



Globalisation and Liberalisation: The Evolution of Sharia Law in Southeast Asia

Chew Khai Xing (21A01A), Choy Jia Ning, Gillian (21A01B), Phebe Lew Yu
(21A01A), Teoh Ning (21A13A)

Globalisation and Liberalisation: The Evolution of Sharia Law in Southeast Asia

Authors: Chew Khai Xing (21A01A), Choy Jia Ning, Gillian (21A01B), Phebe Lew Yu (21A01A), Teoh Ning (21A13A)

Abstract

A parallel legal system applying mostly to Muslims and full of unique jargon, sharia law is difficult to understand and remains shrouded in mystery to outsiders. Consequently, many mistakenly associate sharia law as stuck in the past, upholding outdated and oppressive norms such as the subjugation of women as second-class citizens. In reality, the dynamic nature of Southeast Asian sharia law means that it is constantly shaped by external forces, particularly the surge of globalisation that threatens to upend long-standing traditions embedded in its code. In this study, we analyse the impact of globalisation on Southeast Asian sharia law, focusing on the Muslim-majority countries of Brunei, Malaysia and Indonesia. Through identifying changes in laws relating to gender and sexuality, religion and finance, as well as examining the public reactions to landmark sharia law cases, we posit that rather than liberalising sharia law as expected, globalisation instead results in conservative pushback that strengthened the conservative tenets of sharia law.

Acknowledgments

We would like to thank our teacher-mentor, Ms. Sanjeeda Haque Munmun, for her guidance and support.

An Introduction to Sharia Law

Sharia Jurisprudence

Sharia law is derived from the *Fiqh*¹ to translate principles into legal codification. There are four sources of Islamic jurisprudence: the *Quran*, *sunnah*², *qiyas*³, and *ijima*⁴. From these sources arise two principle branches of law - *ibadat* (rituals) and *muamalat* (social relations) - and actions are classified as mandatory, recommended, neutral, abhorred or prohibited.

Sharia law plays a role in either mixed legal systems or classical sharia systems. The former, which we have focused more on, is practised in countries like Malaysia or Pakistan, and features large bodies of codified laws - usually based on European or Indian codes - and a central legislative attributed to politicians and modern jurists, although rules of traditional Islamic jurisprudence may influence some national laws.

In Muslim-minority countries, sharia laws can be applied for the sake of these minorities. For example, India's Muslim Personal Law (*shariat*) Application Act allows for arbitration through Islamic laws for Muslims in areas including family law, and Singaporean Muslims can invoke Islamic laws in certain matters of personal law.

Historical Roots

The first Muslim community dated back to 622, where Prophet Muhammad governed in Medina by resolving legal problems through interpreting the *Quran*. Soon, the strong emphasis on Quranic laws in the Medinan period was diluted with more discretionary powers of individual *Quadi* (chief judge) and institutions or elements of Persian-Sasnian and Roman-Byzantine law. Consequently, *Fiqh* arose; the *Fiqh* and its interpretations by the Qadi largely defined the *madhhab* (school of thought) in their locality under local administrations as different regions in the Islamic empire began to develop divergent legal traditions. By the later half of the 8th century, legal literature unpacking Islamic jurisprudence and standard methodology for its derivation was developed in place of oral transmission, which evolved through the medieval period to produce the traditional textual authority of sharia law.

¹ human scholarly interpretations of Sharia ethics

² the authentic hadith comprising traditions and practices approved by prophet Muhammad and constituting a model for Muslims to follow

³ analogical reasoning of the *hadith* and *Quran* to apply a nass, or known injunction

⁴ consensus or agreement of Islamic scholars on a point of Islamic law

Impacts of Globalisation

Globalisation can be generally defined as the increasing interconnectedness and resulting exchange of international systems and beliefs. Historically, European imperialism in Asia in the late 1800s forced Asian communities to adapt to the new economic, political and ideological systems of their colonisers. Resultingly, the Southeast Asia we see today was influenced by Islam, coupled with Hindu, Buddhist and other philosophies. In this paper, a key effect of globalisation discussed will be the Eurocentric worldviews forwarded by colonial bureaucracies, educational systems, religious organisations and institutions that introduced new concepts of authority, rights, and governance and questioned the tenets of indigenous values and beliefs.

