

The Impact of Islam on The Concept of Government of The Sultanate of Malacca During The 15th Century

Ismail Mamat*

*Department of Uṣūl al-Dīn and Comparative Religion, Kulliyah of Islamic Revealed Knowledge and Human Sciences,
International Islamic University Malaysia, P.O. Box 10, 50728 Kuala Lumpur*

**Corresponding author: ismail.m@iiu.edu.my*

Article history

Received: 2017-12-06 Received in revised form: 2018-01-11 Accepted: 2018-01-12 Published online: 2018-10-31

Abstract

This article attempts to look at the impact of Islamization process on the Sultanate of Malacca during the 15th century. Islam has offered civilizational life for the Malays. Malacca grew from an unknown place during the pre-Islamic period to become one of the well-known centres of Islamic religion and culture in the region. Islam has changed the status of Malacca after reducing its pre-Islamic customs and ways of life. The importance of the Malay Sultanate of Malacca has been well-documented and much has been written about it by many authors either by Malaysians such as Buyong Adi1, Kernal Singh Sandhu, Mohd Jamil Mukmin, Mohd Taib Osman, Muhammad Yusoff Hashim, Abu Hassan Sham, Khoo Kay Kim, and Joginder Singh Jessy, and Zubir Usman, or by the non-Malaysians including R. O. Winstedt, R. J. Wilkinson, Walter William Skeat, C. O. Blagden, Paul Wheatley, D. G. Hall, F. J. Moorhead, J. Bantin and R. Roolvink, J. Kennedy, John Bastin, Liang Liji, M. B. Hooker, Nicholas Tarling, Paul Wheatley, Sarnia Hayes Hoyt, T. W. Arnold, W. P. Groeneveldt, Christopher H. Wake, P. E. de Josselin de Jong and H. L. A van Wijk, Robert W. McRoberts, and Wang Gangwu. They wrote on various genres of literature and culture of the Malays as well as the history of the Sultanate. However, some of them especially the orientalist, because of their adoption of various Western social theories, this application of such theory to the sultanate or the Malay society yield untenable results. We shall argue some of whom tend to regard Islam as unimportant in shaping the Malay worldview, society and identity. This article will emphasize the civilizational significance of the Islamic impact by looking at the system of political authority and the concept of government of the Sultanate.

Keywords: Malay, Malacca, Islamization, Civilization, *Sulṭān*, *Khalīfah*, *Imāmah*

1.0 INTRODUCTION

In order to understand the concept of government in Islam, it is necessary to examine the concept of *Khalīfah al-Mu'minīn fī al-Ard* (Vicegerency of the believers on earth) (Zahrawy, 1982). The term *khalīfah* in the constitutional terminology of the Sunnī refers to the title of the head of the Islamic state (Manzoorul-Din, 1962). The term *Imām* has been also by Sunnī Muslim thinkers like Abū Ḥasan al-Māwardī (d. 450 A.H./1058 C.E.), who wrote *al-Aḥkām al-Sultāniyyah wa al-Wilāyāt al-Dīniyyah*, in a similar reference to *al-khalīfah* (al-Khatib, 1953).

In the register of Shiite jurists, however, the word *Imām* is also used to refer to the head of the Islamic state, but in special sense. The *Imām*, according to their theory, becomes not only a head of state who administers the *sharī'ah* on behalf of the believers, but is a repository of secret knowledge which invests on him with additional spiritual powers, placing him above ordinary men. Their theory of *Imām* not only provides for the hereditary rules based on Divine right reminiscent of the theory of the Divine Right of kings of Medieval Europe, but also acknowledges 'ismah (infallibility) of the *Imām* (al-Khatib, 1953).

The *khalīfah* is a unique institution peculiar to the characteristics of the Arabs; their social mores, cultural values and tradition (Anwar, 1960). Its mechanism and functions were different from all political system prevailing at the time. It had no precedence in the pre-Islamic history of the Arabs (Paydar, 1973). It refers to the office which performs the function of the successor to the Prophet in protecting the religion (*ḥirāsah al-Dīn*) and managing the affairs of this world (*wa siyāsah al-Dunya bihi*) (al-Mawardi, 1983). The *khalīfah* does not refer to the prophetic religious function of Muhammad, for the divinely inspired religious role of Muhammad ended with his death. Therefore, the establishment of the *khalīfah* institution in Islam was a product of political necessity. While the Islamic law (*sharī'ah*) provides the foundation of Islamic polity, the caliphate office provides the means whereby the law is translated from the sphere of potentiality into actuality and the caliphate provides sanctions for its enforcements (Deiranieh, 1974).

