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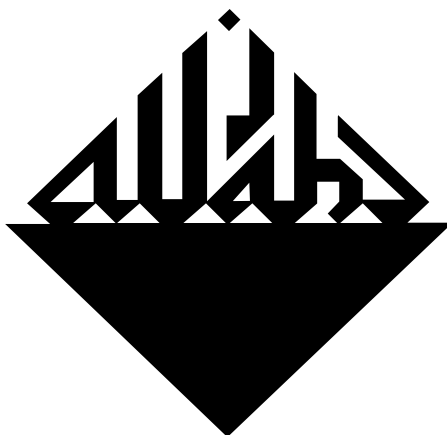
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FINANCING MUHAMMADIYAH: THE EARLY
ECONOMIC ENDEAVOURS OF A MUSLIM MODERNIST
MASS ORGANIZATION IN INDONESIA (1920S-1960S)

Gwenaël Njoto-Feillard

THE ULAMA, THOUGHT-STYLES, AND THE ISLAMIC
STATE DEBATE IN CONTEMPORARY MALAYSIA

Norshahril Saat

EDUCATION, IDENTITY, AND RECOGNITION:
THE SHI'Ī ISLAMIC EDUCATION IN INDONESIA

Zulkifli

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Norshabril Saat

The Ulama, Thought-styles, and the Islamic State Debate in Contemporary Malaysia

Abstract: *During the 1980s Islamic resurgence in Malaysia, the Pan-Malaysian Islamic Party (PAS) championed the formation of an Islamic state, while the ruling United Malays National Organization (UMNO) retained its Malay/nationalist and secular ideology. However, in the run up to the 2008 general elections, PAS revealed its manifesto as Negara Berkeadilan Malaysia, or 'benevolent' state, and retained it for the 2013 elections. Conversely, some quarters within UMNO called for the implementation of shariah law. Has PAS become more moderate than UMNO? This article discusses the common threads underlying both parties' views of the Islamic state. By examining the personal writings, publications, and religious sermons of the dominant ulama (religious scholars) of both parties, this study seeks to illuminate their attitudes towards Islam in general, and towards the idea of Islamic state in particular.*

Keywords: UMNO, PAS, Islamic State, *hudūd*, secularism, Malaysia.

Abstrak: *Selama tahun 1980-an telah terjadi kebangkitan Islam di Malaysia, ditandai dengan Partai Islam se-Malaysia (PAS) yang memenangkan pendirian Negara Islam, sementara partai berkuasa Organisasi Nasional Persatuan Melayu (UMNO) mempertahankan ideologinya: Melayu-Nasionalis dan Sekular. Kendati demikian, dalam masa menjelang pemilihan umum tahun 2008, PAS mengungkapkan manifesto politiknya, yaitu "Negara Berkeadilan Malaysia" dan mempertahankannya pada pemilu 2013. Sebaliknya, kira-kira seperempat anggota UMNO menyerukan penerapan syariah. Apakah PAS telah menjadi lebih moderat daripada UMNO? Artikel ini mendiskusikan benang merah pandangan yang mendasari kedua partai tentang Negara Islam. Tulisan ini mengkaji tulisan-tulisan pribadi, terbitan-terbitan dan khutbah-khutbah agama para ulama yang paling menonjol dari kedua partai untuk menjelaskan sikap mereka terhadap Islam, khususnya, Negara Islam.*

Kata kunci: UMNO, PAS, Negara Islam. *ḥudūd*, Sekularisme, Malaysia.

الخلاصة: حدثت فئضة اسلامية بماليزيا خلال الثمانينات يدل عليها الحزب الاسلامي الماليزي (PAS) Partai Islam se-Malaysia الذي انتصر على تأسيس دولة اسلامية، بينما دافع الحزب الحاكم وهو حزب التنظيم القومي لوحدة ماليزيا (Organisasi Nasional Persatuan Melayu (UMNO) عن ايديولوجيته: الملايوية-القومية والعلمانية. ورغم ذلك، فقد كشف الحزب الاسلامي الماليزي عن بيانه السياسي الرسمي قبيل الانتخابات العامة لسنة ٢٠٠٨م وهو "دولة الخير الماليزي" ودافع عنه في الانتخابات العامة لسنة ٢٠١٣م. وعلى العكس، يقدر بنسبة تصل إلى ربع عدد أعضاء الحزب الحاكم من يدعو إلى تطبيق الشريعة. فهل كان الحزب الاسلامي أكثر اعتدالا من حزب التنظيم القومي؟ تناقش هذه المقالة الخط الأحمر في الفكرة التي استند إليها الحزبان تجاه الدولة الاسلامية. يدرس هذا البحث الكتابات الشخصية، والنشرات والخطب الدينية للعلماء الأكثر بروزا من الحزبين بغية عرض موقفهم تجاه الاسلام وبالخصوص الدولة الاسلامية.

الكلمات الاسترشادية: حزب التنظيم القومي الماليزي، الحزب الاسلامي الماليزي، الدولة الاسلامية، الحدود، العلمانية، ماليزيا

Since Malaysia's 2008 general elections, academics and analysts have portrayed the Partai Islam se-Malaysia (Pan-Malaysian Islamic Party or PAS) as more moderate in its Islamic outlook compared to its stance in the 1980s.¹ The victory of the so called 'Erdogan'² faction within the party, which secured two out of three vice-presidential positions during the 2013 party elections, confirms this perception.³ Since 2008, PAS has dropped its Islamic state agenda for a more moderate *Negara Berkeadilan* or 'benevolent' state. Yet in 2014, PAS leaders, including its president Abdul Hadi Awang, planned to table a private member bill in Parliament that would lead to the implementation of *shari'ah* laws in the state of Kelantan. On the other hand, since the 2008 elections, a faction within the United Malays National Organization (UMNO) has openly called for the implementation of *shari'ah* laws. The 2008 elections saw the crumbling of the dominance of the ruling coalition Barisan Nasional (BN), led by the UMNO. Not only did BN fail to secure its two-third majority in the federal parliament for the first time since 1969, it also lost control of five states- Penang, Perak, Kedah, Kelantan, and Selangor. Has there been a shift in the PAS' and the UMNO's religious outlooks?

This article compares UMNO and official ulamas' (religious scholars from state-sponsored institutions) Islamic state discourse with that of the PAS ulamas. I argue that despite the shifts in religious outlook between the two camps, their religious outlooks have always been conservative, as far as the debates on the Islamic state are concerned. To put it succinctly, the shifts in the religious ideology of both parties are mere reactions to political circumstances than a genuine reorientation in their understanding of Islamic values and principles in the context of the modern world. Despite the recent shifts, both UMNO and PAS ulamas' thought styles on the Islamic state have remained essentially the same and this is reflected in many of the ulamas' personal writings, publications, and religious sermons. Mainstream media, journalists and academics often overlooked these sources of ulamas' opinions, granted that both parties are heterogeneous and there are dissenting voices. Yet, the conservative ulamas are still in control of PAS, and those in UMNO have become more assertive in dealing with party leadership since 2008.

My argument is in two parts. First, I describe the 1980s Malaysian Islamic resurgence, which gave rise to the conservative (some would call it fundamentalist) thinking amongst the elites in contemporary

Malaysia. Second, I examine the debates on an Islamic state, particularly on the ‘model’ Islamic state. I highlight the conservative thinking underlying the UMNO and PAS ulamas.

UMNO/PAS Dynamics: From Independence to 2008

The formation of UMNO and PAS pre-dated Malaysia’s independence in 1957. UMNO was formed in 1946 and PAS in 1951. From 1974 to 1978, PAS entered the BN coalition. Throughout their histories, UMNO and PAS have evolved in response to both local and international factors.⁴ UMNO is a Malay/nationalist party that upholds secular values. UMNO’s ideology can be deciphered through the writings and speeches of their former prime ministers: Tunku Abdul Rahman (1957-1970), Abdul Razak (1970-1976), Hussein Onn (1976-1981), Mahathir Mohamad (1981-2003), and Abdullah Badawi (2003-2009). The Malay character underlining their definition of Islam has repeatedly been emphasized during the UMNO General Assembly (Perhimpunan Agung UMNO) held annually. Before 1980, PAS’s ideology included UMNO’s Malay nationalism and anti-colonialism, except that it also stood for an Islamic state and an Islamic socialist economy.⁵ Nevertheless, during the 1980s Islamic resurgence (discussed below), PAS began to adopt an Islamist ideology, with the aims of forming an Islamic state and implementing *shari’ah* laws under pressure from recently elevated ulama party leaders. PAS understood *shari’ah* to include the implementation of *hudud* punishments such as amputation, stoning, and death on apostasy.⁶ Although PAS’s main rhetoric centers on Islam, their constituency and members are Malays.

