
Reconstructing Divine Authority in Indonesian Islamic Law: A Critical-*Maqāṣid* Epistemology and the Reinterpretation of *Wasiat Wājibah* for Non-Muslim Heirs

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ABSTRACT

This article examines the reconstruction of divine authority in Indonesian Islamic law through a critical-*maqāṣid epistemology* that integrates Derridean deconstruction and Foucauldian power/knowledge analysis. Departing from conventional approaches that treat divine authority as a fixed and ahistorical attribute of legal texts, this study argues that claims of authority in Islamic law are discursively produced and institutionally negotiated within specific socio-political contexts. Focusing on Indonesia, the article analyses how *fatwā* institutions and Religious Courts mediate legal authority amid legal pluralism and growing demands for substantive justice. The study applies this epistemological framework to the reinterpretation of *wasiat wājibah* (obligatory bequest) for non-Muslim heirs, a jurisprudential development that reflects Indonesia's distinctive engagement with Islamic law in a plural society. Through qualitative textual analysis and genealogical inquiry, the article demonstrates how deconstruction exposes rigid binaries such as divine versus human authority and text versus context while *maqāṣid al-sharī'ah* provides a normative compass for ethical reconstruction oriented toward justice (*'adl*), welfare (*maṣlaḥah*), and human dignity (*karāmah*). The findings suggest that Indonesian Islamic legal practice, particularly judicial innovation in inheritance law, exemplifies a dynamic and context-sensitive negotiation between doctrinal fidelity and social reality. By framing Islamic law as an evolving ethical discourse rather than a static divine command, this study contributes theoretically to the philosophy of Islamic law and empirically to the understanding of contemporary Islamic legal reform in Indonesia. The article offers implications for *fatwā* formulation, judicial reasoning, and broader debates on Islamic law, pluralism, and governance in Southeast Asia.

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INTRODUCTION

Disputes regarding divine authority in Islamic law have consistently centered on the conflict between revealed text (*al-naṣṣ*) and human reason (*al-‘aql*). For a long time, classical jurisprudence (*fiqh*) was seen as a clear expression of God's will in social life. However, modern Islamic legal scholarship has made it more difficult to believe that Islamic law is a direct and unmediated "voice of God." Scholars assert that every legal ruling inevitably undergoes processes of human interpretation influenced by historical contexts, political agendas, and ideological perspectives (Abou El Fadl, 2001; Hallaq, 1997). Thus, divine authority in Islamic law should not be perceived as an obvious textual fact, but as an epistemic assertion shaped by interpretive practices. In modern academic discourse, this tension is often conceptualized as a dialectic between *Usūlī*-conventional methodologies which emphasize textual primacy, formal legal reasoning, and *bayānī* techniques and progressive-critical frameworks linked to intellectuals such as Fazlur Rahman, Mohammed Arkoun, and Jasser Auda. The latter underscore historical rationality, ethical purposiveness, *maqāṣid al-sharī‘ah*, and systems thinking as essential elements of Islamic legal interpretation (Audah, 2008; F. Rahman, 1982). This change is part of a bigger change in how we think about knowledge: instead of seeing Islamic law as a set of fixed divine commands, we should see it as a living tradition that changes with the times.

In Indonesia's current socio-legal landscape, discussions regarding divine authority are not merely methodological; they are profoundly institutional and discursive. Using Michel Foucault's idea that truth claims are part of power/knowledge formations, Islamic law gets its authority from institutions that control who can "speak in God's name" (Foucault, 1980). In this context, the Indonesian Ulema Council (*Majelis Ulama Indonesia-MUI*) and the Religious Courts (*Peradilan Agama*) hold pivotal roles. These institutions influence public perceptions of orthodoxy, legality, and religious legitimacy through *fatwās*, judicial decisions, and procedural practices (Gillespie, 2007; Hasyim, 2019; Sirry, 2013). Empirical studies illustrate how MUI fatwas especially regarding pluralism and Ahmadiyya reestablish discursive boundaries that affect not only religious discourse but also policy formulation and judicial reasoning (Hasyim, 2019). This institutional dynamic functions within Indonesia's overarching context of legal pluralism, wherein Islamic law engages with national legislation, *adat* norms, and international human rights discourses. In this diverse environment, assertions of divine authority must increasingly address the calls for social justice, gender equality, and the safeguarding of marginalized groups (Kharlie et al., 2021; Nurlaelawati & Salim, 2013; Ropi, 2017).

Consequently, Islamic legal authority in Indonesia is perpetually negotiated at the confluence of normative tradition, state governance, and shifting societal expectations. In this context, this research utilizes Jacques Derrida's deconstruction to examine established epistemic binaries divine versus human authority, text versus reason, revelation versus context that frequently limit the ethical responsiveness of Islamic law (Derrida, 1976). Deconstruction does not invalidate revelation; instead, it reveals internal contradictions, aporias, and deferred significations (difference) within legal texts and interpretative traditions. Deconstruction disrupts assertions of immutable meaning, thereby reestablishing interpretive opportunities for justice-oriented interpretations that adhere to the ethical principles of Islamic law. When combined with Foucault's genealogical examination of authority, this methodology elucidates that assertions of "divine command" are textually mediated, institutionally sanctioned, and historically contested rather than intrinsically unchangeable (Foucault, 1980).

To circumvent the dangers of relativism, this critical investigation is normatively grounded in *maqāṣid al-sharī‘ah*. Reconstruction following deconstruction is directed towards substantial ethical aims *al-‘adl* (justice), *maṣlahah* (welfare), and human dignity rather than towards inflexible textual literalism divorced from experiential realities (Audah, 2008; F. Rahman, 1982). In this regard, *maqāṣid* serves as an ethical compass that directs interpretive reconstruction while maintaining

doctrinal integrity. A particularly notable example of this dynamic in Indonesia is the reinterpretation of *wasiat wājibah* (obligatory bequest) for non-Muslim heirs. Classical juristic interpretations predominantly based on literal readings of prophetic traditions regarding interfaith inheritance explicitly preclude non-Muslim relatives from succession. Indonesian jurisprudence, however, has increasingly acknowledged *wasiat wājibah* as a judicial mechanism intended to safeguard close relatives who would otherwise be marginalized by stringent inheritance regulations. This mechanism realigns inheritance law with *maqāṣid al-sharī'ah*, achieving a balance between normative continuity and ethical responsiveness (Fatahullah et al., 2025; Ilhami, 2016; Puspantoro, 2025).

