to Islamic legal authority: norms may possess doctrinal validity, yet their practical authority depends partly on whether institutions possess the organisational resources, procedural mechanisms, and governance structures necessary to interpret, administer, and enforce them.¹⁹ The transformation of the Religious Courts consequently involves not only what the courts are authorised to decide, but also the institutional capacities through which that authority becomes operational.

A further layer of institutional transformation has emerged through the digitalisation of judicial administration. Beginning with the introduction of e-Court and subsequently expanding through e-Litigation, integrated case-management systems, and other digital judicial services, technological reform has increasingly become embedded in the ordinary governance of the Religious Courts.²⁰ The significance of this development extends beyond administrative efficiency. Digital systems reorganise how cases enter the court, how documents and proceedings are managed, how information circulates, and how litigants interact with judicial institutions. The Supreme Court's 2024 Annual Report, for instance, records continuing integration of case-tracking and electronic case-management systems across the judiciary, demonstrating that digitalisation has become an element of institutional infrastructure rather than an isolated technological innovation.²¹ Recent research on the Religious Courts similarly indicates that e-Court has improved administrative efficiency and transparency while revealing uneven

¹⁸ Mahkamah Agung Republik Indonesia, *Laporan Tahunan Mahkamah Agung Republik Indonesia 2024* (Jakarta: Mahkamah Agung Republik Indonesia, 2025). The Supreme Court's 2024 Annual Report documents continuing integration of case-management systems, judicial administration, information systems, and institutional performance across the four branches of the judiciary, including the Religious Courts.

¹⁹ Asa'ari and Nuzul Iskandar, "Ijtihād Qaḍā'ī under Bureaucratic Governance: Judicial Practice in the Religious Court of Sungai Penuh and Padang Panjang, Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 25, no. 1 (2026): 185–200, <https://doi.org/10.31958/juris.v25i1.16603>.

²⁰ Supreme Court of the Republic of Indonesia, PERMA No. 1 of 2019 concerning Administration of Cases and Trials in Courts Electronically (2019), as amended by PERMA No. 7 of 2022 concerning Amendments to PERMA No. 1 of 2019.

²¹ Supreme Court of the Republic of Indonesia, *Annual Report 2024* (Jakarta: Supreme Court of the Republic of Indonesia, 2025). The report documents continued development and integration of SIPP, electronic case-file administration, and related judicial information systems.

institutional capacity, infrastructure, and digital access across jurisdictions.²² Digital transformation therefore exposes an additional dimension of institutional authority: the capacity of a court to govern legal processes increasingly depends on technological systems, administrative routines, and organisational competencies that mediate the public's access to judicial authority. For Islamic law, the implication is particularly significant because the authority of Islamic legal norms is increasingly exercised through institutional processes that are simultaneously legal, administrative, and technological.

Viewed together, jurisdictional expansion, organisational standardisation, and digital judicialisation reveal a broader transformation in the location and operation of Islamic legal authority.²³ Authority is no longer exercised solely through the interpretation of Islamic norms or the adjudication of disputes according to established doctrines; it is also mediated by jurisdictional rules, administrative hierarchies, professional standards, procedural technologies, and institutional mechanisms of accountability.²⁴ Such developments complicate approaches that treat institutions primarily as neutral containers within which Islamic law is applied. At the same time, they do not render doctrinal or socio-legal approaches obsolete. Doctrinal analysis remains indispensable for determining the normative content and interpretive foundations of Islamic law, while socio-legal inquiry remains essential for understanding how legal norms are negotiated and experienced in practice.²⁵ What remains insufficiently theorised is the institutional level at which these normative and social dimensions are organised into authoritative legal practice.²⁶ The Indonesian Religious Courts therefore provide more than an empirical illustration of institutional change. They constitute a case through which the relationship between legal normativity, organisational governance, institutional capacity, legitimacy, and public authority can be examined as an integrated process.²⁷ The unresolved issue is consequently not whether institutions matter to Islamic law, but how institutional arrangements themselves participate in producing the conditions under which Islamic law becomes authoritative in contemporary legal orders.

Against this background, this article advances an institutional turn in Islamic legal studies: an analytical reorientation that treats institutions not merely as settings in which Islamic law is applied, but as constitutive sites through which Islamic legal authority is organised, mediated, legitimised, and exercised. The institutional turn does not displace doctrinal, *maqāṣid*-oriented, socio-legal, or legal-pluralist approaches. Rather, it adds an institutional level of analysis that connects legal normativity to the organisational structures through which norms acquire procedural form, jurisdictional reach, administrative capacity, and public legitimacy. The Indonesian Religious Courts provide

²² Istianah Zainal Asyiqin et al., "Transforming Sharia Economic Dispute Resolution through E-Court for Simple, Fast, and Affordable Justice," *Prophetic Law Review* 7, no. 2 (2025), <https://doi.org/10.20885/PLR.vol7.iss2.art1>.

²³ Suadi, "The Role of Religious Court in Islamic Law Reform in Indonesia"; Eryandi Ray et al., "The Dynamics and Challenges of the Islamic Judicial System in Indonesia: A Historical Study and Institutionalization of Religious Courts."

²⁴ Scott, *Institutions and Organizations: Ideas, Interests, and Identities*; Suchman, "Managing Legitimacy: Strategic and Institutional Approaches"; Müller, "Islam, Law, and the State."

²⁵ Dupret, "What Is Islamic Law? A Praxiological Answer and an Egyptian Case Study"; Müller, "Islam, Law, and the State."

²⁶ Müller, "Islam, Law, and the State"; Rokhmad, "Institutions and Contributions to Islamic Law in Indonesia's Legal System"; Eryandi Ray et al., "The Dynamics and Challenges of the Islamic Judicial System in Indonesia: A Historical Study and Institutionalization of Religious Courts."

²⁷ Scott, *Institutions and Organizations: Ideas, Interests, and Identities*; Suchman, "Managing Legitimacy: Strategic and Institutional Approaches."

the empirical setting through which this proposition is examined because their transformation brings together jurisdictional expansion, judicial integration, organisational standardisation, and digital governance within a single institutional trajectory.²⁸ Accordingly, the study addresses three interrelated questions: (1) How has the institutional transformation of the Indonesian Religious Courts reshaped the operation of Islamic law? (2) What explanatory insights does an institutional approach provide beyond predominantly doctrinal, socio-legal, and legal-pluralist approaches? (3) What does the Indonesian experience reveal about the potential of an institutional turn for the broader study of contemporary Islamic legal authority? The article makes three principal contributions. First, it develops an institutional framework for analysing Islamic law by connecting legal doctrine with institutional governance, capacity, legitimacy, and authority. Second, it reframes the study of Islamic legal institutions by distinguishing institutionalisation as a process from institutional analysis as an explanatory framework. Third, it demonstrates how the Indonesian Religious Courts can generate broader theoretical insights for comparative research on Islamic legal institutions across Muslim jurisdictions. The central argument is therefore that understanding contemporary Islamic law requires attention not only to what legal norms mean or how they operate socially, but also to the institutional arrangements through which those norms are authorised, administered, transformed, and recognised as legitimate forms of public law.

