

Reconstruction of Equality Before the Law: An Islamic Legal Perspective in the Context of Social Inequality


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Abstract: This paper explores the integration of Islamic legal principles, specifically justice (adl) and equality (musawah), to address social inequalities in Indonesia's diverse, post-pandemic society. The objective is to develop an inclusive legal framework aligned with national values. Employing an interdisciplinary approach combining Islamic law, sociology, and economics, the study analyzes theological and juridical foundations from the Qur'an and Hadith, alongside empirical data. Results show progress in reducing social disparities, with the Gini index dropping to 0.375 by March 2025 and poverty rates declining to 8.47 percent. Instruments like productive zakat, digital waqf, and sharia microfinance, supported by digital platforms such as e-court Syariah, have enhanced wealth redistribution and access to justice for marginalized groups. The main novelty lies in proposing an egalitarian family law reform through the Musawah Framework and contextual ijtihad to restore Islam's original egalitarian values. Despite challenges like conservative resistance and digital divides, these reforms promise sustainable solutions for inclusive development, reducing socio-economic disparities, and strengthening Indonesia's legal system.

Keywords: digital justice, equality; Islamic law, social justice, wealth redistribution.

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Abstract: Tulisan ini mengkaji integrasi prinsip hukum Islam, khususnya keadilan (*adl*) dan kesetaraan (*musawah*), untuk mengatasi ketidaksetaraan sosial di masyarakat Indonesia yang beragam pasca-pandemi. Tujuannya adalah membangun kerangka hukum inklusif yang selaras dengan nilai-nilai nasional. Dengan pendekatan interdisipliner yang menggabungkan hukum Islam, sosiologi, dan ekonomi, penelitian ini menganalisis landasan teologis dan yuridis dari Al-Qur'an dan Hadis serta data empiris. Hasilnya menunjukkan kemajuan dalam mengurangi disparitas sosial, dengan indeks Gini turun menjadi 0.375 pada Maret 2025 dan tingkat kemiskinan menurun menjadi 8,47 persen. Instrumen seperti zakat produktif, wakaf digital, dan keuangan mikro syariah, didukung platform digital seperti e-court Syariah, telah meningkatkan redistribusi kekayaan dan akses keadilan bagi kelompok marginal. Kebaruan utama terletak pada usulan reformasi hukum keluarga egaliter melalui Musawah Framework dan ijtihad kontekstual untuk memulihkan nilai kesetaraan asli Islam. Meskipun menghadapi tantangan seperti resistensi konservatif dan kesenjangan digital, reformasi ini menjanjikan solusi berkelanjutan untuk pembangunan inklusif, pengurangan disparitas sosial-ekonomi, dan penguatan sistem hukum di Indonesia.

Kata kunci: hukum Islam, keadilan digital, keadilan sosial, kesetaraan, redistribusi kekayaan

Introduction

In the current era of globalization and modernization, social inequality has emerged as a critical issue affecting societal stability in various countries, including Indonesia.¹ This phenomenon encompasses economic disparities, access to education, healthcare, and legal justice, where marginalized groups often face systemic discrimination.² The principle of equality before the law, which asserts that every individual is equal before the law regardless of their social, economic, or ethnic background, serves as a fundamental pillar of a rule-of-law state.³ However, in the context of a heterogeneous society like Indonesia,

¹ Indah Maysa Amirtha et al., "Globalization and Its Influence on Social Inequalities and Poverty Alleviation in Indonesia," *International Journal of Social Science and Humanity* 1, no. 4 (2024): 65-79.

² James Franklin, "Discrimination Unveiled: Understanding Its Impact on Marginalized Communities.," *Journal of International Social Research* 17, no. 108 (2024).

³ Adetomiwa Fowowe, "Rule of Law: The Perspective of the Principle of Equality Before the Law," Available at SSRN 4684451, 2022.

the implementation of this principle is frequently hindered by conflicting cultural, political, and religious norms, leading to issues of injustice that require profound reconstruction to achieve substantive justice.⁴ This issue is increasingly relevant, as data indicates that social inequality in Indonesia remains high, with a Gini index of 0.38 in 2024, highlighting the need for an inclusive legal approach to address this gap.⁵

From an Islamic legal perspective, the concept of equality before the law has been embedded since the era of Prophet Muhammad (PBUH), where the Qur'an and Hadith emphasize the principles of justice (adl) and equality (musawah) for all humanity, without discrimination based on race, gender, or social status.⁶ For instance, Imam Ali ibn Abi Talib, during his governance, strictly applied this principle, ensuring that the law was enforced justly for all parties, including the rulers themselves, as a manifestation of the belief that all humans are equal before Allah SWT.⁷ Islamic law not only guarantees formal equality but also substantive equality through instruments such as zakat and waqf, which aim to reduce social disparities.⁸ However, in contemporary contexts, interpretations of Sharia are often influenced by patriarchal cultures or political interests, which may deviate from the egalitarian essence of Islam.⁹

⁴ Ridwan Arifin et al., "Striking a Balance: Navigating Peace, Justice, and Restorative Justice in Indonesian Prosecutorial Process," *The Prosecutor Law Review* 1, no. 3 (2023).

⁵ Felix Reyhan Tambunan and Dwi Budi Santoso, "Analysis of the Impacts of Gender Development on Income Disparity in Indonesia," *Journal of Development Economic and Social Studies* 4, no. 2 (2025): 627-38.

⁶ Juliyana Junaidi, Latifah Abdul Majid, and Mohd Arif Nazri, "Revisiting Social Justice: Exploring the Qur'anic Paradigm in Addressing Contemporary Challenges," *Afkar: Jurnal Akidah Dan Pemikiran Islam* 25, no. 2 (2023): 153-92.

⁷ Youssef Chahine, "The Rationale of the Administrative Thought of ALI BIN ABI TALIB and Administrative Schools (A Comparative Study)," *Journal of Public Administration and Governance* 10, no. 1 (2020): 159181.

⁸ Zafar Ali et al., "The Role of Islamic Values in Promoting Social Justice and Community Welfare," *International Research Journal of Management and Social Sciences* 5, no. 1 (2024): 575-85.

⁹ Adis Duderija, "Tensions between the Study of Gender and Religion: The Case of Patriarchal and Non-Patriarchal Interpretations of the Islamic Tradition," *Hawwa* 15, no. 3 (2017): 257-78.

Existing literature has extensively discussed the principle of equality before the law in Islamic law. For example, Ahmad Rofii research analyzes discrepancies between the implementation of Islamic legal theory and the Indonesian constitution, finding that legal practices often fail to reflect the principle of equality.¹⁰ Another study by Centre for Labour Research highlights the importance of non-discriminatory equality in Islamic law, while an article on the interpretation of the Bani Khuzaimah Hadith explores the application of this principle in Islamic contexts.¹¹ Additionally, research on gender justice in Islamic marriage law in Indonesia demonstrates how universal Islamic values can support equality, despite ongoing challenges in their implementation.¹²

Nevertheless, there is a significant research gap, as most studies focus on theoretical or comparative aspects with positive law but lack in-depth exploration of practical reconstruction in the context of contemporary social inequalities, such as the impacts of the pandemic or digitalization, which exacerbate disparities.¹³ This gap includes a lack of interdisciplinary analysis integrating sociological, economic, and Islamic theological perspectives to formulate a holistic reconstruction model, leaving the issue of social injustice unresolved comprehensively.

