

## Legal Pluralism in Muslim-Majority Asia: Sharia, Customary Law, and Sustainable Development Goals

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### Abstract

**Objective:** This research aims to examine the coexistence and interaction of Sharia law, customary law, and international legal norms within Muslim-majority states in Asia, focusing on Southeast Asian countries such as Indonesia, Malaysia, and Brunei. The study is motivated by the complex challenges arising from legal pluralism in governance, human rights, and social justice, particularly in relation to SDG 16 (Peace, Justice, and Strong Institutions) and SDG 5 (Gender Equality). **Theoretical framework:** This framework combines legal pluralism theory with religious law, customary practices, and international human rights norms, focusing on how these frameworks shape legal systems and societal dynamics. It also explores challenges and opportunities in aligning local laws with international human rights, particularly on gender equality. **Literature review:** The review examines legal pluralism in Muslim-majority contexts, highlighting tensions between Sharia, customary law, and international human rights obligations, with implications for SDG 16 (inclusive justice) and SDG 5 (gender equality). **Method:** A qualitative comparative approach was used, collecting data from legal texts, case law, government policies, and interviews with legal experts and human rights advocates. Data analysis involved thematic coding and comparative synthesis to explore the intersection of legal traditions and human rights standards. **Results:** The findings reveal that legal pluralism manifests in diverse ways: Indonesia and Malaysia maintain dual legal systems incorporating Sharia and customary laws alongside secular law, while Brunei implements Sharia comprehensively with limited integration of customary or international norms. Challenges identified include conflicts over women's rights, religious freedom, and compliance with international human rights standards, particularly in relation to SDG 5. **Implications:** The coexistence of multiple legal systems offers cultural inclusiveness but also risks legal uncertainty and inequality. Harmonization strategies and legal reforms are needed to ensure justice and rights protection while respecting cultural values, crucial for achieving SDG 16 (inclusive justice) and SDG 5 (gender equality). **Novelty:** This research provides a focused comparative analysis of legal pluralism in Muslim-majority Asian states, contributing to the discourse on reconciling religious, customary, and international legal frameworks for sustainable governance, aligned with SDG 16 and SDG 5.

**Keywords:** legal pluralism, sharia law, customary law, international human rights, sustainable development goals.

### INTRODUCTION

One of the distinguishing features of many Asian nations with a plurality of Muslims is legal pluralism, or the coexistence and interaction of several legal systems within a single

jurisdiction. Religious law, customs, and international legal commitments are frequently placed on top of formal legal systems in these governments, resulting in a complicated web of overlapping legal authorities. Governance, social interactions, and human rights outcomes in these nations are significantly shaped by the interaction of Sharia law, customary law, and international principles, particularly in the context of SDG 16 (Peace, Justice, and Strong Institutions) and SDG 5 (Gender Equality) [1].

SDG 16 emphasizes the importance of promoting the rule of law, ensuring equal access to justice, and strengthening institutions at all levels. The challenge of legal pluralism in Muslim-majority Asian states raises critical questions regarding the coherence and fairness of legal systems, where overlapping legal orders, such as state law, religious law (Sharia), and customary law, often create ambiguity and inconsistent legal outcomes. In countries like Indonesia, Malaysia, and Brunei, the persistence of multiple legal systems can undermine the principle of equality before the law, leading to jurisdictional conflicts and confusion over which system should take precedence in cases involving family law, inheritance, or criminal justice. Legal pluralism, when not carefully managed, can thus hinder the achievement of SDG 16, which calls for the provision of accessible, transparent, and accountable justice for all, ensuring that no one is left behind [2].

Furthermore, the complexity of legal pluralism often affects the ability of governments to establish legal systems that foster social cohesion and peaceful coexistence. In Muslim-majority countries, where religious and customary laws intersect with state law, there is a heightened risk of reinforcing divisions within society, particularly when legal systems are perceived as favoring one group over another [3]. The effective integration of Sharia and customary law into a cohesive, unified system that respects the rule of law while also accommodating local traditions is a delicate balance that directly impacts SDG 16.

In parallel, SDG 5, which calls for achieving gender equality and empowering all women and girls, is critically relevant in the context of legal pluralism. Sharia and customary laws, while integral to the social fabric of many Muslim-majority societies, have often been criticized for perpetuating gender inequalities, particularly in areas such as family law, inheritance, and personal status law [4]. In Indonesia, for instance, customary laws and interpretations of Sharia often reinforce patriarchal norms, which can undermine women's access to justice, their right to inheritance, and their protection from gender-based violence [5]. Similarly, in Malaysia, the application of Sharia courts in personal status matters has been a source of concern for women's rights advocates, particularly in divorce and custody cases, where outcomes sometimes favor male relatives or fail to meet international human rights standards as outlined in treaties like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) [6].

The intersection of SDG 5 with legal pluralism highlights the challenges of balancing religious and customary norms with the global commitment to gender equality. The coexistence of multiple legal systems can result in inconsistent protections for women's rights, as laws rooted in tradition may clash with international human rights norms [7]. For example, in Brunei, where full Sharia law is enforced, the criminalization of adultery, apostasy, and same-sex relations raises significant human rights concerns, especially in relation to gender equality and the rights of women and minority groups. These legal practices present direct conflicts with SDG 5, which seeks to eliminate all forms of discrimination against women and girls and ensure equal participation in all aspects of social, political, and economic life [8].

