

Al-Hiwalah: (Sharia Economic Law)

Volume 5 No. 1. Januari- June 2026

E-ISSN : 2963-0304

Page : i-xiii

DOI : 10.47766/al-hiwalah.v5i1.7994

<https://journal.uinsuna.ac.id/index.php/AlHiwalah>

**From Transactional Compliance to Judicial Justice
(Answering the Challenges of Sharia Economics and Contemporary Law
Enforcement)**

Zulhamdi

Editor In Chief Jurnal Al-Hiwalah: Journal of Sharia Economic Law
Universitas Islam Negeri Sultanah Narasiyah, Lhokseumawe Aceh, Indonesia

Corresponding email: zulhamdi@uinsuna.ac.id

Abstract: This edition of Al-Hiwalah: Journal of Islamic Economic Law presents ten scientific articles that comprehensively examine the dynamics of Islamic economic law, judicial jurisprudence, and the protection of vulnerable groups in Indonesia. In the muamalah cluster, the manuscript dissects sustainable regional investment policies in South Kalimantan, a normative analysis of DSN-MUI Fatwa No. 115/2017 regarding the integration of the principle of Al-Ghunm bi Al-Ghurm and the prohibition of Dhaman in mudharabah, and the resolution of insurance disputes at PT. Asuransi Takaful Indonesia. Empirical aspects are explored through transactions at Fadel Dela Buli Market, Maba District, as well as the perception of zakat management by the Al-Mutathahirin Mosque Council in Ternate. Meanwhile, the realm of family law and law enforcement focuses analysis on the decisions of the Sukoharjo Religious Court, including the judge's considerations in determining child custody after divorce (No. 708/Pdt.G/2025/PA.Skh), domestic violence as a basis for divorce (No. 223/Pdt.G/2023/PA.Skh), and the legality of marriage confirmation (No. 16/Pdt.P/2025/PA.Skh). This discourse is strengthened by a comparative study of the Aceh MPU Fatwa No. 18/2015 and the MUI Fatwa No. 11/2012 regarding illegitimate children from the perspective of Maqasid Syariah, as well as an analysis of the structural obstacles

Keywords: Sharia Economic Law, Muamalah Fiqh, Judicial Considerations, Maqasid Syaria, Child Protection, Al-Hiwalah Journal

This is an open-access article under the [CC-BY-SA License](https://creativecommons.org/licenses/by-sa/4.0/).



*Transactional Compliance to Judicial Justice
(Answering the Challenges of Sharia Economics and Contemporary Law Enforcement)*

Zulhamdi

to the enforcement of Law No. 12 of 2022 concerning Sexual Violence. This edition successfully bridges the dogmatics of legal texts with socio-economic realities, while formulating applicable policy recommendations for academics, judicial practitioners, and national policymakers

Abstrak: Edisi Al-Hiwalah: Jurnal Hukum Ekonomi Syariah kali ini menyajikan sepuluh artikel ilmiah yang mengkaji komprehensif dinamika hukum ekonomi Islam, yurisprudensi peradilan, serta perlindungan kelompok rentan di Indonesia. Pada kluster muamalah, naskah membedah kebijakan investasi regional berkelanjutan di Kalimantan Selatan, analisis normatif Fatwa DSN-MUI No. 115/2017 terkait integrasi asas Al-Ghunm bi Al-Ghurm dan larangan Dhaman dalam mudharabah, serta penyelesaian sengketa asuransi pada PT. Asuransi Takaful Indonesia. Aspek empiris dieksplorasi melalui transaksi di Pasar Fadel Dela Buli, Distrik Maba, serta persepsi pengelolaan zakat Dewan Masjid Al-Mutathahirin di Ternate. Sementara itu, ranah hukum keluarga dan penegakan hukum memfokuskan analisis pada putusan Pengadilan Agama Sukoharjo, meliputi pertimbangan hakim dalam penentuan hak asuh anak pasca-perceraian (No. 708/Pdt.G/2025/PA.Skh), KDRT sebagai dasar perceraian (No. 223/Pdt.G/2023/PA.Skh), serta legalitas isbat nikah (No. 16/Pdt.P/2025/PA.Skh). Diskursus ini diperkuat oleh studi komparatif Fatwa MPU Aceh No. 18/2015 dan Fatwa MUI No. 11/2012 tentang anak luar nikah perspektif Maqasid Syariah, serta analisis hambatan struktural penegakan UU No. 12 Tahun 2022 tentang Kekerasan Seksual. Edisi ini berhasil menjembatani dogmatika teks hukum dengan realitas sosial-ekonomi, sekaligus merumuskan rekomendasi kebijakan aplikatif bagi akademisi, praktisi peradilan, dan pembuat kebijakan nasional.

