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ANALYSIS OF LOOPHOLES IN THE 1997 PEGUAM SHARIE (SHARIE LAWYER) RULES OF THE STATE OF PENANG

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ABSTRACT

Sharie lawyers represent disputing parties in resolving their problems in Shariah courts. In Malaysia, the laws applicable to regulate the affairs of Shariah lawyers in terms of admission, qualifications and disciplinary matters are determined by state rules established based on the Islamic Religious Administration Enactment of the states or the Shariah Court Enactment of the states. For Penang, the applicable law is the Rules of Sharie Lawyers or Peguam Sharie (State of Penang) 1997. Therefore, the Penang Islamic Religious Council (MAINPP) is responsible for regulating Sharie lawyers in Penang. However, to date, there are still significant loopholes in this law that have disrupted its regulatory process. As a result, the profession of Sharie lawyer faces daily challenges, including inconsistent admission criteria, lack of clear disciplinary procedures, limited professional development, jurisdictional confusion, enforcement issues, and eroding public trust. The present research objective is to analyze loopholes in the Peguam Sharie (State of Penang) Rules 1997, identify areas of weakness, and propose recommendations for improving the regulatory framework for Sharie lawyers in Penang. A qualitative approach was used in this study and the data collection was done using primary and secondary sources. For primary sources, the researchers conducted interview sessions with Penang Sharie lawyers and Penang Shariah Judiciary Department (JKSNPP) officers in order to obtain firsthand

perspectives, context, clarity, validation, and recommendations for the research. Whereas, for secondary sources, the researchers referred to journals, books, and proceedings, as well as electronic database sources. The data was analyzed using a content analysis method. This research found that there were eight provisions that needed to be reformed to improve the profession of Sharie lawyers in Penang. This research has suggested an amendment to the Peguam Syarie (State of Penang) Rules, 1997. It has also recommended that the parties involved in the practice of Shariah law in Penang be made aware of the challenges faced and amend the existing law so that the profession of Sharie lawyers remains relevant in the future.

Keywords: Sharie lawyers, Peguam Syarie (State of Penang) Rules 1997, Penang Shariah Court, Shariah law.

INTRODUCTION

The Shariah legal profession is under the purview of the Islamic Religious Administration Enactment or the Shariah Court Enactment of the respective states in Malaysia. The Islamic Religious Administration Enactment of the states allocate power to the State Islamic Religious Council (SIRC) to make rules for procedure, eligibility, and fees of admission, in addition to regulating, controlling and supervising the conduct of Sharie lawyers. At present, all states in Malaysia already have their own rules related to Sharie lawyers, but not for Sabah, where the state does not yet have a by-law related to Sharie lawyers except a general reference to Sharie lawyers found in Section 32, Shariah Courts (Sabah) Enactment 2004 (Hasan & Hashim, 2017; Salam et al., 2020).

It is worth mentioning that the Sharie lawyers in each state have their own similarities and differences. In certain states, there is a Sharie Lawyers Committee that appoints the State Legal Adviser as Chairman. Additionally, there may be a Chief Sharie Judge, the YDP (Yang Di-Pertua, Chief/Head/Leader) of the Council, and a Judge of the Shariah High Court. Differences are visible in the aspects of permanent membership, secretariat, appointed members, number of members, and allowances. The amendments to the Administration of Islamic Law (Federal Territories) Act 1993 have been made following the Enactment of the Sharie Legal Profession (Federal Territories) Bill 2019. The Sharie Legal Profession Act 2019 (Act 814) came into force on 21 June 2022 and has been adopted by other states for the standardization of laws related to Sharie lawyers in Malaysia (Ali Mohamed, 2020; Md Abdul Salam et al., 2023).

The Minister in the Prime Minister's Department (Religious Affairs), Datuk Idris Ahmad, said it was the intention of the Islamic Development Department (JAKIM) that Act 814 be made a model law in every state (Berita Harian, 2022). The Act is expected to dignify Shariah legal institutions and empower the Shariah legal profession as a whole to a level on par with legal professionals practicing in civil courts under the Legal Profession Act 1976 (Act 166). Apart from that, the existence of Act 814 is also expected to improve the position of Shariah courts, as well as streamlining the funding of Shariah law on par with civil law (Md Abdul Salam et al., 2023).

The Act 814 was passed by the Dewan Rakyat on 15 July 2019 and the Dewan Negara on 31 July 2019. The Act was later approved by the YDP Agong on 15 November 2019 and was published in the Gazette on 19 November 2019. Previously, the enforcement of Act 814 was postponed to give the opportunity for the 10 rules to be enacted and completed under Act 814 so that the implementation can run smoothly and orderly. The formulation of rules was undertaken by the JAKIM Department with the collaboration

of various parties, including the Malaysian Shariah Lawyers Association (PGSM), the Malaysian Shariah Judiciary Department (JKSM), the Shariah Lawyers Committee (JKPS), and the Malaysian Bar Council (Bar Council). In addition, a series of intensive workshops were held and conducted by experts (My Metro, 2022; Md Abdul Salam et al., 2023).

In Penang, the Islamic Religious Council of Penang (MAINPP) is responsible for regulating Sharie lawyers in accordance with the Syarie Lawyer Rules (State of Penang) 1997. Nevertheless, it is found that MAINPP and the parties involved are still struggling to work out the regulatory process, especially for Sharie lawyers registered under the state of Penang. Although Act 814 has been successfully enacted, in terms of practice, there are still many loopholes that need to be addressed in the existing law with regard to the state of Penang. The issues with the Peguam Syarie (State of Penang) Rules 1997 include inconsistent admission criteria, which result in varying qualifications and standards among Sharie lawyers, compromising the quality of legal representation. The lack of clear disciplinary procedures makes it difficult to address misconduct, undermining professional integrity. Additionally, there are no regulations for continuous education and professional development, which hinders skill enhancement. Jurisdictional confusion between state and federal laws complicates governance and creates inefficiencies. Weak enforcement mechanisms make it hard to uphold standards, leading to lax compliance. Lastly, inadequate regulation and oversight erode public trust in Sharie lawyers and the Shariah court system, thus affecting their credibility. Therefore, the present research attempts to analyze the loopholes that exist in the Peguam Syarie (State of Penang) Rules 1997 and suggests a reasonable solution via amendments to the enactment so as to ensure that Penang Sharie lawyers' line of work remains pertinent in the years to come. It is vital to empower the legal profession in Shariah courts, and to enhance these courts, ongoing improvements in the legal profession are indeed necessary (Aziz, 2019).

PRIOR STUDIES ON SHARIE LAWYERS IN MALAYSIA

Extensive research on Sharie lawyers in Malaysia has been carried out by previous researchers and most of the studies focus on the ethics and laws governing Sharie lawyers, as well as the jurisdiction of Shariah Courts in several states of Malaysia. Although many studies have been done, on average these studies are seen as focusing solely on the issues and challenges that arise in relation to Sharie lawyers in general. In fact, most of the selected states in the studies represent the Federal Territories of Kuala Lumpur and Selangor (Bakar & Rijal, 2019).

In Malaysia, the idea of regulating Sharie lawyers through a Sharie Bar is not new and has been discussed for a long time, even gaining government support in 2011 by the then Prime Minister of Malaysia, YAB Dato' Sri Mohd. Najib bin Tun Haji Abdul Razak. However, the process was delayed, although the original idea of doing so dated back to 1984. Differences among legal scholars, debates about federal-level regulations, and the concerns raised by non-Muslim Members of Parliament contributed to this delay. Act 814, which was aimed at establishing the Sharie Bar, was finally enacted in 2019 and enforced in 2022. The need for such an enactment has grown due to the increasing acceptance of Sharie lawyers in Shariah Courts. However, there is still no dedicated body overseeing the Sharie lawyers in Malaysia (Abu Bakar, 2022). Abu Bakar (2022) has asserted the need to have a special body to regulate Sharie lawyers through an act or enactment is significant in the context of development in Shariah jurisdiction in Malaysia. This need exists because many Sharie lawyers have begun to be accepted to practice law in Shariah Courts.

Several studies on Sharie lawyers, especially from the legal and constitutional framework aspects should be noted. Mohamed Adil (1996) for example has studied Sharie lawyers, the challenges faced in Malaysia, as well as tracing the history and fundamentals of the Sharie lawyer's profession since the time of the Prophet Muhammad (PBUH), the Companions, and the Caliphate until present times in general. These include the history of the early practice of model law in the West, as well as in the Islamic world. The study by Mohamed Adil (1996) came to the conclusion that the profession of the Sharie lawyer is not something new because it has been practiced since the early days of Islam, although not in a formal form as it exists today. Ibrahim and Saedon (1993) also conducted a similar study on the topic focusing on judges and lawyers under Shariah law in Malaysia.

Abu Bakar (1997) has examined the theory and practices of Shariah law in Malaysia in his study and found that an individual is only eligible to be appointed as a Sharie lawyer based on laws provided by the Peguam Syarie Rules by the respective states in Malaysia. This is because each state has its own provisions in relation to the appointment of Sharie lawyers. Mokhtar and Yaakub (1999), on the other hand have discussed the role and issues related to Sharie lawyers. They have proposed the establishment of a professional body of Sharie lawyers and the creation of a Sharie Lawyers Qualification Board. The Sharie Bar is deemed to be very important in improving the quality and standard of the profession of the Sharie lawyer through a platform that provides efficient legal services to the Muslim community in Malaysia.

Abu Bakar (2003) in his research provides insights on the improvement of the practice of Shariah law in Shariah Courts and raises critical issues regarding contemporary Shariah law. He further discussed the inconsistency of legal provisions and regulations related to Sharie lawyers. He also added another problem that arose in terms of the commissioning process, a process which takes a long time to be approved by the State Islamic Religious Council (SIRC). The delay in obtaining commissioning causes individuals who have applied to become Sharie lawyers to be unable to represent their clients in the Shariah Courts. Thus, Abu Bakar (2003) proposed that Sharie lawyers be governed by a professional body, called the Sharie Bar. Furthermore, Jamal (2005) in his study has discussed appointment and ethical aspects of Sharie lawyers from the points of view of Islamic jurisprudence and law. With issues arising on the practice of Shariah law, such as ethics and the discipline of Sharie lawyers, he also strongly agreed with the amendments made to the law to regulate Sharie lawyers in Malaysia.

