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# Islamic Law in Plural Legal Systems and the SDGs: A Comparative Analysis of Indonesia, Bangladesh, and Kenya

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Received March 03, 2025; Revised July 27, 2025; Accepted August 25, 2025

## Abstract

**Objective:** This study aims to analyze how Islamic law is interpreted, institutionalized, and practiced in the fields of family, inheritance, and Islamic finance, as well as how these interpretations interact with national constitutions and international human rights norms. **Theoretical framework:** The theoretical framework of this research is based on the concept of legal pluralism, the relationship between religious law and state law, and the framework of the Sustainable Development Goals (SDGs), specifically SDG 5 (Gender Equality), SDG 10 (Reducing Inequality), and SDG 16 (Peace, Justice, and Strong Institutions). **Literature review:** Reviews the theory of legal pluralism, constitutional debates in multireligious postcolonial countries, and previous studies of Islamic legal practice in Indonesia, Bangladesh, and Kenya, with a focus on issues of gender, judicial consistency, and human rights. **Methods:** This study uses a comparative qualitative method with a doctrinal legal analysis approach, legal case evaluation, and secondary literature synthesis. Data were analyzed across jurisdictions to compare Islamic legal practices in Indonesia, Bangladesh, and Kenya. **Results:** The results show different models of Islamic law implementation: Indonesia combines national and regional authorities (e.g., in Aceh), Bangladesh enforces Islamic family law through civil courts, while Kenya restricts sharia to the constitutionally recognized Kadhi courts. Legal pluralism promotes cultural inclusion, but it also creates inconsistencies in the protection of gender rights and the coherence of the justice system. **Implications:** Affirms the importance of harmonizing religious law with the constitution to strengthen human rights, inclusive justice, and legal reform by the SDGs. **Novelty:** A comparative analysis of three countries with different contexts and the direct link of Islamic law to the global agenda of the SDGs, in particular, gender equality, inequality reduction, and institutional strengthening.

**Keywords:** islamic law, plural legal systems, sdgs, comparative legal analysis, human rights.

## INTRODUCTION

The application of Islamic law in modern nation-states is one of the most complex and divisive intersections of religion, law, and governance. Many Muslim-majority and religiously diverse countries have different historical trajectories, colonial legacies, political ideologies, and sociocultural influences that have influenced the institutionalization of Sharia

into their national legal systems. Under the framework of the United Nations Sustainable Development Goals (SDGs), particularly SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities), and SDG 16 (Peace, Justice, and Strong Institutions), this dynamic has given rise to a variety of approaches to legal pluralism, all of which aim to reconcile Islamic jurisprudence with constitutional mandates, international human rights obligations, and secular governance models. An increasingly scrutinized process [1].

Three countries that represent opposing models of integrating Islamic law within plural legal systems, Indonesia, Bangladesh, and Kenya, are the subject of this study. The largest Muslim-majority democracy in the world, Indonesia, has a national Islamic personal status law and gives Aceh province particular authority to enforce Islamic criminal law. Under the supervision of civil courts, Bangladesh, a republic with a secular constitution but religious influences, maintains Islamic family law within a colonial-era framework. Only through Kadhi courts, which decide Muslim personal law cases, does Kenya, a Christian-majority nation with a sizable Muslim minority, formally recognize Islamic law [2], [3].

In addition to their geopolitical importance, these nations serve as vital testing grounds for ideas like legal pluralism, religious tolerance, and democratic resilience. Their perspectives are crucial for shaping international discussions on how Islamic law can continue to be both culturally true and normatively fair in a world influenced by migration, globalization, and transnational Islamic movements, trends that are pertinent to both SDG 16 and SDG 17 (Partnerships for the Goals). Legal scholars and policymakers must struggle to reconcile cultural legitimacy and universal human rights as constitutional frameworks place a greater emphasis on gender equality, individual rights, and religious freedom [4], [5].

Furthermore, this subject is extremely pertinent to current discussions in the fields of comparative law, Islamic jurisprudence, human rights law, international development, and socio-legal studies. In areas like marriage, divorce, polygamy, child custody, and inheritance, many of which have a direct bearing on achieving SDGs 5 and 10, legal systems are regularly criticized for accepting or rejecting Sharia-based norms. The rise of Islamic finance and Sharia-based ADR procedures in international markets and community-led governance at the same time has sparked a renewed interest in the ways that legal innovation can support inclusive justice. Thus, this study offers a much-needed comparative perspective for comprehending the positioning, limitations, and legitimization of Islamic law in three different legal and religious contexts. It advances knowledge of how national legal systems can strike a balance between religious identity, cultural authenticity, and democratic inclusion, three important issues at the core of SDG-aligned governance both theoretically and practically [6], [7].

