SOCIOLOGICAL ANALYSIS OF ISLAMIC LAW ON THE RELATIONSHIP BETWEEN ADAT LAW, ETHICS, AND HUMAN RIGHTS IN THE CONTEXT OF MODERN INDONESIA

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ABSTRACT

Objective: This study aims to analyze the complex relationship between Islamic law, adat law, ethics, and human rights in contemporary Indonesia, focusing on how these legal and moral systems interact in a multicultural society influenced by colonial heritage and political transformation.

Research Design & Methods: This study adopts a sociological approach to legal analysis, examining historical developments, political reforms, and interactions between formal legal frameworks and everyday practices. Secondary data from scientific works, legal documents, and policy frameworks are used to provide a comprehensive understanding of Indonesia's pluralistic legal landscape.

Findings: These findings reveal that the interaction between Islamic law and adat law demonstrates a process of mutual adaptation that contributes to the construction of social norms. At the same time, the integration of international and national human rights principles presents additional complexities as Indonesia seeks to harmonize universal standards with its own legal and moral foundations.

Implications & Recommendations: This study underscores the need to integrate sociological perspectives into the legal reform process in Indonesia. Policymakers must consider the formal legal system and how the community understands, accepts, and practices the law to ensure that legal reform is inclusive, culturally sensitive, and sustainable.

Contribution & Value Added: This study contributes to the discourse on legal pluralism by highlighting Indonesia's adaptive capacity in managing the coexistence of diverse legal traditions and ethical frameworks. It adds value by bridging theoretical insights with practical implications for legal and social reform in a multicultural context.

Keywords: Islamic Law, Adat Law, Ethics, Human Rights, Legal Pluralism

JEL codes: K10, K33, Z12
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INTRODUCTION

The relationship between Islamic law, adat law, ethics, and human rights in contemporary Indonesia reflects the unique complexity of a multicultural society shaped by its colonial heritage. These four normative elements function side by side and intersect, potentially causing tension when confronted with a pluralistic nation-state framework. Political changes have further influenced these dynamics since the collapse of the authoritarian New Order regime in 1998, which marked the beginning of an era of reform oriented towards democratization and decentralization of power. In the post-Suharto period, Indonesia transformed from a highly centralised system to a more open

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political order, allowing various social, cultural, and religious actors to negotiate their roles and influence in forming legal norms and social values (Johansson, 2019).

As an integral part of local identity in various regions, Adat law often interacts with Islamic law in community life. The two meetings usually open up space for discussion on how these legal systems can complement or adapt to each other to remain relevant to social needs. In many cases, Islamic law and adat law have undergone a process of harmonization and modification to form social norms and strengthen the local belief system. According to Supriatna et al., (2023), within this interaction framework, ethics functions as a moral foundation that seeks to bridge differences while ensuring that social harmony is maintained amid diversity of rules.

In addition to Islamic law and adat law, human rights law at both the international and national levels adds further complexity. As part of the global community, Indonesia is obligated to align itself with universally applicable human rights norms, even though their implementation often challenges long-established legal and moral foundations. Conflicts usually arise when certain customary practices or interpretations of Islamic law are deemed to conflict with internationally guaranteed individual rights (An et al., 2024). Therefore, efforts to harmonize Islamic law, adat law, and human rights principles are crucial to ensure that every citizen receives justice and equal legal protection regardless of their cultural or religious background.

A sociological approach is essential in analyzing the dynamics of law in Indonesia, because it highlights the existing legal structures and regulations and how these rules are understood, accepted, and implemented in everyday life. The interaction between Islamic law, adat law, ethical norms, and human rights principles illustrates a highly complex social and cultural network, while also demonstrating the Indonesian people's ability to adapt and navigate the process of legal reform in a context of pluralism (Joshi et al., 2024). This perspective emphasizes that law is not rigid but functions in a dynamic social space, where negotiation and adjustment are ongoing.

LITERATURE REVIEW

Islamic Law

Sharia or Islamic law is a legal system rooted in Islamic teachings, with the Qur'an and Hadith as primary sources. This system not only emphasizes spiritual aspects, but also provides a set of legal rules that serve as guidelines for Muslim behavior in various dimensions of life, from social and economic to political. Experts have diverse views on Islamic law, given its breadth and complexity. In its development, Islamic law did not stand in isolation. Still, it was influenced by socio-economic values, political conditions, and tribal factors that were dominant at the time of its formation, making it a dynamic and contextual legal system in line with the realities of society (Rehman, 2007).

Islamic law is also a dynamic legal system, as it can adapt to social developments and changes. This is realized through a mechanism of interpretation and critical thinking known as ijtihad, which is an intellectual effort to formulate new laws or interpret existing rules so that they remain relevant to the context of the times. Thus, Islamic law not only functions as a normative rule but also as an instrument oriented towards achieving values of justice and public welfare, so that it remains relevant in responding to the challenges of modern society (Mashhour, 2005).

Islamic legal sociology, as a field of study, focuses on understanding how Islamic law is implemented and enforced in the social reality of society. This study discusses normative aspects and looks at how Sharia values adapt and interact with diverse social, cultural, and societal structures. Sumanto (2018) emphasizes that the sociological and anthropological approaches to Islamic law are very important for revealing the dynamics of adat law in Indonesia, because through this perspective, it can be understood that law does not stand apart from social life, but instead influences and is influenced by it.

Islamic law in Indonesia does not yet have a strong and official position in the framework of national development, both in material and spiritual aspects. Its existence serves as a guideline for Muslims in matters of worship and social life. Indonesia already has a legal foundation that aligns with Islamic values, namely Pancasila, which is the basis of the state and the foundation for

formulating the national legal system. However, for Islamic law to gain formal legitimacy in the national legal structure, a long political process is required, including amendments to legislation, mutual agreement in parliament, and the support of public consensus. Nevertheless, Islamic law remains universal because it applies to Muslims wherever they are. With the passage of time and the increasing needs of the people, Islamic law has slowly begun to be adopted into national law, as seen in the recognition and application of Islam (Manullang, 2020).

