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Research Article

## Social Impacts Of Applying Legal Pluralism In Muslim-Majority Countries

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**Abstract.** This paper analyzes the social impacts of legal pluralism in Muslim-majority countries, with additional reference to India's multicultural legal framework. Legal pluralism—where multiple legal systems coexist helps preserve cultural diversity and provides accessible, community-based justice. However, it also generates legal complexity, inconsistencies, and potential human rights concerns. By comparing models ranging from Sharia-based systems (e.g., Saudi Arabia, Iran) to mixed or optional plural systems (e.g., India, Indonesia), the study highlights how each country balances tradition with modern legal demands. The findings show that legal pluralism can function effectively when carefully managed, ensuring both cultural recognition and fairness within diverse societies.

**Keywords :** legal pluralism, Islamic law, social impacts, Muslim-majority countries, personal law.

## **INTRODUCTION**

A legal system can be defined as a set of rules and procedures that a community uses to interpret and enforce its laws, which is compulsory for the well-being of every social institution. When there is existence of multiple legal systems within one society or geographical territory, it can be called as Legal pluralism. As countries like India has special Islamic laws and principle for those who follow Islam. And other communities' issues will be dealt by secular courts. As if a Muslim dies, his properties can be divided for his ancestors according to Islamic law, or can be divided equally according to public legal system. The system is favorable and also hate-provoking at the same time in a social perspective. My study concentrate on those social responses to the system. The system doesn't shrink only in Islamic law, but also in other religious laws like Hindu Marriage Act, 1955. But Islam is one and only religion flourished by a legal system that deals with all the deeds of a human. So, the topic is more likely to concentrate the Islam. We can get the relevance of topic from involvement of even Muslim minority countries like USA, Canada, Australia and Germany in conducting debates on allowing legal pluralism. The paper also concentrate especially on Muslim-majority countries such as Indonesia and Egypt. The research can give an idea on how much applicable and practicable is legal pluralism.

## **LITERATURE REVIEW**

The topic is often taken by some researchers earlier. Legal Pluralism in Muslim Context published in 2019 is one of those on the topic. The book containing seminar papers which details legal pluralism widely across different disciplines. They concentrate both on legal pluralist realities as well as public debates. They also address legal pluralism in a range of different societies with varying political, institutional and historical contexts. The approach highlights the relevance of Islamic law in power struggles and in the construction of identities. Meanwhile the studies in this volume reveal that legal pluralist settings often reflect very specific historical and social constellations, which demands caution towards any generalization.

Legal Pluralism in the Arab World is another book on the topic. The book is a collection of papers of seminar held in Cairo. The book represents the first comprehensive examination of this phenomenon. This collection of essays attempts to define the notion of legal pluralism from a sociological, anthropological, and theoretical perspective and highlights its connection with particular Arab societies and countries. All these studies are on applying such a system and on its consequences and comparatively analyzing to single legal system. But social impacts relevant to discuss that how people will be responding to such a system. Especially, in this rational age, how much apt can be a religious legal system.

## Current System In India

India, a country of diversities should have such a plural legal system that a single secular system may not acceptable for all those diverse groups of people. As it has brought it. In India's constitution, there are Hindu Marriage Act, 1955 for Hindus, The Indian Christian Marriage Act, 1872 for Christians and Shariat Application Act, 1937 for Muslims. These are examples on how India applies a plural legal system for various communities. Article 44 aims to promote uniformity for citizens of different religions. Which provide Uniform Civil Code which applies the uniformity irrespective of religions in personal laws. The Indian constitution becomes aware of the differences in the culture of various religions and aims to protect the same under Right to Religion.

Sometimes, there will be contradiction between Shariat law and authorized law. For example, Under Muslim law, after attaining the age of puberty parties can get married which is in conflict with Protection of Children from Sexual Offences Act, 2012, which penalizes sexual act with person below the age of 18 years. Although, in the event of any inconsistency between the provisions of the POCSO Act and any other law, the provisions of the POCSO Act shall have overriding effect.

