

## THE ROLE OF THE RELIGIOUS SCHOLARS OF FAQIH ALI DATO' MAHARAJA'S DESCENT IN UPHOLDING SHARIA IMPLEMENTATION IN TERENGGANU

<sup>i,ii,iii</sup>\*Wan Ahmad Fauzi Wan Husain, <sup>iii</sup>Wan Rohaida Wan Husain & <sup>iv</sup>Hanif Md Lateh

<sup>i</sup>International Institute of Islamic Thought and Civilization (ISTAC-IIUM), 50480 Kuala Lumpur, Malaysia

<sup>ii</sup>Faculty of Industrial Management, Universiti Malaysia Pahang Al-Sultan Abdullah, Persiaran Tun Khalil Yaakob, 26300 Kuantan, Pahang, Malaysia

<sup>iii</sup>Department of Business Administration, Kuliyah of Economics & Management Sciences, International Islamic University Malaysia, 53100 Kuala Lumpur, Malaysia

<sup>iv</sup>Research Institute for Islamic Products and Malay Civilization (INSPIRE), Universiti Sultan Zainal Abidin, Gong Badak Campus, 21300 Kuala Nerus, Terengganu, Malaysia

\*(Corresponding author) e-mail: [wanfauzi@iium.edu.my](mailto:wanfauzi@iium.edu.my)

### Article history:

Submission date: 15 Dec 2023  
Received in revised form: 22 March 2024  
Acceptance date: 27 March 2024  
Available online: 30 April 2024

### Keywords:

Faqih Ali Dato' Maharaja, Terengganu State Constitution, Wan lineage, religious scholars, Joint-court

### Funding:

International Institute of Islamic Thought and Civilization (ISTAC) Research Grant Scheme (grant number: ISTAC23-013-0015).

### Competing interest:

The author(s) have declared that no competing interests exist.

### Cite as:

Wan Husain, W. A. F., Wan Husain, W. R., & Md Lateh, H. (2024). The role of the religious scholars of Faqih Ali Dato' Maharaja's descent in sustaining Sharia implementation in Terengganu. *Malaysian Journal of Syariah and Law*, 12(1), 216-227.  
<https://doi.org/10.33102/mjssl.vol12no1.674>



© The authors (2024). This is an Open Access article distributed under the terms of the Creative Commons Attribution (CC BY NC) (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is properly cited. For commercial re-use, please contact [usimpress@usim.edu.my](mailto:usimpress@usim.edu.my).

### ABSTRACT

Faqih Ali Dato' Maharaja is a well-known figure among local historians, particularly among those who study prominent religious scholars in Southeast Asia. His descendants contributed significantly to promoting the sustainability of Islamic teaching in Terengganu. Islam was upheld as the principle of Terengganu's sovereignty, forming the basis of its constitutional system, thus legitimizing the position of Sharia as the law of the land. This was manifested on the Inscribed Stone dated 4 Rejab 702H. Nevertheless, the role of the descendants of Faqih Ali have not been a focal point in academic writing. The paucity of literature and elucidation within this domain serves as the basis for this study. This article aims to investigate the role of prominent religious scholars of Faqih Ali Dato' Maharaja's descent in upholding the implementation of Sharia in the Terengganu Sultanate until the Independence Day of Tanah Melayu in 1957. This study is qualitative in nature and employs historical research methods. Data were obtained from archival documents, government publications, field research, and secondary sources. Findings show that the preservation of the Sharia legacy in Terengganu since the discovery of the Inscribed Stone was influenced significantly by the substantial contributions of religious scholars who were also the administrators of Faqih Ali Dato' Maharaja's descent, evidenced by the legislation of *Itqanul Muluk bi Ta'dil al-Suluk* in 1911 and its extension, the Terengganu State Constitution. Hence, the practice of Sharia before 1957, was not confined to personal affairs as understood by many; by virtue of the Federal Constitution, the public affairs of Sharia are now entrusted to public authorities at the federal level unless those matters are retained in the state administration.

## Introduction

Faqih Ali Dato' Maharaja is an imminent figure among local historians, particularly among those who study prominent religious scholars in Southeast Asia, including Sheikh Ahmad al-Fathani, Sheikh Daud al-Fathani and Sheikh Abdul Kadir al-Fathani. Those great Muslim scholars are the descendants of Faqih Ali Dato' Maharaja. He was also known as Faqih Nik Ali al-Malbari or Andik Ali. Reliable sources claimed that Faqih Ali Dato' Maharaja had two wives, Che Dewi binti Dato' Seri Bija diRaja and Wan Teja binti Paduka Raja Tun Abdul Jamil. However, according to Dato' Perdana Menteri Paduka Raja Kelantan Haji Nik Mahmud bin Nik Ismail, Wan Bidah binti Wan Ibrahim @ Tok Mekong was the third wife of Faqih Ali Dato' Maharaja. His descendants could be traced from genealogical trees maintained by credible figures and typically carry the surnames of Wan, Nik and Tengku (Nik Mansor, 2023; Nik Abdul Rahman, 2019).

Tun Zainal Abidin, the founding Sultan of the modern Terengganu Sultanate in 1708 CE, was the adopted son of Paduka Raja Tun Abdul Jamil, the father-in-law of Faqih Ali Dato' Maharaja. He is the son of Bendahara Seri Maharaja Tun Habib Abdul Majid. Before his installation as the Sultan of the modern Terengganu, he was brought to Patani because Paduka Raja's daughter, Wan Teja, had married Faqih Ali Dato' Maharaja, and resided in Jambu, Patani. However, Paduka Raja was killed in Seberang Takir, Kuala Terengganu, en route to Patani. The above family background explains why Tun Zainal Abidin arrived in Terengganu as part of an entourage of 80 families from Patani under the command of the Patani Queen, Nang Chayam. Religious scholars played a fundamentally important role in the state of Terengganu from the very beginning of the establishment of the Sultanate. For instance, the coronation of Tun Zainal Abidin as the first Sultan of Terengganu proclaimed as Sultan Zainal Abidin Shah I, was performed by Qadi Wan Imam Mahmud, a representative from Patani, in Tanjung Baru, Hulu Terengganu, marking the establishment of a new dynasty. Interestingly, Qadi Wan Imam Mahmud bin Faqih Wan Hasan was the grandson of Faqih Ali Dato' Maharaja (Mohamed Anwar et al., 2011).

