



The Integration of Pancasila and Islamic Law in Indonesia: Community Practices in Aceh and West Sumatra

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Abstract

This study examines the relationship between Pancasila, Indonesia's foundational ideology, and Islamic Law, focusing on its implementation in Aceh and West Sumatra. Specifically, the research explores how communities perceive, interpret, and integrate Pancasila within the framework of Islamic Law in both legal practices and policy implementation. Employing a qualitative research methodology, data were collected through in-depth interviews with 10 informants, including religious scholars, government officials, and community leaders, as well as observations and document analysis. The data were analyzed using thematic analysis to identify key patterns and challenges in the integration process. The findings reveal that while the implementation of Islamic Law in Aceh follows a formalized legal framework with Sharia-based regulations, in West Sumatra, Islamic values are embedded within customary law under the principle of *Adat Basandi Syarak, Syarak Basandi Kitabullah*. Despite differences in implementation, both regions demonstrate that Pancasila and Islamic Law are perceived as complementary rather than contradictory. However, challenges remain, including tensions in law enforcement, concerns about human rights, and the need for policy adjustments to balance religious aspirations with national integration. This study contributes to the discourse on legal pluralism in Indonesia by providing empirical insights into how Islamic Law operates within the Pancasila framework, offering a nuanced perspective on the dynamics between religion, state ideology, and governance in a pluralistic society.

Keywords: Islamic Law, Pancasila Ideology, Social Integration, Aceh, West Sumatra

Abstrak

Penelitian ini mengkaji hubungan antara Pancasila sebagai ideologi dasar negara Indonesia dan hukum Islam, dengan fokus pada implementasinya di Aceh dan Sumatera Barat. Secara khusus, penelitian ini mengeksplorasi bagaimana komunitas di kedua wilayah tersebut memahami, menginterpretasikan, dan mengintegrasikan Pancasila dalam praktik hukum dan kebijakan yang berlandaskan Syariat Islam. Menggunakan metode penelitian kualitatif, data dikumpulkan melalui wawancara mendalam dengan 10 informan, termasuk ulama, pejabat pemerintah, dan tokoh masyarakat, serta melalui observasi dan analisis dokumen. Data dianalisis menggunakan teknik analisis tematik untuk mengidentifikasi pola dan tantangan utama dalam proses integrasi ini. Hasil penelitian menunjukkan bahwa penerapan hukum Islam di Aceh dilakukan dalam kerangka hukum formal melalui regulasi



berbasis Syariah, sementara di Sumatera Barat, nilai-nilai Islam terintegrasi dalam hukum adat dengan prinsip Adat Basandi Syarak, Syarak Basandi Kitabullah. Meskipun terdapat perbedaan dalam implementasi, kedua wilayah menunjukkan bahwa Pancasila dan hukum Islam dipandang sebagai sistem yang saling melengkapi, bukan bertentangan. Namun, tantangan tetap ada, termasuk ketegangan dalam penegakan hukum, kekhawatiran terhadap hak asasi manusia, serta perlunya penyesuaian kebijakan untuk menyeimbangkan aspirasi keagamaan dengan integrasi nasional. Studi ini memberikan kontribusi terhadap diskursus pluralisme hukum di Indonesia dengan menghadirkan wawasan empiris tentang bagaimana hukum Islam beroperasi dalam kerangka Pancasila, serta menawarkan perspektif baru mengenai dinamika antara agama, ideologi negara, dan tata kelola dalam masyarakat yang pluralistik.

Kata kunci: Islamic Law, Pancasila Ideology, Social Integration, Aceh, West Sumatra

Introduction

Pancasila, as the state ideology, is not merely a normative construct that governs the political order but a product of historical negotiations that continue to evolve within a dynamic social context. With its five principles, Pancasila represents an ideological compromise between secular nationalists and proponents of an Islamic state.¹ With the existence of Article 29 of the 1945 Constitution, which guarantees freedom of religion, Indonesia is neither a secular state nor an Islamic state, but rather a country that strives to maintain a complex balance among various religious groups.

Historically, Pancasila did not emerge in a vacuum, free from contestation. Since independence, debates over the foundation of the state have reflected a tension between national inclusivity and religious exclusivity. Islam, as the majority religion, has played a central role in political processes and the formation of national identity. However, in the spirit of compromise, Pancasila was chosen as a discursive space that accommodates diverse interests, with the first principle, "Belief in One God," symbolizing an acknowledgment of religious plurality.² Pancasila is seen as the best solution for a multicultural and democratic society, as its principles align with the values of Islam and other religions.³ Nevertheless, questions about how Islam and Pancasila interact remain an ongoing discourse, particularly in regions with strong Islamic identities such as Aceh and West Sumatra.

¹ Achmad Asrori, "Contemporary Religious Education Model on the Challenge of Indonesian Multiculturalism," *Journal of Indonesian Islam* 10, no. 2 (December 2016): 261-83, <https://doi.org/10.15642/JIIS.2016.10.2.261-284>; Ismail Faisal, "Religion, State, and Ideology in Indonesia: A Historical Account of the Acceptance of Pancasila As the Basis of Indonesian State," *Indonesian Journal of Interdisciplinary Islamic Studies* 1, no. 2 (March 2018): 19-58, <https://doi.org/10.20885/ijis.vol1.iss2.art2>.

² Costantinus Ponsius Yogie Mofun, "Negara Sekuler Atau Negara Agama: Tinjauan Hubungan Agama-Negara Dari Perspektif Teologi Calvinis," *Fidei: Jurnal Teologi Sistematis Dan Praktika* 6, no. 2 (2023): 315-32, <https://doi.org/10.34081/fidei.v6i2.335>.

