

# BRIDGING THE PROPHETIC LEGACY THROUGH TIME: A PRELIMINARY ACCOUNT ON *AHL AL-SUNNAH WA AL- JAMA'AH* AND PERLIS STATE CONSTITUTION OF 1948<sup>1</sup>

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## ABSTRACT

On 1<sup>st</sup> February 1948, the state of Perlis promulgated her first formally written constitution. Article 5(1) of this constitution declared: 'The religion of the State shall be the religion of Islam *Ahl al-Sunnah wa al-Jama'ah* as heretofore professed and practiced in the State'. While other Malaysian states indirectly enshrined *Ahl al-Sunnah wa al-Jama'ah* or Sunni Islam as the official sect via convention and tradition, Perlis State Constitution of 1948 went further by consolidating the position of *Ahl al-Sunnah wa al-Jama'ah* as inseparable from the religion of the state through the letters of the law. As the Malaysian Federal Constitution is still silent about the official sect in understanding and practicing Islam as a nation, the public debate on this issue has indicated that the Perlis experience now seems has been rather successful in providing legal preservation to the future of *Ahl al-Sunnah wa al-Jama'ah* in a Malaysian state. Thus this preliminary account tries to emphasize some events and figures in relation to the historic codification of *Ahl al-Sunnah wa al-Jama'ah* in the Perlis State Constitution of 1948.

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## 1.0 Introduction

At the heart of Southeast Asia region, islands presently called as Malaysia stood as the vast maritime-riverine complex where world religions, civilizations and cultures meet. Afterwards the coming of Islam constituted a new era in its history where Islam thrived as the core of Malay identity. The Malays are not just Muslims but they belong to the denomination known as *Ahl al-Sunnah wa al-Jama'ah*, the oldest as well as the largest Muslim branch, sect, school or community (el-Muhammady, 1995). Its adherent is referred to as Sunni Muslims, Sunnites or just Sunni in English. In Arabic the term may be shorten as *Ahl al-Sunnah* or *Sunni* in Arabic.

Although *Ahl al-Sunnah wa al-Jama'ah* has been the foundation of the Malay kingdom's religious, cultural and social orders sometimes for almost 1000 years, this dominant position is being challenged by other groups. The biggest opponent of *Ahl al-Sunnah wa al-Jama'ah* is the *Shi'ahs*. Mainly exported to Malaysia through the success of the 1979 Iranian Revolution, it is estimated that some 250,000 Malaysians now identify themselves as adherents of *Shi'ism* (Norliza, 2013). *Shi'ah* centres or *Hawzahs*, *Shi'ah* study circles, publications, businesses, celebrations, burials, pro-Iranian demonstrations and even *Mut'ah* or *Shi'ah* contract marriages have appeared in the landscape of predominantly *Ahl al-Sunnah wa al-Jama'ah* society of Malaysian Muslims.

The Malaysian government has deployed or threatened to deploy preventive detention rules to curb the activities of *Shi'ah* which is also considered as a threat to national security. It has also banned and imposed restrictions on deviationist Non-*Ahl al-Sunnah wa al-Jama'ah* groups such as al-Arqam, Anti-Hadith, *Kerajaan Langit* and established rehabilitation centres for the voluntary reform of followers of deviationist groups with a view to facilitating their return to true *Ahl al-Sunnah wa al-Jama'ah* teachings. In so doing, through JAKIM or Islamic Development Department of Malaysia, the government acts a defender of the faith while maintaining civil peace.

At a cursory glance, the restrictions imposed appear to be discriminatory in terms of freedom of religion. However Islam is the official religion of the Federation. Thus it can be argued that the provisions are appropriate to preserve the sanctity of Islam. In addition, the purpose of the provision is to safeguard the *Ahl al-Sunnah wa al-Jama'ah* sect practised by the Muslim society of Malaysia from exposure to any doctrine that contradicts true Islamic teachings, whether its propagation is among Muslims or Non-Muslims (Zuliza, 2013). Former Malaysian Chief Justice, Tun Mohamed Salleh Abbas (1984) elaborated the need for such provision:

'This limitation is logical as it is necessary consequence that follows, naturally from the fact that Islam is the religion of the Federation. Muslims in this country belong to the *Sunni* sect which recognizes only the teachings of four specified schools of thought and regard other school of thought as being contrary to true Islamic religion. It is with a view to confining the practice of Islamic religion in this country with the *Sunni* sect that the State Legislative Assemblies and Parliament as respects the Federal Territory are empowered to pass laws to protect Muslims...'

Using the many traditions and conventions, the numerous provisions in the Federal Constitution that relate to Islamic Law should be interpreted in the spirit of Islam and particularly in the spirit of *Ahl al-Sunnah wa al-Jama'ah* to preserve the position of Islam as the religion of the Federation (Abdul Aziz, 2010).

Nevertheless at the federal level, the Malaysian Federal Constitution is silent about the sect of the Federation as Article 3 plainly states that:

'Islam is the religion of the Federation.. .'

In Malaysian states the situation might vary from state to state (Ezad Azraai, 2011):

i. Perak

Perak's State Constitution focuses on the Shafi'i school as the sect of the state. While it is not explicitly mentioned by the state constitution of Perak, Shafi'i is definitely one of the major legal school of *Ahl al-Sunnah wa al-Jama'ah*.

ii. Negeri Sembilan, Pahang, Selangor and Terengganu

In the case of Negeri Sembilan, Pahang, Selangor and Terengganu, their respective State Constitutions states that 'Islam: embraced and practiced until end of time'<sup>8</sup> without specifying the sect.

iii. Johor

Johor State Constitution sufficed by just mentioning Islam as the religion of the state.

iv. Sabah and Sarawak

As for Borneo states of Sabah and Sarawak, no state religion is specified by both states as required by 20/18-point Agreements during the formation of Malaysia.

v. Federal Territories of Kuala Lumpur, Labuan and Putrajaya

All three Federal Territories followed the Federal Constitution by being silent about the official sect.

vi. Perlis, Kedah and Kelantan

Similar with Perlis, Kedah and Kelantan has enshrined in its their state constitution that *Ahl al-Sunnah wa al-Jama'ah* Islam becomes the religion of the state and made mandatory for the reigning *Raja* or *Sultan* to be an *Ahl al-Sunnah*.