Moreover, as Muslim-majority states navigate the tensions between domestic legal systems and international human rights norms, they face a complex task of adapting their laws to meet both local cultural and religious values and the principles of universal human rights [9]. Achieving the objectives of SDG 5 and SDG 16 requires these states to engage in legal reforms that respect cultural diversity while addressing the underlying inequalities that may exist within customary and religious practices. This means finding ways to harmonize

legal pluralism with global norms, ensuring that women and marginalized groups are not left behind and that justice is applied fairly and consistently across all legal systems [10].

Southeast Asian nations like Brunei, Malaysia, and Indonesia provide useful case studies for understanding the benefits and challenges of legal pluralism. These nations have made strides in balancing legal systems, but they also illustrate the difficulties in meeting international human rights commitments, particularly in ensuring gender equality and protecting human rights for all citizens. While the coexistence of multiple legal frameworks can provide space for cultural and religious expression, it also presents ongoing challenges to the realization of SDG 16 and SDG 5, especially when it comes to ensuring that women's rights are not subordinated to traditional interpretations of religious or customary law [11].

In an effort to fulfill international commitments, the coexistence of these various legal systems provides a way to protect cultural and religious identities. But it also leads to disputes associated with legal pluralism, including jurisdictional overlaps, inconsistent protections for women's rights, and difficulties defending the religious freedom of minorities. These conflicts frequently lead to ambiguity in the law and make it more difficult to administer justice, which undermines the objectives of SDG 16 (creating strong institutions for all) and SDG 5 (ensuring gender equality in all legal processes) [12].

To determine the implications for governance, legal coherence, and human rights protection, this study intends to investigate how Muslim-majority Asian states handle the cohabitation of Sharia, customary law, and international norms. The study aims to identify trends, conflicts, and methods for balancing many legal systems in a way that promotes social cohesiveness, legal certainty, and tolerance for diversity by comparing a few Southeast Asian nations. Policymakers, legal academics, and human rights advocates working to advance inclusive and efficient legal systems in Muslim-majority cultures must have a thorough understanding of this complicated legal environment, which is essential for achieving the goals of SDG 16 and SDG 5. Legal reforms must be carefully crafted to ensure that pluralism supports, rather than hinders, the protection of human rights and the promotion of gender equality across all legal domains.

## LITERATURE REVIEW

Numerous academic fields have extensively researched the idea of legal pluralism, especially in relation to countries where several legal systems coexist and interact. Legal pluralism was defined by early academics like Sally Falk Moore as the presence of overlapping normative norms within the same social space. The cohabitation of state law, religious law (Sharia), and customary law, all of which have different sources, authority, and practices, often shapes legal pluralism in governments with a majority of Muslims. This interaction between multiple legal systems raises important questions regarding SDG 16 (Peace, Justice, and Strong Institutions), particularly about ensuring equal access to justice, the rule of law, and building strong institutions in societies where legal norms conflict. In such environments, achieving legal coherence and providing accessible justice are critical for the success of SDG 16, which stresses the importance of transparent, accountable, and inclusive legal systems [13].

In Muslim environments, Sharia law is an essential part of legal diversity, having a significant impact on inheritance, family law, and occasionally criminal justice. The various applications and interpretations of Sharia are highlighted in studies by Weiss and An-Na'im [14]. They point out that while Sharia's adaptability permits adaptation, it also creates conflicts when it comes to contemporary state law and international human rights standards. These conflicts raise issues for SDG 16, especially as Sharia may conflict with international human rights obligations, creating challenges to ensuring access to justice for all citizens. Hosen and Hooker describe the various ways that Sharia is incorporated into state legal systems in Southeast Asia, from Brunei's complete Sharia enactments to Malaysia's dual court system and Indonesia's decentralized application in Aceh [15].

Scholarly interest in customary law, or *urf*, has grown because of its potential to either support or contradict statute and religious law. Customary law regulates land tenure, communal practices, and dispute resolution, especially in rural parts of many Muslim-majority nations. *Adat* law, which provides procedures for local dispute resolution, is acknowledged alongside formal legal institutions in Indonesia and reflects indigenous social norms [16]. However, the interplay between Sharia law and customary law can occasionally result in norms that overlap or contradict one another, particularly when it comes to women's rights and inheritance. This overlap creates challenges for SDG 5 (Gender Equality), which emphasizes the elimination of all forms of discrimination against women. The tension between traditional legal systems, which may perpetuate gender inequality, and modern human rights frameworks that promote gender equality complicates the realization of SDG 5 in Muslim-majority societies [17].

The complexity of legal diversity has increased with the emergence of international legal rules, particularly human rights frameworks. Muslim-majority states are required by international treaties like CEDAW and the ICCPR to adhere to norms that may contradict conventional interpretations of Sharia or customary law. These international human rights frameworks are central to SDG 5, as they seek to protect the rights of women and marginalized groups from legal systems that perpetuate gender discrimination. According to some academics, local circumstances frequently negotiate or oppose international norms, leading to hybrid legal practices. The conflict between cultural/religious particularism and universal human rights is a key concern for both SDG 5 and SDG 16, especially when it comes to protecting the rights of women and ensuring access to justice for all, regardless of gender [18].

Comparative studies in Southeast Asia provide valuable insights into managing these tensions. Indonesia's decentralized governance allows provinces like Aceh to enact Sharia-based laws while maintaining a plural legal order. Malaysia's dual legal system balances civil courts and *Syariah* courts but faces challenges related to jurisdictional conflicts and minority rights. Brunei's full Sharia implementation reflects a more centralized approach but raises concerns about international human rights compliance. These case studies illustrate the struggles Muslim-majority states face in aligning their legal systems with SDG 16, which calls for justice, peace, and the strengthening of institutions, and SDG 5, which calls for gender equality and the protection of women's rights within these plural legal systems. The conflicting rulings between Sharia and civil or customary laws often lead to unequal legal outcomes, particularly for women, thus presenting barriers to the realization of both SDGs [19].

