



Decentering the Sharia Court: Practical Authority and Islamic Legal Pluralism in Sierra Leone

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Abstract

Scholarship on Islamic legal pluralism has largely taken the Sharia court as its measure of institutional significance, asking how Islamic norms are incorporated, accommodated, or made enforceable by the state. Sierra Leone resists that starting point. Its Constitution and the Local Courts Act 2011 recognise customary adjudication, and the Mohammedan Marriage Act gives civil effect to Muslim marriages, yet no Sharia court exists and no Islamic adjudicatory jurisdiction has been delegated to any religious institution. This article asks how Sharia-informed mediation acquires practical authority under these conditions. It uses a qualitative documentary socio-legal case study of constitutional and statutory texts, justice-sector and governance reports, and peer-reviewed scholarship, read through Griffiths, Moore, Tamanaha, and Weber. The analysis finds that such mediation derives no jurisdiction from the state but operates in a plural justice environment. Community recognition, Islamic normative legitimacy, established mediation practice, and uneven access to courts and legal aid leave room for religious actors to take part in dispute resolution. The article defines practical authority as the socially recognised capacity of a non-state normative institution to structure, facilitate, or influence dispute resolution without state-delegated adjudicatory competence, and distinguishes it from formal jurisdiction, normative authority, and social legitimacy. Because the evidence is documentary, the findings do not establish how often mediation occurs, whether disputants prefer it, or whether its outcomes are complied with.



The article decentres the court as the measure of Islamic legal authority and shows how religious normativity can matter institutionally without becoming jurisdictional.

[Kajian pluralisme hukum Islam selama ini cenderung menjadikan pengadilan Syariah sebagai ukuran signifikansi kelembagaan, dengan pertanyaan pokok tentang bagaimana norma Islam diinkorporasi, diakomodasi, atau dibuat dapat ditegakkan oleh negara. Sierra Leone tidak cocok dengan titik tolak itu. Konstitusi dan Local Courts Act 2011 mengakui peradilan adat, dan Mohammedan Marriage Act memberi akibat perdata bagi perkawinan Muslim, tetapi tidak ada pengadilan syariah dan tidak ada yurisdiksi adjudikatif Islam yang didelegasikan kepada lembaga keagamaan. Artikel ini bertanya bagaimana mediasi berlandaskan Sharia memperoleh otoritas praktis dalam kondisi tersebut. Kajian ini menggunakan studi kasus sosio-hukum dokumenter kualitatif atas teks konstitusional dan perundang-undangan, laporan sektor peradilan dan tata kelola, serta literatur yang ditelaah sejawat, yang dibaca melalui Griffiths, Moore, Tamanaha, dan Weber. Analisis menemukan bahwa mediasi semacam itu tidak memperoleh yurisdiksi dari negara, tetapi bekerja dalam lingkungan keadilan yang plural. Pengakuan komunitas, legitimasi normatif Islam, praktik mediasi yang mengakar, dan ketimpangan akses terhadap pengadilan serta bantuan hukum membuka ruang bagi aktor keagamaan untuk terlibat dalam penyelesaian sengketa. Artikel merumuskan otoritas praktis sebagai kapasitas yang diakui secara sosial dari institusi normatif non-negara untuk membentuk, memfasilitasi, atau memengaruhi penyelesaian sengketa tanpa kompetensi adjudikatif yang didelegasikan negara, dan membedakannya dari yurisdiksi formal, otoritas normatif, dan legitimasi sosial. Karena buktinya dokumenter, temuan ini tidak menetapkan seberapa sering mediasi berlangsung, apakah para pihak memilihnya, atau apakah hasilnya dipatuhi. Artikel ini menggeser pengadilan dari posisi pusat ukuran otoritas hukum Islam dan menunjukkan bahwa normativitas keagamaan dapat berpengaruh secara kelembagaan tanpa menjadi yurisdiksional.]

Keywords: Islamic legal pluralism; practical authority; Sharia-informed mediation; non-state religious authority; Sierra Leone.

Introduction

Sierra Leone's justice system operates within a plural legal architecture in which formal state institutions coexist with customary legal mechanisms and diverse community-based dispute-resolution practices. At the constitutional level,

judicial authority is vested in the national judiciary, with the Supreme Court, Court of Appeal, and High Court constituting the superior courts of record. Alongside these institutions, Sierra Leone's legal framework also recognises inferior and traditional courts established by law, creating a multilayered judicial structure in which formal and customary forms of dispute resolution operate within the broader legal order (Sesay and Koroma 2026). The Local Courts Act 2011 gives this plurality a statutory dimension by establishing local courts in the chiefdoms and assigning them jurisdiction over matters governed by customary law (Koroma 2024). Alongside these institutions, community leaders, customary authorities, and other locally embedded actors participate in dispute resolution, a pattern extensively documented in scholarship on customary justice, decentralised authority, and post-conflict legal governance in Sierra Leone (Corradi 2010; Jackson 2011; McIntyre 2018; Naso et al. 2020). Religious actors also feature within this wider landscape of community-based dispute management, including in disputes concerning family and interpersonal relations (Corradi 2010; Jackson 2011; McIntyre Miller 2013). Yet neither the constitutional judicial structure nor the statutory Local Court framework creates a Sharia court or delegates Islamic adjudicatory jurisdiction to a religious institution (Tully and Tully 1994). This differs from settings such as northern Nigeria, where Islamic adjudicatory institutions have acquired constitutionally and statutorily defined positions within the wider state legal order (Jibril et al. 2026; Shittu et al. 2022). Islamic normative practices in Sierra Leone therefore operate without equivalent formal judicial incorporation. The resulting puzzle is not simply the coexistence of different normative traditions but the persistence of a form of religious authority that remains relevant to dispute resolution despite lacking state-conferred adjudicatory competence.

This article examines that problem through the position of Sharia-informed mediation in Sierra Leone. For the purposes of this study, Sharia-informed mediation refers to community-based dispute-resolution processes facilitated by religious leaders or respected Muslim community authorities who draw upon Islamic legal and ethical principles without exercising constitutionally recognised judicial power. Three concepts require careful separation. Formal jurisdiction refers to adjudicatory competence conferred by constitutional or statutory law. Normative authority concerns the legitimacy attached to religious norms, moral commitments, and socially recognised religious actors. Practical authority, by contrast, denotes the socially recognised capacity of a non-state

normative institution to participate in, structure, or influence dispute resolution despite possessing no legally enforceable jurisdiction. Practical authority is therefore neither a synonym for normative legitimacy nor an informal version of judicial jurisdiction. It identifies an intermediate form of authority: one that can be socially consequential in the management of disputes while remaining legally non-jurisdictional and subordinate to the constitutional authority of the state. This distinction provides the conceptual foundation for analysing Islamic mediation without either treating community recognition as formal legal competence or reducing non-state authority to religious belief alone.

