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## Postgraduate Diploma in Judicial and Syariah Law (DPGS) At International Islamic University Sultan Abdul Halim Mu'adzam Shah (Unishams), Kuala Ketil, Kedah, Malaysia: Hopes and Obstacles

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### Abstract

A syarie lawyer's career as an officer and fellow court member must be done properly and maturely. The computerized filing method that has been used appears to be undermining the role of syarie attorneys. This problem should be viewed as a danger to the future legacy of sharia attorneys by the Sharia court's highest government. As a result, the advanced diploma for sharia graduates, such as DPGS, is considered as highly important in generating professional and competent syarie attorneys in coloring the world of sharia law, and therefore the court's participation is necessary by enhancing the more sustainable management system. As a result, the study's goal of determining why DPGS graduates are unable to practice as syarie judges and if it can be comparable with the DAIJ curriculum at IIUM has been met. Based on the study's findings, graduates of the DPGS program can apply for employment as sharia officers under the SPA system in each state and be appointed as a sharia judge, research officer, sulh officer, or deputy prosecutor every two years by rotation based on the district in the state. In this way, the DPGS program is identical to DAIJ and other programs for qualifying for admission into the application as a sharia judge known as a sharia officer.

**Keywords:** Syarie Lawyer, DPGS, UniSHAMS.

### Introduction

To tackle the numerous problems of the people in Malaysia and throughout the world, courageous and accomplished graduates with knowledge and comprehension of Syariah Law are required. The knowledge in question is not only comprehending the notion but also knowing how to effectively solve a difficulty by utilizing sources of reference to develop fresh results that will add to al-Hadharah al-Islamiyyah (Islamic civilization).

There are currently no public or private institutions of higher learning in Malaysia's north that provide postgraduate diplomas in Judicial and Syariah Legal Studies. The Sultan Abdul Halim Mu'adzam Shah International Islamic University (UniSHAMS) is the only university in the world that offers a Postgraduate Diploma in Syariah Judiciary and Legal Diploma, taught by the majority of local instructors and several professionals from the field of judicial and legal syarie.

Improvements are made to the teaching technique in order to generate a solid education in terms of knowledge inputs and applications in the Malaysian context, with the goal of generating graduates who can grasp Turath (traditional) and modern Islam. This program is in Bahasa Melayu since it is a formal or official language in the Court.

### **Research Methodology**

This article employs a completely qualitative approach. Most library-sourced products that are based on published materials, such as textbooks, journal articles, online databases, and the Internet, employ content analysis modes as well. The study employs a unique style of data analysis, namely a descriptive, critical, and comparative approach (Ahmad & Jamalullail, 2017). Academic law research usually uses normative legal research, and legal research is also called doctrinal law research (Budianto, 2020).

### **The Historical Beginnings of DPGS**

Professor Dr. Md Amin bin Abdul Rahman Al-Jarumi inspired the program. He is a full professor at UniSHAMS. Early adaption of the concept was brought in by him through programs like this at UiTM Shah Alam, where he was a lecturer for over 30 years. His participation means a lot to the lecturers at UniSHAMS through this distinguished DPGS program.

However, there is much more work to be done to strengthen the program, particularly in terms of promotion and the integrity of its graduates in developing knowledge effectively. This article offers a descriptive overview of the training, work, and professional regulation of a court must have at least ten years' experience as a Syariah lawyer (peguam syarie) (Rim & Pol'y, 2012 – HeinOnline).

As an officer and fellow court on the qualifying standards for admission as a Syarie lawyer, a syarie lawyer's career should be professionally and maturely crowned (UiTM Law Newsletter, 2020). The new computerized filing procedure appears to be undermining the role of syarie attorneys. This problem should be viewed as a danger to the future legacy of sharia attorneys by the highest governance of the sharia court. As a result, the advanced diploma for sharia graduates, such as the DPGS, is considered as highly important in generating trained and competent syarie attorneys in coloring the world of sharia law, and therefore the court's participation is necessary by enhancing the more sustainable management system. As a result, the study's goal of determining whether DPGS graduates cannot practice as syarie judges and if it can be comparable with the DAIJ curriculum at IIUM has been met.

### Program Structure

The program has four goals: mastering the field of sharia law in theory and practice from its original source, possessing the skills to solve sharia law problems in current society and issues, gaining exposure to practical judicial and legal skills, meeting career requirements in administration and sharia law that meet the human capital requirements of the country, industry, and society professionally, and complying with professional etiquette.