³ Mohammad Takdir, "Contestation and the Roles of Islam in The Public Sphere: A Sociological Analysis of Religious Secularization in Indonesia and the West," *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies* 20, no. 2 (2020), <https://doi.org/10.18196/AIJIS.2020.0119.154-174>; JM Muslimin, "Islamic Law in the Pancasila State," *AHKAM: Jurnal Ilmu Syariah* 12, no. 1 (February 1, 2012): 15-26, <https://doi.org/10.15408/ajis.v12i1.976>.

Aceh stands as the sole province in Indonesia that officially integrates Sharia law into its legal system. This implementation generates distinct dynamics in harmonizing Sharia law with the foundational principles of Pancasila, particularly concerning social justice and human rights.⁴ On the other hand, West Sumatra, although it does not have the special autonomy status like Aceh, also shows a strong influence of Islam in the lives of its people. The values of Islamic Law are often reflected in local policies and the Minangkabau customs, which are known by the principle “*Adat Basandi Syarak, Syarak Basandi Kitabullah*” (customs based on Sharia, Sharia based on the Qur'an).⁵ In West Sumatra, Pancasila and Islamic Law are seen as complementary rather than contradictory. This principle is evident in how the people of West Sumatra apply Islamic values in their daily lives and in local policies that reflect Islamic ethics while remaining within the framework of Pancasila as the state ideology.

Islam's values often align with the principles enshrined in Pancasila. For example, Islam's concept of social justice is in harmony with the fifth principle of Pancasila, “Social Justice for All Indonesians.” Likewise, Islamic teachings about the importance of unity among Muslims and the nation resonate with the third principle, “The Unity of Indonesia.” Both ideologies essentially support the creation of a harmonious and peaceful society. One key to Indonesia's success in maintaining ideological and social stability is its ability to formulate moderate and inclusive policies. The Indonesian government, together with various religious organizations, continues to work towards finding a balance between the aspirations of Islamic groups and the national principles enshrined in Pancasila.⁶ But, although the majority of Indonesian society supports Pancasila as a unifying national ideology, certain groups advocate for the broader implementation of Sharia law. The central debate revolves around how the state can maintain a balance between respecting Sharia law, adhered to by the Muslim majority, and upholding the foundational principles of Pancasila, which ensure the rights and freedoms of all citizens regardless of religious affiliation.

In both Aceh and West Sumatra, the implementation of Islamic Law within the context of Pancasila faces challenges and resistance because they are considered inconsistent with pure Islamic teachings or because they feel that individual rights and civil freedoms are being threatened.⁷ This resistance often takes the form of protests against regulations that are considered too strict or that violate individual rights. In addition, there is tension between groups supporting the broader implementation of Sharia law and those who prefer a more

⁴ Al-Yasa' Abubakar, *Pelaksanaan Syariat Islam Di Aceh Sebagai Otonomi Khusus Yang Asimetris (Sejarah Dan Perjuangan)* (Dinas Syariat Islam Aceh, 2020).25.

⁵ Aulia Rahmat, “Reaktualisasi Nilai Islam Dalam Budaya Minangkabau Melalui Kebijakan Desentralisasi,” *El-HARAKAH* 14, no. 1 (June 19, 2012), <https://doi.org/10.18860/el.v0i0.2018>.

⁶ Dzaki Aflah Zamani and Tutik Hamidah, “Islam Dan Pancasila Dalam Perdebatan Ormas-Ormas Islam,” *Risalah, Jurnal Pendidikan Dan Studi Islam* 7, no. 1 (2021): 28–43, https://doi.org/10.31943/jurnal_risalah.v7i1.166; Akmalluddin, Wais Alqarni, and Afrijal, “Optimalisasi Peran Organisasi Kemasyarakatan Islam (Nahdlatul Ulama) Dalam Pengawasan Kebijakan Syariat Islam Di Aceh,” *Jurnal Ilmiah Mahasiswa Fakultas Ilmu Sosial & Ilmu Politik* 8, no. 4 (2023):75–100,<https://jim.usk.ac.id/FISIP/article/download/28146/12997>.

⁷ Sehat Ihsan Shadiqin, “Islam Dalam Masyarakat Kosmopolit: Relevankah Syariat Islam Aceh Untuk Masyarakat Modern?,” *Kontekstualita: Jurnal Penelitian Sosial Keagamaan* 25, no. 1 (2010): 23–51.

moderate approach.⁸ The key questions that arise are: How can communities in regions like Aceh and West Sumatra interpret and apply Pancasila within the framework of Islamic law? Does the implementation of Sharia law in these areas signify a harmonious relationship between religion and the state, or does it present challenges to national integration in the future?

In the academic domain, studies on the relationship between Pancasila and Islamic law have been extensive, particularly concerning the implementation of Sharia in Aceh. Research such as *Pancasila, Islam, and Harmonising Socio-Cultural Conflict in Indonesia* highlights Pancasila's function as a conflict mitigation mechanism,⁹ Meanwhile, *Two Decades of Ideological Contestation in Indonesia* examines the shift from democratic cosmopolitanism to religious nationalism.¹⁰ However, studies that explore how these ideological transformations influence the reception and practice of Pancasila amid resistance to Sharia law remain limited. Similarly, *Whatever Happened to Civil Islam?*¹¹ investigates the role of moderate Islam in Indonesia's democratic transition but does not fully address how the decline of moderate Islam affects the integration of Pancasila and Islamic law.

