

The Intersection of *Siyasah Syar'iyah* and Islamic Constitutionalism in Zakat Regulations

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ABSTRACT

Introduction: The concept of *siyasah syar'iyah* (Islamic governance) plays a crucial role in shaping the regulation of zakat, which is an essential pillar of Islamic economics. Zakat, as a form of social welfare, is intricately tied to the governance structures established by Islamic constitutionalism. This study explores the intersection of *siyasah syar'iyah* and Islamic constitutionalism in the context of zakat regulations, analyzing how these principles influence the effective implementation of zakat in modern economies.

Methods: This qualitative study employs a comparative analysis to examine the role of *siyasah syar'iyah* in zakat regulation. It focuses on key Islamic governance principles and their application to the development and enforcement of zakat laws. The research also evaluates contemporary interpretations of Islamic constitutionalism and their impact on the social justice objectives of zakat.

Results: The research finds that *siyasah syar'iyah* offers critical guidance in structuring zakat regulations that align with Islamic economic principles. It reveals that effective zakat regulation, rooted in *siyasah syar'iyah*, not only promotes social welfare but also enhances economic justice by ensuring equitable distribution of wealth. Despite challenges in applying these principles in a modern, globalized context, *siyasah syar'iyah* remains integral to the proper functioning of zakat systems in Islamic economies.

Discussion: The study discusses the ways in which *siyasah syar'iyah* contributes to the development of zakat regulations that promote both social justice and economic balance. It highlights the tensions between Islamic governance principles and secular constitutional systems, calling for innovative solutions to integrate Islamic economic practices within contemporary legal frameworks.

Conclusion: This research underscores the importance of *siyasah syar'iyah* and Islamic constitutionalism in ensuring that zakat systems function effectively in promoting economic justice and social welfare. The study calls for greater attention to the principles of Islamic governance in shaping equitable and sustainable zakat policies in modern economies.

Novelty: This study offers new insights into the integration of *siyasah syar'iyah* and Islamic constitutionalism in zakat regulations, contributing to the broader understanding of how Islamic governance can support the development of socially responsible and economically just policies.

Keywords: *Siyasah Syar'iyah*, Islamic Constitutionalism, Zakat Regulations, Islamic Economics, Social Justice.

INTRODUCTION

The regulation of zakat plays a vital role in the economic and social justice systems within Islamic societies. As one of the Five Pillars of Islam, zakat not only serves as a means of wealth redistribution but also as a tool for fostering social welfare and reducing poverty. The role of *siyasah syar'iyah* (Islamic governance) in zakat regulation is essential in ensuring that these principles are effectively implemented. This study examines the relationship between *siyasah syar'iyah* and Islamic constitutionalism in shaping zakat regulations, exploring how these governance frameworks influence the fair and equitable distribution of wealth in modern Islamic economies (Iqbal, 2014; Budiono and Toja, 2022; Arake et al., 2023; Ahyani and Mutmainah, 2024).

Zakat, one of the Five Pillars of Islam, is a fundamental practice that has profound implications for social justice and economic equity in Islamic societies. As a mandatory act of charity, zakat is designed to redistribute wealth from the prosperous to those in need, helping to reduce inequality and alleviate poverty. This practice, while rooted in religious obligation, also serves as a critical mechanism for fostering social cohesion and economic stability. In Islamic governance, the effective regulation of zakat is essential to ensure that its objectives are met, which includes the promotion of justice, equity, and the overall welfare of society.

The concept of *siyasah syar'iyah* (Islamic governance) plays a pivotal role in the regulation and implementation of zakat. *Siyasah syar'iyah* refers to the application of Shariah principles to governance, ensuring that the political, economic, and social spheres operate in harmony with Islamic values. In the context of zakat, *siyasah syar'iyah* involves structuring the legal and administrative frameworks that govern the collection, distribution, and oversight of zakat to ensure that it fulfills its objectives in promoting social justice. It is through these governance mechanisms that zakat can be effectively integrated into broader economic systems, particularly in Islamic countries where Shariah plays a central role in shaping legal frameworks.

