

Research Article

# Legal Politics of the Religious Court in Indonesia and the Turkish Legal System

Siti Kasiyati<sup>1\*</sup>, Abdullah Tri Wahyudi<sup>2</sup>, Muhammad Julijanto<sup>3</sup>, Muhammad Taufiq<sup>4</sup>

<sup>1</sup> Universitas Islam Negeri Raden Mas Said Surakarta, Indonesia; e-mail: [sitikasiyati@staff.uinsaid.ac.id](mailto:sitikasiyati@staff.uinsaid.ac.id)

<sup>2</sup> Universitas Islam Negeri Raden Mas Said Surakarta, Indonesia; e-mail: [abdullah\\_tw@staff.uinsaid.ac.id](mailto:abdullah_tw@staff.uinsaid.ac.id)

<sup>3</sup> Universitas Islam Negeri Raden Mas Said Surakarta, Indonesia; e-mail: [mjulijanto@staff.uinsaid.ac.id](mailto:mjulijanto@staff.uinsaid.ac.id)

<sup>4</sup> Universitas Islam Negeri Madura, Indonesia; e-mail: [mh.taufiq.phd@gmail.com](mailto:mh.taufiq.phd@gmail.com)

\* Corresponding Author: Siti Kasiyati

**Abstract:** This study aims to analyse the development and compare the legal politics of the Religious Court in Indonesia and Turkey. This study is library research with an interdisciplinary approach to historical-legal and comparative law research. This study presents a historical-legal perspective and a comparative analysis of the law to obtain similarities and differences in the legal politics of the Religious Court in Indonesia and Turkey. The legal politics of the Religious Court in Indonesia are divided into pre-Colonial, independence, and reform periods. In Turkey, the Religious Court is divided into three periods: before the *Tanzimat*, after the *Tanzimat*, and during Mustafa Kemal Atatürk's reforms. A comparative analysis of the law found that the Religious Courts in Indonesia and Turkey initially applied Islamic law. Still, later restrictions were placed on it in an attempt to abolish it. The difference is that the Religious Court in Indonesia still enforces Islamic law as a positive law in certain fields and regions. The Religious Court in Turkey was abolished and replaced by a regular Court based on European law. The existence of the Religious Court in Indonesia demonstrates the success of legal pluralism, while legal secularism has shifted legal pluralism in Turkey.

**Keywords:** Comparative Law; Indonesia; Legal Politics; Religious Court; Turkey

## 1. Introduction

Indonesia and Turkey have strong roots in Islamic law. The Nusantara, previously known as Indonesia, consisted of islands under the control of Islamic kingdoms that applied Islamic law. The Ottoman Empire established Islam as the religion of the sultan and the state religion. However, the two ended up in quite different situations. The Nusantara, which was then under the Dutch Colonial Government until its independence, could still maintain the application of Islamic law in the Religious Court. Although the Religious Court experienced its worst period in its development, it still survived and even developed into one of the institutions that applied Islamic law, despite plans to abolish it. This is different in Turkey, where the Religious Court was shifted to the General Court, which applies European law.

What happened in Indonesia and Turkey regarding the Religious Court is interesting to research, as it allows analysis of the comparative politics of law in the two countries. Many studies on the Religious Court in Indonesia and Turkey have focused on its history. Yuliarti et al. examined the dynamics of the Religious Court in Turkey and found that although the court has been abolished, Islamic law still exists there (Eka et al., 2025). Tihami conducted research on Islamic law and justice in Turkey and found that the Islamic Court, which originally applied Islamic law, was abolished and became a regular Court that used European Law (Tihami, 1994).

Martius's research on the Religious Court in the Indonesian legal system found that it is philosophically grounded in Pancasila and the 1945 Constitution, whose continued existence is required for the application of Islamic law (Martius, 2016). Jamal Jamil's research on the Religious Court found that the arrangement of the Religious Court in the Dutch Colonial era served as the basis for its establishment; it continues to exist to this day (Jamil, 2018). This

Received: July 16, 2025

Revised: September 10, 2025

Accepted: November 5, 2025

Published: December 31, 2025

Curr. Ver.: December 31, 2025



Copyright: © 2025 by the authors.  
Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY SA) license (<https://creativecommons.org/licenses/by-sa/4.0/>)

research is unique because previous studies on the Religious Court in Indonesia and Turkey have taken a general perspective. This research is a historical-legal and comparative study of the legal politics of the Religious Courts in Indonesia and Turkey. This research is expected to influence the development of the Religious Court in Turkey by restoring its existence under Islamic Law, as it was during the Ottoman Empire, through significant reforms, so that it can be accepted by all citizens and adapt to the current situation.

