

Fiqh Al-Waṭan and the Evolution of Islamic Law in Pahang: From Hukum Kanun Pahang to Contemporary Enactments

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DOI: <https://doi.org/10.47772/IJRISS.2026.100600776>

Received: 12 June 2026; Accepted: 17 June 2026; Published: 06 July 2026

ABSTRACT

The concept of Fiqh al-Waṭan has emerged as a contemporary jurisprudential framework that seeks to contextualise Islamic law within the realities of modern nation-states while remaining faithful to the objectives of the *Sharī'ah*. This study examines the application of Fiqh al-Waṭan in the state of Pahang, Malaysia, by analysing its historical foundations and contemporary manifestations within the state's Islamic legal framework. Employing a qualitative research design based on doctrinal legal analysis and historical inquiry, the study analyses primary sources including the Hukum Kanun Pahang, relevant constitutional provisions, and selected Islamic legal enactments of Pahang, namely the Administration of the Religion of Islam Enactment 1991, the Islamic Family Law Enactment 2005, and the Syariah Criminal Offences Enactment 2013. Secondary sources comprising scholarly books, journal articles, and academic studies are also examined. The findings reveal a significant continuity between the historical legal tradition embodied in the Hukum Kanun Pahang and the contemporary administration of Islamic law in the state. The influence of Fiqh al-Waṭan is reflected in the localisation of Islamic legal norms through statutory codification, the integration of *Sharī'ah* principles within constitutional boundaries, the institutional role of the Sultan as Head of the Religion of Islam, and the adaptation of Islamic legal rules to the social realities of Pahang. The study concludes that Islamic law in Pahang demonstrates a practical model of *Fiqh al-Waṭan*, where classical Islamic jurisprudence is harmonised with local customs, legal institutions, and constitutional governance to achieve the objectives of the *Sharī'ah* within a contemporary state framework.

Keywords: Fiqh al-Watan; Pahang; Islamic law; localisation; Sultanate

INTRODUCTION

Recent studies on Islamic legal theory have increasingly shifted from classical territorial classifications (Hooker, 2003) towards more context-oriented and institutionally grounded approaches that engage with the realities of the modern nation-state (Ramadani, Rafiu & Kurniati, 2026; Fikri, & Triono, 2026). This development reflects a broader methodological evolution within Islamic legal theory, where legal reasoning is increasingly understood in relation to governance structures, constitutional arrangements, and socio-political contexts rather than as a purely doctrinal exercise.

Building on this intellectual path, contemporary discussions have increasingly focused on how Islamic legal reasoning can be reconciled with notions of territorial belonging and constitutional order within modern state systems. It is within this context that *Fiqh al-Watan* has emerged as a contemporary juristic construct concerned with the contextual application of Islamic law in relation to governance, citizenship, and institutional authority.

Its intellectual genealogy is frequently traced to classical reflections on governance and public order, particularly in the works of Imam al-Juwayni, whose treatment of political necessity and institutional stability in *Ghiyath al-Umam* reflects an early articulation of state-centred juristic reasoning (al-Juwayni, 2006).

Within contemporary literature, *Fiqh al-Watan* has been developed and systematised as a normative framework that integrates *maqasid al-Sharia* (higher objective of the Sharia), public interest (*maslahah*), and contextual governance within the institutional realities of the modern state. Recent studies conceptualise it not as a separation from classical jurisprudence but as a continuation of adaptive reasoning embedded within the methodological flexibility of *uṣūl al-fiqh*, particularly in relation to changing socio-political conditions. In the Southeast Asian context, emerging scholarship has further highlighted its relevance in articulating a localized Islamic epistemology that engages with plural legal systems and constitutional frameworks (Muslim et al., 2024; Hassan et al., 2026). More recent works have also begun to systematise *Fiqh al-Watan* as part of a broader epistemic and civilisational framework linking governance, ethics, and social order within Malay-Islamic traditions, particularly in relation to historical legal texts such as the *Hukum Kanun Pahang* (HKP) (Azman et al., 2026; Ibrahim et al., 2025). These studies collectively suggest that *Fiqh al-Watan* is increasingly being positioned as both a theoretical construct and an applied jurisprudential approach that bridges inherited legal traditions with contemporary governance challenges (Yusoff et al., 2026).