Seemingly, economic globalisation resulting in greater trade flows both within the region and with the outside world has raised standards of living in SEA, leading to the creation of a new urban middle class more capable of criticising and questioning existing social structures, including that of sharia law. Globalisation also meant a greater degree of civilisational, cultural and religious pluralism, along with an increased international emphasis on human rights. Notably, the Carter administration in the 1970s led the world into an expanding concern about human rights, as demonstrated by charters such as the UN's 1976 "International Covenant on Civil and Political Rights" and "International Covenant on Economic, Social and Cultural Rights. The "Basic Principles of Human Rights" was published and by the 1990s, there were serious attempts to institutionalise constitutional rights in law. The effect of this rising consciousness can be seen in Asian countries like Myanmar and Pakistan which saw a rise in popular movements demanding greater individual liberties; The Human Rights Committee of the nongovernmental Law Association for Asia and the Pacific has promoted greater human rights in the region which seemed to contradict more traditional interpretations of sharia law.

However, along with this also rose more fundamentalist interpretations of sharia law as a pushback against the perceived imposition of Western colonialist values. An extreme was the Salafi Movement, which favoured traditional religious practice over *bid'ah* (innovation in religious matters). The largest group of these movements are the purists, politically-involved activists and the minority of jihadists. Many fundamentalists called for full implementation of sharia law, including *hudud* corporeal punishments or greater scope of jurisdiction in private and public life. A more extreme shift than Islamic modernism was secularism, introduced by post-enlightenment European colonists. A debate ensued on the relationship between religion and state, as well as the role of religious and political authorities like the Caliph. Save for the short-lived secular Arab nationalism experienced around 1945-70, the general consensus among Muslims was the acceptance of religion and state without distinct separation of powers. Currently, while the constitutions of Muslim-majority states do contain sharia references, its classical rules usually only surface in Islamic family law.

Gender & Sexuality

Family and Inheritance Laws

Traditional sharia family law largely reflects the patriarchal nature of traditional Islamic practices deemed out of line with the circumstances of contemporary Muslim societies where movements for the emancipation of women have arisen. Drawn from Muslim personal law under the rule of Quranic utterances, some family laws are inherently discriminatory towards women. This has been the case in inheritance laws which violate fundamental human rights as established in articles 7 and 17 of the Universal Declaration of Human Rights (UDHR); they stipulate that women are not entitled to parity in matters of inheritance and are allowed half of what a male counterpart would obtain.

However, for countries which have adopted the UN's Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), this drive towards gender equality propagated by Western nations has resulted in reforms in inequitable inheritance rights in certain countries. For example, predominantly Muslim countries like Indonesia currently adopt policies in line with the CEDAW convention, guaranteeing women equal rights to inheritance. Contrastingly, Brunei has resisted this challenge to sharia's supremacy due to the political dogmas of regressive forces and the pushback among traditional conservative communities against the assimilation of Western values – in contrast to most SEA countries, Brunei maintain reservations to CEDAW's Article 13, meaning discrimination with regards to inheritance rights remains a government-held position.

Sexual Offences and LGBT Laws

Historically, Islamic law has handled marital rape differently given how “sexual consent” is a modern-day concept while sharia law was formulated in the pre-modern era. Rather than being a violation of consent, sexual abuse within marriage was conceptualised as harm inflicted on the wife whereby courts used the harm-reduction principle when judging these cases. While modern Western influence has empowered women to go to court to force their husbands to desist and pay damages, the issue of a concubine's lack of legal consent (due to the practice of polygamy allowed in sharia law) regrettably remains unaddressed.

For sexual offences, women involved in sexual crimes like rape and *khalwat* suffer from common discriminatory views that women are in some way responsible for the transgression. *khalwat* laws promote discrimination against women which violates CEDAW as women are often singled out in *khalwat* crimes and subjected to violent punishment or heavier social stigmatisation. In rape cases, not only is a victim's testimony of her own rape inadequate, the court emphasises that a woman alleging rape confesses to having had pre-marital or

extra-marital sex. Thus, a married woman may risk being charged and potentially punished for adultery even if the male rapist is convicted.