Adat Law

Adat law is a legal system that has grown and developed from traditions, values, and customs that apply in the lives of local communities, giving it a different character from state law or formal law, which is written. Generally, adat law is passed down orally from generation to generation, making it a true reflection of a community's cultural identity and local wisdom. In Indonesia, adat law is recognized within the framework of legal pluralism, where it coexists and interacts with national and international law. This recognition shows that adat law continues to play an essential role in maintaining social order, resolving disputes, and preserving the diverse cultural values of society, thereby contributing to the strengthening of a legal system that is more inclusive and contextual to the social reality of the nation.

Adat law is regarded as a legitimate source of law, which plays a vital role in regulating the social life of indigenous peoples and managing their resources. Its function is not limited to resolving internal disputes, but also serves as a guideline for maintaining a balance between humans, the environment, and inherited cultural values. In its development, recognition of adat law has grown stronger, both through the national constitution, which guarantees the existence and rights of indigenous peoples, and in the realm of international law, which provides a normative framework to protect and ensure that these rights are respected (Tobin, 2014).

Some literature asserts that adat law has flexible characteristics and can adapt to social, cultural, and environmental changes, so it cannot be understood as a static rule. This concept is often referred to as living adat law, which is adat law that is always alive, developing, and evolving in accordance with the dynamics of the indigenous community itself (Diala, 2017). This flexibility allows the law to remain relevant in facing modern challenges, while maintaining the continuity of traditional values passed down from generation to generation. Furthermore, various studies emphasize that adat law is essential for managing natural resources, as it contains norms that regulate harmonious relationships between humans, the environment, and culture. For example, in managing totemic species, adat law acts as an ecological preservation mechanism and a symbol of collective identity that represents the rights of indigenous peoples to their environment (Robinson & Raven, 2020).

Ethics

In the literature on ethics, Krishnamurthy (2011) defines ethics as a person's ability to distinguish between right and wrong and the courage to choose to do what is right. Bartneck et al., (2021) explain that ethics is essentially an effort to analyze human actions from the perspective of "good" and 'evil' or "morally right" and "morally wrong." In other words, ethics is closely related to the human side and the moral dimension of every action. In this framework, ethics cannot be separated from choice because every human being is constantly faced with a decision-making process that requires moral consideration. This situation gives rise to what is known as an ethical dilemma, which is a condition in which an individual must choose between two or more decisions that both have moral implications. Therefore, the essence of ethics does not stop at simply deciding what is right, but also how to do what is right.

In Greek, the term ethics comes from the word ethos or its plural form ta etha, which means customs, habits, or character within a society. In the Greek philosophical tradition, ethics is understood as the study of human habits and moral character, as well as efforts to understand how a person can achieve a good life through virtue, self-discipline, and right action. Aristotle (2014) emphasized that ethics is closely related to the ultimate goal of humans, namely, achieving eudaimonia or true happiness, which can only be achieved through the practice of virtue and living in accordance with rationality. Thus, ethics is not only limited to rules of behavior, but also a

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philosophical reflection on how humans should act to achieve a meaningful life. Meanwhile, according to the Big Indonesian Dictionary (KBBI), ethics is understood as the science that studies what is considered good and evil and moral rights and obligations (morals). This definition confirms that ethics cannot be separated from the values that govern human interactions within the individual and social group spheres. Ethics serves as a guideline in determining appropriate, fair, and responsible standards in the midst of social life.

Ethics is a branch of philosophy that examines moral principles to distinguish between human actions and intentions that are considered good or bad, right or wrong (Chaddha & Agrawal, 2023). This study is not only normative but also systematic and descriptive. For example, it is conducted through the study of behavioral ethics that traces consistent patterns in ethical decision-making processes and the psychological and social factors that influence them (Bazerman & Gino, 2012). The main objective of ethics is to develop universal guidelines that can be used to assess and direct human behavior. In reality, the application of these guidelines is often influenced by cultural context, tradition, and individual preferences (Chaddha & Agrawal, 2023).

Human Rights

Human rights are fundamental principles designed to protect every individual from various forms of serious violations or harm, both domestically and internationally. These principles are essential in international law because they guarantee protection and create conditions that enable democratic governance, respect for civil rights, and the fulfillment of decent living standards, including economic well-being (Pogge, 2005).

More than just a normative concept, human rights contain a legal dimension in granting legitimate legal rights and establishing obligations for states and institutions to protect and fulfill these rights. The main objective is to ensure everyone can enjoy fundamental freedoms and dignity without discrimination based on nationality, ethnicity, religion, gender, or social status. In practice, human rights form the foundation of international law, which is then implemented in various instruments and global regulatory frameworks, serving as a universal guideline for upholding justice, equality, and peace in the worldwide community (Sharma, 2024).

Fundamentally, fundamental human rights are rooted in a legal framework emphasizing the fulfillment of basic needs and protection against human vulnerability. This principle encompasses all civil, political, economic, social, and cultural rights, inseparable from one another. This integration affirms that human rights must be understood as a comprehensive system, in which each aspect is interrelated and reinforces the others (Kälin & Künzli, 2019). Therefore, efforts to protect and promote human rights cannot be carried out partially, but must be comprehensive and active to ensure respect for and fulfillment of the fundamental rights of every individual in society and the state.

Human rights serve as a universal standard that guarantees everyone can live a dignified life, free from discrimination, injustice, and other forms of oppression. This is understood not only as a moral principle, but also as a legal construct that provides legitimacy for upholding human values. Within this framework, human rights are aimed at creating a social order that upholds justice, equality, and respect for human dignity, so that every individual has equal opportunity to access their fundamental rights (Shelton, 2013).

The primary purpose of human rights is to ensure the implementation of the principles of justice and civilization. These rights serve not only as basic norms but also as a moral and legal foundation that provides protection and strength for individuals in fighting violations and injustice. Furthermore, human rights are intended to promote the creation of welfare, safety, and holistic human development, both in personal dimensions, social-communal life, and international relations (Mann et al., 2016; Sjoberg et al., 2001).

