

The Islamic Legal System in Malaysia and the Quest for Transformation in the 21st Century

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Abstract: This paper highlights some loopholes and proposes a plan of action to transform the current Islamic legal system in Malaysia. This transformation surpasses the well-publicized concept of harmonization between the Malaysian Sharia legal system and the civil law or the common practice of moulding and casting modern concepts into Islamic constructs. Seeing how the field of Islamic legal system has evolved over the last century from the resulting modernization, transformation is needed to meet the demands and challenges of the new century. This paper springs from an extensive research involving more than ten agencies related to the Islamic legal system in Malaysia. The challenges faced by these agencies, and the plausible solutions to jump-start the Islamic legal system's transformational efforts are closely examined. The combined efforts of these ten agencies, represented by a joint taskforce, are vital to the success of any action plan to initiate the transformation of the Islamic legal system in Malaysia through the identification of any possible problems and suggesting their solutions. Transformation in this context involves resolving issues through the various processes of renewal (*tajdid*), reform (*islah*), revival (*ihya'*), change (*taghyir*), migration (*hijrah*), and evaluation (*taqwim*). All these approaches should be made through the concept of consultation (*mushawarah*) and research driven strategies. The current atmosphere in Malaysia is ripe for such an action, as the political leadership of the country has proposed a national transformation plan that covers all aspects of the society. Accordingly, the political will for such transformation is present, and this opportunity must not be wasted. The need for transformation has proven to be constructive in the enhancement of its intellectual dimensions and application to solve the problems faced by Muslims in this challenging millennium. It is hoped that the set of proposals put forward in this study will serve as a catalyst to rapidly transform the Islamic legal system of the country in particular, and in the process, improve its entire legal system in general.

Key words: Transformation, Malaysia, Islamic legal system, *Shari'ah*, Islamic agencies.

INTRODUCTION

Modern Muslim societies are now facing the challenge of applying Shari'ah (Islamic law) in contexts that have changed markedly from those that existed during its original implementation at the early decades of Islam (Layish 2004). It is known that the current Islamic legal system has gone through periodical changes of growth and renewal (Hallaq 2009). These changes have not kept up with the rapid developments of the legal system in the world today. There are evident reform and revitalization efforts to inspire the Islamic legal mechanism to correspond with contemporary issues. However, various Islamization and harmonization theories remain insufficient and inadequate in solving all the current issues; while, at the same time, new challenges emerge that will eventually defy the efforts and credibility of the Islamic legal system. Much of the contemporary research in this field focuses mainly on the harmonization of the legal systems (Kamali 2007). However, the effort should go beyond harmonization, through the unified efforts of all the Islamic institutions or agencies. Seeing how the field of Islamic legal studies has evolved over the last century, mainly as a result of modernization, transformation is therefore urgently required to meet the demands and challenges of the new millennium (Horowitz, 1994). The quest for transformation of the Islamic legal system does not mean a new understanding of the Sharī'ah by discarding the interpretations proffered by early Muslim jurists as suggested by Naqī'īm (2008), but implies the need to put in place effective frameworks and legal institutions to meet modern challenges.

The main objective of this paper is the need to identify the loopholes and challenges faced by the Islamic agencies in transforming the Islamic legal system, the plausible macro and micro solutions for the problems that face legal transformational efforts, and the effective frameworks in rectifying the existing perceptions of the society in this area. The paper begins with an insight into the background of the study and what culminated into the suggestions given in the paper. It further gives a general conceptual background on the transformation of Islamic legal system. It thereafter examines the need to ensure the transformation of the Islamic legal system in Malaysia and the challenges before the major stakeholders. Furthermore, specific issues in contemporary Islamic legal system with particular focus on the Malaysian experience are examined with a view to identifying

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a number of challenges. The next section proposes a number of solutions to such challenges in transforming the Islamic legal system in Malaysia. There is no doubt in the fact that Islamic legal transformation would lead to a quantum leap which involves changes to the concept, philosophy and implementation of Islamic law as applied in Malaysia, from an existing design to a new form, which is more valuable, efficient and effective in confronting or administering the problems of the Muslims in Malaysia through the empowerment of legal institutions (Kamali, 2008).

