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Legitimacy of Sharia Economics as Part of Indonesia's Legislative System

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***Abstract**: This study is based on the understanding that the Indonesian legal system is pluralistic in nature, meaning that there are various sources and systems of law that exist and develop within society. This legal pluralism includes state law, customary law, and religious law, all of which are recognised and respected. This condition is in line with Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which recognises and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the principles of the Unitary State of the Republic of Indonesia, as well as Article 29 paragraph (2), which guarantees the freedom of every citizen to practise their religion. One concrete manifestation of this legal pluralism is the existence of Sharia economic law as an integral part of the national legal system, particularly in the financial, banking, and modern business sectors. This study aims to analyse the constitutional and juridical basis for the legitimacy of Sharia economic law in the Indonesian legal system, examine the process of transforming Sharia values into national legislation, and explain the implications of this legitimacy for legal certainty and the integration of the national legal system. The method used is qualitative research with a normative juridical approach. This study focuses on the study of written legal norms contained in legislation, fatwas from the Indonesian Ulema Council's National Sharia Board, and Islamic legal doctrines relevant to sharia economic law. This approach is reinforced by a conceptual approach and a legislative approach to understand the relationship between legal theory, sharia principles, and positive legal norms. In addition, this study also examines cases related to the application of sharia economic law. The results of the study show that the legitimacy of Islamic economic law in Indonesia is built on two main pillars, namely normative legitimacy and formal legitimacy. These two pillars serve as a theoretical and conceptual foundation that affirms the recognition of Islamic economic law as an integral part of the national legal system within the framework of a constitutional state based on Pancasila and the 1945 Constitution of the Republic of Indonesia.*

***Keywords**: Legal Pluralism, Legitimacy of Sharia Economic Law, Normative Legitimacy, Formal Legitimacy*

Introduction

Indonesia as a constitutional state (rechtsstaat), as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, emphasises that all aspects of national and state life must be based on law. (Kholik, 2022) In this context, the Indonesian legal system has a pluralistic character, which means that there are various sources and legal systems that exist and develop within society. Indonesian legal pluralism includes state law, customary law, and religious law, all of which are recognised and respected. (Riyanto, 2023) This is in line with the provisions of Article 18B paragraph (2) of the 1945 Constitution, which recognises and respects customary law units and their traditional rights as long as they are still alive and in accordance with the principles of the Unitary State of the Republic of Indonesia, as well as Article 29 paragraph (2), which guarantees the freedom of religious communities to practise their respective religions. (Kristianto, 2025)

One of the tangible manifestations of legal pluralism in Indonesia is the existence of Sharia Economic Law as an integral part of the national legal system, particularly in the financial, banking, and modern business sectors. (Mahipal, 2025) In general, Sharia economic law refers to laws related to economic activities in a broad sense that originate from Islamic teachings that have been incorporated into the legal system to achieve happiness (falah) in this world and the hereafter. (Rokam, 2022)

The definition of Islamic economic law can be understood as a body of law that regulates and structures relationships among individuals through agreements or contracts related to all economic activities, ranging from economic assets to the determination of the legal status of objects involved

in economic transactions, all of which are based on Islamic principles and norms (Syarif, 2019). In the Indonesian context, characterised by a pluralistic society, the application of Islamic economic law becomes increasingly relevant when viewed as part of a tauhid-based social reconstruction, fostering awareness of transcendent, social, and national responsibilities among Muslims as citizens living within diversity. (Zulbaidah, 2024) Sharia economic law is rooted in the principles of Islamic sharia, which are sourced from the Qur'an, Sunnah, Ijma', and Qiyas, emphasising the values of justice (al-'adl), honesty (al-shidq), benefit (al-maslahah), and balance (tawazun) in economic activities. (Sufraid, 2025) Allah's words in QS. Al-Baqarah Verse 282 provide a normative basis for economic activities and financial transactions, with the command to keep records and be fair in muamalah:

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْٓا اِذَا تَدَايَنْتُمْ بِدَيْنٍ اِلٰٓى اَجَلٍ مُّسَمًّى فَاكْتُبُوْهُۗ وَلْيَكْتُبْ بَّيْنَكُمْ كَاتِبٌۢ بِالْعَدْلِۖ وَلَا يَأْبَ كَاتِبٌ اَنْ يَّكْتُبَ كَمَا عَلَّمَهُ اللّٰهُ فَلْيَكْتُبْۚ وَلْيُمْلِلِ الَّذِيْ عَلَيْهِ الْحَقُّ وَلْيَتَّقِ اللّٰهَ رَبَّهٗ وَلَا يَبْخَسْ مِنْهُ شَيْـًٔاۗ فَاِنْ كَانَ الَّذِيْ عَلَيْهِ الْحَقُّ سَفِيْهًا اَوْ ضَعِيْفًا اَوْ لَا يَسْتَطِيْعُ اَنْ يُّمِلَّ هُوَ فَلْيُمْلِلْ وَلِيُّهٗ بِالْعَدْلِۗ وَاسْتَشْهِدُوْا شَهِيْدَيْنِ مِنْ رِّجَالِكُمْۚ فَاِنْ لَّمْ يَكُوْنَا رَجُلَيْنِ فَرَجُلٌ وَّامْرَاَتٰنِ مِمَّنْ تَرْضَوْنَ مِنَ الشُّهَدَۤاءِ اَنْ تَضِلَّ اِحْدٰىهُمَا فَتُذَكِّرَ اِحْدٰىهُمَا الْاُخْرٰىۗ وَلَا يَأْبَ الشُّهَدَۤاءُ اِذَا مَا دُعُوْاۗ وَلَا تَسْـَٔمُوْٓا اَنْ تَكْتُبُوْهُ صَغِيْرًا اَوْ كَبِيْرًا اِلٰٓى اَجَلِهٖۗ ذٰلِكُمْ اَقْسَطُ عِنْدَ اللّٰهِ وَاَقْوَمُ لِلشَّهَادَةِ وَاَدْنٰٓى اَلَّا تَرْتَابُوْٓا اِلَّآ اَنْ تَكُوْنَ تِجَارَةً حَاضِرَةً تُدِيْرُوْنَهَا بَيْنَكُمْ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ اَلَّا تَكْتُبُوْهَاۗ وَاَشْهِدُوْٓا اِذَا تَبَايَعْتُمْۖ وَلَا يُضَاۤرَّ كَاتِبٌ وَّلَا شَهِيْدٌ ۗ وَاِنْ تَفْعَلُوْا فَاِنَّهٗ فُسُوْقٌۢ بِكُمْۗ وَاتَّقُوا اللّٰهَ ۗ وَيُعَلِّمُكُمُ اللّٰهُ ۗ وَاللّٰهُ بِكُلِّ شَيْءٍ عَلِيْمٌ

Meaning: “O you who believe, when you contract a debt for a specified period, write it down. Let a scribe among you write it down fairly. Let not the scribe refuse to write it down as Allah has taught him. Let him record it and let the debtor dictate it. Let him fear Allah, his Lord, and let him not reduce it in the slightest. If the debtor is of limited understanding, weak (in condition), or unable to dictate it himself, let his guardian dictate it correctly. Ask for the testimony of two male witnesses among you. If there are no two male witnesses, then one male and two female witnesses from among those whom you approve as witnesses, so that if one of them forgets, the other may remind her. Let not the witnesses refuse when they are called upon. Do not grow weary of recording it until its time limit, whether it be small or large. That is more just in the sight of Allah, more likely to strengthen the testimony, and more likely to bring you closer to certainty, unless it is a cash transaction that you conduct among yourselves. Then there is no sin upon you if you do not record it. Take witnesses when you buy and sell, and let neither the recorder nor the witnesses cause difficulty. If you do so, it is indeed a sin for you. Fear Allah; Allah teaches you, and Allah is All-Knowing of everything. (Q.S. Al-Baqarah: 282). (The Qur’an and Its Translation, 2019)