The objective of this research is to reconstruct the concept of equality before the law from the perspective of Islamic law in order to address the persistent social inequalities in Indonesia. These inequalities are evident from empirical data, such as the still-high Gini index of 0.381 in September 2024 according to the Central Statistics Agency (Badan Pusat Statistik), as well as cases of structural discrimination against marginalized groups, including ethnic minorities in Papua, women, and other vulnerable communities. Such

¹⁰ Duderija.

¹¹ Centre for Labour Research, "Equality and Nondiscrimination" (Islamic Labour Code & Centre for Labour Research, 2022).

¹² Putri Ayu Lestari, "Gender Equity in Islamic Marriage and Divorce: A Narrative Review," *Sinergi International Journal of Islamic Studies* 2, no. 4 (2024): 203–14.

¹³ Muhammad Mumtaz Ejaz and Yousuf Mahtab Ahmad, "Digitalization Policies and Social Inequality: An Interpretative Case Study Analysis of European Regions," ed. Luca Gastaldi (Politecnico di Milano, Scuola di Ingegneria Industriale e dell'Informazione, 2025).

conditions hinder the substantive implementation of the principle of equality and lead to systemic injustice.

These factual conditions reveal a causal gap between the normative ideals of the equality principle in a rule-of-law state and the just and inclusive values in Islamic law (such as *adl* and *musawah*) on the one hand, and the reality of implementation influenced by patriarchal culture, political interests, and conflicting norms on the other. Therefore, this reconstruction is theoretically necessary to produce applicable policy recommendations grounded in egalitarian Islamic values.

This study employs a qualitative approach through literature analysis, with primary sources consisting of the Al-Qur'an and Hadith, and secondary sources including journals, books, and Islamic legal documents. This analysis is combined with a comparative approach to cases of social injustice in Indonesia to develop a holistic reconstruction model. The research is expected to contribute to strengthening the foundation of a rule-of-law state based on just and inclusive Islamic values.

Reconstruction of the Concept of Equality Before the Law in the Perspective of Islamic Law to Address Social Inequality in Indonesia

The reconstruction of the concept of equality before the law from the perspective of Islamic law is an urgent necessity to address the persistent social inequality in Indonesia.¹⁴ The high level of economic disparity, as reflected by the Gini index of 0.375 in March 2025 a slight decrease of 0.006 points from the previous period still indicates significant disparities between the wealthy and the poor amidst post-pandemic recovery.¹⁵ Against this backdrop, a progressive reinterpretation of the fundamental principles of Islamic law, such as *musawah* (equality) and *adl* (justice), can provide a theological and juridical foundation for more inclusive social justice.¹⁶ This approach not only responds

¹⁴ Junaidi, Majid, and Nazri, "Revisiting Social Justice: Exploring the Qur'anic Paradigm in Addressing Contemporary Challenges."

¹⁵ Junaidi, Majid, and Nazri.

¹⁶ Ahmad Munawar Ismail, LATIFAH ABDUL MAID, and Muhammad Farhan Firas, "Rethinking Justice: Unraveling the Tapestry of Justice in Islamic and Western Philosophies.," *Islāmiyyāt: International Journal of Islamic Studies* 46, no. 1 (2024).

to contemporary conditions but also integrates Islamic values into the national legal framework based on Pancasila and the 1945 Constitution, where Article 27(1) explicitly guarantees equality for all.¹⁷ This gap highlights not merely a normative ideal but a critical failure in state policy implementation, where cultural-patriarchal influences and political interests often override the egalitarian potential of Islamic principles, necessitating a transformative reconstruction that bridges theology with socio-legal mechanisms.

1. Theological Foundation of Musawah

The theological foundation of musawah in the Qur'an and Hadith provides a robust basis for reconstructing equality before the law.¹⁸ Surah An-Nisa verse 1 asserts that all humans are created from a single soul (*nafs wahidah*), which not only explains the ontological origin of creation but also establishes fundamental equality before Allah SWT, regardless of ethnic, social, or economic differences.¹⁹ A contemporary interpretation of this verse can be used to reject any form of social hierarchy that contradicts the principle of universal equality.²⁰ Furthermore, the Prophet Muhammad's (PBUH) Farewell Sermon reinforces this idea, stating that no Arab is superior to a non-Arab, or vice versa, except based on piety.²¹ This explicitly rejects structural discrimination and establishes musawah as a core value to be realized in legal,

¹⁷ Muhammad Solikhudin, "Constitutional Fiqh in The Framework of The Pancasila State," in *International Conference on Law, Technology, Spirituality and Society (ICOLESS)*, vol. 3, 2024, 96-111.

¹⁸ M Abdul Aziz, "The Principles of Islamic Polity in the Qur'an and Sunnah: Revisiting Modern Political Discourse," *Al-Burhān: Journal of Qur'ān and Sunnah Studies* 7, no. 1 (2023): 5-28.

¹⁹ Nurjannah Ismail, Muhammad Firdaus, and Edi Darmawijaya, "Gender Equality in the Qur'an: An Analysis of Surah an-Nisa' verses 1 and 34 in the Exegesis of Al-Tabari and Al-Rāzī," *Gender Equality: International Journal of Child and Gender Studies* 10, no. 2 (2024): 224-34.

²⁰ Siep Stuurman, *The Invention of Humanity: Equality and Cultural Difference in World History* (Harvard University Press, 2017).

²¹ M D Cholem Ullah, "Determining the Historical Significance of the Farewell Sermon of the Prophet (PBUH) in Context of Demand of the Time," *IIUC Studies*, 2020, 55-72.

social, and political systems.²² In Indonesia's multicultural context, this principle can be reinterpreted to promote inclusivity.

2. Reinterpretation of Adl for Social Justice

The reinterpretation of adl as an instrument of social justice in Islamic law extends beyond mere ritualistic aspects, encompassing comprehensive socio-economic dimensions.²³ In contemporary Indonesia, the principle of adl can be reconstructed to create a fair redistribution system through instruments like zakat and waqf.²⁴ These are not merely individual obligations but can also serve as state policies to reduce poverty. Recent data shows that effective zakat distribution by institutions like BAZNAS has successfully reduced urban poverty through productive programs that promote entrepreneurship and increase household income. Current research demonstrates that implementing Islamic justice principles through productive zakat mechanisms not only positively impacts poverty alleviation but also contributes to social stability by gradually reducing disparities, as evidenced by the steady decline in the Gini index.

3. Historical Precedent of Progressive Policies

The historical precedent of Caliph Umar ibn al-Khattab's progressive policies provides a concrete model for applying equality before the law in a contemporary context.²⁵ Umar implemented a progressive taxation system through kharaj and ushr, tailored to the economic capacity of the population rather than social or ethnic status, ensuring fair wealth redistribution and

²² Stefania Sigurdís Jóhannudóttir, "Women's Rights Advocacy Within a Religious Context; the Case of Musawah: A Qualitative Research Study on How the Advocacy and Navigational Strategies of the Global Women's Rights Movement Musawah Are Informed by Cultural Relativism and Universalism," 2024.

²³ Saemah Shamim and Muhammad Muhammad Nasir, "Unearthing Perspectives from Aristotle's Nicomachean Ethics and Islamic Adl: Discourse of Settler Colonialism in South Africa," *Indonesian Journal of Law and Islamic Law (IJLIL)* 6, no. 1 (2024): 72–87.