## 2. Research Method

This interdisciplinary library research examines secondary data from books, journals, notes, and other literature (Yaniawati, 2020). It is conducted from various perspectives within the discipline: historical-legal and comparative law (Rohmatika, 2019). This study presents a historical-legal perspective and a comparative law analysis to find similarities and differences in the legal politics of the Religious Court in Indonesia and Turkey (Fitrah, 2021).

## 3. Results and Discussion

### The Legal Politics of Indonesia's Religious Court

#### *The Legal Politics of Religious Courts in the Pre-Independence Period*

In the 7th century, Islam spread to Nusantara (Setiawan, 2020). Because of the spread of Islam under the first Caliph of the Banu Umayyah, Muawiyah (661–680 AD), King Srivijaya Lokitawarman embraced Islam, as Muawiyah recognized Srivijaya's sovereignty (Berkah, 2020). Based on the history of Chinese Islam entering Srivijaya and the existence of an Arab Muslim village on the West Coast of Sumatra in 674 AD (Helmiati, 2014).

Case settlement practices, such as the Religious Justice institution, existed before the establishment of the Republic of Indonesia. Islamic law is the official religion of Islamic kingdoms such as Samudera Pasai, Pagarruyung, Padri, Mataram, Gowa-Tallo, Banten, Cirebon, Demak, and others (Jannah & Nasir, 2018). Islamic law is not only in the performance of certain acts of worship but also in the problems of *muamalah*, *munakahat*, and *uqubat* (*jinyat/budud*). The application of Islamic law is supported by the presence of specialized officers with expertise in Islamic law (Hamami, 2003). Although the Religious Court's juridical board does not yet exist, the Religious Court has been used to resolve these matters (Jannah & Nasir, 2021).

The application of the Religious Court in resolving problems of *muamalah*, *munakahat*, and *uqubat* occurred in three periods (Hamami, 2003). *First*, during the *Tabkim* Period, the personal surrender and resolution of an individual's problems are called *tabkim* (Ramulyo, 1991). For example, the submission of a woman who is going to get married to a religious leader because she does not understand the issue of marriage in Islam. Then she made *tabkim* to the religious leader (*penghulu*) by stating that I was *tabkim* to the *penghulu* to marry me as a *wali* to the groom.

Second, during the Ahlul Halli wal Aqqli Period, there was already a head of society and a *Qadli*, or judge, who was in charge of resolving disputes between individuals. *Qadli* applies Islamic law to solve these problems (Hamami, 2003). Sultan Agung, the King of Mataram, established the *Pradata* Court, which later became known as the *Surambi* Court (Azhari, 2017). It uses Islamic principles to resolve disputes (Wignjosubroto, 1994).

Third, during the *Tabuliyah* Period, a separation of powers was established under the influence of the Trias Politica Theory, which separates executive, legislative, and judicial powers. The authority and power to adjudicate are vested in the judiciary. For example, in Minangkabau, the authority to govern is held by the *Pucuk Nagari* (*Wali Nagari*), while the authority to adjudicate is in the hands of *the Qadli*, which is separate from the government's power (Hamami, 2003).

Legal experts at that time greatly influenced the legal politics of the Dutch East Indies Government in the enforcement of Islamic law. There are two opposing camps: Lodewijk Willem Christian van den Berg with the *Receptioin Complexu* Theory and Snouck Hurgronje with the *Receptie* Theory (Zaelani, 2020). Van den Berg's opinion influenced the Dutch East Indies Government, which unequivocally recognized that Islamic law applies to Indonesians who are Muslims (Ramulyo, 1991). As per Article 78 of the *Regeerings Reglement* (RR) of the Staatsblad of 1854 No. 129 and the Staatsblad of 1855 No. 2, this regulation expressly acknowledges that Islamic law (*Godsdienstige Wetten*) and the customs of the Indonesian population have been enforced (Ramulyo, 1991).