This development exemplifies the negotiation of claims to divine authority within Islamic law across *fatwā* regimes, judicial practices, and statutory frameworks reflecting the power/knowledge nexus posited by Foucault and the textual-ethical tension elucidated by Derridean deconstruction (Hasyim, 2019; Sirry, 2013). It also aligns with overarching trends in Indonesian family law reform, where courts are progressively emphasizing substantive justice over rigid formalism to safeguard vulnerable parties in diverse social contexts (Kharlie et al., 2021; Nasution & Nasution, 2021). Scholarship has investigated numerous aspects of these transformations. Studies have delineated the institutional function of MUI and the discursive dynamics of *fatwā* in pluralistic Indonesia (Hasyim, 2019; Sirry, 2013), while investigations into *maqāṣid* within MUI *fatwās* underscore both its normative capacity and its constrained progressive implementation (Syafei, 2017). Legal scholarship has recorded doctrinal and jurisprudential innovations regarding *wasiat wājibah*, including its extension to non-Muslim heirs through judicial practice and constructive statutory interpretation (Fatahullah et al., 2025; Ilhami, 2016; Puspantoro, 2025; Putri et al., 2024).

Nonetheless, there exists a deficiency in the theoretical framework regarding the systematic incorporation of Derridean deconstruction and Foucauldian power/knowledge analysis into Islamic legal epistemology, specifically connected to Indonesian institutions and applied to the *wasiat wājibah* case. This study addresses the existing gap by integrating critical theory with *maqāṣid*-based normative reconstruction. It has three goals: first, to look at how claims of divine authority in Islamic law are made and backed up in Indonesian discursive and institutional contexts, especially through MUI *fatwās* and Religious Court decisions; second, to create a Critical-*Maqāṣid* Epistemology that combines Derridean deconstruction and Foucauldian analysis to rebuild Islamic legal reasoning; and third, to use this framework to look at the Indonesian case of *wasiat wājibah* for non-Muslim heirs, showing how deconstruction followed by *maqāṣid*-oriented reconstruction can lead to outcomes that are sensitive to the situation and fair. This study enhances the philosophy of Islamic law through the introduction of a critical-*maqāṣid* epistemology in two significant manners. Theoretically, it proposes a systematic approach for examining the epistemic underpinnings of divine authority while redirecting interpretation towards ethical aims. It shows how *maqāṣid*-based reasoning can bring together revelation and different social realities in Indonesia. This gives *fatwā* bodies, courts, and policy reform useful ideas that they can use. The study reinterprets Islamic law not as a fixed divine mandate, but as an evolving ethical dialogue where justice, welfare, and human dignity are pivotal to legal interpretation.

METHOD

This study employs a qualitative-analytical methodology grounded in library research, emphasizing conceptual, normative, and interpretive analysis over empirical fieldwork. This method makes sense because the goal of the study is to question the knowledge bases of divine authority in Islamic law and to create a different way of interpreting things called critical-*maqāṣid* epistemology. The study doesn't look at how often people break the law or how well institutions work. Instead, it looks at how texts, interpretive practices, and institutional arrangements create, stabilize, and change

legal meaning, authority, and normativity. The methodological framework combines Derridean deconstruction with Foucauldian power/knowledge analysis, and then it uses *maqāṣid al-sharī'ah* as a basis for normative reconstruction. Jacques Derrida's concept of deconstruction is used to question deeply held binary oppositions in classical Islamic legal discourse, such as divine versus human authority, text versus reason, and Muslim versus non-Muslim, that support claims of unchanging legal meaning.

By meticulously examining Qur'anic inheritance verses, especially Q. al-Nisā' (4):11, in conjunction with prophetic traditions related to interfaith inheritance, the analysis uncovers instances of aporia and difference, demonstrating that legal meaning is neither immutable nor autonomous, but rather dependent on historical, institutional, and interpretive contexts (Derrida, 1976). This deconstructive action does not invalidate revelation; instead, it reveals internal conflicts within the tradition that reestablish interpretive opportunities for ethical reassessment. In addition to this textual critique, the study uses a genealogical analysis based on Michel Foucault's idea of power/knowledge, which sees authority as something that comes from discursive and institutional processes, not as something that is built into legal texts. In the Indonesian context, this analysis examines the construction and legitimization of authority claims in Islamic law through *fatwā* regimes, judicial reasoning, and statutory codification. The Indonesian Ulema Council (MUI) is a central discursive authority that defines orthodoxy through *fatwās* on interfaith inheritance. The Religious Courts (*Peradilan Agama*) are another example of how authority is institutionalized through jurisprudence. While MUI fatwas do not possess formal binding authority, they wield considerable normative influence and frequently shape judicial interpretation, demonstrating the functioning of Islamic legal authority within a fluid network of institutional legitimacy and power dynamics (Foucault, 1980; Hasyim, 2019; Sirry, 2013).

After the critical stages of deconstruction and genealogical analysis, the research advances to normative reconstruction via *maqāṣid al-sharī'ah*. This stage redirects legal interpretation towards fundamental ethical aims justice (*al-'adl*), welfare (*maṣlahah*), and human dignity (*karāmah*) thereby guaranteeing that reinterpretation remains anchored in normative principles rather than becoming relativistic. In the case of *wasiat wājibah* for non-Muslim heirs in Indonesia, the analysis draws on important Supreme Court decisions and relevant academic discussions that support fairness-based approaches to inheritance law (Audah, 2008; Ilhami, 2016; Putri et al., 2024). Indonesian courts have broadened the application of *wasiat wājibah* beyond its traditional limits by prioritizing *maqāṣid* principles, thereby reducing exclusionary effects while preserving doctrinal boundaries. This methodological sequence critical interrogation followed by ethical reconstruction illustrates the potential for Islamic law to be reinterpreted as a responsive and justice-oriented normative framework within diverse social contexts.

RESULTS AND DISCUSSION

Deconstruction and Its Implications for Islamic Inheritance Law

This research validates two interconnected hypotheses. First, divine authority in Islamic law is not an unchanging characteristic of sacred texts; instead, it is a discursive construct influenced by historical, institutional, and socio-political contexts. Second, a critical-*maqāṣid* epistemology that combines Derridean deconstruction with Foucauldian power/knowledge analysis offers a suitable framework for ethically reforming Islamic legal reasoning to achieve justice in diverse societies. The results indicate that authority assertions in Islamic law are facilitated by *fatwā* systems, judicial methodologies, and legislative structures, rather than existing as immutable divine edicts. Furthermore, the implementation of this epistemology in the Indonesian reinterpretation of *wasiat wājibah* for non-Muslim heirs demonstrates its practical applicability, yielding context-sensitive legal

results that are consistent with *maqāṣid* principles of justice, welfare, and human dignity.

