

## P2. InterAsian Legalities

23 <sup>rd</sup> ASLI Conference 2026		
<b>Panel Category</b>	:	Asian Comparative Law / Law and Society
<b>Panel Title</b>	:	InterAsian Legalities
<b>Panel Abstract</b>	:	
<p>This panel explores the complex intersections and frictions between law and governance across Asia, spanning a vast geography from Beirut to Tokyo and from Jakarta to Astana. It seeks to illuminate how legal and governance frameworks interact within diverse political, cultural, and economic contexts, while also examining the tensions that arise when local realities meet global norms. The discussion will remain firmly grounded in deeply local experiences and institutional practices, yet it will also adopt a comparative and transnational lens, interpreting how global governance systems influence, challenge, and reshape domestic legal orders. By bringing together perspectives from multiple jurisdictions, the panel aims to foster a nuanced understanding of the dynamic interplay between local autonomy and global integration in shaping governance across the region.</p>		

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<b>Name of Convenor</b>	:	Jeremy Jacob Kingsley
<b>Designation / Academic Post</b>	:	Full-Time Professor
<b>Institution / Organisation</b>	:	Western Sydney University

### **Title of Paper**

Privatising InterAsian Legalities

### **Abstract**

Over the past fifty years, Asian businesses and their interconnected trade networks have become active participants in global commerce. Transnational lawyers, working within international law firms, have played a key role in facilitating these cross-border transactions.

To support these commercial relationships and address the disputes that arise from them, global legal platforms have emerged – spaces that enable the creation of fluid jurisdictions. These platforms serve as legal infrastructure designed to facilitate a transsystemic, or multi-layered, legal order. They have paved the way for extra-territorial, internationalised legal spaces that foster legal connections, such as the Dubai International Financial Centre and the Singapore International Arbitration Centre (SIAC). This legal infrastructure underpins major cross-border transactions and supports the development of commercial and tourism hubs, including Hamad International Airport (Qatar), Sentosa Island (Singapore), the Mandalika resort complex (Indonesia), and the Port of Surabaya (Indonesia).

### **Brief Biography of Author**

Dr Jeremy J. Kingsley is an Associate Professor and Associate Dean (International) at the Western Sydney University - School of Law. He is a transnational law scholar and anthropologist. His academic work is published in both public affairs and academic journals. His book, *Religious Authority and Local Governance in Eastern Indonesia*, was published by Melbourne University Press. Kingsley is currently working on a research project on 'Inter-Asian Legalities', funded by the Social Science Research Council (US) and the National University of Singapore, and is a member of the InterAsia Partnership (Arab Council for the Social Sciences, Secretariat). Kingsley is also foundation editor of the *Asian Law and Society Series*, Melbourne University Press. He is a Chief Investigator on an Australian Research Council Discovery Project on contract enforcement in Indonesia. He is also the coordinator of the Transnational Lawyering Consortium, a partnership between Deakin Law School and Western Sydney University.

## P2. InterAsian Legalities

<b>Name of Panelist</b>	:	Rehan Abeyratne
<b>Designation / Academic Post</b>	:	Full-Time Professor
<b>Institution / Organisation</b>	:	Western Sydney University

### **Title of Paper**

Constitutional Connections: The Basic Structure of Judicial Power

### **Abstract**

Over the past decade, courts around the world, especially those in countries carved out of the former British Empire, have adopted the basic structure doctrine (or unconstitutional constitutional amendments doctrine) as a democracy-protecting mechanism. This doctrine, which is usually traced back to the Indian Supreme Court's landmark judgment in *Kesvananda Bharati v. State of Kerala* (1973), enables courts to strike down duly enacted constitutional amendments that violate core features of the liberal democratic order. This extraordinary power is intended to permit judges to step in and block constitutional amendments that revoke or seriously undermine unwritten constitutional principles including the separation of powers, democratic elections, or judicial independence.

This discussion reexamines the basic structure doctrine from a historical, institutional, and comparative perspective. It seeks to ground the doctrine in a broader common law context arising out of Privy Council judgments from the mid-twentieth century. This alternative genealogy then leads to a reconsideration of the doctrine's scope and purpose in the present day. The discussion aims to improve our understanding of the basic structure doctrine towards making the doctrine a more effective tool to ward off anti-democratic forces.

### **Brief Biography of Author**

Rehan Abeyratne is Professor and Associate Dean (Higher Degree Research) at Western Sydney University School of Law. He holds a PhD from Monash University, a JD from Harvard Law School, and a BA (Hons.) in Political Science from Brown University. Professor Abeyratne's primary research area is comparative constitutionalism. He serves as an elected member of the International Society of Public Law (ICON-S) Council and as co-chair of the Society's Committee on New Directions in Scholarship. He holds editorial positions at the Asian Journal of Comparative Law (Subject Editor) and at Comparative Constitutional Studies (Special Issue Editor). Professor Abeyratne is the author of *Courts and LGBTQ+ Rights in an Age of Judicial Retrenchment* (Oxford University Press 2025). He is a co-editor of *Towering Judges: A Comparative Study of Constitutional Judges* (Cambridge University Press 2021), *The Law and Politics of Unconstitutional Constitutional Amendments in Asia* (Routledge 2021), and the *Routledge Handbook of Asian Parliaments* (Routledge 2023). He has authored articles in leading journals including the *International Journal of Constitutional Law* (I-CON), *Yale Journal of International Law*, and *Global Constitutionalism*, as well as chapters in edited volumes published by Hart, Cambridge University Press, and Oxford University Press.