In historical terms, the Terengganu Inscribed Stone is a significant piece of evidence that demonstrates the early Islamisation of Terengganu, preceding the process in Melaka and even much earlier than the founding of the modern Terengganu Sultanate itself. The process of Islamisation in Terengganu carries a significant theme in the history of Islam in this region. This Sultanate holds a vital treasure trove of information regarding the earliest Islamisation in the Malay archipelago, known as the Terengganu Inscribed Stone, dated 702 Hijrah, corresponding to 1303 CE. Historians, both within and outside the country, who have conducted specific research on historical sources unanimously conclude that the Terengganu Inscribed Stone serves as evidence of the beginning of the spread of Islam in this region. It is the oldest text written in the Malay language using Arabic script (Jawi). Casparis (1980), a respected scholar of ancient Malay Archipelago (Nusantara) history, particularly in deciphering ancient inscriptions in the region, stated that the Terengganu Inscribed Stone is the first known text in Jawi script. The inscription originates from the Malay Peninsula, and its tradition is likely shared with the island of Sumatra as well.

The above statement contains two crucial points: Firstly, it validates the Terengganu Inscribed Stone, prepared by a highly respected regional historian, as the earliest Malay-language Islamic inscription in the Malay Archipelago region. Many other scholars have also echoed this validation. Secondly, although the first Malay-language inscription created in the Malay Archipelago was carved in the Malay Peninsula, its roots can be traced back to Sumatra (Mohamed Anwar, 2023; Kozok, 2006). According to Kozok (2006), who studied the ancient texts of the Kerinci tribe, specifically the "*Kitab Undang-undang Tanjung Tanah*", the Malay calligraphic tradition peaked in popularity when Arabic-Malay script evolved into post-Pallava writing in various places since the 14th century, as evidenced by the oldest Jawi inscription, the Terengganu Inscribed Stone. Therefore, it has its roots in the authentic Islamic calligraphic tradition instead of being an imitation of the writing of other nations.

This article aims to investigate the role of prominent religious scholars of Faqih Ali Dato' Maharaja's descent in sustaining the implementation of Sharia in the Terengganu Sultanate until Independence Day on the 31st of August 1957. Independence Day was a significant timeline for this study as it marked the establishment of a new sovereign and independent federation within the Commonwealth. The Federation consists of nine sovereign Malay states that accepted two strait settlements bearing the name of

Persekutuan Tanah Melayu or, in English, Malaya (Federation of Malaya Independence Act, 1957, 5 & 6 ELIZ. 2, 31st. July 1957 & Federation of Malaya Agreement, 1957).

## Methodology

This is a qualitative study employing historical research methods. Data was extracted from archives, government publications and secondary sources. This study uses thematic analysis to extract historical facts in the local context. The roles of religious scholars are defined based on the three branches of a sovereign rule, consisting of the following:

1. Legislative function.
2. Executive function.
3. Judiciary function.

Accordingly, the role played by the descendants of Faqih Ali Dato' Maharaja in sustaining the legacy of Syariah in the Terengganu Sultanate from its establishment until Independence Day is investigated from the above framework.

Sharia and Islamic legislation are two related aspects as opposed to the Westminster concept of legislation. Sharia is the revelation sent to the Holy Prophets and the Messengers of Allah the Almighty. Whilst Al-Qur'an is the final revelation from Allah, Hadith or the Tradition of the Holy Prophet Muhammad SAW is the manifestation of Al-Qur'an. Al-Qur'an and Hadith embody the Islamic laws and legal principles underpinning juristic opinions (ijtihad) and legislation. Those legal principles are the fundamentals of legislating statutes, and no laws shall contradict the Sharia.

The role of religious scholars is critical in interpreting those religious injunctions and addressing the contemporary needs and challenges in public lives that rely upon the legal principles for legislative, executive and judicial actions. Meanwhile, the Westminster concept of legislation manifested in parliamentary democracy recognises the general will of the people they represent. The members of the Parliament can make and amend law beyond religious sanctions as long as its legislative procedure is adhered to. Hence, the role of religious scholars is significant before and after independence day (Husain, 2018; Husain, 2021; Husain, 2022).

In the traditional political system, the three branches of sovereign rule are performed by authorities as follows:

1. Religious advisors, mufti, sheikhul ulama, khadimu as-syar'ie, and members of the State Council undertook legislative functions.
2. Ministers, mufti, commissioners, chiefs and officers performed executive functions.
3. Mufti, judges and qadis administered judiciary functions.

The above practice indicates no apparent separation of powers but the distribution of the three branches under sovereign rule since the ultimate authority is vested in Allah the Almighty alone. This study investigates the role of the religious scholars of Faqih Ali Dato' Maharaja's descent in the above functions in the stipulated period.

## The Sultanate of Terengganu

According to Chao Ju Kua's (1967) records from the 12th or 13th century, Terengganu is the name of an ancient kingdom once under the influence of Srivijaya. The record indicates the existence of the Terengganu kingdom predating Melaka (Buyong, A., 1974). However, during the reign of Sultan Muhammad Shah (1424-1444 CE), Terengganu was part of the Malacca Sultanate's dominion. The Hikayat Hang Tuah recounts an event in which the Terengganu prince, Megat Panji Alam, was killed by Hang Jebat and Hang Kasturi in Istana Inderapura during the time of Sultan Mansor Shah of Melaka (1456-1477 CE) (Kassim, A., 1997). Besides, records from the era of Sultan Alauddin Shah of Melaka (1477-1488 CE) associated the killing of Telanai Terengganu by Seri Akar Raja in 1478 with the

command of Sultan Muhammad Shah (A. Samad, 2015). Subsequently, from the mid-16th century to the early 18th century, Terengganu was ruled interchangeably by two Sultanates, Johor and Patani.