This verse shows that Islam not only regulates spiritual aspects, but also provides normative guidelines for transparent and equitable economic management. These principles were then elevated to positive law through the process of positivisation of Sharia economic law, namely the recognition and regulation of Sharia values into state legislation. The process of positivisation of Islamic economic law in Indonesia can be traced historically and juridically. (Fitrianingsih, 2022) It began with the enactment of Law No. 7 of 1992 on Banking, which was later amended by Law No. 10 of 1998, which for the first time recognised business activities based on Islamic principles. Subsequently, stronger recognition was given through Law No. 21 of 2008 concerning Sharia Banking, which explicitly affirmed the existence and position of sharia banking as part of the national banking system. (Suryani, 2012) This law also recognises the fatwa of the National Sharia Council-Indonesian Ulema Council (DSN-MUI) as a normative guideline that serves as a reference for the products and business activities of Islamic financial institutions, as stipulated in Article 26 paragraph (2).

The legal legitimacy of Islamic economics is also reinforced by Law No. 19 of 2008 concerning State Islamic Securities (SBSN). (Fitriyansyah, 2024) Law Number 40 of 2007 concerning Limited Liability Companies, and various Financial Services Authority Regulations (POJK) and Bank Indonesia Regulations (PBI) which technically regulate the operations of Islamic financial institutions. This shows that Islamic values and norms have gained a legitimate place in Indonesia's regulatory system, not as a separate law, but as an integral part of national law. (Yamani, 2025) The existence of laws

related to Islamic economics shows that the Indonesian economic system is beginning to give space to Islamic economics. With these laws, the legal vacuum in the field of Islamic economics can be overcome, albeit not yet to the fullest extent. In the future, it is hoped that there will be revisions to existing laws and regulations concerning the economic field in general, thereby creating a dual economic system as a legal umbrella in order to realise the principles of Islamic economics in the Indonesian economy.

Philosophically, the existence of Sharia economic law is also in line with Pancasila, particularly the first principle of 'Belief in One God', which provides the moral and spiritual basis for the development of a national legal system that is just and civilised. (Dewi, 2025) The principle of social justice in the fifth principle also supports the idea of Islamic economics, which is oriented towards a balance between individual interests and the common good. (Hanafi, 2024) Thus, the integration of Islamic economic law into national law is a concrete manifestation of the implementation of Indonesia's fundamental constitutional values. However, from a conceptual and juridical perspective, there is still an interesting debate regarding the legitimacy of Sharia Economic Law in the national legal system. (Mukhlas, 2025) This issue is mainly related to the position of DSN-MUI fatwas in the hierarchy of legislation as stipulated in Law Number 12 of 2011 in conjunction with Law Number 13 of 2022 concerning the Formation of Legislation, which does not include fatwas as a formal source of law. (Tamam, 2021) This has sparked academic debate on whether fatwas have legal binding force or are merely normative and moral in nature. However, judicial practice shows recognition of fatwas as a source of substantive law, as seen in Supreme Court Decision No. 23K/AG/2008, which used the DSN-MUI fatwa as the basis for legal considerations in a sharia economic dispute. (Rosidah, 2024)

Thus, the study entitled 'The Legitimacy of Sharia Economic Law as Part of the Indonesian Legal System' is relevant and important to research. This study is expected to provide a more in-depth and comprehensive understanding of the basis of legitimacy, hierarchical structure, and implementation of Islamic economic law in the national legal system. In addition, this study can strengthen the academic argument that Islamic economic law not only has theological legitimacy (divine legitimacy) but also constitutional and legal legitimacy (legal legitimacy) in the context of the Indonesian constitutional state.

Methods

This study employs a qualitative method with a normative approach, emphasising conceptual and textual analysis through the statute approach. This approach is implemented by systematically examining laws and regulations related to the legitimacy of Sharia economics as an integral component of Indonesia's national legal system. In addition, the study analyses legal cases and practices concerning Sharia economic law in order to obtain a comprehensive understanding of the application of Sharia norms within the framework of positive law. The normative legal approach is adopted because the primary object of analysis consists of written legal norms contained in legislation, fatwas issued by the National Sharia Council of the Indonesian Council of Ulama (DSN-MUI), and Islamic legal doctrines relevant to Sharia economic law. This approach is utilised to examine, interpret, and evaluate the legal norms governing Sharia economics and to assess their legal validity and authority within the national legal system (Jamilah et al., 2025).