Thus outside Perlis, Kedah and Kelantan, through tradition and convention, *Ahl al-Sunnah wa al-Jama'ah* has *de facto* been nationalized and promoted to the status of state religion. These states need to rely heavily on Islamic administrative practices, *Shariah* Courts practices and issuance of *fatwa* or Islamic legal rulings. On the necessity of *Ahl al-Sunnah wa al-Jama'ah*, the National *Fatwa* Council meeting convened on 5<sup>th</sup> May 1996 has issued a *fatwa* affirming that:

'... Malaysian Muslims shall only follow Islamic teachings based on *Ahl al-Sunnah wa al-Jama'ah* in the aspects of creed, legislation and morals'<sup>9</sup>

The similar *fatwa* has also banned the missionary work of groups outside of *Ahl al-Sunnah wa al-Jama'ah* among Malaysian Muslims, although these groups might claim to be Muslims:

'...acknowledged that Non-*Ahl al-Sunnah wa al-Jama'ah* Islamic teachings have contradicted Islamic Legislation and Islamic Law thus the propagation of any teaching other than *Ahl al-Sunnah wa al-Jama'ah* is prohibited'<sup>10</sup>

As the threat of *Shi'ism* and other non-*Ahl al-Sunnah* groups escalates, there have been proposals for the Malaysian government to amend the Federal Constitution to make *Ahl al-Sunnah wa al-Jama'ah* as the official sect of the Federation. Detractors namely civil liberties groups argued that the move would be unconstitutional as redefining Islam as *Ahl al-Sunnah wa al-Jama'ah* in the Federal Constitution shall violate the basic structure of the law of the land and it would wipe out the entire Malay-Muslim legal identity of non-*Ahl al-Sunnah wa al-Jama'ah* Muslims (Jamilah, 2013). In short, it is argued that the framers of the constitution did not intend Islam to be defined or only a particular brand

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<sup>8</sup> My translation. The original Malay passage is as follows: '*Agama Islam; dianuti dan diamalkan sehingga akan datang*'

<sup>9</sup> My translation. The original Malay passage is as follows: '*Menetapkan bahawa umat Islam di Malaysia hendaklah hanya mengikut ajaran Islam yang berasaskan pegangan Ahli Sunnah Wal Jamaah dari segi Aqidah, Syariah dan Akhlak*'

<sup>10</sup> My translation. The original Malay passage is as follows: '*Memperakukan bahawa ajaran Islam yang lain daripada pegangan Ahli Sunnah Wal Jamaah adalah bercanggah dengan Hukum Syarak dan Undang-Undang Islam dan demikian penyebaran apa-apa ajaran yang lain daripada pegangan Ahli Sunnah Wal Jamaah adalah dilarang*'.

of Islam to be recognised in the Federation. Some even described this struggle against hybridity and in establishing an *Ahl al-Sunnah wa al-Jama'ah* Islamic identity of Malaysia as an echo of the global rise in fundamentalist Islamist movements.

While the pros and cons in amending the Federal Constitution to include *Ahl al-Sunnah wa al-Jama'ah* is still being intensely debated, Perlis has been the Malaysian pioneer in formally as well as legally elevating *Ahl al-Sunnah wa al-Jama'ah* to the status of state sect since 1948. Unlike other states of Malaysia, the Perlis State Constitution of 1948 stated that Perlis Muslims must adhere to *Ahl al-Sunnah wa al-Jama'ah* teachings with no specific *mazhab* or school preferable. Even the amendments to codify *Ahl al-Sunnah wa al-Jama'ah* as the official sect of the two states of Kedah and Kelantan were made at later time than the Perlis State Constitution of 1948. Hence the problem of *Shi'ism* in Perlis is relatively very minimum compared to other Malaysian states (Zainul Azhar, 2013).

Therefore after this introduction, the discussion of this paper is divided into 4 main subtopics namely 'Which *Ahl al-Sunnah wa al-Jama'ah*?', 'Kingdom of Perlis and the Jamalullail Royal House', 'Provisions of *Ahl al-Sunnah wa al-Jama'ah* in the Perlis State Constitution of 1948', 'Figures and Events in the Codification of *Ahl al-Sunnah wa al-Jama'ah* in Perlis State Constitution of 1948', followed with the conclusion and ended with a bibliography. In doing so, historical evidence of the codification process of *Ahl al-Sunnah wa al-Jama'ah* in the Perlis State Constitution of 1948 will be presented as a case study.

## 2.0 Which *Ahl al-Sunnah wa al-Jama'ah*?

In Malaysia, the term *Ahl al-Sunnah wa al-Jama'ah* is very synonymous with *mazhab* or schools of *Maturidiyyah* and *Asha'irah* (al-Attas, 1988). The *Maturidiyyah* or *Maturidism* was founded by Abu Mansur al-Maturidi who died in 944 AD. This theological school was accepted by Turkish tribes. When the Ottoman Empire was established by the Turks, *Maturidiyyah* achieved a new prominence throughout their whole empire although it continued to be followed exclusively by adherents of the Hanafi jurisprudence *mazhab*. Thus wherever Hanafi followers can be, it is very common to find that the same people are also *Maturidis*.

Another school, the *Asha'irah* or *Asha'arism* is started by Abu Hasan al-Ash'ari (873-935) who died in 936 AD. This major theological school was embraced Muslims who are mainly followers of Shafi'i as well as Maliki jurisprudence school. Traditionally the Malays of Southeast Asia including Malaysia belongs to *Asha'irah* school. In theology, the *Asha'irah* school provides the foundation for the development of the Malay's epistemology and metaphysics including doctrinal articles of faith or *'aqidah*. In legal school of thought, Shafi'i became the leading *mazhab* of Islamic law in the Malay world. The Malays also practised spirituality where they belong to the blend of Arab, Iranian and Indian *Sufi* traditions tracing its origins to the school of al-Ghazzali.

The demise of Prophet Muhammad marked the end of Qur'anic revelation and contemporaneous instructions from the Prophet. However a series of questions will arise such as: does Prophet Muhammad belong to the *Asha'irah* or *Maturidiyyah*? To which school of jurisprudence did Prophet Muhammad ascribed himself to? Is the Prophet of Allah a Hanafi, Maliki, Shafi'i or Hanbali? When practising spirituality, does he follow the school of al-Ghazzali? In this light, it is a well-known fact that Prophet Muhammad passed away in the year 632 AD. Then the noble Prophet is not an adherent of any school or *mazhab* mentioned above as the founders of *Asha'irah* (born in 874 AD), *Maturidiyyah* (born in 853 AD), Hanafi (born in 699 AD), Maliki (born in 711 AD), Shafi'i (born in 767 AD), Hanbali (born in 780 AD) and al-Ghazzali (born in 1058 AD) was born even much later from his death. However Prophet Muhammad himself is no lesser than the founder of *Ahl al-Sunnah wa al-Jama'ah*.

Literally *Ahl al-Sunnah wa al-Jama'ah* means 'People of the tradition of Prophet Muhammad and the consensus of the Community' (Abdul Shukor, 2000). The name *Ahl al-Sunnah wa al-Jama'ah* is

derived from *Sunnah*, meaning the habit, usual practice, customs and tradition. However the religious usage of this term refers the codes of public law and personal conduct based on the practice and example of Prophet Muhammad. Another word *al-Jama'ah* originated from the community of *Sahabah* or Companions of Prophet Muhammad. This also indicated that the tradition of Prophet Muhammad is accepted as it was understood and practised by his Companions.

*Ahl al-Sunnah wa al-Jama'ah* believed that the community of Prophet Muhammad's Companion are the best of people after the Prophet himself. These noble Companions witnessed the gradual revelation of the Qur'an, learned how the Prophet interpreted the Qur'an with his Prophetic tradition, compiled the Qur'an and preserved the religion of the Prophet by teaching the next generation until Islam spread to the whole world. Thus the connotation of *Ahl al-Sunnah wa al-Jama'ah* came to be applied to the community of orthodox Muslims who followed Prophet Muhammad and his group of Companions.

