



Decolonising Islamic Legal Authority beyond *Shari'ah* Courts: A Socio-Legal Study of Singapore

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Received: 29-12-2025

Revised: 08-03-2026, 14-04-2026

Accepted: 01-05-2026

Abstract

This article critically re-examines Islamic legal authority in postcolonial Singapore by challenging the prevailing assumption that the vitality of Islamic law depends on the institutional expansion of *Shari'ah* courts. Drawing on socio-legal analysis and postcolonial legal theory, it argues that court-centred and state-centric models—rooted in colonial legal rationality—have narrowed the conceptualisation of authority, normativity, and reform in contemporary Muslim contexts. Rather than treating Singapore as a deficient case due to its limited *Shari'ah* jurisdiction, the study repositions it as a theoretically productive site for analysing how Islamic legal authority operates beyond formal adjudication. The findings show that authority in Singapore is not diminished but reconfigured through a dispersed and relational framework encompassing bureaucratic governance, ethical reasoning, community mediation, and discursive practices. This configuration reveals that colonial epistemologies continue to privilege institutional visibility while obscuring non-judicial modes of normativity that remain central to lived Islamic legal practice. By decentring courts as the primary locus of Islamic law, the article advances a conceptual reorientation of authority as a negotiated and socially embedded process rather than a fixed institutional attribute. In doing so, the study contributes to debates on decolonising Islamic law by demonstrating that legal reform in the Global South requires not the expansion of religious courts but a critical



rethinking of the epistemic foundations through which authority, legitimacy, and legal meaning are constructed within plural legal orders.

[Artikel ini secara kritis menelaah kembali otoritas hukum Islam dalam konteks pascakolonial di Singapura dengan menantang asumsi dominan bahwa vitalitas hukum Islam bergantung pada ekspansi kelembagaan peradilan Shari'ah. Dengan menggunakan pendekatan sosio-legal dan teori hukum pascakolonial, studi ini berargumen bahwa model hukum Islam yang berpusat pada negara dan pengadilan—yang berakar pada rasionalitas hukum kolonial—telah mempersempit cara otoritas, normativitas, dan reformasi hukum dipahami dalam konteks masyarakat Muslim kontemporer. Alih-alih memosisikan Singapura sebagai kasus yang kurang utuh akibat keterbatasan yurisdiksi Shari'ah, penelitian ini menempatkannya sebagai lokasi analitis yang produktif untuk mengkaji bagaimana otoritas hukum Islam beroperasi di luar arena peradilan formal. Temuan penelitian menunjukkan bahwa otoritas hukum Islam di Singapura tidak mengalami kemunduran, melainkan mengalami rekonfigurasi melalui kerangka yang tersebar dan relasional, yang mencakup tata kelola birokratis, penalaran etis, mediasi komunitas, serta praktik diskursif. Konfigurasi ini mengungkap bahwa epistemologi kolonial masih memprioritaskan visibilitas institusional, sekaligus mengaburkan bentuk-bentuk normativitas non-yudisial yang justru menjadi inti praktik hukum Islam yang hidup. Dengan mendesentralisasi peradilan sebagai lokus utama hukum Islam, artikel ini menawarkan reorientasi konseptual yang memandang otoritas sebagai proses yang dinegosiasikan dan berakar pada konteks sosial, bukan sebagai atribut kelembagaan yang tetap. Dengan demikian, penelitian ini berkontribusi pada perdebatan tentang dekolonisasi hukum Islam dengan menunjukkan bahwa reformasi hukum di Global South tidak bergantung pada perluasan lembaga peradilan agama, melainkan pada peninjauan ulang secara kritis terhadap fondasi epistemik yang membentuk otoritas, legitimasi, dan makna hukum dalam tatanan hukum yang plural.]

Keywords: Postcolonial legal authority, Court-centrism, Socio-legal pluralism, Epistemic decolonisation, Non-judicial Islamic normativity.

Introduction

Islamic law in postcolonial contexts is frequently evaluated through the institutional presence, jurisdictional scope, and authority of formal *Shari'ah* courts (Abbasi 2017). Within this dominant legal framework, the vitality and authenticity of Islamic law are commonly equated with judicial visibility and

statutory recognition. Such a court-centred imagination, however, risks conflating legal authority with institutional infrastructure. It obscures the longstanding tension between law in books and law in action, particularly in postcolonial legal systems shaped by colonial governance. Where *Shari'ah* court jurisdiction is limited or administratively circumscribed, Islamic law is often characterised as marginal, incomplete, or structurally subordinated (Ali 2016; Hallaq 2005). This article challenges that presumption by examining how Islamic legal authority is constructed, articulated, and sustained beyond formal judicial arenas in Singapore. In doing so, it identifies a significant gap in prevailing socio-legal scholarship, which tends to equate Islamic legal authority with court-centred institutional arrangements while neglecting non-judicial, bureaucratic, and ethically grounded modes of normativity.

Recent studies on Islamic law and legal pluralism have substantially illuminated how colonial and postcolonial states regulate religious law through codification, bureaucratisation, and jurisdictional containment. Scholarship on minority Muslim regimes and state-managed religious governance demonstrates how colonial legal rationality translated religious norms into administrable legal categories (Zakkii and Sutrisno 2025a). Yet much of this literature remains institutionally orientated, privileging courts, statutes, and formal regulatory mechanisms as primary sites of legal meaning (Pizzi 2024). Consequently, insufficient attention has been paid to how Islamic law continues to function as a lived normative order outside judicial structures and how authority is negotiated through ethical reasoning, community legitimacy, and bureaucratic mediation. The central analytical question, therefore, is not whether limited *Shari'ah* jurisdiction weakens Islamic law but how authority is reconfigured within plural legal orders shaped by colonial legacies (Kaminski 2021; S. Ayoub and Schriber 2024a).

This tension extends beyond Singapore and bears directly on broader debates concerning the decolonisation of law and legal authority (Dupret 2005). When state-centric and court-centred models are treated as normative benchmarks, they risk reproducing the epistemic assumptions of colonial governance—assumptions that privilege institutional order, procedural regularity, and administrative legibility over lived normativity (S. A. Ayoub 2022). To decolonise Islamic legal thought, therefore, requires more than institutional reform; it demands critical scrutiny of the epistemic premises through which authority and normativity are defined. This study advances such

a reorientation by repositioning Singapore not as an anomalous or deficient case, but as a theoretically productive site for rethinking Islamic legal authority beyond adjudicative centrality. In doing so, it contributes to socio-legal scholarship by refining how legal pluralism, authority, and reform are conceptualised in postcolonial settings.

