THE HUKUM KANUN PAHANG: A STUDY OF A SOVEREIGN MALAY-ISLAMIC CONSTITUTION

BY

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TUNKU AZIZAH MAHMOOD ISKANDAR

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ABSTRACT

Regarded as one of the most important surviving manuscripts of the Malay world, the Hukum Kanun Pahang (HKP) has often been studied merely as an ancient legal manuscript rather than as a constitutional text. This study re-examines the HKP as a sovereign Malay Islamic constitution compiled, codified, and written during the reign of Sultan ʿAbdul Ghaffar Muḥyiddin Shah (r. 1592–1614). Representing both a continuation and constitutional refinement of the Hukum Kanun Melaka (HKM), the HKP preserved the legal and ethical foundations of the Melaka Sultanate while adapting them to the political, constitutional, and maritime realities of Pahang *Dār al-Salām*. Central to this research is Manuscript D (MS D), rediscovered and returned to Pahang in 1993, presently regarded as the oldest complete surviving manuscript of the HKP and among the most significant manuscripts of the Malay world. This study addresses the absence of constitutional readings within existing scholarship on the HKP and seeks to examine the manuscript as evidence of an indigenous Malay-Islamic constitutional order prior to colonial intervention. Using library research, manuscript research, and historiography, this study analyses the political, administrative, maritime, and ethical dimensions contained within the manuscript. The study finds that the HKP codified criminal, commercial, maritime, administrative, and judicial regulations while simultaneously articulating ethics of kingship rooted in Islamic principles, justice, *amānah*, and Malay *adat*. Sovereignty within the HKP was neither arbitrary nor secular in nature, but morally and legally bounded by *Sharīʿah* and the ethical responsibilities of rulership. The findings further demonstrate that the HKP reflects a sophisticated Malay-Islamic civilisation and stands as a testament to Malay intellectualism expressed through the Malay language and Jawi tradition. Ultimately, this study repositions Pahang as a forgotten maritime constitutional kingdom and seeks to restore the HKP to its rightful place within the intellectual, constitutional, and civilisational history of the Malay world. The study further situates the HKP manuscript tradition within a broader continuum of constitutional transmission extending into the twentieth century.

ملخص البحث

يُعَدّ قانون بهانج (Hukum Kanun Pahang) من أهم المخطوطات الباقية في العالم الملايوي، إلا أنّه غالبًا ما دُرس بوصفه مجرد مخطوطة قانونية قديمة لا نصًا دستوريًا. وتعيد هذه الدراسة قراءة قانون بهانج بوصفه دستورًا ملايويًا إسلاميًا سياديًا جُمِع ودُوِّن وصيغ خلال عهد السلطان عبد الغفار محيي الدين شاه (1592–1614م). وقد مثّل قانون بهانج في الوقت ذاته امتدادًا وتطويرًا دستوريًا لقانون ملاقا، محافظًا على الأسس القانونية والأخلاقية لسلطنة ملقا، مع تكييفها بما يتلاءم مع الواقع السياسي والدستوري والبحري لبهانج دار المعمور. وترتكز هذه الدراسة بصورة أساسية على المخطوطة (MS D)، التي أُعيد اكتشافها وعادت إلى بهانج سنة 1993، والتي تُعد حاليًا أقدم نسخة كاملة باقية من قانون بهانج ومن بين أهم المخطوطات في العالم الملايوي. وتعالج هذه الدراسة غياب القراءات الدستورية في الدراسات السابقة المتعلقة بقانون بهانج، وتسعى إلى دراسة المخطوطة بوصفها دليلًا على وجود نظام دستوري ملايوي إسلامي أصيل سابق للتدخل الاستعماري. واعتمدت الدراسة على البحث المكتبي، ودراسة المخطوطات، والتحليل التاريخي لتحليل الأبعاد السياسية والإدارية والبحرية والأخلاقية الواردة في المخطوطة. وتخلص الدراسة إلى أنّ قانون بهانج قد قنّن الأحكام الجنائية والتجارية والبحرية والإدارية والقضائية، وفي الوقت نفسه صاغ أخلاقيات الحكم القائمة على المبادئ الإسلامية والعدل والأمانة والعرف الملايوي. ولم تكن السيادة في قانون بهانج سيادةً اعتباطية أو علمانية، بل كانت مقيدة أخلاقيًا وشرعيًا بأحكام الشريعة الإسلامية والمسؤوليات الأخلاقية للحكم. كما تُظهر نتائج الدراسة أنّ قانون بهانج يعكس حضارةً ملايويةً إسلاميةً متقدمة، ويُعد شاهدًا على الفكر الملايوي المعبَّر عنه باللغة الملايوية وخط الجاوي. وفي النهاية، تعيد هذه الدراسة تقديم بهانج بوصفها مملكةً بحريةً دستوريةً منسية، وتسعى إلى إعادة قانون بهانج إلى مكانته المستحقة ضمن التاريخ الفكري والدستوري والحضاري للعالم الملايوي. كما تضع الدراسة تقليد مخطوطات قانون بهانج ضمن سياق أوسع من الاستمرارية الدستورية الممتدة حتى القرن العشرين.

APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion, it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Master of Arts in Islamic Thought and Civilization.

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DECLARATION

I hereby declare that this thesis is the result of my own investigations, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions.

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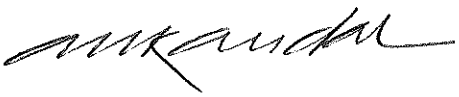
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This thesis is dedicated to Almarhum Sultan Abdul Ghaffar Muhyiddin Shah ibni Sultan Abdul Kadir Muhyiddin Shah (r. 1592-1614), who preserved for us not merely a manuscript, but the constitutional legacy of a Malay-Islamic civilisation.

Four centuries later, your Hukum Kanun still speaks. May the Malay world never cease to listen. To Pahang, I return to you your history.

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> "High above all is Allah, the King, the Truth! Be not in haste with the Qur'an before its revelation to thee is completed, but say, 'O my Lord! advance me in knowledge."*Sūrah Ṭā Hā* (20:114)

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TABLE OF CONTENTS

Abstract ii
Abstract in Arabic iii
Approval Page iv
Declaration vi
Copyright vii
Dedication viii
Acknowledgments ix
List of Tables xix
List of Figures xx

CHAPTER ONE: INTRODUCTION 1
1.1 Background of Study 1
1.2 Problem Statement 7
1.3 Research Questions and Objectives 9
1.4 Significance of the Study 10
1.5 Scope of the Study 13
1.6 Conceptual Framework 14
1.7 Research Methodology 18
1.8 Literature Review 19

CHAPTER TWO: REVISITING MALAY-ISLAMIC CONSTITUTIONALISM: THE HUKUM KANUN PAHANG 25
Introduction 25
2.1 The Awakening and The Return of the Hukum Kanun Pahang 27
2.2 The 1993 Constitutional Crisis 30
2.3 Recovering a Malay-Islamic Constitutional Tradition 33
2.4 The Constitutional Blind Spot in Malay Legal Historiography 36
2.5 The Historical Origin and Constitutional Continuity 38
2.6 HKM to HKP: The Constitutional Legacy of Melaka 42
2.7 Constitutional Characteristics of the HKP 45
2.8 Re-reading Hukum Kanuns as Constitutional Documents: Constitutional Structure and Legal Order 49
2.9 The Islamic Foundations 54
Conclusion: From Origins to Awakening 59

CHAPTER THREE: SULTAN ABDUL GHAFFAR MUHYIDDIN SHAH AND THE CONSTITUTIONAL ETHICS OF KINGSHIP 63
Introduction 63
3.1 The Forgotten Sultan 66
3.2 The Father of the Hukum Kanun Pahang: The *Kanuni* of Pahang 68
3.3 The Sultan of Two Legacies: From Inheritance to Constitutional Transmission 71
3.4 Written Law, Sovereignty, and Constitutional Continuity 74
3.5 The Constitutional Philosophy of the Hukum Kanun Pahang 78

3.5.1 The Tawhidic Foundation of Sovereignty 78
3.5.2 Justice as Sovereignty: Humanity before Law.....81
3.5.3 *Bustan al-Salatin*: The Ethics of Governance 82
3.6 *Sharīʿah*, *Adat* and the Constitutional Order 83
3.7 *Raja* and *Rakyat*: Constitutional Reciprocity 86
3.8 Pahang as a Constitutional Polity 87
3.9. The Royal Network: Diplomacy, Intellectual Exchange and Constitutional Statecraft 89
3.9.1 Islamic Centres of the *Laut Melayu* 91
3.9.2 Royal Alliances and Diplomatic Statecraft 91
3.9.3 Intellectual and Legal Exchange 92
3.9.4 Constitutional Statecraft 93
3.10 Pahang as an Intellectual and Islamic Centre 94
3.11 His Greatest Legacy 96
3.11.1 From Pahang to the Malay World: The Diffusion of a Constitutional Legacy 96
3.12 Historiographical Correction 97
3.12.1 Constitutional Irony: History Repeats Itself 97
3.12.2 From Melaka to Riau: The Unbroken Constitutional Chain.....99
Conclusion 100

CHAPTER FOUR: PAHANG AS A MARITIME KINGDOM: LAW SOVEREIGNTY, AND THE SEA 103
4.1 The Role of the Hukum Kanun Pahang in Maritime Law.....104
4.2 The Foundations of a Maritime Civilisation 106
4.2.1 A Kingdom that Knew the Sea 107
4.2.2 Mapping the Sea before the West Did 109
4.2.3 Ancient Ports and Inland Harbours 111
4.3 From Maritime Networks to Sultanate 113
4.3.1 The Spread of Islam through Maritime Trade Routes 114
4.3.2 The Rise of the Pahang Sultanate 116
4.3.3 To Understand Pahang, Begin with Melaka 118
4.4 The Hukum Kanun Pahang and Maritime Governance 120
4.4.1 Maritime Institution and the Administration of Sovereignty 121
4.4.2 The Evolution of Malay Maritime Law 123
4.4.3 Codified Sovereignty and Maritime Constitutionalism 125
4.5 Continuity, Memory, and Civilisation 128
4.5.1 Before the Bugis and Beyond the Empire 128
4.5.2 *Kota Gelanggi*: The Hidden Capital in the Heart of the Jungle 130
4.5.3 The River was the Sultan's First Throne: A Sovereignty Never Broken 132
Conclusion 134

CHAPTER FIVE: RECLAIMING THE SOVEREIGN MALAY-ISLAMIC CONSTITUTIONAL TRADITION.....136
Introduction: A Princess Remembers, Writing from Belonging 136
5.1 The Manuscript Returns Home.....139
5.2 Reading the Voices of the Ancestors.....144
5.3 The Manuscript Continue to Speak 152
5.4 What Pahang Preserved 155
5.5 The Responsibility of Inheritance 158
5.6 The Throne and the Constitution 162
5.6.1 The 2019 Succession and Constitutional Adaptation 163
5.6.2 Proclamation and Installation: Law and Ceremony 164
5.6.3 Constitutional Monarchy in Practice 165
5.6.4 Concluding Reflections.....167
5.7 The Endurance of Constitutional Monarchy 168
5.7.1 Law as the Foundation of Endurance 168
5.7.2 Constitutional Resilience and the Purpose of Kingship 169
5.8 Returning Pahang to History: The Recovery of a Lost Constitution 172
5.9 The Future of the HKP 176
5.10 Summary of Findings and Recommendations 178
5.10.1 Summary of Findings 178
5.10.2 Recommendations for Future Research 180
5.11 Conclusion: My *Tuhfat Al-Nafis* 182

BIBLIOGRAPHY 186

AFTERWORD
MAMA MADE IT: WHEN A MANUSCRIPT COMES HOME 197

APPENDIX A:
TRANSLATION OF MANUSCRIPT D OF THE HUKUM KANUN PAHANG, "MANUSKRIP AGUNG NEGERI PAHANG".....201

APPENDIX B:
TRANSLATION OF MANUSCRIPT E OF HUKUM KANUN PAHANG, "KITAB ISTILAH BAGI RAJA DAN WAZIR BAGI NEGERI PAHANG DARUSSALAM" 289

APPENDIX C:
MANUSCRIPT F OF HUKUM KANUN PAHANG COPY PROVIDED BY TUNKU AZIZAH MAHMOOD ISKANDAR WITH NOTES BY DATO' ANNABEL TEH GALLOP, 8 MARCH 2026, LONDON 481

APPENDIX D: ORAL HISTORY INTERVIEWS.....491

APPENDIX E: GENEALOGY OF SULTAN ABDUL GHAFFAR 499

LIST OF TABLES

Table 3.1	Distinctions between *hukum, kanun, adab, adat resam* and *adat istiadat*	84

LIST OF FIGURES

Figure 1.1	A section of Sebastian Munster's 1598 map highlighting the Malay World or the Malay Archipelago	5
Figure 1.2	The Malay-Islamic Conceptual Framework of the Study	17
Figure 3.1	The dynastic continuity linking Sultan Abdul Ghaffar to the Melaka royal house through Sultan Mansur Shah and Sultan Muhammad Shah of Pahang. It also highlights the wider network of royal alliances connecting Pahang with the older Pahang dynasty, Patani, Brunei, and Perak.	72
Figure 3.2	A Section of Abraham Ortelius' 1602 Indiae Orientalis, Insularumque Adiacientium map highlighting the Royal Network; Paam (Pahang), Patane (Patani), Achem (Aceh) and Burneo (Brunei)	90

CHAPTER 1
INTRODUCTION

> "Read! In the name of thy Lord and Cherisher, Who created." *Sūrah al-ʿAlaq* (96:1)

1.1 Background of the Study

The Hukum Kanun Pahang (HKP) should not be approached merely as an ancient legal manuscript, but as a constitutional text in its own right and as a crucial link in the continuity of Malay-Islamic constitutional governance from the Melaka Sultanate to the modern constitutional State of Pahang. At the outset of this Master's study, the thesis was initially titled *Hukum Kanun Pahang: From Absolute Monarch to Constitutional Monarchy*. The title reflected the common assumption that the Malay Sultanates had historically operated under absolute rule until constitutional governance was introduced during the colonial and post-colonial periods. However, a historical examination of the HKP and its predecessors, the Hukum Kanun Melaka (HKM) and the Undang-Undang Laut Melaka (UULM), led to a different conclusion. The evidence suggests that the Malay Sultanates were never truly absolute monarchies. Rather, they were governed by structured legal traditions that defined the position of Islam, the duties and responsibilities of rulers, the role of advisory institutions, and the rights and obligations of subjects. The Sultan's legitimacy as Head of Religion and State was exercised within a framework shaped by *Sharīʿah*, *adat Melayu*, and hereditary sovereignty, creating a constitutional relationship of authority, responsibility, and legitimacy between ruler and *rakyat*.[1] This inquiry led directly to the HKP. Although frequently classified as a legal code or digest, the manuscript reveals itself upon closer examination to be a comprehensive Malay-Islamic constitutional text regulating religion, governance, justice, administration, and social order within the Pahang

[1] Liaw Yock Fang, *Undang-Undang Melaka dan Undang-Undang Laut* (Yayasan Karyawan, 2003) 29-30, 33; M. B. Hooker, *Reading in Malay Adat Laws* (Singapore University Press, 1970) 1-48.

Sultanate. More significantly, it serves as a constitutional bridge through which legal and political traditions inherited from Melaka were preserved, adapted, and transmitted to subsequent generations.

The significance of the HKP became substantially clearer following the rediscovery of the manuscript now designated as manuscript D (MS D). On 30 June 1993, the then Director of the Pahang State Museum, Dato' Mohamed Mokhtar bin Abu Bakar, travelled to Patani to acquire the Hukum Kanun Pahang manuscript. Through his efforts, the manuscript was brought back to Pahang and was sent for conservation and preservation at the National Archives, ensuring the survival of one of the most important legal texts of the Malay world. In an interview conducted by the researcher on 22 June 2026, Dato' Mohamed Mokhtar recalled that the manuscript had been found inside a wooden chest believed to have belonged to the legendary Mat Kilau. The chest also contained a wooden pen, a bottle of ink, and a *keris* associated with the Pahang warrior. While this testimony awaits further corroboration through additional historical evidence, it provides a remarkable account of the manuscript's provenance and invites further research into the history of the chest and the artefacts it contained.[2] In addition to manuscript and archival sources, this study also draws upon an original oral history interview conducted by the author with Dato' Mohamed Mokhtar bin Abu Bakar, former Director of the Lembaga Muzium Negeri Pahang. As the officer who personally supervised the acquisition of MS D in 1993, his testimony provides first-hand evidence regarding the manuscript's provenance, acquisition, registration, conservation, and preservation. The interview is reproduced in full as Appendix D.

Unlike the fragmentary manuscripts commonly identified as manuscripts A, B, and C (MS A, MS B, MS C), MS D survives as a complete manuscript. More than three centuries old, it contains illuminated decorations and Islamic artistic motifs consistent with

[2] Yaakub Isa, ed., *Hukum Kanun Pahang: Manuskrip Agung Negeri Pahang* (Lembaga Muzium Negeri Pahang, 2003) xi-xiv; Interview with Dato' Mohamed Mokhtar bin Abu Bakar, former Director, Lembaga Muzium Negeri Pahang, conducted by the researcher, Kuantan, 22 June 2026. MS E records that the Hukum Kanun Pahang was written during the reign of Sultan Abdul Ghaffar Muhyiddin Shah in Muharram 1000 AH, corresponding approximately to October–November 1591 CE. Refer to Chapter 5.

royal manuscript production of the early seventeenth century. On palaeographic, stylistic, and historical grounds, the manuscript may plausibly be identified as a royal copy dating to the early seventeenth century and associated with the reign of Sultan Abdul Ghaffar Muhyiddin Shah ibni Sultan Abdul Kadir Muhyiddin Shah (1592–1614). Its preservation provides a rare and unparalleled window into the constitutional and intellectual traditions of the Pahang Sultanate. Beyond its physical completeness, the significance of MS D lies in what it reveals about the continuity of Malay-Islamic constitutional thought. Earlier studies of the HKP were necessarily limited to fragmentary manuscripts examined by Kempe, Winstedt, and Jakeman. Their research established important connections between the HKP and the HKM, while identifying textual variations and constitutional developments unique to Pahang.[3] However, the rediscovery of MS D enabled scholars to reconstruct the full structure and thematic organisation of the HKP, providing a far more comprehensive understanding of its constitutional character. Through the efforts of Dato' Yaakub Isa and the Lembaga Muzium Negeri Pahang, the manuscript was subsequently published as *Hukum Kanun Pahang: Manuskrip Agung Negeri Pahang*, making it accessible to contemporary scholarship through transcription, transliteration, scholarly essays, bibliography, and index.

The constitutional significance of the HKP becomes particularly evident when examined alongside the HKM and the UULM. These texts collectively demonstrate the existence of a sophisticated Malay-Islamic constitutional tradition that predated modern constitutional theories. The Vatican manuscripts identified by Liaw Yock Fang, dated between 1656 and 1676, preserve later copies of the legal traditions of Melaka rather than contemporaneous originals. By contrast, the HKP survives in a complete and coherent form, illustrating how those traditions continued to evolve after the Portuguese conquest of Kota Melaka in 1511. Rather than disappearing with the fall of Kota Melaka, Malay and constitutional traditions were preserved, adapted, and developed within Pahang and

[3] John E. Kempe and R. O. Winstedt, eds., "A Malay Legal Digest Compiled for 'Abd al-Ghafur Muhaiyu'd-din Shah, Sultan of Pahang, 1592–1614 A.D., with Undated Additions," *Journal of the Malayan Branch of the Royal Asiatic Society* 21, no. 1 (1948): 1–67; R. W. Jakeman, "The Pahang Kanun of Sultan Abdul Ghafur: Another Text," *Journal of the Malayan Branch of the Royal Asiatic Society* 24, no. 3 (1951), 150-151; Yaakub Isa, Hukum Kanun Pahang, xi-xiv.

successor polities. Among the Malay Sultanates, Pahang occupies a distinctive position because it inherited and preserved both one of the most complete surviving constitutional manuscripts and a constitutional tradition that continued into the modern period through the Undang-Undang Tubuh Kerajaan Pahang (UTKP).[4] This study argues that the HKP represents the most complete surviving constitutional expression of the Malay-Islamic legal tradition inherited from Melaka. Its significance lies not only in its completeness as a manuscript but also in the continuity of constitutional principles it preserves across successive generations of Malay governance. As both a constitutional codification and a constitutional framework of governance, it preserves and extends principles of sovereignty, law, administration, and moral authority that continued to shape the development of Pahang well into the modern period.

The central figure in this process was Sultan Abdul Ghaffar, the twelfth Sultan of Pahang. As a descendant of the Melaka royal lineage, he inherited a legal tradition rooted in centuries of Malay-Islamic governance. Under his reign, Pahang did not merely preserve inherited legal norms but transformed them into a comprehensive written constitutional framework. The compilation of the HKP represented a deliberate act of statecraft designed to preserve governance, justice, religion, administration, and moral order within an authoritative constitutional structure. The HKP remains Sultan Abdul Ghaffar's most enduring legacy and arguably his greatest contribution to Malay-Islamic civilisation, preserving and extending the constitutional traditions inherited from Melaka while adapting them to the political, legal, and maritime realities of Pahang. As such, it stands among the most significant surviving monuments of Malay-Islamic constitutional thought. Understanding the HKP also requires situating Pahang within the wider Malay maritime world. Historical records refer to Pahang under various names, including *Pan-huang, Pahan*, and *Pa-hang,* reflecting its longstanding presence within regional networks of trade and diplomacy.[5] Long before Western cartography popularised the term "South China

[4] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 29-30, 33; W. Linehan, "A History of Pahang," *Journal of the Malayan Branch of the Royal Asiatic Society* 14, no. 2 (1936), 1-8, 18; Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv; *Undang-Undang Tubuh Kerajaan Pahang*.

[5] Linehan, "A History of Pahang," 1-8; Paul Wheatley, *The Golden Khersonese* (University of Malaya Press, 1961), 47.

Sea," the peoples of the Malay world conceptualised and navigated these waters as the *"Laut Melayu"*, a maritime domain linking Sumatra, Tanah Melayu, Borneo, and the wider archipelago.[6] Within this world, the sea was not viewed as a lawless frontier but as a regulated space governed by custom, authority, commerce, and moral order.

Figure 1.1 A section of Sebastian Munster's 1598 map highlighting the Malay World or the Malay Archipelago.



By the period of Srivijaya and Langkasuka, Pahang had already become integrated into extensive maritime networks connecting the Indian Ocean, Southeast Asia, and the Far East. Sungai Pahang, the longest river in the Malay Peninsula, linked the interior to coastal ports and regional trade routes, facilitating the movement of goods, peoples, ideas, and religious traditions. This maritime environment profoundly influenced the development of Malay legal institutions. The UULM demonstrates that Malay rulers had already codified regulations concerning navigation, commercial conduct, maritime administration, naval hierarchy, piracy, and port governance long before the emergence of European admiralty law. Within the HKP, this maritime governance consciousness became integrated into a broader constitutional framework regulating both land and sea. Islam entered the Malay world primarily through these same maritime networks connecting Arabia, Persia, Gujarat, and the wider Indian Ocean region. Conversion occurred largely through sustained

[6] Ahmad Murad Merican, *Tanah Air: Passing Through the Malay Archipelago,* (ISTAC-IIUM Publications, 2022), 63-66.

commercial, intellectual, and cultural interactions rather than military conquest. Consequently, Islamic principles became embedded within trade practices, commercial agreements, maritime customs, and social norms before their formal institutionalisation within royal courts. When the HKP was compiled, it articulated an indigenous Islamic constitutional order rooted in the lived realities of the Malay maritime world.

Conceptually, the HKP embodies a model of constitutional sovereignty grounded in Islamic principles. Sovereign authority was vested in the Sultan through hereditary legitimacy and *daulat*, yet its exercise was constrained by the *Sharīʿah (Hukum* Allah*)*, *adat*, and established constitutional norms. Governance was understood as an *amānah* entrusted to the ruler rather than an unrestricted prerogative. Authority therefore derived not merely from power, but from the just and lawful fulfilment of responsibilities prescribed by religion, custom, and written law. The HKP provided structured guidance on governance, justice, administration, religion, criminal law, commerce, maritime affairs, and the duties of state officials. Although the Sultan exercised extensive authority, that authority operated within a recognised constitutional framework supported by the Pembesar Negeri and other institutions of governance. The constitutional legacy of the HKP extended far beyond the seventeenth century. Its influence continued to shape legal practice, royal customs, governance, and state institutions until the promulgation of the UTKP. Rather than creating constitutional governance anew, the UTKP formalised and adapted principles that had long existed within the Malay-Islamic constitutional tradition of Pahang. The continuity between the HKP and the modern constitutional order of Pahang demonstrates the endurance of indigenous constitutional institutions across changing political circumstances.[7]

As a direct descendant of Sultan Abdul Jalil Ri'ayat Shah IV, founder of the Bendahara dynasty, the author approaches this study with a commitment to scholarly objectivity and academic rigour. The HKP represents one of the most important surviving constitutional texts of the Malay-Islamic world. Its rediscovery has provided an opportunity to re-examine the foundations of Malay constitutionalism, recover an

[7] *Undang-Undang Tubuh Kerajaan Pahang.*

important chapter of indigenous constitutional history, and contribute to a broader understanding of the continuity of Malay-Islamic governance and constitutionalism that predates, and in many respects challenges, conventional colonial narratives. Beyond its contribution to Malaysian historiography, this study also contributes to wider discussions concerning postcolonial constitutionalism, Islamic governance, and indigenous constitutional traditions.[8] By demonstrating the depth, coherence, and continuity of Malay-Islamic statecraft, it challenges assumptions that constitutional development in Southeast Asia was solely a product of colonial influence and highlights the central importance of local intellectual traditions in shaping political and legal institutions.

1.2 Problem Statement

The transition from the HKM and UULM to the HKP and ultimately to the UTKP, reflects a remarkable continuity in Malay-Islamic governance, constitutional thought, and constitutional development. Yet this continuity has received limited scholarly attention. Conventional narratives frequently portray constitutional governance in the Malay world as a product of colonial modernity, implying that earlier Malay Sultanates operated under forms of absolute rule until the introduction of modern constitutional frameworks. Such interpretations overlook the existence of indigenous constitutional traditions that regulated the exercise of authority through *Sharīʿah*, *adat*, consultation, and established constitutional norms. The HKP challenges these assumptions by demonstrating that constitutional principles were already embedded within Malay governance centuries before the advent of colonial constitutionalism.[9] Despite its significance, the HKP has often been treated primarily as a constitutional manuscript or historical relic rather than as a constitutional text. Existing scholarship has largely focused on its philological, constitutional, or historical dimensions without fully examining its constitutional significance or its place within the broader development of Malay-Islamic governance. Consequently, the HKP remains underrepresented within discussions of constitutional

[8] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*; Hooker, *Readings in Malay Adat Laws*, 1-48.
[9] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut, 29-30,33*; Hooker, *Readings in Malay Adat Laws,* 1-48.

history, particularly those concerning the origins, continuity, and evolution of constitutional governance in the Malay world. This has contributed to a limited understanding of how indigenous traditions shaped later constitutional institutions, including the UTKP.[10]

The problem is further compounded by the dominance of colonial and Eurocentric historiography, which frequently attribute the emergence of structured governance, constitutional order, and legal modernity to colonial intervention. Such perspectives risk obscuring the sophistication of earlier Malay-Islamic constitutional systems and their capacity for institutional continuity and adaptation. As a continuation of the HKM and UULM, the HKP demonstrates that constitutional development within the Malay world evolved through continuity, adaptation, and refinement rather than rupture. When Sultan Muhammad ibni Sultan Mansur Shah of Melaka (r. 1470-1475) was sent to Pahang in 1470, and became the first Muslim Sultan of Pahang, he brought with him the constitutional traditions embodied in the HKM, which the manuscript tradition consistently attributes to Sultan Muhammad Iskandar Shah (Parameswara) (r. 1390–1414) and which was subsequently refined and expanded by later Melaka rulers. Consequently, the legal principles of Melaka had already been introduced and were in operation within the Pahang Sultanate decades before the Portuguese conquest of Kota Melaka in 1511. By the time Sultan Abdul Ghaffar, the twelfth Sultan of Pahang from Sultan Muhammad, compiled and codified the HKP in the late sixteenth or early seventeenth centuries, he was not creating a new constitutional order but refining, expanding, and adapting an established Malay-Islamic constitutional tradition that had already taken root in Pahang. The HKP therefore demonstrates that the constitutional traditions of Melaka were not extinguished by the fall of Kota Melaka but had already survived through their transmission to Pahang, where they continued to develop within an indigenous constitutional framework.[11]

This study therefore seeks to address these historiographical gaps by re-examining the HKP as a sovereign Malay-Islamic constitution and by investigating its historical

[10] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv; Winstedt, "The Laws of Pahang", 1-67.
[11] Linehan, "A History of Pahang," 1-8, 18; Liaw, *Undang-Undang Melaka dan Undang-Undang Laut, 29-30,33*; Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.

origins, constitutional character, and continuing influence on the governance of Pahang. The manuscript evidence now available, including MS D and MS E, and the recently identified MS F, suggests that the continuity of Malay-Islamic constitutional governance may have been more enduring than previously recognised. In doing so, this study aims to demonstrate the continuity of Malay-Islamic constitutional traditions from Melaka through the HKP to the UTKP. More broadly, the study seeks to reposition the HKP not merely as a legal manuscript of regional importance, but as one of the most significant surviving constitutional manuscripts of the Malay world and a vital source for understanding the constitutional, political, and intellectual heritage of Malay-Islamic civilisation in the Malay world.[12]

1.3 Research Questions and Objectives

In light of the issues discussed, this study is guided by three principal research questions and corresponding objectives. First, it examines the historical origins, Islamic intellectual foundations, and constitutional characteristics of the HKP, together with its relationship with the HKM and the UULM, with the objective of establishing the historical and constitutional foundations of the HKP. Second, it investigates how the HKP demonstrates the continuity and development of Malay-Islamic constitutional governance from the Melaka Sultanate through the Pahang Sultanate to the UTKP, with the objective of establishing its contribution to recovering and redefining Malay-Islamic constitutionalism from an indigenous Malay-Islamic perspective. Third, it explores the extent to which Pahang may be regarded as a maritime kingdom and examines how its maritime character is reflected in the constitutional and governance provisions of the HKP, with the objective of demonstrating the constitutional significance of Pahang's maritime identity within the broader tradition of Malay-Islamic governance.

[12] *Undang-Undang Tubuh Kerajaan Pahang*; Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.

1.4 Significance of the Study

This study demonstrates that the HKP constitutes one of the most significant yet underappreciated constitutional texts in the history of the Malay world. Far from being merely a compilation of customary regulations or judicial precedents, the HKP emerges as a sovereign Malay-Islamic constitution that articulated governance, sovereignty, justice, and public order in written form centuries before the introduction of colonial constitutional frameworks. Its provisions reveal a sophisticated constitutional tradition grounded in *Sharīʿah*, Malay political ethics, and a Tawhidic epistemology that integrated law, morality, and authority within a coherent constitutional order.[13] The study is significant because it contributes to a reassessment of Malay constitutional and civilisational history. By examining the HKP as a constitutional text rather than solely as a legal manuscript, it challenges longstanding assumptions that constitutional governance and legal modernity were introduced to the Malay world through colonial influence. Instead, the findings demonstrate that constitutional principles, written constitutional authority, and structured governance were already embedded within indigenous Malay-Islamic traditions. In this respect, the HKP serves as a constitutional bridge linking the constitutional traditions of Melaka with the later constitutional development of Pahang.[14]

A further contribution of this study lies in its demonstration of constitutional continuity. The HKP is shown to be part of an unbroken constitutional and intellectual tradition extending from the HKM and UULM to the UTKP. Through the codification undertaken during the reign of Sultan Abdul Ghaffar, constitutional traditions inherited from Melaka were preserved, adapted, and transmitted to subsequent generations, ensuring the continuity of Malay-Islamic constitutional governance despite profound political transformations.[15] This study also highlights the significance of Pahang as a centre of constitutional, intellectual and maritime sophistication. Among the Malay Sultanates,

[13] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut, 29-30, 33*; Hooker, *Readings in Malay Adat Laws,1-48*.
[14] Syed Muhammad Naquib al-Attas, *Islam dalam Sejarah dan Kebudayaan Melayu* (Universiti Kebangsaan Malaysia, 1972), 22-35; M.B.Hooker, *Laws of South-East Asia*, vol. 1, 1-22, 347-434 (Butterworths, 1986).
[15] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut, 29-30, 33*; *Undang-Undang Tubuh Kerajaan Pahang*.

Pahang occupies a distinctive position because it preserves both one of the most complete surviving constitutional manuscripts and a constitutional tradition that continued into the modern period. The HKP demonstrates how governance in the Malay world developed within a maritime environment shaped by trade, diplomacy, navigation, and cross-cultural interaction. The integration of *Sharīʿah*, *adat*, sovereignty, and maritime administration within a single constitutional framework provides valuable insight into the distinctive character of Malay-Islamic statecraft and the role of Pahang within the wider civilisation of Malay world.[16]

Equally significant is the survival of the manuscript itself. Unlike many other legal texts of the Malay world that survive only in fragmentary or later copies, the HKP remains preserved in a complete and coherent manuscript. Its rediscovery and subsequent publication have provided scholars with rare empirical evidence of early Malay-Islamic constitutional thought and governance. The manuscript therefore represents not only a source of historical knowledge but also an important foundation for future constitutional, philological, and comparative research.[17] This study is further distinguished by its engagement with living constitutional tradition. Interviews conducted with custodians of royal customs and constitutional practices reveal that many ceremonial and constitutional institutions continue to be observed even when their textual origins are no longer widely recognised. This suggests a remarkable continuity of practice alongside a discontinuity of textual transmission. The constitutional tradition survived, but the manuscript that codified it gradually receded from scholarly consciousness. By reconnecting these living traditions with their documentary foundations, this study helps bridge a significant epistemic gap between inherited constitutional practice and the manuscript tradition from which it emerged.[18]

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[16] Linehan, "A History of Pahang", 1-8; Wheatley, *The Golden Khersonese, 47*.
[17] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.
[18] Interviews with custodians of royal customs and constitutional practices conducted by the researcher during the course of this study, including interviews with Raja Aishah, Tengku Samiah, Orang Kaya Indera Pahlawan Dato Sri Wan Wahid Wan Hassan, Orang kaya Indera Segara Tengku Asmawi Tengku Hussain, Zainab Hassan and other custodians of the Pahang royal tradition; see also Yaakub Isa, *Hukum Kanun Pahang.*

This thesis is therefore not an exercise in revisionism, but in recovery. It seeks to restore a constitutional tradition that was never truly lost, only insufficiently recognised. In doing so, it contributes to a broader reassessment of Malay-Islamic constitutional history by demonstrating that constitutional modernity in Malaysia did not arise solely from colonial administrative developments but evolved from an indigenous Malay-Islamic constitutional tradition that had already matured within the Malay Sultanates under the guidance of Islam, monarchy, customary governance, and written law. To restore the HKP to scholarly attention, is therefore not simply to recover a forgotten manuscript. It is to restore Pahang to its rightful place within the constitutional history of the Malay world. Melaka gave birth to this constitutional tradition. Pahang preserved, refined, and transmitted it. The Malay world inherited it. Beyond its academic contributions, this study carries broader cultural and civilisational significance. The HKP stands as a testament to the intellectual achievements of Malay civilisation and demonstrates that the Malay world possessed highly sophisticated traditions of governance, constitutional thought, and constitutional thought long before the emergence of modern nation-states. Written on *Tanah Melayu*, by *orang Melayu*, in *Bahasa Melayu* and *Jawi Melayu* for the *Kesultanan Melayu Islam Nusantara*, the HKP represents a shared constitutional and intellectual heritage that transcends regional boundaries and continues to inform contemporary understandings of identity, legitimacy, and governance.

Ultimately, this study contributes to the recovery of an important chapter of Malay-Islamic constitutional history. By re-examining the HKP as a sovereign Malay-Islamic constitution, it restores visibility to a constitutional tradition that has often been overshadowed by colonial narratives and reaffirms the enduring continuity of Malay-Islamic constitutionalism from Melaka, through the HKP, to the modern constitutional order of Pahang. In doing so, it highlights the HKP not merely as the *Manuskrip Agung Negeri Pahang*, but as one of the great constitutional manuscripts of the Malay-Islamic world.[19]

[19] *Undang-Undang Tubuh Kerajaan Pahang*; Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.

1.5 Scope of the Study

This study is confined to an examination of the HKP as a sovereign Malay-Islamic constitution and as a significant expression of Malay statecraft. The research focuses on how the HKP articulated governance, sovereignty, law, and public administration within the Pahang Sultanate. Particular attention is given to its historical origins, Islamic intellectual foundations, constitutional characteristics, and its role in regulating political authority through the integration of *Sharīʿah, adat*, and the institution of monarchy.[20] The primary sources for this study are the HKP manuscripts preserved at the Pahang State Museum, designated as MS D, MS E, and the recently identified MS F. The identification of MS F by the researcher on 5 March 2026 provides additional evidence for examining the development, transmission, and continued relevance of the HKP into the twentieth century. Together, these manuscripts enable the study to engage directly with the constitutional text itself rather than relying solely upon later reproductions, excerpts, or secondary interpretations.[21] The study approaches the HKP primarily as a constitutional text rather than merely as a legal digest or historical manuscript. While the term "constitution" is modern, the research examines the extent to which the HKP performed constitutional functions through the regulation of sovereign authority, the codification of constitutional principles, the delineation of administrative responsibilities, and the articulation of constitutional and ethical limits upon governance. In doing so, the study reconsiders conventional assumptions regarding the nature of authority and governance within the Malay Sultanates.[22]

Although the HKP is examined within the broader legal tradition of the Malay world, the study is not intended as a comprehensive historical comparison of the HKM and the UULM. These texts are utilised primarily to establish the historical origins and

[20] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut,* 29-30, 33; Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.
[21] Yaakub Isa, *Hukum Kanun Pahang, xi-xiv*; MS D, MS E (MS 2583), and MS F of the *Hukum Kanun Pahang* examined by the researcher during the course of this study. For further details on MS F, see Appendix D.
[22] Hooker, *Readings in Malay Adat Laws,* 1-48; al-Attas, *Islam dalam Sejarah dan Kebudayaan Melayu,* 22-35.

intellectual foundations of the HKP. The principal focus remains on the HKP itself and its development as a distinctive constitutional framework adapted to the political, constitutional, and maritime realities of Pahang.[23] The scope further includes an examination of the continuity of Malay-Islamic constitutional governance from the legal traditions of Melaka through the HKP to the UTKP. It considers the influence of the HKP upon governance, institutions, and constitutional traditions in Pahang, as well as the preservation of constitutional traditions, customs, and constitutional practices that continue to be maintained by state institutions. Particular attention is given to the role of the HKP as a constitutional bridge linking the constitutional traditions of the Melaka Sultanate with the modern constitutional order of Pahang.[24] Broader studies of Malay customary law, broader historical studies of other Malay Sultanates, and contemporary legal reform fall outside the scope of this study except where necessary for contextual purposes. Accordingly, the study is limited to a study of the HKP within the context of Pahang and the wider Malay-Islamic constitutional tradition. Its purpose is not to provide a comprehensive history of all Malay constitutional traditions, but rather to examine the HKP as a constitutional text, investigate its continuity from Melaka to modern Pahang, and demonstrate its constitutional significance within the constitutional, political, and maritime history of the Malay world.

1.6 Conceptual Framework

The study is guided by a conceptual framework that understands the HKP as part of a continuous tradition of Malay-Islamic constitutional governance. The framework is built upon four interconnected concepts: Tawhidic epistemology, Malay-Islamic governance, constitutional codification, and constitutional continuity. Together, these concepts provide the conceptual lens through which the HKP is examined as a sovereign Malay-Islamic

[23] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut, 29-30, 33*; Abdul Halim el-Muhammady and Asma Hakimah Ab Halim, *Qanun Pahang: Zaman Pemerintahan Sultan Abdul Ghaffar Mahyuddin Shah (1592-1614)* (Universiti Kebangsaan Malaysia, 2019), 9-56.
[24] *Undang-Undang Tubuh Kerajaan Pahang*; *Hukum Kanun Pahang* manuscript evidence examined by the researcher during the course of this study.

constitution and as a constitutional bridge linking the constitutional traditions of Melaka with the modern constitutional order of Pahang.[25] Throughout this study, references to Allah, the Qurʾan, and Islamic principles are neither decorative nor incidental. They reflect the intellectual world from which the HKP emerged. The constitutional tradition examined in this thesis developed within a Malay-Islamic civilisation whose concepts of sovereignty, law, justice, kingship, and governance were consciously grounded in Islam.