Existing scholarship establishes the wider conditions from which this problem emerges but does not fully resolve it. Research on Sierra Leone has examined post-conflict justice reconstruction, institutional reform, legal accessibility, and the rebuilding of formal institutions (Denney 2014, 2018; Martin et al. 2021). A related literature has investigated customary justice, chieftaincy, local governance, and the interaction between state and non-state forms of ordering (Corradi 2010, 2013; Fanthorpe 2001; Jackson 2011; Park 2008; Naso et al. 2020). Legal-pluralism scholarship, in turn, has supplied the conceptual vocabulary for understanding the coexistence of multiple normative orders. Moore's (1973) semi-autonomous social field explains how normative communities may generate and sustain rules while remaining embedded within a wider legal system; de Sousa Santos (1987) conceptualises the interaction of overlapping legal spaces through interlegality; and Griffiths (2015), Merry (1988), and Tamanaha (2021) demonstrate why legal ordering cannot be understood solely through state institutions. These contributions explain why normative plurality exists. They are less specific, however, about the form of authority exercised when a religious institution possesses social legitimacy and dispute-resolution relevance but no constitutionally delegated jurisdiction.

This is the principal gap addressed in this article. The problem in the Sierra Leonean context is not simply that Sharia-informed mediation has received less scholarly attention than customary justice. More fundamentally, the gap is conceptual. Existing scholarship has examined the coexistence of state and non-state normative orders, while comparative studies of Islamic law have more often focused on the formal recognition, institutionalisation, or accommodation of Islamic legal institutions. Less attention has been given to how Islamic normative authority may remain practically consequential even where Sharia-based institutions are not formally incorporated into the state judicial system. Weber's

distinction between legal-rational authority and legitimacy derived from other forms of social recognition provides an initial conceptual basis for understanding this dynamic (Weber 1978), while legal-pluralism theory explains the institutional coexistence within which such authority operates. Neither distinction, on its own, fully identifies the position occupied by an institution that cannot issue legally binding judgements yet may still participate meaningfully in dispute management. The concept of practical authority is developed to identify and analyse that institutional space.

Comparative experience reinforces the importance of distinguishing religious mediation from a single model of Sharia governance. Across Muslim-majority jurisdictions, mediation and *sulh* are embedded within different regulatory and institutional arrangements. In Indonesia, mediation has been incorporated into court-based dispute resolution, including family disputes before the Religious Courts, whereas Malaysian practice has developed a more institutionally distinctive *Majlis Sulh* model within the Syariah court structure. Recent comparative research similarly shows that Indonesia and Malaysia share an emphasis on reconciliation while differing in the legal organisation, institutional setting, and operation of the Islamic family mediation (Ismayawati et al. 2024). Brunei Darussalam provides another model: *Majlis Sulh* operates within the Syariah court process and is expressly regulated through the Syariah Courts Civil Procedure (Sulh) Rules, which provide for a structured settlement process before adjudication in applicable cases (Ramlee and Bukhari 2022). Malaysia and Brunei thus share an institutionalised use of *sulh* within Syariah judicial structures, although the legal basis and administrative implementation remain jurisdiction-specific (Ramlee and Bukhari 2022). These comparisons matter because they demonstrate that Islamic mediation can occupy markedly different positions in relation to state law: it may be incorporated into judicial procedure, institutionally organised within a Syariah court system, or remain socially operative without equivalent judicial recognition. Sierra Leone occupies the latter and comparatively less theorised position.

Comparative scholarship on Islamic law further underscores this distinction. Studies of northern Nigeria have examined constitutionally recognised Islamic adjudicatory institutions and their relationship with state authority, while work on Sudan, Sri Lanka, Singapore, and other settings has addressed Muslim personal law, state accommodation of religious norms, and hybrid forms of legal governance (Habeebullah et al. 2026; Jibril et al. 2026; Shittu

et al. 2022; Shuhood and Marah 2026). Such scholarship demonstrates that the relationship between Islamic norms and state law varies considerably, but much of its institutional analysis begins from some form of formal recognition, accommodation, or legally structured interaction. Sierra Leone presents a different analytical problem because the continuing relevance of Islamic normative practices does not rest upon the existence of constitutionally recognised Sharia courts or the statutory delegation of Islamic judicial authority. Existing explanations derived from formally incorporated systems therefore cannot be transferred uncritically to the Sierra Leonean setting.

Broader scholarship also cautions against equating Islamic law with formally constituted courts. Baderin demonstrates that Islamic law operates not only through state institutions but also through ethical reasoning, social practice, and religious guidance, while Rohe shows how Islamic norms may acquire practical relevance through community recognition, informal mediation, and interaction with formal legal systems. These perspectives indicate that the legal significance of Islamic norms cannot be reduced to formal judicial status. They nevertheless leave a further conceptual question unresolved: how should authority be understood when normative practices are socially recognised but possess neither formal jurisdiction nor legally coercive power? It is in addressing this question that the concept of practical authority becomes analytically useful. Rather than treating informality as the absence of authority, the concept draws attention to the social and institutional conditions through which non-state normative actors can exercise meaningful influence over dispute resolution without acquiring the formal legal status of courts.

The resulting research gap leads directly to the study's central question: how does Sharia-informed mediation acquire practical authority within Sierra Leone's plural legal order despite the absence of constitutionally recognised Sharia courts? This question separates two issues that are often conflated: the legal source of adjudicatory competence and the social foundations of non-state dispute-resolution authority. The analysis draws principally upon Griffiths' conception of legal pluralism, Moore's theory of the semi-autonomous social field, and Tamanaha's account of coexisting normative orders, supplemented by Weber's distinction between legally constituted and socially grounded forms of authority. These perspectives explain the coexistence and social grounding of multiple normative orders; this article draws on them to develop a more specific

account of what occurs when normative legitimacy becomes practically relevant without acquiring formal jurisdiction.

The article makes three interrelated contributions. First, it extends Islamic legal-pluralism scholarship to an institutional setting in which Islamic normative authority operates without constitutionally recognised Sharia courts, thereby shifting attention from formal incorporation to the exercise of authority under conditions of non-incorporation. Second, it conceptualises practical authority as distinct from both normative authority and formal jurisdiction. Its analytical value lies in identifying the socially recognised but legally non-judicial capacity through which non-state normative institutions may remain relevant to dispute resolution. Third, the Sierra Leonean case refines the analysis of legal pluralism by demonstrating that the coexistence of normative orders is only part of the problem; attention must also be paid to the different forms of authority those orders generate, the institutional conditions that sustain them, and the constitutional boundaries within which they operate. The broader implication is that the significance of Islamic normative institutions cannot be determined solely by whether the state formally recognises them. It must also be assessed through the forms of legitimacy, social embeddedness, and dispute-resolution relevance that allow authority to operate beyond, but not above, state law.