Methodologically, the article adopts a qualitative socio-legal approach that conceptualises Islamic legal authority as relational, negotiated, and historically situated rather than as a fixed institutional attribute (Rock-Singer 2022). Drawing on legal and policy documents, institutional materials, and secondary empirical studies, the analysis examines how authority is articulated, legitimised, and constrained across overlapping normative domains (Quadri 2021; Sezgin 2013a). By integrating doctrinal reading with socio-legal interpretation, the study captures both formal regulatory structures and the lived practices through which Islamic normativity operates.

The article is structured in five sections. Following this introduction, the second section develops the theoretical framework by integrating postcolonial conceptions of legal authority with socio-legal pluralism. The third section outlines the research design and interpretive approach. The fourth section advances the core analysis by addressing three interrelated concerns: the persistence of colonial legal rationality, the reconfiguration of Islamic legal authority beyond courts, and the implications of the Singapore case for theorising postcolonial Islamic law. The final section synthesises the findings and articulates the article's theoretical contribution.

Taken together, the analysis demonstrates that Islamic legal authority in postcolonial contexts cannot be adequately understood through institutional visibility alone. Instead, it must be conceptualised as a relational and negotiated process shaped by ethical reasoning, institutional mediation, and social practice. In this sense, decolonising Islamic law requires not merely institutional reform but a critical rethinking of the epistemic foundations through which authority, legitimacy, and legal meaning are constituted.

Method

This study adopts a qualitative socio-legal research design to examine how Islamic legal authority is constructed, negotiated, and legitimised in postcolonial contexts beyond formal judicial institutions. A socio-legal approach is particularly appropriate because it treats law not as a closed doctrinal system,

but as a socially embedded and historically conditioned practice shaped by institutional arrangements, ethical reasoning, and power relations (Banakar and Travers 2005; Creutzfeldt et al. 2016). Rather than presuming that legal authority resides primarily in adjudicative structures, this methodology conceptualises authority as relational, discursive, and institutionally mediated. This orientation aligns with the article's postcolonial framework, which interrogates how colonial legal rationality continues to shape contemporary understandings of Islamic law.

The research is structured as a qualitative case study situated in Singapore. The case is selected not on the basis of exceptionalism but for its analytical value in challenging state-centric assumptions about Islamic law. Singapore's limited *Shari'ah* court jurisdiction provides a theoretically productive setting for examining whether Islamic legal authority can persist and operate meaningfully beyond expansive judicial institutions. Instead of evaluating the adequacy or effectiveness of formal religious courts, the study focuses on how authority is articulated and sustained across multiple normative sites, including bureaucratic governance, statutory regulation of Muslim affairs, religious advisory bodies, community mediation mechanisms, and ethical discourse in the public religious guidance (Creswell 2013). This design enables the analysis to move beyond court-centred models inherited from colonial governance and to foreground non-judicial modes of legal reasoning central to lived Islamic normativity.

Data for the study are derived from qualitative documentary sources. These include statutory instruments regulating Muslim affairs, policy documents and administrative guidelines issued by relevant state bodies, publicly accessible religious opinions and advisory statements, institutional reports, and secondary empirical studies on Islamic governance in Singapore. The selection of documents is guided by relevance to questions of legal authority, governance, and norm production. Rather than assembling an exhaustive archive, the research adopts purposive selection to capture materials that illuminate how Islamic norms are framed, translated, and mediated within regulatory structures.

The analysis proceeds through a structured interpretive process combining close textual reading and thematic coding. Documents were systematically coded to identify recurring patterns in (i) the language of governance, (ii) the framing of ethical obligations, and (iii) the positioning of Islamic normativity in relation to state law (Hallaq 2004a; Tsaqilan 2025). Through this interpretive strategy, the study identifies patterns that reveal how colonial

legal rationality continues to structure legal imagination, even within formally postcolonial settings.

Analytically, the research employs an iterative coding process. Themes are developed inductively from the documentary materials while being interpreted through the article's theoretical framework. This dual movement—between empirical material and conceptual categories—allows the study to trace how Islamic legal authority is simultaneously constrained by regulatory frameworks and reconstituted through negotiation and adaptation (Urinboyev 2025) (Urinboyev 2025; Hovden 2023). The aim is not causal generalisation but analytical explanation: to show how authority operates within plural legal orders shaped by overlapping normative systems (Banakar and Travers 2005).

The study acknowledges its methodological limitations. As a document-based socio-legal inquiry, it does not include ethnographic fieldwork or interview data. Consequently, it cannot claim to represent the full range of lived experiences among Muslim communities in Singapore. Rather, it analyses the institutional and discursive conditions under which authority is articulated and legitimised. Future research incorporating interviews or ethnographic observation could deepen understanding of how these normative configurations are experienced at the community level.

By integrating qualitative documentary analysis with postcolonial critique, this methodological approach enables a systematic examination of how Islamic legal authority is articulated, mediated, and constrained within plural legal orders. Rather than reducing Islamic law to formal adjudication or administrative regulation, it foregrounds the relational and discursive processes through which authority, normativity, and reform are produced and negotiated. In this way, the methodology operationalises the article's central argument by demonstrating that decolonising Islamic legal thought requires a critical re-evaluation of the epistemic frameworks through which authority is constituted, rather than a mere expansion of institutional structures.

Colonial Legal Rationality and the State-Centric Construction of Islamic Legal Authority in Singapore

The contemporary state-centric understanding of Islamic legal authority in Singapore cannot be disentangled from the enduring imprint of colonial legal rationality. British colonial administration did not eliminate Islamic law; rather, it reorganised and reconstituted it within a framework of imperial governance.

Through processes of codification, jurisdictional confinement, and bureaucratic standardisation, Islamic norms were transformed from a dispersed juristic tradition into a governable domain subject to state oversight (Steiner 2018; Peletz 2022). What emerged was not the disappearance of Islamic law but its translation into administrable categories compatible with the colonial legal order.

