

## THE ROLE OF ULAMA IN CRIMINAL POLICY FORMATION IN INDONESIA

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### Abstract

The role of ulama in the formation of criminal policy in Indonesia is a form of integration of religious values with the national legal system. As religious authorities, ulama have the responsibility to convey views based on the principles of justice, protection of victims, guidance of criminals, and crime prevention in line with spiritual approaches. Through their input to policymakers, ulama contribute to creating harmony between positive law and religious law. This approach aims to make criminal policy more acceptable to society and effective in combating crime. However, challenges arise in accommodating Indonesia's pluralistic socio-cultural diversity, which requires synergy between ulama, government and legal experts to create policies that are just, inclusive and in line with universal values. This study emphasises the importance of multidisciplinary collaboration for a legal system that is responsive to the aspirations of society.

**Keywords:** Role of Ulama, Formation, Criminal Policy, Indonesia.

### Introduction

Indonesia is a country with the largest Muslim population in the world, where religious values have a significant influence in the lives of its people. Ulama, as religious figures, play an important role not only in spiritual, but also in social and political aspects. They are often regarded as the guardians of morality and wisdom, and are respected figures in various communities.

Ulama is a term for individuals who have in-depth knowledge of the teachings of Islam, especially in the fields of the Qur'an, Hadith, Jurisprudence, and other Islamic sciences. The word "ulama" comes from the Arabic language, which is the plural form of the word '*alim*', meaning "people of knowledge". In Islam, ulama function as custodians, conveyors and interpreters of religious teachings to the community. They have a moral and intellectual responsibility to guide the ummah in understanding and practising the teachings of Islam correctly, in line with the times and social context (Bruinessen ., 2025)

The role of ulama is very diverse and goes beyond just the religious aspect. In society, they often act as teachers, advisors, mediators, and respected opinion leaders. In the modern world, ulama function not only to guide the ummah, but also play an

active role in various aspects of life, such as education, social, political, and economic (Nugroho & Pratiwi, 2020) . They are often involved in the formation of public policies, especially those related to moral and ethical issues, such as social justice, eradicating corruption, and alleviating poverty. With the great trust placed in them by society, ulama become an important bridge between the principles of Islamic teachings and the realities of everyday life (Fealy & White, 2023) .

In the context of criminal policy, the role of ulama is an interesting topic to discuss. Criminal policy in Indonesia does not only depend on laws enacted by the government, but is also influenced by social norms and religious values adopted by the majority of the population. Ulama are often asked for their views in policy formation, especially in matters relating to criminal law, such as family law, narcotics, and other criminal offences. They are often involved in various public discussion and consultation forums, as well as providing fatwas that can influence the application of law in society (Siregar, 2024) .

The role of ulama in shaping criminal policy has become increasingly important in recent decades, along with increased interaction between governments and religious organisations. Ulama can provide moral and ethical perspectives based on Islamic teachings that are relevant to issues of crime and law enforcement. Ulama are often involved in discussions or consultations to ensure policies are in line with the principles of justice and social benefit taught in Islam (Azra, 2022) . They can provide views on the importance of offender rehabilitation, protection of victims' rights, as well as crime prevention through moral and spiritual education. In addition, ulama play a role in educating the public about Islamic values that oppose all forms of criminality, so that policies taken are not only repressive but also preventive and acceptable to the wider community. Thus, ulama help ensure that criminal policies are not only effective in law enforcement, but also rooted in the principles of humanity and social justice (Raharjo, 2021) .

Therefore, policies born from the synergy between the government and the ulama are expected to provide solutions that are more comprehensive and in accordance with the values that live in society. However, despite the significant role of the ulama, there are various challenges faced in harmonising state law and religious law. Sometimes, the ulama's views can conflict with the principles of the prevailing positive law, thus requiring adjustments and constructive dialogue between the various parties (Anwar, 2020) .

It is important to understand how influential ulama are in the criminal policy formation process, the factors that influence their role, and the impact of their involvement on the substance and implementation of the policy. This research aims to explore the role of ulama in the formation of criminal policy in Indonesia, hoping to contribute to a better understanding of the interaction between religion and law in the context of a modern state.

## **Research Methods**

The study in this research uses the literature method. The literature research method is a scientific approach conducted by analysing, interpreting, and summarising various relevant sources of information, such as books, academic journals, articles, official documents, and digital sources. This research aims to gain an in-depth understanding of a particular topic based on existing data and theories without conducting direct data collection in the field (Kitchenham, 2004) ; (Snyder, 2019) . This method usually involves steps such as identification of the research problem, search and selection of relevant literature, content analysis of the sources, and drawing conclusions that support the research objectives. Literature research is often used to build theoretical frameworks, understand trends in previous research, and as a basis for further or empirical research (Paré & Trudel, 2007) .