Against this backdrop, this article examines the influence and application of *Fiqh al-Watan* within the historical and contemporary Islamic legal framework of the State of Pahang, Malaysia. Pahang provides a particularly significant case study due to the continuity of its Malay-Islamic legal tradition, beginning with the *Hukum Kanun Pahang* (HKP) and extending to the contemporary codification of Islamic law through state enactments. This continuity offers a valuable opportunity to explore how Islamic legal principles have been adapted and institutionalised in response to changing socio-political and legal realities while remaining rooted in the *Shari'ah* tradition.

Accordingly, this study analyses the manifestation of *Fiqh al-Watan* in both the historical legal structure of the HKP and selected contemporary Islamic legal enactments of Pahang, namely the Administration of the Religion of Islam Enactment 1991, the Islamic Family Law (State of Pahang) Enactment 2005, and the Syariah Criminal Offences Enactment 2013. Through this analysis, the article seeks to demonstrate how Islamic legal norms have been contextualised within the territorial, constitutional, and social realities of Pahang. In doing so, it contributes to the broader discourse on *Fiqh al-Watan* by illustrating how classical Islamic jurisprudential principles continue to be adapted and operationalised within a modern state legal framework in Southeast Asia.

METHODOLOGY

This study employs qualitative research design grounded in the conceptual framework of *Fiqh al-Watan* to examine the development and application of Islamic legal governance in Pahang across historical and contemporary settings. It employs a combination of doctrinal legal analysis and historical inquiry to interpret the interaction between Sharia principles, constitutional arrangements, and local socio-cultural realities in shaping the state's Islamic legal system. This approach is appropriate given its emphasis on interpretive engagement with legal texts, institutional practices, and contextual developments rather than numerical or statistical measurement, thereby allowing a deeper understanding of how Islamic law functions within a territorially grounded governance structure.

Data for the study are derived from both primary and secondary documentary sources. Primary materials include relevant constitutional provisions, state Islamic enactments, and the HKP text using the edited edition by Yaakub Isa (2003) while secondary sources comprise scholarly books, journal articles, and academic writings on Islamic law, constitutional governance, and *Fiqh al-Watan*. The collected data are examined through document analysis and interpreted using thematic and content analysis techniques to identify recurring legal and institutional patterns. These themes are then organised around key analytical dimensions such as the role of the Sultanate, integration of Sharia with constitutionalism, application of *maslahah* and *'urf*, and institutional governance structures, enabling the study to trace continuity and transformation across different historical phases of Islamic legal development in Pahang.

Historical Continuity: From Hukum Kanun Pahang to Modern Institutions

Prior to its incorporation into the Malacca Sultanate, Pahang was influenced by Siamese political control. This situation changed significantly following the expansion of Melaka under Sultan Mansur Shah around the mid-fifteenth century, when Pahang came under the governance of a Malay-Muslim ruler appointed by the Sultanate. This transition marked a major shift in its political and legal order, particularly in the Islamisation of administration and the formal introduction of Sharia-based governance structures (Mat Salleh et al, 2026). As a result, Pahang was integrated into the wider Malay-Islamic political and legal network centred in Melaka, where Islamic principles were gradually institutionalised within state administration and public authority.

The legal tradition of *Hukum Kanun Melaka* influenced legal administration in Pahang and subsequently contributed to the formation of HKP which exemplified an early adoption of Shafi'i jurisprudence, Malay customary norms, and royal authority within a structured framework of governance. The HKP was introduced during the reign of Sultan Abdul Ghaffar Maḥyiddin Shah (1592–1614M), as the primary legal reference in Pahang, representing a structured combination between Sharia principles and Malay customary law (El-Muhammady & Ab.Halim, 2019; Yusoff et al., 2026). It regulated various aspects of governance, including criminal law, commercial dealings, family matters, administrative conduct, and the role of the ruler. Scholarly discussions note its strong grounding in Shafi'i jurisprudence while simultaneously accommodating local customs. That legal tradition did not operate as a rigid codification of rules, but as a living framework that mediated between religious norms, social order, and political legitimacy. Contemporary Sharia institutions and enactments in Pahang may therefore be viewed as practical application of this jurisprudential logic through statutory codification, fatwa mechanisms, judicial reasoning, and institutional coordination.