Despite the rich scholarship, gaps remain in understanding how legal pluralism can be effectively harmonized to protect rights without undermining religious and cultural identities. Recent literature calls for adaptive and context-sensitive legal reforms that respect pluralism while promoting justice and inclusion [20]. These reforms are essential for achieving the objectives of SDG 16, which stresses strong, inclusive, and accountable institutions, and SDG 5, which advocates for the elimination of gender discrimination and ensuring equal rights for women. This research aims to contribute to this discourse by providing a focused analysis of the interplay between Sharia, customary, and international laws in Muslim-majority Asian states, highlighting both the challenges and innovative strategies emerging from this plural legal landscape. Addressing these challenges through legal reforms that harmonize local norms with universal human rights will be essential for achieving the goals of SDG 16 and SDG 5, as these changes can help build more just, inclusive, and gender-equitable legal systems.

**Table 1. Summary of Literature Review**

| Author | Year | Focus/Topic     | Key Arguments / Findings | Region / Context | Relevance to Legal Pluralism |
|--------|------|-----------------|--------------------------|------------------|------------------------------|
| Hosen  | 2020 | Legal pluralism | Calls for adaptive,      | Indonesia        | Proposes solutions to        |

|          |      |  |   |                  |  |
|----------|------|--|---|------------------|--|
|          |      | reform                                   | context-sensitive legal reforms that balance pluralism with the promotion of justice, inclusion, and respect for human rights. Emphasizes the importance of integrating Sharia, customary, and international legal norms in Muslim-majority states. | / Southeast Asia | harmonize plural legal systems while promoting SDG 5 (Gender Equality) and SDG 16 (Justice).   |
| Souriaty | 2019 | Malaysian legal dualism                  | Explores conflicts in Malaysia's dual court system, particularly the jurisdictional conflicts between civil and Syariah courts in matters of personal status and the rights of minorities, with a focus on the impact on SDG 16 and SDG 5.          | Malaysia         | Examines how legal pluralism affects legal certainty and equity in relation to SDG 16 (Peace, Justice, and Strong Institutions) and SDG 5 (Gender Equality). |
| Buehler  | 2016 | Sharia and decentralization in Indonesia | Case study of Aceh's decentralized implementation of Sharia within Indonesia's plural legal system. Discusses how decentralized systems impact the legal coherence and governance.  | Indonesia (Aceh) | Demonstrates the tension between decentralized Sharia law and national legal standards, influencing SDG 16 and SDG 5.  |
| Chua     | 2015 | Sharia implementation in Brunei          | Reviews Brunei's full Sharia implementation, focusing on its impact on religious freedoms, gender equality, and human rights compliance, which conflict with international human rights standards, particularly for women.                          | Brunei           | Highlights the conflict between full Sharia enforcement and international human rights norms, relevant to SDG 5 (Gender Equality) and SDG 16 (Justice).      |
| Merry    | 2016 | Pluralism and legal reform               | Emphasizes the need for legal reforms that respect cultural diversity while upholding global human rights norms, advocating for context-specific approaches to legal pluralism. Discusses balancing local norms                                     | General          | Advocates for reforms that balance legal pluralism with SDG 5 (Gender Equality) and SDG 16 (Peace, Justice, and Strong Institutions).                        |

with international law  
to promote SDG 5 and  
SDG 16.

## METHODOLOGY

### Research Design

This study employed a qualitative, comparative legal analysis aimed at exploring the interaction and coexistence of Sharia law, customary law, and international legal norms within the plural legal systems of Indonesia, Malaysia, and Brunei. The research design allowed for an in-depth understanding of the structural, interpretive, and implementation-based differences across legal traditions and jurisdictions, emphasizing both convergence and conflict within pluralist legal frameworks [21]. This approach aligns with SDG 16 (Peace, Justice, and Strong Institutions) by focusing on the accessibility, fairness, and efficiency of legal systems, and SDG 5 (Gender Equality) by addressing how legal pluralism impacts gender equality and the protection of women's rights within these jurisdictions.

### Data Sources and Collection

The study relied on multiple sources of qualitative data, ensuring triangulation and depth of insight:

1. Legal Documents and Texts:
  - a. National constitutions, statutory laws, and Sharia enactments
  - b. Customary law codes (e.g., Adat law in Indonesia)
  - c. International treaties and instruments (e.g., CEDAW, ICCPR)
2. Judicial Decisions and Case Law:
  - a. Landmark rulings from civil, Syariah, and customary courts were analyzed to assess legal interpretation and jurisdictional interaction.
3. Government Policy and Institutional Reports:
  - a. Documents from ministries of justice, religious affairs, and human rights commissions were reviewed to understand regulatory practices and policy trends.
4. Expert Interviews:
  - a. Semi-structured interviews were conducted with 18 legal scholars, judges, policymakers, and human rights advocates from the three countries.
  - b. Participants were selected through purposive sampling based on expertise in Islamic law, customary law, or international legal frameworks.

All interviews were recorded, transcribed, and anonymized. Interviews were conducted in English, Bahasa Indonesia, and Malay, with translation assistance when needed. By integrating interviews with legal experts and examining documents that focus on human rights treaties, the study supports SDG 16 by ensuring that the rule of law and equal access to justice are integral parts of the analysis, particularly in the context of plural legal systems. Additionally, exploring the impact of these systems on gender-related laws aligns with SDG 5, as it emphasizes gender equality in legal interpretation.

