

TOPIC : SYARIAH COURTS SYSTEM IN PENINSULAR  
MALAYSIA - PROBLEMS AND SUGGESTED  
REFORMS.

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## CHAPTER ONE

### INTRODUCTION - SCOPE

The scope of this project paper concerns the position of the Syariah courts system in Malaysia. It is the upmost important to discuss the situation of the Syariah courts because the establishment of the syariah courts reflect the status of Islam as being the Official Religion of Malaysia.

This paper will also make an attempt to discover, that is to what extend has the Syariah courts succeeded in implementing the Islamic Law as conceived in the Al Quran and the Al Hadith, because as the situation stands now, the implementation of the Islamic Law is more inclined towards the modern legislation.

In the second chapter, under the first heading, this paper will discussed the historical background of the Islamic Law before the arrival of the British. Under the second sub heading this paper will venture see to what extend has the British intervention succeeded in implementing the English Law to replace the Islamic Law which has been practical long before the British arrival.

The third chapter will deals with the system and administration of Syariah courts in Malaysia. It will also

looks into the power conferred to the Syariah Courts and its jurisdiction.

The problems faced in the administration of the Syariah courts will be discussed in great length in the fourth chapter. Under this chapter, much attention will be focussed toward the supremacy of the Federal constitution which is regarded as the highest law of the nation and the effect caused by it to the effectiveness of the Syariah courts in implementing Islamic Law.

Attention will also be given in regards to the superiority of the civil law and the Civil Courts against the Islamic Law and the Syariah courts.

The problems caused by the various Enactments which govern each particular states administration problem under the Religious office, the lack of facilities and officers, and the problem regarding the position of the Kathi will also be discussed under this chapter.

Under Chapter five, this paper will try to suggest various reforms in order to put the Syariah Courts in its true position as the judicial administrator of the Islamic Law. Such reforms as to amendment to the Federal constitution, the uniformity of the various Enactments, plus some other suggestions will be laid down in this paper, in the hope that the Syariah