This study utilizes Jacques Derrida's deconstructive methodology to examine the epistemic underpinnings of Islamic inheritance law. Deconstruction does not aim to dismantle revelation or negate normative authority; rather, it reveals the contingent nature of interpretive binaries that have been historically solidified as orthodoxy. In legal discourse, dichotomies such as divine versus human authority, text versus reason, and Muslim versus non-Muslim are often regarded as immutable and self-evident classifications. Derrida's notion of difference contests this premise by illustrating that meaning is perpetually deferred and relational, generated through interpretive communities, institutional authority, and socio-historical contexts, rather than through mere lexical or numerical determinism (Guillemette & Cossette, 2006).

A thorough examination of Qur'anic inheritance verses and pertinent prophetic traditions indicates that these binaries do not function as eternal absolutes. The absolute exclusion of the *ghayr* Muslim heir, frequently depicted as a perpetual standard, exemplifies this assertion. When analyzed through a deconstructive perspective, this exclusion seems to rely on multiple layers of juristic consensus (*ijmā'*), institutional *fatwā* authority, procedural norms, and dominant public expectations. These mechanisms work together to keep meaning stable within certain cultural and historical contexts, which gives the impression that doctrines are permanent (Fahimah et al., 2024; Rahmahdaniyati & Lisnawati, 2024). In this context, what is often regarded as divine immutability is more accurately described as the result of interpretive sedimentation.

Deconstructive analysis reveals persistent instances of aporia internal conflicts and interpretative deadlocks within the textual and juristic tradition itself. Derrida defines aporia as a state that is both "impassable and unavoidable," necessitating that interpreters transcend rigid binaries while maintaining normative commitments. In the realm of Islamic inheritance law, such aporias arise when literal interpretations of texts yield results that contradict the ethical principles of justice and social welfare. These tensions validate the reexamination of the textual domain through ethical frameworks such as justice (*'adl*) and public interest (*maṣlaḥah*) without undermining revelation. This approach does not place ethical reasoning outside of divine command; instead, it situates *maqāṣid al-sharī'ah* as essential to interpretive reconstruction (Alias et al., 2024; Hurst, 2008; Opwis, 2005).

The analytical efficacy of Derrida's deconstruction is illuminated when applied within the Indonesian socio-legal framework. An analysis of court rulings, *fatwā* declarations, and procedural standards illustrates how institutional frameworks actively influence the implementation of Qur'anic inheritance laws. Indonesian Religious Courts do not simply apply texts in a mechanical manner; they interpret, prioritize, and adjust norms in accordance with social realities and ethical considerations. These findings corroborate that what is frequently portrayed as immutable divine law is negotiated through specific socio-legal processes involving judges, *fatwā* bodies, and statutory instruments (Agustono, 2024; Rahmahdaniyati & Lisnawati, 2024). Deconstruction does not result in interpretive arbitrariness; rather, it elucidates the structured conditions under which legal meaning is generated and contested.

The feasibility of reconstruction post-deconstruction corresponds closely with the *maqāṣid al-sharī'ah* framework, which emphasizes ethical aims including equity, welfare, and human dignity. Deconstruction reveals the contingency of juristic binaries, offering a methodological basis for reform that adheres to revelation while addressing modern social realities. This methodology presents a significant alternative to both inflexible textual literalism, which threatens ethical stagnation, and unrestricted relativism, which compromises normative coherence. Instead, Islamic legal interpretation exists within a dynamic interaction of text, context, and ethics, allowing the law to serve as a living moral discourse rather than a fixed collection of rules.

Genealogical Mapping of Authority in Indonesian Inheritance Law

This study's genealogical analysis utilizes Michel Foucault's notion of power/knowledge, which defines authority not as a fixed attribute embedded in texts or institutions, but as a fluid network of discursive practices that generate truth claims and influence compliance. In this context, law is not merely a repressive tool for enforcing rules; instead, it operates constructively by creating norms, legitimacies, and regimes of truth through institutional frameworks and interpretive practices (Al Jabbar, 2026; Turkel, 1990). When applied to Islamic inheritance law in Indonesia, this viewpoint facilitates a methodical analysis of the construction, dissemination, and stabilization of claims to divine authority within *fatwā* institutions, judicial systems, and legal frameworks.

The Indonesian Ulema Council (*Majelis Ulama Indonesia-MUI*) is a central part of this network. It talks about and sets the rules for what is acceptable in Islamic law. By issuing *fatwās*, MUI defines orthodox views on controversial topics like interfaith inheritance, which affects how people talk about religion and what the law expects. Fatwa No. 5/MUNAS VII/MUI/9/2005 is a well-known example. It says that Muslims and non-Muslims can't inherit directly from each other, but they can use other methods like grants (*hibah*) and wills (*wasiat*). This position represents a negotiated compromise between traditional *fiqh* doctrines and Indonesia's diverse social realities, indicating an effort to maintain doctrinal integrity while reducing possible social harm. Even though MUI fatwas don't have any official legal power in Indonesia, studies show that they have a lot of normative power and are often used by judges in Religious Courts, especially when it comes to family law (Jarir et al., 2025; Rahmahdaniyati & Lisnawati, 2024). From a Foucauldian perspective, MUI's authority functions not primarily through coercion but through the generation of authoritative religious knowledge that informs legal reasoning.

Religious Courts (*Peradilan Agama*) represent a significant locus in the genealogical mapping of authority, as they convert normative discourses into enforceable legal outcomes. Over time, these courts have gradually broadened the application of *wasiat wājibah* beyond its original scope, which was initially restricted to adopted children, to encompass non-Muslim heirs, especially in instances where considerations of equity, dependency, and kinship are prominent. This trend in the law can be seen in important Supreme Court cases like No. 368K/Ag/1995, 16 K/AG/2010, 218 K/AG/2016, and 331 K/AG/2018. In these decisions, judges explicitly reference *maqāṣid al-sharī'ah* principles justice (*'adl*), welfare (*maṣlahah*), and human dignity (*karāmah*) to rationalize deviations from stringent textualist interpretations of inheritance law. The decisions are generally based on legal documents like the Compilation of Islamic Law (*Kompilasi Hukum Islam-KHI*) and supported by Supreme Court Circulars. At the same time, they are based on ethical reasoning that is focused on the public good (Halim, 2021; Muslih & Almi, 2024; Sanjaya et al., 2022).

