

Watanic Jurisprudence as a Universal Legal Methodology: Continuum-Dichotomy Analysis for Constitutional Interpretation and Epistemic Order

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Abstract

The growing detachment of law from its ethical and metaphysical foundations has renewed the search for a jurisprudential approach that restores coherence to constitutional interpretation. This article demonstrates that Watanic jurisprudence provides a credible, coherent, and universally applicable legal methodology through its continuum-dichotomy analytical framework. By distinguishing between transcendent legal continuities and dichotomous constructs shaped by human agency, it grounds legal reasoning within its proper historical, linguistic, and civilisational context (*watan*). Central to this methodology is the recognition that local circumstances, customs, and historical experiences form the fundamental norms of a society and must therefore inform how constitutional texts are interpreted and applied. Watanic jurisprudence affirms that every constitution reflects the will of a supreme authority—whether divine, monarchical, or popular—and must be analysed within the moral and epistemic universe that produced it. A key contribution of Watanic jurisprudence is its capacity to prevent epistemic fragmentation, a condition that emerges when law is detached from religious or metaphysical purpose. Such separation often leads to moral relativism and intellectual disorder as legal systems drift from their foundational ethical anchors. By reintegrating transcendent principles, local moral responsibilities, and societal norms into constitutional interpretation, Watanic jurisprudence offers a balanced framework compatible with universal legal standards. It enhances doctrinal coherence, strengthens comparative constitutional analysis, and provides a spiritually grounded yet context-sensitive methodology for addressing contemporary legal and governance challenges.

Keywords: Watanic jurisprudence; Tawhidic epistemology; continuum-dichotomy framework; constitutional interpretation; legal methodology.



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Introduction

Integrating jurisprudential methodology into epistemological inquiry is vital for developing a coherent and comprehensive understanding of legal thought, whether the issues stem from Islamic traditions or secularist perspectives. Islam, by its very nature, encompasses both spiritual and worldly (temporal) realms. In contrast, secularist thought embodies explicitly the ideology of secularism and must therefore be distinguished from what is merely secular or worldly. Within this broader intellectual landscape, jurisprudence extends well beyond the boundaries of fiqh or positive law; it forms a holistic framework of reasoning, authority, and legitimacy through which legal systems are created, interpreted, and justified.

Watanic jurisprudence highlights a polity's unique intellectual, philosophical, linguistic, and historical traits, especially in analysing sovereignty, constitutional frameworks, and the legal order within its indigenous civilisational context. Its approach develops a continuous legal framework that ties sovereignty to religious, ethical, and cultural foundations, based on the understanding that all knowledge stems from the Divine. Through this perspective, Watanic jurisprudence affirms that the legitimacy of governance is inseparable from the metaphysical principles and moral responsibilities embedded in the society that sustains it.

By maintaining the coherence between law, governance, and epistemology, Watanic jurisprudence prevents the fragmentation of legal reasoning and protects the community's ethical identity. It ensures that sovereignty is not reduced to a mere administrative or procedural concept but is recognised as an expression of indigenous legitimacy and a sign of divine trust. This approach strengthens governance's epistemic and moral integrity and guards the constitutional order from shifting towards purely secularist ideas that could weaken its fundamental stability.

Accordingly, this article presents Watanic jurisprudence as a doctrinal research methodology and a rule of legal interpretation, demonstrating its importance in establishing a continuous legal framework grounded in indigenous sovereignty, local circumstances, and transcendent epistemology.

Background

Watanic jurisprudence forms an indigenous school of legal thought that explains a sovereign polity's philosophical, constitutional, and normative architecture. Central to this school is the distinction between two foundational legal-philosophical orientations—the continuum framework and the dichotomy framework—each proposing a different conception of sovereignty and its impact on constitutional design and the rule of law. Within Watanic jurisprudence, sovereignty is understood through three interconnected dimensions: its source, inherent qualities, and modes of practical expression. Collectively, these dimensions shape the nature of the constitutional order and endow the rule of law with substantive meaning within a political community.