Through this approach, the study seeks to trace, analyse, and interpret the legal legitimacy of Islamic economics within the context of Indonesia's pluralistic national legal system. To strengthen the analysis, the research also integrates a conceptual approach and a statute approach, enabling a deeper understanding of the relationship between legal theory, Sharia principles, and positive legal norms in the context of national economic law. These approaches facilitate an examination of how Sharia economic values and principles are accommodated, institutionalised, and operationalised within Indonesia's legal framework. (Novianti, 2024)

Furthermore, this study applies qualitative documentary analysis combined with thematic content analysis as its data analysis technique. Relevant legal documents are examined by identifying, coding, and systematically organising key themes to reveal meanings, patterns, and trends within legal discourse. This approach enables an in-depth understanding of the substance and context of the documents analysed, making it particularly suitable for legal research, public policy analysis, and socio-humanities studies that focus on the interpretation of meaning and the normative implications of legal rules and policies. (Zulbaidah, et.al, 2025)

Results and Discussion

This study refers to several main theories: (Disantara, 2021)

1. The Theory of Legal Pluralism (Legal Pluralism)

Indonesian law demonstrates a commitment to safeguarding public welfare through the formulation and implementation of regulations that are aligned with the dynamics and needs of contemporary development. (Zulbaidah, et.al, 2025) The Indonesian nation consists of various ethnic groups, which give rise to local genius. (Wulansari, 2016) This is a consequence of the diversity of customs that exist and develop in various traditions and cultures. (Wulansari, 2020) Not only that, Indonesia is a legally diverse country. (Kamarudin, 2019) This is not only because Indonesia is home to various ethnic groups with different normative systems that coexist, but also because the country has a national legal system (Disantara, 2020) that is constitutionally approved (1945 Constitution of the Republic of Indonesia) and coexists with other normative systems. The implication is that social changes have constructed a social organisational system in the form of customary law; (Windia, 2020) as a form of protection for indigenous peoples. Of course, each indigenous community has its own customary laws that differ from one another. Therefore, the principle of consuetudo pro lege servatur underlies the manifestation of local genius in the form of customary law. Over time, the existence of customary law has gradually been influenced internally and externally, including by external law, namely national law. Therefore, the concept of legal pluralism was born to preserve the essence of "law" itself (Naso, 2020).

The term legal pluralism theory originates from English, while in Dutch it is called theorie van het rechtpluralisme, and in German it is called theorie des rechtpluralismus. (Salim, n.d.) In legislation, there is no specific definition of legal pluralism. In general, Griffiths defines legal pluralism as follows 'A condition that occurs in any social sphere, where all actions of the community in that sphere are governed by more than one legal system.' (Griffiths, 2005). According to Werner Menski (2006), the legal systems in modern countries are pluralistic in nature, involving the interaction between state law, religious law, and social law that exist in society. It can be concluded that the theory of legal pluralism is a concept which states that several legal systems can coexist in a society, including state law, customary law, and religious law, which interact and coexist dynamically.

1. The Theory of Positivisation of Islamic Law

The Indonesian legal system, which is based on Pancasila and the 1945 Constitution, has provided a clear foundation and political direction for the development of religious law. According to Mochtar Kusumatmadja, the principle of Belief in One God essentially contains the mandate that no national legal product may contradict, reject or be hostile to religion. Article 29 of the 1945 Constitution emphasises the guarantee of the Government and state administrators to every citizen that they may embrace and worship according to their respective religions. This shows that the state recognises and upholds the existence of religion, including its laws, and protects and serves the needs of the implementation of these laws. (Febriansyah, 2025)

