

Rethinking Judicial Modernity and Normative Pluralism: A Critical Review on the Transformation of Sharia in Saudi Arabia (A Review of Islamic Law in Saudi Arabia)

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Keywords: Codification of Islamic Law; Transformation of the Judiciary; State Law and Sharia	Abstract: The relationship between traditional Islamic law and government-driven legal reform is one of the most vital topics in contemporary legal studies. In modern Muslim majority countries, especially Saudi Arabia, the shift from unregulated judicial discretion to formal codification poses a significant challenge to established religious authority and judicial independence. This article critically analyzes the theoretical and practical consequences of rendering Sharia more positive through the principles of <i>siyasa shar'iyah</i> and salafi legal approach. This study examines the dynamics of normative pluralism in state run court systems, emphasizing the conflicts among judicial <i>ijtihad</i> , executive centralization, and international human rights influences. In the end, examining this legal change is crucial for grasping how Sharia adapts within contemporary governmental frameworks without simply descending into secularization or authoritarian legalism.
Kata Kunci: Kodifikasi Hukum Islam; Transformasi Peradilan; Hukum Negara dan Syariah	Abstrak: Interaksi antara yurisprudensi islam klasik dan reformasi hukum yang diprakarsai negara merupakan salah satu isu paling krusial dalam studi hukum modern. Di negara-negara berpenduduk mayoritas muslim kontemporer, khususnya Arab Saudi, transisi dari diskresi yudisial yang tidak terstandarisasi menuju kodifikasi terstruktur menghadirkan tantangan mendasar bagi otoritas keagamaan tradisional dan otonomi peradilan. Artikel ini secara kritis menguji implikasi teoretis dan praktis dari positivisasi syariah melalui doktrin <i>siyasa shar'iyah</i> dan metodologi hukum salafi. Dengan mengevaluasi dinamika "pluralisme normatif" di dalam sistem peradilan yang dikontrol negara, studi ini menyoroti ketegangan antara <i>ijtihad</i> hakim, sentralisasi eksekutif, dan tekanan hak asasi manusia internasional. Pada akhirnya, analisis terhadap transformasi hukum ini sangat penting untuk memahami bagaimana syariah beradaptasi di dalam struktur negara modern tanpa sekadar terintegrasi menjadi sekularisasi atau legalisme otoriter.

A. Introduction

This book is an essential work that successfully deconstructs the transformation of the Saudi Arabian judicial system, which has often been viewed simplistically through a dichotomy between tradition and modernity. Amidst the wave of political reforms led by Mohammed bin Salman, this book demonstrates how Islamic law remains the primary foundation of social and

political life, even as the state begins to introduce the codification of family law and digital technology into the courts.¹

The primary relevance of this work lies in its analysis of the doctrine of *siyasa shar'iyya*, which bridges the legitimacy of governance with the enforcement of Islamic law, and explores how scholars navigate "normative pluralism" to meet contemporary challenges.² This review of Dominik Krell's *Islamic Law in Saudi Arabia* situates the work within a broad scholarly context concerning the modification of religious authority and the transformation of Islamic law in the current era. Furthermore, the burgeoning interest in *siyāsa shar'iyya* is inextricably linked to the demand for legal certainty as both a methodological and practical tool in legal reforms across various Muslim-majority nations.³ This work provides profound insights into how classical Hanbali doctrine is being revisited through the interaction between the courts, legislative bodies, and the dynamics of civil society in Saudi Arabia. This review is intended for a broad academic audience, including researchers of Islamic law, sociologists of religion, and Middle Eastern scholars seeking to understand the internal dynamics of religious authority in Saudi Arabia.⁴

Several previous studies have examined the evolution and dynamics of Islamic law in Saudi Arabia from various perspectives. First, research by Khairul Hamim, Lalu Supriadi Bin Mujib and Ahmad Muhasim titled "Religious Fatwas and Human Security: Managing Public Health Through the Lens of Islamic Jurisprudence in Indonesia and Saudi Arabia" highlights the importance of fatwa authority and the response of Islamic law to crises and socio-communal dynamics.⁵ Second, a study by Siti Mardiyah titled "A Comparison of Administrative Court Systems: The Diwan al-Mazhalim in Saudi Arabia and Administrative Courts in Indonesia" analyzes the transformation of judicial institutions and the development of the administrative justice system "Diwan al-Mazhalim" in Saudi Arabia toward a modern structure.⁶ Third, a study by Ahmad Zaini et al. titled "Adaptation of Islamic Law in the Dutch Colonial Era: Fiqh al-Aqalliyyat, Maqasid al-Shari'ah, and Their

¹ Wael B. Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (New York: Columbia University Press, 2012). 74-117. <https://cup.columbia.edu/book/the-impossible-state/9780231530866/>.

