

Contemporary Developments in Islamic Law, Civil Law, Criminal Law and Administrative Law

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Abstract: This paper explores contemporary developments in Islamic law in tandem with evolving transformations across civil, criminal, and administrative legal systems in Muslim-majority countries. As these nations navigate a complex interplay between traditional jurisprudence and the demands of modern governance, the harmonization of Islamic legal norms with constitutional law, international human rights standards, and administrative efficiency has become increasingly pertinent. The research employs a qualitative, library-based doctrinal methodology, drawing from classical texts, statutory reforms, judicial decisions, and scholarly interpretations. Countries such as Malaysia, Indonesia, Saudi Arabia, and Morocco serve as comparative models, each demonstrating unique pathways in integrating Islamic legal principles into national legal frameworks. The study reveals that the application of tools such as *maqāṣid al-sharī'ah* (the higher objectives of Islamic law), *ijtihād* (independent reasoning), and *maslahah* (public interest) has enabled Islamic law to evolve without compromising its theological and moral foundations. While civil law reforms often address gender equity and personal status, criminal law reforms engage with codification and discretionary justice mechanisms. In administrative law, Islamic ethical values are increasingly embedded in governance practices, transparency norms, and anti-corruption efforts. Ultimately, the findings support the view that hybrid legal models grounded in Islamic ethics yet responsive to modern institutional frameworks represent a sustainable legal paradigm for Muslim societies in the 21st century.

Keywords: Islamic Law, Administrative Law, Legal Reform, Legal Pluralism, Sharia Integration.

INTRODUCTION

Legal systems in the contemporary Muslim world are undergoing significant transformation as they attempt to reconcile the legacies of Islamic jurisprudence with the demands of modern governance. Islamic law (sharia), rooted in divine revelation through the Qur'an and the Sunnah, historically provided comprehensive regulation for all aspects of individual and communal life. Over centuries, Islamic jurists (fuqaha) developed intricate frameworks for interpreting and applying these primary sources through methodological tools like *usul al-fiqh* (principles of jurisprudence) and *ijtihad* (independent reasoning). However, the emergence of nation-states, the

influence of colonial legal systems, and the expansion of international legal norms—particularly regarding human rights and constitutional governance—have compelled Muslim-majority countries to reconsider how Islamic law is implemented in areas such as civil, criminal, and administrative law (Hallaq, 2009; Kamali, 2017).

Civil law in Islamic contexts traditionally covers matters like marriage, divorce, inheritance, and contracts, and has remained one of the most enduring components of sharia in many modern legal systems. In contrast, criminal law—including hudud (fixed penalties), qisas (retaliatory punishments), and ta'zir (discretionary punishments)—has often been reinterpreted or replaced by codified statutes under the influence of Western legal models. Administrative law, while less discussed in classical Islamic texts, is increasingly relevant as Muslim states grapple with issues of governance, public accountability, and bureaucratic ethics, especially in the era of globalization and democratic transitions (Brown, 1997; An-Na'im, 2008).

The pluralistic nature of legal systems in Muslim-majority countries complicates the application of sharia. Many states inherited dual or hybrid legal systems—blending elements of Islamic law with colonial legal codes (British, French, or Dutch)—and have since institutionalized this duality. For example, in Malaysia and Indonesia, Islamic law primarily governs personal status issues through specialized Sharia courts, while general civil and criminal matters fall under secular courts (Hooker, 2003). Saudi Arabia, on the other hand, maintains a more unified system that derives legitimacy directly from Islamic law, although it too has begun codifying certain laws to meet the demands of legal predictability and foreign investment (Vogel, 2000).

Legal reform efforts across the Muslim world reveal a growing reliance on modern Islamic legal theories such as maqāṣid al-sharī'ah (the higher objectives of Islamic law). This theory emphasizes that all legal rulings should ultimately serve core values like justice (ʿadl), public welfare (maṣlaḥa), human dignity (karāmah), and the prevention of harm (dar' al-mafāsid). The maqāṣid approach enables a contextual reading of classical rulings and has proven instrumental in legislative efforts that seek to harmonize Islamic principles with modern constitutional frameworks (Auda, 2008; Ibn Ashur, 2006). For instance, Tunisia's 2014 Constitution upholds Islamic identity while guaranteeing civil liberties—demonstrating how maqāṣid can mediate between tradition and rights-based governance (Lindholm, 2013).