Background of the Study:

This paper is based on an empirical research that ventures into the various possibilities of making the Islamic legal system compatible with the contemporary legal trends and issues. It began with the establishment of a technical committee to focus on issues related to the Islamic legal system in Malaysia under the headship of Prof. Dato' Dr. Zaleha Kamaruddin. It also considers applicable actions to be taken to govern the direction of transformation of the Islamic legal system. The technical committee met eight times to fulfill the aims and also to ensure the progress of the study. The objectives of the committee are:

1. To identify the core issues associated with the Islamic legal system in Malaysia.
2. To conduct initial survey on public perceptions on the effectiveness of the Islamic agencies' role in Malaysia.
3. To identify the challenges faced by Malaysian Islamic agencies in the transformation of the Islamic legal system in Malaysia.
4. To identify effective methods to correct or improve the Muslim public perceptions based on current needs and circumstances.
5. To find micro and macro solutions in the effort of transforming the Islamic legal system in Malaysia.

The underlying issues were given specific attention through expert discussions with those directly involved with the administration of the Islamic legal system in Malaysia. The results of these discussions became the foundation of the second phase of the study. An empirical pilot test has been conducted to find out the real problem from the perspective of the Islamic community regarding their perception of the Islamic legal system and the effectiveness of the relevant agencies in Malaysia. This involves a survey on public perception of Muslim communities on Islamic law in Malaysia, from the viewpoint of both substantive law and procedural law. A questionnaire also measured respondents' knowledge of the Malaysian legal system, as well as the respondents' level in identifying the role played by agencies in connection with the Islamic legal system in Malaysia. Those who have dealt with the Islamic agencies were sought to specify the level of effectiveness of the agencies in terms of infrastructure, organizational structures, procedures and court processes as well as customer service.

The implementation of the empirical study was later followed by the organization of a convention, which gave the research direction before the focused discussion took place. The transformation of the Islamic legal system convention, organized from April 5 - 6, 2011 aimed to expose the history, status, challenges and current realities of the country's legal system. This convention also aimed to open up new opportunities for assessment of the institutions or Islamic agencies that are involved in the administration of Islamic law in the country. Furthermore, it also created a forum to discuss effective methods towards the empowerment of the Islamic legal system as well as a platform to present formulations and suggestions as holistic solution to the surge of change (transformation) in effective, dynamic, aggressive and systematic ways.

The resolution of the convention contained more than 30 items, which include the positive reactions and proposals to improve and develop the Islamic legal system in Malaysia. To ensure that the convention could be utilized optimally, the convention invited experts in related fields for a follow-up discussion at a focus-group workshop conducted on July 27, 2011. The participants at the workshop were divided into four groups, each of which discussed specific issues relating to the Islamic legal system in Malaysia. In brief, ten issues and challenges have been identified as the end result of the workshop presented by each of the teams. The final report was prepared based on the minutes of meetings, findings produced through expert discussions, resolutions set forth in the conventions and recommendations collected during the workshop. All the available information was collected before further investigation. Related information will go through a research process, with screening and synthetic analysis that would eventually be finalized as the main report.

The Transformation of Islamic Legal System at a Glance:

The Islamic legal system, known as Shari'ah or simply, Islamic law, has its foundations in the Qur'an and Sunnah (the traditions of Prophet Muhammad). The Qur'an is held to be the definite words of Allah (s.w.t.) and covers various broad topics such as social justice, history of bygone events, devotional matters, and certain legal issues ranging from marriage, property rights, and economic decision-making to crime and punishment (Khallaf, 1398/1978). However, these legal verses account for about 500 verses of the total 6235 verses in the Qur'an (Dutton, 1999; Hallaq, 2005). The Qur'anic legal verses explain general principles, without inhibiting them

with specific details. The *Sunnah* stands on the same footing with the Qur'an as a source of law and elaborates on the general principles contained in the Qur'an (Kamali, 2003).

