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The Development and Obstacles in Applying the Islamic Criminal Law in the State of Kelantan, Malaysia

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Abstract

The record of Kelantan history proved that Islamic law had been executed in the state before the colonial age. However, the development had been intervened by British colonial in 1920s that resulted jurisdiction of the Islamic criminal law turn out to be narrower according to the British administration. After independence of Tanah Melayu, status quo jurisdiction in the field of Islamic jurisprudence stay similar and not much improve hitherto. At the same time, there is no comprehensive study was carried out pertaining to the development of Islamic law in Kelantan especially before the the Sharia Criminal Codes II Hudud and Qisas was tabled in 1992. Hence, this paper is trying to initiate an effort to elaborate positive development of the above issue until the proposed 355 Act. This study is done by implementing a qualitative research and content analysis on literatures, manuscripts, journals, legislative reports and interviews. The study is significant in revealing the development of Islamic jurisdiction in Kelantan from historical perspective in order to understand the acceptance of Malaysian government towards the law. The study also to motivate a step in implementing the Islamic criminal law in the State through amendments in the Federal Constitution as well as in related Federal Act. The findings showed that law of hudud and qisas have been excluded since colonial era and the remaining law only takzir which cover in every aspect of penalty in the Enactment. Kelantan Government had put an effort in executing hudud and qisas since 1991 but was casted-off by the Federal Government as it is contravene to the Federal Constitution. There are options in solving the conflicts either by amending the Federal Constitution under the state list or by adding jurisdiction in criminal punishment for the Shariah Court under Federal Act.

Keywords: Criminal law, Islam, Enactment, Kelantan, British

Introduction and Background

The coming of Islam to the State of Kelantan has brought changes to customs, cultures and religions of the local community. The vast acceptance by the king and the people has made the religion in a special position (Jong, 1963). It was believed that the administration of Islamic law in

Kelantan have started from the 10th or 11 century, as the arrival of Islamic' preachers and merchants to Kelantan (Razi, 1982).The acceptance of Islam not just in term of faith, but also in the matter of jurisprudence that was practiced among people(Al-Attas, 1969).The facts were in line with the provisions that the Islamic law was promulgated during the reign of Long Sayyid al-Rahman (1919-1779) (Abdullah, 1986). In governing judicial matters, akathi court was established which was believed to functionsince 1830s during the reign of Sultan Muhammad I (1800-1835).Jurisdiction of the court involves all offenses and punishments under the Islamic criminal law (Hassan, 1996).This situation proved that the Islamic law has a strong influence and jurisdiction at that time. However, the influence has deteriorated after the coming of British. Even though Kelantan was happened to be under Siamese and Japanese power for certain period, the occupation did not affect the position of Islamic law at that time as they were not interested in interfering local laws except to political and trading issues.

Intervention of British in the Islamic law matters took place in the administrative affairs initially after the solemnization of British-Siamese agreement in 1902 (Talib, 1995) and 1909 (Ghazali, 1997). Some administrative practices as well as approaches have been introduced to ease therunning of the state including hiring British officer to hear cases or to manage government. This situation continued until Malaysia attained the independence on August 31 of 1957.

Based on the above background, this paper will analyzed the development of the Islamic criminal law in the State of Kelantan from its early days hitherto. The discussion will focusing on the shariah criminal offenses as well as its punishment that were applied from its very beginning to recent practise, on how far its relation to the shariah.

Problem Statement and Research Gap

Kelantan state has repeatedly tabled bill on Islamic criminal law in the State Legislative Assembly (DUN) in 1993 and 2015. Although the law has been approved at the State Legislative Assembly level on unanimous vote, it still cannot be implemented due to the constraints of Federal Constitution. Conflict with Article 4 of the Federal Constitution and the provision of Schedule 9 List 2 resulted the law *ultra vires* Federal Constitution. Attempts has been taken to amend the SyariahCriminal Jurisdiction Act 1984 (Act 355) by increasing jurisdiction of Shariah Court, but the move also not receive good support from the Federal Government and other Parliament members. Hence, this study is conducted to show the past and recent progress in implementing shariah law in Kelantan, and further discuss on the direction to overcome the constraint to implement the Shariah law amidst the Malaysia's crime index rate at 4.6 per cent (Ishak, 2016).