Under colonial rule, Islamic law was progressively narrowed to matters deemed appropriate for “personal” or “family” law, while criminal and commercial domains were absorbed into secular courts. This compartmentalisation did more than allocate jurisdiction; it redefined the conceptual boundaries of Islamic law itself. Legal authority became intelligible primarily through institutional recognition, procedural regularity, and bureaucratic supervision (Woerner-Powell and Edmondson 2019). In this sense, colonial governance produced a particular legal imagination—one in which Islamic law existed insofar as it could be codified, regulated, and rendered administratively legible.

Classical Islamic jurisprudence historically operated through interpretive plurality, decentralised scholarly authority, and layered forms of normative reasoning. As Wael B. Hallaq argues, this tradition was not structured around codified uniformity but sustained through juristic diversity, ethical deliberation, and discursive engagement within scholarly communities. Colonial administration, by contrast, reconfigured this epistemic landscape by privileging certainty, standardisation, and hierarchical adjudication, thereby transforming Islamic law into a state-managed legal domain orientated towards administrative control rather than juristic plurality. The result was a reconfiguration of authority from juristic expertise grounded in scholarly networks to institutional authority grounded in statutory recognition (Akhtar 2013). Islamic law became increasingly defined by its incorporation into the state’s regulatory apparatus rather than by its ethical or communal resonance.

In the postcolonial period, Singapore inherited this structural and epistemic configuration. The Administration of Muslim Law Act (AMLA), for instance, institutionalised a regulatory framework through which Muslim personal law is administered under state supervision. While often presented as a pragmatic accommodation within a secular and plural society, such arrangements reflect a deeper continuity with colonial legal rationality (Abat Ninet 2015). Islamic legal authority remains formally recognised but structurally circumscribed, channelled through bureaucratic bodies and limited judicial forums. The *Shari‘ah*

Court operates within defined jurisdictional parameters, while broader normative life unfolds through administrative and advisory mechanisms rather than expansive adjudication.

Importantly, this inherited rationality continues to shape how Islamic legal authority is conceptualised and evaluated. Authority is frequently measured by institutional visibility—formal jurisdiction, statutory clarity, administrative coherence, and procedural standardisation (Schriber 2025). The presence of codified rules and recognisable courts becomes the primary index of legal vitality. Conversely, where judicial scope is limited, Islamic law is often characterised as marginal, symbolic, or administratively subordinate. However, such evaluations risk relying on an implicit assumption that legal authenticity depends primarily on formal institutionalisation and hierarchical adjudication. As Khaled Abou El Fadl suggests, Islamic legal authority cannot be reduced to state-centred structures alone; it is also sustained through ethical reasoning, scholarly interpretation, and moral engagement. From this perspective, limited judicial scope does not necessarily indicate normative weakness but may reflect alternative configurations through which Islamic law continues to operate within contemporary contexts.

Within this framework, *Shari'ah* courts implicitly function as the normative benchmark of Islamic legal life. Other modalities of legal reasoning—religious advisories, ethical guidance, bureaucratic interpretation, and community mediation—are frequently classified as secondary, informal, or merely “religious” rather than proper legal (Müller 2018a; Menski 2018). This hierarchical ordering does not arise naturally; it reflects an epistemic legacy that equates legality with state recognition and judicial centrality. In doing so, it privileges legal order, manageability, and predictability over the plural and interpretive character of the Islamic normativity (Kooria 2022).

The state-centric construction of authority thus operates at two levels. Structurally, it confines Islamic law within defined administrative and judicial compartments. Epistemically, it shapes how scholars, policymakers, and observers imagine what counts as law and authority. Even critiques of limited *Shari'ah* jurisdiction often presuppose that expansion of courts is the primary pathway to strengthening the Islamic law (Schriber 2025; Zakkii and Sutrisno 2025a). Such assumptions reveal the persistence of a colonial cognitive framework in which institutional expansion is equated with normative authenticity.

From a decolonising perspective, this is significant. Colonialism does not endure solely through formal institutions; it persists through categories of thought that structure the legal imagination (Munthali and Kirina 2023). When Islamic legal authority is evaluated primarily in terms of jurisdictional breadth or institutional autonomy, the underlying question—how authority is lived, negotiated, and ethically grounded—remains obscured. The Singaporean case illustrates how postcolonial legal systems may reproduce colonial assumptions even while presenting themselves as neutral, efficient, and committed to multicultural accommodation.

Singapore's regulatory approach to Muslim affairs is frequently described as pragmatic and harmonising within a plural society. Yet the very language of harmony, order, and administrative coherence reflects a rationality that prioritises governability (Müller 2018b). Islamic norms are rendered legitimate insofar as they are compatible with national legal unity and bureaucratic oversight. This does not negate their normative force within Muslim communities; rather, it channels that force through state-mediated structures. Authority becomes relationally negotiated but institutionally framed.

The enduring influence of colonial legal rationality therefore lies not in overt suppression, but in subtle structuring effects. It shapes how jurisdiction is allocated, how legal categories are defined, and how authority is recognised. More profoundly, it influences the epistemic horizon within which Islamic law is imagined (Hooker 1975; S. Ayoub and Schriber 2024b). The question shifts from "How do Muslim communities generate and sustain normativity?" to "How far do religious courts extend?" Such reframing reduces the complexity of Islamic legal life to a metric of institutional presence.

Recognising this dynamic allows for a more nuanced understanding of postcolonial legal modernity. Islamic law in Singapore is neither abolished nor wholly absorbed by the secular state (Al-Shuqairat et al. 2025). Rather, it exists within a negotiated configuration shaped by colonial legacies, regulatory constraints, and communal practices. The state-centric model does not exhaust Islamic normativity; it frames and conditions it. Authority is simultaneously constrained by jurisdictional limits and sustained through ethical discourse, administrative mediation, and social legitimacy.

From this vantage point, decolonising Islamic legal authority requires interrogating the epistemic assumptions that privilege courts as the primary locus of law. It entails questioning why institutional visibility is treated as the

definitive measure of authenticity, and how alternative forms of authority are marginalised by such criteria. The Singapore case demonstrates that colonial rationality persists not merely in statutes or court structures, but in the cognitive frameworks through which law and legitimacy are understood.