With regard to the contribution of Islamic law to Indonesian national law, it can be said that there are three patterns of Islamic law legislation in national legislation. First, a pattern of unification with differentiation. In this case, Islamic law applies to every citizen with a few exceptions. For example, Law No. 1 of 1974 concerning Marriage. Second, Islamic law is enacted and only applies to Muslims. For example, Law Number 44 of 1999 concerning the Implementation of Special Privileges for the Special Province of Aceh. Third, Islamic law is included in national legislation and applies to every citizen, such as Law Number 23 of 1990 concerning Health. (Febriansyah, 2025)

The positivisation of Islamic law in Indonesia is a necessity, as stipulated in Article 1 paragraph (3) of the Constitution, further elaborated in Article 1 (2) and Article 18 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which essentially stipulates that Indonesia is based on law, refers to the principle of people's sovereignty, and also respects the traditional rights of the people. Pancasila serves as the source of all laws, with its first principle being 'belief in one supreme God.' and the constitution, which grants freedom of religion to its adherents, make the positivisation of Islamic law in Indonesia inevitable. This is evident in the enactment of several laws derived from Islamic law, such as Law No. 8 of 2019 on the Implementation of Hajj and Umrah, Law No. 1 of 1974 on Marriage, and so on.

Laws have a very important position in the legal system in Indonesia. Islamic law can be formally applied if it is legislated into national law. The legislation of Islamic law does not mean that it

must directly become a separate law, but it can be done through any written law, from basic law to the smallest or lowest regulations. This means that regardless of whether Islamic legal values are incorporated into national law through a specific law or not, the most important thing is that the values in the law do not conflict with Islamic legal values. As stated by Jaih Mubarok (2018), the positivisation of Islamic law is a process of transforming religious norms into binding state legal norms.

3. The Theory of Legal Legitimacy

Max Weber and H.L.A. Hart. The journal entitled Max Weber and the Concept of Legitimacy in Contemporary Jurisprudence by Donald H.J. Hermann is one of the main sources that thoroughly discusses how the concept of legitimacy is constructed in the modern legal world. Max Weber emphasised that law cannot be viewed merely as an instrument of coercive power, but must also gain acceptance from society in order to be considered valid. This legitimacy transforms the obligation to obey into a normative awareness that rules should indeed be followed. For Weber, mature law is characterised by formal rationalisation, whereby laws are formulated based on consistent abstract principles and applied logically in real cases. The legal system should be viewed as a gapless system in order to deliver justice that is acceptable to all parties. Weber also classified legitimacy into three forms: traditional, charismatic, and legal-rational, of which legal-rational legitimacy is the most important in the context of the modern state.

Meanwhile, H.L.A. Hart, in his book The Concept of Law, offers a distinction between primary and secondary rules. Primary rules are those that directly govern human behaviour, while secondary rules govern how primary rules are recognised, changed and enforced. Hart also introduces the concept of the rule of recognition, which are the criteria that make a rule recognised as valid law in a legal system. Equally important, Hart criticises legal theories that view law merely as a means of coercion. According to him, law also has the function of providing rights and facilities to citizens. Hart's view strongly emphasises the internal aspects of society: law is effective not solely because of sanctions, but because society is aware of its obligation to obey. Max Weber stated that the legitimacy of law can derive from rationality, values, and tradition. In the context of Sharia economic law, legitimacy derives from divine values and formal recognition by the state.

The Constitution of the Republic of Indonesia mandates that Indonesia is a country based on law (rechtsstaat) and not on power (machtstaat). Currently, Indonesia is a country based on law that adheres to a dual economic system, namely the conventional and sharia economic systems. Therefore, three important elements are needed to support the development of sharia economic law in Indonesia. These are the need for valid and comprehensive legal regulations (legal substance), a fair legal apparatus and adequate legal facilities and infrastructure (legal structure), and maximum public awareness and compliance (legal culture). (Adam, 2018) In a constitutional state, there are restrictions on the power of the state over individuals. The state is not omnipotent; it cannot act arbitrarily, and its actions towards its citizens are limited by law. (Gautama, 1983)

The logical consequence of the polarisation of thought as a state based on the rule of law is that there are four elements that exist in the process of governance in Indonesia. Sri Sumantri Mertosoewignjo mentions these four elements as follows: (Kamarusdiana, 2018)

1. That the implementation of duties and obligations must be based on the law or legislation.
2. The existence of guarantees for human rights (citizens).
3. The existence of separation of powers within the state.
4. The existence of oversight by judicial bodies (recgtsterlijke controle).