Sultan Zainal Abidin is a half-brother of Sultan Abdul Jalil Riayat Shah IV. Sultan Abdul Jalil Riayat Shah IV ascended to the Johor-Riau Lingga-Pahang Sultanate's throne after Sultan Mahmud II died in 1699. His prince, Bendahara Seri Maharaja Tun Abas, was assigned to rule Pahang, where his grandson, Temenggong Seri Maharaja Tun Jamal, is the predecessor of the present-day Sultanate of Johor. Sultan Zainal Abidin Shah ruled until his passing in 1733. The current Sultan of Terengganu is His Royal Highness Al-Wathiqu Billah Sultan Mizan Zainal Abidin, the prince of the late Sultan Mahmud Al-Muktafi Billah Shah, is the 16th Sultan through the lineage of Sultan Zainal Abidin III. He has been reigning since May 15, 1998 (Mohamed & Nik, 2009).

### **Legacy of the Sharia in Terengganu**

The current Sharia legacy in Terengganu indicates the vigorous enforcement of Islamic legislation no later than 4 Rejab 702H (which corresponds to February 22, 1303, CE), as documented on the Terengganu Inscribed Stone. The Terengganu Inscribed Stone was discovered on the banks of the Tersat River in Kuala Berang, Terengganu, in 1887. The content of the Inscribed Stone shows that Islamic legislation had already become the foundation of the local legal system, although not all Sharia laws were recorded.

On the front face of the Inscribed Stone, the following is recorded:

*Rasulullah dengan yang arwah santabi mereka Asa pada Dewata Mulia Raya beri hamba meneguhkan agama Islam. Dengan benar bicara derma mereka bagi sekalian hamba Dewata Mulia Raya. Di Benuaku ini penentu agama RasululLah sallalLahi wassalama raja Mandalika yang benar bicara sebelah Dewata Mulia Raya di dalam Bumi penentuan itu fardhu pada sekalian Raja Mandalika Islam menurut setitah Dewata Mulia Raya dengan benar. Bicara berbajiki benua penentuan itu maka titah Seri Paduka. Tuhan menduduki Tamra ini di Benua Terengganu adi pertama ada.*

Translation: The Prophet, along with the departed saints, strengthens the faith in Islam for us through the grace of the Noble and Great Deity. Their truthful speech is a charity for all of us, the servants of the Noble and Great Deity. In my land, the determination of the Prophet's religion, peace be upon him, is the true speech of the Mandalika king, who sides with the Noble and Great Deity on Earth. This determination is obligatory for all Islamic Mandalika Kings according to the decree of the Noble and Great Deity with truth. The speech filled with virtue marks this land of determination, thus decreed by His Majesty. The Lord occupies this Tamra in the land of Terengganu, where the first nobility exists.

*Jumaat di bulan Rajab di tahun saratan disasanakala. Baginda RasululLah telah lalu tujuh ratus dua*

Translation: On a Friday in the month of Rajab, in the year of Saratan according to the calendar. The Messenger of Allah passed away in the year seven hundred and two.

On the back face of the Inscribed Stone, the following is recorded:

*Keluarga di Benua jauhkan (Datang berikan. Keempat orang berpiutang.*

*Jangan mengambil ... (a)mbil hilangkan emas. Kelima derma barang orang ... (mar)dika.*

*Jangan mengambil (tugas buat) temasnya Jika ia ambil hilangkan emas. Keenam derma barang orang berbuat bala cara laki-laki perempuan satitah Dewata Mulia Raya jika merdeka bujang palu. Seratus ratun jika merdeka beristeri. Atawa perempuan bersuami ditanam hinggakan pinggang dihambalang dengan batu matikan. Jika inkar (bala cara) hambalang jika anak Mandalika ...*

Translation: Families in the distant lands (bring offerings. Four people are indebted.

Do not take... (take) away the gold. The fifth is to donate items from free people.

Do not undertake (the task of creating) its problems if it involves taking away gold. The sixth is to donate items from those who cause trouble, in the manner of both men and women, according to the decree of the Noble and Great Deity, if free and single, a fine of one hundred ratun; if free and married, or a woman with a husband, to be buried up to the waist and stoned to death. If denying (the manner of causing trouble) stoning if a child of Mandalika...

On the right side of the Inscribed Stone, the following is recorded:

*Bujang dandanya sepuluh tengah tiga jika ia ... Menteri Bujang dandanya tujuh tahlil se(paha) ... Tengah tiga, jika tetua bujang dandanya lima (tahlil) ... Tujuh tahlil sepaha masuk bendara. Jika O(rang) ... Merdeka. Ketujuh derma barang perempuan hendak ... Tiada dapat bersuami, jika ia berbuat balabicara ...*

Translation: The fine for a single man is ten and three-quarters if he... The fine for a Minister who is single is seven tahils (thigh... Three-quarters, if an elder who is single, the fine is five (tahils... Seven tahils are required for entering into the ranks. If a (person)... is free. The seventh is to donate items for a woman who wishes to... cannot find a husband, if she engages in misconduct...

On the left side of the Inscribed Stone, the following is recorded:

*... tiada benar dendanya setahlil sepaha kesembilan derma. ... Seri Paduka Tuhan (Tuan) siapa tiada harta dendanya ... Ke sepuluh derma jika anakku atawa pemainku atawa cucuku atawa keluarga ku atawa anak. ... tamra ini segala isi tamra ini barang siapa tiada menurut tamra ini laknat Dewata Mulia Raya. ... dijadikan Dewata Mulia Raya bagi yang langgar acara tamra ini.*

Translation: ... not allowed, the fine is one tahlil and three-quarters for the ninth donation. ... His Majesty the Lord (Master) for those without wealth, their fine... The tenth donation, if my child or my dependant or my grandchild or my family or child... of this Tamra, all contents of this Tamra, whoever does not follow this Tamra, cursed by the Noble and Great Deity. ... made by the Noble and Great Deity for those who violate the rules of this Tamra.

