

The Scales of Double Justice: The Resonance of Religious Law in the National Legal System

Muh. Ma'ruf Syaib Ma'qil¹

Institut Agama Islam Negeri Kendari, Indonesia¹

Email: ma.rufmaqil920@gmail.com

Abstract: The purpose of this study is to understand how religious law affects the formation, interpretation, and application of state law, as well as its impact on society. Research methods that can be used include narrative research by prioritizing secondary data as a data source and analysis of research data analysis is carried out qualitatively by extracting the essence of the main topic of discussion. Results of the study Interaction mapping: Identifying forms of interaction between religious law and state law, such as integration, accommodation, or conflict. Impact on public policy: Analyze how religious law affects government policy in various areas, such as family, criminal, and social. Implications for justice: Evaluating the extent to which the integration of religious law in the national legal system can ensure justice for all parties. Overall, this research is expected to contribute to understanding the dynamics of the interaction between religious law and state law, as well as its implications for society and the legal system as a whole.

Keywords: Justice, National Regulation, Legal System, Religius

Introduction

In the increasingly complex legal landscape of the modern era, the interaction between religious law and national legal systems is becoming an increasingly relevant and challenging topic. This phenomenon, which can be described as a "double scale of justice", reflects the dynamics that occur when legal principles rooted in religious traditions interact with the secular legal framework in the context of the nation-state. The resonance of religious law in the national legal system is not only an academic concern, but also has significant practical implications in the formulation of public policy, law enforcement, and the formation of national identity.

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**The Scales of Double Justice: The Resonance of Religious Law
in the National Legal System, 1(1), 28-41**

Muh. Ma'ruf Syuaib Ma'qil

The concept of "double justice scales" refers to the existence of two value systems that operate simultaneously in the same legal space. On the one hand, there is a national legal system that is generally based on the principles of secular law, state sovereignty, and universality. On the other hand, religious law, rooted in centuries-old spiritual traditions and beliefs, continues to play an important role in the social and moral life of society. The interaction between these two systems creates complex areas of convergence, conflict, and negotiation (A. Damayanti & Yunanto, 2022).

The resonance of religious law in the national legal system can be observed in various forms and levels. In some countries, elements of religious law are explicitly incorporated into positive law, as in the case of Islamic family law in some Muslim countries. In other countries, the influence of religious law may be more subtle, seen in the interpretation of the law, ethical considerations in legal decision-making, or in the formation of social norms that ultimately affect the practice of law.

This phenomenon raises a number of critical questions that need to be explored in depth. How can a modern state accommodate legal pluralism without sacrificing fundamental principles such as equality before the law and non-discrimination? To what extent can or should religious law affect the interpretation and application of national law? How can potential conflicts between religious legal norms and universal human rights principles be resolved?

The study of the resonance of religious law in national legal systems also presents an interesting methodological challenge. An interdisciplinary approach that combines the perspectives of law, sociology, anthropology, and political science is needed to comprehensively understand the complexity of this phenomenon. Comparative analysis across countries and legal traditions can provide valuable insights into the various models of interaction between religious law and national law.

Furthermore, research in this field has important implications for legal practice and public policy. A better understanding of the dynamics between religious law and national law can help in designing more inclusive

**The Scales of Double Justice: The Resonance of Religious Law
in the National Legal System, 1(1), 28-41**

Muh. Ma'ruf Syuaib Ma'qil

and effective policies, especially in religiously and culturally pluralistic societies. It can also contribute to the development of more sophisticated conflict resolution mechanisms when there is a clash between different legal norms.

Method

A qualitative approach was chosen to deeply understand the phenomenon of interaction between religious law and national law. This research will use a case study design to explore the interaction of religious law and national law. The case studies will provide a rich and in-depth context regarding how these two legal systems operate in practice. The data analysis technique used is the interpretation of the theme in the context of the interaction between religious law and national law.