Bagir Manan divides the legal tradition in a country into four parts:

a. statutory law,
b. jurisprudential law,
c. customary law,
d. customary law. (Manan, 1994)

As a country that upholds the law as its basic system, it is necessary to have a constitution that regulates the laws that apply in the country (legal system). In terms of the implementation of Islamic law, particularly the laws governing sharia economics in Indonesia, this is certainly very important given the growing awareness of sharia economic activities in Indonesia. According to Amin Summa, the most important reasons for the enactment of laws in Indonesia are constitutional reasons (the

reason of constitution) and historical reasons (the reason of history), as well as the need for the law itself, including Islamic economic law, which is now widely used in society. (Suma, 2004)

Sharia economic law is a system within the Islamic legal system that has undergone significant development over time. In essence, sharia economic law refers to all legal norms and provisions related to economics based on the principles of Islamic law. This study is based on the fundamental assumption that the legitimacy of sharia economic law in Indonesia is built on two main pillars, namely normative legitimacy and formal legitimacy. These two pillars form the theoretical and conceptual foundation that explains how Islamic economic law can be recognised as an integral part of the national legal system within the framework of a constitutional state (rechtsstaat) based on Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD 1945).

1. Normative Legitimacy

Normative legitimacy refers to the recognition of Sharia principles as moral, spiritual, and public ethical values that are alive and thriving within Indonesian society. This principle is in line with the philosophical basis of the state, namely Belief in One God as stated in the First Principle of Pancasila, and elaborated in Article 29 paragraph (1) of the 1945 Constitution, which states that 'The state is based on Belief in One God.' Sociologically, the normative legitimacy of Sharia economic law also stems from the social reality of Indonesian society, which is predominantly Muslim and uses Sharia as a guideline in economic activities. In this context, Sharia economic law is not only understood as religious rules, but also as an economic ethical system that emphasises the principles of justice ('adl), honesty (ṣidq), benefit (maṣlaḥah), and balance (tawāzun) in every transaction. This normative basis is also reinforced by verses from the Qur'an, including:

a. QS. Al-Mā'idah [5] verse 8:

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْا كُوْنُوْا قَوّٰمِيْنَ لِلّٰهِ شُهَدَاۤءَ بِالْقِسْطِۖ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلٰٓى اَلَّا تَعْدِلُوْاۗ اِعْدِلُوْاۗ هُوَ اَقْرَبُ لِلتَّقْوٰىۖ وَاتَّقُوا اللّٰهَۗ اِنَّ اللّٰهَ خَبِيْرٌۢ بِمَا تَعْمَلُوْنَ ۝٨

"O you who believe, be upholders of justice for Allah and witnesses with fairness. Let not your hatred for a people incite you to act unjustly. Be just, for justice is closer to piety. Fear Allah. Indeed, Allah is All-Aware of what you do." (Soenarjo, Al-Qur'an and Its Translation, 2019)

b. QS. Al-Baqarah [2]: 282 – which emphasises the principle of honesty and record-keeping in muamalah transactions as a form of legal prudence:

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْٓا اِذَا تَدَايَنْتُمْ بِدَيْنٍ اِلٰٓى اَجَلٍ مُّسَمًّى فَاكْتُبُوْهُۗ وَلْيَكْتُبْ بَّيْنَكُمْ كَاتِبٌۢ بِالْعَدْلِۖ وَلَا يَأْبَ كَاتِبٌ اَنْ يَّكْتُبَ كَمَا عَلَّمَهُ اللّٰهُ فَلْيَكْتُبْۚ وَلْيُمْلِلِ الَّذِيْ عَلَيْهِ الْحَقُّ وَلْيَتَّقِ اللّٰهَ رَبَّهٗ وَلَا يَبْخَسْ مِنْهُ شَيْـًٔاۗ فَاِنْ كَانَ الَّذِيْ عَلَيْهِ الْحَقُّ سَفِيْهًا اَوْ ضَعِيْفًا اَوْ لَا يَسْتَطِيْعُ اَنْ يُّمِلَّ هُوَ فَلْيُمْلِلْ وَلِيُّهٗ بِالْعَدْلِۗ وَاسْتَشْهِدُوْا شَهِيْدَيْنِ مِنْ رِّجَالِكُمْۚ فَاِنْ لَّمْ يَكُوْنَا رَجُلَيْنِ فَرَجُلٌ وَّامْرَاَتٰنِ مِمَّنْ تَرْضَوْنَ مِنَ الشُّهَدَۤاءِ اَنْ تَضِلَّ اِحْدٰىهُمَا فَتُذَكِّرَ اِحْدٰىهُمَا الْاُخْرٰىۗ وَلَا يَأْبَ الشُّهَدَۤاءُ اِذَا مَا دُعُوْاۗ وَلَا تَسْـَٔمُوْٓا اَنْ تَكْتُبُوْهُ صَغِيْرًا اَوْ كَبِيْرًا اِلٰٓى اَجَلِهٖۗ ذٰلِكُمْ اَقْسَطُ عِنْدَ اللّٰهِ وَاَقْوَمُ لِلشَّهَادَةِ وَاَدْنٰىٓ اَلَّا تَرْتَابُوْٓا اِلَّآ اَنْ تَكُوْنَ تِجَارَةً حَاضِرَةً تُدِيْرُوْنَهَا بَيْنَكُمْ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ اَلَّا تَكْتُبُوْهَاۗ وَاَشْهِدُوْٓا اِذَا تَبَايَعْتُمْۖ وَلَا يُضَاۤرَّ كَاتِبٌ وَّلَا شَهِيْدٌ ۗ وَاِنْ تَفْعَلُوْا فَاِنَّهٗ فُسُوْقٌۢ بِكُمْۗ وَاتَّقُوا اللّٰهَۗ وَيُعَلِّمُكُمُ اللّٰهُۗ وَاللّٰهُ بِكُلِّ شَيْءٍ عَلِيْمٌ

Meaning: "O you who believe, when you contract a debt for a specified period, write it down. Let a scribe among you write it down fairly. Let not the scribe refuse to write it down as Allah has taught him. Let him write it down and let the debtor dictate it. Let him be mindful of Allah, his Lord, and let him not diminish it in the slightest. If the debtor is of limited understanding, weak (in condition), or unable to dictate it himself, let his guardian dictate it correctly. Ask for the testimony of two male witnesses among you. If there are no two male witnesses, then one male and two female witnesses from among those whom you approve as witnesses, so that if one of them forgets, the other may remind her. Let not the witnesses refuse when they are called upon. Let not the witnesses refuse when they are called upon. Do not grow weary of

> recording it until its time limit, whether it be small or large. That is more just in the sight of Allah, more likely to strengthen the testimony, and more likely to bring you closer to certainty, unless it is a cash transaction that you conduct among yourselves. Then there is no sin upon you if you do not record it. Take witnesses when you buy and sell, and let neither the recorder nor the witnesses cause difficulty. If you do so, it is indeed a sin for you. Fear Allah; Allah teaches you, and Allah is All-Knowing of everything. (Soenarjo, The Qur'an and Its Translation, 2019)

These two verses describe the theological basis for Sharia economic law, which upholds justice and certainty in economic relations. Thus, normative legitimacy affirms that Sharia economic law has a value base that is in harmony with the Pancasila philosophy, national public ethics, and the religious aspirations of the Indonesian people.