In Māwardī's opinion, the Islamic law (*sharī'ah*) is applied both to the ruler and the ruled, and it is used as a means of bringing them under the rule of law. He who was one of the leading jurists of the 'Abbasid period, followed the footsteps of the Umayyads and declared that a caliph can legitimately assume his office through succession if this is done with the consent of the community (al-Mawardi, 1983).

Pertaining to the Sultānate of Malacca, its political system was strengthened by its well-organized structure. It practiced a system of administration which could be classified as unique and most suited to the needs of the nation and also the Malay society at the time. This system developed after the coming of Islam. It did not follow the Hindu concept of *devaraja* or divine kingship, as viewed by some western scholars. The following discussion will analyse the Islamic impact upon the concept and the role of Sultānate of Malacca.

2.0 THE TECHNICAL TERM USED FOR THE RULERS

Referring to Sejarah Melayu or Sulalat al-Salatin (henceforth SS) and Undang-undang Melaka or the Laws of Malacca (henceforth LM), some terms used specially for the rulers were found.

I. *Sultān*

The SS and the LM always mention this term referring to the rulers of Malacca, such as; Sultān Iskandar Shāh, Sultān Muẓaffar Shah, Sultān Maṣṣur Shāh, Sultān ‘Alā al-Dīn Ri’āyat Shāh, and Sultān Aḥmad Shāh.

This term has its role and status in Islam history. The title sultān is said to have been given for the first time by Harūn al-Rashid of the ‘Abbāsīd Caliphate to his minister (*waẓīr*). We find it was occasionally used by the caliphs, both during the ‘Abbāsīd and Fāṭimid periods (Lewis, 1988).

By the tenth century it had become a common designation, though still only used informally, for independent rulers and potentates, used to distinguish them from those who were still subject to the effective authority of the central power. There are many literary references, in poems, letters, and historical narratives, to such use, but there are no coins or inscriptions in which sultān is used as a personal title. From this, it is clear that it had not had been officially recognized. It became official in the eleventh century, when it was used by Turkish dynasty known as the Great Seljuks (*al-Sālajiqah*), who adopted it as their principle title. The Seljuks, according to Ibn Kathīr (d. 774 A.H./1372 C.E.) established their reign in Khurasan in 429 A.H./1037 C.E. They moved to Baghdad in 447 A.H./1065 C.E. In Seljuk usage, sultān had a new sense and embodied a new claim, no less than a title to universal empire. For the Seljuks, there was one sultān just as there was one caliph, and the sultān was the supreme political and military head of Islam.

In the post-Seljuk period, sultān became the usual Islamic title of sovereignty. That is to say, it was the standard title used by a monarch claiming to be the head of a state and not recognizing any suzerain or superior. Thus, it was used in the late Middle Ages by the Mamluk sultān in Egypt, by the Ottoman sultāns in Turkey, and by many others (Lewis, 1988).

II. *Khalīfat al-Mukminīn*

The LM mentions: “He was the first ruler to embrace Islam and to codify royal customs and rules, and the rules pertaining to high dignitaries. (It was he too) who laid down the laws and rules of the land, handed down through the generations to His Majesty Sultān Muẓaffar Shāh, and then to H.M. Sultān Maṣṣur Shāh, and then to H.M. Sultān ‘Alā al-Dīn Ri’āyat Shāh, and then to H.M.’s son, Sultān Maḥmud Shāh, *khalīfah al-mu’minīn* (the Caliph of the Faithful), *ẓill Allāh fi al-‘alam* (the Shadow of God on Earth)” (Liaw, 1976).

In the SS: “when Bendahara Paduka Raja was about to die, he told his family; In all sincerity of heart do your duty toward God Almighty and the Apostle of God (may God bless him and give him peace), and do your duty toward your Raja(Ruler), forgetting not what the divines tells us, that a just prince is joined with the Prophet of God like two jewels in one ring. Moreover, the Raja is as it were the deputy of God. When you do your duty to the Prophet of God it as though you were doing it to God Himself, as says the Word of God in the Quran, ‘Do your duty towards God and the Apostle of God...’ (Winstedt, 1938).

In Islamic history. The caliphate was the most sovereign institution, beginning with the death of the Prophet and the appointment of Abū Bakr as his successor to the headship of the community. He is the first of a long series. There is an interesting conversation, recorded in several versions by later Arabic writers, which runs as paraphrased: “When Abū Bakr succeeded the Prophet, he was called *Khalīfat Rasūl Allāh*, the deputy of the prophet of God. Then ‘Umar succeeded or perhaps replaced him (*istakhlafahu*). A man came to hear ‘Umar and addressed him

as *Khalīfat Allāh*. ‘Umar cursed him, and said: ‘That is David.’ The man then called him *Khalīfat Rasūl Allāh*, deputy of the Prophet of God, and ‘Umar said: ‘But that was Abū Bakr, who is now dead.’ So the man addressed him as *Khalīfat Khalīfat Rasūl Allāh*, deputy of the deputy of the Prophet of God, and ‘Umar said: ‘That is correct, but it grows longer,’ and the man said: ‘Then what shall we call you? And ‘Umar said: ‘You are the believers and I am your commander, therefore call me *Amīr al-Mu’minīn*, commander of the believers.’” (Ibn ‘Asakir, 1984).