Abdul Hamid Mohamad (Mohamad, 2015) when discussing the implementation of hudud in Malaysia, has questioned on the policy between State of Kelantan and the Federal Government on the jurisdiction of criminal law, whether the law should be administered in two parts, under state jurisdiction or under the federal jurisdiction. Meanwhile Azam (2014, p. 45-57) have touch on the constitutional constraints that preventing the State from implementing the law. Nasran, *et.al*, (2015, p. 473-481) show the same attitude that there are challenges in implementing shariah in Malaysia. In other aspect, Helen (2016, p. 3-15) has touched on the willingness of government officials and departments to implement it. Thus, this study is important to portray

deeper on solving the conflicts as well as displaying experience the State of Kelantan in applying the Islamic criminal law.

The History of Islamic Law Inkelantan

Prior to the arrival of Islam in the State of Kelantan, the system of law that was practiced at that time was based on customary ruling amidst Malay-Hindu-Buddhist traditions (Al-Attas, 1969). The beliefs were influenced by animisms, traditions and forefathers' culture. Supremacy of the Islamic law only transpired in the 11th century after Islam has been strongly adopted by the King who assisted by the *ulama* (Muslims scholar) (Fatimi, 1963). The royal's influence play a significant role in accelerating the religion which affected socials, politics and governments (Abdullah, 1990). Hence, the spread of Islamic teaching as well as its jurisprudence absorbed easily in the community that witness the application of the Islamic law (Sulaiman, 2013).

Al-Attas (1969, p. 24) have illustrated that in the beginning, the judicial administration was handled in its traditional way through the using of mosque and palace's chamber. As head of the religion, the Sultan make ease every administrative matters including recognition of *ulama* including *mufti*, *kadi* and *ustaz* in administering and teaching of the religion (Al-Attas, 1969). Specifically, the *kadi* was in charge of hearing of legal disputes and the *mufti* will decided on Islamic standpoint on particular issues (Muhammad, 2009). In this case, Roff (1974, p. 106) have added that the palace's chamber functioned as a court of appeal from lower court that heard either in mosque or in front of Penghulu. The references and sources of law at that time were Quran, Hadith and customary traditions (Hassan, 1996). The judicial system is in the form of not formal which was authorized to discuss any dispute in society (Sadka, 1968). Nevertheless some historians denied that there were evidence indicating that Kelantan had a complete Islamic regulations (Abdullah, 1986) covering Islamic criminal law as were marked in Hukum Kanun Malacca, the Law of 99 Perak, Terengganu engraving stone, Kedah Law covering the Port Law and the Dato 'Setar Code.

According to Abu Bakar Abdullah (1986, p. 55), the execution of Islamic criminal law was believed to have been formulated and carried out in the State of Kelantan since the 1700's, during the reign of Long al-Rahman (1719-1779). Hussein (1970, p. 88) has added that the enforcement law during the reign of Sultan Muhammad I (1800-1835) and Sultan Muhammad III (1890-1891) also provided a hand-cut sentence for stealing offenses as well as the penalty of stoning for adultery (Ahmad, 1982). These offenses and punishments are in line with *hudud* crimes in Islamic law.

During the reign of Sultan Mansur (1890-1900M), the customary court was believed to operate in executing customary edict which comprising of customary punishments as well as the Islamic rulings. At that point, *ta'zir* was made as the main mechanism of Islamic law in preventing criminal offences among folks such as those who did not fast in the month of Ramadan. Meanwhile during the reign of Sultan Muhammad IV (Tengku Long Senik) (1900-1920), the State Legislative Assembly was formed to enact major laws of the State of Kelantan which also provided stealing and killing offenses under Malay customs (Saripan, 1979). According to Cliffort (1961, p. 114), the implementation of the Islamic cum customary Law in the State of Kelantan continued until the coming of British colonial in 1900M.