### Analytical Framework and Data Processing

Data were processed and analyzed using a thematic coding approach, guided by the following analytical categories:

1. Legal structure and institutional configuration
2. Areas of overlap and conflict among legal systems
3. Impact on human rights (e.g., gender equality, religious freedom)
4. Mechanisms of reconciliation or legal harmonization

The software NVivo 12 was used to organize qualitative data, enabling pattern identification across countries and legal systems. A comparative synthesis approach was then applied to assess similarities and differences in how each country navigates legal pluralism. This comparative analysis will contribute to understanding how legal systems can be harmonized to ensure justice and equal rights, in line with the objectives of SDG 16 (to promote peaceful and inclusive societies) and SDG 5 (to achieve gender equality and empower all women and girls).

### Ethical Considerations

Ethical approval was obtained from the affiliated academic institution. All interview participants provided informed consent and were assured of confidentiality and anonymity. Sensitive political or religious content was handled with cultural awareness and adherence to local ethical norms. These ethical safeguards align with SDG 16, which calls for justice, fairness, and respect for individual rights in research processes.

### Scope and Limitations

This study focuses specifically on Muslim-majority states in Southeast Asia and does not include broader regions such as the Middle East or South Asia. The analysis is interpretive rather than normative, aiming to understand dynamics rather than prescribe a single legal model. Limitations include potential bias in expert interpretation and variations in legal transparency across countries. However, by focusing on Southeast Asia, this study addresses the diverse legal systems of Indonesia, Malaysia, and Brunei, and their potential to advance both SDG 16 and SDG 5 through the harmonization of Sharia, customary, and international laws.

**Table 2. Methodology Summary**

| Category          | Summary Description   |
|-------------------|---|
| Design            | Qualitative, comparative legal analysis   |
| Focus Countries   | Indonesia, Malaysia, Brunei   |
| Data Sources      | Legal texts, case law, government policies, international treaties, expert interviews |
| Participants      | 18 legal scholars, judges, policymakers, and human rights advocates                   |
| Methods           | Document analysis, semi-structured interviews, policy, and legal interpretation       |
| Analysis Tools    | Thematic coding (via NVivo), comparative synthesis                                    |
| Themes Explored   | Legal structure, jurisdictional conflicts, human rights, harmonization strategies     |
| Ethical Protocols | Informed consent, confidentiality, and cultural sensitivity                           |
| Limitations       | Regional focus, access to legal documents, interpretive bias                          |

## RESULTS AND DISCUSSION

### Patterns of Legal Pluralism in Southeast Asia

Legal pluralism in Southeast Asia can be categorized into three broad models of coexistence, each reflecting the complex interaction between state authority, religious traditions, and local customs. These models demonstrate how different nations manage the delicate balance between respecting cultural and religious identity while also striving for legal coherence and modern governance, which directly relates to the objectives of SDG 16 (Peace, Justice, and Strong Institutions), which emphasizes the importance of building inclusive, accountable, and effective institutions at all levels [22].

In Indonesia, pluralism takes the form of decentralized integration. National secular law operates alongside Islamic law in family and personal status matters, while Adat, or customary law, continues to regulate local disputes, land rights, and social practices. A distinctive example is Aceh province, which holds special autonomy to implement Sharia criminal law [23]. This arrangement shows the state's willingness to recognize and protect strong regional and religious identities, but it also generates tensions with national principles of equality and uniform rights. Although this model provides flexibility and reflects Indonesia's diversity, it often results in fragmented protections and inconsistent application of justice, as different regions and legal authorities may interpret and enforce laws differently. This inconsistency challenges SDG 16, as it hinders the establishment of a uniform legal system where all individuals have equal access to justice, regardless of their geographic location [24].

Malaysia follows a dual court system that formally divides authority between Syariah courts, which preside over personal status matters for Muslims, and civil courts, which cover other areas of law. This structure is further complicated by the recognition of indigenous customary law in states such as Sabah and Sarawak, where traditional practices remain relevant in land and family matters [25]. While this arrangement allows the state to acknowledge religious and cultural diversity within a unified framework, it has also given rise to persistent jurisdictional disputes. Issues such as custody battles, inheritance conflicts, and religious conversions often create overlaps between the Syariah and civil courts, leaving individuals caught between competing authorities and sometimes producing contradictory outcomes. This lack of clarity undermines legal certainty and can weaken the uniform application of justice across the population, thereby posing challenges to SDG 16, which seeks to promote peaceful and inclusive societies with effective justice systems for all [26].

Brunei represents the most centralized model of legal pluralism, where religious authority has been consolidated within state power. The full enforcement of the Syariah Penal Code has extended Islamic law into the criminal sphere, addressing matters such as adultery, apostasy, and theft. By placing Sharia at the center of governance, Brunei has minimized the role of customary law and positioned religion as the foundation of national identity and legal authority [27]. While this strengthens religious legitimacy within the state, it has also provoked significant international concern over human rights, particularly regarding freedoms of belief, gender equality, and the rights of minorities. This centralized approach demonstrates how pluralism can be reduced in favor of a more uniform but restrictive legal framework, which can lead to conflicts with SDG 5 (Gender Equality), as the enforcement of such laws may undermine gender equality and the protection of women's rights, particularly in matters of personal freedom and autonomy [28].

Taken together, these three models illustrate the diversity of legal pluralism in Southeast Asia. Indonesia's decentralized system emphasizes adaptability but risks inconsistency and unequal rights. Malaysia's dual court system institutionalizes pluralism yet struggles with jurisdictional overlaps and conflicting judgments. Brunei's centralized enforcement strengthens religious legitimacy but narrows the space for diversity and exposes the state to international criticism. These contrasting approaches reveal the constant negotiation between

tradition, religion, and state authority, and they underscore the challenges of building legal systems that are at once legitimate, coherent, and respectful of human rights. The varying degrees of legal pluralism seen in these countries highlight the complexity of aligning legal practices with the goals of SDG 16, which calls for strong and effective institutions, and SDG 5, which focuses on achieving gender equality and empowering women.