Result and Discussion

1. The Interaction of Religious Law and National Law: Conflict Resolution Mechanisms between Religious Law and National Law

The interaction between religious law and national law is a complex phenomenon that often gives rise to various conflicts. In this context, it is important to understand the two legal systems and the resolution mechanisms that can be applied to resolve the differences that arise. Religious law, which is usually sourced from sacred texts and religious traditions, has strong normative characteristics and regulates the lives of religious people in various aspects, both social, economic, and political. On the other hand, national law, which is established by the state and regulated in the constitution and legislation, aims to create order and justice in a pluralistic society.

Conflicts between religious law and national law can arise when the norms set by one legal system conflict with the norms of another legal system. For example, in some cases, national laws may regulate individual rights that differ from certain religious views regarding gender roles or inheritance rights. This can create tensions, especially in countries with certain religiously majority populations, where religious law is often integrated into national legal systems (Lechuga, et.all. 2024).

**The Scales of Double Justice: The Resonance of Religious Law
in the National Legal System, 1(1), 28-41**

Muh. Ma'ruf Syuaib Ma'qil

The conflict resolution mechanism between religious law and national law can be carried out through several approaches. First, dialogue between stakeholders, including religious leaders, academics, and legislators, is essential to create a common understanding. Through dialogue, solutions can be sought that respect both legal systems without sacrificing the existing basic values. Second, the use of constitutional principles that protect religious freedom and human rights is also an important foundation in resolving conflicts. Constitutions often provide space for the application of religious law in a particular context, as long as it does not conflict with basic human rights principles.

The role of the court in resolving disputes between religious law and national law is also very crucial. Courts can function as institutions that interpret the law, so that they can provide fairer and more balanced decisions. In some countries, there are special courts that deal with religious law issues, which allows dispute resolution to be carried out in a more contextual way and in accordance with the religious values that the community adheres to. It is also important to note that legal education and understanding of legal rights are aspects that should not be overlooked. People who understand their rights in the context of national law and religious law will be better able to navigate conflicts that may arise. Therefore, legal counseling programs that educate the public about the interaction of these two legal systems are very necessary.

In the context of globalization, the interaction between religious law and national law is also increasingly complex. The influence of foreign cultures and the development of information technology affect the public's view of the law. This can create new challenges, but also opportunities to renew understanding of how religious law can interact with national law constructively. Conflict resolution between religious law and national law requires an inclusive and adaptive approach. Communities, governments, and legal institutions must work together to create a legal framework that not only respects diversity, but also guarantees justice for all parties. Through dialogue, education, and fair law enforcement, it is hoped that the

**The Scales of Double Justice: The Resonance of Religious Law
in the National Legal System, 1(1), 28-41**

Muh. Ma'ruf Syuaib Ma'qil

interaction between religious law and national law can run harmoniously, thereby creating a just and civilized society.

One approach that can be used is the application of the principle of legal pluralism. Legal pluralism recognizes the existence of various legal systems that can operate simultaneously in a single society. In this context, religious law is recognized as one of the legitimate sources of law, as long as it remains in line with the basic principles of national law. In this way, people who embrace a particular religion can practice their teachings without having to violate national law, and vice versa, national law can still maintain order and justice.

The role of government agencies is also very important in maintaining a balance between religious law and national law. The government needs to ensure that the laws and regulations that are made not only reflect the aspirations of the community in general, but also take into account the religious values embraced by the majority of the people. This can be done through a legislative process that involves a wide range of stakeholders, including representatives from religious communities. By involving them in the policy-making process, it is hoped that a more comprehensive solution can be found that is accepted by all parties.

In addition, the role of education is very crucial in creating legal awareness among the community. Legal education that includes an understanding of the relationship between religious law and national law can help people to better appreciate differences and find a middle ground when conflicts occur. Schools and higher education institutions need to include curricula that address these issues in depth, so that future generations are better prepared to face the challenges that may arise from the interaction of the two legal systems.