Methodology

This study adopts an institutional legal analytical approach within qualitative documentary legal research to examine how institutional transformation has reshaped the operation of Islamic law through the Indonesian Religious Courts. Rather than limiting the inquiry to statutory interpretation and judicial reasoning, the approach examines how legal norms are organised and given practical effect through jurisdictional arrangements, organisational governance, judicial administration, and institutional mechanisms of authority. Recent methodological scholarship recognises qualitative legal research as particularly appropriate for examining law within its institutional and contextual settings, while contemporary research on Islamic law likewise accommodates methodological approaches that move beyond exclusively doctrinal inquiry.²⁹

The documentary research covers 1989–2024, beginning with Law No. 7 of 1989 on Religious Courts and extending to institutional and statistical materials available for the 2024 reporting year. The period captures major stages of institutional transformation, including jurisdictional expansion, integration into the national judicial system, organisational reform, and digital judicial administration. The documentary corpus consists of four categories: primary legal materials, including legislation and Supreme Court Regulations; official institutional documents, including reform blueprints, annual reports, and strategic policy documents; administrative and statistical records, including official case statistics and judicial administration data; and secondary legal

²⁸ Republic of Indonesia, Law No. 7 of 1989 on Religious Courts, as amended by Law No. 3 of 2006 and Law No. 50 of 2009; Supreme Court of the Republic of Indonesia, PERMA No. 1 of 2019 concerning Administration of Cases and Trials in Courts Electronically; Supreme Court of the Republic of Indonesia, *Annual Report 2024*.

²⁹ Ian Dobinson and Francis Johns, “Legal Research as Qualitative Research,” in *Research Methods for Law*, ed. Mike McConville and Wing Hong Chui, 2nd ed. (Edinburgh: Edinburgh University Press, 2017), <https://doi.org/10.1515/9781474404259-005>; P. Ishwara Bhat, “Qualitative Legal Research: A Methodological Discourse,” in *Idea and Methods of Legal Research*, 2020; Haider Ala Hamoudi, “Research Methods for Islamic Law,” in *Research Methods for Law*, ed. McConville and Chui, 3rd ed. (Edinburgh: Edinburgh University Press, 2024), 151–164.

scholarship concerning Islamic law, the Religious Courts, judicial governance, and institutional transformation.³⁰

Document selection followed purposive and relevance-based criteria. Materials were included when they directly addressed the jurisdiction, organisation, administration, governance, or reform of the Religious Courts; originated from an authoritative legal or institutional source where applicable; fell within the 1989–2024 period; and provided substantive evidence relevant to the study's analytical dimensions of legal authority, institutional governance, institutional capacity, institutional legitimacy, or legal administration. Materials containing only incidental references to the Religious Courts were excluded.³¹ This approach establishes a transparent documentary boundary linking source selection to the research questions and analytical objectives.

Analysis proceeded through four stages: identification and appraisal of relevant documents; chronological reconstruction of institutional developments; systematic classification according to the five analytical dimensions; and comparative interpretation across different documentary sources. Legislation and judicial regulations were examined alongside institutional reports, administrative statistics, and secondary scholarship to identify patterns of institutional change and distinguish formal institutional design from subsequent institutional development. Comparison across source types was used to strengthen the interpretation and identify convergence or tension between formal legal arrangements and institutional practice.³²

The documentary findings were interpreted through institutional theory, judicial governance, and institutional legitimacy. These perspectives provide the analytical basis for examining how changes in jurisdiction, organisational arrangements, administrative procedures, and digital governance affect the exercise and recognition of Islamic legal authority.³³ Official statistics were used descriptively to contextualise institutional scale and administrative development rather than to establish causal relationships or statistical generalisations. The study consequently produces a theoretically informed qualitative account of institutional transformation, treating the Indonesian Religious Courts as an analytical case through which to examine how institutional arrangements organise, mediate, and legitimise Islamic legal authority in contemporary legal governance.

Findings and Discussion

Institutional Transformation and the Reconfiguration of Islamic Legal Authority

The institutional transformation of the Indonesian Religious Courts is most clearly visible in the changing scope and location of their judicial authority. Law No. 7 of 1989 established the statutory foundation of the Religious Courts as part of the national judicial

³⁰ Republic of Indonesia, Law No. 7 of 1989 on Religious Courts, as amended by Law No. 3 of 2006 and Law No. 50 of 2009; Supreme Court of the Republic of Indonesia, PERMA No. 1 of 2019 concerning Administration of Cases and Trials in Courts Electronically, as amended by PERMA No. 7 of 2022; Supreme Court of the Republic of Indonesia, *Annual Report 2024*; Badan Peradilan Agama Mahkamah Agung Republik Indonesia, *Statistik Perkara Pengadilan Agama/Mahkamah Syar'iyah*.

³¹ Mike McConville and Wing Hong Chui, eds., *Research Methods for Law*, 3rd ed. (Edinburgh: Edinburgh University Press, 2024); P. Ishwara Bhat, *Idea and Methods of Legal Research* (Oxford: Oxford University Press, 2020), <https://doi.org/10.1093/oso/9780199493098.001.0001>.

³² Dobinson and Johns, "Legal Research as Qualitative Research"; McConville and Chui, *Res. Methods Law*.

³³ Scott, *Institutions and Organizations: Ideas, Interests, and Identities*; Suchman, "Managing Legitimacy: Strategic and Institutional Approaches."

system, while Law No. 3 of 2006 and Law No. 50 of 2009 subsequently strengthened and expanded their jurisdiction. The 2006 amendment was particularly significant because it extended the courts' jurisdiction beyond core areas of Islamic family law to include disputes arising from Islamic economic activities, while the 2009 amendment further consolidated their position within the national judicial structure.³⁴ The significance of these reforms therefore lies not simply in the addition of subject matters to judicial jurisdiction, but in the institutional relocation of Islamic adjudicative authority within a unified state judiciary.

Jurisdictional expansion altered the conditions under which Islamic legal norms acquire public legal effect. Before institutionalisation through the statutory jurisdiction of the Religious Courts, Islamic norms could operate through diverse forms of religious, customary, and social authority. Once particular fields of Islamic law were assigned to a state-recognised court with defined jurisdiction, however, their adjudication became subject to institutional rules concerning competence, procedure, judicial hierarchy, and enforceability.³⁵ Islamic legal authority was consequently no longer constituted only through the substantive validity or interpretive persuasiveness of Islamic norms; it was also shaped by the institutional allocation of jurisdiction through which those norms could be authoritatively applied. Recent scholarship on the Religious Courts similarly identifies the expansion of jurisdiction over Islamic economic disputes as an important dimension of the courts' changing legal and institutional role.³⁶

Judicial integration further transformed the organisational setting in which this authority is exercised. The placement of the Religious Courts under the Supreme Court following the broader judicial reform process established a common institutional framework for judicial administration, organisational oversight, and procedural governance across the four judicial branches.³⁷ The documentary record therefore indicates a shift from a conception of Religious Courts as specialised forums for resolving predominantly religious-family disputes towards their operation as fully integrated public judicial institutions. This shift matters analytically because institutional integration determines not only where Islamic legal disputes are adjudicated but also under what organisational conditions legal authority is exercised. Judicial hierarchy, administrative supervision, procedural standardisation, and institutional accountability become part of the infrastructure through which Islamic legal norms are translated into authoritative judicial practice.