²⁴ Salsa Addella Dyani Hidayat and Sya'na Sekar Izzati, "The Concept of Indonesian State Income Distribution in Terms of Concepts Al-Adl According to Baqir Al-Sadr," *Citizen: Jurnal Ilmiah Multidisiplin Indonesia* 5, no. 2 (2025): 665–76.

²⁵ Amjad Hussain, "Strategies for Ethical Leadership: Reflections on Umar Ibn Al-Khattab's (RA) Governance," *ĪQĀN* 7, no. 1 (2024): 23–44.

reducing disparities in the heterogeneous post-Islamic expansion society.²⁶ Umar's innovative policies, such as returning conquered land to its original owners with land tax obligations, reflect restorative justice prioritizing public interest (maslahah) over elite interests.²⁷ This approach can serve as a blueprint for agrarian law reform in Indonesia, where land ownership issues often fuel social conflict and economic inequality in rural areas. Additionally, Umar's establishment of the baitul mal as a state financial institution demonstrates a long-term vision for equitable wealth management.

4. Transformation of Islamic Family Law

The transformation of Islamic family law in Indonesia, from the Compilation of Islamic Law (KHI) to progressive reforms, has shown progress through initiatives like the Counter Legal Draft Compilation of Islamic Law (CLD-KHI).²⁸ Although controversial, this represents a systematic effort to integrate gender equality and social justice principles into regulations on marriage, inheritance, and waqf, focusing on eliminating discrimination against women in the division of joint marital property and child custody rights.²⁹ Religious Courts, as institutions enforcing Islamic law, have demonstrated flexibility in applying progressive principles, such as recognizing the wife's economic contributions in full during marital asset division.³⁰ This reflects an application of Islamic law responsive to contemporary social realities, including women's

²⁶ Muhammad Iqbal et al., "Measuring the Relevance of Umar Bin Khattab's Fiscal Policy Concept in Indonesia," *I-Finance: A Research Journal on Islamic Finance* 9, no. 1 (2023): 70–88.

²⁷ Sunbal Islam Chaudhary, Usman Asghar, and Muhammad Afzal, "Examining Restorative Justice: Different Approaches in Islamic Customary Law and International Practices," *PAKISTAN ISLAMICUS (An International Journal of Islamic & Social Sciences)* 4, no. 02 (2024): 41–54.

²⁸ Tri Siska Marni, Silfia Hanani, and Nofiardi Nofiardi, "Modernisation of Islamic Family Law in Indonesia (Analysis of Counter Legal Draft-Compilation of Islamic Law in Inheritance Law)," *GIC Proceeding* 1 (2023): 317–25.

²⁹ Syed Hasnat Ahmad Shah Gillani and Asmara Farzand, "Laws Regarding Family Inclusive of Marriage, Dowry, Custody, Divorce, Maintenance and Inheritance," *ALIDRAK JOURNAL* 4, no. 1 (2024): 91–106.

³⁰ Nizam Ubaidillah and Asmaul Husna, "Regulation of Maintenance in Islamic Family Law: Implications for Family Welfare," *International Journal of Health, Economics, and Social Sciences (IJHESS)* 5, no. 4 (2023): 601–12.

increasing roles in formal and informal economic sectors post-pandemic. Although the CLD-KHI has not been fully adopted as new legislation, the discourse it has generated has enriched

5. Integration of Maqasid Sharia

Integrating maqasid sharia into Indonesia's national legal system can strengthen the implementation of equality before the law by emphasizing the achievement of public welfare through the preservation of five fundamental elements: religion, life, intellect, lineage, and property, all aimed at creating inclusive and socially just policies.³¹ Research shows that applying maqasid principles in Islamic economic policies, including social protection systems, affordable education, and improved healthcare access, can significantly reduce socio-economic disparities, aligning with Indonesia's constitutional mandate to guarantee citizens' fundamental rights without discrimination. This approach also enables synergy between positive law and Sharia, where maqasid can serve as an interpretive tool for existing laws, such as in criminal or civil law reforms, ensuring that justice is not only procedural but also substantive, particularly in addressing issues like minority rights and environmental protection.³²

6. Challenges and Prospects

The challenges and prospects of implementing the reconstruction of equality before the law from an Islamic law perspective in Indonesia include resistance from conservative groups adhering to literalist interpretations and limited understanding of progressive approaches among legal practitioners, which often hinder the adoption of reforms like the CLD-KHI or the integration of maqasid sharia into national policies.³³ However, the momentum for reform shows a positive trend, with increasing numbers of academics, scholars, and practitioners advocating contextual approaches, supported by mainstream institutions like Nahdlatul Ulama and Muhammadiyah, which promote restorative justice as part of modern *ijtihad* to address contemporary social

³¹ Ali et al., "The Role of Islamic Values in Promoting Social Justice and Community Welfare."

³² Jocelyn Simonson, "The Place of 'the People' in Criminal Procedure," *Columbia Law Review* 119, no. 1 (2019): 249-308.

³³ Muhammad Ali Murtafdo, "Islamic Family Law Reform in Indonesia," 2020.

challenges, including the economic impacts of climate change and urban migration.³⁴ Prospects are further brightened by technological advancements, such as digital platforms for Islamic legal education, which can expand access to knowledge about *musawah* and *adl* to the broader public.

Indonesia's experience in reconstructing equality before the law can be compared with reforms in other Muslim countries, enriching the global debate on legal pluralism and substantive equality. In Tunisia, the Code du Statut Personnel (promulgated in 1956 and progressively reformed) radically prohibited polygamy and promoted gender equality, establishing it as a secular-progressive model in the Arab world, while still drawing on *maqasid al-sharia* principles for family welfare (*hifz al-nasl*). Morocco's *Mudawwana* (reformed in 2004) overhauled family law by restricting polygamy, enhancing women's rights in divorce and inheritance, and integrating *maqasid* for substantive justice similar to initiatives related to the Counter Legal Draft of the Compilation of Islamic Law (CLD-KHI) in Indonesia. Meanwhile, Malaysia has adopted a hybrid approach with a more centralized state-managed *zakat* system for wealth redistribution, demonstrating how state policy can systemically reinforce *adl* (justice).

This comparison illustrates that Indonesia's reconstruction through the integration of *Pancasila* with *musawah* (equality) and *adl* offers a unique model of legal pluralism in a heterogeneous society, where Islamic law does not dominate but synergizes with positive law. It contributes to international debates on how *maqasid al-sharia* can support substantive equality without sacrificing national identity, differing from the more secular approach in Tunisia or conservative ones in Gulf states.

The reconstruction model proposed in this article causally links Islamic theological principles such as *musawah*, *adl*, and *maqasid al-sharia* with operational mechanisms within the Indonesian legal system, forming a transformative framework to address social inequalities.

³⁴ Zahrah Zahrah et al., "The Flexibility of Islamic Law in Responding to Climate Change Impacts on the Economy," *Al'Aqdu: Journal of Islamic Economics Law* 4, no. 2 (2024): 151-60.

At its core, the model begins with a theological-normative dimension, where *musawah* (drawn from Qur'an Surah An-Nisa:1 and the Prophet's Farewell Sermon) and *adl* (Qur'an Surah Al-Maidah:8) serve as the ontological foundation of equality. These principles are translated through *maqasid al-sharia* the preservation of religion, life, intellect, progeny, and property into a priority for substantive justice rather than merely formal equality.

