

ORIGINAL ARTICLES

The Role of the Malay Archipelago Scholars in Terengganu in the Development of the Shafi'i Sect

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ABSTRACT

The influence of the Shafi'i sect in Terengganu is apparent to others less prominent schools of thought. The influence of this sect cannot be obtained except by recalling the history and background of Islamization in the state. This can be seen from the point of receipt and return-oriented preachers Shafi'i, local scholars and works of local scholars. Hence this paper will delve into the influences of the Shafi'i sect in Terengganu so strong that it can influence the educational practices, legal and production of a fatwa.

Key words: The Scholars of the Malay Archipelago, the Shafi'i Sect, Terengganu.

Introduction

This article answers the question of how the Shafi'i sect achieved dominance among the Terengganu Malay community, leading to their contribution towards the comprehensive strengthening of education, law and the issuance of Shafi'i sect-based rulings. What were the elements that contributed towards its growth and following amongst the community through the education and legal system, and an organised ruling system. Did the background of religious leaders, religious masters, essays used in both formal and informal learning help to strengthen the understanding and practice of the Islamic community in Terengganu of this sect, and reinforced from the aspect of legal and institutions of rulings (fatwa).

In answering the question, this article shall identify the principle role these scholars of the Malay Archipelago played to spread the Shafi'i sect, especially in the education, legal and ruling (fatwa) issuance areas. The primary method employed in this article is to use field studies and analysis of ancient written materials. Information acquired was then formulated and analysed qualitatively.

Arrival of Islam in Terengganu:

Terengganu is one of the oldest states in Malay Peninsula especially, and in South East Asia generally. The earliest information found can be traced to the Ptolemy Map, Claudius (127-151 A.D.). From the era of early Christianity, Terengganu was, as noted by Ptolemy, known as "Primula" (Kuala Terengganu) as well as 'Kole' which possibly refers to Kuala Kemaman (Cohen, Bernard. 1966; Muhammad Salleh bin Hj. Awang. 1978).

The acceptance of Islam in Terengganu is indeed special and unique. Islamization in Terengganu was recorded on the Terengganu Inscription Stone (TIS), found in the year 1902 at Kampung Buluh, Hulu Terengganu (Engku Pangiran Anum. 1961). It is however thought that the acceptance of Islam in Terengganu occurred earlier than the date inscribed on the TIS. This is because as at the date proclaimed on the TIS, Islam had been firmly established in Terengganu. The date Islam was declared on the TIS was Friday, Rajab, 702 Hejira (Shafie b. Abu Bakar. 2003). Syed Muhammad Naquib al-Attas (1970) stated that that date would be equivalent to 22nd February, 1303 A.D.

According to Amir Syarifuddin (1995), the date of acceptance of Islam followed the trend of Islamization of that time occurring in other areas, such as Pasai in the year 1282 A.D., which had close relationship with Malay states on the east coast. Historically, Pasai was one of the centres of the rapid growth of Islam in the Malay Archipelago. Muslim preachers from the Arab Peninsular such as Mecca and Hadramaut, Yemen were from Shafi'i sect.

The spread of Islam in Terengganu may be said to be closely connected with the acceptance of Islam in particular in Pasai. This is as in the 13th century, Pasai was an important port for Muslim traders. Kuala Berang

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was also the centre of trade and government at the time. This was due to the fact that Hulu Terengganu at that time was rich in natural resources such as gold and silver, forest products, agriculture and various farm animals that could be traded (Wheatley, Paul., 1966).

In addition to that, there can be found in Hulu Terengganu, ancient graves of Pasai-ans, as evidence of their presence. It is believed that Islamization in Terengganu occurred at the same time as in Pasai, that is, as early as from the end of the 13th century (Shafie b. Abu Bakar., 2003).

Syed Naquib al-Attas (1969) stated that the acceptance of Islam in Terengganu was not only made likely by the above but also by the developments following the shift of focus of traders of Arab and Persian descendant, often also preachers and scholars to commence trade and to spread the religion in South East Asia, including to Terengganu. Muslim traders who had commonly gone to China, looked to South East Asian region, including Terengganu, as a consequence of the Huan Ch'ao uprising in Canton in the year 878 A.D.

The shift of Muslim traders affected countries inhabited by them from the aspect of growth and spread of Islam. Amongst the earliest scholar in Terengganu was Syarif Muhammad al-Baghdadi, who had arrived from Mecca in the early 17th century. This scholar had taught and settled in Hulu Terengganu as well as carrying out trade activities (Mohd Salleh b. Hj. Awang. 1954).

The arrival of Syarif Muhammad al-Baghdadi was contemporaneous with ulemas in other Muslim settlement areas. It can be said that all the ulemas of his time were followers of the Shafi'i sect, including Muhammad Azhari, given the name Nuruddin, Syaikh Abu Khair b. Syaikh Ibn Hajar, Syaikh Muhammad Jaylani b. Hassan b. Muhammad Hamid (Shafei Abu Bakar. 1976/1977).