Many Western legal concepts such as the supremacy of law, equality before law, and presumption of innocence were never alien to Islam (Kamali, 2002). Muslims should take pride in the fact that the Islamic legal system was founded on principles that are in essence adopted today by the most developed legal systems. In the Islamic legal system, no ruler or official can claim to be above the law. The Qur'an and *Sunnah* place great emphasis on equality (Kamali, 2002). Consequently, in the Islamic legal system, there cannot be one law for the ruler and one for the subjects nor one for the rich and one for the poor. In this, government authorities enjoy no immunity from the application of law. Judicial impartiality is also significantly stressed upon in the Islamic judicial system (Al-Qass, 1989). Prophet Muhammad (s.a.w.) himself strictly observed the Qur'anic instructions regarding equality before law, and never made any distinction between litigants on the basis of religion or relationship (Al-Qasimi, 2001).

In relation to applying the timeless value of Islamic justice given the changing times and circumstances, parts of the Islamic legal system have to adapt to these changes and accommodate them. In the area of modern commercial law for instance, one might ask how the Shari'ah can be applied to modern criminal predicaments that were not stated in the Qur'an? In such a situation one should resort to the applications of *fiqh* – the product of human reason and knowledge through detailed evidence in the Qur'an and *Sunnah*. However, *fiqh* is based almost entirely on *ijtihad* (the process of independent legal deductions by a qualified jurist) and is naturally subject to the fallibility of human reasoning. Only a qualified scholar (*mujtahid*) may practice *ijtihad* which may be given the force of law (Kamali 2003). In addition, a scholar can always turn to the higher objectives of Shari'ah (*maqasid al-shari'ah*), which can always illuminate the jurisprudential ruling on any contemporary issue (Nyazee, 2006).

In a broader context, this paper discusses the need to practically transform the Islamic legal system, using Malaysia as a case study. The term “transformation” refers to a radical change in the form or outward appearance of something, or a substantial change in the composition or structure of something. “To transform”, therefore, is to make a thorough or dramatic change in the manner prescribed; in this case, the Islamic legal system itself. History shows that the Islamic legal system is dynamic and fluid; but is any change enough to riposte the current and upcoming issues that challenge the efforts and credibility of Islamic jurisprudence while protecting the society's welfare? Looking into the current scenario, it has become a necessity for Muslim countries to undertake a paradigm shift to be more resolute, dynamic and systematic in their functions and approach, in a manner that parallels contemporary societal change (Hallaq, 2001).

Towards the Transformation of the Islamic Legal System in Malaysia:

If an elephant is in our room, could we pretend it is not there or could we be oblivious to it? Such is the analogy of the challenges before us in relation to the Islamic legal system. The issue of transforming the Islamic legal system is challenging and requires creative and innovative thinking in order to find strategic long-term solutions. Transformation can take many forms such as renewal (*tajdid*), reform (*islah*) revival (*ihya'*) change (*taghyir*), migration (*hijrah*) and evaluation (*taqwim*). However, banding together like-minded individuals would help greatly in this direction. All these approaches are recommended through the Islamic concept of consultation (*mushawarah*) and research-driven strategies. Table 1 below gives the meanings of the major items in the transformation process envisaged in the Islamic legal system.

Table 1: Definition of Key Terms in the Transformation Process.