When Malaysia gained its independence on 31 August 1957, it did not declare itself as an Islamic state.⁷ Malaysia’s first Prime Minister, the late Tunku Abdul Rahman Putra Al-Haj, was sceptical that Malaysia would ever become one.⁸ According to Tunku, “Malaysia cannot practice Islam fully because about half of the population is not Muslim. They have a different culture and different way of life, and they don’t want Islam.”⁹ Although Islam is enshrined in the constitution as the religion of the federation, Malaysia has adopted a dual system of law—both civil and *shari’ah*. In the past UMNO had never openly declared Malaysia an Islamic state and strongly opposed the implementation of *hudud*. An Islamic state has never been an UMNO’s agenda even when Anwar Ibrahim, a prominent resurgence activist and former Malaysian

Islamic Youth Association (ABIM) President, was in its fold.¹⁰ However, in 2001, Mahathir declared Malaysia an Islamic state.¹¹ In 2007, Prime Minister Abdullah Badawi, and Deputy-Prime Minister Najib echoed Mahathir's view.¹² Government bodies, including the federal Islamic institutions such as JAKIM (Department of Islamic Development Malaysia) and IKIM (Institute of Islamic Understanding Malaysia) supported UMNO's position on an Islamic state.¹³

After the 1980s, PAS' quest for an Islamic state and the implementation of *hudūd* laws in Malaysia gained momentum. PAS' outlook towards an Islamic state differed from the 1950s up to the 1970s. When PAS' President (1956 to 1969), Dr Burhanuddin Al-Helmy, spoke about an Islamic state, he was referring to unity, pan-nationalism, and anti-colonialism. It was after Yusof Rawa became the president of the party (from 1983-1989) that PAS made the establishment of an Islamic state its primary objective, with emphasis on the implementation of *hudūd* laws. In not implementing *hudūd*, PAS members saw UMNO as deviating from the teachings of Quran and *sunnah* (the Prophetic tradition). In 1981, Abdul Hadi Awang issued what is often called *Amanat Haji Haji*, essentially declaring UMNO its 'enemy' for upholding a 'colonial'-designed constitution. In 1993, the PAS government of Kelantan passed the Kelantan *Shari'ah* Criminal Code (II) bill. The bill underscores several *hudūd* offences such as *sariqah* (theft), *hirabah* (robbery), *zinā* (unlawful sexual intercourse), *shurb* (intoxication of liquor) and *riddah* (apostasy). Punishments for these crimes include whipping, amputation or mutilation of hands and feet, and stoning to death. Fines and jail sentences were also included, but accorded as *ta'zīr* (punishments not fixed in the Quran).¹⁴ Nik Aziz, the chief minister of Kelantan from 1990 to 2013, later denied that *hudūd* was a PAS creation, but rather God's law that must be implemented. According to Nik Aziz, "PAS has only existed for 51 years. *Hudūd* laws have been in the *Quran* for more than 1400 years. PAS did not create it! Until now UMNO wouldn't dare implement *hudūd*. They only talk of PAS's *hudūd*. Where is UMNO's *hudūd*?"¹⁵ In 2002, the PAS government of Terengganu passed the Syariah Criminal Offences Enactment.

PAS disapproved Mahathir's 2001 claim that Malaysia was an Islamic state. In response, PAS stated in a memorandum their interpretation of what constitutes an Islamic state. The memorandum, entitled 'PAS memorandum to the Malaysian People: The Understanding of

Islamic State in the context of 15th Hijrah/21st Century Democracy,' was drafted by the progressives in PAS, including Dzulkefley Ahmad, Kamaruddin Jaafar, and Husam Musa. The memorandum makes no mention of *hudūd*.¹⁶ However, in 2003, PAS tabled its very own *Islamic State Document* which stated its desire to implement *shari'ah* when given political power. This document was tabled when Abdul Hadi assumed the presidency of the party after the demise of Fadhil Noor in 2002. The tabling of this document was unprecedented, but it is consistent with PAS' decades-long desire for an Islamic state. PAS' 2003 *Islamic State Document* pointed out the mandatory nature of the *hudūd* laws by citing verse 38 *Sūrat al-Mā'idah* of the Quran as:

As to the thief, male or female, cut off his or her hands: punishment by way of example, from Allah. For their crime: and Allah is exalted in power, full of wisdom.¹⁷

Publicly, it took less than a decade for PAS to soften its stance. In 2008, PAS played down its Islamic state agenda and emphasised its elections manifesto of building a 'benevolent state'.¹⁸ This contributed to Pakatan Rakyat's (PR or People's Alliance) success in the 2008, and a better performance in the 2013 elections. PAS' toning down of the Islamic state agenda, along with BN's failure to master the alternative media, internal factionalism, arrogance within the ruling party, complacency, and more importantly, the unity of the opposition (led by the charismatic former deputy-Prime Minister Anwar Ibrahim), contributed to the ruling coalition's poor showing in both elections. Past opposition coalitions- such as Angkatan Perpaduan Ummah (APU or Unity coalition) in the 1990s and Barisan Alternatif (BA or Alternative Front) after the 1999 *reformasi* Movement have failed due to disagreements about PAS' Islamic state agenda among other factors.¹⁹

PAS continued to call for a 'benevolent' state in the 2013 general elections. Although some considered PAS to be progressive, UMNO members criticised the more moderate stance saying PAS had betrayed its Islamic roots. In 2012, UMNO ulama Fathul Bari urged PAS to leave the Pakatan Rakyat for moving towards secular ideology.²⁰ Both PAS' actions and UMNO's reactions raise several questions: Do these signal a reversal of religious outlooks between UMNO and PAS? Should not UMNO be pleased that PAS has decided to abandon its Islamic state ideology and the implementation of *hudūd*? Has UMNO become more fundamentalist and PAS more moderate since 2008?

Islamic Resurgence in Malaysia

The 1980s Islamic resurgence has had a significant impact on the Malaysian Muslims' psychology and religious worldview.²¹ Many international events inspired the Islamic resurgence in Malaysia, including the Arab-Israeli War in 1967, the Soviet invasion of Afghanistan in 1979, and Iranian Revolution in 1990. The 1980s saw a boom in *dakwah* (the call to spread the message of Islam) movements by ABIM (Malaysian Islamic Youth Movement) and Darul Arqam (House of Arqam). There was a surge in demand for reading materials on Islam concerned with individual morality, piety, rituals, duties to God, the Day of Judgement and the hereafter.²² During this period, there was a countrywide drive to Islamise knowledge, economics, politics, language, culture, and medicine. The opinions of the ulama were also sought for Islamic perspectives on modern knowledge.

The 1980s Islamic resurgence triggered the Mahathir government to embark on state-Islamisation, creating and expanding institutions, programs and policies in the name of Islam.²³ Yet, a major move undertaken by Mahathir was to co-opt the vocal and charismatic leader of ABIM Anwar Ibrahim into UMNO. The government also embarked on a massive recruitment drive to invite ulamas into the state bureaucracy. By 1982, some 715 ulamas were employed in the Ministry of Education and over 100 ulama joined the Department for Islamic development in the Prime Minister's Office.²⁴ In 1984, the Mahathir government passed the Federal Territory Administration of Islamic Laws Enactment which means greater uniformity in the administration of Muslims laws which in the past were administered under separate legislatures in each state. The *shari'ah* courts in each state were also enlarged. In 1988, the Article 121 (1A) of the Federal constitution was amended to give the *shari'ah* courts separate jurisdiction over wide-ranging of matter concerning Islam and the power not to be challenged in the civil courts.

More importantly, the Islamic resurgence in Malaysia gave rise to utopian thinking.²⁵ Utopian thinking in Malaysia mixes both elements of fundamentalism and futurism, a form of wishful thinking which seeks refuge in constructed periods and places. Utopian thinking generally opposes the existing order and wants to replace it with a new order, without even considering the merits of the existing order. Utopians only see the negative side of the existing order.²⁶ However, the order

or vision they seek to establish is dubious and obscure; this results in a high level of symbolism.²⁷ While utopian thinking can be futuristic, as manifested in Marxist conception of a classless society, utopian thinking during the Islamic resurgence is perceived as the ‘glorious Islamic’ past. It desires to destroy the existing order and replace it with past models. The primary rhetoric of Islamic resurgence is that “Islam is Islam and we do not need to learn from the West!” This slogan is justified by the Islamic injunction that Islam is *al-Dīn* or ‘Islam is the way of life’. By and large, utopian thinking oscillates between memory and forgetfulness, appealing to collective memory as a source of vision and motivation for the sake of the desired future.²⁸ It is such thinking that binds UMNO and PAS, though their constructions of the past take different forms.

The Islamic State Model: UMNO and PAS

The main difference between UMNO and PAS is the timing of the introduction of *ḥudūd*. There are many other Islamic state characteristics on which both parties generally agree. Both parties’ ulamas believe that an Islamic state existed in the past. For some, the system of administration and governance which existed in Medina during the Prophet’s time is the ‘ideal’ model. The *al-Dustūr al-Madīnah* (Covenant of Medina), which the Prophet agreed upon after his emigration from Mecca in year 622, is praised as akin to the modern-day constitution. UMNO and PAS ulamas generally concur that the Islamic state model is unequivocally visible in the *Quran*, *Sunnah*, and/or *Ijmā’* (consensus of the classical jurists), although they remain divided on how that model can be realised today, and what the benchmarks are for a state to be called Islamic. Let me recapitulate PAS’ and JAKIM’s criteria for an Islamic State and discuss the ulamas’ viewpoints.