The HKP did not merely coexist with Islam, it articulated a constitutional order founded upon *Hukum* Allah and informed by *Sharīʿah* while integrating the legitimate role of Malay *adat*. The Malay language served as the lingua franca through which this constitutional tradition circulated across the Malay world, while Islam provided the shared moral, and spiritual framework that united them as *Dār al-Salām* polities. This study therefore approaches the HKP from within the Malay-Islamic intellectual tradition from which it emerged. References to the Qurʾanic verses are used throughout the thesis to illuminate the moral and intellectual foundations of the constitutional order rather than to replace historical evidence. References to Allah reflect the theological worldview within which the constitutional tradition itself understood sovereignty, justice, *amānah*, and governance.

This study is informed by two interconnected perspectives, a socio-historical approach and an epistemological approach. The socio-historical dimension situates the HKP within the broader historical development of the Malay world, examining the continuity of institutions, kingship, governance, law, and constitutional traditions from Melaka to Pahang and into the modern period. Rather than treating the HKP as an isolated legal manuscript, this approach understands it as part of a living historical continuum shaped by dynastic succession, political institutions, Islamic governance, and the transmission of constitutional ideas across generations. The epistemological dimension focuses on the recovery and interpretation of indigenous Malay-Islamic knowledge systems. It examines the HKP not merely as a historical artefact, but as an intellectual text that embodies a particular worldview concerning sovereignty, justice, law, kingship, and

[25] al-Attas, *Islam dalam Sejarah dan Kebudayaan Melayu,* 22-35.

social order. This perspective seeks to recover the internal logic of Malay-Islamic constitutional thought on its own terms rather than through categories derived exclusively from Western constitutional traditions. Together, these approaches allow the HKP to be understood simultaneously as a historical document, a constitutional text, and an expression of a distinct Malay-Islamic intellectual tradition. The framework therefore enables an understanding of both continuity and meaning: continuity in the development of constitutional institutions and meaning in the ideas and values that sustained them.

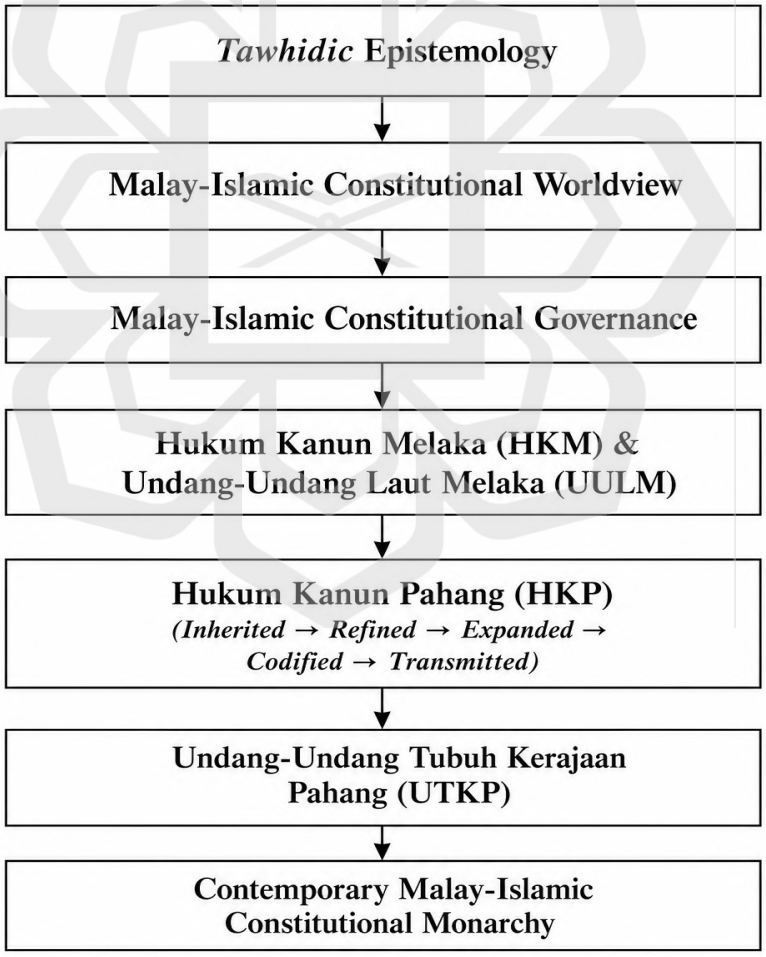
At its foundation lies Tawhidic epistemology, which recognises Allah as the ultimate source of sovereignty, law, and moral authority. Within this worldview, governance is not merely a political arrangement but an *amānah* entrusted to rulers and officials who remain accountable to divine law. *Sharīʿah* therefore functions as a constitutional and moral framework governing the exercise of authority, the administration of justice, and the responsibilities of rulers toward society.[26] The second component of the framework is Malay-Islamic governance. Following the Islamisation of the Malay world, concepts of kingship, governance, and political authority became increasingly integrated with Islamic principles while remaining rooted in established Malay traditions. Governance was understood as a synthesis of *Sharīʿah, adat*, and sovereign authority, producing a distinctive constitutional tradition in which rulers exercised power within recognised constitutional, moral, and customary limits.[27] The third component is constitutional codification, represented by the HKP itself. This study approaches the HKP not merely as a legal manuscript but as a written constitutional text that codified the principles of Malay-Islamic governance. Through its provisions regulating sovereignty, administration, justice, religion, commerce, and public order, the HKP transformed constitutional principles into an authoritative constitutional framework for the Pahang Sultanate. The manuscript therefore serves as the principal expression of constitutional governance within the conceptual framework of this study.[28] The fourth component is constitutional continuity. Rather than viewing constitutional development as a product of

[26] Syed Muhammad Naquib al-Attas, *Islam and Secularism* (ISTAC, 1993), 139-152.
[27] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut,* 29-30, 33; Hooker, *Readings in Malay Adat Laws,* 1-48.
[28] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.

colonial intervention, this study examines the continuity of constitutional principles from the HKM and UULM, through the HKP, and ultimately to the UTKP. Particular attention is given to the continuity of Islam, sovereignty, *adat,* institutional governance, and the moral limitations imposed upon political authority.[29]

The conceptual framework therefore understands the HKP as a constitutional bridge linking the constitutional traditions of the Melaka Sultanate with the modern constitutional order of Pahang. Through this framework, the study seeks to demonstrate that Malay-Islamic constitutionalism developed through adaptation and continuity rather than rupture, preserving its essential principles across changing historical circumstances.[30]

Figure 1.2: The Malay-Islamic Conceptual Framework of the Study



[29] *Undang-Undang Tubuh Kerajaan Pahang*; *Hukum Kanun Pahang* manuscript evidence examined by the researcher during the course of this study.
[30] Derived from the analytical framework developed in this study.

This conceptual continuum illustrates how the HKP functioned as a codified manifestation of Malay-Islamic constitutional governance. Rooted in *Sharīʿah*, structured authority, and moral accountability, it served as a constitutional bridge through which the legal traditions of Melaka were preserved, adapted, and transmitted into the modern constitutional order of Pahang. Its constitutional influence remains visible in contemporary institutions such as the Majlis Ugama Islam dan Adat Resam Melayu Pahang, the Majlis Adat Istiadat Negeri Pahang, and the Jemaah Pangkuan Diraja Pahang.

1.7 Research Methodology

This study employs a qualitative research methodology combining historical and archival research. The research is primarily library-based and documentary in nature, supplemented by archival materials and selected oral history interviews with key custodians of the Pahang constitutional tradition where appropriate. Through these methods, the study examines the HKP as a constitutional text and investigates its historical origins, islamic foundations, constitutional characteristics, and continuing significance within the Malay-Islamic constitutional tradition.[31] The foundation of the study rests upon historical and archival research. Primary sources include the HKP manuscripts preserved at the Pahang State Museum, particularly MS D, MS E, and MF F, identified by the researcher on 5 March 2026, together with relevant constitutional, and historical records relating to the Pahang Sultanate. These materials are examined alongside secondary sources, including scholarly works on Malay constitutional history, Islamic governance, constitutional development, and the history of the Malay Sultanates.[32]

Through close reading and contextual interpretation, the study examines the constitutional, and administrative provisions of the HKP. Particular attention is given to the ways in which *Sharīʿah*, Malay *adat*, sovereignty, governance, and public

[31] John W. Creswell and Cheryl N. Poth, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches,* 4th ed. (Sage, 2018), 41–71.; Hooker, *Readings in Malay Adat Laws, 1-48.*
[32] Yaakub Isa, *Hukum Kanun Pahang, xi-xiv;* MSS D, E, and F of the *Hukum Kanun Pahang* examined by the researcher during the course of this study.

administration are articulated within the text. This approach enables the identification of the constitutional characteristics of the HKP and its role in regulating political authority, constitutional order, and institutional governance within the Pahang Sultanate.[33] The study also incorporates a limited historical comparison. The HKP is examined in relation to the HKM, the UULM, and selected constitutional developments within the Malay world, particularly the UTKP. The objective of this comparison is not to undertake a comprehensive comparative historical study, but rather to identify continuities, adaptations, and developments within the broader tradition of Malay-Islamic constitutional governance.[34] The study is informed by a historical approach that integrates Tawhidic epistemology, Malay-Islamic governance, and constitutional continuity as the principal conceptual lenses of the study. These perspectives provide the conceptual framework through which the HKP is examined as a sovereign Malay-Islamic constitution and as part of a continuing constitutional tradition extending from Melaka, through Pahang, to the modern constitutional order.[35] Through the combination of historical and archival methods, this study seeks to provide a comprehensive understanding of the HKP as both a constitutional text and a significant component of the constitutional, political, and intellectual heritage of the Malay world.

1.8 Literature Review

The intellectual foundations of Malay political thought may be traced to classical texts such as the *Sulalat al-Salatin (Sejarah Melayu)*, which articulated the concepts of *daulat*, kingship, and the moral obligations of rulers and subjects. The text presents authority as both hereditary and divinely sanctioned, providing an ideological framework for the governance of the Malay Sultanates. Later works by Raja Ali Haji such as *Muqaddimah fi Intizam*, and *Thamarat al-Muhimmah*, further developed these ideas by integrating Islamic

[33] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut,* 29-30, 33; Abdul Halim and Asma Hakimah, *Qanun Pahang,* 9-56.
[34] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut,* 29-30, 33; *Undang-Undang Tubuh Kerajaan Pahang*.
[35] al-Attas, *Islam dalam Sejarah dan Kebudayaan Melayu*, 22-35; *Islam and Secularism*, 139-152.

principles of governance with established Malay political traditions, emphasising the interdependence of religion, law, and sovereignty within Malay-Muslim political culture.[36] Equally significant are the seventeenth-century works *Taj al-Salatin* by Bukhari *al-Jauhari* and *Bustan al-Salatin* by Nur al-Din al-Raniri. Both texts elaborated a distinctly Malay-Islamic conception of kingship in which rulers were entrusted with the responsibility of upholding justice, religion, and public welfare. While *Taj al-Salatin* emphasised the ethical and moral qualities of the ideal ruler, *Bustan al-Salatin* expanded these themes into a broader discussion of governance, administration, and political order. Although direct textual dependence cannot be presently demonstrated, the constitutional principles embodied in the HKM plausibly continued within the same intellectual milieu that later produced works such as *Taj al-Salatin, Bustan al-Salatin*, and Raja Ali Haji's *Ilmu Ketatanegaraan Melayu*, reflecting the continuity of Malay-Islamic constitutional thought rather than isolated literary developments. Together, these texts provide an important intellectual context for understanding the constitutional principles embedded within the HKP, particularly its emphasis on justice, moral accountability, and the relationship between sovereignty and divine authority.[37]

Within the historiography of Malay legal history, the HKM is generally regarded as the most influential and authoritative legal code of the Malay world. Liaw Yock Fang demonstrates that the HKM synthesised Malay *adat* with *Shāfiʿī* jurisprudence, particularly in matters relating to family law, inheritance, criminal offences, and governance. Complementing the HKM was the UULM, which extended legal regulation to the maritime sphere. Scholars such as Winstedt and de Josselin de Jong have highlighted the sophisticated administrative structure of maritime governance, including the roles of the *nakhoda*, *malim*, and *jurumudi*, as well as commercial arrangements that facilitated long-distance trade across the Indian Ocean and the Malay Archipelago. Together, the HKM

[36] A. Samad Ahmad, ed., *Sulalat al-Salatin (Sejarah Melayu)* (Dewan Bahasa dan Pustaka, 1979), 24-30; Virginia Matheson, ed., Raja Haji Ahmad dan Raja Ali Haji *Tuhfat al-Nafis* (Fajar Bakti 1982), 5-9; Khalif Muammar A. Harris, *Ilmu Ketatanegaraan Melayu Raja Ali Haji: Huraian Terhadap Thamarat al-Muhimmah dan Muqaddimah fi Intiẓām Waẓā'if al-Malik* (Dewan Bahasa dan Pustaka, 2016), xi-47.

[37] Khalid Hussain, ed., Bukhari al-Jauhari, *Taj us-Salatin (*Dewan Bahasa dan Pustaka, 1966*),* 25-52; Jelani Harun, ed., Bustan *al-Salatin: Kisah Raja-Raja yang Adil, Bab Ketiga*, Nuruddin ar-Raniri, (Dewan Bahasa dan Pustaka, 2008), 92-97. There are variations in the spelling of Nur al-Din al-Raniri's name, hence the spelling used in this thesis is dependent on the source cited.

and the UULM provided the constitutional and institutional foundations that supported Melaka's emergence as both a territorial and maritime power.[38] The influence of these constitutional traditions extended beyond Melaka and Pahang to successor polities throughout the Malay world, including Johor, Perak, Aceh, and Brunei. Within Pahang, these traditions were preserved, adapted, and expanded through the compilation of the HKP during the reign of Sultan Abdul Ghaffar. Earlier scholarship by Kempe and Winstedt demonstrated that the HKP drew extensively upon the HKM while incorporating additional provisions relating to administration, governance, court offices, ceremonial duties, criminal law, family regulations, and maritime affairs. The HKP therefore represents both a continuation and a constitutional localisation of the Melaka constitutional tradition within the political, social, and maritime context of Pahang.[39]

The Islamic foundations of both the HKM and the HKP were deeply influenced by the *Shāfiʿī* school of jurisprudence. Studies have demonstrated the incorporation of *Shafiʿi* principles in matters relating to marriage, divorce, inheritance, commercial transactions, and criminal law. At the same time, these legal texts preserved established Malay customs concerning kingship, succession, ceremonial practice, and social organisation. The resulting synthesis produced a distinctive constitutional tradition in which Islamic law and Malay *adat* operated in a complementary rather than conflicting manner, reflecting the adaptive character of Malay-Islamic governance.[40]

Earlier scholarship on Malay legal history relied heavily upon the HKM and UULM manuscripts, particularly the copies identified by Liaw Yock Fang in the Vatican Library. These manuscripts, dated between 1656 and 1676, remain invaluable sources for understanding the legal culture of Melaka and its influence throughout the Malay world. Nevertheless, they represent later transcriptions of earlier legal traditions and therefore

[38] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 29-30, 33; R. O. Winstedt and P. E. de Josselin de Jong, eds., "The Maritime Laws of Malacca," *Journal of the Malayan Branch of the Royal Asiatic Society* 29, no. 3 (1956): 22–59.
[39] Kempe and Winstedt, "A Malay Legal Digest Compiled for 'Abd al-Ghafur Muhaiyu'd-din Shah," 1–67; Abdul Halim and Asma Hakimah, *Qanun Pahang*; Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.
[40] Abdul Halim and Asma Hakimah, Qanun Pahang; Yaakub Isa, *Hukum Kanun Pahang*, 175–195; Liaw, *Undang-Undang Melaka dan Undang-Undang Laut,* 29-30, 33.

reflect a stage of textual transmission removed from the original context of compilation.[41] By contrast, the HKP manuscript preserved in Pahang occupies a distinctive position within Malay legal historiography. The principal manuscript, commonly referred to as MS D and preserved at the Pahang State Museum, survives as a complete and coherent constitutional codex. Written in *Jawi Melayu* and illuminated with gold ink and Islamic motifs, the manuscript reflects the characteristics of royal manuscript production associated with the early seventeenth century. Its completeness provides scholars with an exceptional opportunity to examine governance, sovereignty, administration, religion, and law within a single integrated constitutional framework.[42]

Twentieth-century scholarship expanded the study of Malay political and legal traditions beyond textual study to broader questions of identity, nationalism, and civilisation. William R. Roff emphasised the importance of Islam, language, and *adat* in the formation of Malay identity, while Syed Muhammad Naquib al-Attas situated Malay political culture within a wider Islamic intellectual tradition grounded in a Tawhidic worldview. M. B. Hooker examined the development of Islamic institutions and legal systems in Southeast Asia, while Anthony Milner explored concepts of kingship, legitimacy, and *daulat* within Malay political thought. Together, these works contributed significantly to understanding the intellectual foundations of Malay governance and sovereignty.[43] More recent scholarship has adopted comparative and regional approaches. Farish A. Noor has examined the historical identity and political development of Pahang within the wider Malay world, while studies by Falarti have highlighted similar processes of legal adaptation in Kedah. Wan Ahmad Fauzi Wan Husain and Abu Talib Ahmad have further argued for contemporary reinterpretations of Malay legal traditions as expressions of sovereignty, trusteeship, and constitutional authority within an Islamic framework.[44]

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[41] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut,* 29-30, 33; Jelani Harun, *Undang-Undang Kesultanan Melayu dalam Perbandingan*, (Universiti Sains Malaysia, 2008), 38, 47-59, 67, 80, 127, 136, 148, 257.

[42] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.

[43] William R. Roff, *The Origins of Malay Nationalism,*(Yale University, 1967)*,* 1-36; al-Attas, *Islam dalam Sejarah dan Kebudayaan Melayu*, 22-35; Hooker, *Islam in South-East Asia,* (E.J.Brill, 1983*), 19-42;* Anthony Milner, *Kerajaan: Malay Political Culture on the Eve of Colonial Rule*, (University of Arizona,1982), 27-58.

[44] Farish A. Noor, *What Your Teacher Didn't Tell You: The Annexe Lectures, Volume 1 (*Matahari Books, 2009*), 15-41*; *From Inderapura to Darul Makmur: A Deconstructive History of Pahang* (Silverfish Books,

Despite these important contributions, significant gaps remain within the existing literature. While the HKM and the UULM have received extensive scholarly attention, the constitutional significance of the HKP has remained comparatively underexplored. Even studies relating specifically to Pahang frequently rely upon Melaka legal texts as their principal reference point. As a result, the HKP has remained largely absent from broader discussions concerning constitutional governance, sovereignty, and the continuity of Malay-Islamic political thought.[45]

The rediscovery of the complete HKP manuscript MS D in 1993, followed by the identification of MS E in 1999, and more recently, MS F in 2026, has transformed the study of Malay legal history. The availability of these manuscripts now permits a far more comprehensive understanding of the constitutional development of the HKP than was previously possible. Rather than appearing merely as a derivative adaptation of the HKM, the HKP emerges as a mature constitutional text that preserved, refined, and expanded the constitutional traditions inherited from Melaka within the distinctive political, constitutional, and maritime context of the Pahang Sultanate.[46] Overall, the literature demonstrates a gradual evolution from descriptive historiography towards increasingly sophisticated historical, political, and civilisational analyses of the Malay world. Nevertheless, significant historiographical gaps remain. Existing scholarship has largely examined the HKP from philological, constitutional, or historical perspectives, while relatively little attention has been given to its constitutional character or to its place within a continuing Malay-Islamic constitutional tradition extending from Melaka through Pahang to the UTKP. This study therefore seeks to address that gap by examining the HKP as a sovereign Malay-Islamic constitution, demonstrating the continuity of Malay-Islamic constitutional governance, re-establishing Pahang's place as a major constitutional and

2011),47-50, 185-189: Maziar Mozaffari Falarti, *Malay Kingship in Kedah: Religion, Trade, and Society* (Lexington Books, 2013), 73-112; Wan Ahmad Fauzi Wan Husain, *Kedaulatan Raja-Raja Melayu: Jurisprudens, Governan dan Prinsip Perlembagaan Melayu* (Dewan Bahasa dan Pustaka, 2021), 45-88; Abu Talib Ahmad, "Pahang State History: A Review of the Published Literature and Existing Gaps", *Kemanusiaan* Vol. 23, No. 1 (2016), 35-64; *Sejarah Negeri Pahang hingga 1945* (Dewan Bahasa dan Pustaka, 2024), 70, 122-132.

[45] Abdul Monir Yaakob, "Pergaruh Adat Hukum Kanun Melaka dalam Adat Istiadat Negeri Pahang," *Jurnal Tuah 4,* no. 1(2023), 56-62.

[46] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.

maritime kingdom of the Malay world, and contributing to a redefinition of Malay-Islamic constitutionalism from an indigenous Malay-Islamic perspective.[47]

[47] Synthesised from the literature reviewed in this study.

CHAPTER 2
REVISITING MALAY-ISLAMIC CONSTITUTIONALISM: THE HUKUM KANUN PAHANG

Introduction

> "And this (He commands): Judge thou between them by what Allah hath revealed, and follow not their vain desires, but beware of them lest they beguile thee from any of that (teaching) which Allah hath sent down to thee. And if they turn away, be assured that for some of their crimes it is Allah's purpose to punish them. And truly most men are rebellious." *Sūrah al-Mā'idah* (5:49)

The Hukum Kanun Pahang (HKP) occupies a unique place within the constitutional history of the Malay world. More than a collection of legal provisions, it represents one of the most complete surviving expressions of Malay-Islamic constitutional thought, preserving a tradition of governance in which *Sharīʿah, adat*, sovereignty, and moral responsibility were integrated within a coherent legal framework.[48] Compiled during the reign of Sultan Abdul Ghaffar Muhyiddin Shah ibni Sultan Abdul Kadir Muhyiddin Shah (1592–1614), the HKP reflects not merely the constitutional needs of the Pahang Sultanate, but the continuation and development of a constitutional tradition inherited from the Melaka Sultanate.[49] This chapter introduces the HKP as both a historical manuscript and a constitutional text. It examines the circumstances surrounding its compilation, manuscript tradition, preservation, rediscovery, and transmission, while situating it within the wider constitutional and intellectual landscape of the Malay world. Particular attention is given to its relationship with the Hukum Kanun Melaka (HKM) and the Undang-Undang Laut Melaka (UULM), demonstrating that the HKP should be understood not as an isolated legal

[48] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv; Kempe and Winstedt, "A Malay Legal Digest Compiled for 'Abd al-Ghafur Muhaiyu'd-din Shah," 1–67.
[49] Linehan, "A History of Pahang," : 1–257; Yaakub Isa, *Hukum Kanun Pahang*, xi-xiv.

code, but as part of a continuing Malay-Islamic constitutional tradition that adapted inherited principles to the political, administrative, and social realities of Pahang.[50]

The significance of the HKP extends beyond its value as a historical manuscript. Written in *Jawi Melayu*, grounded in Islamic principles, and refined through Malay *adat*, it bears witness to the constitutional maturity of the Malay Sultanates long before the arrival of colonial legal systems. Its provisions reveal an understanding of governance in which authority was exercised as an *amānah*, justice formed the foundation of political legitimacy, and law functioned not merely as an instrument of regulation, but as a moral framework for the ordering of society.[51] The rediscovery and return of the HKP to Pahang in 1993 marked more than the recovery of a rare manuscript. It restored to the historical record one of the most significant documentary witnesses to the constitutional traditions of the Malay world. Since then, the identification of additional manuscripts has further strengthened our understanding of the continuity, development, and transmission of this constitutional tradition across successive generations.[52]

The HKP is therefore not merely a manuscript to be described, but a constitutional text to be understood. This chapter therefore serves as the foundation for the constitutional analysis that follows. Before examining the ethical philosophy of kingship, the institutions of governance, and the constitutional continuity explored in the later chapters, it is first necessary to understand the manuscript itself, its origins, its development, its manuscript tradition, and the historical context in which it was compiled. Only by appreciating the HKP in its own historical setting can its wider constitutional significance be fully understood.

[50] Liaw, 1–55, *Undang-Undang Melaka dan Undang-Undang Laut*; Abdul Halim and Asma Hakimah, *Qanun Pahang*; Yaakub Isa, *Hukum Kanun Pahang*, xi-xiv.
[51] al-Attas, *Islam dalam Sejarah dan Kebudayaan Melayu*, 22–35; Hooker, *Readings in Malay Adat Laws*,1–48.
[52] Interview with Dato' Mohamed Mokhtar Abu Bakar, former Director, Lembaga Muzium Negeri Pahang, conducted by the researcher, 22 June 2026; Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.

2.1 The Awakening and the Return of the Hukum Kanun Pahang

There are moments in history when what was once forgotten returns, not merely as memory, but as truth restored. The return of the HKP to Pahang in 1993 was such a moment.[53] It was not merely the recovery of a manuscript, but the reawakening of a constitutional tradition long obscured, a quiet yet profound reminder that the Malay world had once governed itself through law, faith, and moral order. After centuries of absence, the HKP returned to the very seat of sovereignty from which it had first been conceived, Pahang.[54] From this royal centre, the manuscript had travelled beyond Pahang, passing through distant lands before gradually fading from historical consciousness. Yet it was never truly lost, only its place in history had faded from view. Its presence endured in fragments, in echoes, and in the living memory of a civilisation that had once been guided by its principles. When it returned, it did so not as a relic of the past, but as a testament to a continuity that had never been entirely broken. Its return coincided with a period of significant constitutional debate in Malaysia and may be understood as a remarkable convergence between past and present.[55] At a moment when questions of sovereignty, authority, and constitutional limits were being actively debated, the HKP re-emerged as a silent witness to a far older constitutional order, one that had already articulated sovereignty, restraint, duty, and accountability within a Malay-Islamic framework. In this sense, a forgotten law quietly revealed that what modernity sought to define had already been known.

In this awakening, history is no longer read as rupture, but as continuity. The HKP stands as a constitutional memory restored, a reminder that sovereignty in the Malay-Islamic tradition was never without law, nor authority without moral restraint. It calls us not to rediscover something new, but to recognise what had long been ours.

[53] Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv.
[54] Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv.
[55] Federal Constitution (Amendment) Act 1993 (Act A848); see also Chapter 4 of this study.

The year 1993 marked the return of the HKP to the very royal seat in which it had once been compiled, codified, and written.[56] From this centre of sovereignty, the manuscript had journeyed beyond Pahang, passing through Patani before gradually disappearing from historical consciousness. Its existence nevertheless survived through copies, references, and manuscript traditions preserved within the wider Malay legal world. The return of the HKP therefore represented not merely the recovery of the oldest and most complete surviving Malay legal manuscripts, but the restoration of an important documentary source for understanding indigenous constitutional governance.[57] On 30 June 1993, the then Director of the Pahang State Museum, Dato' Mohamed Mokhtar bin Abu Bakar, travelled to Patani to acquire and return the HKP manuscript to Pahang after purchasing it from the antique dealer Encik Mohd. Noor Yusof.[58] Through his efforts, the manuscript was returned to its historical home and preserved, ensuring the survival of one of the most important legal texts of the Malay world. In an interview conducted by the researcher on 22 June 2026, Dato' Mohamed Mokhtar recalled that the manuscript had been found inside a wooden chest believed to have belonged to the legendary Mat Kilau. The chest also contained a wooden pen, a bottle of ink, and a *keris* associated with the Pahang warrior. While this testimony awaits further corroboration through additional historical evidence, it provides a remarkable account of the manuscript's provenance and invites further historical research into the history of the chest and the artefacts it contained. Following its return to Pahang, the manuscript was examined and identified as an early seventeenth-century text written on Dutch paper, representing one of the rarest surviving bound Malay legal manuscripts from the period.[59]

The evidentiary landscape of the HKP must therefore be reassessed in light of its surviving manuscript tradition. MS D, which returned to Pahang in 1993, stands as the most complete and internally coherent version of the text. Neither fragmentary nor derivative, it represents a full constitutional codification that allows, for the first time, a

[56] Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv.
[57] Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv.
[58] Interview with Dato' Mohamed Mokhtar bin Abu Bakar, former Director, *Lembaga Muzium Negeri Pahang*, conducted by the researcher, Kuantan, 22 June 2026.
[59] Interview with Dato' Mohamed Mokhtar bin Abu Bakar, former Director, *Lembaga Muzium Negeri Pahang*, 22 June 2026; Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv.

comprehensive reading of the HKP as an integrated constitutional corpus. The presence of parallel material in MS E further reinforces the integrity of this textual tradition. By contrast, earlier scholarship necessarily relied upon shorter and more fragmentary manuscripts.[60] That such a manuscript survived intact from the early seventeenth century into the twentieth century is nothing short of extraordinary.[61] It was not preserved under modern archival conditions, yet it endured, remarkably untouched by silverfish, termites, rot, or decay because it was kept in Mat Kilau's box. Apart from a few perforated and missing pages, it returned in remarkably sound condition and remains one of the best-preserved examples of a Malay legal manuscript from the period. Dato' Yaakub Isa, who undertook its transliteration, appropriately described it as the *Manuskrip Agung Negeri Pahang*.[62] This study extends that recognition by proposing that the HKP should also be regarded as *Manuskrip Agung Kesultanan Melayu Islam Nusantara*. It is one of the greatest constitutional manuscripts of the Malay-Islamic world, reflecting Pahang's role as a sovereign polity possessing a mature constitutional tradition long before colonial intervention.

A copy of the HKP, written in the royal court during the reign of Sultan Abdul Ghaffar, thus returned to Pahang in 1993, symbolically coming home to the palace where the *Kanun* had first been compiled. Another manuscript, however, followed a different path. The 1884 recension (MS F), produced during the reign of Sultan Ahmad al-Muʿadzam Shah ibni Bendahara Siwa Raja Tun Ali (1882–1914), was preserved within the office of the Majlis Ugama Islam dan Adat Resam Melayu Pahang (MUIP), the Sultan's religious institution and now under custody of the Pahang State Museum.[63] This circumstance is more than incidental. As a legal text that united royal authority with Islamic jurisprudence, the HKP was not merely a courtly document but a constitutional guide to governance grounded in *Sharīʿah* and *adat*. Its continued preservation within the Sultan's religious institution reflects the environment in which its principles continued to be

[60] MS D, MS E and MS F of the *Hukum Kanun Pahang* examined by the researcher during the course of this study; Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv.
[61] Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv.
[62] Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv.
[63] MS F, Pahang State Museum, Pahang, dated 1884 and identified by the researcher on 5 March 2026.

understood, consulted, and transmitted. In this sense, the manuscripts appear almost to have found their own resting places: one returning to the palace where it was conceived, the other remaining within the religious authority where its constitutional principles continued to be preserved, consulted, and practised.

Its rediscovery renewed scholarly attention to a legal text that had once governed a Malay-Islamic polity but had remained largely absent from sustained academic examination.[64] More importantly, it reopened the possibility of reinterpreting the HKP not merely as a legal manuscript, but as a sovereign Malay-Islamic constitution situated within a continuing constitutional tradition from Melaka to modern Pahang. The return of the manuscript to Pahang restored an important component of the region's constitutional heritage and opened new possibilities for reassessing the foundations of Malay-Islamic constitutional governance. Seen in this light, the survival of the HKP, from its codification under Sultan Abdul Ghaffar, through the nineteenth-century recension (MS F) produced during the reign of Sultan Ahmad al-Muʿadzam Shah, and ultimately to the threshold of modern constitutional governance, stands as a testament to the enduring legacy of Pahang *Dār al-Salām* and its contribution to the constitutional and intellectual heritage of the Malay-Islamic world.[65] The manuscript tradition represented by MS D, MS E, and MS F provides tangible evidence of constitutional continuity across successive generations of governance in Pahang and constitutes one of the most significant surviving documentary traditions in Malay legal historiography. It traces the development of Malay-Islamic governance across centuries of political change, colonisation, and historical neglect.

2.2 The 1993 Constitutional Crisis

The year 1993 stands as one of the most consequential turning points in Malaysia's constitutional history. It was in this year that the Federal Constitution was amended to curtail royal immunity following a constitutional crisis that culminated in reforms under

[64] Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv.
[65] Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv; MS D, MS E and MS F of the *Hukum Kanun Pahang* examined by the researcher during the course of this study.

the administration of Tun Dr Mahathir Mohamad. These amendments were presented as necessary constitutional reforms intended to clarify the limits of royal authority, distinguish personal conduct from sovereign duty, and subject the Rulers to constitutional accountability through the establishment of a Special Court.[66] Remarkably, the same year also witnessed the return of the HKP to Pahang after centuries of absence. As Malaysia amended its Constitution to redefine the relationship between sovereignty and accountability, a pre-modern Malay-Islamic constitutional text re-emerged, revealing a constitutional tradition that had already articulated principles of restraint, duty, justice, and accountability within an indigenous constitutional framework.[67] This convergence is more than a chronological coincidence; it is a moment of profound constitutional irony. It invites reflection on the relationship between modern constitutional reform and the deeper historical traditions of governance that had long existed within the Malay world.

The significance of the year 1993 became apparent through a process of historical reflection. When revisiting discussions of the constitutional crisis of that year, it became evident that 1993 also marked the return of the HKP to Pahang, a connection that had rarely been examined in relation to constitutional history. Although the two developments are independently well documented, their concurrence has seldom been considered within a broader discussion of sovereignty, accountability, and constitutional continuity. The issues that prompted constitutional amendment in 1993, namely royal accountability, the limits of sovereign power, and the subordination of authority to law, had already been articulated with clarity and restraint within the HKP centuries earlier.[68] Within the HKP, sovereignty (*daulat*) was never conceived as personal privilege or legal immunity. Rather, it was understood as *amānah*, a trust bounded by law, justice (*ʿadl*), and moral responsibility before Allah. The Sultan's authority was extensive, but never arbitrary; supreme, yet never unaccountable. In this sense, the principles that informed the 1993 constitutional reforms were not entirely new to the Malay-Islamic constitutional tradition. Concepts of

[66] Federal Constitution (Amendment) Act 1993 (Act A848); Andrew Harding, *Law, Government and the Constitution in Malaysia* (Malayan Law Journal, 1996); Shad Saleem Faruqi, *Document of Destiny: The Constitution of the Federation of Malaysia* (Star Publications, 2008), 435–445.
[67] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.
[68] Yaakub Isa, *Hukum Kanun Pahang*, MS D, 2–104; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu*, 45–67.

accountability, restraint, duty, and justice had already been articulated within the constitutional logic of the HKP centuries earlier. The return of the HKP in 1993 therefore serves as a silent constitutional commentary on Malaysia's modern constitutional development. At the very moment the contemporary state sought to redefine the limits of royal power through constitutional amendment, a pre-modern Malay-Islamic constitutional text re-emerged to reveal that these limits had long been recognised within indigenous constitutional thought.

Had the HKP remained part of the living constitutional consciousness of the Malay world, the constitutional questions that emerged in 1993 might have been less abrupt, for an indigenous constitutional vocabulary of accountability that had long recognised the moral and constitutional limits of sovereign authority, already existed. The 1993 amendments would have been unnecessary. Seen in this light, the HKP stands not only as a foundational constitutional text, but also as a valuable point of reference for modern constitutional development. It demonstrates that the Malay-Islamic tradition had already achieved a sophisticated balance between sovereignty, law, and accountability long before these principles were codified within modern constitutional frameworks. The constitutional crisis of 1993 prompted renewed debate concerning royal accountability within Malaysia's post-colonial constitutional framework. These very issues had been addressed centuries earlier within the constitutional principles articulated by the HKP.[69] The rediscovery and return of the HKP in the same year therefore invite renewed reflection on the depth and maturity of pre-colonial Malay-Islamic constitutionalism. Viewed retrospectively, the significance of 1993 becomes particularly striking. The convergence had long existed as historical fact, yet its implications remained largely unexplored. The same year that Malaysia amended its Constitution to redefine royal accountability was also the year the HKP returned to the very palace where it had once been compiled, codified, and exercised as law.

[69] *Hukum Kanun Pahang*, MS D, provisions relating to kingship, governance, judicial authority, and administrative responsibility; Abu al-Hasan al-Mawardi, *Al-Ahkam al-Sultaniyyah wa al-Wilayat al-Diniyyah*, trans. Wafaa H. Wahba (Garnet Publishing, 1996), 3–15.

This study therefore suggests that 1993 should be understood not only as a moment of constitutional reform, but also as a moment of constitutional reflection. When a modern constitutional system was compelled to clarify the limits of sovereign authority, an indigenous Malay-Islamic constitutional text quietly re-entered historical consciousness. The convergence is striking not because it establishes causation, but because it illuminates how constitutional principles long embedded within the Malay tradition resurfaced at precisely the moment they appeared most relevant. From the perspective of the Malay-Islamic worldview, the manuscript's return in 1993 may be understood as a form of divine providence, a reminder, an awakening, and a trust restored. Through the HKP, a forgotten Sultan was remembered, a forgotten law was revived, and the sovereign heritage of the *Kerajaan Melayu Islam Berdaulat* was restored to its people. What was forgotten returned, what returned awakened, and in that awakening, the constitutional memory of Malay-Islamic civilisation was restored. In the end, the significance of 1993 lies not in reform alone, but in recognition. A constitution was amended, and a constitution returned. What modern law sought to define through correction had already been articulated through tradition, what appeared as crisis revealed itself as memory. The HKP stands as a testament that sovereignty was never without restraint, and authority never without accountability. As Allah reminds us in *Sūrah al-Naḥl.*[70]

In this convergence, the Malay-Islamic constitutional tradition is not rediscovered, but recognised, revealing that what was once thought absent had, in truth, remained present all along, awaiting the moment it would once again be recognised.

2.3 Recovering a Malay-Islamic Constitutional Tradition

> "High above all is Allah, the King, the Truth! Be not in haste with the Qurʾan before its revelation to thee is completed, but say, 'O my Lord! advance me in knowledge."*Sūrah Ṭā Hā* (20:114)

[70] "Allah commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion: He instructs you, that ye may receive admonition." *Sūrah al-Naḥl* (16:90)

The evidence examined in this study suggests a striking phenomenon, continuity of practice accompanied by discontinuity of textual transmission. While the complete manuscript tradition of the HKP became obscured over time, many of the constitutional principles, ceremonial practices, and governing traditions embodied within it continued to survive through institutions, monarchy, *adat*, and political culture. The constitutional tradition itself did not disappear, rather, awareness of its textual foundations became obscured. The recovery of MS D, MS E, and MS F therefore does not represent the rediscovery of a lost civilisation, but the recovery of documentary evidence for a constitutional tradition that had continued to live through practice, memory, and institutions. The manuscript tradition became obscured; the constitutional tradition endured.[71] The recovery of the HKP is not simply the recovery of a *Sūrah al-Naḥl* text. It is the recovery of a constitutional tradition, an intellectual inheritance, and a civilisational memory. The manuscript invites a reassessment of the place of Malay-Islamic *Sūrah al-Naḥl* thought within both national and global histories of governance. Rather than revealing an unfamiliar constitutional order, it restores documentary evidence for a tradition that had survived through institutions, monarchy, and historical practice even when its textual foundations had faded from scholarly consciousness.[72]

This complete and authoritative constitutional text stands today as one of the greatest constitutional inheritances of the Malay world. Compiled and codified under Sultan Abdul Ghaffar, the HKP survives as evidence of a constitutional tradition preserved across centuries despite considerable historical odds and ultimately rediscovered intact. It affirms that Malay governance was never without law, nor was Islam ever peripheral to statecraft.[73] The rediscovery of these manuscripts therefore offers more than a textual addition to Malay legal historiography. It provides a rare glimpse into the constitutional and intellectual traditions of the Malay-Islamic world, where governance was structured through the integration of *Sharīʿah, adat*, and royal authority. What was once written within the royal court as a framework for governance has, centuries later, returned to

[71] MS D, MS E, and MS F of the *Hukum Kanun Pahang* examined by the researcher during the course of this study; Yaakub Isa, *Hukum Kanun Pahang*, xi-xiv.
[72] al-Attas, *Islam and Secularism*,1-44; Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.
[73] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.