Method

This study employs a qualitative documentary socio-legal case-study design to explain how Sharia-informed mediation can acquire practical authority within Sierra Leone's plural legal order despite lacking constitutionally recognised judicial status. The design is driven by the study's central analytical problem: how normative authority operates when it is socially recognised but remains outside the state's formal allocation of adjudicatory power. Accordingly, the study does not seek to measure the prevalence of mediation, assess individual litigant preferences, or quantify dispute outcomes. Rather, it examines the interaction between formal legal authority, institutional arrangements, and non-state normative practices through which dispute-resolution authority is constituted and sustained. The documentary socio-legal approach enables the analysis to move beyond formal legal rules by examining them alongside institutional and socio-legal materials that illuminate the environment in which Sharia-informed mediation operates. Sierra Leone is selected as a single instrumental case because it presents a theoretically significant configuration:

constitutionally established courts and legally recognised customary institutions coexist with Islamic normative practices that may influence dispute resolution without possessing equivalent state-delegated adjudicatory jurisdiction. This configuration makes Sierra Leone particularly useful for examining the distinction between formal jurisdiction and practical authority. The case is therefore used not to claim statistical representativeness, but to develop an analytically grounded explanation of how non-state normative authority can remain consequential within, yet institutionally distinct from, the state legal order (Flyvbjerg 2001).

The documentary corpus comprised four complementary source categories. First, primary legal materials were examined to establish the formal boundaries of judicial and customary jurisdiction. These included the Constitution of Sierra Leone 1991, particularly section 120 on the establishment, composition, and jurisdiction of the Judiciary and section 170 on the sources of Sierra Leonean law, together with the Local Courts Act 2011, particularly sections 1–2 on customary law and the establishment of Local Courts, sections 15–16 on their jurisdiction, and sections 39–43 on appeals and their relationship with the wider judicial structure (Sierra Leone 1991, 2011). These provisions were used to determine what forms of adjudicatory authority are formally recognised and, correspondingly, whether Islamic religious mediation possesses constitutionally or statutorily delegated jurisdiction. Second, official and institutional documents—including the Justice Sector Coordination Office's *Sierra Leone's Justice Sector Reform Strategy (2024–2030)*, the Legal Aid Board's *Annual Performance Report*, and UNDP justice-sector assessments—were used to examine institutional capacity, legal accessibility, legal aid, and continuing justice-sector reform (Justice Sector Coordination Office 2024; Legal Aid Board of Sierra Leone 2023; de Siqueira et al. 2022). Third, governance assessments and historical justice-sector materials supplied contextual evidence concerning post-conflict institutional development and the relationship between state and locally embedded forms of dispute management. Fourth, peer-reviewed socio-legal scholarship was used to examine customary justice, religious and community-based mediation, legal pluralism, and Islamic normative authority in Sierra Leone and comparable jurisdictions.

The selection of these sources follows directly from the evidentiary demands of the research question. Primary legal materials establish the formal scope and limits of jurisdiction but cannot, on their own, demonstrate the

practical relevance of non-state institutions. Institutional and governance documents illuminate the conditions under which justice is organised, while socio-legal scholarship provides evidence of customary and community-based dispute resolution. Taken together, these sources allow the study to distinguish formal jurisdiction from practical authority without treating any single category as conclusive evidence of the latter. Practical authority is therefore assessed through theoretically informed interpretation of convergent documentary evidence rather than inferred directly from legal texts or institutional descriptions.

Documents were selected purposively according to their relevance to the research question. Searches were conducted in Scopus, Web of Science, HeinOnline, JSTOR, Google Scholar, and official institutional repositories using combinations of Sierra Leone, legal pluralism, Islamic law, Sharia, informal justice, customary law, religious mediation, the justice sector, and dispute resolution. The review prioritised materials published between 2010 and 2025, while retaining foundational theoretical works. Sources were included if they addressed Sierra Leone's legal structure, justice-sector governance, customary or religious dispute resolution, or theories of legal pluralism and non-state authority. Duplicates, unsupported opinion materials, and sources lacking substantive relevance were excluded.

Analysis employed iterative qualitative documentary coding. Initial codes were derived from the study's analytical framework: formal jurisdiction, normative authority, practical authority, institutional legitimacy, accessibility, governance capacity, and state–non-state interaction. These codes were refined through comparison across legal materials, institutional documents, and socio-legal scholarship. The analysis first identified convergence, divergence, and evidentiary gaps concerning the status and operation of community-based mediation; it then interpreted these patterns through Griffiths' legal pluralism, Moore's semi-autonomous social field, and Tamanaha's account of coexisting normative orders (Griffiths 1986; Moore 2011; Tamanaha 2010). This procedure allowed the study to distinguish a documented legal or institutional condition from the theoretical inference drawn from that condition, rather than treating documentary statements as direct observations of social behaviour.

Methodological rigour was ensured through source triangulation and careful differentiation of evidentiary weight. Constitutional and statutory materials were used to establish formal jurisdiction; official and governance

documents to assess institutional conditions; and peer-reviewed socio-legal scholarship to interpret non-state normative ordering. This approach maintains an evidentiary chain from the research question through documentary selection and coding to interpretation. The study nevertheless makes no claim to have directly observed mediation, measured litigant choice or compliance, assessed institutional effectiveness, or captured the perspectives of mediators and disputants. Accordingly, claims about practical authority, community recognition, and the relevance of Sharia-informed mediation are treated as documentary-based analytical findings, not behavioural measurements. As the study relies exclusively on publicly available documents and involves no human participants, formal institutional ethical approval was not required.

The documentary design also imposes clear limits on the analysis. It cannot establish the prevalence of Sharia-informed mediation, account for variation across communities, or determine how disputants experience particular mediation processes. Institutional documents may also reflect the priorities and assumptions of their issuing organisations. These limitations constrain the scope, rather than negate the value, of the analysis. The study therefore confines its claims to the documented legal and institutional configuration of non-state normative authority in Sierra Leone. Future empirical research involving interviews, ethnography, or case-level observation could test whether and how the forms of practical authority identified here operate in everyday dispute resolution and how they are experienced by mediators, disputants, judicial officials, women, and other affected groups.