Despite the influence and adoption of Western principles in the legal system (that prioritise punishing the perpetrator if convicted in order to restore retributive justice), there remain restrictions on confronting the perpetrators due to the sharia law principle of *zina*. *Zina* is still regularly enforced in certain countries whereby the rape victims will still face potential legal punishments if the perpetrator was successfully convicted of rape. Thus, Western legal principles have arguably not resulted in significant reform in sharia law towards the greater protection of victims of sexual offences and the official elimination of elements of victim blaming. For example, the Sisters in Islam program manager revealed that in Muslim countries, female rape victims as young as 12 years old can be convicted of adultery and publicly whipped, while the Malaysian All Women's Action Society reported that only 20% of rape cases are reported, where only 10% of reported cases result in successful convictions, showing that many rape victims are discouraged from seeking protection because of the potential punishments.

Furthermore, there has been a rise in Islamic fundamentalism due the increasing popularity of Middle Eastern university education which condemns Western values, advocating for return to pure Islamic practices. This in turn contributed to the rise of politicians advocating for Islamic fundamentalism in public policy - especially among the rural Muslim population - which has caused states such as Kelantan and Terengganu moving towards more conservative application of sharia law. Under this new trend of religious fundamentalism, Muslim women now convicted of adultery can receive the maximum punishment of stoning or public caning, erecting more barriers for female victims of rape to seek justice through the legal system – a trend that is increasingly antithetical to Western legal principles.

Regarding LGBT laws, sharia law has traditionally forbade homosexuality whereby the mere act of engaging in sexual activities between members of the same gender is punishable by law (with punishments such as flogging, stoning, and public humiliation). However, increasing prominence of LGBT advocacy worldwide has placed a slight degree of pressure on modern sharia systems. For example, in Indonesia, efforts to restore traditional sharia laws and criminalise homosexual acts (contravening the status quo where private, non-commercial homosexual acts among consenting adults are not criminalised) have been rejected by the sharia courts. This can be attributed to public condemnations of the Indonesian government's discriminatory remarks in 2016, as well as the prominence of local LGBT rights movements inspired by successes of similar movements overseas. In 2019, in response to international backlash by prominent public figures such as George Clooney against the imposition of death penalty for homosexuals in Brunei, the Malaysian Deputy Foreign Minister came out with a

public statement that although homosexuality deviates from Islam, the government would not impose such strict punishments.

However, it is worth noting that public backlash against the adoption of perceived draconian LGBT laws in Brunei has provoked opposing sentiments in other Muslim countries whereby Islamic leaders have spoken out against the perceived imposition of Western values – in 2018, Malaysian Prime Minister Mahatir strongly emphasised that Malaysia would not “copy” Western nation’s approach towards LGBT rights which disregarded traditional institutions of family and marriage, and that homosexual acts will remain illegal and punishable. (Straits Times, 2018) Such pushback thus highlights the limited, even counterproductive impact of assimilating Western progressive values through globalisation in reforming Sharia Law.

Religious Laws

Overview

The question of whether globalisation has liberalised religious aspects of sharia law may be answered by a close examination of the recent developments of religious law in the region. As globalisation has seen a premium put on individual liberties which include freedom of religion, liberalisation would entail lessening penalties for acts deemed religious infractions, or increasing freedom for those seeking to leave Islam.

Referred to the abandonment of Islam by a Muslim, apostasy is punishable by death in certain states in SEA, notably Malaysia, Indonesia and Brunei. Given its direct relation to Islamic religious practices, apostasy laws serve as a clear indicator of globalisation’s impact on religious law.

Greater Freedom of Religion

Optimists point out how globalisation has brought to the fore new ideals traditionally associated with the West such as liberalism, which have been adapted by SEA scholars for local implementation. The 1920’s Liberal Islam (*‘Islib’*) ideology has seen a resurgence in popularity, evident from the rise of modern-day advocacy for Islib, recently articulated in 1999 by Jakarta-based intellectuals led by Ulil Abshar Abdalla and Luthfi Assyaukanie (Masmoudi, 2003) which emphasised the need for separation of religion and the state, specifically the freedom of religion. The group explicitly emphasises “the liberty of the individual within the community” (Abbas et al., 2016); they oppose the death penalty for apostates. Leveraging on advancements in infocommunications technology brought about by globalisation, *Islib* established the Liberal Islam Network in 2002 to disseminate their opinions through new media.