1.	Renewal (<i>tajdid</i>)	The process of finding practical solutions to emerging common problems that were not encountered in the past. This is more concerned with spiritual transformation of the individual within the society (Kamali, 2008).
2.	Reform (<i>islah</i>)	The process of social and moral transformation involving the common good of the society. This is more concerned with the social reforms of the society as a whole.
3.	Revival (<i>ihya'</i>)	The process of reviving the treasure-trove of the Islamic legal paradigm that can be utilized in the transformation of modern societies. This generally involves the Islamization of disciplines to provide a knowledge base for the development of modern societies.
4.	Change (<i>taghyir</i>)	The process of introducing meaningful changes in the administration of Islam and its laws within the modern context to ensure inclusiveness, tolerance and adaptation in a multi-cultural and multi-religious society.
5.	Migration (<i>hijrah</i>)	The process of ensuring national transformation of the Islamic legal system and all relevant institutions to further strengthen the position of Malaysia as a model Muslim country in the world.
6.	Evaluation (<i>taqwim</i>)	The process of measuring the level of achievements recorded in the transformation process after a given period. This creates a benchmark for all the institutions involved in the transformation process.

Source: Author

One may illustrate the type of transformation needed with the example of the Department of Shari'ah Judiciary Malaysia (JKSM). Among the issues often raised by JKSM is that the learned judges of the Shari'ah

Courts have to hone their expertise from time to time. The lack of a specific institution to cater to the continuous training of those judges is a considerable shortcoming (Zin, 2012). This situation evokes the importance of identifying the types of approach – either top-bottom or bottom-up in one’s establishment. In the top-bottom approach, one must first identify the capacity within the institution. Once that is accomplished, we have to ask what can be achieved within their capacity. On the other hand, having an aim is the principal component in the bottom-up approach. Once the aim is established, they will strive to identify plausible procedures to achieve the target. The application of this framework in JKSM might solve their problems as they could focus on potential solutions in accordance with the institution’s capacity and aim.

Moreover, the authority of JKSM includes giving recommendations to the State Islamic Councils regarding the qualifications and relevant experiences needed by lawyers prior to being allowed to practice in a particular state. JKSM also receives complaints from the public regarding any practices by lawyers that breach professional ethics. Now, this raises a big question as no specified or standardized statutes at the state level have been drafted to monitor the ethics of Shari’ah lawyers as have been drafted for civil lawyers (Whiting, 2012). This could be circumvented through multiple factors relating to reality, awareness, interest, desire, knowledge, ability, action, reinforcement, evaluation and innovation – also known with the acronym; R.A.I.D.K.A.A.R.E.I.

Other than that, in ensuring a transformation parallel to contemporary development, one could benefit from the analogy of a butterfly’s metamorphic process (Price, 1977). The simple yet effective transformational scheme consists of seven diverse processes which aim to resolve, retire, structure, dissolve, reform, solidify and return the numerous challenges in the current system. The first step in this framework is to instil the resolve to effect changes, which is followed by the creation of an urge to abandon unnecessary elements of change. Once these are attained, the structure of the new system will follow.

The transformation process can be further utilized through O.C.P.A.S which is the acronym for observation, contemplation, preparation, action and sustainability. The first component is *observation* where the examination of a situation through non-interventional methods takes place. *Contemplation* is the stage of identifying the predicament and the process of finding plausible solutions. This is followed by *preparation*, which is the act of preparing for the desired change. After that is *action*, when individuals or institutions act as agents of change and implement the solutions. Finally, *sustainability* comes in place, which is the capacity to endure and transform on a long-term basis.

It is undeniable that the law often seek to promote justice. In this context, JAKIM has been given the responsibility to standardize Islamic law throughout Malaysia. Unfortunately, a burden as heavy as this does not come without enormous challenges. Since the establishment of the Technical Committee on Shari’ah and Civil Laws, the concerted efforts to standardize laws through the preparation of models to be applied at state level have encountered many difficulties (Yaacob, 2009). However, these could be solved through various methods of transformation that include education, communication, participation, facilitation, negotiation, agreement, understanding, adaptation and persuasion (overt and covert). In line with these methods, Figure 1 below presents a graphical sketch of an all-embracing model for the transformation cycle of the Islamic legal system in Malaysia.