The uniqueness of this study lies in its comparative analysis between Aceh and West Sumatra in understanding the application of Islamic law within the framework of Pancasila. This study aims to explore how communities in these two regions interpret and implement Pancasila in the context of Islamic law, as well as to assess the extent to which the application of Sharia law can be aligned with the principles of pluralism and social justice in Pancasila. Thus, this research offers a new contribution to the academic discourse on the relationship between Pancasila, Islam, and law within the framework of Indonesian democracy.

The Origins and Ideological Foundations of Pancasila

Etymologically, the term "Pancasila" comes from the Sanskrit language. According to Muhammad Yamin, in Sanskrit, Pancasila has two lexical meanings: "*panca*" means "five" and "*syila*", which can be written with a short vowel *i*, means "cornerstone" or "foundation", while "*syila*" with a long vowel *i* means "a rule of good, important, or proper conduct".¹² These words were then absorbed into the Indonesian language as "Susila", which is related to morality. Therefore, etymologically, Pancasila can be interpreted as "*Panca Syila*", meaning "a foundation that has five elements" or literally "a foundation with five

⁸ M Ikhwan and Muhammad Heikal Daudy, "Pelebagaan Hukum Jinayat Di Aceh Sebagai Bagian Sistem Hukum Pidana Indonesia," *Islam Universalia: International Journal of Islamic Studies and Social Sciences* 1, no. 2 (2019): 180-212, <https://doi.org/10.56613/islam-universalia.v1i2.119>.

⁹ Badrun Badrun et al., "Pancasila, Islam, and Harmonising Socio-Cultural Conflict in Indonesia," *Al-Jami'ah: Journal of Islamic Studies* 61, no. 1 (November 19, 2023): 137-56, <https://doi.org/10.14421/ajis.2023.611.137-156>.

¹⁰ David M. Bouchier, "Two Decades of Ideological Contestation in Indonesia: From Democratic Cosmopolitanism to Religious Nationalism," *Journal of Contemporary Asia* 49, no. 5 (April 8, 2019): 1-21, <https://doi.org/10.1080/00472336.2019.1590620>.

¹¹ Robert W. Hefner, "Whatever Happened to Civil Islam? Islam and Democratisation in Indonesia, 20 Years On," *Asian Studies Review* 43, no. 3 (July 3, 2019): 375-96, <https://doi.org/10.1080/10357823.2019.1625865>.

¹² Kaelan, *Pendidikan Pancasila* (yogyakarta: Paradigma, 2014), 59.

cornerstones". This indicates that Pancasila serves as the foundation or guiding principle of life.¹³

The birth of Pancasila is closely tied to the role of Bung Karno. History records that on June 1, 1945, Bung Karno delivered a speech that later became the foundation for Indonesia's independence. Pancasila was recognized as the state ideology that underpins the governance of the country. The values of Pancasila are abstract and normative, and as the foundation of the state, Pancasila must reflect these values in every aspect of governance and cannot contradict its principles. Pancasila also functions as a source of values, norms, and principles for all laws and regulations in Indonesia. This means that all regulations and laws must be based on Pancasila, both written (such as the Constitution) and unwritten (such as conventions). Legally, Pancasila binds all citizens, and the provisions concerning the creation of regulations and laws based on Pancasila are mandatory and imperative.¹⁴

The official and valid formulation of Pancasila is contained in the fourth paragraph of the Preamble to the 1945 Constitution. Although the term Pancasila is not specifically mentioned in the document, the Indonesian people recognize it as Pancasila, which means five principles or five foundations. The primary function of Pancasila is as the state foundation. Every country is built upon a certain philosophy, which reflects the aspirations and character of the nation. Philosophies vary depending on the aspirations, perspectives, and ideals of each nation. In the context of Indonesia, Pancasila as the state ideology can be found in the constitutional foundation that enshrines its five principles.¹⁵

The acceptance of Pancasila as the state ideology was not automatic. There were many debates among various groups before Pancasila was officially recognized. Some Muslim statesmen in Indonesia disagreed with Pancasila because the values of Islamic Law were not explicitly or implicitly accommodated. Subsequent developments showed that Pancasila was seen as the root cause of the country's turmoil, leading to the emergence of fundamentalist and extremist groups who wanted Sharia law as the foundation of the state.

Ali Syahbana stated that Pancasila was not only formulated by national figures but also involved religious scholars. The presence of these scholars gave Pancasila a distinctive color, making it more Islamic and reflecting the teachings of Islam are *rahmatan lil 'alamin* (a mercy to all the worlds). The Islamic Law values contained in Pancasila, both textually and contextually, do not contradict the principles of Islamic Law.¹⁶ In another source, Ali Syahbana attempts to contextualize the values implied in Pancasila with Islamic teachings. For example, the first principle of Pancasila, which contains elements of nationalism, is examined to reveal the nationalistic aspects according to Sharia, which has long been a subject of debate. Indonesian nationalism, in the context of Pancasila, is not in conflict with Sharia values. In fact, in its noble sense, nationalism is decreed by *Allah Subhanahu wata'ala*. This country was built on shared nationality, not based on shared religion or other factors.¹⁷

¹³ M Saifullah Rohman, "Kandungan Nilai-Nilai Syariat Islam Dalam Pancasila," *Millah* XIII, no. 1 (2013): 205-215.

¹⁴ S H Hernadi Affandi, *Pancasila-Eksistensi Dan Aktualisasi* (Penerbit Andi, 2020).83.

¹⁵ Bambang Suteng Sulasmono, *Dasar Negara Pancasila* (Kanisius, 2015). 21.

¹⁶ Ahmad Rifai and Hayun Sobri, "Pancasila Sebagai Idiologi Bangsa Dalam Perspektif Islam," *Jurnal RASI* 1, no. 1 (2019): 20-32.