The continuum framework is based on the idea that a constitutional system cannot be separated from its religious, ethical, and metaphysical foundations. Sovereignty, in this perspective, arises from an ongoing relationship between divine revelation and human

governance. A nation's guiding philosophy, doctrines, and institutional principles relate to its spiritual and moral teachings, creating a unified worldview where the sacred and the secular coexist harmoniously. Law is seen as a human expression of divine guidance—adapted to local societal needs but rooted in transcendent norms. Nationhood goes beyond territorial borders; it includes a moral, cultural, and spiritual identity that shapes political legitimacy and justifies the exercise of sovereign authority.

Conversely, the dichotomy framework reflects a secularist stance where sovereignty is separated from religious or metaphysical origins and rooted solely in human intellectual constructs. This framework allows both atheistic and non-atheistic followers, as long as religious beliefs stay within the private sphere. Its legal and political systems operate based on internally developed doctrines—such as parliamentary supremacy, communism, or socialism—where authority is justified without reference to divine trusteeship or transcendent values. Separating the sacred from public governance indicates a shift from traditional notions of sovereignty and redefines the rule of law as an entirely human construct.

From the perspective of Watanic jurisprudence, the enduring philosophical concern is the origin and legitimacy of authority and its relationship with the constitutional order. Whether sovereignty is viewed as a divine trust or a human invention significantly influences the ethical foundations of law, the structure of constitutional institutions, and the responsibilities of governing authorities. These considerations shape the state's moral character, its legal system's coherence, and its governance's integrity. Within this broader analytical framework, Watanic jurisprudence provides a rigorous methodological approach for examining the unity, continuity, and epistemic foundations of sovereignty, thereby contributing to a deeper understanding of constitutionalism in both religious and secular contexts.

Continuum Legal Framework

The continuum legal framework is based on the Islamic teachings revealed by Allah Almighty, starting with Prophet Adam (peace be upon him) and continuing through successive prophetic missions until the final Messenger, Prophet Muhammad (peace be upon him). The term "continuum" signifies the continuous transmission of divine guidance throughout the development of Shariah—a body of law shaped, refined, and renewed by prophets across different eras. This philosophical perspective places sovereignty within a divinely ordained moral universe, where the legal and constitutional order is inseparable from revealed guidance, and human governance functions as an extension of divine instruction.

The Qur'anic foundation of this continuity is expressed in Surah al-Shura (42:13), where Allah affirms that the religion prescribed to Prophet Muhammad (peace be upon him) is the same as that entrusted to Prophets Noah, Abraham, Moses, and Jesus (peace be upon them all), along with the command to uphold this religion without division. In *The Meaning of the Qur'an*, Maududi (n.d., 2064–2070) emphasises that the Prophet Muhammad (peace be upon him) did not introduce a new faith but reaffirmed the universal religion given by earlier prophets, beginning with Prophet Noah after the Flood. The selection of these prophetic figures highlights divine law's preservation and ongoing nature, rather than restricting its universality.

This unity is reinforced by the divine instruction “*la tatafarraq fīhi*”—a warning against fragmenting the revealed message. Surah al-Mā'idah (5:48) clarifies that the Qur'an was revealed to confirm earlier scriptures and serve as their guardian (*muhaymin*), preserving their authentic message while correcting historical distortions. Maududi (n.d., 378–380) interprets this verse to mean that all prior revelations originate from a single metaphysical source, with variations arising only to address the temporal needs of different communities. Thus, the Qur'an is the final manifestation of this continuous divine heritage.

Within Watanic jurisprudence, this theological and epistemological unity forms the basis of the continuum framework. It acknowledges that divine law evolves across prophetic traditions in a historically adaptable yet religiously consistent way. The final revelation to Prophet Muhammad (peace be upon him) signifies not a break but the culmination of the divine legal continuum. Apparent differences in laws across eras are not contradictions but divinely approved adaptations designed to test humanity's dedication to the essence of ad-Dīn beyond cultural and historical contexts. Consequently, the continuum framework locates nationhood, law, and governance within a moral path rooted in the Abrahamic tradition and refined through the Qur'anic revelation.