Excerpt: "Rasulullah dengan yang arwah santabi mereka Asa pada Dewata Mulia Raya beri hamba meneguhkan agama Islam. Dengan benar bicara derma mereka bagi sekalian hamba Dewata Mulia Raya. Di Benuaku ini penentu agama Rasulullah sallalLahi wassalama raja Mandalika yang benar bicara sebelah Dewata Mulia Raya di dalam Bumi penentuan itu fardhu pada sekalian Raja Mandalika Islam menurut setitah Dewata Mulia Raya dengan benar." This statement emphasizes the function of Islam as the state religion vis-à-vis the principle of sovereignty, which defines the ruler's responsibility to uphold Islamic principles as conveyed by the Prophet Muhammad (peace be upon him). According to Husain (2018), sovereignty is the main element to be examined when articulating a legal system in the study of constitutional systems. Its principle of sovereignty serves as the source of authority that legitimizes legislative, executive, and judicial powers.

Jabatan Warisan Negara (2023) confirms that the Terengganu Inscribed Stone is the earliest evidence of the Jawi script based on the Arabic alphabet in the Malay Islamic world of Southeast Asia. Since the arrival of Islam in the region in the 10th or 11th century, the way of life-based on the Quranic and the Hadiths, as practised by the Prophet Muhammad (peace be upon him), has flourished in Southeast Asia. It marked the increasing use of the Jawi script, gradually replacing Sanskrit writing. This artefact further reflects the development of a culture based on Islamic teachings that grew parallel with the expansion of maritime trade centred around Kuala Berang, where the Terengganu Inscribed Stone was discovered. The

Inscribed Stone additionally documents the regional trade development during the process of Islamisation and portrays the patterns of trade and community movements at that time.

During the reign of Sultan Zainal Abidin Shah, the Terengganu political system was very much influenced by the Sultanate of Melaka, possibly due to the close relationship it had with Melaka, Johor, and Patani (Mohamed, 2009). However, after the fall of the port city of Melaka, the constitutional law, namely the Melaka Legal Code, was extended to suit local needs. The code was later renamed after Johor, Pahang, and Perak. The Pahang Legal Code stipulates that the code is applicable in Pahang, Johor, and Perak (Husain, 2022).

From that era until 1948, the Mufti held a more critical position and played a more significant role than today because they administered justice that encompassed Sharia's public and personal affairs. The Mufti also served as a royal advisor in all matters of the Sultanate rule. During the Sultanate of Baginda (Sultan) Umar, Mufti played challenging roles as the former imposed a centralization policy and was actively involved in the administration. Terengganu has two written constitutions, *Itqanul Muluk* 1911 and its extension, *Undang-Undang bagi Diri Kerajaan Terengganu* (the Terengganu State Constitution). A comparison between the two was made by Husain (2017; 2018) to illustrate the continuation of the principle of sovereignty based on the following aspects:

1. The ruler is of an independent sovereign government.
2. The ruler embraces Islam.
3. The ruler ascends to the throne through consultation and an oath of allegiance (bai'ah).
4. The application of the local principle of sovereignty.

Sultan Ismail Nasiruddin Shah Ibni Almarhum Sultan Zainal Abidin III, on February 1, 1948, decreed the Terengganu State Constitution (Part One) as an addition to *Itqanul Muluk* 1911, by the advice and consensus of the members of the Council of Ministers and the State Council. Subsequently, on August 9, 1950, the Terengganu State Constitution (Part Two) was proclaimed. The institutionalization of the Terengganu State Constitution (Part One) was in line with the Terengganu State Agreement of 1948, dated January 21, 1948.

Among the commandments stipulating the principle of sovereignty and position of Sharia is Article 51 of *Itqan al-Muluk* 1911 and Article 5 of the Terengganu State Constitution (Part One). Article 51 reads as follows:

*Sesungguhnya telah disifatkan dan disebutkan dan ditetapkan selama-lamanya Kerajaan Terengganu ini kerajaan Islamiyyah Malayuwiyyah ialah yang dikatakan ugama negeri dan kerajaan maka tiadalah boleh sekali-kali sebarang ugama lain menjadi atau disebut ugama negeri sekalipun banyak segala bangsa dan ugama diamankan dan dibenarkan masuk diam di dalam negeri dan jajahan Terengganu dibenarkan masuk diam di dalam negeri dan jajahan Terengganu.*

Translation: Indeed, it has been described, mentioned, and established that the Malay State of Terengganu is genuinely an Islamic Malay government, proclaimed as the state religion and government. Therefore, no other religion shall ever be made or proclaimed as the state religion, even if various races and religions are allowed to live in and enter the state and its territories of Terengganu.

Article 5 of the Terengganu State Constitution (Part One) requires the Sultan of Terengganu to rule justly and by the law. Article 5 reads as follows:

*Duli Yang Maha Mulia hendaklah melaku membawa diri Baginda kepada semua rakyat Baginda dan kepada semua orang yang duduk di dalam Negeri dengan keadaan adil dan memerintah menurut undang-undang. Tiadalah boleh seseorang itu dihilangkan kemerdekaannya, ditahan atau dipenjara akan dia melainkan dengan mengikut perjalanan undang-undang. Kebebasan dan kemerdekaan segala orang yang tidak*

*ditegah oleh perbuatan benar dan adil bagi undang-undang itu adalah asas bagi kesemua Kerajaan yang baik.*

Translation: His Royal Highness shall conduct himself to his subjects and all those who reside in the State with justice and rule by the law. No person shall be deprived of his freedom, detained, or imprisoned except by the procedures of the law. Freedom and liberty of every person not prohibited by the just and lawful actions of the law are the foundation of a good government.

The Islamic features of the Terengganu State Constitution (Part One) are also found in its preamble that reads, "In the name of God, the Compassionate, the Merciful, PRAISE be to God, the Lord of the Universe, and may the benediction and peace of God be upon Our Leader Muhammad and all his Relations and Friends".