Formal Judicial Architecture and the Absence of Constitutionally Recognised Sharia Courts

Sierra Leone's plural justice architecture rests on a constitutionally defined allocation of judicial authority. Section 120(1) vests judicial power in the Judiciary, while section 120(4) designates the Supreme Court, Court of Appeal, and High Court as the superior courts of record and authorises Parliament to establish inferior and traditional courts by law (Sierra Leone 1991, sec. 120). Within this framework, the Local Courts Act 2011 (Act No. 10 of 2011) gives customary justice a defined statutory position: section 2 establishes a Local Court for each chiefdom, while sections 15 and 16 confer jurisdiction over civil matters governed by customary law and such additional matters as may be prescribed by statutory instrument (Sierra Leone 2011). Appeals from local courts proceed

through the District Appeal Court and, where applicable, into the High Court structure under sections 39–43 (Sierra Leone 2011). The resulting structure is therefore plural but legally differentiated: customary adjudication is institutionally incorporated through legislation rather than operating merely through social recognition.

No equivalent constitutional or statutory structure establishes a separate Sharia court hierarchy in Sierra Leone. This absence, however, should not be confused with the complete exclusion of Islamic norms from state law. The Mohammedan Marriage Act, Cap. 96, recognises marriages valid under Muslim law for civil purposes, permits the registration of Muslim marriages and final divorces, and requires courts to receive specified proof concerning such marriages and their dissolution (Sierra Leone 1960). The contemporary statutory framework continues that recognition: section 28(4) of the Prohibition of Child Marriage Act 2024 amended section 2 of Cap. 96 while retaining the civil validity of a Muslim marriage that complies with Muslim law, subject now to the statutory minimum age of eighteen (Sierra Leone 2024). The legally significant distinction is therefore not between recognition and non-recognition of Islamic norms as such. It is between the statutory recognition of particular Muslim personal-status consequences and the absence of a state-delegated Sharia adjudicatory institution.

That distinction becomes clearer comparatively. In Indonesia, the historical requirement of an *executoire verklaring* meant that decisions of Religious Courts required confirmation by the general courts before execution; the removal of that requirement through the institutional reforms culminating in Law No. 7 of 1989 was part of the transition toward formally recognised and independently executable Religious Court jurisdiction (Idri 2009). Sierra Leone presents a fundamentally different configuration. There is no corresponding Sharia court whose judgment awaits execution, confirmation, or appellate integration within the state judiciary. The relevant analytical problem is therefore not the degree of enforceability enjoyed by a recognised Islamic court, but how Islamic normative actors may retain dispute-resolution relevance in the absence of such a court altogether.

The documentary record also shows why this institutional differentiation matters in practice. The Government's *Sierra Leone's Justice Sector Reform Strategy (2024–2030)* identifies a substantial case backlog, deficiencies in case-

management infrastructure, and continuing difficulties in accessing justice in far-to-reach areas (Justice Sector Coordination Office 2024; Sierra Leone 2024). Its access-to-justice assessment further records that, despite the construction of courts in district headquarters, additional facilities remain necessary, particularly for rural communities, and expressly proposes expansion of courts, legal-aid offices, mediation centres, and other justice services closer to communities (Justice Sector Coordination Office 2024; Sierra Leone 2024). The same strategy states that legal-aid centres may be geographically distant from remote communities or insufficiently resourced and consequently calls for additional legal-aid outposts, lawyers, and community paralegals (Justice Sector Coordination Office 2024; Sierra Leone 2024). These findings provide specific documentary support for uneven institutional accessibility; they do not, however, establish that disputants consequently choose religious mediation. That behavioural inference falls outside the documentary evidence.

Existing socio-legal scholarship situates these findings within a broader debate while also revealing the distinct contribution of this analysis. Corradi (2010, 2013) examines Sierra Leonean legal pluralism primarily through the tension between customary justice, human-rights protection, and justice-sector intervention. Jackson (2011, 2015), by contrast, emphasises decentralised power and the role of traditional authority in shaping access to justice, while McIntyre Miller (2013) examines chieftaincy-based dispute resolution as an embedded alternative to formal adjudication. Naso et al. (2020) further demonstrate the persistence of legal pluralism within Sierra Leone's post-conflict institutional order. Collectively, these studies challenge a state-centred conception of justice, but their principal empirical focus remains customary and community governance rather than the legal position and practical operation of Sharia-informed mediation.

This analysis builds upon that literature while drawing a sharper institutional distinction. It confirms that Sierra Leonean justice cannot be reduced to the formal courts, but it does not follow that all non-state normative institutions possess equivalent legal standing. Customary authority has acquired a degree of formal juridification through the Local Courts Act, whereas Islamic normative authority has no comparable Sharia court structure or state-delegated jurisdiction. The Truth and Reconciliation Commission's documentation is instructive in this regard. Its discussion of family relations under what it terms "Mohamedan law" records the involvement of Muslim religious leaders and

arbitration processes in marital dissolution, providing documentary evidence of Islamic normative practices operating within the justice environment without establishing a corresponding formal judicial jurisdiction (Truth and Reconciliation Commission of Sierra Leone 2004). This evidence demonstrates socially recognised religious involvement in dispute management, but it does not transform those actors into courts or confer upon them the jurisdiction assigned by statute to Local Courts.

The central finding of this section is therefore one of differentiated institutional authority. Formal judicial power is constitutionally vested in the judiciary; customary adjudication receives defined statutory recognition through the Local Courts Act; and Islamic norms receive limited legal recognition in particular personal-status contexts without the establishment of a Sharia judicial hierarchy. Sharia-informed mediation consequently occupies a distinct institutional position: it may operate within Sierra Leone's plural normative environment, but its authority cannot be derived from constitutionally or statutorily delegated adjudicatory competence. This distinction between legally conferred jurisdiction and non-jurisdictional religious authority provides the institutional foundation for the analysis of practical authority developed below.

Institutional Conditions Creating Space for Religious Mediation

The institutional relevance of community-based mediation in Sierra Leone must be situated within a justice system in which formal reform has expanded access without eliminating substantial constraints on justice delivery. The Government's *Sierra Leone's Justice Sector Reform Strategy (2024–2030): Enhancing Justice Delivery* identifies a continuing “huge backlog” of court cases, weak case-management infrastructure, resource constraints, and persistent difficulty in accessing justice in far-to-reach areas (Justice Sector Coordination Office 2024). These are not incidental administrative deficiencies: they form part of the institutional environment within which different dispute-resolution mechanisms remain available. The Strategy consequently makes increased and more equitable access to justice, improved case management, institutional capacity, and alternative dispute resolution central components of the current reform programme (Justice Sector Coordination Office 2024).