One concrete example of conflict resolution between religious law and national law can be seen in cases of divorce, inheritance, and family rights. In many countries, religious law regulates these aspects in a different way compared to national law. In situations like these, the court often serves as a mediator who can help resolve disputes in a fair manner, given both legal

**The Scales of Double Justice: The Resonance of Religious Law
in the National Legal System, 1(1), 28-41**

Muh. Ma'ruf Syuaib Ma'qil

systems. Courts can take into account religious norms while still adhering to the principles of national law, so that decisions taken are acceptable to all parties involved.

However, the challenges faced in this resolution process cannot be ignored. Sometimes, there is resistance from certain groups who feel that the application of national laws can threaten the existence of their religious norms. Therefore, it is important to continue to hold constructive dialogue between various parties, including governments, religious leaders, and civil society. Through this dialogue, it is hoped that a better understanding will be created about the importance of mutual respect and adaptation.

Globalization also has a significant impact on the interaction of religious law and national law. With the increasing openness of information and communication, people are becoming more exposed to various legal perspectives from other countries. This can create pressure for religious or national law reform to be more in line with international standards, but it can also create resistance from groups who feel their local values are threatened. Therefore, it is important to find a balance between the adoption of more inclusive legal practices and respect for local traditions.

2. Jurisprudence and Legal Interpretation: The Evolution of Legal Interpretation Related to Religious Issues

Jurisprudence and legal interpretation play an important role in the development of law, especially in the context of religious issues. The evolution of legal interpretation on religious issues reflects the dynamics between legal texts, religious traditions, and changing social contexts. In many legal systems, court decisions not only serve as the enforcement of norms, but also as a source of law that can shape the understanding of existing norms. The growing jurisprudence of religious cases often reflects efforts to adapt the law to the changing needs of society.

One important aspect of legal interpretation is the ability to interpret legal texts, both from laws and from religious doctrines. In the context of religious law, sacred texts and traditions have strong authority, but interpretations of those texts often vary. This creates space for legal experts

**The Scales of Double Justice: The Resonance of Religious Law
in the National Legal System, 1(1), 28-41**

Muh. Ma'ruf Syuaib Ma'qil

and religious leaders to provide interpretations that are relevant to current social and cultural conditions. For example, in many religious traditions, there is a debate about how to apply basic teachings in modern contexts, such as gender issues, human rights, and pluralism (Hidayat, 2024).

The evolution of legal interpretation is often triggered by broader social changes. In an increasingly pluralistic society, the demand for recognition of various religious and cultural views is increasing. This requires legal institutions to consider different perspectives when handling cases involving religious issues. For example, in some countries, courts have decided to recognize individual rights in the context of marriage and divorce that were previously strictly regulated by religious law. These decisions show that jurisprudence can serve as a tool to create a balance between religious norms and civil rights.

Challenges in legal interpretation related to religious issues also often involve conflicts between national law and religious law. In many legal systems, there are attempts to integrate these two systems, but there is also resistance from various parties. For example, in cases involving inheritance or custody of children, religious law often has different norms compared to national law. Courts in some countries have tried to find a middle ground by drafting decisions that respect religious values without ignoring broader principles of justice.

Concrete examples of the evolution of legal interpretation can be seen in cases relating to women's rights in the context of family law. In many countries, traditional religious law often confers different rights between men and women, especially when it comes to inheritance and divorce. However, as awareness of the importance of gender equality increases, some courts have taken progressive steps by interpreting religious law in a more inclusive way. For example, they may consider the social and economic context that women face in making fair decisions, thus adapting the interpretation of the law to the principles of social justice.

The development of technology and information also plays a role in the evolution of legal interpretation. In the digital era, access to information

**The Scales of Double Justice: The Resonance of Religious Law
in the National Legal System, 1(1), 28-41**

Muh. Ma'ruf Syuaib Ma'qil

on law and religious issues has become easier, allowing the public to be more involved in legal discussions. This encourages transparency and accountability in the legal decision-making process. With increasing public participation, legal institutions are expected to be more responsive to the demands and aspirations of the community. It also creates opportunities for more progressive and inclusive interpretations of the law, which can accommodate diverse viewpoints.