However, Liberal Islam distinguishes itself from Western liberalism, emphasising that its doctrine, a key tenet being the freedom of religion, is derived from the *Quran*; it may not be directly inspired by the surge in liberalism outside the Islamic world. Nonetheless, it is striking that *Islib* deems itself compatible with Western liberalism and advocates for greater modernity, contrasting with other strains of Islam which decry modern social norms such as promiscuity as practices to be purged. This may indicate that *Islib*'s revival may be out of a need to adapt to modern-day circumstances; with globalisation bringing about greater understanding of other cultures as outsiders deem Islam "backward", scholars have seen a need to examine existing Islamic practices and re-interpret the Quran accordingly.

However, while Islam itself may be liberalising, sharia law doctrine in SEA remains steeped in conservatism, and is in fact growing more restrictive.

Backlash

Globalisation today is perceived by Muslims as essentially a Western enterprise or project (Monshipouri and Motameni, 2000), where foreign values such as democratisation and liberalisation are linked to prestige, credibility, and power. For instance, economic powerhouse the United States regularly imposes sanctions on countries deemed to have violated human rights, such as Iran and Myanmar. Given this essentially Western nature of globalisation, SEA nations have ratified doctrines such as the UDHR which explicitly specifies the universal "right to freedom of thought, conscience and religion" (United Nations, 1948) to paint themselves in a more positive light on the world stage. However, such considerations are balanced with a desire to preserve their identity; while respecting the rights of non-Muslims, Malaysia, Indonesia and Brunei explicitly condemn apostasy by their Muslim population. Preserving religious norms proves vital, especially when facing the threat of Westernisation of one's society through pressure from international institutions.

These developments are best exemplified in the clash between conservatives and liberals within sharia law. While both camps agree apostasy remains a fundamental sin, they disagree on the extent to which this should be punished. The argument put forward by Islamic conservatives is that freedom of religion and the right to defect from Islam, are against Islamic traditions (Ghai, 1999) and will result in the breakdown of ideological consensus and chaos.

While optimists posit that globalisation has enhanced robust debate between two divergent strands of thought in relation to apostasy laws - prominent law professors such as Mohammad Hashim Kamali question the need for punishment (Hamid, 2016) - in fact, punishments are growing harsher.

Bringing about greater religious and cultural diversity in SEA than before, globalisation has forced such states to make difficult choices with regards to their identity. The increasing cosmopolitanisation of society brought about by globalisation has proliferated minority identities, and enhanced the visibility of diverse communities. This onslaught of new ideas may bring about greater communitarianism as people unite against perceived external threats such as the 'plural, secular, liberal' Western scourge of Christianity. While proselytisation of Muslims has always been generally prohibited in SEA, the increased presence of minority religions have triggered backlash from Islamist groups. For instance, when a Methodist Church in Selangor was supposedly converting poor Muslims (later debunked), conservative Islamist groups were affronted, uniting under the banner of Assembly of a Million Muslims, spreading messages of a Christian threat to Muslim Malaysia.

One may perceive this backlash from the increasing criminalisation of apostasy in Malaysia. For the past decades, Malaysia experienced a slew of restrictions on the freedom of religion - despite contradicting federal law which does not include apostasy as an offence (Adil, 2007), the state governments of Kelantan and Terengganu passed laws in 1993 and 2002 respectively making apostasy a capital offense. More recently, in 2016 and again in 2017, Abdul Hadi Awang, leader of the Pan-Malaysian Islamic Party, introduced a private member's bill to amend the Shari'ah Court (Criminal Jurisdiction) Act 1965 to implement *hudud* (the Islamic penal code) punishments and expand sharia courts' jurisdiction, making apostasy illegal on a national level where punishments would be more severe. Such actions, along with the increasing presence of Jawi script on road signs, suggest the majority is seeking to assert their Muslim heritage due to the perceived threat to their identity. More recently in May 2014, ex-Prime Minister Najib Razak labelled "humanism and secularism as well as liberalism" a dangerous threat to Islam and the state; conservatism has been politicised on the pretext of opposition to the imposition of secularism. This may be due to the unusually high-profile apostasy cases that the court has dealt with over the years; the determination of would-be apostates Rooney Rebit, Juli Jalaludin etc. to fight for their cause to the highest rungs of the courts have sparked controversy and backlash (Rashid et al., 2017).