The Dutch government established the Religious Court pursuant to Staatsblad 1882, No. 152, concerning the Establishment of the Religious Court in Java and Madura. The Religious

Court's power and authority are limited to *muamalah*. Problems related to worship, such as fasting, prayer, and zakat, are not brought to the Religious Court. The law of *muamalah* is limited to matters of marriage, divorce, referral, and others (Hamami, 2003). Snouck Hurgronje challenged van Den Berg's theory with the *Receptie* Theory, Indonesia's original customary law. Islamic law has legal force only if it is desired and accepted by Customary Law. This theory reduces the role of Islamic law by prioritizing or even replacing it with Customary Law (Ramulyo, 1991).

The *Receptie* Theory, Amends Article 78, which reduces the role of Islamic law to be applied to the Dutch East Indies population (Ramulyo, 1991). Article 78 RR is amended by Article 1, paragraph (2) of *Indische Staatsregeling*, which reads as follows: "In the event of a civil case between fellow Muslims, it will be resolved by the Islamic religious judge if the situation has been accepted by their Customary Law, and to the extent not otherwise determined by the ordinance (Ramulyo, 1991). According to Soepomo, based on the article, there are two criteria for cases that can be submitted to the Religious Judge: all parties to the case are Muslims, and the law used to adjudicate it is Customary Law (Soepomo, 1957). Based on the Staatsblad of 1937 No. 638 and 639. The authority and power to adjudicate cases of inheritance in religious courts outside Java and Madura. This shows that the authority of the Religious Court outside Java and Madura is wider than that of the Religious Court in Java and Madura (Ramulyo, 1991).

The legal politics of the Religious Court during the Japanese occupation era would expressly eliminate the Religious Court by giving its authority to an ordinary Court with judges who were religious experts. At this time, a conflict existed between nationalist and religious figures. Nationalist figures want the Religious Court to be abolished; Islamic leaders want to keep the Religious Court (Sukri, 2016).

The Advisory Council (*Sanyodance Kaigijimusbitsu*) considered the Government of Japan's separation of state and religious affairs. There was no need to hold a Religious Court as a Special Court; cases related to religion were left to the ordinary court, which could ask for the consideration of a religious expert" (Bisri, 2003). The Religious Court was not abolished because Japan surrendered unconditionally to the Allies, and Indonesia proclaimed independence as a sovereign country on August 17, 1945.

### ***The Legal Politics of the Religious Court during the Independence Period***

At the beginning of the independence of the Republic of Indonesia, the Religious Court was still guided by the laws and regulations of the Dutch Colonial Government based on Article II of the Transitional Rules of the 1945 Constitution which reads: "All existing state bodies and regulations are still in effect as long as a new one has not been held according to this Constitution" (Ramulyo, 1991).

In 1948, the Government of Indonesia issued Law No. 19 of 1948, which abolished the Religious Court and established only three judicial institutions: the General Court, the Administrative Court, and the Army Court (Khaizin, 2022). The authority of the Religious Court is specially exercised by the General Court, with a Muslim judge as the chairman and two judges who are experts in Islamic law (Hamami, 2003). Law No. 19 of 1948 was never enacted as law because the Minister of Justice must issue the Government Regulation governing it (Ramulyo, 1991).

Law No. 19 of 1948 was never enacted, and the political situation arising from the Constituent Assembly's successful exercise of legislative authority left the Religious Court's arrangement unclear. In 1951, the Government of the Republic of Indonesia issued Emergency Law No. 1 of 1951. The Religious Court was regulated separately by Government Regulation No. 22 of 1957. Still, this regulation was repealed and replaced by Government Regulation No. 45 of 1957, which established the *Mahkamah Syariah* (Sharia Court) in areas outside Java and Madura (Hamami, 2003).

After the Presidential Decree of 1959, which returned to the 1945 Constitution, the discussion began on whether the Religious Court should become one of Indonesia's institutions of judicial power. The religious faction survived after a long debate with the nationalists, and the Religious Court remained a judicial institution. Finally, President Soekarno was the Great Leader of the Revolution. The Judiciary was a tool of the Revolution. The Religious Court was recognized as one of the institutions of judicial power, alongside the general court, military court, and state administrative court, pursuant to Law No. 19 of 1964.