The transformation subsequently extended from jurisdiction and institutional location to the organisation of judicial administration. Supreme Court reform policies and institutional reports document the progressive standardisation of judicial management,

³⁴ Republic of Indonesia, Law No. 7 of 1989 on Religious Courts, as amended by Law No. 3 of 2006 and Law No. 50 of 2009. Law No. 3 of 2006 is particularly significant for the expansion of Religious Court jurisdiction, including disputes concerning Islamic economic activities.

³⁵ Mark Cammack, "Indonesia's 1989 Religious Judicature Act: Islamization of Indonesia or Indonesianization of Islam?," *Indonesia* 63 (1997), <https://doi.org/10.2307/3351514>; Mark E. Cammack and R. Michael Feener, "The Islamic Legal System in Indonesia," in *Islamic Law in Practice*, vol. 3, 2017, <https://doi.org/10.4324/9781315251738>.

³⁶ Ridwan Malik, M. Thahir Maloko, and Fatmawati, "Strengthening Judicial Authority in Sharia Economic Disputes: A Legal Study of Indonesia's Religious Courts," *Jurnal Hukum Ekonomi Syariah* 9, no. 2 (2025): 243–57, <https://doi.org/10.26618/csf64p78>.

³⁷ Republic of Indonesia, Law No. 4 of 2004 concerning Judicial Power; Republic of Indonesia, Law No. 48 of 2009 concerning Judicial Power. The statutory framework confirms the position of the Religious Courts within the unified judicial system under the Supreme Court.

performance administration, and service procedures across the judiciary.³⁸ For the Religious Courts, such standardisation establishes organisational conditions within which judges, court officials, case administration, and judicial services operate. The analytical significance of this development is not that standardisation necessarily produces greater accountability or legitimacy in itself. Rather, it demonstrates that the exercise of Islamic legal authority has become increasingly dependent upon organisational arrangements that regulate how jurisdiction is exercised, cases are processed, and judicial functions are institutionally coordinated. Governance therefore becomes constitutive of legal authority rather than merely ancillary to it.

Digital judicialisation represents a further stage of this institutional transformation. The introduction of electronic case administration through PERMA No. 1 of 2019, followed by its amendment through PERMA No. 7 of 2022, formally incorporated electronic registration, payment, summons, and litigation within the judicial process.³⁹ The Supreme Court subsequently reported the integration of e-Court with the Sistem Informasi Penelusuran Perkara (SIPP), demonstrating that digitalisation has become embedded within the broader architecture of judicial administration rather than functioning simply as an additional service channel.⁴⁰ These developments are particularly important for the Religious Courts because they alter the procedural infrastructure through which Islamic adjudication is delivered. Digitalisation thus expands the institutional dimension of Islamic legal authority: authority is exercised not only through judges and legal rules but also through technological systems that structure filing, communication, case management, and procedural interaction.

The documentary evidence nevertheless requires a careful distinction between institutional design, institutional implementation, and institutional outcomes. Supreme Court regulations and reform documents establish the legal and organisational infrastructure for digital and administrative transformation, while institutional reports provide evidence of implementation and use. They do not, by themselves, establish that digitalisation has uniformly increased transparency, accountability, or access to justice for all court users. Such effects require separate empirical investigation. What the documentary record does establish is a significant transformation in the institutional conditions through which Islamic adjudication is organised and delivered.⁴¹ Jurisdictional expansion, judicial integration, organisational standardisation, and digital judicialisation have progressively shifted Islamic legal authority from a primarily normative question concerning the interpretation of Islamic law toward a broader institutional process

³⁸ Supreme Court of the Republic of Indonesia, *Annual Report 2024*; Supreme Court of the Republic of Indonesia, *Blueprint for the Reform of the Supreme Court of the Republic of Indonesia* (Jakarta: Supreme Court of the Republic of Indonesia). These materials document the development of institutional reform, administrative standardisation, and judicial modernisation.

³⁹ Supreme Court of the Republic of Indonesia, PERMA No. 1 of 2019 concerning Administration of Cases and Trials in Courts Electronically, as amended by PERMA No. 7 of 2022. The Supreme Court's official legal database confirms that PERMA No. 7 of 2022 amended PERMA No. 1 of 2019 and remains in force.

⁴⁰ Supreme Court of the Republic of Indonesia, "Pemberitahuan Pembaruan Aplikasi e-Court 4.0.0," December 20, 2022. The Supreme Court specifically documented the integration of e-Court with SIPP as part of the continuing development of electronic judicial administration.

⁴¹ Supreme Court of the Republic of Indonesia, *Annual Report 2024*; Badan Peradilan Agama Mahkamah Agung Republik Indonesia, *Statistik Perkara Pengadilan Agama/Mahkamah Syar'iyah*. These sources provide institutional and administrative evidence but do not, without additional empirical research, establish uniform effects on users' perceptions of transparency, accountability, legitimacy, or access to justice.

involving jurisdiction, governance, organisational capacity, and procedural infrastructure.

Taken together, these developments answer the first research question by demonstrating that institutional transformation has reshaped the operation of Islamic law at the level of where authority is located, how it is organised, through what capacities it is exercised, and by which procedures it acquires public legal effect. The Indonesian Religious Courts therefore reveal an important analytical shift: Islamic legal authority in the contemporary state cannot be adequately understood by examining legal doctrine independently from the institutions that allocate jurisdiction, organise judicial action, and structure the conditions of legal practice. The institutional transformation documented here consequently provides the empirical basis for the next question—what an institutional approach can explain that remains less visible when Islamic law is examined predominantly through doctrinal, socio-legal, or legal-pluralist lenses.

From Legal Norms to Institutional Conditions: The Explanatory Value of the Institutional Approach

The transformation documented in the Religious Courts raises a question that cannot be answered adequately by tracing changes in legal doctrine alone: what makes particular Islamic norms capable of operating as authoritative law within a contemporary legal order? Doctrinal analysis remains indispensable for identifying the sources, interpretive principles, and normative content of Islamic law. Yet the institutional transformation of the Religious Courts demonstrates that normative validity does not by itself determine the conditions under which a rule acquires jurisdictional, procedural, and enforceable significance. Recent scholarship on change in Islamic law similarly emphasises that shifts in legal authority cannot be reduced to changes in substantive rules, but must also be examined through processes of selection, authorisation, codification, and the institutions through which particular interpretations become operative.⁴² The institutional approach therefore addresses a different analytical question: not simply what Islamic law means, but how institutional arrangements enable particular forms of Islamic normativity to become authoritative legal practice.

A doctrinal approach is particularly powerful when the object of inquiry is the internal logic of Islamic law. It can establish the textual sources of a rule, reconstruct juristic reasoning, compare competing interpretations, and evaluate the coherence of legal doctrines. Contemporary Islamic legal scholarship has continued to develop sophisticated methodologies for addressing these questions, including *maqāṣid*-oriented, contextual, hermeneutical, and comparative approaches.⁴³ Such approaches are essential to understanding legal normativity, but their explanatory reach becomes more limited when the question shifts from the validity of a norm to the institutional conditions of its operation. A doctrinal analysis may explain why a particular interpretation is considered legally persuasive; it does not necessarily explain why one institution possesses jurisdiction to apply that interpretation, why a particular procedure governs its application, or how organisational structures determine the manner in which legal authority is exercised. The Indonesian Religious Courts illustrate precisely this

⁴² Eirik Hovden, "Understanding and Framing Change in Islamic Law: Potentials and Possible Pitfalls of the Concepts of Canonization and Codification," *Oxford Journal of Law and Religion* 12, no. 3 (2023), <https://doi.org/10.1093/ojlr/rwae020>.