This article situates itself between two influential approaches to the decolonisation of Islamic law. On the one hand, Wael B. Hallaq offers a critical account of the modern state as epistemically incompatible with the moral and juristic foundations of the *Sharī'ah*, emphasising how colonial legal rationality reconfigured Islamic law into a state-managed system. On the other hand, Khaled Abou El Fadl advances a more accommodative perspective, arguing that Islamic legal authority can continue to operate meaningfully within contemporary state frameworks through ethical reasoning, interpretive integrity, and normative engagement. Rather than adopting a fully rejectionist or uncritically accommodative stance, this study develops a critical-accommodative position. It acknowledges the epistemic limitations imposed by state-centric legal structures while recognising their practical role in regulating and protecting Muslim legal life, particularly in minority contexts. From this standpoint, decolonising Islamic legal authority is not understood as disengagement from the state, but as a process of reconfiguring how authority is articulated, negotiated, and legitimised within and beyond formal institutional settings.

Accordingly, the task is not to romanticise precolonial autonomy nor to dismiss postcolonial governance. Rather, it is to expose how inherited categories shape contemporary evaluations of Islamic law. By foregrounding these structuring effects, the analysis reveals that the state-centric construction of Islamic legal authority in Singapore is neither natural nor inevitable. It is historically produced, epistemically sustained, and analytically contestable. This recognition opens space for rethinking Islamic law beyond adjudicative centrality and for recovering dimensions of authority that operate through ethical reasoning, communal legitimacy, and negotiated governance within plural legal orders.

Constructing Islamic Legal Authority beyond Courts: Negotiation, Ethics, and Bureaucratic Mediation

The limited jurisdiction of the *Sharī'ah* Court in Singapore has not diminished Islamic legal authority; rather, it has reconfigured the sites through which authority is articulated and sustained. Instead of being concentrated within a

singular adjudicative institution, Islamic legal authority operates through a dispersed and negotiated configuration across administrative, advisory, and communal domains (Hamayotsu 2002; Hoesterey 2022). This dispersed architecture challenges the assumption that courts are the primary or necessary locus of Islamic legal life. In the Singaporean context, authority emerges at the intersection of bureaucratic mediation, ethical reasoning, institutional regulation, and community legitimacy (Shapiro 2019; Sezgin 2013b).

Under the Administration of Muslim Law Act (AMLA), Islamic law is formally recognised yet structurally circumscribed (Emon 2012). The *Shari'ah* Court retains jurisdiction over specified aspects of Muslim personal law, particularly marriage and divorce. However, much of Islamic normativity unfolds beyond adjudication. The Islamic Religious Council of Singapore (MUIS), established as a statutory body, plays a central role in regulating religious affairs, issuing guidance, overseeing mosque administration, and coordinating aspects of the Muslim governance (Jensen 2016). This institutional arrangement reveals a distinctive modality of authority: Islamic law is neither fully privatised nor expansively judicialised; it is bureaucratically mediated.

Bureaucratic mediation translates Islamic norms into administrable categories. Marriage procedures, inheritance administration, wakaf governance, and religious certification are framed within statutory and procedural language. In this process, Islamic norms are rendered legible within the state's regulatory system. Yet such translation does not exhaust their normative meaning. Authority here derives simultaneously from statutory mandate and from communal trust in religious institutions (Hirschl 2024; Wahyuni 2022). Legal authority is thus dual-layered: institutionally structured and ethically grounded.

Parallel to administrative governance, interpretive authority is exercised through advisory and discursive mechanisms. Fatwa statements, religious advisories, khutbah guidelines, and public religious communications articulate Islamic norms in response to contemporary social and ethical questions (Zakkii and Sutrisno 2025b). These pronouncements do not function as binding judicial rulings, yet they shape communal behaviour and moral expectations. Their legitimacy rests on scholarly competence, institutional recognition, and perceived fidelity to Islamic tradition rather than on coercive enforcement.

Community mediation further illustrates this dispersed model. Informal reconciliation processes facilitated by mosque leaders or religious counsellors address marital and social disputes outside the courtroom (Silawati et al. 2024).

These mechanisms operate within the boundaries of national law while drawing upon Islamic ethical principles. Authority in such settings is relational: it depends on moral credibility, communal trust, and negotiated consent rather than formal adjudication.

Taken together, these modalities demonstrate that Islamic legal authority in Singapore is not absent but redistributed, circulating across institutions, discourses, and social practices. While courts remain relevant, they are not the exclusive locus of authority; bureaucratic governance contributes to structuring normativity without fully monopolising it, and ethical discourse continues to sustain legitimacy even in the absence of formal adjudicative power. This distributed configuration can be further illustrated by mapping the principal modalities of Islamic legal authority that operate beyond formal courts, as synthesised in the following table.

Table 1
Configurations of Islamic Legal Authority beyond Adjudication in Singapore

Domain of Authority	Institutional Form	Mode of Operation	Primary Basis of Legitimacy	Nature of Authority
Judicial (Limited)	<i>Shari'ah</i> Court under AMLA	Formal adjudication in personal law	Statutory jurisdiction	Coercive, procedurally defined
Bureaucratic	Islamic Religious Council (MUIS)	Administrative regulation, certification, governance	Statutory mandate + institutional trust	Regulatory, structured
Advisory	Fatwa committees, religious councils	Interpretive opinions and ethical guidance	Scholarly credibility + communal recognition	Persuasive, interpretive
Communal	Mosque-based mediation and counselling	Informal dispute resolution	Moral authority + relational trust	Negotiated, restorative
Discursive	Sermons, publications, public religious communication	Ethical framing of norms	Ethical resonance + communal engagement	Norm-shaping, non-coercive

Source: Researcher's conceptualisation based on field data (2026).

First, authority is layered rather than hierarchical. Judicial authority operates within defined jurisdictional limits, but it coexists with regulatory,

advisory, and communal forms of norm production (Emon 2012). These modalities interact rather than compete. Bureaucratic structures provide organisational coherence, while advisory discourse ensures doctrinal responsiveness.

