1. Record Nr. UNINA9910482954603321 Islamic law in Malaysia: the challenges of implementation / / Adnan **Titolo** Trakic, Hanifah Haydar Ali Tajuddin, editors Pubbl/distr/stampa Gateway East, Singapore:,: Springer,, [2021] ©2021 **ISBN** 981-336-187-5 1 online resource (xiii, 151 pages): illustrations Descrizione fisica Disciplina 346.595015 Soggetti Islamic law - Malaysia Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia

Nota di contenuto

Intro -- Foreword -- Preface -- Contents -- Contributors -- Chapter 1: Challenges in the Implementation of Islamic Law in Malaysia --Introduction -- Key Objectives and Research Approach -- Structure and Framework -- Conclusion -- References -- Chapter 2: British Administration of Malay Peninsula and Its Impact on the Status of Islamic Law -- Introduction -- Status of Islamic Law Before the Foreign Occupation of Malay Peninsula -- Status of Islamic Law After the Foreign Occupation of Malay Peninsula -- Conclusion --References -- Chapter 3: The Status of Islam and Islamic Law in the Malaysian Federal Constitution -- Introduction -- Islam in the Federal Constitution -- Islamic Law in the Federal Constitution --Conclusion -- References -- Chapter 4: Islamic Criminal Law --Introduction -- Overview of the Implementation of Islamic Criminal Law -- Islamic Criminal Law in the Malay Sultanate -- British Colonisation and Independence of Malaysia -- The Islamic Criminal Jurisdiction --Phase I - After Independence -- Phase II - After 1980 -- Current Practice -- Use of Islamic Criminal Law to Combat Moral Issues -- The Relevance of Punishing Islamic Criminal Offenders -- Alternative Punishments under Islamic Criminal Law -- Issuance of Bond of Good Behaviour -- Community Service Order (CSO) -- Power to Admonish --Possible Rehabilitative Programs -- Contentious Issues in Implementing Islamic Criminal Law -- Conclusion -- References -- Chapter 5: Islamic Family Law -- Introduction -- Underage Marriage -- Application

to Marry for Man or Woman Under the Age of 18 - The Case of Selangor -- Muslim Child Marriage Applications by State -- Maintenance -- Maintenance Rate -- Maintenance Order -- Responsibilities of Beneficiaries -- Enforcement and Execution of Maintenance Order -- Polygamy -- Dissolution of Marriage -- Arbitration by Hakam -- Conclusion

Conclusion. References -- Chapter 6: Islamic Inheritance Law -- Introduction --Principles of Islamic Inheritance -- Administration of Islamic Inheritance -- The Civil High Court -- The Estate Distribution Unit --Amanah Raya Berhad -- Jurisdiction of Shari'ah Court in Inheritance Cases -- Analysis of Decided Cases -- Challenges Faced by the Shari'ah Courts when Deciding Inheritance Matters -- Standardising the Handling of Inheritance Matters by the Shari'ah Courts --Conclusion -- References -- Chapter 7: Islamic Commercial Law --Introduction -- Shari'ah Governance and Compliance of Islamic Banks -- Shari'ah Advisory Council of Bank Negara Malaysia -- Shari'ah Committee -- Implementation Issues and Challenges -- The Legitimacy of the Shari'ah Advisory Council -- The Causes and Implications of Shari'ah Non-compliance -- Litigating Shar'iah Non-Compliance --Judicial Mindset Towards SNC Claims -- Ta'widh (Compensation) Amount -- Bona Fide Customer -- The peculiarity of Islamic Financing Arrangement -- Inefficient Internal Processes -- Wakaf and Zakat: Implementation Issues and Challenges -- Jurisdiction and Dispute Resolution -- Development and Management of Wakaf and Zakat --Collection and Distribution of Zakat -- Conclusion -- References --Chapter 8: Islamic Evidence Law -- Introduction -- Overview of the Development of Islamic Evidence Law for Shari'ah Courts -- The Shari'ah Court Evidence Law -- The Framework of the Shari'ah Court Evidence Law -- Legal Maxims in Islamic Evidence Law -- Burden of Proof (The Mejelle, Article 76) -- Matters Are Determined According to Intentions (The Mejelle, Article 2) -- The Concept of Bayyinah in Islamic Evidence Law -- Igrar -- Shahaadah -- Yamin -- Qarinah --Kitabah -- Ra'y al-Khabir -- Usage of Advanced Forms of Evidence in Shari'ah Court -- Electronic and Digital Document. Evidence Using DNA (Deoxyribonucleic Acid) and Figh Forensic --Conclusion -- References -- Chapter 9: Transforming and Globalising the Shari'ah Judiciary System of Malaysia -- Introduction -- Islamic Law in the Federal Constitution -- Shari'ah Judiciary Department of Malaysia (JKSM) -- Transforming the Shari'ah Judicial System -- Coordination of Appellate Process in the Shari'ah Courts -- Protection of Women and Children -- Improvement of Physical Infrastructures -- Innovations and Improvements of Electronic Infrastructures -- E-Tray and I-Post --E-Siap -- MySolve System -- Two-Easy -- E-Fos -- The Islamic Law and Jurisdiction -- Expanding of Jurisdiction of the Shari'ah Court --Globalising the Shari'ah Judiciary System -- Enforcement of Shari'ah Court Order Across Borders -- International Training of Shari'ah Judges and Officers -- The Way Forward -- References -- Chapter 10: Implementation of Islamic Law in Malaysia: The Way Forward --Introduction -- The Position of Islamic Law Under the Malaysian Legal System -- Key Findings from the Thematic Chapters -- Islamic Criminal Law -- Islamic Family Law -- Islamic Inheritance Law -- Islamic Commercial Law -- Islamic Evidence Law -- The Department of Shari'ah Judiciary of Malaysia (JKSM) -- Analysis and Future Developments --Key Questions -- Future Developments -- List of Statutes and Regulations -- List of Cases -- Bibliography.