Pahang. The 1884 recension of the HKP, was preserved within the Sultan's own religious institution, where law and faith historically intersected.[74]

Recent scholarship and manuscript discoveries have revealed additional layers within the HKP manuscript tradition. Among these developments is the identification of a text referred to as MS E, titled *Qanun Pahang*, discussed by Abdul Halim el-Muhammady and Asma Hakimah Ab Halim. This copy of the HKP (MS E), written in the eighteenth century and acquired by the National Library of Malaysia in 1999 through the same antique dealer, is also known as *Kitab Istilah Bagi Raja dan Wazir Bagi Negeri Pahang Darussalam*. It forms part of the broader textual corpus of the HKP and provides further evidence of the manuscript's continued transmission beyond the seventeenth century.[75] A further development occurred on 5 March 2026 with the identification of a previously unknown and complete manuscript of the HKP (MS F), dated 1884 during the reign of Sultan Ahmad al-Muʿadzam Shah. Preserved within the office of MUIP in Pekan, the manuscript had remained largely unrecognised within modern scholarship. Its existence represents a significant historiographical development, providing concrete evidence that the HKP continued to circulate in written form well into the twentieth century.[76] The implications of this discovery are profound. Earlier scholarship generally assumed that the HKP belonged primarily to the early modern period and gradually fell out of use following political transformations after Sultan Abdul Ghaffar. The existence of MS E and MS F, however, demonstrates that the HKP did not disappear but continued to circulate as a governing constitutional text within the Pahang Sultanate.[77]

The recovery of the HKP therefore represents more than the rediscovery of a manuscript. It provides documentary evidence for the continuity of Malay-Islamic constitutional traditions across several centuries of political change. Preserved through the manuscript traditions represented by MS D, MS E, and MS F, the HKP demonstrates that

[74] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.
[75] Abdul Halim and Asma Hakimah, *Qanun Pahang*, 9-56; Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.
[76] MS F, Pahang State Musuem, Pahang, dated 1884 and identified by the researcher on 5 March 2026.
[77] MS D, MS E, and MS F of the *Hukum Kanun Pahang* examined by the researcher during the course of this study.

the constitutional ideas articulated under Sultan Abdul Ghaffar did not disappear but continued to circulate within the Pahang Sultanate across successive generations of governance.[78]

2.4 The Constitutional Blind Spot in Malay Legal Historiography

This study proceeds from a simple but unsettling proposition: the Malay world did not learn constitutionalism from Europe, it forgot that it already possessed it. The HKP, when read in continuity with the HKM and UULM, reveals a fully articulated Malay-Islamic constitutional tradition grounded in *Sharīʿah, adat*, and sovereign authority centuries before colonial intervention.[79]The tendency to associate constitutional order exclusively with colonial constitutional development has contributed to the neglect of indigenous constitutional traditions within the Malay world. The HKP provides compelling evidence that structured governance, constitutional order, and constitutional thought existed within Malay-Muslim polities long before the introduction of colonial constitutional models. The failure to recognise the HKM and the HKP as indigenous constitutional texts of the Malay-Islamic world was not due solely to the absence of complete manuscripts, but also to historiographical frameworks that equated constitutionalism with European documentary forms. As a result, constitutional features embedded within Malay constitutional texts remained insufficiently underexamined. The issue is therefore not simply that the complete manuscript of the HKP was unavailable for centuries. Fragmentary copies of related legal traditions, including the HKM, were available and studied. Yet even these texts were rarely recognised as constitutional in character.

The HKM has long been recognised as the foundational constitutional text of the Melaka Sultanate. However, despite extensive philological and historical study, it has rarely been examined explicitly through a constitutional framework. Scholarly treatments have tended to focus upon criminal law, Islamic influences, and *adat*. What has not been

[78] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.
[79] J. G. A. Pocock, *The Ancient Constitution and the Feudal Law* (Cambridge University Press, 1957), 30–45; Liaw Yock Fang, *Undang-Undang Melaka* (Martinus Nijhoff, 1976), 1–40.

sufficiently foregrounded is its constitutional architecture.[80] There are several historiographical reasons why these texts were not traditionally described as constitutions. Colonial-era scholarship tended to classify Malay legal texts as "codes" or "digests", avoiding constitutional terminology. The modern Western model of the written constitution subsequently became the benchmark against which constitutional traditions were measured, causing earlier non-European constitutional forms to be overlooked. Furthermore, the survival of the HKM in multiple fragmentary manuscripts made its constitutional structure less immediately visible than that of a complete and internally coherent text. If the HKM itself was not studied as a constitution, then the HKP, which inherited and further developed many of its structural features, was unlikely to be read constitutionally either. Consequently, Malay governance continued to be described primarily through the language of "absolute monarchy," while the internal logic of Malay-Islamic statecraft remained insufficiently theorised.

The historical trajectory of HKP scholarship further illustrates this problem. Early studies by Kempe, Winstedt, and R. W. Jakeman focused primarily on philology, provenance, and textual characteristics rather than governance or constitutional theory. Likewise, the important contribution of Dato' Yaacob Isa provided invaluable manuscript, historical, and transliteration studies, but did not undertake a sustained constitutional interpretation of the HKP or its manuscript tradition. It is within this historiographical lacuna that the present study is situated. By examining the HKP through the lenses of constitutional theory, Islamic governance, and Malay political thought, this study seeks to demonstrate that the constitutional character of the text was never absent, rather it remained obscured by interpretive frameworks that were not designed to recognise indigenous constitutional forms. In the end, what is revealed is not the absence of constitutional thought in the Malay world, but the limitations of the historiographical lens through which it has long been viewed. The HKM, UULM, and HKP were never merely texts to be catalogued, they were constitutional expressions of a civilisation that understood power as responsibility, law as order, and authority as an *amānah* before Allah.

[80] Liaw, *Undang-Undang Melaka*, 1–40; Winstedt and de Jong, "The Maritime Laws of Malacca," 22–59; Kempe and Winstedt, "A Malay Legal Digest Compiled for 'Abd al-Ghafur Muhaiyu'd-din Shah," 1–67.

This study therefore proposes that the constitutional tradition of the Malay world should be understood not as an imitation of later Western constitutional models, but as an indigenous Malay-Islamic tradition that developed through continuity, adaptation, and refinement across successive generations of governance. Through this constitutional re-reading, the Malay-Islamic constitutional tradition emerges not as derivative or incomplete, but as coherent, principled, and enduring, revealing a constitutional heritage that has long existed in plain sight.

2.5 The Historical Origin and Constitutional Continuity

The historical origins of the Pahang Sultanate reveal how older Pahang sovereignty, Melaka kingship, Islamic governance, maritime civilisation, and later constitutional continuity converged. The Muslim Sultanate of Pahang emerged not through conquest, but through a constitutional and dynastic transition linking Melaka and Pahang. The accession of Sultan Muhammad Shah ibni Sultan Mansur Shah to the throne of Pahang was shaped by one of the most significant episodes recorded in the *Sulalat al-Salatin (Sejarah Melayu)*. Following the death of Tun Besar, son of Bendahara Tun Perak, at the hands of Raja Muhammad, the latter was removed from the Melaka succession, sent to Pahang and enthroned as Sultan. Although often narrated as a royal anecdote, the episode reveals an important political principle, that kingship in the Malay world was never entirely detached from questions of justice, legitimacy, and political consensus.[81] The enthronement of Sultan Muhammad Shah in Pahang therefore marked not only the beginning of a new royal dynasty, but also the transmission of Melaka political, religious, and legal traditions into a new sovereign setting. The history of the Muslim Sultanate of Pahang therefore begins not merely with the arrival of an exiled prince, but with the foundation of a new Malay-Islamic constitutional lineage. As the first Muslim Sultan of Pahang and a descendant of the Melaka royal house, he stood at the intersection of two historical traditions, the older Pahang polity

[81] Muhammad Haji Salleh, *The Genealogy of Kings: Sulalat al-Salatin (Sejarah Melayu)* (Penguin Books, SEA, 2023), 152, 288; Linehan, "A History of Pahang," 12–14, 29–41, 128, 203, 235.

associated with Maharaja Dewa Sura and the emerging Malay-Islamic order centred upon Melaka. His reign therefore marks not the replacement of one civilisation by another, but the transformation of Pahang through Islamisation, kingship, and legal reorganisation.[82] The Pahang Sultanate thus emerged not through historical rupture, but through constitutional and dynastic continuity. Older traditions of sovereignty were neither erased nor abandoned, they were reinterpreted within a new Malay-Islamic political order grounded in *Sharīʿah*, *adat*, and hereditary kingship.

The origins of the HKP cannot therefore be understood without reference to its predecessors, the HKM and UULM. The constitutional traditions inherited from Melaka did not disappear with political change, but continued to shape governance within Pahang, where they would later be consolidated, refined, and codified under Sultan Abdul Ghaffar. The constitutional principles embodied in the HKM had already taken root within Pahang long before they were systematically compiled and codified in the HKP.[83] Melaka did not die in 1511; it lived on through its laws, institutions, dynasties, and constitutional traditions. The political centre fell, but the constitutional civilisation endured. The HKP challenges the conventional narrative of decline by demonstrating that the constitutional civilisation of Melaka survived, evolved, and continued to shape governance throughout the Malay world long after the Portuguese conquest of Kota Melaka.[84] When Kota Melaka fell to the Portuguese in 1511, its royal court, administrators, scholars, and religious authorities dispersed throughout the Malay world.[85] If Dr. Burhanuddin al-Helmy called upon Malays to build a *jiwa merdeka* from the ruins of Kota Melaka, the Hukum Kanun Pahang demonstrates that the constitutional civilisation of Melaka was never entirely lost.

[82] Salleh, *Sulalat al-Salatin (Sejarah Melayu)*, 152, 288; W. Linehan, *A History of Pahang*, 12–14, 29–41, 128, 203, 235.
[83] Linehan, "A History of Pahang," 12–14, 29–41, 128, 203, 235; Liaw, *Undang-Undang Melaka*, 1–40.
[84] Liaw, *Undang-Undang Melaka*, 1–40; Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv.
[85] Linehan, "A History of Pahang," 18–19; Salleh, *Sulalat al-Salatin (Sejarah Melayu)*, 152, 288; Liaw, *Undang-Undang Melaka*.

"Di atas runtuhan Kota Melaka,
Kita bina jiwa merdeka,
Bersatulah setiap baka,
Membela hak keadilan pusaka."[86]

It survived, evolved, and found renewed expression in Pahang. From the fall of Kota Melaka emerged not constitutional oblivion, but constitutional continuity. The Hukum Kanun Pahang stands as the clearest evidence that the Malay-Islamic constitutional tradition endured beyond 1511. One of the principal heirs to this intellectual and political tradition was Pahang, whose rulers were direct descendants of the Melaka royal house. Under Sultan Abdul Ghaffar, these inherited traditions were consolidated, refined, and codified within the HKP, reaffirming the Sultanate's sovereignty, legitimacy, and Islamic foundations.[87] The HKP invites a reconsideration of one of the most enduring narratives in Malay history, the notion that Melaka "fell" in 1511. While the Portuguese conquest undoubtedly marked the loss of Kota Melaka as a political and commercial centre, the evidence preserved within the HKP, suggests that the constitutional traditions of the Sultanate endured long after the occupation of the city itself.[88] The royal lineages survived, the institutions endured, the language of administration continued, and the legal traditions remained alive. Most importantly, the constitutional principles embodied within the HKM continued to circulate, evolve, and be implemented throughout successor polities across the Malay world.

This study therefore argues that the history of the Malay world should not be understood solely through narratives of conquest, territorial occupation, and the rise and fall of political capitals. Rather than revealing a civilisation that collapsed after 1511, the HKP reveals one that adapted, endured, and evolved. From this perspective, the conquest of Kota Melaka marked not the end of a civilisation, but the beginning of a new phase in its constitutional transmission and development. The evolution from the HKM to the HKP,

[86] Burhanuddin al-Helmy, *Falsafah Kebangsaan Melayu: Ta' Melayu Hilang di Dunia*, (Persatuan Sejarah Malaysia, 2024), 10.
[87] Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv.
[88] Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv.

and ultimately to the UTKP, should therefore be understood not as a sequence of disconnected constitutional instruments, but as the continuous adaptation of a Malay-Islamic constitutional tradition across changing historical circumstances. The HKM established the foundational principles of governance, sovereignty, kingship, and law. The HKP preserved, expanded, and refined these principles within the Pahang Sultanate, while the UTKP adapted them to the constitutional realities of the modern state.[89] Although colonial intervention transformed administrative structures and introduced new legal systems, the underlying constitutional traditions of Malay governance did not disappear. They continued to find expression through the institutions of monarchy, Islam, *adat*, and state governance. The constitutional developments of recent decades, including the Pahang succession of 2019 and the constitutional role of the Yang di-Pertuan Agong during periods of national political uncertainty, further demonstrate that this tradition remains alive.[90] What survived was not necessarily the manuscript itself, but the constitutional assumptions concerning sovereignty, kingship, succession, justice, and governance. Even where manuscripts were lost, dispersed, or forgotten, many of the principles they articulated continued to live through institutions, political practice, royal traditions, and collective memory.

The HKP therefore stands as a constitutional monument of the Malay-Islamic intellectual tradition. Rooted in *Sharīʿah* and refined through *adat*, it embodies a deliberate balance between divine law and royal duty, representing a sophisticated expression of Malay constitutionalism long before Western constitutional models emerged. By tracing its lineage from Melaka to Pahang, and ultimately to the UTKP, the HKP emerges not merely as a historical successor to the HKM, but as the constitutional bridge through which Malay-Islamic constitutional governance continued into the modern era. Viewed in this light, the history of governance in Pahang is not a story of rupture but of continuity. Political forms evolved, institutions adapted, and historical circumstances changed, yet the enduring commitment to faith, law, sovereignty, justice, and moral responsibility remained intact across the centuries. As Allah reminds us "And hold fast, all together, by the Rope

[89] *Undang-Undang Tubuh Kerajaan Pahang*; comparative analysis undertaken in this study based on the HKM, HKP, and UTKP.
[90] *Federal Constitution of Malaysia*, arts. 32–43B; *Undang-Undang Tubuh Kerajaan Pahang*.

which Allah (stretches out for you), and be not divided among yourselves; and remember with gratitude Allah's favour on you; for ye were enemies and He joined your hearts in love, so that by His Grace ye became brethren; and ye were on the brink of the Pit of Fire, and He saved you from it. Thus doth Allah make His Signs clear to you: that ye may be guided."[91]

The constitutional tradition reflected in the HKP demonstrates how constitutional ideas, institutions, and principles were preserved and transmitted across generations of Malay-Muslim governance. The survival of this constitutional heritage, from Melaka to Pahang and into the modern constitutional era, provides compelling evidence of a constitutional tradition that adapted to changing historical circumstances while retaining its enduring commitment to justice, accountability, and moral responsibility. From Sultan Muhammad Shah onwards, constitutional continuity rather than constitutional rupture characterised the history of the Muslim Sultanate of Pahang. The HKP would later become the fullest written expression of that continuity.

2.6 HKM to HKP: The Constitutional Legacy of Melaka

> "Then We put thee on the (right) Way of Religion:
> so follow thou that (Way), and follow not the desires
> of those who know not."*Sūrah al-Jāthiyah* (45:18)

Before examining the constitutional characteristics of the HKP, it is necessary to situate the manuscript within the broader constitutional tradition from which it emerged. The constitutional features identified in the HKP did not arise in isolation, nor should they be understood as distinct to Pahang alone. Their foundations were already present within the HKM and UULM, which together constituted the constitutional framework of the Melaka

[91] "And hold fast, all together, by the Rope which Allah (stretches out for you), and be not divided among yourselves; and remember with gratitude Allah's favour on you; for ye were enemies and He joined your hearts in love, so that by His Grace ye became brethren; and ye were on the brink of the Pit of Fire, and He saved you from it. Thus doth Allah make His Signs clear to you: that ye may be guided." *Sūrah Āl ʿImrān* (3:103).

Sultanate.[92] In this respect, the HKM, UULM and the HKP should not be viewed as separate constitutional traditions, but as successive expressions of the same Malay-Islamic constitutional civilisation. They may be understood as indigenous constitutions of the Malay world. The significance of the HKP lies not in its departure from the HKM, but in its preservation, consolidation, and refinement of the constitutional tradition inherited from Melaka. While the HKM articulated sovereignty, governance, administration, justice, and the relationship between ruler and subject, the UULM extended constitutional order into the maritime sphere. The HKP inherited, reorganised, expanded, and codified these traditions within the sovereign context of Pahang *Dār al-Salām*.[93] This continuity is historically significant. When Raja Muhammad, son of Sultan Mansur Shah of Melaka, became the first Sultan of Pahang in 1470, he did not establish a new civilisation detached from Melaka. Rather, he brought with him the political, constitutional, dynastic, religious, and administrative traditions of the Melaka Sultanate.[94] It is therefore highly plausible that the constitutional principles embodied within the HKM had already been transmitted to and practised in Pahang generations before the reign of Sultan Abdul Ghaffar.

The constitutional continuity between Melaka and Pahang was reinforced through both constitutional and dynastic inheritance. Under Sultan Abdul Ghaffar, these inherited constitutional principles were reorganised, expanded, codified, and adapted to the political and maritime realities of Pahang. In doing so, the HKP became not merely a preservation of the Melaka constitutional tradition, but its maturation within a new sovereign context. Through dynastic marriages and political alliances linking Pahang with other Malay-Muslim polities throughout the Malay world, elements of this constitutional tradition continued to circulate across interconnected Malay Sultanates. The origins of the HKM itself may be traced to the earliest Muslim rulers of Melaka. Significantly, many versions of the Malay legal tradition begin with Sultan Muhammad Iskandar Shah (Parameswara) (r. 1424–1444), reflecting the close relationship between the Islamisation of Melaka and

[92] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut,*29-30, 33.
[93] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 29-30,33; Yaakub Isa, *Hukum Kanun Pahang*, xi-xiv.
[94] Linehan, "A History of Pahang," 25-36.

the emergence of its constitutional order.[95] Whether gradually compiled or subsequently codified through successive reigns, the HKM became the constitutional framework through which Melaka governed its expanding polity. By the time Pahang emerged as a sovereign Muslim Sultanate under Sultan Muhammad Shah, these constitutional traditions were already firmly established throughout the wider Melaka Sultanate.

The importance of Sultan Abdul Ghaffar therefore lies not in creating a constitution *ex nihilo*, but in preserving, consolidating, and codifying a constitutional tradition that had already existed for more than a century.[96] As the twelfth Sultan of Pahang, and a direct heir to the Melaka tradition, he undertook the task of preserving what had become the constitutional inheritance of the Sultanate. The resulting manuscripts, preserved today as MS D, is therefore significant not merely as a Pahang constitutional text, but as one of the oldest and most complete surviving embodiments of the constitutional tradition inherited from Melaka. The rediscovery of MS D in 1993, together with the subsequent identification of MS E and MS F, fundamentally reshapes the historiography of Malay constitutionalism.[97] Unlike many surviving copies of the HKM and related legal texts, which are fragmentary, incomplete, or preserved in later recensions, the HKP manuscript tradition survives in substantially complete form. This enables the constitutional continuity between Melaka and Pahang to be examined with far greater clarity than was previously possible.[98] It is therefore possible to reconceptualise these texts within what this study defines as the Melaka Constitutional Trilogy, a unified constitutional framework of Malay-Islamic governance that evolved across time and space.

The first component is the HKM, which functioned as the constitutional foundation of the Melaka Sultanate by articulating sovereignty, royal authority, administration, justice, and governance. The second component is the UULM, which extended constitutional order into the maritime sphere by regulating navigation, trade, piracy, commercial conduct, and

[95] Liaw, *Undang-Undang Melaka*, 1-40.
[96] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.
[97] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.
[98] Yaakub Isa, *Hukum Kanun Pahang*, xi-xiv; Abdul Halim and Asma Hakimah, *Qanun Pahang*, 9-56; Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv; MS F (1884 recension).

maritime administration, thereby reflecting the reality of Melaka as a maritime empire. The third component is the HKP, which preserved, reorganised, expanded, and codified these earlier constitutional traditions within the sovereign context of Pahang. Rather than merely reproducing Melaka law, it transformed the inherited constitutional tradition into a more integrated framework adapted to the political, constitutional, social, and maritime realities of the Pahang Sultanate.[99] Taken together, the Melaka Constitutional Trilogy demonstrates that Malay-Islamic constitutionalism was systematic, layered, and evolutionary rather than isolated or static. Law and constitutional order were not confined to a single manuscript or polity, but were consciously transmitted, refined, and rearticulated across successive Sultanates. The HKP therefore stands not merely as the successor to Melaka's constitutional tradition, but as one of its most complete surviving expressions.[100]

The HKM, the UULM, and the HKP should therefore be understood not as isolated constitutional texts, but as interconnected constitutional documents belonging to a single Malay-Islamic constitutional civilisation. Together, they demonstrate that constitutional thought in the Malay world was systematic, evolving, and deeply rooted in indigenous constitutional and intellectual traditions. Their survival in manuscript form further illustrates the conscious preservation of constitutional knowledge across successive generations of governance. The significance of the HKP lies precisely in its ability to preserve that constitutional tradition in one of its most complete surviving forms, making it not only the constitutional manuscript of Pahang, but also one of the greatest constitutional legacies of Melaka itself.[101]

2.7 Constitutional Characteristics of the HKP

> "Indeed, Allah commands you to render trusts (amānāt) to whom they are due, and when you judge between people, judge with justice. Indeed,

[99] Author's synthesis based on the HKM, UULM, and HKP manuscripts.
[100] Author's analytical framework, "The Melaka Constitutional Trilogy."
[101] Comparative constitutional analysis of the HKM, UULM, and HKP manuscripts undertaken in this study.

> excellent is that which Allah instructs you. Surely Allah is Ever-Hearing, Ever-Seeing."
> *Sūrah al-Nisāʾ* (4:58)

A central question underlying this study is whether the HKP may properly be understood as a constitution. The answer depends not upon whether the manuscript resembles a modern Western constitution in form, but upon whether it performs the essential constitutional functions recognised within political thought.[102] At its most basic level, a constitution is a foundational constitutional framework that defines authority, structures governance, regulates the exercise of power, establishes institutions of state, and articulates the principles by which a polity is governed.[103] While constitutional forms vary across civilisations and historical periods, these core functions remain remarkably consistent. When examined through this conceptual framework, the HKP exhibits the essential characteristics commonly associated with constitutional texts. However, these constitutional features did not arise in isolation. Many of the principles articulated within the HKP were already present within the HKM and the UULM, which together provided the constitutional foundations of the Melaka Sultanate.[104] The significance of the HKP lies not in departing from these earlier constitutional texts, but in preserving, refining, expanding, and consolidating their constitutional principles within the sovereign context of Pahang *Dār al-Salām*. While the HKM articulated sovereignty, governance, administration, justice, and the relationship between ruler and subject, and the UULM extended constitutional order into the maritime sphere, the HKP refined and integrated these traditions into a more comprehensive constitutional framework suited to the political, administrative, and maritime realities of Pahang. Consequently, the constitutional characteristics discussed below should be understood not merely as attributes of the HKP alone, but as expressions of a broader Malay-Islamic constitutional tradition that originated in Melaka and reached one of its most complete surviving expressions in Pahang.

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[102] A. V. Dicey, Introduction to the Study of the Law of the Constitution (Macmillan, 1885), 1–25; Harding, *Law, Government and the Constitution in Malaysia*, 1–20.
[103] Dicey, Introduction to the Study of the Law of the Constitution, 1–25.
[104] Liaw, *Undang-Undang Melaka* (Martinus Nijhoff, 1976); *Undang-Undang Laut Melaka*; Yaakub Isa, *Hukum Kanun Pahang*, Manuscript D.

First, the HKP articulates a clear theory of sovereignty. Authority is vested in the Sultan, who occupies the apex of the political order. However, sovereignty is not presented as personal privilege or arbitrary power. Rather, it is grounded in *Sharīʿah*, legitimised through hereditary kingship, and exercised as an *amānah* before Allah.[105] The ruler is therefore both empowered and morally constrained by a higher constitutional and ethical order. Second, the HKP establishes a structured system of governance. It defines the roles and responsibilities of key state officials, including the *Bendahara*, *Temenggung*, *Shahbandar*, *Nakhoda*, and other officers of administration.[106] These offices are not incidental references but form part of an organised hierarchy through which authority is exercised and delegated. Third, the HKP regulates the administration of justice. The text contains provisions relating to criminal offences, evidentiary standards, punishment, compensation, judicial authority, and legal procedure.[107] Such provisions demonstrate that governance was conducted through recognised legal processes rather than through personal discretion alone. Fourth, the HKP integrates religion and governance within a coherent constitutional order. Islam functions not merely as a source of personal morality but as a foundational principle of political authority, legal legitimacy, and public administration. The ruler is portrayed as *khalīfah*, while governance is framed through the obligations of justice (*ʿadl*), trust (*amānah*), and the duty to enjoin good and forbid wrong (*amr maʿrūf wa nahy munkar*).[108] Fifth, the HKP regulates economic, commercial, and maritime activity. Its provisions concerning trade, taxation, customs duties, shipping, piracy, salvage, and maritime discipline demonstrate that constitutional order extended beyond the royal court into commercial and maritime domains.[109] This reflects the realities of a maritime Malay polity whose sovereignty operated across both land and sea. Sixth, the HKP establishes reciprocal obligations between ruler and subject. The ruler is entrusted with justice, protection, and good governance, while subjects are expected to obey lawful

[105] Yaakub Isa, *Hukum Kanun Pahang*, MS D, provisions relating to kingship, sovereignty, and governance.
[106] Yaakub Isa, *Hukum Kanun Pahang*, MS D, provisions concerning Bendahara, Temenggung, Shahbandar, Nakhoda, and other state officials.
[107] Yaakub Isa, *Hukum Kanun Pahang*, MS D, criminal and judicial provisions.
[108] Yaakub Isa, *Hukum Kanun Pahang*, MS D, prologue and governance sections.
[109] Hukum Kanun Pahang and Undang-Undang Laut Melaka, maritime and commercial provisions.

authority.[110] This relationship reflects a constitutional understanding of governance in which authority and responsibility are mutually linked.

Taken together, these characteristics demonstrate that the HKP performed many of the essential functions associated with constitutions throughout history. Although it differs in form from modern constitutional documents, it nevertheless defined sovereignty, structured governance, regulated institutions, articulated constitutional authority, and established the principles by which the state was governed.[111] The significance of these characteristics lies not in their resemblance to modern constitutions, but in their performance of constitutional functions within the political and intellectual context of the Malay world. The significance of this observation is substantial. If constitutionalism is understood not as a uniquely European invention but as a broader human response to the problem of organising political authority, then the HKP must be recognised as one of the most important constitutional manuscripts of the Malay world.[112] Its value lies not only in its legal provisions, but in its demonstration that the Malay-Islamic tradition possessed its own sophisticated constitutional framework centuries before colonial intervention, and that constitutional governance formed an integral part of the survival of Malay-Islamic civilisation. More importantly, the HKP demonstrates that constitutional thought in the Malay world evolved through continuity rather than rupture. The HKM, UULM, and HKP should therefore be understood as interconnected constitutional expressions of the same Malay-Islamic constitutional civilisation. If the HKM provided the constitutional foundation and the UULM extended constitutional order into the maritime sphere, then the HKP represents one of the most complete surviving constitutional consolidations of that tradition. Its significance lies not only in what it codified, but also in what it preserved: a constitutional heritage linking Melaka, Pahang, and the wider Malay world through a shared tradition of sovereignty, governance, law, and faith.[113]

[110] Yaakub Isa, *Hukum Kanun Pahang*, MS D, ruler-subject obligations and administrative provisions.
[111] Author's constitutional analysis of HKP.
[112] Hukum Kanun Melaka; Undang-Undang Laut Melaka; and Hukum Kanun Pahang, comparative constitutional analysis undertaken in this study.
[113] Author's synthesis of the Malay-Islamic constitutional tradition.

2.8 Re-reading Hukum Kanuns as Constitutional Documents: Constitutional Structure and Legal Order

> "Allah commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, injustice and rebellion: He instructs you, that ye may receive admonition."*Sūrah al-Naḥl* (16:90)

The recognition of the HKM and the HKP as constitutional texts is not merely a matter of classification. It fundamentally repositions the Malay Sultanates as law-governed polities possessing written frameworks of governance produced by *orang Melayu*, in *Bahasa Melayu* and *Jawi Melayu*, for the *Kesultanan Melayu* on *Bumi Melayu* centuries before the arrival of European powers.[114] Such a reading challenges narratives that associate constitutional order in the Malay world exclusively with colonial modernity. The HKP should not be evaluated solely against modern constitutional models derived from later British legal traditions. Like many pre-modern constitutional texts, its provisions are organised according to the political, constitutional, and religious priorities of its own civilisation. The opening sections dealing with the ruler, the duties of state officials, the administration of governance, and the relationship between authority and law perform functions that today would readily be recognised as constitutional in nature. To dismiss these features because they differ from modern constitutional formats would be to impose an anachronistic standard upon a distinctly Malay-Islamic constitutional tradition. The existence of structured constitutional texts authored within the Malay courtly tradition and grounded in Islamic political theology demonstrates that the Malay Sultanates were neither pre-legal nor pre-constitutional societies. They possessed articulated normative frameworks regulating sovereignty, governance, judicial authority, and public administration centuries before the emergence of modern European constitutionalism.[115] Recognising this does not romanticise the past, rather, it restores analytical balance to Malay legal historiography and invites a reassessment of indigenous constitutional development.

[114] Yaakub Isa, *Hukum Kanun Pahang*, MS D, 2–104.
[115] Yaakub Isa, *Hukum Kanun Pahang*, MS D, overall constitutional structure and organisation.

A constitutional monarchy may be broadly understood as a system in which sovereign authority operates within an established legal order that both authorises and regulates governance.[116] The HKP fulfilled many of these functions. It codified principles relating to governance, justice, administration, religion, commerce, and public order. Although the Sultan exercised extensive authority, that authority operated within a framework informed by *Sharīʿah*, *adat*, and consultative governance through the Pembesar Negeri. The ruler was politically dominant, yet constitutionally grounded. The historical trajectory of HKP scholarship helps explain why this constitutional dimension remained largely overlooked. Early studies by Kempe, Winstedt, and R. W. Jakeman concentrated primarily on philology, provenance, manuscript description, and textual characteristics rather than constitutional interpretation or governance.[117] Likewise, Dato' Yaacob Isa's invaluable work provided the first comprehensive transcription, transliteration, and historical study of the manuscript but did not seek to interpret it through a constitutional framework.[118] Consequently, the constitutional dimensions of the HKP remained largely unexplored. Unlike the fragmentary HKM manuscripts, the HKP survives in substantially complete form through Manuscripts D, E, and F, strengthening the argument that it represents a conscious act of constitutional articulation rather than passive textual transmission.[119] The HKP should therefore be understood not merely as a legal manuscript, but as a sovereign restatement and localisation of an established Malay-Islamic constitutional tradition. It is within this historiographical lacuna that the present study is situated. By examining the HKP through the lenses of constitutional theory, Islamic governance, and Malay political thought, this thesis argues that the constitutional character of the text was never absent; rather, it remained obscured by interpretive frameworks that were not designed to recognise indigenous constitutional forms.[120]

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[116] Yaakub Isa, *Hukum Kanun Pahang*, MS D, criminal law provisions; compare with corresponding legal categories in *Shāfiʿī* jurisprudence.

[117] Yaakub Isa, *Hukum Kanun Pahang*, MS D, provisions relating to debt, inheritance, guardianship, compensation, marriage, and slavery.

[118] Yaakub Isa, *Hukum Kanun Pahang*, MS D; *Undang-Undang Laut Melaka*, maritime and commercial provisions.

[119] Yaakub Isa, *Hukum Kanun Pahang*, MS D, judicial and governance provisions.

[120] Yaakub Isa, *Hukum Kanun Pahang*, MS D, administrative provisions relating to the offices and responsibilities of the Bendahara, Temenggung, Shahbandar, Nakhoda, and other state officials.

This constitutional re-reading also permits the HKM, the UULM, and the HKP to be understood collectively as the Melaka Constitutional Trilogy, three interrelated constitutional texts representing successive articulations of a continuous Malay-Islamic constitutional tradition. The HKM established the constitutional foundations of governance, the UULM extended those principles into the maritime sphere, and the HKP preserved, refined, and consolidated them within the sovereign context of Pahang. Constitutionalism does not require liberalism, it requires the ordering, limitation, and regulation of authority. The HKM and the HKP contain precisely such structures. Their constitutional substance is evident in the organisation of sovereignty, administrative institutions, constitutional authority, and Islamic normative foundations. By restoring constitutional study to these texts, a coherent Malay-Islamic constitutional tradition becomes visible, one that predates colonial intervention and demonstrates a sophisticated indigenous understanding of law, governance, and political order. This study therefore proposes not merely a reassessment of the HKP, but a broader reconceptualisation of the Malay constitutional canon as constitutional in nature. Read in this light, the HKP emerges as one of the most significant constitutional documents of the Malay world and as an important source for understanding the intellectual foundations of governance in pre-colonial Southeast Asia. In the end, what emerges from this constitutional re-reading is not a new invention, but a renewed understanding of a familiar text. The HKP reveals a constitutional vision in which governance was conceived as *amānah*, law as a moral order, and authority as accountability before Allah. Through this perspective, the Malay-Islamic constitutional tradition emerges not as incomplete or derivative, but as coherent, sophisticated, and enduring. What once appeared hidden was never absent; it awaited only the moment when it could once again be recognised.

Structurally, the HKP constitutes a comprehensive legal corpus encompassing multiple domains of governance and social regulation. Its provisions embrace criminal law, including the Islamic legal categories of *ḥudūd*, *qiṣāṣ*, and *taʿzīr*, together with administrative regulations governing the conduct and responsibilities of state officials, as well as rules relating to trade, commerce, maritime affairs, and financial administration.[121]

[121] Yaakub Isa, *Hukum Kanun Pahang*, MS D, 2–104.

Taken as a whole, the legal corpus reveals a highly structured and comprehensive system of governance rather than a loose collection of customs or isolated rulings. Its provisions regulate criminal justice, civil obligations, family relations, commerce, maritime affairs, judicial procedure, and state administration, demonstrating an integrated legal order capable of governing both land and sea within a single normative framework.[122] In the sphere of criminal law, the text addresses offences against life, bodily integrity, morality, and public order. Clear distinctions are drawn between intentional and accidental harm, free persons and slaves, and major and minor offences, with punishments calibrated accordingly through *qiṣāṣ*, *diyah*, *ḥudūd*, and *taʿzīr*. Moral and religious transgressions, such as zinā, false accusation, gambling, intoxication, and rebellion, are treated not merely as private sins but as threats to social stability warranting legal sanction.[123] This reflects a conception of law grounded in Islamic jurisprudence while remaining carefully adapted to the realities of Malay society. The provisions governing civil and family matters regulate debt, property, compensation, slavery, marriage, inheritance, and guardianship. Detailed rules concerning debt repayment, liability upon death, damage to crops or property, and the status of children, whether free, enslaved, or born of slaves, demonstrate a sophisticated concern for legal certainty and social justice.[124] These provisions sought to balance individual rights with communal responsibility, ensuring continuity of obligations across generations while minimising disputes arising from unresolved legal claims.

Particularly striking is the development of commercial and maritime law, where the legal system extends seamlessly from land to sea. Trade, taxation, customs duties, profit-sharing, salvage, shipwrecks, and cargo ownership are carefully regulated. At sea, the *Nakhoda* exercised sovereign authority comparable to that of the ruler on land, supported by a clearly defined hierarchy of officers and crew, each bound by specific duties, discipline, and legal responsibility. Maritime offences, negligence, and commercial disputes were adjudicated according to rules that prioritised safety, order, justice, and

[122] Yaakub Isa, *Hukum Kanun Pahang*, MS D, overall constitutional structure and organisation.
[123] Yaakub Isa, *Hukum Kanun Pahang*, MS D, criminal law provisions; compare with corresponding legal categories in *Shāfiʿī* jurisprudence.
[124] Yaakub Isa, *Hukum Kanun Pahang*, MS D, provisions relating to debt, inheritance, guardianship, compensation, marriage, and slavery.

collective survival, underscoring the centrality of maritime commerce within the constitutional order of the Pahang Sultanate.[125] Underlying these substantive laws is a coherent framework of judicial procedure and constitutional principle. Judges (*hakim*) were bound by ethical obligations, evidentiary standards, and procedural rules governing testimony, oaths, and punishment. Authority flowed from the Sultan through appointed officials such as the *Bendahara*, *Temenggung*, *Shahbandar*, and *Nakhoda*, yet remained subject to law. The repeated emphasis upon justice (*ʿadl*), accountability, and moral restraint demonstrates that sovereignty was conceived not as arbitrary power, but as an *amānah* exercised within an established legal order.[126]

The constitutional structure of the HKP further reveals a sophisticated administrative order in which governance was organised through clearly defined offices, responsibilities, and chains of authority. Officials were entrusted with specific duties relating to administration, justice, security, trade, and maritime affairs, ensuring that authority was distributed throughout the polity while remaining anchored to the sovereignty of the Sultan. These provisions demonstrate that governance did not depend upon personal discretion alone but operated within a recognised constitutional framework.[127] Taken together, the criminal, civil, commercial, maritime, judicial, and administrative provisions reveal a remarkably coherent legal system. Rather than functioning as a compilation of isolated rules, the HKP presents an integrated framework in which law served as the organising principle of governance. The relationship between ruler and subject, land and sea, authority and obligation, was articulated within a unified normative order designed to preserve justice, stability, and the common good.

In sum, the legal corpus reflects an advanced model of Malay-Islamic constitutionalism in which law functioned as a binding covenant between ruler and ruled, integrating divine command, moral order, and practical governance. Its systematic

[125] Yaakub Isa, *Hukum Kanun Pahang*, MS D; *Undang-Undang Laut Melaka*, maritime and commercial provisions.
[126] Yaakub Isa, *Hukum Kanun Pahang*, MS D, judicial and governance provisions.
[127] Yaakub Isa, *Hukum Kanun Pahang*, MS D, administrative provisions relating to the offices and responsibilities of the Bendahara, Temenggung, Shahbandar, Nakhoda, and other state officials.

organisation, institutional clarity, and normative coherence strongly support the interpretation of the HKP as a mature constitutional framework rather than a fragmentary or purely customary code.[128] The constitutional structure of the HKP therefore demonstrates that the Malay Sultanates possessed a sophisticated framework of governance capable of regulating the political, social, economic, judicial, and maritime dimensions of society within a single constitutional order. Far from representing an accumulation of customary practices, the HKP reveals a polity governed through law, structured authority, recognised institutions, and moral accountability. It stands as compelling evidence that constitutional governance in the Malay world was systematic, organised, and deeply embedded within the Malay-Islamic constitutional tradition.

2.9 The Islamic Foundations

> "Allah doth command you to render back your Trusts to those to whom they are due; and when ye judge between man and man, that ye judge with justice: Verily how excellent is the teaching which He giveth you! For Allah is He Who heareth and seeth all things." Sūrah *al-Nisā'* (4:58)

At its core, the HKP is not merely a constitutional text, but the constitutional expression of a deeply rooted Malay-Islamic worldview in which governance, law, and morality are inseparable. Grounded in *Sharīʿah* and articulated through the intellectual traditions of the Malay court, the HKP reflects a constitutional order shaped by divine law, ethical responsibility, and sovereign authority. Far from being a product of customary practice alone, it embodies a structured constitutional system derived from the Qurʾan, the Sunnah, and juristic reasoning *ijtihād* (juristic reasoning), demonstrating that the Malay Sultanates operated within a coherent Islamic constitutional framework long before the emergence of modern constitutional discourse. The HKP reflects the classical Malay conviction that governance is an act of worship and that knowledge ʿ*ilm* (knowledge) is a trust granted by

[128] The constitutional analysis presented here is advanced by the present study on the basis of a comparative reading of the HKP, HKM, and UULM.