In addition, legal education plays an important role in shaping the understanding of jurisprudence and legal interpretation. A good education will equip law students with the ability to analyze and interpret legal norms in a broader context. This is especially important, especially when it comes to religious issues, where sensitivity to cultural values and traditions is essential. Jurists and academics must encourage a critical approach to legal texts, including religious law, so as to produce relevant and contextual interpretations.

A major challenge in the evolution of legal interpretation is the resistance of certain groups who consider that changing interpretations may threaten their religious traditions or values. Therefore, it is important to create a constructive dialogue between various stakeholders, including religious leaders, academics, and legal practitioners (Onseca et. all, 2019). Through this dialogue, it is hoped that a better understanding will be created regarding the importance of adjusting legal norms to the needs of a growing society.

The political context in a country also greatly influences the evolutionary process of legal interpretation. In countries with stable and democratic political systems, there is often more room for dialogue and inclusive legal development. Conversely, in countries experiencing conflict or political instability, changes in the interpretation of the law can become more difficult, due to resistance from certain groups trying to maintain the status quo. Therefore, it is important to create an environment conducive to constructive discussion and legal change.

**The Scales of Double Justice: The Resonance of Religious Law
in the National Legal System, 1(1), 28-41**

Muh. Ma'ruf Syuaib Ma'qil

In the context of legal education, the introduction of a curriculum that discusses religious issues in depth is very important. A comprehensive legal education should not only include legal theory, but also practical and social aspects. Teaching students about the importance of social context in legal interpretation and encouraging them to think critically will help them in facing challenges in the field.

A clear example of the evolution of legal interpretation can be seen in the development of family law in many countries. For example, issues such as divorce and child custody are often influenced by religious norms, but in many places, courts have begun to pay more attention to child welfare and individual rights. In some cases, courts take more progressive decisions taking into account social contexts, such as economic conditions or domestic violence, which may not always be in line with traditional interpretations of religious law.

Responsive legal development also requires the active participation of civil society. Non-governmental organizations (NGOs) and advocacy groups are often instrumental in championing certain rights and pushing for change in the interpretation of the law. They can serve as a bridge between society and legal institutions, giving a voice to those who may be marginalized in the legal process. It raises awareness of the importance of social justice and human rights in the context of religious law.

Facing the challenges and opportunities that exist, collaboration between various stakeholders is also important. Courts, governments, religious leaders, and academics need to work together to create a legal framework that is not only legitimate, but also fair and inclusive. Through this collaboration, it is hoped that new ways of interpreting the law will be found that reflect human values and social justice, while respecting existing religious traditions.

3. Socio-Political Dynamics: The Legal System's Response to Changes in Religious Demographics

Changes in religious demographics are a phenomenon that cannot be ignored in the study of socio-political dynamics in many countries.

**The Scales of Double Justice: The Resonance of Religious Law
in the National Legal System, 1(1), 28-41**

Muh. Ma'ruf Syuaib Ma'qil

Demographic transitions involving the growth and decline of populations of certain religious groups can affect social structures, public policies, and legal systems. In this context, the legal system needs to respond effectively to these changes to ensure justice and well-being for all citizens, as well as maintain social stability. This response involves not only policy formulation, but also adjustments in the interpretation and application of the law.

The underlying factor for the change in religious demographics is globalization, which leads to more intense migration and intercultural interactions. In many cases, migration brought in new religious groups into previously homogeneous societies. These changes often pose challenges related to the integration and recognition of the rights of minority groups. As the population of new religious groups increases, they often face discrimination and injustice in access to public services, education, and legal protection. Therefore, the legal system needs to adapt to this new reality, by formulating policies that are inclusive and protect the rights of all citizens, regardless of religious background.

In this context, recognition of religious pluralism is very important. A responsive legal system must be able to accommodate these differences in a way that respects religious freedom and human rights. For example, in many countries, laws on religious freedom have been introduced to protect the rights of individuals to practice their beliefs. However, the implementation of these laws often faces obstacles, especially when they are contrary to existing social norms or when there is resistance from the majority. Therefore, education and socialization about the importance of tolerance and respect for diversity are crucial steps in this process.