Second, legitimacy is plural. Statutory recognition confers formal authority, yet ethical credibility and communal trust remain indispensable. A fatwa lacking communal resonance carries limited practical force, even if institutionally recognised (Shapiro 2019). Conversely, ethical guidance without regulatory framing must remain consistent with broader legal constraints. Authority is therefore co-produced by institutional structure and moral persuasion.

Third, this dispersed model complicates simplistic narratives of state control. Islamic normativity in Singapore is framed within regulatory parameters, but it is not wholly reducible to state power (Thio 2019). Religious actors retain interpretive agency within defined boundaries. Bureaucratic mediation channels normativity into administrable form, yet ethical discourse sustains continuity with juristic tradition.

From a postcolonial perspective, this arrangement simultaneously reflects constraint and adaptation. Colonial legal rationality privileged centralised adjudication and administrative legibility. Postcolonial governance inherits these structuring logics, maintaining limited *Shari'ah* jurisdiction and bureaucratic oversight (Moqbel and Ahmed 2020). However, Islamic legal authority adapts within this framework by redistributing itself across non-adjudicative domains.

This redistribution exposes the limits of court-centric metrics. When legal vitality is assessed solely through jurisdictional breadth, Singapore appears structurally constrained. Yet a relational analysis reveals that Islamic law remains operative through ethical reasoning, institutional mediation, and communal practice. The absence of expansive courts does not indicate normative absence; it reflects a transformation in modality. Authority persists, but it operates within negotiated boundaries. Bureaucratic mediation translates norms into procedural categories, religious discourse aligns with national legal order, and mediation mechanisms function within statutory constraints. The resulting hybridity embodies both regulatory limitation and ethical continuity.

Such hybridity underscores a central socio-legal insight: authority in plural legal orders is relational, contingent, and continuously reconstituted through interaction among state institutions, religious actors, and community expectations. Courts provide adjudicative clarity, but authority extends beyond

adjudication into advisory, bureaucratic, and communal domains. Singapore thus illustrates that constructing Islamic legal authority beyond courts is not anomalous but structurally embedded within postcolonial pluralism. From this perspective, a decolonising analysis involves moving beyond treating institutional centrality as the sole marker of legal authenticity and instead examining how Islamic legal authority operates across multiple sites, including bureaucratic governance, advisory practices, and communal engagement. In the Singapore context, this can be observed in the role of administrative bodies, religious guidance, and mediated forms of norm articulation that function alongside, rather than within, formal courts. Recognising this dispersed configuration allows for a more grounded and analytically precise understanding of how Islamic law is sustained and negotiated within plural and postcolonial settings.

Rethinking Islamic Law beyond Courts: Lessons from Singapore for Postcolonial Legal Pluralism

The Singapore experience invites a reconsideration of prevailing assumptions about the institutional foundations of Islamic law, particularly those that equate legal vitality with the presence and scope of *Shari'ah* courts. In Singapore, where judicial jurisdiction is relatively limited, Islamic legal authority nonetheless operates through a combination of administrative governance, advisory practices, and community-based norm articulation. This suggests that, within much contemporary scholarship, assessing Islamic legal authority primarily through the presence, jurisdictional breadth, and autonomy of *Shari'ah* courts may overlook alternative modes through which legal norms are sustained and legitimised. (Abbasi 2017; Fadel 2013). Where such courts are limited in scope, Islamic law is often characterised as administratively marginal or symbolically preserved but substantively weakened (Salaymeh 2021; Hallaq 2004b). The Singapore case unsettles this evaluative framework by demonstrating that Islamic law may continue to function as a meaningful normative order even when formal adjudicative authority is circumscribed.

This rethinking involves shifting analytical focus from institutional centrality to the relational configuration of authority as it operates in practice. Rather than equating authenticity with judicial expansion, the Singapore case shows that Islamic legal authority is distributed across multiple domains, including regulatory institutions, advisory bodies, and community-based

practices, which together sustain normative guidance beyond formal court structures (Menski 2018; Müller 2018b). Authority does not vanish when courts are limited; it migrates, adapts, and is rearticulated within alternative normative sites. Such rearticulation does not negate the significance of courts, but it challenges their assumed monopoly over legal meaning.

In plural legal orders shaped by colonial governance, adjudicative centrality often appears as the primary marker of legal legitimacy. Colonial legal rationality privileged codification, uniformity, and hierarchical adjudication, thereby associating legality with institutional form (Hallaq 2004a; Quadri 2021). Postcolonial states frequently inherit this framework, reproducing an evaluative metric in which institutional visibility and jurisdictional coherence become proxies for normative vitality (S. Ayoub and Schriber 2024b; Sezgin 2013b). Yet this metric obscures how law operates as lived practice—through ethical guidance, communal expectation, and bureaucratic mediation (Dupret et al. 2023).

Singapore's regulatory framework for Muslim affairs reflects both continuity and transformation. On the one hand, Islamic law is formally recognised and administered through statutory structures. On the other hand, its operational vitality extends beyond judicial decision-making. Advisory opinions, administrative procedures, and ethical discourse sustain normative life in ways that do not rely exclusively on adjudication (Rahman 2012; Steiner 2018). This configuration reveals that legal authority can persist without expansive judicial sovereignty. It suggests that Islamic law's resilience lies not solely in institutional power but in its capacity to generate meaning within evolving governance structures.

From the standpoint of postcolonial legal pluralism, this insight is significant. Legal pluralism is often described as the coexistence of multiple normative systems within a single political order (Menski 2018; Banakar and Travers 2005). However, coexistence alone does not capture the dynamic interplay between state regulation and religious normativity. The Singapore case illustrates that plural legal orders actively reshape the modalities through which authority is produced and legitimised (Kozak-Isik 2025). Islamic law is not merely accommodated within the state; it is reconfigured through interaction with administrative rationality and constitutional commitments to national unity (Thio 2019).

This reconfiguration challenges binary narratives of domination and resistance. It is tempting to interpret limited *Shari'ah* jurisdiction as evidence of secular containment or religious marginalisation. Yet such a reading presumes that judicial centrality is the natural form of Islamic legal authority. Singapore instead reveals a negotiated modernity in which authority is neither wholly absorbed by the state nor entirely autonomous from it (Emon 2012; Bowen 2011). Religious institutions operate within regulatory constraints while retaining interpretive agency. Normativity is structured, but not extinguished.