Although it was not clear what sect Syarif Muhammad followed, he was, in the opinion of this author, a follower of the Shafi'i sect. This is because most ulemas called Syarif who came to preach and be responsible for spreading the religion can also be found in Brunei, Sulu Islands and Mindanao. In Brunei, one of the prominent person was Syarif Ali from Taif. In Sulu, the preachers of the religion were Syarif Hasyim, Tuan Syarif Awlia, and others. While in Mindanao, there was Syarif Muhammad Kabungsuan. They were amongst the leading professional preachers or Arab descendant *sufi*. In addition, their influence in the development of Islamic government and growth of the Shafi'i sect was vast (Abdul Rahman b. Abdullah. 2000).

The Emergence of the Scholars:

There were many ulemas in Terengganu, both local and from outside. They had played a major role in spreading religious knowledge through the small "Pondok" (school) educational institutes in Terengganu (Muhammad Abu Bakar. 1991).

To this author's observation, it can be said that all scholars and teachers of the small "Pondok" learning centres, were trained following the understanding under the Shafi'i sect, as they were themselves the students of Shafi'i scholars in Mecca and other teachers from Pattani, or other states in the Malay Archipelago, or teachers who once studied under teachers in Pattani and local teachers.

During the times of the appearance of the scholars and the intellectual in Aceh, some of the intellectuals and scholars of the Shafi'i following did go to Terengganu, such as Syarif Muhammad al-Baghdadi (Shafei b. Abu Bakar. 2003). One of the descendants of Syarif Muhammad is his great grandchild named Abdul Malik b. Abdullah (1043 Hejira-1139 Hejira/1633 A.D.-172 A.D.). He was a student from Hulu Terengganu who was once from Java and Aceh and later furthered his studies in Mecca (Shafei Abu Bakar. 1984).

In Mecca, he studied several branches of knowledge especially the *tasawuf*, *fiqh* and *usuluddin* (theology) from several teachers, amongst them, were Syeikh Ibrahim b. Hasan al-Kurani al-Shahrazuri al-Kurdi al-Shafi'i Abu 'Irfan who following the Shafi'i sect and Syeikh Abdul Rauf Singkel. Under his teacher Syeikh Ibrahim he studied several well known *fiqh* books in Shafi'i sect, such as *Daw al-Syama'ah* written by Imam Jalaluddin al-Suyuti, *Minyah Ahl al-Wara'* by Syeikh Ahmad the teacher to Syeikh Ibrahim al-Kurani, *Minhaj al-Talibin* by Imam al-Nawawi, *al-Hawi* penned by al-Mawardi, *al-Nihayah* by Imam al-Ramli, *Fath al-Wahhab* by Abu Yahya Zakariyya al-Ansari, *Fath al-Qarib* by Muhammad Abu Qasim al-Ghuzza, *al-Minhaj al-Qawim* written by Ibn Hajar al-Haytami, *Tuhfah al-Muhtaj* and *Fath al-Qarib* written by Muhammad al-Syarbini al-Khatib, *Muhalli* by Muhammad b. Ahmad b. Said b. Rawa and others (Shafei Abu Bakar. (1984).

Upon his return from abroad, Syeikh Abdul Malik worked very hard at diligently spreading knowledge about Islam until he set up a *Pondok* of learning centre when he moved to Pulau Manis, Kuala Terengganu. Once he had established Pulau Manis as a centre of learning he was then known as "Tok Pulau Manis". In addition to teaching at his centre, he was also appointed as the "mufti" (Islamic law head officer) of Terengganu, during the reign of Sultan Zainal Abidin I, who had moved his seat of government from Kuala Berang to Kuala Terengganu (Shafie Abu Bakar. 2003).

In addition, he also produced several literary works in various disciplines of knowledge. The most renowned of which, is the *Hikam Melayu* in *tasawuf* knowledge. While the works of Tok Pulau Manis in the field of *fiqh* was *Risalah Naql*, *Risalah Kayfiyyat al-Niyyah* and *Kitab Kifayah* (Abdul Kadir. 1996; Ismail Che Daud. 2001; Shafei Abu Bakar. 1984).

Risalah Naql is a small booklet which discussed in particular the valid number of people in a Friday prayer congregation. According to Syeikh Abdul Malik, this booklet is a digest of the literary work entitled *Daw al-Syam'ah*, written by Syeikh Jalal al-Din al-Suyuti, a well known luminary in the Shafi'i sect (Abdul Kadir. 1996; Ismail Che Daud. 2001).

The digest *Kayfiyyat al-Niyyah* is an essay in the form of a manuscript in Malay and Jawi script. This is an extraction from several books, including *Ihya' 'Ulum al-Din* written by Imam al-Ghazali (Abdul Kadir. 1996).