Allah to rulers and officials. This worldview, later described by Syed Muhammad Naquib al-Attas as the Tawhidic framework of Malay-Islamic civilisation, underlies every provision of the HKP. The manuscript therefore represents not merely a constitutional text, but a constitutional expression of a civilisation in which sovereignty, justice, and governance were consciously grounded in Islam. In revisiting the HKP today, this study seeks to restore a constitutional tradition long overshadowed by colonial interpretations of Malay history, reaffirming the Malay world as a maker of law, a custodian of justice, and a civilisation governed by moral and constitutional order.[129]

The Islamisation of the Melaka Sultanate introduced new conceptions of law, governance, sovereignty, and communal order derived from the wider Islamic intellectual tradition. In this context, the *Piagam Madinah* (Charter of Madinah) may be understood as part of the broader constitutional heritage of Islamic governance that informed Muslim conceptions of political authority. While the HKM was not a direct reproduction of the *Piagam Madinah*, both documents reflect a shared concern with the ordering of authority, the regulation of society, and the integration of law within a divinely guided political community. The HKP may therefore be understood as a Malay-Islamic constitutional text grounded in *Sharīʿah*, expressed through *adat*, and articulated through sovereign authority. Governance is conceived as an *amānah* entrusted by Allah, while law functions not merely as an instrument of regulation but as the means through which justice, moral responsibility, and public order are realised. Its constitutional character derives not simply from the existence of legal rules, but from the integration of law, governance, morality, and religious authority within a single normative framework.[130] The manuscript exhibits a strong and explicit Islamic character. Its codification under Sultan Abdul Ghaffar represented a deliberate royal initiative to establish a coherent constitutional foundation for governance by regulating the relationship between the ruler, state officials, and society.[131] The compilation appears to have involved *fuqahāʾ* (religious scholars) alongside administrative elites, reflecting an integrated model of governance rooted simultaneously in *Sharīʿah* and statecraft. The use of classical Malay language together with precise Islamic legal

[129] al-Attas, *Islam and Secularism*, 38–52; *Prolegomena to the Metaphysics of Islam* (ISTAC, 1995), 1–20.
[130] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv
[131] Yaakub Isa, *Hukum Kanun Pahang*, MS D, prologue and governance sections.

terminology further underscores the manuscript's importance for understanding the development of Islamic law in the Malay world.[132] The HKP stands as evidence of the practical application of Islamic legal principles within the Sultanate, demonstrating a systematic evolution of law rather than an *ad hoc* or fragmented legal order. The judicial office occupied a position of considerable constitutional importance, while frequent references to the Qurʾan and the Hadith reinforce the Islamic foundations upon which the legal system was constructed.[133]

The legal foundations of the HKP are firmly rooted in the classical sources of Islamic law. Its provisions reflect principles derived from the Qurʾan and the Sunnah, supported by *ijtihād* (juristic reasoning), including *ijmāʿ* (consensus) and *qiyās* (analogical reasoning).[134] The structure and content of the manuscript further indicate a strong alignment with the *Shāfiʿī* school of jurisprudence, which historically predominated throughout the Malay world. In this sense, the HKP does not merely reflect Islamic influence; it constitutes an applied expression of Islamic legal methodology within a Malay socio-political context. Islamic influence is deeply embedded throughout the HKP, both in its normative foundations and in its legal reasoning. Core principles of *Sharīʿah*, including *ʿadl* (justice), *iḥsān* (benevolence), and *masʾūliyyah* (accountability), are consistently reflected throughout the manuscript, presenting legal authority as a moral trust rather than an instrument of coercion.[135] One of the most significant constitutional features of the HKP lies in its Islamic conception of sovereignty, particularly as articulated in its opening prologue. The manuscript begins with praise of Allah and recognises Sultan ʿAbdul Ghaffar as a *khalīfah* entrusted with responsibilities derived from divine injunctions.[136] His authority is framed in explicitly Islamic terms: to uphold justice and to embody the principle of *amr maʿrūf wa nahy munkar* (enjoining right and forbidding wrong). The ruler therefore appears not merely as a political authority, but as a moral and religious guardian

[132] Yaakub Isa, *Hukum Kanun Pahang*, MS D, classical Malay legal terminology.
[133] Yaakub Isa, *Hukum Kanun Pahang*, MS D, *passim*.
[134] Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Uṣūl al-Fiqh* (Cambridge University Press, 1997), 1–35; M. B. Hooker, *Islamic Law in South-East Asia* (Oxford University Press, 1986), 1–25.
[135] Yaakub Isa, *Hukum Kanun Pahang*, MS D; author's analysis of the Islamic ethical principles of *ʿadl*, *iḥsān*, and *masʾūliyyah* reflected in the manuscript.
[136] Yaakub Isa, *Hukum Kanun Pahang*, MS D, opening prologue.

whose legitimacy rests upon obedience to divine law. This constitutional framework may be situated more broadly within the tradition of Islamic political thought, particularly the doctrine of *Siyāsah Sharʿiyyah*, which conceives governance as the application of *Sharīʿah* in pursuit of justice and the *maṣlaḥah* (public welfare).[137] The portrayal of the Sultan as *khalīfah*, entrusted with the responsibilities of *amr maʿrūf* and *nahy munkar*, reflects classical Islamic conceptions of *imāmah* and moral leadership. Sovereignty is therefore understood not as absolute dominion, but as a delegated trust bounded by divine law, ethical responsibility, and accountability before Allah.

The HKP further outlines the sovereign authority of the ruler in appointing state officials, accompanied by clearly defined qualifications and responsibilities embedded within a moral and religious framework.[138] Officials are instructed to avoid worldly temptations, remain conscious of death, guard themselves against the deceptions of Satan, and adhere faithfully to divine guidance contained in the Qurʾan and the Sunnah. Governance is therefore presented not merely as administration, but as a moral responsibility exercised in preparation for ultimate accountability before Allah. Within this framework, the ruler is reminded of his role as the shepherd of his people, echoing the well-known Prophetic tradition that every leader is responsible for those placed under his care.[139] The HKP prescribes ethical qualities for public officials, including gratitude to Allah and His Messenger, adherence to divine law, prompt administration of justice, patience, discipline, sincerity, and restraint over personal desires. Governance is thus conceived not merely as political authority, but as a collective moral responsibility. The Islamic foundations of the HKP are further reinforced through explicit references to the Qurʾan and the Hadith. Among these are the concept of *khalīfah* derived from *Surah al-*

[137] Ibn Taymiyyah, *Al-Siyāsah al-Sharʿiyyah fī Iṣlāḥ al-Rāʿī wa al-Raʿiyyah*, 17–36; Abū al-Ḥasan al-Māwardī, *Al-Aḥkām al-Sulṭāniyyah wa al-Wilāyāt al-Dīniyyah*, trans. Wafaa H. Wahba (Reading: Garnet Publishing, 1996), 3–24.

[138] Yaakub Isa, *Hukum Kanun Pahang*, MS D, provisions concerning the appointment and qualifications of state officials.

[139] Al-Bukhārī, Muḥammad ibn Ismāʿīl , *Ṣaḥīḥ al-Bukhārī* (Dār al-Ḥaḍārah, 2015), Kitāb al-Aḥkām, Bāb Qawl Allāh Taʿālā: Aṭīʿū Allāha wa Aṭīʿū al-Rasūla wa Ulī al-Amr Minkum, ḥadīth no. 7138. Muslim ibn al-Ḥajjāj al-Qushayrī al-Naysābūrī, *Ṣaḥīḥ Muslim* (Dār al-Ḥaḍārah, 2015), Kitāb al-Imārah, Bāb Faḍīlat al-Imām al-ʿĀdil wa ʿUqūbat al-Jāʾir, ḥadīth no. 1829. Abū Dāwūd Sulaymān ibn al-Ashʿath al-Sijistānī, *Sunan Abī Dāwūd*, (al-Mansourah), Kitāb al-Kharāj wa al-Fayʾ wa al-Imārah, Bāb Mā Yalzam al-Imām min Ḥaqq al-Raʿiyyah, ḥadīth no. 2928.

Baqarah (2:30) and the obligation to obey legitimate authority grounded in *Surah al-Nisāʾ* (4:59). Prophetic traditions concerning leadership, justice, and accountability likewise reinforce the principle that authority is a trust to be exercised responsibly before Allah. The inclusion of criminal provisions derived from the Qurʾan and the Sunnah, including *ḥudūd*, *qiṣāṣ*, and prohibitions relating to *ribā*, interpreted consistently with the *Shāfiʿī* school of jurisprudence, further affirms the manuscript's grounding in Islamic law.[140] Within this constitutional framework, the Sultan occupies a central position as *khalīfah* entrusted with upholding justice and fulfilling the obligations of *amr maʿrūf* and *nahy munkar*.

State officials are likewise required to embody Islamic ethical values, including *ikhlā*s (sincerity), *amānah* (trustworthiness), truthfulness, patience, and obedience to divine law.[141] The HKP repeatedly emphasises that justice cannot be achieved unless both ruler and officials faithfully discharge the responsibilities entrusted to them. Officials are reminded to guard against worldly temptations, remain conscious of death, and prepare constantly for the Hereafter, illustrating the seamless integration of law, governance, and spirituality within the Malay-Islamic constitutional tradition. Taken together, these elements demonstrate that the HKP is not merely a legal code but a deeply integrated constitutional system grounded in Islamic ethics. Governance is conceived as an *amānah*, sovereignty as a trust before Allah, and law as the means through which justice, moral responsibility, and public order are realised. The Islamic character of the HKP is therefore not incidental or superficial; it constitutes the very foundation upon which its constitutional order rests.[142] Viewed in this light, the HKP stands as enduring testimony that the Malay-Islamic world did not merely inherit Islamic law; it internalised it, applied it, and preserved it as a sacred trust across successive generations of governance. The manuscript demonstrates that law within the Malay-Islamic constitutional tradition was never separated from faith, but formed an integral expression of it. The HKP emerges as one of the most complete surviving constitutional expressions of Malay-Islamic civilisation, in

[140] Yaakub Isa, *Hukum Kanun Pahang*, MS D, criminal law provisions.
[141] Yaakub Isa, *Hukum Kanun Pahang*, MS D, ethical requirements for state officials.
[142] Author's analysis of the Islamic constitutional structure of the *Hukum Kanun Pahang*.

which sovereignty, justice, and governance remained inseparable from accountability before Allah.[143]

Conclusion: From Origins to Awakening

This study began with a fundamental reassessment: the Malay world did not lack constitutional order, it had long possessed it within its own intellectual and constitutional traditions. Through the HKM, the UULM, and ultimately the HKP, a coherent tradition of Malay-Islamic governance emerged, integrating *Sharīʿah*, *adat*, and sovereign authority within a structured framework of law and administration.[144] The evidence examined throughout this chapter demonstrates that the constitutional tradition of the Malay world did not disappear with the fall of Kota Melaka, but continued to evolve through successor polities such as Pahang. More fundamentally, this study has sought to reconsider how the history of the Malay world is narrated. Colonial historiography often asks who conquered whom, which capital fell, and which territory was occupied. The indigenous Malay perspective asks a different set of questions. Did the Sultanate survive? Did the institutions survive? Did the language survive? Did Islam survive? Did the law survive? Did the civilisation survive? If these elements endured, then the civilisation itself endured. The conquest of Kota Melaka in 1511 should therefore not be understood solely as a story of political defeat. Melaka was more than a city. It was a legal tradition, a language of governance, a network of royal houses, an Islamic political culture, and a constitutional civilisation. While Kota Melaka fell as a political centre, the civilisation that produced it endured through its laws, institutions, dynasties, and successor polities across the Malay world.[145]

[143] Comparative analysis undertaken in this study based on the Yaakub Isa, *Hukum Kanun Pahang*, MS D, the HKM, the UULM, and the UTKP.
[144] Liaw, *Hukum Kanun Melaka* and *Undang-Undang Laut, 29-30, 33*; Yaakub Isa, *Hukum Kanun Pahang*, xi-xiv.
[145] Liaw, *Undang-Undang Melaka*, 1-40; Linehan, "A History of Pahang," 18-19.

The HKP stands as one of the clearest expressions of that continuity. It demonstrates that Malay-Islamic constitutional thought did not disappear after 1511 but continued to evolve within new political contexts. This continuity is particularly evident during the reign of Sultan Abdul Ghaffar. He was not rebuilding a dead civilisation; he was governing within a living one. The compilation of the HKP itself reflects confidence, institutional maturity, and constitutional consciousness.[146] A civilisation in decline does not produce a sophisticated legal text integrating governance, criminal law, commerce, maritime regulation, royal administration, ethics, and Islamic principles into a unified constitutional framework. This study has further demonstrated that the HKP should be understood not merely as a legal manuscript but as a constitutional text. Its provisions reveal a structured legal order in which sovereignty was bounded by law, authority guided by morality, and governance grounded in Islamic principles.[147] The constitutional architecture inherited from Melaka was preserved, adapted, and articulated within the sovereign context of Pahang *Dār al-Salām*. At its core, the HKP is anchored in Islamic foundations. It affirms that sovereignty is an *amanah*, that ʿ*adl* (justice) is an obligation, and that governance is a moral responsibility before Allah. Through the integration of Qurʾanic principles, Prophetic traditions, and Islamic legal reasoning, the HKP reflects a constitutional order in which law, faith, and governance are inseparable.[148] This continuity, stretching from Melaka to Pahang and beyond, reveals a constitutional tradition characterised not by rupture, but by transmission and adaptation. What modern constitutional systems express through institutions, legal frameworks, and formal amendments had already been articulated within the Malay-Islamic legal tradition centuries earlier.[149] The history of Malay constitutionalism is therefore not a history of disappearance, but one of survival, development, and continuity.

The HKP also illuminates the historical position of Pahang itself. Long overshadowed by narratives centred upon Melaka and later colonial capitals, Pahang has

[146] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv.
[147] Yaakub Isa, Hukum Kanun Pahang, MS D.
[148] Yaakub Isa, Hukum Kanun Pahang, MS D, provisions concerning Islamic governance and kingship.
[149] Comparative constitutional analysis in this study based upon the HKM, the UULM, the HKP, the UTKP, and the Federal Constitution of Malaysia.

often occupied only a peripheral place within mainstream historical writing. Yet the evidence presented in this study suggests otherwise. Through its royal institutions, constitutional traditions, maritime networks, dynastic connections, and enduring Malay-Islamic heritage, Pahang played a far more significant role in the preservation and transmission of Malay civilisation than has generally been recognised. Pahang was not absent from history; it was underrepresented in historiography. The challenge is not that Pahang lacks history, but that too little of its history has been written. The HKP demonstrates that Pahang was not merely a recipient of constitutional traditions, but one of their foremost custodians.[150] Its contribution to the preservation, development, and transmission of Malay-Islamic governance deserves a more prominent place within the broader narrative of the Malay world.

The emergence of MS D, MS E, and MS F has transformed the study of the HKP from a fragmented manuscript tradition into one of the most substantial surviving constitutional corpora in the Malay world. What emerges is a legal tradition extending across several centuries, conceived, articulated, and transmitted in the *Bahasa Melayu* and *Jawi Melayu*, grounded in Islamic ethical principles long before the imposition of external legal frameworks. The HKP thus stands as a testament to the intellectual and constitutional sophistication of the Malay Sultanates, a written order that not only regulated power but disciplined it, embedding governance within a framework of law, morality, and responsibility. The continued study of this tradition, particularly through the anticipated insights from MS F, has the potential to illuminate further the depth, continuity, and reach of this indigenous Malay-Islamic constitutional heritage. In this awakening, we do not merely recover a manuscript, we bear witness to a truth that was always present: that sovereignty is bound by justice, that authority is a trust before Allah, and that a civilisation grounded in faith and law does not fade, but waits to be remembered.

In the end, this study concludes not with a new invention, but with a restored understanding. The HKP is more than a legal manuscript or historical artefact. It is a constitutional legacy of the Malay-Islamic world. Through the HKP, the constitutional

[150] Abu Talib Ahmad, "Pahang State History," 58-59.

civilisation of the Malay world emerges not as lost or extinguished, but as enduring, adaptive, and alive, a tradition sustained through law, institutions, and sovereign authority across successive generations. It stands as enduring testimony that the Malay world did not merely inherit law; it articulated it, structured it, lived by it, and preserved it across the centuries.[151]

[151] This conclusion synthesises the historical, constitutional, and legal evidence presented throughout Chapter 2, concerning the HKM, the UULM, the HKP, and the continuity of the Malay-Islamic constitutional tradition.

CHAPTER 3
SULTAN ABDUL GHAFFAR MUHYIDDIN SHAH AND THE CONSTITUTIONAL ETHICS OF KINGSHIP

Introduction

> "O David! We did indeed make thee a vicegerent on earth: so judge thou between men in truth (and justice): nor follow thou the lusts (of thy heart), for they will mislead thee from the Path of Allah."
> *Sūrah Ṣād* (38:26)

The history of the Malay world has often celebrated great kingdoms, maritime trade, and dynastic succession, yet considerably less attention has been devoted to the rulers whose constitutional vision transformed political authority into constitutional order. Among these figures, Sultan Abdul Ghaffar occupies a pivotal yet insufficiently recognised place. While the HKP has long been acknowledged as one of the major constitutional texts of the Malay world, comparatively little attention has been given to the sovereign whose patronage, foresight, and constitutional vision made its compilation possible. This chapter therefore re-centres Sultan Abdul Ghaffar as one of the principal architects of the Malay-Islamic constitutional tradition and examines his contribution to the development of constitutional governance in Pahang. If Pahang has often been remembered as the forgotten maritime kingdom, Sultan Abdul Ghaffar may likewise be regarded as its forgotten constitutional ruler. Yet it is to his reign that the Malay world owes one of its most enduring constitutional and intellectual inheritances. Through the compilation of the HKP, he transformed inherited constitutional traditions into a coherent constitutional framework capable of regulating sovereignty, administration, justice, commerce, and public order. Rather than merely preserving earlier constitutional traditions, he organised and refined them into a written constitutional corpus capable of guiding both ruler and subject alike.[152] In this

[152] Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv; Linehan, "A History of Pahang," 18-19; Liaw, *Undang-Undang Melaka* dan Undang-Undang Laut, 29-30, 33; Kempe and Winstedt, "A Malay Legal Digest

sense, the HKP was not simply a legal manuscript; it was an act of constitutional statecraft through which Sultan Abdul Ghaffar sought to secure the continuity of Malay-Islamic governance beyond his own reign. His achievement lay not merely in producing a legal code, but in recognising that the endurance of a kingdom depended upon the preservation, organisation, and transmission of law. His reign reflects a sophisticated understanding of sovereignty in which Islamic law (*shara'*), Malay customary law (*adat*), royal authority (*daulat*), and administrative responsibility were consciously integrated within a written constitutional framework. In doing so, he ensured that the constitutional inheritance of Melaka did not perish with the fall of Kota Melaka in 1511, but continued to evolve within the Pahang Sultanate as a living constitutional tradition.[153] Rather than treating the HKP merely as a compilation of legal provisions, this chapter argues that it embodies a coherent constitutional philosophy rooted in Islamic principles and Malay political thought. The manuscript presents a conception of kingship in which the ruler was entrusted with the preservation and implementation of law rather than placed above it. Sovereignty was understood as an *amānah* bestowed by Allah, requiring justice, accountability, humility before Divine Law, and the faithful discharge of moral responsibility. Political authority therefore derived its legitimacy not from personal power alone, but from obedience to *Hukum* Allah.[154]

The constitutional tradition inherited from Melaka did not disappear with the fall of Kota Melaka in 1511. Although the city was conquered, its dynasty, institutions, legal traditions, and political philosophy continued to evolve through successor Malay Sultanates. Among these Sultanates, Pahang played a particularly significant role in preserving, refining, and transmitting this constitutional inheritance. Through the HKP, the

Compiled for Sultan Abdul Ghafur Muhaiyuddin Shah,"1–64; Hooker, *Readings in Malay Adat Laws*, 1-48; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu,* 45-88.

[153] Wan Ahmad Fauzi Wan Husain, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden [Analysis of The Law of The Pahang Code from The Aspect of Modern Constitutional Features]." *BITARA International Journal of Civilizational Studies and Human Sciences* 6, no. 4 (2023): 220-233; Maziar Mozaffari Falarti, *Malay Kingship in Kedah,* 77-111; Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv; Kempe and Winstedt, "A Malay Legal Digest Compiled for Sultan Abdul Ghafur Muhaiyuddin Shah."1-67.

[154] Buyong Adil, *Sejarah Pahang* (Dewan Bahasa dan Pustaka, 1984), 53-62, 67; Linehan, "A History of Pahang," 12-14, 29-41; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu*, 77-111; *Federal Constitution of Malaysia*; *Undang-Undang Tubuh Kerajaan Pahang*.

principles of Malay-Islamic governance were adapted to the needs of a sovereign kingdom while remaining firmly grounded in the enduring values of Islam and *adat*.[155] The significance of Sultan Abdul Ghaffar therefore extends beyond the promulgation of a legal code. The constitutional principles reflected in the HKP were not intended solely for the circumstances of his own reign but were formulated to guide future generations. Justice, consultation, accountability, and fidelity to Divine Law were presented as enduring obligations of governance rather than temporary political measures. The lasting importance of his reign lies not merely in the years he occupied the throne, but in the constitutional and moral order that he bequeathed to Pahang and, ultimately, to the wider Malay world.

This chapter examines the constitutional philosophy embodied in the HKP through the interrelated themes of sovereignty, justice, governance, consultation, *Sharīʿah*, *adat*, institutional continuity, and the reciprocal relationship between ruler and *rakyat*. Rather than treating the HKP solely as a historical manuscript, it argues that the text presents a coherent Malay-Islamic constitutional philosophy in which authority, legitimacy, governance, and public responsibility were inseparable. Across changing historical circumstances, one constitutional principle endured: the Sultan's authority was an *amānah* entrusted by Allah and exercised through law, justice, consultation, and moral responsibility. Ultimately, this chapter argues that Sultan Abdul Ghaffar should be recognised not merely as the ruler under whom the HKP was compiled, but as one of the foremost architects and transmitters of the Malay-Islamic constitutional tradition. His reign transformed inherited constitutional memory into written constitutional order, ensuring that the constitutional legacy of Melaka endured through Pahang and remained accessible to subsequent generations. More than four centuries later, that legacy continues to illuminate the constitutional history of the Malay world and stands as enduring testimony to the sophistication of indigenous Malay-Islamic governance.[156]

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[155] Liaw, *Undang-Undang Melaka, 1-40*; Yaakub Isa, *Hukum Kanun Pahang*, MS D; Winstedt, "Old Malay Legal Digests and Malay Customary Law," *Journal of the Malayan Branch of the Royal Asiatic Society* 29, no. 1 (1956), 17-29; Linehan, "A History of Pahang", 12-14, 29-41; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233; Hooker, *Readings in Malay Adat Laws,* 1-48; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu,* 77-111.

[156] Yaakub Isa, *Hukum Kanun Pahang*, xi–xiv; Liaw, *Undang-Undang Melaka*, 1–40; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu*, 77–111; M. B. Hooker, *Reading in Malay Adat Laws*, 1–48.

3.1 The Forgotten Sultan

Sultan Abdul Ghaffar stands among the most significant yet overlooked rulers in the constitutional history of the Malay world. Although his reign witnessed one of the most sophisticated constitutional developments of the pre-colonial Malay Sultanates, his contribution has received comparatively little attention within mainstream historiography. Overshadowed by the fall of Kota Melaka, the rise of Johor, Aceh, and Brunei, and the later narratives of European colonial expansion, Sultan Abdul Ghaffar's constitutional achievements have remained largely outside the broader discourse on Malay political thought. The circumstances surrounding Sultan Abdul Ghaffar's accession reveal the political complexities of dynastic succession within the Pahang Sultanate. Although he was the eldest son of Sultan Abdul Kadir Muhyiddin Shah, questions concerning maternal lineage initially affected his position within the succession hierarchy. Following the death of his father in 1590, the throne passed to his younger half-brother, Sultan Ahmad Shah II, while Sultan Abdul Ghaffar served as Regent. Two years later, in 1592, he ascended the throne as the twelfth Sultan of Pahang. These formative experiences exposed him to the realities of legitimacy, succession, political compromise, and governance, issues that would later find expression in the constitutional and administrative provisions of the HKP. Despite the significance of his reign, the final years of Sultan Abdul Ghaffar's life remain imperfectly documented. Later historical accounts suggest that his death and the accession of his son Sultan Alauddin Riayat Shah were accompanied by tensions within the royal household. Although the precise circumstances cannot be established with certainty, these accounts reflect the political realities that frequently surrounded dynastic succession in the early modern Malay world. The limited documentary record surrounding both his death and his reign may partly explain why one of the most influential constitutional rulers in Malay history gradually faded from historical memory.[157]

This relative neglect is particularly striking when viewed against the importance of the HKP itself. The manuscript represents one of the most comprehensive expressions of

[157] Linehan, "A History of Pahang," 1–257; Buyong Adil, *Sejarah Pahang*, 53–62, 67.

Malay-Islamic governance to survive from the early modern period. Drawing upon the constitutional inheritance of Melaka and adapting it to the needs of a sovereign riverine and maritime kingdom, the HKP preserved and refined a sophisticated constitutional tradition encompassing royal authority, judicial administration, commerce, maritime affairs, and public order. Yet the ruler under whose patronage this constitutional corpus was conceived, refined, and transmitted has remained comparatively understudied.[158] If Pahang has often been described as the forgotten maritime kingdom, Sultan Abdul Ghaffar may likewise be regarded as the forgotten architect of Malay-Islamic constitutionalism. Unlike rulers remembered primarily for military conquest or territorial expansion, his enduring legacy rests upon the preservation, codification, refinement, and transmission of the constitutional inheritance of Melaka. His greatness is measured not by the territories he conquered, but by the constitutional tradition he preserved, refined, and bequeathed to posterity. His reign marked a decisive stage in the constitutional development of the Malay world, transforming inherited constitutional traditions into a coherent written framework capable of regulating governance, administration, justice, and commerce within an Islamic polity.[159]

Historical memory is rarely neutral. Some rulers are remembered for the territories they conquered, the wars they fought, or the monuments they built. Others leave a quieter but more enduring legacy through the institutions they establish, the principles they articulate, and the laws they preserve. Sultan Abdul Ghaffar belongs to the latter tradition. His greatest achievement was not merely that he ruled Pahang, but that he transformed inherited constitutional memory into written law, thereby ensuring that the legal and moral foundations of Malay-Islamic governance would endure long after his own reign had ended. The Qur'an reminds believers, "And remind, for indeed the reminder benefits the believers."[160]

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[158] Yaakub Isa, *Hukum Kanun Pahang,* MS D.
[159] Liaw, *Undang-Undang Melaka*, 1–40; Yaakub Isa, *Hukum Kanun Pahang*, MS D; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.
[160] *Sūrah al-Dhāriyāt* (51:55).

The survival of the HKP is itself such a reminder. More than four centuries after its compilation, it continues to bear witness to Sultan Abdul Ghaffar's constitutional vision, affirming that justice, law, and righteous governance remain among the most enduring legacies a ruler can leave to his people.

3.2 The Father of the Hukum Kanun Pahang: The *Kanuni* of Pahang

The most enduring achievement of Sultan Abdul Ghaffar's reign was the compilation, codification, and preservation of the Hukum Kanun Pahang (HKP), one of the most comprehensive surviving legal manuscripts of the Malay world. Although the constitutional traditions embodied within the text predated his reign, it was under his patronage that these traditions were systematically organised, refined, and transmitted in written form. Through this remarkable undertaking, Sultan Abdul Ghaffar transformed inherited constitutional memory into a coherent constitutional order. For this reason, he may rightly be regarded as the Father of the Hukum Kanun Pahang. The HKP did not emerge as an entirely new legal creation. Rather, it drew upon the constitutional and juridical traditions inherited from Melaka, particularly the Hukum Kanun Melaka (HKM) and the Undang-Undang Laut Melaka (UULM). These earlier legal corpora provided the intellectual and constitutional foundations upon which the Pahang Canon was constructed. Under Sultan Abdul Ghaffar, however, these traditions were not simply reproduced. They were adapted, expanded, and refined to address the political, administrative, judicial, commercial, and maritime realities of the Pahang Sultanate, thereby demonstrating both continuity with Melaka and innovation within a new constitutional setting. The manuscript colophon identifying its scribe as "fakīr yang tinggal di Pulau Raya" offers a rare glimpse into the process of the manuscript's production. Although little is known about the scribe himself, the colophon confirms that the HKP emerged from a sophisticated culture of scholarship, manuscript production, and court administration. Its preparation reflects collaboration between ruler, religious scholars, jurists, scribes, and administrators who

collectively transformed legal knowledge into a practical framework for governing the state.[161]

The significance of Sultan Abdul Ghaffar's achievement therefore lies not merely in the existence of the HKP, but in his recognition that the survival of a kingdom depended upon the preservation of its constitutional memory. By committing inherited constitutional traditions to writing, he ensured that the constitutional inheritance of Melaka would not disappear with political change, but would continue to evolve within the Pahang Sultanate as a living tradition of governance. In doing so, he became not only the patron of a manuscript, but the architect of its enduring constitutional legacy. The constitutional vision associated with Sultan Abdul Ghaffar extended far beyond the promulgation of a legal text. Throughout the Islamic world, certain rulers came to be remembered not merely for exercising political authority, but for consolidating, organising, and systematising legal traditions into coherent frameworks of governance. The most celebrated example is Sultan Suleiman I of the Ottoman Empire, remembered as the *Kanuni* ("the Lawgiver") for harmonising administrative regulations with Islamic law. In a comparable constitutional sense, Sultan Abdul Ghaffar may appropriately be understood as the *Kanuni* of Pahang. Under his reign, law was not treated as an abstract ideal but as the organising principle of government.[162] His historical significance also lies in his role as a guardian of constitutional continuity. At a time when the political landscape of the Malay world was undergoing profound transformation following the fall of Kota Melaka, Sultan Abdul Ghaffar ensured that its constitutional inheritance was neither abandoned nor forgotten. Instead, it was preserved, refined, and transmitted through the HKP, allowing the constitutional and political traditions of Melaka to endure within a new sovereign polity.

The repeated emphasis upon justice, accountability, public administration, and the responsibilities of office throughout the HKP reflects a conception of kingship grounded in constitutional and moral obligation. Royal authority remained central to governance, yet it was exercised within a framework of principles defining the duties of rulers and officials

[161] Liaw, *Undang-Undang Melaka,* 1-40; Yaakub Isa, *Hukum Kanun Pahang,* MS D.
[162] Halil İnalcık, *The Ottoman Empire: The Classical Age 1300–1600*, trans. Norman Itzkowitz and Colin Imber (Phoenix Press, 1994), 69–76; Yaakub Isa, *Hukum Kanun Pahang,* 106-150.

alike. Sovereignty was therefore understood not as unrestricted power, but as authority exercised in accordance with law, justice, and responsibility. The preservation of knowledge has always occupied a central place within the Islamic intellectual tradition. The act of writing safeguards memory, transmits wisdom across generations, and protects justice from the uncertainties of oral tradition. Through the HKP, legal principles that might otherwise have remained dispersed or vulnerable to loss were organised into a coherent written corpus capable of guiding governance long after the lifetime of its compiler. Sultan Abdul Ghaffar's greatest achievement therefore lay not simply in ruling a kingdom, but in ensuring that its constitutional heritage would endure beyond his own reign.[163] The Qur'an draws attention to the profound significance of writing, "Nūn. By the Pen and by what they write."[164]

The HKP stands as a lasting testament to that principle. Through its compilation, refinement, and preservation, Sultan Abdul Ghaffar transformed the written word into an instrument of constitutional continuity, ensuring that the constitutional heritage of the Malay world would survive not merely as historical memory, but as a living expression of justice, governance, and civilisation. For these reasons, Sultan Abdul Ghaffar may be regarded as the *Kanuni* of Pahang, not as a formal royal title, but as an analytical description of his constitutional achievement. His legacy rests not merely upon the authority he exercised during his lifetime, but upon the legal order he preserved and transmitted to future generations. Like the great lawgiving rulers of history, he understood that kingdoms may rise and fall, but a just legal tradition can endure across centuries.

The legacy of Sultan Abdul Ghaffar therefore rests not merely in the exercise of kingship, but in his commitment to the enduring principle that justice and the rule of law stand at the heart of legitimate governance.

[163] Liaw, *Undang-Undang Melaka,* 1-40; Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.
[164] *Sūrah al-Qalam* (68:1)

3.3 The Sultan of Two Legacies: From Inheritance to Constitutional Transmission

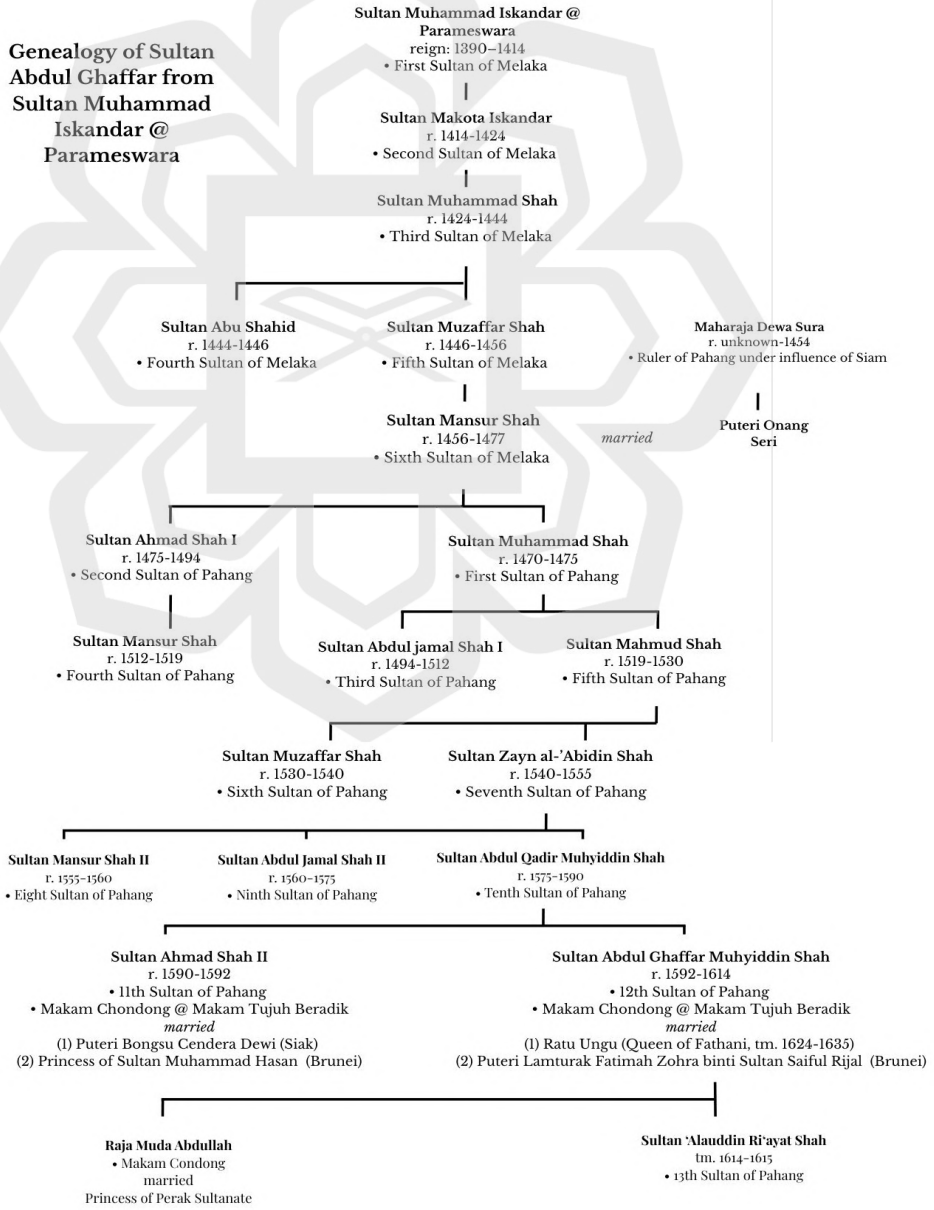
Sultan Abdul Ghaffar occupied a unique position within the constitutional history of the Malay world. He was among the last rulers of Pahang directly descended from the Melaka royal house through Sultan Mansur Shah (r. 1456-1477) and Sultan Muhammad Shah of Pahang (r. 1470-1475). The constitutional legacy of Melaka therefore survived not only through its constitutional traditions, but also through dynastic succession, royal marriage, and political continuity.[165] Sultan Abdul Ghaffar was not merely the *Kanuni* of Pahang, a lawgiver and constitutional architect. He also inherited two complementary traditions of sovereignty. Through Sultan Muhammad Shah, he inherited the Malay-Islamic kingship and constitutional traditions of Melaka. Through the earlier Pahang royal line traditionally associated with Maharaja Dewa Sura and Puteri Onang Seri, he also inherited the older political identity and historical sovereignty of Pahang. By the time of Sultan Abdul Ghaffar's reign, these two traditions had matured into a distinct constitutional order expressed through the HKP.[166] Sultan Muhammad Shah occupies a pivotal place within this historical development. As the son of Sultan Mansur Shah of Melaka and the founder of the Pahang Sultanate, he served as the bridge through which the constitutional traditions of Melaka were carried into Pahang. At the same time, his father's marriage into the older ruling family of Pahang symbolised the convergence of Melaka sovereignty with the indigenous political traditions of the region. The establishment of the Pahang Sultanate may therefore be understood not simply as an extension of Melaka authority, but as the union of two complementary traditions of kingship and legitimacy.[167]

This dual inheritance reached its fullest constitutional expression during the reign of Sultan Abdul Ghaffar. The constitutional significance of his reign lies not merely in the inheritance he received, but in the manner in which he transformed that inheritance into a durable constitutional tradition. Through the compilation and refinement of the HKP, he preserved the constitutional inheritance of Melaka while simultaneously strengthening

[165] Linehan, "A History of Pahang", 12-14, 29-41, 203; Buyong Adil, *Sejarah Pahang*, 53-62.
[166] Liaw, *Undang-Undang Melaka,* 1-40; Yaakub Isa, *Hukum Kanun Pahang,* 106-150; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.
[167] Linehan, "A History of Pahang", 1-257; Buyong Adil, *Sejarah Pahang,* 1-384.

Pahang's identity as an independent Malay-Islamic Sultanate. In doing so, he converted centuries of constitutional memory into a coherent written constitutional order capable of guiding future generations. His constitutional project therefore represented both continuity and adaptation, preserving inherited principles while responding to the political realities of his own time.

Figure 3.1 illustrates the dynastic continuity linking Sultan Abdul Ghaffar to the Melaka royal house through Sultan Mansur Shah and Sultan Muhammad Shah of Pahang. It also highlights the wider network of royal alliances connecting Pahang with the older Pahang dynasty, Patani, Brunei, and Perak.