Text studies, Islamic Justice System and Syariah Law, Islamic Family Law, Islamic Criminal Law, Islamic Civil Procedure Law, Qawa'id Fiqhiyyah, Islamic Property Law and Inheritance, Islamic Evidence Law, Islamic Criminal Procedure Law, Syariah Trial, and Law, Malaysian Legal and Constitutional System, and Industrial Training / Practicum / Project Paper are among the courses available.

Certain philosophies guide the Text Study Course (SJU71013). Among these is the use of Usul al-Fiqh principles in judicial and syarie suit situations. Second, analyze cases in Syariah courts that have embraced Usul Fiqh rules in the grounds of judgment, and third, synthesize the decision between the present cases and the classic instances (the age of salaf al-salih) that have adopted the principle of usul al-fiqh in the judge's verdict.

While the Islamic Judiciary and Syariah Legal System Course (SJG71023) has a long-term objective by adopting and applying fiqh law principles in topics relating to the Islamic family. Furthermore, explain the procedure for appointing Syarie Judges and Peguam Syarie to assist them in entering the profession of syarie with the final alternative was to use the approach of practicing the Islamic judicial system and syarie law.

The Islamic Family Law Course (SJK71033) is a critical component that is highly relevant to the community. As a result, its primary purpose is to elucidate the procedures used in the Muslim family. Second, clarify the rights and obligations of spouses and family issues in the framework of Islamic family law, particularly in the employment of out-of-court resolution procedures. Third, use the laws of fiqh ruling in Islamic family affairs over and over again.

The Islamic Criminal Law Course (SJJ71043) is crucial in developing the norms of fiqh in the context of defining Islamic law, either through writing or oral debate. Furthermore, explain the meaning of and remark on offenses and punishments in the context of Islamic crimes in general and in Malaysia in particular. While its final purpose is to utilize criminal principles and methodologies in the application of Islamic Criminal Law in Malaysia.

The goal of the Mal Procedure Law Course (SJP71053) is to elaborate in detail the court procedures in Islamic law, explain the processes that go through starting from the procedure of complaints to the decision, and to apply the techniques of adopting the methods and processes of court procedures in practice in the Syariah Court.

The Qawa'id Fiqhiyyah Course (SJQ72063) has the specific goal of elaborating the rules of fiqh in the context of determining Islamic law, either through writing or oral argument, explaining the meaning and peeling of the fiqh rules in accordance with current local and

international issues, and applying techniques of applying fiqh rules in fiqh questions that arise and application according to the relevant cases.

While the Islamic Property and Inheritance Law Course (SJH72073) has specific goals such as decomposing the concepts and rules of Islamic Law of Property and Inheritance, explaining the jurisdiction and duties of the judiciary, government agencies, and Amanah Raya Berhad in matters of inheritance administration as determined by the relevant Acts and Enactments, and applying the Islamic estate distribution method in completing estate distribution.

The goal of the Islamic Evidence Law Course (SJK72083) is to elaborate in detail the methods of proof adopted in Islamic law, explain the meaning and conditions of proof in Islamic law, and compare with practice in the Civil Court, as well as apply the techniques of adopting the methods and means of proof and application in cases in the Syariah Court.

The objectives of the Islamic Criminal Procedure Law Course (SJP72093) are to elaborate in detail the Islamic Criminal Procedure Law, explain the processes that go through in sharia court proceedings in sharia criminal cases, and apply techniques to apply the rules of procedure in practice in the Syariah Court.

The Syariah Trial and Legal Course (SJG72103) aspect is the main engine because it cultivates the overall practical element by elaborating on the flow of trial proceedings in the Syariah Court, explaining what a Peguam Syarie can and cannot do in a trial, and applying legal methods in the profession of a syarie lawyer.

The Legal and Constitutional System Course in Malaysia (SJG71113) is the most recent course introduced to ensure that students are aware of the legal and constitutional system and its division, understand the evolution of the law from the interpretation adopted to the application in the courts today and apply the provisions of the law and relevant cases, particularly in the context of Malaysia, which uses a dual system.

An Industrial Training Course / Praktikum / Project Paper (SJB73124) was introduced in the third (last) semester of two months to streamline students' mastery in understanding all the theories learned and associating with the skills of fame and vice versa, enhancing teamwork skills and building good cooperative relationships with the administrative staff in a practical place, and instilling integrity, accountability, and self-esteem.