Official data further demonstrate that Sierra Leone's access-to-justice architecture already extends considerably beyond courtroom adjudication. The Government's *2021 Voluntary National Review Report on the SDGs in Sierra Leone*

records that 413,169 people received Legal Aid Board services between 2015 and 2020, of whom 68,323 received legal representation. More significantly for the present analysis, 184,406 matters were handled through legal advice and mediation during the same period, while 59 paralegals were deployed across 23 towns and cities, including all district headquarters (Ministry of Planning and Economic Development 2021, 44–45). The report identifies family and marital disputes, inheritance, property matters, maintenance, labour disputes, and community-level conflicts among matters addressed through legal advice and mediation (Ministry of Planning and Economic Development 2021, 45). These figures do not measure Sharia-informed mediation, but they establish an important institutional point: non-adjudicatory dispute resolution is not peripheral to Sierra Leone's justice environment. It forms part of the broader architecture through which legal and social disputes are managed.

This finding both supports and qualifies earlier socio-legal accounts of Sierra Leonean legal pluralism. Corradi emphasises the interaction between formal justice reform and locally embedded customary institutions (Corradi 2013, 2010); Jackson (2011, 2015) shows that access to justice is shaped by decentralised authority and unequal institutional reach (Jackson 2011, 2015); McIntyre Miller demonstrates the continuing role of chieftaincy-based community dispute resolution (McIntyre Miller 2013); and Naso et al. provide further evidence that post-conflict legal ordering remains institutionally plural (Naso et al. 2020). Denney similarly challenges a rigid state/non-state divide by showing that justice provision in Sierra Leone operates through hybrid and overlapping institutional relationships (Denney 2014, 2018). The present analysis extends these arguments in a narrower direction. Institutional plurality is not treated as evidence that all community forums possess equivalent authority, nor are weaknesses in the formal system assumed automatically to produce reliance on religious mediation. Rather, unequal accessibility, legal-aid constraints, and the established presence of community-based dispute resolution constitute enabling conditions within which non-state normative institutions can remain practically relevant.

The documentary record provides more specific, although necessarily limited, evidence of Muslim religious participation in this wider dispute-resolution environment. The Truth and Reconciliation Commission's *Witness to Truth* records, in its discussion of family relations under what it terms “Mohamedan law,” the involvement of Muslim religious leaders and arbitration

processes in the dissolution of marriages (Truth and Reconciliation Commission of Sierra Leone 2004). Read together with the broader evidence on community-based dispute resolution, this indicates that religiously informed mediation has a documented place within Sierra Leone's plural normative landscape. It does not, however, establish how frequently such mediation occurs, whether disputants systematically prefer it to state or Local Courts, or whether formal-sector constraints cause individuals to select religious forums. Those questions require behavioural evidence that the documentary design cannot provide.

The analytical significance of accessibility must therefore be stated carefully. Formal-sector constraints do not demonstrate institutional substitution; they help explain why locally embedded dispute-resolution mechanisms can continue to occupy social and institutional space alongside state courts. Likewise, the substantial use of legal advice, mediation, paralegal assistance, and customary processes documented in official sources shows that justice seeking in Sierra Leone already encompasses multiple pathways (Ministry of Planning and Economic Development 2021, 44–45; Justice Sector Coordination Office 2024, 8). In this environment, the relevance of Sharia-informed mediation cannot be attributed simply to religious affiliation or to state institutional weakness. Its practical authority must instead be examined at the intersection of normative legitimacy, social embeddedness, accessibility, and the legally plural organisation of dispute resolution.

Table 1 synthesises this evidence while separating documented institutional conditions from their analytical implications. This distinction is important: the documentary sources establish the legal and governance environment in which community-based mediation operates; the connection between those conditions and practical authority is an analytical inference rather than a direct measurement of individual forum choice.

Table 1
Documentary Foundations and Institutional Conditions Relevant to the Practical Authority of Sharia-Informed Mediation

Institutional condition	Specific documentary basis	Documented finding	Analytical implication for practical authority
Constraints on formal judicial	Justice Sector Coordination	The strategy identifies a	These conditions create institutional

accessibility and administration	Office, <i>Sierra Leone's Justice Sector Reform Strategy (2024–2030): Enhancing Justice Delivery</i> (2024, 8)	substantial case backlog, poor case-management infrastructure, resource limitations, and continuing access difficulties in far-to-reach areas.	space in which locally available dispute-resolution mechanisms may remain relevant; they do not establish that disputants prefer religious mediation.
Established use of non-adjudicatory justice mechanisms	Ministry of Planning and Economic Development, <i>2021 Voluntary National Review Report on the SDGs in Sierra Leone</i> (2021, 44–45)	Between 2015 and 2020, 413,169 people received Legal Aid Board services; 68,323 received legal representation, and 184,406 matters were handled through legal advice and mediation.	The scale of mediation and legal advice demonstrates that dispute resolution outside courtroom adjudication is an established component of Sierra Leone's access-to-justice environment.
Decentralised legal assistance	Ministry of Planning and Economic Development, <i>2021 Voluntary National Review Report on the SDGs in Sierra Leone</i> (2021, 45)	The report records 59 paralegals operating across 23 towns and cities, including all district headquarters.	Decentralised assistance illustrates the institutional importance attached to locally accessible justice pathways, providing contextual—not causal—support for examining community-based mediation.
Persistent customary and community-based dispute resolution	Corradi 2010, 2013; Jackson 2011, 2015; McIntyre Miller 2013; Naso et al.	Socio-legal studies consistently document continuing interaction	Sharia-informed mediation operates within an already plural dispute-resolution

	2020; Denney 2014, 2018	between formal institutions and locally embedded customary or community mechanisms.	environment rather than as an isolated or parallel judicial order.
Documented Muslim religious participation in dispute management	Truth and Reconciliation Commission Sierra Leone, <i>Witness to Truth</i> (2004, vol. 3B, chap. 3, para. 135)	The Commission records the involvement of Muslim religious authorities and arbitration in marital dissolution under "Mohamedan law".	This provides documentary support for socially recognised religious involvement in dispute resolution, while not establishing prevalence, effectiveness, or formal jurisdiction.
Absence of equivalent Sharia judicial incorporation	Constitution of Sierra Leone 1991, sec. 120; Local Courts Act 2011, secs. 2, 15–16	Formal judicial authority and statutory customary jurisdiction are legally allocated, but no equivalent Sharia court hierarchy is established.	Religious dispute-resolution relevance must therefore be explained through non-jurisdictional practical authority rather than constitutionally delegated judicial competence.

Source: Authors' elaboration based on documentary analysis (2026).

Taken together, the evidence supports a narrower and more defensible conclusion than the claim that weaknesses in formal justice generate religious mediation. Sierra Leone's justice system combines continuing constraints in formal justice delivery with extensive use of legal aid, mediation, customary institutions, and other community-level mechanisms. Within that plural environment, documentary evidence also identifies a socially recognised role for Muslim religious actors in particular disputes. These conditions establish the institutional setting in which Sharia-informed mediation can remain relevant without acquiring formal judicial status. The next section therefore turns from

the existence of that institutional space to the article's central theoretical question: how such non-jurisdictional relevance can be conceptualised as practical authority.