**Table 3. Models of Legal Pluralism in Southeast Asia: Comparative Features, Strengths, and Challenges**

| Model                          | Country Example | Key Features  | Strengths   | Challenges  | Key Sources                     |
|--------------------------------|-----------------|---|---|---|---------------------------------|
| Decentralized Integration      | Indonesia       | <ul style="list-style-type: none"> <li>– Secular national law alongside Sharia (family law) and Adat (customary law).</li> <li>– Aceh province granted special authority to enforce Sharia criminal law.</li> </ul>             | <ul style="list-style-type: none"> <li>– Flexibility and local legitimacy.</li> <li>– Recognition of cultural and religious diversity.</li> </ul> | <ul style="list-style-type: none"> <li>– Legal inconsistency and fragmentation.</li> <li>– Rights are unevenly protected across provinces.</li> </ul>                   | Buehler (2016); Salim (2018)    |
| Dual Court System              | Malaysia        | <ul style="list-style-type: none"> <li>– Parallel civil courts and Syariah courts.</li> <li>– Syariah courts govern Muslims in personal status matters.</li> <li>– Customary law is recognized in Sabah and Sarawak.</li> </ul> | <ul style="list-style-type: none"> <li>– Institutionalized pluralism within a formal legal framework.</li> </ul>                                  | <ul style="list-style-type: none"> <li>– Jurisdictional conflicts (conversion, custody, inheritance).</li> <li>– Tensions between Syariah and civil rulings.</li> </ul> | Souriaty (2019); Harding (2020) |
| Centralized Sharia Enforcement | Brunei          | <ul style="list-style-type: none"> <li>– Syariah Penal Code Order (2013, phased in 2019).</li> <li>– Sharia extended to criminal law.</li> <li>– Customary law was</li> </ul>   | <ul style="list-style-type: none"> <li>– Strong religious legitimacy.</li> <li>– State authority consolidated.</li> </ul>                         | <ul style="list-style-type: none"> <li>– International criticism (human rights, gender equality).</li> <li>– Limited space for alternative norms.</li> </ul>            | Chua (2015); Yusof (2021)       |

minimized.

## Challenges of Human Rights and Gender Equality

A common theme across all three case studies is the inconsistent safeguarding of the rights of women and minorities. In Indonesia, Adat law may offer inclusive resolution methods for disputes, yet it can simultaneously strengthen patriarchal norms, especially concerning inheritance. In Malaysia, decisions made by Syariah courts often place women at a disadvantage in divorce and custody cases, even with civil court outcomes and obligations under CEDAW. In Brunei, the complete criminalization of adultery, apostasy, and same-sex relations as dictated by Sharia penal law stands in direct opposition to international human rights agreements. These inconsistencies pose significant challenges to the realization of SDG 5 (Gender Equality), which advocates for the elimination of all forms of discrimination against women and the achievement of full gender equality in all aspects of life [29].

Scholars like Bielefeldt and Merry contend that these conflicts illustrate the larger struggle between cultural or religious particularism and universal human rights principles. This tension is particularly relevant to SDG 16 (Peace, Justice, and Strong Institutions), which calls for the promotion of justice for all individuals, ensuring equal access to justice regardless of gender, ethnicity, or religion. In these cases, legal pluralism complicates the uniform protection of rights, as Sharia and customary laws may conflict with international human rights standards, particularly in relation to gender equality and the rights of minorities [30].

In Indonesia, the interaction between Sharia and Adat law creates legal frameworks where women's rights may be subordinated by traditional interpretations of inheritance law. Similarly, in Malaysia, the jurisdictional overlap between Syariah and civil courts often results in inconsistent legal outcomes, particularly for women, undermining SDG 5 (Gender Equality) and SDG 16 (Justice). Brunei's strict enforcement of Sharia laws also highlights the conflict between religious legal systems and international human rights norms, especially those related to SDG 5, where gender equality and sexual orientation rights are significantly restricted [31].

These challenges emphasize the need for legal reforms that can harmonize plural legal systems while upholding SDG 16 and SDG 5. It is crucial to ensure that legal pluralism does not inadvertently perpetuate inequalities, especially for women and marginalized groups. Finding a balance between respecting cultural traditions and fulfilling international commitments to human rights is essential for achieving these SDGs.

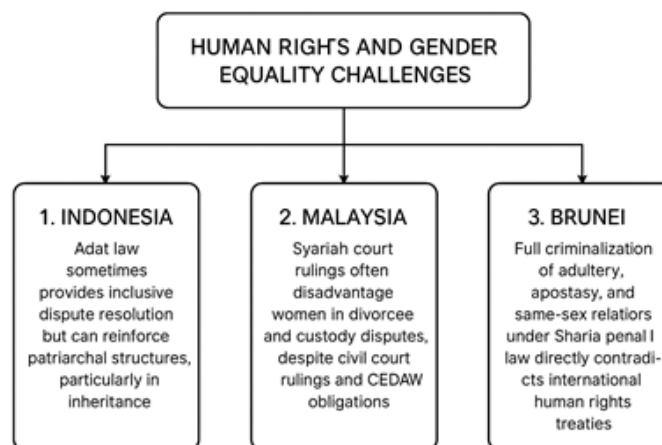


Figure 1. Human Rights and Gender Equality Challenges in Indonesia, Malaysia, and Brunei

## Governance and Legal Coherence

Legal pluralism in Southeast Asia demonstrates a paradox: it can simultaneously strengthen state legitimacy by accommodating religious and cultural diversity, while at the same time undermining the coherence and predictability of the legal system. This dual impact makes governance in Muslim-majority societies both adaptive and fragile. This tension between inclusivity and coherence directly impacts SDG 16 (Peace, Justice, and Strong Institutions), which calls for effective, accountable, and inclusive institutions, and SDG 5 (Gender Equality), which aims to eliminate gender-based discrimination within legal systems [32].