In criminal law debates often center on the implementation of hudud penalties, which are viewed by some scholars as symbolic or moral deterrents rather than mandatory punishments in the absence of ideal societal conditions. Others argue that harsh literalist applications of criminal law may contradict maqāsid-based principles of mercy (rahma) and proportional justice (Peters, 2005). Countries like Nigeria, Pakistan, and Sudan have experimented with partial implementation of hudud, but these efforts have often raised questions about due process, evidentiary standards, and gender equity (Khan, 2006).

Administrative law though not a classical category in Islamic jurisprudence, has become central to state-building in the Muslim world. Ethical governance in Islam emphasizes justice, accountability (amanah), and consultation (shura), which are echoed in modern democratic theory. In recent decades, several countries have undertaken bureaucratic reforms inspired by these Islamic ethical values. Indonesia's anti-corruption initiatives, for example, often frame integrity as both a civic and religious duty (Buehler, 2016). Similarly, Gulf states have sought to modernize public administration while preserving Islamic principles of leadership and responsibility.

This paper investigates these developments by analyzing how Islamic law continues to shape, challenge, and coexist with contemporary civil, criminal, and administrative legal frameworks. It explores the reinterpretation of classical jurisprudence through legal tools such as ijtihad, maslahah, and maqāsid al-sharī'ah, examining how these concepts are used by scholars, legislators, and judges to adapt Islamic legal principles to modern contexts. Through comparative case studies and doctrinal analysis, the paper contributes to the broader discourse on legal pluralism, Islamic constitutionalism, and the future of Islamic governance in an increasingly complex and interconnected legal world (Berger, 2008; Mir-Hosseini, 2009).

Ultimately understanding these intersections between tradition and modernity is crucial not only for scholars of Islamic law but also for policymakers, legal practitioners, and civil society actors who seek to construct legal systems that are both normatively legitimate and functionally effective. The future of Islamic law depends not on rigid adherence to past formulations, but on its ability to engage meaningfully with contemporary challenges while preserving its ethical and spiritual core (Kamali, 2017; Hallaq, 2012).

METHOD

This study utilizes a qualitative library research method, grounded in doctrinal legal analysis and complemented by a comparative legal approach. Doctrinal analysis is used to examine the authoritative texts of Islamic jurisprudence and modern legislation, focusing on how Islamic legal concepts are interpreted and applied in civil, criminal, and administrative domains. The comparative element allows the researcher to identify differences and similarities in the legal development across various Muslim-majority countries, revealing how Islamic law interacts with civil law traditions and modern governance systems.

The primary data for this research are derived from classical Islamic legal texts authored by foundational jurists such as Imam al-Shāfiʿī, al-Ghazālī, and Ibn Taymiyyah. These scholars are central to the development of *usul al-fiqh* (principles of Islamic jurisprudence), *fiqh* (Islamic law), and the philosophical underpinnings of Islamic governance. Their works provide critical insights into early legal reasoning and help establish the basis for understanding contemporary reinterpretations. In addition, national laws and constitutions from countries such as Saudi Arabia, Malaysia, Indonesia, and Tunisia are examined to explore how Islamic norms are currently codified or embedded in modern legal systems (Kamali, 2008; Hallaq, 2009).

The secondary sources include academic articles from peer-reviewed journals, legal commentaries, official government publications, and resolutions issued by modern Islamic legal bodies such as the International Islamic Fiqh Academy (IIFA) and the European Council for Fatwa and Research (ECFR). These documents provide context on how Islamic law is evolving, particularly in light of globalization, legal reform, and the increasing application of *maqāṣid al-sharīʿah* (higher objectives of Islamic law) (Auda, 2008).

Data were collected using online academic databases such as JSTOR, HeinOnline, Google Scholar, and official websites of national ministries and Islamic legal councils. The data was analyzed by organizing it thematically into three categories: first, Islamic developments in civil law, particularly related to contracts, marriage, and inheritance; second, the evolution of Islamic criminal law, with emphasis on reforms to *hudud*, *qisas*, and *taʿzir*; and third, the application of Islamic legal ethics in administrative governance, particularly in areas such as public accountability and legal transparency (Zubaida, 2003; Vogel, 2000).