As a general meaning, *Ahl al-Sunnah wa al-Jama'ah* is used for those in opposition to the *Shi'ah*. Historically after the death of Prophet Muhammad, Muslims who accepted Abu Bakr as the first *Khulafa al-Rashidun* or Rightly Guided Caliph became known as *Ahl al-Sunnah wa al-Jama'ah* in order to differentiate them from the *Shi'ah* who rejected Abu Bakr's authority in favour of 'Ali Ibn Abi Talib. Concerning 'Ali Ibn Abi Talib, the *Ahl al-Sunnah* accepted him as the fourth Guided Caliph rather than the first. The difference between *Ahl al-Sunnah wa al-Jama'ah* and *Shi'ah* involves a difference of fundamentals and tenets of faith. Some examples are the *Shi'ah* claimed that the Qur'an is distorted and no longer remains in its pristine form, that all the Companions of Prophet Muhammad apostatized after his death save a few, that their *imams* are infallible and knew the unseen, and other issues. However *Ahl al-Sunnah wa al-Jama'ah* with its specific meaning is used for those in opposition to thought and practices that contradicts the prophetic tradition or *Sunnah* done by people of the innovated sects.

The earliest *Ahl al-Sunnah wa al-Jama'ah* methodology of textual interpretation is to avoid delving into any extensive theological speculation. They believe in Allah and his attributes in the exact fashion that they were mentioned in the Quran, the *Sunnah*, and by the Companions. They do not attempt to further interpret the aforementioned texts by giving a literal meaning like in *Zahiriyyah* (literalism) or the *Tashbih* (simile or likening), nor through *Tahrif* (distortion), nor *Ta'wil* (allegory or metaphor), nor *Ta'til* (denial). They avoid entering into deep rational philosophical debates of matters relating to Islamic beliefs that are not supported by the Quran, the *Sunnah* or the understanding of the Companions with specific wording.

Rather, their discussion and presentation of beliefs revolves entirely around textual evidences found in these three main sources, while remaining cautious to avoid taking the path of the *Zahiriyyah* (literalists) either. *Ahl al-Sunnah wa al-Jama'ah* disavows speculative theologians and people of rhetoric in matters of faith and instead takes their energy from the dynamic spirit of the Qur'an and the *Sunnah* of the Prophet. In the sciences of *hadith* specifically in *Naqd al-Ruwat* (criticism of narrators), when it is said about a man that he was from *Ahl al-Sunnah wa al-Jama'ah* and the like, then what is meant that he was not from one of the innovated. Thus anyone who takes his or her religion from the *Sunnah* is from its people or *Ahl al-Sunnah*, even if he or she makes an error, or derives from somewhere else in error.

For the earliest *Ahl al-Sunnah wa al-Jama'ah*, in matters of *fiqh* or Islamic jurisprudence, *amazhab* is a legal school of thought that is not binding. These varied intellectual traditions reflect differing viewpoints on some laws and obligations within Islamic law. In the early days of Islam, several of the Companions of the Prophet are credited with founding their own *mazhab* although their act is unintentional and much unstructured. However over centuries of time, *mazhab* have variously grown, formalized, structured, organized, spread, split and been absorbed. Historically the *mazhabs* were often engaged in violent conflict with one another. Today some *mazhab* have become obsolete, while the

*mazhabs* of Hanafi, Maliki, Shafi'i and Hanbali is regarded as the four canonical *mazhabs* of *Ahl al-Sunnah wa al-Jama'ah*.

Hence the methodology adhered to by the *Salaf* or the first three generations of Muslims made it the genuine and the oldest school of Islamic theology, jurisprudence and spirituality. Therefore the school of this earliest *Ahl al-Sunnah wa al-Jama'ah* before the emergence of *Asha'irah* and *Maturidiyyah* is known as *Salafiyyah* as they follow the methodology of the *Salaf* or the first three generations of Muslims. The *Salafiyyah* are also known as the *Athariyyah* and *Ahl al-Hadith*. *Athariyyah* is derived from the Arabic word *athar* literally meaning 'remnant' and also referring to 'narrations'. Thus the remnant refers to the remnant of the *Salaf* while the narrations points to the narrations of the *Salaf*. *Ahl al-Hadith* means the people of *hadith* which indicated that the *Salafiyyah* is very dedicated in referring to the *hadith* of the Prophet as the source of their religion.

The detail differences between the *Asha'irah*, *Maturidiyyah* and *Salafiyyah* can be explained in eight issues, such as *Masdar al-Talaqqi* (that which is used as evidence), how the existence of Allah is affirmed, how the *tawhid* or Allah's unity is established, in matters of *iman* (faith), in matters of the Qur'an, in *qadr* (predestination), in *nubuwwah* (prophethood), and in affirming the *sifat* (attributes) of Allah. However all three schools of Islamic theology is still under the shade of *Ahl al-Sunnah wa al-Jama'ah*.

The plurality of *Ahl al-Sunnah wa al-Jama'ah* is recognized by various Islamic scholars. One of them is the 12<sup>th</sup> century scholar Muhammad Ibn Ahmad al-Saffarini who gave the definition of the three schools of *Ahl al-Sunnah wa al-Jama'ah*. In his treatise *Lawami' al-Anwar al-Bahiyyah*, al-Saffarini (2008) wrote:

'*Ahl al-Sunnah* consist of three groups which is the *Athariyyah* whose *imam* is Ahmad Ibn Hanbal, the *Asha'irah* whose *imam* is Abu al-Hasan al-Ash'ari, and the *Maturidiyyah* whose *imam* is Abu Mansur al-Maturidi and they are all one sect, the saved sect and they are *Ahl al-Hadith*'. However if anyone plainly refers to the composition of *Ahl al-Sunnah wa al-Jama'ah* such as explained by al-Saffarini above, he or she can easily be mistaken that the codifier of earliest *Ahl al-Sunnah wa al-Jama'ah* creed or the *Salafiyyah* is Ahmad Ibn Hanbal who today is perhaps better known for his jurisprudence *mazhab* than his *aqidah*. As centuries and millennia changed, the exposure to the methodology of the *Salaf* faded and the support to the *Salafiyyah* badly deteriorated.

Surprisingly the revival of the *Salafiyyah* around the Muslim World including islands presently known as Malaysia happened due to Islamic Reformism (Abdul Rahman, 1998). These reforms are usually related to the movements started in the Holy Cities of Mecca and Medina, Cairo, Istanbul and the Indian sub-continent. With an amalgamation of *Wahhabi* teachings of Arabia, modernity of Ottoman Turkey's *Tanzimat* and intellectualism of Egypt's *Abduh*, the influence of Islamic Reformism was brought all over the world by scholars, students and pilgrims. In many parts of the world, Islamic Reformism from the beginning of the twentieth century saw its task as primarily religious and educational, and not political. Apart from that, more importantly is Islamic Reformism's insistence on the need to return to the Qur'an and the *Sunnah* have revived and renewed the interest towards the *Salafiyyah* interpretations of *Ahl al-Sunnah wa al-Jama'ah*.

When sons and daughters of Islam born as adherents of *Asha'irah* and *Maturidiyyah* started studying, converting and calling to *Salafiyyah*, the Islamic Reformism have indeed struck a responsive chord in many parts of the Muslim World since the late-eighteenth century. Until today it is not uncommon in some parts of Muslim World for the *Salafiyyah* to be pejoratively labelled as *Wahhabiyyah* or just *Wahhabi* whereby they were mocked as follower of the scholar Muhammad Ibn 'Abd al-Wahhab. Other negative labels including accusations that the *Salafiyyah* are none other than the *Hashawiyyah* (ignorant), *Zahiriyyah* (literalists), *Mujassimah* (anthropomorphist), *Zanadiqah* (heretics) and *Mutashaddid* (hardliners).