The doctrine of sovereignty in Islam further reinforces this continuum. Prophet Muhammad (peace be upon him) consistently affirmed that absolute sovereignty belongs solely to Allah. Surah Āl 'Imrān (3:26) describes Allah as the Owner of Sovereignty, who grants authority to whom He wills and withdraws it likewise. This serves as a reminder to rulers that their authority is derivative and that they govern only as trustees of divine sovereignty. Surah al-Mā'idah (5:3) confirms the completion of the religion and the perfection of divine guidance necessary for human governance.

Maududi (1997) contends that although many accept God's sovereignty over the natural world, the Qur'an requires recognising His sovereignty in moral, social, economic, cultural, and political matters, as well as the Creator and Sustainer, Allah alone has the authority to set human society's standards. Political authority is legitimate only if exercised according to divine guidance.

From this standpoint, an Islamic ruler entrusted with *khilāfah* responsibilities must embody the following characteristics:

1. A trustee of divine sovereignty, exercising authority according to revealed guidance.
2. A guardian of virtue, who advocates for righteousness and opposes moral corruption through religious teachings.
3. A defender of public welfare, implementing policies that prevent harm and protect community well-being.
4. A responsible and answerable leader to both the governed and Allah Almighty.
5. A leader rooted in faith, ensuring governance stays within the bounds of divine trust.

Through these principles, the continuum legal framework within Watanic jurisprudence constructs a vision of sovereignty, law, and governance as parts of an unbroken chain of divine guidance. It provides the ontological foundation and the hermeneutic approach for understanding the state's authority, thereby maintaining the unity of moral, legal, and constitutional order across time, space, and nationhood.

A Methodological Analysis and Legal Interpretation

The methodological foundation of watanic jurisprudence is based on a hermeneutic approach that considers the legal system to reflect a nation's ontological identity rather than a mechanical construction of positive law. It adopts a legal-philosophical stance wherein sovereignty is not merely a constitutional doctrine but a unifying epistemic principle that shapes the law's meaning, function, and ethical orientation. Within this framework, legal interpretation and methodological analysis are interconnected, as both aim to reveal how the source, nature, and exercise of sovereignty influence the constitutional order.

Methodologically, watanic jurisprudence applies the continuum–dichotomy analytical model to determine whether a constitutional system emerges from a unified sacred–temporal worldview or from a bifurcated secularistic one. This model is a diagnostic tool for identifying the philosophical assumptions underpinning legal doctrines, political structures, and state practices. The continuum approach asserts that law arises from an unbroken relationship between divine norms, ethical virtues, cultural identity, and political authority. Consequently, interpretation places legal texts within the moral and metaphysical universe recognised by the community, thereby aligning legal meaning with the nation's inherited worldview.

Conversely, the dichotomous model criticises systems that separate religious doctrine from state authority. Legal interpretation becomes an exercise in navigating human-made ideologies, where constitutional norms are detached from transcendent moral obligations. Watanic jurisprudence identifies this disjunction and assesses its implications for legitimacy, ethical foundations, and the stability of sovereignty.

The methodological application of watanic jurisprudence integrates doctrinal analysis, historical-legal research, hermeneutics, and indigenous legal anthropology. Instead of working separately, these approaches operate as a cohesive methodological framework.

1. Historical Contextualisation

This component examines the legal-historical foundations of the state, including the evolution of governmental structures, constitutional customs, and the influence of external interventions. It traces how sovereignty, traditions, and governance practices developed over time, assessing whether continuity or rupture characterises the modern constitutional order. This approach reflects historical institutionalism, which situates legal texts within long-term developmental trajectories.