During colonial rule in Kelantan via the appointment of British Adviser, the British have changed the existing legal system to align with the Common Law. The British intervention on the

law of the State of Kelantan began as early as 1902 and 1909 following the British-Siamese agreement in Bangkok (Su-Ming, 1965). As a result, British took position in administrative affairs where the Sultan have to consult British Advisor in every governance matters (Chandran, 1971/1972; Ghazali., 1997). James Scott Mason, who was appointed as the first British Adviser in Kelantan through the treaty (Braddel, 1931, p. 27) had forced the Sultan of Kelantan to submit to the advice provided by the British Adviser including in the administrative as well as in commercial affairs except in matters affecting the affairs of the Islamic Religion and Malay customs. As a result, the implementation of Islamic criminal law has been seriously interjected and was slowly marginalized except in matters relating to personal laws such as marriages, divorce, custody, religious beliefs and rituals (Ibrahim & Joned, 2005).

The classification of personal law does not involve the law of property except that only recognized by customary or religion such as joint property (*harta sepencarian*), dowry (*mahar*) and maintenance (*nafkah*). To sum, interpretation of personal matters are somewhat more related to individual faiths as well as their customary traditions, which were separated distinctively from civil affairs. Therefore, the issue of engagement, marriage, dowry, divorce as well as offences pertaining those matters were considered personal matters. Offences against religion were alike such as *khalwat*, *zina*, drinking liquor, neither paying tithe nor fasting during Ramadan as well as Friday prayer (Ibrahim, 1994). Hence, the administration of inheritance, bequest and other monetary issues such as leasing and purchasing were under the jurisdiction of the Civil Court, though the law for Muslim are based on Islam (Ibrahim & Yaakob, n.d).

Therefore the kind of English interference was not in the scope of substantive law, but in the scope of executive law by regulating particular statute. In this development, some step taken in introducing western essence by adapting English principle as well as the procedural aspects. This can be seen through a criminal statute that were promulgated by the British, such as *The Notice of Muhammadans: Prohibition of Intoxicating Liquor and Rules of Fasting 1915* (Notice No. 12/1915) and *The Notice of The Prohibition of Teaching of Muhammadan Religion Approval of 1917* (Notice No. 45/1917). Nevertheless the offences were alike in the Islamic law for adultery and drinking liquor, but their penalty were not compliance to *hudud* rulings. The sentences were only belong to *takzir* jurisdiction and this restraint had affect all of Muslim statute during colonial time. Even there were restoration of laws and modifications in the decree, but the trivial jurisdiction on punishment aspect were at the same. Development of Muslim statute in Kelantan witnessed the more organized and comprehensive rulings were enacted through the *enforcement of the Islamic Criminal Law No. 21/1938* and *the Malay Religious and Customs Laws No. 23/1938* (Muhammad, 1994). Both laws continues to apply until the enactment of the Civil Law (extension) Ordinance 1951 was pronounced. The progress of *the Council of Religion and Malay Custom and Kathis Court Enactment* was consecutively realized in 1953 that witnessed the establishment of the Islamic Religious and Qadi Courts. At that time, the jurisdiction of the Qadi Court was to decide on Muslims personal law affairs with a penalty limit of not more than one month jail or a fine of RM 100 or both (Section 48 (2b)). The hegemony of English law continues in Kelantan until now via the Civil Law Ordinance 1956 which underlined the usage of *Common Law* and *Equity* in the country hitherto.

The Development of Islamic Criminal Law in Kelantan

After independence, the Federal Constitution of Malaysia provides exclusive jurisdiction on Muslims personal matters which were underlined in the List Two (state list) of the Ninth Schedule. The given jurisdiction has been tailed in drafting of the Kelantan Council of Religion and Malay Custom Enactment 1966 as well as the Shariah Courts and Muslim Matrimonial Causes Enactment 1966.¹ Both comprised the Muslim criminal offences but under the scope of *takzir* law. Among offences that were underlined, such as not attending Friday prayers without reason (Section 60), drinking liquor (Section 61), deliberately eating in the day of Ramadan (Section 62), practicing deviate doctrine (Section 69), insulting the Religion of Islam (Section 73) and abuse of the Quran (Section 72). In general, the offences that were provided by the Enactment of 1966 were very limited, which only involves 21 Sections in the former and 12 sections in the latter (Hussin, 1995; Ibrahim, 1975).