METHODS

This study examines how modern Indonesian society is understood through the perspective of Islamic legal sociology. Several studies confirm that Islamic legal awareness in Indonesian society is not only related to normative aspects but is also closely related to social, political, and cultural

dynamics. For example, Islamic legal sociology serves as an alternative approach in Islamic legal studies, thereby encouraging a multidisciplinary nature and bringing it closer to the social reality of society (ZTF, 2022). Therefore, a qualitative approach is considered more appropriate because it allows researchers to explore in depth why understanding modern society must be linked to the sociology of religious law and how this phenomenon can be analyzed comprehensively and easily understood (Housley et al., 2014). Through the phenomenological method, this study attempts to reveal Muslims' religious social experiences in facing modernization challenges. The analysis was conducted with an emphasis on the validity and reliability of the data, which was obtained through literature studies, discussions, and contextual interpretations of socio-religious practices in Indonesia (Nisa et al., 2024).

RESULT

The Contribution of Islamic Legal Sociology to Legal Pluralism in Indonesia

Islamic legal sociology is essential in building and maintaining legal pluralism in Indonesia. Through an analytical approach, Islamic legal sociology helps explain the dynamics of interaction between Islamic law and other applicable legal systems, both state and adat law. This role is evident in integrating Islamic law into the national legal system through the legalization or positivization of law. This process not only adopts traditional Islamic legal norms but also adapts them to the needs of modern society and the principles of positive law that apply universally (Zayyadi et al., 2023).

In the Indonesian context, Sharia courts and fatwas issued by religious scholars occupy a unique position in the national legal landscape. Formally, neither has the same status as state laws or regulations. Still, in practice, they often have a significant influence, particularly in cases of blasphemy, which are highly sensitive to public opinion. Fatwas issued by the Indonesian Ulema Council (MUI) or other religious authorities are often used as references to justify legal proceedings, even though technically, fatwas are not binding in the positive legal system. This phenomenon illustrates the application of the principle of "religious deference," which is the attitude of secular courts that give space to the views of religious leaders in determining verdicts or interpreting the law. Through this religious deference, secular courts function as state legal institutions and arenas where religious norms gain symbolic and substantive recognition. This condition shows how legal pluralism occurs in concrete terms: state law, religious law, and social norms intersect, creating a complex dynamic between formal authority and moral-religious authority in Indonesian judicial practice (Crouch, 2017).

Legal pluralism opens up space for interaction and dialogue between various legal systems that coexist. In the Indonesian context, state law, adat law, and Islamic law influence each other and shape more complex legal practices. By encouraging interaction between legal communities, legal pluralism not only creates more inclusive dispute resolution mechanisms but also strengthens the understanding of the position of Islamic law as an integral part of a larger and more diverse national legal system. Through this approach, Islamic law is not viewed as a separate entity but as an element that contributes to the dynamics of regulation and the practice of social justice. This is in line with Michaels (2009) view that legal pluralism allows for integration and negotiation between various legal norms, resulting in a legal framework more responsive to a diverse society's needs.

Islamic law in Indonesia developed in the context of a modern legal state, so it coexists with national law. Its application is not entirely formal but accommodated in specific areas such as family, inheritance, and Islamic economics. Several studies show that Islamic law in Indonesia is divided into several types, both normative (derived from the Qur'an and Hadith) and recognized in the national legal system through legislation such as the Compilation of Islamic Law (KHI) and the Sharia Banking Law.

Table 1. Types of Islamic Law in Indonesia

Type of Islamic Law	Scope/Field	Implementation in Indonesia	Legal Basis

Rules of worship	Rules of mahdhah worship (prayer, fasting, zakat, hajj)	Practiced privately by Muslims	The Qur'an and Hadith
Family Law (Munakahat)	Marriage, divorce, alimony, inheritance	Regulated in the Compilation of Islamic Law (KHI), Marriage Law No. 1/1974	KHI, Law No. 1/1974
Inheritance Law (Faraidh)	Distribution of inheritance	Applicable in Religious Courts for Muslims	KHI, Al-Qur'an, Hadith
Sharia Economic Law (Muamalah)	Sharia banking, insurance, and capital markets	Sharia Banking Law No. 21/2008, DSN-MUI fatwa	Law No. 21/2008, DSN-MUI Fatwa
Criminal Law (Jinayah)	Jarimah (crimes) and hudud	Not fully applicable, but the principles are included in the Qanun Aceh	Qanun Jinayah Aceh, Criminal Code with Islamic values
Constitutional Law (Siyasah)	The relationship between the people and the government	The concepts of deliberation and social justice, adopted in Pancasila and the 1945 Constitution	The 1945 Constitution, Islamic values

The application of Islamic law in Indonesia is selective and contextual, with specific areas such as family law, inheritance, and Sharia-based economic transactions receiving considerable space in formal regulations and judicial practice. Meanwhile, aspects of Islamic criminal law tend to be limited, except in regions with special autonomy status, such as Aceh, which has the authority to enforce Qanun Jinayat. This different pattern of implementation shows how Islamic law is not only integrated into the national legal framework through laws and government regulations, but also continues to live on in the social, cultural, and daily religious activities of Muslims.

In Shahar (2008) framework, the sociology of Islamic law serves as a means to identify and apply the principles of Islamic law in a pluralistic society, but also plays a vital role in building bridges of dialogue between various legal systems. Through this perspective, a pluralistic approach is seen as necessary in responding to contemporary legal challenges in Indonesia, because it allows for constructive interaction between Islamic law, state law, and other social norms. Thus, the sociology of Islamic law contributes to strengthening the position of Islamic law within the framework of legal pluralism but also to creating a fairer and more inclusive negotiation space between various coexisting legal authorities.

The Phenomenon of Adat Law in Modern Indonesia

The phenomenon of adat law in modern Indonesia shows its essential role as one of the pillars of legal pluralism that accommodates the diversity of social norms and traditions of local communities. Adat law, which is rooted in traditional practices and values, continues to coexist with the national legal system and becomes a reference in dispute resolution, resource management, and daily social practices. Its existence shows that state law cannot completely erase or ignore local norms, but must interact and integrate with adat law to create justice that is more contextual and inclusive (Tamanaha, 2021).