The title *khalīfat Allāh*, with the vastly more extensive claim that it implies, was used in a tentative, one might say an unofficial way. It appears, for example, in odes of praise addressed to the Umayyad caliphs and later to the Abbasid caliphs, by their court poets, or as we might nowadays call them, their public relations officers. It appears occasionally in speeches and letters cited in books, or in historical narratives and other writings (Mamat, 2016).

The first who appears to have used the title in inscriptions was Umayyad caliph ‘Abd al-Malik (r. 685-705 C.E.). He was also the first caliph with a conscious and explicit imperial purpose, a Muslim rival to the Christian Byzantine Emperor in Constantinople. His imperial ambitions were expressed in a creation of a new, centralized administration working in the Arabic language and, most dramatically, in the issue of a new gold currency with Arabic, Islamic inscriptions. There are also coins of the Abbasid caliph al-Ma’mūn (r. 813-833 C.E.) in which he describes himself as *khalīfat Allāh*. The third to use the title of *khalīfat Allāh* in an inscription was the late Abbasid caliph al-Nāṣir (r. 1180-1225 C.E.). (Lewis, 1988).

The title was used politically for a series of rulers in Islam from just after the death of the Prophet Muhammad (pbuh). These caliphates were, for instance; Umayyads (661-750 C.E.), ‘Abbasids (750-1258 C.E.), Fāṭimids (910-1160 C.E.), and ‘Uthmāniyyah (1299-1924 C.E.).

III. *Zill Allāh fī al-‘Ālam*

The LM mentions: “He was the first ruler to open up the land of Malacca, bearing the title of Sultān Maḥmūd (Muḥammad) Shāh, *Zill Allāh fī al-‘ālam* (the Shadow of God on Earth). He was the first ruler to embrace Islam and to codify royal customs and rules, and rules pertaining to high dignitaries. (It was he too) who laid down the laws and rules of the land, handed down through the generations to His Majesty Sultān Muzaḥfar Shāh, and then to H.M. Sultān Manṣūr Shāh, and then to H.M. Sultān ‘Alā al-Dīn Ri’āyat Shāh, and then to H.M.’s son, Sultān Maḥmūd Shāh, *khalīfat al-mu’minīn* (the Caliph of the Faithful), *zill Allāh fī al-‘ālam* (the Shadow of God on Earth)”.

The SS mentions: “... in the reign of Sultān ‘Alā al-Dīn Ri’āyat Shāh, *zill Allāh fī al-‘ālam* (Shadow of God upon earth), while he had a settlement at Pasir Raja...” (Winstedt, 1938).

Since Islam has played an important role in Malay Society, the association of the ruler’s authority with Islam carries considerably weight. To further emphasize the religious element, the theory that ruler was ‘God’s shadow on earth’ was also put forward. It was a very ancient title that was first used in Babylon. It was later adopted by the Caliphate in Baghdād and the Delhi sultāns in India. The Abbasid caliphs considered themselves to be the representatives of ‘God’s rule on earth’ (*sultān Allāh fī arḍihī*) and even as ‘God’s shadow on earth’. The ruler was taught: ‘the ruler is God’s shadow on earth, all those troubled find refuge in it’ (Goldziher, 1971).

This title was also used for other Malay rulers, for instance, the leader of the Malays converted the Patani ruler, Phya Tu Antara (*Phya Tu Naqpa*) to Islām in 1457 C.E. and he adopted a Muslim name and title and called himself Sultan Ismail Shah, *zill Allāh fī ‘al-‘ālam* (Teeuw, 1970).

From the above discussions, it is safe to say that the coming of Islam changed the system of political authority and power of Malays from devaraja to the sultanate system of government. The devaraja cult grew out of Hinduism which taught that the king was a divine universal ruler, a manifestation of the Hindu god, often attributed to Shiva or Vishnu.

The sultān who reserved power (*daulah*) in matters relating to the administration of the state, internal or otherwise and in declaring a state of war, of peace. The change of the ruler's title from that of 'Raja' (King) to that sultān which related to the concept of khalīfah and zill Allāh fī al-'ālam shows the development in the political system of the Malay government.