Law No. 14 of 1970 changed the regulations on judicial power after the fall of the Soekarno government and the replacement of the Suharto regime, which maintained four courts: the General Court, the Religious Court, the Military Court, and the Independent State Administrative Court. The position of the Religious Court is becoming stronger with the

existence of Law No. 1 of 1974 concerning marriage. Still, it also places the Religious Court under the General Court, with the inauguration of the Religious Court's decisions by the General Court. It was only in 1989 that Law No. 14 of 1970 concerning the Main Provisions of Judicial Power, which established a separate regulation for the Religious Court, was implemented with the promulgation of Law No. 7 of 1989, which also established a separate regulation for the Religious Court.

### ***The Legal Politics of the Religious Court in the Reformation Period***

The next development was a reform movement that led to an amendment to the 1945 Constitution and to a change in the regulation of judicial power, as amended by Law No. 35 of 1999. Law No. 7 of 1989 was also changed by Law No. 3 of 2006, which gave the Religious Court greater authority to adjudicate marriage, inheritance, grants, waqf, zakat, and sadaqa cases. In 2009, No. 49 of 2009 replaced the judicial regulation. A second amendment to the Law on Religious Court was made by Law No. 50 of 2009.

In this period, there was also a special court in connection with the Religious Court in Aceh called the *Mahkamah Syar'iyah*, with the existence of Law No. 11 of 2006, which replaced Law No. 18 of 2001, establishing Aceh as a special autonomous region with the application of Islamic Law, both civil and criminal/*criminal*.

The authority of the *Mahkamah Syar'iyah* is based on Islamic sharia in the national legal system, as stipulated in the Islamic Court of Aceh Qanun No. 10 of 2002. The authority of the *Mahkamah Syar'iyah* in Aceh includes *abwal al-syabsiyah* (family law), *muamalah* (Civil Law), and *jinayah* (Criminal Law), which is based on Islamic law and will be regulated in the Qanun of Aceh.

### **The Legal Politics of the Religious Court in Turkey**

#### ***The Legal Politics of the Religious Court before the Tanzimat***

In addition to the Mughal Empire in India and the Safavid Kingdom in Persia, the Ottoman Empire was another great empire of its time (Mu'ammam, 2016). The Ottoman Empire was the longest-lasting empire in world history to base its rule on Islam and to expand widely across various regions (Munzir et al., 2022). Turkey's territorial expansion is inseparable from its military's continued dynamic expansion (Megawati, 2022).

The Ottoman Empire was established after the collapse of the Abbasid caliphate in Baghdad due to Mongol attacks. The Mongols succeeded in destroying the caliphate, destroying Islamic civilization, knowledge, and culture (Munzir et al., 2022). Ottoman Turkey was not established directly as a great empire but started from fleeing from the Mongols because it was expelled by Genghis Khan, then led by Ertughrul to seek refuge in the Seljuk Turks and help Sultan Alaaddin II in winning the war with Byzantium, then was given a gift in the form of an area on the border with Byzantium and settled and inhabited this area (Zubaidah, 2016). The name of the Ottoman Empire was taken from the first ruler, Uthman I, Padiisah *Alu Usman*, or the King of the Uthman family, who was the son of Ertughrul. The reign of the Ottoman Empire lasted about 8 centuries, from the 13th to the 19th centuries, with 37 sultans ruling, including Sultan al-Ghazi Usman I, the first sultan, until Caliph Abdul Majid II (Humaidi, 2016).

During the Ottoman period, the Religious Court was divided into two eras: before and after the Tanzimat era. The kingdom officially made Islam the Empire's and the sultan's religion, so Islamic sharia was enforced throughout the Ottoman Empire. The applicable Islamic Law includes *fiqh*, or the opinions or *fatwas* of the *ulama/mufti* (Ela et al., 2025). The highest official of religious affairs, or mufti, plays an important role in developing laws to address society's religious problems. Royal legal decisions may not run without the *fatwa* of *ulama/mufti* (Humaidi, 2016). The *fatwa* of the *ulama* is the applicable law that is followed by both the kingdom and society (Yamani et al., 2022). *Ulama* have an important position both in the kingdom and in society. Religious affairs are entrusted to the mufti or Sheikh al-Islam, whereas political affairs are handled by an official of Sadr al-A'zam, known as the Prime Minister (Sya'adah, 2024).

In addition to Islamic Law and *ulama fatwa*, other regulations form the basis of the law of the Religious Court, namely the sultan's decree, commonly called *iradah tsaniyah*, or the sultan's decree related to community disputes in daily life. There was also the decision of the meeting of ministers, approved by the sultan, called *qonun*. The *qonun* regulates state administrative and political issues, such as rebellion, counterfeiting, and other violations of the law (Tihami, 1994).