Islamic constitutionalism, which encompasses the set of principles that guide the functioning of Islamic political systems, further influences how zakat regulations are formulated. In Islamic constitutionalism, governance is seen not only as a political institution but also as a tool for upholding moral and social order, aligning the interests of the state with the ethical teachings of Islam. The integration of Islamic constitutionalism with zakat regulations ensures that the distribution of wealth is conducted in a manner that reflects Islamic values of fairness, equity, and care for the less fortunate.

In contemporary settings, the role of *siyasah syar'iyah* and Islamic constitutionalism in zakat regulation faces both opportunities and challenges. On the one hand, the resurgence of interest in Islamic finance and Shariah-compliant practices presents an opportunity for zakat systems to be revitalized and modernized in ways that are more aligned with the needs of today's societies. On the other hand, the challenge lies in reconciling traditional Islamic governance principles with modern state structures, particularly in secularized or non-Islamic contexts where the legal and political systems may not be fully aligned with Shariah.

This study seeks to explore the relationship between *siyasah syar'iyah* and Islamic constitutionalism in shaping zakat regulations, focusing on how these frameworks impact the fair and equitable distribution of wealth. It examines how Islamic governance principles can be applied to the regulation of zakat in contemporary economies, addressing both the

theoretical underpinnings and practical considerations of implementing these principles. By analyzing the intersection of *siyasah syar'iyah* and Islamic constitutionalism, this study aims to shed light on the challenges and opportunities in aligning zakat regulation with Islamic economic principles in the modern world.

Moreover, the relationship between governance and zakat is not merely a legal or political matter but also deeply interconnected with economic realities. The effectiveness of zakat as a tool for poverty alleviation and wealth redistribution depends on how well it is regulated, managed, and distributed. Therefore, understanding the governance structures that underpin zakat regulation is crucial for ensuring its success in achieving its intended goals. This study will examine various case studies of zakat implementation in contemporary Islamic states, highlighting best practices and lessons learned from their experiences in integrating *siyasah syar'iyah* with zakat systems.

Ultimately, this research seeks to contribute to the broader discourse on the role of Islamic governance in economic regulation, with a specific focus on zakat as an essential pillar of the Islamic economic system. By offering a comprehensive analysis of *siyasah syar'iyah* and Islamic constitutionalism in zakat regulation, this study hopes to provide valuable insights for policymakers, scholars, and practitioners interested in the effective integration of Islamic economic principles into modern governance and legal systems (Ahyani, 2024; Bhatti et al., 2024; Hasan et al., 2024; Lathif et al., 2024; Muhammad and Triswandani, 2024; Mutmainah et al., 2024a, 2024b).

The research will also consider the implications of zakat regulation in the context of global economic trends. In an increasingly interconnected world, the regulation of zakat must navigate the complexities of international finance, digital economies, and multicultural societies. Thus, this study will explore how Islamic governance principles can be adapted to address these contemporary challenges while remaining true to the ethical foundations of zakat (Azmi et al., 2024).

In conclusion, the regulation of zakat is not just a matter of fulfilling a religious obligation; it is also a critical tool for promoting social justice, reducing poverty, and ensuring equitable wealth distribution in society. By examining the role of *siyasah syar'iyah* and Islamic constitutionalism in zakat regulation, this study aims to provide a deeper understanding of how Islamic governance principles can shape the future of zakat and its impact on economic systems in the modern world.

LITERATURE REVIEW

Previous studies have discussed the various interpretations of *siyasah syar'iyah* and its application in Islamic economic practices. Scholars have emphasized that Islamic governance principles, when applied to zakat regulation, are intended to uphold social justice, alleviate poverty, and promote equitable wealth distribution (Arake et al., 2023). However, challenges arise in the modern application of these principles due to the complexities of contemporary legal systems and the globalized economy (Fellani et al., 2024). This section reviews the existing literature on *siyasah syar'iyah*, Islamic constitutionalism, and zakat, highlighting key debates and gaps in research.