These foundational principles are then operationalized into legal instruments. This includes reforms in family law, such as those in the Compilation of Islamic Law (KHI) and the Counter Legal Draft (CLD-KHI), to promote gender equality in inheritance and joint marital property. Additionally, mechanisms for wealth redistribution, such as productive *zakat* and state-managed *waqf*, are emphasized, as they causally contribute to reducing economic disparities evidenced by correlations between BAZNAS programs and declines in the Gini index. In the realm of public policy and judicial practice, the model integrates these Islamic values with Article 27(1) of the 1945 Constitution and *Pancasila*, creating a hybrid policy framework. Religious courts are encouraged to apply contextual *ijtihad*, for instance by recognizing wives' economic contributions in property division. Comparatively, this approach resembles Morocco's 2004 *Mudawwana* reforms, which prioritized public interest (*maslahah*) over literal interpretations.

The model's causal logic and novelty lie in addressing empirical gaps such as structural discrimination and conservative resistance stemming from rigid interpretations. By shifting from purely normative to analytical reconstruction, it generates inclusive policies that not only reduce inequality but also strengthen a rule of law grounded in Islamic values. The model offers originality through its interdisciplinary approach, combining theology, sociology, and economics, making it relevant both nationally and internationally. Ultimately, this model clarifies that reconstruction is not merely a historical description but an analytical tool for social transformation, with *maqasid al-sharia* serving as the causal bridge between Islamic ideals and the realities of Indonesia's rule-of-law state.

7. Strategic Recommendations

Strategic recommendations for realizing an effective reconstruction of equality before the law include developing an Islamic law curriculum in higher education that integrates maqasid sharia and social justice approaches, strengthening the capacity of Religious Court judges through continuous training in progressive principles, digitizing zakat and waqf systems to enhance transparency and distribution efficiency, and fostering synergy between the government, religious institutions, and civil society in formulating inclusive legal policies.³⁵ These efforts aim not only to address post-pandemic social inequalities but also to demonstrate the adaptability of Islamic law to contemporary dynamics while upholding the fundamental values of justice and equality.

Factors Hindering the Implementation of the Principle of Equality Before the Law in the Context of Indonesia's Heterogeneous Society

The implementation of the principle of equality before the law in Indonesia is hindered by structural interactions among mutually reinforcing factors in a heterogeneous society. The colonial legacy has created a formalistic legal culture that prioritizes procedure over substance, which is subsequently exacerbated by economic inequality and systemic corruption, resulting in unequal access to justice. These conditions are exploited by identity politics to maintain the status quo amid ethnic and religious diversity, while conservative interpretations of legal norms including Sharia and the weak independence of the judiciary serve to legitimize such injustices.

From the perspective of Islamic law, this causal chain can be analyzed as a failure to fulfill maqasid al-sharia: the preservation of life (nafs) and property (mal) for vulnerable groups is disrupted; social justice (adl ijtima'i) is violated by corruption; musawah (equality) fails to be realized in the public sphere; and substantive justice (maqasid al-adalah al-substantif) is absent due to weak

³⁵ Mohd Asyraf bin Yusof, "Waqf-Driven Inclusive Prosperity Exploring the Intersection of Islamic Finance, Fintech, and Sustainable Development Goals," in *Digitalization of Islamic Finance* (IGI Global Scientific Publishing, 2025), 303-34.

enforcement. This analysis underscores that the obstacles are structural and recurrent, rather than merely incidental.

The implementation of the principle of equality before the law in Indonesia is hindered by a complex interplay of structural, social, and cultural factors within its heterogeneous society. The lingering legacy of colonialism in the national legal system perpetuates social hierarchies that favor political and economic elites, while dominant patriarchal norms restrict women and marginalized groups from accessing equal legal protection, leading to systemic injustice. This is exacerbated by high economic disparities, with extreme poverty affecting 5.4 percent of the population in 2024 based on the international poverty line.³⁶ Despite gradual declines, millions remain below the poverty threshold, impeding social mobility. Additionally, Indonesia's ethnic, religious, and linguistic diversity often fuels conflicts exploited by political actors to maintain the status quo, as seen in cases of discrimination against minorities in peripheral regions, where the principle of equality is overlooked in favor of dominant gromaqasid al-sharia (the objectives of Sharia) as the cornerstone of social justice further weaken the application of substantive equality in religious court rulings. Widespread corruption and weak law enforcement, as evidenced by mass youth protests in August 2025 against elite corruption, economic inequality, and police violence, underscore that equality before the law is often merely formal without robust institutional support. Comprehensive reforms are needed to strengthen judicial independence and integrate egalitarian values from various legal traditions, including Islam, to create a more just and inclusive society amid post-pandemic and globalization dynamics.

³⁶ Nistha Sinha and Ambar Narayan, *Leveling the Playing Field: Addressing Structural Inequalities to Accelerate Poverty Reduction in Africa* (World Bank Publications, 2024).

Table 1. Factors Hindering the Implementation of the Principle of Equality Before the Law in Indonesia's Heterogeneous Society

Factor	Description	Impact on Equality Before the Law	Examples/Data
Legacy of Colonialism and Patriarchal Norms ³⁷	Hierarchical colonial frameworks, like the Dutch <i>Burgerlijk Wetboek</i> , prioritize procedural formality over substantive justice. Patriarchal norms position men as authority figures, limiting women and marginalized groups' access to legal protection. Customary traditions often conflict with constitutional equality principles, especially in rural areas.	Disadvantages indigenous communities and women in accessing rights like land ownership or protection from domestic violence. Imbalanced integration of customary and national laws marginalizes ethnic minorities.	Women face discrimination in employment and education. Customary laws in rural areas override constitutional equality, affecting ethnic minorities.
Economic Inequality and Corruption ³⁸	High income disparities and systemic corruption (2025 Corruption Perception Index: 31.2) undermine law enforcement and access to public services. Extreme poverty affects 5.4% of the population (2024 data), limiting access to education and healthcare.	Denies equal access to legal and public services for the poor. Corruption through nepotism and collusion erodes trust in legal institutions, making equality before the law illusory for those unable to afford legal processes.	Underdeveloped regions like Papua and East Nusa Tenggara receive disproportionate funding. High-profile infrastructure scandals often go unpunished.
Social Heterogeneity and Discrimination ³⁹	Ethnic, religious, and linguistic diversity fuels conflicts exploited by political actors.	Local norms override national equality principles, leading to bias in judicial	Ethnic conflicts in Maluku and Papua show

³⁷ A Massier, *The Voice of the Law in Transition: Indonesian Jurists and Their Languages, 1915-2000*, *Verhandelingen van Het Koninklijk Instituut Voor Taal, Land- En Volkenkunde*, vol. 235 (Leiden: Brill, 2008).

³⁸ Transparency International, "Corruption Perceptions Index 2024" (Berlin: Transparency International, 2025), <https://www.transparency.org/en/cpi/2024>.

³⁹ Ju-Lan Thung, "Heterogeneity, Politics of Ethnicity, and Multiculturalism What Is a Viable Framework for Indonesia?," *Wacana, Journal of the Humanities of Indonesia* 13 (January 13, 2011): 279, <https://doi.org/10.17510/wjhi.v13i2.24>.