## P2. InterAsian Legalities

<b>Name of Panelist</b>	:	Maria Bhatti
<b>Designation / Academic Post</b>	:	Ph.D.
<b>Institution / Organisation</b>	:	Western Sydney University
<b>Title of Paper</b>		
Global Faith and The Re-Mapping of International Legal Order		
<b>Abstract</b>		
<p>This discussion examines how faith and international law interact to shape the rules governing cross-border commercial life. Drawing on research in human rights, Islamic law, and international commercial law, it focuses on the points where religious norms and global legal standards converge or come under tension, most visibly in the treatment of interest (riba), Sharia-based public policy, and gendered dimensions of commercial regulation.</p> <p>Building on this foundation, the discussion extends to the financial sphere, where questions of corporate governance, Islamic finance reform, and microfinance intersect with international regulatory expectations. Here, insights from research on Muslim women's financial inclusion provide a grounded lens for understanding how faith-aligned financial models and global economic frameworks together shape who can access credit, participate in markets, and benefit from commercial growth. By tracing these connections, from the CISG and transnational arbitration platforms to evolving microfinance and governance reforms, this contribution shows that these issues are part of a single, interconnected legal ecosystem. Understanding the interplay between global faith traditions and international legal infrastructures, it argues, is essential for developing more coherent, culturally grounded, and gender-responsive systems of global governance and dispute resolution.</p>		
<b>Brief Biography of Author</b>		
<p>Dr. Maria Bhatti is a senior lecturer with the School of Law, specialising in the field of religion and the law. She examines the relationship between religious and secular legal systems, as well as the influence of religion on society and its connection with law. Dr. Bhatti brings a unique perspective to international comparative law, examining how different legal frameworks approach religious matters. Her research aims to foster cultural understanding, legal empowerment, policy improvements, and social justice to create a more inclusive and harmonious society where diverse communities thrive. She obtained her Bachelor of Laws and Master of Laws degrees from the University of Melbourne. During her master's program, she undertook a thesis that delved into the taxation implications of Islamic finance. Her work on this topic earned her a prestigious scholarship from the National Australia Bank. Dr. Bhatti completed her PhD at Monash University, where she explored the relationship between religious and secular law through the lens of international commercial arbitration. She is also the author of the book, "Islamic Law and International Commercial Arbitration," published by Routledge in 2019. The publication earned her the distinguished Emeritus Professor H. P. Lee Student's Publication Prize from Monash University. Before completing her PhD, Dr. Bhatti worked as a family lawyer in Melbourne, gaining practical experience in the field. Additionally, she has taught "Equity and Trusts" at Monash University and the University of Technology Sydney in the Department of Law. In addition to her expertise in law and religion, Dr. Bhatti is deeply committed to promoting cultural diversity, equity, and inclusion, with a specific emphasis on improving inclusive environments in the workplace.</p>		

## P2. InterAsian Legalities

<b>Name of Panelist</b>	:	Rangika Palliyarachchi
<b>Designation / Academic Post</b>	:	Ph.D.
<b>Institution / Organisation</b>	:	Western Sydney University
<b>Title of Paper</b>		
Actors in Governance		
<b>Abstract</b>		
<p>This discussion explores the diverse actors that shape governance systems across Asia’s complex socio-political landscapes. Moving beyond state-centric perspectives, it examines how formal institutions, informal entities, non-state actors, and local communities interact to influence governance outcomes.</p> <p>Drawing on interdisciplinary insights from law, sociology, management, and political science, the discussion highlights how informal institutions, such as customary authorities, religious organisations, and grassroots movements, operate alongside formal structures to maintain order and deliver justice. It also investigates the growing role of corporations, NGOs, and international organisations in shaping governance frameworks, particularly in contexts of political fragility and inequality. By focusing on how these actors collaborate, compete, and negotiate authority, this discussion seeks to illuminate the hybrid, adaptive, and context-specific nature of governance in Asia and to identify innovative practices that contribute to more inclusive, accountable, and resilient governance systems.</p>		
<b>Brief Biography of Author</b>		
<p>Dr Rangika Palliyarachchi is a Senior Lecturer in the School of Law at Western Sydney University, specialising in socio-legal approaches to corporate and commercial regulation. Over the past four years, her research has focused on understanding how organisations, particularly corporations, construct the content and meaning of laws within complex regulatory environments. Her work investigates how legal norms are shaped not only by formal institutions but also by organisational cultures, governance practices, and broader social, political, and economic contexts. Drawing on interdisciplinary methods, Dr Palliyarachchi’s research explores how socio-legal frameworks can explain the “meaning-making” processes through which corporations negotiate regulatory expectations, compliance obligations, and ethical responsibilities. Her recent projects focus on designing and improving corporate regulatory regimes by integrating insights from governance studies, behavioural regulation, organisational theory, and corporate law. She is particularly interested in how regulatory systems can better anticipate corporate responses, address compliance gaps, and promote more effective, equitable, and accountable governance outcomes. Dr Palliyarachchi’s research has been published in leading journals, and she has also secured significant competitive and industry funding and collaborates widely with partners across Australia and the Asia-Pacific. Her work continues to inform regulatory debates on corporate governance, compliance, and the evolving role of law in shaping organisational conduct.</p>		