

DYNAMICS OF SHARIA IMPLEMENTATION IN ENGLAND

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Abstract

Sharia is part of Islamic teachings or law. Sharia is implemented by every Muslim wherever he is, especially in England. The purpose of this thought paper is to describe the assumptions of British citizens and the Government towards sharia, discuss the conditions and factors of implementing sharia, and discuss the impact of sharia reform in England. This thought paper uses a qualitative research method with a literature study approach. This paper comes from an in-depth analysis of the data, documents, books, journals, and reports on sharia in the UK. The data is processed by analysis and interpretation to present a complete understanding of the study of sharia implementation. The results of this study of thought show that, slowly and gradually, the residents and the British Government recognize and respect the existence of sharia in England as a religion practiced by Muslims. Factors influencing implementation include the different distribution of the Muslim population in each region of England, immigrant Muslims still adhering to the original religious teachings of their country of origin, and the establishment of sharia institutions or boards to support the implementation of sharia in England.

Keywords: *Sharia, Islam, England, Implementation*

Abstract

Syariah adalah bagian dari ajaran atau hukum Islam. Syariah diterapkan oleh setiap muslim dimanapun dia berada, khususnya di Inggris. Tulisan pemikiran ini bertujuan untuk mendeskripsikan asumsi warga negara Inggris dan Pemerintah terhadap syariah, membahas kondisi dan faktor penerapan syariah, serta membahas dampak reformasi syariah di Inggris. Tulisan pemikiran ini menggunakan metode penelitian kualitatif dengan pendekatan studi literatur. Tulisan ini berasal dari analisis mendalam terhadap data, dokumen, buku, jurnal, dan laporan tentang syariah di Inggris. Data diolah dengan analisis dan interpretasi untuk menyajikan pemahaman yang utuh tentang kajian implementasi syariah. Hasil kajian pemikiran ini menunjukkan bahwa secara perlahan dan bertahap, penduduk dan Pemerintah Inggris mengakui dan menghormati keberadaan syariah di Inggris sebagai agama yang dianut oleh umat Islam. Faktor-faktor yang mempengaruhi implementasinya antara lain sebaran penduduk muslim yang berbeda di setiap wilayah Inggris, imigran muslim yang masih memegang teguh ajaran agama asli negara asalnya, dan berdirinya lembaga atau dewan syariah untuk mendukung penerapan syariah di Inggris.

Kata kunci: Syariah, Islam, Inggris, Implementasi

INTRODUCTION

Sharia is present to bring problems to people's lives. This problem is seen as a significant problem that undermines the order of norms built by British society-viewed as a foreigner's teaching that eliminates the function and role of law in force in England. This view needs to be straightened out, that sharia as Islamic teaching does not exist to cause damage. However, sharia is understood as the fundamental belief held by British Muslims. The perception is that each carries out religious activities according to what is believed. Thus,

sharia is present not to damage and bring problems but to beautify the values of civilization. The position of sharia is as a guide and benchmark for whether humans can live on the right path.¹

Negative assumptions about the development of sharia are hot topics that need to be addressed. A topic that British policymakers continuously discuss. This topic dwells on whether or not the recognition or permissibility of sharia is necessary to continue to develop over time. A lengthy discussion also took place, a tug of war about whether or not such acknowledgment was necessary. Negative assumptions tend to create negative experiences.² Furthermore, it will spontaneously spread to British society that sharia is not an alternative way of life that needs to be believed. The application of Sharia in the UK is growing, including in matters of marriage, divorce, and the formation of Sharia boards. Therefore, professionals unanimously recommend that British Muslims have a civil union to gain legal recognition, rights, and protection.³ Muslim household dispute resolution centers and forums offer Muslim clients family counseling, guidance, and dispute resolution services.⁴ Thus, the development of Sharia needs to be legalized by the British Government to continue to exist and run according to Islamic Sharia beliefs.

The British public's assumption of sharia has different views. The difference in views can be large-scale, namely friction between beliefs and understanding of religious teaching practices. On a small scale, there is rejection and discrimination against British Muslims, such as the case of Islamophobia. Differences of opinion also occur because no relationship forms a new concept of sharia. The new concept of sharia is presented with the conditions and needs of the British Muslim community. Thus, the substantial effort of British Muslim elements is to continue to provide complete and intact knowledge.

Views of sharia get a critical position in solving problems in society. The problem could come from British Muslims or local British citizens. If the problem originates from British Muslims, sharia institutions can provide advice and corrections for the future. If the problem originates from British society, then the sharia board can also remind that each party

¹ Rohidin, *Pengantar Hukum Islam: Dari Semenanjung Arabia Sampai Indonesia* (Lampung: Lintang Rasi Aksara Books, 2017).