Combination of the above 33 offences were bound under the Syaria Courts (Criminal Jurisdiction) Act 1965 which provides for a maximum fine of RM1,000 or imprisonment of up to 6 months. In line with the jurisdiction given, the punishment that was provided by both Enactment of 1966 parallel to the Act which were considered as *takzir*, but yet to reach *hudud* law. Even though there was an amendment of the 1965 Act (A355) in 1984, which witnessed a higher period of imprisonment up to 3 years or a fine of RM5,000 or 6 whipping or any combination thereof, the degree of penalties were still under *hudud* level. The developments led the State of Kelantan to enact the Sharia Criminal Offenses Enactment in 1985. The penalties of offences were customized according to 1984 amendment. The state legislative body also updating Muslim statutes by separating Muslim's criminal law statute from the Muslim's family law. It was believed that the state of Kelantan was the earliest state in Malaysia to take the move comparing to other state. The State of Kedah have drafted in 1990, State of Perlis in 1991, State of Perak in 1992, State of Penang in 1996, State of Negeri Sembilan in 1992, State of Selangor in 1995, Federal Territory in 1997, State of Malacca in 1991, State of Johor in 1997, State of Pahang in 2002, State of Terengganu in 2001, State of Sabah in 1995, State of Sarawak in 1991. The separation of statute that based on different subject was at aimed in making the administration of laws become more systematic, comprehensive and detailed (Majid, 1997).

Ironically, uniting statutes in a single theme has decreased the list of offences to 29 in the 1985 Enactment. However the number will increased if we add to provision of the Kelantan Shariah Criminal Code Enactment (II) 1993 which comprises of *hudud* and *qisas* offences. The Enactment was passed at the Kelantan State Assembly on 25 November 1993 (El-Muhammady, 1998). However, the 1993 Enactment cannot be implemented in Kelantan and yet to get an enforcement date since its provisions *ultra vires* the Federal Constitution on Article 4, 75 and the Ninth Schedule of List 2 (State List). Then in 2015, the Kelantan State Government have made amendment to the 1993 Enactment which received unanimous support from the State Assemblyman. Amendment of 2015 was related to the object of law that applies only to the sane

¹ Beside Kelantan, other states in Malaysia also drafted administration laws relating to crime such as Administration Legislation Enactment Selangor No. 3 year 1952, Administration Legislation Enactment Islam Melaka No. 1 tahun 1959, Administration Legislation Enactment Islam Pulau Pinang No. 3 year 1959 even state of Kedah through the drafting of Administration Legislation Enactment of Islam Kedah No. 9 year 1962.

Muslims who has attained the age of 18 (Section 3(1)). But to date, the law have yet to be implemented as *ultra vires* to the Federal Constitution.

There are two points of *ultra vires* in the 1993 law, first on the scope of offences that were underlined and second on the jurisdiction in punishment authority. On the first point, Enactment of 1993 provided offences that beyond their jurisdiction which comprised of *hudud* and *qisas* offences. The offences of theft, murder, robbery are under the Penal Code (Act 574) which belong to federal list (List 1). The restriction of the Enactment towards the application of the Act 574 on Muslim mukallaf in the State of Kelantan also *ultra vires* and cannot be implemented (Section 60). The second point, provisions of the Code have exceed the penalty limit that was provided by Act 355 to a maximum of 3 years imprisonment or a fine of RM5000 or a whipping six times or a combination of any such punishments (Section 2). Therefore, in order to execute the 1993 Enactment, the Federal Government should amend some clause in the Federal Constitution as well as of the Federal Acts.

According to Mohamad (2015, p. 167-170), there are two option in ensuring the implementation of Islamic criminal law can be enforced in the State of Kelantan. The State Legislative Assembly may make law for offences under the State List (e.g. *zina*, *qadhaf* and *syurb*) and provide *hudud* punishments for them. In this case, Parliament must first amend the Act 355 to allow the State Legislative Assembly to do so. In a meantime, the State Government may request the permission of Parliament under Article 76A (1) with regard to Islamic criminal law offences under the federal jurisdiction (for example, causing death, theft, robbery) to be put under the State jurisdiction. If permission is granted, the State Legislative Assembly may make laws on them and provide punishments of *hudud*, *qisas* and *takzir*. Otherwise, for the second option, Federal Parliament may make law providing *hudud*, *qisas* and *takzir* punishments by amending the Penal Code with a simple majority. The law is criminal law, applies to Muslims and non-Muslims and is administered by the civil court, or shariah bench in the civil court. Shari'ah Judges may hear such cases with civil judges based on their expertise. In this case, the options mentioned above do not involve amendment to the Constitution (Mohamad, 2015).