2.1 Impact of Islam on the Political Authority of Malacca

Political authority in Islam stems from at least three basic principles; justice (*'adl*), obedience (*ṭā'ab*) and *shurā* (Uthman, 1972). The political head of the state as well as all its public officials must be guided by justice. The Quran states: Allah commands justice, the doing of good... (*Surāt al-Nahl* 16: 90) Allah doth command you to render back your Trust to those to whom they are due; and then when ye judge between man and man, that ye judge with justice ... (*Surāt al-Nisā* 4: 58)

The LM and the SS in many time, stress the importance of justice. Both for demand the administration of Malacca be run justly in accordance with the law of Allah:

“Concerning all the ministers and *sida* (court officers) and the fighting man they should act in accordance with the words of God Most High in the Qur'ān, they should obey the command to do good and the injunction forbidding to do evil” (Liaw, 1976).

“*Kullukum rā'in wa kullukum mas'ulun 'an ra'iyatibi*, which means: All of you being shepherds will be questioned about your herds”.

“*Al-'abdu tin al-manula'*”, means: The subject is the land of the Master”.

“*Al-ra'yatu cun bikh sultan [chu] dirakb'*” (Persian), means: “The subjects are like roots and the rulers are like trees” (Winstedt, 1938).

...kerana pada yaum kiamat atas batang leher kamu tergantung pekerjaan itu”, means: “... because on the Day of Resurrection, on your neck is hung this work (you will have to account for your deeds). This clause perhaps refers to the Quranic verse (*Surāt al-Isrā'* 17:13) which means “Every man's fate We have fastened on his own neck: On the Day of Judgment We shall bring out him a scroll, which he will see spread open.” (Liaw, 1976).

The LM also contains provisions relating to the Ruler (government), the administration and administrative law. Chapter 1:3 mentions the qualities required of a ruler which are four in number. Firstly, he is merciful; secondly, he is generous; thirdly, he is courageous; and fourthly, he is able to give his verdict decisively. These qualities actually are important in order to maintain the stability of political power.

The SS describes Sultan Mansur Shah's advice to his son, Sultān 'Alā al-Dīn Ri'āyat Shah to rule the state according to the command of Allāh;

“Upon you is laid the duty of faithfully cherishing those who are subject to you and of liberally forgiving any offences they may commit, as we are bidden by Almighty God in the words 'Verily God is with them that shew forbearance.' If you are confronted with your own business and the business of God, put the business of God before your own: and submit

yourself utterly to the will of God before your own: and submit yourself utterly to the will of God, for the Prophet said: ‘Resign Thyself to the will of God and shall suffice unto your thee’. Do as I am telling you, my son, and assuredly you shall receive the blessing of Almighty God and the blessing of his Prophet (may God bless him and give him peace)” (Winstedt, 1938).

The SS reported that Sultān ‘Alā al-Dīn Ri’āyat Shah disguised himself one night, when he fought against many thieves. His actions result in wiping out almost all thieves:

“Now it happened once that thieves were rife in the city of Malacca and people were robbed night after night. So distressed was Sultān ‘Alā al-Dīn to hear of the depredations of these thieves that one night having dressed himself like a thief he went in disguise with Hang Isak and Hang Siak round the city to see what was going on. On researching a certain spot, the king came upon five thieves carrying a chest slung on a pole. He set upon them and the thieves took fright and bolted, all five of them, and they threw away(?) the chest...”.

The second principle of state and government in Islam is the obedience of the ruled to their rules. The Qur’ān commands that Muslims render their obedience to Allah, to Messenger, and those charged the authority among them. (*Surāt al-Nisa* 4: 59). Yet this concept of obedience is also a limited and conditional obedience on their part, for Muslims are told that they do not owe obedience to unjust command. In order words, “No obedience due to him who does not obey God or rebel against God’s commandment” (Asad, 1961)

The LM also mentions the following clauses to show the role of the *sultān* and the ruled: *Atī’ Allāh wa atī’ al-Rasūl wa uli al-Amri minkum* (*Surāt al-Nisā’* 4: 59), means: “Obey Allah and obey the Messenger and those who have the command over you”.

The third principle of political life in Islam is *shūrā*. In a board sense, the Arabic term *al-shūrā* means consultation with others for the purpose of knowing their opinions (al-Duri, 1974). It is a process of mutual consultation in the affairs of the Muslim community (Dieranieh, 1975). The rulers and the ruled conduct their affairs by mutual consultation.

The Qur’ān commands Muslims to take their decisions, after consultation, whether on a public matter or a private one (Hamudullah, 1969). The Qur’ān provides two main injunctions which directly refer to the concept of *al-shūrā*. The first is the Quranic passage, “*amrubum shūrā baynahum*” (*Surāt al-Shūrā* 42: 38) who conduct their affairs by mutual consultation. Another one is “*wa shāwirhum fī al-amr*” (*Surāt al-Imrān* 3: 159) and consult them in affairs.