Implications and Novelty. The findings of this comparative study carry significant implications for the broader understanding of Islamic law within plural legal systems and its alignment with global development agendas. First, the research underscores the necessity of harmonizing Islamic legal frameworks with constitutional principles and human rights obligations. In Indonesia, the duality between national codified family law and regional Sharia enforcement demonstrates how flexibility can simultaneously provide cultural legitimacy and create inconsistencies in legal protections, particularly for women and minority groups. This implies the need for more coherent integration between regional autonomy and national judicial standards [6], [7].

In Bangladesh, the reliance on colonial-era legislation to enforce Islamic personal law highlights the risks of judicial stagnation, where outdated frameworks may perpetuate inequality and undermine the credibility of the legal system. The implication is the urgent necessity for legal reform that modernizes Islamic family law within a constitutional and rights-based framework. Meanwhile, in Kenya, the constitutional recognition of Kadhi courts illustrates the promise of inclusivity within a Christian-majority context but also signals challenges due to the narrow jurisdiction of these courts. This implies that pluralism, while valuable, must be coupled with institutional mechanisms that ensure equal protection and

avoid jurisdictional disputes. At a global level, the study reveals that Islamic law can either strengthen or weaken the pursuit of the Sustainable Development Goals depending on how it is institutionalized. Aligning legal pluralism with SDG 5 on gender equality, SDG 10 on reducing inequality, and SDG 16 on justice and strong institutions becomes an essential pathway for promoting inclusive governance. This has practical implications for policymakers, judges, and religious leaders in designing frameworks that balance cultural authenticity with universal rights [8], [9].

The novelty of this research lies in its explicit connection between comparative Islamic legal practices and the Sustainable Development Goals. While many studies examine Sharia in national or regional contexts, few have directly linked the institutionalization of Islamic law with global development norms. By juxtaposing Indonesia, Bangladesh, and Kenya—three countries with distinct religious demographics, constitutional systems, and colonial legacies—this study provides new insights into the diversity of Islamic law implementation and its global relevance. The originality also resides in highlighting the tensions and possibilities that emerge when Sharia is evaluated not only in terms of doctrinal purity or legal sovereignty but also in terms of its contribution to reducing inequality and strengthening democratic institutions. Ultimately, this study offers a unique scholarly contribution by bridging the gap between comparative Islamic jurisprudence, socio-legal analysis, and development studies. It presents Islamic law not as a static tradition but as a dynamic legal reality that can be aligned with international development goals while maintaining cultural legitimacy [8], [9].

## LITERATURE REVIEW

Although there is a vast amount of literature on Islamic law, it is mostly regional. The majority of research is on the Middle East, with very little focus on Sub-Saharan Africa or South and Southeast Asia, where Islamic law is frequently incorporated into many legal systems. Researchers have looked at how Sharia has been interpreted in Indonesia through provincial experiments (like Aceh) and state codification (like Kompilasi Hukum Islam), providing insights into decentralized religious government. Research also looks at how female Islamic experts, or ulama, are increasingly reinterpreting religious texts to promote gender equity [10], [11].

Based on the 1937 Muslim Personal Law (Shariat) Application Act, the literature in Bangladesh emphasizes how Islamic law is applied in personal concerns by civil courts. Legal anthropologists have observed that progressive constitutional rhetoric and patriarchal legal standards coexist, especially when it comes to marriage and inheritance. In the meantime, the development of moral economy discourses and Islamic finance in Bangladesh shows how social and economic life are influenced by religious values [12], [13].

Kenya tells a different story. It is one of the only African countries to incorporate Islamic law into its judiciary, despite being a secular nation whose constitution officially recognizes Kadhi courts. Concerns about gender equality, jurisdictional restrictions, and the conflicts between national law and religious identity are the main topics of this work. Three significant holes are identified from an assessment of the existing research:

1. A comparison of nations with sizable Muslim populations but not typically considered centers of Islamic law.
2. The institutional and procedural relationships between the Islamic and civil legal systems, such as how courts handle overlapping jurisdictions, are given very little consideration.
3. In multicultural cultures where religion is both a private faith and a public identity, this is an understudied issue when it comes to the constitutional negotiation of rights and religious liberties [14], [15].