Amongst the Terengganu ulemas following the Shafi'i sect, aside from Syeikh Abdul Malik was Tok Ku Tuan Besar, or his real name, Syed Muhammad bin Zainal Abidin al-Idrus. Tok Ku was born in the year 1209 Hejira/1795 A.D. and died in the year 1295 Hejira/1878 A.D. His origins tied closely with the arrival of ulemas or preachers who were descendants of Syed from Hadramaut, Yemen, who came to Terengganu (Muhammad Abu Bakar. 1991).

Amongst the literary works of Tok Ku Tuan Besar in the field of *fiqh* which was influenced by the Shafi'i sect was the *Sullam al-Tawfiq*. This book, written by Tok Ku is a reference to the thoughts and views of illustrious ulemas in the Shafi'i sect such as al-Ramli, Ibn Hajar and al-Syarbini as in the third page of this book, the names of the major works in the Shafi'i sect such as the *al-Tuhfah* written by Ibn Hajar, *al-Nihayah* by al-Ramli and *Mughni al-Muhtaj* the works of al-Khatib al-Syarbini (Abdul Kadir. 1996; Muhammad Abu Bakar. 1991).

After Tok Ku Tuan Besar's death, he bequeathed his vast knowledge in religious knowledge to his children, Syed Mustafa, Syed Abdul Rahman (Tok Ku Paloh), Syed Abu Bakar and Syed Ahmad. They were responsible for spreading the religious knowledge to society and were pillars to the then government. Amongst his children who played a major role in the reign of Sultan Zainal Abidin III, was Tok Ku Paloh (1817 A.D.-1917 A.D.). In the areas of *fiqh*, he favoured the *fiqh* teachings under the Shafi'i sect as during his lifetime his source of references was the *fiqh* books. Amongst them were *Fath al-Wahhab*, *Nihayah al-Muhtaj* and others (Muhammad Abu Bakar. 1991; Sidek Abdullah. 1998).

Tok Ku Paloh had once made a statement in one of his answers relating to *tauhid* and *fiqh*, where he explained that the Shafi'i sect was being followed by citizens. This can be seen from his statement as follows (MKM 60. Malay Manuscript Division, National Library of Malaysia):

"...whosoever among men or women who uttered one word that takes him out of his faith and is then a "murtad" (apostate) then under our Imam al-Shafi'i understanding it is not for him or her to renew faith merely by stating the *syahadah* (testimony) word only..."

Other evidences of Tok Ku Paloh's strong following of the Shafi'i sect include, as related to by Muhammad Sallah al-Mufti, during the reign of Sultan Sulaiman, Tok Ku Paloh clearly announced Shafi'i sect as guide (Minutes of Meeting no. 248/40, MB to Haji Salleh al-Mufti):

"...quoted (transferred from *Bughyah al-Murtasyidin*, hence this problem will not occur secret from had he concurred with the main books of our sect, Shafi'i"

There was among the scholars, a pupil to Tok Ku Paloh, Haji Abdul Rahman Limbong. In the 1920s he was often mentioned as a teacher of the same standing as Tok Ku Paloh (Muhammad Abu Bakar. 1991).

In addition, there were two other ulemas from Pattani, Syeikh Abdul Kadir Bukit Bayas or his real name, Wan Abdul Kadir bin Wan Abdul Rahim and Syeikh Hasan b. Ishak, or more popularly known then as Tuan Hasan Besut (1864). They were both ulemas who followed the teachings of Shafi'i sect based on the works of education and literary they produced (Ahmad Fathi al-Fatani. 2001).

Syeikh Abdul Kadir Bukit Bayas appeared in the 19th century in Terengganu as an ulema who had played a major role as a much respected educator and religious icon at that time. He had even been appointed as the Terengganu Mufti by Sultan Omar (1839-1876). He was said to have studied under Syeikh Daud al-Fatani who followed the Shafi'i sect. The "tariqa" stream that he practised was one that was followed by Syeikh Daud al-Fatani (Ahmad Fathi al-Fatani. 2001; Muhammad Abu Bakar. 1991).

In the literary field, the literary work of Syeikh Abdul Kadir Bukit Bayas, in the field of *fiqh* cannot be ascertained. However, he did produce a handwritten manuscript in Jawi version relating to the *tasawuf*, which quoted from the *Ihya' 'Ulum al-Din* book by Imam al-Ghazali, of the Shafi'i sect. The works of Syeikh Abdul Kadir was called "*Kitab Zim al-Dunya wa huwa Kitab al-Sadis min Rub'u al-Muhlikat wa al-Sadis wa al-Isyrun min Kutub Ihya' 'Ulum al-Din li Abi Hamid Muhammad bin Muhammad la-Ghazali*" (Muhammad Abu Bakar. 1991).