Although for decades PAS has made the formation of an Islamic state its goal, the party only issued its Islamic State document in 2003. This was done after JAKIM issued ideas about an Islamic state in 2002. The PAS vision of an Islamic state can be summed-up as follows: Medina during the time of the Prophet and the guided Caliphs was a multi-racial and multi religious state and the rightly-guided Caliphs; using the Constitution of Medina, ‘*Ṣaḥīfah* Medina’, which stipulates the rights of minorities; an Islamic state that is guided in the Belief

in God; the Quran and Sunnah as the primary source of legislation; the implementation of *Shari'ah* law, including *hudud* laws; God-fearing leadership (*taqwa*); and based on *shura* as a guiding principle.²⁹

In contrast, JAKIM contends that the Quran and Sunnah do not define an Islamic state. Nevertheless, later Islamic scholars' legal opinions (*ijtihad*) defined the model. JAKIM's vision of Malaysia as an Islamic state includes: Islam being the religion of the federation (but people of other faiths can practice their religion freely); a Muslim heads the state (quoted Muḥammad ibn Ḥasan al-Shaybānī who states that the leader must be a Muslim); a Muslim heads the army; the state presides over the administration of Islam; is in line with the views of ulamas from the past (Muḥammad ibn Ḥasan al-Shaybānī and Dr Mohammad Said Ramadhan al-Bu'ity); Muslims and non-Muslims states and the Organization of Islamic Conference (OIC) acknowledges Malaysia as an Islamic state (based on the opinion of Dr Mohammad Said Ramadhan al-Bu'ity); Islamic institutions oversee the administration of Islam and *shari'ah* laws (JAKIM, the Office of Muftī, and *shari'ah* Courts); and the establishment of key institutions such as Islamic banking, *takaful*, *al-rahm* and more.³⁰ JAKIM's position does not contradict PAS', but only raises different concerns. The only difference surrounds the implementation of *hudud* laws.

To be sure, the level of engagement between JAKIM and PAS before the 2008 general elections remains rooted in pre-modern constructions of an Islamic polity. Both groups use scholars to justify their stances. In responding to PAS, JAKIM selected scholars' view to dismiss *hudud* laws as essential in an Islamic state. But since both UMNO and PAS ulamas believe that a model Islamic state existed in the past, they underline that it is a religious duty for Muslims today to adhere closely to the model each party prescribes. However, there is no agreement as to what can be termed as a model Islamic state today- with Iran and Saudi Arabia being cited as being close to the models. Clearly, their discourse on the Islamic state before 2008 centres on the observation of *hudud* laws and Islamic symbols. To them, the model Islamic state existed, either based on the teachings of the Quran and sunnah, or based on the selective opinions of jurists of the past. However, neither party has explained how the model can be applied to the present context. Indeed, in today's context, *hudud* laws are only practised in the conservative Islamic states such as Pakistan and Saudi Arabia. Other Islamic nations have adopted modern laws

which they regard as in line with the Islamic spirit. Hence the discourse on the ‘imagined’ Islamic state model only pits one theological opinion against another, failing to recognise that the concept of the ‘state’ is a modern construct. There are incomplete arguments on both sides, with UMNO and PAS selecting some traditions, to the exclusion of others, in justifying their ideas and claims.

PAS’ March to Putrajaya: Moderation or Pragmatism?

PAS’ substitution of a ‘benevolent’ state in the run-up to the 2008 general elections worked well for the opposition Pakatan Rakyat (PR). In fact, they used the same campaigning strategy for the 2013 elections as their ‘March to Putrajaya’ (Federal Administrative Capital of Malaysia). In 2008, Malaysians witnessed the best electoral performance from the opposition since 1969, denying BN a two-thirds majority and capturing five states. The momentum remained in the 2013 elections when BN lost popular votes to PR and many more federal seats to the opposition compared to the 2008 elections. The ‘benevolent’ state agenda was again reinstated by PAS during its General Assembly (*mu’tamar*) in 2011. This shift may have caused some to view PAS as shedding its conservative past. In 2010, PAS upgraded the non-Muslim supporters club to non-Muslim supporter’s wing, headed by Hu Pang Chow. Hu later became the first non-Muslim candidate to contest under PAS’ banner. The growing influence of PAS professionals closer to Anwar Ibrahim, including Husam Musa, Mohamed Sabu, and Salahuddin Ayub (the so called ‘Erdogans’ in the party) is said to be behind this moderation.

In the 2011 General Assembly, Abdul Hadi remarked that a benevolent state is one in which the government must be responsible for citizens’ basic needs such as food, clothing, housing, healthcare, and education. In this respect, PAS had realigned the party towards Islamic values and principles. PAS is determined to remove the UMNO/BN practices which burden citizens. Such moderate views have won the hearts and minds of non-Muslims. These benevolent ideas appease other members of the PR, including DAP, which had made it clear it does not support an Islamic state in Malaysia. The shift towards the benevolent state also neutralizes some ideological contradictions in PR.

However, such shifts risk marginalizing PAS’ more conservative supporters who form their fundamental constituency. Furthermore, PAS cannot shift its paradigm when it sends mixed signals on an Islamic

state. For instance, Abdul Hadi maintains PAS' Islamic state agenda when speaking to Malay audiences. This can be seen in his writings even after 2008. In his book *Islam Adil Untuk Semua* (Islam is fair for All) published in 2009, Abdul Hadi Awang highlights the significance of the 'Medinan' model in contrast to the present Malaysian state. Abdul Hadi believes that the Islamic State is different from the secular (Western) state; in Islam, religion and politics are inseparable. The Islamic state is to be established on the premise that God ordains it; hence it is a manifestation of divine will and destiny. Abdul Hadi adds that:

Islam cannot accept the weaknesses of Western democracy based on secularism, which separates politics and religion, hence leading to the deprivation of spiritual, faith (*īmān*), and attitudinal (*akhlāq*) elements based on the merits (*pahala*) and demerits (*dosa*) in Islam.³¹

The belief in the Islamic state model translates into believing in an authentic, essentialised Islamic state system and philosophy. Abdul Hadi also maintains Islam has its own version of state and governing philosophy. Thus, he is dismissive of political systems deemed 'Western' and 'Secular'. There is a strong belief among the PAS ulamas that the Islamic state is unique because it merges religion and politics. The two are inseparable because Islam is *al-Dīn*, a Way of life, and Muslims should never pursue the path of secularist Christians who segregate the two. For instance, the quote "Give to Caesar what is Caesar's and to God what is God!" is interpreted by Abdul Hadi to mean that God's role in secular politics is undervalued. Not only is secularism incongruous with Islam for segregating religion and politics, it is also seen as a colonial project to disrupt the Islamic State agenda.³² Mirroring the discourse of the Islamic resurgence, the quote is assumed to represent the whole of Western political thought, philosophy, and theory, as opposed to Islamic political thought. Besides this consistent Islamic ideology, other PAS senior leaders maintain that the implementation of *ḥudūd* laws is still PAS' agenda. One of the most consistent is Ustaz Haron Din, an ulama and the deputy General Guide (Murshidul Am) of PAS. His views were clearly expressed in his public sermons and also his 2013 book *Hukum Hudud: Dalam Perundangan Islam* (*Ḥudūd* Laws according to Islam), in which he said: The implementation of *ḥudūd* laws is obligatory in Islam in order to protect the community from indecent acts and also to prevent crimes."³³

Another aspect of an Islamic state championed by PAS' ulamas is the rule by *shūrā*. While it is true that the term *shūrā* originates from the *Quran*, the term simply means governance by consultation. The ulamas' discourse gives the impression that the *shūrā* is more superior to any other system of governance. In the same vein, the concept of *shūrā* is adopted in PAS with the Dewan Syura PAS as the highest ranking body of the party. The Dewan Syura includes chiefs of the various arms in the party, as well as the President, Deputy President, and Vice-Presidents (all these positions can be contested). The highest authority of the Dewan Syura is the *Murshīd al-Ām* (General Guide) and Deputy Murshidul Am, and these positions cannot be contested. Ironically, in 2012, PAS' vice-president, Dr Hasan Mohamed Ali, was removed from the party amidst disagreements with the top leadership.

PAS ulamas cast doubt on political philosophies such as capitalism, communism, and socialism. Abdul Hadi generally disapproves of such political philosophies on the grounds that they are atheistic, materialistic, and curbing individual freedom.³⁴ The critique of these philosophies remains conservative. For instance, Abdul Hadi criticizes 'man-made' systems:

Capitalism is men's creation and hence is weak. It sits on the same level as other man-made inventions. It digresses from God's teachings which promote equality among Mankind. Hence it contradicts Islam.³⁵

Despite their calls for an Islamic alternative, PAS ulamas have not put forward any concrete plans for an Islamic state, as their discourse has been rhetorical. So far, ulamas have stated what Islam is not: socialism, capitalism, liberalism and more. In fact, the same ulamas have tolerated the excesses of the ruling elites, authoritarianism, and capitalism,³⁶ although they have touched upon the broad principles and values of Islamic governance- by acknowledging that an Islamic state is benevolent; takes care of people; minorities and women; is just and fair. The 2003 PAS' Islamic State document even acknowledged that the existing governing institutions are Islamic:

The practice of *shūrā* or consultation would place the elected members of the House of Representatives to exercise their due rights in legislation. The members of the House of Senate would subsequently serve the function of check and balance over bills passed by the House of Representatives.³⁷

Boosting the Malay Support: A Fundamentalist UMNO?