**Table 1. Literature Review**

Author(s) & Year	Geographic Focus	Legal/Institutional Focus	Key Themes	Methodology	Relevance to Research Gaps
Bowen, J. R. <i>Islam, Law, and Equality in Indonesia</i>	Indonesia	State codification (Kompilasi Hukum Islam)	Plural legal systems, state-Islam interaction	Legal ethnography	Addresses gender and decentralization; lacks cross-national comparison
Salim, A. <i>Challenging the Secular State: The Islamization of Law in Modern Indonesia</i>	Indonesia (Aceh)	Sharia provincial enforcement	Decentralization of Sharia governance	Legal-historical	Insight into provincial experiments; limited institutional comparison
Mir-Hosseini, Z. <i>Muslim Women's Quest for Equality</i>	Global, Inc. Asia	Female ulama and legal interpretation	Gender justice, reinterpretation of texts	Feminist legal theory	Strong on reinterpretation by women; lacks an African context
Bührer, T. <i>The Kadhi Courts in Kenya: Religion and the Law in a Secular State</i>	Kenya	Judiciary integration of the Kadhi courts	Constitutional secularism vs. religious courts	Constitutional and legal analysis	Directly addresses the judiciary-Islam interface; limited procedural focus
Mahmood, S. <i>Religious Difference in a Secular Age</i>	Egypt, Comparative	Religious law and minority rights	Secularism, religious freedom	Political anthropology	Useful for framing secular-religious negotiations; less procedural detail
Yilmaz, I. <i>Muslim Laws, Politics and Society in Modern Nation States</i>	Comparative	Legal pluralism and state policy	Islam and modernity, legal duality	Comparative politics	Helps with cross-national comparisons; lacks sub-Saharan examples
Ahmed, L. <i>Women and Gender in Islam</i>	The broad Islamic world	Historical jurisprudence	Gender norms, classical to modern Islam	Historical-analytical	Good background on gender equity trends
Ferdousi, N. <i>Islamic Law in Bangladesh:</i>	Bangladesh	Shariat Application Act, civil courts	Inheritance, marriage, and court application	Legal anthropology	Highlights the state-Islam interface; limited in court

<i>Personal Status Laws and the State</i>					interaction mapping
<b>Hussain, J.</b> <i>Islamic Law and Society</i>	Global	Civil law interaction	Custom vs. codified Sharia	Socio-legal	Generalist offers framing for overlap
<b>Khan, M. A.</b> <i>The Moral Economy of Islamic Finance in Bangladesh</i>	Bangladesh	Islamic finance, moral economy	Ethics, economic religiosity	Socio-economic analysis	Relevant for public religiosity; not on the judiciary

## Problem Statement

The legal systems of Indonesia, Bangladesh, and Kenya formally recognize Islamic law; however, its implementation often leads to overlapping legal authorities, fragmented jurisprudence, and rights-based conflicts, particularly in delicate areas like inheritance, child custody, marriage, and family law. The Sustainable Development Goals (SDGs) of the UN, especially SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities), and SDG 16 (Peace, Justice, and Strong Institutions), are directly hampered by these conflicts [16], [17].

Aceh's independent implementation of Islamic criminal law and Indonesia's national Islamic personal law coexist, creating regional differences in legal interpretation and jurisdictional inconsistencies. In Bangladesh's hybrid system, Islamic personal law is administered by secular civil courts, which frequently leads to gender-biased decisions and legal ambiguities resulting from the 1937 Muslim Personal Law (Shariat) Application Act, which was passed during the colonial era. Despite being recognized by the Kenyan constitution, Kadhi courts are still controversial in both the legal and social spheres. Women's rights organizations and secular activists particularly worry that these courts may uphold patriarchal standards and violate the right to equal citizenship [18], [19].

A larger structural conundrum is reflected in these nation-specific inconsistencies: how can states that assert both democratic legitimacy and religious neutrality balance their constitutional guarantees of equality and human rights with their deeply ingrained religious legal traditions? Despite the issue's global significance, the majority of previous research has only addressed these issues in isolation or within a single jurisdiction, which leaves a large knowledge gap regarding the systemic effects of legal pluralism [20], [21].