Kata Kunci: Hukum Ekonomi Syariah, Fikih Muamalah, Pertimbangan Yudisial, Maqasid Syariah, Perlindungan Anak, Jurnal Al-Hiwalah

*Transactional Compliance to Judicial Justice
(Answering the Challenges of Sharia Economics and Contemporary Law Enforcement)*

Zulhamdi

INTRODUCTION

The contemporary development of Sharia Economic Law and Islamic Family Law in Indonesia currently stands at a crucial intersection between normative religious doctrine and dynamic social realities. Law is no longer viewed merely as a static set of normative texts, but rather as a living instrument required to be adaptive, responsive, and solution-oriented to the complexities of modernity and the demands of the times. Responding to this challenge, this edition of *Al-Hiwalah: Jurnal Hukum Ekonomi Syariah* presents ten selected scholarly articles that critically examine the various dialectics of law, public policy, and the fulfillment of justice within Indonesian society.

In the first cluster, the journal highlights the transformation of Sharia economic governance and Islamic philanthropy, from the macro-policy scale to micro-implementation in the field. The discussion opens with a strategic analysis of the formulation of regional investment policies based on local potential in South Kalimantan to create a sustainable economic ecosystem. Sharia compliance and risk management aspects are then examined through a normative review of the DSN-MUI Fatwa No. 115/2017 concerning the integration of the principle of *Al-Ghunm bi Al-Ghurm* into *mudharabah* contracts, as well as the claim dispute resolution mechanism at PT Asuransi Takaful Indonesia. Complementing this economic cluster, an empirical portrait of market fairness and the accountability of religious institutions is presented through a study of the fish trade in Maba District and public perceptions of the zakat management system of the *Al-Mutathahirin* Mosque Council in Ternate City.

Meanwhile, the second cluster shifts to the realm of formal law, judicial jurisprudence, and legal protection for vulnerable groups. The dynamics at the

*Transactional Compliance to Judicial Justice
(Answering the Challenges of Sharia Economics and Contemporary Law Enforcement)*

Zulhamdi

Sukoharjo Religious Court provide an interesting legal laboratory through a critical analysis of judges' judicial considerations in deciding cases of child custody after divorce, the legality of marriages through unregistered marriage confirmations, and the placement of Domestic Violence (DV) as the primary reason for marital dissolution. This protection of children and women is emphasized through a comparative study of the Fatwa of the Aceh People's Consultative Assembly (MPU) and the Fatwa of the Indonesian Ulema Council (MUI) regarding the status of support for illegitimate children based on the Maqasid Syariah approach. It concludes with a comprehensive evaluation of the normative and structural barriers to the enforcement of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS).

Through the diversity of research material and methods presented, the Editorial Board hopes that this edition will act as a policy bridge connecting the ideal law (*das sollen*) with the empirical reality on the ground (*das sein*). These ten articles not only enrich the academic literature in universities but also provide valuable practical recommendations for judicial practitioners, advocates, the financial industry, and national policymakers. Ultimately, all scholarly contributions in this edition are dedicated to fostering legal reform that consistently prioritizes the welfare of the people and the enforcement of inclusive social justice in Indonesia. Happy reading.