As stated earlier, UMNO and the religious bureaucracy's position on the Islamic State is that it does not require *shari'ah* or *hudud* laws. JAKIM, for instance, cites the view of Dr Mohammad Said Ramadhan al-Bu'ity that, "the implementation of *shari'ah* laws is not a criteria for an Islamic State."³⁸ This does not necessarily mean that they are less conservative. First, they still fall back on alternative theological opinion to define laws. Second, many ulama, including those affiliated with the state; do not reject the implementation *hudud* laws in principle. Their concerns rest on the timing and appropriateness of the *hudud* implementation. Mohd Yusof Nor, an UMNO ulama, believes that *hudud* is not appropriate for a multiracial Malaysia. Abdul Hamid Othman, also an UMNO ulama, believes in the sanctity of *hudud* laws, but argues that they must be implemented at the right time.³⁹ Both Mohd Yusof Nor and Abdul Hamid Othman served as ministers in Prime Minister's department during Mahathir's premiership. Mahathir gave them the task of overseeing Islamic affairs.

Recently, there have been talks in some quarters of UMNO about implementing *hudud* laws. In July 2012, a young UMNO cleric, Fathul Bari, supported this idea. The UMNO branch in Johor apparently supported the introduction of *hudud*.⁴⁰ UMNO ulama generally do not oppose the understanding of Islamic laws in the most conservative sense; they are only opposed to it on the grounds that the timing and context are not right. In August 2012, Mahathir reiterated he was not against *hudud* but only against PAS' *hudud*.⁴¹ Mahathir said that it is not fair if for the same criminal act *hudud* is imposed on Muslims while civil laws apply to non-Muslims. Therefore, his attitude to the implementation of *hudud* is its unequal application in a multi-racial situation in Malaysia. The discourse points to a failure to appreciate the Islamic values underlying modern laws even though the law are not stated in the Quran. Thus, the question that constantly emerges is: Is the time for *hudud* laws now?

Therefore, I do not view UMNO as more progressive than PAS. UMNO's unwillingness to speak against the ulama in religious bureaucracies who denigrated religious minorities bears testimony to this. The constant harping on religious differences exacerbates Malaysian Muslims' suspicions and doubts towards people of other faiths. This is reflected in the recent controversy over the use of the

term 'Allah' in a Catholic publication, *The Herald*. Harussani, the outspoken *Mufti* of Perak, was furious when the Home Ministry relaxed its position and allowed the use of the term 'Allah' in Christian publications.⁴² In Malaysia, ulamas have banned non-Muslims from using the term 'Allah', and other terms in their publications and sermons, such as *'ulamā'*, *Hadith*, *ka'bah*, *wahyu*, *shari'ah*, *qiblah*, and *hajj*. Religious authorities banned the Indonesian translation of the Bible, *al-Kitāb*. Religious leaders lifted its ban but the Bible's distribution was restricted to certain churches and bookstores. In 2013, the Malaysian Court of Appeal overturned a 2009 ruling. As a result, use of the term 'Allah' is exclusive to Muslims. The fear of Christian evangelism and Muslims confusion was also evident when the religious authorities called for the banning of a song by Indonesian popular artist, Agnes Monica, entitled *Allah Peduli* (Allah cares) because it contains the verse 'sebab Allah Jesusku mengerti' or 'Allah My Jesus understands'.⁴³

The "Allah" controversy shows that the ulama cannot deal effectively with contemporary Muslim community issues. They merely justify their arguments by selecting traditions from the past. The dominant argument against Christians using the term 'Allah' was that it may be evangelical and confuse Muslims. The Perak *Fatwā* committee, headed by Harussani, its *Mufti*, agreed that the use of the term 'Allah' should be exclusive to Muslims quoting a verse from *Sūrah Āli Imrān* which states, "The only accepted religion to Allah is Islam."⁴⁴ The committee pointed out that non-Muslims using the term may negatively affect Muslims whose faith (*'aqīdah*) is not strong, disrupt public order, create tension, and encourage more liberalist and pluralist understandings of Islam.

Apart from the 'Allah' controversy, Malaysia has also recently made the headlines for the way the apostasy issue was handled. The unsubstantiated, yet controversial, declaration made by Harussani Zakaria in 2006 that 100,000 Muslims in Malaysia had become apostates, elicited an emotional response by Muslims and non-Muslims alike.⁴⁵ Some of the more recent, heated conversion issues include the cases of Lina Joy (Azlina Jailani), Shamsala, and Subashini.⁴⁶ Lina Joy's case had received more public attention than others. The Lina Joy issue also confirms that all matters pertaining to Islam, including religious conversion, should be tried in the *Shari'ah* Courts, not any other civil courts, meaning that the renunciation of Islam by Muslims cannot be

decided by any other courts. This makes studying the ulamas attitudes towards religious conversion more significant, given that they are accorded more authority to judge on such cases.

Many ulamas in Malaysia are more inclined to the view that apostasy is a criminal offence that requires execution of perpetrators. They may differ, however, on the repentance period. While the more extreme ones refuse opportunity for repentance, others allow a maximum of one month's grace. A *fatwá* issued by the religious council of the State of Perlis on apostasy states that:

A woman (person) who embraces Islam and then leaves it is considered a *murtad* (apostate) and must repent within three days. If not, in accordance with Islamic law, she must be executed. However, since in Malaysia Islamic laws are not fully exercised, execution cannot be carried out. According to Imam Abu Hanifah (classical Jurist) the person must be imprisoned to death. On matters concerning name, once a person leaves Islam, her responsibilities are revoked. (Religious Council of Perlis)⁴⁷

Stemming from absolute theological constructions, some states in Malaysia have published the *fatwá* that the ASWJ (Sunni) is the only accepted ideology in Malaysia, and consider the Shiites heretics. For instance, in September 1997, the Terengganu religious council gazettes a *fatwá* that all citizens must follow the ASWJ sect. This means that any form of materials, be they publications, films, or documents, that are deemed not in line with the ASWJ teachings are banned.⁴⁸ A similar enactment was also passed by the Malacca Religious Authorities in 1997. The Malaccan enactment specifically outlines the differences between Shiism and the teachings of ASWJ.⁴⁹ This negative view of Shiism has resulted in the religious authorities passing official statements and enactments. The Pulau Pinang Office of *Mufti* estimates that three brands of Shiism can be found in Malaysia, with the Jafari School being the most influential. This claim however remains unsubstantiated. Some university lecturers were also alleged to be preaching Jafari ideology in campuses.⁵⁰ Shiism has been framed as a national security issue. In 1997, seven Shia followers were detained for allegedly threatening religious harmony and the nation's political and economic development.⁵¹ They were told to denounce the Shiite beliefs and revert back to Sunni before they could be released. Previously, Shias were also arrested under the Internal Security Act (ISA).⁵²

Conceptions of Leadership and Citizenship: Piety and Loyalty?

As the concept of an Islamic state draws from the past, the least the ulama can point is a monarchy or an authoritarian regime. This should not come as a surprise the monarchical systems have coloured most of Islamic history. Monarchies have glorified the Islamic Caliphates and Empires. Prominent jurists excelled under the rule of tyrants during Islamic empires suggesting monarchy can sit well with an Islamic state. Hence, the ulamas' concept of leadership often relates to a single, powerful individual. Backed by the Quran, tradition, and the views of classical jurists the ulamas' concept of leadership often means unquestioning loyalty to the leader.⁵³ Such obedience is seen as symbolizing religious piety.

The official ulama from JAKIM and IKIM imply that Muslims should be loyal to their leader until they commit blatant sins: such as forbidding Muslims to perform Islamic rituals: prayers, fasting, and the tithe. By citing a Prophetic tradition as narrated by al-Nawawi, an honorary fellow from IKIM, El-Muhammady states that, "The ulama must obey the leaders under all circumstances even if they trouble you, unless they commit obvious sins."⁵⁴ Even they need correction; Muslim leaders (*ūli al-amr*) should not be toppled. If they commit any mistakes, they should just be advised (*al-naṣīḥah*).⁵⁵

There is also the belief that the rulers' excesses must also be tolerated as long as they remain committed to Islam. In some ways, UMNO seems to be more tolerant than PAS of rulers' excesses, though PAS too have not questioned the excesses of the Malay royalty. Abdul Hadi quotes the verse 59 of *Sūrah al-Nisā'*, "O you who believe! Obey God and Obey the messenger and those charged with authority among you."⁵⁶ This may explain why the ulama are willing to tolerate other forms of excesses including the opulent lifestyles of the rulers, or excessive accumulation of wealth of the capitalists. As long as the ruler performs the basic rituals of Islam, they should not be removed from power. Ulamas judge leaders on their piety and religiosity but ignore other important qualities of leadership: such as effective policy making for the sustainability of the state, intelligence, and efficiency. Competing traditions of the God-fearing Companions, such as Abu Bakr and Umar, who pleaded to be corrected if they were found in the wrong, are omitted in the ulama's discourse. Although ulamas agree harsh rulers should be checked and if necessary, or removed from

power, ulamas discourse is fixed on how one should approach rulers: to carry out open defiance or to disagree quietly. Through citing an un-narrated tradition of the Prophet, El-Muhammady says that one should not resort to violence and warfare to bring down a sinful, unjust, and harsh ruler, but should approach him in a calm and just manner.⁵⁷ The relevance of violence and warfare in today's context in checking a leader's excesses is questionable.