² John R. Bowen, *On British Islam: Religion, Law, and Everyday Practice in Shari'a Councils* (Princeton: Princeton University Press, 2016). <https://anthropology.wustl.edu/british-islam-religion-law-and-everyday-practice-sharia-councils>.

³ Baudouin Dupret, *Sovereignty of the Law: The Epistemology of Law and Hierarchy in Muslim Societies* (Leiden: Brill, 2021).

⁴ Sherman A. Jackson, *Islamic Law and the State: The Constitutional Jurisprudence of Shihab al-Din al-Qarafi* (Leiden: Brill, 1996).

⁵ Khairul Hamim, Lalu Supriadi Bin Mujib, and Ahmad Muhasim, "Religious Fatwa and Human Security: Managing Public Health through the Lens of Islamic Jurisprudence in Indonesia and Saudi Arabia," *Khazanah Hukum* 6, no. 3 (December 29, 2024): 234–250, <https://doi.org/10.15575/KH.V6I3.40478>.

⁶ Siti Mardiyah, "Comparison of Administrative Court Systems between Diwan Al-Mazhalim in Saudi Arabia and State Administrative Courts in Indonesia," *Jurnal AL-AHKAM* 16, no. 2 (October 13, 2025): 96–115, <https://doi.org/10.15548/ALAHKAM.V16I2.11719>.

Legacy for Modern Indonesian Islamic Legal Institutions” examines the institutional evolution of Islamic law and the adaptation of “fiqh” doctrines in response to the formal legal structures of the modern state.⁷ The author’s literature review indicates that while various prior studies have addressed Islamic law in Saudi Arabia from diverse angles, no study has specifically reviewed and critically analyzed the book “Islamic Law in Saudi Arabia”. Therefore, the author intends to analyze and review this work to gain insights into recent developments regarding the positivization of Sharia, codification, and normative pluralism within the contemporary Saudi Arabian judicial system.

B. Method

This study employs a qualitative approach utilizing thematic-critical and comparative textual analysis.⁸ The thematic component is applied to systematically categorize and extract core arguments from Dominik Krell’s *Islamic Law in Saudi Arabia* into key conceptual nodes, including judicial independence (*siyasa*), codification, socio-legal formalization, and criminal law reform.⁹ To move beyond a mere descriptive book review, a critical text analysis framework is utilized to examine the structural blind spots, power asymmetries, and institutional coercions embedded within Krell’s discursive narrative.¹⁰ Furthermore, a comparative legal and theoretical method is adopted to juxtapose Krell’s findings against established socio-legal and Islamic legal theories.¹¹ By putting Krell’s text into direct dialogue with the theoretical frameworks of Wael B. Hallaq, Frank E. Vogel, Marc Galanter, and Madawi Al-Rasheed, this methodological design evaluates the analytical robustness of Krell’s claims within the broader landscape of Middle Eastern legal transformations.

⁷ Ahmad Zaini et al., “Adaptation of Islamic Law in the Dutch Colonial Era: Fiqh Al-Aqalliyat, Maqasid Al-Shariah, and Its Legacy for Modern Indonesian Islamic Legal Institutions,” *Jurnal Ilmiah Al-Syir’ah* 23, no. 2 (December 23, 2025): 265–278, <https://doi.org/10.30984/JIS.V23I2.2758>.

⁸ John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 5th ed. (Thousand Oaks: SAGE Publications, 2009), 179–210. https://www.ucg.ac.me/skladiste/blog_609332/objava_105202/fajlovi/Creswell.pdf

⁹ A. Michael Huberman Matthew B. Miles, “Qualitative Data Analysis: A Methods Sourcebook, 4th Ed.,” (Thousand Oaks: SAGE Publications, 2014), 105-120. <https://www.metodos.work/wp-content/uploads/2024/01/Qualitative-Data-Analysis.pdf>.