The regulatory issue of Sharie lawyers was also raised by Yaacob (2015), who highlighted the fact that the administration of Sharie lawyers between states was dissimilar and thus, suggested a specific law to be formed, accepted, and implemented by all states in carrying out administration related to the legal aspects of Sharie lawyers in Malaysia. The study by Yaacob (2005) emphasized the salient need for the regulation of Sharie lawyers in Malaysia, including those in the state of Penang. Previous researchers like Muhammad (2008) have studied Sharie lawyers from the perspective of judicial institutions, and he has given an example of *wakalah* (representation) practiced by Sharie lawyers that happened during the time of Caliph Ali. The Caliph had successfully resolved the issue related to the status of a child born to a black man with a black woman. The black man said that they had a white child while he had planted a black tree, and that the woman was also black. Later, the black woman defended herself and confessed that she had never committed adultery and the child was indeed their child. Caliph Omar had heard the complaints of both sides and was in a state of confusion and did not know what he should do. He has asked for the help and opinion of Caliph Ali, who was also at the place when the complaint was made (Muhammad, 2008). This study demonstrates the implementation of *wakalah* in the profession of the Sharie lawyer during the reign of the Caliphs in Islam. The adoption of the concept of *wakalah* in Sharie law has also been discussed by researchers such as Md Nor (2014), Hammad et al. (2019), and

Md Abdul Salam (2020). They acknowledged and embraced the *wakalah* concept practiced by Sharie lawyers and considered it synonymous with Shariah principles, as it did not conflict with the practice of the Prophet and His Companions. As a matter of fact, Dahalan et al. (2020) have also analyzed the governance of Sharie lawyers' representation during the time of the Prophet and His Companions, and its implementation at present day Malaysian Shariah Courts. The study by Dahalan et al. (2020) also found that the governance of Sharie lawyers in the time of the Prophet and His Companions was not applied specifically through legislation and certain bodies, rather it was privately administered and had adhered to the principle of justice. Interestingly, the researchers have proposed some valuable suggestions to be applied practically in enhancing the governance of Sharie lawyers in Malaysia.

The findings of the study by Mohamad Dahalan et al. (2019) have been found to be consistent with other studies done by previous researchers like Burok (2007), Awang (2013), Awang (2017), and Hasan & Hashim (2017). All these researchers have agreed with the idea of establishing a specific body to supervise Sharie lawyers in Malaysia. For example, Burok (2007) outlines the purpose of establishing a professional body for Sharie lawyers in Malaysia and believes that there are two initial approaches to strengthen Shariah law practices, namely by establishing a council of Sharie lawyers via the Sharie Lawyer Profession Act or Sharie lawyers to be recognized as advocates and solicitors through an amendment of the Legal Profession Act 1976. Burok (2007) also stated that in addition to carrying out ethical supervision and regulation of Sharie lawyers by professional bodies, this body can also establish a welfare committee that helps in alleviating the Sharie lawyers' burdens. At times, Sharie lawyers also need emergency savings in case something undesirable happens to them or their families. Meanwhile, the studies of Awang (2013) and Awang (2017) have analyzed the differences found in the statute related to the administration of Sharie lawyers in fourteen states in Malaysia. These two studies further recommended there is a need to enact the Sharie Lawyer Profession Act, which would authorize the establishment of the Sharie Bar and would standardize the administration of Sharie lawyers at the federal level like in the case of civil lawyers. Hasan and Hashim (2017) have argued that the task of supervising Sharie lawyers was different for each state, where some state-related matters will eventually change, especially those involving the coordination of fees and other payments. In fact, the coordination process will certainly have implications for the source of state revenues. However, this will not be a big issue as it can be resolved through in-depth discussions with the states in Malaysia.

Furthermore, Whiting (2012) through her research has examined several legal aspects of Sharie lawyers in Malaysia. She studied Shariah legal practices from the perspective of training, appointment and supervision of Sharie lawyers in the Federal Territory of Kuala Lumpur, together with a comparison of these practices in several states. Her study found inconsistencies and administrative issues regarding the practice of Shariah law in Malaysia, especially in the Federal Territory and Selangor. The study also highlighted the issue of the code of ethics for Sharie lawyers, which was seen as a good development but had several weaknesses compared to the Legal Profession Rules (Practice and Etiquette) 1978 enforced by the Malaysian Bar Council. Abdul Ralip (2014) on the other hand has analyzed the weaknesses found in the administration of Sharie lawyers in Malaysia. According to him, the weaknesses that exist are due to differences in administration between the states in allocating laws and rules related to Sharie lawyers.

In addition, in relation to the duties of a Sharie lawyer, several researchers such as Othman (1996), Othman (1997), Awang (2013), Awang (2017), and Yahya et al. (2020) also agreed that these duties are indeed a heavy responsibility. Othman (1997) believes that the duty of a Sharie lawyer is defending his clients even though they have not yet been proven guilty. In other words, one is deemed to be innocent unless one has been found guilty. Perhaps, the presence of a Sharie lawyer in the Shariah Court

is also closely related to God's command to always uphold justice and avoid cruelty (Yahya et al., 2020), balancing the conflicting parties in front of the Judge (Awang, 2013), overcoming feelings of shame especially among women, and articulating the unspoken concerns or intentions of wives in Shariah Courts (Awang, 2017). This highlights the role of a Sharie lawyer in effectively expressing issues, needs or perspectives that a wife may not be able to verbalize clearly or directly during court proceedings. Next, Mohd Adanan (2015) has examined the position of Sharie lawyers, who handle apostasy cases, to determine whether they are compatible with Shariah principles or not. His study also discusses the justification of Sharie lawyers' representation in cases of apostasy among converts. It has also found that the Shariah law of representation depends on the purpose and matter represented, not on the duties and roles of the Sharie lawyers alone. In fact, the role of Sharie lawyers in handling some apostasy cases is a necessity and obligation that will solve the root of the apostasy problem among converts. Therefore, a Sharie lawyer is indeed responsible for assisting the court and giving the necessary recommendations to ensure that justice for the clients is successfully obtained (Mohd Adanan, 2015).

Additionally, Sheikh Salleh et al. (2003) asserted that the legal profession in Malaysia is regarded as a respected profession by the country's general populace. In short, civil lawyers and Sharie lawyers make up the two main categories of the legal profession. There are separate rules that govern the practice of Sharie lawyers from those governing civil lawyers. In this study, the researcher seeks to discover the current qualifications and procedures applicable in each state of Malaysia before a person is deemed qualified to practice as a Sharie lawyer in each state. The findings of this study shows that the government has made significant efforts to develop the Shariah courts in Malaysia. These courts have greatly improved the profession of Sharie lawyers. The provisions on Sharie lawyers are found in the Enactment of Administration of Shariah Courts as well as the Peguam Syarie Rules. Therefore, a Sharie lawyer may appear and represent clients in Shariah courts in Malaysia under the authority granted by the Enactment of Administration of Shariah Courts. Due to the dissimilar provisions peculiar to each state, the Sharie lawyer provisions therefore, vary from state to state.

Mat Ali (2010) has conducted a study regarding the manners or ethics of a Sharie lawyer in Selangor. Her study aims to find out things related to the ethics of a Sharie lawyer in handling a case in court, as well as the social boundaries that such a lawyer needs to maintain beyond the court. The results of the study reveal the real responsibility of a Sharie lawyer which is not only bound to court procedures, but also covers his/her daily life outside the court. Meanwhile, Mohd Noor (2001) and Mohd Noor (2014) have been studying Sharie lawyers from different perspectives such as the Sharie lawyers' code of conduct and the implementation of the *wakalah al-Khusumah* by Sharie lawyers. Both studies showed that there was a need to supervise, oversee, and monitor the Sharie lawyers in each state. Perhaps, it can be concluded that the existing provisions are still inadequate in regulating Sharie lawyers.

Hasan (2008) has explored the ethical principles of lawyers in Islam via Legal Profession (Practice and Etiquette) Rules 1978 (LPPER) and the Code of Ethics of Peguam Syarie 2000 (COEPS). By emphasizing certain clauses included in the LPPER and the COEPS, the study offers an Islamic viewpoint on the ethical standards of Syarie lawyers. The discussion of Islamic legal ethics presented in the study supports the current code of professional conduct found in the LPPER and the COEPS. Islam strongly urges lawyers to uphold standards of conduct, good ethics, conscience, and piety. The fundamental aspect of a Syarie lawyer's ethical standards is based on the tenets of the *Tawhid*. Through the *Tawhidic* method, which derives other sub-fundamental concepts of the *Khilafah*, *Amanah*, *Taklif*, and *al-Adl wa al-Ihsan*, Islam adds additional values for Syarie lawyers to uphold ethical norms. All members of the Syarie legal profession are advised by these various epistemological frameworks to be

accountable to Allah SWT in addition to the LPPER and the COEPS. Furthermore, Ali Mohamed (2012) discussed the issue of religion as one of the requirements in becoming a Sharie lawyer. The Shariah courts in Malaysia are recognized as a specialized court, which has judges with Islamic law knowledge. Therefore, the individual appearing on behalf of the disputing parties in this court should likewise be of the Muslim faith to ensure the efficacy of proper legal representation in the Shariah court. The study by Ali Mohamed (2012) has carefully considered the issue of the legal representation of a non-Muslim in the Shariah courts. In the recent case of *Victoria Jayaseele Martin v. Majlis Agama Islam Wilayah Persekutuan & Anor*, the aforementioned issue was brought up. In that case too, the applicant, a non-Muslim advocate and solicitor with the necessary academic training in Shariah, requested a declaration that part of rule 10 of the 1993 Sharie Lawyer Rules, which, among other things, stipulated that only a Muslim be accepted as a Sharie lawyer, was in violation of both the Federal Constitution and the 1993 Administration of Islamic Law (Federal Territories) Act (Act 1993). The High Court did rule, among other things, that a non-Muslim advocate and solicitor was ineligible to practice as a Sharie lawyer. It is said that while a non-Muslim lawyer would behave honorably, s/he would lack the sense of responsibility to the creator of a Muslim and would therefore, be more likely to disregard the values and principles of Islamic justice. The argument was that the non-Muslim advocates and solicitors would not find it meaningful to uphold the values and principles of Islamic justice. Additionally, it was feared that non-Muslim lawyers who represented clients in Shariah court proceedings might mock or disparage Islam by making offensive or disparaging comments about Shariah. Such a possibility has been previously seen in Malaysia, particularly in the context of Islamic criminal punishment involving *hudud* cases.