### **Qualification as a Peguam Syarie**

(1) Subject to subregulation (4), anybody who satisfies the following qualifications is qualified to be a Peguam Syarie:

- (a) a Muslim.
- (b) a Malaysian national;
- (c) be kind and have never been convicted of any criminal crime (underwritten law) in Malaysia or overseas, not a bankrupt or has never been found guilty of any act or omission described in paragraph 33(6)(a), (b), (c), (e), (f), (h), (k), or (l) of the Bankruptcy Act 1967 [Act 360];

(d) not to be dismissed, disqualified, or suspended in his capacity as an advocate and solicitor;  
(e) have an academic qualification-

(i) a Bachelor of Syariah from any University or any institution of higher learning recognized by the Government of Malaysia, subject to the conditions set out in sub-regulation (2); or

(ii) an attorney and solicitor with a post-graduate diploma in Syariah Law and Practice from any university or institution of higher learning recognized by the Government of Malaysia, and who has completed at least three months of in-room training; and

(f) having completed a written exam, an interview, or both, as determined by the Committee.

(2) The appointment of any applicant as a Peguam Syarie under subparagraph (1)(e)(i) is subject to the following conditions:

(a) If a person possesses a Bachelor of Syariah from any institution of higher learning recognized by the Government of Malaysia other than the International Islamic University of Malaysia, he must additionally have-

(i) a diploma in Islamic judicial administration law from the International Islamic University Malaysia; or

(ii) any comparable post-graduate credential recognized by the Malaysian government; and

(iii) having completed nine months of in-room training at any legal firm; and

(b) if a person has a Bachelor of Laws and a Bachelor of Laws (Shariah) from the International Islamic University of Malaysia or its equivalent, he has completed his in-room training for nine months from any law firm; provided, however, that the Committee may, at its discretion, exempt a qualified person from undergoing a period of training in the chamber or part thereof when an application is made to him with satisfactory evidence that there are circumstances that justify the duration of training in the chamber to be excluded or shortened.

(3) In-room training must be overseen by a Peguam Syarie who is and has been actively practicing in Malaysia for at least seven years prior to the start of instruction.

(4) The State Legal Advisor, Senior Federal Counsel, and Federal Counsel in the Kedah State Legal Adviser's Office, or an officer appointed under the Legal Aid Act 1971 [Act 26] and a Syariah Officer, shall be deemed to have been appointed as a Peguam Syarie by the Council under these Regulations, and regulation 9 shall not apply to such officer, and the officer may, if official duties require, represent any party to any Court. (Kedah Darul Aman) Peguam Regulations 2016.

However, applications to become a syarie lawyer are also subject to contemporary rules, such as states conducting interviews and written examinations of potential syarie attorneys.

### **Current Hopes and Obstacles**

The UniSHAMS Diploma in Syariah Judiciary and Legal Programme is equal and has earned recognition for graduates of this program to apply for Grade LS41 positions such as the DAIJ program at IUM. Based on the course material, this program is equivalent to the DAIJ IUM program and already incorporates the syllabus contents relevant to judicial and legal syarie to qualify graduates for the post of Grade LS41. Syariah Officers, which include posts such as Syariah Judge, Registrar, Sulh and Research Officer, Family Support Division Officer (BSK), and Senior Counsel in the Attorney General's Chambers, are examples of service schemes that can be performed. They can also work as Syariah Prosecutors, Family Law Counsellors, and Islamic Legal Research Officers in Islamic religious agencies.

In terms of existing professional practices, they can only practice as syarie attorneys in the states. The eligibility requirements for becoming a qualified syarie lawyer are outlined in the state Syariah Lawyers Rules. The Diploma in Syariah Judiciary and Legal Programme, UniSHAMS, has also been registered in the list of JPA Programmes to qualify students who are public officials to apply for study leave, particularly within the first two months of industrial training. Furthermore, UniSHAMS can establish a unit such as sharia legal assistance for professors to be teaching and practicing in the area of consultation or as a reference expert to the campus community and the UniSHAMS environment.

### **Conclusion**

Based on the findings of the study, graduates of the DPGS program can apply for employment as sharia officers under the SPA system in each state and be selected every two years by a district in the state as a sharia judge, research officer, sulh officer, or deputy prosecutor. In this way, the DPGS program is identical to DAIJ and others in terms of qualification for admission into the application as a sharia judge known as a sharia officer.

If all of these flaws are addressed, there is no reason why the faculty cannot produce law graduates who are capable of fitting in well in Malaysia's legal business. Indeed, the sector needs such skilled practitioners who can contribute to the legal world and Malaysian society.

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