¹⁰ Norman Fairclough, “Critical Discourse Analysis the Critical Study of Language, Second Edition,” (London, 2013), 92–118, <https://doi.org/10.4324/9781315834368>.

¹¹ Mark Van Hoecke, “Methodology of Comparative Legal Research,” *Recht En Methode in Onderzoek En Ondernijis*, January 2015, 1–35, <https://doi.org/10.5553/REM/.000010>.

C. Biography of Dominik Krell

Dominik Krell is a Leverhulme Early Career Fellow at the Centre for Socio-Legal Studies (CSLS) and a Junior Research Fellow at Wolfson College (2023-2026). He is currently a Fellow at the Kate Hamburger Kolleg “Legal Unity and Pluralism” in Munster, Germany. He holds a legal background (German State Examination) and earned a BA in Middle Eastern History and Culture from Freie Universitat Berlin, as well as an MSc in Social Anthropology from the University of Oxford. Prior to arriving at Oxford, he served as a Senior Research Fellow at the Max Planck Institute for Comparative and International Private Law in Hamburg.¹²

He has also been a visiting researcher at the King Faisal Center for Research and Islamic Studies in Riyadh and at the University of Bergen. His first book, “Islamic Law in Saudi Arabia”, employs a multidisciplinary approach to analyze prevailing understandings of Islamic law within the Saudi judicial system. Drawing on interviews with prominent Islamic scholars, newly released court rulings, and rarely examined legal literature, the book reveals that Saudi jurists have reinterpreted key elements of Islamic jurisprudence, thereby creating opportunities for substantial legal reform in recent decades.¹³

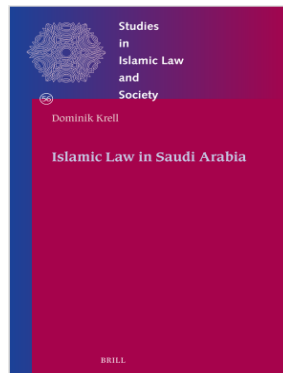
The book is based on his doctoral thesis (Max Planck Institute for Comparative and International Private Law/University of Hamburg, 2021), which received the Otto Hahn Medal from the Max Planck Society for outstanding academic achievement, the Dissertation Prize from the German Middle East Studies Association (DAVO), the Dissertation Prize from the Society for Arab and Islamic Law (GAIR), and a Special Mention for the 2023 BRAIS Prize in the Study of Islam and the Muslim World. In addition to his work on Saudi Arabia, he has published widely on various aspects of family law in Iraq, Syria, and Palestine, and has translated the Syrian and Iraqi family codes from Arabic into German. He has also authored and contributed to expert legal opinions regarding the laws of several Middle Eastern countries.¹⁴

¹² Faculty of Law, University of Oxford, “Dominik Krell,” Academic Profile & Biography, 2025, <https://www.law.ox.ac.uk/people/dominik-krell>.

¹³ Faculty of Law, University of Oxford, “Dominik Krell,” Academic Profile & Biography, 2025, <https://www.law.ox.ac.uk/people/dominik-krell>.

¹⁴ Faculty of Law, University of Oxford, “Dominik Krell,” Academic Profile & Biography, 2025, <https://www.law.ox.ac.uk/people/dominik-krell>.

D. Book Review



This 237-page book employs a discursive-historical approach to substantiate the central thesis that Islamic law in Saudi Arabia is neither a static nor an archaic system; rather, it constitutes a "discursive tradition" that continuously evolves through the interplay of foundational texts, historical precedents, and the demands of modernity.¹⁵ The discussion is presented systematically, beginning with the theoretical underpinnings of the Saudi legal system specifically the concept of "siyasa shar'iyya" followed by an exploration of the intellectual roots of Wahhabi and Salafi thought, the dilemmas surrounding codification, and an in-depth analysis of the practice of "ijtihad" within the judiciary, particularly regarding family and criminal law cases.