The broader theoretical implication is that decolonising Islamic law cannot be reduced to institutional reform. Expanding court jurisdiction or restoring precolonial adjudicative models does not automatically unsettle colonial epistemologies (S. Ayoub and Schriber 2024b). Coloniality persists not only in legal structures but also in categories of evaluation that equate law with formal adjudication (Salaymeh 2021). To decolonise Islamic legal thought, therefore, requires interrogating the epistemic assumptions that define what counts as "law", "authority", and "legitimacy". It entails recognising that authority may be generated through relational negotiation, ethical credibility, and institutional mediation rather than through coercive adjudication alone (Hallaq 2004a).

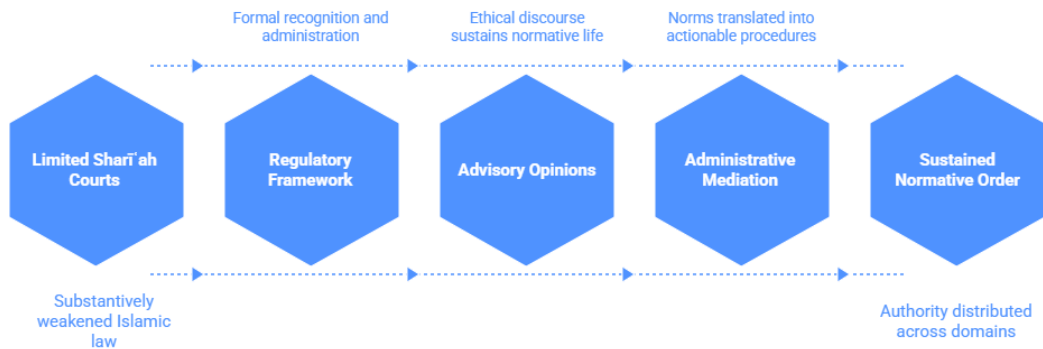
Singapore's experience thus contributes to a more nuanced understanding of Islamic legal modernity. It demonstrates that Islamic law's adaptability lies in its capacity to inhabit regulatory frameworks without losing normative coherence. Ethical reasoning continues to shape communal expectations. Advisory discourse interprets tradition in light of contemporary circumstances. Administrative mediation translates norms into actionable procedures. These processes collectively sustain a living normative order, even where judicial authority is limited.

Importantly, this does not imply that institutional constraints are irrelevant. Regulatory frameworks influence which norms gain prominence and how they are expressed. The translation of Islamic principles into bureaucratic categories may privilege clarity over interpretive plurality (Hovden 2023). Yet within these constraints, religious actors negotiate interpretive space. Authority becomes a field of interaction rather than a fixed attribute. Its legitimacy depends on maintaining coherence with both legal structure and communal expectation.

For scholarship on the Global South, the Singapore case offers an instructive caution. Evaluating Islamic law solely through the lens of court jurisdiction risks reproducing colonial standards of legal authenticity. It narrows analytical focus

to institutional form while neglecting relational practice. A more conceptually rigorous approach recognises that plural legal orders generate hybrid configurations in which authority is layered, negotiated, and contextually grounded (Banakar and Travers 2005).

Figure 1
Reimagining Islamic Legal Authority



Source: Researcher's construction based on field data (2025)

In this sense, Singapore should not be read as an exception but as a theoretically productive example. It expands the analytical vocabulary for studying Islamic law beyond adjudicative centrality. It illustrates that Islamic legal authority may be sustained through distributed institutional arrangements and ethical discourse rather than through expansive judicial sovereignty. By foregrounding these dimensions, the case contributes to a reorientation of socio-legal analysis away from structural benchmarks toward relational processes.

Ultimately, rethinking Islamic law beyond courts requires a shift in legal imagination. It demands that scholars attend not only to institutional architecture but also to the subtle ways in which authority circulates through governance, discourse, and communal practice. The Singapore experience shows that Islamic law's vitality does not depend solely on the scale of its courts, but on its capacity to generate legitimacy within plural regulatory environments. Such recognition forms a crucial step in decolonising the conceptual frameworks through which Islamic legal authority is understood.

Conclusion

This article has argued that dominant understandings of Islamic legal authority in postcolonial contexts remain structured by colonial legal rationality, which

privileges state-centric and court-centred models of law. Through an examination of Singapore, the study demonstrates that limited *Sharī'ah* court jurisdiction does not necessarily entail the marginalisation of Islamic law. Rather, Islamic legal authority persists and is reconfigured through ethical reasoning, bureaucratic mediation, and socially embedded forms of legitimacy that operate beyond formal adjudication. Authority, in this context, is not extinguished by institutional constraint; it is redistributed across multiple normative sites.

The principal theoretical contribution of this study lies in its reorientation of Islamic legal authority as a relational and negotiated process rather than a fixed institutional attribute. By decentring courts as the sole benchmark of authenticity, the article challenges inherited epistemologies that equate legal vitality with jurisdictional expansion. Instead, it conceptualises Islamic law as a living normative order sustained through interaction between regulatory governance, ethical discourse, and communal practice. In doing so, the study reframes decolonisation not as institutional restoration or resistance, but as an epistemic intervention into the categories through which law, authority, and reform are understood.

More broadly, the findings contribute to socio-legal pluralism by illustrating that plural legal orders actively reshape the modalities through which authority is produced and legitimised. The Singapore case shows that postcolonial legal modernity cannot be reduced to either secular containment or religious autonomy. Rather, it is characterised by negotiated configurations in which Islamic law adapts within regulatory constraints while retaining normative coherence. This perspective complicates binary narratives of domination and resistance and highlights the importance of examining how authority circulates across institutional, advisory, and communal domains.

The implications extend beyond Singapore to broader debates on Islamic law in minority regimes, secular states, and legally plural societies. Future research on Islamic legal reform should therefore move beyond measuring institutional scope and instead interrogate the epistemic premises that define what counts as law and legitimacy. Decolonising Islamic law, in this sense, does not require a return to precolonial institutional forms nor the expansion of religious courts. It requires a critical reassessment of the legal imaginaries inherited from colonial governance and a renewed attention to the relational processes through which authority is constructed in contemporary plural settings.