Some detractors even crossed the line by slandering them as fundamentalists, militants and terrorists. Situations such as these led to the consolidation of *Asha'irah* and *Maturidiyyah*, while *Salafiyyah* is being demonized and forgotten by the general masses of Muslims. In addressing this ignorance and forgetfulness, the late Malaysian scholar Muhammad 'Uthman el-Muhammady (1995) has affirmed:

'The *Ahl al-Sunnah* is those who are loyal to the living principles of the Prophet and his Companions. They do not emerge later and we can even affirm that their rise is far earlier than the existence of *Imam* Abu al-Hasan al-Ash'ari, popularly known as the *Syeikh* (leader) of *Ahl al-Sunnah*'<sup>11</sup>

The support for the statement above has also been echoed by the current Chairman of Malaysian *Fatwa* Committee, Profesor Emeritus Dr. Abdul Shukor Hussin (2000) in his profesorial appointment lecture where he explained:

'Abu Hasan al-Ash'ari and Abu Mansur al-Maturidi are not the founders of *Ahl al-Sunnah wa al-Jama'ah*, neither as expounded by the majority of reseachers on sects and schools of creed, nor as assumed by the majority of Muslims of this region. In reality these two great scholars are continuers or fighters of the conviction and thought founded by the Companions of the Prophet and leaders after the Companions as inheritors of the metodology of the *Salaf*. This reality is acknowledged by none other than al-Ash'ari himself'<sup>12</sup>.

Finally he suggested a reform being made by Malaysian Muslims in this regard:

'It is not obsessive to summarize that according to Malaysian Muslims in general, the *Asha'irah* is synonymous with *Ahl al-Sunnah*... the *Asha'irah* and the *Maturidiyyah* in reality are among the *Ahl al-Sunnah* but this traditional conception has not been successful to provide an accurate and comprehensive understanding on *Ahl al-Sunnah wa al-Jama'ah*. The traditional conception has also proved to be unable to include the Muslim generation of early Islam known as *Ahl al-Salaf* or precisely the generations before the rise of Abu Hasan al-Ash'ari and Abu Mansur al-Maturidi. This is because the earliest of Muslims are not *Ahl al-Sunnah* according to the narrow definition of this traditional conception. Therefore this approach should be re-evaluated so that the definition of *Ahl al-Sunnah* can be more inclusive and the real *Ahl al-Sunnah* can be made more prominent, while minimizing the problems of limited understanding, spiritual restlessness and unnecessary disagreements'<sup>13</sup>

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<sup>11</sup>My translation. The original Malay passage is as follows: '*Mereka yang Ahlis Sunnah itu ialah mereka yang setia dengan dasar hidup Rasulullah SAW dan para sahabatnya. Mereka bukannya muncul kemudian, bahkan kita boleh nyatakan bahawa ianya muncul sebelum munculnya Imam Abu al-Hasan al-Asy'ari yang terkenal sebagai Syeikh Ahlis-Sunnah itu*'

<sup>12</sup> My translation. The original Malay passage is as follows: '*Abu Hasan Asy'ari dan Abu Mansur Maturidi bukanlah pengasas Ahli Sunnah waljamaah, seperti yang dihuraikan oleh sebahagian besar pengkaji mazhab dan aliran pemikiran akidah, juga seperti yang disangkakan oleh majoriti umat Islam di rantau ini. Pada hakikatnya kedua-dua tokoh ini adalah penerus atau pejuang fahaman dan aliran yang diasaskan oleh Sahabat Nabi dan imam-imam selepas para Sahabat sebagai penyambung manhaj Salaf. Hakikat ini diakui sendiri oleh Asy'ari.*'

<sup>13</sup> My translation. The original Malay passage is as follows: '*Tidak keterlaluan jika dirumuskan bahawa masyarakat Islam Malaysia umumnya orang awam dalam aspek akidah, fahaman aliran Asya'irah adalah seialiran dengan Ahli Sunnah....Ini kerana fahaman Asya'irah dan Maturidiah pada hakikatnya adalah sebahagian daripada Ahli Sunnah wa al-Jama'ah tetapi fahaman tradisi ini tidak dapat memberikan kefahaman yang tepat dan menyeluruh tentang Ahli Sunnah Waljama'ah. Fahaman ini juga tidak mampu merentasi generasi Islam yang berada di abad awal Islam yang dikenali sebagai Ahli Salaf atau generasi sebelum Abu Hasan Asy'aari atau Abu Mansur Maturidi. Berdasarkan fahaman tradisi masyarakat Islam maka Ahli Salaf dan generasi berikutnya tidak tergolong dalam Ahli Sunnah*'

In the case of Perlis, the State Constitution of 1948 has favoured the *Salafiyah* over *Asha'irah* and *Maturidiyyah*. Therefore *Ahl al-Sunnah wa al-Jama'ah* of Perlis is based on clinging to the 'aqidah (beliefs), *manhaj* (methodology), *fiqh* (jurisprudence) and *akhlak* (morals) of the Prophet Muhammad, *Sahabah* or his Companions), their students or *Tabi'in*, then their (the Companion's students) students (the *Tabi' al-Tabi'in*) and then all the scholars and callers from every time and place who followed these *Salaf al-Salih* (pious predecessors) in their understanding and implementation of the Qur'an and *Sunnah*.

These *Ahl al-Sunnah wa al-Jama'ah* of this Malaysian state followed none other than the methodology of the *Salafiyah* (earliest generations) or also known as *Athariyyah* (textualists) and *Ahl al-Hadith* (people of the narration). In Perlis, *mazhabs* are not regarded as distinct sects that bind a Muslims similarly with the finality of the scripture of the Qur'an and *Sunnah*. Rather *mazhabs* represent differing viewpoints on issues that are not considered the core of Islamic creed. Therefore *Ahl al-Sunnah wa al-Jama'ah* of Perlis followed although not blindly, all the *imams* of *Ahl al-Sunnah wa al-Jama'ah* no matter they are Abu Hanifah, Malik, Shafi'i, Ahmad and others (Abdul Rahman, 2010).

### 3.0 Kingdom of Perlis and the Jamalullail Royal House

Perlis is a multi-ethnic and multi-religion northernmost Malay Kingdom of the Malay Peninsula. Being the smallest state of the Malaysian Federation, Perlis is situated at the northern part of the west coast of Peninsular Malaysia and has the Satun and Songkhla Provinces of Thailand on its northern border. To the south, the Sultanate of Kedah bordered Perlis. As of 2010, 87.9 percent of Perlis's residential population of 227,025 people was recorded as Malay and Muslim.

Originally an important province of Kedah Sultanate, the Kingdom of Perlis emerged as the youngest Malay states of the Malay Peninsula. Ruled by Malay kings of Arab descent titled as the *Raja*, the establishment of the Jamalullail Royal House of Perlis has been pioneered by Syed Harun Ibni Syed Ahmad Jamalullail. As the founder of Arau principality, Syed Harun was conferred the title of *Penghulu* (chieftain) by Sultan Dhiauddin Mukarram Shah II, the *Raja Muda* of Kayang and 21<sup>st</sup> Sultan of Kedah. Later the Kedah-Siam War (1839-1843) has paved the way for the formation of Perlis as a new Malay Kingdom (Ahmad & Yazid, 1992).