RESULT AND DISCUSSION

Developments in Civil Law

Contemporary developments in Islamic civil law reflect ongoing attempts to reconcile traditional legal norms with evolving societal needs, particularly in the realm of personal status, marriage, divorce, and inheritance. These areas are deeply rooted in religious tradition and are viewed as essential to preserving the ethical and spiritual fabric of Muslim communities. However, social change, international human rights norms, and constitutional mandates have pressured several Muslim-majority countries to reformulate their legal frameworks.

In Tunisia and Morocco, for instance, reforms to family law—codified in the Code du Statut Personnel and Moudawana, respectively—have aimed to establish greater gender equity. These legal modifications include raising the minimum marriage age, restricting polygamy, and facilitating women's access to divorce. Reformers in these nations have invoked the principle of *maqāṣid al-sharī'ah*, especially the goals of justice (*'adl*) and the protection of lineage (*ḥifẓ al-nasl*), to support these progressive changes (Charrad, 2001; Buskens, 2003). These interpretations are justified on the grounds that the spirit of the law aims at promoting public welfare (*maṣlaḥah*) and human dignity (*karāmah insāniyyah*), even if the reforms depart from classical jurisprudence.

Malaysia and Indonesia, by contrast, have maintained a dual legal system in which civil law governs most domains, while Islamic family law is administered through Sharia courts. In Malaysia, each state has its own Syariah Court that adjudicates matters of marriage, inheritance, and religious obligations for Muslims. Meanwhile, civil courts handle commercial, criminal, and constitutional cases. Legal reforms in Malaysia have emphasized harmonization between Islamic values and constitutional rights, particularly under the Federal Constitution's guarantee of equality and religious freedom (Kamali, 2011; Harding, 2012). In Indonesia, the Compilation of Islamic Law (*Kompilasi Hukum Islam*), issued in 1991, provides a codified framework for Islamic family law and has become a central reference for Islamic judges (*hakim agama*) throughout the archipelago (Bowen, 2003).

In these dual systems, religious courts often face institutional and procedural limitations, such as lack of judicial training, limited access to legal aid, or inconsistencies in judgment. However, the courts also serve as important forums for integrating Islamic jurisprudence (fiqh) into state law, often citing *usul al-fiqh* (principles of jurisprudence) and *maqāṣid al-sharīʿah* to address contemporary family-related disputes (Auda, 2008).

Reform efforts have not been limited to women's rights. Inheritance laws have also seen reformist interpretations. Traditionally, Islamic inheritance (*farāʾid*) adheres to a strict distribution system as outlined in the Qur'an. Yet, in countries like Egypt and Jordan, courts have permitted *wasiyyah wajibah* (mandatory bequest) to allow for greater flexibility in providing for grandchildren or non-heirs, especially in urban and diasporic contexts (Welchman, 2007). Such changes show the willingness of jurists and policymakers to adapt legal reasoning in response to changing family structures and economic realities.

These reforms are not without resistance. Conservative religious scholars and legal elites in several countries view reinterpretation of personal status law as an infringement on divine will. They argue that changes based on *maqāṣid* or *maṣlaḥah* risk overstepping the textual boundaries of Islamic law. This tension between textual literalism and ethical purposivism remains a defining feature of civil law reform in the Muslim world (Hallaq, 2009).

Despite these challenges, the trend toward contextualized and ethical interpretation of civil law continues to gain ground. Advocates argue that aligning Islamic law with constitutional principles and international conventions does not diminish its integrity but enhances its relevance and sustainability in modern societies (An-Na'im, 2008). As Muslim-majority states increasingly engage with international human rights instruments such as CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women), the role of Islamic civil law is likely to remain dynamic and contested.