Factor	Description	Impact on Equality Before the Law	Examples/Data
Conservative Sharia Interpretations. ⁴⁰	Discrimination against minorities in religious activities or business permits creates inequality despite constitutional guarantees (Article 28D).	processes. Social media amplifies divisive narratives, leaving minorities vulnerable to hate speech without legal protection.	bias against minorities. Rising religious-based discrimination post-election highlights ineffective conflict resolution. Traditional interpretations favor men in inheritance and custody cases, ignoring women's growing economic roles and constitutional equality principles.
	Literalist Sharia interpretations in religious courts prioritize tradition over justice (maqasid al-sharia), discriminating against women in cases like inheritance or child custody. Resistance to progressive reforms like the Counter Legal Draft hinders equality.	Fails to translate gender equality and marginalized citizens' rights into rulings, creating inequalities in family law for millions of Muslims.	August 2025 youth protests against elite corruption and police violence highlight inaccessible legal channels and judicial bias toward elites.
Weak Law Enforcement and Judicial Independence. ⁴¹	Corruption in police and prosecution, combined with political interference in judicial processes, undermines enforcement effectiveness. Lack of external oversight favors powerful groups, leaving ordinary citizens with slow, costly legal processes.	Weakens public trust and social cohesion, with human rights violations in conflict areas rarely addressed. Ordinary citizens face barriers to justice.	

The implementation of the principle of equality before the law in Indonesia is impeded by the complexity of structural, social, and cultural factors

⁴⁰ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought (IIIT), 2008).

⁴¹ Agus Salim, Suryati Suryati, and Ruslan Yusoh, "Law Enforcement Against Corruption in Indonesia: Between Expectation and Reality," *Realism: Law Review* 3, no. 2 (2025): 12–30.

within a heterogeneous society. As summarized in Table 1, these factors are interconnected and systematically produce recurrent injustice, where equality often remains merely formal without strong institutional support.

From the perspective of Islamic law, the principles of *musawah* (universal equality, as in Qur'an Surah An-Nisa:1) and *adl* (holistic justice, as in Qur'an Surah Al-Maidah:8) which align with substantive equality in international law as well as Articles 27(1) and 28D of the 1945 Constitution can serve as a universal evaluative tool for all these obstacles. For instance, the colonial legacy (such as the *Burgerlijk Wetboek*) created hierarchies that fail to fulfill *maqasid al-sharia* in preserving life (*nafs*) and property (*mal*) for marginalized groups, while patriarchal norms restrict access for women and minorities. Economic inequality and corruption (with a Corruption Perceptions Index score of 37 in 2024) constitute violations of social justice (*adl ijtima'i*), where redistribution through instruments like *zakat* and *waqf* could serve as optional institutional policies to reduce disparities without religious coercion. Social discrimination amid ethnic-religious heterogeneity reflects a failure of *musawah* in the public sphere, while conservative interpretations of *Sharia* in religious courts which often overlook *maqasid* are not the essence of Islam but rather influences of local culture that can be progressively reconstructed. Finally, weak law enforcement and judicial independence signal the absence of substantive justice.

The mass protests by youth in August 2025 against elite corruption, economic inequality, and police violence underscore that equality before the law often remains illusory without comprehensive reforms. Reforms are needed to dismantle colonial norms through multicultural legal education, strengthen enforcement transparency with rigorous oversight, embed *maqasid al-sharia* in court decisions for gender and social equality, and implement digital anti-corruption mechanisms. This hybrid approach integrating the universal ethics of *adl* and *musawah* with positive law would enhance constitutional legitimacy and inclusivity for non-Muslim communities, while supporting legal pluralism in Indonesia.

1. Legacy of Colonialism and Patriarchal Norms

Indonesia's modern legal system still inherits hierarchical colonial frameworks, particularly from Dutch colonial laws like the *Burgerlijk Wetboek* (Civil Code), which emphasize procedural formality over substantive justice.⁴² This disadvantages marginalized groups, such as indigenous communities and women, in accessing basic rights like land ownership or protection from domestic violence. Patriarchal norms, which position men as primary authority figures in public spheres, further limit women and marginalized groups' access to legal protection and resources. Data shows that women in Indonesia face discrimination in employment and education, with inherited cultural norms reinforcing gender stereotypes that hinder uniform application of equality before the law, particularly in rural areas where customary traditions often conflict with constitutional equality principles. In a heterogeneous society, this legacy is compounded by imbalanced integration of customary and national laws, where ethnic minorities are ofte

2. Economic Inequality and Corruption

Despite a decline in extreme poverty, 5.4 percent of Indonesians lived below the international extreme poverty line in 2024. High income disparities, worsened by systemic corruption, are evident in Indonesia's 2025 Corruption Perception Index score of 31.2, placing it low among ASEAN countries. Corruption undermines law enforcement and budget allocation for social programs, denying equal access to legal and public services for the poor and marginalized.⁴³ Economic inequality not only widens the gap between rich and poor but also restricts access to education and healthcare, with underdeveloped regions like Papua and East Nusa Tenggara receiving disproportionate funding due to central-level corruption. This renders equality before the law illusory for those unable to afford complex and costly legal systems.

3. Social Heterogeneity and Discrimination

Indonesia's ethnic, religious, and linguistic diversity increases the potential for sectoral conflicts exploited by political actors to maintain the status

⁴² S Ravensbergen, "Courtrooms of Conflict. Criminal Law, Local Elites and Legal Pluralities in Colonial Java" (Leiden University, 2018).

⁴³ Fernando Forattini, "Sexual Corruption and Inequality: Barriers and Strategies for the Inclusion of Marginalized Communities in Public Services" (Colombia, 2024).

quo. Discrimination against minorities, such as restrictions on non-majority groups' religious activities or business permits, creates substantive inequality in legal protection, despite constitutional guarantees under Article 28D of the 1945 Constitution. While diversity is a national strength, it becomes a barrier when local norms override national equality principles, as seen in ethnic conflicts in Maluku or Papua, where minorities face bias in judicial processes. Data indicates rising religious-based discrimination amid post-election political polarization, rendering equality before the law ineffective due to the lack of inclusive conflict resolution mechanisms. Structural discrimination is further amplified by social media, which fuels divisive narratives, leaving marginalized groups vulnerable to hate speech without adequate legal protection.⁴⁴

4. Conservative Sharia Interpretations

In religious courts, literalist interpretations of Sharia texts dominate, often ignoring *maqasid al-sharia*, which prioritizes justice and public welfare. This results in rulings that fail to substantively translate gender equality and marginalized citizens' rights, particularly in cases like inheritance or child custody, which favor traditional interpretations discriminatory to women, despite the Qur'an's emphasis on *musawah* as a universal principle. These conservative interpretations, influenced by local patriarchal cultures, hinder the integration of Islam's egalitarian values into the national legal system. Religious courts often overlook contemporary contexts, such as women's growing economic roles, creating inequalities in family law affecting millions of Muslims in Indonesia's diverse society. The lack of progressive *ijtihad* among scholars and judges exacerbates this issue, with resistance to reforms like the Counter Legal Draft, which aims to align Sharia with constitutional equality principles.

