

neglected this basic responsibility, even after ex-wives have obtained court orders to that effect, no thanks to the previous lack of enforcement mechanism. Consequently, the court relied on Caliph ‘Umar al-Khattab’s dictum that “an order is useless if it cannot be enforced,” to figure out means by which the court order is complied with. And the result is even more promising: nearly 60 percent of the husbands paid up. One was even able to fork out a whopping RM100,000 in cash for all the arrears.

**Public Forum: The Implementation of *Hudud* in Malaysia:  
Between Ideal and Reality  
(IAIS Malaysia, 23 April 2015)**

*Ahmad Badri Abdullah*

On 23 April 2015, IAIS Malaysia and MySuara TV jointly organised a public forum entitled ‘The Implementation of *Hudud* in Malaysia: Between Ideal and Reality’. The panelists were Emeritus Professor Dato’ Paduka Dr. Mahmood Zuhdi Haji Ab. Majid from the Department of Fiqh & Usul al-Fiqh, Kulliyyah of Islamic Revealed Knowledge and Human Sciences, International Islamic University Malaysia (IIUM), Associate Professor Dr. Mohamed Azam Mohamed Adil the Deputy CEO of IAIS Malaysia, and Mr. Musa Awang the President of the Syariah Lawyers Association of Malaysia. Professor Zuhdi highlighted the fact that *hudud* demands stringent implementation procedures as well as tight self-discipline by members of society. *Hudud*, he claimed, is part and parcel of the whole Shari’ah system. Hence to implement it in isolation of the other aspects of Islamic teachings will fail to bring about its intended objectives, namely justice and fairness. Moreover, he maintained that to operate *hudud* in the Malaysian dual-law system would lead to injustice to Muslims, since non-Muslims enjoy an absolute freedom from the law. Therefore a feasible solution is to incorporate some elements of *hudud* in the existing laws of the country. He proposed that the government enact a blood money (*diyat*) act in order to resolve fatal road accident cases, as an alternative to the current procedure.

Dr. Azam provided a historical overview on the development of Islamic law in Malaysia and pinpointed that the public perception on *hudud* has been shaped by the colonisation process of the past. Therefore the restoration of the law in the new setting of modern nation-state demands a well-planned strategy. Adding to Professor Zuhdi’s proposal, he suggested that *hudud* be strategically infused in the existing penal code, since the latter already includes a number of *hudud* offences. Musa Awang, on the other hand, highlighted that the country’s

Constitution is in fact the main legal hurdle for the implementation of *hudud*, since it places religious affairs under the states' authority and empowers the Shari'ah courts with only limited jurisdiction. Even though there are *hudud* offences in the court's enactments, their punishments remain in the form of *ta'zir*. Therefore, he proposed that the academic communities discuss diligently the two possible options, either to incorporate *hudud* in the current law or to construct an entirely new structure of *hudud* law in the country.

**International Conference on Shari'ah Objectives (*Maqasid*)  
in Public Policy and Governance  
(IAIS Malaysia, 15-16 June 2015)**

*Asadullah Ali Al-Andalusi*

The International Conference on Shari'ah Objectives in Public Policy and Governance was held between the 15<sup>th</sup> and 16<sup>th</sup> of June, 2015 at the International Institute of Advanced Islamic Studies (IAIS) Malaysia, co-organised by the Selangor Islamic Religious Council (MAIS) and Razak School of Government, and partnered with Al Naqiy Islamic Solutions Sdn Bhd and the Muslim Youth Association of Malaysia (ABIM). Sponsors included CIMB Islamic, Permodalan Nasional Berhad (PNB), Majlis Agama Islam Selangor (MAIS).

The goals of the conference were to advance applicable *maqasid*-based theories in the form of policies related to good governance on a global scale. Several participants presented, making up seven sessions in total over a two day period. The guests ranged from fellow academics, to government officials, policy consultants, and students.

Professor Dato' Sri Dr. Zaleha Kamaruddin, Rector of the International Islamic University Malaysia (IIUM), opened the conference with a keynote address revolving around the creation of a *Maqasid Index for Public Policy and Governance*, which seeks to grade Muslim-majority countries on the basis of how they implement Islamic principles at the government level. The framework for this assessment was constructed by 100 Muslim scholars across the globe, facilitated by IIUM, and seeks to challenge the current standard of assessment, the concept of Human Rights; the "religion of the 21<sup>st</sup> century," according to Dr. Zaleha.

Following the keynote address, Session 1 began with a discussion on the *maqasid's Theory and Methodology*. Among the four speakers, Associate Professor Dr. Adi Setia Md Dom set the mood for the discourse. He highlighted that the *maqasid* cannot be utilised within the contemporary secular framework of utilitarian ethics, and must only be contextualised within the boundaries of the