## **Results and Discussion**

### **The Role of Ulama in Criminal Policy Formation in Indonesia**

The role of ulama in the formation of criminal policy in Indonesia is an inseparable aspect of efforts to build a just legal system. Ulama play a central role in providing moral and ethical perspectives derived from Islamic teachings, which have a significant influence on the social and cultural structure in Indonesia. Given that Indonesia is a country with the largest Muslim population in the world, the views of ulama are often an important element in formulating policies related to social life, including criminal policies (Hikam ., 2022)

Firstly, ulama serve as advisors to policymakers by offering views based on sharia principles relevant to crime and law enforcement issues. They provide ethical and moral input into policy, such as restorative justice, which focuses on rehabilitating offenders and healing victims rather than solely punishing offenders. This view is important so that the legal system is not only retributive but can also repair social relations damaged by criminal acts (Maarif, 2020) .

In addition, ulama play a role in shaping public opinion through da'wah and social dialogue. They have the capability to influence people's perceptions of what is considered criminal behaviour and how law enforcement should be conducted in a fair and humane manner. With effective communication skills, ulama can educate the public on Islamic values that reject all forms of criminality and promote harmonious social values (Hidayat & Nafis, 2023) .

Furthermore, ulama are also often the link between the state and society in advocating for preventive policies. They encourage the government to adopt policies that focus on education and prevention as an effort to reduce the propensity for criminal behaviour. Thus, the approach taken is more holistic, including the provision of educational facilities, improving welfare, and strengthening moral identity in society (Hafidz, 2024) .

In the legislative process, ulama take part in the form of active participation through religious organisations or institutions that represent the voice of the Muslim community. They review draft laws and make recommendations so that the resulting legal products can be accepted by all levels of society. This process includes intensive discussions with legislators and academics to ensure that policies are in line with sharia principles and social needs (Dhofier ., 2021)

On the other hand, ulama face complex challenges in order to improve the quality of criminal policies formulated. These challenges include differences in interpretation of religious texts and pressure from various parties with interests. Therefore, the presence of ulama who have integrity and broad insight is needed so that policy discussions remain objective and comprehensive (Syafei ., 2020)

Furthermore, ulama can also play a role in the socialisation and evaluation process of criminal policies after they are implemented. They can share their empirical experiences and provide feedback on the policy to enable future revisions or improvements. Ulama take an evaluation-based approach to ensure policies are not only effective in theory but also in daily social practice (Hasan, 2021) .

Overall, the role of ulama in the formation of criminal policy in Indonesia is not only as a provider of advice, but also as an integral part of the social system that serves to bridge religious values with public policy. Through collaboration between ulama, government and society, a legal system based on justice and humanity can be realised, promoting a safer and more orderly social environment.

### **Factors Affecting the Role of Clerics**

The role of the ulama is strongly influenced by their personal abilities. This includes the depth of religious knowledge, speaking skills, and the ability to convey messages that are relevant to the needs of the community. A cleric who has a deep understanding of the Qur'an, Hadith, and other Islamic knowledge will be more easily accepted by the people. In addition, character traits such as honesty, sincerity, and moral integrity are also important aspects in determining the extent to which ulama can have a positive influence on society (Salim, 2023) .

The level of education of a cleric also greatly influences the role they can play. In the modern era, mastery of technology is becoming increasingly important as clerics are required to be able to use the internet, social media and other digital platforms to deliver da'wah. Ulama who are able to adapt to modern technology tend to have a wider reach, especially among the younger generation. Conversely, those who are less open to this risk losing relevance in an ever-evolving society (Amin, 2020) .

The changing needs of society are one of the important factors in determining the role of ulama. In some contexts, the role of ulama is needed to build tolerance between religious communities and provide solutions to social problems. For example, in a multicultural society, ulama are expected to be able to enlighten the importance of

universal values such as justice, humanity and peace. Understanding these social dynamics will greatly affect the success of the ulama in playing their role (Rahmat, 2021).

The political conditions of a region also affect the position of a cleric. In some countries, ulama have great influence in political policy-making, while in others their role is limited by government regulations. A good relationship between the ulama and the government can create national stability, but on the other hand, the independence of the ulama is also important so that they can still speak the truth without political pressure. Therefore, the ability of ulama to maintain a balance between these two aspects is very important (Lukito ., 2020)

The media also plays an important role in determining the impact of a cleric in society. The presence of television, radio, and social media makes the messages conveyed by clerics can be spread more quickly and widely. However, clerics must also be careful in conveying their views through the media so as not to cause misunderstanding. Mastery of how to communicate effectively in the media greatly determines how much the message conveyed can be accepted by the audience (Mertokusumo & Ali, 2020).

The economic condition of the community often affects how much relevance the role of the ulama has in the lives of the people. In a society experiencing economic difficulties, the ulama are expected not only to be spiritual mentors but also to help with economic empowerment. By providing guidance on the importance of zakat, infaq and sadaqah, ulama can help reduce economic disparities in society, making themselves relevant amidst the challenges faced by the ummah (Mahfud, 2022).

Globalisation and modernisation bring great challenges to the ulama. People who are increasingly open to global views often adopt values that are not in line with Islamic teachings. In this context, ulama are required to provide enlightenment and alternative solutions without being rigid. The ability to explain Islamic teachings in a modern frame will help ulama remain relevant in the era of globalisation (Hamzah, 2022).