5. Weak Law Enforcement and Judicial Independence

Corruption within law enforcement institutions, including the police and prosecution, undermines public trust and enforcement effectiveness. The massive youth protests in August 2025, sparked by the death of an online motorcycle taxi driver and escalating into a broader movement against elite

⁴⁴ Garry Rodan, *Civil Society in Southeast Asia: Power Struggles and Political Regimes* (Cambridge University Press, 2022).

corruption, economic inequality, and police violence, highlight the lack of accessible legal channels for addressing injustice. Police violence during these protests, resulting in casualties, intensified demands for reform.⁴⁵ The absence of external oversight and political interference in judicial processes further undermines equality before the law, with judges often swayed by external pressures, favoring powerful groups while ordinary citizens face slow and costly legal processes. This weakens social cohesion in a heterogeneous context, with human rights violations in conflict areas rarely addressed. Strengthening institutions like the Judicial Commission and integrating technology for judicial monitoring are strategic

The asymmetrical distribution of power, resources, and legal culture, insufficiently responsive to Indonesia's societal diversity, is the primary barrier to implementing equality before the law. Factors such as colonial legacies, economic inequality, social discrimination, conservative Sharia interpretations, and weak law enforcement reinforce an unjust status quo. Comprehensive reforms are needed, including dismantling colonial norms through multicultural legal education, enhancing the independence and transparency of law enforcement institutions with strict oversight, grounding maqasid al-sharia in religious court rulings to ensure gender and social equality, and developing effective anti-corruption mechanisms like digitized judicial processes to reduce political interference. These steps aim to achieve substantive equality for all citizens in Indonesia's heterogeneous and dynamic society.

Integration of Justice (Adl) and Equality (Musawah) Values from the Qur'an and Hadith into Inclusive Legal Policies to Reduce Social Disparities

The integration of the values of justice (adl) and equality (musawah) from the Qur'an and Hadith into Indonesia's national legal policies can strengthen social justice and reduce economic disparities. These principles serve not only as theological foundations but also as practical instruments for creating an inclusive legal system. By combining Islamic teachings that emphasize objectivity and equality before the law with the constitutional framework of

⁴⁵ Guy Lamb, "Mass Killings and Calculated Measures: The Impact of Police Massacres on Police Reform in South Africa," *South African Crime Quarterly* 63 (2018): 5-16.

Pancasila, which guarantees fundamental rights for all citizens without discrimination, a hybrid approach blending Sharia and positive law can address structural poverty through redistributive mechanisms like zakat and progressive subsidies.⁴⁶ These mechanisms have proven effective in gradually reducing the Gini index, as evidenced by its decline to 0.375 in March 2025, reflecting progress while underscoring the need for further efforts to achieve a targeted 20 percent reduction through consistent policies.

Theological and Juridical Foundations

Surah Al-Maidah (5:8) commands Muslims to act as witnesses for Allah with justice, unaffected by hatred, emphasizing the obligation of objectivity in legal decisions free from prejudice or enmity toward any group. This verse not only positions justice as a core value aligned with piety but also serves as a basis for applying *adl* in modern legal systems. Its contemporary interpretation calls for Muslims to act justly toward all, including non-Muslims, making it a foundation for anti-discrimination policies in Indonesia to reduce social disparities driven by ethnic or religious conflicts.⁴⁷ Additionally, a Hadith records the Prophet Muhammad (PBUH) administering justice impartially, even to close family members, affirming equality before the law as a substantive rather than merely formal principle. This example can guide the development of inclusive legal policies in Indonesia's diverse society.

This example can guide the development of inclusive legal policies in Indonesia's diverse society, where *adl* and *musawah* are realized through state regulations, such as government regulations on the management of productive zakat.

Implementation in Islamic Family Law

In Indonesia, the Compilation of Islamic Law (KHI), enacted through Presidential Instruction No. 1 of 1991, partially incorporates *adl* and *musawah*

⁴⁶ Shakeela Rasheed and Hifsa Munawar, "Poverty Alleviation and Economic Empowerment "Islamic Approaches to Poverty Alleviation Zakat and Wealth Distribution",” *Islamic Research Journal* (القوة) 3, no. 01 (2025): 86-96.

⁴⁷ Suud Sarim Karimullah, "The Implications of Islamic Law on the Rights of Religious Minorities in Muslim-Majority Countries,” *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 90-114.

in regulating marriage and inheritance. The KHI recognizes women's economic contributions in the division of joint marital property and inheritance, reflecting efforts to promote gender equality within a Sharia framework. However, its scope remains limited to family law and has not fully extended to broader public policies addressing structural poverty, such as national wealth redistribution. Expanding the KHI through a hybrid model that integrates Sharia and positive law could apply adl to agrarian law reforms, ensuring fair land distribution for impoverished farmers, while musawah supports affirmative policies for minorities, reinforcing the national legal framework and addressing systemic inequalities.

Expanding the Compilation of Islamic Law (KHI) through a hybrid model for instance, via revisions to Presidential Regulations or integration with the Marriage Law could apply adl to agrarian reform (under Law No. 5/1960 on Basic Agrarian Principles) to ensure fair land distribution for impoverished farmers, while musawah would support affirmative policies for minorities through regulations on regional autonomy.

Hybrid Policy Models

Adopting a hybrid model that combines Sharia principles with positive law can operationalize adl and musawah in fiscal policies, such as a productive national zakat system managed by institutions like the National Zakat Agency (BAZNAS). This system funds job training and microbusiness capital, fostering economic inclusion and reducing income inequality through transparent and accountable distribution.⁴⁸ Data shows that national zakat collection has reached trillions of rupiah, significantly contributing to extreme poverty alleviation through programs offering not only direct aid but also long-term empowerment to break the poverty cycle. Progressive subsidies, inspired by Islamic values and models like India's renewable energy distribution policies, can enhance access to clean energy for the poor without burdening state budgets, further promoting equitable development.

⁴⁸ Asif Labeque and Amna Sanallah, "Towards Inclusive Economic Growth: Synthesizing Strategies for Social Inclusion in Development," *Journal of Policy Options* 2, no. 2 (2019): 77–95.

Economic Projections and Policy Goals

Contemporary Islamic economic projections suggest that consistent redistributive policies could reduce the Gini index by up to 20 percent by ensuring equal access to education, healthcare, and economic opportunities. Studies indicate that progressive taxation and zakat-based social programs can significantly reduce inequality, aligning with Indonesia's National Medium-Term Development Plan (RPJMN) 2025–2029, which targets inclusive fiscal policies. Effective redistribution could drive economic growth above 8 percent, ensuring development benefits are equitably shared and reducing poverty from 7–8 percent through programs targeting underdeveloped regions. Research highlights zakat's role in breaking poverty cycles, reinforcing the potential of *adl* and *musawah* to drive sustainable development.

Challenges and Resistance

Resistance from conservative groups viewing the integration of Sharia and positive law as secularization requires interdisciplinary dialogue among scholars, legal experts, and policymakers to formulate inclusive policies that respect Pancasila and *maqasid al-sharia*.⁴⁹ Key challenges include differing interpretations across Islamic schools of thought and the complexities of Indonesia's pluralistic society, which can spark conflicts between religious and national values. This resistance often hinders legal reforms, such as a more progressive KHI. Strengthening the capacity of state institutions like the House of Representatives, the Ministry of Religious Affairs, and the Ministry of Finance to ensure transparency and accountability in policy formulation and implementation is essential.⁵⁰ Addressing concerns like human rights and resistance from non-Muslim communities demands an adaptive approach to ensure inclusive integration.

A systematic hybrid approach integrating *adl* and *musawah* will solidify an inclusive national legal framework and promote social justice and sustainable development in Indonesia. These values can catalyze disparity reduction

⁴⁹ Cut Linda Marheni Muhammad, "The Concept of Islam Nusantara as Viewed by Indonesian Muslim Intellectuals: Proponents and Opponents," 2024.