From Formal Jurisdiction to Practical Authority: Interpreting Islamic Legal Pluralism in Sierra Leone

The preceding analysis establishes two findings that frame the theoretical problem. First, Sierra Leone's legal order distinguishes between constitutionally vested judicial power, statutorily recognised customary adjudication, and Islamic normative practices operating without an equivalent Sharia court structure. Second, community-based and non-adjudicatory forms of dispute resolution remain embedded within the broader justice environment. The significance of these findings is not that religious mediation competes with or substitutes for state adjudication, but that formal legal status and practical relevance do not necessarily coincide. A non-state normative institution may lack delegated adjudicatory competence while retaining a socially recognised capacity to shape dispute resolution. Practical authority is used here to conceptualise this intermediate form of authority.

Practical authority must be distinguished from four related concepts. Formal legal authority denotes authority conferred and delimited by law, including the competence to adjudicate and generate state-recognised legal consequences. Jurisdiction refers to the legally defined scope within which such authority may be exercised. Normative authority concerns the capacity of norms or actors to provide authoritative reasons for conduct on moral, religious, or social grounds. Social legitimacy refers to the recognition through which an actor or institution is regarded as credible, appropriate, or entitled to perform a particular role. Practical authority is distinct from all four. In this study, it refers to the socially recognised capacity of a non-state normative institution to structure, facilitate, or influence dispute resolution within a particular social field despite lacking state-delegated adjudicatory competence. Normative authority and social legitimacy may underpin such authority, but practical authority concerns their translation into consequential dispute-resolution practice.

This distinction draws on Weber's observation that legitimate authority may rest on different foundations and that legal-rational authority represents only one form of legitimate rule (Weber 1978). The analysis does not transpose

Weber's typology directly onto Sierra Leonean mediation. Rather, it adopts the narrower proposition that the source of recognised authority is analytically significant. State courts derive authority from constitutional and statutory legality, whereas religious actors may derive normative standing from shared Islamic commitments and community recognition. The unresolved issue is what follows from such recognition in practice. The concept of practical authority addresses this gap by distinguishing an actor's recognised legitimacy from the socially consequential capacity to perform a dispute-resolution function.

Legal-pluralism theory supplies the second foundation. Griffiths (2015) establishes that socially operative normative ordering need not be confined to state law, while Moore's (1973) semi-autonomous social field explains how social arenas can generate and sustain normative expectations while remaining embedded within a larger legal and political order. Tamanaha similarly emphasises that multiple normative orders may coexist because their authority arises from different social sources (Tamanaha 2021), and de Sousa Santos' concept of interlegality directs attention to the interaction and overlap among normative spaces rather than their treatment as hermetically separated systems (Santos 1987). Together, these approaches explain the existence, persistence, and interaction of plural normative orders. They do not, however, necessarily distinguish between the mere presence of a socially recognised normative order and the specific capacity of that order to matter in dispute resolution. Practical authority adds this authority-sensitive dimension: it asks not simply whether non-state normativity exists, but how it becomes consequential while remaining legally subordinate to the state's allocation of jurisdiction.

This refinement is central to Islamic legal pluralism. Islamic normative authority cannot be reduced to formally constituted Sharia courts; it may also operate through religious guidance, ethical reasoning, mediation, and community practice (Baderin 2017; Rohe 2015). Yet not every form of Islamic normativity amounts to legal authority. Practical authority identifies the narrower condition in which Islamic normative legitimacy acquires a recognised dispute-resolution function without becoming state law or formal jurisdiction. It therefore avoids two analytical errors: treating the absence of Sharia courts as the absence of Islamic authority and equating religious mediation with judicial competence.

In Sierra Leone, this distinction reveals three differentiated positions. State courts exercise formal legal authority under the Constitution and legislation.

Local courts exercise customary jurisdiction expressly incorporated and delimited by statute. Sharia-informed mediation occupies a third, non-jurisdictional position. Sierra Leone has no equivalent Sharia judicial structure, although Islamic norms receive limited recognition in particular personal-status matters and documentary evidence records Muslim religious participation in dispute resolution. Its authority is therefore practical only insofar as religious legitimacy, community recognition, and dispute-resolution capacity converge without creating formal judicial competence.

The case consequently refines legal-pluralism theory. The issue is not merely the coexistence of multiple normative orders but the different legal and institutional positions they occupy. Customary authority may be partially juridified; Islamic mediation may remain non-incorporated; both operate alongside state courts. Practical authority captures this distinction: authority that is socially consequential but legally non-jurisdictional.

The concept must, however, remain analytically bounded. It does not imply sovereignty, legal supremacy, institutional equivalence, universal community recognition, systematic preference, or consistent compliance. Such claims require empirical evidence beyond the documentary record. Here, practical authority denotes only the documented capacity of a non-state religious institution to participate meaningfully in dispute resolution while remaining outside the formal judicial hierarchy. It is therefore relational and contingent, not an inherent status.

Table 2 operationalises this distinction by separating four questions: who possesses legally enforceable competence; why a norm is regarded as authoritative; why an institution is socially accepted; and whether that legitimacy translates into a recognised dispute-resolution capacity.

Table 2
Conceptual Framework Distinguishing Formal Legal Authority, Normative Authority, Social Legitimacy, and Practical Authority

Analytical dimension	Formal legal authority / jurisdiction	Normative authority	Social legitimacy	Practical authority
Core meaning	Legally conferred competence to exercise	Authority derived from norms, values, religious	Social acceptance that an actor or institution	Socially recognised capacity to structure,

	recognised adjudicatory or institutional power	commitments, or moral reasoning	is appropriate, credible, or entitled to perform a role	facilitate, or influence dispute resolution without state-delegated adjudicatory competence
Primary source	Constitution, legislation, and other recognised sources of state law	Religious, moral, cultural, or other normative commitments	Recognition and acceptance within the relevant social setting	Translation of normative legitimacy and social recognition into a consequential dispute-resolution role
Legal enforceability	Backed by legally recognised institutional authority and enforcement mechanisms	Not inherently legally enforceable	Not inherently legally enforceable	Not inherently legally enforceable; effectiveness depends on socially embedded recognition and interaction
Institutional location in Sierra Leone	Superior and subordinate courts; statutorily authorised Local Courts within their prescribed competence	Islamic norms and religious principles recognised within Muslim normative life	Recognition accorded to particular religious or community actors within relevant social contexts	Sharia-informed mediation where religious actors exercise a recognised dispute-resolution role without

				constituting a court
Relationship to the state	Constituted, recognised, or delegated by state law	May exist independently of state recognition	May exist independently of formal incorporation	Operates within the state's constitutional order but without equivalent judicial incorporation
Analytical question answered	Who has lawful competence to adjudicate?	Why is a norm or actor regarded as normatively authoritative?	Why is an institution socially recognised or accepted?	How can socially recognised normativity become consequential in dispute resolution despite the absence of formal jurisdiction?

