

CONSTITUTIONAL LAW AND HUMAN RIGHTS IN MALAYSIA

Selected Issues



KHAIRIL AZMIN MOKHTAR

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**EDITOR
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CHAPTER TEN

The Status, Scope and Application of Islamic Law in the Federal Framework and Legal Systems of Malaysia and Nigeria***

Khairil Azmin Bin Mokhtar

Abdulumumini A. Oba

Introduction

The experiences of Malaysia and Nigeria of British colonialism and its impact on Islamic law are parallel in many respects. Before the advent of British colonization, the *lex loci* (Law of the Land) of the Malay States is Islamic Law.¹ Shariah Courts and local laws based on Shariah had been in existence since the Malaccan Sultanate in the fifteenth century.² After the Malay rulers and people embraced Islam in the 15th century, attempts were made to modify Malay customs to conform to Islam and to adopt Islamic law as illustrated by the various versions of the Malacca [code].³

Islam is of great antiquity in northern Nigeria. Islam gained its earliest converts in the Kanem-Bornu Empire in the eastern part of northern Nigeria between the 8th Century and the early part of the 11th Century.⁴ Islamic law subsequently emerged as State law in the Kanem-Bornu Empire and enjoyed a revival during the reign of Mai Idris Alooma (1570 – 1602) who established Islamic Courts.⁵ Islam came into Kano in the western part of northern Nigeria during the reign of Yaji who reigned between 1319-1385.⁶ Islamic law was established as State law during the reign of Rumfa (1463-1499). Since then, Islamic law administered by Islamic courts had been in force in the northern part of Nigeria.