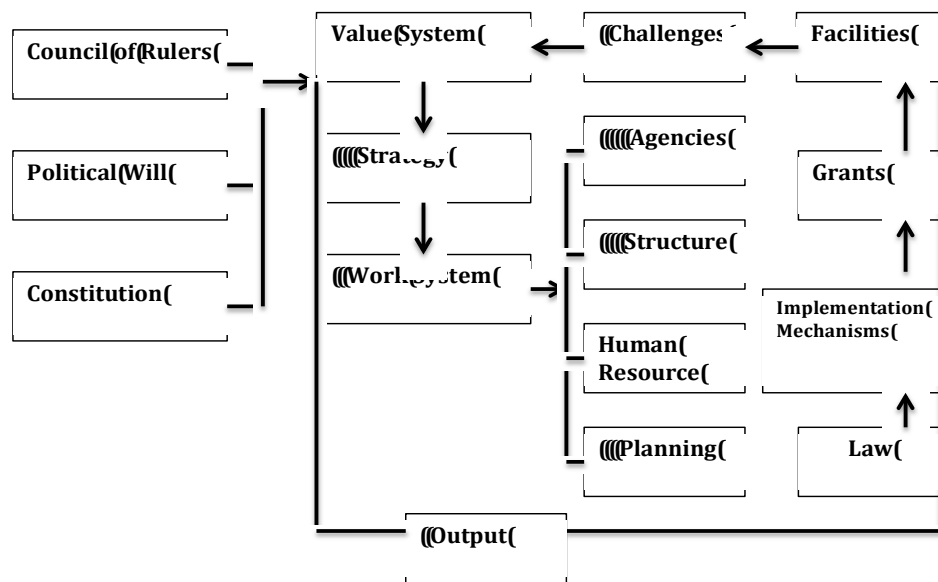


Fig. 1: The Proposed Transformation Cycle.

All the matters raised above are not to be merely theorized but implemented. Among the relatively successful results is the preparation of human capital for the Islamic judiciary system. Local universities with their own syllabi also have to adhere to a strict process by the Malaysian Qualifications Agency apart from regulations by the universities themselves to improve quality, and create high prospects and potentials for Islamic law to flourish. Appointments of external evaluators from legal agencies in the form of visiting scholars would strengthen their syllabi so as to be compatible with market needs. Islamic legal education, in turn, must be dynamic to keep abreast with modern emerging trends.

Still, more improvements need to be made in forging smart partnerships between members of the academia and legal agencies so that universities are not regarded as mere ivory towers which are only adept in theory. Most importantly, universities must be able to produce excellent and quality graduates to contribute their knowledge and expertise wherever they serve.

Even though universities encounter varied challenges, positive efforts must continue to be exerted under the framework of the Ministry of Higher Education to enhance educational quality. There is also the need to work within a capable local environment to nurture a greater degree of research in Islamic law and produce qualified practitioners. Broadening the scope of Islamic legal education is crucial in bridging the gaps between Shari'ah and civil law.

The transformation of the Islamic legal system is an ongoing process. Therefore, whoever upholds this legacy must have sufficient capability and credibility. It is hoped that the educational system would generate graduates who play a significant role in the Islamic legal system. It is to be noted as well that the possibility of having a unified legal system for the whole nation, regardless of the different backgrounds, should not be ruled out.

Issues in Contemporary Islamic Legal System: The Malaysian Experience

The application of *Shari'ah* has been a longstanding goal for most Muslim countries and various approaches have been engaged to achieve this goal (Otto, 2010). Nonetheless, there are issues, which may hinder such transformational efforts. The first issue in debate is related to Islam as the official religion of a country, particularly Malaysia. This is stated in Article 3(1) of the Constitution. However, there is a misconception that Malaysia is a secular country, which refers to the separation of civil matters from theocracy. Turkey is one of the few secular and democratic Muslim countries where the constitution forbids religious laws from dominating government and society (Kucukcan, 2003). In many secular countries, the Islamic institutions including the Islamic judicial systems have weaker influences compared to the national institutions. This may be attributed to the colonial impact on the development of Islamic law in such countries. Needless to say that apart from limiting the jurisdiction of the Islamic judicial system in the colonized jurisdictions, the colonialists also relegated the position of the Shari'ah Courts – a policy which has put the Civil Courts in a much favoured position (Kugle, 2001). This situation has contributed to the tendency towards extensive practice of common law among graduates of law; *Shari'ah* is exercised in issues relating to Muslims only, especially concerning personal laws.