The concept of *siyasah syar'iyah* (Islamic governance) has been a subject of significant scholarly interest, particularly regarding its application to Islamic economic practices. Scholars

have emphasized that the principles of *siyasah syar'iyah* are rooted in the notion of governance that aligns with Islamic teachings, aiming to ensure justice, social welfare, and equitable distribution of resources (Adnan et al., 2024). When applied to zakat regulation, these principles are meant to provide a framework that ensures zakat not only serves as a religious obligation but also functions as an effective tool for addressing societal inequalities and poverty. Several studies have examined the theoretical foundations of *siyasah syar'iyah*, showing that it encompasses various aspects of governance, including the protection of public interests, the preservation of social justice, and the promotion of economic stability within an Islamic context.

Scholars like Al-Raysuni and El-Ashker (2010) argue that *siyasah syar'iyah* is an essential component of Islamic governance because it enables rulers to act in the best interest of the public by interpreting and enforcing Shariah principles (Bahri, 2020). These scholars contend that *siyasah syar'iyah* is a dynamic concept that adapts to changing social, political, and economic conditions, making it relevant for modern governance, including the regulation of zakat. In this sense, *siyasah syar'iyah* provides a foundation for the legal and administrative systems required to ensure that zakat funds are collected, distributed, and used effectively to promote social justice.

Another key area of focus in the literature is the relationship between Islamic constitutionalism and zakat. Islamic constitutionalism, as discussed by scholars such as Kamali (2008) and Mirza (2014), refers to the constitutional framework that integrates Shariah into the state's legal system. This framework is not only about governance but also about ensuring that the economic practices, including zakat, align with Islamic principles. Islamic constitutionalism ensures that zakat regulations are consistent with broader objectives of Shariah, such as economic fairness, poverty alleviation, and wealth redistribution. This literature highlights the importance of an Islamic constitutional framework in regulating zakat to ensure that it fulfills its role as a tool for promoting social justice and reducing wealth disparities.

However, the literature also points to several challenges in applying *siyasah syar'iyah* and Islamic constitutionalism to zakat regulation in the modern world. One of the main challenges is the divergence between traditional Islamic governance models and contemporary legal and political systems, particularly in secular states or in nations where Shariah law is not fully implemented. Scholars like Nienhaus (2011) and Schacht (1964) have discussed how the modern state, with its secular legal framework, often faces difficulties reconciling Shariah-based governance principles with constitutional law. This tension is especially evident in the regulation of zakat, where the absence of a unified legal structure for zakat collection and distribution can lead to inconsistencies and inefficiencies.

Another challenge highlighted in the literature is the globalization of economies. The complexities of the modern global economy present challenges in managing zakat, as many Islamic states are now part of the global financial system, where zakat regulation must often contend with international financial standards and legal structures that do not necessarily accommodate Islamic principles. The literature suggests that while zakat can play a role in addressing global poverty, there is a need for innovative solutions to harmonize Islamic governance with global financial practices. For example, the role of digital currencies and globalized financial systems presents new opportunities and challenges for zakat regulation, as explored by scholars such as Khan (2019) and Ayub (2020).

Additionally, some studies focus on the practical implementation of zakat systems in contemporary Islamic countries. For instance, Al-Qaradawi (1999) and Siddiqi (2004) have examined zakat institutions in countries like Malaysia and Saudi Arabia, where zakat systems have been institutionalized through government agencies. These case studies highlight the successes and challenges of zakat implementation within formal structures. While zakat institutions have succeeded in increasing zakat collection and distribution, issues related to transparency, accountability, and the allocation of funds remain prevalent.

Furthermore, there is a growing body of literature addressing the role of zakat in poverty alleviation and social justice within Islamic economics. Zakat has long been seen as an instrument for wealth redistribution, but its effectiveness in achieving long-term social justice goals has been debated. Scholars such as Chapra (2008) and Iqbal (2011) argue that zakat should be integrated into broader economic policies that aim to reduce poverty and promote sustainable development. These discussions point to the need for a holistic approach that incorporates zakat within national and international poverty-reduction strategies.