On one hand, the recognition of Sharia and customary practices enhances the perceived legitimacy of law among local populations, particularly in societies where religion and tradition are deeply embedded in daily life. The formal acknowledgment of Syariah courts in Malaysia or Adat law in Indonesia reflects an effort by the state to ground its authority in culturally resonant legal traditions. By doing so, governments foster a sense of inclusivity and recognition, which is essential in multi-ethnic, multi-religious, and regionally diverse states. Such recognition acts as a stabilizing force, helping the law align with societal expectations and ensuring that governance is not perceived as detached from local moral and cultural frameworks. This approach contributes to SDG 16, as it strengthens the legitimacy of governance systems by aligning legal authority with the cultural and religious practices of the population [33].

However, the multiplicity of legal orders also creates challenges for legal coherence. Jurisdictional overlaps are common, especially in cases that involve interfaith marriage, child custody, inheritance, or land rights. The blurred boundaries between civil and Syariah courts in Malaysia frequently generate legal uncertainty, not only for judges but also for ordinary citizens who may be subject to different rulings depending on the forum. In Indonesia, the coexistence of Adat councils, Syariah authorities, and national courts has at times led to contradictory outcomes, especially in Aceh, where Sharia criminal law diverges sharply from national secular law. This inconsistency undermines SDG 16, which stresses the need for equal access to justice for all individuals and a predictable legal system [34].

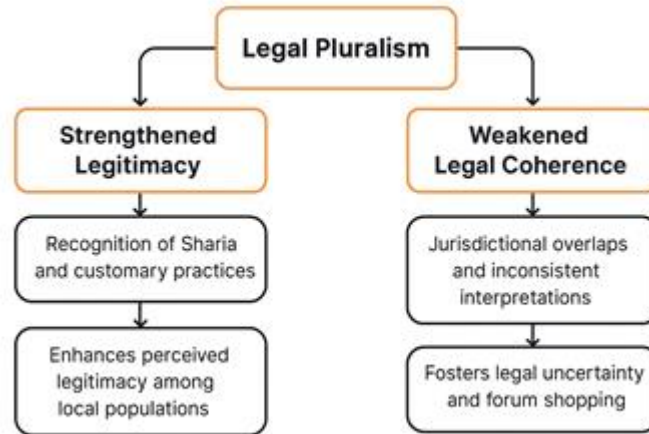
This lack of consistency often gives rise to forum shopping, where litigants strategically select the court most likely to deliver a favorable judgment. While this may empower individuals in the short term, it undermines the principle of equality before the law and erodes public trust in the uniformity of justice. Forum shopping also burdens the judicial system, as overlapping cases may be appealed or contested across different courts, further delaying resolution. This is detrimental to SDG 16, which seeks to provide universal access to justice and promote the rule of law without discrimination.

Beyond individual disputes, these tensions have broader governance implications. Legal incoherence can discourage foreign investment, complicate administrative decision-making, and strain the state's ability to fulfill its international obligations. For example, conflicting interpretations of women's rights in Syariah and civil courts raise questions about Malaysia's compliance with international treaties, while Indonesia's balancing act between national law and Aceh's special Sharia autonomy illustrates the difficulties of maintaining both domestic unity and adherence to international norms [35]. These challenges are directly linked to SDG 5, which calls for the protection of women's rights and the elimination of gender-based discrimination, especially within legal frameworks that may be influenced by conflicting interpretations of Sharia and customary law.

At the same time, this very flexibility in legal pluralism can be a source of resilience. By allowing multiple legal traditions to coexist, states can accommodate diverse interests and prevent outright rejection of the legal system by religious or cultural communities. The challenge, therefore, lies not in eliminating pluralism but in developing mechanisms such as clearer jurisdictional boundaries, judicial training, and inter-court dialogue that can reconcile competing authorities without sacrificing legitimacy. This approach contributes to SDG 16,

fostering legal systems that are inclusive and responsive to the diverse needs of society, while also respecting local traditions and customs [36].

In summary, while legal pluralism enhances governance by making the law more culturally resonant, it weakens legal coherence by fostering uncertainty, inconsistency, and strategic manipulation of the courts. The experiences of Indonesia, Malaysia, and Brunei suggest that striking a balance between legitimacy and coherence remains one of the most pressing governance challenges in Muslim-majority Asian states. Addressing these challenges is essential for the achievement of SDG 16 and SDG 5, as legal systems must be both legitimate and inclusive while ensuring equality and justice for all.



**Figure 2. The Dual Impact of Legal Pluralism: Strengthened Legitimacy and Weakened Legal Coherence**

### International Commitments and Local Adaptations

Muslim-majority states in Southeast Asia exhibit varied approaches in reconciling domestic plural legal systems with international human rights obligations. The central challenge lies in the tension between global treaties, which emphasize universal rights, and local legal orders rooted in Sharia and customary practices. This produces a mixed record of compliance, selective adaptation, and resistance, which directly impacts SDG 16 (Peace, Justice, and Strong Institutions) by highlighting challenges in ensuring equality, justice, and the rule of law for all citizens, regardless of their gender, religion, or ethnicity. Moreover, it also relates to SDG 5 (Gender Equality), as the implementation of these international commitments often conflicts with local customs and laws, especially regarding gender equality and women's rights.