The key terms which determines the scope of the consultation in both passage is the noun “*amr*” (affair), which refers to the object of the consultation. We should examine how this term was defined by the Prophet. During the lifetime of Muḥammad, his overall conduct is divided into two categories: spiritual and temporal. “The spiritual aspect of life was regulated by the Law Giver whether through the direct Quranic revelation (*wahy*) or through the divinely inspired (*ilhām*) explanatory spiritual legislation which was beyond human reason, and so the Prophet made reference to nobody. The second type was the temporal legislation which dealt with conduct of worldly affairs. At this level the prophet would make it a matter of consultation” (al-Munifi, 1973). Therefore, the Prophet defined the object of the consultation as those temporal matters about which there were no precise injunctions in Qur’ān.

In light of the previously quote Quranic injunctions concerning *shūrā* and how they were applied by the Messenger of Islam, it became a rule of thumb in Islamic legal traditional that whenever there is a *nass* or precise injunction of the *sharī’ah* pertinent to the subject under consideration, upholding such an injunction with respect to its application to the case under

consideration is mandatory on both the ruler and the ruled. Consultation, in this case, is relevant only to the determination of the best possible methods of applying that junction and may be undertaken by the people in whatever form they choose (Liaw, 1976).

In the Sultānate in Malacca, although political power and concerns rested upon one person, the *sultān*, the constitution of the state defined the requirement of consultation in accordance with the concept *shūrā*. The LM mentions that the *sultāns* had consulted and cooperated with their ministers:

“And this is what is to be done by all the ministers who are holding this kind of office. You should from early morning sit in the hall of audience, because God has to a great extent left all human being to (the care of) the rulers and their ministers, for the Prophet, may God bless him and give him peace, has said:

“All of you, being shepherds, will be questioned about your herds, (and) therefore, if the occasion arises, (we) should willingly take orders and carry out wherever task may be assign to us in this world so that we may feel without burden in the world to come, because, even if the ruler be just (*‘ādil*), if has no ministers or judges to carry out (his orders), his justice cannot take effect.

Even if is brave and wise but the ministers and subjects do not agree (among themselves), (the country) will not be at peace. It is like fire, if there is no firewood, certainly the fire cannot burn. And it also it is with the rulers” (Liaw, 1976).

In the SS, there are many statements which show the practice of *shūrā*:

“... Now the Raja of Rekan was, as it were, ruler of Malacca, Sultān Abū Shahīd being still in minor, the chiefs, ministers and war-chiefs assembled before the Bendahara to take counsel”.

“... And Tun Telenai consulted with Menteri Jana Putra...”

“... The Laksamana, the Sri Bija diraja and the war-chiefs accordingly foregathered with Bendehara Paduka Raja to consider what should be done,,,”

“... Bendahara Paduka Raja then sent for the Sri Bija diraja, the Laksaman, and the war-chiefs; and when they had come, the Bendahara took consel of them.”

For the above statement, it was understood that although the *sultāns* have power (*daulah*), there were some rules relate to them. In the SS and particularly the LM there is emphasis upon the right and duties of the ruling classes and the rules which they must know and take particular care of. As mentioned, the Quran injunction “Obey Allah and obey the Messenger and those of you who have the command over you” has been highlighted. The rulers, ministers and people must cooperate and enjoin to act in accordance with the word of God. The minister is likened to a shepherd to a shepherd to whose care God has entrusted the people. He must be just and carry out the ruler’s proper commands. His religious authority stems only from his role as symbolic defender or guardian of Islam, so that obedience to him is restricted to political affairs (Deiraneih, 1975).

3.0 GOVERNMENTAL AUTHORITIES

These authorities can be divided into three; legislative, executive and judicial authorities.

I. Legislative Authority

As the Quranic verse highlighted: “*Atī’ Allāh wa atī’ al-Rasūl wa uli al-Amri minkum*” (*Surāt al-Nisā’* 4: 59). This means: “Obey Allah and obey the Messenger and those who have the command over you”, and a statement which is always mentioned at the end of almost every chapter; “*Wa’l-Lāhu a’lam bi al-ṣawāb*”, means: “And Allah knoweth best the truth”, show the absolute sovereign is God alone and by extension sovereignty belongs to His final revealed message of Islam. Therefore, the absolute legislative authority belongs to Allah alone, the absolute sovereignty and judgment or decision (Winstedt, 1938).

II. The Executive Authority

The LM described the structure of Malacca’s administration;

Every king must, in the first place, appoint a Chief Minister (*Bendahara*), secondly, a Police-Chief (*Temenggung*), thirdly, a Treasurer (*Penghulu Bendahari*) and fourthly, a Harbour-master (*Shabbandar*), (and if he does so) both the ruler and his subjects can live in peace and security.