Bibliography

- Abat Ninet, Antoni. 2015. 'Modernity, Rationality and Constitutional Law in Muslim-Majority Countries'. *Copenhagen: Danish Institute for Human Rights*, 1–26.
- Abbasi, Muhammad Zubair. 2017. 'Judicial Ijtihādas a Tool for Legal Reform: Extending Women's Right to Divorce Under Islamic Law in Pakistan'. *Islamic Law and Society* 24 (4): 384–411.
- Akhtar, Rajnaara C. 2013. 'British Muslims and Transformative Processes of the Islamic Legal Traditions: Negotiating Law, Culture and Religion with Specific Reference to Islamic Family Law and Faith Based Alternative Dispute Resolution'. PhD Thesis, University of Warwick. https://wrap.warwick.ac.uk/57689/1/WRAP_THESIS_Akhtar_2013.pdf.
- Ali, Shaheen Sardar. 2016. *Modern Challenges to Islamic Law*. The Law in Context Series. Cambridge University Press.
- Al-Shuqairat, Hussein Raja, Abd-Al Razzak Mahmoud Al-Maani, and Mohanad Nayef Aldajah. 2025. 'Islamic Historiography and Modernity: A Systematic Literature Review on the Evolution of Muslim Societies in the Postcolonial Era'. *Journal of Islamic Thought and Civilization* 15 (1): 240–60. <https://doi.org/10.32350/jitc.151.14>.
- Ayoub, Samy A. 2022. 'A Theory of a State? How Civil Law Ended Legal Pluralism in Modern Egypt'. *Journal of Law and Religion* 37 (1): 133–52. <https://doi.org/10.1017/jlr.2021.79>.
- Ayoub, Samy, and Ari Schriber. 2024a. *A Sense of Justice: Coloniality and the Islamic Legal Tradition*. July 31. <https://doi.org/10.1163/15700607-20240019>.
- Ayoub, Samy, and Ari Schriber. 2024b. *A Sense of Justice: Coloniality and the Islamic Legal Tradition*. July 31. <https://doi.org/10.1163/15700607-20240019>.
- Banakar, Reza, and Max Travers. 2005. *Theory and Method in Socio-Legal Research*. Bloomsbury Publishing.
- Bowen, John R. 2011. 'Islamic Adaptations to Western Europe and North America: The Importance of Contrastive Analyses'. *American Behavioral Scientist* 55 (12): 1601–15. <https://doi.org/10.1177/0002764211409920>.

- Creswell, John W. 2013. *Qualitative Inquiry and Research Design: Choosing among Five Approaches*. Third edition. SAGE.
- Creutzfeldt, Naomi, Agnieszka Kubal, and Fernanda Pirie. 2016. 'Introduction: Exploring the Comparative in Socio-Legal Studies'. *International Journal of Law in Context* 12 (4): 377–89. <https://doi.org/10.1017/S1744552316000173>.
- Dupret, Baudouin. 2005. 'What is plural in the law ? A praxiological answer'. *Égypte/Monde arabe*, no. 1 (June): 159–72. <https://doi.org/10.4000/ema.1869>.
- Dupret, Baudouin, Adam Belkadi, Monika Lindbekk, and Ayang Utriza Yakin. 2023. *Paternal Filiation in Muslim-Majority Environments: A Comparative Look at the Interpretive Practice of Positive Islamic Law in Indonesia, Egypt, and Morocco*. April 21. <https://doi.org/10.1163/22124810-20230002>.
- Emon, Anver M. 2012. *Religious Pluralism and Islamic Law: Dhimmis and Others in the Empire of Law*. OUP Oxford.
- Fadel, Mohammad. 2013. 'Judicial Institutions, the Legitimacy of Islamic State Law and Democratic Transition in Egypt: Can a Shift toward a Common Law Model of Adjudication Improve the Prospects of a Successful Democratic Transition?' *International Journal of Constitutional Law* 11 (3): 646–65. <https://doi.org/10.1093/icon/mot022>.
- Hallaq, Wael B. 2004a. 'Juristic Authority vs. State Power: The Legal Crises of Modern Islam'. *Journal of Law and Religion* 19 (2): 243–58. <https://doi.org/10.2307/3649176>.
- Hallaq, Wael B. 2004b. 'Juristic Authority vs. State Power: The Legal Crises of Modern Islam'. *Journal of Law and Religion* 19 (2): 243–58. <https://doi.org/10.2307/3649176>.
- Hallaq, Wael B. 2005. *Authority, Continuity, and Change in Islamic Law*. Digitally printed 1st pbk. ed. Cambridge University Press.
- Hamayotsu, Kikue. 2002. 'Islam and Nation Building in Southeast Asia: Malaysia and Indonesia in Comparative Perspective'. *Pacific Affairs* 75 (3): 353–75. <https://doi.org/10.2307/4127290>.
- Hirschl, Ran. 2024. 'Comparative Constitutional Law: Reflection on a Field Transformed'. SSRN Scholarly Paper No. 4694814. Social Science Research Network, January 15. <https://doi.org/10.2139/ssrn.4694814>.