After the 1998 reformation, adat law in Indonesia entered a significant revitalization phase, triggered by the strengthening of the indigenous peoples' movement and political decentralization that opened up space for the recognition of local legal identities. If previously, the law was often marginalized by the dominance of colonial law and a centralized national legal system, the reform era presented an opportunity to revive customary values through formal regulations and civil society initiatives. This revitalization can be seen from the increasingly active customary institutions in dispute resolution, the management of natural resources based on local wisdom, and the inclusion of customary principles in regional policies. This process does not simply repeat old traditions, but instead negotiates new ones with the demands of modernization, democratization, and the protection of human rights. However, this dynamic is also colored by

local political interests, where adat law is often used to legitimize power or strengthen communal identity. Thus, the post-reform revitalization of adat law shows that legal pluralism in Indonesia is the result of a complex interaction between cultural heritage, political decentralization, and the need to adapt to contemporary social change (Benda-Beckmann & Benda-Beckmann, 2011; Davidson & Henley, 2007).

Indonesia's high courts play a strategic role in reviving and interpreting adat law through judicial decisions that seek to integrate customary norms with the national legal framework. In the context of a lack of legislative changes that explicitly regulate the position of adat law, the judiciary's role is essential as a bridge between traditional norms and the modern legal system. Through various decisions, the courts have maintained the relevance of adat law and established precedents that demonstrate the dynamic interaction between legal pluralism and the need for harmonization of state law. This confirms that adat law is not merely a static legacy, but rather part of a legal system that continues to adapt to the demands of justice and contemporary social change.

Adat law in Indonesia is still valid and recognized as one of the sources of national law. The existence of adat law is regulated in Article 18B paragraph (2) of the 1945 Constitution, which states that the state recognizes and respects the unity of adat law communities along with their traditional rights as long as they are still alive and in accordance with the development of society. This adat law is unwritten, lives in the community, and regulates various aspects of life.

Table 2. Examples of Adat Law Implementation in Indonesia

Adat Law Sector	Explanation	Example of Application
Customary Marriage Law	Regulates marriage procedures, dowries, customs, and divorce according to the customs of each region	a. Javanese customs (mitoni, panggih), b. Batak custom (traditional wedding anniversary with a conventional party) c. Minangkabau custom (the woman proposes)
Adat Law of Inheritance	Determines who is entitled to receive inheritance property and how it is divided, varying by tribe	a. Minangkabau custom (matrilineal system: inheritance goes to the woman) b. Batak custom (patrilineal: inheritance goes to the son) c. Javanese custom (bilateral: sons and daughters are equally entitled)
Customary Land/Ulayat Law	Regulates the ownership, utilization, and control of land by indigenous peoples. Land is considered communal property.	Customary rights of indigenous Papuans and Dayaks cannot be traded without customary permission.
Customary Criminal Law	Regulates sanctions for violations of customary norms that are considered to disturb social balance	a. In Bali (customary fines or "perarem") b. In Papua, sanctions in the form of compensation in the form of pigs or crops)
Customary Economic Law	Regulation of trade systems, debts, and agricultural or fishing profit-sharing based on customary agreements	a. In Bali (the subak system for water and agricultural management). b. In Maluku (the sasi system for marine resource management).
Adat Law: Deliberation and Dispute Resolution	Resolving conflicts or disputes through customary institutions or deliberation and consensus	a. In Aceh (customary dispute resolution through village officials) b. In East Nusa Tenggara (tribal customary deliberation to resolve land conflicts)

Based on the table presented, it can be understood that adat law in Indonesia encompasses various aspects of community life, from family (marriage and inheritance), land and natural resources, to the criminal, economic, and dispute resolution spheres. This diversity reflects the traditions and cultures in each region, thus forming a unique pattern of adat law in accordance with the character of its community. The application of adat law not only functions as a formal regulation but also plays a vital role in maintaining social balance and harmony. The values of local wisdom within it prioritize togetherness, justice, and peace, rather than simply emphasizing the principle of win-lose in dispute resolution. Thus, adat law functions as a legal system and a social instrument that binds, preserves culture, and strengthens community solidarity.

Fenomena Etika Sosial dalam Kehidupan Masyarakat

The dimensions of social ethics in Indonesia demonstrate substantial complexity, particularly as modernity begins to infiltrate the religious life of Indonesian society, which can be viewed from several perspectives that reflect this country's complexity and social dynamics. One crucial aspect is the influence of modernity on social morality, particularly in the context of Islam in Indonesia. Modernism has influenced how society carries out religious practices, often focusing on rituals without integrating deep theological values. This creates a godless religious society, where religion becomes routine without any profound meaning that can drive social change (Hardiyanto et al., 2024).

Social ethics is a set of values, norms, and moral principles that guide social interactions. In Indonesia, with its diversity of cultures, religions, and social backgrounds, social ethics plays a crucial role in maintaining harmony, solidarity, and justice. Its application can be found in various sectors of life, from education and economics to health and politics, the environment, technology, and culture.

Table 3. Implementation of Social Ethics in Various Sectors

Sector	Implementation of Social Ethics in Indonesia	Explanation
Education	Implementation of honesty in National Exams and academic integrity	Efforts to suppress cheating practices in exams through a strict monitoring system and character education
Economics and Business	Corporate Social Responsibility (CSR) Program	Companies in Indonesia must implement CSR to contribute to the welfare of surrounding communities and environmental sustainability.
Health	National Health Insurance (JKN) through BPJS	A form of social ethics is fairer and provides more equitable access to health care for all levels of society.
Politics and Government	Implementing the principle of transparency through e-government	Digitalization of public services (such as e-KTP, LAPOR!) to increase government accountability and transparency to the public
Environment	Greening movement and Waste Bank program	Form community environmental ethics by collectively managing waste and supporting ecosystem sustainability.
Technology and Digital	The ITE Law and Public Digital Literacy	Digital ethics are implemented through anti-hoax regulations, personal data protection, and digital literacy education among the Indonesian public.
Culture and Social	Cooperation and tolerance between religious communities	Exceptional Indonesian social and ethical values that maintain harmony, solidarity, and social cohesion in a pluralistic society

This is evident in the Yaa Qowiyyu ritual practice in Klaten, which has undergone cultural commodification, making it a political-economic tool rather than a spiritual experience (Laila & Qudsy, 2021). Similar phenomena are evident in the organization of the Hajj and Umrah pilgrimages, which are increasingly positioned as part of the religious tourism industry, often exploited commercially to the point of deviating from their original meaning as pure worship (Fuad, 2022). On the other hand, the Sharia wedding organizer business also demonstrates how religious symbols are adapted into modern aesthetic forms to meet market needs, often neglecting the spiritual substance that should be at the core of Islamic marriage (Rifa'i et al.,

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2025). All of these phenomena demonstrate that modernity has the potential to create a "religious society without God," where religion is present in the form of symbols and rituals but loses its transformative power for social change and societal morality.