In a similar vein, the Bruneian sultan has advocated the strengthening of Islam in the country against what he calls potentially harmful outside influences, recently calling his Islamic monarchy a "firewall" against globalisation. Under the pretext of punishing those who act 'against Islamic beliefs' (al-Jazeera, 2019), a new Sharia Penal Code (2013) has taken effect, where apostasy means either death or jail of up to 30 years. The tightening of apostasy laws marks the first instance of a sharia penal code being implemented on a national level in SEA (Human Rights Watch, 2019), following a larger trend of the increasing codification of sharia law worldwide (Lindsey and Steiner, 2016). Religion aside, globalisation has increased pressure on autocrats to step down given the power of external support in harnessing pro-democracy movements worldwide; the Bruneian government insists the sultanate's 54 years of

monarchical rule as a distinctly Malay tradition must be protected from foreign influence. In fact, international backlash has further strengthened the Bruneian pursuit of more conservative apostasy laws to enhance his legitimacy, as the Sultan portrays himself as the final defender of sharia doctrine (Yuhas, 2019).

Following the modernist era of Suharto's New Order which embraced state secularism, even Indonesia is now going down a more austere path. With sharia law elements "symbolically enshrined" in the Constitution (van Bruinessen, 2011) despite having been rejected previously, Indonesia now utilises existing laws to convict apostates despite the former having no direct relation to apostasy. This is directly due to the increase in Wahhabi influence; the visibility of Indonesian-Arab leaders in pushing for radically austere laws suggests Wahhabi involvement (Bayumi, 2012). Furthermore, since 2014, conservative Aceh has imposed even newer restrictions emphasising the importance of Islamic values, illustrating how religious laws are an avenue by which states may preserve their cultural identity in the midst of globalisation.

Finance

From the economic perspective, Islamic finance seems to be removed from the influence of globalisation in terms of modifications to its elemental operations and mechanisms. Rather, it appears that globalization has only led to the increased receptiveness of Islamic finance, further driven by the seeming need for Islamic banks to retain their financial competitiveness against conventional or Western banking. In fact, Malaysia secures its status as a fulcrum of *sukuk* issuance, which will be later explored.

However, Islamic banks merely constitute a small fraction of domestic markets in Indonesia, Malaysia and Brunei. This is due to the recency of Islamic banking permittance in these countries. For instance, in Malaysia, the Islamic finance industry is still relatively in its infancy, with the the Islamic Banking Act birthing the first Islamic bank (Bank Islam Malaysia Berhad) only being enacted in 1983. In the first half of 2020, the Malaysian Islamic finance industry's share of total banking assets reached 33.3%.

In and of itself, Islamic banking is not disparate from Western or international finance. Firstly, under Islamic banking, interest on loans is prohibited, with banks operating based on equity participation, such that businesses pay the absolute sum back but grant banks certain profit shares. Hence, Islamic banking is tied to, and closely emulates, conventional banking systems. Yet, the distinction persists as Islamic banking is still premised on sharia law which advocates for moral banking, namely risk-sharing, in which providers of financial capital and entrepreneurs share business and financial risks with shared returns.

While it may appear that Islamic banking still plays a substantially muted role in SEA, it has attained increasing relevance and prominence as banks attempt to increase market shares to achieve greater competitiveness, and households grow more receptive to Islamic financial instruments and products. Rather than being impeded by globalisation, Islamic finance seems to retain its structural and systemic integrity, only seeing its growth expedited and accelerated.

Most prominently, Malaysia is the world's largest issuer of Islamic securities, with US\$30bn of US\$41bn of *sukuks* (bonds) issued in Malaysia from 1996-2006. It is evident that Malaysian Islamic banking has attained accelerated growth, with the share of assets growing from 7% (2006) to 20% (2012). In fact, Investment Management and Financial Innovations posits that this is due to cheaper financing costs, increased attractiveness to investors resulting from the exponential growth of Islamic funds and the use of Islamic debt offerings to fund new activities (78.8% in Malaysia). Malaysia's relative success is attributed to its involvement in the global initiative to establish the 2010 International Islamic Liquidity Management Corp to strengthen liquidity management of Islamic banks.