¹⁷ Sulasmono, *Dasar Negara Pancasila*. 48.

The Implementation and Debates Surrounding Islamic Law in Indonesia

Islamic Law consists of divine laws ordained by Allah SWT, as revealed in the Quran and Hadith. These laws regulate three fundamental aspects: the relationship between humans and Allah, interactions among people, and humanity's connection with the environment. In the texts of Islamic Law, there are two main categories: *qath'i* and *dhanni*. *Qath'i* texts are those whose rulings are certain and cannot be interpreted differently from their explicit meaning. In contrast, *dhanni* texts are general and require interpretation or *ijtihad* (juridical reasoning).¹⁸ The understanding and *ijtihad* of scholars regarding these texts result in *fiqh*, which is the operationalization of Islamic Law.

In the context of implementing Islamic Law, ideally, the implementation should encompass dimensions of *aqidah* (faith), external actions, and *akhlaq* (morality) *kaffah* (comprehensively). This means that all aspects of a Muslim's life should be based on the regulations of Shariah that originate from the Quran and Hadith. In this regard, *fiqh* plays a crucial role as a guide in the practical implementation of Shariah.¹⁹

In Indonesia, particularly in Aceh, the implementation of Islamic Law often sparks debate. Several issues have emerged in this discussion. First, there is significant attention from local, national, and international communities, not only on the formulation of *qanun* (legal regulations) but also on the enforcement of Shariah law.²⁰ Second, there is hope that the implementation of Shariah in Aceh can become a model for the application of Shariah law in Indonesia, especially since many countries have failed to implement Shariah law effectively.²¹ Third, the pros and cons views regarding the implementation of Shariah in Aceh reflect an effort to maintain authority and genuinely apply Shariah comprehensively and fairly, without bias, while also using a humane and sociological approach.²²

Opposing views on the implementation of Islamic Law can be found in various media outlets and forums such as seminars and workshops. Some of the main criticisms include disagreement with the punishment of caning, which is considered non-educational and a violation of human rights.²³ Another criticism points out that the implementation of Shariah law is often discriminatory, failing to consider vulnerable groups such as women and children, and that the *qanun* do not guarantee the rights of women and children. Additionally, institutions like the *Wilayatul Hisbah* are often seen as overstepping their

¹⁸ Musadad et al., Ramdlany, *Kaidah Hukum Islam Bidang Pidana Hudud Dan Qishash, Kaidah Hukum Islam Bidang Pidana Hudud Dan Qishash* (Scopindo Media Pustaka, 2022). 81.

¹⁹ Syahrizal Abbas, *Polemik Penerapan Syariat Islam Di Aceh* (Banda Aceh: Yayasan Insan Cita Madani, 2007), 55.

²⁰ A Azwarfajri, "Harmonisasi Penegakan Hukum Dalam Sistem Peradilan Syariat Islam Di Aceh" (Program Studi Hukum Program Doktor Fakultas Hukum UII, 2022). 28.

²¹ Suharta Suharta, "Syariat Islam Dalam Konteks Negara Modern Indonesia," *Jurnal Tana Mana* 4, no. 1 (2023): 190-205.

²² Fauza Andriyadi, "Syariat Islam Dan Kontroversial (Studi Syariat Islam Di Aceh)," *EduLaw : Journal of Islamic Law and Jurisprudence* 10, no. 5 (2023): 58-66.

²³ Hanif Saputra, Nurus Sa'dah, and Casmini, "Analisis Periodisasi Hukum Cambuk Provinsi Aceh," *JIST: Jurnal Indonesia Sosial Teknologi* 4, no. 2 (2023): 31-41.

authority in actions such as arrests and searches.²⁴ Some objections to the formal implementation of Shariah law also reflect dissatisfaction with its current application.

On the other hand, proponents of the implementation of Islamic Law argue that its application is a mercy to be grateful for, with strong legal grounds through Law No. 44 of 1999 and Law No. 11 of 2006. These laws are expected to bring about the full implementation of Sharia, not only in the realm of *aqidah* (faith) and *ibadah mahdah* (ritual worship) but also in public aspects. The punishment of caning, according to this view, is in accordance with the Quran and Hadith, where caning is one of the punishments applied to those who commit hudud or *ta'zir* crimes.

The conflict between pro and con views is often caused by a limited understanding of Shariah law and its enforcement, which has not been accompanied by sufficient legal scholarship. Interpretation and adjustment of Shariah law provisions need to be made to align with the social conditions and situations of society. While efforts are being made to adapt qanun to sociological and humanitarian values, there are still shortcomings, particularly in the formulation of procedural law that need to be improved. Therefore, existing Shariah qanun needs to be critiqued and revised, following the appropriate legal mechanisms.

Shariah as *rahmatan lil 'alamin* (a mercy for all the worlds) should be implemented in a non-discriminatory manner, bringing benefits not only for Muslims but also for non-Muslims and the environment. The Quran and Hadith, as the primary sources of Shariah, provide room for *mujtahid* (Islamic jurists) to make *ijtihad* (independent legal reasoning) in formulating provisions for the welfare of humanity. The Shariah qanun in Aceh is an attempt to realize this welfare. However, deficiencies in the qanun formulations should be understood as the result of *ijtihad*, which is open to critique and revision. Challenging qanun that has been legitimized by law without valid reasons may be difficult to accept. Therefore, the revision of qanun should follow the legal mechanisms in place in Indonesia.