Fiqh Al-Watan as Contextualized Governance Fiqh

The conceptual foundation of *Fiqh al-Watan* is anchored in an epistemological synthesis that integrates *nass* (revelation), *ijtihad* (juristic reasoning), and *'urf* (recognized local custom) within a territorially grounded framework of legal application (Sukri et al., 2026; Rahman, 2017). Rather than treating Islamic law as a detached or purely textual system, *Fiqh al-Watan* positions the *waṭan* (homeland) as the operative context in which divine guidance is translated into lived governance. Within this structure, Islamic governance (*siyasaḥ shar'iyyah*) and the authority of ruler (*ulul-amr*) function as enabling mechanisms that ensure the practical implementation of the Sharia higher objectives (*maqasid al-Sharia*) through legitimate political and institutional authority (Wan Ismail & Wan Muhammad, 2019). This epistemic integration allows Islamic law to remain both realistic and administratively functional within diverse socio-legal environments.

At the theoretical level, *Fiqh al-Watan* is structured around *maqasid al-Sharia*-centred orientation, where the preservation of religion, life, intellect, lineage, and property is not merely theoretical but translated into governance outcomes and policy direction (Sukri et al., 2026). Accordingly, *'urf* and socio-legal realities function as interpretive tools in legal reasoning, shaping legal understanding, procedural design, and remedial outcomes, provided they remain consistent with foundational textual sources. The model further recognises the institutional role of the Sultan as Head of Religion, whose authority operationalises Sharia through formal institutions, appointments, and policy endorsement, thereby linking normative doctrine with administrative execution. Complementing this is the principle of moderation (*wasatiyyah*), which sustains a balanced legal posture that reconciles textual fidelity with contemporary governance demands and plural social contexts.

The Influence of Fiqh Al-Watan in the Hukum Kanun Pahang

When read through the lens of *Fiqh al-Watan*, the HKP reveals a legal tradition that is deeply rooted in territorial governance where *Sharī'ah* principles are not abstract ideals, but practical tools for administering a state, maintaining order, and sustaining a functioning society.

The HKP emerged in a period marked by political consolidation and active engagement in regional maritime trade (Linehan, 1936). Although it was clearly influenced by the Hukum Kanun Melaka, the Pahang version was not a mere replication. Instead, it reflects a process of selective adaptation, where Islamic legal norms, particularly those aligned with Shāfi'ī jurisprudence were integrated into existing administrative and customary

frameworks. As Sazali (2025) observes, such differences between Malay legal texts are best understood as responses to distinct socio-political environments rather than deviations from a single legal model. This adaptive quality is precisely where the influence of *Fiqh al-Waṭan* becomes most apparent. Islamic law in the HKP is consistently shaped by the needs of governance within a defined territorial space. Sovereignty, for instance, is not framed purely in dynastic terms, but in moral and religious responsibility. The Sultan is portrayed as a ruler entrusted with justice, order, and the protection of public welfare, echoing the broader Islamic conception of leadership grounded in accountability before God.