⁵⁰ Albert Meijer, Paul 't Hart, and Ben Worthy, "Assessing Government Transparency: An Interpretive Framework," *Administration & Society* 50, no. 4 (2018): 501–26.

through transparent redistributive policies, supported by theological and constitutional legitimacy. Despite resistance, reform momentum such as strengthening zakat institutions and family law reforms offers positive prospects for a more just and prosperous society. Long-term projections emphasize Sharia's adaptability to contemporary dynamics while preserving the essence of universal justice, ensuring policies address social disparities effectively in Indonesia's diverse and dynamic context.

Gaps in Contemporary Islamic Legal Practices Causing Deviations from Equality Principles and Reconstructive Solutions

Despite the robust foundation of Islamic law for equality through the principles of *adl* (justice) and *musawah* (equality) as affirmed in the Qur'an and Hadith, its contemporary practice in Indonesia faces significant gaps that lead to deviations from these core values. Rigid interpretations of classical *fiqh*, often influenced by patriarchal cultural norms dominating society, result in gender discrimination in family and civil law, such as in inheritance distribution or divorce rights that favor men. Additionally, the lack of contextual *ijtihad* in addressing modern issues like digitalization exacerbates unequal access to justice for marginalized groups, including women, rural communities, and other vulnerable populations.⁵¹ Data from 2025 indicates persistent gender disparities in access to education and employment in various regions, necessitating the reconstruction of Islamic law through an egalitarian approach to restore substantive equality.

1. Rigid Interpretation of Classical *Fiqh*

Many rulings in Indonesia's Religious Courts directly reference classical *fiqh* texts without considering the significantly transformed modern social context since the formation of *fiqh* schools, thereby reinforcing patriarchal norms that marginalize women's roles and rights in family matters. Such interpretations often overlook the essence of equality emphasized in the Qur'an, such as Surah An-Nisa (4:1), which highlights humanity's origin from a single soul, promoting universal equality. Practices like restricting women's inheritance rights or

⁵¹ Siti Ropiah, "The Relevance of Justice Principles in Islamic Law to Address Social Inequality in the Digital Era," *Journal of the American Institute* 2, no. 1 (2025): 56-63.

requiring male witnesses for marriage persist, despite contradicting substantive justice. In Aceh, for instance, the implementation of qanun Sharia often marginalizes women in inheritance and divorce cases, influenced by local social norms misaligned with the universal musawah principle, leading to structural discrimination that undermines equality before the law.

2. Influence of Patriarchal Culture

Local cultures prioritizing men as household heads reinforce discriminatory practices in the application of Islamic law in Indonesia, such as requiring male witnesses in marriage or limiting women's leadership roles in Religious Court deliberations. These patriarchal norms, often blended with uncritical Sharia interpretations, prevent the substantive realization of equality before the law. Data from 2025 shows high gender disparities in legal access, particularly in rural areas where customary traditions overshadow Islamic equality principles.⁵² This influence extends beyond family law to daily social practices, where women frequently face gender-based discrimination in divorce or child custody cases, with patriarchal culture reinforcing stereotypes that hinder women's social mobility, exacerbating economic disparities and access to justice.

3. Limited Space for Critical Ijtihad

The lack of methodological and academic courage to conduct contextual ijtihad results in stagnation in adapting Islamic law to contemporary issues in Indonesia, from digitalization of legal services to protecting the rights of disabled individuals and sexual minorities. This limitation hinders Islamic law's ability to address modern challenges like the digital divide, which worsens justice access disparities in remote areas like Papua and Nusa Tenggara, as shown by 2025 data. The absence of digital platforms in Religious Courts forces marginalized groups to incur high costs for legal proceedings, while the lack of critical ijtihad impedes responses to issues like gig economy workers' rights or digital assets in inheritance, further widening inequality gaps.

⁵² Tessa Kusumaningsih and Fernando Wirawan, "The Impact of Customary Law on Gender Equality and Women's Empowerment in Indonesia," *International Journal of New Approaches to Law and Rationality in Nationhood, Governance, and Rights Advocacy* 1, no. 1 (July 2025), <https://doi.org/10.56861/nalarnagara.v1i1.199>.

Reforming family law in Indonesia requires revising the Compilation of Islamic Law (KHI) to remove discriminatory provisions, such as unequal witness requirements in marriage and imbalanced post-divorce maintenance rules. This aligns KHI with constitutional gender equality. The Musawah Framework, used in several Muslim countries, reinterprets Sharia through human rights and social justice lenses to promote universal equality in marriage and inheritance. Adopting it in Indonesia can close patriarchal gaps and create a more equitable family law system.

Strengthening contextual *ijtihad* involves encouraging progressive scholars, academics, and practitioners to reinterpret classical texts for modern challenges, including digital inequality, platform workers' rights, and fintech assets. An independent national *ijtihad* council under the Ministry of Religious Affairs could issue adaptive fatwas through interdisciplinary discussions. Experiences from other Muslim countries show that contextual *ijtihad* effectively reduces social injustice. Supporting education and research will ensure Islamic law remains dynamic and relevant.

Education and human rights training should integrate *maqasid al-sharia* emphasizing *adl* and *musawah* into *pesantren* curricula and Ushuluddin faculties. This fosters progressive scholars sensitive to gender equality and human rights while addressing patriarchal biases. Training Religious Court judges in *maqasid*-oriented decision-making promotes fairer rulings. Workshops on contemporary text reinterpretation can minimize deviations from equality principles, as similar programs have improved judicial fairness.

Digitalizing access to justice requires e-justice platforms with disability-friendly and multilingual features to help marginalized communities file cases or seek *ijtihad*. These platforms can offer virtual consultations and databases for modern issues like digital inheritance. Digital literacy programs, in collaboration with the Ministry of Religious Affairs and civil society, will empower vulnerable groups. With strong data security, digitalization can speed up processes by up to 50 percent and enhance equality through broader access.

Implementing these solutions egalitarian reforms, contextual *ijtihad*, human rights education, and digital justice will reconstruct Islamic legal practices in Indonesia toward substantive equality. This restores core Islamic

values of *adl* and *musawah* while reducing entrenched injustices. National initiatives like AICIS 2025, which promote Islam as a just civilization, further support these efforts for a more inclusive society.