⁴³ Ahmed Gad Makhlouf, "The Doctrinal Development of Contemporary Islamic Law: Fiqh Academies as an Institutional Framework," *Oxford Journal of Law and Religion* 10, no. 3 (2021), <https://doi.org/10.1093/ojlr/rwac005>.

distinction: their contemporary authority depends not only on the substantive content of Islamic law but also on statutory jurisdiction, judicial hierarchy, procedural rules, organisational arrangements, and administrative infrastructures.

Socio-legal scholarship adds another essential dimension by directing attention to the relationship between law and social practice. Rather than treating legal rules as self-executing, socio-legal research examines how norms are negotiated, contested, interpreted, and experienced by actors within particular social and political contexts. Recent studies of Islamic legal authority demonstrate, for example, that religious normativity may operate through interactions among state institutions, religious authorities, communities, and competing normative orders.⁴⁴ This perspective is indispensable for understanding the social life of Islamic law, particularly where formal legal rules coexist with informal or non-state forms of authority. Yet the socio-legal emphasis on law–society interaction does not necessarily place the internal organisation of legal institutions at the centre of analysis. The institutional approach complements this perspective by asking how interactions among actors become structured through jurisdictional rules, organisational hierarchies, administrative procedures, professional standards, and institutional routines. In other words, socio-legal analysis illuminates how law is negotiated in social relations, whereas institutional analysis additionally examines how those relations are organised into relatively durable structures of legal authority.

Legal-pluralist scholarship provides a further perspective by demonstrating that Islamic law rarely operates in isolation from state, customary, and other normative orders. Contemporary research on Indonesia, including studies of Aceh, continues to show how Islamic, state, and customary norms interact through processes of recognition, accommodation, jurisdictional negotiation, and legal harmonisation.⁴⁵ Legal pluralism is therefore particularly valuable for explaining the coexistence and interaction of multiple normative orders. Its principal analytical concern, however, is the relationship among different sources or forms of normativity rather than the internal institutional mechanisms through which a particular legal authority is organised and reproduced. The distinction matters because legal pluralism can identify the existence of multiple normative orders without necessarily explaining why one institutional arrangement is authorised to select, interpret, coordinate, or enforce particular norms. An institutional perspective consequently shifts the analytical focus from the plurality of legal orders to the institutional mechanisms through which authority is allocated and coordinated among them. The distinction can be summarised as follows:

Table 1. Comparative Analytical Scope of Major Approaches to Contemporary Islamic Legal Studies

Approach	Primary Analytical Question	Principal Explanatory Contribution	Less Visible Dimension
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⁴⁴ Rahman and Chakrabarti, “Sharia, Legal Pluralism and Muslim Personal Law: Ethnographic Lessons from the Mahallu System of Malabar, India.”

⁴⁵ Mursyid Djawas et al., “Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism,” *Hasanuddin Law Review* 10, no. 1 (2024), <https://doi.org/10.20956/halrev.v10i1.4824>; Hanisah Binte Abdullah Sani, “State Law and Legal Pluralism: Towards an Appraisal,” *Journal of Legal Pluralism and Unofficial Law* 52, no. 1 (2020), <https://doi.org/10.1080/07329113.2020.1727726>.

Doctrinal	What does Islamic law prescribe, and how is it interpreted?	Normative validity, interpretation, juristic reasoning	Organisational conditions of authority
Socio-legal	How is Islamic law negotiated and experienced in society?	Law–society relations, practice, contestation	Internal institutional organisation
Legal pluralist	How do Islamic, state, customary, and other normative orders interact?	Coexistence, interaction, jurisdictional plurality	Institutional production of authoritative practice
Institutional	How are legal norms organised into authoritative institutional practice?	Governance, jurisdiction, capacity, legitimacy, authority	-

Source: Author's synthesis based on Makhoulf (2021), Rahman and Chakrabarti (2022), Hovden (2023), and Rokhmad (2021). The comparison identifies the principal analytical emphasis of each approach and does not imply that institutional questions are absent from other approaches.

The value of the institutional approach therefore lies not in displacing these established perspectives but in connecting an analytical level that they do not always foreground. Institutional theory directs attention to the rules, organisational structures, normative expectations, and legitimacy processes through which collective action becomes structured and reproduced.⁴⁶ Applied to Islamic legal studies, this perspective makes it possible to examine how normative content becomes institutionally organised, how jurisdiction is allocated, how organisational capacity mediates implementation, and how institutional recognition contributes to the public authority of legal decisions. Recent scholarship on contemporary *fiqh* academies provides an important indication of this possibility: institutional bodies do not merely apply pre-existing Islamic doctrine but can themselves function as frameworks for collective legal reasoning and the development of contemporary doctrine.⁴⁷ The institutional dimension is therefore not external to Islamic legal development; under certain conditions, it participates in the production and stabilisation of legal authority.

The Indonesian Religious Courts make this analytical distinction particularly visible. Jurisdictional expansion demonstrates how the state allocates specific domains of Islamic adjudication; judicial integration establishes the organisational location within which that jurisdiction is exercised; administrative standardisation structures the procedures through which judicial authority operates; and digitalisation increasingly provides the technological infrastructure through which judicial functions are performed. None of these processes, taken separately, determines the substantive validity of Islamic law. Collectively, however, they shape the institutional conditions under which Islamic legal norms become actionable, procedurally recognisable, and capable of producing public legal consequences. Institutional analysis therefore captures a dimension of legal transformation that remains analytically incomplete when Islamic law is examined exclusively as doctrine, social practice, or interaction among plural normative orders.

⁴⁶ Scott, *Institutions and Organizations: Ideas, Interests, and Identities*; Vivien A. Schmidt, "Discursive Institutionalism: The Explanatory Power of Ideas and Discourse," *Annual Review of Political Science* 11 (2008), <https://doi.org/10.1146/annurev.polisci.11.060606.135342>.

⁴⁷ Gad Makhoulf, "The Doctrinal Development of Contemporary Islamic Law: Fiqh Academies as an Institutional Framework."

The distinction also clarifies the relationship between institutionalisation and institutional analysis. Indonesian scholarship has already recognised the institutionalisation of Islamic law as an important process through which Islamic norms become incorporated into the national legal system.⁴⁸ That insight is important, but institutionalisation as an historical or legal process is not equivalent to institutional analysis as an explanatory framework. The former asks how Islamic law enters or becomes recognised within formal legal structures; the latter asks how those structures continuously organise, mediate, and transform legal authority after institutional incorporation has occurred. The Religious Courts demonstrate why this distinction matters. Their institutional significance does not end with statutory recognition. Once incorporated into the national judiciary, changes in jurisdiction, governance, organisational capacity, and digital infrastructure continue to reshape the conditions under which Islamic law is interpreted and administered.