At the same time, the HKP places strong emphasis on preserving royal authority and court hierarchy. Clauses regulating protocol, attire, and acts of disobedience against the ruler may appear ceremonial at first glance, but they function as mechanisms for maintaining political stability. Within the logic of *Fiqh al-Waṭan*, such provisions are not merely about royal privilege; they are about safeguarding institutional order and preventing social disorder, which could destabilise the entire polity. This integration of law and governance is further reflected in the HKP's administrative structure. The text formally recognises key offices such as the *Bendahara*, *Temenggung*, *Penghulu Bendahari*, and *Syahbandar*, each with defined responsibilities (Isa, 2003; Muslim et al., 2024). The *Syahbandar*, for example, is tasked with overseeing maritime trade, protecting merchants, and ensuring fair commercial practices, while coordinating closely with the *Penghulu Bendahari* in managing state revenue. These roles demonstrate that Islamic legal principles were not confined to personal morality, but extended into the machinery of state administration. Governance, in this sense, becomes an expression of legal responsibility grounded in public welfare (*maṣlaḥah*).

Economic regulation within the HKP further strengthens this picture. The code provides detailed rules on trade, debt, leasing, wages, taxation, and contractual obligations. The commercial provisions of the HKP provide one of the clearest illustrations of how Islamic legal principles were adapted to the economic realities of the Pahang Sultanate. Rather than merely containing general references to trade, the HKP incorporates detailed regulations governing commercial transactions, debt, leasing, wages, loans, mortgages, and taxation. These matters are primarily addressed in clauses 2, 3, 9, 11, 12, 14, 16-18, 24-44, 62, 77, 81, 85, 87, and 88, demonstrating the breadth of commercial regulation within the code. Particularly significant are clauses 24-44, which reflect the increasing influence of Islamic jurisprudence in matters of *mu'āmalāt* (commercial transactions). These provisions regulate contractual relationships involving debt, borrowing, secured loans, leasing arrangements, and wage obligations, thereby providing a legal framework for economic exchanges within the Sultanate.

Standardised units of measurement such as *tahil*, *kati*, *bahara*, and *gantang* were codified to ensure fairness and consistency in commercial exchange (Sazali, 2025). This is not a minor technical detail, rather it reflects a conscious effort to stabilise economic life in a maritime trading hub. From the perspective of *Fiqh al-Waṭan*, these economic provisions show how Islamic legal thought was operationalised to serve territorial sustainability. Law here is not detached from economic reality; it actively structures it. Trade regulation becomes a form of governance, ensuring both justice in transactions and stability in state income, which were essential for the survival of the Sultanate within the wider Indian Ocean trade network.

The maritime provisions reinforce this even further. Drawing from the *Undang-Undang Laut Melaka*, the HKP regulates shipping practices, port administration, cargo arrangements, and merchant conduct. The inclusion of roles such as the *kiwi* who managed cargo and shipping logistics, shows how deeply embedded maritime commerce was in the legal imagination of the Sultanate. Importantly, these regulations also demonstrate Shafi'i flexibility while grounded in Shafi'i principles, they accommodate existing local and regional trading practices, highlighting the adaptive nature of Islamic jurisprudence in the Malay world.

Criminal law in the HKP likewise reflects this balance between textual principles and local governance needs. Several provisions demonstrate the influence of Islamic criminal jurisprudence, including concepts associated with *ḥudūd*, *qisās* and *ta'zir* (Isa, 2003; Muslim et al., 2024). However, enforcement is often mediated through administrative discretion, suggesting that the objective of criminal law was not only punishment but also the preservation of public order and social harmony. In practical terms, Islamic criminal principles are embedded within a broader governance strategy aimed at maintaining stability rather than enforcing rigid uniformity.

Religious obligations are also brought into the domain of state administration. Clauses addressing *zakat*, prayer, and apostasy indicate that religious observance was not treated purely as private devotion, but as part of public order. This reflects a key feature of *Fiqh al-Waṭan* which is the integration of religious life into the governance structure of the territory, where spiritual obligations also carry social and administrative significance. Another important dimension lies in the relationship between the Sultan and the *pembesar*. The HKP consistently emphasises cooperation, consultation, and shared responsibility among rulers and officials. Governance is therefore not a unilateral exercise of power but a coordinated institutional process. This reflects an early form of administrative governance where legitimacy is maintained through structured collaboration, aligning closely with the spirit of *Fiqh al-Waṭan*, which prioritises collective welfare and functional state order.