*Itqan al-Muluk bi al-Ta'dil al-Suluk 1911* was a constitution that was enacted, signed, and promulgated as the constitution of the Malay Sultanate of Terengganu on 11 Zul Kaedah 1329H (corresponding to November 2, 1911M) by Sultan Zainal Abidin Shah III and the state dignitaries, the majority of the members were from the local religious scholars. *Itqan al-Muluk bi al-Ta'dil al-Suluk* is translated as "The King's Dedication to Upholding Just Government". Two prominent rulers in Terengganu's history are often associated with drafting *Itqan al-Muluk 1911*. The first was Sultan Omar (1831, 1839-1876), and the second was Sultan Zainal Abidin III (1881-1918).

The institutionalization of *Itqan al-Muluk 1911*, according to Lateh (2017), where its form was modelled after Undang-Undang Tubuh Kerajaan Johor 1895 to serve various purposes, mainly overcoming the British intervention and foreign influence in Terengganu and the following:

1. Expressing Islam as the state religion and Terengganu as a Malay government.
2. Designating the royal lineage of Sultan Zainal Abidin III as the sultans and rulers of the Terengganu government.
3. Preserving the sovereignty of the Malay State of Terengganu.
4. Affirming the concept of indigenous sovereignty.
5. Recording the foundational principles of Terengganu's government that cannot be destroyed or amended (Mohamed & Nik, 2009).

## **Findings and Discussion**

### ***The Role of Islamic Scholars***

A religious scholar possesses at least the knowledge of compulsory religious obligations (*fardhu ain*) and communal religious obligations (*fardhu kifayah*) with the ability to analyze, dissect, and respond to related issues based on authentic sources. They hold positions within the government or the administration of the Sultanate.

According to Robert (1977), Malay scholars in the administration of the Terengganu government are categorized as the third element in the Terengganu ruling class. However, this is not an entirely accurate view because such a ranked position indicates the respect given to scholars who do not hold official positions within the Sultanate's administration. On the contrary, religious scholars cum administrators hold a higher status as they consist of royal family members and aristocrats.

The influence of religious scholars of Faqih Ali Dato' Maharaja's descent in the administration of the Terengganu Sultanate cannot be denied. It began with Qadi Wan Imam Mahmud and continued with each successive generation, producing renowned religious scholars and administrators who held senior positions in legislative, executive, and judiciary while upholding the principles of Sharia in both public and personal aspects of life.

In addition to Qadi Wan Imam Mahmud, during his sovereign, Sultan Zainal Abidin Shah I also assigned important portfolios to the scholars and religious scholars in the administration of the Sultanate, for example, Tok Pulau Manis Sheikh Abdul Malek bin Syed Abdullah and Che Buang (Muhammad, 1991).

During the era of Baginda Umar (1839-1876), various reforms in the local political system were implemented, including establishing multiple institutions and the Balai Court (Mohamed Anwar, 2009). Baginda Umar further established the position of Mufti and appointed Tok Sheikh Bukit Bayas Haji Wan Abdul Kadir bin Wan Abdul Rahim to this position. Tok Sheikh Bukit Bayas served as Mufti and headed the judicial department (Hashim, 2023). Below the Mufti, there were Qadis who assisted in judicial matters.

The influence of Tok Sheikh Bukit Bayas on Sultan Umar was apparent because he served as the Sultan's guru and primary advisor. Sultan Umar's second reign extended from 1839 to 1876; it corresponded with Tok Sheikh Bukit Bayas's 1832M arrival in Terengganu until his passing in 1864, providing ample time for a close relationship to flourish between them. However, some sources claimed that Tok Sheikh Bukit Bayas died in 1853 instead. Regardless, due to their closeness, it is unsurprising that Sultan Umar affixed his royal seal on Tok Sheikh Bukit Bayas's will and a guarantee of royal protection for his family and descendants.

Baginda Umar also established other positions, including ministers and aristocrats, aligning with the introduction of a new policy in the Sultanate's administration, as follows:

1. Implementing a policy of centralizing the Sultanate's power by reducing the autonomy of regional nobles.
2. Granting the title of "*Orang-Orang Besar*" (nobles) to individuals outside the royal family.
3. Developing infrastructure to symbolize the unity of the sovereign Sultanate's institutions.

In terms of amenities, Baginda Umar constructed Istana Hijau (the Green Palace), Abidin Mosque, Awang Senda Firehouse, the cannon at Bukit Puteri, and several roadways. Terengganu earned the nickname 'Birmingham of the Peninsula' for its success in advancing various industries such as silk, cotton, songket fabric, weaponry, blacksmithing, and carpentry (Mohamed, 2009).

During Baginda Umar's reign, the position of Chief Minister (Menteri Besar) already existed, he appointed Syed Muhammad Zain bin Syed Muhammad al-Idrus with the title Engku Sayyid Seri Perdana (Omar, 2014: 37). He also selected Tok Ku Tuan Besar Syed Muhammad Zainal Abidin bin Syed Muhammad al-Idrus and Tok Sheikh Duyong Haji Wan Abdullah bin Tok Sheikh Qadi Haji Wan Muhammad Amin to his administration. Before being appointed as Mufti, Tok Sheikh Duyong Haji Wan Abdullah served as a Qadi. He was also selected as a district aristocrat with the title Orang Kaya Duyong. Both prominent figures were also students of Tok Sheikh Bukit Bayas (Mohamad, 2023).

In 1860, Tok Ku Tuan Besar was appointed to a new position as Sheikhul Ulama' (Musa, O., 2014). The title Sheikhul Ulama' was also given to a Mufti. The Mufti who held the title Sheikhul Ulama' included Tok Sheikh Duyong and his son Haji Wan Muhammad (Mohamad, 2023).