Meerangani et al. (2018) in their study have drawn attention to the issue of non-Muslims as a Sharie lawyer. There has been much public discussion, particularly among Muslim scholars and Shariah and civil legal practitioners in Malaysia, about the problem of non-Muslims serving as a Sharie lawyer in the Shariah court. The issue has generated a lot of interest in the case of a non-Muslim woman lawyer who appealed the High Court's order forbidding her from working as a Sharie lawyer. Therefore, the study by Meerangani et al. (2018) has tried to determine the background of the issues involved and analyze them in the context of Malaysia's current legislative framework and Islamic law. The analysis entailed the scrutiny of arguments made by Muslim scholars regarding the participation of non-Muslims as Sharie lawyers, and evaluating them based on the current Malaysian legal situation and reality. The findings showed that the issue of non-Muslims being prohibited from participating as Sharie lawyers was viewed as critical to maintaining Malaysia's religious harmony, in addition to avoiding any contentious disagreements that might arise from the matter.

The issues of procedure, discipline, ethics and the profession of Sharie lawyers have also sparked the interest of recent researchers like Arsad & Mat Hussin (2020), Ali Mohamed (2020) and Mohamad Dahalan et al. (2021). Arsad & Mat Hussin's (2020) study focused on the violation of ethics by Sharie lawyers in Selangor from the perspective of Shariah court procedures adopted in Shariah courts throughout Malaysia. The researchers try to determine the fairness and effectiveness of recognizing incidents of ethics violation without violating the standards of Islamic justice and jurisprudence. However, this study by Arsad & Mat Hussin (2020) was limited as it only focused on the Administration of the Religion of Islam (State of Selangor) Enactment 2003 and Rules of Syarie Lawyer (Negeri Selangor) 2008. The present researchers are of the view that a Sharie lawyer needs to ensure that s/he always follows the rules that have been set by the law. Granted that the Sharie legal profession is a profession that carries the name and image of Islam, every violation of the rules and misbehavior by a Sharie lawyer will jeopardize the reputation of the Sharie legal profession and Islam itself. Based on a survey carried out by Arsad & Mat Hussin (2020), it was found that there were four cases of ethical

offenses committed by Sharie lawyers from 2015 to 2017. The offences involved the moral and ethical conduct of a Sharie lawyer, including non-attendance in court on the day of the client's trial, charging the client unreasonable fees, and embezzling the client's money. Several causes of ethical violations have been identified as a result of Sharie lawyers' own attitudes, lack of communication with clients, inefficient time management, and dishonesty in their legal practices. However, the finding of this study cannot be generalized to include the different contexts of the other states in Malaysia, such as Penang as each state is undoubtedly influenced by different demographic, economic, and socio-political factors.

Hence, it is the responsibility of a Sharie lawyer who defends a disputant to assist the judge in reaching a just and fair verdict, even if it goes against the interests of his/her client. In some cases, a lawyer's persuasive argument can convince the judge to rule in his/her favor even though the judge's conscience tells him/her that righteousness is not on his/her side. In that circumstance, lawyers might commit sinful acts. Unquestionably, the legal profession of Sharie lawyers is highly respected and essential to ensure fair and equitable proceedings. As for this, Ali Mohamed (2020) has rigorously scrutinized the enacted Sharie Legal Profession (Federal Territories) Act 2019 in relation to the Sharie legal profession. This act is a statute passed by Parliament for the Federal Territories in relation to Sharie matters enumerated in List II of the Ninth Schedule to the Federal Constitution. The act, which was gazetted on 29 November 2019, after receiving royal approval on 15 November 2019, aims to bring the Sharie legal system closer to that of the Civil system. It permits the creation of the *Majlis Peguam Syarie*, *Badan Peguam Syarie* and Sharie Legal Profession Qualifying Board. The findings demonstrate that this act covers information about the admission standards of Syarie lawyers, professional practices, etiquette, conduct, and discipline which are mostly based on the Legal Profession Act of 1976 (Act 166) that governs the legal profession in the Civil courts. It is notable that the 1976 Act also establishes the Legal Profession Qualifying Board, Malaysian Bar, Bar Council, and State Bar Committees, among other things. The Act also covers professional behavior, etiquette, and discipline for lawyers and advocates in addition to the qualifications for admission to the Bar. As specified by Ali Mohamed (2020), Malaysia has a pluralistic legal system that combines the common law system and the Islamic legal system. Both the Civil courts and the Shariah courts were constituted under the two different systems mentioned above. The Federal Constitution's article 121(1A), which excludes the Civil courts' jurisdiction over matters not within their jurisdiction, is the basis for the recognition of the Shariah courts. Nevertheless, under the sovereignty of the Shariah Enactments of the states, the Shariah courts' jurisdiction is limited to those who identify as Muslims or people who practice Islam, as well as Muslim personal law and minor offenses against Islamic precepts. The Chief Shariah Judge oversees the Shariah courts, and the Chief Shariah Prosecutor has the authority to start, continue, or end any proceeding for an offense before a Shariah court.

The study by Mohamad Dahalan et al. (2021) was focused on three main issues, namely Shariah principles relating to governance of disciplinary procedures for Shariah lawyers at Malaysian Shariah courts, the existing problems on the governance of such disciplinary procedures, and the solutions to the existing problems. The results of the above study showed that Islamic principles of justice and Shariah principles on complaints, investigations, and evidence were used to govern the disciplinary processes for Syariah lawyers under the Shariah Lawyers' Rules and Regulations. The study also revealed the ambiguity and vagueness of how these principles should be used in accordance with the Shariah Lawyers' Rules and Regulations. Concerns regarding the administration of Sharie lawyer disciplinary processes under these legislative requirements must be resolved immediately, thus prompting the researchers of the study to suggest that the relevant legal provisions addressing complaints, investigations, and evidence about governance of Sharie lawyer disciplinary procedures should be revised in accordance with Shariah principles and based on the Shariah Legal Profession

(Federal Territory) Bill 2019, as well as the Legal Profession Act 1976. Finally, the research carried out in Wan Adnan et al. (2022) was noteworthy because it had focused on the role of practice directions in *sulh* (conciliation) related to real estate in Shariah Courts. It found that practice directions were crucial in facilitating the process of *sulh* in Shariah courts, from case registration to consent judgment. However, improvements are still needed to address present challenges like the legal and administrative matters in Malaysian Shariah courts.

In summary, the findings of the literature review indicate that previous studies have not specifically touched on the legal gaps that exist in the Peguam Syarie (State of Penang) Rules 1997. This is because these previous studies solely focused more on the issues and challenges related to Sharie lawyers in general. In other words, there are still gaps in the corpus of knowledge related to legislation that exists in the Peguam Syarie (State of Penang) Rules 1997. To fill the existing legal gaps, the present research has critically analyzed the Peguam Syarie (State of Penang) Rules 1997 to provide practical remedies and solutions to close the existing loopholes. The analysis performed involved data in the form of documents and interviews with experts which will be discussed in the methodology section.

METHODOLOGY

This research has employed a qualitative methodology. The qualitative design was chosen as this study was aimed at analyzing the loopholes that existed in the Peguam Syarie (State of Penang) Rules 1997. The data involved can be categorized into two main groups. First, data obtained from published materials. Second, the data obtained from internet access of selected databases. For the first type, the data were gathered through books, theses, dissertations, research reports, papers, proceedings and articles from workshops, seminars, conferences and cases. These data were analyzed using a content analysis method. This process involved the researcher examining the materials related to the research issue, that is the existing loopholes of the Peguam Syarie (State of Penang) Rules 1997. All these processes were carried out systematically and repeatedly by focusing on several aspects, such as the concepts, themes, items and others related to the study phenomenon (Berelsen, 1952).

Semi-structured qualitative interviews were used to gain qualitative perspectives and explanations of everyday practices and perceptions of selected individuals. Conducting in-depth individual interviews required at least three sessions with each participant to ensure the depth of the data and to allow unexpected issues to emerge (Seidman, 2006). Conducting in-depth interviews has added rigor, scope and depth. Such data added to the contextual richness that was sought for this analysis (Gentles et al., 2015). The semi-structured protocols in individual interviews consisted of six types of questions adapted from Gentles et al. (2015). The study has addressed several key ethical concerns to ensure the validity and reliability of its qualitative research. To guarantee trustworthiness, it has clearly defined the case study question, provided an appropriate study design, use proper sampling techniques, manage data collection systematically, and analyze the data thoroughly. Triangulation, involving multiple data sources, types, or researchers, will be utilized to support and validate the findings. Confidentiality of participants will be maintained through information sheets and consent forms. Given that interviews were to be conducted in Bahasa Melayu and the Penang Dialect, transcribing and translating would be challenging. Participants had reviewed the transcripts for accuracy, and any unclear parts had been clarified with their help. The study was aimed at offering in-depth insights and solutions for amending the Peguam Syarie (State of Penang) Rules 1997, identifying key elements to guide legal reforms and addressing gaps in the current Shariah law practice in Penang.

Prior to the data collection, the interview protocols had undergone a pilot study. The goal of this process was to better define the clarity of the identified issues and the effectiveness of the interview protocols. Also, piloting the questions had enabled the anticipation of unexpected scenarios and interview complexities that might arise during the actual interview phase (Abdul Majid et al., 2017). In this study, the pilot analysis process was adapted from Abdul Majid et al. (2017). This process consisted of the following five steps: (i) determine clearly the interview questions, (ii) have the initial interview questions reviewed by experts, (iii) selecting the participants, (iv) piloting for interviews, and (v) report the modifications made.

The researchers used purposive sampling to determine the study informants or subjects. The profile of target subjects was as follows: (i) experts should be persons with mastery of skills or expertise, including knowing the how and why in a specific field or area (ii) must have at least five years of experience in Shariah courts or involvement in Shariah legislation (iii) be directly or indirectly associated with Shariah law management. It is necessary to select the informant based on the research objectives. The quality and consistency of the informant is expected rather than quantity (Paulsson et al., 2020). There were four individuals who had met the requirements and were identified and selected as informants in this study. Apart from this, the researchers also used triangulation methods via the application of multiple methods or sources to enhance the validity and reliability of the research findings. Triangulation helped the researchers to cross-verify data and conclusions, ensuring a more comprehensive understanding of the research problem. Table 1 lists the details of the informants.