- Hoesterey, James. 2022. 'Globalization and Islamic Indigenization in Southeast Asian Muslim Communities'. *Islam Nusantara: Journal for the Study of Islamic History and Culture* 3 (2): 1–20. <https://doi.org/10.47776/islamnusantara.v3i2.370>.
- Hooker, Michael Barry. 1975. 'Legal Pluralism: An Introduction to Colonial and Neo-Colonial Laws'. (No Title). <https://cir.nii.ac.jp/crid/1130000797794764160>.
- Hovden, Eirik. 2023. 'Understanding and Framing Change in Islamic Law: Potentials and Possible Pitfalls of the Concepts of Canonization and Codification'. *Oxford Journal of Law and Religion* 12 (3): 289–313. <https://doi.org/10.1093/ojlr/rwae020>.
- Jensen, Sidsel Vive. 2016. 'Institutional Governance of Minority Religious Practices: Insights from a Study of Muslim Practices in Danish Schools'. *Journal of Ethnic and Migration Studies* 42 (3): 418–36. <https://doi.org/10.1080/1369183X.2015.1083850>.
- Kaminski, Joseph J. 2021. *Islam, Liberalism, and Ontology: A Critical Re-Evaluation*. Routledge. <https://doi.org/10.4324/9781003083979>.
- Kooria, Mahmood. 2022. *Islamic Law in Circulation*. Cambridge University Press.
- Kozak-Isik, Gulseren. 2025. 'Relative, Relational, and Affective: Rethinking Legal Consciousness Under Legal Pluralism'. *Social & Legal Studies*, September 19, 09646639251379869. <https://doi.org/10.1177/09646639251379869>.
- Menski, Werner. 2018. 'Religion, Governance and the Need for Plurality-Conscious Moderation'. *South Asia Research* 38 (1): 92–102. <https://doi.org/10.1177/0262728017725647>.
- Moqbel, Tareq, and Habib Ahmed. 2020. *Flexibility and Shari'ah Compliance of Islamic Financial Contracts: An Evaluative Framework*. July 22. <https://doi.org/10.1163/15730255-BJA10052>.
- Müller, Dominik M. 2018a. 'BUREAUCRATIC ISLAM COMPARED: CLASSIFICATORY POWER AND STATE-IFIED RELIGIOUS MEANING-MAKING IN BRUNEI AND SINGAPORE'. *Journal of Law and Religion* 33 (2): 212–47. <https://doi.org/10.1017/jlr.2018.29>.
- Müller, Dominik M. 2018b. 'BUREAUCRATIC ISLAM COMPARED: CLASSIFICATORY POWER AND STATE-IFIED RELIGIOUS

- MEANING-MAKING IN BRUNEI AND SINGAPORE'. *Journal of Law and Religion* 33 (2): 212–47. <https://doi.org/10.1017/jlr.2018.29>.
- Munthali, Nyamwaya, and Thomas Kitinya Kirina. 2023. 'Decolonising Gender and Development: The Influence of Ubuntu Philosophy on the Articulation of African Feminism'. In *Southern Theories*. Routledge.
- Pizzi, Paola. 2024. *No Compulsion in Religion: Jawdat Sa'īd (d. 2022) and the Jihād of the Prophets*. August 28. <https://doi.org/10.1163/27727882-bja00023>.
- Quadri, Junaid. 2021. *Transformations of Tradition: Islamic Law in Colonial Modernity*. Oxford University Press.
- Rahman, Noor Aisha Abdul. 2012. 'Muslim Personal Law and Citizens' Rights: The Case of Singapore'. *Asian Journal of Comparative Law* 7 (January): 1–29. <https://doi.org/10.1017/S2194607800000697>.
- Rock-Singer, Aaron. 2022. *In the Shade of the Sunna: Salafi Piety in the Twentieth-Century Middle East*. Univ of California Press.
- Salaymeh, Lena. 2021. *Decolonial Translation: Destabilizing Coloniality in Secular Translations of Islamic Law*. March 5. <https://doi.org/10.1163/24685542-12340054>.
- Schriber, Ari. 2025. *Is There a 'Jury' in Islamic Law? The Twelve-Witness Lafifiyya Testimony and the Limits of Judicial Discretion*. May 21. <https://doi.org/10.1163/19585705-12341511>.
- Sezgin, Yüksel. 2013a. *Human Rights under State-Enforced Religious Family Laws in Israel, Egypt and India*. Cambridge University Press.
- Sezgin, Yüksel. 2013b. *Human Rights under State-Enforced Religious Family Laws in Israel, Egypt and India*. Cambridge University Press.
- Shapiro, Sidney A. 2019. 'Law, Expertise and Rulemaking Legitimacy: Revisiting the Reformation'. *Environmental Law* 49 (3): 661–82.
- Silawati, Aslati, Armi Agustar, and Anwar Zein. 2024. 'The Application of Aspects of Islamic Family Law to the Muslim Minority in Singapore: A Literature Review'. *International Journal of Social Science and Religion (IJSSR)*, January 3, 23–38. <https://doi.org/10.53639/ijssr.v5i1.206>.

- Steiner, Kerstin. 2018. 'Branding Islam: Islam, Law, and Bureaucracies in Southeast Asia'. *Journal of Current Southeast Asian Affairs* 37 (1): 27–56. <https://doi.org/10.1177/186810341803700102>.
- Thio, Li-ann. 2019. 'Irreducible Plurality, Indivisible Unity: Singapore Relational Constitutionalism and Cultivating Harmony Through Constructing a Constitutional Civil Religion'. *German Law Journal* 20 (7): 1007–34. <https://doi.org/10.1017/glj.2019.75>.
- Tsaqilan, Fiqhan Qaulan. 2025. 'Transforming Legal Values amid Modern and Traditional Social Dynamics A Socio-Legal Perspective'. *Fast in Humanities* 1 (2): 11–19.
- Urinbojev, Rustamjon. 2025. 3: *Sociology of Islamic Public Administration: Ethnographic and Socio-Legal Perspectives*. <https://www.elgaronline.com/edcollchap-ooa/book/9781035333646/chapter3.xml>.
- Wahyuni, Sri. 2022. 'Legal Transplant: Influence of the Western Legal System in the Muslim Countries'. *Justicia Islamica* 19 (1): 21–37. <https://doi.org/10.21154/justicia.v19i1.2756>.
- Woerner-Powell, Tom, and Ricca Edmondson. 2019. 'Practical Wisdom and Islam: Reimagining Islamic Law, from the Local to the Global'. In *Applying Wisdom to Contemporary World Problems*, edited by Robert J. Sternberg, Howard C. Nusbaum, and Judith Glück. Springer International Publishing. https://doi.org/10.1007/978-3-030-20287-3_8.
- Zakkii, Mohammad, and Sutrisno. 2025a. 'Contemporary Developments in Islamic Law, Civil Law, Criminal Law and Administrative Law'. *International Journal of Law* 1 (1): 59–73. <https://doi.org/10.64084/ijl.v1i1.55>.
- Zakkii, Mohammad and Sutrisno. 2025b. 'Contemporary Developments in Islamic Law, Civil Law, Criminal Law and Administrative Law'. *International Journal of Law* 1 (1): 59–73. <https://doi.org/10.64084/ijl.v1i1.55>.