² Subakti Hani et al., *Esensi Pembelajaran Pendidikan Era Revolusi Industri 4.0 Dan Society 5.0* (Medan: Yayasan Kita Menulis, 2022).

³ Islam Uddin, "Reformulation of Islamic Matrimonial Law: British Muslims, Contemporary Understandings and Normative Practices," *Journal of Muslim Minority Affairs* 40, no. 1 (2020): 6–25, <https://doi.org/10.1080/13602004.2020.1737413>.

⁴ Justin Jones, "Muslim Alternative Dispute Resolution: Tracing the Pathways of Islamic Legal Practice between South Asia and Contemporary Britain," *Journal of Muslim Minority Affairs* 40, no. 1 (2020): 48–66, <https://doi.org/10.1080/13602004.2020.1741170>.

can carry out its activities according to religious teachings. Thus, differences in understanding sharia do not mean that it always ends badly or is damaged, but differences will foster unity and unity within the state.

This paper's urgency outlines sharia's development in England, where the majority are not Muslim. As in England and Wales, preventing alcohol-related harm in nightlife settings is based on a multi-agency approach that often incorporates many individual components in a multi-component intervention. Because of the need for policy to inform the development of interventions to prevent the sale of alcohol to intoxicated customers—an increasing priority for the UK government and legislation in many countries.⁵ The development of sharia is experiencing exciting dynamics to be discussed and studied about the British Government's acceptance of sharia. In essence, this acceptance is also related to the acceptance of Islam in general. Muslim people become subjects and objects that are seen as a representation of sharia by the British Government. The development of sharia adds knowledge and references for the global Muslim community.

The purpose of this paper is to describe the views or assumptions of British citizens and the Government on sharia. It describes the institutions and communities that are engaged in providing support for the existence of sharia in the UK. This paper also reveals the condition of sharia implementation and its reforms. Therefore, the purpose of this paper is to provide information and in-depth studies on the implementation of sharia in England. Then, this paper provides benefits for readers to discover the acceptance of Islamic teachings in England. Because as a developed country, it will see its attention to religious experience, including the acceptance of other religions in England.

METHOD

Thinking essay uses a qualitative research method with a literature study approach. The research was conducted by collecting various documents related to the topics discussed. Literature study research tends to use a philosophical approach with the scope of data sources, data collection, and data analysis.⁶ Documents that are the source of research in this paper include related books, journals, and information taken from websites with scientific and academic authority.

⁵ Zara Quigg et al., "Drink Less Enjoy More: Effects of a Multi-Component Intervention on Improving Adherence to, and Knowledge of, Alcohol Legislation in a UK Nightlife Setting," *Society for The Study of Addiction* 113, no. 8 (2018): 1420–29, <https://doi.org/10.1111/add.14223>.

⁶ Taufiqur Rahman, *Model-Model Pembelajaran Dalam Penelitian Tindakan Kelas* (Semarang: CV. Pilar Nusantara, 2018).

The research subject in this paper discusses sharia and its development and implementation in England. The target is to study sharia as a fundamental part of the Islamic law that is permanent and absolute for every Muslim. The consistency of practice and experience of implementing sharia in England has become a benchmark or reference for implementing sharia elsewhere. The discussion on sharia in this paper is by sorting and selecting relevant reference sources and is analyzed in depth and described in a narrative that every reader quickly understands.

LITERATURE REVIEW

Relevant research on the theme of sharia discussion can be seen from several other researchers. Izzudin Washil, in his journal, describes the challenges of implementing sharia in a modern context and formulates a methodology for implementing sharia so that it can provide benefits to the broader community.⁷ Asep Supyadillah described that the application of the sharia concept experienced a plurality of understandings, schools of thought, sects, and groups that interpreted the sources of Islamic teachings. Examples of the countries he studied were Saudi Arabia, Pakistan, Iran, Afghanistan, Sudan, Malaysia, and Indonesia.⁸ Fauzan and Fata explained sharia's history, development, and implementation in four countries. They discussed and developed a model for the application of sharia to Saudi Arabia, Iran, Turkey, and Indonesia.⁹

Sa'adah outlines the importance of understanding sharia, Islamic law, and fiqh in a modern context. In particular, the modernization of family law is also discussed as a form of strengthening that Islam accepts modernization and not westernization, as a study in four countries; Egypt, Iraq, Iran, and Afghanistan.¹⁰ Mustori discussed sharia by looking at its implementation in ASEAN countries and described the differences in its implementation in three countries, Indonesia, Malaysia, and Brunei Darussalam.¹¹ The results of research on

⁷ Izzuddin Washil, "Syari'ah Dalam Konteks Negara Modern" 1, no. 1 (2016): 105–21, <https://doi.org/10.24235/mahkamah.v1i1.258>.