After 1839, Syed Harun's son named Syed Hussein is acknowledged by Malay nobles and commoners of Perlis as their own *Raja*. However only in 1843 King Rama III of Siam formally crowned Syed Hussein as the first *Raja* of Perlis. The new Kingdom officially becomes a vassal state of Siam and sent tributary offering of *Bunga Emas* (Golden Tree) once every three years to Bangkok. *Raja* Syed Hussein Ibni Syed Harun Jamalullail ruled Perlis from 1843 until 1873.

The Perlis throne was later ascended by Syed Hussein's son, *Raja* Syed Ahmad Jamalullail who ruled from 1873 until 1897. When Syed Ahmad's son passed away, *Raja* Syed Ahmad made his grandson Syed Safi as the heir of the throne. Thus *Raja* Syed Safi Bin Syed Alwi Jamalullail became the third *Raja* of Perlis. This reformer king of Perlis governed the Kingdom from 1897 to 1904. His greatest achievement is the success of retaining the Kingdom's independence although Kedah repeatedly petitioned the King of Siam to return Perlis to the sultanate's rule.

After the demise of *Raja* Syed Safi, his son *Raja* Syed Alwi Jamalullail became the fourth *Raja* of Perlis from 1905 until 1943. The Anglo-Siamese Treaty of 1909 made the Kingdom as an indirect protectorate of the British Empire, with British Advisers sent to assist the rule of *Raja* Syed Alwi except in matters of Islamic affairs and Malay customs. In 1930, *Raja* Syed Alwi signed the Perlis-British Treaty to

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*Waljamaah. Oleh itu pendekatan tradisi ini harus dinilai kembali berasaskan pendekatan yang patut ditonjolkan bagi memahami aliran Ahli Sunnah yang sebenar dengan lebih terbuka supaya fahaman yang sangat terbatas dan keresahan rohani serta perbezaan pendapat dapat dikurangkan'*



formally transforming the Kingdom as one of the Unfederated Malay States. As the marriage of *Raja* Syed Alwi does not bear any child, the Perlis State Council has appointed his grandnephew Syed Putra as the *BakalRaja* or heir to the throne in 1938.

*Raja* Syed Alwi passed away in 1943 during the Japanese rule. Instead of Syed Putra, the Japanese Military Administration favoured Syed Hamzah Ibni Syed Safi Jamalullail as the fifth *Raja* of Perlis. *Raja* Syed Hamzah is the younger step-brother of *Raja* Syed Alwi and a granduncle of Syed Putra. His rule is short, exactly starting from 1943 to 1945. The return of British rule after the end of the Pacific War witnessed the British restoring Syed Putra as the rightful *Raja*. Syed Hamzah abdicated the Perlis throne and Syed Putra became the sixth *Raja* of Perlis.

Officially installed in 1949, HRH *Raja* Syed Putra Ibni Syed Hassan Jamalullail defied the Malayan Union plan of 1946 alongside his fellow rulers and the Malays populace of the Peninsula. When HRH *Raja* Syed Putra signed the Federation of Malaya Treaty of 1948, Perlis officially becomes a member of the Federation which later becomes Malaysia. HRH *Raja* Syed Putra ruled for fifty five years from 1945 until 2000. Starting in the year 2000 until now, his son ascended the throne of the Kingdom of Perlis as HRH *Raja* Syed Sirajuddin Ibni Syed Putra Jamalullail. This seventh Jamalullail *Raja* of Perlis is faithfully assisted by the Crown Prince HRH *Raja Muda* Syed Faizuddin Putra Ibni Syed Sirajuddin Jamalullail, and by the Chief Ministers titled as *Menteri Besar* together with the Kingdom's administration machinery.

#### **4.0 Provisions of *Ahl al-Sunnah wa al-Jama'ah* in the Perlis State Constitution of 1948**

The first ever written constitution for Perlis was fathered by HRH Tuanku Syed Putra Jamalullail, the sixth *Raja* of Perlis. Known in Malay as *Undang-undang Tubuh Kerajaan Perlis*, the first part of Perlis State Constitution was officially introduced on 1<sup>st</sup> February 1948. This highest law of the state of Perlis consists of 80 articles, with the most prominent being the guidelines to His Highness's rule as a Constitutional Monarch. This Perlis State Constitution was officially completed by 26<sup>th</sup> March 1959. The Royal Conferring Ceremony of this constitution was witnessed and signed by five Perlis dignitaries namely Syed Hussein Ibni Syed Zain Jamalullail as the *Raja's* Representative, Dato' Laksamana Mohd. Razali Bin Mohd. Ali Wasi (Perlis Chief Minister), Haji Ahmad Bin Muhammad, Wan Ahmad Bin Wan Daud and Syeikh Ahmad Mohd. Hashim (Ahmad & Yazid, 1992).

Being a sovereign state in the Federation of Malaysia, the Kingdom of Perlis is bestowed absolute powers to govern its Islamic affairs by the provisions of State List in the Malaysian Federal Constitution. This Perlis State Constitution of 1948 legally codified *Ahl al-Sunnah wa al-Jama'ah* Islam as the religion of the state. Article 5 (1) affirmed this by stating:

'The religion of the State shall be the religion of Islam *Ahl al-Sunnah wa al-Jama'ah* as heretofore professed and practiced in the State'

HRH the *Raja* of Perlis is the main protector of *Ahl al-Sunnah wa al-Jama'ah* in Perlis as His Highness is also the head of religion of the state. In so doing the *Raja* is assisted by *Majlis Agama Islam dan Adat Istiadat Melayu Perlis* (MAIPs) or the Perlis Council of Islamic Affairs and Malay Customs. Article 6(1) clarifies:

'The Head of the religion of the State shall be the Sovereign and the Sovereign may cause laws to be enacted for the purpose of regulating religious affairs and for the Constitution of a Council to be called the *Majlis Agama Islam dan Adat Istiadat Melayu Perlis* to aid and advise the Sovereign in all matters relating to the religion of the State and Malay custom'

Perlis State Constitution of 1948 also made mandatory for HRH the *Raja* of Perlis to be an adherent of *Ahl al-Sunnah wa al-Jama'ah*. Article 19 established that:

'The sovereign shall be a person who is a Malay, of royal blood, a descendant of Perlis sovereigns, a male and of the Muslim religion of Islam *Ahl al-Sunnah wa al-Jama'ah*'

If HRH the *Raja* of Perlis needs to elect a regent during his rule, then the regent must also profess the religion of Islam *Ahl al-Sunnah wa al-Jama'ah*. Article 20(3) asserts:

'No person shall be appointed as Regent or as a Member of the Council of Regency unless he is a Malay, professing the Muslim religion *Ahl al-Sunnah wa al-Jama'ah*'

The same religious condition also applies in electing heir to the Perlis throne. Article 29 explicitly states:

'An heir shall be a person who is Malay, a descendant of a Sovereign as provided in this Part, a male, and of the Muslim religion *Ahl al-Sunnah wa al-Jama'ah*'

In cases where no candidate of royal blood is available to ascend the throne, article 14 (1) also supports the mandatory adherence of the new line of Perlis *Rajas* to *Ahl al-Sunnah wa al-Jama'ah*:

'Provided that the person to be chosen and appointed shall be a male of mature age, sound mind, a Perlis male, a subject of the State of Perlis, professing the Muslim religion *Ahl al-Sunnah wa al-Jama'ah*, of good but not necessarily of Royal blood,...