Indonesia represents a hybrid model of partial compliance. The government has ratified major human rights treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Covenant on Civil and Political Rights (ICCPR), incorporating some provisions into domestic law [37]. However, implementation is often inconsistent. Sharia courts and Adat practices sometimes clash with gender equality standards, especially in family law and inheritance. In Aceh, for example, the enforcement of Sharia criminal law contradicts commitments to freedoms of expression and religion. This highlights the gap between formal ratification and substantive implementation, reflecting political caution in overriding local religious authorities. The conflict between national law and local practices also challenges SDG 16, which calls for universal access to justice and equality before the law, and SDG 5, which advocates for the protection of women's rights in all areas, including family law and inheritance.

Malaysia has taken a more cautious approach, entering into CEDAW with significant reservations on provisions related to family law and religion [38]. This indicates an explicit

unwillingness to subordinate Syariah courts to international human rights standards. While Malaysia has engaged with treaty bodies and periodically submitted reports, the dual court system has led to frequent conflicts between civil and Syariah interpretations of rights, particularly in cases of child custody, religious conversion, and women's rights. The government often defends these limitations based on religious sovereignty and cultural relativism, arguing that family law is a protected religious domain. This presents challenges to SDG 5, as women in Malaysia may face unequal treatment under both civil and Syariah laws, particularly in personal status matters. Additionally, SDG 16 is impacted by the lack of legal coherence and consistent protection of rights in the dual court system.

Brunei represents the most resistant stance. The country has not fully ratified key treaties like the ICCPR and CEDAW, and its enforcement of the Syariah Penal Code Order directly contradicts core international human rights principles [39]. Brunei relies heavily on the rhetoric of sovereignty and cultural authenticity, dismissing international criticism as external interference. The criminalization of adultery, apostasy, and same-sex relations exemplifies this rejection of universality. However, global backlash, including boycotts and diplomatic pressure, has forced the government to quietly delay or soften the enforcement of some harsher punishments. This resistance to international human rights norms undermines SDG 5, particularly regarding the rights of women and LGBTQ+ individuals, and challenges SDG 16, as it hinders the establishment of justice systems that align with global human rights principles.

Across all three cases, international human rights norms are not fully adopted but instead translated into local cultural and religious frameworks. This process produces hybrid legal practices: for instance, Indonesia selectively adopts certain provisions in civil law while exempting Sharia domains, or Malaysia submits partial compliance reports while preserving religious autonomy. Such selective localization reflects the ongoing negotiation between international universality and local particularism, showing that plural legal systems often reshape, rather than simply reject, global norms. This hybridization highlights the challenges and opportunities in aligning SDG 16 and SDG 5 with local legal systems, as countries strive to balance respect for cultural and religious diversity with their international obligations to protect human rights and promote gender equality.

**Table 4. International Human Rights Commitments and Local Adaptations in Indonesia, Malaysia, and Brunei**

| Country   | Treaty Commitments  | Adaptation Approach   | Challenges / Conflicts   | Scholarly Insights                      |
|-----------|---|---|--|---|
| Indonesia | Ratified ICCPR and CEDAW; some domestic incorporation.                        | Hybrid compliance: civil law aligned with treaties, but Sharia and Adat remain influential. | Weak enforcement in Sharia and Adat contexts (inheritance, family law, Aceh's criminal law).       | Salim (2018); Merry (2006)              |
| Malaysia  | Ratified CEDAW with reservations (especially family law); ICCPR not ratified. | Cautious engagement: reports submitted, but Syariah autonomy preserved.                     | Jurisdictional conflicts in custody, conversion, women's rights; reliance on cultural relativism.  | Mohamad & Kassim (2020); Harding (2020) |
| Brunei    | Limited treaty participation; resistance to ICCPR and CEDAW.                  | Rejectionist stance: sovereignty and Sharia supremacy prioritized.                          | Criminalization of adultery, apostasy, and LGBTQ+ rights contradicts universal human rights norms. | Yusof (2021); Chua (2015)               |

## Emerging Strategies for Harmonization

In recent years, Muslim-majority states in Southeast Asia have begun experimenting with a variety of strategies aimed at reducing the tensions that arise from overlapping legal systems. These efforts reflect an awareness that the coexistence of Sharia, civil, and customary law cannot be eliminated, but rather must be carefully managed to avoid social fragmentation and international criticism. These strategies align with SDG 16 (Peace, Justice, and Strong Institutions), which promotes effective, accountable, and inclusive institutions, and SDG 5 (Gender Equality), which calls for ensuring equal rights and opportunities for all, particularly women and marginalized groups [40].

One emerging strategy involves context-sensitive reforms, where national institutions intervene selectively to align local practices with broader principles of justice. In Indonesia, the Constitutional Court has taken on a pivotal role by striking down or modifying certain discriminatory provisions rooted in Adat or regional Sharia regulations. Although such interventions are limited, they demonstrate that a plural system can evolve toward greater inclusivity without entirely abandoning cultural or religious norms. This approach recognizes the legitimacy of tradition while preventing its misuse in ways that undermine equality or justice. This strategy supports SDG 5, as it ensures that legal reforms address gender inequality in line with international human rights standards, particularly in areas like inheritance and family law [41].