Whereas Tuan Hasan Besut or Tuan Guru Hj. Hasan al-Fatani was a scholar of the same group as Syeikh Abdul Kadir. He was a follower of the Shafi'i sect if we consider his education background, as he had studied in depth at Pattani, well known for teaching the Shafi'i sect. In fact when he arrived at Terengganu in the year 1830, he was already known as an "orang alim" or pious man. He was thought of as someone who had achieved great success in development of knowledge in Besut area and he was warmly welcomed by the King of Besut and local community (Ahmad Fathi al-Fatani. 2001; Mohd Salleh b. Hj. Awang. 1978). In addition thereto, he had produced his literary work entitled *Hidayah al-Mukhtar*, a translation from forty hadith written by Imam al-

Nawawi and kitab *Ayyuha al-Walad*, a translation of the works of Imam al-Ghazali (Ahmad Fathi al-Fatani. 2001).

Tuan Hasan Besut also successfully produced other leading *Pondok* school ulemas who propagated his teachings under the Shafi'i sect especially in Besut, Terengganu. Two of his renowned students were Tuan Guru Hj. Husain the founder of the *Pondok* school system of learning in Besut and Hj. Said Kampung Lampu, Besut. Tuan Guru Hj. Husain also successfully produced several leading ulemas following the Shafi'i sect to continue his works as an educator. Among them was his own son Tuan Guru Hj. Muhammad the founder of the *Pondok* school of Kuala Besut, and Tuan Guru Hj. Omar the founder of the *Pondok* school of Kampung Raja (Ahmad Fathi al-Fatani. 2001; Muhammad Abu Bakar. 1991; Ismail Che Daud *et. al.* 2001).

Pondok school of Kuala Besut founded by Tuan Guru Hj. Muhammad and *Pondok* of Kampung Raja founded by Tuan Guru Hj. Umar also produced several local leading ulemas. They were Tuan Guru Hj. Abas, Tuan Guru Hj. Wan Abdul Latif and Tuan Guru Hj. Abdul Latif Awang the founder of *Pondok* of Alor Keladi, Besut (Mahmud b. Mamat. 1984; Muhammad Abu Bakar. 1991).

In Terengganu also, a scholar emerged known as the Tongue of Terengganu or "Lidah Negeri Terengganu" better known as Tok Syekh Duyung or his real name, Hj. Wan Abdullah b. Hj. Wan Mohammad Amin (1889). With his knowledge and calibre he was appointed as a mufti and reference source to three Terengganu Sultans; Sultan Omar, Sultan Ahmad Shah II and Sultan Zainal Abidin III (Muhammad Abu Bakar. 1991; Ahmad Fathi al-Fatani. 2001).

In addition to studying under his father, he had also studied under Syekh Abdul Kadir Bukit Bayas and was sent to Pattani to get in-depth knowledge. He then furthered his studies in Mecca in the fields of *Tasawuf*, *Fiqh*, *Usuluddin* (Theology), *Tafsir* and Hadith. While he was a student, he was most active in copying and translating religious books especially Shafi'i sect *fiqh* into Malay, among them being the *Sirat al-Mustaqim*, *Tuhfah al-Muhtaj*, *Fath al-Jawab* written by Syekh Ibn Hajar al-Haitami, *Minhaj al-Talibin* written by Imam al-Nawawi, *al-Umm* written by Imam Shafi'i and *Fatawa al-Kubra* written by Ibn Hajar al-'Asqalani (Muhammad Abu Bakar. 1991).

In the meantime, Terengganu also saw the arrival of other scholars from other countries at the end of the 19th century and early 20th century such as Hj. Mat Shafei Losong (1862-1945). He was a Shafi'i sect follower as his family background descended from Syekh Ahmad Zabidi al-Yamani, a famous ulema from Hadramaut and also as evident from his educational background (Muhammad Abu Bakar. 1991; Ismail Che Daud *et. al.* 2001).

One of the students of Hj. Mat Shafei Losong was Hj. Bidin or his real name, Hj. Zainal Abidin b. Che Aman. He was born in the year 1893 and died in the year 1977. During his lifetime he managed to study under Tok Kenali who was a scholar under the Shafi'i sect in Kelantan (Muhammad Abu Bakar. 1991).

In addition, in the mid 20th century (1940-1975) Terengganu was visited by two ulemas and iconic Arabic scholar, Syekh Hasan Yamani (1940-1952) and Syekh Yusuf Ali al-Zawawi (1952-1975). They had both been appointed as Terengganu State Government *mufti* (Muhammad Abu Bakar. 1991).

Syekh Hasan Yamani held the position of Mufti in Terengganu in the years 1940-1943 and the years 1945-1952. He held on to the teachings of the Shafi'i sect, being the son of an eminent scholar of the Shafi'i sect renowned in Mecca, Syekh Said Yamani. His relationship with his father was not only as father and son but in fact was more than that, since he always accompanied his father to learn more about *fiqh* in the Shafi'i sect. Furthermore, he also studied under several prominent ulemas in Mecca (Muhammad Abu Bakar. 1991).