ARTICLE SELECTION METHODOLOGY

To maintain academic integrity and scientific quality, the ten articles published in this edition of *Al-Hiwalah: Journal of Islamic Economic Law* have undergone a rigorous and transparent multi-stage selection process. The initial stage begins with a desk evaluation by the Managing Editor to ensure the manuscripts' suitability to the journal's scope, followed by a plagiarism check

*Transactional Compliance to Judicial Justice
(Answering the Challenges of Sharia Economics and Contemporary Law Enforcement)*

Zulhamdi

using Turnitin with a maximum tolerance limit of 20%. Manuscripts that pass the initial screening are then distributed to at least two expert reviewers through a double-blind peer review system for objective assessment based on scientific novelty, methodological rigor (both normative-doctrinal and empirical-socio-legal research), and the depth of theoretical analysis related to the implementation of Islamic Economic Law and contemporary law enforcement in Indonesia.

Following the review, authors are required to make substantial reconstructions and editorial improvements based on the reviewers' critical notes, including strengthening case analysis and synchronizing national regulations. The final decision on publication eligibility is made collectively through a plenary meeting of the Editorial Board (Editorial Board Final Decision), which selects the ten best articles deemed methodologically balanced and significantly contributing to public policy. Through this rigid methodological commitment, the editors ensure that all manuscripts presented in this edition are free from conflicts of interest and have high scientific accuracy for the benefit of the treasury of Islamic legal knowledge in the country.

THEMATIC REVIEW

Mapping Scientific Contributions Based on Study Focus

The ten articles published in this edition do not stand alone, but rather intertwine to form a rich discourse. Thematically, the entire manuscript can be classified into two broad themes with several specific subthemes:

First Theme: Actualization, Compliance, and Governance of Sharia Economic Law

*Transactional Compliance to Judicial Justice
(Answering the Challenges of Sharia Economics and Contemporary Law Enforcement)*

Zulhamdi

This theme highlights how the principles of Islamic jurisprudence are applied, regulated, and evaluated at the macro policy level, the financial industry, and even at the grassroots level.

1. Macro Policy and Sustainable Investment, Related Article: *Regional Investment Policy Based on Local Potential to Strengthen Sustainable Sharia Economy in South Kalimantan*(Yanova et al. 2026). Study Focus: Bridging the gap between the green economy, investment law, and regional welfare. This article emphasizes the importance of regional regulations that are sensitive to local potential in order to create a resilient sharia economic climate.
2. Contract Theory, Risk Mitigation, and Dispute Resolution, Related Articles: 1). *Integration of the Principle of Al-Ghunm bi Al-Ghurm and the Prohibition of Dhaman in Mudharabah (Analysis of Fatwa DSN-MUI No.115/2017)*(Saputra et al. 2026). 2) *Legal Analysis of Dispute Resolution in Sharia Insurance at PT. Asuransi Takaful Indonesia*(Matondang et al. 2026). Study Focus: Examining the aspects of Shariah Compliance and risk management. The first article dissects the harmony of classical fiqh doctrine in modern fatwas, while the second article provides a pragmatic portrait of the adjudication mechanism when a conflict of interest occurs in the sharia insurance industry.
3. Empirical Muamalah Jurisprudence and Islamic Philanthropy, Related Articles: 1) *Fish Trading Transactions at Fadel Dela Buli Market, Maba*

*Transactional Compliance to Judicial Justice
(Answering the Challenges of Sharia Economics and Contemporary Law Enforcement)*

Zulhamdi

District(Desintia et al. 2026), 2. *Public Perception of the Al-Mutathahirin Mosque Council's Zakat Management System in Maliyaro Village, Ternate City, Islamic Economic Law*(Maujud et al. 2026) Perspective. Study Focus: Using a legal sociology and economic anthropology approach. These two studies capture the extent of the legal awareness of people in Eastern Indonesia towards the concept of market justice and the accountability of local religious institutions.

Theme Two: Religious Court Jurisprudence, Rights of the Vulnerable, and Sectoral Law

This theme shifts to the realm of contemporary criminal law, with a focus on legal protection for women and children and the dynamics of judicial decisions.