Lastly, the role of the ulama is also highly dependent on the level of public awareness about the importance of spiritual guidance. In a society that prioritises materialistic aspects, religious studies are often neglected. Therefore, clerics need to endeavour to improve people's understanding of the importance of the role of religion in daily life. In this regard, clerics who are able to build emotional closeness with the people tend to be more successful in fulfilling their role.

### **The Impact of Clerics' Role on Criminal Policy**

The role of ulama in social life, including in criminal policy, has a significant impact. As respected figures in society, ulama often serve as role models in conveying moral and religious values that shape people's views on good and bad. Their presence serves not only to build ethical awareness, but also to direct society towards norms that

are in accordance with religious teachings. In the context of criminal policy, ulama have an important role in providing spiritual and moral perspectives on issues of crime and punishment, so that the resulting criminal policies can be more based on human values (Haidar, 2024).

As pioneers of morality, ulama have a great influence in directing people away from criminal behaviour. Through lectures, sermons, or religious education, ulama are able to instil the values of honesty, responsibility, and integrity that are the basis for preventing crime. With this approach, the role of ulama in guiding the community can be considered as a form of non-repressive prevention of crime. In addition, ulama can also encourage the creation of an obedient legal culture, where people understand that the law is a tool to maintain justice and order (Kusuma, 2023).

The presence of clerics can also provide a more humane perspective on criminals. In the concept of restorative justice, which is gaining more attention in various countries, ulama can act as mediators between victims and perpetrators. Values such as forgiveness, rehabilitation and reconciliation are often aligned with their religious teachings. In this way, criminal policy can be orientated towards moral and social improvement rather than repressive punishment. Ulama can also reinforce a concept of justice that is not only legalistic, but also rooted in universal principles of justice (Santoso, 2021).

In addition, ulama play a role in providing direct input to criminal policy makers so that the regulations made reflect moral values and justice. They can participate in public discussions or consultations held by the government in policy-making. For example, in the case of passing laws relating to certain criminal offences, the views of ulama based on religious ethics are often one of the main considerations in the formation of rules. This shows that ulama are not only spiritual leaders, but also social actors capable of influencing public policy (Doi & Zein, 2020).

However, the contribution of ulama in criminal policy is not only positive. There are times when the overly conservative views of ulama may clash with modern legal principles such as human rights. For example, some ulama may support the application of laws that are deemed too harsh or incompatible with international agreements on the protection of human rights. In such circumstances, it is important for policymakers to maintain a balance between religious values and progressive legal principles, so that the resulting criminal policy remains fair and inclusive (Wijaya, 2022)

The role of ulama in criminal policy can also serve as a tie-breaker on sensitive issues. In certain cases, ulama can be the ones to reconcile conflicts that are prone to arise due to different views in society on how crime should be dealt with. They have the capacity to provide advice that appeases the various parties, so that criminal policies are not polarising. In addition, ulama have a strategic role in encouraging the community to support the peaceful implementation of criminal policies (Mudzhar ., 2021)

Ulama also contribute to the rehabilitation of offenders through religious education in correctional institutions. Many prisoner development programmes involve ulama to provide spiritual awareness to offenders, so that they can escape the cycle of criminality. This approach shows that criminal policies that receive a religious touch can have a positive impact on offenders and society at large. The spiritual factor brought by ulama can be a powerful tool to create deep change in offenders (Putri, 2025) .

Overall, the impact of the role of ulama in criminal policy is wide and varied. On the one hand, they contribute to building the moral culture of society and preventing crime through spiritual education. On the other hand, ulama also play an important role in providing input into criminal policy, encouraging conflict resolution, and supporting offender rehabilitation. However, there are also challenges in this role, especially when there are differences between modern legal principles and religious values. Therefore, a constructive dialogue between the ulama, the government, and society is needed to produce criminal policies that bring justice to all parties.

## **Conclusion**

The role of ulama in the formation of criminal policy in Indonesia has a significant impact, especially in ensuring that religious and moral values are absorbed into the national legal system. Ulama, as religious authority figures, provide views based on Islamic teachings, such as the principles of justice, protection of victims, as well as offender development in line with humanist values. Their views help shape policies that are not only orientated towards punishment, but also include social reform and rehabilitation.

In addition, ulama play a role in providing input to legislators and policy makers in the process of formulating criminal laws. They contribute to the harmonisation between positive law (state law) and religious law, so that any criminal policy produced can be accepted by the wider community, especially in a Muslim-majority country like Indonesia. The role of ulama can also be seen in public discussions, fatwas, and proposals that support crime prevention efforts through spiritual approaches and community education.

However, challenges remain in integrating the ulama's views with the modern pluralistic legal system, given that Indonesia is a multicultural country. The role of ulama must still pay attention to the context of the diversity of Indonesian society so that the policies formed are not discriminatory and remain in accordance with the principles of universal law. With the collaboration between ulama, legal experts, and the government, it is hoped that the criminal policy that is born can provide comprehensive and solutive justice for all levels of society.

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