Accordingly, the institutional approach contributes an additional explanatory layer to contemporary Islamic legal studies. It links normativity to organisation, organisation to capacity, and capacity to authority without reducing Islamic legal authority to any one of these dimensions. Such an approach also avoids treating the state as a neutral container of Islamic law. The state is instead understood as an institutional environment in which jurisdiction is allocated, legal procedures are standardised, organisational capacities are developed, and particular forms of normativity acquire differentiated degrees of public authority. Recent scholarship increasingly recognises that contemporary Islamic law is shaped by processes of institutionalisation, codification, and changing authority; the contribution of the present study is to bring these processes together within an explicitly institutional analytical framework.⁴⁹

The explanatory value of this perspective becomes clearest, therefore, when the question is reformulated from whether Islamic law has entered the modern state to how institutional arrangements condition the forms through which Islamic law becomes authoritative within the state. The Indonesian Religious Courts demonstrate that the answer cannot be located exclusively in doctrine, social negotiation, or legal plurality. It lies in the interaction among normative foundations, institutional governance, organisational capacity, legitimacy, and legal authority. This interaction provides the analytical bridge to the article's central theoretical proposition: an institutional turn in Islamic legal studies requires institutions to be treated not merely as contexts in which Islamic law operates, but as constitutive sites through which contemporary Islamic legal authority is organised and produced.

The Institutional Turn and the Five-Dimensional Framework of Islamic Legal Authority

The preceding analysis demonstrates that institutional transformation does more than provide an organisational setting for the application of Islamic law. Jurisdictional allocation, judicial integration, organisational governance, and digital infrastructure shape the conditions under which Islamic norms are interpreted, administered, and given public legal effect. The analytical implication is significant: if institutions constitute part of the conditions through which Islamic legal authority operates, institutional analysis

⁴⁸ Rokhmad, "Institutions and Contributions to Islamic Law in Indonesia's Legal System."

⁴⁹ Hovden, "Understanding and Framing Change in Islamic Law: Potentials and Possible Pitfalls of the Concepts of Canonization and Codification"; Rokhmad, "Institutions and Contributions to Islamic Law in Indonesia's Legal System."

requires more than identifying the existence of organisations or describing processes of institutionalisation. It requires an analytical framework capable of explaining how normative foundations, governance arrangements, organisational capacity, legitimacy, and legal authority interact within a contemporary Islamic legal institution.

Established institutional theories provide important foundations for such an analysis, but they do not fully resolve this problem within Islamic legal studies. North conceptualises institutions in terms of rules and constraints that structure interaction, while March and Olsen emphasise the role of institutional rules, routines, and organisational structures in shaping political behaviour. Scott subsequently develops a broader institutional framework encompassing regulative, normative, and cultural-cognitive dimensions, and Suchman demonstrates how legitimacy contributes to the maintenance and acceptance of organisational authority.⁵⁰ Judicial governance scholarship adds a further insight by treating courts as institutional actors whose authority is shaped by organisational structures, political relationships, and institutional design rather than by adjudication alone.⁵¹ These approaches collectively establish the importance of rules, governance, organisation, and legitimacy. What they do not specifically provide, however, is an integrated framework for explaining how these dimensions interact with the distinctive normative foundations of Islamic law to produce institutionally mediated legal authority.

Recent Islamic legal scholarship makes the need for such an integration increasingly visible. Research on contemporary *fiqh* academies, for example, demonstrates that institutional bodies can participate directly in the formation and development of Islamic legal doctrine through collective processes of legal reasoning.⁵² Scholarship on the institutionalisation of Islamic law in Indonesia similarly shows that Islamic norms can acquire a recognised position within the national legal system through formal legal and institutional processes.⁵³ Studies of contemporary fatwa authority further demonstrate that the legal and public significance of Islamic normative pronouncements varies according to the institutional setting in which they are produced and recognised.⁵⁴ These developments suggest that institutions are not external containers surrounding Islamic law. They can influence the production, selection, recognition, and practical force of Islamic legal norms. The contribution of the present study is therefore to make this institutional dimension analytically explicit and to connect it systematically with the question of legal authority.

The Five Dimensions of the Institutional Framework

The proposed framework identifies five interrelated dimensions: legal doctrine, institutional governance, institutional capacity, institutional legitimacy, and legal

⁵⁰ North, *Institutions, Institutional Change and Economic Performance*; JM March and JP Olsen, *Rediscovering Institutions: The Organizational Basis of Politics* (New Jersey: Free Press, 1989); Scott, *Institutions and Organizations: Ideas, Interests, and Identities*; Suchman, "Managing Legitimacy: Strategic and Institutional Approaches."

⁵¹ David S. Clark and Martin Shapiro, "Courts: A Comparative and Political Analysis," *The American Journal of Comparative Law* 31, no. 1 (1983), <https://doi.org/10.2307/839612>; Tom Ginsburg, *Judicial Review in New Democracies: Constitutional Courts in Asian Cases* (Cambridge: Cambridge University Press, 2003), <https://doi.org/10.1017/cbo9780511511189.002>.

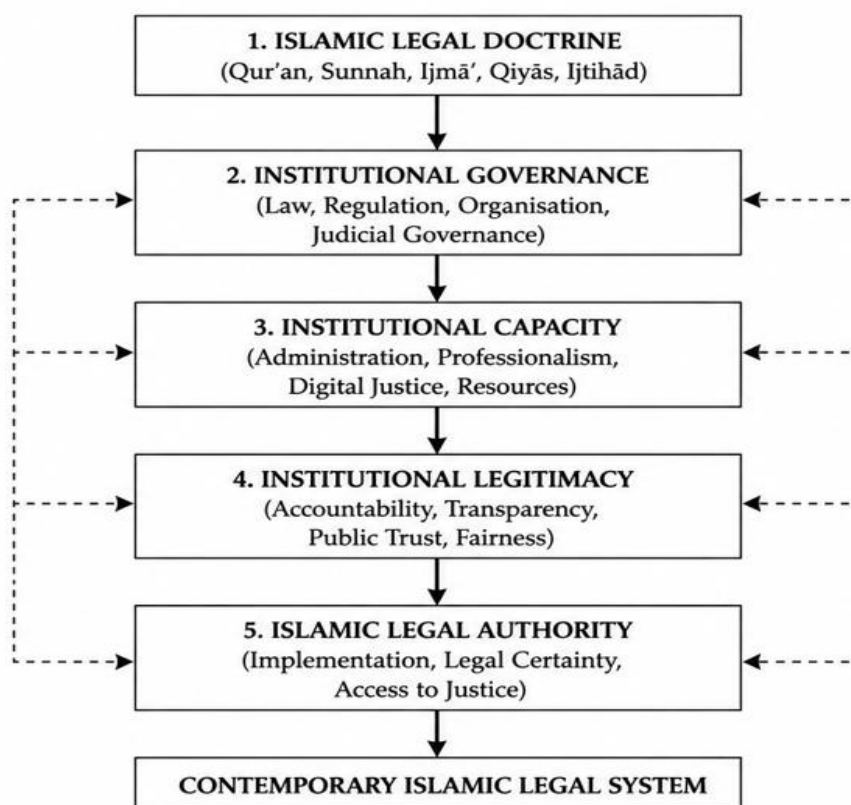
⁵² Gad Makhoul, "The Doctrinal Development of Contemporary Islamic Law: Fiqh Academies as an Institutional Framework."