Another much debated issue is the fact that religious matters fall under states' responsibilities. For instance, Malaysia has fourteen states where each state has its jurisdiction in administering Islamic law (Shuaib, 2012). This has caused complications, as there are no uniform laws although model laws have been drafted at the federal level.

Research has revealed that the authority of sultans who are heads of religion must be enhanced (Shuaib, 2012; Shamsul, 2001; Nagata, 1982). This could be done through the religious councils at the state level. Appointing professionals who are competent in their specializations would strengthen the religious councils. Accordingly, a council must be a dynamic body, and it should be diligent in advising the sultan.

Furthermore, the presence of misconceptions has been identified as one of the reasons for the negative attitudes towards the authority and functions of the Islamic legal agencies, which needs to be rectified. The term "Islamic legal agencies" here refers to agencies which administer the Islamic legal system and these include the State Religious Council (as a policy making body on Islamic matters and an advisory body to the sultan), Department of Religious Affairs (a body implementing the policies), Department of Islamic Judiciary (a body that interprets the laws), Legal Aid Division (assisting people who cannot afford to hire lawyers), *Shari'ah* Department of the Attorney General's Chambers (examines *Shari'ah* related matters) and few others. Dispelling negative perceptions regarding these agencies, especially the *Shari'ah* Court, undeniably requires consistent and concerted efforts. Confusion may occur when the public does not fully understand the functions of these agencies especially when the agencies have similar purposes, principles and practices. The situation worsens when policy makers discuss religious matters in an exclusive manner where only certain individuals are invited to these discussions.

Another root cause is the lack of recognition given to the authority of the Islamic agencies. Because the administration of Islam is a state matter, these agencies are almost always underfunded. The insufficiency of

funds hinders any training that should take place at these agencies. Moreover, national or state politics may influence the efforts of these agencies. There is also a lack of pressure groups that could positively influence politicians, which leads to the current state of affairs. Another point that requires attention is the need for setting up quality assurance units to maintain the quality of services offered by the Islamic agencies. Moreover, the transformational progress is hindered by the lack of competence, with most *Shari'ah* practitioners being fresh graduates with insufficient experience. Strong foundation is vital to ensure growth and transformation.

Next in importance is the issue of finding the right mechanism to standardize the codified Islamic law. In Malaysia, for instance, each state has the legal right to modify its own state law (Otto 2010). This situation shows the need for legal standardization to alleviate confusions; not only for the society, but also for legal practitioners. Moreover, the lack of guidelines for these agencies to follow with regards to the Islamic legal system worsens the situation.

In addition, the lack of standardization between Islamic agencies in Malaysia prevents transformational efforts from taking place. Based on observation, there is no unison in Islamic rulings where each state religious council has the right to alter laws accordingly. These councils and agencies are functioning in isolation when there should be a merger of authorities, especially when all these councils have the same function and purpose.

The methods of empowering the Islamic agencies at the state and federal levels are rapidly becoming an issue that must be examined. Problems identified include the lack of awareness programmes and the deficiency of well educated and trained workforce to lead the transformational process in addition to the administrative constraints faced by the Islamic agencies.

In addition, issues concerning the effectiveness of Islamic agencies have also posed some challenges in the administration of Islamic law in Malaysia. These agencies are inefficient in handling legal issues due to overwhelming workloads. This situation worsens with the lack of funding. Augmentation of professionalism through continuous training should be part of the transformational agenda too. From studies conducted, it is believed that the quality of many current *Shari'ah* practitioners is subpar (Whiting, 2012).