The genealogy reveals considerably more than a line of royal descent. It demonstrates that the constitutional traditions embodied in the HKP emerged from a continuing civilisational inheritance rather than from an isolated constitutional development. Through Sultan Mansur Shah and Sultan Muhammad Shah, Sultan Abdul Ghaffar inherited the constitutional traditions of Melaka. Through the dynastic union represented by Maharaja Dewa Sura and Puteri Onang Seri, he also inherited the older political sovereignty and historical identity of Pahang. The subsequent dynastic alliances with Patani, Brunei, and Perak positioned the Pahang Sultanate within a wider network of interconnected Malay-Islamic polities sustained through kinship, diplomacy, and shared political culture. The figure provides visual evidence for one of the central arguments of this study: the constitutional tradition of the Malay world did not disappear with the fall of Kota Melaka. Dynastic legitimacy endured. Political institutions endured. Constitutional ideas endured. The HKP emerged not as an isolated constitutional text, but as part of a continuing Malay-Islamic constitutional tradition linking Melaka, Pahang, and the wider Malay world.[168]

The HKP represents both continuity and transformation. While preserving the constitutional foundations inherited from the HKM and the UULM, it also reflects the evolving political, administrative, commercial, and maritime realities of Pahang. Sultan Abdul Ghaffar did not simply preserve earlier legal traditions; he interpreted, refined, and adapted them to meet the needs of a sovereign Malay-Islamic kingdom. His achievement therefore lay not in creating an entirely new legal system, but in transforming constitutional memory into a coherent written constitutional order suited to the circumstances of his own reign.[169] The relationship between Melaka and Pahang should therefore be understood not as one of imitation, but of civilisational inheritance. Following the establishment of the Pahang Sultanate by Sultan Muhammad Shah, the constitutional and political traditions of Melaka became embedded within the constitutional culture of Pahang. Over successive generations, these traditions were transmitted through institutions, royal practice, dynastic

[168] Yaakub Isa, *Hukum Kanun Pahang,* MS D; Liaw, *Undang-Undang Melaka,* 1-40; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.
[169] Liaw, *Undang-Undang Melaka,* 1-40; Yaakub Isa, *Hukum Kanun Pahang,* MS D; Kempe and Winstedt, "A Malay Legal Digest Compiled for Sultan Abdul Ghafur Muhaiyuddin Shah", 1-64.

succession, and manuscript circulation. By the time Sultan Abdul Ghaffar ascended the throne, they had become part of the constitutional memory of the state, awaiting systematic organisation and codification.[170] This inheritance placed Sultan Abdul Ghaffar in a unique constitutional position. From Melaka came a legacy of kingship, law, administration, and Islamic governance. From Pahang came an established sovereign kingdom with its own political identity, historical experience, and evolving administrative needs. His responsibility was therefore not merely to inherit these traditions, but to preserve, refine, and transmit them to future generations. The HKP became the constitutional instrument through which this constitutional trust was fulfilled. Inheritance within the Malay-Islamic tradition was never merely a matter of bloodline. It entailed responsibilities, obligations, and trusts entrusted to successive generations.

Although revealed in a spiritual context, this verse also illustrates a broader civilisational principle: inheritance carries responsibility. Knowledge is not merely received; it is safeguarded, lived, and transmitted. Sultan Abdul Ghaffar inherited not simply a throne, but a constitutional trust.

3.4 Written Law, Sovereignty, and Constitutional Continuity

Unlike many rulers of his era who governed primarily through custom or royal decree, Sultan Abdul Ghaffar recognised the importance of written law as both an expression of sovereignty and a reflection of divine responsibility. His achievement lay not merely in preserving inherited constitutional traditions, but in transforming them into an organised constitutional framework capable of governing both state and society.

The HKP demonstrates clear continuity with the earlier legal traditions of Melaka, particularly the Hukum Kanun Melaka (HKM) and the Undang-Undang Laut Melaka (UULM). Yet the relationship between these texts should not be understood as one of

[170] Linehan, "A History of Pahang", 1-40; Buyong Adil, *Sejarah Pahang*, 53-62; Liaw, *Undang-Undang Melaka,* 1-40; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.

simple imitation. Rather than reproducing the Melaka corpus unchanged, the HKP reorganised, refined, and expanded inherited legal principles in accordance with the political, administrative, commercial, and maritime realities of the Pahang Sultanate. This process reflects a broader characteristic of the Malay constitutional tradition. Constitutional ideas were preserved not through static repetition but through transmission, interpretation, and adaptation. Successor Sultanates inherited constitutional principles from earlier centres of power while refining them to meet changing historical circumstances. In this respect, Pahang functioned not merely as the recipient of Melaka law through Sultan Muhammad Shah, but as one of its principal constitutional heirs and custodians.[171] The transmission of constitutional ideas occurred through multiple channels. Manuscripts preserved legal principles, institutions implemented them, and dynastic relationships carried them across generations. Royal marriages, diplomatic exchanges, and the movement of members of ruling households enabled constitutional ideas, court practices, administrative experience, and political culture to circulate between interconnected Malay Sultanates. Constitutional traditions therefore travelled not only through texts, but also through people.

One of Sultan Abdul Ghaffar's most remarkable achievements was his recognition that political authority alone could not ensure the survival of a kingdom. The compilation of the HKP may therefore be understood as an act of constitutional foresight. By transforming inherited legal knowledge into a coherent written corpus, Sultan Abdul Ghaffar ensured that governance would remain anchored in law rather than dependent solely upon memory, custom, or the character of individual rulers. The constitutional order reflected in the HKP was grounded in the Islamic conception of governance in which political authority was understood as an *amānah*, a trust exercised within the limits of Divine Law. Sovereignty ultimately belonged to Allah, while rulers were entrusted with the responsibility of governing justly, preserving order, and administering law in accordance with moral and religious principles. Royal authority therefore derived its legitimacy not merely from lineage or power, but from the faithful discharge of obligations

[171] Yaakub Isa, *Hukum Kanun Pahang*, 106-150; Liaw, *Undang-Undang Melaka*, 1-40; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.

grounded in justice, accountability, and lawful governance.[172] The repeated invocation of *Hukum* Allah throughout the HKP functions as a constitutional grammar binding royal authority to Divine Law. It transforms *daulat* into *amānah* and legitimises public office through obligation rather than privilege. The manuscript therefore presents kingship not as unrestricted authority, but as a constitutional trust exercised within the bounds of justice and moral responsibility.[173]

The decision to codify law represented far more than an administrative undertaking. It was an act of constitutional statecraft. By preserving, organising, and recording inherited constitutional traditions within a coherent written framework, Sultan Abdul Ghaffar ensured that sovereignty would remain anchored in enduring principles rather than the personality of individual rulers. The HKP thus reveals an important stage in the evolution of Malay-Islamic constitutionalism, where written law became the principal instrument through which justice, sovereignty, and governance were preserved across generations. Viewed from this perspective, constitutional development in Pahang is best understood as evolution rather than rupture. The institutional forms of governance changed in response to new political and administrative realities, yet the underlying constitutional principles of sovereignty, kingship, legitimacy, justice, and Islamic governance remained remarkably consistent. What changed was not the constitutional vision itself, but the manner in which that vision was expressed.

The transition from the HKP to the Undang-Undang Tubuh Kerajaan Pahang (UTKP) should therefore represent constitutional adaptation rather than constitutional abandonment. Whereas the HKP functioned as a comprehensive constitutional framework regulating governance, administration, justice, commerce, maritime affairs, and public life, the UTKP assumed a more specialised constitutional role. Its principal concern became the structure of the state, the continuity of the monarchy, succession, executive authority, and the constitutional institutions necessary to preserve political stability. The scope of

[172] Linehan, "A History of Pahang", 1-257; Buyong Adil, *Sejarah Pahang*, 1-384; Yaakub Isa, *Hukum Kanun Pahang*, xi-xiv; Liaw, *Undang-Undang Melaka*, 1-40; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233; Abu Talib Ahmad, "Pahang State History", 35-64.
[173] Yaakub Isa, *Hukum Kanun Pahang,* MS D.

constitutional regulation became narrower, but its underlying principles endured.[174] One of the most significant observations arising from this study is that the UTKP frequently articulates explicitly what earlier constitutional texts such as the HKM and the HKP had largely assumed. Provisions relating to succession, incapacity, regency, royal authority, and constitutional continuity do not necessarily represent new constitutional principles. Rather, they formalise long-established assumptions embedded within the Malay constitutional tradition.[175] This continuity is reflected in the constitutional institutions established under the UTKP. Bodies such as the Jemaah Pangkuan Diraja, the Majlis Ugama Islam dan Adat Resam Melayu Pahang, and the Majlis Adat Istiadat Negeri Pahang demonstrate that constitutional continuity depends not only upon written provisions but also upon enduring institutions entrusted with preserving sovereignty, religion, *adat*, and the continuity of the throne. The Constitution recognises these institutions without attempting to codify every aspect of the traditions they administer.

In this respect, the Constitution protects institutions rather than exhaustively defining *adat*. *Adat* survives through sovereignty, institutional continuity, and historical practice, while constitutional texts provide the framework within which those institutions continue to function. The relationship between the monarchy, *adat*, and constitutional law therefore illustrates a continuing constitutional tradition rather than a series of disconnected historical developments. The relationship between the HKP and the UTKP 1948 should therefore be understood in terms of constitutional continuity rather than direct textual borrowing. The available evidence does not conclusively demonstrate that the framers of the 1948 Constitution relied directly upon the complete HKP manuscripts known today. Nevertheless, the constitutional continuities are unmistakable. Both texts affirm the central constitutional position of the Sultan, recognise structured governance, and situate political

[174] Liaw, *Undang-Undang Melaka,* 1-40; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233; Yaakub Isa, *Hukum Kanun Pahang,* xi-xiv; *Undang-Undang Tubuh Kerajaan Pahang*.

[175] *Undang-Undang Tubuh Kerajaan Pahang*; Yaakub Isa, *Hukum Kanun Pahang,* 106-150; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu,* 77-111; *Undang-Undang Tubuh Kerajaan Pahang*; Liaw, *Undang-Undang Melaka,* 1-40; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.

authority within a framework of law, responsibility, and institutional order. What endured was not necessarily the document itself, but the constitutional vision it embodied.

The discovery of additional HKP manuscripts and the continuing conservation of MS F invite a reconsideration of the documentary history of constitutional development in Pahang. While definitive conclusions regarding direct textual transmission remain premature, the surviving manuscript tradition suggests that constitutional continuity may have been more extensive than previously recognised. Future research may further illuminate the relationship between manuscript transmission, institutional memory, and constitutional development within the Malay world. The enduring legacy of the HKP lies not merely in its survival as a historical manuscript, but in the constitutional principles it transmitted across successive generations. It preserved a conception of governance in which sovereignty was exercised as an *amānah*, justice legitimised authority, consultation restrained power, and *adat* remained a living institution guided by the moral boundaries of Islam. The HKP therefore stands as enduring testimony that sovereignty derives its strength not from power alone, but from the faithful administration of justice. Through the preservation of written law, Sultan Abdul Ghaffar transformed governance into a constitutional trust capable of outliving both kingdoms and kings.

3.5 The Constitutional Philosophy of the Hukum Kanun Pahang

3.5.1 The Tawhidic Foundations of Sovereignty

> "Indeed, I will place upon the earth a khalīfah."
> *Sūrah al-Baqarah* (2:30)

> "Those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong. With Allah rests the end (and decision) of all affairs."
> *Sūrah al-Ḥajj* (22:41)

The HKP reflects principles that resonate strongly with what contemporary scholars describe as a Tawhidic epistemology. Law, governance, morality, and social order are integrated within a unified constitutional framework grounded in the sovereignty of Allah. In this respect, the HKP demonstrates that many principles associated with contemporary discussions of Islamic constitutional thought were already embedded within the intellectual and constitutional traditions of the Malay world.[176] This conception of governance is reflected in the Islamic understanding of the ruler as *khalīfah*. Within the Malay-Islamic constitutional tradition, rulership is not regarded as a personal entitlement but as an *amānah* entrusted by Allah. The ruler's authority is therefore inseparable from responsibility, accountability, and the obligation to uphold justice, preserve public welfare, and maintain social order. Sovereignty is exercised not as an unrestricted personal privilege but within a constitutional order shaped by Divine Law and moral accountability. In this conception of governance, power is not exercised for personal benefit but in fulfilment of a trust. The ruler bears responsibility for maintaining social order, safeguarding the rights of the people, and ensuring that justice prevails within the kingdom. His legitimacy derives not merely from lineage or status, but from his ability to discharge faithfully the obligations entrusted to him.[177]

The constitutional vision embodied within the HKP reflects this understanding of kingship. Governance is situated within a framework of law, morality, and Divine accountability, reminding both rulers and officials that authority is ultimately exercised under the sovereignty of Allah. To rule, therefore, is not power to be enjoyed but responsibility to be fulfilled. Long before contemporary discussions of a Tawhidic epistemology emerged in academic discourse, the HKP had already integrated divine revelation, human reasoning, and customary practice into a coherent constitutional order. These elements were not treated as separate spheres but as interconnected dimensions of a unified worldview grounded in *tawḥīd*. Within this framework, sovereignty ultimately

[176] al-Attas, *Islam and Secularism*, 38-45; Wan Mohd Nor Wan Daud, *The Educational Philosophy and Practice of Syed Muhammad Naquib al-Attas* (ISTAC, 1998), 117-140; Yaakub Isa, *Hukum Kanun Pahang, 106-150.*

[177] Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu,* 77-111; Abu Talib Ahmad, "Pahang State History" 35-64;

belongs to Allah, while rulers govern as trustees entrusted with the responsibility of administering justice in accordance with divine guidance. Law derives its legitimacy not merely from political authority or custom, but from its conformity with the principles of *Sharīʿah* and the moral order established by Allah.[178] The significance of this constitutional philosophy lies in its transformation of sovereignty from a matter of power into a matter of responsibility. Political authority was neither absolute nor self-derived. Rather, it was exercised as an *amānah* requiring the ruler to uphold justice, preserve social order, and govern in accordance with principles that transcended personal interest and temporal power.

The ethical principles embodied within the HKP did not emerge in isolation. They formed part of a wider Malay-Islamic intellectual tradition concerned with kingship, justice, governance, and moral responsibility. One of the most important expressions of this tradition is *Taj al-Salatin* (*The Crown of Kings*), composed by Bukhari al-Jauhari in the early seventeenth century. Although not a legal text, it provides valuable insight into contemporary understandings of rulership by emphasising justice, consultation, accountability, and the ethical obligations of rulers and their advisers. Read alongside the HKP, it illuminates the moral and intellectual foundations of Malay-Islamic constitutional thought.[179] The recurring phrase *Hukum* Allah is not merely a rhetorical expression within the HKP; it constitutes the manuscript's constitutional spine. Its repeated invocation functions as a form of constitutional grammar through which political authority is defined, constrained, and legitimised. By continually referring governance back to Divine Law, the HKP binds royal authority to a higher moral order, transforms *daulat* into *amānah*, and locates political legitimacy in obligation rather than privilege. Sovereignty, in this sense, is not presented as an unrestricted right of rulers but as a responsibility exercised under the authority of Allah.[180]

[178] al-Attas, *Islam and Secularism,* 38-45; Wan Mohd Nor , *The Educational Philosophy and Practice of Syed Muhammad Naquib al-Attas,* 117-140; Yaakub Isa, *Hukum Kanun Pahang*.
[179] Hamdan Hassan, ed., *Taj al-Salatin,* Bukhari al-Jauhari, (Yayasan Karyawan, 2023), Fasal 5-10.
[180] Yaakub Isa, *Hukum Kanun Pahang,* 106-150; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu,* 77-111.

3.5.2 Justice as Sovereignty: Humility before Law

Within the constitutional philosophy of the HKP, justice was not merely an administrative function of government but the very foundation upon which legitimate authority rested. Sovereignty therefore emerged not from power alone, but from the ruler's ability to govern in accordance with the principles of justice, accountability, and obedience to *Hukum* Allah.[181] Justice, however, was not directed solely towards the *rakyat*. It also imposed obligations upon the ruler himself. The constitutional philosophy of the HKP assumes that sovereignty is inseparable from moral restraint and that the exercise of royal authority must remain subject to law and Divine accountability. In this respect, the legitimacy of kingship depended not upon the unrestricted exercise of power, but upon the ruler's willingness to govern within the limits established by justice and *Hukum* Allah. Within the constitutional philosophy of the HKP, the Sultan was not conceived as standing above the law, but as its custodian. At the same time, the law served as the custodian of the Sultan by guiding, restraining, and legitimising the exercise of authority. The Sultan safeguarded the law, and the law safeguarded the Sultan. Together they formed a constitutional relationship grounded in responsibility rather than arbitrary power.

Centuries before the emergence of modern constitutional thought, the HKP established a framework in which the Sultan, as the *payung negeri* of the realm, was the source of sovereignty but not its unchecked wielder. His authority was exercised through law rather than outside it, and his legitimacy depended upon the faithful discharge of the responsibilities entrusted to him. Humility before law therefore formed an essential component of Malay-Islamic constitutional thought. The authority of the Sultan was strengthened, rather than diminished, by his submission to the constitutional and moral order that legitimised his rule. In the constitutional vision of the HKP, justice did not weaken sovereignty; rather, it constituted the very basis upon which sovereignty acquired its legitimacy.[182] The constitutional relationship between the ruler and the law may

[181] Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu,* 77-111; Yaakub Isa, *Hukum Kanun Pahang,* MS D; Liaw, *Undang-Undang Melaka,* 1-40.
[182] Abu Talib Ahmad, " Pahang State History", 35-64; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu,* 77-111.

therefore be understood through the principle that “raja dan undang-undang juga berpisah tiada.” Sovereignty did not release the ruler from constitutional and moral obligation; rather, it imposed upon him a greater responsibility to uphold the law. The ruler safeguarded the law through its faithful administration, while the law safeguarded the ruler by defining, restraining, and legitimising the exercise of sovereign authority. Justice therefore became the measure of legitimate kingship, and moral responsibility the foundation of political legitimacy.

3.5.3 *Bustan al-Salatin*: The Ethics of Governance

An important work for understanding the intellectual environment surrounding the HKP is *Bustan al-Salatin* (*The Garden of Kings*) by Nur al-Din al-Raniri. Unlike the HKP, which functions primarily as a constitutional text, *Bustan al-Salatin* may be understood as a broader work of political, ethical, and religious instruction. Throughout the text, al-Raniri repeatedly emphasises the duties of rulers and officials, the importance of justice, the moral responsibilities attached to political authority, and the obligation to govern in accordance with Islamic principles. Central to al-Raniri’s vision of governance is the principle that political authority cannot be separated from ethical responsibility. The legitimacy of rulers rests not merely upon succession or political power, but upon their commitment to justice, wisdom, accountability, and service to the community. Good governance is therefore presented as both a political and a moral undertaking. Read alongside the HKP, *Bustan al-Salatin* illuminates a wider Malay-Islamic intellectual tradition in which law, governance, religion, and ethics were understood as interconnected dimensions of rulership. Both works reflect a constitutional culture in which authority was expected to be exercised within a framework of moral responsibility and Divine accountability rather than according to personal will alone. In this respect, *Bustan al-Salatin* provides an important intellectual context for understanding the constitutional philosophy of the HKP, particularly its

insistence that governance must be guided not only by constitutional authority but also by justice, ethical discipline, and moral responsibility.[183]

3.6 *Sharīʿah*, *Adat*, and the Constitutional Order

> "Then We put thee on the (right) Way of Religion:
> so follow thou that (Way), and follow not the desires
> of those who know not."*Sūrah al-Jāthiyah* (45:18)

The constitutional order reflected in the HKP preserved both the universal principles of Islam and the historical continuity of Malay governance. Most scholars ask, "Where is *adat istiadat* written?" This study asks a different constitutional question: "Why was *adat istiadat* never intended to be written in its entirety?" The answer lies in the different constitutional functions performed by law and custom. The HKP regulated governance, administration, jurisdiction, and the exercise of sovereign authority, while *adat istiadat* remained a living institution sustained through sovereignty, court practice, and constitutional continuity. What is living was never intended to be exhaustively codified.[184] The distinction between *hukum*, *kanun*, *adab*, *adat resam*, and *adat istiadat* is fundamental to understanding the constitutional philosophy of the HKP. These concepts operate at different but complementary levels of the constitutional order and should not be treated as interchangeable.

[183] Jelani Harun, ed., Nuruddin al-Raniri, *Bustan al-Salatin (The Garden of Kings): A Malay Mirror for Rulers*, (Universiti Sains Malaysia, 2016), 162-202; al-Attas, *Islam and Secularism,* 38-45; Wan Mohd Nor, *The Educational Philosophy and Practice of Syed Muhammad Naquib al-Attas,* 117-140.
[184] Yaakub Isa, *Hukum Kanun Pahang, 106-150*; Liaw, *Undang-Undang Melaka*, 1-40. Hooker, *Readings in Malay Adat Laws*, 1-48.

Table 3.1: Distinctions between *hukum, kanun, adab, adat resam* and *adat istiadat*.

Concept	Meaning	Constitutional Function
Hukum	Divine moral and legal principles derived from the Qur'an, Sunnah, and Islamic jurisprudence	Establishes the normative boundaries of governance
Kanun	The legal framework regulating governance, public order, and the exercise of authority	Structures and regulates sovereign power
Adab	Ethical discipline, proper conduct, restraint, and respect	Protects the dignity of authority and reinforces constitutional order
Adat Resam	Living customs, accepted practices, and social traditions	Preserves constitutional continuity through institutions and historical practice
Adat Istiadat	Formal ceremonies, court ritual, and royal observances	Symbolically expresses sovereignty and institutional continuity

These distinctions are important because they clarify the different constitutional functions performed by each element of the Malay-Islamic polity. *Hukum* establishes moral boundaries; *kanun* regulates the exercise of power; *adab* governs ethical conduct; while *adat resam* and *adat istiadat* preserve continuity through living institutions and historical practice. Together they form an integrated constitutional framework in which governance, morality, law, and custom operate as mutually reinforcing rather than competing spheres. A clearer understanding of these distinctions also provides a different way of reading the opening provisions of the HKM and the HKP. Many passages traditionally interpreted as descriptions of royal ceremony or court etiquette may be more accurately understood as legal protections of *adab* rather than as attempts to codify ceremonial practice itself. A

close reading of both texts suggests that their principal objective was not merely to prescribe ritual but to regulate behaviour surrounding sovereign authority through the protection of *adab* under the *Hukum Kanun* tradition.

The presence of sanctions for breaches of decorum, misuse of royal language, acts of disrespect towards authority, and violations of accepted norms helps explain why such provisions were incorporated into the *Hukum Kanun* tradition. Ceremonial practices rarely require legal penalties, conduct does. The inclusion of these sanctions therefore indicates that these provisions were intended not merely to preserve ritual forms, but to regulate behaviour, maintain hierarchy, and protect the constitutional order. Many provisions traditionally interpreted as matters of etiquette or ceremonial observance may therefore be more accurately understood as legally enforceable norms of conduct. Their constitutional significance lies not in the ceremonies they describe, but in the behavioural standards they seek to uphold. Respect for authority, proper conduct, restraint, and observance of established norms were treated as legal obligations because they contributed directly to the preservation of justice, public order, and legitimate governance. The significance of this study therefore lies not merely in the identification of new textual material, but in a shift of interpretation. Earlier readings of the *Hukum Kanun* tradition frequently approached provisions relating to royal language, conduct, hierarchy, and court protocol as matters of etiquette or ceremony. This study proposes a different constitutional reading. Earlier readers saw etiquette; this study sees *adab*. Earlier readers saw ceremony; this study identifies a constitutional ethic of governance. The distinction is not merely semantic but conceptual, and it reshapes how the *Hukum Kanun* tradition is understood within the broader history of Malay-Islamic constitutional thought. The constitutional significance of this distinction extends beyond the interpretation of the HKP itself. If *adat istiadat* remained capable of adaptation, what prevented it from changing completely? The answer lies in the constitutional framework within which *adat istiadat* operated. Although living practices evolved across successive generations, their development remained bounded by *Sharīʿah*, justice, and *amānah*. Islam therefore provided the normative boundaries within which *adat istiadat* could develop while remaining consistent with the constitutional and moral foundations of the Malay-Islamic polity.

This constitutional understanding continued beyond the HKP. Rather than attempting to codify every aspect of *adat istiadat*, the Malay constitutional tradition preserved it through institutions, sovereignty, and historical continuity. Constitutional texts therefore recognised and protected the institutions through which *adat istiadat* was transmitted rather than exhaustively defining its content. In this sense, the Constitution protects the institution; it does not define *adat istiadat*.

"Ceremony expresses authority. Law protects it."

3.7 *Raja* and *Rakyat*: Constitutional Reciprocity

The well-known Malay expression "raja dan rakyat berpisah tiada" *i*s more than a traditional maxim. It embodies a constitutional philosophy of governance founded upon reciprocal responsibility, justice, and service. The relationship between ruler and *rakyat* rests neither upon domination nor subordination, but upon mutual obligation within a shared moral and constitutional order.[185] The constitutional philosophy of the HKP rests upon two complementary propositions: "raja dan rakyat berpisah tiada", and equally, "raja dan undang-undang juga berpisah tiada." The ruler and the *rakyat* were joined within a common constitutional order, while the ruler himself remained inseparable from the law that defined, guided, and legitimised his authority. Governance therefore rested not upon domination, but upon reciprocal obligations exercised within an ordered constitutional framework. Authority was balanced by responsibility, sovereignty by justice, and loyalty by moral accountability. The HKP reflects this constitutional understanding by presenting governance as an *amānah* in which both ruler and people possess rights, duties, and responsibilities. The Sultan is entrusted to govern with justice, uphold the law, and safeguard the welfare of the kingdom, while the *rakyat* are expected to uphold the order, loyalty, and responsibilities that sustain the polity. This principle is firmly grounded in the Prophetic tradition, which recognises the just ruler as among those who will receive the

[185] Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu*, 77-111; Yaakub Isa, *Hukum Kanun Pahang,* MS D; Abu Talib Ahmad, "Pahang State History", 35-64; Liaw, *Undang-Undang Melaka*, 1-40; Hooker, *Readings in Malay Adat Laws,* 1-48.

special protection of Allah on the Day when there is no shade except His Shade.[186] Sovereignty is therefore strengthened not through the power of the ruler alone, but through the faithful discharge of reciprocal obligations by both ruler and *rakyat*.

This reciprocal relationship is reflected in one of the fundamental constitutional purposes of the HKP: that the weak should not be oppressed by the strong, nor the poor by the wealthy. Justice therefore functioned not merely as an abstract ideal, but as the practical means through which the constitutional relationship between ruler and *rakyat* was preserved. Law protected the people from arbitrary power, while at the same time reinforcing the legitimacy of sovereign authority through the faithful administration of justice. Within this constitutional vision, justice, stability, and prosperity are sustained when ruler and *rakyat* remain united within a common moral order founded upon *Hukum* Allah, law, and mutual responsibility. In this sense, *"raja dan rakyat berpisah tiada"* is not merely a traditional maxim, but an enduring constitutional principle of the Malay-Islamic polity. Its enduring significance lies in its affirmation that constitutional government depends not merely upon lawful institutions, but upon reciprocal trust between ruler and people. Within the constitutional philosophy of the HKP, sovereignty was never conceived as a one-sided relationship of command and obedience. It was sustained through justice, mutual responsibility, and a shared commitment to the moral order established by *Hukum* Allah.

3.8 Pahang as a Constitutional Polity

> "O you who believe! Obey Allah, and obey the Messenger, and those charged with authority among you."*Sūrah al-Nisāʾ* (4:59)

During the reign of Sultan Abdul Ghaffar, Pahang did not emerge as the political successor to Melaka, but as an autonomous Malay-Islamic constitutional polity. Its sovereignty was expressed through a structured system of governance in which royal authority,

[186] Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, Kitāb al-Ḥudūd, Bāb Faḍl Man Taraka al-Fawāḥish," ḥadīth no. 6806. (Seven (people) will be shaded by Allah by His Shade on the Day of Resurrection when there will be no shade except His Shade; a just ruler…).

administrative hierarchy, judicial procedure, commercial regulation, and maritime law were integrated within the framework of the HKP. The manuscript provides compelling evidence that the Pahang Sultanate possessed a sophisticated political order founded upon law, institutional authority, and administrative organisation rather than personal rule alone. The constitutional order reflected in the HKP reveals a conception of governance in which authority, law, and moral responsibility were inseparable. The Sultan's *daulat* was exercised within the framework of *Hukum* Allah and *Adat Melayu*, while governance was implemented through a structured hierarchy of appointed officers, including the *Bendahara*, *Temenggung*, *Shahbandar*, *Orang Besar*, *Penghulu*, and other officials entrusted with distinct jurisdictions on land and at sea. These office holders were not merely courtiers but delegated custodians of justice, ensuring that royal authority was exercised throughout the realm in accordance with law.

As the largest Malay Sultanate on the Peninsula during its time, extending from the riverine interior to the eastern maritime coast, Pahang required a system of governance that was centralised in constitutional principle yet decentralised in administration. Each district possessed appointed officers who represented the Sultan in enforcing law, collecting revenue, maintaining public order, administering justice, and safeguarding religious life. Through this administrative network, the constitutional principles articulated in the HKP became living institutions rather than merely written ideals. Governance under Sultan Abdul Ghaffar was therefore increasingly structured through recognised offices, legal procedures, and institutional responsibilities. The HKP reflects a political order in which rulers, officials, merchants, and subjects alike operated within an established framework of authority and obligation rather than according to arbitrary command. The manuscript consistently emphasises consultation (*shūrā*), justice (*ʿadl*), accountability, and public responsibility, demonstrating that political authority was exercised within recognised legal and moral limits.

The breadth of the HKP further illustrates the constitutional maturity of the Pahang Sultanate. Its provisions regulate the conduct of rulers and officials, judicial procedures, criminal offences, commercial transactions, taxation, maritime affairs, and administrative

responsibilities. Such comprehensive coverage reveals a legal corpus concerned not with isolated legal questions but with the orderly governance of the state as an integrated constitutional system.[187] The constitutional standing of Pahang is also reflected in contemporary foreign accounts. In 1607, Admiral Cornelis Matelief de Jonge of the Dutch East India Company visited Kuala Pahang to seek Sultan Abdul Ghaffar's cooperation in Dutch efforts against Portuguese Kota Melaka. Such diplomatic engagement demonstrates that Pahang was recognised internationally as an influential sovereign power within the maritime Malay world. Viewed as a whole, the HKP demonstrates that Pahang was far more than a regional kingdom or prosperous trading state. It functioned as a sovereign Malay-Islamic constitutional polity possessing legal institutions, administrative structures, and constitutional principles capable of sustaining governance across both terrestrial and maritime domains. A constitutional polity is measured not merely by the extent of its territory, but by the strength of its institutions, the coherence of its legal order, and the legitimacy of its governance. Judged by these criteria, the HKP demonstrates that the Pahang Sultanate had already developed a sophisticated constitutional order during the reign of Sultan Abdul Ghaffar, continuing the constitutional legacy of Sultan Muhammad Shah. Through the integration of law, administration, justice, and Islamic principles, Pahang emerged as one of the foremost constitutional polities of the pre-colonial Malay world.

3.9 The Royal Network: Diplomacy, Intellectual Exchange, and Constitutional Statecraft

Pahang, Patani, and Brunei were among the most influential Malay-Islamic Sultanates of the late sixteenth and early seventeenth centuries. Linked by dynastic marriages, diplomacy, maritime commerce, and shared commitments to Islam, they formed an interconnected political and intellectual network extending across the *Laut Melayu*. During the reign of Sultan Abdul Ghaffar, these relationships strengthened not only political

[187] Yaakub Isa, *Hukum Kanun Pahang,* MS D; Linehan, "A History of Pahang", 30; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.

alliances but also the circulation of legal traditions, scholarship, administrative practices, and constitutional ideas throughout the Malay world. For the purposes of this study, the term Royal Network is used as an interpretive concept to describe the interconnected dynastic, diplomatic, and intellectual relationships linking Pahang, Patani, and Brunei during the reign of Sultan Abdul Ghaffar. Although not a contemporary historical designation, it provides a useful interpretive framework for understanding the interconnected political and intellectual relationships linking these three Sultanates. The dynastic relationships illustrated in Figure 3.1 demonstrate that Sultan Abdul Ghaffar's political world extended far beyond Pahang itself. Through marriages linking Pahang with Patani, Brunei, and later Perak, the royal house participated in a wider network of Malay-Islamic polities connected through kinship, diplomacy, commerce, and shared political interests. These alliances strengthened political relationships while creating favourable conditions for the circulation of constitutional ideas, religious learning, administrative experience, and manuscript traditions throughout the *Laut Melayu*.

Figure 3.2: A Section of Abraham Ortelius' 1602 Indiae Orientalis, Insularumque Adiacientium map highlighting the Royal Network; Paam (Pahang), Patane (Patani), Achem (Aceh) and Burneo (Brunei).



3.9.1 Islamic Centres of the *Laut Melayu*

The significance of these alliances extended beyond diplomacy alone. Pahang, Patani, and Brunei functioned as important centres of Islamic learning, legal development, maritime commerce, and statecraft. Their relationships facilitated the movement of scholars, jurists, merchants, administrators, and religious teachers across the *Laut Melayu*, encouraging the circulation of constitutional ideas, political culture, and Islamic scholarship. Patani represented one of the foremost centres of Islamic learning and court culture in the western Malay world, while Brunei connected Pahang to the wider Islamic networks of the eastern archipelago, including Sulu, Mindanao, Ternate, and Java. Situated between these two spheres, Pahang occupied a pivotal constitutional, diplomatic, and maritime position within the Malay world, linking the intellectual traditions of the western peninsula with the Islamic maritime networks of the eastern archipelago. Viewed from this perspective, the three Sultanates may be understood as interconnected Islamic centres linked not only by trade and kinship, but also by a shared commitment to Islam, monarchy, law, and governance.

3.9.2 Royal Alliances and Diplomatic Statecraft

Royal marriages represented one of the most sophisticated instruments of diplomacy in the Malay world. Through dynastic alliances, political relationships became enduring networks of kinship, trust, and cooperation. Sultan Abdul Ghaffar's marriages connected Pahang not only to neighbouring courts but also to important centres of Islamic learning, maritime commerce, and constitutional governance.[188] Among these alliances, the relationship with Patani was particularly significant. During this period, Patani flourished under the celebrated queens Raja Hijau, Raja Biru, Raja Ungu, and later Raja Kuning. Through these royal connections, Pahang became linked to traditions of scholarship, literature, jurisprudence, and Islamic learning that circulated widely throughout the Malay world.[189] The Brunei alliance was equally significant. As one of the leading Islamic powers

[188] Yaakub Isa, *Hukum Kanun Pahang,* 106-150*;* Linehan, "A History of Pahang", 29-30, 33.
[189] A. Teeuw and David K. Wyatt, *Hikayat Patani: The Story of Patani*, 2 vols. (Martinus Nijhoff, 1970), 11; Ibrahim Syukri, *History of Malay Kingdom of Patani*, trans. Conner Bailey and John N. Miksic (Ohio

of the eastern archipelago, Brunei maintained extensive diplomatic, commercial, and religious connections across maritime *Tanah Melayu*. Multiple dynastic links between the Pahang and Brunei royal houses suggest a sustained pattern of political and familial engagement that strengthened relations between two important centres of Malay-Islamic governance.[190] These alliances positioned Pahang between the western Melaka–Patani corridor and the eastern Brunei–Sulu maritime network. Sultan Abdul Ghaffar's reign was therefore characterised not only by constitutional development but also by active participation in regional diplomacy through kinship and alliance.

3.9.3 Intellectual and Legal Exchange

The Royal Network facilitated far more than political cooperation. It created channels through which scholars, jurists, scribes, merchants, administrators, manuscripts, and constitutional traditions moved between interconnected royal courts. Across the Malay world, constitutional ideas circulated through ports, courts, marriages, religious institutions, and scholarly networks as much as through written legal texts.[191] The marriage between Sultan Abdul Ghaffar and Raja Ungu symbolised more than dynastic alliance. It linked two influential Malay-Islamic courts whose constitutional, political, and intellectual traditions developed within a shared regional environment. Although the precise influence of Patani or Brunei upon individual provisions of the HKP cannot always be demonstrated, these relationships formed part of the wider intellectual milieu within which the manuscript emerged. The significance of these networks lies not in demonstrating direct textual borrowing, but in illustrating the interconnected constitutional culture within which Sultan Abdul Ghaffar's court participated. constitutional ideas, Islamic scholarship, administrative experience, and political thought circulated across the Malay world through

University, 1985), 28-48; Jorges Santos Alves, "Patani and the Luso-Asian Networks (1516-1642)" in *Patani Through Foreign Eyes: Sixteenth and Seventeenth Centuries,* eds., Daniel Perret and Jorge Santos Alves, (Archipel Hors-Série No 2, 2022), 64.

[190] Awang Mohd Jamil al-Sufri*, Tarsilah Brunei II: Zaman Kegemilangan dan Kemahsyuran,* (Jabatan Pusat Sejarah Kementerian Kebudayaan Belia dan Sukan, 1997), 96.

[191] Linehan, "A History of Pahang", 29-30, 33; Azyumardi Azra, *The Origins of Islamic Reformism in Southeast Asia: Networks of Malay-Indonesian and Middle Eastern ʿUlamāʾ in the Seventeenth and Eighteenth Centuries* (University of Hawai'i Press, 2004), 52-69, 109-148.

these regional networks, enriching the intellectual environment from which the HKP emerged.[192]

3.9.4 Constitutional Statecraft

The significance of Sultan Abdul Ghaffar's alliances extended beyond diplomacy and intellectual exchange. They formed part of a broader strategy through which Pahang strengthened its constitutional legitimacy and political standing within the interconnected Malay-Islamic world, where enduring political relationships were cultivated not merely through dynastic ties but also through the Islamic ethic of *naṣīḥah* (sincere counsel and loyalty), fostering trust, integrity, and mutual responsibility among rulers and their communities.[193] Dynastic marriage functioned as political infrastructure, reinforcing sovereignty, consolidating alliances, and integrating courts into wider diplomatic networks sustained by genealogy, Islam, and law.[194] Within this context, the compilation of the HKP may be understood not merely as an internal administrative undertaking but as an expression of sovereign constitutional statecraft. The manuscript demonstrated that Pahang possessed legal institutions, administrative sophistication, and constitutional traditions comparable to those of the major Malay-Islamic Sultanates of its age. The Royal Network reveals Sultan Abdul Ghaffar not as an isolated ruler, but as a constitutional statesman whose diplomacy reinforced lawful governance, scholarship, and political stability across the Malay world. The Qur'an reminds believers, "And cooperate in righteousness and piety, but do not cooperate in sin and aggression."[195]

The Royal Network demonstrates that constitutional development in the Malay world did not occur in isolation. It emerged within an interconnected civilisational network in which diplomacy, kinship, scholarship, and law reinforced one another across successive generations. Through these relationships, Sultan Abdul Ghaffar positioned Pahang not at

[192] Liaw, *Undang-Undang Melaka*, 1-40; Yaakub Isa, *Hukum Kanun Pahang,* 106-150.
[193] Muslim, *Ṣaḥīḥ Muslim*, Kitāb al-Īmān, Bāb Bayān anna al-Dīn al-Naṣīḥah, ḥadīth no. 55.
[194] Linehan, "A History of Pahang" 29-30, 33; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.
[195] *Sūrah al-Mā'idah* (5:2)

the margins of the Malay world, but at one of its principal constitutional and intellectual crossroads.