⁵³ Rokhmad, "Institutions and Contributions to Islamic Law in Indonesia's Legal System."

⁵⁴ Shaheen Whyte, "Are Fatwas Dispensable? Examining the Contemporary Relevance and Authority of Fatwas in Australia," *Oxford Journal of Law and Religion* 11, no. 2–3 (2023), <https://doi.org/10.1093/ojlr/rwac015>.

authority. These dimensions should not be understood as a linear sequence in which one automatically produces the next. Rather, they represent mutually conditioning dimensions through which Islamic legal authority is constituted and exercised. Doctrine provides the normative reference point; governance organises how authority is allocated and exercised; capacity supplies the organisational resources through which institutional functions become operational; legitimacy concerns the grounds upon which institutional authority is recognised and sustained; and legal authority represents the capacity of the institutional arrangement to translate Islamic normativity into authoritative legal practice.

Figure 1. Institutional Framework for Contemporary Islamic Legal Studies



Source: Developed by the author based on the synthesis of institutional theory (North, 1990; March & Olsen, 1989; Scott, 2014; Suchman, 1995), judicial governance literature (Shapiro, 1981; Ginsburg, 2003), and the empirical analysis of the institutional transformation of the Indonesian Religious Courts presented in this study.

The first dimension, legal doctrine, refers to the substantive and interpretive foundations from which an institution derives the normative content of Islamic law. Doctrine remains indispensable because institutionalisation cannot itself determine whether a legal proposition is considered consistent with Islamic legal reasoning. The institutional turn therefore does not diminish doctrinal inquiry. Instead, it asks how doctrinal norms are selected, interpreted, translated into institutional rules, and incorporated into judicial practice. The development of contemporary *fiqh* academies illustrates this interaction: institutional structures can facilitate collective legal reasoning

and thereby participate in the contemporary development of doctrine.⁵⁵ Doctrine, consequently, should be understood not as an isolated source of authority but as the normative foundation that interacts with institutional processes.

The second dimension, institutional governance, concerns the rules, jurisdictional arrangements, hierarchies, procedures, and decision-making structures through which legal authority is organised. The Indonesian Religious Courts demonstrate that Islamic legal authority becomes institutionally differentiated through statutory jurisdiction, judicial hierarchy, procedural regulation, and administrative governance. Governance determines who may exercise authority, within what jurisdiction, through which procedures, and subject to what forms of institutional oversight. In this respect, governance mediates the relationship between Islamic legal norms and their institutional application. The institutional question is therefore not simply whether a norm exists, but how an institutional arrangement determines the circumstances under which that norm can be invoked and translated into legally consequential action.

The third dimension, institutional capacity, concerns the organisational resources and infrastructures that enable institutional authority to function. Capacity includes personnel, administrative systems, procedural competence, information infrastructures, and technological systems. The digital transformation documented in the Religious Courts is particularly relevant because e-Court, e-Litigation, and integrated judicial information systems demonstrate that contemporary adjudication increasingly depends upon technological and administrative infrastructures.⁵⁶ Capacity should nevertheless be distinguished from effectiveness. The existence of an institutional infrastructure demonstrates the capacity to perform particular functions; it does not by itself establish that those functions have produced uniformly positive outcomes for litigants. This distinction is essential because institutional capacity concerns the ability to exercise authority, whereas effectiveness concerns the consequences of that exercise.

The fourth dimension, institutional legitimacy, concerns the grounds upon which institutional authority is recognised as appropriate, justified, and acceptable within a particular legal order. Formal statutory recognition constitutes one important dimension of institutional legitimacy, but it should not be equated automatically with public legitimacy. Contemporary legitimacy scholarship emphasises that legal authority involves questions of acceptance, normative alignment, trust, and the perceived appropriateness of institutional action.⁵⁷ For this reason, the present framework treats legitimacy as an institutional condition rather than as a presumed outcome of reform. In the Religious Courts, statutory recognition and integration within the national judiciary provide evidence of formal institutional recognition; whether such recognition translates into broader social legitimacy requires additional empirical investigation.

The fifth and central dimension is legal authority. In this framework, legal authority is not simply synonymous with the existence of Islamic legal norms, nor is it reducible to the formal power of a court. It refers to the institutional capacity of a legally recognised arrangement to make particular Islamic norms operative, procedurally authoritative, and capable of producing public legal consequences. Authority therefore emerges through the

⁵⁵ Gad Makhoul, "The Doctrinal Development of Contemporary Islamic Law: Fiqh Academies as an Institutional Framework."

⁵⁶ Supreme Court of the Republic of Indonesia, PERMA No. 1 of 2019 concerning Administration of Cases and Trials in Courts Electronically, as amended by PERMA No. 7 of 2022; Supreme Court of the Republic of Indonesia, *Annual Report 2024*.

⁵⁷ Tom R. Tyler, "Whither Legitimacy? Legal Authority in the Twenty-First Century," *Annual Review of Law and Social Science*, 2023, <https://doi.org/10.1146/annurev-lawsocsci-110722-074236>.

interaction of the preceding dimensions. Doctrine supplies normative content; governance determines the institutional allocation and regulation of authority; capacity enables its exercise; and legitimacy contributes to its recognition and sustainability. Legal authority consequently represents the point at which Islamic normativity becomes institutionally consequential within a public legal order.

From Established Institutional Theory to an Islamic Legal Institutional Framework

The originality of the framework lies precisely in this relational configuration. The study does not claim to introduce governance, capacity, legitimacy, or authority as new concepts. Nor does it claim to replace established institutional theory. North, March and Olsen, Scott, and Suchman remain essential foundations for understanding institutional rules, organisational behaviour, institutional stability, and legitimacy.⁵⁸ The contribution instead lies in reorganising these analytical resources around the distinctive problem of Islamic legal authority. Whereas general institutional theory explains how institutions structure behaviour and sustain organisational arrangements, the proposed framework asks how those institutional mechanisms interact with Islamic legal normativity to produce authoritative legal practice.

This distinction becomes particularly important when compared with existing Islamic legal scholarship. Much of the literature has examined the transformation of Islamic law through doctrinal reform, state incorporation, socio-legal negotiation, or plural normative interaction. Recent work has begun to recognise institutions more explicitly, including through studies of *fiqh* academies and the institutionalisation of Islamic law.⁵⁹ Yet institutionalisation is usually examined as a process through which Islamic law becomes incorporated into a legal system. The present framework moves one analytical step further by treating the institution itself as a constitutive site of authority. The question is therefore not merely how Islamic law becomes institutionalised, but how institutional arrangements continuously shape what Islamic legal authority means, where it is located, how it is exercised, and under what conditions it is recognised as authoritative.

The Indonesian Religious Courts provide empirical support for this proposition. Their transformation shows that legal authority cannot be attributed exclusively to the doctrinal content of Islamic law. Jurisdictional legislation determines the scope within which Islamic adjudication can operate; judicial integration determines its position within the state judiciary; organisational governance structures the exercise of judicial functions; institutional capacity enables those functions to be performed; and formal recognition provides an institutional basis for authority. Digitalisation further demonstrates that technological infrastructure has become part of the institutional environment within which Islamic adjudication operates. The empirical case therefore supports the proposition that Islamic legal authority is institutionally mediated rather than doctrinally self-executing.