Generally, positive steps was taken by the Federal Government by establishing a Joint Technical Committee at Federal Level. The committee comprised of representatives from the State and Federal officers to proposed subsequent amendments in the Federal Law such as in the Act 355 and Federal Constitutions. During the plot, a private bill was tabled by the opposition in the Parliament pertaining an amendment of Act 355 which would allow the Shariah courts to impose to 30 years prison, fines up to RM100,000 and no more than 100 strokes of the cane. The purpose of the private bill is to avoid legal implications on the execution of the 1993 Enactment which since today cannot be implemented (Mohamad, Kusrin, Musa, Omar, & Muda, 2015). Ironically the earlier private bill that was supported by the Federal Government assemblyman was not given priority in the subsequent session of Parliament sitting. Therefore, the progress in implementing Islamic law haltin the authority of Minister who incharge of law to accomplish the process of amendment.

Conclusion

The study concludes that the genuine Islamic criminal law have been imposed to people of Kelantan during Sultanate era before 1900. However the jurisdiction has been decreased after the British colonial interference. English law was acknowledged in every civil and criminal

disputes including administration of estate issues as well as administrative tasks. The remainder jurisdiction for the Muslim was on personal affairs particularly that related to faiths, rituals and customary traditions. However, the narrow jurisdiction in hearing shariah offences and punishment does not restrict the Kelantan government in applying shariah law in the scope of *takzir*. In a meantime, the spirit to restore the pure Islamic criminal law still under development which can be seen through series of legislations. The realization of the law has been passed by the Kelantan State Assembly in 1993, though the law *ultra vires* the Federal Constitution.

The discussion also portray that the influence of English law so overwhelm in Malaysia hitherto, which rooted in the Federal Constitution and Federal Acts. The impact seem to have very remarkable in the administrative aspect excluding in personal matters. The restrictions were caused by several statutes as well as English principle, which led to the adoption of the Common Law in the state. Therefore, an effort has been made by the state of Kelantan in legal process to amend Act 355 which restrain the jurisdiction of the Islamic criminal law. The Federal Government should assist in facilitating the implementation of Islamic criminal law in Kelantan by selecting some of the options specified above whether to amend the Federal Constitution or to increase the jurisdiction of the shariah court (A355). Ironically, restrictions nowadays neither coming from the British officer nor English principle, as it is embedded from the political will of the Malay parties.

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References

- Abdullah, A. B. (1986). *Towards The Implementation of Islamic Laws in Malaysia: The Problems and its Solution*. Kuala Terengganu: PustakaDamai.
- Abdullah, A. R. (1990). *Muslim's Ideology in Nusantara: History and it's Development until 19th Century*. Kuala Lumpur: Dewan Bahasa danPustaka.
- Act 355, Syariah Court Act (Criminal Jurisdiction) 1965 (Amendment 1984). \ Basic texts for Act 355 of 1984 available at:
[http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/MY/Akta%20355%20-%20Akta%20Mahkamah%20Syariah%20\(Bidang%20Kuasa%20Jenayah\)%201965.pdf](http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/MY/Akta%20355%20-%20Akta%20Mahkamah%20Syariah%20(Bidang%20Kuasa%20Jenayah)%201965.pdf)
- Ahmad, A. H. (1982). Islamic Education in Kelantan. In K. K. Kim (Ed.), *A Few Aspects of Kelantan Heritage (Monographic Series)* (pp. 7-12). Kota Bharu: The State of Kelantan Museum Authority.
- Al-Attas, S. N. (1969). *Preliminary Statement on a General Theory of The Islamization Of The Malay-Indonesia Archipelago*. Kuala Lumpur: Dewan Bahasa danPustaka.
- Awang, M. H. K. I. H. (1970). *Kelantan from Time to Time*. Kota Bharu: Pustaka Dian Press.
- Aziz, S. A. (2015). Hudud from The Perspective of Constitution and The Law. Paper presented at the National Hudud Studies (*Hudud in Malaysia; Opprtunities, Challenges and Obstacles*) Organised by DakwahIslamiah Foundation of Malaysia (YADIM) (pp. 150-162). Kuala Lumpur: YayasanIslamiah Malaysia. Text in Malay, retrieved from:
<http://www.yadim.com.my/v2/jelas-dan-faham-maksud-hudud/>
- Braddel. (1931). *The Legal Status of The Malay State*. Singapore: Malayan Publishing House Ltd.