Taken as a whole, the HKP reveals a legal system in which Islamic law, political authority, and local realities are deeply intertwined. It does not represent a simple transplantation of *Sharī'ah*, nor a purely customary system. Instead, it reflects a dynamic process of legal localisation where Islamic principles are interpreted, adjusted, and institutionalised within a specific territorial context. In this sense, the HKP is more than a legal code; it is a record of how a Malay Muslim state understood law as a living instrument of governance. The influence of *Fiqh al-Waṭan* in the HKP demonstrated that law as something grounded in place, shaped by politics, responsive to economy, and embedded in society.

The Influence of Fiqh Al-Waṭan in the Contemporary Islamic Legal System of Pahang

The influence of *Fiqh al-Waṭan* in the contemporary Islamic legal system of Pahang is actually quite clear when viewed closely at the structure and content of the Syariah enactments themselves, especially how Islamic law is codified and limited to the realities of the state. In essence, *Fiqh al-Waṭan* is not functioning here as a political theory in the abstract, but as a legal logic that quietly shapes how Islamic norms are translated into enforceable statutory provisions within Pahang's Islamic law framework.

The contemporary manifestation of *Fiqh al-Waṭan* in Pahang can be observed through several key legislative instruments, namely the Administration of Islamic Law Enactment 1991 (Pahang), the Syariah Criminal Offences Enactment 2013 (Pahang), and the Islamic Family Law Enactment 2005 (Pahang), which collectively regulate the administration of Islam, Islamic family relations, and religious offences within the state's constitutional framework. This reflects a core idea in *Fiqh al-Waṭan*, that Islamic law must be applied within a specific *waṭan* (territory), and therefore must be structured according to the legal and administrative capacity of that territory rather than as an unrestricted universal code. Contemporary scholarship on Pahang's Islamic legal development highlights that its Syariah framework evolved through continuous codification, where religious principles were systematically translated into state legislation under constitutional constraints (Yaacob, 2009; Muslim et al., 2024).

One of the most direct manifestations of this can be seen in how offences are defined under the Syariah Criminal Offences Enactment 2013 (Pahang). Offences such as false claims of religious status (Section 8), disrespecting Ramadan (Section 22), *khalwat* (Section 32), non-payment of *zakat* (Section 40), and various moral offences are not simply derived from classical *fiqh* texts in their original form. Instead, they are selectively codified, restructured, and standardised into statutory provisions that can function within a modern legal system. This process mirrors the *Fiqh al-Waṭan* principle that legal rulings must be adapted into enforceable frameworks suited to local governance realities rather than applied in a purely theoretical juristic form.

A good example of this can be seen quite clearly in how religious morality offences such *khalwat* (section 32) are framed and legally constructed within the law. On the surface, *khalwat* is often understood as a private moral issue between individuals. However, when it is translated into statutory law, its legal character changes quite significantly. In the enactments, *khalwat* is defined in a way that focuses on conduct that occurs in circumstances deemed suspicious, inappropriate, or potentially harmful to public decency, particularly when it involves proximity between non-maḥram individuals in secluded settings. The emphasis is not only on the moral dimension of the act, but also on its visibility, social perception, and potential impact on communal norms. In other words, the law is concerned with how such behaviour affects the broader social environment, not just the private individuals involved.

From the perspective of *Fiqh al-Waṭan*, this reflects a very deliberate legal philosophy. Islamic norms are not applied in isolation as purely devotional rulings; instead, they are translated into enforceable rules that safeguard the moral fabric of a specific territorial society. The state, through its Syariah legal framework, essentially takes on the role of defining which forms of behaviour are considered disruptive to public order (*nizām al-‘āmm*) and therefore require legal intervention. This is where *khalwat* becomes more than a private matter, it is reframed as an issue that can potentially undermine social discipline, weaken moral boundaries, and affect the collective sense of ethical responsibility within the Muslim community.