This literature review highlights the various interpretations and debates surrounding *siyasah syar'iyah*, Islamic constitutionalism, and zakat. While much of the literature underscores the importance of these governance frameworks in regulating zakat, gaps remain in the understanding of how these principles can be effectively applied in modern, globalized economies. Moreover, the challenges of harmonizing Islamic governance with contemporary legal systems and international financial structures continue to pose obstacles to the effective implementation of zakat. This review sets the stage for further exploration of these issues, particularly in light of modern governance systems and global economic realities.

METHODS

This research adopts a qualitative approach, utilizing a comparative analysis of *siyasah syar'iyah* and its impact on zakat regulations. Data is collected from primary sources, including classical Islamic texts and contemporary legal frameworks. The study also analyzes case studies from Islamic countries that have implemented zakat systems, assessing the extent to which Islamic governance principles are integrated into their regulation. The research aims to understand the practical challenges and opportunities for zakat regulation in the context of modern Islamic economies (Maxwell, 2012; Creswell, 2014; Dewi et al., 2024; Ahyani et al., 2024; Adnan et al., 2024).

RESULTS

The study finds that the principles of *siyasah syar'iyah* are instrumental in shaping zakat regulations that emphasize social justice, wealth redistribution, and poverty alleviation. The findings suggest that while *siyasah syar'iyah* offers a comprehensive framework for zakat implementation, its application in modern economies faces several challenges, including the secularization of legal systems and the complexities of global financial systems. Despite these challenges, the research demonstrates that zakat, when regulated in alignment with Islamic governance principles, can significantly contribute to economic and social welfare (Barus et al., 2023; Fellani et al., 2024).

The study finds that the principles of *siyasah syar'iyah* play a crucial role in shaping zakat regulations that prioritize social justice, equitable wealth distribution, and poverty alleviation. By aligning zakat regulation with Islamic governance frameworks, it becomes a powerful tool

for addressing economic disparities and promoting social welfare within Islamic societies. *Siyasah syar'iyah* provides clear guidance on the proper administration of zakat, ensuring that it is distributed to those who are most in need, thus contributing to a more balanced and just society.

One of the key findings of this study is that *siyasah syar'iyah* offers a comprehensive framework for zakat implementation, which includes both legal and administrative aspects. The principles of governance embedded in *siyasah syar'iyah* ensure that zakat is not merely a religious obligation but also a dynamic and effective social policy. This governance approach emphasizes the role of the state in regulating zakat, collecting the funds, and ensuring their proper distribution. As such, the framework supports the creation of institutionalized zakat systems that contribute to long-term economic stability and social equity.

However, the study also reveals that the application of *siyasah syar'iyah* in zakat regulation faces several challenges, particularly in modern economies. One of the main obstacles is the secularization of legal systems in many countries, where the integration of Shariah principles into the legal and governance structures is limited or absent. This challenge complicates the implementation of zakat regulations that are based on *siyasah syar'iyah*, as legal systems may not be equipped to handle zakat in a way that aligns with Islamic governance principles.

Additionally, the globalized financial systems pose another significant challenge. The complexities of modern financial markets, international trade, and global economic policies often conflict with the principles of *siyasah syar'iyah*, making it difficult for Islamic governments to implement zakat regulations in a way that maintains both social justice and economic stability. For instance, the rapid movement of capital across borders, the prevalence of non-Islamic financial institutions, and the growing reliance on digital currencies all create a complex environment for regulating zakat, which traditionally relies on a more localized system of wealth distribution (Banik and Roy, 2023; Mutmainah et al., 2024a; Balzani et al., 2024).

Despite these challenges, the study demonstrates that zakat, when regulated in alignment with Islamic governance principles, can significantly contribute to economic and social welfare. By following the governance model set forth by *siyasah syar'iyah*, zakat has the potential to reduce poverty, bridge economic gaps, and provide a sustainable source of welfare for marginalized communities. The research suggests that innovative solutions, such as integrating zakat with modern financial systems or adapting *siyasah syar'iyah* to contemporary governance models, can help overcome these challenges and ensure that zakat fulfills its intended purpose.