1. Siyasa Shar'iyya and the Foundations of Legal Authority

In the opening chapter, Krell constructs a theoretical framework centered on the doctrine of siyāsa shar'iyya to elucidate the power dynamics between the sovereign and Islamic law in Saudi Arabia. Analytically, this chapter successfully deconstructs how Ibn Taymiyya's classical concepts serve not merely as historical artifacts, but as the primary engine for modern Saudi political legitimacy.¹⁶ The author astutely demonstrates that through the prism of siyāsa, the King possesses the authority to enact administrative regulations (niẓam), provided they do not contravene Sharia principles.

Although Dominik Krell's book, "Islamic Law in Saudi Arabia", offers a range of empirical insights into the internal dynamics of the Saudi judiciary, the work is not without methodological shortcomings. From an analytical standpoint, Krell appears to rely too heavily on normative legal texts and the narratives of judicial actors when conceptualizing judicial independence. While Krell

¹⁵ Dominik Krell, "Islamic Law in Saudi Arabia," (Leiden: Brill, 2025), 1-237. <https://doi.org/10.1163/9789004726314>.

¹⁶ Dominik Krell, "Islamic Law in Saudi Arabia," (Leiden: Brill, 2025), 1-25. <https://doi.org/10.1163/9789004726314>.

portrays “siyasa” as a space of balanced negotiation between the “ulama” and the “umara”, the scholarly arguments of Wael B. Hallaq offer a different perspective. Hallaq contends that the modern nation state structurally dissolves the pre modern dualism of authority through centralization and bureaucratization. Within modern autocratic structures, executive dominance inherently monopolizes legislation and reduces religious authority to a mere instrument for interpreting state policy.¹⁷ Consequently, Krell’s approach risks overlooking the extent to which Saudi Arabia’s autocratic political structure has substantially curtailed genuine judicial autonomy.

2. Transforming Judicial Identity Between Hanbali Tradition and Salafi Methodology

This chapter explores the epistemological shift from a rigid adherence to the Hanbali school (madhhab) toward a Salafi approach that prioritizes textual evidence (dalil). Krell argues that, paradoxically, Salafi methodology has introduced a form of "normative pluralism" into Saudi courts, wherein judges feel empowered to select opinions from various legal schools, provided they are anchored in robust textual foundations.¹⁸

Although Krell views this methodological shift as an internal intellectual evolution among Saudi legal experts, Frank E. Vogel’s socio legal analysis demonstrates that internal doctrinal debates alone are insufficient to explain it. Vogel persuasively outlines how the pressures of modern governance rationalization and market economic needs drove the regime to pursue legal unification and standardization processes that often transcended the boundaries of the religious scholars internal doctrinal debates.¹⁹ Thus, the trend toward selecting across schools of thought “takhayyur” and adopting textual flexibility phenomena identified by Krell was actually largely precipitated by external demands for global market standardization, judicial efficiency, and the procedural predictability required by modern state governance. Overlooking these external structural factors risks oversimplifying the complexities of legal transformation in Saudi Arabia.

3. The Dilemma of Codification and Family Law Reform (Personal Status Law 2022)

This chapter examines the efforts toward the codification of family law. Krell illustrates the protracted process, beginning with the judges' staunch opposition to codification until its eventual acceptance as a contemporary necessity. While the chapter is theoretically rich, Krell’s

¹⁷ Wael B. Hallaq, “The Impossible State : Islam, Politics, and Modernity’s Moral Predicament,” (New York: Columbia University Press, 2012), 74-117. <https://cup.columbia.edu/book/the-impossible-state/9780231530866/>.

¹⁸ Dominik Krell, “*Islamic Law in Saudi Arabia*,” (Leiden: Brill, 2025), 45-78. <https://doi.org/10.1163/9789004726314>.

¹⁹ Frank Vogel, “Islamic Law and Legal System: Studies of Saudi Arabia,” (Leiden: Brill, 2000), 33-70. <https://doi.org/10.1163/9789047400165>.

argument appears overly optimistic in viewing codification as a successful integration of tradition. Krell analyzes the historical trajectory of opposition to codification leading up to the enactment of the Personal Status Law (PSL) in 2022, viewing it not as secularization, but rather as the crystallization of judicial practice and legal certainty through the standardization of Sharia.²⁰