Whereas Syekh Yusuf Ali al-Zawawi held the post of Terengganu State mufti from the year 1952 to 1975 after the death of Sheikh Hasan Yamani. He was the 10th Mufti for Terengganu. Syekh Sayyid Yusuf 'Ali al-Zawawi was also born in Saudi Arabia, in a village near the town of Dahrn, in 1908. His grandfather, Syed 'Abd Allah 'Ali Al-Zawawi, a follower of the Shafi'i sect was once the Mufti of Mecca and had once taught at the Masjidil Haram (<http://www.utusan.com.my/utusan/>).

His early education in the Holy Land, Mecca when he was 7 years old (some views state 11 years old), and he successfully memorized the al-Qur'an and subsequently furthered his studies in Egypt, and for several years, at the Al-Azhar University. He had once presented a dissertation of over 12,000 hadith to obtain his degree (Muhammad Abu Bakar. 1991; Files from the Terengganu State Mufti Department (TSMD). undated).

He was also appointed as a teacher at the oldest institution for Islamic studies, the University Al-Azhar for fifteen years and had produced several books, half of them became reference materials at the university level. During the forty years he was in Egypt including around 10 years with his wife, he utilised the time to expand his knowledge in Islam and provide his service as a lecturer and an author (Muhammad Abu Bakar. 1991; Files from the Terengganu State Mufti Department (TSMD). Undated).

His published works include a collection of *fatwa* (rulings) or his views on the rulings, which had been published into a book called "The Fatwas of Terengganu State Mufti (From the years 1372-1389 Hejira equivalent to 1953-1970 A.D.)". This compilation book was published in 1971 in conjunction with 25 years of DYMM Sultan Ismail Nasaruddin Shah's reign. He also published a small digest called "Guide to Ibadah" or "Risalah Panduan Ibadah" and had written several articles for publication in the "Voice of the Terengganu State

Religious Department”, a monthly magazine (Files of the Terengganu State Mufti Department (TSMD). Undated).

In his performance of duty and contribution to the society, he appeared as a prominent Islamic Scholars with deep knowledge on all four sects under the *Ahli Sunnah Wal Jamaah*. He was also the first ulema who had compiled the names of 300 *syuhada* who fell during the Badr War. In the meantime, he had also been accepted and acknowledged as the first local ulema with his own stake in the development of society and country (Muhammad Abu Bakar. 1991).

The two decades of his holding the position of Mufti left a lasting impact on Terengganu through his involvement as a preacher and teacher as well as a Mufti advising the government in administration matters. Although he was said to favour the Maliki sect, many of his rulings tended to quote the perspective put forward by the Shafi'i sect. He also feted the local Muslim community who tended to follow the Shafi'i sect (Wan Zulkifli. 2009).

The Role of Scholars in the Growth of the Shafi'i Sect:

The role played by ulemas of the Malay Archipelago in Terengganu, in spreading the Shafi'i sect can be seen through practices of education, law, and fatwa. They had contributed significantly to the growth of the sect and simultaneously reinforced its position in Terengganu State.

Education:

Scholars from one generation to the next played a significant part in spreading Islam. They spread the religion through studies conducted in traditional school (pondok) or other places such as homes, mosques and others (Syafei Abu Bakar. 2006; Anwar Zainal Abidin. 2006). According to Shafei b. Abu Bakar (2003), there were five important stages to Islamic studies in Terengganu, starting with its acceptance through traders and foreign preachers from Middle East and ulemas from countries within the Malay Archipelago region such as Pasai, Java and Champa in the 17th century. This stage was the foundation to acceptance of Islam in Terengganu. It is believed that for every level, there existed at least booklets or other educational materials used written by ulemas of the Shafi'i sect, such as *Sirat al-Mustaqim* by Nuruddin al-Raniri and *Mir'ah al-Tullab* by Abdul Rauf Singkel.

The second stage was the birth of the era of learning and of books in Terengganu, which was led by local and foreign ulemas. Syarif Muhammad al-Baghdadi who came to Terengganu had conducted his classes in Hulu Terengganu. It is not clear however which books were used by him in teaching his students, but what is known is that his descendant named Syekh Abdul Malik Abdullah was a leading Terengganu ulema under the Shafi'i sect (Shafei Abu Bakar. 2003).