This proposition also clarifies the relationship between the five dimensions. They are analytically distinct but empirically interdependent. A doctrinal norm without institutional governance may lack a defined mechanism of authoritative application;

⁵⁸ North, *Institutions, Institutional Change and Economic Performance*; March and Olsen, *Rediscovering Institutions: The Organizational Basis of Politics*; Scott, *Institutions and Organizations: Ideas, Interests, and Identities*; Suchman, "Managing Legitimacy: Strategic and Institutional Approaches."

⁵⁹ Gad Makhoul, "The Doctrinal Development of Contemporary Islamic Law: Fiqh Academies as an Institutional Framework"; Rokhmad, "Institutions and Contributions to Islamic Law in Indonesia's Legal System."

governance without sufficient capacity may remain formally established but operationally weak; capacity without legitimacy may provide institutional capability without corresponding recognition; and legitimacy without a normative foundation risks disconnecting institutional authority from the legal tradition it claims to administer. Legal authority consequently emerges from the interaction among these dimensions rather than from any single component. The framework thus conceptualises Islamic legal authority as relational and institutional, rather than as an attribute located exclusively in texts, jurists, courts, or state power.

The Institutional Turn as an Analytical Reorientation

The resulting institutional turn should therefore be understood as an analytical reorientation rather than a new substantive school of Islamic jurisprudence. Its purpose is to complement, rather than replace, doctrinal, socio-legal, and legal-pluralist approaches. Doctrinal analysis remains necessary to establish normative meaning; socio-legal analysis remains necessary to understand how norms are experienced and contested; and legal-pluralist analysis remains necessary to examine interaction among competing normative orders. Institutional analysis adds another level by explaining how these normative and social processes become organised within durable structures of governance and translated into forms of public legal authority.

The Indonesian experience consequently offers a broader theoretical proposition for contemporary Islamic legal studies. Islamic legal authority in the modern state is not produced solely by the survival or reinterpretation of Islamic norms. It is also shaped by the institutional arrangements through which those norms are authorised, administered, proceduralised, and recognised. The Religious Courts therefore demonstrate the analytical potential of an institutional turn: institutions should be studied not merely as venues in which Islamic law is applied, but as constitutive sites in which Islamic legal authority is organised, mediated, and transformed.

The framework should nevertheless be understood as a theoretically informed proposition rather than a universally validated model. Its empirical foundation lies in the institutional transformation of the Indonesian Religious Courts. Application to other Islamic legal institutions—including zakat and waqf authorities, fatwa bodies, halal institutions, and Islamic financial governance—should therefore be treated as a direction for future comparative research rather than as an established empirical finding. Different institutions may configure doctrine, governance, capacity, legitimacy, and authority in substantially different ways. The broader contribution of the framework lies consequently in providing a portable analytical vocabulary through which such institutional differences can be investigated systematically.

Conclusion

The institutional transformation of the Indonesian Religious Courts demonstrates that contemporary Islamic legal authority is shaped not only by the normative content of Islamic law, but also by the institutional conditions through which that normativity is organised, governed, and rendered legally effective. Jurisdictional integration, organisational governance, institutional capacity, and judicial digitalisation consequently emerge as constitutive conditions of Islamic legal authority within the modern state.

The principal theoretical contribution lies in advancing an institutional turn in contemporary Islamic legal studies. Rather than treating institutions merely as settings for applying Islamic law, the proposed perspective conceptualises them as constitutive sites in which legal authority is organised, mediated, and transformed. The resulting five-

dimensional framework—doctrine, governance, capacity, legitimacy, and authority—extends established institutional theory into the distinctive problem of Islamic legal authority while complementing, rather than displacing, doctrinal, socio-legal, and legal-pluralist approaches.

The analysis is limited by its reliance on documentary evidence and a single institutional setting. Official legal instruments, judicial reports, and institutional statistics provide substantial evidence of organisational and regulatory transformation, but they cannot fully establish how institutional legitimacy and authority are perceived by judges, legal professionals, litigants, or wider publics. The framework therefore remains theoretically informed rather than empirically validated across different Islamic legal institutions.

Future research should test the framework comparatively across other institutional settings, particularly zakat, waqf, fatwa, halal, and Islamic financial institutions. Comparative inquiry can establish whether the five dimensions operate consistently across different jurisdictions and configurations of state–religion relations, and thereby determine the broader explanatory reach of the institutional turn.

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This research did not involve human participants, interviews, surveys, personal data, or experimental procedures. The study is based exclusively on publicly accessible legal and institutional materials and published scholarly sources. Accordingly, formal ethical approval was not required.

Data Availability Statement

The study draws on publicly accessible legal and institutional materials, including constitutional and statutory provisions, institutional regulations, official fatwa documents, and published scholarly literature. The materials analysed are identified and cited in the manuscript and are accessible through the relevant official legal, institutional, and scholarly sources.

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References

Asa’ari, and Nuzul Iskandar. “Ijtihād Qaḍā’ī under Bureaucratic Governance: Judicial Practice in the Religious Court of Sungai Penuh and Padang Panjang, Indonesia.”

- JURIS (Jurnal Ilmiah Syariah)* 25, no. 1 (2026): 185–200. <https://doi.org/10.31958/juris.v25i1.16603>.
- Asyiqin, Istianah Zainal, Fadia Fitriyanti, M. Endriyo Susila, M. Fabian Akbar, and Dimas Putra Wirayudha. “Transforming Sharia Economic Dispute Resolution through E-Court for Simple, Fast, and Affordable Justice.” *Prophetic Law Review* 7, no. 2 (2025). <https://doi.org/10.20885/PLR.vol7.iss2.art1>.
- Ayoub, Samy A. “A Theory of a State? How Civil Law Ended Legal Pluralism in Modern Egypt.” *Journal of Law and Religion* 37, no. 1 (2022). <https://doi.org/10.1017/jlr.2021.79>.
- Azzahra, Raihan, and Farid Sufian Shuaib. “Religious Courts in Indonesia and Malaysia: History, Structure, and Jurisdiction.” *Indonesian Comparative Law Review* 4, no. 2 (2022). <https://doi.org/10.18196/iclr.v4i2.15911>.
- Bhat, P. Ishwara. *Idea and Methods of Legal Research*. Oxford: Oxford University Press, 2020. <https://doi.org/10.1093/oso/9780199493098.001.0001>.
- . “Qualitative Legal Research: A Methodological Discourse.” In *Idea and Methods of Legal Research*, 2020.
- Cammack, Mark. “Indonesia’s 1989 Religious Judicature Act: Islamization of Indonesia or Indonesianization of Islam?” *Indonesia* 63 (1997). <https://doi.org/10.2307/3351514>.
- Cammack, Mark E., and R. Michael Feener. “The Islamic Legal System in Indonesia.” In *Islamic Law in Practice*, Vol. 3, 2017. <https://doi.org/10.4324/9781315251738>.
- . “The Islamic Legal System in Indonesia.” In *Islamic Law in Practice*, Vol. 3, 2017. <https://doi.org/10.4324/9781315251738>.
- Clark, David S., and Martin Shapiro. “Courts: A Comparative and Political Analysis.” *The American Journal of Comparative Law* 31, no. 1 (1983). <https://doi.org/10.2307/839612>.
- Djawas, Mursyid, Abidin Nurdin, Muslim Zainuddin, Idham, and Zahratul Idami. “Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism.” *Hasanuddin Law Review* 10, no. 1 (2024). <https://doi.org/10.20956/halrev.v10i1.4824>.
- Dobinson, Ian, and Francis Johns. “Legal Research as Qualitative Research.” In *Research Methods for Law*, edited by Mike McConville and Wing Hong Chui, 2nd ed. Edinburgh: Edinburgh University Press, 2017. <https://doi.org/10.1515/9781474404259-005>.
- Dupret, Baudouin. “What Is Islamic Law? A Praxiological Answer and an Egyptian Case Study.” *Theory, Culture & Society* 24, no. 2 (2007). <https://doi.org/10.1177/0263276407074997>.
- Eryandi Ray, Tamrin Kamal, Saifullah, Desi Asmerat, and Julhadi. “The Dynamics and Challenges of the Islamic Judicial System in Indonesia: A Historical Study and Institutionalization of Religious Courts.” *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 12, no. 1 (2025). <https://doi.org/10.24252/al-qadau.v12i1.55287>.
- Feener, R. Michael. *Sharia and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia*. Oxford: Oxford University Press, 2013.
- Gad Makhoulouf, Ahmed. “The Doctrinal Development of Contemporary Islamic Law: *Fiqh* Academies as an Institutional Framework.” *Oxford Journal of Law and Religion* 10, no. 3 (2021). <https://doi.org/10.1093/ojlr/rwac005>.
- Ginsburg, Tom. *Judicial Review in New Democracies: Constitutional Courts in Asian Cases*. Cambridge: Cambridge University Press, 2003. <https://doi.org/10.1017/cbo9780511511189.002>.
- Hallaq, Wael B. *Shari’a: Theory, Practice, Transformations*. Cambridge: Cambridge