To achieve the ideal implementation of Shariah in Aceh, all parties need to feel ownership, increase participation, and share responsibility. This effort is crucial to realize a more dignified model of Shariah in the future, both locally and globally. Shariah as God's law has proven its stability in the global legal framework, and its implementation as public policy requires a high level of commitment and loyalty from all components of society. Additionally, the implementation of Shariah in Aceh should not only refer to the models and thoughts of past scholars but should also strive to formulate a new understanding that aligns with the guidance of the Quran and the teachings of the Prophet Muhammad Saw. The people of Aceh desire a comprehensive implementation of Islamic Law that is relevant to the needs of the times.

In examining the complexities surrounding the implementation of Islamic Law in Aceh, it is essential to situate the discussion within a broader understanding of legal pluralism, state ideology, and the evolving relationship between religion and the state. The application of Shariah law in Aceh is not only a reflection of religious and cultural identity

²⁴ M. Arif Fadillah A. Tanjung, Firmansyah Firmansyah, and Fauziah Lubis, "Problematika Penegakan Qanun Jinayat Di Aceh," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (2023): 81-104, <https://doi.org/10.47467/as.v6i1.3328>.

but also a manifestation of Indonesia's unique legal system, which accommodates multiple legal traditions. Several theoretical frameworks provide valuable insights into this context, offering a nuanced understanding of the challenges and potential of Shariah law implementation in Aceh.

Legal pluralism is crucial to understanding how different legal systems, such as state law, customary law, and Islamic law, can coexist within a single legal framework. In Indonesia, legal pluralism is an integral aspect of the national legal system, and Pancasila, as the state ideology, plays a central role in facilitating this coexistence. The application of Islamic Law in Aceh exemplifies an effort to reconcile Islamic law with the broader legal and political structure of the Indonesian state. The legal pluralism theory suggests that Shariah law, as applied in Aceh, must coexist with national laws, preserving both the diversity of legal systems and the unity of the state.²⁵ This theory helps frame the issue of ensuring that Shariah law does not create legal conflicts or discriminatory practices, especially against non-Muslim populations. The challenge lies in finding a balance where Shariah can be implemented in a way that respects the principles of pluralism, thus fostering legal diversity without compromising the nation's unity.

Similarly, the Pancasila state theory provides a foundation for evaluating the integration of Islamic law within Indonesia's legal system. Pancasila, with its emphasis on democracy, justice, and unity, requires that all laws—whether secular, customary, or religious—be harmonized with these foundational values. Jimly Asshiddiqie's concept of a Pancasila state underscores the necessity of incorporating religious laws, such as Islamic Law, into the broader legal framework while maintaining the national cohesion envisioned by Pancasila. In Aceh, where local regulations based on Islamic law are implemented, this theory is particularly relevant.²⁶ It highlights the need for a balanced approach, ensuring that the application of Shariah law respects democratic principles and promotes social harmony. The challenge, however, is to ensure that the enforcement of Islamic law does not alienate non-Muslim citizens or disrupt the social fabric of the broader society, which is rooted in democratic ideals.

Furthermore, An-Na'im's theory on the relationship between religion and the state offers an insightful lens for assessing how Islamic law can be balanced with modern democratic governance. In Muslim-majority countries like Indonesia, the coexistence of Islamic law and secular state law requires careful consideration. An-Na'im argues that the state must accommodate Islamic law in a manner that does not undermine democratic values

²⁵ Arskal Salim, "Dynamic Legal Pluralism in Indonesia: Contested Legal Orders in Contemporary Aceh," *The Journal of Legal Pluralism and Unofficial Law* 42, no. 61 (January 2010): 1–29, <https://doi.org/10.1080/07329113.2010.10756640>; Rr Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 25–48, <https://doi.org/10.15408/ajis.v23i1.32549>; Rahmat Bin Mohamad and I Wayan Rideng, "The Legal Pluralism in Law Education in Indonesia," *Sociological Jurisprudence Journal* 4, no. 1 (February 25, 2021): 1–5, <https://doi.org/10.22225/scj.4.1.2635.1-5>; Sudjito and Tatit Hariyanti, "Pancasila as a Scientific Paradigm for Studying Legal Pluralism in Indonesia: A Literary Perspective," ed. A. Raharjo and T. Sudrajat, *SHS Web of Conferences* 54 (November 14, 2018): 02012, <https://doi.org/10.1051/shsconf/20185402012>.

²⁶ Jimly Asshiddiqie, *Pancasila: Identitas Konstitusi Berbangsa Dan Bernegara* (Jakarta: Rajawali Press, 2020), 140.

or human rights.²⁷ This perspective is particularly relevant to the implementation of Shariah law in Aceh, where the challenge lies in interpreting Islamic principles in ways that align with modern governance ideals such as equality, freedom of belief, and gender justice. Examining the experiences of other Muslim-majority countries, An-Na'im's framework offers guidance on how Shariah law in Aceh can be harmonized with the democratic principles enshrined in Indonesia's Constitution. This approach advocates for a nuanced interpretation of Shariah law that enhances societal welfare and adheres to Islamic teachings while promoting the broader values of justice and equality.

Pancasila and Islamic Law: Community Perspectives and Implementation Challenges

Indonesia is known as the country with the largest Muslim population in the world, accounting for about 86.7% of the total 277.53 million people in 2023. According to the report *The Muslim 500: The World's 500 Most Influential Muslims 2023*, published by The Royal Islamic Strategic Studies Centre (RISSC), approximately 240.62 million people in Indonesia adhere to Islam.²⁸ This fact often creates a unique perspective in the eyes of the world because although the majority of its population is Muslim, Indonesia did not choose Islam as the foundation of its state. Instead, the nation's founders chose Pancasila as the state ideology, a decision that reflects a commitment to accommodating the country's diversity of religion, ethnicity, and culture.