However, the clearest stage of the development of knowledge in Terengganu occurred at the end of the 18th century to the beginning of the 20th century. During the reign of Sultan Zainal Abidin III (1881-1919 A.D.), there were many centres of learning in Terengganu, among them were (Shafei Abu Bakar. 2003):

- (a) Institute of Education of Syekh Abdul Malik b. Abdullah, transferred from Hulu Terengganu to Pulau Manis, and then to Sungai Rengas and subsequently to Padang Midin, Kuala Terengganu.
- (b) Tok Kali (Kadi) or real name Hj. Muhammad b. Hj. Abdul Malik's traditional school of learning (Pondok), the son of Hj. Abdul Malik b. Isa at Sungai Rengas, Kuala Terengganu, emerged from mid 19th century to the 1940s.
- (c) Hj. Abdul Hamid's traditional school of learning (Pondok), Kg. Tebauk, Nerus, Kuala Terengganu founded at the end of the 19th century to mid 20th century.
- (d) *Pondok* schools in Besut such as *Pondok* of Hj. Hasan Besut Kg. Gong Surau, Besut, *Pondok* of Hj. Husain Kg. Lampu, Besut, *Pondok* of Hj. Muhammad b. Hj. Husain Kuala Besut, *Pondok* of Hj. 'Umar Kg. Raja, Besut, *Pondok* of Hj. Abas Bukit Puteri, Besut and *Pondok* of Hj. Wan Abdul Latif Jerteh, Besut developed towards the end of the 19th century to the mid 20th century.
- (e) *Pondok* of Hj. Mat Shafei Losong, Kuala Terengganu opened at the end of 1890s to the mid 20th century.
- (f) *Pondok* of Fakih Abdullah from the 1940s to 1963.
- (g) *Pondok* of Hj. Zainal Abidin, Surau Gate, Dungun founded in 1958, to 1970.

According to Anwar Zainal Abidin (2006), overall the books of *fiqh* and *usul al-fiqh* used and taught in the areas of education at those learning centres, in particular at the schools, contained elements of the Shafi'i sect, both in Classical Malay version and Arabic.

Furthermore, text and syllabus for subjects including *fiqh* and *usul fiqh* taught at the schools, commonly used books used by the teachers of the schools when they themselves studied the subjects whether at the schools in Malaya or outside in Pattani, Mecca and India (Wan Aribah. 2004).

Fiqh texts and syllabus taught at the institutes founded by Syeikh Abdul Malik could not be clearly identified. However, aside from writing *fiqh* books digested from the Shafi'i sect such as *Risalah Naql*, *Risalah Kayfiyyat al-Niyyah* and *Kitab Kifayah*, he also used those works as text in his teaching, as well as other books. This was because all three *fiqh* books were believed to have widely known in Terengganu during his time and had been reinforcing the rulings of *fiqh* especially from the aspect of religious practice in the society. (Shafei b. Abu Bakar. 2003; Abdul Kadir b. Hj. Muhammad. 1996).

The educational institution founded by Syeikh Abdul Malik was one of the factors of the spread of learning in Terengganu. Books written by Syeikh Abdul Malik were inherited by his learned descendants to be taught to society including the *Pondok* of Sungai Rengas ran by his great grandchild, Hj. Abdul Malik b. Isa or known as Tok Kali (Syafei Abu Bakar. 1991).

Following the setting up of *Pondok* of Sungai Serengas, other schools were then set up, including *Pondok* of Tuan Guru Hj. Husain Kg. Lampu, Besut opened from the year 1905 to 1917. He was one of the students of Hj. Abdul Malik b. Isa (Syafei Abu Bakar. 1991; Mahmud Mamat. 1991).

The founding of *Pondok* of Hj. Husain led to the establishment of schools of knowledge developed by ulemas trained under the *Pondok* of Hj. Husain. This included *Pondok* of Kuala Besut ran by Hj. Muhammad, who was Hj. Husain's own son, after taking over the management of his father's school, *Pondok* of Hj. Umar at Kg. Raja, *Pondok* of Hj. Abas in Bukit Puteri and *Pondok* of Hj. Wan Abdul Latif in Terengganu (Mahmud Mamat. 1991).

The books of *fiqh* which were used as texts and syllabus in teaching at the Besut schools used Shafi'i sect as resource. An example of *fiqh* text in Arabic taught by the Tuan Guru Hj. Omar Besut were *Fath al-Wahhab*, *Mahalli*, *Minhaj al-Talibin*, *Tahrir*, *Fath al-Qarib* and others. While the texts in classical *Jawi* version were the *Matla'in al-Badrayn*, *Wishah al-Afrak* and others (Ismail Che Daud et. al. 2001).

In the meantime, in the 1920s, there appeared a scholar who was said to be equal to his teacher Tok Ku Paloh. He was Abdul Rahman Limbong or his real name, Hj. Abdul Rahman b. Hj. Abdul Hamid. He was linked to the anti British uprising in the years 1921-1928 in Terengganu. Aside from being a respected leader of the people's uprising at that time, he had found time to hold classes for the community. Amongst the books used by him during his teaching were the *fiqh* books of the Shafi'i sect understanding, such as *Tahrir* and others (Timah bt Hamzah. 1991).