Another point of contention between UMNO and PAS is about who has the right to lead an Islamic state. While UMNO does not see being 'religious' as the most important criteria for a leader, PAS sees otherwise. The ulama/non-ulama leadership of the state is also an issue which preoccupies the ulama in Malaysia. This issue again cropped-up in the 55th *Mu'tamar* PAS in 2009. Again this whole issue is centred on having a pious leadership for the country. It was argued by some PAS members that in Islamic history, only the ulama (Abu Bakr, Umar, Uthman, Ali, Muawiyah) had assumed leadership positions.⁵⁸ Mohammad Daud Iraqi, the Head of ulama Council PAS opines that:

The reality today is that PAS needs to be headed by the ulama to ensure that the movement, administration, decisions are in line with Islam, especially *al-Siyāsah al-Sharī'ah* (politics based on *Sharī'ah*).⁵⁹

Despite the rise of the professional or Erdogan faction in PAS, the 59th PAS Muktamar (Congress) in 2013 saw the ulama faction continuing to cling on its position of authority in the party. Undoubtedly, in its 2003 *Islamic State Document*, PAS points out that the Islamic state will further strengthen the Parliamentary Consultation and Representation (*shurā*) and the Constitutional Monarchy.⁶⁰ Yet, PAS maintains the leadership of the ulama. Nik Aziz, currently the *Murshid al-Ām* of PAS (General Guide), commands huge support and influence in the party. His position cannot be challenged through the electoral process and his view can overwrite other dissenting voices in the party.⁶¹ As the supreme ulama of the Party, Nik Aziz, has the authority to comment, criticize, and initiate reforms within the party ahead of the elected leadership including the President, as well as purging those he dislikes or disagrees with.⁶² Religious authorities justify ulamas' power without question: because that was the way of the glorious past. Abdul Hadi quotes verse 59 *Sūrah al-Nisā'* to mean that:

Ūli al-amr refers to the ulama or scholars of Islam who guide society with their knowledge. They govern society through the *Quran* and *Sunnah* of the Prophet who did not separate the affairs of society, religion, and ways of life.⁶³

JAKIM (a federal state institution under the UMNO government) shares the view which indicated that only Muslims can lead an Islamic state, though it does not emphasise piety as an important trait.⁶⁴ Such views are problematic for three reasons. First, they equate knowledge with religious knowledge; hence a person with religious knowledge alone should lead a society. Second, they assume that with religious knowledge alone, modern problems and challenges can be resolved. Third, leaders cannot be people of other faiths.⁶⁵ Abdul Hadi's view on *ūli al-amr* is consistent with the PAS Islamic State document which states:

[An Islamic state] is headed by the most virtuous and God-fearing person of society. Through his leadership, the entire state submits to Allah and His Prophet in all aspects of life.⁶⁶

Theoretically, the definition of *ūli al-amr* can mean that those charged with authority, responsibility or decision making in general and Islam also make no distinction between secular and religious affairs.⁶⁷ Therefore, it is problematic when piety becomes the sole measure of an ideal leadership. When leaders are elected to ensure better laws, better administration of the government, and better formulation of policies and their effective implementation, expertise, capacity, skills are important traits. Piety does not cover the qualities mentioned. It is a problem to see the Prophet and his companions only as pious individuals, and not people with great intellect and knowledge.

Nevertheless, despite these debates over the need for pious leadership in Malaysia, both UMNO and PAS ulamas agree to retain the position of the Malay royalty. On the 9th December 2011, JAKIM issued a sermon- which must be read by the Imams at the mosques within the federal territory- entitled 'The Malaysian King: The Protector of religion and state' (*Seri Paduka Baginda Yang Di Pertuan Agong Payung Agama dan Negara*).⁶⁸ The sermon reminds Malaysians that the position of the Malaysian King clearly stated in Malaysian constitution Article 181(1), and that the King has a duty to protect the special rights of the Malays and other ethnic groups. In the same vein, PAS in its document on benevolent state also indicated its commitment

to defend the role and responsibility of the royal institution in the constitution, as well as Article 152 of the Constitution to strengthen the Malay language.⁶⁹ In 2010, Nik Aziz delivered an address on the 60th birthday of the Kelantan Sultan, Sultan Ismail Petra Ibni Al-marhum Sultan Yahya, thanking him and pledging his loyalty to the ruler. One of the reasons given by Nik Aziz during the address was that the Sultan had led thousands of Kelantanese during a special prayer known as *ṣalat al-ḥajah*.⁷⁰

Replacing Secular Laws with *Shari'ah* Laws

Often, states which declare themselves Islamic make two claims: first, their societies and polities manifest true Islamic normative values; and second, their societies are governed on the basis of *shari'ah*.⁷¹ The need for effective implementation of *shari'ah* is the reason why the ulama, and not ordinary Muslims or non-Muslims, should be at the apex of the political hierarchy.⁷² The crux of the problem, however, is for the *shari'ah* to be equated with *fiqh*. By definition, *shari'ah* refers to the sacred, eternal and universal values, revealed to the Prophet by God functionally or in concrete terms, to direct a man's life. *Fiqh*, on the other hand, denotes a more human endeavour to discern and extract legal rules from the Islamic traditions.⁷³ The confusion between the two results in the belief that every juristic opinion of the past was final and immutable God's law. As a result Muslims have seen *shari'ah* as necessary in implementing *hudud* laws. These elites fail to realise that out of 6000 Quranic verses, only 200 verses deal with legal matters. Even if these few Quranic laws are to be applied, they should be done in the context of faith and justice. There is a general failure to realize that *fiqh* (not *shari'ah*), being judicial norms, are local and temporary.⁷⁴ Hence, it is the duty of the ulama to construct laws and place them in today's context.

Not obeying and implementing these God's laws is seen as following the path of the Devil. Abdul Hadi cites the Quranic verse *Sūrah al-Baqarah* verse 208,

O you who believe! Enter into Islam by obeying all its orders, and do not follow the footsteps of the devil, for they are clearly your enemies.⁷⁵

According to Abdullah Yusof's translation, this verse calls for Muslims not to do evil.⁷⁶ It is not referring to *fiqh* or a defined set of

laws per se. Abdul Hadi also made the claim that, “All these sources (of Islamic law) make Islamic law fair and relevant in all occasions, places and time”.⁷⁷

The ulamas’ view of the perfect and immutable nature of Islamic laws points to the weaknesses of ‘secular’ laws and contemporary international treaties. Hence, there is a strong desire that Islamic laws, guided by the Quran and Sunnah, should be the basis of Parliamentary laws and state laws in Malaysia, as well as the state’s foreign policy.⁷⁸ The problem with such thinking is that it does not elaborate how modern laws and international treaties are in line with Islamic values and meet the demands and challenges of the modern world. The ulamas are still stuck with the idea that Islam only stands behind defensive wars; to attack only if your religion is attacked. Abdul Hadi cites verse 190 *Sūrah al-Baqarah*,

Attack (in order to defend) God’s religion, only if they attack and conquer your territories! Because God dislikes transgressors.⁷⁹

Such views are certainly out of touch with modern day warfare and international relations, which is no longer between states, but by non-state actors as well. Questions should be raised whether defensive wars are still relevant in the context in which terrorist groups are at large. Besides, it is often pointed out that cooperation, alliances, and warfare should be on the grounds of religion. This is exemplified in the dichotomization of states into *Dār al-Islām* (Islamic State) and *Dār al-Kufr* (non-Islamic state). It is also inferred the basis of *jihād* should be religious in its character. Haron Din, the senior cleric in PAS, interprets verses 39 and 40 of *Sūrah al-Hajj* as a justification for warfare in the name of defending religion (Islam).⁸⁰ The ulama did allude to the fact that *jihād* can also refer to an individual *jihād* (improving the self), but mostly restrict the concept to mean warfare against non-Muslims. This limited definition of *jihād* hinders cooperation beyond the basis of religion. According to Chandra, to this day, the ulamas have remained silent on issues that threaten humanity, predatory capitalism, communalism, chauvinism, and caste systems and gender discrimination, environmental degradation to name some of the most important aspects.⁸¹ Warfare and conquest still define any discussion on Islamic foreign policy: such as captive rights, animal rights, and rights of environmental protection. The Prophet’s traditions and his conduct during the wars in 7th Century Arabia underpin all foreign policy ‘rights’

debates. Even then, the discussions only highlight the broad principles of the Quran. Missing in the discussions are the operationalization of these broad principles into concrete plans and actions, especially in the context of the modern world.