- Chandran, J. (1971/1972). 1909 agreement between English and Siam and Its Background. *Malaysian Journal of History, Politics and Strategic Studies*, 1(1), 4-13.
- Cliffort, H. (1961). Expedition to Terengganu and Kelantan. *Journal of Malayan Branch of The Royal Asiatic Society (JMBRAS)*, 34(1), 1-162.
- El-Muhammady, A. H. (1998). *Criminal Laws in Islam and States Enactments*. Selangor: Law Faculty Publishing Committee.
- Enactment 2 Enactment of The Syariah Criminal Code of Kelantan State. (1982). Retrieved from: <http://www.esyariah.gov.my/portal/page/portal/Portal%20E-Syariah%20BI/Portal%20E-Syariah%20Carian%20Bahan%20Rujukan/Portal%20E-Syariah%20Undang-Undang/Portal%20E-Syariah%20Undang2%20Kelantan>
- Enactment No. 2 of 1966, Kelantan Council of Religion and Malay Custom Enactment, 1966. Retrieved from: http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Eng_enactment_Ori_lib.nsf/f831ccddd195843f48256fc600141e84/3572db3fa7d22e3d482573800029ea2b?OpenDocument
- Fatimi, S. Q. (1963). *Islam Comes to Malaysia*. Singapura: Malaysian Sociology Research Institute.
- Fatimi, S. Q. (1963). *Islam Comes to Malaysia*. Singapura: Malaysian Sociology Research Institute. Federal Constitution of Malaysia 1957. Retrieved from: [www.agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20\(BI%20text\).pdf](http://www.agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20(BI%20text).pdf)
- Ghazali, A. Z. B. (1997). *Malays and Thailand States 1781-1945: Relation and Administration*. Malaysian History Association.
- Hassan, A. A. H. (1996). *The Administration Of Islamic Law In Kelantan*. Kuala Lumpur: Dewan Bahasa danPustaka.
- Hung, H. T. M. (2016). *The Politics of Hudud Law Implementation in Malaysia*. The ISEAS Working Paper Series. No. 4, 1-18.
- Hussin, A. A. (1995). *Introducing the Law*. Kuala Lumpur: Dewan Bahasa danPustaka.
- Ibrahim, A. (1975). Offences-Evidence-Procedure. In S. Gordon (Ed.), *Islamic Law in Malay*. Kuala Lumpur: Malaysian Sociological Research Institute Ltd.
- Ibrahim, A. (1994). *Explanation of TheSyariah Criminal Code, The Implementation of Hudud Law In Kelantan*. Kota Bharu: Telda Corporation Sdn. Bhd.
- Ibrahim, A., & Joned, A. (2005). *The Legal System In Malaysia*. Kuala Lumpur: Dewan Bahasa danPustaka.
- Ibrahim, A., & Yaakob, A. M. (n.d). *Common Law di Malaysia*. n.p.
- Ishak, S. (2016). The costs of crime to the society in Malaysia. *International Journal Of Business, Economics And Law*. 11(3), 13-18.
- Jong, P. E. D. J. D. (1963). *Religions in The Clusters of Malays Islands*. Translated by Abdullah Hussain. Kuala Lumpur: Oxford University Press.
- Majid, M. Z. B. A. (1997). *Introduction of Islamic Law in Malaysia*. Kuala Lumpur: University Malaya.
- Mohamad, A. H. (2015). Implementation of The Islamic Criminal Law in Malaysia: Prospects And Challenges. *Islam and Civilisational Renewal*, 6(2), 166-174.