Sultan Zainal Abidin III was the ruler who completed the drafting of *Itqan al-Muluk* in 1911 based on the framework introduced by Sultan Omar (Mohamed, 2009). His chief advisor, Tok Sheikh Duyong, had previously served under Sultan Umar. After Tok Sheikh Duyong passed away in February 1889, a new generation of religious scholar cum administrators emerged, including Sheikhul Ulama' Haji Wan Muhammad, Sheikhul Islam Tok Ku Paloh Syed Abdul Rahman, Khadimu as-Syar'ie Haji Wan Abdul Latif bin Haji Wan Endut and Qadi Haji Wan Abdullah bin Haji Wan Abdul Latif.

Many religious scholars from the noble class held positions in the administration of the Sultanate, covering legislative, executive and judiciary arms. Sultan Zainal Abidin III also consulted some religious scholars who did not hold official positions. Among them was Tuan Guru Haji Wan Ahmad bin Haji Wan Endut al-Hafiz Bukit Bayas, who was popularly known as Haji Mat Keramat.



References can be found in the lists of individuals involved in enacting *Itqanul Muluk* 1911 and *Undang-Undang Bagi Diri Kerajaan Terengganu*. Official documents also list the Muftis and grand Qadis of Terengganu.

*Itqanul Muluk* 1911 enlisted the names of state dignitaries who were the member of the State Council and were of Faqih Ali Dato' Maharaja's descent, for example, Haji Wan Muhammad Salleh bin Muhammad (Mufti), Haji Wan Muhammad Salleh bin Ismail (Judge), Haji Wan Sulaiman bin Daud (Judge), and Encik Nik Muhammad bin Hitam (Deputy Judge). Besides, the document also recorded administrators, such as Dato' Panglima Dalam Wan Mohamed bin Ibrahim (Minister) and Dato' Sangsura Pahlawan Wan Abdul Hamid (Official). The Terengganu State Constitution also recorded the names of state officials who were religious scholars cum administrators and were of Faqih Ali Dato' Maharaja's descent. This includes Dato' Biji Sura Dato' Haji Wan Abdullah bin Dato' Kamal Wangsa and Dato' Sangsura Pahlawan Dato' Haji Wan Long Muhammad Soleh bin Haji Wan Ahmad. They were members of the Government Advisory Council, responsible for advising the Sultan of Terengganu in the formulation of the *Undang-Undang Bagi Diri Kerajaan Terengganu* for the first and second parts after the enforcement of the Federation of Malaya Agreement in 1948.

The Chief Qadis and Qadis who served from Sultan Zainal Abidin Shah I reign until Independence Day include individuals like Qadi Wan Imam Mahmud, Khadimus Syar'ie Haji Wan Abdul Latif bin Haji Wan Endut al-Hafiz Losong, Qadi Haji Wan Abdullah bin Haji Wan Abdul Latif, Qadi Haji Wan Taib bin Wan Abdul Rahman, Chief Qadi Haji Wan Endut bin Hakim Haji Wan Long @ Muhammad and Chief Qadi Dato' Perba diRaja Haji Wan Abdul Rahman bin Long.

The book *"Ulama Terengganu: Suatu Sorotan"* (New Edition) discusses several religious scholars cum administrators mentioned in this article. They include Tok Sheikh Bukit Bayas, Tok Sheikh Duyong, Khadimu as-Syar'ie Haji Wan Abdul Latif bin Haji Wan Endut al-Hafiz, and Hakim Haji Wan Long Muhammad bin Qadi Haji Wan Abdullah.

Several other imminent figures of Faqih Ali Dato' Maharaja's descent introduced in this article are recorded in the book titled *"Pentadbiran Hal Ehwal Islam Negeri Terengganu: Sejarah dan Perkembangan Sehingga Hari Ini (2013)"* traced from the government service records and other additional sources. Many held positions such as Commissioner of Islamic Affairs and Mufti of Terengganu. Some of them include:

1. Dato' Biji Sura Haji Nik Muhammad: He served as Deputy Judge and State Council Member (1911-1913), Judge of the Sharia Court (1913-1915), Judge of the Balai and Joint Court (1915-1928), Judge of the Supreme Court (1928-1937), Acting Mufti (1937-1940), and Commissioner of Islamic Affairs of Terengganu (1940-1942). He is the grandson of Tok Syeikh Duyong through his mother.
2. Dato' Sangsura Pahlawan Dato' Haji Wan Long @ Muhammad Soleh: He served as the Grand Commissioner of West Terengganu (Besut and Setiu), Commissioner of Islamic Affairs of Terengganu, as well as a member of the State Cabinet and later the Deputy President II of the Terengganu Royal Council. His expertise in Islamic jurisprudence was well-recognized, and he was called to serve as the State Mufti of Terengganu after he retired from government service.
3. Dato' Biji Sura Haji Wan Abdullah bin Dato' Kamal Wangsa: He served as the State Secretary, a member of the State Cabinet, and a member of the Terengganu Royal Council.
4. Dato' Perba diRaja Haji Wan Abdul Rahman bin Long: He served as the Chief Qadi, Commissioner of Islamic Affairs of Terengganu, acting Mufti and later the president of the Terengganu Royal Council.

The above dignitaries of the Terengganu sultanate held significant posts in government administration and Islamic personal affairs; hence, their contributions played an important role in preserving the implementation of Sharia.

### *Overcoming the Impact of the British Advisory System*

Terengganu, since the coronation of Sultan Zainal Abidin Shah I in 1708, has been a sovereign sultanate. Islamic law and Malay customs constitute the law of the land, covering both public and personal affairs that are enforced on the people of the Sultan of Terengganu. This is consistent with the other Malay rulers who inherited the laws from the Hukum Kanun Melaka and subsequent legal codes such as the Hukum Kanun Johor, Hukum Kanun Pahang, and Undang-Undang Sungei Ujong, the Sultan of Terengganu also assumed the position of a Khalifah.