Uniform Civil Code is completely against the legal pluralism that a single legal system should be applied in all the personal issues without considering religion. As Article 44 is left in constitution as letters only. Because the leaders can't dare apply such a system that may provoke India's civilians from diverse groups and cultures. When we analyze it in Islamic perspective, India has Mostly Hanafi School following Muslims. So, Hanafi jurisprudence book A Muslim Personal lawn by Mulla was used widely Indian courts at times of independence. Even though, this book is not a part of constitution. But it is used for comfort of courts. A Muslim can argue if that book contains anything against Shariat.as in Kerala, High court preferred referring a book written by Aliyar in Shariat issues. And in cases of any differences in opinions of various schools of jurisprudence, there will be decided as per the law of school of persons of the case.

## Muslim Majority Countries

Muslim majority countries can be either have a single legal system based on Islamic Shariat only. Such as Saudi Arabia. It has Islamic laws derived from Quran and the Sunnah of prophet Muhammed. It depends on jurisprudence texts from Hanbali School. Afghanistan is also same as Saudi Arabia in its legal system despite it depends on texts in Hanafi jurisprudential school. Iran also has such a legal system that is single and is based on Shia based Jaafari school of Islamic jurisprudence. Which contains Hadd which means regular punishment purposes of Islam. These countries basically follows Islamic laws as their legal system. But the core difference

is texts they depend from various schools of jurisprudence. Even though, there are differences also in how they practice the laws over the civilians.

Or it can be having a plural legal system. Those are different types as it may allow civilians to select what they want in issues. As a Muslim prefers the penal code system of property dividing between ancestors, not as Islamic law orders to do, he can do so. That the specific legal system is only optional. So, the nation won't be blamed for forcing people to accept a special legal system while having an authorized system. These are widely applied in Muslim-minority countries like India. Tanzania is also a nation with legal pluralism and allows its civilians to choose what type of law they would like to have. Or countries that don't allow civilians to choose, but they have to accept the law made for them specially. If we take Iran as an example, Iran's legal system contains both civil laws and Shariat law, as well as statutes and regulations. But here, the base law is the Islamic legal system. There are laws for non-Muslims also. However, the Islamic legal system was always preferred. So civilians have no choice for civilians to accept whatever they want. It's same to Algerian legal system that is a combination of Islamic law, tribal customs, and foreign legal systems, and it is designed to ensure fairness and justice for all members of society. But it doesn't allow civilians to choose one of them without the supposed one that exact issue.

The judicial system of Bahrain is a system of three courts as Civil Courts, Sharia Courts and criminal courts. Civil Courts have jurisdiction to adjudicate all commercial, civil, and administrative disputes, as well disputes related to the personal status and domestic relations of non-Muslims. The Sharia Courts, which apply Sharia law, have jurisdiction over all aspects of the personal status of Muslims. Criminal Courts have the jurisdiction to deal with criminal matters. The system also doesn't give civilians right to choose what they want to be in practice. As Muslim personal issues can't be solved by civil courts.

The legal system of Brunei is based on British common law, with a parallel Sharia law system for Muslims, which supersedes the common law system in areas such as family and property law. Brunei is known for applying Sharia laws for both Muslims and Non-Muslims firstly in Southeast Asian countries. But not all the Muslim laws applied for other religion people. Mostly, criminal laws was based on Islamic legal system. If we look at Pakistan, as it's a country formed from partition of India, It has the legal system in British India. But it has been took for changes and now there is Federal Court System, and there are some tribal leaders for finding solutions for tribal people who live in tribal areas of Pakistan.

All these Muslim-majority countries have a system of legal pluralism. As mentioned above, there are also Muslim-minority countries with plural legal systems. These all are evident enough to argue that Islam has a well-designed legal system that deals with every single matter of persons and community. Even if we don't look at all nations, India is a great example as follows; In India, for Christians,

there is The Indian Christian Marriage Act, 1872 only as Hindus have the Hindu Marriage Act, 1955. But for Muslims, there is the Shariat Application Act, of 1937 which is applicable not only in Marriage, But also in dividing properties for ancestors, divorce, and all personal matters. But in criminal laws, India has IPC (Indian Penal Code) sections. These are evident in Islam's sufficiency in judging and solving individual issues.

