

**A STUDY ON MALAYSIA AS AN ISLAMIC STATE: FROM THE
RELIGIOUS, LEGAL AND POLITICAL PERSPECTIVES**

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

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ABSTRACT

It is unknown whether Malaysia is an Islamic state or a secular country. This study is paid on how the Islamic state should be viewed. By doing the research, three perspectives had been analysed and critically viewed. The three perspectives mentioned were religious, political and legal. From the view of religious, 4 schools of thought and modern scholars' emphasis more on how Al-Quran as the sources of law and how Prophet Muhammad administered Medina as an Islamic state. From the political perspective, each party in Malaysia view Islamic state from their ideology of the parties. While from the legal perspective state that our legal system not much concentrate on the Syariah matters and the position of Islam in the Federal Constitution seems unclear and vague. Therefore, this research will be very helpful in order to understanding whether Malaysia is an Islamic state or not.

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CHAPTER ONE: INTRODUCTION

1.1 Introduction

Article 3 (1) of the Federal Constitution stated that “Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation”.¹ Based on the article as provided by the Federal Constitution, most of us have the tendency to assume that this is sufficient to make Malaysia an Islamic state. However, if we go thoroughly in understanding the Federal Constitution, there is no such word that mentions Malaysia as an Islamic state.

According to the history, Islam had been established in Malaya by the fourteenth century. Melaka, one of the Malay states in Malaya, emerged as a Muslim kingdom under Sultan Iskandar Syah and his successors. By the early fifteenth century, it had become a power of great importance in South East Asia. This brought an end to the political control and cultural influence of the Hindu and Buddhist powers over the Malay Peninsular.²

From time to time, Islam has emerged and widely spread across Tanah Melayu to the extent where a Muslim is considered as Malay. Before Tanah Melayu achieved its independence from the British, a commission has been established to get response from the public in order to make the law of the land.³

¹ Article 3(1) of the Federal Constitution.

² Haji Dusuki Haji Ahmad, *Ikhtisar Perkembangan Islam* (Dewan Bahasa dan Pustaka Kuala Lumpur 1988) 511

³ *Ibid.*