Perlis State Constitution of 1948 also ensures that the Chief Minister or *Menteri Besar* supports *Ahl al-Sunnah wa al-Jama'ah* as the head of the Kingdom's executive authority. Article 37 (2) has specifically pointed:

'No person shall be appointed to be *Menteri Besar* unless he is of the Malay race and profess the religion of Islam *Ahl al-Sunnah wa al-Jama'ah*'

Another senior official which acts as the head of the Kingdom's executive administration is the *Setiausaha Kerajaan* or State Secretary. Once more the Perlis State Constitution of 1948 particularly requires the State Secretary to be an adherent of *Ahl al-Sunnah wa al-Jama'ah* as article 38 (2) (a) affirmed:

'The State Secretary, who shall be of the Malay race and profess the religion of Islam *Ahl al-Sunnah wa al-Jama'ah*, shall be the principal officer in charge of the administrative affairs of the State'

Following the spirit of Perlis State Constitution of 1948, later in 1963, part 2 article 7 (4) of the *Undang-undang Pentadbiran Agama Islam Perlis(1963)* or Perlis Islamic Religious Administration Law (1963) was formulated as:

'The *Majlis*(Perlis Council of Islamic Affairs and Malay Customs) when issuing a *fatwa* and the *Shariah* Committee when giving its opinion under sub-section 2 shall follow the al-Qur'an and/or *Sunnah* *Rasulullah Sallallahu 'Alaihi Wa Sallam*'

The same spirit is enshrined in Section 2 of Perlis Islamic Religious Administration Enactment (2006) whereby the definition of *Hukum Syarak* or Islamic Law refers to *Ahl al-Sunnah wa al-Jama'ah*. Judges and lawyers of Perlis *Shariah* Courts must also be adherents of *Ahl al-Sunnah wa al-Jama'ah* as specified by Perlis *Shariah* Court Administration Enactment (1991). In the year 2000, Perlis introduced its own faith protection enactment proposing apostates be sent to faith rehabilitation centres to be re-educated with the doctrines and practices of *Ahl al-Sunnah wa al-Jama'ah*.

To further clarify the definition of *Ahl al-Sunnah wa al-Jama'ah* in the Perlis State Constitution of 1948 and other enactments, the Perlis *Fatwa* Committee had issued a religious edict or *fatwa* in 1989 which emphasizes (Mohd. Radzi & O.K Rahmat, 1996):

'The definition of *Ahl al-Sunnah wa al-Jama'ah* is the group of Muslims holding fast to the Qur'an, the *Sunnah* and opinions of the Companions of Prophet Muhammad (*Sahabah*) which they

agreed upon apparent truths from the Book of Allah (Qur'an) and *Sunnah* of the Prophet of Allah, peace and blessings of Allah be upon him'<sup>14</sup>

The *fatwa* also asserts Perlis non-binding position on *mazhabs* or schools of Islamic Law, whereby no particular *mazhab* is given prominence over another *mazhab* except in the soundness of their adherence to the Qur'an and the *Sunnah*. The *fatwa* continues:

'The *Majlis* (Perlis Council of Islamic Affairs and Malay Customs) is not binded to any particular *mazhab*. If any *mazhab* is proven to posses clear and sound opinion of the Qur'an or the *Sunnah* of the Prophet or the assembly of Companions of the Prophet, then the *Majlis* is ready to accept and practice the opinion. *Mazhabs* such as Hanafi, Maliki, Shafi'i and Hanbali, according to official stand of the *Majlis*, are great *mazhabs* in the fold of the *Ahl al-Sunnah wa al-Jama'ah*. The *Majlis Agama Islam Perlis* certainly refers to these *mazhabs* and has already taken their opinions which are compatible with the Qur'an, the *Sunnah* and the assembly of Companions of the Prophet (*al-Jama'ah*)'<sup>15</sup>

Therefore the Perlis State Constitution of 1948 has deliberately intended the Kingdom to adhere to the methodology of the earliest Muslims, namely the *Salafiyah* school of *Ahl al-Sunnah wa al-Jama'ah*. In the course of history of modern Perlis, the Kingdom adheres to the Qur'an and the *Sunnah* (traditions of the Prophet) as highest source of reference in *fiqh* (Islamic jurisprudence), advocating *ijtihad* (independence reasoning) and opposing *taqlid* (blind following). This position is considered as revolutionary as in other thirteen states of Malaysia; the Shafi'i school is the dominant official *mazhab* which legally binds every Muslim in the state to follow its rulings (Mohd. Radzi & O.K Rahmat, 1996). The standard practice of issuing a *fatwa* in all States in Malaysia except Perlis is to refer to the *Qawl Mu'tamad* or prevailing views of the Shafi'i school. Only in situation which is repugnant to public interests, the *Mufti* of other Malaysian States may follow the prevailing views of either Hanafi, Maliki or Hanbali *mazhabs*. If it is still against public interest, then the *Mufti* may exercise his own *ijtihad* (Farid Sufian, 2001).

In matters of *'aqidah* or Islamic creed, the state adheres to the creed of the early Muslims namely the *Sahabah* (Companions of the Prophet) and the *Salaf al-Salih* (Pious Predecessors). Other states in Malaysia holds to the *Asha'irah* faith explained according to Greek logic. In *tasawwuf* or Islamic spirituality, Perlis embraces the spirituality based on *akhlaq* or Islamic morals, without organized mysticism of *tariqah* (*Sufi* orders). Therefore Perlis is often at the forefront of Islamic Reformism or *tajdid* in Malaysia.

## 5.0 Figures and Events in the Codification of *Ahl al-Sunnah wa al-Jama'ah* in Perlis State Constitution of 1948

Regarding the most instrumental figure in the codification process of *Ahl al-Sunnah wa al-Jama'ah* in Perlis State Constitution of 1948, Haron (1976) stressed the role of Syeikh Abu Bakar Asha'ari,

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<sup>14</sup> My translation. The original Malay passage is as follows: '*Pengertian Ahli Sunnah Wal Jamaah ialah kumpulan orang Islam yang berpegang kepada al-Quran, al-Sunnah dan pendapat para Sahabat yang bersepakat di atas kebenaran yang nyata dari Kitab Allah dan Sunnah Rasulullah s.a.w.*'

<sup>15</sup> My translation. The original Malay passage is as follows: '*Majlis tidak terikat kepada mana-mana satu mazhab tertentu. Di dalam Mazhab mana pun yang jelas dan nyata pendapat mereka itu dari kitab Allah atau Sunnah Rasulnya atau Jemaah Sahabat Rasulullah s.a.w. maka Majlis sedia menerima dan beramal dengannya. Adapun Mazhab-mazhab seperti Hanafi, Maliki, Syafie dan Hanbali pada pandangan rasmi Majlis adalah terhitung di dalam Mazhab-mazhab yang muktabar yang tergolong di dalam istilah Ahli Sunnah Wal Jemaah. Majlis Agama Islam Perlis memang berpandukan kepada Mazhab itu dan mengambil pendapat-pendapat mereka yang ada alasan daripada Al-Quran, As-Sunnah dan Jemaah Sahabat Rasulullah s.a.w.*'

the great reformist scholar of Perlis. Haron's preference was echoed by Abdul Rahman (1989), (1998) and (2010) in his series of writings. Shukor (2001) focussed on the role of Syeikh Hasan Surabaya, the pioneer scholar who propagated the *Salafiyah* school of *Ahl al-Sunnah wa al-Jama'ah* in Perlis. As for Mohd. Radzi and O.K Rahmat (1996), both never gave adequate attention to this question. While Syeikh Hasan Surabaya and Syeikh Abu Bakar Asha'ari has laid the educational as well as intellectual foundations of the codification, there is no single figure more deserving to be honoured as the architect of this historic legal codification other than Haji Ahmad Muhammad (1885-1964).