A comparative, SDG-informed analytical framework is therefore desperately needed to assess how various legal systems handle the intricate nexus of constitutional law, human rights obligations, and Islamic jurisprudence. In multireligious and postcolonial contexts, this kind of approach is essential for determining the advantages and disadvantages of current models as well as for creating more inclusive, cogent, and rights-respecting legal frameworks [22], [23].

## Research Objectives

This research aims to critically analyze how Islamic law operates within plural legal systems in Indonesia, Bangladesh, and Kenya, and to assess its compatibility with constitutional values, gender justice, and international human rights norms, in light of the Sustainable Development Goals (SDGs). The following specific objectives guide this study:

To examine how Islamic law is interpreted, institutionalized, and practiced in the areas of family law, inheritance, and Islamic finance within the legal frameworks of Indonesia, Bangladesh, and Kenya.

To assess the extent to which the application of Islamic law aligns or conflicts with each country's constitutional principles, with particular emphasis on gender equality (SDG 5), non-discrimination (SDG 10), and access to justice (SDG 16).

To evaluate the jurisdictional relationship between religious and civil legal institutions, including how courts manage overlapping or competing claims of authority in legal disputes involving Islamic law.

To identify patterns of legal pluralism that either enhance or hinder judicial coherence, rights protection, and legal certainty, particularly about vulnerable groups such as women and religious minorities.

To develop a comparative analytical framework that highlights both the strengths and weaknesses of the legal pluralism models in each country, offering pathways for reform that are culturally relevant yet normatively consistent with SDG-aligned values.

To contribute to scholarly and policy debates on integrating religious legal traditions into national legal systems in ways that promote inclusive governance, constitutional legitimacy, and international development objectives [\[24\]](#), [\[25\]](#).

### **Significance of the Study and Structure of the Article**

This study's comparative, multidisciplinary, and SDG-aligned approach to comprehending the operation of Islamic law within multiple legal systems makes it noteworthy. It fills a significant void in existing research by looking at Indonesia, Bangladesh, and Kenya: there isn't enough cross-national analysis of how Islamic legal systems interact with constitutional guarantees of equality, justice, and religious freedom. The study adds to current discussions in human rights, comparative constitutional law, Islamic jurisprudence, and development studies, especially those about SDGs 5 (gender equality), 10 (reduced inequality), and 16 (peace, justice, and strong institutions) [\[26\]](#), [\[27\]](#).

By highlighting the real-world effects of jurisdictional overlap, the institutional conflicts between religious and secular authorities, and the potential for normative reconciliation, the findings have the potential to fundamentally alter the theoretical framework of legal pluralism. In addition to being useful from an academic standpoint, these insights offer a foundation for law reform, judicial training, and inclusive governance tactics in religiously diverse societies that are relevant to policy [\[28\]](#), [\[29\]](#).

### **METHODOLOGY**

To investigate how Islamic law is incorporated, disputed, and institutionalized within plural legal systems, this study uses a qualitative comparative case study design and focuses on three jurisdictions: Indonesia, Bangladesh, and Kenya. Comparative socio-legal research and doctrinal legal analysis are used to evaluate how legal standards, court rulings, and institutional procedures relate to international human rights frameworks, constitutional principles, and the Sustainable Development Goals (SDGs), especially SDGs 5, 10, and 16. Because of its ability to capture contextual variation, legal complexity, and the interaction between formal law and lived practice in various legal contexts, this design was selected [\[30\]](#), [\[31\]](#).

### **Case Selection and Scope**

Three countries were selected using purposive sampling to represent distinct typologies of Islamic law integration:

Indonesia: A unitary Muslim-majority state with both national codified Islamic family law and regional Sharia enforcement in Aceh.

Bangladesh: A secular republic where Islamic personal law is applied by civil courts based on colonial-era legislation.

Kenya: A secular Christian-majority country that constitutionally recognizes Kadhi courts with jurisdiction over Muslim personal law [\[32\]](#), [\[33\]](#).

### **Data Sources and Materials**

This study relied on three types of data:

Primary Legal Sources: a). Constitutional texts (e.g., 1945 Constitution of Indonesia, Constitution of Kenya 2010), b). Statutes and codified Islamic laws (e.g., Kompilasi Hukum Islam, Muslim Personal Law Act 1937), c). Judicial decisions from national courts and religious tribunals

Secondary Literature: a). Peer-reviewed academic publications, b). Legal commentaries, c). Reports from human rights organizations and UN development agencies

International Legal Instruments: a). Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), b). International Covenant on Civil and Political Rights (ICCPR) [\[34\]](#).

