

**A LEGAL ANALYSIS ON THE LEGISLATIVE PROCESS IN ENACTING ISLAMIC  
LAW IN MALAYSIA**

By

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## **ABSTRACT**

This project paper will be focusing on the problem of enacting Islamic Law in Malaysia. The Muslim population comprises up to 60% of the Malaysian citizen. One would think that being the majority then it should be easy to enact Islamic Law; however the situation would be different. Even though the majority of Malaysian population is Muslim, there are many obstacles that need to be faced in order to enact Islamic Law.

This is due to the fact that a number of statutes which had failed while some of them are still pending to be passed at the Parliamentary stage and State Legislative Assembly raises the question on the practicality of current legislative process in enacting Islamic law in Malaysia. One of the conclusions that can be made in order to solve this issue is by effectively administered among the Muslim and without the interference by those who are incompetent in the field of Islamic Law.

This project paper will analyse the weaknesses of the current legislative process and to further improve it by suggesting a few methods to overcome the problems of enacting Islamic Law.

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##### Appendix 1

## CHAPTER I

### 1.0 INTRODUCTION

Islam is a *Deen*<sup>1</sup>, revealed by Allah *subhanawataala* as the Creator to the Prophet Muhammad *sallallahualaihiwasallam* to govern the relationship between the mankind and the Creator; mankind among themselves and mankind with their own selves. Meanwhile, Islamic Law is the fundamental law for the Muslims, derived mainly from Al-Quran and *Sunnah*; where it is not just merely providing law such as to regulate Muslims code of conduct, but even to the extent of regulating criminal and civil matters related to Muslims.

Allah had mentioned in the Al-Quran;

*“The Religion before Allah is Islam (submission to His Will): Nor did the People of the Book dissent therefrom except through envy of each other, after knowledge had come to them. But if any deny the Signs of Allah, Allah is swift in calling to account”.*<sup>2</sup>

For example, one of the branches of Islamic Law is the *Ibadah*<sup>3</sup>; *Ibadah* has many forms, and it includes all forms of outward obedience of the tongue and the limbs and inward obedience of the heart, like remembrance of Allah *subhahawataala*. *Ibadah* also governs the way Muslim prays and relationship of one Muslim to another in a community. Meanwhile, the law that governs the relationship between

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<sup>1</sup> *Deen* is a way of life

<sup>2</sup> (Surah ‘Ali Imran (3) :19)

<sup>3</sup> The basic meaning of *al-Ibadah* is humility and submission. A more general meaning of *al-Ibadah* is that it is a comprehensive term for everything that Allah loves and is pleased with from speech and actions inwardly and outwardly