Table 1

Details of Informants

List of Informants	Positions
Informant 1	Committee Sharie Lawyer Disciplinary Proceeding Officer, MAINPP
Informant 2	Committee Sharie Lawyer Disciplinary Proceeding Officer, MAINPP
Informant 3	Sharie Lawyer, Penang
Informant 4	Sharie Lawyer, Penang

RESULTS AND DISCUSSION

There were several loopholes that have been identified in the Peguam Syarie (State of Penang) Rules 1997. Overall, the absence of some crucial guidelines in the Peguam Syarie (State of Penang) Rules 1997 has made it difficult for legal practitioners to obtain guidance related to Sharie lawyers in Penang. Some of the loopholes are as follows:

- There is no clear provision for the duration of in-courtroom training to be appointed as a Sharie lawyer, even though the Sharie lawyer's application form stipulated the conditions for in-court room training or chambering.

In Penang, even though the Sharie lawyer's application form stipulated the conditions for in-court room training or chambering to be appointed as a lawyer, there is no such provision in the Peguam Syarie (State of Penang) Rules 1997 regarding this requirement. Any individual who wants to become a Sharie lawyer needs to have certain qualifications before applying for the position. In Penang, the qualification

is enshrined in Section 9, Qualifications of Sharie Lawyer, Peguam Syarie (State of Penang) Rules 1997. Under this section, it is stated that anyone who fulfills certain conditions is eligible to be appointed as a Sharie lawyer. The conditions include any Legal Officer of the Federal Government; any Legal Practitioner having a valid certificate issued under the Legal Profession Act 1976 (Act 166); any person who has attained the age of 21 years; any person who has been conferred the degree of Bachelor of Shariah and Bachelor of Law recognized by the MAINPP, and from a higher educational institution which is also recognized by the Federal Government ; anyone who has undergone professional training in any field of Islamic jurisprudence recognized by the MAINPP; or is learned in Islamic Law; is of good character, has not been convicted in Malaysia or anywhere else for any criminal offense (under any written law) which disqualifies the applicant from being a Sharie lawyer; has not been adjudged a bankrupt; has not been found guilty for any act or omission mentioned in paragraphs 33(6)(a), (b), (c), (d), (e), (f), (h), (k) or (l) of the Bankruptcy Act 1967 (Act 55); and is a Malaysian citizen.

In addition, the interpretation of “Sharie lawyer” is also unclear in the Peguam Syarie (State of Penang) Rules 1997. The meaning of law in a statute should be clear and explicit, but this is not always the case. This is because the definition of “Sharie lawyer” is not included in Rule 2 (Interpretation) of the Peguam Syarie (State of Penang) Rules 1997. Therefore, to get a clear meaning of “Sharie lawyer”, this rule needs to be read together with the Penang Islamic Administration Enactment (State of Penang) 2004. Generally, a Sharie lawyer is someone who meets the stated qualifications and requirements as a Sharie lawyer, as set out in the Peguam Syarie (State of Penang) Rules 1997. Nevertheless, the Rules do not require the applicant to be a Muslim as one of the conditions to become a Sharie lawyer. Even though the Rules allows for this exception, in terms of practice non-Muslims are not accepted to be appointed as Sharie lawyers in Penang as pointed out by Informant 1:

“It’s true that the Rules allows.... but in terms of practice...we, at MAINPP..we don’t accept it” – (Informant 1)

It should be noted that usually students who have the relevant qualifications will apply to undergo practical training before applying to become a Sharie lawyer. These include those who are under the Bachelor of Shariah and Bachelor of Laws programs as these students are required to undertake practical training either in the court, at law firms or relevant government agencies and departments to meet the requirements of the syllabus or as a condition to be awarded the degree. In other words, students who do practical work are those who have not yet been awarded with a degree as they have not completed their program of study yet. Those who undergo the practical trainings are usually only paid with allowances (not salaries) until they are registered or admitted as a Sharie lawyer.

Chambering, which derived from the root word chamber or room, is also known as training in the room. Particularly, chambering means a person who practices at a law firm as a prerequisite before a person is qualified to be a lawyer. They are also known as “interns in the room” or “in-courtroom training”. Although it was stated in the rules that applicants have undergone professional training in any field of Islamic jurisprudence recognized by the MAINPP, or are learned in Islamic Law, without the required term of practical in-courtroom training, it is difficult for them to become professional Sharie lawyers. This is because the purpose of the training is to provide knowledge and real experience of working as a Sharie lawyer. Whereas practicing Sharie lawyer means those who work fully as a Sharie lawyer, either by opening their own law firms or working with a law firm as a legal assistant, associate, and partner. In Penang, those who practice Shariah law must have a Sharie Lawyer Certificate issued by the body that regulates Sharie lawyers, i.e., the MAINPP under the Peguam Syarie Committee as mentioned in Rule 7(a), Peguam Syarie (State of Penang) Rules 1997. For the purposes of the term “practicing”, those

who hold the title of Sharie lawyer but hold positions as public officials or work with government departments, statutory bodies and others without a Legal Practice Certificate, will not be considered as legal practitioners. In short, practicing here means someone who works as a legal lawyer and has a valid Sharie Lawyer Certificate.

In terms of appointing a Sharie lawyer in Penang, the requirements to be appointed as a Sharie lawyer are also different. Appointments are made using two methods, namely interview or endorsement. Interviews are conducted for applicants graduating with a Bachelor of Laws or Bachelor of Shariah or advanced diploma such as the Diploma in Administration Islamic Judiciary (DAIJ), Diploma in Shariah Legal Practice (DSLPP) or their equivalents. However, the advanced diploma graduation requirements are not included in the Peguam Syarie (State of Penang) Rules 1997. As such, only Shariah and Law degree graduates are eligible to apply as Sharie lawyers. Meanwhile, the endorsement method applies to applicants who have a Sharie Lawyer Certificate from another state in Malaysia. The endorsement method is easier, and the applicants do not need to attend any interviews. However, there is no official written instruction issued by the MAINNPP regarding the conditions that obliged an applicant to be accepted as a Sharie lawyer. Nonetheless, in Rule 10 (Application) of the Peguam Syarie (State of Penang) Rules 1997, it is only stated that the applicant must fill in Form 1 in Schedule 1 and apply to the Chairman of the Sharie Lawyers Committee to be appointed as a Sharie lawyer. This issue was raised by Informant 2 below:

“So far...there is no official written instruction issued about the qualifications for this Sharie lawyer. We do it through interviews and endorsements” -(Informant 2)

Law studies in Malaysia require a period of at least four years to complete the program before one is awarded the LL. B (Hons) degree. This “LL. B” refers to the Latin word, “Legum Baccalaureus” or Bachelor of Laws. Only students with this degree are allowed to practice as advocates and solicitors. The most important thing is that the subject content taught at universities must meet the requirements of the Legal Profession Act 1976 to qualify a person to be a lawyer. In the Penang Shariah court, there are two categories of practicing Sharie lawyers, namely Sharie lawyers only, and second, Sharie lawyers who are also both advocates and solicitors. The first category of Sharie lawyers are usually Bachelor of Shariah holders and practice in Shariah courts only. The latter has more privileges because they typically hold the Bachelor of Laws and are eligible to practice in both civil and Shariah courts.

The label “lawyer” is a general term understood by laymen. In the Legal Profession Act 1976, the titles used are advocate and solicitor. In England, the legal profession is divided into two, which are barrister and solicitors. Barristers are lawyers who argue in court, while solicitors are lawyers who prepare documents including documents for the purpose of court hearings. In Malaysia, as well as in the state of Penang, this legal profession is called a “fused profession” which to indicate the combination of the two titles advocate and solicitor. Often, the word “advocate” refers to a “barrister” while the word “lawyer” refers to a “solicitor”. Therefore, in Malaysia, only one license from the Malaysian Bar is required for the purpose of becoming either an advocate or solicitor.

In Penang, civil law graduates who are registered under the Bar Council through the Legal Profession Act 1976 can become advocates, solicitors, and Sharie lawyers. On the other hand, for Shariah graduates, they are only eligible to become Sharie lawyers because the Legal Profession Act 1976 does not recognize Sharie lawyers who do not have, under civil law, the approval to practice in civil courts and they are not regarded as the members of the Bar Council.

In current practice, most of the Penang Sharie lawyers are facing problems as incompetent practicing Sharie lawyers at the Shariah courts, especially those involving newbies who graduated from a Bachelor of Shariah program, or graduated from Middle East universities, or Bachelor of Laws from local universities. This matter was raised by Informant 3 and Informant 4 as follows:

“Students majoring in Shariah from Middle East universities are not very good at making arguments”- (Informant 3)

“There are also candidates who lack of knowledge...especially about the laws that apply in Malaysia... because they learn the laws in their countries while taking the program.. they have no exposure to legal scenario in Malaysia”- (Informant 4)

“If majoring in Law... there are also weaknesses that need to be overcome. There are those who are lacking knowledge in Shariah law practiced in Shariah Court... we can't deny that they are more oriented towards civil”- (Informant 4)

“There are students who do training for less than 6 months.... some, do 9 months...it's true indeed...that they still have some knowledge they don't know...even the legal terms that we used during practicing also they don't know” – (Informant 3)

The absence of a clear provision for the duration of in-courtroom training required to be appointed as a lawyer, despite being stipulated in the Sharie lawyer's application form, reflects a significant gap in the regulation and standardization of the training processes of Sharie lawyers. This issue is underpinned by several previous researchers. Mohamed Adil (1996) and Ibrahim & Saedon (1993) have emphasized the evolution and foundational principles of the Sharie lawyer's profession from the early Islamic period to the present day. These studies indicate that while the profession has longstanding roots, modern regulatory frameworks are still developing. The need for a structured and standardized training regimen becomes evident as the profession transitions from its historical context to a more formalized legal practice. The discussion around the establishment of a Sharie Bar and professional body for Sharie lawyers, as explored by Abu Bakar (2022), highlights ongoing challenges in regulating the profession at the national level. The enactment of Act 814 in 2019, which was enforced in 2022, marks a significant step towards formalizing the Sharie legal profession. Mokhtar & Yaakub (1999) and Awang (2013, 2017) advocate for creating a Sharie Lawyers Qualification Board to ensure uniform standards and improve the quality of Sharie legal services. These calls for regulation underline the necessity of clear provisions for training durations as part of a broader effort to professionalize Sharie law practice.