Before the reign of Sultan Zainal Abidin Shah I, the people of Terengganu, who were under the rule of the Sultanates of Johor-Pahang-Riau Lingga and Patani, had already accepted the traditional Malay political system based on the teachings of Islam. Baginda Umar established the Courts to preside over legal disputes based on Islamic law under his administration. By 1909, two courts were established in Kuala Terengganu: the Balai Court (Mahkamah Balai) and the Syariah Court (Mahkamah Syariah). The Balai Court hosted hearings for criminal and civil cases, while the Syariah Court hosted hearings associated with religious rituals and family law matters. Both of these courts ruled based on Islamic law. Only after the Terengganu Agreement of 1910 was a special court named the Joint Court set up to adjudicate cases involving British subjects. The Joint Court was presided over by a Malay judge and a British officer serving as an assessor. Since the establishment of the Joint Court, the British judicial system began to influence the functions of the Balai Court, eventually leading to its renaming.

The influence of the British judicial system continued to evolve in the local law with the passing of the *Undang-Undang Tertib Mahkamah* (Court Procedure Law) in 1916. This law re-structure the organization of the courts in Terengganu into six levels: Court of Appeal, High Court (Mahkamah Besar), First-Class Magistrates Court, Second-Class Magistrates Court, Qadi's Court, and Penghulu's Court. Despite this reorganization, the local judicial systems maintained Islamic law and Malay customs as the sources of law with the introduction of the English common laws and the rules of equity therein.

Under the Federation of Malaya Agreement of 1948, the distribution of legislative, executive, and judicial powers between the Federation and the Malay States was carried out with the consent of the Malay rulers. The Federation of Malaya Agreement of 1957 eventually overrode this interim agreement and enacted of the Federal Constitution of Malaya 1957. Nevertheless, the sovereignty of the Malay rulers, as it existed before the Japanese occupation and the Malayan Union, was preserved through Article 181(1) of the Federal Constitution and the modern written state constitutions, such as Undang-undang Bagi Diri Kerajaan Terengganu [the State Constitution of Terengganu] found in Part I (enacted in 1948) and Part II (enacted in 1950).

In the Terengganu legal system, English common law and rules of equity principles were adopted under certain conditions according to Section 3 of the Civil Law Act 1956. English common law and rules of equity principles could not be adopted without necessary modification to preserve local circumstances. In other words, despite the adoption of English common law and rules of equity in the judicial administration of public law in Terengganu by judges and lawyers trained therein, Islamic law remains as the law of the land. The sovereign power, rooted in Islamic teachings, remained with the Sultan of Terengganu as the ruling monarch, encompassing the public and personal aspects of the people's lives with the practice of consultation (shura).

Public affairs are the rulings enforced on all the people and inhabitants of Terengganu, regardless of religion. The principles of Sharia are preserved because the religious scholars are directly involved in the public administration of the Sultanate. Besides, the enacted modern written constitution further strengthened the position of Sharia in controlling British intervention throughout its period. According to the Federal Constitution passed by the Terengganu State Council in August 1957, the public aspects of Sharia have been delegated into federal jurisdiction unless such matters are retained under the state administration.

## Conclusion

Islamic scholarship fortified the glory within the Sultanate of Terengganu, which consisted of the ruling monarch and aristocrats. It gave birth to a modern written constitution under the rulership of two great Sultans of Terengganu, strengthening its local legal systems. The enacting of *Itqan al-Muluk* 1911, which evolved into the Terengganu State Constitution, was a manifestation of the role of the religious scholars cum administrators and such role continued until Independence Day. This connection can be traced back to the strong relationship between the ruling monarch and the descendants of Faqih Ali Dato' Maharaja.

This collaborative effort preserved Islam's and Malay's identities, which were incorporated into a written constitution and later enshrined in the Federal Constitution, upholding the principle of Sharia compliance in public administration.

The influential roles played by the descendants of Faqih Ali Dato' Maharaja were not only in the realm of legislation but also in judicial and political administration, thus preserving Islam as the law of the land in Terengganu. Hence, the practice of Sharia before Independence Day is not confined to personal affairs as assumed by many; by the Federal Constitution, the public aspects of Sharia are entrusted to the public authority at the federal level unless those matters are retained in the state administration.

This study has specifically proven the contributions of the Faqih Ali lineage in the public administration of Terengganu. It does not in any way deny the contributions of existing scholars highlighted in current academic writings. However, the lack of related literature has resulted in the contributions of the Faqih Ali lineage not being thoroughly discussed and duly recognized. Furthermore, this study has implications for the profiling of the roles of scholars, not merely adding to biographical data but also opening avenues for further research. Subsequent studies could be conducted in the context of Terengganu in-depth and even expanded to other governments as well.

## Acknowledgement

This work was funded by the International Institute of Islamic Thought and Civilization (ISTAC) Research Grant Scheme (grant number: ISTAC23-013-0015).

## References

- A. Samad, A. (eds). (2015). *Sulalatus salatin*. Dewan Bahasa dan Pustaka.
- Abd Wahab, N., Sulaiman @ Abd. Rahim, R. ., Mohd Noor, A., Abdullah, M. F., & Mohamed Hassan, N. (2022). *Itqan al-muluk bi ta'dil as-suluk*: The implication of Terengganu institution 1911 promulgation. *Journal of Al-Tamaddun*, 17(2), 25–38.
- Ali, M. S. & Hamat, M. F. (2011). Penghayatan akidah di Terengganu. *Jurnal Islam dan Masyarakat Kontemporari*, 4(Julai), 121-136.
- Buyong, A. (1974). *Sejarah Terengganu*. Dewan Bahasa dan Pustaka.
- Casparis, J. G. (1980). Ahmat Majanu's tombstone at Pengkalan Kempas and its Kawi inscription. *Journal of the Malaysian Branch of the Royal Asiatic Society*, 53(237), 1–22.
- Chao, J. K. (1967). *His work on the Chinese and Arab trade in the twelfth and thirteenth centuries*. Cheng Wen Pub.
- Hashim, W. H. W. E. (2023). *Tok Ku Tuan Besar*. Muhammad, A.B. (eds). *Ulama Terengganu Suatu Sorotan* (New Edition). Perpustakaan Perpustakaan Awam Terengganu.
- Henri, C.L. (2014). *Tulisan Melayu/Indonesia: Aksara dalam perkembangan budaya*. Henri, C.L., Zulkarnain, I., Mendu, D. (eds) *Lima Belas Karangan Tentang Sastra Indonesia Lama*. Kepustakaan Populer Gramedia.
- Husain, W. A .F. W. (2018). *Kedaulatan Raja-raja Melayu: Jurisprudens, governan & prinsip perlembagaan persekutuan*. Abad Sinergi Sdn. Bhd.
- Husain, W. A. F. W. (2017). Konsep kedaulatan Raja-raja Melayu menurut kerangka peribumi. *KANUN: Jurnal Undang-undang Malaysia*, 30(1), 38-70.
- Husain, W. A. F. W. (2021). Kedaulatan watan teras jati diri bangsa dari perspektif perlembagaan Terengganu. *UFUQ International Journal of Arts and Social Science Research*, 1(1), 1-18.
- Husain, W. A. F. W. (2021). Watanic jurisprudence: Articulating the legitimate elements of the basic structure of the Federal Constitution. *IIUM Law Journal*, 29(1), 1-28.