Source: Author's elaboration based on documentary analysis and the theoretical framework (2026)

Three patterns in Table 2 are central to the research question. First, authority in a plural legal order is differentiated by source rather than distributed uniformly among institutions. State courts derive adjudicatory competence from constitutional and statutory law; the normative standing of religious mediation derives from a different foundation. The coexistence of those institutions therefore does not entail legal equivalence. This is particularly important in Sierra Leone because customary adjudication and Sharia-informed mediation cannot simply be grouped together as undifferentiated forms of "informal justice": the former is partly incorporated through statutory local courts, whereas the latter lacks an equivalent delegated judicial structure.

Second, the table distinguishes legitimacy from consequence. Normative authority explains why Islamic principles or religious actors may be regarded as authoritative, and social legitimacy explains why particular actors or processes may be accepted within a community. Neither, by itself, demonstrates practical

authority. Practical authority arises analytically where such recognition is connected to an institutionally meaningful capacity to facilitate, structure, or influence the handling of disputes. This is the principal conceptual advance made by the article. Legal-pluralism theory establishes the possibility of multiple normative orders; practical authority specifies one mechanism through which a non-state normative order may become consequential without becoming formally jurisdictional.

Third, practical authority is compatible with constitutional hierarchy. The findings do not require a model in which state and religious orders compete for sovereignty. Moore's semi-autonomous field and de Sousa Santos' interlegality are more useful precisely because they allow normative arenas to be simultaneously differentiated and interconnected (Moore 2011; Santos 1987). In the Sierra Leonean case, Sharia-informed mediation can therefore be understood as operating within the constitutional environment rather than outside it in a sovereign sense. Its authority remains bounded by the state's legal order even where its practical relevance derives from non-state normative foundations.

The research question can consequently be answered more precisely. Within the limits of the documentary evidence, Sharia-informed mediation acquires practical authority not through constitutional delegation but through the convergence of Islamic normative legitimacy, socially recognised religious roles, embedded community dispute-resolution practices, and an institutional environment in which multiple pathways for resolving disputes already coexist. Accessibility and justice-sector constraints may enlarge the institutional space within which such mechanisms remain relevant, but they are neither necessary proof of religious authority nor sufficient evidence that disputants choose mediation because formal institutions are inaccessible. Practical authority is therefore best understood as a contingent relationship between normative legitimacy, social recognition, functional dispute-resolution capacity, and the surrounding plural institutional order.

The theoretical contribution extends beyond the Sierra Leonean case. Islamic legal pluralism is commonly analysed through questions of incorporation, jurisdiction, personal-law recognition, or the relationship between religious courts and state institutions. Practical authority shifts part of that inquiry toward contexts of non-incorporation. It provides a concept for analysing how Islamic normative institutions may matter institutionally even where the state has not converted their normative standing into judicial competence. The

distinction thus preserves the constitutional difference between lawfully delegated jurisdiction and non-state authority while explaining why the absence of a Sharia court does not necessarily entail the absence of consequential Islamic legal normativity.

Access to Justice, Accountability, and the Governance Implications of Informal Religious Mediation

The concept of practical authority has an important governance implication. If Sharia-informed mediation can remain relevant to dispute resolution without possessing formal jurisdiction, its significance cannot be evaluated solely by asking whether the state legally recognises it. Attention must also be directed to the quality, accessibility, and accountability of the dispute-resolution processes through which that authority is exercised. This shifts the analysis beyond the conventional choice between formalisation and exclusion. The relevant question is how a constitutionally non-jurisdictional institution that possesses practical authority should relate to a justice system committed simultaneously to accessibility, legality, and rights protection.

Recent access-to-justice scholarship reinforces the need for this broader assessment. Upton distinguishes a narrow conception of access centred on entry into formal courts from a “thicker” understanding attentive to the social, economic, spatial, institutional, and normative conditions through which justice is actually experienced. In a different setting (Upton 2022), Krakowski and Kursani provide experimental evidence that perceptions of state inefficiency and established community conventions can influence expectations of recourse to religious or customary dispute resolution (Krakowski and Kursani 2024). These comparative findings should not be transplanted as evidence of Sierra Leonean behaviour; the present documentary study cannot demonstrate why individual disputants choose particular forums. They nevertheless support a wider analytical point consistent with the Sierra Leonean material: the practical relevance of informal justice cannot be understood solely through institutional availability, because accessibility, institutional performance, and socially embedded normative expectations may interact in shaping the environment within which different justice mechanisms operate (Krakowski and Kursani 2024; Upton 2022).

Access, however, is not synonymous with justice. An institution may be geographically proximate, culturally intelligible, or procedurally less demanding

while still raising questions concerning consent, equality, transparency, consistency, and remedies for procedural unfairness. This distinction is especially important for Sharia-informed mediation because practical authority, as conceptualised here, does not carry the safeguards that ordinarily accompany state-delegated jurisdiction. Community recognition may enable religious actors to perform meaningful dispute-resolution roles, but it does not itself establish standards of procedural fairness or provide appellate supervision. The governance value of practical authority must therefore be assessed through two dimensions simultaneously: whether it makes dispute resolution socially and practically accessible, and whether its exercise remains compatible with the constitutional and rights-based protections applicable to affected parties. This approach is consistent with recent legal-pluralism scholarship cautioning against treating the availability of non-state justice as sufficient evidence of substantive access to justice (Niyonkuru 2021; Upton 2022).

The tension is particularly significant in family, marriage, inheritance, maintenance, and related disputes in which gendered power relations may shape both access to and experience of dispute resolution. Sierra Leonean scholarship has already demonstrated that the formal/informal distinction does not map neatly onto the protection or disadvantage of women; inequalities may operate across plural institutional settings (McCormack-Hale 2018). Recent comparative research sharpens this point. Niyonkuru, examining gender and access to justice in a plural African legal system, argues that women's disadvantages should neither be ignored within informal institutions nor attributed mechanically to legal pluralism alone, because statutory, institutional, and extra-legal conditions also shape access to justice (Niyonkuru 2021). Dutta's study of non-state Sharia forums in India likewise demonstrates that gendered agency within Islamic legal pluralism is negotiated through relationships among actors and institutions rather than reducible to a simple opposition between emancipatory state law and oppressive religious ordering (Dutta 2022). Together, these studies caution against both romanticising community mediation as inherently accessible and dismissing it as inherently incompatible with gender justice.