Conclusion

This article has pointed out that the ulamas' discourse on the concept of an Islamic state has not changed for decades. This thinking is concerned with revamping the present system and replacing it with one from the past. The calls for this alternative system are rhetorical and do not live up to the Islamic spirit. The ulama have yet to devise and agree on a single, unified concept of an Islamic state. Each faction thinks their brand of an Islamic state is the most authentic. Moreover, the problems they have raised do not deal with contemporary challenges. Wrongly, they think contemporary problems can be resolved through the Islamic state model. Their thinking has roots in the Islamic resurgence period. Indeed there are issues in Malaysia today that Muslims should focus on: such as upholding human rights, opposing corruption, and respecting women and minorities.

Has UMNO become conservative and PAS more moderate after the 2008 general elections? Not really. The ideological shifts are pragmatic. By and large, both UMNO and PAS have a conservative understanding of the Islamic state. This explains why talks of a unity government between UMNO and PAS often arise time and again. Their differences, nevertheless, have more to do with their distance from state power. The pragmatic approach to the establishment of an Islamic state post-2008 has resulted in both parties sending out mixed signals about their true theological positions on modern laws, governing institutions, economy, and leadership. A closer look at their writings and sermons point out the general conservatism of both UMNO and PAS ulamas. This conservatism is confirmed when PAS decided to table the private members' bill in Parliament in 2014, and UMNO ulamas have been forthcoming to study PAS' proposals. Moreover, the conservatives in both UMNO and PAS have time and again pushed for unity talks between both parties. Having outlined conservative outlook underlying the thinking of the ulamas, this article hopes to serve as a modest contribution towards understanding the similarities of religious outlook underlying the ulamas even if they come from different organizations, parties, or institutions.

Endnotes

- I wish to thank the two anonymous reviewers for their comments to the draft of this article.
- 1. This view is expressed by political scientist Bridget Welsh in her blog. See Link: <http://bridgetwelsh.com/2012/11/the-politics-of-accommodation-in-pas/> (Date Accessed: 12 June 2014). See also Julie Chernov Hwang, 'When parties swing: Islamist parties and institutional moderation in Malaysia and Indonesia', in *Southeast Asia Research*, 14(4), 2010, pp. 635-674.
- 2. Erdogan is the name of the Turkish Prime Minister (since 2003) Recep Tayyip Erdogan. He is seen as one of the most successful Turkish Prime Minister. In relation to PAS, the Erdogan faction is referred to members who are aligned to former Deputy Prime Minister Anwar Ibrahim and are more moderate than the ulama faction.
- 3. Syed Jaymal Zahid, 'With 'Erdogan' victories PAS will move forward' *FreeMalaysiatoday.com*. 4 June 2011 Link: <http://www.freemalaysiatoday.com/category/nation/2011/06/04/erdogan-victories-sign-pas-will-move-forward/> (Date Accessed: 12 June 2014).
- 4. See for example the works of John N Funston, *Malay Politics in Malaysia: A Study of UMNO and PAS*, Heinemann Educational Books, Kuala Lumpur, 1980; Kamarulnizam Abdullah, *The Politics of Islam in Contemporary Malaysia*. Bangi: Universiti Kebangsaan Malaysia, 2002; Joseph Chinyong Liow, *Deconstructing Political Islam in Malaysia: UMNO's Response to PAS-Religio Dialectic*. Singapore: Institute of Defence and Strategic Studies, 2003; Farish A Noor, *Islam Embedded: The Historical Development of the Pan-Malaysian Islamic Party PAS (1951-2003)* Volumes 1 and 2. Kuala Lumpur: Malaysian Sociological Research Institute, 2004; Amrita Malhi, 'The PAS-BN Conflict in the 1990s', in Virginia Hooker and Noraini Othman (ed.), *Malaysia: Islam, Society and Politics*, Singapore: ISEAS, 2003, pp. 236-265; Ahmad Fauzi Abdul Hamid, 'The UMNO-PAS Struggle: Analysis of PAS's Defeat in 2004', in Saw Swee-Hock and Kesavapany (ed.), *Malaysia: Recent Trends and Challenges*, Singapore: ISEAS, 2006.
- 5. John N Funston, *Malay Politics in Malaysia: A Study of UMNO and PAS*. Heinemann Educational Books, Kuala Lumpur, 1980, p.161.
- 6. *Hudūd* mean limit and are modes of punishments that are mentioned in the Quran and the Sunnah. It specifies punishments for particular forms of offences, which includes amputation, stoning, and public caning.
- 7. The name Malaysia came into being only after 16 September 1963. This occurred when Malaya (Peninsular Malaysia) merged with Sabah, Sarawak and Singapore.
- 8. Saeed, Abdullah and Saeed, Hassan, *Freedom of Religion, Apostasy and Islam*, Burlington, VT: Ashgate, 2004, p.136.
- 9. For the full interview with the late Tunku Abdul Rahman, see Hussin Mutalib, *Islam in Malaysia: From Revivalism to Islamic State*, Singapore: Singapore University Press, 1993, pp. 94-95.
- 10. Anwar Ibrahim joined UMNO in 1982 and rose quickly to the position of deputy prime minister in 1993. He was sacked by UMNO in 1998.
- 11. See Mahathir Mohamad, "Malaysia Sebagai Sebuah Negara Islam," in IKIM (ed.) *Malaysia Sebagai Sebuah Negara Islam*, Kuala Lumpur: IKIM, 2005, pp. 3-10.
- 12. See Anwar Ibrahim, "Najib's dismal ignorance on the Islamic state," in Nathaniel Tan and John Lee (ed.), *Religion Under Siege? Lina Joy, the Islamic State and Freedom of Faith*, 107, Kuala Lumpur: Kini Books, 2008, p.107.
- 13. Ahmad Fadli KC, Malaysiakini.com, "ADUN Umno cadang Johor laksana *hudūd*", 30 June 2012 Link: <http://www.malaysiakini.com/news/202369> (Date Accessed: 29 November 2013).
- 14. Farish A Noor, *Islam Embedded: The Historical Development of the Pan-Malaysian Islamic Party PAS (1951-2003)* Volumes 1 and 2. Kuala Lumpur: Malaysian Sociological Research Institute, 2004, p.501; Rose Ismail (ed.) *Hudud in Malaysia: The Issues at Stake*. Kuala Lumpur: Sisters in Islam, 1995.

15. Nik Aziz Nik Mat, *Pendirian Tuan Guru Nik Abdul Aziz Nik Mat*, Annual Bakri Haron (ed.), Kelantan: Dian Darulnaim Sdn Bhd, 2005, p.107.
16. Dominik M Müller, *Islam, Politics and Youth in Malaysia: The pop-Islamist reinvention of PAS*, Routledge, Oxon and New York, 2014, p.79.
17. PAS, *The Islamic State Document*, Bangi: PAS, 2003, p.19.
18. PAS had not joined PR at this point of time. PR was formed after the 12th General elections.
19. See for instance *Borneo Post Online*, "Overlapping seat issue due to PR's marriage of convenience- Salang" 8 April 2013, Link: <http://www.theborneopost.com/2013/04/08/overlapping-seat-issue-due-to-prs-marriage-of-convenience-salang/#ixzz2lzVkmRWV> (Date Accessed: 5 February 2014). See also *Malaysia-Today.net*. "Mahdzir describes Pakatan Rakyat as marriage of convenience, doubts it would last", 3 April 2008. Link: <http://www.malaysia-today.net/mahdzir-describes-pakatan-rakyat-as-marriage-of-convenience-doubts-it-would-last/>. Reported by Noor Adzman Baharuddin (Date Accessed: 5 February 2014).
20. See *Sinar Harian*, 'Fathul Bari saran PAS keluar Pakatan' 27 December 2012 Link: <http://www.sinarharian.com.my/politik/fathul-bari-saran-pas-keluar-pakatan-1.115744> (Date Accessed: 20 June 2014).
21. Some of the major works that have dealt with the Islamic resurgence movement (also known as Islamic revivalism) include: Nagata, Judith, *The Reflowering of Malaysia Islam: Modern Religious Radicals and Their Roots*. Vancouver: University of British Columbia Press, 1984; Hussin Mutalib, *Islam in Malaysia: From Revivalism to Islamic State*. Singapore: Singapore University Press, 1993; Chandra Muzaffar, *Islamic Resurgence in Malaysia*. Petaling Jaya: Penerbit Fajar Bakti, 1987; K.S Jomo and Ahmad Shabery Cheek, 'The Politics of Malaysia's Islamic Resurgence.' *Third World Quarterly* 10 (2), 1998; Zainah Anwar, *Islamic Revivalism in Malaysia: Dakwah among Students*. Malaysia: Pelanduk Publications, 1987; Azhar Ibrahim, *Contemporary Islamic Discourse in the Malay-Indonesian World: Critical Perspectives*. Selangor: Strategic Information and Research Development Centre, 2014.
22. Chandra Muzaffar, *Islamic Resurgence in Malaysia*. Petaling Jaya: Penerbit Fajar Bakti, 1987, pp.4-8.
23. In his first year as Prime Minister, Dr Mahathir's government announced a seminar entitled 'The Concept of Development in Islam.' See Hussin Mutalib, *Islam in Malaysia: From Revivalism to Islamic State*. Singapore: Singapore University Press, 1993, pp. 30-31.
24. Norani, Zainah, and Zaitun, Malaysia: Islamization, Muslim politics and state authoritarianism. In Norani Othman (ed.), *Muslim Women and the challenges of Islamic extremism*. 78-108, Kuala Lumpur: Sisters in Islam, 2005, p. 90.
25. Shahrudin Maaruf, 'Religion and Utopian Thinking among the Muslims of Southeast Asia.' In Riaz Hassan (ed.) *Local and Global Social Transformation in Southeast Asia*, Kuala Lumpur: Dewan Bahasa dan Pustaka, 2006, pp. 315-330.
26. For the definition of utopian thinking, see Mannheim, Karl, *Ideology and utopia: An Introduction to the Sociology of Knowledge*, translated by Louis Wirth and Edward Shils. San Diego; New York; London: Harcourt INC, 1936, p.205.
27. Shahrudin Maaruf, 'Religion and Utopian thinking among the Muslims of Southeast Asia.' In Riaz Hassan (ed.) *Local and Global Social Transformation in Southeast Asia*, Kuala Lumpur: Dewan Bahasa dan Pustaka, 2006, pp. 318-319.
28. Luz's work proves that utopian thinking is not only uniquely to be found in Islam, but is also present in other religious beliefs as well. For a discussion of utopian thinking in Judaism and Christianity, see Ehud Luz, "Utopia and Return: On the Structure of Utopian Thinking and Its Relation to Jewish-Christian Tradition." In *Journal of Religion* 73, 1993, pp.357-377.
29. PAS, *The Islamic State Document*, PAS, Bangi, 2003.