State-specific provisions and inconsistencies further complicate the standardization of training requirements. Studies like those of Abu Bakar (1997) and Yaacob (2015) reveal that each state in Malaysia has its provisions for appointing Sharie lawyers, leading to inconsistencies in the training and qualification processes. Whiting (2012) and Abdul Ralip (2014) identify administrative and procedural discrepancies between states, complicating the standardization of training requirements. Ethics and professional conduct are also crucial components of Sharie lawyers' practice. Jamal (2005) and Arsad & Mat Hussin (2020) emphasize the importance of comprehensive training that includes ethical considerations. Proper in-court training is crucial to ensuring that Sharie lawyers adhere to the high ethical standards expected of them. Ali Mohamed (2020) scrutinizes the Sharie Legal Profession (Federal Territories) Act 2019, underscoring the need for training that aligns with both Shariah principles and modern legal practices. Recommendations for improvement come from researchers such as Mohamad Dahalan et al. (2021) and Wan Adnan et al. (2022), who suggest revising and improving

legislative provisions addressing training and disciplinary procedures per Shariah principles. This includes clarifying the duration and content of in-court training to ensure consistency and effectiveness in Sharie legal practice.

Therefore, the review of previous literature indicates a clear recognition of the need for standardized and well-defined training provisions for Sharie lawyers in Malaysia. The lack of a clear provision for the duration of in-courtroom training is part of a broader issue of inconsistent regulations and administrative practices across different states. Establishing uniform training requirements is essential for enhancing the professional standards, ethical conduct, and overall effectiveness of Sharie lawyers in Malaysia. Legislative reforms and the establishment of a dedicated professional body, as recommended by various scholars and studies, can help to achieve this goal.

- There is no provision of requiring the Master to have certain qualifications to conduct chambering.

Chambering is not an extension of legal education as it is an extension of legal training that law graduates must undergo in preparing themselves as qualified practicing lawyers. During the chambering session, a so-called *chambee*, *chambie*, chambering student, pupil or trainee should be supervised by a senior lawyer, who has been actively practicing law for several years. This senior lawyer is known as the Master to the trainee. The Master is responsible for guiding the trainee during the chambering period (also known as pupillage) in all kinds of ins and outs of legal practice, as much as the Master is able to do so during the chambering.

Trainees must first obtain a Sharie lawyer certificate before being able to continue to be a certified Sharie lawyer. Once the chambering period is over, the trainees in the chamber need to apply to become full-fledged lawyers. Long Call or Call to the Bar is a graduation-like process where trainees in chambers will be called into court and become a certified lawyer. A senior lawyer will make a statement and read the biodata of the trainees in the chamber to the judge and the public. In Penang, the Penang Shariah Judiciary Department (JKSNPP) is responsible for holding the Penang Syariah Lawyers Declaration and Accreditation ceremony every year. This ceremony is held to declare and give official accreditation to Penang Sharie Lawyers.

The purpose of chambering is to give trainees the opportunity to familiarize themselves with the duties of a Sharie lawyer prior to starting practice. The average Shariah or law school graduate has a basic understanding of both substantive and adjectival law especially related to Islamic law, but practicing is more focused in the legal profession, which is clearly distinguishable from academic studies. The work of a Sharie lawyer covers a very large field. It demands that lawyers know the law or where to find it. Law is a vast subject, and no one can hope to know it all. A competent Sharie lawyer has a practical working knowledge of those parts of the law with which his/her practice is commonly concerned and s/he must also know where to look to be able to find the answers to the questions posed by the clients. A substantial part of the Sharie lawyer's work consists of diagnosing accurately what questions arise out of the situation presented to him/her by his/her clients and then researching to find the answers. Besides, knowledge of Islamic law is also essential in assisting the Sharie lawyer in handling the increasingly complicated Shariah cases nowadays. Thus, Sharie lawyers need to master skills in handling cases based on the interpretation and arguments in classical Islamic jurisprudence books. Sharie lawyers from the Bachelor of Shariah program can assist Sharie judges in resolving Shariah cases more fairly and equitably. Informant 4 emphasized the point on the relevancy of advocacy skills:

“Sharie lawyers also handle the hearings. They have to improve their advocacy skills... in order to easily handle cases in the Shariah court” – (Informant 4)

In terms of the norm of practice in Penang, the requirement that the Master must have certain qualifications is not stipulated in the Peguam Syarie (State of Penang) Rules 1997. However, usually, preference is given to those who have been lawyers for a certain timeframe. The loopholes that exist in the Master’s qualification criterion will eventually create disputes regarding the qualifications of pupils or trainees under the supervision of the senior lawyer. It will become a critical problem when trainees do not receive the appropriate training to become Sharie lawyers. Informant 3 supported this notion by stating the importance of the Master’s qualification to be monitored by the MAINPP as part of its regulatory process of Sharie lawyers.

“Masters need to know and teach how to attend clients, prepare pleadings and handle cases in Shariah Courts. Deficiency in this aspect will disrupt the process in court... If we look at civil procedures, it’s mandatory to practice for 6 years to qualify as a Master... but in Penang, for Sharie lawyers we don’t have guidance that can be referred to. MAINPP didn’t provide any guidance and didn’t monitor this matter” – (Informant 3)

The commissioning ceremony, also known as the “long call”, is a process of recognition for Sharie lawyers in the Shariah High Court, during which they receive a certificate indicating their ability to represent clients in the Shariah Court. However, there are significant issues impacting the efficacy and image of this ceremony. First, there is no provision for the qualification of a mover in the commissioning ceremony, allowing even junior Sharie lawyers to serve as movers, which affects the ceremony’s perceived professionalism. Additionally, the commissioning ceremony in Penang is conducted only once a year, causing delays for Sharie lawyers who must wait several months before they can practice. This protracted wait period leads to losses for the lawyers. Furthermore, there are claims that the commissioning ceremony does not always follow proper procedures, exacerbating the other issues already brought up earlier. Informants have highlighted these challenges, noting the long wait times and the inadequate handling of the ceremony by the MAINPP:

“Sharie lawyers have to wait for several months...so during this period they can’t practice yet” –(Informant 2)

“The commissioning ceremony only happens once a year in Penang, so there are times when MAINPP don’t have time to observe the correct way to handle this ceremony”- (Informant 1)

“What we see as practitioners, MAINPP doesn’t know how to address the mover in the commissioning ceremony. Less in this aspect...” –(Informant 3)

Moreover, there is no clear provision for the qualification period required for a Sharie lawyer to become a Master. The lack of guidelines in the Peguam Syarie (State of Penang) Rules 1997 means the MAINPP cannot effectively determine the necessary qualifications for Sharie lawyers before they are appointed as Masters. This results in situations where Sharie lawyers with insufficient experience and knowledge are appointed as Masters prematurely, an issue raised by Informant 4, who recounted the case of a Sharie lawyer becoming a Master after only a year of practice, despite lacking the requisite expertise.

“There is a case of a Sharie lawyer...he only practice for a year...then, he straightaway become a Master...he isn’t expert yet and lack the qualifications to become a Master”- (Informant 4)

The issue of there being no provision for a Master’s qualification to conduct chambering among Sharie lawyers in Malaysia has garnered attention in scholarly discussions. Although numerous studies have examined various aspects of Sharie lawyers in Malaysia, such as ethics, law, and the jurisdiction of Shariah Courts across different states, there remains a notable gap regarding the qualifications required for chambering. Research predominantly focuses on challenges and issues faced by Sharie lawyers in general, primarily representing Federal Territories like Kuala Lumpur and Selangor (Bakar & Rijal, 2019). The concept of a regulatory body, akin to a Sharie Bar, has been debated since 1984 and received significant government support in 2011. However, it was not until the enactment of Act 814 in 2019, enforced in 2022, that a formal regulatory framework for Sharie lawyers was established (Abu Bakar, 2022). Various studies have underscored the need for such a body to ensure the quality and ethical standards of Sharie lawyers, highlighting issues like inconsistent legal provisions, lengthy commissioning processes, and lack of standardization across states (Mokhtar & Yaakub, 1999; Abu Bakar, 2003; Jamal, 2005; Yaacob, 2015). Furthermore, scholars like Whiting (2012) and Abdul Ralip (2014) have pointed out administrative inconsistencies and weaknesses in the current system, suggesting the necessity for a standardized regulatory body. Recent studies, such as those by Arsad and Mat Hussin (2020) and Ali Mohamed (2020), continue to emphasize the need for improved governance, disciplinary procedures, and ethical standards for Sharie lawyers. While the Sharie Legal Profession (Federal Territories) Act 2019 aims to align the Sharie legal system more closely with the civil system, issues related to qualifications, especially the absence of a Master’s qualification to supervise chambering, remain unaddressed. The historical and ongoing discussions indicate a critical need for standardized qualifications and a robust regulatory framework to enhance the professionalism and effectiveness of Sharie lawyers in Malaysia.