2. Textual and Doctrinal Analysis

Constitutions, statutes, treaties, royal decrees, and customary laws are analysed doctrinally with the support of linguistic and philosophical inquiry. This includes assessing how indigenous customs and religious norms are preserved, adapted, or marginalised. The analysis distinguishes between laws rooted in continuum epistemology and those reflecting dichotomous legal ideologies.

3. Application of the Sovereignty Principle

A central aspect of watanic jurisprudence is determining how sovereignty is defined, conceptualised, and exercised. This involves assessing whether sovereignty in a particular polity reflects divine trusteeship (continuum) or human-centred authority (dichotomy). The analysis extends to how sovereignty shapes constitutional norms, rule-of-law principles, and institutional structures.

4. Sustainability of Constitutional Customs

This component evaluates indigenous customs' resilience, transformation, or erosion through successive historical phases. It investigates how custom functions as a constitutional instrument and a vehicle for sustaining sovereignty and identity. This aligns with legal anthropology and constitutional custom studies examining constitutional norms lived experience.

5. Legal Interpretation and Indigenous Identity

This step examines how legal institutions—including courts, rulers, and administrative bodies—interpret laws within the modern constitutional framework. It assesses whether such interpretations uphold the rule of law while integrating indigenous identity and religious principles. Hermeneutical analysis is applied to determine interpretive fidelity to the constitutional ethos.

6. Data Collection Methods

The study relies primarily on qualitative methods, drawing on a wide range of primary sources such as constitutions, statutes, regulations, treaties, historical archives, royal scripts, proclamations, meeting minutes, and customary legal texts, alongside secondary sources comprising scholarly works on constitutional law, sovereignty, governance, Islamic jurisprudence, and comparative constitutional studies.

7. Data Analysis Techniques

Watanic jurisprudence employs three interrelated analytical techniques that collectively reveal the normative and epistemic foundations of the watan's legal order. First, textual analysis identifies and interprets key concepts, norms, and patterns embedded in primary sources related to sovereignty, constitutional customs, and legal doctrines, thereby uncovering the intellectual and moral underpinnings of the legal tradition. Second, doctrinal analysis systematically examines authoritative legal materials—such as constitutions, statutes, royal instruments, and judicial decisions—to elucidate the underlying principles, interpretive structures, and normative continuity that sustain the Watan's constitutional heritage. Third, thematic analysis synthesises insights from both textual and doctrinal inquiries, clustering them into broader themes that trace the historical development, resilience, and transformation of sovereignty principles and

constitutional customs across temporal and institutional contexts. Through this integrated methodological approach, Watanic jurisprudence provides a comprehensive framework for understanding the interplay between sovereignty, indigenous customs, and constitutional law. It illustrates how traditional principles continue to influence the logic of governance and how modern constitutional arrangements may either support or diverge from this civilisational continuum.

Promoting Tawhidic Epistemology

Tawhidic epistemology provides the metaphysical and epistemic foundation for all knowledge by positioning every intellectual pursuit within the Oneness of God as the ultimate principle of reality. Here, divine unity functions not merely as a theological doctrine but as the core organising principle of the Islamic worldview. Osman Bakar (2012, 2024) emphasised that all knowledge—including the sciences and technological disciplines—derives from the Divine Source and is interconnected through the Names and Attributes of God, especially al-‘Alīm, the All-Knowing. Therefore, the Islamic conception of knowledge goes beyond simple classification of information; it underpins the metaphysical basis of *ummatic* identity by linking human cognition to the ethical and spiritual aims of revelation. Within this worldview, ‘Ilm al-Tawhīd (the science of Divine Unity) articulates the core epistemic principles through which Muslims understand reality:

1. The unity of knowledge, asserting that all disciplines reflect different dimensions of a single truth.
2. The principle of order and harmony governs how knowledge is classified and integrated.
3. The hierarchy of knowledge whereby revealed knowledge offers the highest certainty and epistemic authority.

