

## ABSTRAK

Tesis ini menjelaskan beberapa perkara yang berkaitan dengan konsep keanggotaan dalam badan perundangan mengikut perspektif Islam. Kajian yang dibuat adalah bertujuan untuk menilai sejauhmanakah pengamalan nilai-nilai Islam terhadap keanggotaan dalam badan Perundangan di Malaysia. Kajian yang dibuat adalah berkaitan dengan konsep keanggotaan dalam badan perundangan Islam berasaskan naş-naş al-Qur'an, al-Sunnah, *ijtihād* 'ulamā' dan huraian para sarjana Islam. Kajian tentang realiti pengamalan di Malaysia pula dibuat bersumberkan dokumen sejarah yang sah, perlembagaan yang pernah diamalkan, perlembagaan negeri-negeri di Malaysia dan Perlembagaan Persekutuan yang terkini. Kajian ini banyak menggunakan metod komparatif untuk membuat analisis terhadap beberapa fakta yang diperolehi semasa kajian dijalankan dan seterusnya menghasilkan kesimpulan.

Tesis ini menghasilkan beberapa penemuan baru. Di antaranya, kelayakan anggota badan perundangan di Malaysia masih belum menepati kehendak Islam. Golongan wanita dan orang-orang bukan Islam diharuskan menganggotai badan perundangan Islam. Kewujudan masyarakat majmuk tidak menghalang pelaksanaan sistem Islam dalam badan perundangan Malaysia. Peranan *Wazīr al-Tafwīd* dalam badan perundangan adalah berbeza dengan peranan Perdana Menteri Malaysia. Raja-raja Melayu boleh memainkan peranan utama ke arah mengIslamisasikan badan perundangan Malaysia. Adalah dicadangkan agar pihak pemerintah dan rakyat Malaysia menggembelingkan tenaga untuk mengubah sistem badan perundangan negara ini ke arah pelaksanaan sistem Islam secara menyeluruh.

## TITLE

### **The Membership Of The Legislative Body From The Islamic Perspective: An In-Depth Study Into Its Practice In Malaysia**

## ABSTRACT

This thesis elucidates some aspects pertaining to the concept of the membership or participation in the legislative body from the Islamic viewpoint. This study is conducted with the intention to evaluate the extent to which Islamic values have been incorporated into the aspect of membership of the Malaysian legislative body. This thesis analyses in depth the concept of Islamic legislative membership based on Qur'anic injunctions, the Prophetic traditions (*as-Sunnah*), the *ijtihad* of the *ulamā*'s, as well as the works of other Islamic scholars. Applied within the context of Malaysia today, the detailed study on the reality of its implementation is done with reference to authentic documented history within the annals of the country of previous constitutions governing the nation, the individual State Constitutions within the Federation past and present as well as the current Federal Constitution. The technique employed is the comparative method to aid the analysis of facts obtained during the course of the study and henceforth in reaching to its logical conclusions.

This thesis has come up with several new findings. Among others, it is found that the membership or rather, the concept of participation within the Malaysian legislative body has fallen short of what is required according to the Islamic criteria. Secondly, Women and Non-Muslims are allowed by Islam to participate in the Legislative Body. Thirdly, the existence of a pluralistic society does not inhibit the implementation of Islam within the Legislature in Malaysia. Fourthly, the role of *Wazīr al-Tafwīd* in the Legislature is different from the role of the Malaysian Prime Minister. And lastly, the Malay Rulers can play a significant role in the process of the Islamisation of the legislative body. This thesis proposes that the political leadership as well as the Malaysian public unite in the effort to change the system of legislature towards the implementation of the Islamic system in its totality.