- No investigation has been made by any parties regarding official complaints to the MAINPP

Although an official complaint can be made to the Sharie lawyers as stated in Part IV – Disciplinary Proceeding, Rule 18, 19, 20, 21, 22 and 23, the Peguam Syarie (State of Penang) Rules 1997, but until now, there has been no investigation and action taken by the MAINNP on the said complaint. The MAINPP admits that they are burdened with many other duties and responsibilities, and not having sufficient expertise in the area of concern to act on the complaints made. The complaints have since been referred to the Malaysian Bar Council. However, the Malaysian Bar Council was unable to take any action on the complaints made to avoid any accusations of intervention in the MAINPP’s jurisdiction. Informant 1 and 2 have confessed as follows:

“When we don’t take action on the complaints made...they forward to the Bar Council. But until now we have never taken action on the complaints made. The Bar Council will not take action because they are only involved with the civil court”- (Informant 1)

“Even though, it is stipulated in the rules that MAINPP will oversee and monitor Sharie lawyers, but up till now there is no proper committee for this. Because of this, there is no channel for complaints to be made to Sharie lawyers. Therefore, for the misconduct of Sharie lawyers, no action is taken” - (Informant 2)

Despite extensive literature on the ethics, law, and jurisdiction of Sharie lawyers in Malaysia, there has been no formal investigation into official complaints made to the Penang Islamic Religious Council (MAINPP). Researchers like Mohamed Adil (1996), Ibrahim and Saedon (1993), and Mokhtar and Yaakub (1999) have highlighted inconsistencies in the legal provisions and administrative practices among states, suggesting the need for a unified regulatory framework. The absence of any investigation into complaints, such as those to the MAINPP, underscores a critical gap in accountability and oversight. This gap persists despite calls for professional bodies and regulatory mechanisms to ensure ethical practice and the need to improve the quality of legal services provided by Sharie lawyers (Jamal, 2005; Yaacob, 2015). The literature suggests a pressing need for dedicated investigation mechanisms and regulatory oversight to address ethical violations and procedural inconsistencies, which remain inadequately addressed in the current framework (Awang, 2013; Hasan & Hashim, 2017; Mohd Adanan, 2015).

- There is no guideline for a Sharie lawyer to take over any case handled by other Sharie lawyers, an issue with the ethics involved.

The act of handing over the case of a Sharie lawyer to another Sharie lawyer is considered unethical if it is done without the permission of the court and the client. Therefore, any process related to this change needs to be backed up with clear guidelines and provisions so that it can be used as a point of reference by Sharie lawyers. It is found that there is no provision contained in the Peguam Syarie (State of Penang) Rules 1997 on this matter. In fact, in the context of legal practice in Penang, it was found that Sharie lawyers are not bound by any procedure to take over cases from other Sharie lawyers. This matter was brought up by Informant 3:

“So far... there is no clear provision on the issue of other Sharie lawyers taking over other cases. This matter is considered unethical. That’s why we need to have a clear guidance on this” – (Informant 3)

The literature review reveals a significant loophole in the regulation and ethical oversight of Sharie lawyers in Malaysia, particularly regarding the lack of guidelines for one Sharie lawyer to take over a case from another Sharie lawyer. This shortcoming is identified as an unethical practice that needs addressing. Researchers have extensively studied the ethics, law, and jurisdiction of Sharie lawyers in Malaysia, primarily focusing on general issues and challenges (Bakar & Rijal, 2019). Much of this research has concentrated on Kuala Lumpur and Selangor, leaving other states like Penang under-explored. Researchers like Mohamed Adil (1996), Ibrahim and Saedon (1993), and Mokhtar and Yaakub (1999) have discussed the profession’s history and the inconsistencies in legal provisions and administrative practices among states. They emphasize the need for a unified regulatory framework to ensure consistent standards and ethical practices.

Abu Bakar (2003) pointed out the inconsistency of laws and regulations and the lengthy commissioning process for Sharie lawyers. Jamal (2005) and Yaacob (2015) stressed the importance of ethical standards and professional regulation, suggesting that the absence of specific guidelines for case takeovers is a significant oversight that could lead to unethical practices. Several studies have examined the ethical principles and duties of Sharie lawyers, emphasizing the importance of maintaining high ethical standards (Hasan, 2008; Ali Mohamed, 2012). The profession is seen as crucial for ensuring justice in Shariah Courts, yet the current regulatory framework is inadequate, leading to ethical violations such as those identified in Selangor (Arsad & Mat Hussin, 2020). The absence of guidelines on taking over cases from another Sharie lawyer is an unethical practice that undermines the profession’s integrity.

Establishing a dedicated regulatory body, such as a Sharie Bar, with comprehensive oversight responsibilities is essential to address these gaps and ensure ethical and professional standards are upheld across all states.

- There is no guideline for Sharie lawyers regarding the charging of legal fees.

Sharie lawyers' fees are not specified by any Enactment or government body. Therefore, the fees were completely dependent on the discretion of the Sharie lawyers. In other words, the fees are the result of discussions between the Sharie lawyer and his client (Abd Ghani, 2021). Although this fee-related matter is stated in the Ethics of Sharie Lawyers 2001, there is only limited guidance on fees for complicated or disputed matters. Navigating the ethics quandary, Sharie lawyers are encouraged to take into account aspects such as time, energy and skills required; the novelty and complexity of the questions involved; whether the acceptance of the particular assignment would hinder his/her expectations to appear for the other party; the profession's usual fees for similar services; the amount in dispute; the benefits that the service will receive from its services; type of assignment – whether contingent or for permanent employment; and the special position or seniority of certain Sharie lawyers in handling fees for complicated or contentious matters. However, the general rate for the fees is still not determined under the Peguam Syarie (State of Penang) Rules 1997 and this leaves room for the potential for abuse by unscrupulous Sharie lawyers, like taking advantage of their clients to gain excessive profits. This matter was expressed by Informant 3:

*“The rating is up to the Sharie lawyer how much he wants to put in... Only if it seems unreasonable so maybe he can reap excessive profits on just that single case”-
(Informant 3)*

Although the idea of regulating Sharie lawyers through a Sharie Bar has been long discussed and supported by the government, it was only enacted in 2019 and enforced in 2022 (Abu Bakar, 2022). Researchers such as Mokhtar and Yaakub (1999) and Burok (2007) have consistently highlighted the need for a professional body to oversee Sharie lawyers, citing inconsistencies in state regulations and the lack of a unified federal oversight. Notably, the absence of a standard guideline for legal fees remains unaddressed, underscoring the necessity for a comprehensive regulation to ensure ethical and fair practice across all states in Malaysia. This regulatory void has led to ethical violations and disparities in Sharie legal practice, further emphasizing the importance of establishing a structured and standardized framework for Sharie lawyers, including clear guidelines on the charging of legal fees (Arsad & Mat Hussin, 2020; Ali Mohamed, 2020).

- In-court room trainees are not allowed to conduct cases during the in-courtroom training period, including attending court hearings. As a result, trainees will not learn to conduct a case, they just watch the Master conducting the case.

Among the reasons why trainees should attend court hearings today are to see lawyers and judges in action, understand how the legal rules apply in practice, learn about technology in court, and become aware of the public nature of proceedings. Effective advocacy is demonstrated by the attitude, word choice, rhetoric, and reactions of the lawyers to the judge, and with this experience, trainees can evaluate their decisions at the same time and determine areas for development, in addition to experiencing how the judge manages the court and makes decisions on motions, objections, and other requests. Undoubtedly, each judge has a unique personality and judging approach. By observing various court

sessions, trainees can notice minor details that can have a big impact on the experiences of those present in the courtroom, among other things. There are various unpleasant stories which have surfaced about the behavior of some Sharie lawyers. All this was told by the Informant 4 and 3:

“There are Sharie lawyers who are very weak in their communication skills with clients, causing misunderstandings and accusations against each other” – (Informant 4)

“Lack of monitoring by competent bodies such as MAINPP on Sharie lawyers causes some Sharie lawyers in Penang to involve in issues that will cause conflicts of interest such as giving inaccurate legal advice and even more unfortunately causing their clients to be involved in illegal activities” – (Informant 3)

One cannot be accused of overemphasizing the need for the relevant skills to be mastered by Sharie lawyers, especially those practicing as advocates and solicitors, as these skills have been found to be beneficial to the clients of the Sharie lawyers. This was reported by Informant 3 and 4:

“It’s fortunate for the client... for example, MAINPP. A good example is the waqf land case in Penang where it happened to be that both Civil Court and Shariah Court have jurisdictions on it. Sometimes, there will be overlap of jurisdictions. So, here, a Sharie lawyer cum advocate solicitor can represents MAINPP in both courts involving waqf land issues” - (Informant 3)

“Agreed. That’s right... it’s good for the client. It’s the same if it’s a grant (hibah) case involving real estate. This case will involve both Civil and Shariah Courts” – (Informant 4)

The finding that in-courtroom trainees are not allowed to conduct cases during their training period, including attending court hearings, and thus only observe their Master’s handling of cases, highlights a significant gap in the practical legal training of Sharie lawyers. This observation-based training limits the trainees’ ability to gain firsthand experience in handling cases, which is crucial for their development as competent Sharie lawyers. The literature on Sharie lawyers in Malaysia, such as Bakar and Rijal (2019), indicates that while there is considerable focus on the ethics, laws, and jurisdictional aspects of Shariah courts, there is a notable deficiency in addressing the practical training aspects of Sharie lawyers. Historical studies, including those by Mohamed Adil (1996) and Ibrahim and Saedon (1993), underscore the importance of comprehensive training for Sharie lawyers, tracing the profession’s evolution from the time of the Prophet Muhammad PBUH to modern times.

Abu Bakar (2022) and Mokhtar and Yaakub (1999) emphasize the need for a professional regulatory body like the Sharie Bar to ensure standardized and effective training and practice among Sharie lawyers. The establishment of such a body, as argued by numerous researchers including Burok (2007) and Awang (2013, 2017), would help bridge the gap in practical training by providing structured guidelines and oversight. This necessity is further supported by contemporary studies, such as those by Arsad and Mat Hussin (2020) and Ali Mohamed (2020), which highlight ongoing issues related to ethical violations and inconsistent legal practices due to the lack of a unified regulatory framework. Therefore, the current training system, which restricts hands-on experience for trainees, requires urgent reform to align with the broader regulatory and ethical standards proposed in the literature, ensuring that Sharie lawyers are well-equipped to practice independently and uphold the integrity of Shariah law.

- There is no specific prohibition on Sharie lawyers engaging in marketing in line with the high degree of professionalism expected of Sharie lawyers. Therefore, Sharie lawyers are free to do marketing on social media or wait for potential customers at court premises (touting), which is not in accordance with the image of the professionalism of Sharie lawyers.