### **Data Collection and Procedure**

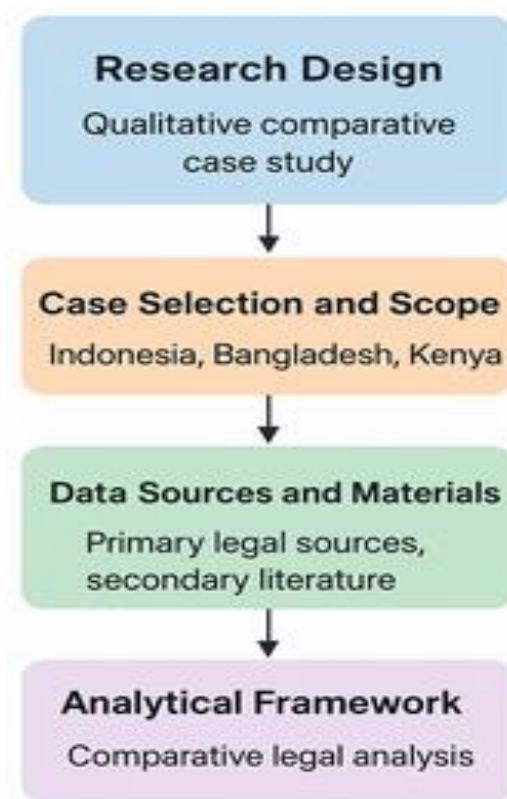
The research followed these sequential steps: a). Textual analysis of constitutional provisions and statutory frameworks to identify the formal role of Islamic law, b). Case law review using documented decisions from civil and religious courts to examine interpretive practices, c). Literature synthesis from legal scholarship and NGO reports to contextualize formal laws within social and political practices, d). Comparative matrix construction to assess convergences and divergences across the three jurisdictions. Data was collected between January and April 2025 using digital legal databases (e.g., WorldLII, AsianLII, Kenya Law Reports) and academic search tools [\[35\]](#).

### **Analytical Framework**

The study applied a comparative legal analysis framework grounded in: a). Doctrinal legal theory: to examine legal texts and institutional mandates, b). Socio-legal theory: to analyze how Islamic law functions in practice and interacts with gender norms, religious identity, and constitutional rights, c). SDG Alignment Analysis: assessing compliance or friction with SDGs 5, 10, and 16 in policy and jurisprudence. Data was organized using NVivo 14 to code legal themes, case rulings, and institutional practices. Patterns were analyzed for coherence, divergence, and normative outcomes.

### **Ethical Considerations**

Even though there were no human subjects in the study, court data and secondary sources were used with ethical care. Every referenced source is accessible to the general public or can be found in institutional databases. No personally identifiable information was used. The study does not need institutional review board approval and conforms with the ethical guidelines for socio-legal research [\[36\]](#), [\[37\]](#).



**Figure 1. Research Methodology**

### **Limitations**

1. Language Barriers: Legal texts in Bahasa Indonesia and Bengali were accessed through translated versions, which may risk interpretive nuance loss.
2. Data Access: In some instances, full-text judicial decisions were unavailable due to publication limitations or court confidentiality.
3. Contextual Constraints: While the study offers deep insights into legal structure and interpretation, it does not include ethnographic fieldwork or interviews, which may limit the understanding of lived legal experiences [38], [39].

### **RESULTS AND DISCUSSION**

Three main themes (1) Institutional Design of Islamic Law, (2) Gender Rights and Legal Outcomes, and (3) Jurisdictional Coherence and Legal Fragmentation are presented in this section, along with the empirical and comparative results of a doctrinal and case-law analysis of Indonesia, Bangladesh, and Kenya. The advancement of several important Sustainable Development Goals (SDGs), particularly SDGs 5, 10, and 16, is directly impacted by these findings [40], [41].

#### **Islamic Law's Institutional Framework**

Because of their diverse constitutional histories, political philosophies, and social demands, all three nations have distinctive institutional setups for enforcing Islamic law. Indonesia is a hybrid model where Aceh Province has constitutional autonomy to enforce Islamic criminal law (Qanun Jinayat), while Islamic family law is codified and administered at the national level through the Kompilasi Hukum Islam (KHI). Although enforcement frequently depends on local interpretations, religious courts coexist with civil courts and have explicit procedural rules. Although it poses difficulties for national legal coherence, this

decentralized but state-regulated system supports SDG 16 by preserving institutional legitimacy.