In Indonesia, the recent merger between banks BRI Syariah, Syariah Mandiri and BNI Syariah to form Bank Syariah Indonesia (BSI) is testament to the increasing prominence of sharia law in the Indonesian economy, with the competitiveness and market power of these banks significantly strengthened. In fact, BSI has total assets of \$17.1 billion, rendering it the nation's seventh-largest asset lender.

Yet, the Indonesian Islamic finance sector has traditionally been devalued by its sub-standard operations which compromises its potential dominance as compared to conventional banking adopted globally. Indonesian Islamic banks have always been weaker than conventional peers, dragged down by higher funding costs, inefficient operations, weaker underwriting standards and frequently poor knowledge of available products and services amongst customers. Moreover, Indonesian Islamic banking remains less competitive than its conventional counterpart due to its relative de-emphasis on religious principle rather than cost, according to the latter significant comparative advantages.

In Brunei, Islamic banking remains largely underrated, with only one Islamic institution providing banking services (BIBD). However, Brunei's government has vigorously endorsed and supported Islamic finance as an alternative to conventional finance. This is evident in Brunei Prime Minister Hassanal Bolkiah's 1990 speech legitimizing the institutionalization of Islamic values in all aspects of Bruneian life, including the economy, which can vitally be perceived as an aversion to the westernisation of the finance markets. Additionally, BIBD has enjoyed a notable rise in their share of assets (41% in 2020, compared to 37% in 2010). Hence, Islamic banking has clearly undergone an upward trajectory in all three countries, including Brunei.

In fact, an interesting tenet of Islamic banking is ethical investment, which prohibits investments pertaining to items or substances considered blasphemous, such as alcohol, gambling or pork. In this manner, economic principles are closely intertwined with religious ideologies, which serves as a basis for Islamic business operations. As of now, it seems that Islamic finance law is unlikely to experience liberalisation as its progress remains contingent on internal aims to achieve Islamic financial institutions' primacy rather than its essential principles being jeopardised by globalisation. This being said, Islamic banking and finance markets have definitely undergone heightened presence in the aforementioned nations, undergirded by preexisting global presence, heightened competitiveness and government efforts to strengthen Islamic banking and amplify Islamic financial pertinence.

Conclusion

While it can be posited that Islamic fundamentalism has indeed been dampened by the rise of globalisation, not all aspects of sharia law have been undermined or questioned, evinced in the retention of Islamic banking structures. Ultimately, globalisation may morph attitudes toward sharia law but not the law itself — in the same vein, traditional concepts continue to be reinforced by followers who fear the Western erosion of Islamic influence.

However, one must note that many Islamic policies are discussed “internally and... introduced slowly and quietly” without open religious debate not only in Brunei, but in Malaysia and Indonesia as well. Without clear explanations for the thought process of states, we may only rely on recent developments to draw conclusions on the state of religious law today.

However, the role of globalisation has exerted limited influence on certain aspects of Islam, particularly finance. While the socio-political issues such as religion and homosexuality are relatively more contentious due to the polarization of contemporary (though not necessarily better) Western values and the Islam tradition, Islamic finance has remained rather unchallenged and has even gained greater traction in the world in some areas.

Bibliography

Abbas, H., Ellison, K., Nomani, A. & Zonneveld A. (2016). Islam And Liberalism. Democracy, a Journal of Ideas. Retrieved from <https://democracyjournal.org/magazine/41/islam-and-liberalism/>

Adil, M. A. M. (2007). Law of Apostasy and Freedom of Religion in Malaysia. Asian Journal of Comparative Law, 2, 1–36. doi:10.1017/s2194607800000065

Al-Jazeera (2019). Brunei enacts new penal code as sultan calls for ‘stronger’ Islam. Retrieved from <https://www.aljazeera.com/news/2019/4/3/brunei-enacts-new-penal-code-as-sultan-calls-for-stronger-islam>