Changes in religious demographics can also affect the political process. As new religious groups begin to emerge as significant voters, political parties and policymakers need to respond in a way that reflects their interests and aspirations. In some cases, this can lead to shifts in political programs and party platforms, which seek to attract support from these groups. However, these changes did not always go smoothly. Sometimes, there are tensions between the majority and minority groups, which can

**The Scales of Double Justice: The Resonance of Religious Law
in the National Legal System, 1(1), 28-41**

Muh. Ma'ruf Syuaib Ma'qil

result in polarization in society. In situations like these, the legal system must function as a mediator that upholds justice and reduces tensions.

The response of the legal system to changes in religious demographics can be seen in the context of legal reform. In many countries, there is a growing awareness of the need for legal reform to reflect the new social realities. For example, in some cases, family laws that were previously based on certain religious norms have been reformed to accommodate the rights of individuals, especially women and children. These reforms often involve dialogue between religious leaders, legislators, and civil society to create a more equitable and inclusive legal framework (Bourchier, 2019).

The legal system also needs to consider the impact of demographic changes on legal education. An inclusive and responsive legal education can help create a better understanding of the rights and obligations of individuals in a diverse society. A curriculum that incorporates perspectives of religious pluralism and human rights will equip future generations with the knowledge and skills necessary to face the challenges that may arise. Thus, legal education can serve as a tool to encourage tolerance and respect for diversity in society.

Changes in religious demographics are also often related to economic issues. New religious groups that emerge often face challenges in accessing economic opportunities and social services. In this context, the legal system must respond by formulating policies that encourage economic and social inclusion. For example, affirmative policies can be introduced to ensure that minority groups have equal access to education, employment, and public services. This is not only important for social justice, but also for overall economic and social stability.

Facing these challenges, it is important to create space for constructive dialogue between various stakeholders. Governments, civil society organizations, and religious leaders must work together to explore solutions that can accommodate the interests of all parties. This dialogue can help reduce tensions and build mutual understanding between different

**The Scales of Double Justice: The Resonance of Religious Law
in the National Legal System, 1(1), 28-41**

Muh. Ma'ruf Syuaib Ma'qil

groups. In this way, the legal system can serve as a tool to create harmony in a pluralistic society.

It should be noted that the legal system's response to changes in religious demographics is not only reactive, but also proactive. In many cases, legal institutions and governments can act as agents of change by initiating policies that support tolerance and diversity. For example, programs that promote interfaith dialogue and multicultural education can help build social cohesion and reduce prejudice. In addition, efforts to strengthen the political participation of minority groups are also very important, so that their voices can be heard in the decision-making process (Alotaibi, 2019).

In addition, information technology has played an important role in raising awareness of religious and legal issues. Social media, for example, has become a platform for minority groups to voice their aspirations and disseminate information about their legal rights. This provides an opportunity for the community to be more involved in discussions on religious and legal issues. However, keep in mind that information spread on social media can also be a source of disinformation that can exacerbate tensions. Therefore, it is important to have a wise approach to using technology to create a constructive dialogue.

Conclusion

Scales of Double Justice shows the existence of two justice systems that run side by side, namely religious law and national law. The use of the word "resonance" implies that these two legal systems influence and interact with each other, creating complex dynamics in the application of justice. The study likely explores how religious legal principles are integrated or contradicted by national legal frameworks, as well as their impact on society and the justice system. This research has the potential to provide important insights into the challenges and opportunities in harmonizing religious law with the secular legal system in the context of a modern state

**The Scales of Double Justice: The Resonance of Religious Law
in the National Legal System, 1(1), 28-41**

Muh. Ma'ruf Syuaib Ma'qil

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**The Scales of Double Justice: The Resonance of Religious Law
in the National Legal System, 1(1), 28-41**

Muh. Ma'ruf Syuaib Ma'qil

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