Haji Ahmad Bin Muhammad, popularly known as Haji Ahmad Hakim, is a Meccan-born son of Perlis (Shukor, 2001). His noble family originated from Sumbawa islands, now situated near Lombok in the Republic of Indonesia. It is said that his great grandfather Syeikh Amar al-Khatib al-Hadhrami was the *Sultan* of Sumbawa. His grandfather, Haji Abdul Latif Bin Syeikh Amar first migrated to Penang before settling in Perlis. In the Kingdom of Perlis, Haji Abdul Latif founded the first *pondok* or traditional boarding school for the study of Islam. Haji Ahmad Hakim's father is Haji Muhammad Bin Haji Abdul Latif. Born during Haji Abdul Latif's stay in Penang, Haji Muhammad was educated in Perlis, Kelantan and finally Mecca. When he returned to Perlis, Haji Muhammad was appointed as the second Chief *Qadi* (judge) by the *Raja* to serve the Perlis royal court.

In this scholarly household, Haji Ahmad Hakim was born during his father's sojourn in Mecca. Educated by his father the Chief *Qadi* and other local scholars of Perlis, Haji Ahmad Hakim attained proficiency in Arabic and is well-versed in Islamic sciences. Compared to his older brother Haji Muhammad Noor Bin Haji Muhammad who was appointed as the third Chief *Qadi* as well as the first *Mufti* of Kingdom of Perlis, Haji Ahmad Hakim was destined with a career in judiciary. Starting as a clerk at Perlis *Shariah* Courts, Haji Ahmad Hakim rose up to the ranks of Assistant *Qadi*, *Shariah* Magistrate, Acting Assistant Chief of Justice and finally became the Chief Justice of Perlis *Shariah* Court (Abdul Rahman, 1989).

Haji Ahmad Hakim also became the most trusted senior advisor to the fourth *Raja*, HRH *Raja* Syed Alwi Ibni Syed Safi. In his unpublished memoir, Syeikh Ahmad Mohd. Hashim (1970) who later on became the first democratically elected *Menteri Besar* of Perlis, described the close relationship between the fourth *Raja* of Perlis with Haji Ahmad Hakim:

'But it is Tuan Haji Ahmad Hakim who strived and worked doggedly as Tuan Haji Ahmad Hakim is so close with the late Royal Highness *Raja* Syed Alwi. Almost all words of advice from him is accepted by the late Royal Highness'<sup>16</sup>

Thus in October 1930, during a royal visit to Singapore, Haji Ahmad Hakim was introduced to Sir Cecil Clementi, the High Commissioner of Malay States by *Raja* Syed Alwi. With the blessings of the High Commissioner, Haji Ahmad Hakim was appointed a member of the *Majlis Mesyuarat Kerajaan Perlis* or Perlis State Council in the same year (Ahmad & Yazid, 1992).

As the Chief Justice of Perlis *Shariah* Court, Haji Ahmad Hakim suggested some progressively reformative steps to be taken in improving *zakat* or religious tithe collection of the Kingdom in 1937. In five years, an Industrial Committee called *Jawatankuasa Perusahaan* was formed with Haji Ahmad Hakim serving as its member to build a royal mosque in Kangar with *zakat* funds. The success of the mosque building project prompted HRH *Raja* Syed Alwi to decree a *Zakat* Collection Law and Haji Ahmad Hakim was appointed a member of the *Zakat* Committee in 1943. Haji Ahmad Hakim was also entrusted by HRH *Raja* Syed Alwi as the Chairman of the State Security Council during the outbreak of the Pacific War. Later in 1948 Haji Ahmad Hakim became the founding Chairman of *Majlis Agama Islam dan Adat Istiadat*

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<sup>16</sup>My translation. The original Malay passage is as follows: 'tetapi Tuan Haji Ahmad Hakimlah yang berusaha dan berkerja keras kerana Tuan Haji Ahmad Hakim tersangat rapat dengan Almarhum Tuan Syed Alwi, apa-apa nasihatnya semuanya diterima oleh Almarhum itu'

*Melayu Perlis* (Perlis Supreme Council of Islamic Affairs and Malay customs). On 7<sup>th</sup> August 1960, Haji Ahmad Hakim was appointed as the only non-royalty member of *Jemaah Pemangku Raja Perlis* (Perlis Regency Council).

Haji Ahmad Hakim's tendencies towards the *Salafiyah* school of *Ahl al-Sunnah wa al-Jama'ah* materialized when he secretly financed the exile of Syeikh Hasan Surabaya in Penang (Shukor, 2001). Syeikh Hasan Surabaya or Haji Ihsan Bin Haji Abdul Manan is regarded as the first scholar to propagate *Salafiyah* views of *Ahl al-Sunnah wa al-Jama'ah* in Perlis. When Syeikh Hasan started criticizing local animistic practises legalized in the name of Islam, the Chief *Qadi* and his deputy petitioned HRH *Raja Syed Alwi* for this scholar to be banished. This subsequently resulted in the exile in 1931.

Haji Ahmad Hakim is not alone in supporting Syeikh Hasan although confidentially. He was joined by Wan Ahmad Bin Wan Daud, another Perlis noble who became the *aide-de-camp* to HRH *Raja Syed Alwi* and later Speaker for Perlis House of Representatives. Later both were joined by Syeikh Ahmad Mohd. Hashim, the Financial Officer and Auditor of the Kingdom who later on was admitted as a member of the State Council and elected as the *Menteri Besar* of Perlis. The trio came to be fondly known as *Tiga Mat* or the Three *Ahmads* consisting of Haji Ahmad, Wan Ahmad and Syeikh Ahmad (Abdul Rahman, 1998).

The *Salafiyah* school of *Ahl al-Sunnah wa al-Jama'ah* that the *Tiga Mat* supported also spread and came to be accepted by the majority ruling elite and intelligentsia of Perlis and subsequently the general masses (Mohd. Isa, 2001). While ascribing to the *Salafiyah* interpretation, Haji Ahmad Hakim worked closely with these elite to build roads, railway system, schools, government departments, judiciary courts, amenities, mosques, palaces, offices and many other facilities. They also founded cooperative societies, education committee, municipal council, agricultural expo, volunteer force, social clubs, the Perlis Malay Association and even the Boy Scouts of Perlis. Indeed these pro-*Salafiyah* elite has contributed all their resources, time and energy to modernize Perlis, protect the independence of the Kingdom and faithfully served the Jamalullail Royal House under the indirect rule of Siam, Japanese and British.