In a social context, traditional cultural values play a significant role in shaping parenting patterns in Indonesia. Each ethnic group, with its unique traditions and norms, creates unique characteristics in how parents educate, guide, and instill life values in their children. For example, Javanese society emphasizes politeness, harmony, and obedience. At the same time, Minangkabau culture emphasizes independence and collective responsibility. Parenting patterns based on these values shape children's character and influence psychosocial aspects such as social skills, adaptability, and the internalization of moral values from an early age. However, globalization and modern cultural changes pose new challenges, as parents must balance maintaining local traditions with adapting to the demands of the times, particularly in education, technology, and lifestyle (Riany et al., 2017).

From a corporate perspective, large companies in Indonesia tend to emphasize greater transparency in disclosing ethical values compared to companies in other countries, such as Malaysia. This reflects a higher level of awareness of moral issues, both internally and externally, including in formulating company policies, the implementation of codes of ethics, and implementing ongoing monitoring programs (Joseph et al., 2024). This practice also demonstrates that business ethics in Indonesia is not merely viewed as a formality, but as an integral part of good corporate governance. Furthermore, many companies in Indonesia have begun to integrate sustainability principles by including environmental, social, and governance (ESG) aspects in their annual and sustainability reports, as an effort to maintain transparency and accountability. This practice goes beyond simply complying with regulations but also serves as a strategy to strengthen good corporate governance, increase investor confidence, maintain consumer loyalty, improve relationships with the community and government, and build a long-term reputation amidst global competition that demands increasingly high standards of business ethics.

The Phenomenon of Human Rights Understanding

To date, the understanding of human rights (HAM) in Indonesia reflects a long and challenging journey, particularly in relation to protection for vulnerable groups such as those with mental disorders. Although Indonesia has developed a supportive legal framework, such as Law No. 39 of 1999 concerning Human Rights, Law No. 8 of 2016 concerning Persons with Disabilities, and Law No. 18 of 2014 concerning Mental Health, the actual implementation of these provisions remains far from ideal. Due to weak enforcement and persistent stigma, many people with mental disorders face violations of their fundamental rights, such as shackling (pasung), discriminatory treatment in the judicial system, and limited access to mental health services, which are recognized as human rights (Maramis, 2021; Widodo, 2021). This situation demonstrates that mere regulations are not enough; comprehensive reforms are needed in cultural, institutional, and operational aspects to ensure that human rights protection for vulnerable groups is realized inclusively and equitably.

Since the collapse of Suharto's authoritarian regime in 1998, Indonesia has taken various steps to adopt international human rights principles and transitional justice mechanisms, such as establishing a human rights court and a Truth and Reconciliation Commission. The ratification of international human rights conventions. However, these efforts have often been hampered by structural obstacles and political interests, including pressure from parties involved in past violence who seek to delay or substitute accountability with domestic solutions that tend to protect perpetrators. McGregor and Setiawan (2019) refer to this phenomenon as a shift from international standards-based justice toward an "Indonesian justice" model that, while perhaps viewed as a culture-specific mechanism, has the potential to be used as an instrumental means to protect perpetrators and limit accountability, an indicator of illiberal tendencies in Indonesian human rights reform.

Early transition initiatives in post-New Order Indonesia, such as the National Commission on Human Rights (Komnas HAM) investigation into the events of 1998, the establishment of an ad hoc human rights court, and the attempted establishment of a Truth and Reconciliation

Commission (TRC), were initially seen as essential steps toward restoring justice, but in practice often failed to deliver substantive justice, with many cases ending without effective punishment or even having their convictions overturned by higher courts. Legislative loopholes and weak institutional frameworks further exacerbated the situation, for example, with the TRC draft including an amnesty clause rejected by activists and overturned by the Constitutional Court. Consequently, post-Suharto human rights reforms shifted from the ideal of transitional justice based on international norms to the practice of "Indonesia first," where legally weak domestic solutions replaced international mechanisms and diminished the independence of law enforcement, a situation that McGregor and Setiawan view as a form of using local culture and wisdom to perpetuate the status quo and avoid real accountability (McGregor & Setiawan, 2019).

Dynamics of the Relationship between Islamic Law, Adat Law, Ethics, and Human Rights

The relationship between Islamic law (sharia), adat law, ethics, and human rights (HAM) in Muslim-majority societies is complex and continues to evolve. These four aspects often complement each other, but sometimes can also give rise to differences or even tensions in daily life. For example, Islamic law, grounded in religious teachings, may have a different interpretation from universal human rights principles. In contrast, adat law, rooted in local traditions, sometimes clashes with modern ethical values. Nevertheless, these dynamics reflect an ongoing negotiation process to find a just and acceptable balance for the broader community. These efforts demonstrate that the integration of law, morality, and fundamental human rights is not static but continually adapts to social needs, cultural developments, and shifts in thinking at the local and global levels. Several factors contribute to this relationship:

1. Sharia and Adat law

In the context of Muslim-majority societies, sharia and adat law often do not operate separately, but rather interact, forming unique legal patterns. In Indonesia, for example, the Compilation of Islamic Law (KHI) is clear evidence of efforts to integrate sharia principles with local socio-cultural practices while considering human rights values. The KHI serves as a guideline for family law for Muslims and reflects how religious teachings can be adapted to the dynamics of diverse societal traditions (Hadaiyatullah et al., 2024). This adaptation process demonstrates an awareness that the application of law is not merely normative and textual, but must also be able to respond to evolving social needs.