At the same time, in 1921 A.D./1340 Hejira, Hj. Mat Shafei Losong turned a mosque in Losong into his education centre. Here, he taught the books of *fiqh* following the Shafi'i sect both in *Jawi* and Arabic, such as *Muniyah al-Musalli*, *Fath al-Qarib*, *Fath al-Mu'in*, *Tahrir al-Tanqi*, *Fath al-Wahhab*, *al-Iqna'*, *Minhaj al-'Abidin*, *al-Bayjuri* and *Matan al-Minhaj*. Meanwhile, he also made the Book of *al-Umm* written by Imam Shafi'i as a main reference in the subject of *fiqh* (Ismail Che Daud. 2001).

In Dungun, Terengganu, Hj. Zainal Abidin established his school called the Madrasah Zainiyyah on *Tanah Lot* (a plot of land) from the years 1941 to 1954. He taught various fields, such as *Tauhid*, *Fiqh*, *Tasawuf*, *Tafsir*, *Tajwid*, Hadith and others. In the areas of *fiqh*, text and the syllabus taught by him followed the *fiqh* books in the Shafi'i sect such as *Fath al-Mu'in*, *Tahrir*, *Mahalli*, *Iqna'* and *Fath al-Wahhab* (Ismail Che Daud. 2001).

Legal:

The Shafi'i sect not only influenced law as enacted in the Malacca Canon Law but it also influenced the laws formulated in Terengganu. This is because, prior to the British colonization of Terengganu and other states, the accepted laws used were Islamic law together with traditional laws. The Islamic law applied then used several sources for the basis of its implementation. Other than Al-Quran and hadith, the books of *fiqh* especially in the Shafi'i sect were used as reference source in legal practice (Mahmood Zuhdi. 1997).

According to Abu Bakar Abdullah (1986), despite not having any written text on Islamic laws other than the Law of the Courts and the Terengganu Constitution in the year 1911 A.D., it is believed that the books of *fiqh* on Islamic laws which followed the Shafi'i sect such as *Minhaj al-Talibin* written by Imam al-Nawawi, *Nihayah al-Muhtaj* by Imam al-Ramli, *Mughni al-Muhtaj* written by Muhammad Khatib al-Syarbini and *al-Umm* written by Imam Shafi'i have been used as legal texts (Zulkifli b. Muda and Nizaita bt Omar. 2006).

As an example, before the reign of Sultan Zainal Abidin III, death sentences were imposed for those who committed murder (*qisas*). However, this was not carried out but was instead replaced by a fine and jails if the offender did not do kill to take revenge (*qisas*). The fine set at that time was \$1200 and half of that amount was claimed by the judge (Clifford, Hugh. 1961).

The death penalty was carried out based on the mufti's view that all criminal issues were to be brought to him first prior to imposing punishment. In making judgement, the mufti sought the views of ulemas from the Shafi'i sect noted in the Shafi'i book of *fiqh*. This was based on a note sent to Muhammad Salleh al-Mufti who copied in its entirety the reference source of criminal law, using as a base the book of *Fath al-Wahhab* written by Zakariyya al-Ansari (MB Office File, 325/40).

The law practised during the reign of Sultan Zainal 'Abidin III seem to also been influenced by the Shafi'i sect. Set out below is part of the provisions of legal texts of Terengganu which followed the Shafi'i sect. The text on *muamalat* laws contained an explanation on goods on loan. In the text it stated (Laws of Terengganu via Catalogue of Malay Manuscript in France (no.9); National Library of Malaysia. 1991):

"...one is not required to borrow an item which does not bring any benefit to him such as not able to stay with him..."

The condition mentioned in the text was taken from the views of the Shafi'i sect in the context of conditions and terms for a contract of loan for the items loaned. The condition was that the item must be beneficial for use (Zakariyya al-Ansari. (undated); al-Syarbini al-Khatib. (undated)).

The laws further elaborated on damages of items on loan and the person accountable for the damage. It was stated in the text (Laws of Terengganu via Catalogue of Malay Manuscript in France (no.9):

"...spend to return the item to him (borrower)..."

The penalty is appropriate with the views of the Shafi'i sect which states that the borrower must replace the items on loan if damaged while it is on loan and in his custody (Zakariyya al-Ansari (undated); Daud b. Abdullah al-Fattani (undated)).

In criminal cases, the laws have provided rules and regulations which are guided by the Shafi'i sect. As an example, in the case of *Government's Prosecutor (police) vs. Abdullah Senik* (Kemaman Special Court No. 6/1352), the accused was charged and found guilty of killing one Said b. Salleh but the court imposed life imprisonment and manual labour (State Executive Council Meeting Ittifak, No.184/52).

Before imposing the sentence, the council had asked for the opinions of the State Mufti at that time, Hj. Wan Sulaiman. In that case, Mufti Hj. Wan Sulaiman provided his opinion based on the *fiqh* of the Shafi'i sect, under the topic of criminal death, via a note to the council meeting (Minutes of mufti: SUK, no.157/52).