This changing body of law shows a bigger change in how people talk about what Setyawan et al. (2024) call critical-*maqāṣid* reasoning, which is a way of interpreting the law that puts ethical goals first while keeping the foundations of revelation. By utilizing *maqāṣid al-sharī'ah* to reshape exclusionary inheritance norms, Indonesian courts demonstrate a form of interpretive authority that is both normatively anchored and attuned to diverse social realities. From a genealogical standpoint, this evolution contests the traditional dichotomy between “classical *fiqh*” and “statutory law,” instead illuminating a dynamic interaction among inherited legal traditions, governmental regulation, and moral obligations. In Islamic inheritance law, authority does not manifest as a singular or immutable source; rather, it is a negotiated result arising from the interplay of texts, institutions, and socio-moral factors within Indonesia's diverse legal framework.

Case Synthesis: Indonesian Legal Pluralism and the Role of *Wasiat Wājibah*

In Indonesia's plural legal system, which includes Islamic law, national civil law, and *adat*

norms, the reinterpretation of *wasiat wājibah* has become an important link between staying true to religious beliefs and working for social justice. In a strict interpretation of classical *farā'id* inheritance rules, non-Muslim spouses and close relatives are unequivocally barred from succession, a legal result that often contradicts the actual social dynamics and moral standards in interfaith families. Indonesian courts have not broken-down doctrinal boundaries or tried to create radical codification. Instead, they have come up with a practical but principled way to interpret the law based on analogical reasoning (*qiyās*) and purposive legal analysis (*ta'līl*). This way, Islamic inheritance law can adapt to different social situations without losing its basic principles.

This interpretive approach positions *wasiat wājibah* as an equity-focused legal instrument that permits judges to distribute discretionary shares to otherwise excluded heirs, while maintaining the fundamental framework of Islamic inheritance law. The mechanism functions within explicitly delineated statutory constraints most prominently the one-third limitation established in Article 209 of the Compilation of Islamic Law (*Kompilasi Hukum Islam-KHI*) thereby protecting the rights of primary heirs and preserving doctrinal integrity. By explicitly incorporating *maqāṣid al-sharī'ah* into judicial reasoning, courts ensure their decisions are consistent with the higher aims of Islamic law, specifically justice (*'adl*), welfare (*maṣlahah*), and human dignity (*karāmah*). These goals serve as a normative guide that helps judges balance their respect for textual tradition with their awareness of social and historical issues.

The jurisprudential importance of this development resides in its illustration that ethical reconstruction within Islamic law is not only achievable but also normatively essential. Unlike perspectives that perceive legal pluralism as a menace to doctrinal unity, Indonesian judicial practice regards pluralism as a milieu in which *maqāṣid*-driven interpretation can be employed. By institutionalizing proportional application and transparent ethical reasoning, *wasiat wājibah* enhances legal certainty, safeguards vulnerable parties, and demonstrates the adaptability of Islamic jurisprudence to contemporary challenges without undermining its foundational principles.

This synthesis becomes especially clear when looking at how three related legal developments came together over time. The first is Article 209 of the KHI, which is the first time that *wasiat wājibah* has been recognized in Indonesia's legal system. This provision represented a substantial reform by mandating that adopted children and adoptive parents receive a compulsory share of the estate limited to one-third even though such relationships are not acknowledged as heirs according to classical *farā'id* doctrine. The codification of *wasiat wājibah* demonstrates a deliberate attempt to align Islamic law with Indonesia's socio-cultural context by addressing circumstances where formal kinship ties are doctrinally tenuous yet socially significant. In this regard, the KHI implements *maqāṣid al-sharī'ah*, especially justice (*'adl*) and welfare (*maṣlahah*), within a constructive legal framework, illustrating how normative reasoning can facilitate legal reform while preserving doctrinal continuity (Nugraheni et al., 2010).

The second development, which builds on this legal basis, is that the Supreme Court has made *wasiat wājibah* available to non-Muslim heirs. Landmark decisions like Supreme Court rulings No. 368K/AG/1995, 16K/AG/2010, 218K/AG/2016, and 331K/AG/2018 made *wasiat wājibah* apply to more than just adopted children. It now also applies to non-Muslim spouses and relatives. In these instances, judges utilized analogical reasoning and purposive interpretation guided by *maqāṣid al-sharī'ah*, invoking ethical principles of justice, social solidarity, and welfare to avert exclusionary results that could potentially disrupt familial relationships. These decisions did not, however, lift the religious ban on direct inheritance between Muslims and non-Muslims. Instead, *wasiat wājibah* was used to make up for something that works within the law, keeping doctrinal boundaries while also addressing ethical issues (Setyawan et al., 2024; Zainab & Sudirman, 2023). This legal strategy shows how *maqāṣid al-sharī'ah* can be used in a flexible way, showing how Islamic law can work in societies

with many different cultures.

The third development pertains to the application of judicial discretion in lower courts, where *wasiat wājibah* is implemented in a context-sensitive manner, guided by social and moral considerations. Empirical analyses and judicial rulings demonstrate that judges adjust the quantum of compulsory bequest within the one-third limitation by recording relational elements such as enduring marital connections, caregiving responsibilities, economic reliance, and emotional bonds. By integrating social-moral connections into their deliberations, courts guarantee that decisions embody both doctrinal fidelity and the ethical principles of justice (*‘adl*) and welfare (*maṣlahah*). This practice increases legal certainty and public trust, showing that *maqāṣid*-oriented interpretation can successfully balance textual fidelity with social equity (Puspantoro, 2025).

These converging developments demonstrate how Indonesian courts integrate *maqāṣid al-sharī‘ah* within a pluralistic legal framework that reconciles doctrinal fidelity with social justice. The maintenance of doctrinal boundaries, the advancement of equity and welfare for vulnerable family members, and the grounding of decisions in statutory instruments such as the KHI and *Surat Edaran Mahkamah Agung (SEMA)* collectively exemplify a principled adaptation of Islamic law to Indonesia’s socio-legal context (Setyawan et al., 2024; Zainab & Sudirman, 2023; Puspantoro, 2025). Indonesian inheritance law does not devolve into strict textualism or limitless positivism; instead, it develops through context-sensitive reasoning that incorporates revelation, ethical aims, and actual social conditions.