2. Hukum Islam dan Hak Asasi Manusia

The relationship between Islamic law and human rights is often a topic of debate, particularly in the realm of family law, which encompasses issues such as polygamy, divorce, and the position of women in the household. Although sharia is rooted in its primary sources, the Qur'an and the Sunnah, its application in legal practice is always influenced by a given period's social, economic, and political conditions (Rehman, 2007), resulting in its interpretation undergoing change and adjustment. Contemporary debate has evolved into efforts to reinterpret these laws to align with the principles of gender equality and respect for fundamental human rights (Mashhour, 2005). However, the degree of success in this alignment process varies across countries and Muslim communities, depending on historical, cultural, and prevailing legal policies.

3. Ethics and Islamic Law

Ethics in Islam play a crucial role in guiding the implementation of Sharia in various areas of life, as values such as justice, honesty, and responsibility serve as the moral foundation that strengthens the legal aspects. In the economic context, for example, the application of Islamic business ethics not only requires formal adherence to Sharia rules but also encourages business practices with integrity, transparency, and a focus on the common good, as reflected in the growth of the halal tourism sector (Solehudin et al., 2024). In the health sector, Islamic biomedical ethics strives to combine religious principles with modern medical needs, ensuring that clinical decisions and scientific research remain aligned with ethical standards while not contradicting religious norms (Sachedina, 2009). This integration demonstrates that Islamic law does not stand alone but is constantly guided by moral values that adapt to social dynamics and scientific

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developments. This makes it relevant in addressing contemporary challenges without losing its spiritual roots.

4. Challenges and Opportunities

The interaction between Islamic law, adat law, ethics, and human rights presents a space filled with both challenges and constructive opportunities. On the one hand, potential conflict arises when Sharia principles are deemed inconsistent with international human rights norms, particularly on sensitive issues such as gender equality or religious freedom. However, on the other hand, the flexibility of Sharia, which allows for reinterpretation according to the current context, paves the way for a more harmonious synthesis. Efforts to interpret Islamic teachings by considering contemporary social, cultural, and needs realities present a significant opportunity to bridge differences and find equitable common ground (Agustian et al., 2023).

DISCUSSION

The Meaning of Adat Law from an Islamic Legal Perspective

Adat law and Islamic law have a complementary and dynamic relationship, particularly in Indonesia. In many cases, adat law is a living source of law derived from societal practices, traditions, and norms, while Islamic law provides a universal normative foundation. The interaction between the two often occurs through the principle of urf (customs recognized in Islamic law), allowing customs that do not conflict with sharia to be accepted and enforced. This makes Islamic law more contextual, while adat law gains religious legitimacy.njadikan hukum Islam lebih kontekstual, sedangkan hukum adat memperoleh legitimasi religius.

Throughout the history of law in various Muslim countries, including Indonesia, adat law has often been a crucial foundation for daily legal practice. This dynamic in Indonesia is evident in the interaction between adat law, Islamic law, and state law, which collectively form the national legal system. During the Dutch colonial period, for example, the Receptie theory emerged, asserting that Islamic law can only be valid if accepted by adat law, thus positioning adat law as the primary filter in determining the extent to which Islamic teachings can be implemented in society (Zayyadi et al., 2023). This condition not only reflects the complexity of the relationship between the three legal systems but also shows how colonial politics attempted to control the legal practices of Muslim communities, which then gave rise to a long debate regarding the position and authority of Islamic law in the modern Indonesian legal system.

The debate over the harmonization of adat law and Islamic law stems from the fact that the two have different normative bases yet often coexist in society. Local customs can align with Islamic principles in many contexts, especially when they do not conflict with Sharia. However, there are situations where certain aspects of adat law must be revised to conform to established Islamic principles, such as in matters of marriage, inheritance, or ritual practices that conflict with Islamic faith. This harmonization process often involves legal and social dialogue, resulting in compromises that preserve local values while ensuring adherence to Islamic principles (Badr, 1978).

In some Muslim countries, such as Saudi Arabia, Islamic law is central to the legal system. It is the primary basis for legal decision-making in public and private spheres. The dominance of Islamic law in these countries is not only normative but is also enriched and influenced by long-standing local traditions and practices (Shaham & Vogel, 2002). The Saudi Arabian legal system demonstrates strong continuity with classical Islamic legal practices, such as fiqh and sharia principles, while simultaneously accommodating local customs and traditions developed within the community. This is evident, for example, in the application of family law, inheritance law, and other social norms, where local elements are considered to ensure the law is accepted and effectively implemented by the community. This integration of Islamic law and local practices reflects the flexibility and adaptability of sharia law to specific socio-cultural contexts, while also emphasizing that the application of Islamic law is not necessarily rigid or uniform, but can be adapted to traditional values and the practical needs of the community. This approach also demonstrates how the state can maintain the legitimacy of Islamic law while maintaining social stability and respecting local cultural identities.

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In the global context of Islamic law, various efforts have been made to integrate elements of adat law with Islamic legal principles to adapt them to modern conditions and the needs of local communities. This integration reflects the dynamic interaction between tradition and religious norms, where each application of law considers legal aspects and social, cultural, and everyday life practices. This balancing process is often complex, as Islamic law must be implemented without neglecting local identities and customs, while simultaneously responding to contemporary challenges such as globalization, human rights, and technological developments (Black et al., 2013). Thus, the interaction between adat law and Islamic law is not only a formal harmonization but also includes substantive adaptations that allow the law to remain relevant, effective, and accepted by modern society, while maintaining its traditional roots and the principles of sharia, which serve as its moral and spiritual foundation.

Ethics as a Space for Socio-Religious Interaction

Ethics serves as a crucial foundation for social interactions that are also religious in nature, as it provides a conceptual framework that enables individuals to understand, assess, and navigate relationships between members of society with differing religious backgrounds. In a pluralistic society like Indonesia, where spiritual and belief diversity is a key characteristic, ethics plays a strategic role in establishing and maintaining interfaith dialogue, fostering tolerance, and minimizing the potential for social conflict (Hutabarat, 2023). Implementing ethical principles in daily life can be realized through various initiatives, such as interfaith dialogue forums, joint social activities, and educational programs emphasizing universal human values. These efforts promote social cohesion and strengthen mutual respect and understanding between communities of different faiths.