Sharie lawyers directly help courts and judges resolve disputes between parties. A responsible and professional Sharie lawyer should ensure that justice is upheld based on due diligence, legal provisions, as well as being in step with court procedures. However, the marketing aspect is still not detailed in the Peguam Syarie (State of Penang) Rules 1997. In fact, it was found that Sharie lawyers in Penang are free to do marketing on social media or touting without any guidelines, which has tarnished the reputation of Sharie lawyers in front of the public. This statement is acknowledged by Informants 1 and 4:

“So far, we don’t have any guidelines on this matter. We propose to add this matter in the amendments that will be made after this.” - (Informant 1)

“There are indeed Sharie lawyers who are involved in marketing...this thing needs to be re-evaluated because it violates the professional ethics of Sharie lawyers.” – (Informant 4)

While Arahan Amalan No. 4 Tahun (2002) Etika Peguam Syarie does not explicitly prohibit marketing by Shariah lawyers, it is crucial for them to ensure that their marketing practices align with the principles of professionalism and ethical conduct. Social media marketing can be acceptable if handled appropriately, whereas touting at court premises may not reflect the professionalism expected of Sharie lawyers.

The literature emphasizes the ethical responsibilities and professional image of Sharie lawyers. Abu Bakar (2003) and Jamal (2005) highlight the need for a professional body to regulate Sharie lawyers to ensure high ethical standards and professionalism. This includes proper conduct both inside and outside the courtroom. Arsad and Mat Hussin (2020) discuss ethical violations by Sharie lawyers, emphasizing the importance of maintaining a good image for the Sharie legal profession and Islam itself. The lack of specific prohibition for Sharie lawyers to market their services on social media or engage in touting (waiting for potential clients at court premises) suggests a gap in the current regulatory framework. This can lead to practices that may not align with the expected professionalism of Sharie lawyers.

The comparison with civil lawyers, as noted by Whiting (2012), indicates that while civil lawyers are governed by stricter ethical rules (such as the Legal Profession Rules 1978), Sharie lawyers lack a unified and comprehensive code of ethics across states, leading to inconsistencies. Comparative analysis with civil legal practices highlights the need for a more structured approach to the governance of Sharie lawyers, like that prepared for the civil legal profession (Ali Mohamed, 2020). Overall, the previous literature consistently advocates for a structured regulatory framework to uphold the professionalism and ethical standards of Sharie lawyers in Malaysia.

- There is no prohibition for Sharie lawyers to display the cases they are responsible for on social media, for example in Facebook, Instagram, or TikTok.

It is important for Sharie lawyers to be given guidance on whether they can display cases they are responsible for on social media, especially in the post-pandemic period of COVID-19. Perhaps, technology itself has changed the way we work, not least the legal and judicial fields.

“So far there is no prohibition on Sharie lawyers for displaying cases on social media such as Facebook. Honestly, we have to consider this thing...because not everything that is in the Shariah Court can be spread to the public” - (Informant 2)

This finding reveals that there is no prohibition for Sharie lawyers in Malaysia to display cases they are responsible for on social media platforms like Facebook, Instagram, or TikTok. This observation aligns with the current regulatory landscape and the evolving nature of legal practice in Malaysia. According to Bakar and Rijal (2019), while there has been extensive study on the ethics, laws, and challenges faced by Sharie lawyers, these studies have primarily focused on broader issues rather than specific practices like social media engagement. The establishment of the Sharie Bar through Act 814 in 2019, as discussed by Abu Bakar (2022), underscores the need for regulation in the profession due to the increasing acceptance of Sharie lawyers in Shariah courts. Despite these regulatory efforts, there remains a gap in specific guidelines or prohibitions regarding the use of social media by Sharie lawyers. Previous literature, such as the work by Mohamed Adil (1996) and Abu Bakar (1997), has emphasized the historical context and the evolving nature of the Sharie legal profession, but none have addressed the implications of modern digital practices. The studies by Mokhtar and Yaakub (1999) and Jamal (2005) suggest the necessity of a professional body to oversee Sharie lawyers, which could potentially address contemporary issues such as social media usage. The ethical considerations highlighted by Whiting (2012) and Abdul Ralip (2014) point to inconsistencies in the administration of Sharie lawyers, which could extend to their conduct online. Furthermore, the ethical standards discussed by Hasan (2008) and Ali Mohamed (2012) emphasize the need for lawyers to uphold high ethical standards, which should logically extend to their online presence. Therefore, while there is no explicit prohibition, the integration of social media practices into the regulatory framework for Sharie lawyers could enhance the profession's integrity and public trust.

CONCLUSION

In conclusion, there are eight main loopholes that has to be plugged to empower the profession of Sharie lawyers in Penang. The ten loopholes are no clear provision for the duration of in-courtroom training to be appointed as a lawyer, even though the Sharie lawyer's application form stipulated the conditions for i) in-courtroom training or chambering, ii) no provision of master qualification for chambering, iii) no investigation has been made by any parties for the official complaint to MAINPP, iv) no guideline for Sharie lawyers to take over the case of another Sharie lawyers (unethical), v) no guideline for Sharie lawyers to charge legal fees, vi) in-court room trainees are not allowed to conduct cases during the in-courtroom training period, including attending court hearings, vii) no specific prohibition for Sharie lawyers to do marketing in line with the professionalism of Sharie lawyers, viii) no prohibition for Sharie lawyers to display cases brought to or managed on social media, ix) no provision for the qualification of a mover in the commissioning ceremony of a Sharie lawyer, and x) no provision for the qualification of a Sharie lawyer to become a Master.

Therefore, to improve the Shariah legal practice in Penang, it is proposed that the Peguam Syarie (State of Penang) Rules 1997 should be amended by giving priority to closing these ten loopholes. For this to happen, the parties involved must refer to the Penang Islamic Administration Enactment (State of

Penang) 2004 as their core reference. Nevertheless, there are still other factors that affect the legal practices of Sharie lawyers, especially those related to their best and common practices in Penang, must also be considered in plugging the loopholes. These proposals are in line with the noble efforts of the Malaysian Government which introduced the Act 814 to bring the profession of Sharie lawyers and the status of the Shariah Courts on par with the civil courts in Malaysia as a whole.

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REFERENCES

- Abd Ghani, A. S. (2021). *Peranan peguams syarie*. Asco law. <https://www.ascolaw.co/pemikiran-terbaru/peranan-peguam-syarie>
- Abdul Majid, M. A., Othman, M., & Yusof, A. (2017). Piloting for interviews in qualitative research: Operationalization and lessons learnt. *International Journal of Academic Research in Business Social Sciences*, 7(4), 1073-1080. <http://dx.doi.org/10.6007/IJARBSS/v7-i4/2916>
- Abdul Ralip, M. I. (2014). *Peguam syarie: Pengamalan di Malaysia*. 1-20.
- Abu Bakar, A. (1997). Guaman Syarie: Antara teori dan praktikal. In Ibrahim, A et al. (Eds.), *Al-ahkam: penghakiman dan kepeguaman* (Vol. 5, pp.78-79). Dewan Bahasa dan Pustaka.
- Abu Bakar, M. Z. (2003). Isu-isu peguam syarie di Malaysia. *Jurnal Syariah*, 11(2), 109- 132. <https://ejournal.um.edu.my/index.php/JS/article/view/22868>
- Abu Bakar, Z. R. (2022, June 22). Penguatkuasaan akta profesion guaman syarie. *Sinar*. <https://premium.sinarharian.com.my/article/208441/mediasi-kritis/cetusan/penguatkuasaan-akta-profesion-guaman-syarie>
- Administration of Islamic Law (Federal Territories) Act 1993.
- Ali Mohamed, A. A. (2012). Professing the religion of Islam as a requirement to be a syarie lawyer: With reference to the case of Victoria Jayaseele Martin v Majlis Agama Islam Wilayah Persekutuan & Anor. *Journal of Global Intelligence & Policy*, Fall, 5(8), 150-165. [http://www.cljlaw.com/others/files_jt/%5B2016%5D%20CLJ%20JT%20\(4\).pdf](http://www.cljlaw.com/others/files_jt/%5B2016%5D%20CLJ%20JT%20(4).pdf)
- Ali Mohamed, A. A. (2020). Syarie legal profession: With reference to Syarie Legal Profession (Federal Territories) Act 2019. *Current Law Journal [2020] 4 CLJ*, v-xviii. <http://irep.iium.edu.my/82207/1/Syarie%20Legal%20Profession%20CLJ.pdf>
- Arahan Amalan No. 4 Tahun (2002). *Etika Peguam Syarie*. https://syariah.perak.gov.my/images/pdf/arahanamalanjksm/AA_4_2002.pdf
- Arsad, M. I., & Mat Hussin, M. N. (2020). Pelanggaran etika peguam syarie: Kajian di negeri Selangor. *Journal of Shariah Law Research*, 5(1), 55-74.
- Awang, M. (2013, 26 October). *Peranan peguam syarie dalam sistem pentadbiran kehakiman Islam di Malaysia: Sejarah, cabaran dan halatuju*. Seminar Amalan Guaman Syarie 2013. Klana Beach Resort Port Dickson, Negeri Sembilan. https://www.academia.edu/35366283/PERANAN_PEGUAM_SYARIE_DI_DALAM_SISTEM
- Awang, M. (2017, 29 August). *Peguam syarie di Malaysia: Realiti semasa & ke arah penggubalan Akta Profesion Guaman Syarie*. Paper presented at Seminar Kebangsaan Mahkamah Syariah 2017. <https://iaais.org.my/attach/2017/29AUG2017/MusaAwang.pdf>