This approach is consistent with broader patterns in Malaysian Syariah enactments, where offences are structured around the idea of protecting communal morality rather than merely punishing individual wrongdoing. As highlighted in recent studies, Syariah criminal provisions in states like Pahang are carefully designed within constitutional boundaries, where Islamic law is permitted to operate in areas related to personal conduct, family life, and moral regulation, but always within the jurisdictional limits of the Federal Constitution (Muslim et al., 2024). This constitutional framework itself reinforces the *Fiqh al-Waṭan* principle, because it requires Islamic law to function within a defined legal space rather than as an unrestricted system.

Kamil et al. (2025) further explain that this structure reflects an epistemological continuity in Malay Islamic legal thought, where law is not only about individual compliance with religious obligations, but also about maintaining order, harmony, and social stability within a specific community context. In this sense, offences like *khalwat* are not simply about regulating private morality, but about ensuring that public spaces and social interactions remain consistent with the ethical expectations of the Muslim-majority society in Pahang.

Another important dimension of *Fiqh al-Waṭan* in the contemporary Islamic legal framework of Pahang can be seen very clearly in the tight jurisdictional structure of Islamic family law, which is fully governed through the Islamic Family Law Enactment 2005. What is significant here is not just the existence of Islamic family law itself, but the way it has been systematically codified into a detailed statutory framework, where every aspect of Muslim family life is regulated through clearly defined legal provisions, procedures, and judicial processes.

Under this enactment, matters such as marriage, divorce, maintenance (*nafkah*), custody (*ḥadānah*), guardianship (*wilāyah*), polygamy, reconciliation (*ṣulḥ*), and matrimonial property (*harta sepencarian*) are not left to informal religious interpretation. Instead, they are structured into enforceable legal rules with specific sections, procedural requirements, and evidentiary standards. For instance, Section 8 which governs the minimum marriage age, institutionalises the regulation of marriage within a public legal framework, ensuring that matrimonial contracts are subject to state oversight in line with considerations of *maslahah* (public interest) and child protection. Similarly, Section 18 which mandates marriage registration, demonstrates how a classical fiqh concept of *nikāḥ* is transformed into a legally enforceable administrative requirement, thereby ensuring legal certainty, documentation, and jurisdictional control by the Syariah authorities. These provisions illustrate that Islamic family law in Pahang is no longer purely a private juristic matter but has been localised into a state-regulated legal system embedded within the machinery of governance.

Further evidence of this localisation can be seen in Section 23 on polygamy, which requires prior permission from the Syariah Court before a husband may contract a polygamous marriage. While classical fiqh permits polygamy under certain conditions, the Pahang enactment introduces procedural safeguards such as judicial scrutiny of financial capability and equitable treatment. This reflects a clear *Fiqh al-Waṭan* principle, where *Sharī'ah* permissibility is not abolished but is territorially regulated through institutional mechanisms to ensure social justice and prevent harm within a specific socio-legal context. Likewise, Section 47 on divorce (*ṭalāq*) requires divorce to be confirmed and processed through the Syariah Court rather than being treated as a unilateral private pronouncement. This judicialisation of *ṭalāq* demonstrates how Islamic legal rulings are embedded within a formal state system, ensuring that family dissolution is managed through legal procedures that protect rights, prevent abuse, and maintain public order.

In relation to post-divorce welfare, provisions on maintenance under Sections 58-80 of the enactment further illustrate the operationalisation of *maqāṣid al-Sharī'ah* within a territorial legal framework. These sections empower the Syariah Court to determine and enforce financial maintenance, including spousal and child support, based on evidentiary standards and judicial assessment of needs and ability. Instead of relying solely on moral

obligation as in classical fiqh discourse, the enactment transforms maintenance into a legally enforceable right within the jurisdiction of the Pahang Syariah courts. This reflects a localisation process in which Islamic normative values are translated into enforceable legal entitlements administered by state institutions, thereby ensuring that family welfare is protected within a structured governance system.