1. Ultra Petita and Judicial Considerations of Religious Courts, Related Articles: 1. *Analysis of Judges' Decisions in Determining Child Custody (Decision No. 708/Pdt.G/2025/PA.Skh)*(Minan et al. 2026). 2. *Judicial Considerations in Marriage Confirmation for Unregistered Marriages... (Decision No. 16/Pdt.P/2025/PA.Skh)*(Afifah et al. 2026). Study Focus: Analyzing the ratio decidendi (legal reasons) of judges at the Sukoharjo Religious Court. The main focus is how judges balance rigid formal law with legal certainty and the future of children.
2. Protection of Vulnerable Groups, Domestic Violence, and Gender, Related Articles: 1). *Domestic Violence Based on Article 5 Letter B of Law No. 23/2004 as a Judge's Consideration (Decision No. 223/Pdt.G/2023/PA.Skh)*(Effendi, Pradana, and Afifah 2026). 2). *A Synchronized Analysis of Norms and Structural Barriers to Enforcement of Law Number 12 of 2022 concerning Sexual Violence*(Sholeh, Dewi, and

*Transactional Compliance to Judicial Justice
(Answering the Challenges of Sharia Economics and Contemporary Law Enforcement)*

Zulhamdi

Aftab 2026). Study Focus: Highlighting crucial issues regarding gender safety and justice. Here, the convergence between national criminal law (Domestic Violence Law and TPKS Law) and Islamic civil law (divorce) is seen, emphasizing that marriage law must not ignore the physical and psychological safety of couples.

3. Comparative Study of Fatwa Authority and Maqasid Sharia, Related Article: *Comparison of Supporting Laws for Children Born Out of Wedlock Study of Aceh MPU Fatwa No. 18/2015 and MUI Fatwa No. 11/2012 from the Maqasid Shari'ah Perspective*(Zega et al. 2026). Study Focus: Offering a high-level theoretical analysis using Maqasid Sharia analysis tools (hifz an-nasl and hifz an-nafs). This article examines how two authoritative fatwa institutions respond to the socio-juridical status of illegitimate children for the benefit of humanity.

This edition successfully presents a methodologically sound balance between normative-doctrinal research (fatwa and regulatory studies) and empirical-socio-legal research (court and field case studies). The common thread across these themes is one primary goal: to oversee legal transformation so that it aligns with social justice and the noble values of Islamic law.

SIGNIFICANCE AND IMPACT

The publication of this edition of *Al-Hiwalah: Journal of Islamic Economic Law* has strategic value that transcends the boundaries of the academic classroom. By combining in-depth doctrinal analysis with socio-legal

*Transactional Compliance to Judicial Justice
(Answering the Challenges of Sharia Economics and Contemporary Law Enforcement)*

Zulhamdi

investigations in the field, the ten articles in this edition make significant contributions and have a tangible impact on three key sectors:

1. Academic Significance: Enriching the Treasury of Contemporary Islamic Law

Theoretically, this edition breaks the rigid dichotomy between classical Islamic law (fiqh) and positive law in Indonesia:

Harmonization of Regulation and Sharia: An article on DSN-MUI Fatwa No. 115/2017 and a comparative study of fatwas on illegitimate children (MUI and MPU Aceh) significantly clarify how the Maqasid Sharia methodology is used flexibly yet rigidly to address new legal issues (nazilah).

Development of Socio-Legal Methods: The presence of field research from Central and Eastern Indonesia (South Kalimantan, Maba, and Ternate) provides an important contribution to the literature on the sociology of Islamic economic law, demonstrating that the effectiveness of law is strongly influenced by local community perceptions and culture ('urf).

2. Practical Impact on Religious Courts and Financial Institutions

The articles in this edition offer applicable and predictive recommendations for legal practitioners:

Jurisprudence Guide for Judges: Through case studies at the Sukoharjo Religious Court (regarding child custody, domestic violence as grounds for divorce, and marriage confirmation), this edition provides an evaluative perspective for judges in making legal considerations (ratio decidendi). This impacts the standardization of fairer and gender-responsive decisions in the religious courts.