Therefore, the highest rank was the sultan. He was assisted by the Chief minister (*Bendahara*) who was his trusted advisor on matters of state. Meanwhile, he had a Police-Chief (*Temenggung*) to ensure peace within the state, a Commander (*Laksamana*) to ensure peace at sea and a Harbour-master (*Shabbandar*) who collected taxes in the port.

There were certain characteristics which were prerequisites for the appointment of a minister. Besides the principles in the previous discussion, there were other six requirements. He should (Liaw, 1976):

- i. Be able to investigate whether a subject is guilty or not
- ii. Be able to know the law
- iii. Be able to know how to solve disputes (arising out) of the taking of employment
- iv. Be able to hear both parties
- v. Be able to (be) humane, even at the time of giving severe punishment
- vi. Be able to know (how to conduct) an investigation properly.

III. Judicial Authority

The coming of Islam gave new light to Malaccan people, with the application of the Islamic law (*sharī’ah*). This law aims at construct human life on the basic of *ma’rifāt* (virtues) and to cleanse it to *munkarāt* (vices) (Ibrahim, 1957) or in the other words to pursue *ḥusn* (high moral standard) and to avoid *qubḥ* (ugliness of life and character). The law in Malacca was legally administered by a *qāḍi* or *ḥākim* (judge).

Historically, it was a costume of the Prophet (peace upon him) to appoint *qāḍīs*, he was followed in this by the Rightly Guided Caliphs (*al-Khulafā’ al-Rāshidūn*), although they themselves exercised judgment personally. It was, therefore, incumbent upon the ruler (*sultān*), if he could

not personally give judgement, to appoint *qāḍī*s; failing which, it was not feasible for him to execute the ordinances of the *sharī'ah* (Lambton, 1981).

By the 15th century, Islamic legal institutions, especially that of the *qāḍī* existed in Malacca. The SS mentions *qāḍī*s in the reign of Sulṭan Maṣṣur Shah (1456-1577 C.E.) of Malacca (Winstedt, 1938). That was Mawlānā Abū Bakar, who presented the book, *Durr al-Manzūm* to Sulṭan Maṣṣur Shah, and was appointed the *qāḍī* of the sulṭanate in addition to his function as a religious advisor to the *sulṭan* (Hashim, 1988). There were several other religious advisors in Malacca who apparently also functioned as the *sharī'ah* functionaries, for they were called *qāḍī*, the most prominent among them being Qāḍī Yusuf, Qāḍī Munawwar, Qāḍī Sadr Jahan. (Winstedt, 1938). These *qāḍī* were also reported to have exerted considerably influence upon court circles, and were socially on a par with the traditional dignitaries and notables (Osman, 1997). Of course, the *qāḍī*'s function is to redress wrongs and to enforce rights. He was supreme and the administration of justice had to be above the suspicion of subservience to executive authority (Ibrahim, 1975).

The relatively strong authority of the *qāḍī* vis-à-vis the rulers in the Malay world reminded us of the powerful structure of the *sharī'ah* functionaries in other parts of the Muslim world, for example in the Ottoman Empire. Even through the *qāḍī* in certain parts of the Malay world, including Malacca, exercised a relatively tremendous influence upon the population and rulers like their Ottoman counterparts, they generally had no such highly elaborated Ottoman hierarchy of Islamic legal authorities (Gibbs, 1957).

Consequently, having a well-organized system and power, Malacca was able to widen its empire to include the Malay Peninsula and some parts of Sumatera, such as Kampar, Inderagiri, Jambi, Bangkalis, Carimun Island, Pasai, Siak and Riau-Lingga. Through the expansion of the empire, Malacca had directly brought Islām to Malay world.

4.0 MALACCA'S LEGAL SYSTEM

In Malaysian historiography, Islamic law became the basis of the laws of the Malay states since the early history of Malacca (Ibrahim 1975). In Malacca, the influence of Islām in its laws, was so strong that in the Maritime Laws of Malacca, the helmsman of a ship was likened to the leader of a prayer congregation (*imam*) and the crew as this congregation (*ma'mūm*) (Winstedt, 1956). At the same time, the basis for the provisions related to Islamic law in the LM is stressed: "... they should act in accordance with words of God Most High in the Qur'ān, they should obey "the command to do good and the junction forbidden to do evil." (Liaw, 1976).

The LM mentions: "...this is a treatise on the Kanun law (adhere to) in all large lands and by all great rulers and their viziers and on the customs in the dependent areas and villages, in the hope that it will benefit the land and the rulers."