The *qonun* is not sourced from religious texts, but it does not violate the principles of Islamic sharia. Islamic sharia, sultan law, and *qonun* were the basis of law in the Ottoman Empire (Ela et al, 2025). The development of *qonun* reached its peak during the reign of Sultan Sulaiman, who succeeded in compiling the legal system of the Ottoman Empire and

implementing it without compromise, in accordance with the circumstances of the Islamic Society. Thus, Sultan Sulaiman received the title al-Qonuni (lawmaker) (Yamani et al., 2022).

### ***The Legal Politics of the Religious Court after the Tanzimat***

According to Harun Nasution in M.A. Tihami, the institutionalization of the Religious Court at this time was hierarchically organized from the regional to the central level, and each level was determined by its officials and authority. The sultan appoints officials who help in matters of religion. In the field of law and justice, the Sultan established the institution of al Qadli at the regional and central levels. *Al Qadli* officials were appointed who had the power to adjudicate civil cases. *Qadli al Jund* or *Qadli 'Ashkari* had the power to adjudicate military cases. *Nadhzir al-Madlaim* is an official with the power to prosecute government officials who commit misappropriation. All of these *Qadlis* were under the leadership of *Qadli al Qadlat*, who was based in the capital (Tihami, 1994).

Second, the period of *Tanzimat* or reorganization. *Tanzimat* means to arrange, arrange, and improve (Tihami, 1994). *Tanzimat* was an effort to implement reforms in the Ottoman Empire initiated by Sultan Mahmud II, covering people's lives and the centralization of governance (Mu'ammam, 2016). This *Tanzimat* emerged as a reaction to the Ottoman Empire's deteriorating social conditions, chaos, and the loss of authority of the law in the face of the sultan and government officials (Sya'adah, 2024). The interests of the people are ignored, and justice is far from reality (Ela et al., 2025). Western influence also shaped reforms in the Ottoman Empire and the views of several reformers, such as Musthafa Rasid Pasya and Mahmed Sidik Rifat Pasya, who argued that sultans and royal officials should be subject to the law (Tihami, 2003). This view no longer regards Islamic Law as the kingdom's law.

Therefore, during the *Tanzimat*, the merger of officials in charge of the political and religious fields was held by the *Sheikh al-Islam*, who was previously the official in charge of the political field, the *Sadrazam*. The authority of *Sheikh al-Islam* during the time of Sultan Mahmud II was limited to matters of religion, specifically worship and family law. The legal basis is al-Nizam al-Qadha al-Madani (Civil Court Law), and the judicial institution that deals with it is the Nizami court, which consists of *qadla al-madani* (Civil Court) and *qadla yar'i* (Religious Court) (Sya'adah, 2024). Public, political, and economic legal authority is delegated to the Council of Law Drafters, whose legal source is European Law (Tihami, 2003). The Religious Court only adjudicates family law cases, such as marriage, divorce, and inheritance. The authority for Islamic criminal cases lies with the regular Court (Asa'ari, 2022).

The success of this reform was marked by the existence of the Gulhane Charter (*Hatt-i Syerif Gulhane*), which then led to the emergence of new laws, such as criminal law, which also regulates corruption, the establishment of a new court dealing with civil and criminal cases, the establishment of the Usmani Bank, and the emergence of the Commercial Law, which is derived from the French Commercial Law (Tihami, 2003).

After the defeat of the Ottoman Empire in Europe, Europe urged equal rights for Muslims and non-Muslims, and the Humayun Charter was issued, which essentially strengthened the Gulhane Charter and granted non-Muslims the freedom to practice their faith and equal opportunities in government (Wardana & Fadil, 2024). Several laws were issued from the Humayun Charter, including the Land Law, the Criminal Law, the Basic Law of Commercial Justice, the Law of the Sea, the Law of Civil Procedure, and the Law of Execution.

In this period, a legal codification called *Majallah al-Abkam al-Adliya* codified legal rules that had been in use and applied for centuries in the field of muamalah. It used the Hanafi school as the official school of the Turkish Kingdom (Meirison, 2019). The existence of *Majallah al-Abkam al-Adliyah* marks a new chapter in the history of Islamic law, as it marks the beginning of the formulation of fiqh into modern law, officially established for the community (Fahriansah, 2020).