*Transactional Compliance to Judicial Justice
(Answering the Challenges of Sharia Economics and Contemporary Law Enforcement)*

Zulhamdi

Standardization of the Islamic Financial Industry: Analysis of claim disputes at PT. Asuransi Takaful Indonesia and the application of the principle of Al-Ghunm bi Al-Ghurm in Mudharabah provide a preventive impact for Islamic financial industry players to mitigate legal risks and improve contract drafting to avoid sharia defects.

3. Social Impact and Public Policy Transformation

This edition positions law as a tool of social change (law as a tool of social engineering):

Regional Economic Empowerment: Articles on local potential-based investment policies in South Kalimantan can serve as a blueprint for local governments in formulating Regional Regulations (Perda) that support sustainable sharia investment.

Advocacy for the Rights of Vulnerable Groups: Critical reviews of the structural barriers in the TPKS Law (Law No. 12/2022) and the protection of illegitimate children have had a significant sociological impact. These articles strengthen the advocacy movement for the fulfillment of the basic rights of women and children, which are often neglected in domestic legal conflicts.

Overall, this edition serves not only as a track record of scholarly thought but also as a policy bridge connecting the ideal legal text (*das sollen*) with the social reality on the ground (*das sein*). This edition provides renewed confidence that sharia economic law and Islamic family law can move progressively towards realizing inclusive and sustainable justice.

CONCLUSION

Islamic law in Indonesia is not static, but rather continues to transform dynamically to address the challenges of the times and the socio-economic needs of society. The ten articles presented successfully integrate two major

*Transactional Compliance to Judicial Justice
(Answering the Challenges of Sharia Economics and Contemporary Law Enforcement)*

Zulhamdi

currents of contemporary legal discourse: strengthening Islamic economic governance and philanthropy from the regional to the practical level, and strengthening religious court jurisprudence in protecting the rights of vulnerable groups such as women and children. Through a combination of normative-doctrinal and empirical-socio-legal research, this edition clearly demonstrates how the principles of Maqasid Sharia and authoritative fatwas are concretely articulated in regional investment policies, financial contract risk mitigation, and judicial decision-making.

Overall, this edition provides a significant scholarly contribution by bridging the dialectic between ideal law (*das sollen*) and social reality on the ground (*das sein*). The resulting critical analyses and practical recommendations—both regarding the improvement of national regulations such as the TPKS Law and the standardization of family case decisions in Religious Courts—are expected to serve as strategic references for academics, judicial practitioners, and policymakers. Ultimately, all scholarly contributions in this edition culminate in a single, noble goal: to oversee legal reform that not only offers legal certainty but also delivers social justice and inclusive human well-being.

REFERENCES

- Afifah, Mustajabah Khoirun Nisa’Muna, Syamsuddin Syamsuddin, Aditya Fajri Kurnia Pradana, and Anisah Amin Zaini Syafiuddin. 2026. “Judicial Considerations in Isbat Nikah for Unregistered Marriages at Sukoharjo Religious Court: A Study of Religious Court Decision Number 16/Pdt. P/2025/PA. Skh.” *Al-Hiwalah: Journal of Sharia Economic Law* 5 (1): 133–49. <https://doi.org/https://doi.org/10.47766/al-hiwalah.v5i1.7613>.
- Desintia, W.D Aisa, Nirwan Umasugi, Jasmin Basaria Nainggolan, and Zainal Abidin Marasabessy. 2026. “Fish Trading Transactions at Fadel Dela Buli Market, Maba District A Review from the Perspective of Islamic

*Transactional Compliance to Judicial Justice
(Answering the Challenges of Sharia Economics and Contemporary Law Enforcement)*