When we check social responses to this legal pluralist system, firstly, in a country of diversity like India, primarily it's acceptable for Civilians as they are from several diverse groups and castes. As we can understand the lack of courage of Indian leaders in applying UCC which opposes legal pluralism. Meanwhile, it's even written in the constitution as Article 44. But, left as letters for decades. But there is another view, the country of North Korea, can be seen as a UCC working country. With that also, Kim Jong Un won by 100% votes again. But this data doesn't tell that people of the nation are so satisfied by this legal uniformity. But, it may be the civilians in North Korea may not have even right respond against their system or raise their voices against it. In some legal pluralist countries also, there would be murmurs against legal pluralism. That the specific law a community may be with less restrictions than the authorized legal system. So civilians from other communities can blame the system that two persons from different communities can be punished in different ways even if they did the same crime. Not only civilians from other communities, but also persons from the same community can be against the special religious law. As an example, an advocate in Kerala filed a case against Islamic legal system in Property division while he is also a Muslim. He wanted to court to divide properties equally.

There are Civil, Customary, and Sharia legal systems are several systems applied by various nations. Sharia is completely based on Qur'an and Sunnah. Scholars in various periods form Sharia from Qur'an and Sunnah. This Sharia is Islamic legal system. It explains how a man should live and how shouldn't. It marks restrictions for a man and atonements for doing evils. In Civil laws, it marks rights of civilians and how it should be preserved and what would be the action if anyone broke someone's right. It originated in Italy and France that has been adopted in large parts of the world. Modern civil law stems mainly from the Napoleonic Code of the early 19th century, and it is a continuation of ancient Roman law. Its core principles are codified into a referable system, which serves as the primary source of law.

### **Social Impacts**

As per mentioned above, a legal system should be working for well-being of nation and society. So, it should not be blamed for its disadvantages. It enforce the researchers study about merits and demerits of legal pluralism;

Legal pluralism simply supports cultural diversity. It allows different cultural groups within a society to maintain their own legal traditions and practices. This can

help preserve cultural diversity and promote tolerance and understanding among different communities. A society can be much beautiful with cultural diversity, if there is no conflicts for not considering certain communities. In this system, the nation tries to preserve traditions and cultures of all communities. So, cultural diversity is main advantage of legal pluralism. It's because of three main reasons as follows; firstly, legal pluralism can provide more accessible avenues to justice for marginalized groups who may not trust or have access to the formal legal system. Community-based legal norms and institutions can sometimes be more familiar and approachable for these groups. As a person in a community has its own traditions. If the formal legal system doesn't consider his norms and values, he won't have any trust or interest in legal system of the nation. The second reason is that legal pluralism has flexibility and adaptability. That legal pluralism has multiple legal systems can provide flexibility to address a wide range of issues and adapt to changing circumstances. Local legal systems may be more responsive to the needs of the community and able to evolve more quickly than centralized systems. For example, the system of circumcision is a traditional practice in Islam. If there wasn't a system protecting Sharia, the practice may be considered as harming and injuring children. But wide range of legal pluralism makes the practice a traditional practice related to Islamic culture. The society will be satisfied and having interest in nationality and its legal system.

The third reason is conflict resolution of legal pluralist system. It can offer a variety of mechanisms for resolving disputes, including informal methods such as mediation and arbitration. This can help reduce the burden on formal courts and lead to more efficient and culturally appropriate resolutions. That if a legal system gives each communities their own rights and considerations, they won't be making conflicts for being avoided. As we seen in Manipur, people fights for not considering them. If a plural legal system as territories applied in those conflict areas, the problem will get resolved as many sociologists proposes to do. These three advantages of legal pluralism, completely promotes cultural diversity and norms and values of different communities at the same time.