30. Jabatan Kemajuan Islam Malaysia (JAKIM), Malaysia Negara Islam: 7 March 2002. In Nathaniel Tan and John Lee (ed.), *Religion Under Siege? Lina Joy, the Islamic State and Freedom of Faith*, Kuala Lumpur: Kini Books, 2008, pp. 118-126.
31. Abdul Hadi Awang, *Islam Adil Untuk Semua*. Selangor: PTS Islamika Publications, 2009, pp.24-25.
32. Abdul Hadi Awang, *Islam dan Demokrasi*. Selangor: PTS Islamika Publications, 2007, pp.9-13.
33. Haron Din, *Hukum Hudud: Dalam Perundangan Islam*, PSN Publications, Selangor, 2013. See also Haron Din, *Islam: Jibād Survival Insan*. Kuala Lumpur: PTS Millennia, 2007.
34. Abdul Hadi Awang, *Fahaman dan Ideologi Umat Islam*. Selangor: PTS Islamika Publications, 2008, pp.183-195.
35. Abdul Hadi Awang, *Fahaman dan Ideologi Umat Islam*. Selangor: PTS Islamika Publications, 2008, pp.186.
36. Alatas, Syed Hussein, *Modernization and Social Change*, Sydney: Angus And Robertson, 1973; Chandra Muzaffar, *Rights, Religion, Reform: Enhancing Human Dignity through spiritual and moral transformation*. London, New York: Routledge, 2002.
37. PAS, *The Islamic State Document*, PAS, Bangi, 2003, p.25.
38. Jabatan Kemajuan Islam Malaysia (JAKIM). 2008. Malaysia Negara Islam: 7 March 2002. In Nathaniel Tan and John Lee (ed.), *Religion Under Siege? Lina Joy, the Islamic State and Freedom of Faith*, Kini Books, Kuala Lumpur, p.121.
39. Abdullah Saeed and Hassan Saeed, *Freedom of Religion, Apostasy and Islam*, Ashgate, Burlington, VT, 2004, p.137.
40. See *Malaysiakini* Website, 'ADUN Umno cadang Johor laksana *hudūd*' 30 June 2012, Link: <http://www.malaysiakini.com/news/202369> (Date Accessed: 20 June 2014).
41. See *Utusan Malaysia*, "Saya tolak *hudūd* Pas, bukan *hudūd* Islam - Dr. Mahathir" 29 August 2012 Link: http://www.utusan.com.my/utusan/Politik/20120829/po_01/Saya-tolak-hudud-Pas-bukan-hudud-Islam---Dr-Mahathir (Date Accessed: 20 June 2014).
42. Radzi Md. Zin, Hasnurul Mohamed and Zuhayati Yazid, 'Bantah Guna perkataan Allah', *Utusan Malaysia*, 28 Feb 2009, Link: http://www.utusan.com.my/utusan/info.asp?y=2009&dt=0228&pub=Utusan_Malaysia&sec=Muka_Hadapan&pg=mh_03.htm (Date Accessed: 20 June 2014).
43. See *Utusan Malaysia*, 'Haramkan Lagu nyanyian Agnes Monica', 14 Mar 2009, Link: http://www.utusan.com.my/utusan/info.asp?y=2009&dt=0314&pub=Utusan_Malaysia&sec=Dalam_Negeri&pg=dn_22.htm (Date Accessed: 20 June 2014).
44. Jabatan Mufti of Perak Website: Link: http://mufti.perak.gov.my/index.php?option=com_content&view=article&id=57&Itemid=1 (Date accessed: 24 Sep 2012).
45. Joseph Liow Chinyonh, *Piety and Politics: Islamism in Contemporary Malaysia*. Oxford University Press, New York, 2009, p. 51.
46. Maznah Mohammad, Zariazana Aziz, and Chin Oy Sim 'Private Lives, Public Contention: Muslim-non Muslim Family Disputes in Malaysia', In G. W. Jones, C. H. Leng & M. Mohamad (ed.), *Muslim-Non-Muslim Marriage: Political, and Cultural Contestations in Southeast Asia*, Iseas, Singapore, 2009, p. 79.
47. See JAKIM website for online *fatwā*, <http://www.e-fatwā.gov.my/>.
48. See JAKIM e-fatwā. Link: 'Pegangan Ahli Sunnah Wal Jamaah' <http://www.e-fatwā.gov.my/fatwā-kebangsaan/syiah-di-malaysia> (Date Accessed: 24 September 2012).
49. Although the rivalry between Sunnis and Shiites still exist today in many parts of the Islamic world, which in some cases have resulted in violence and warfare (like in Iraq), in most countries, the followers of these two sects have learnt to acknowledge their differences and live peacefully. However, given the mode of thinking, Muslims in Malaysia are induced to be cautious of Shiite ideology which is thought as 'secretly growing'. See also 'Wajib Berpegang Dengan 'Aqidah Ahli Sunnah Wal Jamaah' (Ke Arah Membendung Pengaruh Syiah). Link: <http://www.e-fatwā.gov.my/fatwā-negeri/ke-arrah-membendung-pengaruh-syiah-di-malaysia> (Date Accessed: 24 September 2012).