Ethics plays a crucial role in understanding the dynamics and changes in social attitudes toward sensitive issues, including topics like same-sex relationships, particularly when linked to religious beliefs and prevailing social norms. Numerous studies have shown that ethical frameworks shape individual perceptions and influence how communities interact and discuss these issues, thereby facilitating higher tolerance levels in religiously pluralistic societies (Chavez & Ceneciro, 2023). In this context, ethics guides individuals and groups to balance maintaining their religious values and beliefs with openness to broader social perspectives. Ethics serves as a tool for moral judgment. It plays a strategic role in building inclusive social dialogue, where differences are understood, valued, and used as a basis for harmonious interaction. This demonstrates that integrating religious values into public discourse can be constructive, provided it is accompanied by an ethical approach sensitive to social diversity and complexity.

In modern life, ethical principles are no longer limited to face-to-face interactions. Still, they can also be applied and adapted to address the dynamics of technology and contemporary norms, including social media use. Research on digital ethics emphasizes applying classical and modern ethical theories to regulate individual behavior in virtual environments, enhancing understanding of moral responsibility, boundaries, and guidelines for online interactions (Bowen, 2013). In other words, ethics serves as a framework that helps technology users navigate the challenges posed by easy access to information, anonymity, and the potential for disseminating content that can impact social values. This approach is relevant for building responsible digital behavior and creating a healthier and more inclusive social ecosystem in online spaces, where interactions are legal but also moral and ethical.

Furthermore, ethics plays a crucial role in shaping social interactions by referring to the moral and ethical standards expected of both individuals in society and corporations within the context of social responsibility. Applying these ethical principles not only guides individual behavior but also influences the attitudes and behavior of the organization as a whole. For example, companies that implement ethical practices in their operations tend to foster moral awareness and ethical attitudes among employees, while simultaneously building a positive reputation for responding to emerging social issues (Valentine & Fleischman, 2008). Thus, ethics serves as a regulatory tool that strengthens integrity and accountability, both in interpersonal relationships and at the organizational level, creating a balance between business objectives, social responsibility, and adherence to broader moral values.

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Tensions between Human Rights, Adat law, and Islam

The tensions between human rights, cultural traditions, and Islam in Indonesia reflect a complex issue influenced by the multi-layered interaction between legal aspects, cultural values, and religious teachings. As a multicultural nation, Indonesia presents a dynamic interface between adat law, Islamic principles, and applicable national legal regulations. This interface often gives rise to friction, both in the form of normative conflicts and differences in interpretation, particularly when universal human rights principles are perceived to conflict with local values or specific interpretations of Sharia.

Modernizing Islamic law in Indonesia is a dynamic process involving the translation and integration of Islamic law into the national legal system. Since colonial times, the theory of Receptie has served as a filter for Islamic law in its interaction with adat law and state law (Zayyadi et al., 2023). After independence, the formalization of Sharia through legal instruments such as the 1974 Marriage Law, the 1989 Religious Courts Law, and the Compilation of Islamic Law (KHI) demonstrates the crucial role of political constellations in this process. From a social engineering perspective, incorporating Islamic values into national law reflects the broader social function of Islamic law as a means of control and stability (Muttaqin, 2021).

Adapting Islamic law through critical ijtihad is crucial in addressing contemporary demands without abandoning religious values (Muttaqin, 2021; Suhardin, 2022). This reform extends to the national ideological framework, where Islamic law will be accepted if it aligns with Pancasila and the 1944 Constitution. Other research emphasizes that Islamic law in Indonesia is not merely the result of evolution or an orientalist perspective, but rather a normative practice that developed within its social diversity (Afridawati, 2021). Finally, the theory of applying Islamic law explains the gradual transition from living law to national law as a theoretical construct that strengthens the legitimacy of Islamic law (Rohmah & Alfatdi, 2022).

Empirical analysis indicates that countries adhering to Islamic legal traditions or mixed legal systems tend to exhibit different human rights practices than countries based on common law traditions. These differences are generally related to the procedural characteristics and level of judicial independence characteristic of standard law systems, thus affecting law enforcement quality and individual rights protection. In other words, different institutional structures and legal frameworks can create variations in human rights implementation, with standard law systems considered to place greater emphasis on procedural transparency and judicial autonomy than legal systems rooted in Islamic or mixed traditions (Mitchell et al., 2013).

The interaction between human rights, adat law, and Islam in Indonesia has given rise to a dynamic, multi-layered legal system, where legal reform processes and modernization agendas are constantly directed at balancing local traditional values with universal standards. In this context, Indonesian Muslim intellectuals have sought to articulate human rights in line with Islamic principles, particularly on sensitive issues such as religious freedom, gender equality, and social participation, thus harmonizing religious norms with universal principles (Fuad et al., 2007). Furthermore, the Indonesian constitution serves as a guardian of pluralism by limiting the complete formalization of Sharia law. However, it cannot be denied that several universal Islamic values have been internalized in various national laws (Muhammadun et al., 2021). Meanwhile, with constitutional recognition, adat law continues to play an essential role in regulating aspects of community life, especially customary rights and inheritance systems. However, it often clashes with development policies and broader national economic needs (Falahy et al., 2024).

As a country with a pluralistic legal system, Indonesia presents a space for encounters between three main normative frameworks: human rights, adat law, and Islamic law. These three systems have distinct historical backgrounds and normative foundations and exhibit unique value orientations and application patterns. Human rights tend to emphasize universality and the protection of individual dignity, adat law prioritizes social harmony and local wisdom, while Islamic law focuses on the principles of justice, balance, and religious values. However, these encounters often give rise to challenges, particularly when there is a potential conflict of values between individual rights and collective interests or religious norms. To understand how these three systems interact, converge, and potentially clash, the following table 4 presents a systematic

comparison of aspects of legitimacy, their position in national law, core values, common ground, challenges, and concrete examples of their application in Indonesia.