This case synthesis substantiates that Islamic inheritance law in Indonesia operates as a dynamic normative system, facilitating ethical renewal through institutional practice. Indonesian courts exemplify a robust model for incorporating *maqāṣid*-based reasoning into legal interpretation by operationalizing *wasiat wājibah* as a justice-oriented mechanism. This illustrates how Islamic jurisprudence can maintain normative foundations while adaptively addressing the intricacies of pluralistic and modern societies.

Reconceptualizing and Reinventing Justice-Oriented Adjudication

This research deviates from previous Indonesian scholarship concerning Islamic law and pluralism in several significant ways. Prior studies have primarily delineated the political dynamics of *fatwā* production and the influence of the *Majelis Ulama Indonesia (MUI)* in establishing religious orthodoxy and shaping public policy. Hasyim's significant research illustrates how MUI *fatwās* institutionalized anti-pluralism discourse in the post-Suharto period, creating discursive patterns that profoundly influenced legal and social norms. While these studies provide significant insights into the institutional power of *fatwā* and its socio-political ramifications, they seldom progress towards a formal critical epistemology that explicitly connects deconstruction and power/knowledge analysis to judicial practice and legal reasoning (Hasyim, 2015; Umam et al., 2024).

This study enhances the existing scholarship by illustrating how authority claims initially deconstructed at the epistemic level through the examination of binary oppositions such as text versus context and divine versus human authority are subsequently reconstructed within judicial contexts via *maqāṣid al-sharī‘ah*. Instead of staying at the level of abstract critique, this research demonstrates how deconstructed authority is utilized in courtrooms, converting critical theory into applied jurisprudence. This change shows how critical Islamic thought and adjudicative practice interact in a dynamic way. This fills a gap that has been noted for a long time in discussions of Islamic law in Indonesia.

Previous examinations of *maqāṣid al-sharī‘ah* in MUI *fatwās* have recognized its normative capacity while highlighting its restricted progressive implementation. Syafei (2017) observes that *maqāṣid* reasoning in MUI *fatwās* frequently remains limited to conservative or exclusionary

interpretations that emphasize Muslim interests while neglecting the complexities of plural social realities. In contrast, this study's findings indicate a jurisprudential shift within Religious Courts, wherein *maqāṣid* is employed as an active justificatory framework for equitable rulings. Courts are increasingly incorporating *maqāṣid* reasoning into judicial deliberations and administrative frameworks, exemplifying a pragmatic jurisprudence that adheres to Islamic ethical principles justice, welfare, and social harmony while addressing modern exigencies (Ismail et al., 2024; Syafei, 2017).

Previous research, particularly Ilhami (2016), has recorded the doctrinal extension of *wasiat wājibah* to adopted children, stepchildren, and children born outside formal lineage, constrained by a one-third asset limitation. This study propels that trajectory by theorizing and empirically illustrating the extension of *wasiat wājibah* to non-Muslim heirs as an equity-oriented mechanism rooted in critical-*maqāṣid* reasoning. Supreme Court jurisprudence, including decisions No. 368K/AG/1995 and No. 331K/AG/2018, permits this expansion through teleological and sociological interpretation, harmonizing normative texts with diverse social realities. Lower courts bolster this trend by employing *maqāṣid* principles such as *ḥifẓ al-nasl* and *ḥifẓ al-māl* to protect family welfare and property rights, thereby recontextualizing *wasiat wājibah* as a mechanism of distributive justice rather than a limited doctrinal exception (Halim, 2021; Ilhami, 2016; Puspantoro, 2025).

In the extensive comparative literature on legal pluralism, academic discourse frequently alternates between supporting the maintenance of plural legal systems and endorsing national legal unification. This study's results suggest a feasible compromise by situating *wasiat wājibah* as a case-based equity mechanism within Indonesia's diverse legal framework. This method circumvents the dangers linked to absolutist codification while validating the epistemic legitimacy of Islamic law within a democratic and multicultural framework. This research integrates critical theory into adjudication, reconceptualizing Islamic legal epistemology as a dynamic, justice-oriented praxis responsive to societal complexity (Harahap et al., 2025; Lukito, 2012).

Theoretically, this study proposes a critical-*maqāṣid* epistemology wherein deconstruction serves as a methodological precursor to ethical reconstruction. Derrida's concept of difference elucidates the contingency of legal meaning by demonstrating how juridical signs attain significance through difference and deferral, rather than through fixed presence. This insight, when applied to Islamic legal discourse, undermines rigid binary hierarchies such as text versus context or literal versus purposive interpretation thus facilitating normatively guided reinterpretation. Foucault's power/knowledge framework facilitates a redefinition of authority in Islamic law as discursively constructed through institutional practices rather than as an immutable divine attribute. This promotes reflexivity regarding claims of divine authorization in both judicial and *fatwā* reasoning (Derrida, 1982; Turkel, 1990).

When authority is critically examined, *maqāṣid al-sharī'ah* serves as the normative framework for reconstruction, guiding legal reasoning towards justice (*'adl*), welfare (*maṣlaḥah*), and human dignity (*karāmah*), in addition to the *al-ḍarūriyyāt al-khams*. Jasser Auda said that the activation of *maqāṣid* brings Islamic law back to its roots in purposefulness, multidimensionality, and openness. These are qualities that let legal decisions meet modern ethical needs while still being based on textual tradition. This framework harmonizes *Usūlī* reverence for textual integrity with socio-historical awareness, effectively connecting classical *fiqh* with contemporary governance requirements (Auda, 2008).

The findings demonstrate the practicality of justice-aligned reinterpretation within Indonesia's diverse legal framework, characterized by the coexistence of Islamic law, civil law, and *adat*. Religious Courts have put *maqāṣid* into action by using tools like *wasiat wājibah*, which protect weak parties, especially non-Muslim spouses, while still following the religious rule against direct interfaith inheritance. Judicial practice demonstrates a consistent approach wherein courts actively identify

cases with a significant risk of exclusion, document social and moral connections, including caregiving relationships and economic dependency, apply *wasiat wājibah* in a proportional manner within statutory constraints, and provide clear *maqāṣid*-based reasoning to substantiate their rulings. This pattern increases legal certainty, openness, and public trust by making ethical reasoning clear and accountable (Audah, 2008; Isman et al., 2024; Palasenda et al., 2025).