The influence of the Shafi'i sect is also evident from the land law provisions for Terengganu land during the reign of Sultan Zainal Abidin III. There were provisions for the cutting down of forests at that time. It was a law that had simplistic features, and was fast. The law had five clauses, and amongst the important ones relate to the conditions for those wishing to cut down forests to make new agricultural plots.

By way of example, in Clause 3 it was mentioned that the gift of land to a person is revoked if he fails to develop half of the land given within one year from the date of letter of clarification/consent. In the text it was stated (SUK/TRG 202/37):

"If within a period of one year from the date of the clarification letter, half of the trees allowed are not cut down, then the letter of clarification is thus cancelled"

In the Shafi'i sect, to work a barren land can be a valid reason for a person to own the land without the permission of the owner. In addition, according to the sect, the period to work the permitted land is to follow the norm ('urf) (Zakariyya al-Ansari (undated); al-Syarbini al-Khatib (Undated)).

In the texts of Land Law as above, which permitted the period of one year, it is clear that it is influenced by the Shafi'i sect's which did not set a limit of three years as per other sect's views. The period of three years is based on the practice of Saidina 'Umar ibn al-Khattab r.a (Wahbah al-Zuhayli. 1984).

Issuance of Fatwa:

Aside from law, the Shafi'i sect's influence can also be seen in the practice of *fatwa* (rulings) in Terengganu. The *fatwa* would be issued by the Terengganu Mufti appointed by the Sultan and usually the Books of *Fiqh* from the Shafi'i sect were often used as reference for each *fatwa* issued.

Amongst the evidences of *fatwa* issuance in Terengganu using the Shafi'i sect as a reference source are the answers from the Terengganu Mufti to the letters sent from the Islamic Federation of Singapore. In the letter, the federation asked about the scope of authority of a *qadhi*. In giving the answer, the *mufti* appeared to gather the views of the Shafi'i sect through the book *Asna al-Matalib Syarh Rawd al-Talib Syeikh al-Islam Abu Yahya Zakariyya al-Ansari* (Suk Trg. 90/1336).

Other evidences that points to the practice of *fatwa* in Terengganu referring to the views of the Shafi'i sect, would include the provisions in the Administration of Islamic Law Enactment No. 40 of 1955 which is mentioned in Clause 21(1) as follows (Terengganu, The Administration of Islamic Laws 1955 (1357) (Law No. 4 Year 1955), Clause 21 (1):

"when determining and issuing any *fatwa* on any issues relating to *syarak* (rules) of Islam, or *nas* (text), according to the ways stated herein before, then the mufti shall be required to comply with the final *qaul* (decisions) of the Shafi'i sect".

The enactment above has made the Shafi'i sect as the official sect in the institution of *fatwa* in Terengganu. Notwithstanding the above, there are still provisions which allow the interpretation of rules to be made based on other sects. This allowance can be carried out where Shafi'i sect's views in certain matters are against or will threaten public interest. An example would be, Section 26(1) Terengganu Administration of Religious Affairs Enactment (1986) which stated Section 26 (1):

“Except for the purpose of problems and welfare of the Muslims, a *fatwa* can be issued or method of understanding be used based on any four sects or a sect that the *Fatwa* committee thinks fit”.

In fact in certain conditions, if the Committee of Fatwa considered that not a single final *qaul* from the four sects can be followed without bringing about a situation against public interest, then the Committee of Fatwa can issue the *fatwa* using *ijtihad* without being bound by the final *qaul* from any of the four sects (JAKIM Portal: Terengganu Mufti-Terengganu, via its website <http://mufti.islam.gov.my/terengganu>).

In the above enactment, it appears that the Committee of Fatwa and *mufti* are free to give their own views without being bound to any sect, if the views of all the sects are against public interest. In following the views of the Syafi'i sect, the enactment did not specify the reference to only final views, but instead gave room for Committee of Fatwa and *mufti* to rely on other sects other than the four.

Conclusion:

The practice of Shafi'i sect is indistinguishable from the lives of Muslims in Malaysia, including Terengganu, as early as from the first acceptance of Islam. This sect not only influenced the practice of religious deeds it also became established in the culture of knowledge, education, writing, legal and the practice of *fatwa*. This is emphasized with the appearance of several top ulemas especially those from the traditional schools who had upheld the method of understanding the knowledge of *fiqh* based on the clarification provided by the Shafi'i scholars widely recognized as the *ahlu as-Sunnah wa al-Jamaah*.

The ulemas had realised that the practice of having sects appears to merge one's self systematically into groups, led by the *Imam* of the sect, followed by other imams and ulemas, down from one generation to the other. Through this effort it can develop, be updated, and be reinforced within the practice of Muslims in Terengganu especially in relation to education, legal and issuance of *fatwa*.

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