There is an unresolved theoretical tension in Krell's optimistic assessment of the codification agenda in Saudi Arabia. As argued by legal scholars such as Wael B. Hallaq who examines Sharia within the framework of the modern state the codification of Islamic law into statutory form fundamentally undermines the organic flexibility of judicial "ijtihad" and the pluralism of classical "fiqh". Hallaq asserts that the codification process mechanically transforms "fiqh" originally pluralistic, flexible, and centered on the jurisprudence of experts "jurists law" into rigid positive norms "state law". This indirectly curtails the scope for judicial "ijtihad" and shifts the monopoly on legal interpretation from the independent authority of "ulama" to the state executive.²¹ By formalizing legislation, the state monopolizes interpretation and centralizes power under the guise of standardization a structural consequence overlooked in Krell's optimistic narrative.

4. Criminal Law, International Influence and state reform

In the section analyzing criminal law reform, Krell discusses fundamental changes in Sharia criminal law specifically regarding hudud, qisas, and ta'zir such as the abolition of flogging and the restriction of the death penalty. Krell argues that these changes represent a form of internal doctrinal adaptation leveraging the principle of public interest "maslahah". However, Krell's thesis tends to fall into an apologetic interpretation by viewing the transformation of the criminal justice system solely as a natural doctrinal evolution within the Islamic legal tradition.²²

When viewed through the broader context of international political literature such as the perspective offered by Madawi Al-Rasheed these reforms actually serve as a prime example of legal diplomacy and statecraft. These measures were driven by the regime's need for political survival in the context of its Vision 2030 agenda, as well as by external pressure from the international

²⁰ Dominik Krell, "Islamic Law in Saudi Arabia," (Leiden: Brill, 2025), 210-235. <https://doi.org/10.1163/9789004726314>.

²¹ Wael B. Hallaq, "*Shari'a: Theory, Practice, Transformations*," (Cambridge: Cambridge University Press, 2009), 443-455. <https://doi.org/10.1017/CBO9780511815300>.

²² Dominik Krell, "Islamic Law in Saudi Arabia," (Leiden: Brill, 2025), 180-205. <https://doi.org/10.1163/9789004726314>.

community regarding human rights issues.²³ By overlooking these executive-level political calculations, Krell risks reducing a strategy aimed at rebranding the regime's global image to a mere matter of internal religious discourse.

5. Professionalization and Legal Procedure

In this section, Krell highlights how the professionalization of the legal field and the active participation of defense counsel have prompted Saudi judges to provide transparent legal reasoning and adhere to formal procedures.²⁴ However, while Krell rightly notes a shift toward procedural transparency, Marc Galanter's critical socio legal observations suggest that formalization does not automatically yield substantive justice for ordinary litigants. Galanter argues that increasing procedural complexity and legal professionalism tend to benefit elite actors and corporate entities "repeat players" who possess the financial resources and expertise to navigate the legal system. Conversely, such formalization often creates bureaucratic and accessibility barriers for marginalized, ordinary citizens "one shotters."²⁵ Thus, Krell's narrative risks glorifying procedural efficiency while overlooking the widening class-based inequalities within the courtroom.

6. Comparative Perspective and Scholarly Position

Compared to other relevant works in the prestigious *Studies in Islamic Law and Society* series such as those by Frank E. Vogel or Wael Hallaq Dominik Krell's book stands out for its bold theoretical synthesis and its attempt to bridge classical Islamic legal discourse, particularly the Hanbali tradition and *siyasa shar'iyya*, with the contemporary judicial dynamics of Saudi Arabia.²⁶ Krell successfully illustrates the transition from a system often perceived as rigid into one that is more discursive and adaptive. The author's engagement with Western literature notably Talal Asad's framework of discursive tradition and the Islamic scholarly heritage of modern Saudi figures like Ibn Bāz, appears relatively balanced.²⁷ This ensures that the academic dialogue avoids being

²³ Madawi Al-Rasheed, "The Son King: Reform and Repression in Saudi Arabia," (New York: Oxford University Press, 2021), 125-158. https://api.pageplace.de/preview/DT0400.9780197580509_A41142095/preview-9780197580509_A41142095.pdf.

²⁴ Dominik Krell, "Islamic Law in Saudi Arabia," (Leiden: Brill, 2025), 150-175. <https://doi.org/10.1163/9789004726314>.