⁸ Supyadillah Asep, "Penerapan Syariah Dalam Konteks Negara Modern Di Dunia Islam," *Misykat Al-Anwar: Jurnal Kajian Islam Dan Masyarakat* 24, no. 2 (2016): 0–19, https://web.archive.org/web/20180421234719id_/http://jurnal.fai-umj.ac.id/index.php/MaA16/article/viewFile/9/11.

⁹ Pepen Irpan Fauzan and Ahmad Khoirul Fata, "Model Penerapan Syariah Dalam Negara Modern (Studi Kasus Arab Saudi, Iran, Turki, Dan Indonesia)," *Al-Manahij: Jurnal Kajian Hukum Islam* 12, no. 1 (2018): 51–70, <https://doi.org/10.24090/mnh.v12i1.1328>.

¹⁰ Mazro'atus Sa'adah, "Syariah Dalam Konteks Negara Modern Di Dunia Islam," *Dauliyah Journal* 3, no. 2 (2018): 203–26, <https://doi.org/10.21111/dauliyah.v3i2.2502>.

¹¹ Mustori, "Syari'ah Dalam Konteks Negara Modern Di Dunia Islam: Kajian Terhadap Perbedaan Model Penerapan Syari'ah Di ASEAN," *Liwaul Dakwah: Jurnal Kajian Dakwah Dan Masyarakat Islam* 11, no. 2 (2021): 47–65, <https://journal.iainlhokseumawe.ac.id/index.php/liwauldakwah/article/view/265>.

relevant thinking are different from this writing which looks at the development and dynamics of the implementation of sharia in England. The differences in the studies and locations of this writing are the differences in research gaps (novelty) in articles on sharia topics.

This paper describes the findings and discussion of sharia which is the author's in-depth study. Findings lead to the results of the discussion regarding the acceptance or rejection of sharia by the British Government. The exciting thing is that these findings and discussions will develop over time. Development is due to the object of discussion in this paper, sharia is part of the religious teachings that are adhered to, and its relevance is sought with changing times and generations. In other words, this paper helps present information in the form of learning solutions so that sharia can continue to exist anytime and anywhere.

RESULTS AND DISCUSSION

A. British views on sharia

England is a sovereign country and has a strong influence over other countries. England has the designation *United Kingdom of Great Britain and Northern Ireland*, which includes the regions of England, Wales, Scotland, and Northern Ireland. England, with a country area of 244,820 km², is also an island nation in the form of a constitutional kingdom.¹² According to the 2016 consensus, the UK has a population of over fifty million, three million Muslims.¹³ England, a Muslim minority, still places Sharia as an asset and supporter of the country's progress. However, dynamics will undoubtedly occur along the way.

Sharia is a legal provision in Islam. Integral law includes vertical aspects concerning God and horizontal aspects relating to others and the environment.¹⁴ Sharia can also be considered a collection of orders and laws related to belief (faith and worship) and social relations (muamalat), which Islam requires to be applied daily to benefit society.¹⁵ Sharia is an essential part of Islamic teachings, which is critical to implement worldwide. In particular, British Muslims adhere to Islamic teachings as the main character of Muslims wherever they are. The application of Islamic law in England can be

¹² Herland Franley Manulu, *Buku Referensi Kajian Wilayah Britania Raya Dan Pulau Irlandia - British Studies* (Jawa Tengah: CV Sarnu Untung, 2020).

¹³ Office for National Statistics, "Data and Analysis from Census 2021," 2021, <https://www.ons.gov.uk/>.

¹⁴ Nurhayati, "Memahami Konsep Syariah, Fikih, Hukum Dan Ushul Fikih," *JHES: Jurnal Hukum Ekonomi Syariah* 2, no. 2 (2018): 124–34, <https://doi.org/10.26618/j-hes.v2i2.1620>.

¹⁵ Muhammad Kholidul Adib, "Rekonstruksi Syariat: Pemikiran Muhammad Said Al-Asymawi," *Jurnal At-Taqaddun*, 2011, <https://doi.org/10.21580/at.v3i2.491>.

described as follows; 1) basic presumptions about sharia; 2) understanding of sharia; 3) control assumptions about sharia.

First, Basic presumptions about sharia. Professor John Bowen notes that several factors, including the geographical concentration of Muslims in certain places, have shaped the nature of British Islam. The maintenance of strong ties to their ancestral homeland and the reproduction of the many religious and political divisions found in England. The need for religious leaders to adapt their services and practices to meet local needs, laws, and state policy.¹⁶

The Muslim population in England is scattered in various places. Some of the populations are large, and some are small. Generally, the large Muslim population is the main factor that shows the development of Islam in England. Meanwhile, a small population always tries to refer to another place in terms of the development of Islam. The development of Islam is still being maintained, at least by the Muslim family itself. Thus, the geographical conditions that determine the Muslim population are not an obstacle to the existence of Islam in England.