Individual professionalism in tertiary education is another important issue that should be taken into consideration. Graduates are the future of a country and their contributions ensure its stability. Unfortunately, not all Islamic agencies are involved in the construction of syllabi offered by tertiary institutions offering degrees in *Shari'ah*.

Moreover, *Shari'ah* programmes in universities are not implemented effectively. The majority of graduates are unable to fulfill the local industry requirements, *let alone* internationally. Another issue is the lack of activities that introduce graduates to the reality of the Islamic legal system in Malaysia. Current students are too preoccupied with theoretical knowledge which somewhat dissuades them away from practical experience. The scarcity of high-quality research might also hamper the transformational process of the Islamic legal system.

In relation to education, there seems to be no *Shari'ah* council, which aims at improving the *Shari'ah* programmes at the tertiary levels. Furthermore, the *Shari'ah* programmes taught in universities are incompatible with the current industry and society requirements, both locally and internationally. The situation worsens through lack of collaboration between university and industry leaders. Furthermore, research grants are scarce and most of the researches are unpublished.

Another root cause identified concerns the language barrier. This issue contributes to a religious officer's inadequacy in performing his or her duties, especially when they have to deal with English speaking clients. Moreover, these officers are somewhat lacking in their knowledge of comparative religion, which is an important component in the process of educating the society about Islam.

Proposed Solutions in Transforming the Islamic Legal System in Malaysia:

More than ten Islamic agencies such as the State Religious Council, Department of Religious Affairs, Department of Islamic Judiciary, Legal Aid Division, *Fatwa* Council and some others, have taken significant actions to ensure the transformation of the current Islamic legal systems. As earlier mentioned, the political will for such a transformation is present, and this opportunity must not be wasted.

The mass media should not shy away from reporting positive news in relation to religious affairs. Besides that, the existence of experts to answer society's doubts through explanations and examples is essential.

The creation of a Muslim family foundation to assist low-income Muslim families through legal aid is another effort that should be taken up. Besides, the establishment of a One-stop Centre for *Shari'ah* legal aid is another solution in assisting the public.

Another proposed solution is the establishment of a *Shari'ah* Lawyers' Council to ensure the quality of *Shari'ah* lawyers. This could be accomplished through the setting up of a Qualifying Board where law graduates need to meet certain requirements before being accepted as *Shari'ah* lawyers.

Additional training programmes such as the establishment of legal training academy should be made compulsory to all employees to ensure continuous excellence and professionalism. Comparative religion and English language classes should be part of the training to enhance their knowledge and soft-skills.

Moreover, the provision of research grants to facilitate research is important to jump-start the research culture in this field. As a follow-up proposal, relevant researches should be published in both national and international journals and should be accessible to the public.

Other than that, industry and academic linkages should be strengthened and this could be further enhanced by creating a database of organizations that are willing to cooperate with local universities. Involvement of those in the industry will alert us to the importance of identifying the diverse needs on the demand side. Industry leaders and employers may be consulted in designing university courses. Universities should build long-term relationships with industry leaders in order to secure the needs of future graduates. Figure 2 below summarizes the proposed solutions in transforming the Islamic legal system in Malaysia.