The implementation of Islamic Law in regions like Aceh and West Sumatra often raises questions about how the society understands and applies Pancasila within the framework of Islamic Law. Furthermore, there is a debate regarding whether the implementation of Sharia in these areas reflects harmony between religion and the state or instead presents challenges for national integration in the future.

The views of religious scholars and community leaders in Aceh and West Sumatra play a key role in clarifying the relationship between Pancasila and Islamic Law. Most local religious figures argue that Pancasila is not in conflict with Islamic teachings. They believe that the moral values within Pancasila, such as justice, humanity, and unity, align with the teachings of Islam. For example, in Aceh, an Islamic scholar, Tgk Dr. Sirajuddin Saman, MA, stated that the implementation of Islamic Law strengthens the values contained in Pancasila.

“In Aceh, we see the implementation of Islamic Law as part of our cultural and religious identity. We believe that the values of Pancasila, such as justice and unity, are not in conflict with Islamic teachings. Islamic Law in Aceh functions not only as law but also as a moral guide that supports the values of Pancasila. We often try to demonstrate how the principles of Pancasila can harmonize with Sharia law, for instance, in ensuring fair treatment for everyone, including in criminal law cases.”

Meanwhile, in West Sumatra, community leader Buya Edi Yusuf emphasized the principle of “Adat Basandi Syara', Syara' Basandi Kitabullah” as a concrete form of integration between religious values and Pancasila in daily life.

²⁷ Abdullahi Ahmed An-na'im, *Islam and the Negotiating the Future of Sharia*, 2008. 124.

²⁸ Royal Al-Bayt For Islamic Thought, *The Muslim 500: The World's 500 Most Influential Muslim*, 2023, Amman : Royal Al-Bayt For Islamic Thought, 2023, 256.

“The principle of *Adat Basandi Syara’, Syara’ Basandi Kitabullah* is our guideline. We believe that tradition and Sharia can run in parallel with Pancasila. In practice, we see that the values of Pancasila, such as just and civilized humanity, are in line with Islamic teachings. For example, in addressing social issues, we always ensure that the implementation of traditional law and Sharia does not disregard the fundamental human rights guaranteed by Pancasila.”

From the perspective of academics and legal experts, the relationship between Pancasila and Islamic Law in these regions can also be viewed from a constitutional standpoint. The implementation of Sharia in Aceh, as a form of special autonomy, is considered legitimate under the law. However, they also emphasize the importance of ensuring that Sharia regulations do not violate human rights. Some legal experts highlight the need for a balance between granting regional autonomy and ensuring that national values such as pluralism and universal rights are respected. In this context, the central government needs to monitor the implementation of Sharia in Aceh and other regions to ensure it aligns with the spirit of Pancasila as the state foundation, which upholds diversity and equality.

According to Mr. M. Iqbal Sellian, S.Ag, Secretary of the Aceh Tenggara Sharia Department:

“According to our research, the implementation of Islamic Law in Aceh must align with the principles of the Indonesian constitution. Although Aceh has special autonomy to implement Sharia, it is important to maintain a balance between regional law and human rights. We find that the integration of Pancasila values in the application of Sharia can strengthen the alignment between local and national laws, as long as it is done with transparency and strict supervision.”

Meanwhile, Mr. Edi Son, S.H, a constitutional law expert, stated:

“From a constitutional perspective, the implementation of Islamic Law in Aceh is legitimate as long as it does not violate the principles of human rights and social justice outlined in the 1945 Constitution. However, we note that there are challenges in ensuring that Sharia regulations do not lead to discrimination or violations of individual rights. Strict oversight and dialogue between the central and regional governments are crucial to ensure that the implementation of Sharia remains within the constitutional framework and Pancasila values.”

In addition to the views of religious figures and academics, voices from the younger generation and civil society also provide important perspectives. In Aceh and West Sumatra, the youth tend to have a more dynamic view regarding the implementation of Sharia. For many young people, Sharia is part of their religious and cultural identity, but some feel that the implementation of Sharia should be more flexible and adapt to modern times, especially concerning individual freedoms. Civil society activists, particularly from the women's sector, often voice the importance of ensuring that the implementation of Sharia does not result in discrimination, particularly related to gender equality. They argue that Sharia and Pancasila can coexist without compromising individual rights.

Masni, a women's activist in Aceh, stated:

“As women's activists, we often monitor the implementation of Sharia to ensure that women's rights are not overlooked. Although Islamic Law contains noble values, we are concerned that, in practice, some aspects could lead to gender

discrimination. Therefore, it is important to ensure that the implementation of Sharia respects the principles of gender equality, which are also guaranteed by Pancasila. We encourage more intensive dialogue to create fairer policies.”

Furthermore, Rizky, a student in West Sumatra, expressed:

“As the younger generation, we see the implementation of Islamic Law as part of our cultural identity, but we also feel it is important to have flexibility in the application of law. We want to ensure that the implementation of Sharia remains relevant to the times and does not hinder individual freedoms. The integration of Pancasila values, such as freedom and unity, must continue to be strengthened so that we can maintain harmony and unity in society.”

The implementation of Islamic Law within the framework of Pancasila, if managed properly, can reflect how religion and the state can collaborate to create a prosperous and harmonious society. However, this requires close cooperation between the central and regional governments, as well as a deep understanding of the universal values contained in Pancasila and Islamic teachings. Only in this way can national integration be maintained without compromising the identity and beliefs of local communities.