### ***The Legal Politics of the Religious Court in the Reforms of Mustafa Kemal Atatürk***

Mustafa Kemal Atatürk's reform of the law in Turkey greatly influenced the existence of the Religious Court and the application of Islamic law as the basis for adjudicating cases. Mustafa Kemal Atatürk's secularization movement has transformed Turkey, moving away from the imposition of Islamic law. Islamic law was replaced by European law, which was influenced by French, Swiss, and Austrian law. This situation continues until now, and Turkey is a secular country that has separated the state from religion because of the reforms of Mustafa Kemal Atatürk.

## **4. Comparison**

### **A Comparison of the Legal Politics of the Religious Court in Indonesia and Turkey**

**Similarity in the Legal Politics**

Indonesia and Turkey both have strong roots in the Kingdom and the society's past laws. At the beginning of the Kingdom, Islam became the religion of the King and the Kingdom, so the people had to submit to and obey the King's religion. Islamic kingdoms in Nusantara, including Samudera Pasai, Malacca, Demak, Banten, and Mataram, applied Islamic law in the judicial process. Mataram expressly established the *Surambi* Court, which eventually became the forerunner of the current Religious Court. The Ottoman Empire also established the Religious Court.

In Indonesia and Turkey, the Religious Court adjudicates disputes between citizens using Islamic law, jurisprudence, and opinions of ulama. Furthermore, the application of Islamic law has been restricted in the historical development of the Indonesian and Turkish Religious Courts, thereby narrowing their authority through the enactment of European Law, Dutch Law in Indonesia, and French Law in Turkey.

Both Indonesia and Turkey have experienced a phase of efforts to abolish the Religious Court to be replaced by the District/Regular Court and abolish the enactment of Islamic law as an effort to secularize the country, considering that the state must be free from Islam. Indonesia and Turkey are not Islamic countries and choose to be a unitary state that does not use Islamic law as the basis of state law. The legal politics similarity in the Religious Court is as follows:

**Table 1.** Similarity of the Legal Politics in Religious Courts

Similarity of the Legal Politics of the Religious Court in Indonesia and Turkey
The king's religion is the state's religion
The Religious Court uses Islamic Law
Limitation of the Religious Court's authority
Another court would have replaced the Religious Court

Source: Comparative legal analysis results

**Differences in the Legal Politics of the Religious Court in Indonesia and Turkey**

Efforts to abolish the Religious Court in Indonesia and Turkey have experienced differences. In Turkey, the Religious Court and Islamic Law were abolished and replaced with a regular Court based on European law. At the same time, Indonesia still maintains the Religious Court, with Islamic law as the basis for adjudicating cases and broader powers to adjudicate, including Islamic criminal cases/crimes, although it applies only in Aceh.

Efforts to abolish the enactment of Islamic law yielded mixed results, and Indonesia can maintain Islamic law as a positive law, albeit limited, in both civil and criminal law. This portrait of Indonesia and Turkey illustrates the long-standing feud between legal pluralism and legal secularism, with different outcomes: legal pluralism prevailed in Indonesia, while legal secularism prevailed in Turkey.

The dominance of legal pluralism in Indonesia cannot be separated from the support of state rulers by political elites, *ulama*, and Muslim scholars who have a great influence in maintaining the Religious Court by restoring the 1945 Constitution, which is imbued with the Jakarta Charter. Although it is not an Islamic country, it guarantees its citizens the right to practice Islamic law. Meanwhile, in its development, the rulers of the Turkish state wanted a separation between the state and religion, while the *ulama*, scholars, and the Muslim community could not exert influence to maintain the Religious Court and Islamic law.

The differences in the legal politics of the Religious Court are presented in the following table.

**Table 2.** Differences in the Legal Politics of the Religious Court

Religious Court in Indonesia	Religious Court in Turkey
1. The Religious Court still exists	1. The Religious Court was abolished and replaced with a regular Court
2. The Religious Court applies Islamic law with the addition of the authority to adjudicate	2. The regular Court applies European Law
3. Dominance of Legal Pluralism	3. Dominance of Legal Secularism
a. State government's support for legal pluralism	a. State Rulers' Support for Legal Secularism
b. Support of political elites	b. The influence of European Law
c. <i>Ulama</i> support	c. The weakening of the Ottoman Kingdom
d. Support of Muslim scholars	d. The weak influence of <i>ulama</i> and Muslim scholars

Source: Comparative legal analysis results.