Zulhamdi

- Economic Law No Title.” *Al-Hiwalah : Journal Syariah Economic Law* 5 (1): 170–91. <https://doi.org/https://doi.org/10.47766/al-hiwalah.v5i1.7629>.
- Effendi, Arif, Aditya Fajri Kurnia Pradana, and Afifah Afifah. 2026. “Domestic Violence Based on Article 5 Letter B of Law Number 23 of 2004 as a Consideration for Judges in Deciding on Divorce: Study of the Decision of the Sukoharjo Religious Court Number 223/Pdt. G/2023/PA. Skh.” *Al-Hiwalah: Journal of Sharia Economic Law* 5 (1): 92–113.
- Matondang, Maulidya Mora, Nawir Yuslem Akmaluddin Syahputra, Iwan Nasution, and Sutan Erlambang. 2026. “Legal Analysis of Sharia Insurance Dispute Resolution at PT. Asuransi Takaful Indonesia.” *Al-Hiwalah : Journal Syariah Economic Law* 5 (1): 150–69. <https://doi.org/https://doi.org/10.47766/al-hiwalah.v5i1.7755>.
- Maujud, Jusni, Abdul Rauf Wajo, Mustamin Gilling, Nirwan Umasugi, and Zainal Abidin Marasabessy. 2026. “Community Perceptions of the Zakat Management System of the Al-Mutathahirin Mosque Council in Maliyaro Village, Ternate City An Islamic Economic Law Perspective.” *Al-Hiwalah : Journal Syariah Economic Law* 5 (1): 192–215. <https://doi.org/https://doi.org/10.47766/al-hiwalah.v5i1.7636>.
- Minan, Muhammad Fajrul, Baehaqi Baehaqi, Salman Salman, Aditya Fajri Kurnia Pradana, Muhammad Kurniawan Budi Wibowo, and Jeong Chun Phuoc. 2026. “Analysis of the Judge’s Decision in Determining Custody Rights of Minors After Divorce: Study of Decision Number 708/Pdt. G/2025/PA. Skh at the Sukoharjo Religious Court.” *Al-Hiwalah: Journal of Sharia Economic Law* 5 (1): 48–67. <https://doi.org/https://doi.org/10.47766/al-hiwalah.v5i1.7593>.
- Saputra, Edy, Amrizal Amrizal Hamsa, Mohammad Ridwan, and Putri Alya Sabina. 2026. “Integration of the Principles of Al-Ghunm Bi Al-Ghurm and the Prohibition of Dhaman in Mudharabah: A Normative Analysis of DSN-MUI Fatwa No. 115/2017.” *Al-Hiwalah: Journal of Sharia Economic Law* 5 (1): 25–47. <https://doi.org/https://doi.org/10.47766/al-hiwalah.v5i1.7549>.
- Sholeh, Muhammad Ismail, Putri Maha Dewi, and Zia Aftab. 2026. “A Synchronized Analysis of Norms and Structural Barriers to Enforcement of Law Number 12 of 2022 Concerning Sexual Violence.” *Al-Hiwalah: Journal of Sharia Economic Law* 5 (1): 114–32. <https://doi.org/https://doi.org/10.47766/al-hiwalah.v5i1.7638>.
- Yanova, Muhammad Hendri, Parman Komarudin, Muhammad Rifqi Hidayat, and Muhamad Rahmani Abduh. 2026. “Regional Investment Policies Based on Local Potential to Strengthen a Sustainable Sharia Economy in

*Transactional Compliance to Judicial Justice
(Answering the Challenges of Sharia Economics and Contemporary Law Enforcement)*

Zulhamdi

South Kalimantan.” *Al-Hiwalah: Journal of Sharia Economic Law* 5 (1): 1–24. <https://doi.org/https://doi.org/10.47766/al-hiwalah.v5i1.7601>.

Zega, Zuniar, Nanda Riswanda Pohan, Shalawati Shalawati, Laila Pitri, and Junaidi Junaidi. 2026. “Comparison of Supporting Laws for Children Born Out of Wedlock: Study of Aceh MPU Fatwa No. 18/2015 and MUI Fatwa No. 11/2012 from the Maqasid Shari’ah Perspective.” *Al-Hiwalah: Journal of Sharia Economic Law* 5 (1): 68–91. <https://doi.org/https://doi.org/10.47766/al-hiwalah.v5i1.7654>.