Classical Muslim scholars applied these principles to create a unified and spiritually coherent knowledge tradition that shaped Muslim civilisation's intellectual, scientific, ethical, and legal foundations. A central aspect of this epistemology is its guidance on the proper functioning of the *‘aql* (intellect). The intellect is a divinely given faculty whose reasoning must operate under the light of revelation to prevent epistemic disorder. When revelation is displaced—particularly through the uncritical adoption of secular Western epistemologies—knowledge becomes fragmented, leading to intellectual incoherence and the weakening of legal and governmental structures, which lose their grounding in moral and metaphysical truth. Bakar describes this as an epistemic rupture that disconnects legal and political norms from their civilisational roots. This concern closely aligns with the methodological foundations of Watanic jurisprudence. Rooted in sovereignty, custom, and the continuity of normative traditions, Watanic jurisprudence provides a legal-philosophical framework for assessing whether a legal system remains connected to its metaphysical source or has experienced a dichotomous rupture. When combined with Tawhidic epistemology, it offers a coherent interpretive paradigm that restores order to legal reasoning by situating constitutional texts, statutes, and doctrines within their proper metaphysical, linguistic, and historical contexts.

Epistemological Continuum and Legal Interpretation

The continuum framework of Watanic jurisprudence mirrors the principles of Tawhidic epistemology. Both emphasise the unity of knowledge, the necessity of intellectual harmony, and the primacy of divine purpose in shaping legal understanding. Within this continuum, law is seen not as a human creation fashioned *ex nihilo* but as a manifestation of transcendent norms grounded in revelation, natural law, and universal moral truths. This contrasts with dichotomous epistemologies, which reduce law to expressions of human will, parliamentary supremacy, or secular political doctrine.

Watanic jurisprudence employs Tawhidic principles to anchor legal interpretation within the lived experience of the watan—its customs, linguistic logic, religious worldview, and historical memory. Consistent with the Federal Court’s reasoning in *Indira Gandhi (2018)*, constitutional interpretation must be broad, purposive, and firmly rooted in its proper philosophical, linguistic, and historical contexts. Tawhidic epistemology requires knowledge to be understood holistically rather than in isolation; thus, Watanic jurisprudence regards the Constitution not as a neutral procedural document but as a codified expression of sovereign will, indigenous political heritage, and metaphysical commitments.

The Role of Supreme Authority and the Constitution

From epistemological and jurisprudential perspectives, sovereignty represents the highest authority within a political community. Whether conceptualised as a divine trust (continuum) or the people’s general will (dichotomy), sovereignty functions as the ultimate arbiter of law and governance. The Constitution articulates this sovereign will, acting as the nation’s moral and legal compass. Each constitutional provision, therefore, holds philosophical, ethical, and historical significance that must inform its interpretation.

Under Watanic jurisprudence’s continuum model, the rule of law is inseparable from religious governance. Legal certainty and moral integrity stem from divine trusteeship, indigenous customs, and the ethical duties of leadership. In contrast, the dichotomous model locates the rule of law in human-made doctrines protected by constitutional supremacy and popular sovereignty. Still, Watanic jurisprudence recognises that the people’s will is not inherently un-Islamic; even the Kelsenian grundnorm may be acknowledged, provided its meaning is expanded to include cultural, civilisational, and metaphysical realities embedded in the watan.

This paradigm aligns with classical Islamic political theory. In *siyāsah shar‘iyyah*, the ruler is a trustee (*amīn*) or caliph (*khalīfah*), whose authority is based on sacred responsibility directed towards justice, public welfare (*maṣlahah*), and moral accountability. Even Carl Schmitt’s assertion that “sovereign is he who decides on the exception” is moderated within Watanic jurisprudence, where an ethical cosmology limits sovereign authority.

Comparative Constitutional Method and Local Hermeneutics

As Venter (2000) argues, constitutions cannot be analysed meaningfully without understanding the interpretive contexts that give them substance. While comparative studies often emphasise textual similarities, deeper insights require engagement with the philosophical and civilisational foundations that shape each legal tradition. These foundations—metaphysical, historical, and doctrinal—are complex yet essential for understanding similarities, differences, and points of convergence between legal systems.