The Government recognizes that the large Muslim population and widespread traditional Islamic practices are long-neglected social problems urgently needing improvement. Suggests that the Government, if it acts in the future, is likely to support a more interventionist strategy so that Islamic marriages can be controlled and put on a more formal footing.¹⁷

British Muslims steadfastly defend the religion they brought from their home country. He brought Islam, the same practice of Islam, to his country. Dominant Muslims in England come from Pakistan and Bangladesh. A Muslim-majority country whose citizens have migrated to various countries, one of which is England. Pakistani migration to UK, which was often permanent, preceded migration to Saudi Arabia, which was often more temporary.¹⁸ The linkage of the same religious understanding and practice continues to be maintained by Muslims in England. Maintaining strong ties to religion is a feature of Islam in Britain. Maintenance of religion with the linkage of the country of origin also applies to Muslims from other countries who live in England.

¹⁶ Patrick S Nash, "Sharia in England: The Marriage Law Solution," *Oxford Journal of Law and Religion* 6, no. 3 (2017): 523–43, <https://doi.org/10.1093/ojlr/rwx052>.

¹⁷ Nash.

¹⁸ Virginia L Lam and Tamara Cohen, "Attitudes toward and Inferred Beliefs for Religious Ingroup/Outgroup Members: Muslim Children of Pakistani Heritage in the United Kingdom and Saudi Arabia," *Mental Health, Religion & Culture* 23, no. 1 (2020): 38–53, <https://doi.org/10.1080/13674676.2019.1705266>.

Reproduction of various provisions of the application of Islamic law is carried out by the religious and political division of Muslim society in England. The application of these law provisions is illegal by nature under local English law. Even so, Muslim religious institutions in England are still trying to place Islamic law in the hearts of other Muslim citizens. In other words, the spirit of Islam must still uphold the values of Islamic teachings.

Religious leaders or Islamic institutions issue legal products to meet the demand for services for Muslims in the UK. The legal product is adapted to the local UK legal product. This adjustment is more like implementing Islamic law to continue while in England. One example is the implementation of Muslim marriages that continue to carry out according to Islamic law, efforts made by British Muslim leaders as a form of concern for the difficulty of implementing Islamic law in England. The services provided are intended to help Muslim citizens get the convenience of carrying out activities that intersect with Islamic law.

The need for the practice of Islam is the hope of Muslim citizens in England. The practice of carrying out religious law freely and easily. Freedom is understood as freedom without any negative assumptions. Even so, Muslim citizens still obey local laws that bind everyone in England without exception. The leaders of Islamic institutions in England champion this practice of Islam. The struggle was carried out to change the British Government's assumption or opinion that Islam existed, not to change existing laws. Thus, the hope of practicing Islamic teachings is the main agenda that needs to be introduced to its perceptions by the British Government.

Since 1970, the United Kingdom and Irish Muslim Organization (UMO) have tried to apply Islamic law binding on all Muslims in Britain without success and finally implemented "Islamic law" in the Islamic Consulate and Muslim court in 1982 (Muslim in the United Kingdom Court). The UK's first sharia court was established in Birmingham in 1982. There are now at least 85 sharia courts in the UK, and the consulate has issued 7,000 sharia decisions. At least five Muslim arbitration courts in the UK (Birmingham, Bradford, London, Manchester, and Nuneaton).¹⁹

¹⁹ Mutmainnah and Rahmawati, "Eksistensi Dan Reformasi Hukum Keluarga Islam Di Inggris," *DIKTUM: Jurnal Syariah Dan Hukum* 18, no. 2 (2020): 154–73, <https://doi.org/10.35905/diktum.v18i2.1519>.

Second, Understanding of Sharia. Published in December 2016, Dame Louise Casey's report on religion includes sections on 'Regressive Attitudes' among Muslims and a 'Religious Code'. It concludes that the sharia board undermines the rule of law in the UK by operating in a manner that is discriminatory, detrimental and undermines human rights. individual law.²⁰ Understanding of this sharia board spreads and influences residents, and the British Government has yet to entirely accept the existence of a sharia board that regulates Islamic teachings in England.

Discriminatory treatment, harm, and deprivation of individual rights are not characteristics of the face of sharia. Inadequate treatment is totally against the spirit and values of sharia. The view that sharia is the cause of lousy treatment gives a wrong impression to Muslims in Britain. This bad impression tends to bring various problems and unpleasant treatment. If explored further, the understanding still needs to be improved, resulting in miscommunication and misconceptions about sharia. Therefore, sharia needs to be understood as material for study, not as material for ridicule, because every religious teaching carries good values that fellow human beings should respect.