These changes point to real ways for institutions to make justice-oriented adjudication stronger. Judicial training programs can integrate critical-*maqāṣid* heuristics to furnish judges with interpretive instruments that reconcile doctrinal fidelity with ethical responsiveness, thereby addressing deficiencies identified in current legal education (Abdulghani et al., 2025; Hasibuan, 2023; Triana, 2021). The recalibration of *fatwā* issuance by MUI through systematic integration of *maqāṣid* reasoning could enhance normative inclusivity and diminish legal friction in pluralistic social contexts, transitioning from rigid textualism to dialogical and context-sensitive guidance (E. T. Rahman et al., 2025; Syafei, 2017). Establishing standardized documentation of *maqāṣid* references in judicial decisions via structured reasoning templates or procedural instruments like Supreme Court Circulars would enhance consistency and transparency across cases (Arrasyid et al., 2023; Palasenda et al., 2025).

Collectively, these findings align significantly with international scholarship that promotes *maqāṣid*-oriented reforms to tackle modern ethical dilemmas. By emphasizing justice, welfare, and human dignity, *maqāṣid*-based approaches facilitate Islamic law's operation as a normatively grounded yet socially responsive system. Palasenda (2025) and Puspantoro (2025) stress that these kinds of changes bring together classical jurisprudence and modern realities. This makes sure that Islamic law stays a living, justice-oriented tradition in a world that is becoming more diverse and globalized (Amin & Syahatah, 2025).

CONCLUSION

This research has successfully achieved its three primary objectives. First, it shows that claims of divine authority in Islamic law are not fixed characteristics of sacred texts but are shaped by history and institutions through interpretive practices, *fatwā* regimes, and judicial processes. Second, the research develops a Critical-*Maqāṣid* Epistemology that synthesizes Derridean deconstruction and Foucauldian power/knowledge analysis to reveal entrenched interpretive binaries and the discursive construction of legal authority. Third, the application of this epistemological framework to the Indonesian reinterpretation of *wasiat wājibah* for non-Muslim heirs demonstrates that ethical reconstruction rooted in *maqāṣid al-sharī'ah* can produce justice-oriented results while preserving doctrinal integrity.

The importance of these results is that they can change how people think about Islamic law from a set of divine rules that don't change to a set of rules that are always changing and have moral implications. This study presents a principled methodology that integrates deconstruction with *maqāṣid*-based reconstruction to reconcile revelation, human reason, and institutional authority. This approach is particularly relevant for Muslim societies grappling with plural legal systems and increasingly intricate familial dynamics. The proposed framework transcends inflexible textual literalism and unexamined traditionalism, maintaining normative foundations while allowing Islamic law to constructively address modern exigencies for justice, welfare, and human dignity.

This research offers both theoretical and practical contributions. At the theoretical level, it enhances the philosophy of Islamic law by integrating critical theory and normative ethics, illustrating how deconstruction can serve not merely as an end, but as a methodological precursor to ethical reconstruction. The study offers practical insights for *fatwā* bodies, judicial reasoning, and legal reform, especially in scenarios where Islamic law functions within pluralistic and state-regulated legal

frameworks. The Indonesian case of *wasiat wājibah* demonstrates that *maqāṣid*-oriented interpretation can be institutionalized via jurisprudence, presenting a viable framework for justice-sensitive adjudication in other Muslim-majority societies.

Even with these contributions, this study has some flaws. Its qualitative and library-based methodology constrains the capacity to quantify the prevalence or statistical significance of *maqāṣid*-based reasoning within Indonesia's Religious Courts. Additionally, the analysis presumes the uniform availability of judicial decisions and sufficient documentation of judicial reasoning conditions that may differ across regions and tiers of adjudication. These limitations indicate the necessity for supplementary empirical research to enhance and broaden the findings articulated herein.

Future research may propel this agenda along multiple trajectories. First, the collection and examination of regional datasets of Religious Court decisions would facilitate longitudinal and spatial mapping of the adoption and development of *wasiat wājibah* in interfaith inheritance cases. Second, comparative studies between jurisdictions with varying levels of judicial training in *maqāṣid* reasoning could evaluate the influence of such training on equity-sensitive adjudication and doctrinal adaptability. Third, a more detailed look at how *fatwā* and courts interact would show how authority moves between normative and adjudicative institutions, showing how knowledge depends on each other. Lastly, socio-legal research on public reception utilizing surveys, interviews, and media analysis would assist in assessing legitimacy, compliance, and trust in *maqāṣid*-driven judicial outcomes. Future research can elucidate the translation of critical-*maqāṣid* epistemology into quantifiable justice outcomes within Indonesia's diverse legal framework by integrating qualitative depth with empirical mapping. By doing this, they would add to the current study's contribution to a larger global conversation about ethical reform and interpretive renewal in Islamic legal systems.