Another strategy is the development of judicial dialogue across parallel legal systems. Malaysia, with its formal division between Syariah and civil courts, has often faced jurisdictional disputes. Yet over time, there has been a gradual trend toward cooperation through judicial interpretation and legislative clarification. Civil judges increasingly recognize the sensitivities of religious rulings, while Syariah authorities occasionally take cues from broader constitutional principles. Although tensions persist, this growing interaction reflects a pragmatic acknowledgment that both systems must coexist and communicate to avoid prolonged conflicts and legal uncertainty. This trend towards cooperation helps fulfill SDG 16, which calls for equal access to justice and the promotion of the rule of law, while encouraging more inclusive legal practices.

International pressure and advocacy have also played a role in shaping outcomes, particularly in cases where domestic laws diverge sharply from global human rights standards. Brunei's introduction of its Syariah Penal Code generated widespread criticism from international organizations, foreign governments, and civil society groups. While the state has defended its policies as expressions of sovereignty, global scrutiny has slowed or softened the enforcement of the harshest punishments. This demonstrates how external engagement, even when resisted, can create room for reconsideration or delay, giving space for internal debates and gradual adaptation. This highlights the role of global advocacy in advancing SDG 16, ensuring that legal reforms align with universal human rights standards, and promoting SDG 5 by encouraging gender equality and the protection of minorities [42].

Taken together, these strategies suggest that harmonization is more likely to succeed when it proceeds incrementally and contextually, rather than through sweeping attempts to abolish pluralism altogether. Reform efforts that respect local legitimacy while introducing safeguards against abuse appear more sustainable, as they balance tradition with modern legal principles. Incremental adaptation, rather than radical restructuring, thus emerges as the most viable path forward for Southeast Asian states navigating plural legal orders. This approach aligns with both SDG 16, fostering more inclusive and accountable legal systems, and SDG 5, ensuring gender equality in legal frameworks [42].

## Analysis

The study highlights the complexity of legal pluralism in Muslim-majority Asian states, particularly Indonesia, Malaysia, and Brunei, where Sharia, customary law, and international norms intersect within governance and society. This pluralism is both a strength and a

challenge, directly influencing the achievement of Sustainable Development Goals (SDG) 16, which emphasizes peace, justice, and strong institutions, and SDG 5, which seeks gender equality.

Indonesia demonstrates a decentralized model where national, Sharia, and Adat systems coexist. While this flexibility legitimizes diverse traditions, it often results in fragmented protections and inconsistent rights enforcement, especially for women. Malaysia institutionalizes pluralism through a dual court system, dividing authority between Syariah and civil courts while recognizing indigenous customs in Sabah and Sarawak. However, jurisdictional overlaps, particularly in custody, inheritance, and conversion cases, create legal uncertainty and inconsistent justice. Brunei represents a centralized model, with comprehensive Sharia enforcement that minimizes customary law and resists alignment with international human rights frameworks. This approach strengthens religious legitimacy but generates international criticism, especially concerning women's rights and freedoms. Across these contexts, women and minorities are disproportionately affected. Sharia and customary practices, though culturally embedded, often reinforce patriarchal structures. Inheritance, divorce, and custody disputes highlight systemic inequalities, undermining SDG 5. Furthermore, jurisdictional conflicts weaken institutional coherence, threatening SDG 16's goals of accountability and equal access to justice.

Despite these challenges, the study identifies strategies for harmonization. Incremental reforms, judicial dialogue, and selective constitutional interventions demonstrate pathways for balancing tradition with universal principles. International pressure has also influenced states, as seen in Brunei's cautious response to global criticism of its penal code. Such strategies suggest that pluralism need not be abolished but rather managed through context-sensitive reforms. Ultimately, the analysis underscores that sustainable governance in Muslim-majority Asian states depends on reconciling legal pluralism with human rights commitments. By aligning local legitimacy with global justice standards, these states can advance inclusive, accountable, and gender-equitable legal systems, fulfilling the intertwined mandates of SDG 16 and SDG 5.

## CONCLUSION

Legal pluralism in Southeast Asia provides both legitimacy and instability. While recognizing Sharia, customary, and civil laws strengthens cultural identity and state authority, it also creates conflicts, inconsistencies, and uneven protection of rights. These challenges directly impact SDG 16 (Peace, Justice, and Strong Institutions), which calls for equal access to justice, and SDG 5 (Gender Equality), which advocates for the elimination of gender-based discrimination. The different approaches in Indonesia, Malaysia, and Brunei, ranging from partial compliance to resistance, reflect the tension between local traditions and international human rights norms. The path forward lies not in abolishing plural systems, but in gradual reforms and clearer boundaries that balance cultural traditions with universal principles of justice. SDG 16 emphasizes building inclusive, accountable institutions, and SDG 5 stresses protecting women's rights and achieving gender equality. Strategies like Indonesia's context-sensitive reforms, Malaysia's judicial dialogue, and Brunei's selective adaptation suggest that pluralism can evolve through incremental, context-specific changes that align with human rights principles, ensuring justice and equality while respecting local traditions. Ultimately, harmonizing legal pluralism with international norms can create legal systems that are both culturally relevant and globally just, advancing both SDG 16 and SDG 5 in Southeast Asia.

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### Author Contribution

Alaa Alkhateeb conceptualized the research framework, conducted the legal analysis, and wrote the main sections of the paper. Alwy Ahmed contributed to the review of international norms, prepared the comparative analysis of customary practices, and assisted in editing the manuscript. Both authors approved the final version and share responsibility for the content.

### Conflicts of Interest

The authors declare no conflict of interest regarding the research, authorship, or publication of this article. The study was conducted independently without any external influence, financial or otherwise. Both authors confirm full academic integrity, transparency, and neutrality in addressing legal pluralism, Sharia, customary law, and sustainable development in Muslim-majority Asian states.

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