Casey flagged unregistered sharia marriages and polygamy among the Muslim community as matters of concern in Muslim groups. It is known to have lower rates of female employment, lower levels of English, and a lack of awareness of other civil rights.²¹ According to sharia, marriage brings many problems because some residents or the British Government only see it in passing and do not examine it more deeply. Sharia marriage for British Muslims is the best choice to legalize the relationship between a man and a woman to be legal according to Islamic teachings.

Polygamy is the target of weak sharia to be accepted by the British Government as permissibility to carry it out for Muslim citizens. Polygamy is the marriage of a husband with more than one wife.²² Polygamy brings many problems in the community because it can lead to quarrels, discrimination, and the neglect of rights in a family. Polygamy, as Islamic sharia, is only done for those with the will and ability. The sharia council allows polygamous marriage, which has undergone a series of education on this choice. Polygamy, interpreted in sharia, is not only a matter between two people, only husband, and wife. However, there are children, and there

²⁰ Nash, "Sharia in England: The Marriage Law Solution."

²¹ Nash.

²² Iffah Qanita Nailiya, *Poligami Berkah Atau Makruh* (Yogyakarta: DIVA Press, 2016).

are extended families that are taken into consideration. Thus, the implementation of sharia, including polygamy, can be explained to residents and the British Government.

The British Government has begun meeting with leading academics about reforming marriage laws as a critical part of the solution to unregistered marriages, sharia boards, and Muslim integration.²³ The meeting was a step towards positive change for the UK's acceptance of sharia for Muslims. Changes that make sharia a firm guideline for Muslim citizens to carry out their religious teachings safely and comfortably. The essence of sharia is not just mere rhetoric but also a focus on implementing it. Thus, sharia becomes more recognized and accepted by all groups, at least respecting British Muslim citizens who carry out sharia rules.

The meeting of the British Government has reformed various local laws. The reform is meant by acceptance and demand from the British Government for Muslim citizens who practice sharia. This means that every Muslim citizen can access all services the British public provides, for example, schools, laboratories, and further. Thus, sharia remains of the same value throughout life, and only in its implementation it needs adjustments to local legal experience.

Third, Control assumptions about sharia. Casey's report makes some telling points about where the Government's future intentions may differ. First, in the foreword, Casey identifies a concentrated population of 'Muslims of Pakistan and Bangladesh heritage' as subject to selective pressure and of particular concern to the Government regarding extremism. Extremism, meant by the assumption of British Muslim thought, makes local law not a critical concern to obey. Thoughts considered different from local English law need to be reviewed before accommodating them. Second, Casey highlights a problem identified by David Goodhart that transnational (usually between cousins) marriages between these communities effectively create the 'first generation in every generation.' That is the assumption of thought that is considered to disrupt the order of a family tree. Third, Casey is well aware that the integrity of the legal system can be undermined by Islamic groups implementing a 'religious code' that undermines equality, protection of rights, and the rule of law in England.²⁴

²³ Nash, "Sharia in England: The Marriage Law Solution."

²⁴ Nash.

Sharia is considered a problem that requires a significant overhaul. These improvements can be seen from internal factors and external factors. Internal factors began with improving the British Muslim and Sharia Council movement. This improvement can be started by holding intense communication with the British Government regarding the experience of sharia among British Muslims. Meanwhile, external factors start with studying sharia as a whole, not just assumptions without a study of reality. The British Government, in this case, needs to open up that Islam is a religion accepted by all nations, including that it is given the ease of carrying out sharia according to their beliefs.

The British Government has adopted sharia content in its implementation. This can be seen from the permissibility of British Muslims marrying according to sharia. Furthermore, it can be seen from the increasing number of mosques spread across England. Then it can be seen from the enthusiasm of the British Government to allow the application of Islamic banks as recognized financial institutions. It has been proven that British financial institutions implementing the sharia system are the primary choice for British citizens, not only Muslims, as they entrust their finances to institutions with an Islamic sharia system.

Control over sharia assumptions applies to sharia boards and British Muslim citizens. Control is carried out to maintain the stability and existence of sharia implementation in the UK. The sharia council, Islamic institutions, and British Muslims united to equate the movements and practices of providing education and information to the Government and residents that sharia is not the origin of the problem. Control is carried out to anticipate the occurrence of Islamophobia and discrimination against British Muslims. Vigilance in carrying out sharia in Muslim minority countries should be a common concern to strengthen, support, and share information mutually. Thus, control over sharia assumptions becomes essential in implementing Islamic values and practices in the UK.