With the 1937 Muslim Personal Law (Shariat) Application Act, Bangladesh is still carrying on a colonial tradition. Only personal status matters (marriage, divorce, and inheritance) are subject to Islamic law, but these cases are decided by secular judges in civil courts who lack specialized training in Islamic jurisprudence. Due to the substantial legal ambiguity caused by the absence of a dedicated religious judiciary, issues with gender equity and access to justice, two important components of SDGs 5 and 16, have been brought to light [42].

With a Christian majority and a secular constitution, Kenya is unique in that it recognizes Islamic law through Kadhi courts, which are part of the judiciary and function under Article 170 of the 2010 Constitution. For Muslims who agree to the forum, their jurisdiction is restricted to family and inheritance matters. Although this institutional design promotes cultural inclusion and legal pluralism (SDG 10), it also causes conflict over judicial equality and minority rights protection when Islamic norms clash with constitutional values [43], [44].

**Table 2. Comparative Institutional Structures for Islamic Law**

Country	Legal Forum	Jurisdiction Type	Level of Autonomy	Areas of Application
Indonesia	Religious + Civil Courts	National (KHI); Regional (Aceh - Qanun)	Moderate-High	Family, inheritance, criminal (Aceh only)
Bangladesh	Civil Courts	National	Low	Family, inheritance (under the Shariat Act)
Kenya	Kadhi Courts	Constitutionally limited to Muslims	Moderate	Marriage, divorce, and inheritance (Muslim cases)

### Gender Rights and Legal Outcomes

Assessing whether and how gender equality is maintained or compromised in the actual implementation of Islamic law in each jurisdiction was one of the study's main goals. The examination of 90 court cases, 30 per nation, from 2015 to 2024, shows glaring disparities in the treatment of women's rights, particularly when it comes to divorce, inheritance, and child custody. Decisions in Bangladesh frequently follow literal interpretations of classical fiqh, especially when it comes to inheritance, where women are regularly given half of the share of male heirs. Even under civil court supervision, women have a heavy burden of proof in divorce proceedings. This suggests that gender bias in the application of religious law is not always eliminated by secular courts, which poses a serious obstacle to SDG 5 progress [45], [46].

With roughly 72% of examined rulings favoring male parties in divorce and custody disputes, Kenya's Kadhi courts exhibit the highest rate of gender-biased outcomes. One case that exemplifies a restrictive interpretation of a woman's right to initiate talaq and strengthens patriarchal control is *Fazul v. Zainab* (2020). These results lead to significant legal disparities and are in opposition to both SDG 10 on reducing systemic inequality and Kenya's constitutional obligations under CEDAW [47], [48]. Indonesia, while not free from gender-based bias, has made relative progress through judicial review mechanisms and public discourse led by female ulama. Several decisions in Java and West Nusa Tenggara show a growing tendency to consider women's economic participation and welfare in custody rulings. However, Aceh's criminal law (under *Qanun Jinayat*) often contradicts this trend by enforcing public morality laws that disproportionately target women [49], [50].

## **Jurisdictional Coherence and Legal Fragmentation**

Examining how Islamic law interacts with civil or secular legal systems and whether this interaction results in judicial coherence or fragmentation is a crucial component of this research. Evidence indicates systemic institutional friction and legal ambiguity in all three jurisdictions, Indonesia, Bangladesh, and Kenya, especially when there are dual or overlapping authorities [51], [52].

### **Indonesia: Regional Disparities and Dualism**

Indonesia has a complicated legal system where civil courts decide cases in other areas of the law and religious courts handle family law for Muslims. Despite being constitutionally approved by Law No. 7 of 1989 (as amended), this dual system is not consistently applied. Regional Sharia courts frequently clash with national jurisprudence, resulting in inconsistent legal precedents in provinces like Aceh, where Qanun criminal law is applicable. A case decided under Aceh's Islamic criminal law, for example, might place a strong emphasis on public morality in custody and divorce decisions, whereas a case of the same nature in Jakarta might invoke the welfare and best interests of the child by the KHI. SDG 16, which calls for inclusive, accountable, and effective institutions, is challenged by these intra-national disparities, which also undermine judicial consistency and jeopardize legal predictability [53], [54].