3.10 Pahang as an Intellectual and Islamic Centre

The sophistication of the HKP indicates that its compilation was the product of a learned court rather than the work of a single individual. The breadth of its legal provisions, administrative organisation, and Islamic jurisprudence indicates the participation of jurists, religious scholars, scribes, administrators, and members of the *orang besar* under royal patronage. The manuscript reflects an intellectual environment in which Islamic law, Malay political thought, administrative experience, and manuscript culture converged in the service of governance. The emergence of a legal manuscript of such breadth presupposed an intellectual culture capable of preserving, organising, interpreting, and transmitting constitutional knowledge across generations. The HKP therefore provides evidence not only of legal codification, but also of a mature scholarly environment in which governance, religion, and learning were closely intertwined.[196] Although later historical records identify the Sultan of Pahang as the Head of Islam and Malay customs, assisted by religious officials such as the *Mufti* and *Qāḍī* the precise institutional structure of religious authority during the reign of Sultan Abdul Ghaffar remains uncertain. Existing published sources do not identify the formal title or functions of the highest religious office during this period. Further archival and manuscript research is therefore required to determine whether this position corresponded to a *Mufti, Shaykh al-Islam, Qāḍī al-Quḍāt*, or another office within Pahang's Islamic administrative hierarchy.[197] The presence of Persian political aphorisms within the HKP points to an intellectual horizon extending beyond the Malay Peninsula. These literary elements resonate with the wider Persian-Sufi traditions that influenced Malay-Islamic thought and suggest that Pahang participated in broader

[196] Yaakub Isa, *Hukum Kanun Pahang,* 106-150; Linehan, "A History of Pahang," 29-30, 33.
[197] Linehan, "A History of Pahang" 29-30, 33; Abu Talib Ahmad, "Pahang State History", 35-64.

currents of Islamic political and ethical discourse circulating throughout the Indian Ocean and the Malay world.[198]

As discussed in the preceding section, Pahang's close connections with Patani, Brunei, and Aceh also fostered an environment in which scholarship, manuscript culture, diplomacy, and religious learning flourished. Through maritime trade, royal alliances, and scholarly networks, jurists, merchants, religious teachers, administrators, and manuscripts circulated across these interconnected centres, facilitating the exchange of constitutional ideas, political experience, and Islamic learning.[199] Within this wider intellectual milieu, figures such as Hamzah Fansuri exemplify the flourishing of Malay-Islamic scholarship during the late sixteenth and early seventeenth centuries. Although direct evidence linking Hamzah Fansuri to the compilation of the HKP remains unavailable, the chronological overlap and shared intellectual environment suggest that Pahang participated in the same broader world of Islamic scholarship, manuscript culture, and legal thought that shaped many of the leading Malay-Islamic polities of the period.[200] The manuscript tradition itself provides further evidence of this scholarly culture. The production, preservation, and transmission of legal texts required skilled scribes, copyists, teachers, and scholars capable of engaging with both Islamic jurisprudence and Malay constitutional traditions. The colophon identifying the scribe as "fakīr yang tinggal di Pulau Raya" offers a rare glimpse into this world of manuscript production and reminds us that the preservation of law depended as much upon scholarly communities as upon royal patronage.

The provisions relating to *waqf* within the HKP further demonstrate the sophistication of Islamic legal thought during Sultan Abdul Ghaffar Muhyiddin Shah's reign. Their inclusion reflects more than familiarity with Islamic jurisprudence; it reveals an effort to institutionalise religious, charitable, and social responsibilities within the constitutional structure of the state. In this respect, Pahang functioned not merely as a recipient of Islamic constitutional traditions but as an active participant in their application

[198] Syed Muhammad Naquib al-Attas, *The Mysticism of Hamzah Fansuri* (University of Malaya Press, 1970), 1-73.
[199] Azyumardi Azra, *The Origins of Islamic Reformism,* 52-69, 109-148.
[200] al-Attas, *The Mysticism of Hamzah Fansuri,* 1-73.

and development.[201] Viewed as a whole, the HKP should be understood not as an isolated legal manuscript but as the product of a sophisticated intellectual and religious environment. Through scholars, jurists, scribes, administrators, and royal patronage, Pahang became part of a wider Malay-Islamic ecumene in which law, learning, governance, and manuscript culture were transmitted across generations. The HKP emerged from a world in which knowledge itself was regarded as a form of stewardship. Its survival bears witness not only to the constitutional achievements of Sultan Abdul Ghaffar, but also to the intellectual culture that made those achievements possible. In preserving law, Pahang also preserved learning, and through learning, it preserved a civilisation.

3.11 His Greatest Legacy

3.11.1 From Pahang to the Malay World: The Diffusion of a Constitutional Legacy

The HKP stands as the greatest legacy of Sultan Abdul Ghaffar. It was not merely the compilation of another legal code, but the preservation, refinement, and transmission of the constitutional inheritance of Melaka within a sovereign Malay-Islamic polity. Through the HKP, Sultan Abdul Ghaffar transformed inherited constitutional traditions into a coherent constitutional framework that united *shara'* and *adat*, law and ethics, governance and sovereignty.[202] The HKP did not replace the legal traditions inherited from Melaka. Rather, it preserved and developed them in response to the political, administrative, commercial, and maritime realities of the Pahang Sultanate. Drawing upon the HKM and the UULM, Sultan Abdul Ghaffar refined earlier constitutional traditions while ensuring that they remained relevant to the needs of his own kingdom. In this respect, the HKP represents both continuity and innovation within the Malay-Islamic legal tradition.[203] The significance of the HKP lies not only in its legal content but also in its constitutional vision. It integrated *Sharīʿah* principles, royal administration, judicial procedure, commercial

[201] Yaakub Isa, *Hukum Kanun Pahang,* MS D.
[202] Yaakub Isa, *Hukum Kanun Pahang,* 106-150.
[203] Liaw, *Undang-Undang Melaka,* 1-40; Yaakub Isa, *Hukum Kanun Pahang,* 106-150.

regulation, and maritime governance into a single coherent legal order. Rather than treating these as separate spheres of governance, the manuscript brought them together within a unified constitutional framework capable of guiding rulers, officials, merchants, and subjects alike.[204]

The survival of multiple manuscript traditions associated with the HKP further demonstrates that it remained part of a continuing constitutional tradition rather than becoming a forgotten relic. Its preservation across successive generations indicates that the manuscript retained both intellectual and legal authority long after the reign of Sultan Abdul Ghaffar. The constitutional significance of the HKP extends beyond the history of Pahang itself. Through its preservation, later generations inherited one of the most complete surviving witnesses to the constitutional tradition of the Malay world. Its enduring value lies not merely in the survival of the manuscript itself, but in the constitutional principles it preserved and transmitted across successive generations.[205] The HKP therefore represents Sultan Abdul Ghaffar's greatest achievement. More than a legal manuscript, it became the written embodiment of a constitutional civilisation. Through its compilation, the constitutional heritage of Melaka was preserved, adapted, and transmitted to future generations, ensuring that Malay-Islamic constitutional thought remained a living tradition rather than a forgotten memory.[206]

3.12 Historiographical Correction

3.12.1 Constitutional Irony: History Repeats Itself

There is a striking irony within the constitutional history of the Malay world. Historians have frequently identified the Laws of the State of Johore: The Law of the Constitution of 1895 as the beginning of written constitutionalism among the Malay states. Yet more than three centuries earlier, Sultan Abdul Ghaffar had already undertaken a comparable

[204] Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.
[205] Yaakub Isa, *Hukum Kanun Pahang,* 106-150.
[206] Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233; Yaakub Isa, *Hukum Kanun Pahang,* 106-150.

constitutional project. The HKP may be understood as the Pahang recension of the HKM, preserving its constitutional foundations while refining, expanding, and adapting them to the political, administrative, commercial, and maritime realities of the Pahang Sultanate.[207] Following the compilation of the HKP, written constitutional traditions became increasingly visible throughout the Malay world. Aceh, Kedah, Perak, Johor, Brunei, and later Riau-Lingga all produced legal compilations reflecting HKM, a shared constitutional heritage rooted in Islamic principles, royal authority, justice, consultation, and orderly governance. These developments demonstrate that the constitutional tradition of the Malay world continued to evolve long before the emergence of nineteenth-century written constitutions.

The manuscript demonstrates that the legal heritage of Melaka did not disappear with the fall of Kota Melaka in 1511. Rather, those constitutional traditions survived through adaptation, refinement, and transmission within Pahang and successor states. Through the codification of the HKP, Sultan Abdul Ghaffar preserved an inherited constitutional legacy while ensuring its continued relevance within a changing political and intellectual landscape.[208] More than three centuries later, British administrators encouraged the Malay states to adopt written constitutions modelled upon Johor's constitutional framework. The historical pattern was remarkably similar. The difference, however, was profound. What colonial administrators later promoted through constitutional reform had already been anticipated by Malay rulers, jurists, and scholars through their own legal, political, and religious traditions. This represents one of the great ironies of Malay constitutional history. Colonial historiography often portrayed constitutionalism as a product of modern administration while overlooking earlier indigenous traditions of written law. The HKP demonstrates that concepts of constitutional governance, legal restraint, institutional administration, and the rule of law had already been articulated within the Malay-Islamic world centuries before colonial intervention. In this sense,

[207] Linehan, "A History of Pahang," 29-30, 33; Yaakub Isa, *Hukum Kanun Pahang,* 106-150; Liaw *Undang-Undang Melaka*, 1-40.
[208] Liaw, *Undang-Undang Melaka,* 1-40; Wan Ahmad Fauzi , "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233; Yaakub Isa, *Hukum Kanun Pahang,* 106-150.

Pahang should be recognised not merely as a recipient of constitutional ideas, but as one of their earliest and most influential custodians.

3.12.2 From Melaka to Riau: The Unbroken Constitutional Chain

The constitutional tradition continued beyond Pahang and Aceh. The constitutional traditions of Johor-Riau-Lingga represent one of the later expressions of this written constitutional heritage. Descended from the same dynastic and intellectual lineage that connected Melaka, Johor, and Pahang, the scholars and jurists of Riau-Lingga inherited a constitutional worldview that bound sovereignty to *Hukum* Allah, justice, consultation, and responsible governance. Subsequent legal compilations across the Malay world, including those of Aceh, Kedah, Perak, Johor, Brunei, and later Riau-Lingga, demonstrate the continuing vitality of this constitutional tradition. Whether through direct influence, shared inheritance, or parallel development within the wider Malay-Islamic intellectual world, these texts collectively reveal a remarkable continuity of constitutional thought extending across centuries. Many of its provisions concerning royal duty, administration, and public order echo themes already visible in the HKP and related Malay legal texts. From Melaka's constitutional foundations to Pahang's codification, from Aceh's legal developments to Riau-Lingga's later refinements, the Malay world maintained a remarkable continuity of constitutional thought, producing an enduring constitutional consciousness that long predated colonial modernity and demonstrates the depth and resilience of indigenous Malay-Islamic traditions of governance.

There was no constitutional rupture between Melaka and Pahang. The significance of Sultan Abdul Ghaffar's lineage extends beyond genealogy. As a direct descendant of the Melaka royal house through Sultan Mansur Shah of Melaka and the Pahang dynasty established by Sultan Muhammad Shah, he embodied the continuity of two interconnected political traditions. His reign therefore represents not the emergence of a separate constitutional order, but the maturation of a constitutional and political inheritance originating in Melaka and found renewed expression in Pahang. As illustrated in Figure 3.1, Sultan Abdul Ghaffar's dynastic position reinforces the continuity of the Melakan

constitutional tradition within Pahang. His reign demonstrates that the constitutional principles preserved in the HKP formed part of a continuing Malay-Islamic constitutional inheritance rather than an isolated regional development. The historiographical significance of this study therefore extends beyond the rehabilitation of a single ruler. It invites a reconsideration of the constitutional history of the Malay world itself. Once the HKP is recognised as a constitutional text rather than merely a legal digest, Sultan Abdul Ghaffar assumes his rightful place among the foremost constitutional architects of the post-Melaka Malay world.

Conclusion

It is perhaps one of the greatest ironies of Malay constitutional history that centuries before colonial administrators introduced written constitutional models to the Malay states, a ruler in Pahang had already recognised the importance of preserving sovereignty through written law.

Sultan Abdul Ghaffar did far more than compile a legal manuscript. He preserved a constitutional tradition. Through the HKP, he ensured that the constitutional memory of Melaka would survive the fall of its political centre and continue to guide subsequent generations of Malay-Islamic governance. His achievement was therefore not merely legal or administrative. It was civilisational. Throughout this chapter, Sultan Abdul Ghaffar has emerged not simply as the ruler of Pahang, but as the Father of the Hukum Kanun Pahang, the *Kanuni* of Pahang, the heir to the constitutional traditions of Melaka, and the statesman who transformed inherited legal memory into a coherent written constitutional order. His greatness lay not in creating an entirely new constitutional tradition, but in preserving, refining, codifying, and transmitting one of the most sophisticated constitutional traditions of the Malay world. The HKP should therefore be understood as far more than a legal digest. It articulates a constitutional philosophy in which the ruler is entrusted with authority, restrained by law, guided by justice, accountable to Allah, and bound to serve the public good. Its provisions regulating kingship, administration, judicial procedure, commerce, taxation, maritime affairs, and public order reveal a constitutional vision in

which *Sharīʿah*, *adat*, justice, and sovereignty operated within a unified framework of governance. Rather than approaching the *Hukum Kanun* tradition primarily as a repository of ceremonial custom, this study has argued that the HKP is more accurately understood as a constitutional text concerned with governance, the regulation of authority, and the ethical exercise of power.[209]

The constitutional tradition of the Malay world did not disappear with the fall of Kota Melaka. Through Pahang it survived, evolved, and continued to shape institutions of governance across successive generations. From the HKM to the HKP, and later to the UTKP, the constitutional spirit of Malay-Islamic governance remained remarkably consistent. Institutions evolved and constitutional forms became more explicit, yet the underlying principles of lawful governance, justice, consultation, moral responsibility, and sovereignty as *amānah* endured.[210] This chapter has further demonstrated that the Malay-Islamic constitutional tradition rests upon three enduring pillars: Faith, Law, and Sovereignty. Faith provides moral direction; law provides order and restraint; sovereignty provides continuity and legitimacy. Together they form a constitutional worldview that has endured across centuries while adapting to changing historical circumstances. Within this constitutional tradition, the Sultan is the custodian of the law, and the law is the custodian of the Sultan. The ruler governs not above the law, but within it, exercising sovereignty as an *amānah* entrusted by Allah. Such a vision of kingship reflects the Prophetic ideal of governance, in which the just ruler is promised the highest divine honour in the Hereafter as a reward for fulfilling the trust of leadership.[211] The legitimacy of authority therefore derives not from power alone, but from its faithful exercise through justice, accountability, consultation, and service to the people.[212] This chapter has also argued that the historiography of the Malay world requires reconsideration. Too often, constitutional

[209] Yaakub Isa, *Hukum Kanun Pahang*, 106-150. Liaw, *Undang-Undang Melaka*, 1-40; Hooker, *Reading in Malay Adat Laws,* 1-48; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu,* 77-111.
[210] Wan Ahmad Fauzi, Kedaulatan Raja-Raja Melayu, 77-111; Undang-Undang Tubuh Kerajaan Pahang 1948.
[211] Muslim, *Ṣaḥīḥ Muslim*, Kitāb al-Imārah, Bāb Faḍīlat al-Imām al-ʿĀdil wa-ʿUqūbat al-Jāʾir, ḥadīth no. 1827. (Those who are fair and just will be near to Allah on thrones of light…those who are fair and just in their rulings and towards their families and those who are under their authority.)
[212] Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu,* 77-111; Abu Talib Ahmad, "Pahang State History", 35-64; Yaakub Isa, *Hukum Kanun Pahang*, 106-150.

history has been narrated from the perspective of colonial modernity, overlooking the earlier indigenous traditions of written governance that flourished within the Malay-Islamic world. Recognising the HKP as a constitutional text rather than merely a legal manuscript restores Sultan Abdul Ghaffar to his rightful place among the foremost constitutional architects of the post-Melaka Malay world.

Great legacies are rarely measured by monuments of stone or territorial conquest. They endure through knowledge, institutions, and laws that continue to guide generations long after their creators have passed. The HKP stands as such a legacy. More than any military victory or dynastic achievement, it remains the enduring monument of Sultan Abdul Ghaffar's reign.

As Allah reminds us:

> "As for that which benefits mankind, it remains on the earth."*Sūrah al-Raʿd* (13:17)

The HKP continues to benefit scholars, jurists, historians, and students of Malay civilisation more than four centuries after its compilation. Through its preservation, Sultan Abdul Ghaffar ensured that the constitutional heritage of the Malay world would remain a living tradition rather than a forgotten memory. His legacy therefore lies not merely in the kingdom he governed, but in the constitutional civilisation he preserved for generations yet to come.

"If the UTKP secures the throne, the HKP teaches how to sit upon it."

CHAPTER FOUR
PAHANG AS A MARITIME KINGDOM: LAW, SOVEREIGNTY, AND THE SEA

> "And He it is Who has made the sea subject, that ye may eat thereof flesh that is fresh and tender; and that ye may extract therefrom ornaments to wear. And thou seest the ships therein that plough the waves, that ye may seek of His bounty, and that ye may be grateful."*Sūrah al-Naḥl* (16:14)

The river was the constitutional bridge between palace, hinterland, and sea. It linked royal authority, commerce, administration, and maritime governance within a single political and legal order, transforming the waterways of Pahang into channels not merely of trade, but of law, sovereignty, and civilisation. The significance of the HKP lies not merely in its preservation and refinement of earlier constitutional traditions, but in its articulation of a constitutional framework for governing an interconnected maritime kingdom. Rather than treating maritime affairs as a separate sphere, the HKP recognised that sovereignty extended across land, river, and sea. The prosperity of Pahang therefore rested not only upon its strategic geography, but also upon a coherent legal order that secured commerce, regulated navigation, administered justice, and upheld the authority of the Sultan throughout the realm. This chapter examines how Pahang's maritime character shaped its constitutional development and how the HKP integrated law, governance, commerce, and maritime administration into a unified framework of sovereign authority. In doing so, it argues that the sea was not merely the setting of Pahang's history, but one of the principal foundations of its constitutional civilisation.[213]

[213] Muhammad Yusoff Hashim, *Kesultanan Melayu Melaka*, 2nd ed. (Dewan Bahasa dan Pustaka, 2015), 239–264; Liaw, *Undang-Undang Melaka*, 1–40; Yaakub Isa, *Hukum Kanun Pahang;* 1–52; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu,* 25–63.

4.1 The Role of The Hukum Kanun Pahang in Maritime Law

In Pahang's maritime soul, law and loyalty were never separate. The ruler reigned with justice and fairness, guided by the HKP, not as an ornament of kingship, but as a constitutional order to be respected, lived, and upheld. It reminds us that Malay governance, particularly in Pahang, was not merely royal but moral. The Sultan was not a distant figure upon a throne, but the guardian of balance between the people, commerce, the rivers, and the sea. This study proposes a different way of understanding Malay maritime history. Rather than viewing maritime power solely through trade and commerce, it examines the sea as a constitutional maritime space. In Pahang, the sea was not merely a highway of exchange but a jurisdiction shaped by law, protected by royal authority, and regulated through the HKP. To understand Pahang's maritime greatness is therefore to recognise that the sea itself formed part of the Sultanate's constitutional order.

Pahang has long stood in the shadow of Melaka within dominant narratives of Malay maritime history. Yet this perception obscures the historical significance of Pahang as a sovereign maritime kingdom whose authority rested not merely upon trade or geography, but upon law. If Melaka served as the principal gateway of the Malay world, Pahang represented an important continuation of that civilisational legacy, preserving and adapting Malay-Islamic constitutional traditions to its own political and maritime environment. The HKP demonstrates this continuity with remarkable clarity. It reveals that Pahang was not simply a coastal polity engaged in maritime commerce, but a kingdom whose rivers, ports, islands, merchants, and maritime officials operated within a structured legal order. To study Pahang, therefore, is not merely to recover a neglected kingdom, but to recognise the role of law and governance in shaping the maritime civilisation of the Malay world.[214]

Compiled during the reign of Sultan Abdul Ghaffar Muhyiddin Shah ibni Sultan Abdul Kadir Muhyiddin Shah (1592–1614), the HKP represents one of the most

[214] Liaw, *Undang-Undang Melaka dan Undang-Undang Pahang*, 189–210; Yaakub Isa, H*ukum Kanun Pahang,* 1–20; Hashim, *Kesultanan Melayu Melaka*, 239–264.

comprehensive surviving expressions of Malay-Islamic legal thought. Situated along the eastern seaboard of the Malay Peninsula, Pahang occupied a strategic position within regional maritime networks linking the Laut Melayu, the Malay Archipelago, and the wider Indian Ocean world. Drawing upon the legal foundations of the HKM and the UULM, the HKP adapted these earlier traditions to the political and maritime realities of Pahang through provisions governing maritime commerce, navigation, port administration, piracy, and the responsibilities of state officials. This interpretation is reinforced by Andaya's observation that the Sultanate of Pahang maintained a continuous maritime tradition extending well into the colonial period. Such continuity suggests that Pahang's significance cannot be understood solely through its political history or economic activities, but also through the legal institutions that sustained maritime order. The HKP therefore provides important evidence that maritime governance in the Malay world rested upon codified legal principles rather than informal custom alone.

Modern studies of Southeast Asian maritime history likewise emphasise that the Straits of Melaka and the surrounding sea lanes constituted the strategic core of regional civilisation. Malay polities were not primarily land-based states with incidental access to the sea; rather, they were maritime kingdoms whose political authority depended upon the regulation of trade routes, navigational corridors, and coastal settlements. Read alongside the HKM and the UULM, the HKP demonstrates that Malay governance functioned as an integrated land-sea system in which legal authority extended from the royal court to the maritime domain.[215] Pahang's maritime identity was therefore expressed not only through commerce and navigation, but through a legal order that extended royal authority across rivers, ports, and coastal waters. The synthesis of *Sharīʿah* and *adat* within the HKP ensured that trade, navigation, and public administration remained subject to principles of justice, accountability, and public order. Within this constitutional framework, the *Orang Laut* occupied an important position as navigators, guides, and guardians of maritime security. Their role extended beyond practical seamanship to include the enforcement of

[215] Leonard Y. Andaya, *The Kingdom of Johor 1641–1728* (Oxford University Press, 1975), 15–38; Anthony Reid, *Southeast Asia in the Age of Commerce, 1450–1680*, vol. 1, *The Lands Below the Winds* (Yale University Press, 1988), 57–95; Anthony Reid, *Southeast Asia in the Age of Commerce, 1450–1680*, vol. 2, *Expansion and Crisis* (Yale University Press, 1993), 1–42.

royal authority and the maintenance of safe passage along strategic waterways. Their incorporation into the Sultanate's legal order illustrates that maritime security depended not only upon naval strength, but also upon recognised institutions operating under royal authority. While the HKM and the UULM are frequently recognised as foundational texts of Malay legal civilisation, the HKP represents a more developed articulation of maritime constitutional consciousness. It preserved earlier constitutional traditions while expanding provisions relating to maritime administration and security. Its clauses address piracy, port authority, river navigation, harbour fraud, the conduct of merchants, and the responsibilities of officials such as the *Bendahara, Temenggung, Shahbandar,* and *Nakhoda*. It further prescribes penalties for theft aboard ships, commercial deception, and other offences that threatened maritime stability. Taken as a whole, the HKP demonstrates that maritime governance in Pahang rested upon an integrated constitutional order in which law, sovereignty, commerce, and security were mutually reinforcing. Rather than treating the sea as a geographical frontier or merely a commercial arena, the HKP incorporated the maritime domain within the jurisdiction of the Sultanate and subjected it to the rule of law. In doing so, it stands as one of the clearest indigenous expressions of Malay-Islamic maritime constitutionalism and provides compelling evidence that the maritime civilisation of the Malay world rested upon enduring constitutional foundations.[216]

4.2 The Foundations of a Maritime Civilisation

> "Say: Travel through the earth and see how Allah did originate creation; so will Allah produce a later creation: for Allah has power over all things."Sūrah *al-ʿAnkabūt* (29:20)

[216] M. B. Hooker, *A Concise Legal History of South-East Asia* (Clarendon Press, 1978), 34–52; Cynthia Chou, *The Orang Suku Laut of Riau, Indonesia* (Routledge, 2003), 18–37; Yaakub Isa, *Hukum Kanun Pahang,* 20–52; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu*, 25–63.

4.2.1 A Kingdom That Knew the Sea

The influence of maritime Asia extended far beyond commerce. Through spices, textiles, aesthetics, systems of knowledge, and luxury goods, Asian societies shaped European tastes long before European colonial expansion reached its height. In this sense, the maritime world of Asia exercised cultural influence through admiration, consumption, and exchange rather than conquest. Europe consumed Asia long before it colonised it.[217] Pahang was not merely a polity situated along the eastern coast of the Malay Peninsula. Its historical development was shaped by a profound maritime consciousness that integrated law, governance, commerce, and navigation within a coherent political order. Unlike many Malay states that later underwent significant colonial restructuring, Pahang preserved remarkable continuity in its constitutional traditions, political institutions, and cultural identity. Maritime civilisation was therefore not simply a matter of navigation or commerce, but a way of life expressed through law, institutions, culture, and collective memory. This continuity provides an important lens through which to understand the Sultanate's maritime significance.[218]

This study proposes a reorientation of Malay maritime history, not as a narrative defined solely by trade, conquest, or external influence, but as one grounded in law, stability, and political order. Governed by the maritime principles reflected in the HKP, the waters under Pahang's authority offered merchants and travellers the security essential to commercial prosperity. Pahang thus functioned not merely as a participant in regional trade networks, but as a stabilising force whose authority regulated maritime exchange, protected strategic sea routes, and maintained public order. As Abdul Hamid observes, Pahang represents one of the most enduring maritime polities in the Malay world, maintaining its distinctive cultural and legal identity despite profound political transformations elsewhere in the region. Its strategic position along the eastern seaboard of the Malay Peninsula encouraged the development of sophisticated maritime traditions that combined indigenous

[217] Reid, *Southeast Asia in the Age of Commerce,* vol. 1, 1–25; Sanjay Subrahmanyam, *The Career and Legend of Vasco da Gama* (Cambridge University Press, 1997), 1–20.
[218] Ahmad Fauzi bin Abdul Hamid, *Pahang dalam Sejarah dan Budaya Melayu* (Dewan Bahasa dan Pustaka, 2014), 45–75.

knowledge, commercial experience, and Islamic legal principles.[2197] In Pahang, the sea was not simply a route of passage but a constitutional maritime space. Maritime activity formed an extension of sovereign authority, subject to legal regulation and administrative oversight. Governing the sea required more than navigational expertise; it demanded the ability to regulate commerce, protect merchants, maintain security, and administer justice across coastal and maritime territories. The HKP reflects this understanding by situating maritime activity within a broader framework of governance and public welfare.[220]

Pahang's maritime prominence was achieved not through territorial conquest or naval domination, but through the creation of conditions that fostered stability, predictability, and trust. Situated along the Laut Melayu and removed from many of the conflicts that affected the Straits of Melaka during the early modern period, the Sultanate cultivated an environment in which trade flourished under reliable legal authority. Its reputation rested not only upon its strategic location and abundant natural resources, but also upon the continuity of its institutions and the credibility of its governance. This continuity was reinforced by Pahang's relative insulation from direct colonial intervention during much of its early history. Unlike several major port-polities that experienced repeated foreign occupation or extensive colonial restructuring, Pahang retained important elements of its indigenous constitutional and administrative traditions. Although external influences were never entirely absent, the Sultanate preserved sufficient institutional continuity to ensure the survival of its constitutional and legal heritage. Colonial administrators such as Rodger and Clifford frequently portrayed Pahang through the assumptions of imperial discourse, depicting its society as politically backward or insufficiently developed. Such assessments reveal more about colonial attitudes than the realities of Pahang itself. Long before the introduction of British administrative structures, Pahang had already produced one of the most sophisticated legal compilations in the Malay world. The HKP demonstrates the existence of a mature constitutional culture in which

[219] Abdul Hamid, *Pahang dalam Sejarah dan Budaya Melayu*, 63–75; Leonard Y. Andaya, *Leaves of the Same Tree: Trade and Ethnicity in the Straits of Melaka* (University of Hawai'i Press, 2008), 89–104.
[220] Liaw, *Undang-Undang Melaka dan Undang-Undang Pahang* (Yayasan Karyawan, 2003), 189–210; Yaakub Isa, *Hukum Kanun Pahang*, Introduction and 1–20.

governance, commerce, justice, administration, and maritime order were systematically codified.[221]

The rediscovery and return of the complete HKP manuscript in 1993 further reinforced this interpretation. Rather than creating a new historical narrative, the manuscript provided direct evidence of a constitutional tradition that had long existed but remained insufficiently recognised within mainstream historiography. Its preservation enables scholars to examine Pahang's constitutional foundations through indigenous sources rather than relying primarily upon colonial descriptions or fragmentary accounts. To understand Pahang as a maritime kingdom, therefore, is not merely to acknowledge its geographical relationship with the sea. It is to recognise a political tradition in which sovereignty, commerce, navigation, and law were inseparable. Pahang demonstrates that maritime power could be sustained not only through military force or commercial dominance, but through legal continuity, institutional stability, and the effective exercise of sovereign authority.

4.2.2 Mapping the Sea before the West Did

Historical references to Pahang appear consistently across a wide range of regional sources long before the arrival of European colonial powers. Chinese records dating from the third century onwards refer to the polity under various names, including *Pan-huang*, *Pahan*, *Pa-hang*, and *P'o-huang*, while later Malay sources such as the *Sejarah Melayu* likewise recognise Pahang as an established political entity. These records demonstrate that Pahang was already integrated into regional networks of communication, commerce, and diplomacy, occupying a recognised position within the maritime Malay world.[222] Their significance extends beyond historical identification. They reveal that Pahang formed part of an interconnected maritime landscape linking the Malay Peninsula with the Indian

[221] Linehan, "A History of Pahang," 1–257; Yaakub Isa, *Hukum Kanun Pahang*, Introduction.
[222] Wang Gungwu, "The Nanhai Trade: Early Chinese Trade in the South China Sea," *Journal of the Malayan Branch of the Royal Asiatic Society* 31, no. 2 (1958): 1–135; Linehan, "A History of Pahang," 1–257; A. Samad Ahmad, ed., *Sejarah Melayu (Sulalat al-Salatin),* (Dewan Bahasa dan Pustaka, 1979).

Ocean, the *Laut Melayu*, and the wider Asian world. Rather than existing as an isolated territory, Pahang participated in a dynamic system of movement and exchange in which rivers, coastlines, ports, and sea routes connected commerce, diplomacy, and cultural interaction. As Salleh observes, the peoples of the Malay world possessed their own geographical imagination long before European cartographers introduced modern colonial maps. Maritime spaces were identified through names such as *Laut Melayu* and *Laut Champa*, reflecting indigenous understandings of navigation, cultural interaction, and regional connectivity. These were not merely geographical labels, but expressions of a civilisational worldview through which maritime space was understood and organised. Political authority, commerce, culture, and navigation were perceived as mutually reinforcing elements of a single maritime order.[223]

The widespread modern use of the term South China Sea, while convenient as a contemporary geographical designation, often obscures these earlier indigenous conceptions of maritime geography. It reflects a later cartographic framework that does not necessarily correspond to the ways in which the maritime communities of the Malay world understood their environment. For Malay rulers, merchants, navigators, and the *Orang Laut*, the sea was neither an abstract expanse nor a frontier separating states. It was a familiar and interconnected domain defined by routes of travel, commerce, diplomacy, and shared cultural experience. Viewing Pahang through the framework of the *Laut Melayu* therefore offers a fundamentally different perspective on maritime history. It shifts attention away from externally imposed geographical categories towards indigenous systems of knowledge and spatial understanding. Within this worldview, maritime space was understood through movement, seasonal navigation, commercial exchange, political authority, and lived experience. The sea connected communities rather than divided them, while rivers linked inland settlements to wider maritime networks. This perspective is especially significant in the case of Pahang, whose geographical position enabled it to function simultaneously as a maritime and riverine kingdom. The *Sungai Pahang* and its tributaries served as major arteries linking inland resources with coastal trade routes, creating an integrated system in which rivers and seas formed part of the same

[223] al-Attas, *Islam dalam Sejarah dan Kebudayaan Melayu*, 15–28.

constitutional, economic, and political landscape. Pahang's influence therefore cannot be understood solely through territorial boundaries, but through the networks of connectivity that linked its hinterland with the wider maritime world.

Within this indigenous spatial framework, the HKP provides compelling evidence of a constitutional consciousness informed by maritime realities. Its provisions concerning ports, merchants, navigation, piracy, and maritime administration demonstrate an acute awareness of the practical requirements of governing a kingdom deeply connected to both riverine and oceanic systems. The text reflects a constitutional worldview in which maritime space formed an integral component of political authority, legal order, and public responsibility.[224] To map the sea before the arrival of Western cartography, therefore, is not merely to recover earlier place names or navigational routes. It is to recognise that the Malay world possessed its own sophisticated understanding of geography, connectivity, and maritime space long before the introduction of European cartographic traditions. Pahang occupies an important place within this intellectual tradition, demonstrating that maritime knowledge, political authority, and legal order were already deeply embedded within indigenous conceptions of the sea.

4.2.3 Ancient Ports and Inland Harbours

The maritime landscape of pre-modern Pahang was characterised not by a single dominant port, but by an interconnected network of river mouths, estuaries, anchorages, and inland waterways that facilitated the movement of goods, people, and ideas. Rather than relying upon one monumental harbour, the Sultanate developed a system adapted to its natural geography, linking coastal access with an extensive river network that penetrated deep into the interior.[225] At the centre of this network stood Pekan, historically known as Inderapura, which served as both the royal capital and the principal administrative and commercial

[224] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210; Yaakub Isa, *Hukum Kanun Pahang,* 1–20.
[225] Linehan, "A History of Pahang,"35–62; Leonard Y. Andaya and Barbara Watson Andaya, *A History of Malaysia*, 3rd ed. (Palgrave Macmillan, 2017), 34–58.

centre of the Sultanate. Situated near the mouth of the *Sungai Pahang*, it occupied a strategic position where maritime and inland routes converged. Larger vessels anchored offshore while smaller craft transported goods and passengers along the river, connecting coastal trade with inland settlements and resource-producing regions. The *Sungai Pahang* thus became the constitutional bridge linking the royal court, the productive hinterland, and the maritime world.

Nearby, Kuala Pahang functioned as an important transshipment and anchorage point. Its location facilitated the transfer of goods between riverine and maritime routes while providing sheltered waters for vessels navigating the seasonal monsoon winds. These facilities supported not only commercial activity, but also the orderly administration of trade and the regulation of maritime movement. Further south, the *Sungai Endau* region served as another important maritime outlet. Through its connections with surrounding settlements and resource-producing areas, it supported commerce and communication along the eastern coast of the Malay Peninsula. Smaller vessels engaged in coastal trade used these waterways as part of a wider network linking local communities with regional markets.[226][14] *Pulau Tioman* complemented this maritime system by functioning as a strategic waypoint rather than a conventional port. Its natural anchorages, abundant freshwater, and position along major sea routes made it an indispensable stopping point for vessels undertaking long-distance voyages. As a place of shelter, replenishment, and navigation, the island contributed significantly to the safety, sustainability, and continuity of maritime travel throughout the region.

The effectiveness of this riverine-maritime system depended equally upon Pahang's inland waterways. The *Sungai Pahang* and its tributaries, particularly the *Sungai Jelai*, linked inland communities with coastal trading centres, facilitating the movement of gold, forest products, and other valuable commodities from the hinterland to the coast. These rivers were not merely waterways flowing towards the sea; they formed an integral component of Pahang's maritime infrastructure. Together, the rivers and coastal routes

[226] O. W. Wolters, *Early Indonesian Commerce: A Study of the Origins of Srivijaya* (Cornell University Press, 1967), 162–180; Reid, *Southeast Asia in the Age of Commerce,* vol. 1, 87–109.

created a unified network that connected inland production with regional commerce. Taken together, these ports, anchorages, islands, and river systems reveal the infrastructure that underpinned Pahang's maritime civilisation. The strength of the Sultanate did not depend upon a single harbour, but upon an interconnected landscape that linked the interior with the coastline. This integrated system facilitated commerce, administration, diplomacy, and communication across a kingdom in which rivers and seas functioned as complementary rather than separate domains. Pahang should therefore be understood not simply as a maritime kingdom, but as a riverine-maritime civilisation, whose prosperity rested upon the successful integration of inland and coastal environments.[227] This integrated infrastructure also explains why the HKP devoted considerable attention to navigation, ports, river systems, maritime commerce, and administrative responsibilities. Governing the kingdom required more than authority over the royal capital; it demanded the effective coordination of rivers, estuaries, ports, islands, and sea routes within a coherent constitutional and administrative framework. The legal provisions of the HKP therefore reflect the practical realities of administering a kingdom whose sovereignty, prosperity, and security depended upon the successful integration of land and sea.

4.3 From Maritime Networks to Sultanate

Pahang should not be understood as a maritime kingdom that emerged only after the fall of Kota Melaka. Rather, it formed part of a continuing Malay-Islamic maritime civilisation whose political, constitutional, and commercial traditions survived the loss of Melaka's port city. The movement of rulers, merchants, scholars, legal traditions, and dynastic networks ensured that this civilisation endured even as political centres shifted across the Malay world. What survived was not merely trade, but a maritime civilisation sustained by law, governance, diplomacy, and shared constitutional traditions.

[227] Linehan, "A History of Pahang," 35–62; Yaakub Isa, *Hukum Kanun Pahang*, Introduction.

4.3.1 The Spread of Islam through Maritime Trade Routes

The spread of Islam into Pahang and the wider Malay world cannot be separated from the maritime networks that connected the Malay Archipelago with the Indian Ocean and the Middle East. Unlike regions where religious expansion occurred primarily through military conquest or overland migration, Islam reached the Malay world largely through commercial exchange, carried by merchants, scholars, and travellers who sailed along established sea routes. The sea therefore served not merely as a medium of trade, but also as a conduit for religious ideas, constitutional traditions, and cultural exchange.[228] Across the archipelago, major port-polities such as Pasai, Melaka, Aceh, Patani, and Brunei emerged as important centres of Islamic commerce and learning. Merchants and religious scholars from Arabia, Persia, and the Indian subcontinent introduced not only goods, but also ethical values, legal concepts, and intellectual traditions grounded in Islam. These influences circulated through maritime networks and gradually became embedded within local societies, reshaping commerce, governance, and political legitimacy.[229] Within this wider Malay maritime world, Pahang occupied an important position. Coastal settlements and trading centres such as Pekan, Endau, and Pulau Tioman participated actively in regional commercial networks that facilitated the movement of people, goods, and ideas. Through these interactions, Islamic principles became increasingly integrated into commercial practice, systems of trust, dispute resolution, and political authority. Maritime trade thus became one of the principal channels through which Islam entered the social, economic, and institutional life of the Sultanate.

The Islamisation of Pahang appears to have been gradual and relational rather than coercive. Muslim merchants established commercial relationships with local communities, settled in coastal trading centres, and contributed to the emergence of increasingly cosmopolitan ports. Through commerce, kinship, scholarship, and sustained social interaction, Islamic beliefs and practices became incorporated into local society. This

[228] Azyumardi Azra, *The Origins of Islamic Reformism in Southeast Asia*, 1–24; al-Attas, *Islam dalam Sejarah dan Kebudayaan Melayu*, 11–34.
[229] Reid, *Southeast Asia in the Age of Commerce,* vol. 2, 131–158; Azyumardi Azra, *The Origins of Islamic Reformism in Southeast Asia*, 25–45.

pattern reflects the broader experience of the Malay world, where Islam spread principally through commercial engagement and cultural interaction rather than military conquest. Although the precise chronology of Islam's arrival in Pahang remains the subject of scholarly discussion, the available historical evidence consistently points to the importance of maritime connectivity in facilitating its spread. As Pahang became more closely integrated into the wider Malay-Muslim world, religious, political, and dynastic ties reinforced this process. Islamic influence extended beyond the royal court into everyday commercial life, shaping contractual relationships, commercial ethics, and systems of trust that underpinned long-distance trade. The sea was therefore not only a highway of commerce, but also the principal conduit for Islamisation.[230] Over time, these principles became incorporated into the legal foundations of the Sultanate. This development is most clearly reflected in the HKP, which demonstrates the integration of *Sharīʿah* principles with existing *adat* traditions. Its provisions governing criminal law, commercial transactions, taxation, public administration, and public order illustrate how Islamic legal concepts were adapted to local conditions within an indigenous constitutional framework. Particularly significant are its provisions relating to trade, commercial conduct, fraud, taxation, and maritime security, demonstrating that Islamic jurisprudence was applied not as an abstract body of doctrine, but as practical law for a maritime trading society.[231]

The spread of Islam in Pahang should therefore be understood not merely as a religious transformation, but as a broader civilisational process that reshaped law, governance, commerce, and political authority. Maritime exchange provided the principal medium through which these influences circulated, while the HKP stands as one of the clearest surviving expressions of their institutionalisation. It demonstrates how Islamic principles became embedded within the constitutional traditions of the Sultanate, contributing to the development of a distinctly Malay-Islamic system of governance.[232]

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[230] Othman Yatim, *Islam di Malaysia: Kedatangan dan Perkembangan (Abad 7–20)* (Dewan Bahasa dan Pustaka, 1994), 31–57; Syed Muhammad Naquib al-Attas, *Preliminary Statement on a General Theory of the Islamization of the Malay-Indonesian Archipelago* (Dewan Bahasa dan Pustaka, 1969), 12–26.
[231] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210; Hooker, *A Concise Legal History of South-East Asia*, 34–52.
[232] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210; Yaakub Isa, *Hukum Kanun Pahang*, Introduction.