Interdisciplinary Approach Integrating Islamic Law, Sociology, and Economics for an Effective Legal Justice Model in the Digital and Post-Pandemic Era

Addressing legal justice challenges in post-pandemic Indonesia requires an interdisciplinary approach integrating Islamic law, sociology, and economics.⁵³ This model combines the principles of *adl* (justice) and *musawah* (equality) from Islamic law with sociological analysis of structural inequalities and inclusive economic mechanisms like Islamic finance, while leveraging digital technology to enhance transparency, accessibility, and efficiency in the judicial system. This holistic framework responds to pandemic-induced challenges, such as the poverty rate peaking at 10.2 percent in 2020 and inequalities exacerbated by the digital divide in the globalization era. Recent data shows that by March 2025, the poverty rate dropped to 8.47 percent, equivalent to 23.85 million people, while the Gini index decreased to 0.375 from 0.381 in September 2024, reflecting progress but highlighting the need for sustained efforts to further reduce inequality through an approach that integrates Islamic values with empirical socio

1. Theoretical Framework

Islamic law provides *adl* and *musawah* as normative foundations for achieving substantive justice without discrimination. *Adl* emphasizes holistic justice, not only in legal procedures but also in the distribution of social and economic resources, while *musawah* rejects hierarchies based on gender, ethnicity, or economic status. In an interdisciplinary context, these principles can be reconstructed to integrate with sociological analysis highlighting structural inequalities, such as the pandemic's exacerbation of technology access

⁵³ Arif Hidayat, Laga Sugiarto, and Pujiono Pujiono, "Restoring Social Justice Through Legal Literacy and Digital Ethics after Covid-19 Pandemic in Indonesia," in *Proceedings of the 4th International Conference on Indonesian Legal Studies, ICILS*, 2021, 8-9.

disparities among marginalized groups.⁵⁴ Research shows this approach has been successfully adapted in regional legal reforms in Indonesia to promote post-pandemic equality. Sociology examines structural inequalities, including disparities in education, healthcare, and technology access worsened by the pandemic and globalization, analyzing how factors like rapid urbanization and internal migration weaken vulnerable groups. Integrating this with Islamic law creates a more adaptive model,

2. Components of the Interdisciplinary Model

a. Digital Social Data Analysis

This involves building inequality maps using social big data, covering demographics, poverty levels, and internet access to identify vulnerable groups impacted by the pandemic. This approach integrates sociological perspectives with digital technology to map regional disparities, such as in Papua and Maluku, where poverty rates remain above the national average in 2025, enabling targeted interventions based on Islamic law's adl principle of distributive justice. Research shows that big data in social policy has reduced disparities in public service access post-pandemic.

b. Digital Zakat and Waqf Policy

Operating integrated digital zakat platforms between the government and amil zakat institutions (LAZ) ensures targeted fund distribution to MSMEs and skill-training programs, supporting post-pandemic economic recovery through transparent and efficient redistribution. Studies indicate that zakat digitalization in Indonesia has increased fund collection and distribution by 55.9 percent, contributing to poverty reduction through digital entrepreneurship programs empowering mustahik, aligned with Islamic economic principles.

c. Technology-Based Sharia Microfinance

This provides Sharia microloans through Islamic fintech using profit-sharing and consumer protection systems to minimize interest burdens and promote financial inclusion. Post-pandemic, Sharia fintech growth in Indonesia

⁵⁴ Aiza Muneer, "Interdisciplinary Insights into Contemporary Social Challenges," *Social Science Review Archives* 1, no. 2 (2023): 67-73.

has shown resilience, supporting MSME recovery through digital platforms aligned with Islamic ethical principles, reducing economic inequality for urban and rural poor.

d. Digital Sharia Courts

Developing disability-friendly and multilingual Sharia e-courts facilitates online family and inheritance case filings, applying maqasid-oriented adjudication for just and contextual rulings. E-court implementation in Indonesia has improved efficiency and accessibility, despite challenges like the digital divide, with studies highlighting its potential to expedite judicial processes and reduce costs for marginalized communities.

3. Implementation Mechanisms

Cross-ministerial collaboration, involving the Ministry of Religious Affairs, Ministry of Finance, and Ministry of Administrative and Bureaucratic Reform, formulates hybrid Sharia-positive law regulations to support this interdisciplinary model. This includes periodic research and monitoring with social research institutions to evaluate policy impacts quarterly and adjust data-driven interventions, as well as interdisciplinary training programs, such as certifications for religious court judges, sociologists, and Sharia economists, to understand collaborative methodologies and cutting-edge technologies, ensuring effective and adaptive implementation to digital-era challenges. This approach has been discussed in studies on integrating Islamic law with sociology and economics in Indonesia.

4. Impact and Projections

This model aims to reduce socio-economic inequality, targeting a Gini index reduction from 0.38 in 2024 to 0.37 in 2025 through Islamic value-based redistribution and digitalization, supported by the actual decline to 0.375 by March 2025. It also seeks to improve justice access for 80 percent of rural communities through Sharia e-courts, which have shown positive impacts in expediting judicial processes, and recover the microeconomy post-pandemic by increasing productive zakat recipients' income by up to 25 percent within two years via digital platforms and Sharia finance, contributing to sustainable development in Indonesia.

With an interdisciplinary framework mapping inequalities empirically through sociology, leveraging Islamic economic tools like zakat and Sharia fintech, and applying digital innovations in religious courts, this legal justice model offers a comprehensive solution to digital and post-pandemic challenges in Indonesia. This integration not only mitigates resistance through education and dialogue but also ensures adaptability to a just energy transition and inclusive development, fostering a more equitable and prosperous society sustainably.

Conclusion

This research concludes that integrating the values of justice (adl) and equality (musawah) in Islamic law grounded in theological foundations from the Al-Qur'an (such as Surah Al-Maidah:8 and An-Nisa:1) and the Hadith of Prophet Muhammad offers an innovative model for reconstructing equality before the law to tackle social inequalities in post-pandemic Indonesia. The main contribution of this article to Islamic legal literature and socio-legal studies lies in developing a holistic reconstructive framework that integrates adl, musawah, and maqasid al-sharia within a pluralistic and heterogeneous society. This framework is not merely normative but transformative, bridging egalitarian Islamic principles with Pancasila and the 1945 Constitution. It creates a hybrid approach responsive to contemporary challenges, including digitalization, economic inequality, and structural discrimination. Despite empirical progress such as the Gini index declining to 0.375 in March 2025 and the poverty rate reaching 8.47% implementation remains hindered by rigid fiqh interpretations, patriarchal norms, corruption, and weak law enforcement. An interdisciplinary approach combining Islamic law, sociology, and economics has proven effective in formulating adaptive models of legal justice suited to the digital era and post-pandemic dynamics. In the long term, this reconstruction affirms Islamic law's position as a source of universal values compatible with democracy, pluralism, and the modern rule of law. Adl and musawah are not exclusive theological norms but ethical principles supporting substantive equality and legal pluralism. They are relevant not only for Indonesia's Muslim majority but for its diverse society as a whole. Thus, Islamic law can serve as a catalyst for

inclusive, sustainable, and just social transformation, strengthening the foundations of a fair rule-of-law state amid globalization and post-pandemic recovery.

Strategic Recommendations for Realizing Social Justice Based on Islamic Law

To achieve social justice through the reconstruction of Islamic law, the following strategic steps are recommended. First, reform family law with egalitarian principles by revising the Compilation of Islamic Law (KHI) to eliminate discriminatory provisions, such as male witness requirements in marriage. Adopting the Musawah Framework would ensure gender equality in marriage, inheritance, and maintenance. Collaboration with organizations like Nahdlatul Ulama and Muhammadiyah can enhance the social legitimacy of these reforms while aligning them with constitutional and Islamic principles. Second, establish an independent national ijtihad council under the Ministry of Religious Affairs to issue adaptive fatwas on contemporary issues, such as digital workers' rights and fintech assets. The council should involve progressive scholars, academics, and legal practitioners to bridge traditional fiqh with modern challenges. Third, enhance religious education and judicial training by integrating maqasid al-sharia, social justice, and human rights principles into curricula at pesantren and universities. Maqasid-oriented training programs for Religious Court judges are essential to produce inclusive, fair, and responsive rulings that meet contemporary societal needs. These recommendations are expected to serve as an operational guide for policymakers, religious institutions, and civil society in building a more just and equal Indonesian society.

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