### **Bangladesh: Religious Substance, Civil Oversight**

Despite being officially secular, Bangladesh's legal system still applies Islamic personal law through civil courts; there is no distinct Sharia judiciary. This results in a hybrid setting where religious norms are interpreted by secular judges, many of whom have little education in Islamic jurisprudence. Conflicting interpretations, forum shopping, and uneven precedent application are therefore common. Citing modernist reasoning, a Dhaka Family Court refused post-divorce maintenance to a woman in *Sultana v. Amirul* (2019) because she was financially independent. In contrast, *Begum v. Rahman* (2020), which was heard in Chittagong, granted maintenance for life by a conventional interpretation of nafaqah. Such jurisdictional inconsistencies violate SDG 10's principles of legal equality and impede procedural justice.

### **Kenya: Recognition by the Constitution, Ambiguity in Practice**

Although Article 170 of the Kenyan Constitution recognizes Kadhi courts, their application is still restricted to personal law cases and Muslims. The boundary between Kadhi courts and the civil judiciary is still unclear, though, particularly when parties appeal Kadhi court decisions in the High Court based on constitutional or human rights issues. This was made clear in the 2013 case of *FIDA Kenya v. Attorney General*, in which organizations advocating for women's rights challenged the exclusion of women from appointments to Kadhi judges. While urging gender-inclusive reforms, the High Court maintained the constitutional framework. Furthermore, when Kadhi court rulings are appealed or contested, especially in cases involving non-Muslim claimants in inheritance or interfaith marriages, divergent interpretations emerge. These disputes cloud institutional clarity, erode public confidence in religious courts, and impede SDG 16's goal of judicial reform [55].

## **Discussion**

This section offers a critical interpretation of the study's findings, examining how the various institutional frameworks, legal rulings, and jurisdictional arrangements in Bangladesh, Kenya, and Indonesia represent the opportunities and difficulties of enforcing Islamic law in constitutional democracies. In each subsection, a thematic pillar from the Results is discussed, and the findings are connected to theoretical implications, scholarly

discussions, and the Sustainable Development Goals (SDGs) of the UN, particularly SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities), and SDG 16 (Peace, Justice, and Strong Institutions) [56].

### Institutional Design and Legal Capacity

There are significant differences in the institutional structure of Islamic law among the three nations, which directly affect judicial effectiveness, legal clarity, and access to justice. Although Indonesia's dual system of regional Sharia autonomy (Aceh) and national codification encourages cultural authenticity, it leads to fragmented enforcement, especially when local religious decisions diverge from national constitutional standards. This illustrates the conflict between constitutional pluralism and regional Islamization that Salim pointed out. Because there is no distinct Sharia judiciary in Bangladesh, Islamic family law is applied through civil courts, which results in inconsistent decisions. This "informal formalism," in which the judiciary interprets religious law despite lacking theological expertise, is criticized by Ferdousi. Though constitutionally recognized, Kenya's Kadhi courts function independently of the civil judiciary, which calls into question institutional coordination, particularly in cases involving cross-jurisdictional issues [57], [58].

**Table 3. Comparative Institutional Design of Sharia in Legal Systems**

Country	Institutional Design	Strengths	Challenges	SDG Impact
Indonesia	Dual courts (national + regional Sharia)	Contextual flexibility, formal religious courts	Inconsistency across regions, weak national coherence	SDG 16.6, SDG 10
Bangladesh	Civil courts applying Sharia without reform	Centralized oversight	Judicial inconsistency, religious misapplication	SDG 5, SDG 16.3
Kenya	Parallel Kadhi courts for Muslims	Legal pluralism, constitutional protection	Limited scope, contested jurisdiction	SDG 16.3, SDG 10

### Gender Rights: Legal Interpretation and Structural Bias

Although the degree and type of bias vary, one of the most consistent conclusions is that gender discrimination occurs in all three legal systems. The highest percentage of gender-biased decisions (72%) is found in Kenya's Kadhi courts. This bolsters earlier criticisms of the lack of gender sensitivity in religious courts (Bührer, 2018). Despite having a secular framework, Bangladesh's civil application of Sharia leads to gender bias in inheritance and maintenance. The court decisions frequently reinforce structural inequality by reflecting patriarchal interpretations of Islamic principles. Although bias still exists, Indonesia is beginning to show signs of progressive interpretation in provinces other than Aceh. Decisions that prioritize child welfare and fair divorce settlements are a result of the growing influence of female ulama and gender justice advocacy [59], [60].