B. Position of the UK Sharia Council

Sharia boards have been set up in the UK since the 80s mainly by mosques to provide Islamic legal advice to the Muslim population in the UK, mainly to deal with Islamic divorce. Every sharia board is different, and they have a size and a different look. People who work for sharia boards are generally volunteered from the community, including imams, clerics, and lawyers. Depending on who forms the council and who is

active in that field, different schools of Islamic law may also follow. There are no guidelines or regulations to adhere to, which means that each board may operate by a different procedure, with much inconsistency between shariah boards.²⁵

The Sharia Council is known to be deeply troubled in every way and has long been a catalyst for unproductive disputes over the compatibility of Islam with British society. This problem is considered by residents because there are differences in beliefs, religious practices, and the idea of sharia life. Those who share the same understanding as the sharia board support efforts to legalize sharia for British Muslims to carry out efficiently. Meanwhile, those at odds with the spirit of sharia reject the presence of new discourses and laws that differ from residents dominant beliefs.

The sharia board is seen as an agent of discord and is even said to be an unproductive institution. The assumption of being an agent of discord seems too much to be pinned on Islamic institutions in England. Likewise, it is only partially true that the sharia board is deemed to have failed in providing sharia products. The assumption built is more precisely regarded as the destruction of sharia identity for British Muslims. Thus, the sharia board is responsible for providing complete information about the urgency of the permissibility of implementing Islamic law.

Sharia councils formed in England have close links to mosques. However, there are two main differences between a mosque and a Sharia Council. Firstly, in contrast to mosques, sharia boards are not voluntary bodies. Hence such institutions are not subject to public body regulations, so they do not need to disclose details of their organizational structure or status. their finances. Second, many mosques in the UK are organized around ethnic and kinship allegiances that reflect the specific needs of various Muslim groups. Third, The Sharia Board in this study aims to meet the needs of all Muslims regardless of ethnic, racial, or national background.²⁶

The formation of the sharia board in England for four reasons; First, family problems in the Muslim tradition are deliberately left to extra-judicial regulations so that the community solves the problems. Second, Muslims do not recognize the authority and legitimacy of Western secular law and deliberately choose to settle disputes through sharia boards. Third, there is a sense of shame in discussing family disputes in public so that the matter is handed over to the shariah council, which has more significant potential and

²⁵ "Sharia Council UK," n.d., <https://shariacouncil.co.uk/sharia-council-factsheet/what-sharia-council/>.

²⁶ Mutmainnah and Rahmawati, "Eksistensi Dan Reformasi Hukum Keluarga Islam Di Inggris."

legitimacy in society. Fourth, the state has yet to recognize the law's legality other than the existing positive law, so an alternative dispute resolution process is used at the existing sharia board.²⁷

The Sharia Council expresses a desire to support Muslims in resolving family problems or conflicts within the framework of Islam.²⁸ This noble desire is based on the spirit of sharia which promotes mutual assistance in overcoming problems faced by fellow Muslims. Among the things that happen are family conflicts that sometimes take the path of divorce according to sharia. This matter becomes essential to maintain the conditions between separated couples regulated following sharia rules. Thus, a sharia board helps clarify the circumstances of a law to be decided and carried out by Muslim families in England.

The legal decision was taken from the results of 22 sharia boards, and only three operated outside the auspices of the mosque. A panel of scholars and volunteers generally supervises the administration of the sharia board. These tend to be closely affiliated with mosque committees. Sharia boards vary in size, structure, and type of advice provided. Sharia boards are generally part of broader community service and are not a distinct body separate from society.²⁹ Community services provided can be in the form of providing information and assistance on problems faced by British Muslims. Thus, the decisions and decrees issued by the sharia board are clear evidence of the implementation of sharia in the UK.

British Muslims need the existence of a sharia board. However, constraints remain on resources (including staff, space, and funds), limiting the services that can be offered³⁰. The role and function of the sharia board are needed to mediate problems and religious practices in British Muslim circles. Limited human resources are one of the weak factors in implementing the services provided. The ratio between those who need services and service providers needs to be balanced. Under these conditions, the main thing that needs to be done is to remain patient and continue to support the services provided by the sharia board fully.

²⁷ Mutmainnah and Rahmawati.

²⁸ S Nafees Bano, "An Exploratory Study of Shariah Councils in England with Respect to Family Law," 2012, 1–32, <https://eprints.soas.ac.uk/id/eprint/22075>.

²⁹ Bano.

³⁰ Bano.