Bayumi, E. (2012, June 18). Is there room for atheists in Indonesia? The Jakarta Post. Retrieved from <https://www.thejakartapost.com/news/2012/06/18/commentary-is-there-room-atheists-indonesia.html>

Bowering, G., Crone, P., Kadi, W., Stewart, D., Zaman, M., & Mirza, M. (Eds.). (2013). The Princeton Encyclopedia of Islamic Political Thought. Princeton; Oxford: Princeton University Press. doi:10.2307/j.ctt1r2g6m

Brienen, H. van. (2015, August 16). Jimmy Carter, Human Rights and the Cold War. E. <https://www.e-ir.info/2015/07/08/jimmy-carter-human-rights-and-the-cold-war/>.

Brown, J. A. (2019). Slavery and Islam. United Kingdom: Oneworld Publications.

Encyclopædia Britannica, inc. (n.d.). Development of different schools of law. Encyclopædia Britannica. <https://www.britannica.com/topic/Shariah/Development-of-different-schools-of-law>.

Ghai, Y. (1999). Rights, Social Justice, and Globalization in East Asia. The East Asian Challenge for Human Rights. Cambridge University Press, 241-63; see esp. 252.

Hamid, A. (2016). Syariahization of Intra-Muslim Religious Freedom and Human Rights Practice in Malaysia: The Case of Darul Arqam. Contemporary Southeast Asia, 38(1), 28-54.

Human Rights Watch (2019, May 22). Brunei's Pernicious New Penal Code. Retrieved from <https://www.hrw.org/news/2019/05/22/bruneis- pernicious-new-penal-code>

Human Rights Watch. (2016, February 11). Indonesia: Flurry of Anti-Gay Statements by Officials, Condemn Bias; Pledge to Protect LGBT Groups. Retrieved from <https://www.hrw.org/news/2016/02/11/indonesia-flurry-anti-gay-statements-officials>

Lindsey, T. & Steiner, K. (2016). Islam, the monarchy and criminal law in Brunei: the Syariah Penal Code Order, 2013. *Griffith Law Review*, 25(4), 552–580.

Masmoudi, R. A. (2003). The Silenced Majority. *Journal of Democracy*, 14(2), 40–44. doi:10.1353/jod.2003.0040

Monshipouri, M., & Motameni, R. (2000). Globalization, sacred beliefs, and defiance: is human rights discourse relevant in the Muslim world?. *Journal of church and state*, 709-736.

Moosa, E. (2010, May 9). Colonialism and Islamic Law. SSRN. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1601520.

Rahim, L. Z. (2006). Discursive contest between liberal and literal Islam in Southeast Asia. *Policy and Society*, 25(4), 77-98.

Rashid, A. Yunus, R.A., Musa, K., Darus, R., Rahman, R. & Teh, K. S. M. (2017). A review of apostasy cases in Malaysia. *Man In India*, 97(16), 297-301.

Shoma, C. D. (2019, November 3). Inheritance rights of women and Shariah law: the case of Bangladesh. *Devpolicy Blog from the Development Policy Centre*. <https://devpolicy.org/inheritance-rights-of-women-20191104/>

The Economist (2018, December 7). What are zina laws? Retrieved from <https://www.economist.com/the-economist-explains/2018/12/07/what-are-zina-laws>.

The Straits Times (2018, June 5). Mahathir says his govt will safeguard Islam as he pushes back against critics. Retrieved from <https://www.straitstimes.com/asia/se-asia/mahathir-says-his-govt-will-safeguard-islam-as-he-pushes-back-against-critics>

The United Nations (1948). The Universal Declaration of Human Rights.

Thomson Reuters. (2017, July 12). Malaysian state introduces public caning for sharia crimes. Reuters. <https://www.reuters.com/article/us-malaysia-politics-idUSKBN19X1GI>

van Bruinessen, M. M. (2011). What happened to the smiling face of Indonesian Islam? Muslim intellectualism and the conservative turn in post-Suharto Indonesia. RSIS Working Papers, No. 222.

Yuhas, A. (2019, April 4). The Sultan of Brunei: Opulence, Power and Hard-Line Islam. New York Times. Retrieved from <https://www.nytimes.com/2019/04/04/world/asia/who-is-sultan-brunei.html>.