From the perspective of *Fiqh al-Waṭan*, this structured codification is extremely significant. It reflects the principle that Islamic law must operate within a recognised territorial-legal system, where authority is not diffuse or purely scholarly, but institutionalised through state mechanisms such as the Syariah Courts. Every family law ruling must therefore pass through statutory interpretation, evidentiary evaluation, and judicial adjudication, rather than being resolved solely through informal religious opinion. Scholarly discussions on Malaysian Syariah family law consistently highlight that Islamic family law in states like Pahang is best understood as a hybrid legal system where fiqh principles are operationalised through statutory enactments and court procedures, rather than functioning as independent juristic rulings (Muslim et al., 2024; Kamil et al., 2025).

Viewed from *Fiqh al-Waṭan* perspective, this represents a mature expression of Islamic legal localisation: *Sharī'ah* principles are preserved, but their application is carefully organised through state institutions to ensure legal clarity, enforceability, and social stability within the territorial framework of Pahang.

What is also interesting is how Islamic legal rulings (*fatwa*) provisions and enforcement mechanisms are embedded within enactments rather than treated as independent moral guidance. In Pahang, *fatwas* become binding only after gazettelement, and enforcement is carried out through legally established authorities. The influence of *Fiqh al-Waṭan* in the current Islamic law in Pahang is not about introducing new legal concepts into the system, but rather about the way the law itself is structured and operationalised. It is reflected in the fact that Islamic rulings are codified into state enactments, which means that religious principles are systematically translated into written statutory provisions that are legally binding within the state. At the same time, these rulings are limited by constitutional jurisdiction, ensuring that their application remains within the legal boundaries set by the Federal Constitution and the division of legislative powers in Malaysia. In addition, Islamic law in Pahang is enforced through the Syariah courts, where cases are heard, interpreted, and decided according to established procedural rules and evidentiary standards. Finally, the entire system is designed to respond to the social realities within Pahang, meaning that the formulation and application of Islamic law take into account the lived conditions, needs, and circumstances of the Muslim community in the state. This makes Islamic law in Pahang a living example of *Fiqh al-Waṭan* in practice, where *Sharī'ah* is not detached from place, but deeply embedded within the legal, territorial, and social framework of the state.

CONCLUSION

This study demonstrates that the development of Islamic law in Pahang reflects a continuous process of localisation and institutional adaptation that is consistent with the principles of *Fiqh al-Waṭan*. Historically, the *Hukum Kanun Pahang* illustrates how Islamic legal principles were integrated into the political, economic, and social realities of the Pahang Sultanate through a framework that combined *Sharī'ah* norms, Malay customs, and territorial governance. Rather than functioning as a mere reproduction of classical Islamic jurisprudence, the legal code represented an early form of contextualised Islamic legal administration that responded to the needs of the state and society.

In the contemporary period, this adaptive tradition continues through the codification of Islamic law in state enactments and its implementation through recognised legal institutions. The Administration of the Religion of Islam Enactment 1991, the Islamic Family Law Enactment 2005, and the Syariah Criminal Offences Enactment 2013 demonstrate how Islamic legal principles are translated into enforceable statutory provisions within the constitutional framework of Malaysia. The influence of *Fiqh al-Waṭan* is evident in the manner in which Islamic law is structured according to local realities, institutional capacities, and the welfare of the Muslim community while remaining guided by the objectives of the *Sharī'ah*.

The study therefore concludes that Pahang provides an important contemporary example of *Fiqh al-Waṭan* in practice. Its Islamic legal system illustrates that the application of *Sharī'ah* does not require the abandonment of local legal traditions or constitutional governance. Instead, Islamic law can function effectively through a process

of contextualisation, codification, and institutionalisation that preserves both legal authenticity and societal relevance. Future research may further explore the application of *Fiqh al-Watan* in judicial reasoning, fatwa development, and comparative state Islamic legal systems within Malaysia.

ACKNOWLEDGEMENT

The authors would like to express their sincere appreciation for the financial and technical support provided for this Industrial Grant project by the Institut Ilmu Darul Makmur (IIDM) under grant reference UniSZA/2025/PPL/IIDM (033)/RM044 and managed by the Universiti of Sultan Zainal Abidin. The authors would also like to thank the editor and the anonymous reviewers who have made insightful comments and suggestions.

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