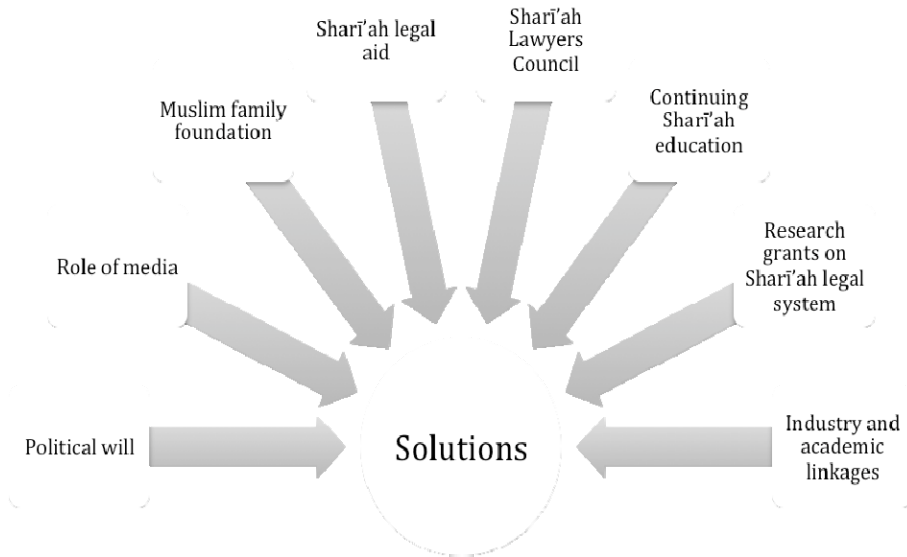


Fig. 2: Proposed Solutions in Transforming the Islamic Legal System.

Conclusion and Recommendations:

Contemporary Muslims are offered, by their tradition, a massive and sophisticated heritage that is continually being enriched. It is in keeping with this tradition that society should be given the opportunity to listen to voices from diverse backgrounds and countries. The needs of the twenty-first century indicate that Islamic legal awareness should not be restricted to certain regional voices but also include the plurality of voices that exists in the Muslim world. Thus, underscoring the importance of organizing international discussions of the variety of interpretations and the complexity of applying Shari'ah in modern Muslim societies is critical. The exchange between local and international Muslims scholars has been particularly stimulating and should continue in the future.

Based on the findings of this study, it appears that transformation of the Islamic legal system in Malaysia is very necessary and should be implemented. The study concludes with the following matters that require further studies:

1. To identify the existence of misconceptions or negative perception of Malaysian Muslim community in relation to the position, or the rule, of Islam in Malaysia. The basis of this perception include:
 - a) Attorney's arguments in court cases.
 - b) Writings in print and electronic media.
 - c) Programmes and meetings attended by Islamic agencies (public, private, nongovernmental organizations), and
 - d) Campaign among the public who stated that Islam is only the official religion, not the federal religion. Therefore, these public perceptions need to be corrected.
2. To recognize that Malay sultanate institutions must be strengthened.
3. To enhance effective methods of correcting the public perception on the effectiveness of the Islamic legal agencies.
4. To strengthen the mechanism of coordination and harmonization of Islamic law in Malaysia.

5. To recognize that the ineffectiveness of Islamic law at both the state and federal levels requires strategic measures to transform the entire Islamic legal system in the country.
6. To identify that there is no systematic cooperation between the Islamic legal agencies.
7. To recognize that the efforts to enhance human capital professionalism in judicial field in the institutions of higher education are without any systematic coordination and cooperation. There is also a lack of formal restructuring.
8. To recognize the effort in enhancing human capital professionalism through continuous education is unsystematic and there is no cooperation between the institutions of higher education and the agencies of legislation.
9. To recognize the efforts taken to improve the Islamic legal system are not based on a comprehensive research study, which should be conducted prior to such efforts.
10. To identify non-governmental bodies relating to Islamic legal system / Islamic legal agencies that are not fully utilized in the transformation process. They do not take the opportunity to become pressure groups to accelerate the improvement of the system.

Finally, there is no doubt that the transformation of the Islamic legal system in Malaysia faces multifaceted challenges. These challenges can only be overcome by concerted and joint efforts of all the relevant agencies at the state and the federal levels. Attempts have been made for this purpose through the harmonization of *Shari'ah* and civil laws. However, we must work beyond harmonization due to the rapid changes in the political, economic, and social fabrics of Malaysia and the Muslim world in general.

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