The 'silent' acceptance of the *Salafiyah* school among the ruling elite and intelligentsia of Perlis has worried L.A Allen, the British Advisor of Perlis. In a report dated as 26<sup>th</sup> April 1930, in the file named *British Adviser Perlis* (BAP) no. 425/49, this Perlis British Advisor had penned his uneasiness by saying:

'The trouble is that, there are some high Government officials of Perlis supporting the religious doctrine of the "Kaum Muda" the original of which came from Penang i.e Jelutong Press, Penang, that produces Malay newspapers known as "Saudara" and magazine known as "El Akhwan" that are giving religious doctrine of the "Kaum Muda" and these papers are coming to Perlis'.

*Kaum Muda* literally means the young group. However the term L.A Allen used is a pejorative Malay connotation coined by detractors of the *Salafiyah* to marginalize them as half-baked ignorant young people.

As for events that influenced Haji Ahmad Hakim to initiate the codification of *Ahl al-Sunnah wa al-Jama'ah* in Perlis State Constitution of 1948, none can be described as more monumental than the ones as follows:

**i. The persecution of the *Salafiyah* school during the rule of *Raja Syed Hamzah***

As HRH *Raja Syed Alwi* is without any heir and the *Raja Muda* (Crown Prince) Syed Mahmud passed away, Haji Ahmad Hakim and majority of the State Council members have supported the election of Syed Hassan, the son of *Raja Muda* Syed Mahmud as the *Bakal Raja* or Heir to the Perlis Throne on 6<sup>th</sup> December 1934. Unfortunately when Syed Hassan passed away in 1935, Haji Ahmad Hakim supported Syed Putra the grandson of *Raja Muda* Syed Mahmud and grandnephew of *Raja Syed Alwi* as the *Bakal Raja* replacing his father *Bakal Raja* Syed Hassan on 30<sup>th</sup> April 1938. Another aspirant is Syed Hamzah,

the other half-brother of *Raja* Syed Alwi, whose ascendancy had been resisted consistently by Haji Ahmad Hakim due to Syed Hamzah's moral issues.

During the outbreak of the Pacific War, *Raja* Syed Alwi passed away on 2<sup>nd</sup> February 1943. The Japanese however installed Syed Hamzah instead as the fifth *Raja* of Perlis. Syed Putra was dismissed as *Bakal Raja* and later went into exile in Kelantan. *Raja* Syed Hamzah sacked Haji Ahmad Hakim from his position as a senior member of the State Council. To serve his vengeance on Haji Ahmad Hakim, adherents of the *Salafiyyah* were systematically persecuted and marginalized during his rule as *Raja* Syed Hamzah considered them as 'deviants'. Abdul Rahman (2010) described this persecution as the Stagnation Phase for the spread of the *Salafiyyah* school of *Ahl al-Sunnah wa al-Jama'ah* in Perlis. This persecution deeply influenced Haji Ahmad Hakim that he devised a mechanism to protect and safeguard the future of the *Salafiyyah* within the Perlis State Constitution of 1948.

## ii. The Malayan Union Treaty

When the Japanese surrendered in 1945, the British Military Administration (BMA) led by Lord Mountbatten refused to recognize the rule of *Raja* Syed Hamzah. Instead the British reinstalled Syed Putra as the rightful sixth *Raja* of Perlis bearing the title of HRH *Tuanku Raja* Syed Putra. Following the footsteps of HRH *Raja* Syed Alwi, HRH *Raja* Syed Putra restored Haji Ahmad Hakim's position as senior member of the State Council and also promoted him as his most entrusted advisor. The first tribulation that Haji Ahmad Hakim endured together with the young *Rajawas* when Syed Putra is forced by Sir Harold Mac Michael to sign the Malayan Union Treaty.

Julie (2002) recorded that being the main spokesperson for the *Raja*, Haji Ahmad Hakim confronted Mac Michael by arguing that the Malayan Union Plan is against the Perlis-British Treaty of 1930 that guaranteed the Kingdom's independence. Mac Michael dismissed those arguments by threatening to dethrone *Raja* Syed Putra by replacing him with a new *Raja* that is willing to sign the treaty anyway. Under duress, *Raja* Syed Putra eventually signed the treaty. However with the advice of Haji Ahmad Hakim and other members of the State Council, the monarch sent a protest note to London. Later *Raja* Syed Putra joined his fellow Malay Rulers to protest against the treaty by boycotting the swearing-in ceremony of Sir Edward Gent as the first Governor of the Malayan Union. Furthermore Haji Ahmad Hakim and his *Tiga Mat* trio together with the Perlis elite had mobilized the masses of Perlis Malay by organizing mass protests and demonstrations. For Haji Ahmad Hakim, if the well-being of an independence state safeguarded with legal treaties can be undermined with treacherous conspiracy such as the Malayan Union, then what else can be expected to the future of *Salafiyyah* if the school of earliest *Ahl al-Sunnah wa al-Jama'ah* existed without any legal protection?

Afterwards, the signing of the Federation of Malaya Treaty 1948 had restored the independence of the Kingdom of Perlis as a member state of the Federation. With the rock solid support of the Perlis ruling elite, intelligentsia as well as the masses to *Salafiyyah* school of *Ahl al-Sunnah wa al-Jama'ah*, Haji Ahmad Hakim proposed the codification plan to *Raja* Syed Putra. As the process of drafting the State Constitution placed the *Raja's* prerogative rights on Islamic Affairs and Malay Customs at the apex, Haji Ahmad Hakim's proposal was given royal assent by *Raja* Syed Putra. Thus Perlis become the first Malay Kingdom to formally codified *Ahl al-Sunnah wa al-Jama'ah* in her State Constitution since 1948. The position of *Salafiyyah* school of *Ahl al-Sunnah wa al-Jama'ah* in Perlis State Constitution 1948 also influenced other state laws such as Perlis Law of Islamic Administration (1963), Perlis Enactment of Islamic Administration (2006), Perlis *Shariah* Court Administration Enactment (1991) and many more.

## 6.0 Conclusion

*Ahl al-Sunnah wa al-Jama'ah* is the Islam of Prophet Muhammad, his Companions and the earliest Muslims. For as long as it is practised, *Ahl al-Sunnah wa al-Jama'ah* is real, and here the politics and paradoxes combine to render *Ahl al-Sunnah wa al-Jama'ah* more than just an Islamic civilizational

achievement, but a living reality, a signifier that persists and thrives. Although mainly through historical tradition and convention, legal provisions in Malaysia, in terms of federal and state laws, appear to justify *Ahl al-Sunnah wa al-Jama'ah* to be given a higher status than other sects and religions.

The Perlis State Constitution of 1948 specifies two major dicta on Islam, including Islam as the state religion and the adoption of *Ahl al-Sunnah wa al-Jama'ah* interpretation. While the Kingdom has been successful in enshrining *Ahl al-Sunnah wa al-Jama'ah* in the Perlis State Constitution of 1948, this religious position is unique, based on the history and features of socio-cultural structures of Perlis. Through the tireless efforts of founding fathers of modern Perlis namely Haji Ahmad Bin Muhammad or Haji Ahmad Hakim, Perlis have invented and reinvented their religious tradition, ensuring the relevance and sustenance of *Ahl al-Sunnah wa al-Jama'ah* in various changeable contexts. As interpretations of the past, visions of the present, and projections of the future are key elements of identity construction; Perlis remain 'the other' within the identity of Malaysian *Ahl al-Sunnah wa al-Jama'ah*, complete with visibility, uniqueness and subjectivity.

## 7.0 Bibliography

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