**5. Conclusion**

The legal politics of the Religious Court in Indonesia during the Kingdom period were similar to those of the Religious Court Institution established by the Kingdom, which used

Islamic law to adjudicate cases. However, the Religious Court's authority was limited, and the enactment of Islamic law was narrow. Moreover, attempts were made to abolish the Religious Court and replace it with another court. Indonesia and Turkey are both nation-states. A unitary state that does not use Islamic law as the basis of state law.

Efforts to abolish the Religious Court and Islamic law have yielded different results. In Indonesia, the Religious Court is maintained, and Islamic law is still enforced as positive law, although not entirely in the civil or criminal field (*jinayah*), and is limited to certain areas. Indonesia and Turkey represent a feud between legal pluralism and legal secularism. Legal pluralism dominates legal secularism in Indonesia, whereas legal secularism dominates legal pluralism in Turkey.

## References

- Abdullah, A. (2016). Islamisasi di Sulawesi Selatan dalam perspektif sejarah. *Paramita: Historical Studies Journal*, 26(1), 86. <https://doi.org/10.15294/paramita.v26i1.5148>
- Asa'ari, A. (2022). Dampak kapitulasi terhadap peradilan Turki Utsmani (Impact of capitulation on Turkey judges Ottoman). *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3909609>
- Azhari, T. (2017). Peradilan agama di masa yang akan datang. *Jurnal Hukum & Pembangunan*, 1(3), 23. <https://doi.org/10.21143/jhp.vol1.no3.633>
- Berkah, A. (2020). Aktivitas perdagangan dan perkembangan Islam pada masa Sriwijaya pada abad VII-IX Masehi. *Tamaddun: Jurnal Kebudayaan Dan Sastra Islam*, 20(1). <https://doi.org/10.19109/tamaddun.v20i1.5732>
- Betti Megawati. (2022). Kejaraan Turki Usmani. *Tarbiyah Bil Qalam: Jurnal Pendidikan Agama Dan Sains*, 4(1). <https://doi.org/10.58822/tbq.v4i1.23>
- Cik Hasan Bisri. (2003). *Peradilan Agama di Indonesia*. Rajawali Press.
- Ela, A., & Yuliarti, Z. (2025). Reformasi peradilan agama di Turki: Peralihan dari sistem tradisional ke hukum sekuler. *Qonun: Jurnal Hukum Islam Dan Perundang-Undangan*, 9(1), 121–140. <https://doi.org/10.21093/qj.v9i1.9559>
- Fahriansah. (2020). Comparison of the Hawalah system in the Fiqh Muamalah against the Turkey's Majallah Al-Ahkam and the Indonesian Civil Law. *J-EBIS (Jurnal Ekonomi Dan Bisnis Islam)*. <https://doi.org/10.32505/j-ebis.v5i1.1543>
- Fitrah, F. A. (2021). Perbandingan hukum terkait pembentukan pasal penghinaan terhadap peradilan, perzinahan, dan santet dalam RKUHP Indonesia. *SIGn Jurnal Hukum*, 2(2). <https://doi.org/10.37276/sjh.v2i2.93>
- Helmiati. (2014). *Sejarah Islam Asia Tenggara*. LP2M UIN Syarif Kasim Riau.
- Humaidi, M. (2016). Peradaban Islam di masa pemerintahan Turki Usmani. In B. Badrian (Ed.), *Sejarah Kebudayaan Islam* (pp. 137–160). Aswaja Pressindo.
- Jamil, J. (2018). Peradilan agama di Indonesia history of existence. *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam*, 5(1), 11. <https://doi.org/10.24252/al-qadau.v5i1.5649>
- Jannah, M., & Nasir, M. (2018). Islamisasi Nusantara dan proses pembentukan masyarakat Muslim. *Multicultural of Islamic Education*, 2(1), 63–74.
- Khazin, M. M. (2022). The role of Islamic law in the history of Indonesian codification. *Al-Inṣāf - Journal Program Studi Abwal Al Syakhshiyah*, 2(1). <https://doi.org/10.61610/ash.v2i1.21>
- Martius, A. H. (2016). Peradilan agama dalam sistem hukum Indonesia. *Jurnal Hukum Diktum*, 14(1), 55–66.
- Masykhur, A. (2021). Blessing in disguise teori receptie: Dampak teori receptie pada tradisi penyalinan dan penulisan ulang manuskrip hukum adat dan undang-undang kerajaan Islam Nusantara. *Istinbath*, 19(2). <https://doi.org/10.20414/ijhi.v19i2.268>
- Meirison, M. (2019). Legal drafting in the Ottoman period. *Jurnal Ilmiah Al-Syir'ab*, 17(1). <https://doi.org/10.30984/jis.v17i1.806>
- Mu'ammam, M. A. (2016). Kritik terhadap sekularisasi Turki: Telaah historis transformasi Turki Usmani. *Epistemi: Jurnal Pengembangan Ilmu Keislaman*, 11(1), 117–148. <https://doi.org/10.21274/epis.2016.11.1.117-148>
- Muhammad Munzir, N. A., & Ismail, M. (2022). Sejarah kerajaan Turki Usmani: Analisis kemajuan dan penyebab kehancuran Turki Usmani. *CARITA: Jurnal Sejarah Dan Budaya*, 1(2).
- Priskap, R. (2020). Sejarah perkembangan kekuasaan kehakiman di Indonesia. *Jurnal Ilmiah Universitas Batanghari Jambi*, 20(1), 320–328. <https://doi.org/10.33087/jjubj.v20i1.890>
- Ramulyo, M. I. (1991). *Beberapa masalah tentang hukum acara perdata peradilan agama*. Ind-Hill.
- Rohmatika, R. V. (2019). Pendekatan interdisipliner dan multidisipliner dalam studi Islam. *Al-Adyan: Jurnal Studi Lintas Agama*, 14(1). <https://doi.org/10.24042/ajsla.v14i1.4681>