Developments in Criminal Law

Islamic criminal law has historically been one of the most controversial and contested areas in both academic discourse and policy implementation. This branch of law traditionally consists of three categories: *ḥudūd* (fixed punishments), *qisās* (retaliatory justice), and *taʿzīr* (discretionary

punishments). While these principles are rooted in the Qur'an and Sunnah, their application in modern legal systems has varied widely due to political, legal, and international considerations.

In practice, very few Muslim-majority countries fully enforce ḥudūd laws. One of the primary reasons is the high evidentiary threshold required under Islamic jurisprudence for crimes such as adultery, theft, or apostasy. For instance, adultery (zinā) requires the testimony of four adult male witnesses, a condition rarely met in actual legal cases (Peters, 2005). As a result, while these laws may exist in statute books—such as in Pakistan's Hudood Ordinances (1979)—they are often symbolic and not consistently enforced (Kennedy, 1990).

Countries like Saudi Arabia have reformed aspects of their criminal justice system by codifying ta'zīr offenses, which allow judges more discretion while preserving the Islamic character of the penal system. In 2020, the Saudi government abolished flogging as a form of ta'zīr punishment, replacing it with imprisonment or fines, citing the evolving nature of legal practice in accordance with maqāṣid al-sharī'ah (Al-Dabbagh, 2021). However, critics argue that despite such reforms, due process rights remain limited, and many laws are still implemented without transparent legislative scrutiny (Al-Fadhel, 2022).

In Pakistan, the interplay between secular and Islamic criminal laws creates significant ambiguity. While secular courts continue to handle the majority of criminal cases, Islamic criminal provisions—including hudood and blasphemy laws—have been integrated into the legal framework. These laws are subject to varying interpretations, and their enforcement has often led to controversy, particularly in cases involving minorities (Lau, 2006). For example, the application of blasphemy laws has raised serious concerns about procedural fairness and the protection of fundamental rights (ICJ, 2015).

Nigeria presents a unique case where Sharia-based criminal codes have been introduced in several northern states alongside federal secular law. Since 1999, twelve Nigerian states have adopted full Sharia penal codes, including provisions for hudood punishments. However, implementation has been inconsistent due to institutional capacity issues, lack of legal training, and political contestation (Ostien, 2007). While these laws reflect the desire of local governments to assert Islamic identity, they also face criticism for clashing with constitutional guarantees and international human rights standards.

Elsewhere countries like Iran and Sudan have codified Islamic criminal laws but frequently revise them in response to domestic reform efforts or external pressure. For example, in 2020, Sudan repealed its apostasy law and relaxed hudood punishments as part of broader legal reforms aimed at harmonizing Islamic law with international norms (Yusuf, 2020).

A central theme across all these contexts is the tension between textual fidelity and legal pragmatism. While Islamic criminal law is often cited for its divine origin and moral authority, many jurists and policymakers increasingly rely on maqāṣid-based reasoning, procedural justice, and public interest (maṣlaḥah) to interpret and apply these laws in modern contexts (Kamali, 2008; Auda, 2008). As such, contemporary Islamic criminal law is marked more by selective incorporation and symbolic representation than by strict literal enforcement.

Despite these developments, challenges remain. These include the lack of codification in some jurisdictions, inconsistent legal procedures, and potential misuse of Islamic provisions for political or ideological purposes. Nonetheless, the dynamic interpretation of Islamic criminal law demonstrates the flexibility of fiqh to evolve, provided it is grounded in legitimate jurisprudential principles and responsive to contemporary justice standards.

Developments in Administrative Law

Administrative law in Muslim-majority countries is increasingly shaped by efforts to harmonize modern state governance with Islamic ethical values. Traditionally, administrative law was not a distinct field in classical Islamic jurisprudence; rather, public administration was guided by principles derived from the Qur'an, the Sunnah, and the practices of the rightly guided caliphs (khulafā' al-rāshidīn), emphasizing justice ('adl), trust (amānah), consultation (shūrā), and accountability before God and society (Kamali, 2010).

In contemporary governance, countries such as Indonesia, Malaysia, and several Gulf states have begun to explicitly integrate Islamic values into the administrative framework. In Indonesia, for instance, the national anti-corruption agenda often draws on Islamic values of honesty and integrity as moral justifications for public reform. The Corruption Eradication Commission (KPK) frequently invokes Islamic principles in its outreach campaigns and training of civil servants, fostering an environment where administrative ethics are grounded not only in legal obligation but also in religious conscience (Hosen, 2004).