Pancasila, as the foundation of the state, the national character, and the worldview of the Indonesian people, makes it a duty for all Indonesians to practice it in every aspect of life, whether in society, the nation, or the state. The practice of Pancasila means that the values contained in the Pancasila principles should be a guide and orientation for the Indonesian people in their daily lives. Based on observations and interviews with various segments of society, the application of the Pancasila ideology within the framework of Islamic Law shows very good results in various aspects of social life. The practice of Pancasila values is consistently and harmoniously aligned with Islamic teachings, especially in the implementation of the Pancasila principles.

In the aspect of Belief in one God, society demonstrates a strong commitment to freedom of religion. They practice their religious duties wholeheartedly and maintain interfaith harmony by not insulting or disturbing others during worship. Furthermore, they do not force others to follow a particular religion or belief and avoid discrimination against different religions or beliefs. The aspect of Just and Civilized Humanity is also clearly reflected in the life of the society. They show a high level of mutual assistance, frequently offering help to victims of natural disasters, and do not oppress others. The principles of equality and mutual respect are firmly upheld, recognizing that everyone has equal rights as citizens.

In the context of Unity in Indonesia, society has developed a strong sense of patriotism by buying local products and promoting Indonesian culture to other nations. They are willing to sacrifice for the common good without selfish motives and make efforts to avoid spreading news that could divide unity. Moreover, personal interests are not prioritized over the common good, and positions and offices are used for the benefit of the community. The application of the principle of Democracy led by wisdom in deliberation and representation is seen in the practice of deliberation to solve problems, active participation in elections, and openness to provide criticism and suggestions to leaders. Society does not impose its will on others and prefers deliberation as a method for resolving issues.

In the aspect of Justice for all Indonesians, society shows that they do not demand rights without fulfilling their duties and offering help without discrimination. This reflects the proper practice of Pancasila values, which align with Islamic teachings. The practice of Pancasila values is a reflection of deep Islamic faith and understanding. Muslims are required to consistently practice Pancasila in their daily lives, both within their families and in society, following the teachings of the Qur'an and the Sunnah of the Prophet. The proper implementation of Pancasila is expected to create a harmonious and just societal order.

As the foundation of the Indonesian state, Pancasila not only reflects national values but also aligns with the values of Islamic Law. This is following the teachings of the Qur'an, Surah Al-Baqarah, verse 143, which states:

وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِيَكُونَ الرَّسُولُ شَهِيدًا عَلَيْكُمْ وَتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ ۗ وَلَمْ نُجْعَلِ الْقِبْلَةَ الَّتِي كُنْتُمْ عَلَيْهَا إِلَّا لِنَعْلَمَ مَنْ يَتَّبِعِ الرَّسُولَ مِمَّنْ يَنْقَلِبُ عَلَى عَقْبَيْهِ ۗ وَإِنْ كَانَتْ لَكَبِيرَةً إِلَّا عَلَى الَّذِينَ هَدَاهُمْ اللَّهُ ۗ وَاللَّهُ لَا يَضِيعُ إِيمَانَكُمْ

It means: "And thus We have made you (the Muslim Ummah) a just and chosen nation so that you may be witnesses over (the deeds of) mankind and so that the Messenger (Muhammad) may be a witness over you. And We did not establish the qibla which you were upon except to distinguish who would follow the Messenger from who would turn back on their heels. And indeed, (the change of the qibla) was very hard, except for those whom Allah has guided; and Allah would never waste your faith."

The awareness of society about the importance of applying Pancasila within the context of Islamic Law needs to be cultivated, as Pancasila contains principles that align with Islamic teachings. Indonesia, as a country founded on Pancasila, prioritizes the principle of nationalism that does not depend on religious, ethnic, or cultural uniformity. Therefore, the values of Islamic Law can be found both implicitly and explicitly in each of the Pancasila principles.

Challenges in Integrating Pancasila and Islamic Law

The integration of Pancasila and Islamic Law in the context of Indonesia, particularly in Aceh, presents several challenges that cannot be overlooked. While both are often viewed as complementary components of Indonesia's pluralistic framework, the implementation of Islamic Law within the framework of Pancasila faces many complex issues. Key challenges include tensions in the application of Islamic law, resistance from minority groups, and divergent interpretations among scholars regarding the compatibility of Pancasila with Islamic Law.

Tensions in the Implementation of Law

The application of Islamic Law in Aceh, despite its theoretical harmony with Pancasila, has generated significant tension in practice. One of the most prominent examples is the implementation of the punishment of caning, which has become a contentious issue both domestically and internationally. While the practice is seen by many in Aceh as a legitimate expression of Islamic law, human rights organizations, particularly international bodies, have criticized it for violating fundamental human rights principles, including the right to be free from inhuman or degrading treatment.²⁹

²⁹ Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints." 31.

This tension underscores a critical issue in reconciling Islamic law with human rights principles, a cornerstone of Pancasila. The challenge lies in ensuring that implementing Islamic law does not conflict with or undermine universally recognized human rights standards, as enshrined in Indonesia's national framework. As such, the application of punitive measures such as caning represents a key point of friction between national law, which emphasizes individual rights and freedoms, and Islamic law, which often prioritizes public morality and corrective punishment.³⁰

Resistance from Minority Groups

Another significant challenge arises from resistance among minority groups, particularly non-Muslims, who express concerns about the potential discriminatory effects of Shariah law. Although Indonesia is constitutionally committed to pluralism, with Pancasila serving as the foundation for national unity, the implementation of Islamic law in regions such as Aceh and West Sumatra has raised fears of marginalization and unequal treatment for non-Muslim citizens. These groups worry that the application of Islamic law, especially in areas like criminal law or public morality, may result in laws that are not equally applicable to all citizens, leading to perceived discrimination.