Soepomo. (1957). *Sistem hukum di Indonesia (Sebelum Perang Dunia II)*. Noordhoff-Kolff N.V.

ST, A. S. (2020). Menelisik kajian Islam dan jejaring ulama Nusantara. *The International Journal of Pegon: Islam Nusantara Civilization*, 4(2). <https://doi.org/10.51925/inc.v4i02.29>

Sukri, M. (2016). Sejarah peradilan agama di Indonesia (Pendekatan yuridis). *Jurnal Ilmiah Al-Syir'ah*, 10(2). <https://doi.org/10.30984/as.v10i2.252>

Sya'adah, H. (2024). Peradilan pada masa Turki Utsmani. *Maliki Interdisciplinary Journal*, 2.

Taufiq Hamami. (2003). *Kedudukan dan eksistensi peradilan agama dalam sistem tata hukum di Indonesia*. Alumni.

Tihami, M. A. (1994). Hukum dan peradilan Islam pada masa Turki Usmani. *Al Qalam*, 50(10), 13–22.

Wahyudi, A. T. (2021). Dialektika penalaran hukum sistemik ke arah penalaran hukum non-sistemik: Basis nilai penalaran hukum non-sistemik. *Al-Abkam Jurnal Ilmu Syari'ah Dan Hukum*, 6(2). <https://doi.org/10.22515/alakhkam.v6i2.4030>

Wardana, A. W., & Fadil. (2024). Dinamika reformasi dan westernisasi yang terjadi pada masa pemerintahan kerajaan Turki Usmani. *Tasamuh: Jurnal Studi Islam*, 16(2), 205–221. <https://doi.org/10.47945/tasamuh.v16i2.1246>

Wignjosubroto, S. (1994). *Dari hukum kolonial ke hukum nasional*. PT Radja Grafindo Persada.

Yamani, S., Santalia, I., & Wahyudi, G. (2022). Sejarah perkembangan dan kemunduran tiga kerajaan Islam abad modern tahun 1700-1800. *Jurnal Kewarganegaan*, 6(2), 4039–4049. <https://doi.org/10.31316/jk.v6i2.3632>

Yaniawati, P. (2020). Penelitian studi kepustakaan. *Penelitian Kepustakaan (Library Research)*, April.

Zaelani, Z. (2020). Hukum Islam di Indonesia pada masa penjajahan Belanda: Kebijakan pemerintahan kolonial, teori receptie in complexu, teori receptie dan teori receptio a contrario atau teori receptio exit. *KOMUNIKE*, 11(1), 128–163. <https://doi.org/10.20414/jurkom.v11i1.2279>

Zubaidah, S. (2016). *Sejarah peradaban Islam*. Perdana Publishing.