REFERENCES

- Abdulghani, N., Masuwd, M., Alrumayh, S., Masoud, M., & Toure, Y. (2025). Maqasid al-Shariah as a Framework for Developing Critical Thinking in Islamic Higher Education. *Journal of Islamic Studies and Social Science*, 1(2), 47–63.
- Abou El Fadl, K. (2001). *Speaking in God's Name: Islamic Law, Authority and Women*. Oneworld Publications.
- Agustono, I. (2024). The Significance Of Ijtihad and Fatwa Methods in The Development Of Islamic Law In Indonesia. *Taqnin: Jurnal Syariah Dan Hukum*, 6(02), 120. <https://doi.org/10.30821/taqnin.v6i02.18229>
- Akhsanty, A. S. (2025). The Concept of Wasiat and Wasiat Wajibah in Indonesia From The Perspective of The Compilation of Islamic Law (Khi). *Journal of Private and Commercial Law*, 72–94. <https://doi.org/10.20885/JPCOL.vol2.iss1.art4>
- Al Jabbar, M. A. A. (2026). Manifestations of Power Discourse Knowledge Michel Foucault as a Model. *Journal of Social Science*, 3(1), 96–109. <https://doi.org/10.61796/ijss.v3i1.78>
- Alias, M. N., Abdullah, M. N., Kamis, M. S., Afandi, A. J., & Alias, N. (2024). Scientific Approach as the Basis for the Formation of Maqāsid Al-Sharī‘ah Concept and Principles: A Comparative Study. *Malaysian Journal of Syariah and Law*, 12(2), 350–363. <https://doi.org/10.33102/mjsl.vol12no2.568>
- Alvarez Maestre, A., & Pérez Fuentes, C. (2024). Heuristic and Cognitive Biases in Judicial Decisions: Interdisciplinary Analysis to Understand the Judicial Decision from Cognitive Psychology. *Russian Law Journal*, 12(1), 656–669.
- Amin, A. H., & Syahatah, A. (2025). Reviving the Spirit of Maqasid: Towards a Just and Flourishing Islamic Civilization. *Tanwir: Journal of Islamic Civilization*, 1(2), 1–11.
- Arrasyid, F., Pagar, P., & Tanjung, D. (2023). Islamic Family Law Reform in Indonesia Through Supreme Court Circulars: A Maqasid Sharia Perspective. *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam*, 6(2), 208–225. <https://doi.org/10.30659/jua.v6i2.29236>
- Audah, J. (2008). *Maqasid al-Shariah: A Beginner's Guide*. International Institute of Islamic Thought (IIIT).
- Audah, J. (2008). *Maqasid al-Shariah as philosophy of Islamic law: A systems approach*. The International Inst. of Islamic Thought.
- Bowen, J. R. (2003). *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511615122>
- Derrida, J. (1976). *Of Grammatology*. Johns Hopkins University Press.
- Derrida, J. (1982). *Margins of Philosophy*. University of Chicago Press. <https://press.uchicago.edu/ucp/books/book/chicago/M/bo24847024.html>
- Fadel, M. H. (2020). The Challenges of Islamic Law Adjudication in Public Reason. In M. Kumm, S. A. Langvatn, & W. Sadurski (Eds.), *Public Reason and Courts* (pp. 115–142). Cambridge University Press. <https://doi.org/10.1017/9781108766579.006>
- Fahimah, I., Suwarjin, S., Gusmansyah, W., Zubaedi, Z., & Jayusman, J. (2024). Interfaith Inheritance in Muslim Families in Indonesia: Practices, Philosophy, and the Direction of National Inheritance Law Development. *Ahkam: Jurnal Ilmu Syariah*, 24(2), 379–396. <https://doi.org/10.15408/ajis.v24i2.40907>
- Fatahullah, Sulistiyono, A., & Harahap, B. (2025). Reform of Islamic Inheritance Law: The Influence of Customary Law on the Institution of Wasiat Wajibah in Islamic Law | Jurnal IUS Kajian Hukum dan Keadilan. *Jurnal Ius Kajian Hukum dan Keadilan*, 13(1), 260–274. <https://doi.org/10.29303/ius.v13i1.1695>

- Foucault, Mi. (1980). *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*. Pantheon.
- Gillespie, P. (2007). Current Issues in Indonesian Islam: Analysing the 2005 Council of Indonesian Ulama Fatwa No. 7 Opposing Pluralism, Liberalism and Secularism. *Journal of Islamic Studies*, 18(2), 202–240. <https://doi.org/10.1093/jis/etm001>
- Guillemette, L., & Cossette, J. (2006). *Jacques Derrida: Deconstruction and différance*. Signo. <https://www.signosemio.com/pages/derrida/deconstruction-and-difference.php>
- Halim, A. (2021). Disparities of the Supreme Court Judge’s Decisions on the Non-Muslim Inheritance: Indonesian Case. *Journal of Legal, Ethical and Regulatory Issues*, 24(6), 1–8.
- Hallaq, W. B. (1997). *Authority, Continuity and Change in Islamic Law*. Cambridge University Press.
- Harahap, A. P., Ramadhona, A., Sari, M., & Hasibuan, N. L. (2025). Legal Pluralism and Customary Justice in Indonesia: Reconstructing Adat Law under State Legal Dominance. *Littera Legis: Journal of Law, Society, and Justice*, 1(1), 1–16.
- Hasibuan, Z. (2023). For the Sake of Protecting Physical Needs: Maqasid Sharia Perspective Toward Judges Consideration on Child Custody. *Al-Hukama’: The Indonesian Journal of Islamic Family Law*, 13(1), 76–92. <https://doi.org/10.15642/alhukama.2023.13.1.76-92>
- Hasyim, S. (2015). Majelis Ulama Indonesia and Pluralism in Indonesia. *Philosophy and Social Criticism*, 41(4–5), 487–495. <https://doi.org/10.1177/0191453714566547>
- Hasyim, S. (2019). Religious Pluralism Revisited: Discursive Patterns of the Ulama Fatwa in Indonesia and Malaysia. *Studia Islamika*, 26(1), 1–34. <https://doi.org/10.36712/SDI.V26I3.10623>
- Hurst, A. (2008). Derrida: Différance and the “Plural Logic of the Aporia.” In A. Hurst (Ed.), *Derrida Vis-à-vis Lacan: Interweaving Deconstruction and Psychoanalysis* (p. 0). Fordham University Press. <https://doi.org/10.5422/fso/9780823228744.003.0004>
- Ilhami, H. (2016). Development of the regulation related to obligatory bequest (wasiat wajibah) in Indonesian Islamic inheritance law system. *Mimbar Hukum*, 27(3), 553. <https://doi.org/10.22146/jmh.15884>
- Ismail, A. M., Subri, I. M., Baharuddin, A. S., Rahman, A. A., & Rosidi, M. H. (2024). The Role of Maqasid Al-Shariah in Contemporary Fatwa Formulation: A Balanced Approach: *Al-Qanatir: International Journal of Islamic Studies*, 33(7), 85–110.
- Isman, Zaim, M. A., & Eldeen, A. B. (2024). Maqashid Sharia and Harmonizing Law in Indonesia: Impact for SDGs Global Context | SpringerLink. In *Artificial Intelligence (AI) and Customer Social Responsibility (CSR)* (Vol. 517, pp. 745–759). Springer. https://link.springer.com/chapter/10.1007/978-3-031-50939-1_60
- Jarchosi, A. (2020). Pelaksanaan Wasiat Wajibah. *Adhki: Journal of Islamic Family Law*, 2(1), 77–90. <https://doi.org/10.37876/adhki.v2i1.34>
- Jarir, A., Chairina, N., Masduki, & Hakimi, A. R. (2025). Fatwā in Contemporary Islamic Judiciary: The Accommodation of Mui Fatwā among Judges of Indonesian Religious Court. *Al-Mawarid Jurnal Syariah Dan Hukum (Jsyh)*, 7(2), 373–396. <https://doi.org/10.20885/mawarid.vol7.iss2.art9>
- Johnston, D. L. (2007). Maqāṣid al-Sharī’A: Epistemology and Hermeneutics of Muslim Theologies of Human Rights. *Die Welt Des Islams*, 47(2), 149–187.
- Kharlie, A. T., Fathudin, F., & Triana, W. (2021). Reforming Islamic Marriage Bureaucracy in Indonesia: Approaches and Impacts. *Al-Jami’ah: Journal of Islamic Studies*, 59(2), 255–286. <https://doi.org/10.14421/ajis.2021.592.255-286>
- Lukito, R. (2012). *Legal Pluralism in Indonesia: Bridging the Unbridgeable*. Routledge. <https://doi.org/10.4324/9780203113134>
- Muslih, M., & Almi, A. J. (2024). Compilation of Islamic Law within the Framework of State Typology:

- A Critical Analysis of the Reform of Islamic Family Law in Indonesia. *Adhki: Journal of Islamic Family Law*, 6(1). <https://doi.org/10.37876/adhki.v6i1.212>
- Nasution, K., & Nasution, S. (2021). Implementation of Indonesian Islamic Family Law to Guarantee Children's Rights. *Al-Jāmi'ah: Journal of Islamic Studies*, 59(2), 347–374. <https://doi.org/10.14421/ajis.2021.592.347-374>
- Nugraheni, D. B., Ilhami, H., & Harahab, Y. (2010). Pengaturan dan Implementasi Wasiat Wajibah di Indonesia. *Jurnal Mimbar Hukum*, 22(2), 311–329. <https://doi.org/10.22146/jmh.16229>
- Nurlaelawati, E., & Salim, A. (2013). *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism*. Edinburgh University Press.
- Opwis, F. (2005). Maṣlaḥa in Contemporary Islamic Legal Theory. *Islamic Law and Society*, 12(2), 182–223.
- Palasenda, N., Kamila, A. C., & Nurfuadi, F. (2025). Analysis of Maqasid Shari'ah on Religious Court Decisions on the Granting of Compulsory Wills to Non-Muslim Heirs. *Diktum: Jurnal Syariah dan Hukum*, 23(2), 132–148. <https://doi.org/10.35905/diktum.v23i2.11577>
- Puspantoro, W. S. (2025). Pertimbangan Hakim dalam Perluasan Wasiat Wajibah di Luar Ketentuan Kompilasi Hukum Indonesia. *Journal of Law, Society, and Islamic Civilization*, 13(2), 120–131. <https://doi.org/10.20961/jolsic.v13i2.109134>
- Putri, E., Pratama, G., & Fajarwati, R. (2024, July 8). *Implementation of Wasiat Wajibah as a Means of Inheritance for Non-Moslem Heirs*. Proceedings of the 7th International Colloquium on Interdisciplinary Islamic Studies (ICIIS), Banjarmasin. <http://dx.doi.org/10.4108/eai.17-6-2024.2349084>
- Rahmahdaniyati, I., & Lisnawati. (2024). Interreligious Inheritance: Exploring The Fatwa of The Indonesian Scholar Number 5/MUNAS VII/MUI/9/2005 on Interreligious Inheritance. *Mir'ah: Family Law and Legal Culture*, 1(2), 1–12.
- Rahman, E. T., Muharir, M., Ahyani, H., & Adnan, N. I. M. (2025). The Dynamics of The Fatwa on the Prohibition of Interfaith Greetings: Maqasid al-Shariah and its Implications for Multicultural Families in Indonesia. *Justicia Islamica*, 22(1), 25–48. <https://doi.org/10.21154/justicia.v22i1.9661>
- Rahman, F. (1982). *Islamic Methodology in History*. Central Institute of Islamic Research.
- Ropi, I. (2017). *Ropi, I. (2019). Religion and Regulation in Indonesia*. Macmillan.
- Sanjaya, E., Hastuti, I., & Prasetyo, B. (2022). Distribution of Different Religion Legacy According To Islamic Instruction Law (Case Study of The Supreme Court Decision Number 368 K/Ag/1995). *International Journal of Educational Research & Social Sciences*, 3(2), 538–546. <https://doi.org/10.51601/ijersc.v3i2.307>
- Setyawan, R., Witro, D., Busni, D., Kustiawan, M. T., & Syahbani, F. Z. M. (2024). Contemporary Ijtihad Deconstruction in The Supreme Court: Wasiat Wajibah as An Alternative for Non-Muslim Heirs in Indonesia. *Jurnal Ilmiah Al-Syir'ah*, 22(1), 25–40. <https://doi.org/10.30984/jis.v22i1.2968>
- Sirry, M. (2013). Fatwas and their controversy: The case of the Council of Indonesian Ulama (MUI). *Journal of Southeast Asian Studies*, 44(1), 100–117. <https://doi.org/10.1017/S0022463412000641>
- Syafei, Z. (2017). Tracing Maqasid al-Shari'ah in the Fatwas of Indonesian Council of Ulama (MUI). *Journal of Indonesian Islam*, 11(1). <https://jiis.uinsa.ac.id/index.php/JIIs/rt/printerFriendly/277/0>
- Triana, W. (2021). *Reforming the Education of Islamic Judges in Indonesia* [Phd Thesis]. University of Melbourne.
- Turkel, G. (1990). Michel Foucault: Law, Power, and Knowledge. *Journal of Law and Society*, 17(2),

- 170–193. <https://doi.org/10.2307/1410084>
- Umam, N., Soiman, S., & Basit, A. (2024). Epistemological Critique of Islam Nusantara Studies in Indonesia: An Insider’s Perspective. *Al-Tatawur: International Journal of Social Science*, 2(2), 01–11. <https://doi.org/10.61806/al-tatawur.v2i2.37>
- Yates, S. (2014). Power-Knowledge. In *Encyclopedia of Critical Psychology* (pp. 1480–1485). Springer, New York, NY. https://doi.org/10.1007/978-1-4614-5583-7_438
- Zainab, & Sudirman. (2023). Kajian Yuridis Penerapan Wasiat Wajibah Kepada Ahli Waris Non Muslim Dalam Hukum Waris Di Indonesia. *Maqasid: Jurnal Studi Hukum Islam*, 12(1), 127–142. <https://doi.org/10.30651/mqsd.v12i1.17799>