Table 4. Comparison of the Relationship between Human Rights, Adat Law, and Islam in Indonesia

Aspects	Human Rights	Adat law	Islamic Law
Basis of Legitimacy	Universal Declaration of Human Rights, Constitution (UUD 1945)	Law No. 39/1999 concerning Human Rights, ratification of international conventions	Law No. 39/1999 concerning Human Rights, ratification of international conventions
Position in National Law	Recognized in the Constitution and human rights laws	Recognized by the constitution as part of legal pluralism	Applied in certain areas (marriage, inheritance, Islamic economics) through Religious Courts
Core Values	Equality, freedom, non-discrimination	Collectivity, social harmony, and local wisdom	Justice, balance, and religious values
Meeting point	Emphasizes social justice, protection of human dignity	Prioritize communal justice and natural balance	Upholding the principles of maqasid al-shariah (protection of life, property, reason, religion, lineage)
Challenges	Often considered "foreign" or contrary to local/religious values	Can conflict with human rights (e.g., women's or minority rights)	Potential conflicts with human rights in gender issues, religious freedom, and criminal law
Examples of Practice in Indonesia	Law No. 39/1999 concerning Human Rights, ratification of international conventions	Recognition of customary land rights of indigenous peoples (Basic Agrarian Law)	Compilation of Islamic Law (KHI), religious courts, Sharia Banking Law

Relationship between Adat law, Islamic Law, Ethics, and Human Rights

The intersection between Adat law, Islamic law, ethics, and human rights reveals a complex dynamic, as each has its own perspective and rules for regulating social life. Although different, these four normative systems often converge in their shared goals of creating social order, fostering behavior that is in line with moral values, and protecting human dignity. The complexity of these relationships also reflects society's efforts to find a balance between traditional heritage, religious values, ethical demands, and universal standards applicable to human rights.

Both adat law and Islamic law have strong roots in tradition and community beliefs, even though they originate from different foundations. Adat law arises from the practices and customs of local communities that have been passed down from generation to generation, reflecting a particular cultural identity and social system. In contrast, Islamic law is based on normative teachings contained in the Qur'an and Hadith, which are then interpreted and applied in the context of community life. Although different in source and method of application, both emphasize the importance of collective welfare, justice, and moral behavior. It is at this point that Adat law and Islamic law can complement each other, while interacting with ethics and human rights in forming a relevant social norm framework in Indonesia.

The relationship between adat law, Islamic law, ethics, and human rights can be seen as an interconnected network of values. Adat law contributes to maintaining cultural identity and social solidarity, Islamic law provides a solid religious and moral foundation, while ethics acts as a universal moral bridge that is accepted by various groups. Human rights, on the other hand, function as a universal framework that ensures that these three normative systems remain in line with the principles of justice, equality, and respect for human dignity. Thus, the relationship between the four is not mutually exclusive, but rather corrective and complementary, creating a more comprehensive value system in Indonesian society.
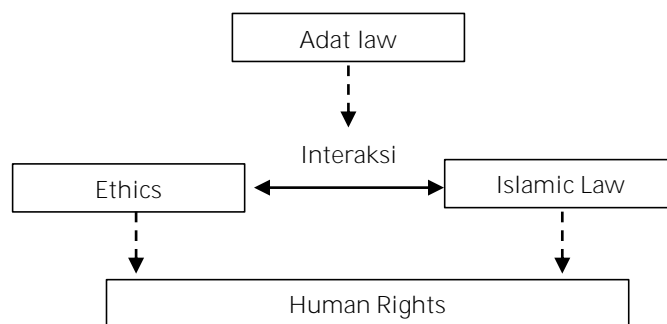

Figure 1. Relationship between Adat law, Islamic Law, Ethics, and Human Rights

The diagram above shows that Adat law, Islamic law, and ethics are three important pillars that shape social norms in Indonesia. Adat law is rooted in local traditions that have been passed down from generation to generation and reflect the cultural identity of the community. Meanwhile, Islamic law is present through strong religious influence in Indonesia and has high religious legitimacy among the Muslim majority. Ethics, on the other hand, are more general in nature because they arise from moral values accepted by the wider community, whether they originate from culture, religion, or humanistic philosophy. These three pillars are the main foundation for regulating social behavior and resolving conflicts in everyday life.

In practice, these three pillars do not always work in tandem, but rather can complement each other or potentially cause friction. For example, in some cases, Adat law can support the principles of Islamic law, especially those related to family or inheritance, but in other cases, they may differ in their views, for example, in terms of gender roles or certain ritual practices. Similarly, ethics that emphasize human values and morality often serve as a bridge when Adat law and Islamic law are in tension. Thus, the relationship between the three is dynamic, constantly negotiated, and dependent on the social context and the needs of the community.

Above all these interactions, human rights serve as a universal normative framework that functions to test the compatibility between local and religious norms and the fundamental rights

standards of each individual. Human right provides guidance so that the application of Adat law, Islamic law, and ethics does not harm human dignity, especially that of vulnerable groups. This is important considering that Indonesia is a multicultural country that strives to maintain a balance between respect for local values and commitment to international standards. In other words, human right acts as a universal umbrella that ensures that diversity of norms does not lead to discrimination, but rather runs in line with the principles of justice and humanity.

CONCLUSION

The relationship between Islamic law, adat law, ethics, and human rights in Indonesia exhibits a complex configuration, shaped by society's multicultural character and colonialism's historical legacy. Political reforms following the collapse of the New Order regime 1998 have opened space for various social, cultural, and religious actors to negotiate their authority and influence in the construction of legal norms and social values. The interaction between Islamic law and adat law demonstrates a process of mutual adaptation that contributes to forming societal norms. At the same time, applying international and national human rights principles presents new challenges in balancing universal standards with local legal and moral frameworks. In this context, a sociological approach has analytical urgency in examining the dynamics of law in Indonesia, not only at the level of formal regulations, but also at the level of acceptance and practice in everyday life. These dynamics overall reflect the sociocultural complexity of Indonesian society and demonstrate its adaptive capacity in managing legal and moral pluralism.

Theoretically, this enriches the study of legal pluralism by showing how universal norms interact with local normative frameworks in shaping a living legal order. Practically, this dynamic underscores the importance of an interdisciplinary approach in understanding the application of law in society, as formal regulations often negotiate with customary and religious values in everyday practice. In terms of policy, this complexity requires the government to formulate regulations that are not only in line with human rights principles, but also sensitive to local wisdom, in order to create a legal system that is inclusive, adaptive, and capable of maintaining social cohesion amid the plurality of Indonesian society.

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