In conclusion, the study highlights that while the application of *siyasah syar'iyah* in zakat regulation faces significant hurdles in modern economies, its potential to contribute to social justice and economic well-being remains substantial. The alignment of zakat with Islamic governance frameworks continues to be an essential component in addressing economic inequalities and promoting a just society, even in the face of contemporary challenges.

DISCUSSION

The findings of this study reveal that the principles of *siyasah syar'iyah* are foundational in shaping zakat regulations that contribute to social justice, wealth redistribution, and poverty alleviation. However, the application of these principles in modern economies presents several challenges, primarily due to the secularization of legal systems and the complexities of the global financial environment. These challenges highlight the gap between traditional Islamic

governance frameworks and the realities of contemporary state structures. Despite these challenges, zakat, when regulated in line with *siyasah syar'iyah*, remains a crucial tool for fostering economic and social welfare.

One of the key insights from the research is that *siyasah syar'iyah* offers a comprehensive governance framework that can guide zakat regulation. The concept of *siyasah syar'iyah* integrates Islamic principles into the governance of the state, ensuring that legal and economic systems are aligned with Shariah teachings. This framework not only establishes the moral and ethical dimensions of governance but also provides practical guidance on the implementation of zakat. In this sense, *siyasah syar'iyah* serves as a blueprint for ensuring that zakat functions effectively as a tool for social justice, which is a core objective of Islamic governance.

However, the secularization of legal systems poses a significant challenge to the full implementation of zakat regulations based on *siyasah syar'iyah*. In many modern states, especially those with secular legal frameworks, the application of Shariah-based governance principles is limited or non-existent (Ahyani, 2021, 2021; Amrullah, 2022; Abdul et al., 2022). This creates a disconnect between the theoretical foundations of zakat and its practical application. In these contexts, zakat may be viewed more as a voluntary charitable act rather than a legal obligation enforced by the state. This secularization leads to inconsistencies in zakat collection and distribution, undermining its potential to contribute to equitable wealth distribution and poverty alleviation.

In addition to the challenges posed by secular legal systems, the complexities of the globalized financial environment further complicate the regulation of zakat. As the world becomes increasingly interconnected through international trade and finance, zakat regulation faces new hurdles. The global financial system is predominantly shaped by Western economic principles, which often do not align with Islamic values. The movement of capital across borders, the dominance of non-Islamic financial institutions, and the rise of digital currencies create a multifaceted environment that makes it difficult to regulate zakat in the traditional manner. The ability to track wealth and ensure its proper distribution becomes increasingly complex in such a decentralized financial system.

Nevertheless, the research highlights that the integration of zakat with modern financial systems offers opportunities for innovation. For instance, digital platforms and blockchain technology have the potential to streamline zakat collection and distribution, ensuring transparency and efficiency. These technological innovations could address some of the challenges posed by the globalized economy by providing more accessible and effective ways of managing zakat funds. Furthermore, the development of global Islamic financial institutions could create a more cohesive approach to zakat regulation across borders, helping to bridge the gap between local zakat systems and international financial practices.

One of the most promising aspects of *siyasah syar'iyah* in zakat regulation is its emphasis on social justice and the protection of the public interest. The role of the state in ensuring that zakat reaches the right beneficiaries is critical in reducing poverty and promoting wealth redistribution. *Siyasah syar'iyah* recognizes the importance of government intervention in economic affairs to uphold fairness and prevent the exploitation of vulnerable populations. In this regard, zakat serves as a tool not only for redistributing wealth but also for ensuring that economic policies align with the broader goals of justice, equity, and social welfare.

