

Islamic Law in Malaysia

Adnan Trakic • Hanifah Haydar Ali Tajuddin
Editors

Islamic Law in Malaysia

The Challenges of Implementation

 Springer

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Foreword

I am greatly honored to write a foreword to this publication. This book features a well-thought collection of chapters by authors on different areas of Islamic law.

As the director general/Shari'ah Chief Justice of the Shari'ah Judiciary Department of Malaysia, I have been trying my level best to convey, both nationally and internationally, how Malaysia practices Islamic law and to correct the misconceptions that exist in terms of its implementation. This effort, however, needs to be shared and wide-ranging, and here comes this book.

I must commend the effort taken by the editors and contributors in deliberating the areas of Islamic law as practiced in Malaysia. It is an excellent mixture of contributors, consisting of practitioners and academics. This enables the readers to see and evaluate how Islamic law is practiced in a real sense and what are the challenges faced in its implementation. Moreover, there are only a few publications depicting the subject; nonetheless, they are mostly limited to readers in Malaysia, and some are written in the local language.

Being published by a well-known international publisher using the English medium certainly enables the presentation of information of this book to a larger audience. I believe that this book will be an excellent source for both the international and national communities who want to get an in-depth understanding of the challenges faced in the implementation of Islamic law in Malaysia.

I congratulate the editors who have come up with the idea and realized it with the publication of this book. May your hard work pay off. To dear readers, I bid you happy reading!

The Honorable Dato' Setia Dr. Hj. Mohd Na'im bin Hj. Mokhtar,
Chief Director/Shari'ah Chief Justice,
Shari'ah Judiciary Department of Malaysia

Preface

There is no shortage of information when it comes to the challenges faced in the implementation of Islamic law in Malaysia. But, that information sometimes tends to be either biased or lacking in substance. Many activists and representatives of various organizations have been, on many occasions, critical of Islamic laws and Shari'ah institutions. There is nothing wrong with critiquing. On the contrary, we would submit that the constructive critique is necessary for the development of the law and institutions. However, the views which propose abolishing Islamic laws and Shari'ah institutions or describe them as archaic and barbaric are not constructive. The ultimate goal of this type of critique is, to say the least, questionable. As a result, these views are often perceived by many Muslims as an attack on Islam and its system of laws and values that are dearly revered by Muslims.

This book seeks to be constructive in its analysis of the challenges faced in the implementation of Islamic law in Malaysia. To achieve this, a special emphasis has been placed on two fundamental principles. First, the analysis of Islamic law and suggested reforms should be compatible with Islamic jurisprudence if they were to be regarded as credible. In other words, they need to reflect the Islamic system of values. The views that do not find support in Islamic jurisprudence cannot be considered authoritative from the Islamic law point of view. This is not to say that they are not worth considering. They might be. But, it is wrong to impute them to Islam if they do not comply with Shari'ah. Second, all chapters are written by scholars and Shari'ah officers (judges and practitioners) who have the necessary knowledge and expertise to do so. Therefore, we believe that the book offers a credible and scholarly account of the issues and it proposes reforms that are consistent with Islamic jurisprudence.

Subang Jaya, Malaysia

Adnan Trakic

Putrajaya, Malaysia
August 2020

Hanifah Haydar Ali Tajuddin

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