- University Press, 2009. <https://doi.org/10.1017/CBO9780511815300>.
- Hamoudi, Haider Ala. "Research Methods for Islamic Law." In *Research Methods for Law*, edited by McConville and Chui, 3rd ed., 151–164. Edinburgh: Edinburgh University Press, 2024.
- Hovden, Eirik. "Understanding and Framing Change in Islamic Law: Potentials and Possible Pitfalls of the Concepts of Canonization and Codification." *Oxford Journal of Law and Religion* 12, no. 3 (2023). <https://doi.org/10.1093/ojlr/rwae020>.
- Jahar, Asep Saepudin. "Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, Waqf and Family Law." *Studia Islamika* 26, no. 2 (2019): 207–245. <https://doi.org/10.15408/sdi.v26i2.7797>.
- Malik, Ridwan, M. Thahir Maloko, and Fatmawati. "Strengthening Judicial Authority in Sharia Economic Disputes: A Legal Study of Indonesia's Religious Courts." *Jurnal Hukum Ekonomi Syariah* 9, no. 2 (2025): 243–57. <https://doi.org/10.26618/csf64p78>.
- March, JM, and JP Olsen. *Rediscovering Institutions: The Organizational Basis of Politics*. New Jersey: Free Press, 1989.
- McConville, Mike, and Wing Hong Chui, eds. *Research Methods for Law*. 3rd ed. Edinburgh: Edinburgh University Press, 2024.
- Müller, Dominik M. "Islam, Law, and the State." In *The Oxford Handbook of Law and Anthropology*, edited by Marie-Claire Foblets, Mark Goodale, Maria Sapignoli, and Olaf Zenker, 192–209. Oxford: Oxford University Press, 2020. <https://doi.org/10.1093/oxfordhb/9780198840534.013.16>.
- North, Douglass C. *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press, 1990. <https://doi.org/10.1017/CBO9780511808678>.
- Oberauer, Norbert, Yvonne Prief, and Ulrike Qubajat, eds. "Legal Pluralism in Muslim Contexts." In *Studies in Islamic Law and Society*, 19th ed. Leiden: Brill, 2019.
- Oraby, Mona, and Winnifred Fallers Sullivan. "Law and Religion: Reimagining the Entanglement of Two Universals." *Annual Review of Law and Social Science*, 2020. <https://doi.org/10.1146/annurev-lawsocsci-020520-022638>.
- Rahman, K. C. Mujeebu, and Anindita Chakrabarti. "Sharia, Legal Pluralism and Muslim Personal Law: Ethnographic Lessons from the Mahallu System of Malabar, India." *Journal of Muslim Minority Affairs* 42, no. 1 (2022). <https://doi.org/10.1080/13602004.2022.2051946>.
- Republic of Indonesia, Law No. 3 of 2006 concerning the Amendment to Law No. 7 of 1989 on Religious Courts.
- Republic of Indonesia, Law No. 48 of 2009 concerning Judicial Power.
- Republic of Indonesia, Law No. 50 of 2009 concerning the Second Amendment to Law No. 7 of 1989 on Religious Courts.
- Rokhmad, Abu. "Institutions and Contributions to Islamic Law in Indonesia's Legal System." *Walisono Law Review (Walrev)* 3, no. 1 (2021). <https://doi.org/10.21580/walrev.2021.3.1.7282>.
- Sani, Hanisah Binte Abdullah. "State Law and Legal Pluralism: Towards an Appraisal." *Journal of Legal Pluralism and Unofficial Law* 52, no. 1 (2020). <https://doi.org/10.1080/07329113.2020.1727726>.
- Schmidt, Vivien A. "Discursive Institutionalism: The Explanatory Power of Ideas and Discourse." *Annual Review of Political Science* 11 (2008). <https://doi.org/10.1146/annurev.polisci.11.060606.135342>.

- Scott, W. Richard. *Institutions and Organizations: Ideas, Interests, and Identities*. 4th ed. Thousand Oaks: SAGE Publications, 2013.
- Suadi, Amran. "The Role of Religious Court in Islamic Law Reform in Indonesia." *Asy-Syari'ah* 21, no. 2 (2020): 125–134. <https://doi.org/10.15575/as.v21i2.5821>.
- Suchman, Mark C. "Managing Legitimacy: Strategic and Institutional Approaches." *Academy of Management Review* 20, no. 3 (1995). <https://doi.org/10.5465/amr.1995.9508080331>.
- Supreme Court of the Republic of Indonesia, PERMA No. 1 of 2019 concerning Administration of Cases and Trials in Courts Electronically (2019), as amended by PERMA No. 7 of 2022 concerning Amendments to PERMA No. 1 of 2019.
- Supreme Court of the Republic of Indonesia, *Annual Report 2024* (Jakarta: Supreme Court of the Republic of Indonesia, 2025).
- Tyler, Tom R. "Whither Legitimacy? Legal Authority in the Twenty-First Century." *Annual Review of Law and Social Science*, 2023. <https://doi.org/10.1146/annurev-lawsocsci-110722-074236>.
- Whyte, Shaheen. "Are Fatwas Dispensable? Examining the Contemporary Relevance and Authority of Fatwas in Australia." *Oxford Journal of Law and Religion* 11, no. 2–3 (2023). <https://doi.org/10.1093/ojlr/rwac015>.