The LM did reflect the impact of Islamic law upon the Malay administrative and legal systems (Hashim, 1988). It is considered the earliest Malay law digest available, and it indeed contained a great deal of Islamic elements in addition to those of the indigenous '*ādah* (local customary usage/tradition). The text showed how Islamic legal doctrine interacted with and adapted to local circumstances.

Some Western researchers like William R. Roff and Alfred P. Rubin even claimed that the LM were basically based on Islamic law, apart from some inclusions of nationality and customary

laws. Prior to the coming of Islam, two major schools of customary law were practiced by the inhabitants of the Malay states, i.e. Adat Perpatih and Adat Temenggong (Hamid, 1983). These customary laws had bound every individual and had in some cases been a bulwark against the tyranny of chief or rulers. Islam played an important role in lessening the force of the traditional customs which regulated political and legal affairs (Ryan, 1971).

5.0 CONCLUSION

This article aims to present the Islamic impact on this Malay historical state, as well as its role in the formation of the Malay-Islamic civilization. It is to the credit of Syed Muhammad Naquib al-Attas who initiated a general consciousness for the need to reinterpret Islamic history in Southeast Asia. In his books, "Preliminary Statement on A General Theory of the Islamization of the Malay-Indonesian Archipelago" and "Islam Dalam Sejarah dan Kebudayaan Melayu", he took the onerous task of explaining in great depth the intellectual and civilizational significance of the Islamic impact. The process comes through the transformation of key terms and concepts in the worldview of the Muslims. Insofar as the Malay Archipelago is concerned there are three important elements that he observed in the Islamization process: first is the transformation of the Malay-Indonesian Hindu-Buddhist aesthetic worldview into the more rational, scientific, universal Islamic worldview; second is the role of language in the process of Islamization and conversely of deislamization; and third is his emphasis on the metaphysical elements as the primary and basic component of Islamization.

The Islamization of Malacca was an episode from the general theory of the Islamization of the Malay Archipelago. Its process generally refers to the process that brought about the phenomenon of historical and cultural impact of Islam upon the Sultanate of Malacca which revolutionized its vision of reality and existence into a distinctly Islamic worldview.

The article emphasizes the civilizational significance of the Islamic impact by looking at the use of technical terms for the rulers: *Sultān*, *Khalīfat al-Mu'minin* and *Zill Allāh fī al-'Alam*, the concept of government in Islam, the system of political authority and the governmental authorities of the Sultanate. It also comprises the discussion on the legal system in Malacca.

It is hoped, therefore, this article would have shed some lights on the significant role played by Islam in Malacca by looking at how Malacca, with the advent of Islam, developed into the strongest and most influential centre of Islam in the fifteenth century in this part of the world. Although Malay civilization in general may have begun much earlier than the Malay Sultanate of Malacca, however fundamental changes took place soon after Islam took a firm hold on the Malay Archipelago.

References

- ‘Abd al-Aziz, Sa’id. (1980). “The Use and Abuse of Democracy in Islam,” in *International Human Right Contemporary Issue*. ed. Jack Nelson and Vera Green. New York: Human Right Group Earl Cohen Enterprise, p. 68.
- Al-Attas, Syed Muhammad Naquib. (1990). *Islam Dalam Sejarah Dan Kebudayaan Melayu*. 4th Edition. Petaling Jaya: Angkatan Belia Islam Malaysia (ABIM).
- Al-‘Awdah, ‘Abd al-Qadīr. (1978). *al-Islām wa Andā‘unā al-Siyāsīyah*. Cairo: al-Mukhtar al-Islami.
- Al-Attas, Syed Muhammad Naquib. (1969). *Preliminary Statement on a General Theory of the Islamization of the Malay-Indonesian Archipelago*. Kuala Lumpur: Dewan Bahasa dan Pustaka.