For instance, non-Muslim communities in Aceh argue that the enforcement of Islamic legal provisions, such as those governing alcohol consumption or dress codes, indirectly forces them to adhere to religious laws they do not subscribe to, potentially infringing on their rights to religious freedom and personal autonomy³¹. The challenge, therefore, lies in balancing the implementation of Islamic law with the principles of equality and non-discrimination, ensuring that the provisions of Pancasila, which guarantee equal rights to all citizens regardless of religion, are upheld.

Divergent Interpretations Among Scholars

A further complication in integrating Pancasila with Islamic Law arises from the diverse interpretations among Islamic scholars regarding the compatibility of the two. Some scholars argue that Pancasila, as a secular product, cannot be fully aligned with Shariah law, which they view as a divine and comprehensive legal system. For these scholars, Pancasila represents a compromise that does not fully reflect Islamic principles, particularly in its accommodation of pluralism and its secular foundations.³²

³⁰ Kamaruzzaman Bustamam-Ahmad, "The Application of Islamic Law in Indonesia: The Case Study of Aceh," *Journal of Indonesian Islam* 1, no. 1 (June 1, 2007): 135-80, <https://doi.org/10.15642/JIIS.2007.1.1.135-180>; M. Ikhwan, "Compatibility of Human Rights and Sharia: The Perspective of Interreligious Leaders in South and West Aceh Indonesia," *Media Syari'ah: Wahana Kajian Hukum Islam Dan Pranata Sosial* 25, no. 2 (December 31, 2023): 187, <https://doi.org/10.22373/jms.v25i2.17522>.

³¹ Ahmad Nur Fuad et al., "Islam and Human Rights in Indonesia: An Account of Muslim Intellectuals' Views," *Al-Jami'ah: Journal of Islamic Studies* 45, no. 2 (December 28, 2007): 241-87, <https://doi.org/10.14421/ajis.2007.452.241-287>; Baharuddin Husin, Faisar Ananda, and Veithzal Rivai Zainal, "Islam And Human Rights : A Case For Indonesian Muslim," *International Journal of Psychosocial Rehabilitation* 24, no. 01 (2020): 2101-13.

³² Alia Cahya Amala et al., "Pancasila Sebagai Paradigma Kehidupan Berbangsa Dan Bernegara," *Jurnal Pendidikan, Seni, Sains Dan Sosial Humanioral* 1, no. 1 (2022): 1-25; Wiratmadinata et al., "Construction of Legal Paradigm of Pancasila: A Conceptual Perspective," *Journal of Legal, Ethical and Regulatory Issues* 23, no. Special Issue (2020): 1-6.

On the other hand, some scholars assert that Pancasila, with its emphasis on justice, democracy, and unity, can indeed coexist with Shariah, provided that its implementation respects both Islamic teachings and the broader values of the Indonesian state. This division among scholars not only complicates the legislative process but also influences public policy, as differing interpretations of Shariah law shape the way it is applied in Aceh and other regions. These differences raise important questions about how Islamic law can be harmonized with democratic ideals, such as equality, freedom of belief, and gender justice, as enshrined in the Pancasila ideology.

Tabel 1.1: Challenges in the Implementation of Sharia Law in Aceh

Challenge	Brief Explanation
Tension in the Implementation of Law	The implementation of corporal punishment (caning) in Aceh has been criticized by international human rights organizations as it conflicts with human rights principles.
Resistance from Minority Groups	Some non-Muslim groups in Aceh express concerns that the application of Shariah law may lead to discriminatory practices, especially in moral and legal matters.
Differences in Ulama Interpretation	Some ulama believe that Pancasila cannot be fully harmonized with Shariah law due to its secular foundation.

Overall, the challenges of integrating Pancasila and Islamic Law in Aceh reflect broader tensions between religious values and democratic principles within Indonesia's pluralistic legal framework. The divergence in legal interpretation, resistance from minority groups, and potential conflicts with human rights standards pose ongoing challenges that must be carefully navigated. To address these challenges, it is crucial to foster dialogue among all stakeholders—Islamic scholars, policymakers, and civil society—to find solutions that respect both religious and democratic values, ensuring a harmonious and inclusive legal system that is in line with the ideals of Pancasila

Conclusion

This study has explored the relationship between Pancasila and Islamic Law in Aceh and West Sumatra, highlighting how these regions integrate Islamic legal principles within the national ideology. The findings indicate that while Islamic Law implementation in Aceh and West Sumatra does not contradict Pancasila, challenges remain in ensuring its application aligns with pluralistic and democratic values.

One of the key findings is that local communities and religious scholars in both regions generally view Pancasila and Islamic Law as complementary frameworks. The principles of *Adat Basandi Syarak, Syarak Basandi Kitabullah* in West Sumatra, and the formalization of Islamic Law in Aceh demonstrate attempts to harmonize religious and national values. However, the study also identifies significant challenges, such as tensions in law enforcement, resistance from minority groups, and variations in scholarly interpretations regarding the compatibility of Pancasila and Islamic Law.

This research offers new insights by comparing Aceh and West Sumatra, emphasizing the different ways in which Islamic Law is integrated into the legal and social

structures. While many studies focus solely on Aceh's implementation of Sharia, this study highlights how West Sumatra provides an alternative model of religious and cultural integration within the framework of Pancasila. To address the challenges identified, the study proposes several recommendations. First, policymakers should ensure that the implementation of Islamic Law remains consistent with human rights principles and national legal standards. Second, greater academic engagement is needed to analyze the evolving role of Islamic Law within Pancasila's pluralistic framework. Third, community dialogue between religious leaders, legal experts, and civil society should be encouraged to prevent legal and social conflicts.

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