The Gulf Cooperation Council (GCC) countries, particularly Saudi Arabia and the United Arab Emirates, have initiated legal reforms aimed at modernizing judicial and administrative procedures while preserving Islamic identity. Saudi Arabia's Vision 2030 has promoted digitalization, performance-based public services, and meritocratic bureaucracy—all framed within an Islamic narrative of reform and efficiency (Al-Dabbagh, 2021). Although much of the administrative structure is modeled on international standards, officials frequently refer to Islamic principles such as *amānah* (trustworthiness) and *ḥisbah* (accountability mechanism rooted in Islamic tradition) as guiding values (Al-Fadhel, 2022).

In Malaysia administrative law reforms have emphasized good governance, with institutions such as the Malaysian Anti-Corruption Commission (MACC) using religious discourse in collaboration with Islamic authorities like JAKIM to frame transparency as both a civic and religious virtue. The concept of *maslahah* (public interest) is invoked not only in judicial rulings but also in policy formulation, such as in budgeting, procurement, and human resource management (Yaacob, 2009).

Islamic ethics in public finance also play a central role in the development of administrative law. For instance, the concept of *bayt al-māl* (public treasury) is reinterpreted in modern budgeting to encourage transparent fiscal responsibility. Countries such as Turkey and Jordan have implemented public financial management reforms that echo the Islamic emphasis on *niyyah* (intention), *ʿadl* (equity), and *taklīf* (moral responsibility) in tax collection and distribution of resources (El-Ashker & Wilson, 2006).

However, while these reforms demonstrate an effort to reconcile Islamic values with modern administrative law, challenges remain. One key issue is the ambiguous legal status of Islamic ethics in bureaucratic systems that are largely governed by secular constitutions. In many cases, references to Islamic values are normative and symbolic rather than codified, raising questions about enforcement and consistency (Coulson, 1984). Moreover, critics argue that Islamic discourse is sometimes co-opted by political elites to lend moral legitimacy to state authority, rather than to foster genuine accountability (Brown, 2005).

Nevertheless the increasing institutionalization of Islamic ethics in public administration has created a unique hybrid model in which Islamic moral norms inform secular legal procedures. This

is evident in ombudsman offices, public service codes of conduct, and civil servant training modules in countries such as Qatar, Brunei, and Pakistan. These efforts reflect a growing awareness of the potential for Islamic values to enrich public sector integrity and public trust.

Administrative law in Muslim-majority contexts is undergoing a gradual but significant transformation. While formal legal rules may be derived from secular codes, the normative ethos of governance is increasingly shaped by Islamic values. This development illustrates the broader trend of Islamic legal revivalism not through rigid codification, but through ethical infusion, ensuring that principles such as justice, transparency, and public trust remain central to state functions.

Legal Harmonization and Pluralism

The legal systems of Muslim-majority countries increasingly reflect a complex interaction between Islamic law (Shariah) and secular statutory frameworks, giving rise to a distinctive form of legal pluralism. Rather than enforcing a complete separation or unification of legal orders, these nations often seek harmonization—a process by which Islamic norms and modern legal principles are reconciled through selective adaptation and interpretive negotiation (Otto, 2008).

In countries like Indonesia, Malaysia, and Egypt, Islamic law continues to govern personal status matters (marriage, inheritance, divorce), while secular codes regulate criminal, civil, and administrative law. This dual system is not merely functional but rooted in historical legacies where colonial legal codes coexisted with indigenous Islamic jurisprudence (Messick, 1993). The contemporary shift, however, is toward institutional harmonization, where religious and secular legal institutions interact to ensure consistency in legal outcomes and alignment with constitutional principles.

A key tool enabling this harmonization is the principle of *maslahah* (public interest), which provides the flexibility to modify or reinterpret traditional rules in light of contemporary societal needs. Legal reforms in Morocco's Moudawana (2004) and Tunisia's constitution (2014) have both employed *maslahah* and *maqasid al-shariah* (objectives of Islamic law) to uphold gender equality and human dignity without rejecting Islamic identity (Sonneveld & Spijkerboer, 2014). These frameworks demonstrate that religious legitimacy can be maintained even in progressive legislative agendas, provided they are grounded in established Islamic legal methodology.