²⁵ Marc Galanter, "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change," *Law & Society Review* 9, no. 1 (1974), 95-160. <https://doi.org/10.2307/3053023>.

²⁶ Dominik Krell, "Islamic Law in Saudi Arabia," (Leiden: Brill, 2025). <https://doi.org/10.1163/9789004726314>.

²⁷ Dominik Krell, "Islamic Law in Saudi Arabia," (Leiden: Brill, 2025). <https://doi.org/10.1163/9789004726314>.

trapped in the dominance of a single intellectual tradition, serving instead as a conduit between Western legal theory and the practical application of Islamic law.

Nonetheless, this balance of sources is not always accompanied by adequate analytical integration. There remains significant room for improvement, particularly in weaving a more substantive dialogue between Western sociology of law and the living fiqh tradition within the courts. The theoretical synthesis offered often stops at the level of conceptual coexistence, where Western theory and Islamic practice are placed side-by-side without fully evolving into a cohesive and mutually reinforcing argumentative framework. Furthermore, the author at times focuses excessively on the perspectives of the clerical elite; consequently, the voices of other legal actors, such as lawyers or civil society, are not proportionally integrated into the theoretical analysis.²⁸

In conclusion, this book provides a vital contribution to understanding the transformation of Saudi law as a unique form of Islamic legal modernity, rather than merely a veiled process of secularization. However, to more firmly support its major claims regarding the success of Sharia positivization, the work requires stricter methodological consistency. This includes accounting for the influence of global socio-economic and political pressures, providing a more holistic historical representation of Saudi Arabia's regional diversity (such as the Hijaz), and deepening the integration of Islamic scholarly traditions as the primary analytical foundation to avoid appearing overly technocratic.

E. Conclusion

This book represents a sophisticated effort to position the transformation of law in Saudi Arabia at the core of modern Islamic legal rationality through profound historical and theoretical inquiry. Its primary strength lies in the author's bold synthesis of uṣūl al-fiqh traditions specifically the doctrine of *siyāsa sharʿiyya* and Salafī methodology with the discourses of modern legal rationality and state legal positivization. Krell successfully demonstrates that the developments in Saudi Arabia do not constitute mere secularization, but rather a discursive tradition adapting to the structures of the modern state.

However, these achievements are not entirely sustained by methodological consistency or exhaustive historical precision. The selection of representative figures, dominated by the official clerical elite, along with the application of external theoretical frameworks such as Talal Asad's

²⁸ Galanter, "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change."

theory, reveals a disconnect between the author's argumentative ambition to explain legal independence and the execution of the analysis within the reality of authoritarian politics.

The primary intellectual contribution of this book is opening a new space for reflection on how Islamic law can transform within a contemporary nation-state framework, particularly in the shift from the formal rationality of school adherence *mahdzab* to the substantive rationality of achieving public interest *maslaha* through codification. Nevertheless, the historical foundation regarding the diversity of local legal traditions in Saudi Arabia and the methodology for integrating state law with judicial *ijtihād* still require reinforcement to avoid the impression of oversimplification.

This work is most beneficial for academics and advanced students in the fields of Islamic law, sociology of law, and Middle Eastern studies. For general readers or legal practitioners, the book should be read alongside supplementary literature on Saudi political history to prevent a reductive understanding of the power dynamics underlying these legal changes. In the context of research and pedagogy, this book has the potential to stimulate further discussion on the history of contemporary *ijtihād*, the debates over Sharia codification, and the future of Islamic jurisprudence under absolute monarchical systems. Consequently, it is recommended with reservations as a critical text rather than a definitive reference, serving as a highly useful resource for enriching academic reflection and methodological debate in the study of modern Islamic law.

F. Conflict of Interest Statement

The authors declare that there is no conflict of interest in the authorship or publication of this book review.

G. Acknowledgement

The authors declare that there is no acknowledgement to be stated.

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How to cite	Holil, M. et al. "Rethinking Judicial Modernity and Normative Pluralism: A Critical Review on the Transformation of Sharia in Saudi Arabia (A Review of Islamic Law in Saudi Arabia)" <i>Al-Mazaahib: Jurnal Perbandingan Hukum</i> 14, no. 1 (2026): 238-49. https://doi.org/10.14421/al-mazaahib.v14i1.4719
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