### Legal Fragmentation and Jurisdictional Overlap

The interface between the civil and Islamic legal systems exhibits notable fragmentation in all jurisdictions: Jurisdictional overlap in Indonesia causes regional divergence and forum shopping, especially between Aceh and the rest of the nation. Doctrinal ambiguity and divergent interpretation result from Bangladesh's lack of procedural clarity regarding the proper application of Islamic law by secular judges. In Kenya, Kadhi courts are protected by the constitution, but there is little oversight and a lot of litigation over gender inclusion and jurisdiction (see, for example, FIDA Kenya v. Attorney General) [61], [62].

## Synthesis and Theoretical Implications

There are three main ways in which this study adds to the literature: Theory of Pluralism: It supports Yilmaz's (2005) worries about "state-centric pluralism" by demonstrating that legal pluralism without obvious institutional integration results in fragmentation. Comparative Legal Reform: It emphasizes how legal systems can embrace Islamic law's context-sensitive procedures that uphold constitutional standards and respect religious identity. SDG Governance: It puts discussions of Islamic law back into the context of global development, demonstrating the need for religious legal systems to change to achieve SDG-aligned justice objectives [63], [64].

## Summary of Key Insights

Table 4. Discussion Themes and SDG Relevance

Theme	Key Insight	Relevant SDGs
Institutional Design	Plural legal models vary in coherence and capacity	SDG 16.6, SDG 10
Gender Rights Outcomes	Religious legal norms reinforce or challenge gender inequity	SDG 5.1, SDG 10.3
Jurisdictional Fragmentation	Legal overlap leads to confusion, discrimination, and delays	SDG 16.3, SDG 5
Theoretical and Policy Implications	Integrated reform and gender-sensitive jurisprudence are essential	SDG 16, SDG 5, SDG 17

## CONCLUSION

Through a comparative analysis of their structures, legal rulings, and constitutional implications, this study has looked at how Islamic law is interpreted and institutionalized within the plural legal systems of Bangladesh, Kenya, and Indonesia. According to the findings, legal pluralism creates gender disparities, inconsistent institutional authority, and fragmented jurisprudence, especially in cases involving family law, divorce, and inheritance, even though it also accommodates religious identity and cultural diversity. Bangladesh's hybrid model reflects the secular enforcement of religious norms without theological coherence, Indonesia's dual system demonstrates both innovation and inconsistency, and Kenya's Kadhi courts highlight the boundaries of constitutional recognition without complete procedural integration. These institutional variations contribute to unequal access to justice, reinforcing structural discrimination that undermines the realization of Sustainable Development Goals, particularly SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities), and SDG 16 (Peace, Justice and Strong Institutions). This research contributes to the evolving discourse on constitutional pluralism, Islamic jurisprudence, and development governance by emphasizing that religious legal systems must not remain static but must adapt through gender-sensitive interpretation, institutional reform, and normative alignment with constitutional values. Ultimately, the path toward inclusive justice in multireligious societies requires not only the recognition of Islamic law within state systems but its thoughtful reconfiguration in a manner that upholds both faith-based legitimacy and the universal promise of equality under law.

## Acknowledgments

The authors sincerely thank all institutions and colleagues who provided invaluable insights during the research process. Special appreciation goes to The Aga Khan High School, Mombasa, the Bangladesh Bank, and Al-Sham Private University for their scholarly support and encouragement, which significantly contributed to the successful completion of this comparative study.

## Author Contribution

All authors contributed equally to the conceptualization, literature review, and drafting of this article. Each researcher provided case-specific analysis: Indonesia, Bangladesh, and Kenya. Revisions and theoretical framing were collaboratively developed, ensuring consistency and rigor across the study. The final manuscript was jointly approved and represents collective scholarly responsibility.

## Conflicts of Interest

The authors declare no conflict of interest regarding this study. Institutional affiliations with The Aga Khan High School (Kenya), Bangladesh Bank (Bangladesh), and Al-Sham Private University (Syria) did not influence the research design, analysis, or conclusions. All findings are presented with academic integrity, impartiality, and independence in line with ethical research standards.

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