C. Development of the British Muslim Community

Cambridge has a small but growing Muslim community with a relatively high Islamic education and literacy level.³¹ Community development can be seen from the quality and quantity aspects. The aspect of quality referred to is the personal development of British Muslims who are critical and sensitive to sharia. Personality development starts from the seriousness of learning and understanding the teachings of Islam. The quantity aspect in question is the development of the Muslim population in England. Muslim same-religion marriage is the main factor that is the goal of sharia and the needs of British Muslim citizens. Thus, Cambridge can be categorized as successful in forming a Muslim community with its sharia.

The British Muslim community is connected through Sufi networks to other communities in the UK and internationally.³² Networks and communications are maintained internally and externally by British Muslims. Internal communication is carried out to maintain information linkage and consistency in implementing sharia. External communication is carried out to hold interaction and deepen religious knowledge. Interactions built with outsiders open various discourses and sharia practices appropriately and conditionally in the UK. Thus, the relationships built with British Muslims, both internally and externally, had a significant influence on the existence of sharia in England.

Cambridge provides a place of worship for British Muslims. Facilities that British Muslims can use, both for study and worship. The place of worship is a vital sign of Cambridge's alignment with promoting a culture of high tolerance for humanity and not belittling and cornering sharia as the belief of Muslims. College culture, which has a distinctive English language, then the buildings and classes are converted to Islam with facilities for ablution, prayer rooms, and rooms divided explicitly into gender.³³

This culture occurred due to the influence of the founder and dean's vision, Timothy Winter, as Chair of Islamic Studies at Cambridge University's Faculty of Theology. He is known as Sheikh Abdal Hakim Murad, a well-known and respected British Islamic scholar. Many appeal to a sizable following in the British Muslim

³¹ Alyaa Ebbiary, "Re-Examining the Decline Narrative: Cambridge Muslim College and the Changing Face of Imam Training in Britain," in *Imams in Western Europe: Developments, Transformations, and Institutional Challenges* (Amsterdam University Press, 2018), 315–36, <https://doi.org/10.2307/j.ctv9hvqh1.20>.

³² Ebbiary.

³³ Ebbiary.

community and the world.³⁴ The character's concern and alignment with the condition of sharia is the best way to introduce Islam to many people. The more people who know the concept of sharia, the stronger its presence in England will be.

D. Sharia Reform in England

Sharia reform is a non-negotiable necessity because sharia plays a vital role in every human religious activity.³⁵ Sharia is still maximizing its legality in the UK. Although they are not considered part of the British legal system, Sharia boards seek to provide an alternative form of dispute resolution, whereby Muslim community members, sometimes voluntarily, often under considerable social pressure, accept jurisdiction over their religion, especially in matters of marriage and marriage-Islamic divorce, but also in matters relating to inheritance and Islamic commercial contracts.³⁶ The maximum effort made by British Muslim institutions, banks, universities, and citizens should be fully supported. This support is given to the increasing acceptance of sharia as an alternative way of life for humans. The negative assumptions that used to be so thick were due to the low educational efforts, but now these assumptions have turned positive.

British citizens have started to accept and become familiar with the words and practices of sharia. For example, the recognition of Islamic marriages occurring in England as void marriages (as the government was not advised that Islamic marriages should be treated as valid marriages or non-marital use would have been wrong given the limitations of the Marriage Act) could correct the inconsistencies made by Pt III of MFPA 1984. However, it would require statutory intervention to remove the limitations of the Marriage Act for courts to proceed in this manner.³⁷ Furthermore, the Sharia Home Office Review shows that financial protection for Muslim women who currently cannot seek assistance from family courts after these separations and divorces are essential. Then the UK allowed financial organizers to implement the Islamic system model. The UK wants to be the center of Islamic finance in Europe.³⁸ Thus, Sharia is starting to improve in the UK, so they always try to maintain the legality of Sharia in the UK.

³⁴ Ebbiary.

³⁵ Zulfadhli, "Rekonstruksi Penerapan Syari'at Islam Dan Tantangan Demokrasi Di Indonesia," *Turast: Jurnal Penelitian Dan Pengabdian* 3, no. 2 (2015): 165–10, <https://doi.org/10.15548/turast.v3i2.384>.

³⁶ Russell Sandberg and Frank Cranmer, "The Council of Europe and Sharia: An Unsatisfactory Resolution?," *Ecclesiastical Law Journal* 21, no. 2 (2019): 203–12.

³⁷ Miranda Fisher, Shabana Saleem, and Vishal Vora, "Islamic Marriages: Given the Independent Review into the Application of Sharia Law in England and Wales, What Is the Way Forward?," *Family Law Review*, (May), 2018, 552–57.

³⁸ Jatmika Sidik, *Aneka Teladan Pembangunan Politik Dunia Islam* (Yogyakarta: Samudra Biru, 2019).