4.3.2 The Rise of the Pahang Sultanate

During the sixteenth and early seventeenth centuries, Pahang emerged as one of the most significant Malay polities along the eastern seaboard of the Malay Peninsula. This period, particularly during the reign of Sultan Abdul Ghaffar, witnessed the consolidation of political authority, the expansion of regional connections, and the strengthening of constitutional institutions that established the Sultanate as an important centre within the maritime world.[233] Unlike many contemporary polities that experienced prolonged instability following the Portuguese conquest of Kota Melaka, Pahang enjoyed a degree of political continuity that enabled the gradual development of durable institutions of governance. Its relative distance from the principal theatres of conflict allowed the Sultanate to consolidate royal authority, strengthen internal administration, and cultivate the stability upon which commerce, diplomacy, and constitutional development flourished. Geography was central to this process. Strategically positioned along the eastern coast of the Malay Peninsula, Pahang functioned simultaneously as a maritime and riverine kingdom. The *Sungai Pahang* and its tributaries connected the resource-rich interior with coastal ports, facilitating the movement of goods, people, and information between the hinterland and the wider maritime world. Gold, forest products, and other commodities were transported efficiently from inland regions to maritime trading centres, creating an integrated economic system that linked river networks with regional sea routes.[234]

Pahang's significance was further enhanced through its participation in regional diplomatic and commercial networks. Following the fall of Kota Melaka in 1511, the Sultanate maintained close relations with neighbouring Malay-Islamic polities, including Johor, Aceh, Patani, and Brunei. Sustained through maritime routes, these relationships facilitated the circulation of political ideas, commercial practices, religious scholarship, and cultural exchange. Commerce, diplomacy, religion, and law travelled together,

[233] Linehan, "A History of Pahang," 1–257; Ahmad Sarji Abdul Hamid, *The Encyclopedia of Malaysia: Rulers and Ruling Systems* (Archipelago Press, 2003), 78–91.
[234] Andaya and Andaya, *A History of Malaysia*, 59–84; Anthony Reid, *Southeast Asia in the Age of Commerce,* vol. 1, *The Lands Below the Winds* (Yale University Press, 1988), 87–109.

reinforcing Pahang's place within the wider Malay-Islamic civilisation.[235] The reign of Sultan Abdul Ghaffar marked the high point of the Sultanate's institutional development. During his reign, constitutional and administrative structures reached a new level of maturity, reflecting the growing sophistication of Pahang's government. The compilation of the HKP stands as the clearest evidence of this achievement. More than a legal digest, the HKP reveals a mature constitutional order capable of regulating commerce, administration, justice, navigation, and maritime security within a coherent legal framework. As Hooker observes, the breadth of its provisions reflects the practical requirements of governing a kingdom whose prosperity depended equally upon inland resources and maritime connectivity.

The effectiveness of this constitutional order was reinforced by a structured administrative hierarchy comprising officials such as the *Bendahara, Temenggung, Shahbandar*, and *Nakhoda*. Each exercised clearly defined responsibilities in maintaining public order, regulating commerce, administering justice, and supervising maritime affairs. Through these institutions, royal authority extended across both riverine and maritime environments, ensuring that legal principles were translated into effective governance throughout the Sultanate.[236] The rise of the Pahang Sultanate therefore represented more than the emergence of another regional power. It marked the consolidation of a mature Malay-Islamic system of governance in which geography, commerce, diplomacy, and law operated in mutually reinforcing ways. Pahang's strength rested not solely upon its strategic location or abundant resources, but upon its ability to integrate inland and maritime networks within a coherent constitutional and administrative order. In this respect, the HKP stands as an enduring testament to the administrative sophistication, constitutional maturity, and institutional continuity achieved by the Sultanate during its period of greatest prominence.

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[235] Leonard Y. Andaya, *The Kingdom of Johor 1641–1728*, 15–38; Barbara Watson Andaya, *To Live as Brothers: Southeast Sumatra in the Seventeenth and Eighteenth Centuries* (University of Hawai'i Press, 1993), 27–45.

[236] Hooker, *A Concise Legal History of South-East Asia*, 34–52; Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210; Yaakub Isa, *Hukum Kanun Pahang,* Introduction.

4.3.3 To Understand Pahang, Begin with Melaka

To understand the historical development of Pahang, one must first understand Melaka, the polity that transformed the Malay world into one of the greatest maritime civilisations of the fifteenth century. Known to the Portuguese as the "Venice of the East," Kota Melaka was far more than a commercial entrepôt. It was a centre of political authority, legal innovation, diplomatic exchange, and Islamic learning, linking the Indian Ocean, the Malay Archipelago, and the wider Asian world. Its success rested not solely upon trade, but upon a sophisticated legal order embodied in the HKM and the UULM, which regulated governance, commerce, and maritime affairs.[237] During the height of the Melakan Sultanate, Pahang occupied an important position within this wider political and economic system. Its extensive river network, centred upon the *Sungai Pahang*, connected the resource-rich interior with regional maritime routes, while its location along the eastern seaboard provided direct access to commercial networks across the *Laut Melayu*. Pahang was therefore not a peripheral dependency, but an integral component of the Melakan sphere of influence. Its rivers, ports, and sea routes enabled Melaka's commercial and constitutional traditions to extend eastwards.

The Portuguese conquest of Kota Melaka transformed the political landscape of the Malay world, but it did not extinguish its constitutional traditions. These survived through transmission, adaptation, and continuity among successor polities. Sovereignty, dynastic legitimacy, constitutional institutions, and systems of governance continued through kingdoms such as Pahang, Johor, and later Riau-Lingga. The fall of Kota Melaka therefore marked a shift in the political centre rather than the disappearance of Malay-Islamic statecraft.[238] Within this historical continuity, Pahang assumed a particularly significant role. While preserving the legal foundations inherited from Melaka, it also adapted them to its own political, social, and maritime circumstances. The result was not imitation, but development. Pahang became both custodian and contributor, maintaining the essential principles of Malay-Islamic governance while refining them to meet the practical realities

[237] Liaw, *Undang-Undang Melaka*, 1–45; Reid, *Southeast Asia in the Age of Commerce,* vol. 1, 95–120.
[238] Andaya, *The Kingdom of Johor 1641–1728*, 15–38; Andaya and Andaya, *A History of Malaysia*, 68–84.

of a maritime kingdom on the eastern seaboard of the Malay Peninsula. This process reached its fullest expression during the reign of Sultan Abdul Ghaffar through the compilation of the HKP. Drawing upon the constitutional traditions of the HKM and the UULM, the HKP preserved the fundamental principles of governance, justice, commerce, and maritime regulation while adapting them to the needs of the Pahang Sultanate.[239] It demonstrates that the Malay constitutional tradition remained dynamic, capable of responding to changing political and maritime circumstances without abandoning its foundational principles.

The significance of the HKP therefore lies not merely in its relationship to Melaka, but in what it reveals about constitutional continuity. What originated in Melaka did not disappear after 1511; it evolved. Through Pahang, constitutional traditions, administrative institutions, maritime knowledge, and constitutional principles continued to develop within a new political setting while remaining firmly connected to their earlier foundations. Seen from this perspective, Pahang should not be understood as a successor state that inherited Melaka's legacy. Rather, it became one of the principal custodians through which that legacy was preserved, refined, and transmitted to subsequent generations. The maritime routes linking Pahang with Johor, Aceh, Brunei, Patani, and other Malay-Islamic polities carried more than merchants and commodities. They also transmitted rulers, scholars, constitutional traditions, diplomatic practice, and constitutional ideas across the wider Malay world. To understand Pahang, therefore, is not simply to examine its geography, maritime connections, or political institutions. It is to recognise its place within a broader civilisational continuum stretching from Melaka to Pahang and beyond. The HKP should accordingly be understood not merely as a legal text influenced by Melaka, but as one of the most significant constitutional expressions of the enduring Malay-Islamic maritime civilisation that survived the fall of Kota Melaka and continued to shape the Malay world for generations.[240]

[239] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210; Yaakub Isa, *Hukum Kanun Pahang*, Introduction.
[240] Hooker, *A Concise Legal History of South-East Asia*, 34–52; Ahmad Ibrahim, *The Administration of Islamic Law in Malaysia* (Institute of Islamic Understanding Malaysia, 2000), 1–15.

4.4 The Hukum Kanun Pahang and Maritime Governance

One of the most distinctive features of the HKP is its integration of terrestrial, riverine, and maritime governance within a single legal corpus. As a riverine-maritime kingdom, Pahang exercised authority not only over its palace and inland settlements, but also across rivers, estuaries, ports, commercial routes, and coastal communities. Drawing upon the constitutional traditions of both the HKM and the UULM, the HKP brought these interconnected spheres within a unified constitutional framework through which sovereignty was exercised across both land and sea.[241] Within the Pahang Sultanate, rivers and estuaries formed the principal arteries of governance, commerce, and communication. Recognising their strategic importance, the HKP incorporated provisions governing navigation, trade, port administration, merchant protection, taxation, theft, fraud, and piracy. These demonstrate that riverine and maritime spaces were understood not merely as geographical features, but as constitutional domains subject to the authority of the Sultan. Through the HKP, sovereignty extended beyond the palace into the waterways that connected the hinterland with the wider maritime world. Law therefore regulated not only governance on land, but also movement, commerce, security, and public order throughout the kingdom's interconnected riverine and maritime networks. In this sense, the river was more than a geographical feature; it was a constitutional space through which law, authority, and commerce flowed together. The maritime provisions of the HKP reveal not merely an awareness of the sea, but a deliberate constitutional vision of governance. The manuscript reflects a kingdom that understood prosperity, security, and sovereignty as inseparable from legal order. Authority therefore extended beyond the land into rivers, ports, shipping routes, and coastal waters through the rule of law, making the HKP one of the clearest indigenous expressions of Malay-Islamic maritime constitutionalism.[242]

[241] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210; Yaakub Isa, *Hukum Kanun Pahang*, Introduction and 1–20.
[242] Hooker, *A Concise Legal History of South-East Asia*, 34–52; Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210; Yaakub Isa, *Hukum Kanun Laut*, 1–20.

4.4.1 Maritime Institutions and the Administration of Sovereignty

The effectiveness of maritime governance within the Pahang Sultanate depended not only upon legal principles, but also upon the institutions and communities responsible for implementing them. The HKP provided the constitutional framework through which royal authority extended across both riverine and maritime environments, transforming legal principles into practical governance. Through a structured administrative hierarchy, sovereignty reached beyond the royal court to ports, waterways, coastal settlements, and commercial centres.[243] At the apex of this system stood the Sultan, whose office united political, judicial, religious, and administrative authority. As sovereign ruler, he exercised jurisdiction over governance, trade, taxation, security, and maritime affairs. His authority was expressed not merely through personal rule, but through institutions that enabled royal directives to be implemented throughout the Sultanate. Supporting the Sultan was a hierarchy of senior officials collectively known as the *Orang Besar*, who served as the principal intermediaries between the ruler and the wider administration. Through these offices, governance extended across the diverse geographical landscape of Pahang, from inland settlements and river systems to ports and coastal communities.[244]

Foremost among these officials was the *Bendahara*, who served as chief minister and principal adviser to the Sultan. Beyond supervising the administration of the kingdom, the *Bendahara* coordinated regional governance, maintained political stability, and oversaw the execution of royal policy. His office therefore played a central role in preserving constitutional continuity throughout the Sultanate. The *Temenggung* was responsible for law enforcement, public order, and judicial administration. Within ports and commercial centres, he supervised security, enforced legal regulations, and assisted in the resolution of disputes. Through his office, the legal principles embodied in the HKP were translated into the everyday administration of justice and commerce. Particularly significant within the maritime sphere was the *Shahbandar*, who functioned as the principal

[243] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210; Hooker, *A Concise Legal History of South-East Asia*, 34–52.
[244] Ahmad Ibrahim, *The Administration of Islamic Law in Malaysia*, 1–15; Abdul Hamid, *The Encyclopedia of Malaysia: Rulers and Ruling Systems*, 78–91.

administrator of the ports. He supervised incoming vessels, regulated commercial transactions, managed harbour activities, and oversaw relations with foreign merchants. Through the *Shahbandar*, royal authority became directly visible within the maritime economy, where commerce, diplomacy, taxation, and security converged. His office ensured both the orderly conduct of trade and the effective administration of maritime affairs.[245] Equally important was the *Nakhoda*, whose authority extended beyond navigation to the governance of maritime life itself. Within the Malay maritime tradition, the *Nakhoda* exercised authority aboard ship comparable to that exercised by the Sultan on land. Responsible for the safety of the vessel, the discipline of the crew, the management of cargo, and the settlement of disputes at sea, he ensured that governance continued beyond the port and into the wider maritime domain. Through the *Nakhoda*, the authority of the Sultanate travelled with every voyage.

The effectiveness of this constitutional order also depended upon the *Orang Laut*, whose contribution extended far beyond navigation alone. As Chou has demonstrated, colonial literature frequently portrayed the *Orang Laut* as pirates, sea nomads, or marginal communities existing beyond organised political authority. More recent scholarship, however, recognises that they occupied a central position in the maritime security, navigation, and political organisation of the Malay world. Their intimate knowledge of coastal waters, seasonal winds, currents, and navigational routes made them indispensable participants in regional maritime networks.[246] Operating along the *Sungai Pahang* and throughout the wider *Laut Melayu*, the *Orang Laut* possessed an exceptional understanding of rivers, estuaries, shoals, tides, monsoon winds, and coastal conditions. This knowledge was preserved not through written manuals but through experience, oral tradition, and continuous practice across generations. Their expertise enabled the safe movement of people, goods, and information through environments that could otherwise be hazardous and unpredictable.

[245] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210; Reid, *Southeast Asia in the Age of Commerce,* vol. 1, 95–120.
[246] Chou, *The Orang Suku Laut of Riau, Indonesia*, 18–37.

As Hooker observes, Malay maritime traditions embodied sophisticated systems of navigation and spatial knowledge transmitted through oral tradition. Concepts such as the *Laut Melayu* reflected not merely geographical awareness, but an indigenous understanding of maritime space shaped by lived experience. Thomas likewise describes the *Orang Laut* as the "eyes and ears" of Malay maritime polities, whose familiarity with local waters enabled them to guide vessels, monitor strategic sea routes, gather intelligence, and contribute directly to maritime security.[247] Working under the authority of the *Nakhoda* and in cooperation with officials such as the *Shahbandar*, the *Orang Laut* assisted in implementing royal authority across ports, navigational corridors, and coastal settlements. Their responsibilities included coastal piloting, identifying safe anchorages, monitoring strategic waterways, and facilitating communication between maritime communities. Although not always identified explicitly within the legal text, the effective implementation of the HKP's maritime provisions depended substantially upon their expertise. Together, these institutions and communities formed an integrated administrative system linking constitutional authority with practical enforcement. The strength of maritime governance rested not merely upon written law, but upon the coordinated relationship between the Sultan, his officials, the *Nakhoda*, and the *Orang Laut*, each performing distinct yet complementary functions within a unified constitutional order. The HKP therefore stands not merely as a legal manuscript, but as documentary evidence of a functioning system of indigenous Malay-Islamic maritime governance.[248]

4.4.2 The Evolution of Malay Maritime Law

The significance of the HKP cannot be fully appreciated without situating it within the broader development of Malay constitutional traditions. The HKP did not emerge in isolation, but formed part of a continuous constitutional tradition that originated in Melaka and matured through successive Malay-Islamic polities. Examined alongside the HKM and the UULM, the HKP reveals not merely constitutional continuity, but constitutional

[247] Virginia Matheson Hooker, *A Short History of Malaysia: Linking East and West* (Allen & Unwin, 2003), 26–39; Benjamin G. Thomas, "The Orang Laut and the Security of Maritime Trade in the Malay World," *Journal of Southeast Asian Studies* 32, no. 2 (2001): 211–229.
[248] Chou, *The Orang Suku Laut of Riau, Indonesia*, 87–104; Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210.

development.[249] The HKM established the constitutional foundations of governance within the Melaka Sultanate. Its provisions addressed kingship, administration, criminal law, commerce, judicial authority, and public order. Complementing it, the UULM governed the practical realities of maritime life by regulating conduct aboard ship, defining the responsibilities of the Nakhoda and crew, establishing procedures for trade and navigation, and prescribing penalties for offences committed at sea. Together, the HKM and the UULM formed a coherent constitutional framework through which governance extended across both land and sea.[250] The HKP inherited these complementary traditions but did not merely reproduce them. Rather, it integrated, refined, and adapted their provisions to the political, geographical, and commercial realities of Pahang. Unlike the earlier distinction between terrestrial and maritime codes, the HKP incorporated governance, administration, commerce, criminal law, and maritime regulation within a single constitutional framework. Maritime law no longer operated alongside governance; it became an integral component of governance itself. This integration reflects a more sophisticated understanding of sovereignty in which maritime affairs were recognised as an essential responsibility of state administration rather than a specialised sphere of activity. The HKP contains provisions governing piracy, theft, fraud, commercial disputes, port administration, merchant conduct, taxation, navigation, and the responsibilities of officials engaged in maritime governance. Collectively, these provisions demonstrate an advanced appreciation of the practical requirements of administering a kingdom whose prosperity depended upon trade, navigation, and secure waterways.

The HKP further illustrates the maturation of Malay-Islamic constitutional thought through its successful integration of maritime administration, commercial regulation, and *Sharīʿah* principles within a unified legal order. Rather than treating maritime activity as separate from governance, it incorporated the sea directly into the constitutional structure of the Sultanate. The progression from the HKM and the UULM to the HKP therefore represents not simple replication, but legal consolidation, constitutional adaptation, and

[249] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 1–210.
[250] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 45–120; Hooker, *A Concise Legal History of South-East Asia*, 34–52.

institutional refinement.[251] The significance of this development extends well beyond Pahang. It demonstrates that Malay legal thought was dynamic, intellectually sophisticated, and capable of responding to changing political, commercial, and maritime realities while preserving its foundational principles. Rather than relying solely upon inherited precedents, Malay rulers and jurists refined existing constitutional traditions to meet new circumstances without compromising their constitutional integrity. Viewed from this perspective, the HKP stands as one of the most advanced expressions of Malay-Islamic maritime legal thought. More significantly, it represents the constitutional synthesis of a legal tradition that originated in Melaka and reached a new level of maturity in Pahang, bringing together sovereignty, administration, commerce, justice, and maritime governance within a single constitutional framework.[252]

4.4.3 Codified Sovereignty and Maritime Constitutionalism

One of the most remarkable features of the Pahang Sultanate was the extent to which sovereignty, including maritime authority, was articulated through written law. Modern scholarship on Southeast Asian maritime history rightly emphasises the importance of sea lanes, trade routes, and navigational corridors in shaping regional political development. Read alongside the HKM, the UULM, and the HKP, these perspectives reveal a constitutional tradition in which legal authority extended seamlessly across both land and sea. Within this tradition, the HKP occupies a distinctive place because it incorporated maritime governance within a unified constitutional order.[253] The significance of the HKP lies not merely in its recognition of maritime activity, but in its treatment of maritime space as a domain of constitutional jurisdiction. Rather than leaving matters relating to navigation, commerce, security, and public order to custom or local practice alone, the HKP codified provisions governing piracy, maritime disputes, fraudulent trade, port

[251] Ahmad Ibrahim, *The Administration of Islamic Law in Malaysia*, 1–15; al-Attas, *Islam dalam Sejarah dan Kebudayaan Melayu*, 29–45.
[252] Yaakub Isa, *Hukum Kanun Pahang*, Introduction; Hooker, *A Concise Legal History of South-East Asia*, 34–52.
[253] Reid, *Southeast Asia in the Age of Commerce,* vol. 1, 57–95; Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210.

administration, taxation, merchant conduct, and the responsibilities of public officials. These provisions demonstrate that maritime stability depended not only upon effective enforcement, but also upon recognised legal authority.

This degree of legal codification distinguished Pahang from many contemporary maritime polities where authority remained fragmented or dependent upon shifting political circumstances. The HKP reflects a deliberate effort to formalise principles of governance and apply them consistently to the realities of maritime life. Maritime order therefore became not merely a matter of convention, but an expression of constitutional authority.[254]

The importance of this achievement becomes even clearer within the political landscape that followed the Portuguese conquest of Kota Melaka in 1511. As regional maritime networks became increasingly contested by Johor, Aceh, the Portuguese, the Dutch, and later Bugis political actors, secure commercial routes and predictable constitutional institutions became essential for merchants, travellers, and neighbouring polities.

Within this changing environment, Pahang developed a reputation for continuity, stability, and legal certainty. Its provisions governing piracy, theft, taxation, commercial conduct, merchant protection, and maritime administration reflect a conscious effort to create conditions in which trade could flourish under recognised legal safeguards. Maritime security therefore depended not solely upon military capability, but equally upon the confidence that merchants and travellers placed in the predictability of the Sultanate's legal order.[255] The significance of this stability extended beyond commerce. Historical episodes, including the refuge sought in Pahang during the Johor–Jambi conflict, demonstrate that the Sultanate was recognised as a comparatively stable polity during periods of regional

[254] Hooker, *A Concise Legal History of South-East Asia*, 34–52; Yaakub Isa, *Hukum Kanun Pahang*, Introduction.
[255] Andaya, *The Kingdom of Johor 1641–1728*, 15–38; Andaya, *To Live as Brothers*, 27–45.

uncertainty. Such examples reinforce the argument that constitutional continuity and legal order contributed directly to Pahang's standing within the wider Malay world.

What distinguishes the HKP from many contemporary constitutional traditions is therefore not simply the existence of maritime regulations, but the extent to which those regulations formed part of a comprehensive constitutional order. Maritime governance was integrated with sovereignty, administration, justice, taxation, commerce, and public order, reflecting an understanding that the sea was not peripheral to statecraft, but central to it. The HKP therefore provides compelling evidence that sovereignty within the Pahang Sultanate was expressed not only through political authority or territorial control, but also through the capacity to regulate and administer maritime life according to recognised legal principles. While many kingdoms participated in maritime trade, few surviving Malay legal texts demonstrate such a comprehensive integration of constitutional governance and maritime administration. More fundamentally, the HKP demonstrates that the Malay world conceived sovereignty as extending beyond territorial possession to encompass the ethical governance of society across both land and sea. Rivers, ports, shipping routes, and maritime communities were not peripheral to the constitutional order; they formed part of it. The HKP thus reveals a constitutional vision in which law followed the movement of people, commerce, and ideas, binding together the palace, the hinterland, and the sea within a single framework of governance. Read in this light, the HKP stands as one of the most sophisticated indigenous expressions of Malay-Islamic constitutional thought. It demonstrates that maritime governance was not an incidental feature of the Sultanate, but one of its defining constitutional characteristics. Far from being merely a legal manuscript, the HKP represents a mature constitutional order through which sovereignty, justice, administration, commerce, and maritime governance were integrated into a coherent vision of Malay-Islamic statecraft.[256]

[256] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210; Hooker, *Islamic Law in South-East Asia*, 1–25.

4.5 Continuity, Memory, and Civilisation

The HKP is not merely a reflection of Melaka's greatness; it is its continuation. Refined, expanded, and adapted to a different political and maritime environment, the HKP preserved and developed the constitutional wisdom of the Malay world. The constitutional tradition did not end with the fall of Kota Melaka; it endured through Pahang. Pahang was not simply a kingdom by the sea; it was a kingdom of the sea. To command the sea was not merely to sail upon it, but to understand its rhythms, protect its routes, regulate its commerce, and cultivate a maritime civilisation capable of sustaining political authority across generations.

4.5.1 Before the Bugis and Beyond the Empire

Discussions of maritime power in the Malay world frequently emphasise the rise of the Bugis and the political transformations associated with the Johor–Riau–Lingga polity during the eighteenth century. While these developments were undoubtedly significant, they can inadvertently obscure earlier centres of political authority that played equally important roles in preserving and developing Malay-Islamic institutions. Among these was Pahang, which had already emerged as a sovereign maritime kingdom several centuries before the height of Bugis influence.[257] By the sixteenth and early seventeenth centuries, Pahang possessed established institutions of governance, extensive diplomatic networks, and a sophisticated constitutional tradition embodied in the HKP. These developments demonstrate that maritime authority in the Malay world did not begin with later political realignments, but rested upon constitutional foundations inherited from, and further developed beyond, Melaka.

As Andaya observes, the island and coastal networks associated with Pahang formed part of a wider maritime sphere characterised by mobility, connectivity, and commercial interaction. Influence was exercised not through extensive territorial control

[257] Andaya, *The Kingdom of Johor 1641–1728*, 15–38; Andaya and Andaya, *A History of Malaysia*, 84–103.

in the modern sense, but through strategic relationships, maritime routes, and political legitimacy. This reflects a broader characteristic of pre-colonial Malay governance, where sovereignty was expressed through interconnected networks rather than rigid territorial boundaries.[258] Positioning Pahang within this longer historical chronology offers a more balanced understanding of its regional significance. Long before the emergence of Bugis naval leadership and the prominence of the Johor–Riau–Lingga sphere, Pahang had established itself as an important centre of maritime commerce, diplomacy, and constitutional governance. The institutions and constitutional traditions later inherited by other polities were built upon foundations already established within the earlier Malay Sultanates. Through its rivers, ports, and legal institutions, Pahang contributed significantly to the stability and continuity of the wider Malay world. This role is particularly evident in the preservation and refinement of Malay constitutional traditions during periods of political change. The compilation of the HKP illustrates how inherited constitutional principles could be maintained while being adapted to new political and maritime realities. Its significance therefore lies not merely in preserving earlier laws, but in demonstrating the intellectual capacity of Malay jurists to develop those traditions without abandoning their underlying principles.[259]

Although Pahang later became associated with the broader Johor–Riau–Lingga political order, it retained its own political identity and administrative institutions. The continued authority of the House of Bendahara demonstrates that participation within larger political configurations did not eliminate regional autonomy. Rather, authority was sustained through dynastic relationships, mutual recognition, and shared constitutional traditions. Pahang's orientation towards the eastern seaboard also distinguished its historical development from polities whose fortunes became closely tied to the increasingly contested Straits of Melaka. While imperial rivalry transformed the western maritime world, Pahang continued to benefit from alternative routes connecting the *Laut Melayu* with the wider Asian maritime network. This geographical position strengthened the resilience of its commercial, political, and constitutional institutions. The historical

[258] Andaya, *To Live as Brothers,* 27–45.
[259] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210; Yaakub Isa, *Hukum Kanun Pahang*, Introduction.

significance of Pahang therefore extends beyond any single political configuration or period of regional dominance. Its importance lies in its remarkable continuity across successive phases of Malay history. From the post-Melaka era through later political realignments, Pahang remained one of the principal custodians of Malay-Islamic constitutional civilisation. Through its institutions, legal traditions, and maritime networks, it preserved and transmitted constitutional thought, constitutional knowledge, and maritime traditions to subsequent generations of the Malay world.[260]

4.5.2 *Kota Gelanggi*: The Hidden Capital in the Heart of the Jungle

To understand the historical development of Pahang solely through its maritime networks is to overlook the significance of its interior landscape. Beyond the coastline and river estuaries lies a vast hinterland whose history remains only partially understood. Much of Pahang's earliest past survives not in written chronicles, but in oral traditions, place names, and archaeological possibilities that continue to invite scholarly investigation. Among the most enduring of these traditions is *Kota Gelanggi*, the legendary settlement associated with the upper reaches of the *Sungai Pahang* and the narratives of the "Lost Seven Kingdoms."[261] *Kota Gelanggi* occupies a distinctive place within the historical memory of Pahang. Existing at the intersection of legend, folklore, and historical inquiry, it has long been associated with accounts of an ancient inland polity concealed within the forests of central Pahang. Whether understood as cultural memory, historical tradition, or the recollection of an earlier settlement, the narrative points towards the possibility of a deeper civilisational layer predating the emergence of the later Malay Sultanate. As Bellwood observes, the question of *Kota Gelanggi* remains one of the most intriguing archaeological problems of the Malay Peninsula. Confirmation of a substantial inland settlement through systematic archaeological investigation would significantly deepen present understandings of early political organisation and state formation in the region. At present, however, *Kota*

[260] Hooker, *A Concise Legal History of South-East Asia*, 34–52; Andaya and Andaya, *A History of Malaysia*, 84–103.
[261] Linehan, "A History of Pahang," 1–257; Mohd. Taib Osman, *Mitos dan Legenda Melayu* (Dewan Bahasa dan Pustaka, 1988), 112–126.

Gelanggi should be approached not as an established archaeological fact, but as an important subject for continuing historical and archaeological inquiry.[262]

Interest in *Kota Gelanggi* has endured because of references preserved in local traditions, historical accounts, and earlier scholarly observations. Colonial writers such as Linehan recorded traditions describing organised inland settlements, while Malay oral narratives speak of fortified centres, waterways, and established communities deep within the interior. Although such accounts cannot be accepted uncritically, neither should they be dismissed outright, particularly as similar traditions elsewhere in the Malay Archipelago have later received archaeological support. Recent advances in archaeological technology have renewed interest in these traditions. Techniques such as LiDAR surveying, satellite imaging, and remote sensing now offer opportunities to investigate heavily forested landscapes that were previously inaccessible to systematic exploration. These methods may eventually determine whether the traditions surrounding *Kota Gelanggi* preserve memories of an actual historical settlement or political centre.[263] Shuhaimi likewise emphasises the importance of indigenous historical traditions as repositories of cultural memory. Even where material evidence remains incomplete, the persistence of narratives surrounding *Kota Gelanggi* reflects a longstanding awareness of an earlier historical landscape preserved within Malay collective memory. Such traditions therefore provide valuable directions for future archaeological and historical investigation.[264]

The significance of *Kota Gelanggi* extends beyond the question of whether a particular city once existed. More fundamentally, it reminds us that Pahang may possess historical layers that predate its emergence as a maritime Sultanate. Whether understood as historical reality, cultural memory, or a combination of both, the traditions surrounding *Kota Gelanggi* point towards deeper patterns of political organisation and regional interaction linking the interior of Pahang with the wider Malay world. This perspective

[262] Peter Bellwood, *Prehistory of the Indo-Malaysian Archipelago*, 4th ed. (ANU Press, 2007), 257–276.
[263] Nik Hassan Shuhaimi Nik Abdul Rahman, *Arkeologi dan Sejarah Awal Malaysia* (Universiti Kebangsaan Malaysia Press, 2008), 89–105.
[264] W. Linehan, "A History of Pahang," 35–62; Nik Abdul Rahman, *Arkeologi dan Sejarah Awal Malaysia*, 89–105.

also reinforces the constitutional significance of the *Sungai Pahang* and its tributaries. Long before they connected the Sultanate to regional maritime trade, these waterways linked the hinterland with the coast, facilitating the movement of people, resources, and ideas. The distinction between inland and maritime worlds was therefore far less rigid than modern geographical categories suggest. Whether or not *Kota Gelanggi* is ultimately confirmed through archaeological investigation, the traditions surrounding it remind us that the relationship between the hinterland and the coastline has long shaped the historical development of Pahang. *Kota Gelanggi* should therefore be understood not merely as a legend, but as an invitation to further research. It reminds us that the historical landscape of Pahang remains only partially explored and encourages a broader understanding of the Sultanate's origins, one that recognises the interaction between inland civilisation and maritime networks. Its enduring significance lies not in providing definitive answers, but in continuing to inspire new questions about the deeper origins of Pahang's civilisation.

4.5.3 The River was the Sultan's First Throne: A Sovereignty Never Broken

One of the defining characteristics of the Pahang Sultanate was the manner in which sovereignty was organised around its waterways. As Fang observes, the significance of the HKP lies in its integration of terrestrial and maritime governance within a single constitutional framework. Rather than treating rivers, ports, and maritime routes as separate spheres of activity, the HKP reflects a constitutional order in which they formed part of a continuous system of authority.[265] Within this system, the *Sungai Pahang* and its tributaries were far more than channels of transportation. They linked inland settlements, resource-producing regions, commercial centres, royal administration, and coastal ports, creating networks through which people, goods, ideas, and sovereign authority circulated. The river was therefore not merely a geographical feature, but the constitutional bridge connecting the palace, the hinterland, and the sea. This understanding differs fundamentally from later territorial concepts of sovereignty that emphasise fixed borders and clearly demarcated frontiers. As Andaya observes, political authority within many Malay maritime polities

[265] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210.

was exercised through the control of routes, networks, and strategic points of connection rather than through territorial occupation alone. Sovereignty was therefore expressed through the regulation of movement, exchange, and communication across interconnected spaces.[266]

The HKP embodies this constitutional understanding by extending legal authority across both riverine and maritime environments. Its provisions governing navigation, commerce, port administration, taxation, maritime security, and public order demonstrate that rivers and seas formed part of a single integrated legal order. Governance depended not simply upon occupying territory, but upon maintaining the orderly movement of commerce, communication, and political authority throughout the Sultanate. Harper likewise argues that sovereignty in the Malay world operated through networks of mobility rather than rigid territorial frontiers. Rivers and seas functioned as conduits of political authority, linking communities across considerable distances and enabling governance to extend beyond the immediate presence of the royal court. Within this constitutional landscape, waterways were not peripheral geographical features, but central institutions of political organisation.[267] The significance of this river-sea system extended beyond geography. It shaped the administrative structure of the Sultanate, its commercial organisation, and its relationship with maritime communities such as the *Orang Laut* and the *Orang Dalaman*. Through these interconnected waterways, authority flowed from the palace to the coast and from the coast to the wider maritime world, creating a unified constitutional order in which inland and maritime environments functioned as complementary expressions of the same sovereign authority.

Viewed from this perspective, the HKP represents far more than a legal compilation regulating individual activities. It articulates a constitutional philosophy suited to a kingdom whose strength rested upon connectivity rather than territorial expansion. Law transformed rivers and seas into governed constitutional spaces, ensuring that geographical connectivity became constitutional authority. The historical significance of Pahang

[266] Andaya, *Leaves of the Same Tree,* 89–104.
[267] Tim Harper, *The End of Empire and the Making of Malaya* (Cambridge University Press, 1999), 12–25.

therefore lies not merely in its participation in maritime commerce or its possession of navigable waterways, but in the manner in which these natural advantages were incorporated into a coherent constitutional system. Through the HKP, rivers and seas ceased to be simply features of the landscape; they became instruments of governance through which sovereignty was exercised, justice administered, and public order maintained. The image of the river as the Sultan's first throne therefore serves as more than a historical metaphor. It expresses the constitutional logic of the Pahang Sultanate itself. Before sovereignty reached the open sea, it first flowed through the river. The HKP preserves that constitutional vision, demonstrating that the continuity of Pahang's sovereignty rested not upon territorial conquest, but upon the enduring integration of law, governance, and the waterways that sustained the civilisation of the Malay world.[268]

Conclusion

> "And say: 'Work (righteousness): Soon will Allah observe your work, and His Messenger, and the Believers. Soon will ye be brought back to the Knower of what is hidden and what is open: then will He show you the truth of all that ye did.'"
> *Sūrah al-Tawbah* (9:105)

The evidence examined throughout this chapter demonstrates that Pahang should be understood not merely as a coastal polity engaged in maritime trade, but as a *riverine*-maritime kingdom whose political authority, constitutional institutions, and commercial networks were fundamentally shaped by the sea. Its rivers, ports, islands, and navigational routes formed an integrated system through which commerce, governance, and sovereignty were exercised across both inland and maritime environments. Central to this system was the HKP, one of the most significant expressions of Malay-Islamic constitutional thought. Building upon the constitutional traditions inherited from Melaka, the HKP adapted these principles to the political, commercial, and geographical realities of Pahang. In doing so, it provided a coherent constitutional framework through which governance, commerce,

[268] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210; Yaakub Isa, *Hukum Kanun Pahang*, Introduction.

maritime security, administration, and public order were effectively regulated.[269] This chapter has further demonstrated that Pahang's maritime authority rested upon far more than strategic geography. It depended upon the interaction of constitutional institutions, administrative structures, navigational expertise, maritime communities, commercial networks, and indigenous knowledge. The integration of *Sharīʿah* and *adat* within the HKP provided the moral and juridical foundation upon which authority was exercised, demonstrating that maritime governance was understood not merely as the management of trade, but as the pursuit of justice, responsibility, and public welfare.[270]

More fundamentally, the HKP demonstrates that the sea itself formed part of the constitutional imagination of the Malay world. Maritime space was not regarded as an unregulated frontier, but as a constitutional maritime space in which sovereignty, commerce, justice, and law operated together. Through the HKP, rivers and seas became constitutional bridges linking the palace, the hinterland, and the wider maritime world within a single system of governance. Ultimately, Pahang was not merely a kingdom by the sea, but a kingdom of the sea. The constitutional tradition of the Malay world did not disappear with the fall of Kota Melaka. Through Pahang, it survived, evolved, and continued to shape a maritime civilisation governed by law. The HKP therefore stands not merely as a legal manuscript, but as enduring testimony that maritime power in the Malay world rested upon justice, constitutional governance, and the effective exercise of sovereignty. In preserving and developing that tradition, Pahang did more than inherit the legacy of Melaka; it ensured its continuity for future generations.[271]

[269] Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210; Yaakub Isa, *Hukum Kanun Pahang*, Introduction.
[270] Hooker, *Islamic Law in South-East Asia*, 1–25; Ahmad Ibrahim, *The Administration of Islamic Law in Malaysia*, 1–15.
[271] Hooker, *A Concise Legal History of South-East Asia*, 34–52; Liaw, *Undang-Undang Melaka dan Undang-Undang Laut*, 189–210.

CHAPTER 5
RECLAIMING THE SOVEREIGN MALAY-ISLAMIC CONSTITUTIONAL TRADITION

Introduction: A Princess Remembers, Writing from Belonging

"Tamatlah risalah yang dikarang, tarikhnya tahun seribu Hijrah Nabi al-Mustafa dari tarikh kelahiran Baginda s.a.w. raja yang hidup, untuknya risalah ini, iaitu pada tahun ini, 29 bulan Muharram. Ia dari karangan Sultan yang adil, yang bijaksana, yang sempurna Abdul Ghaffar Mahyuddin Shah, Khalifah Negeri yang diberkati yang tiada lagi sepertinya selepasnya. Terimalah doa kami wahai Tuhan yang mentadbir sekalian alam, wahai Tuhan yang Pemurah, wahai Tuhan yang Penyayang, dengan rahmatMu jua, wahai Tuhan yang amat Pemurah dari segala yang Pemurah."[272]

Sultan Abdul Ghaffar Muhyiddin Shah died in 1614. His constitutional vision did not.

As a Muslim, I believe that every insight, every opportunity to learn, and every piece of beneficial knowledge ultimately comes from Allah. Looking back upon this journey, I cannot separate the intellectual discoveries of this thesis from the gratitude I owe to Him, for it is only by His permission that I was able to undertake this study and gradually come to appreciate the constitutional significance of the HKP. This thesis is not merely about recovering a manuscript. It is about recovering a constitutional tradition and restoring to history a chapter of Malay civilisation that has too often remained in the shadows. Through the study of the HKP, it became possible to revisit enduring questions of law, sovereignty, governance, and identity that have shaped the Malay world for centuries, yet have often remained overlooked within modern scholarship. As the study progressed, the constitutional significance of the HKP became increasingly apparent. What initially appeared to be a legal manuscript gradually revealed itself as something far greater: a

[272] Abdul Halim and Asma Hakimah, *Qanun Pahang*, 136.

sophisticated expression of Malay-Islamic constitutional thought. At the centre of this achievement stood Sultan Abdul Ghaffar, whose role in compiling, preserving, codifying, and transmitting this constitutional tradition emerged as one of the most significant findings of this study. Yet what follows is written from a different perspective. The preceding chapters have examined the manuscript, its historical context, its constitutional principles, and its place within the broader development of Malay civilisation. What follows is written from belonging. It reflects not only the conclusions reached through academic research, but also a personal journey of discovery undertaken from within a living constitutional tradition that continues to endure in Pahang today.