- Husain, W. A. F. W. (2021). *Yang di-Pertuan Agong: Kedaulatan, prerogatif dan amalan*. Kuala Lumpur: Dewan Bahasa dan Pustaka.
- Husain, W. A. F. W. (2022). *Kedaulatan Malaysia governan utama negara*. Abad Sinergi Sdn. Bhd. & Penerbit Universiti Malaysia Pahang.
- Husain, W. A. F. W., Ngah, A. C. & Mohamed Anwar, O. D. (2018). Konsep kedaulatan dalam Hukum Kanun Melaka. *Jurnal Undang-Undang dan Masyarakat*, 22, 61-73.
- Jabatan Warisan Negara. (2023, August 10). Retrieved from <https://www.heritage.gov.my/memory-of-the-world-mow-international-register/iv-batu-bersurat-terengganu.html>.
- Jelani, H. (2015). Syair tawarikh Zainal Abidin yang ketiga sebuah karya agung Terengganu. *International Journal of The Malay World and Civilisation (Iman)*, 3(2), 3–15.
- Kassim, A. (1997). *Hikayat Hang Tuah*. Yayasan Karyawan & Dewan Bahasa dan Pustaka.
- Kozok, U. (2006). *Kitab undang-undang tanjung tanah naskah melayu yang tertua*. Yayasan Obor & Yayasan Naskah Nusantara.
- Lateh, H. M. (2017). *Implikasi hubungan luar Sultan Abu Bakar terhadap pengubalan Undang-undang Tubuh Kerajaan Johor 1312 (1895)* [Doctoral dissertation, Universiti Kebangsaan Malaysia]. UKM Learning and Research Repository. <http://ptsldigitalv2.ukm.my:8080/jspui/handle/123456789/519618>
- Lateh, H. M., Resad, I. S. M., & Jamsari, E. A. (2018). Analysis of loanwords in the text of Johor State Constitution 1312H (1895). *International Journal of Civil Engineering and Technology*, 9(1), 763-770.
- Liaw, Y. F. (eds). (2003). *Undang-undang Melaka*. Yayasan Karyawan.
- Mohamad, A. B. (2023). *Tok Sheikh Duyong*. In. Muhammad, A.B. (eds). *Ulama Terengganu suatu sorotan (New Edition)*. Perpadanan Perpustakaan Awam Terengganu.
- Mohamed Anwar, O. D. & Nik Anuar, N. M. (2011). *Sejarah Kesultanan Terengganu 1708-2008*. Yayasan Diraja Sultan Mizan.
- Mohamed Anwar, O.D., & Nik Anuar, N. M. (2009). *Sejarah Kesultanan Terengganu 1708-2008*. (Coffee Table Edition). Yayasan Diraja Sultan Mizan.
- Muhammad A. B. (2023). *Ulama Terengganu suatu sorotan (New edition)*. Perpadanan Perpustakaan Awam Terengganu.
- Muhammad, A. B. (1991). *Sejarah dan kebangkitan ulama Terengganu*. Utusan Publications and Distributors & Jawatankuasa Koleksi Terengganu.
- Musa, O. (eds). (2014). *Pentadbiran hal ehwal Islam Negeri Terengganu: Sejarah dan perkembangannya hingga kini*. Majlis Agama Islam dan Adat Melayu Terengganu.
- Mustapha, N. A. R. (2019). *Salsilah keluarga Tengku, Nik dan Wan*. Nik Abdul Rahman bin Mustapha.
- Nik Mustapha, N. M. (2023, November 5). Personal Communications [Personal Interview].
- Robert, S. T. (1977). The Terengganu ruling class in the late nineteenth century. *Journal of Malaysian Branch Royal Asiatic Society*, 50(2), 25-47.
- Saghir, W. M. (2023, August 16). Syeikh Faqih Ali al-Fathani. *Utusan Melayu*, 2008, August 16. [http://www.utusan.com.my/utusan/info.asp?y=2008&dt=0310&pub=utusan\\_malaysia&sec=Bicara\\_Agama](http://www.utusan.com.my/utusan/info.asp?y=2008&dt=0310&pub=utusan_malaysia&sec=Bicara_Agama).
- Salsilah Faqih Ali. (n.d.) Rekod peribadi Dato' Sangsura Pahlawan Dato' Haji Wan Long Muhammad Soleh bin Wan Ahmad. [Unpublished manuscript].
- Shariff, T. R. T. (1985). Pentadbiran agama Islam di Terengganu dari tahun 1911 hingga 1930-an. *Jebat: Malaysian Journal of History, Politics and Strategic Studies*, 13, 119-148.
- Wan Husain, W. A. F. (2023). Keperlembagaan seksyen 498 kanun keseksaan: Analisis jurisprudens watan. *Malaysian Journal of Syariah and Law*, 11(2), 405–419. <https://doi.org/10.33102/mjsl.vol11no2.692>