The British Government has successfully used limited tax reforms to transform Islamic finance from an underground cottage industry into a regulated multi-billion pound commercial sector. This suggests that juridical results can be impressive in integrating some aspects of British Islam into the general framework of liberal law.³⁹ This success shows that the UK has accepted sharia as the practice of the financial system and taxation. Thus, sharia becomes one of the capital assets for the UK to improve the country's economy.

TheCityUK's 2019 Global Trends in Islamic finance and UK markets report, backed by international law firm Trowers & Hamlins, shows the UK was the leading Western center for Islamic finance, with Sharia-compliant assets in the UK totaling \$6bn (£4.7bn) in 2019. the year 2017⁴⁰ The number of institutions in the UK offering Islamic financial services (15) is estimated to be nearly double the number in the US and far ahead of the rest of the West. With five licensed Islamic banks and 72 registered Sukuk listed on the London Stock Exchange, the UK offers one of the most attractive regulatory and tax systems for Islamic finance anywhere in the world.

The report also shows that global Islamic banking assets reached \$1.7 trillion at the end of 2017, up 2.7% year-on-year. As a leading center for Islamic finance education and training, the UK is well-positioned to meet the growing global demand for skills in Islamic finance. Given its role as a global leader in FinTech, the UK is also in a leading position to capitalize on the emerging Islamic finance FinTech market. There were around 120 Islamic FinTech companies globally at the end of 2017, ranking second in the UK with 18 of them.⁴¹

Islamic banking assets are proof of the existence of sharia in the UK. The evidence is seen in the aspect of success in managing and increasing the UK's finances. With the implementation of the sharia system, the UK manages its banking system very well to generate high benefits. With the adoption of sharia as a basis for practice increasing the UK financial budget. This matter becomes important that sharia can be present from all lines of life. It is not limited to the legal norms of the worship experience but is also present in the field of muamalat, in this case, the regulation of state finances.

³⁹ Nash, "Sharia in England: The Marriage Law Solution."

⁴⁰ TheCityUK, Global Trends In Islamic Finance and The UK Market 2019, issued 2019, <https://www.thecityuk.com/media/labhlcea/global-trends-in-islamic-finance-and-the-uk-market-2019.pdf>.

⁴¹ TheCityUK.

Regarding the use of Islamic financial products can also refer to the Survey conducted by the Independent Research Company 2Europe on behalf of the Islamic Bank of Britain in August 2013. The 2Europe team interviewed 300 Muslim and non-Muslim consumers in the UK, showing that 66% of those surveyed feel Islamic finance suits modern western societies, such as the UK. 65% understand that the way Islamic banking works are different from the way conventional banking works. 60% agree that Islamic finance is relevant to all religions. 57% know that Islamic finance is a system in which banks pay profit rather than interest on savings products and charge non-interest rent on their home financing products. 58% consider Islamic finance an ethical financial system and consider the impact of its activities on society. 53% understand that Islamic finance is based on ethical principles derived from trading, entrepreneurship, and risk sharing.⁴²

Satisfaction surveys on Islamic banks implicitly show acceptance of Sharia as deposit money at the bank. This is equally important for Sharia in other fields, as described above in marriage, divorce, and the security of practicing religious belief. Thus, the assumptions or views about Sharia that occurred in England experienced a shift that was previously rejected. Some accept it half-heartedly. However, they are now open to accepting and even using the Sharia system in their lifeline.

CONCLUSION

Sharia is part of Islamic teachings that every Muslim must uphold. England, as a country with a minimum number of Muslim citizens, still accommodates Islamic interests (sharia) as an alternative to supporting British progress. Sharia that is present and in the process, of course, has a dynamic development which sometimes does not deny that there is neglect and even rejection from various parties who do not know Sharia in more depth. British Muslim citizens, the Muslim community, and the sharia council provide an introduction and education about sharia as a good teaching, not as a source of problems.

Other researchers can continue this paper to reveal various sharia reforms and paradigm shifts in Islam. For example, the development of knowledge received at the best British campuses with the presence of institutions and studies of Islamic studies. Besides that, it can also be seen from the aspect of education that continues to accommodate and accept Muslims in public schools. Furthermore, looking at the studies of Islamic figures who

⁴² 2Europe by Islamic Bank of Britain, "UK: Non-Muslims Think Islamic Finance Applies to All Faiths," Islamic Bank of Britain, 2013, <https://muslimvillage.com/2014/02/08/49785/uk-non-muslims-think-islamic-finance-applies-to-all-faiths/>.

received special awards from the Queen of England, such as the award for Prof. Dr. Azyumardi Azra, MA, as an Indonesian Muslim intellectual figure.

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