50. Jabatan Mufti Pulau Pinang, *Himpunan Fatwá Negeri Pulau Pinang 1995-2004*, Jabatan Mufti Pulau Pinang, Penang, 2008, p. 2-6.
51. Joseph Liow Chinyonh, *Piety and Politics: Islamism in Contemporary Malaysia*, Oxford University Press, New York, 2009, p.163.
52. Abdullah Saeed and Hassan Saeed, *Freedom of Religion, Apostasy and Islam*, Ashgate, Burlington, VT, 2004, p. 128. Out of the six arrested, one was released, two were sent to restricted residence and the rest were detained for a two-year period.
53. Two traditions of the Prophet seem to support such claims. Firstly, as narrated by Ibn Umar, "A Muslim has to listen and obey (the order of the Muslim ruler) whether he likes it or not, as long as he does not order to commit a sin. If he does, he should neither listen nor obey." Secondly, as narrated by Wail Al-Hadrani, when the Prophet was asked about leaders who demand for their rights but denying their citizens', the Prophet responded, "Listen to them and obey them, for on them will be their burden and on you your burden. See Al-Hafiz Kakinuddin Abdul Azim Al-Mundhiri (ed.), *Summarized Sahih Muslim*, Volume 2, Riyadh: Darussalam, 2000, pp. 674-675.
54. Muhammad Uthman El Muhammadiyah, "Ketua Negara Islam: Tugas dan Peranan," in Abdul Monir Yaacob and Suzailie Mohamad (ed.), *Konsep dan Peranan Uli al-amr di Malaysia*, Kuala Lumpur: IKIM, 2004, pp. 92-93.
55. Muhammad Uthman El Muhammadiyah, "Ketua Negara Islam: Tugas dan Peranan," in Abdul Monir Yaacob and Suzailie Mohamad (ed.), *Konsep dan Peranan Uli al-amr di Malaysia*, 87-97, Kuala Lumpur: IKIM, 2004, pp. 92-93.
56. Abdul Hadi Awang, *Islam Adil Untuk Semua*, Selangor: PTS Islamika Publications, 2009, p.31.
57. Muhammad Uthman El Muhammadiyah, "Ketua Negara Islam: Tugas dan Peranan," in Abdul Monir Yaacob and Suzailie Mohamad (ed.), *Konsep dan Peranan Uli al-amr di Malaysia*, 87-97 (Kuala Lumpur: IKIM, 2004), pp. 92-94.
58. Azran Fitri Rahim, "Dua Jawatan tertinggi PAS mesti Ulama," in *Utusan Malaysia* (1 May 2009).
59. Mohammad Daud Iraqi, "Memperkasa ulama kuasai isu semasa," in *Harakah*, (8-11 June 2009).
60. PAS, *The Islamic State Document*, PAS, Bangi, 2003, p. 31.
61. Nik Aziz stepped down as chief minister for Kelantan in 2013, but retained the position of Murshidul Am (General Guide) of PAS.
62. Farish A Noor, *Islam Embedded: The Historical Development of the Pan-Malaysian Islamic Party PAS (1951-2003)* Volumes 1 and 2. Kuala Lumpur: Malaysian Sociological Research Institute, 2004, pp.483-484.
63. Abdul Hadi Awang, *Islam Adil Untuk Semua*. Selangor: PTS Islamika Publications, 2009, p. 32.
64. Ibid, p.121.
65. Jabatan Kemajuan Islam Malaysia (JAKIM), "Malaysia Negara Islam: 7 March 2002", p. 121.
66. PAS, *The Islamic State Document*, PAS, Bangi, 2003, p.18.
67. Verse 59 Surah *An Nisa* is translated by Abdullah Yusof Ali as, "O you who believe! Obey God and Obey the Messenger and those charged with authority among you. If you differ in anything among yourselves, refer it to God and His Messenger, if you do believe in God and the last Day: that is best and most suitable for final determination. See Abdullah Yusof Ali, *The Meaning of The Holy Quran*, Kuala Lumpur: Islamic Book Trusts, 2002, p.94.
68. See JAKIM website 'Seri Paduka Baginda Yang Dipertuan Agong Payung Agama dan Negara', 9 December 2011, (Date accessed: 5 February 2014) Link: <http://www.islam.gov.my/en/khutbah-online>.
69. PAS, *Negara Berkeadilan Tawaran PAS*. Kuala Lumpur: PAS, 2011, p.10
70. Wan Nik Wan Yusof (ed.), *Perspektif Tok Guru*, Kota Bharu: Centre for Strategic Studies, 2011, p.64.

71. Mohammed Ayoob, *The Many Faces of Political Islam: Religion and Politics In The Muslim World*. Singapore: NUS Press, 2008, pp.42-43.
72. See comments by Ustaz Mohammad Daud Iraqi above.
73. Ziba Mir Hosseini. (2009). Towards Gender Equality: Muslim Family Laws and the *Shariah*. In Zainah Anwar (ed.) *Wanted: Equality and Justice in the Muslim Family*, Selangor: Musawah., pp. 24-26.
74. Muhammad Said Al-Ashmawi, "Sharia: The Codification of Islamic Law," in Charles Kuzman (ed.) *Liberal Islam: A Sourcebook*, New York; Oxford: Oxford University Press, 1998, p. 51.
75. Abdul Hadi Awang, *Islam Adil Untuk Semua*.: PTS Islamika Publications, Selangor, 2009, p. 43.
76. Abdullah Yusof Ali, *The Meaning of the Holy Quran*, Islamic Book Trusts, Kuala Lumpur, 2002, p.49.
77. Abdul Hadi Awang, *Islam Adil Untuk Semua*.: PTS Islamika Publications, Selangor, 2009, p. 43.
78. Dr Siddiq Fadhil, former President of ABIM believes that under the Western secular laws the world is getting less safe. It's about time the world accepts Islamic laws in order to recover peace and human civilization...Islamic laws not only punish, but they are educative in nature. Islamic laws are equipped with moral values, unlike secular laws, which are devoid of morality to the extent that there can be a situation that is legally right but morally wrong. The implementation of Islamic laws will facilitate a more substantive Islamisation process which forms the basis for human transformation-in building an *ummah* in realizing Islamization. See Siddiq Fadhil, 'Ucapan Dasar Mukhtamar Sanawi ke 15: Gerakan Islam Dunia Melayu Tuntuta Zaman Dan Cabaran Lingkungan', In *Mengangkat Martabat Umat*, Dewan Pustaka Islam, Kuala Lumpur, 1989, pp. 160-162.
79. Abdul Hadi Awang, *Islam Adil Untuk Semua*.: PTS Islamika Publications, Selangor, 2009, p.114.
80. Haron Din, *Islam: Jihād Survival Insan*, Kuala Lumpur: PTS Millennia: 2007, p.37. The verses quoted is translated by Abdullah Yusof Ali as: "To those against whom war is made, permission is given (to fight) because they are wronged; verily, God is Most Powerful for their aid. (They are) those who have been expelled from their homes in defiance of right, or for no cause except that they say, " Our lord is God" Did not God check one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name God is commemorated in abundant measure. God will certainly aid those who aid His cause- for verily God is full of strength, Exalted in Might, (able to enforce his will). See Abdullah Yusof Ali, *The Meaning of the Holy Quran*, Islamic Book Trusts, Kuala Lumpur, 2002, p.336.
81. Chandra Muzaffar, *Global Ethic or Global Hegemony? Reflections on Religion, Human Dignity and Civilizational Interaction*, ASEAN Academic Press, London, 2005, p.42-43.

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Guidelines

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S*tudia Islamika*, published three times a year since 1994, is a bilingual (English and Arabic), peer-reviewed journal, and specializes in Indonesian Islamic studies in particular and Southeast Asian Islamic studies in general. The aim is to provide readers with a better understanding of Indonesia and Southeast Asia's Muslim history and present developments through the publication of articles, research reports, and book reviews.

The journal invites scholars and experts working in all disciplines in the humanities and social sciences pertaining to Islam or Muslim societies. Articles should be original, research-based, unpublished and not under review for possible publication in other journals. All submitted papers are subject to review of the editors, editorial board, and blind reviewers. Submissions that violate our guidelines on formatting or length will be rejected without review.

Articles should be written in American English between approximately 10.000-15.000 words including text, all tables and figures, notes, references, and appendices intended for publication. All submission must include 150 words abstract and 5 keywords. Quotations, passages, and words in local or foreign languages should

be translated into English. *Studia Islamika* accepts only electronic submissions. All manuscripts should be sent in word to: studia.islamika@uinjkt.ac.id.

All notes must appear in the text as citations. A citation usually requires only the last name of the author(s), year of publication, and (sometimes) page numbers. For example: (Hefner, 2009a: 45; Geertz, 1966: 114). Explanatory footnotes may be included but should not be used for simple citations. All works cited must appear in the reference list at the end of the article. In matter of bibliographical style, *Studia Islamika* follows the American political science association (APSA) manual style, such as below:

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2. Booth, Anne. 1988. "Living Standards and the Distribution of Income in Colonial Indonesia: A Review of the Evidence." *Journal of Southeast Asian Studies* 19(2): 310–34.
3. Feener, Michael R., and Mark E. Cammack, eds. 2007. *Islamic Law in Contemporary Indonesia: Ideas and Institutions*. Cambridge: Islamic Legal Studies Program.
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5. Utriza, Ayang, 2008. "Mencari Model Kerukunan Antaragama." *Kompas*. March 19: 59.
6. Ms. *Undhang-Undhang Banten*, L.Or.5598, Leiden University.
7. Interview with K.H. Sahal Mahfudz, Kajen, Pati, June 11th, 2007.

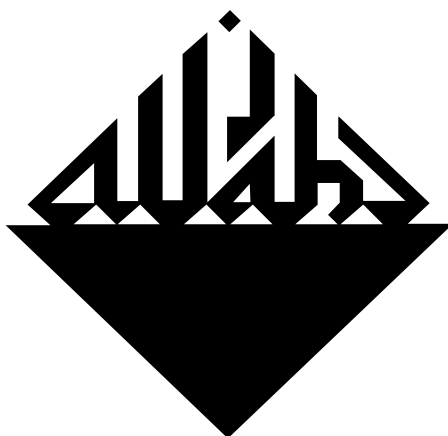
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مآلة إنءونسية للءراساء الإسلامية

السنة الءاءى والعشرين، العءء ١، ٢٠١٤



الإسلام والقانون والءولة: ءراساء في فكر كبي باءموس هاءيكوسومو وءوره

سوءارءوءو عبء الءكيم

ببين معهء ءبوايرينآ ومءرساء
منبآ العلوم: ءراساء ءاريخية عن نشأة مفهوم
"المءرساء في المعهء"

ءوءو سوهاءوءو