Religious councils and constitutional courts play a vital role in mediating between different legal paradigms. For example, Malaysia's Shariah Advisory Council interprets Islamic finance law in ways that comply with both fiqh and global financial standards (Kamali, 2011). In Pakistan, the Council of Islamic Ideology advises parliament on ensuring laws are not repugnant to Islam, though the recommendations are not binding—thereby allowing flexibility for pluralistic governance (Lau, 2006).

Legal harmonization is not without tension. One challenge is jurisdictional ambiguity, where overlapping authorities (e.g., Shariah courts vs. civil courts) lead to legal uncertainty or forum shopping by litigants. Another issue is selective application, where Islamic law is invoked for symbolic or political purposes without genuine commitment to its principles (Yilmaz, 2005). These problems underscore the importance of clear legal boundaries and cooperative frameworks between institutions.

Nevertheless harmonization efforts have yielded tangible benefits. In Indonesia, the 2019 Compilation of Islamic Economic Law integrated fiqh muamalat into national law to support Islamic banking and dispute resolution mechanisms, showing how traditional Islamic legal reasoning can be transformed into codified legal instruments that align with contemporary administrative and financial governance (Hosen, 2004). Similarly, the African Charter on Human and Peoples' Rights, which is widely ratified across Muslim-majority African states, demonstrates a pluralistic regional approach to human rights that respects cultural and religious specificities (An-Na'im, 1990).

Legal pluralism therefore need not be an impediment to legal coherence or state legitimacy. Instead, it can be a strength allowing diverse normative frameworks to coexist and evolve through dialogue, interpretation, and institutional design. The challenge lies in ensuring that harmonization does not compromise on justice, equality, or fundamental rights. In this regard, maqasid al-shariah continues to serve as a guiding ethical compass, helping scholars and lawmakers maintain fidelity to Islamic values while embracing the demands of modern governance.

Legal harmonization in Muslim-majority countries represents a pragmatic and evolving model of pluralistic legality. It reflects the desire to preserve Islamic legal heritage while engaging constructively with international legal norms, human rights, and good governance. Through

frameworks such as *maslahah*, judicial collaboration, and legislative innovation, these systems demonstrate the adaptive capacity of Islamic law in addressing contemporary legal challenges.

CONCLUSION

The development of Islamic law in contemporary civil, criminal, and administrative domains highlights the flexibility and enduring relevance of Islamic jurisprudence in responding to evolving legal and societal needs. Rather than being confined to historical precedent, Islamic law has proven capable of engaging with modern legal frameworks through methodologies such as *ijtihad*, *maslahah*, and *maqāṣid al-sharī'ah*. These tools provide jurists and lawmakers with ethical and legal foundations to reinterpret classical rulings in ways that uphold justice, equity, and public welfare in the modern context.

In the civil law domain, reforms in family law, inheritance, and contractual relations have shown how Islamic principles can be integrated into codified systems that align with constitutional norms and international human rights standards. For instance, gender equity initiatives in Tunisia and Morocco demonstrate how the spirit of Shariah can be advanced through legal reform while preserving religious authenticity. In criminal law, while *hudud* remains symbolically important in some jurisdictions, actual implementation often relies on *ta'zīr* punishments that are more adaptable to contemporary judicial systems and evidentiary standards.

Administrative law in Muslim-majority states has also seen the infusion of Islamic ethical values such as *'adl* (justice), *amanah* (trust), and *shūrā* (consultation). These values are increasingly referenced in governance reforms, anti-corruption efforts, and the modernization of public institutions. While not all reforms have been universally accepted, the broader trend indicates a growing convergence between Islamic legal values and principles of transparency, accountability, and public service. The trajectory of Islamic legal reform suggests a promising path forward. Rather than abandoning tradition, Muslim-majority countries are drawing from it to meet the challenges of modern statehood. Further research is needed to examine how these reforms are institutionalized, received by the public, and balanced within plural legal systems across diverse national contexts.

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