Integrating Tawhidic epistemology with Watanic jurisprudence signifies a notable methodological advancement within this perspective. It connects law, theology, and national identity by affirming the coherence of knowledge and the continuity of indigenous legal traditions. Furthermore, it challenges the dominance of secularism and fragmented epistemologies in modern legal discourse by offering an alternative grounded in civilisational memory, metaphysical truth, and the lived experience of sovereignty.

Towards a Reintegrated Legal Order

This integrated framework is practical. It provides principled criteria for assessing legal reforms, interpreting the constitutional role of a ruler, examining the boundaries of parliamentary sovereignty, and understanding the functions of religious councils and customary institutions. By anchoring these assessments in divine principles and local customs, it enhances the legitimacy of legal interpretation and governance.

Ultimately, the fusion of Watanic jurisprudence and Tawhidic epistemology promotes the reintegration of metaphysical truths with constitutional practice. It offers a coherent and locally grounded framework for rethinking legal education, statutory interpretation, and governance structures, ensuring that law development stays true to transcendent principles and the historical realities of the watan.

Implications

Watanic jurisprudence contributes several key advancements to constitutional and legal scholarship within the continuum–dichotomy framework. First, it facilitates the reintegration of continuum foundations by demonstrating that legal systems cannot function coherently without an underlying religious and moral order, thereby addressing the epistemic fragmentation that characterises much of modern law. Second, it strengthens constitutional interpretation by foregrounding local history, custom, and worldview, thus offering courts and scholars a richer hermeneutic basis that moves beyond narrow textualism or rigid positivism. Third, it reassesses the concept of sovereignty by employing the continuum–dichotomy model to clarify whether sovereignty is conceived as a divine trust or a human construct, enabling more precise comparative constitutional analysis across jurisdictions. Fourth, it enhances institutional legitimacy through a comprehensive evaluative framework applicable to monarchies, religious councils, and customary bodies, ensuring that their authority is measured against principled criteria drawn from the civilisation’s own normative heritage. Finally, it

supports civilisational renewal by linking legal thought to Tawhidic epistemology, providing a coherent foundation for reconstructing an integrated worldview in multi-religious, post-Renaissance societies seeking to affirm indigenous sovereignty and intellectual independence.

Conclusion

Watanic jurisprudence presents a consistent and universally relevant legal approach rooted in its continuum–dichotomy analytical framework. As demonstrated throughout this article, the framework provides a principled method to assess how legal systems perceive sovereignty and how these perceptions confer legitimacy on constitutional norms, institutional structures, and governance practices. The continuum model reflects a worldview where law and political authority are based on an unbroken metaphysical and historical order. In contrast, the dichotomy model identifies systems that place sovereignty solely within human-created, temporally limited ideologies. Since these perspectives exist across various civilisations, Watanic jurisprudence functions as a flexible analytical tool capable of interpreting constitutional frameworks in religious, secularistic, and hybrid systems.

Aligned with Tawhidic epistemology, Watanic jurisprudence affirms the unity, hierarchy, and harmony of knowledge as fundamental epistemic principles. This epistemological approach addresses the intellectual fragmentation that arises when law is detached from religious and moral orders. Such separation leads to conceptual relativism, reduced sovereignty, and instability within the rule of law. By situating constitutional texts within their metaphysical, linguistic, and historical contexts, Watanic jurisprudence restores coherence between normative principles, legal interpretation, and institutional practices.

Ultimately, the strength of Watanic jurisprudence lies in its ability to assess constitutional legitimacy beyond the narrow limits of textualism or positivist enquiry. Clarifying whether a constitutional system follows a continuum or dichotomous approach provides jurists and scholars with a credible method for understanding sovereignty, evaluating institutional integrity, and strengthening the moral foundations of constitutional governance. It thus contributes to doctrinal scholarship and civilisational renewal by reconnecting law to its proper epistemic and ethical bases.

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