The core disadvantage of legal pluralism is having complexity and uncertainty. That a nation having multiple legal systems can lead to confusion and uncertainty about which laws apply in a given situation. This complexity can create difficulties in enforcing legal norms and can undermine the rule of law. That when a case involves persons from various communities, the court will be confused on which legal system it should make a verdict. This complexity and uncertainty forms from three reasons; firstly, legal pluralism may result in inconsistent outcomes and unequal treatment of individuals based on factors such as their cultural background or social status. This can erode confidence in the legal system and lead to perceptions of injustice. That a view of inequality can be spread among the civilians when legal pluralism opposes

the theory of all are equal before law. Judging cases according to their community, can't be right in a view of a secular democratic country.

The second reason is conflict and fragmentation caused by legal pluralism. It may lead to conflicts between different norms and authorities, creating challenges for governance and social cohesion. Disputes over jurisdiction and conflicting legal decisions can exacerbate tensions within a society. That an issue can be in contradiction between special law and authorized law. As example, the same issue of Muslim marriage, which is allowed with condition of getting puberty, opposes the POCSO law in authorized law. Here, POCSO will be considered. In several cases like this, court will be confused that on which legal system should be the verdict. **Third** reason is human right concerns caused by legal pluralism. That in some cases, local legal systems within a pluralistic framework may not adequately protect fundamental human rights or may perpetuate discriminatory practices. Balancing cultural traditions with universal human rights standards can be a significant challenge. And it can be simply misused for giving priority for a community over others aiming political benefits in name of setting a legal system that works for well-being of nation.

These are the social impacts caused by Legal pluralism. In other words, legal pluralism is like reservations for disadvantaged groups of society. It has both merits as considering a community which is quite backward and giving opportunities for them and preserving their rights, and demerits like it refuses someone's hard work's result. As a man qualified for a government vacancy can be taken away for reservation seats. If there wasn't there reservations, he would be getting that vacancy. In fact, a society will view legal pluralism as two aspects. Disadvantaged or backward groups of society will think about it as a program for empowering disadvantaged groups. Meanwhile, other majority communities think about it as a plan to block their opportunities. Especially, in a country of diversity like India, there will be various views for society.

### **Challenges And Limitations**

As almost every systems have its own limitations in its applications, Legal pluralism also have its limitations and challenges. As legal pluralism can be misused as a defending option from punishments of criminal laws. Or as a tool to prefer one community over others by considering their norms only without others'. Or can be misused by radical religious activists. It also opposes the theory of 'All are equal before law'. As it makes judgements according to their social backgrounds. It shouldn't be nothing more than an identity. So it makes a sense of inequality in the society. That a person from a community can lose his trust and interest in his nationality and its legal system. And when the legal pluralism is misused, it can undermine the rule of law by eroding confidence in the legal system's ability to provide consistent and impartial justice for all. It also removes the sense of a unity.

When the law itself divide civilians into different cultural, religious, or ethnic groups, civilians lose the sense of unity.

Legal pluralism is a system that should be managed so carefully, that a simple misact can lead to wide communal conflicts. If it's mismanaged it can exacerbate conflicts between different legal systems or between groups adhering to different norms, potentially leading to social unrest and instability. It also opposes the equality in simple vision. Even it's made for equal consideration for all communities. It also makes the judgement so complex, even if court made a judgement, people wouldn't hesitate to blame court due to having another law. It also can't involve all the people in its benefits. That in a wide country like India, considering all the communities is impossible. Reports say that there are over 4,000 religions in India. So, making legal systems considering all of them is completely impossible.

### **Comparative Analysis**

Several scholars approached legal pluralism with comparative view. It can be compared by Uniform Civil Code, Single legal pluralism, or as legal pluralism in different countries. As it is compared to UCC, legal pluralism promotes cultural diversity while, UCC is against that. That both can be better according to civilians of the territory which the rule is applied in it. That a country with cultural diversity, like India, its civilians would like to have a plural legal system. But, a country with almost uniformity in their community and cultures would like to have UCC. When it's compared to legal system based on constitution, pluralist legal system will be deled in accordance of traditions and religions. As constitution doesn't specify any of communities and only aims at welfare of the whole nation. When a well-designed single legal system works for equality, pluralist system works for equity. It's as differences between secularism in India and Western secularism. Western secularism provides an idea of that the nation shouldn't interpret in Church or religious issues. Meanwhile, Secularism in India provides the idea of that the nation shouldn't prefer one religion over others and all religions are a part of the nation.