This has direct implications for the interpretation of practical authority. Social legitimacy indicates that an institution is recognised within a relevant community; it does not establish that all participants possess equal bargaining power or that mediated outcomes protect vulnerable parties. Practical authority must therefore remain analytically distinct from normative endorsement. The

finding that a religious mediator can exercise socially consequential influence does not amount to a finding that the resulting process is fair, rights-compliant, or preferable to formal adjudication. Indeed, precisely because practical authority describes consequential influence without state-delegated jurisdiction, questions of accountability become more—not less—important as that influence increases. The article thus moves beyond an access-versus-rights binary: accessibility explains one dimension of institutional relevance, whereas accountability determines whether that relevance can operate consistently with wider legal protections.

Recent scholarship on informal justice also counsels against assuming that the appropriate regulatory response is straightforward formal incorporation. Sani emphasises the continuing complexity of relations between state law and legally plural normative orders (Sani 2020), while research on non-state Islamic adjudicatory spaces demonstrates that their interactions with formal institutions can involve negotiation, cooperation, overlap, and contestation rather than a single linear movement towards state absorption (Dutta 2022). Formalisation may provide clearer procedural safeguards, but it may also alter the social foundations from which a non-state institution derives legitimacy and practical accessibility. The governance problem is therefore not solved simply by transforming Sharia-informed mediation into another layer of the judiciary. Such a move would also contradict the central distinction developed in this article between practical authority and formal jurisdiction.

A more defensible policy orientation is one of bounded institutional coordination. This would preserve the constitutional distinction between state adjudication and non-state mediation while creating interfaces through which accessibility and rights protection can be pursued together. Three implications follow from the analysis. First, strengthening formal judicial accessibility, legal aid, and court administration remains essential; informal mediation should not become a substitute for the state's obligation to provide effective justice services (Balarabe 2025). Second, justice-sector institutions could strengthen referral and legal-information pathways so that mediators and disputants understand which matters are suitable for mediation and when formal intervention is required. Where public authorities engage with community mediation, non-binding guidance on voluntary participation, informed consent, confidentiality, record keeping, protection of vulnerable parties, and referral in serious rights-related cases could strengthen accountability without conferring judicial status on

religious mediators. These measures concern coordination and safeguards, not constitutional incorporation of a Sharia judiciary.

The broader implication is that practical authority has an accountability dimension often underdeveloped in legal-pluralism analysis. A non-state Islamic institution may be normatively legitimate and practically consequential without possessing jurisdictional authority. Yet practical relevance does not, by itself, establish constitutional or rights-based legitimacy. Once socially recognised normativity becomes consequential in dispute resolution, its relationship to accessibility, unequal power, procedural safeguards, and state guarantees requires scrutiny.

The article therefore advances a more specific claim than the mere coexistence of state and non-state normative orders: Islamic normative authority can become practically consequential under conditions of non-incorporation while remaining legally subordinate to the constitutional judiciary. The appropriate response is neither to equate such authority with formal jurisdiction nor to disregard it because it lacks legal status. Rather, its exercise should be assessed through the institutional relationships, safeguards, and accountability mechanisms that connect it to access to justice and rights protection. Practical authority thus functions as both an explanatory concept and a governance lens for understanding when non-state Islamic mediation matters—and what accountability follows when it does.

Conclusion

This study demonstrates that Sharia-informed mediation in Sierra Leone is best understood through the distinction between formal jurisdiction and practical authority. Judicial power remains vested in constitutionally and statutorily recognised institutions, while Sharia-informed mediation operates without equivalent adjudicatory status. Its continued relevance, therefore, cannot be attributed to state delegation alone. Rather, the documentary evidence points to the interaction of Islamic normative legitimacy, community recognition, embedded dispute-resolution practices, and a plural justice environment in which multiple forums coexist. The central finding is consequently not simply that religious mediation exists outside the formal judiciary, but that non-state normative authority can become socially consequential without acquiring formal jurisdiction.

The article's principal theoretical contribution is to develop practical authority as a distinct category within Islamic legal pluralism. Existing pluralist approaches explain the coexistence of state and non-state normative orders, but the Sierra Leonean case shows that coexistence alone does not explain how authority operates across them. Practical authority denotes the socially recognised capacity of a non-state normative institution to structure, facilitate, or influence dispute resolution despite lacking state-conferred adjudicatory competence. It is therefore distinct from formal legal authority, normative authority, and social legitimacy, although the latter may provide its foundations. This distinction shifts the analytical question from whether non-state normative orders exist to how their authority becomes consequential under conditions of non-incorporation.

The findings further demonstrate that plural legal orders are not institutionally equivalent. State courts derive authority from constitutional and statutory law; customary institutions possess a degree of juridified authority through legislation; and Sharia-informed mediation remains outside an equivalent judicial structure. Legal pluralism must therefore be analysed not only in terms of normative coexistence but also through differences in the source, scope, and institutional effects of authority. The absence of a recognised Sharia court does not eliminate consequential Islamic normativity, but neither does community recognition transform religious mediation into judicial power.

This distinction also generates a governance implication. Practical authority should neither be ignored because it lacks formal jurisdiction nor treated as an alternative to constitutional justice. Where religious mediation has documented relevance, its operation raises questions of accessibility, voluntariness, procedural fairness, protection of vulnerable parties, referral, and accountability. The appropriate response is therefore bounded coordination rather than automatic formalisation: formal justice institutions should remain the source of enforceable jurisdiction, while appropriate referral mechanisms and procedural safeguards can clarify the relationship between community mediation and the state justice system.

The conclusions remain limited by the documentary design. The study cannot establish the prevalence of Sharia-informed mediation, individual forum preferences, compliance patterns, or the lived experiences of mediators and disputants. These limits do not undermine the conceptual finding but delimit its empirical reach. Future research should test the practical-authority framework

through interviews, observation, and case-level studies, particularly in family, inheritance, and community disputes. Such research could determine how practical authority is constituted, contested, and experienced across different communities and whether the Sierra Leonean pattern is observable in other plural legal systems where Islamic normative authority remains socially consequential without formal judicial incorporation.

Declarations

Author Contribution Statement

Thomas Sheku Marah was responsible for formulating the research problem, establishing the study's analytical approach, and coordinating the overall research process. Fathima Adila Shuhood conducted the relevant literature review, gathered and examined the research materials, and contributed to the interpretation of the results. Sherene Keskin contributed to the theoretical discussion, critical evaluation of the arguments, and refinement of the manuscript. All authors participated in revising the manuscript, approved its final version, and agreed to be accountable for the work.

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