- Mohamad, M. N., Kusrin, Z. M., Musa, N., Omar, A. F., & Muda, M. Z. (2015). *Development and Challenge of Implementing TheHudud Law in Malaysia*. Paper presented at the The International Fiqh and Islamic Legislation conference (PAFSPI), Batam, Indonesia. Pp. 471-481. Retrieved from: <http://ukmsyariah.org/wp-content/uploads/2015/12/37-Mohd.-Nasran-Mohamad-et-al.pdf>
- Adil, M. A. M., & Mohammad, A. N. (2014). Islamic law and human rights in Malaysia. *Islam and Civilisational Renewal*, 5(1), 43-67.
- Muhammad, A. K. H. (1994). Islamic Family Law Drafting in Kelantan. In *Warisan Kelantan XIII*. Kelantan: The State of Kelantan Museum Authority.
- Muhammad, R. W. (2009). History of Islamic Judicial Administration in Malaysia: A Highlight. *Kanun*, 21(1), 1-11. Available at: <http://melayu.library.uitm.edu.my/id/eprint/2783>
- Razi, N. (1982). The Arrival of Islam to The Malay World. *UtusanKiblat*. 146, Pp. 48. Available at: studentsrepo.um.edu.my/227/4/BAB_1.pdf
- Roff, W. R. (1974). The Origin and Early Years of TheMajlis Agama. In W. R. Roff (Ed.), *Kelantan: Religion, Society and Politic In Malay State*. Kuala Lumpur: Oxford University Press.
- Sadka, E. (1968). *The Protected Malay States 1874-1895*. Kuala Lumpur: University Malaya of Press.
- Saripan, R. (1979). *The Development of Malay Political Tradition in Kelantan 1776-1842*. Kuala Lumpur: Dewan Bahasa danPustaka.
- Sulaiman, M. (2013). *Islam and The Transformation of Malaysian Malay Society: An Exploration Study*. Paper presented at the the International Conference on Social Science Research (ICSSR), Penang Malaysia (pp. 778-800). Retrieved from: <http://melayu.library.uitm.edu.my/id/eprint/1302>
- Su-Ming, C. (1965). Kelantan and Trengganu 1909-1939. *Journal of the Malaysian Branch of the Royal Asiatic Society (JMBRAS)*, 38(1), 159-198.
- Syariah Criminal (Negeri Sembilan) Enactment. (1992), En. 4/1992. Available at : http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Eng_enactment_Ori_lib.nsf/f831ccddd195843f48256fc600141e84/e104e38380c81565482576100004b463?OpenDocument
- Syariah Criminal Ofenses (Federal Territories) Act. (1997), En. Akta 559. Available at: http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Eng_act_ori_lib.nsf/44d9592888dd91654825765100036d0f/e37902824a0b185548256b6700289d00?OpenDocument
- Syariah Criminal Offence (Selangor) Enactment. (1995), En. 9/1995. Available at: http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Eng_enactment_Ori_lib.nsf/f831ccddd195843f48256fc600141e84/48907f4adb469cf84825760a0040fe64?OpenDocument
- Syariah Criminal Offence (Takzir) (Terengganu) Enactment. (2001), En. 7/2001. Available at: http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/Eng_enactment_Ori_lib.nsf/f831ccddd195843f48256fc600141e84/a0ec76f7d4fe076c4825766300171712?OpenDocument
- Syariah Criminal Offenses (State of Penang) Enactment. (1996), En. 3/1996. Available at: [899](http://www.esyariah.gov.my/portal/page/portal/Portal%20E-Syariah%20BI/Portal%20E-</p></div><div data-bbox=)

Syariah%20Carian%20Bahan%20Rujukan/Portal%20E-Syariah%20Undang-Undang/Portal%20E-Syariah%20Undang2%20Kelantan

Syariah Offense (Negeri Melaka) Enactment. (1991), En. 6/1991. Available at: http://www2.esyariah.gov.my/esyariah/mal/portalv1/enakmen2011/State_Enact_Ori.nsf/b3ac9c218c8efdc4482568310022d8b3/f479bad5b5785c514825707d000cc065?OpenDocument

Talib, S. (1995). *History of Kelantan 1890-1940*. Kuala Lumpur: The Malaysian Branch of the Royal Asiatic Society.