2. Formal Legitimacy

The formal legal legitimacy of Islamic economics refers to the state's recognition and acceptance of the applicability of Sharia principles through the process of legal positivisation, namely the integration of Sharia norms into Indonesia's positive legal system. This legitimacy is reflected in various legislative products, institutional policies, and court decisions that explicitly regulate and recognise the existence of Islamic economic law. Juridically, this legitimacy is based on constitutional foundations and the political aspirations of the people, whereby Pancasila, particularly the principle of Belief in One God, and Article 29 paragraph (2) of the 1945 Constitution guarantee citizens' freedom to embrace and practise religious teachings, including in sharia-based economic practices, while also reflecting the aspirations of Muslims to have an economic system that is in accordance with sharia principles.

This foundation is reinforced by the existence of various laws and regulations, including Law No. 21 of 2008 on Islamic Banking as the main legal basis for Islamic bank operations, Law No. 19 of 2008 concerning State Sharia Securities as the basis for sharia financial instruments in the capital market, Law No. 7 of 1989 concerning Religious Courts and its amendments, which give absolute authority to the Religious Court in the settlement of sharia economic disputes, Law No. 11 of 2020 concerning Job Creation, which also accommodates the concept of Islamic economic law, and Law No. 33 of 2014 concerning Halal Product Guarantee as an integral part of the Islamic economic ecosystem. In addition, Law No. 12 of 2011 in conjunction with Law -Law Number 13 of 2022 concerning the Formation of Legislation opens up space for the recognition of other sources of law that exist in society and are in line with the values of Pancasila, including regulations regarding zakat, waqf, and sharia insurance, as well as the applicability of a dual economic system that places the sharia economic system alongside the conventional system.

The strengthening of substantive Islamic economic law is also realised through the Compilation of Islamic Economic Law, which consists of four books, namely on legal subjects and amwal, contracts, zakat and donations, and Islamic accounting. Although it takes the form of Supreme Court Regulation No. 2 of 2008 and is not a law, it has binding force as positive law because it is an exercise of the Supreme Court's authority as regulated in legislation. Furthermore, this formal legitimacy is complemented by supporting legal products such as fatwas from the Indonesian Ulema Council's National Sharia Board, which are recognised in various financial sector regulations as implementing regulations, jurisprudence and fiqh rules that are alive in practice, as well as the role of state institutions such as the Financial Services Authority, Bank Indonesia, and the National Sharia Arbitration Agency as regulators, supervisors, and adjudicators, so that overall, the principles of sharia economic law have legal standing and enforceability within the national legal structure.

The issuance of these regulations is an effort to positivise Sharia economic law into national law. The urgency of this positivisation is a manifestation of Indonesia's system as a country based on the rule of law. When viewed from this perspective, the positivism of Sharia economic law falls under the category of pure law (rechine rechtslehre), namely legal positivism developed by Hans Kelsen. (Aburaere, 2013)

With normative and formal legitimacy, Islamic economic law does not stand as a separate legal system but is integrated into Indonesia's national legal system. Indonesia's legal pluralism allows religious law to coexist with positive state law, as long as it does not conflict with Pancasila and the 1945 Constitution. Therefore, this study places the conceptual framework of the legitimacy of Islamic

economic law within an integrative-pluralistic paradigm, namely that Islamic economic law derives its legitimacy both from the moral and social values that exist in society (normative) and from state recognition through legal regulations and institutions (formal). The integration of these two pillars is expected to strengthen legal certainty, justice, and public interest in the practice of Islamic economics in Indonesia.

Conclusion

Based on the above description, it can be concluded that the legal legitimacy of Islamic economics in the Indonesian legal system has a strong constitutional and juridical foundation sourced from Pancasila, particularly the principle of Belief in One God, and Article 29 of the 1945 Constitution, which guarantees freedom of religion, including the practice of Islamic economic principles. The transformation of Sharia legal values into national law takes place through a process of positivisation, either through the formulation of specific legislation or through the absorption of substantive values as long as they do not conflict with the national legal system. Furthermore, the legal legitimacy of Islamic economics has implications for strengthening legal certainty and integrating the national legal system through two dimensions, namely normative legitimacy, which places Islamic principles as ethical and spiritual values that are alive in society, and formal legitimacy, which is realised through state recognition in the form of institutional policy regulations and court decisions that confirm the applicability of Islamic economics law in the Indonesian legal system.

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