- Al-Khatīb, ‘Abd al-Karīm. (1975). *al-Khilāfah wa al-Imāmah*. Beirut: Dār al-Ma’ārif.
- Al-Māwārdī, Abū al-Ḥasan. (1983). *Al-Aḥkām al-Sultāniyyah wa al-Wilāyāt al-Dimīyyah*. Beirut: Dār al-kutub al-‘Ilmiyyah.
- Al-Munīfī, Abdullāh A. (1973). “The Islamic Constitutional Theory” (*Ph.D dissertation*), University of Virginia.
- Al-Rayyis Muhammad. (1969). *Al-Naẓariyyat al-Siyāsīyyah al-Islāmiyyah*. Cairo: Dār al-Ma’ārif.
- Anwar, Chejne. (1960). *Succession of the Rule in Islam*. Lahore: S.H Muhammad Ashraf.
- Asad, Muḥammad. (1961). *The Principles of State and Government in Islam*. Berkeley: University of California Press.
- Deiranich, Akram Raslan. (1975). “The Classical “concept of State in Islam” (*Ph.D Thesis*), Washington D.C.: Department of Political Science Howard University, Summer.
- Gaḥṭān ‘Abd al-Raḥmān al-Dūrī. (1974). *al-Shūrā Bayna al-Naẓariyyah wa al-Taṭbīq*. Baghdād: Maṭba’ah al-Ummah.
- Gibbs, H. A. R. & Bowen, H. (1957). *Islamic Society and the West*, 2 vols. Oxford: Oxford University Press.
- Goldziher, Ignaz. (1971). *Muslim Studies 2*. London: George Allen & Unwin Ltd.
- Grunebaum, Gustave E. von. (1953). *Medieval Islam*. Chicago: The University of Chicago Press.
- Ḥamidullāh, Muḥammad (1969). *Introduction to Islam*. Paris: Centre Culturel Islamique.
- Hashim, Mohammad Yusuf. (1988). *Persejarahan Melayu Nusantara*. Kuala Lumpur: Teks Publishing Sdn. Bhd. 1988).
- Ibrahim, Ahmad. (1975). *Islamic Law in Malaya*. Kuala Lumpur: Malaysia Sociological Research Institute Ltd.
- Ibn ‘Asakir. (1984). *Mukhtaṣar Tārikh Dimashq li Ibn ‘Asākīr*. Dimashq: Dar al-Fikr.
- Ismail Hamid. (1983). *The Malay Islamic Hikayat*. Bangi: Penerbit Universiti Kebangsaan Malaysia.
- Lambton, Ann. (1981). “Changing Concepts of Authority in the Late Ninth/Fifteenth and Early Tenth/Sixteenth Centuries”, in *Islam and Power*, Alexanders Cudsi & Alo E. Hillal Dessouki (eds.), London: Croom Helm, pp. 49 – 74.
- Liaw, Yock Fang. (1976). *Undang-undang Melaka (The Laws of Malacca)*. The Hague: Martinus Nijhoff.
- Lewis, Bernard. (1988). *The Political Language of Islam*. Chicago: The University of Chicago Press.
- Mamat, Ismail. (2011). “The Islamization of the Malay Worldview: A Cultural Transformation”. In *Islamic Revealed Knowledge Dimension of Thought*. Edited by Thameem Ushama. Gombak: IIUM Press, pp. 95 - 112.
- Mamat, Ismail. (2016). “The Impact of Islam on the Malay Language”. In *Islamic Thought and Its Contemporary Relevance*. Edited by Thameem Ushama. Gombak: IIUM Press, pp. 291-310.
- Manzooruddīn, Aḥmad. (1962). “The Classical Muslim State,” *Islamic Studies*. Vol. 1, No. 3, pp. 83-104.
- Osman, Mohd. Taib. (1997). *Islamic Civilization In the Malay World*. Kuala Lumpur: Dewan Bahasa dan Pustaka.
- Paydar, Manouchehr. (1973). “Aspects of the Islamic State: Religious Norms and Political Realities”. (*Ph.D Thesis*), University of Utah: Department of Political Science.
- Rubin, Alfred. (n.d.). *The International Personality of Malay Peninsular: A Study of International Law of Imperialism*. Kuala Lumpur: University of Malaya Press.
- Ryan, N. J. (1971). *The Cultural Heritage of Malaya*. Kuala Lumpur: Longman.

- Shaban, M. A. (1971). *Islamic History C.E. 600-750*. Cambridge: Cambridge University.
- Teeuw, A. E. and Wyatt, D. K. (1970). *Hikayat Patani: A Story of Patani*. The Hague: Martinus Nijhoff.
- Uthman, ‘Abd al-Karim. (1972). *Ma’ ālim al-Thaqāfah al-Islāmiyyah*. Beirut: Maktab al-Nur.
- William, Roff. (1967). *The Origin of Malay Nationalism*. Kuala Lumpur: University of Malaya Press.
- Winstedt, R. O. (1938). “The Malay Annals or Sejarah Melayu.” *Journal of the Malaysian Branch of the Royal Asiatic Society (JMBRAS)*. Vol. 16. No. 3, pp. 1-41.
- Winstedt, R.O. and Jong, P.E. Josselin De. (1956). “The Maritime Laws of Malacca”. *Journal of the Malaysian Branch of the Royal Asiatic Society (JMBRAS)*. Vol. 29. No. 38, pp. 22-59.
- Zahrawy, Saleh Faris. (1982). *Political Representation in Islam*. (Ph.D Thesis), Washington D.C.: Faculty of the Graduate School of Arts and Sciences of the Catholic University.