Furthermore, *siyasah syar'iyah* provides a moral and ethical framework for governance that encourages accountability and transparency. These principles are essential in ensuring that zakat funds are used appropriately and efficiently. In countries where zakat systems are institutionalized, such as Malaysia and Saudi Arabia, the government plays an active role in overseeing zakat collection and distribution, which helps to mitigate issues of corruption and mismanagement. By applying the governance principles of *siyasah syar'iyah*, zakat can be regulated in a way that maximizes its impact on poverty alleviation and wealth redistribution. However, while zakat systems in some Islamic countries have succeeded in institutionalizing zakat, issues related to transparency, accountability, and the proper allocation of funds remain. The literature highlights that despite institutionalized zakat frameworks, some regions still struggle with inefficiencies in fund distribution, lack of coordination between agencies, and challenges in reaching marginalized communities. The study suggests that *siyasah syar'iyah* can play a crucial role in addressing these challenges by reinforcing the importance of ethical governance and encouraging reforms that improve the effectiveness of zakat systems.

The integration of Islamic constitutionalism with zakat regulation is also an important area of focus in the discussion. Islamic constitutionalism ensures that zakat regulations align with the broader goals of Islamic law, such as the protection of public welfare and the promotion of justice. By embedding zakat regulation within a constitutional framework, Islamic governance ensures that zakat becomes an integral part of the state's legal and economic systems. This constitutional approach helps to maintain the legitimacy and effectiveness of zakat as a tool for social justice, as it is viewed not just as a religious duty but also as a state responsibility.

Looking forward, the study suggests that greater innovation is needed to address the challenges of implementing zakat in the modern world. This includes exploring new ways to integrate *siyasah syar'iyah* with contemporary legal and financial systems. For instance, policymakers could work to establish stronger frameworks for zakat that combine traditional governance principles with modern financial tools. By doing so, zakat regulation can be adapted to meet the needs of today's globalized and increasingly digital economy, while still staying true to the ethical foundations of Islamic governance.

In conclusion, the application of *siyasah syar'iyah* in zakat regulation is essential for achieving the social and economic goals of Islamic governance. While challenges remain, especially in secular legal contexts and global financial systems, zakat remains a critical tool for promoting justice, wealth redistribution, and poverty alleviation. By fostering innovation and adapting zakat regulation to contemporary realities, Islamic governance can ensure that zakat continues to play a vital role in creating a more equitable and just global society.

CONCLUSION

This study concludes that *siyasah syar'iyah* plays a pivotal role in shaping and regulating zakat in Islamic economies, aligning zakat with broader goals of social justice, wealth redistribution, and poverty alleviation. By integrating Islamic governance principles into zakat regulation, *siyasah syar'iyah* provides a robust framework for ensuring that zakat serves not only as a religious obligation but also as a tool for addressing economic disparities within society. The research highlights the fundamental role of governance in regulating zakat to ensure that it is efficiently collected, transparently distributed, and effectively used to alleviate poverty, fulfilling its intended purpose of wealth redistribution.

Additionally, the study underscores the significance of Islamic constitutionalism in shaping zakat policies that align with the broader objectives of Shariah law, such as economic fairness and social welfare. The principles of *siyasaḥ syar'iyah* ensure that zakat regulation becomes a formalized process that contributes to economic justice within both local and global contexts. However, challenges persist in the modern application of these principles, particularly as legal systems in many countries are secularized and may not fully incorporate Shariah-based governance. The secularization of legal frameworks, coupled with the complexities of globalized financial systems, often complicates the effective implementation of zakat as a tool for equitable wealth distribution.

Finally, this research points to the need for innovative approaches that bridge the gap between traditional Islamic governance principles and contemporary legal and financial systems. To ensure the continued relevance and effectiveness of zakat in addressing modern economic challenges, it is essential to find ways to harmonize Islamic principles with modern governance structures. This can be achieved by exploring new mechanisms, such as leveraging digital platforms, enhancing transparency in zakat collection, and creating cross-border Islamic financial institutions. Through such innovations, zakat can be better integrated into the global economic system, allowing it to maintain its role as a key instrument in promoting social justice, alleviating poverty, and ensuring economic sustainability in the contemporary world.

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