

Malaysia heading towards harmonising shariah, common law, Zahid says
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Malaysia is progressing towards harmonising and bridging the gap between shariah and common law, says Deputy Prime Minister Datuk Seri Ahmad Zahid Hamidi today.

"Actually, if we trace the history of the development of our legal system, the process of harmonisation of shariah and common law has been going on for more than two decades in this country.

"This is truly important in fostering a credible, efficient and conducive legal framework and dynamic regulatory environment.

"Today, we can clearly witness the influence of common law on the rules of procedure and evidence that are now being used in the shariah courts and the application of Islamic law administered by the civil courts," he said at the opening of the "3rd International Seminar on Syariah and Common Law" at Universiti Sains Islam Malaysia in Nilai today.

His speech text was read by deputy minister in the Prime Minister's Department, Datuk Asyraf Wajdi Dusuki.

Zahid said as part of Malaysia's continuous efforts to further strengthen the legal system and infrastructure to cater for the growing development of Islamic finance, the Malaysian government had initiated the setting up of the Law Harmonisation Committee in 2010.

"Headed by former chief justice Tun Abdul Hamid Mohamad, it is supported by accomplished members of the legal fraternity with the aim of ensuring the laws of Malaysia are shariah compatible."

Zahid said shariah and common law were two diverging legal systems that had evolved in different periods in Malaysia.

He said both were unique in terms of sources of the laws, hierarchy of authoritativeness, legal rules and practices including methods and reasoning.

"While celebrating the differences as unique features, any shortcomings therein should not be seen as insurmountable impediments to upholding the aims of justice.

"Considering the diversity of these two prevailing legal systems, we must come to grasp with the reality of this country.

"We cannot escape from the fact that Malaysia is a multi-racial, multi-cultural and multi-religious country with a mixed legal system.

"In a democratic country, any change and improvement we want to make must be done through the democratic way. More importantly, we have to work within the confines of the Constitution." – Bernama, October 27, 2015.

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