- Aziz, S. A. (2019). Kuasa parlimen menggubal akta profesion guaman syarii: Analisis peruntukan perlembagaan persekutuan. *Kanun: Jurnal Undang-Undang Malaysia*, 31(2), 270-283. <https://jurnal.dbp.my/index.php/Kanun/article/download/2917/2412>
- Bakar, A., & Rijal, Z. (2019). *Sejarah dan kronologi Akta Profesion Gaman Syarie (Wilayah wilayah Persekutuan) 2019-dari perspektif seorang Peguam Syarie. Makalah Seminar Penerangan Akta Profesion Guaman Syarie (Wilayah-wilayah Persekutuan) (PROPES 2019)*.
- Bankruptcy Act 1967 (Act 55). (n.d). CommonLII. http://www.commonlii.org/my/legis/consol_act/ba19671988217/
- Baxter, P., & Jack, S. (2008). Qualitative case study methodology: Study design and implementation for novice researchers. *The Qualitative Report*, 13(4), 544-555. <https://doi.org/10.46743/2160-3715/2008.1573>
- Berelsen, B. (1952). *Content analysis in communication research*. Free Press.
- Berita Harian. (2022, June 12). Akta Profesion Guaman Syarie dikuat kuasa 21 Jun ini. *Berita Harian*. <https://www.bharian.com.my/berita/kes/2022/06/966356/akta-profesion-guaman-syarie-dikuat-kuasa-21-jun-ini>
- Burok, M. (2007). Isu dan permasalahan guaman syarie ke arah penubuhan Majlis Peguam Syarie. (Ed.) Hasan, Z., Abd Murad, A. H., & Md. Yusof, A. F., *Amalan Kehakiman dan Guaman Syarie di Malaysia*, 91-104. Universiti Sains Islam Malaysia.
- Creswell, J. W., & Creswell, J. D. (2018). *Research design: Qualitative, quantitative and mixed method approaches*. 5th Edition. SAGE Publications Ltd.
- David, M., & Sutton, C. D. (2004). *Social research: The basics*. SAGE Publications Ltd.
- Denzin, N. K., & Lincoln, Y. S. (2011). *The SAGE handbook of qualitative research*. SAGE Publication.
- Eriksson, P., & Kovalainen, A. (2015). *Qualitative methods in business research: A practical guide to social research*. Sage Publication.
- Hasan, Z. (2001). *Ethics of Sharie Lawyers*. <https://zulkiflihasan.wordpress.com/wp-content/uploads/2008/10/shariah-law-report-ethics1.pdf>
- Gaber, J. (2020). *Qualitative analysis for planning & policy: Beyond the numbers*. Routledge.
- Gentles, S. J., Charles, C., Ploeg, J., & McKibbin, K. A. (2015). Sampling in qualitative research: Insights from an overview of the methods literature. *The Qualitative Report*, 20(11), 1772-1789. <https://doi.org/10.46743/2160-3715/2015.2373>
- Hammad, M. R., Abd Rahman, M. R., & Dahlan, N. K. (2019, 5-6 November). *Prinsip al-wakalah bil khusumah dalam kepeguaman syarie: Analisis pelantikan dan urus tadbirnya di bawah perundangan Syariah di Mahkamah Syariah*. 5th International Seminar on Islamiyyat Studies (IRSYAD 2019), (pp. 638-648). Tenera Hotel. <http://conference.kuis.edu.my/irsyad/images/e proceeding/2019/1076-irsyad-2019.pdf>
- Hasan, Z. (2008). *Ethical principles of lawyers in Islam*. <https://www.studocu.com/my/document/universiti-sains-islam-malaysia/law-and-syariah/ethical-principles-of-lawyers-in-islam/87210539https://zulkiflihasan.files.wordpress.com/2008/10/shariah-law-report-ethics1.pdf>
- Hasan, Z. & Hashim, H. (2017, 10 November). Ke arah penubuhan majlis peguam syarie Malaysia. Konvensyen Nasional Peguam Syarie Malaysia kali ke-4. Kuala Lumpur. <https://www.zulkiflihasan.com/wp-content/uploads/2008/05/KE-ARAH-PENUBUHAN-BADAN-PEGUAM-SYARIE.pdf>
- Jamal, J. (2005). Isu perlantikan dan etika peguam syarie. In Ahmad Bustani, T. A., Mohd Kamal, M. H., & Shuaib, F. S. (Eds.), *Kaedah perundangan, bidang kuasa dan tatacara mahkamah syariah* (pp. 181). Dewan Bahasa dan Pustaka.
- Legal Profession Act 1976 (Act 166).

- Mat Ali, S.Z. (2010). *The ethical studies of peguam syarie in Selangor*. (Unpublished Bachelor of Shariah Project Paper). Universiti Sains Islam Malaysia.
- McGowan, L. J., Powell, R. & French, D. P. (2020). How can use of the theoretical domains' framework be optimized in qualitative research? A rapid systematic review. *British Journal of Health Psychology*, 25(3), 677-694. <https://doi.org/10.1111/bjhp.12437>
- Md Noor, S. Z. (2001). Kod etika peguam syarie. *Jurnal Hukum* 14(2).
- Md Nor, S. Z. (2004). Al-wakalah bi al-khususmah. *Al- Syariah Kehakiman Islam*. Jil. 2. (pp.198). Dewan Bahasa dan Pustaka.
- Md Abdul Salam, N. Z., Yahaya, N. F., Hashim, M. H., & Abd Rahman, S. H. (2020). Amalan perwakilan peguam syarie dalam Islam. *e-Jurnal Penyelidikan dan Inovasi*, 7(2), 47-67.
- Meerangani, K. A., Marinsah, S. A., & Ramli, R. (2018). Penglibatan non-muslim sebagai peguam syarie di Malaysia: Satu analisis. *Jurnal Syariah*, 26(1), 23-40. <http://mjs.um.edu.my/index.php/JS/article/view/11858>
- Mohajan, H. K. (2018). Qualitative research methodology in social sciences and related subjects. *Journal of Economic Development, Environment People*, 7(1), 23-48. <https://doi.org/10.26458/jedep.v7i1.571>
- Mohd Adanan, A. M. (2015) *Peranan peguam syarie dalam mengendalikan kes murtad dalam kalangan muallaf: Suatu penilaian* (Unpublished master's thesis). Universiti Malaya, Kuala Lumpur.
- Mohamad Dahalan, H., Hj Mohiddin, M. N., Abd Rahman, M. R., & Dahlan, N. K. (2019). Peguam syarie di Malaysia: Analisis perkembangan pelaksanaannya di mahkamah syariah. *Jurnal Undang-undang dan Masyarakat*, 25, 23-33. <https://doi.org/10.17576/juum-2019-25-04>. <https://ejournal.ukm.my/juum/article/view/36252>
- Mohamad Dahalan, H., Hj Junaidi, M. A., Abd. Rahman, M. R., Dahlan, N. K., & Yahya, M. A. (2021). Prosedur tatatertib peguam syarie di mahkamah syariah analisis dari perspektif prinsip syariah. *ISLAMIYYAT* 43, 153-163. <https://ejournal.ukm.my/islamiyyat/article/view/48473>
- Mohamed Adil, M. A. (1996). Peguam syarie, masa depan dan cabaran di Malaysia, 8(1), KANUN 1.
- Mohamed On, H. (2014). Pengiklanan bidang kepakaran peguam: Keperluannya dalam membantu bakal klien memilih peguam. *UUM Journal of Legal Studies*, 5, 13-29.
- Muhammad, D. (2008). Peguam syarie dalam institusi qada. *Jurnal Hukum*, 26(2), 137-145.
- My Metro. (2022, January 9). Akta 814 berkuat kuasa 21 Jun. *My Metro*. <https://www.hmetro.com.my/mutakhir/2022/06/852278/akta-814-berkuat-kuasa-21-jun>
- Neuman, W. L. (2015). *Social research methods: Qualitative and quantitative approaches* (7th Ed). Pearson Education Limited.
- Othman, M. S. A. (1996). *Institusi pentadbiran undang-undang dan kehakiman Islam*. Dewan Bahasa dan Pustaka.
- Othman, M. S. A. (1997). *Al-Ahkam*, Jil. 5. Dewan Bahasa dan Pustaka.
- Paulsson, A, Hirschhorn, F. & Sørensen, C. H. (2020). Seeing into the future of mobility: The contestable value of expert knowledge and Delphi as futures methods. M. Büscher, M. Freudendal-Pedersen, S. Kesselring, & N. G. Kristensen (Eds.), *Handbook of Research Methods and Applications for Mobilities* (pp. 282–291). Edward Elgar Publishing.
- Peguam Syarie (State of Penang) Rules 1997.
- Penang Islamic Religious Affairs Administration Enactment 1993.
- Salam, N. Z. M. A., Yahaya, N. F., Hashim, M. H., & Abd Rahman, S. H. (2020). Amalan perwakilan peguam syarie dalam Islam: The Practice of representation by syarie lawyer in Islam. *e-Jurnal Penyelidikan dan Inovasi*, 7(2), 47-67.
- Seidman, I. (2006). *Interviewing as qualitative research: A guide for researchers in education and the social sciences*. Teachers College Press.

- Sheikh Salleh, S. S., Abdul Shukor, S., Imam Supaat, D. & Abdul Ghafar, A. (2003). *Penerimaan masuk peguam syarie di Malaysia* (Unpublished Bachelor of Shariah Project Paper). Universiti Sains Islam Malaysia, Nilai.
- Sharie Legal Profession Act 2019 (Act 814).
- Silverman, D. 2020. *Qualitative research*. Sage Publications Limited.
- Stough, L. M. & Palmer, D. (2003). Special thinking in special settings: A qualitative study of expert special educators. *The Journal of Special Education*, 36(4), 206-222. <https://doi.org/10.1177/002246690303600402>
- Victoria Jayaseele Martin v. Majlis Agama Islam Wilayah Persekutuan & Anor.
- Whiting, A. (2012). The training, appointment, and supervision Islamic lawyers in the federal territories of Malaysia. *Pacific Rim Law & Policy Journal*, 21(1), 133-161.
- Yaacob, A. M. (2000). Etika peguam menurut perspektif Islam. Yaacob, A. M. (Eds.), *Etika hakim dan peguam* (pp.136-138). Institut Kefahaman Islam Malaysia.
- Yahya, N. F., Salam, Z., Mohamad Dahalan, H. & Yahya, M. A. (2020). Analisis syarat kelayakan peguam syarie menurut Islam dan perundangan di Malaysia. *Current Legal Issues*, 2, 101-108.
- Wan Adnan, W. A., Buang, A. H., & Sulaiman, Z. (2022). Pemerkasaan pelaksanaan sulh dalam kes-kes hartanah melalui pemakaian arahan amalan di Mahkamah Syariah di Malaysia. *UUM Journal of Legal Studies*, 13(2), 345-371. <https://doi.org/10.32890/uumjls2022.13.2.14>
- Wan Ismail, W. A. F., Abdul Mutalib, L., Baharuddin, A. S., Abdullah Kahar, N. S., & Alias, M. A. A. (2023). Keperluan prosedur operasi standard dalam penerimaan dokumen digital di Mahkamah Sivil Malaysia. *UUM Journal of Legal Studies*, 14(1), 365-390. <https://doi.org/10.32890/uumjls2023.14.1.14>