These differences last from origins of both systems to consequences and impacts on civilians as per mentioned above. Especially, in this rational age, people may not interested much in a legal system that is based on religions. Even though the term 'rational age' is a conceptual one as fictional stories and movies are favourable even now. And when legal pluralism is compared in basis of the religion it demands, Islamic legal pluralism is the only pluralism that already have legal system –Sharia- that deals with all the deeds and acts of a person and community. As it will be clear from system in India, that when other religions have acts for their particular practices like marriage, Islam have a whole Sharia even it will be in contradiction with national legal system in some cases. And it can be compared in basis of method of applying it in several countries. That the system may be optional for civilians while others are compulsory. Legal pluralist system is so flexible and is

apt for different issues. Both of legal pluralism and legal uniformity have its limitations at the same time.

## CONCLUSION

Legal pluralism, especially in countries with a Muslim majority, is an intricate interrelationship between tradition, religion, and modernity. Legal pluralism is the existence of different legal orders within the same geographic space that subsidizes diversified cultural, religious, and social fabrics within society. The authors have examined the social influence of legal pluralism, with special interest placed on its functionality within countries hosting Muslim populations and on what can be contributed to applicability and practicality in contemporary time.

Legal pluralism in countries like India is reflected in having specific laws for different religious communities, such as the Shariat Application Act concerning Muslims and the Hindu Marriage Act relating to Hindus, along with an Act dealing separately with the marriage of Christians, viz., the Indian Christian Marriage Act. This pluralistic approach is aimed at respecting and harmonizing with the diversified cultural and religious profile of the people. At the same time, this also leads to paramount issues: differences between religious laws and national laws, complications of litigation procedures, and perceptions among various communities about inequality.

There are different models of legal pluralism within countries that have large Muslim populations. Countries like Saudi Arabia and Iran have unified law systems, largely based on Sharia, which is derived from Islamic texts. Others, like Indonesia and Egypt, combine statute, customary, and religious laws. The article gives examples of how legal pluralism can adapt or take different forms to fit various situations in a society.

The social effects of legal pluralism are many. On the one hand, it sustains cultural diversity and opens accessible justice avenues to marginalized groups. In doing so, it manages to keep a hold on social harmony by respect for different traditions. On the other hand, it might cause legal complexity, inconsistencies, and eventually raise human rights concerns. Reconciliation of these issues will call for cautious management to make sure that cultural preservation does not occur at the expense of fairness and justice.

The comparative analysis with legal pluralism versus a uniform legal code points to the fact that both have their merits and their drawbacks: pluralism promotes equity and cultural sensitivity, while the intention with a UCC is to be uniform and equal before the law. Both strategies position the choice as dependent on the socio-cultural context of a given country. While legal pluralism may be more acceptable and practical in such diverse nations as India, a UCC would be the norm in countries with a more homogeneous society.

All these findings and studies elaborate the fact that Islam have a legal system that is applicable for whole people in every centuries. It never gets old and it's always relevant. Well-being of several countries which follows Islamic legal system, under legal pluralism, make us aware of its relevance. As new studies concentrating on this topic can't be avoided. The world may change a lot in its systems of governing or judging. Even though, legal pluralism can be used as a tool for preserving every communities' traditions, norms and values. It also make us aware of that cultural diversity is a pride system as our country have.

Finally, this is what legal pluralism seems to do: it is an alternate, nuanced approach toward governance in Muslim-majority countries and cosmopolitan nation-states like India that claims to harmonize the rich tapestry of cultural and religious practices with the supposedly neutral tenets of modern legal orders. Its use must, however, be carefully managed to avoid inflaming social divides but to ensure basic human rights are upheld. Future research and policy development should move toward more holistic and adaptable legal systems that better reconcile tradition with modern imperatives of justice.

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