Throughout this study, every discovery uncovered another layer of our civilisational memory. Each answer led to another question. One manuscript opened the way to another. One genealogy revealed another connection. One legal provision disclosed an entire philosophy of governance. What first appeared to be the study of a provincial law code gradually became the rediscovery of an entire constitutional civilisation. The HKP revealed itself not simply as a constitutional text, but as a window into a civilisation shaped by law, faith, political thought, and historical memory. The history of Pahang opened pathways to Melaka, Patani, Brunei, Perak, Johor, Aceh, and the wider world of the *Laut Melayu*. The deeper the investigation progressed, the clearer it became that the HKP could never be understood merely as a legal text. It was a gateway into a civilisation whose constitutional imagination was grounded in justice, faith, and moral responsibility. Through my engagement with the HKP, I came to appreciate more deeply its significance as a manifestation of the Tawhidic epistemology within Malay civilisation. What began as a search for constitutional history gradually became a rediscovery of intellectual inheritance, revealing how profoundly Islam shaped monarchy, governance, law, *adat*, and the moral foundations of society. In many respects, the manuscript became more than an object of study; it became a conversation with the voices of those who came before us. Its authors had long since returned to Allah, yet through their words they continued to teach those willing to listen. Across four centuries, the manuscript became a conversation between generations.

My own understanding of Tawhidic epistemology deepened through my studies at the International Institute of Islamic Thought and Civilization (ISTAC-IIUM). Reflecting upon the HKP through the lens of contemporary discussions on Tawhidic knowledge, I began to recognise striking continuities between the intellectual traditions of the past and the present. The HKP demonstrates that the Tawhidic epistemology was not merely an abstract theological ideal; it was lived constitutional practice. Law, governance, morality, sovereignty, and kingship were understood as interrelated responsibilities exercised under the sovereignty of Allah. This realisation reinforced an important lesson: the Tawhidic epistemology is not a modern invention, but a deeply rooted civilisational inheritance. What contemporary scholarship has articulated in academic language was already present, in lived form, within the constitutional traditions of the Malay-Islamic world. The principles that today are discussed as epistemology, ethics, governance, and constitutional thought had long been woven into the constitutional and political culture of our ancestors. It also deepened my appreciation of history itself. For Muslims, history is never merely a record of past events. It is a source of guidance, memory, and moral reflection through which each generation learns from those who came before. The study of the HKP therefore became more than an exercise in historical recovery. It became an act of civilisational remembrance. To inherit a manuscript is a privilege. To understand it is an intellectual pursuit. To preserve and transmit its legacy, however, is a responsibility owed not only to the people of Pahang, but to the wider Malay world. It is my hope that this study will encourage others to re-examine the constitutional traditions of the Malay world and inspire further scholarship on the HKP. More importantly, I hope future generations will recognise the manuscript not merely as a historical document, but as a testament to the intellectual sophistication, constitutional imagination, and enduring civilisational legacy of the Malay-Islamic world.

The reflections that follow are therefore offered not as the final word on the HKP, but as one contribution to the continuing rediscovery of a constitutional tradition that still has much to teach us. They are offered in the hope that this study may encourage others to continue asking the questions that this thesis could only begin to explore. Perhaps no verse

better captures this journey than the prayer with which every seeker of knowledge should begin with, “My Lord, increase me in knowledge.”[273]

5.1 The Manuscript Returns Home

The return of the HKP to Pahang in 1993 was more than the recovery of an old manuscript. It was the homecoming of a constitutional inheritance that had travelled across centuries, survived political upheavals, and endured long after the reign of the ruler who had commissioned it. For a manuscript that had journeyed far from its place of origin, its return carried a significance extending beyond history, touching upon questions of memory, identity, and constitutional continuity.[274] Seen from this perspective, what returned to Pahang in 1993 was not simply a historical document, but a surviving witness to the constitutional thought, constitutional sophistication, and moral philosophy of our forebears. For the first time in generations, a voice from the age of Sultan Abdul Ghaffar could once again be heard within the land for which it had originally been written.[275]

Then, towards the completion of this thesis, another unexpected figure entered the story. "Mat Kilau". For many Malaysians, Mat Kilau is remembered as a warrior, a resistance leader, and a symbol of defiance against colonial rule. During an interview conducted in 2026, Dato’ Mokhtar bin Haji Abu Bakar, former Director of the Pahang State Museum, shared a remarkable recollection concerning the return of the HKP from Patani in 1993.[276] According to his account, the manuscript was discovered within a wooden chest associated with Mat Kilau. Among its contents were several objects believed to have belonged to the warrior himself. More significantly, Dato’ Mokhtar recounted how, upon learning that a HKP manuscript had surfaced in Patani, he immediately informed the Pahang State Government, which wasted no time in arranging its purchase. He then

[273] Sūrah *Ṭā Hā* (20:114)
[274] Yaakub Isa, *Hukum Kanun Pahang*, Introduction.
[275] Yaakub Isa, *Hukum Kanun Pahang*, Introduction; Wan Ahmad Fauzi , *Kedaulatan Raja-Raja Melayu: Jurisprudens, Governan dan Prinsip Perlembagaan Melayu.* 25-63
[276] Interview with Dato’ Mokhtar bin Haji Abu Bakar, former Director, Pahang State Museum, conducted by the author, 2026.

personally travelled to Patani to bring the manuscript home.[277] During the retrieval, considerable attention was given to the wooden chest and the objects believed to have belonged to Mat Kilau. Yet, to Dato' Mokhtar, the true treasure was never the chest nor the artefacts it contained, but the manuscript itself. When members of Mat Kilau's family later expressed their wish to reclaim the wooden chest and its contents, Dato' Mokhtar did not contest their request, despite the State of Pahang having purchased the entire collection. To him, the chest could remain. The HKP had to return home. His decision reflected an understanding that the manuscript possessed a value far beyond its material worth. It was not merely an old book, but a constitutional inheritance belonging not only to one family, but to the history of Pahang and the wider Malay world.[278]

Whether future research ultimately confirms every detail surrounding the provenance of the chest remains a matter for further historical investigation. Yet the story itself remains deeply significant. It reminds us that manuscripts do not survive by chance, nor do they return home by accident. They endure because individuals recognise their value, governments choose to preserve them, families safeguard them, communities remember them, and each generation accepts the responsibility of transmitting them to the next. The account shared by Dato' Mokhtar also raises several intriguing historical questions. How did the HKP come to be preserved within a chest associated with Mat Kilau? Was the manuscript entrusted to him, or to those close to him, during his years in Patani? Could it have reached Patani much earlier through the royal connections established during the reign of Sultan Abdul Ghaffar, whose consort, Raja Ungu, later returned to Patani? Or did the manuscript follow an entirely different path, one that has yet to be uncovered?[279] Another possibility likewise invites further investigation. Sultan Abdul Ghaffar strengthened Pahang's dynastic ties with Brunei through his marriage to a daughter of Sultan Saiful Rijal. In the following generation, Sultan Muhammad Hassan of Brunei, widely regarded as the father of the Hukum Kanun Brunei (HKB), strengthened those same

[277] Interview with Dato' Mokhtar bin Haji Abu Bakar, former Director, Pahang State Museum, conducted by the author, 2026.
[278] Interview with Dato' Mokhtar bin Haji Abu Bakar, former Director, Pahang State Museum, conducted by the author, 2026.
[279] For Raja Ungu's marriage to Sultan Abdul Ghaffar Muhyiddin Shah and her subsequent return to Patani, see A. Teeuw and David K. Wyatt, *Hikayat Patani: The Story of Patani*, 2 vols. (Martinus Nijhoff, 1970).

royal connections when his daughter married Sultan Ahmad Shah II of Pahang, the brother of Sultan Abdul Ghaffar. During my visit to Brunei in January 2026 to investigate these dynastic relationships, I was struck by the remarkable similarities between the HKB and the HKM. This naturally raises another historical question: could constitutional ideas, traditions, and manuscripts have travelled not only through scholars, merchants, and religious networks, but also through royal marriages? At present, the available evidence does not permit a definitive answer. Nevertheless, the possibility opens an important avenue for future research into the constitutional networks that linked the Malay Sultanates.[280]

Equally intriguing is another question. If the manuscript was indeed in Mat Kilau's possession, why was it not brought back to Pahang when he eventually returned? Was its significance unknown to him? Was it intentionally left behind for safekeeping? Or had it already passed into the custody of others? At present, the available evidence does not permit definitive answers. These questions remain speculative, and this study does not seek to resolve them. Rather, they illustrate how a single manuscript continues to open new avenues of historical inquiry. Like many surviving manuscripts, the HKP has its own journey, and not every chapter of that journey has yet been written. There is something profoundly symbolic in the image of the manuscript emerging from a simple wooden chest after centuries of uncertainty. Hidden within it was not merely an old legal text, but a constitutional inheritance waiting to be rediscovered. Indeed, one of the principal conclusions reached in this study is that the constitutional history of the Malay world should not be understood as ending with the fall of Kota Melaka in 1511. Rather, the evidence demonstrates a remarkable continuity through Pahang. The constitutional tradition of Melaka did not disappear with the loss of its capital because it was never defined solely by territory or political power. It endured through institutions, law, scholarship, monarchy, faith, and the continuous transmission of constitutional knowledge

[280] For the dynastic relationship between Pahang and Brunei during the reigns of Sultan Abdul Ghaffar Muhyiddin Shah, Sultan Saiful Rijal, and Sultan Muhammad Hassan, see Robert Nicholl, *European Sources for the History of the Sultanate of Brunei in the Sixteenth Century* (Brunei Museum, 1975); Abdul Latif Ibrahim, *Hukum Kanun Brunei: Satu Kajian* (Bandar Seri Begawan: Dewan Bahasa dan Pustaka Brunei, 2003). The suggestion that constitutional ideas may have travelled through these dynastic relationships is proposed by the present author as a question for future research.

from one generation to the next. While kingdoms rose and fell, the constitutional tradition itself remained alive, finding renewed expression within the sovereign kingdom of Pahang.[281]

Sultan Muhammad Iskandar Shah I (Parameswara) as "Melaka I," marked the beginning of the Malay-Islamic constitutional tradition in Melaka. Following his conversion to Islam, the constitutional and legal tradition that would later be embodied in the HKM began to emerge, laying the foundations for the Malay-Islamic constitutional order inherited by subsequent generations. This study proposes that Sultan Abdul Ghaffar be understood as "Melaka II." His achievement was not the creation of a new constitutional order, but the preservation, reorganisation, and codification of Melaka's constitutional inheritance within the HKP. His significance therefore lies not merely in compiling another legal code, but in ensuring that the constitutional inheritance of Melaka did not disappear after 1511. By preserving, adapting, and codifying that inheritance within the HKP, he transformed constitutional continuity into written constitutional form. The survival of the Malay constitutional tradition was therefore neither accidental nor passive; it was a deliberate act of constitutional preservation. Through his vision, the constitutional civilisation of Melaka did not merely survive, it continued to evolve within a sovereign Malay-Islamic kingdom.[282] Nearly three centuries later, Sultan Ahmad al-Mu'adzam Shah inherited not a forgotten manuscript, but a living constitutional tradition. Under his direction, the HKP was extensively revised, expanded, and recopied into what is now known as MS F. What had begun during Sultan Abdul Ghaffar's reign as a manuscript of just over one hundred pages evolved into a comprehensive legal compilation exceeding four hundred pages. Existing provisions were refined, new laws were introduced, and the constitutional framework continued to develop in response to the changing needs of the kingdom.[283] If Sultan Abdul Ghaffar may be understood as "Melaka II," then this study further proposes that Sultan Ahmad may likewise be regarded as "Melaka III." If the former

[281] Liaw, *Undang-Undang Melaka,* 189-210; Yaakub Isa, *Hukum Kanun Pahang,* 1-20; Wan Ahmad Fauzi , "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.
[282] The designation "Melaka II" is proposed by the present author as an interpretive framework arising from the historical and constitutional evidence examined throughout this study.
[283] Abdul Halim and Asma Hakimah, *Qanun Pahang*, 9-56.

preserved the constitutional inheritance of Melaka, the latter ensured that it continued to evolve. Sultan Ahmad demonstrated that constitutional continuity required more than preservation; it required renewal. By revising, expanding, and refining the HKP, he ensured that inherited constitutional principles remained relevant to the political, administrative, and social realities of nineteenth-century Pahang. MS F therefore represents not merely a copy of an earlier text, but the continuing evolution of a living constitutional tradition.[284] Together, these two rulers demonstrate that the Malay-Islamic constitutional tradition was never frozen in time. It remained a living body of law, capable of adaptation, refinement, and expansion while remaining firmly anchored in the enduring principles of *Sharīʿah*, justice, sovereignty, and ethical government.

Seen across more than four centuries, the HKM, the MS D, MS E and MS F, and ultimately the UTKP should not be viewed as separate legal texts, but as successive expressions of a single constitutional tradition. From Sultan Muhammad Iskandar Shah (Parameswara) of Melaka to Sultan Ahmad of Pahang, there was no constitutional vacuum. The Malay-Islamic constitutional tradition survived, matured, and evolved continuously through its own rulers, institutions, jurisprudence, and intellectual heritage.[285] Only with the constitutional reorganisation introduced under British administration was this indigenous constitutional order fundamentally transformed into a different constitutional and administrative framework. Yet the survival and continuous development of the HKP demonstrate that, long before colonial intervention, the Malay world possessed its own sophisticated constitutional tradition. The laws inherited from Melaka did not remain static. They were preserved, refined, expanded, and adapted across successive generations, demonstrating that constitutional government within the Malay world was a living and evolving tradition rather than a relic of the past.[286] The return of the HKP therefore represented far more than the recovery of a manuscript. It also marked the return of a constitutional voice that had remained silent for centuries. It marked the return of an

[284] The designation "Melaka III" is likewise proposed by the present author as an interpretive framework based upon the constitutional development reflected in Manuscript F and the subsequent evolution of the Pahang constitutional tradition.
[285] *Undang-Undang Tubuh Kerajaan Pahang* (1948), Part I; Yaakub Isa, *Hukum Kanun Pahang,* 1-20.
[286] Roff, *The Origins of Malay Nationalism*, 1-36; Andaya and Andaya, *A History of Malaysia*, 34-58.

uninterrupted constitutional memory that had journeyed across more than four centuries. Kota Melaka may have fallen in 1511, but its constitutional civilisation did not. It endured through Pahang, where successive rulers preserved, refined, and transmitted the Malay-Islamic constitutional tradition across more than four centuries. The manuscript therefore returned not merely as a historical artefact, but as enduring testimony that the constitutional civilisation of Melaka had never truly disappeared.[287] In bringing the HKP home, Pahang recovered far more than an ancient legal manuscript. It recovered a constitutional inheritance, a civilisational memory, and a living testimony to the continuity of Malay-Islamic constitutional thought. Across more than four centuries, the manuscript had survived political upheaval, changing dynasties, exile, colonial intervention, and the passage of time. Its homecoming reminds us that while manuscripts may be hidden, neglected, or forgotten, the constitutional ideas they preserve continue to endure until a new generation is ready to rediscover them.

Perhaps that is the greatest lesson of the HKP. Manuscripts preserve more than words. They preserve memory. They preserve identity. They preserve civilisation. If this study has demonstrated anything, it is that the HKP should no longer be regarded merely as an old legal manuscript. It should be recognised as one of the greatest constitutional legacies of the Malay world, a living bridge between Melaka and modern Pahang, between the wisdom of our forebears and the responsibilities of future generations.

5.2 Reading The Voices of the Ancestors

Throughout the course of this study, every new discovery uncovered another hidden layer of our civilisational memory. What began as an academic investigation gradually became a journey of discovery. The further I travelled into the world of the HKP, the more I realised that the manuscript was not merely a legal text. It was a doorway into a forgotten intellectual universe. Indeed, the HKP resembles a treasure chest whose contents continue

[287] This interpretation is proposed by the present author on the basis of the historical and constitutional evidence examined throughout this thesis.

to reveal themselves over time. Every question answered gives rise to another; every layer uncovered reveals yet another waiting to be explored. Just when one imagines that the limits of the manuscript have been reached, another avenue of inquiry emerges. In this sense, the HKP is a manuscript that refuses to remain silent. Across the centuries, it continues to speak, not only about law, but also about civilisation, governance, faith, identity, and the intellectual world of the Malay past. It reminded me that history is never truly silent. It speaks to those who are willing to ask the right questions. What first appeared to be the study of a provincial law code or canon gradually revealed itself as something far greater. The HKP emerged as a constitutional text whose significance extended well beyond the boundaries of Pahang itself. The manuscript opened pathways to Melaka, Patani, Brunei, Perak, Johor, Aceh, and the wider world of the *Laut Melayu*. One manuscript led to another. One genealogy revealed another connection. One legal provision disclosed an entire philosophy of governance. The deeper the investigation progressed, the clearer it became that the HKP could never be understood in isolation. It was a window into a larger civilisational world shaped by law, faith, political thought, intellectual exchange, and historical memory. The more I read, the more I realised that I was not simply recovering the history of a manuscript, but the intellectual architecture of a civilisation.[288]

Through my engagement with the HKP, I came to appreciate more deeply its significance as a manifestation of the Tawhidic epistemology within Malay civilisation. What began as a search for constitutional history gradually became a rediscovery of intellectual inheritance, revealing how profoundly Islam shaped monarchy, governance, law, *adat*, and the moral foundations of society. In many respects, the manuscript became more than an object of study; it became a conversation with the voices of those who came before us. As historians, we often recover the external events of the past, wars, successions, treaties, and political change. Yet manuscripts such as the HKP allow us to recover something far more intimate: the inner world of a civilisation. They reveal not merely what our ancestors did, but how they thought, how they reasoned, what they believed to be just, what they valued, and ultimately how they understood their relationship with Allah, with

[288] Liaw, *Undang-Undang Melaka,* 189-210; Yaakub Isa, *Hukum Kanun Pahang,* 1-20; Wan Ahmad Fauzi , "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.

one another, and with authority itself. In this respect, the HKP preserves not only constitutional law, but constitutional consciousness. It preserves not merely the laws by which our ancestors governed, but the ideas through which they understood justice, authority, and their responsibilities before Allah.[289] Some of the most significant discoveries made during this research were not found in archives, museum catalogues, or historical chronicles, but within the HKP itself.

Among its provisions appears a Persian political aphorism:
*"*The people are like water, and the King is its vessel; without the vessel, the water cannot stand*."*

At first glance, it appears to be a simple metaphor. Yet the more I reflected upon it, the more extraordinary its presence became. Such imagery belongs to the classical *Naṣīḥat al-Mulūk* tradition associated with figures such as Nizām al-Mulk and Saʿdī Shirazi, and its appearance within a Malay legal manuscript is both striking and significant. It suggests that the intellectual world of Melaka and Pahang was far wider, more connected, and more sophisticated than has often been assumed.[290] The metaphor immediately reminded me of the writings of Hamzah Fansuri. Throughout his works, similar imagery appears repeatedly: water and vessel, flame and light, servant and master. These were not merely literary devices, but formed part of a broader Persian-Sufi intellectual vocabulary that travelled across the Indian Ocean and became embedded within the intellectual life of the Malay world. Their presence within HKM and HKP hints at the circulation of ideas, texts, and traditions that connected Melaka and Pahang to a much larger Islamic ecumene stretching far beyond the Malay Peninsula.[291] For me, this discovery became one of the most memorable moments of the entire research journey. It was as though a voice from another age had suddenly spoken through the manuscript. The aphorism was not merely preserving a political idea; it was preserving a conversation across the centuries. It offered

[289] al-Attas, *Islam and Secularism*, 139-152; al-Attas, *Prolegomena to the Metaphysics of Islam,* 1-20.
[290] Abū ʿAlī al-Ḥasan ibn ʿAlī Nizām al-Mulk, *The Book of Government or Rules for Kings (Siyāsatnāma)*, trans. Hubert Darke (Routledge & Kegan Paul, 1960); Saʿdī Shirazi, *The Gulistan of Sa'di*, trans. Edward B. Eastwick (George Routledge, 1880).
[291] al-Attas, *The Mysticism of Hamzah Fansuri*, 1-73; Vladimir I. Braginsky, *The Heritage of Traditional Malay Literature* (KITLV Press, 2004).

a glimpse into the intellectual horizons of those who compiled, copied, and transmitted the HKM and HKP, demonstrating that the world in which they thought extended far beyond the geographical boundaries of Pahang. It was at that moment that I realised the HKP was not merely preserving Malay constitutional traditions; it was preserving the intellectual world in which that law had been conceived. In that moment, I understood that the HKP was preserving far more than a legal tradition, it was preserving a civilisation's way of thinking.[292] Moments such as these gradually changed the way I read the manuscript. The HKP ceased to be merely a legal document. It became a meeting place of ideas, traditions, and voices. Reading it was no longer simply an exercise in legal interpretation; it became an encounter with the intellectual world of our ancestors, whose understanding of governance, morality, and society continues to speak to us today. As this study progressed, I found myself asking questions that I had never anticipated at the beginning of the research. One of the most intriguing concerned the possible relationship between Hamzah Fansuri and the intellectual environment in which the HKM and HKP emerged. Could Hamzah Fansuri, or scholars associated with his intellectual circle, have influenced the moral and spiritual framing of the manuscript?

I do not claim to have established such a connection conclusively. Yet the chronology is compelling. Hamzah Fansuri's lifetime overlaps with the reign of Sultan Abdul Ghaffar, and historical traditions place him in Inderapura, Pahang, during his travels. The Persian elements embedded within the HKP suggest that Pahang may have participated in a wider intellectual network linking Melaka, Pahang, Aceh, Patani, and other centres of learning across the Islamic world. Whether direct influence can ever be demonstrated remains uncertain, but the possibility itself invites further investigation.[293] More significant than the answer, however, is what the question itself reveals. It invites us to reconsider Pahang not as an intellectually peripheral kingdom, but as an active participant in the circulation of Islamic ideas across the Indian Ocean world. The HKP therefore points

[292] al-Attas, *The Mysticism of Hamzah Fansuri,* 1-73; Braginsky, *The Heritage of Traditional Malay Literature*. The possible relationship between Hamzah Fansuri and the intellectual milieu surrounding the HKP remains an interpretive question proposed for future research.

[293] al-Attas, *The Mysticism of Hamzah Fansuri*, 1-73; Braginsky, *The Heritage of Traditional Malay Literature*. The possible relationship between Hamzah Fansuri and the intellectual milieu surrounding the HKP remains an interpretive question proposed for future research.

towards a much richer intellectual landscape in which scholars, rulers, merchants, manuscripts, and religious ideas moved across political boundaries, connecting the Malay Sultanates to the wider Islamic ecumene. The manuscript continued to generate new questions.

As I explored the constitutional and intellectual connections between the Malay Sultanates, another figure gradually emerged from the shadows of history: Puteri Kamaliah of Pahang, better known as Putroe Phang, a princess of the Pahang Sultanate and consort of Sultan Iskandar Muda Mahkota Alam of Aceh. Historians have long acknowledged her presence at the Acehnese court, yet her broader role within the networks of political, cultural, and intellectual exchange linking Pahang and Aceh has received comparatively little attention.[294] The reference in the Hikayat Malim Dagang to "hukum bak Putroe Phang" raises the possibility that legal traditions associated with Pahang were recognised in Aceh, perhaps through Putroe Phang herself. Likewise, the marriage of a daughter of Sultan Muhammad Hassan of Brunei to Sultan Ahmad II, brother of Sultan Abdul Ghaffar, invites consideration of whether the HKP, as the Pahang recension of the HKM, may also have circulated to Brunei as a legal reference. This possibility became even more compelling during the course of my research when I encountered an Acehnese legal text preserved within MS E. Its inclusion was unexpected. Why should an Acehnese legal compilation appear alongside the HKP and other Malay legal traditions within the same manuscript collection? While the answer cannot yet be established with certainty, its presence invites further reflection. Read together with the celebrated expression in the *Hikayat Malim Dagang*, "hukum bak Putroe Phang" ("the laws of Putroe Phang"), it lends historical plausibility to the view that constitutional ideas, traditions, and juristic knowledge moved between Pahang and Aceh through interconnected networks of manuscripts, scholars, royal households, and dynastic alliances. Although this does not establish that the HKP itself was transmitted to Aceh through Putroe Phang, it suggests that Pahang's constitutional tradition was recognised beyond its own borders and remembered within the legal culture of Aceh.

[294] Denys Lombard, Le Sultanat d'Aceh au Temps d'Iskandar Muda, 1607–1636 (École française d'Extrême-Orient, 1967); Anthony Reid, An Indonesian Frontier: Acehnese and Other Histories of Sumatra (NUS Press, 2005).

This broader pattern invites a reconsideration of how constitutional traditions were transmitted across the Malay world. They travelled not only through texts and scholars, but also through dynastic marriages, diplomatic alliances, and networks of kinship. The marriage of Puteri Onang Sari, daughter of Maharaja Dewa Sura of Pahang, to Sultan Mansur Shah of Melaka established a dynastic continuity that united the royal houses of Pahang and Melaka and gave birth to Sultan Muhammad Shah I of Pahang. Centuries later, Sultan Abdul Ghaffar strengthened these constitutional and diplomatic ties through his marriage to Puteri Lamturak Fatimah Zohra, daughter of Sultan Saiful Rijal of Brunei. Together with Puteri Kamaliah and Raja Ungu, these royal women stood at the intersection of kingdoms, linking courts, families, and constitutional traditions across the Malay world. Constitutional history, therefore, is preserved not only in legal texts but also within families, institutions, and diplomatic relationships. Nor should Raja Ungu be overlooked. As the wife of Sultan Abdul Ghaffar who later became Queen of Patani, she reminds us that royal women may have served not merely as dynastic links but also as custodians of constitutional memory. The later recovery of the HKP in Patani invites the intriguing possibility that the manuscript, or at least the constitutional tradition it embodied, was preserved through these royal networks. While the available evidence does not permit a definitive conclusion, the possibility itself reminds us that the constitutional history of the Malay world was shaped not only by kings, jurists, and warriors, but also by women whose contributions have too often remained at the margins of historical writing.[295]

This prompted a further reflection. Legal traditions do not travel only through manuscripts, scholars, and merchants. They also travel through dynastic marriages, royal households, and networks of kinship. The marriage of Puteri Onang Sari, daughter of Maharaja Dewa Sura of Pahang, to Sultan Mansur Shah of Melaka established a dynastic continuity that united the royal houses of Pahang and Melaka and gave birth to Sultan Muhammad Shah I of Pahang. Centuries later, Sultan Abdul Ghaffar further strengthened these constitutional and diplomatic networks through his marriage to Puteri Lamturak Fatimah Zohra, daughter of Sultan Saiful Rijal of Brunei. Together with figures such as

[295] On dynastic marriage as a vehicle of political and cultural exchange in the Malay world, see. Andaya, *Leaves of the Same Tree*); Andaya and Andaya, *A History of Malaysia*.

Puteri Kamaliah and Raja Ungu, these royal women stood at the intersection of kingdoms, linking courts, families, and traditions across the Malay world. If constitutional traditions inherited from Melaka circulated not only through scholarly exchange but also through political alliances, then the role of these women deserves far greater attention than it has traditionally received. Royal marriages, diplomatic alliances, and kinship networks were themselves important channels through which constitutional ideas, traditions, political culture, and intellectual traditions moved across the Malay world.

What began as the study of a legal manuscript had, by this stage, become something much larger. Every new discovery revealed another connection, every connection suggested another question, and every question opened another path into the constitutional, intellectual, and spiritual world of the Malay past. Rather than closing historical debates, the HKP continually expanded them, revealing how much remains to be learned about the civilisation that produced it. Perhaps this was one of the most valuable lessons of the entire research journey. Every answer generated another question. Every discovery opened another path. The HKP never closed the conversation; it continually expanded it, revealing how much remains to be learned about the intellectual world of our ancestors. Perhaps what surprised me most was not what I discovered about the manuscript, but what the manuscript revealed about the world into which I had been born. Many of the constitutional principles that I had long regarded as part of inherited royal tradition suddenly appeared before me in written form, preserved centuries earlier within the HKP. What I had experienced as living tradition, the manuscript revealed as constitutional inheritance. For the first time, I began to understand that what I had inherited through experience, the manuscript revealed through evidence. The study of the HKP therefore became more than an academic exercise. It became a journey of recognising that memory, tradition, and history are often different expressions of the same constitutional inheritance. It reminded me that traditions long practised within the Malay Sultanate were not simply customs handed down through generations, but formed part of a constitutional philosophy consciously articulated, preserved, refined, and transmitted by our forebears. The journey continually reminded me of the Qur'anic wisdom, "Above every possessor of knowledge is one more knowing."[296]

[296] *Sūrah Yūsuf* (12:76)

No matter how much knowledge we acquire, there is always more to discover, more to understand, and more to learn. Throughout this research, the HKP continually reminded me that every discovery was not an ending, but the beginning of another question. Looking back, I now realise that every discovery led not simply to another historical question, but to another encounter with the intellectual world of my ancestors. The further I travelled into the HKP, the less I felt that I was reading a manuscript, and the more I felt that I was being invited into a conversation that had begun more than four centuries before I was born. That conversation led from Melaka to Pahang, from Pahang to Aceh, from Aceh to Patani, from royal courts to forgotten storerooms, and ultimately back home. Along the way, it revealed connections that I had never anticipated when I first began studying the HKP. It also revealed that the constitutional tradition of the Malay world was sustained not by a single ruler or manuscript, but by generations of individuals who preserved, transmitted, interpreted, and lived its principles.[297] The voices of the ancestors were no longer confined to the pages of the manuscript. They emerged through rulers, scholars, princesses, warriors, custodians, and ordinary individuals who carried fragments of memory across generations. Each discovery illuminated not merely a historical event, but an entire network of relationships that linked the Malay Sultanates to one another and to the wider Islamic world. Yet, viewed as a whole, the HKP stands before us as far more than a relic of law. It is a mirror reflecting the intellect, faith, political wisdom, and constitutional imagination of a civilisation that understood governance as a moral responsibility exercised under the sovereignty of Allah. To read the manuscript is not merely to study the past. It is to listen to the voices of those who helped shape the world we have inherited. For many months, I believed I was studying a manuscript. Looking back now, I realise that the manuscript was quietly studying me.

[297] Liaw, *Undang-Undang Melaka*, 189-210; Yaakub Isa, *Hukum Kanun Pahang*, 1-20; Wan Ahmad Fauzi , "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.

5. 3 The Manuscripts Continue to Speak

As I prepared this thesis for submission, I believed that my journey with the Hukum Kanun Pahang had finally reached its conclusion. Yet, almost as if the manuscript itself was unwilling to allow the conversation to end, one final series of discoveries emerged.

On 5 March 2026, I identified another witness to the textual tradition of the Hukum Kanun Pahang, referred to in this study as Manuscript F. The report prepared by Annabel Gallop, reproduced in Appendix C, confirmed that the manuscript tradition of the HKP was richer and more extensive than had previously been recognised. Preserving four kanun together with additional kisah concerning Pahang and Daik, Manuscript F further illustrates that the constitutional tradition of Pahang continued to be copied, transmitted, and adapted well into the nineteenth century. It reminds us that the HKP was never a single isolated document, but part of a living manuscript tradition.[298]

At almost the same time, while completing my English translation of Manuscript E, I encountered another unexpected discovery. Among its contents were not only the laws of Pahang, Johor, Perak and other Malay states, but also an Acehnese legal text. Its presence immediately raised a question that had never occurred to me at the beginning of this research: how had an Acehnese legal compilation become part of the wider manuscript tradition associated with the Hukum Kanun Pahang? While no definitive answer can yet be given, its inclusion strengthens the impression that the major Malay Sultanates participated in a shared Malay-Islamic legal civilisation in which constitutional ideas, doctrines, and administrative practices circulated across political boundaries.[299]

This discovery immediately brought to mind the famous expression recorded in the Hikayat Malim Dagang:

[298] See Appendix C, Annabel Teh Gallop, Notes on Manuscript F of the Hukum Kanun Pahang (London, 8 March 2026), describing Manuscript F as a further witness to the Hukum Kanun Pahang manuscript tradition.
[299] See Appendix B, the author's English translation of Manuscript E, which preserves an Acehnese legal text alongside the *Hukum Kanun Pahang* and related Malay legal materials.

"Hukum bak Putroe Phang."
The law of Putroe Phang.

Read together with the historical figure of Puteri Kamaliah of Pahang, sister of Sultan Abdul Ghaffar Muhyiddin Shah, consort of Sultan Iskandar Muda, and aunt of Sultan Iskandar Thani of Aceh, the phrase acquires renewed constitutional significance. Although it cannot be asserted that the Hukum Kanun Pahang itself was transmitted to Aceh through Puteri Kamaliah, the convergence of these historical, dynastic, and textual connections lends historical plausibility to the circulation of constitutional ideas through royal households, dynastic marriages, and networks of kinship, alongside the more familiar movement of manuscripts, scholars, merchants, and diplomats.[300]

Yet perhaps the discovery that affected me most came in the closing colophon of Manuscript E.[301] There, for the first time, I encountered an extraordinary tribute to Sultan Abdul Ghaffar Muhyiddin Shah:

"Completed is this treatise. This treatise was completed in the year 1000 Hijrah, on the 29th day of Muḥarram composed by the just, wise and perfect Sultan Abdul Ghaffar Muhyiddin Shah, Khalifah of the Blessed Kingdom, after whom there shall be none like him. Accept our prayers, O Lord of all the worlds, O Most Compassionate, O Most Merciful."[302]

The colophon records the completion of the treatise in the month of Muharram in the year 1000 AH. More than a simple closing formula, it stands as an internal historical testimony written by those who lived closest to the Sultan's own lifetime. It preserves not only a date of immense historical significance, but also the remarkable esteem in which

[300] Denys Lombard, *Le Sultanat d'Aceh au Temps d'Iskandar Muda, 1607–1636* (École française d'Extrême-Orient, 1967); Anthony Reid, *An Indonesian Frontier: Acehnese and Other Histories of Sumatra* (NUS Press, 2005).
[301] Manuscript E also preserves a previously unnoticed colophon attributing the treatise to Sultan Abdul Ghaffar Muhyiddin Shah and dating its completion to AH 1000 (Muḥarram). This colophon is discussed in Appendix B.
[302] Author's English translation of the concluding colophon in Manuscript E. See Appendix B.

Sultan Abdul Ghaffar was held by his contemporaries. To read these words was deeply moving. Here was a ruler whom his own generation described as unequalled, yet whose name has become largely absent from the modern constitutional history of the Malay world.

Looking back over this study, I now realise that my own journey through the HKP has been marked by a succession of discoveries, each revealing another dimension of the manuscript and of the civilisation that produced it.

First, I came to understand that the HKP should be read not merely as a legal code but as an indigenous constitutional text, leading me to appreciate that the Malay Sultanates had long possessed their own indigenous tradition of constitutional monarchy grounded in Sharīʿah, moral responsibility, and the ethical restraint of power.

Second, I recognised that the HKP preserved within it the Hukum Kanun Melaka and the Undang-Undang Laut Melaka, demonstrating Pahang's role in preserving, refining, and transmitting the constitutional legacy of Melaka.

Third, the wider manuscript tradition revealed constitutional connections extending beyond Pahang to Johor, Perak, Aceh, Brunei, Riau, Sambas, and other Malay polities, suggesting a shared Malay-Islamic constitutional civilisation whose ideas travelled through manuscripts, scholars, commerce, diplomacy, and dynastic networks.

Perhaps, then, the greatest discovery was not the recovery of another manuscript or another legal text, but the recovery of a forgotten constitutional memory. The HKP did not simply preserve the laws of Pahang. It preserved the intellectual, moral, and constitutional world of the Malay Sultanates. If this study contributes in some small measure to restoring Sultan Abdul Ghaffar Muhyiddin Shah and the Hukum Kanun Pahang to their rightful place within that history, then it will have fulfilled the purpose with which this journey first began.

5.4 What Pahang Preserved

Against this wider historical and intellectual background, the HKP emerges not merely as a legal manuscript, but as one of the most important constitutional testaments of the Malay world. It stands as compelling evidence that the Malay world possessed sophisticated systems of governance, law, administration, and political thought long before colonial intervention. Written in Bahasa Melayu, *Jawi Melayu*, by Orang Melayu on Bumi Melayu, grounded in the principles of Islam, and refined through Malay *adat*, the HKP reflects a constitutional worldview in which law served justice, governance served morality, and power was understood as an *amānah* exercised under the sovereignty of Allah.[303] What Pahang preserved was not merely a body of law, but an entire civilisational grammar of governance. It preserved not only legal rules, but the constitutional language through which the Malay world understood sovereignty, justice, authority, consultation, accountability, and the moral limits of power. Embedded within the HKP are enduring conceptions of sovereignty, kingship, religion, governance, social order, and constitutional responsibility that shaped the political life of the Malay-Islamic world for centuries. The manuscript therefore represents far more than a legal document. It preserves a constitutional tradition in which law, governance, morality, and faith were understood as interconnected responsibilities exercised under the sovereignty of Allah. In an age when constitutionalism is often discussed as though it were an imported concept, the HKP reminds us that the Malay world possessed its own constitutional vocabulary long before the arrival of colonial legal systems. Ethical government, accountability, consultation, the rule of law, and the restraint of power were not foreign ideas imposed upon Malay society, but principles already articulated within its own constitutional and intellectual tradition. The HKP therefore invites us to understand the constitutional history of the Malay world first through its own intellectual categories before interpreting it through later colonial or Western constitutional frameworks. This study is not an exercise in romanticising the past, nor does it suggest that historical institutions should simply be recreated in their earlier forms. Rather, it demonstrates that the Malay world possessed its own constitutional tradition, one

[303] Yaakub Isa, *Hukum Kanun Pahang*, 1-20; Wan Ahmad Fauzi , *Kedaulatan Raja-Raja Melayu*, 45-88.

whose ethical principles continue to offer valuable insights into the relationship between law, authority, justice, and moral responsibility.[304]

The significance of Pahang extends far beyond the preservation of a single manuscript. Today, the Pahang Sultanate stands as custodian of MS D, MS E, and MS F of the HKP, preserving some of the most complete surviving witnesses to this constitutional tradition. What was once regarded as a peripheral or understudied state has, through an extraordinary turn of history, become the guardian of one of the most important constitutional legacies of the Malay world.[305] This study therefore invites us to reconsider the place of Pahang within Malay history. Rather than viewing Pahang merely as a kingdom among successor states following the fall of Kota Melaka, the evidence presented throughout this study demonstrates that it became one of the principal custodians through which the constitutional civilisation of Melaka survived, evolved, and reached the modern era. Through the preservation, refinement, and continued transmission of the HKP, Pahang became not only the political successor to aspects of the Melaka tradition, but also one of its principal constitutional heirs. Pahang did not merely preserve the constitutional inheritance of Melaka; it brought that constitutional tradition to maturity. Through successive recensions of the HKP, particularly under Sultan Ahmad al-Mu'adzam Shah, inherited constitutional principles were refined, expanded, and adapted to changing political realities while remaining faithful to their original moral foundations. The constitutional tradition therefore remained a living body of law, continually responding to the needs of the kingdom while preserving its ethical and Islamic foundations.[306] There is a certain historical symmetry in this outcome. The constitutional tradition compiled under Sultan Abdul Ghaffar in Pahang has, after centuries of displacement and uncertainty, returned to the very royal institution that first gave it life. The manuscripts have returned home, but more importantly, so too has the constitutional memory they preserve.

[304] Wan Ahmad Fauzi , *Kedaulatan Raja-Raja Melayu*, 45-88, al-Attas, *Islam and Secularism*, 139-152.
[305] Yaakub Isa, *Hukum Kanun Pahang*, 1-20; Abdul Halim and Asma Hakimah, *Qanun Pahang*, 9-56.
[306] The interpretation that Pahang brought the constitutional tradition of Melaka to maturity through the successive development of the HKP represents one of the principal historiographical arguments advanced in the present study.

For Muslims, the preservation of knowledge has always carried profound spiritual significance. The Qur'an reminds us:

> "Indeed, We have sent down the Reminder, and indeed, We will surely preserve it."
> *Sūrah al-Ḥijr* (15:9)

This divine promise refers to the preservation of the Qur'an itself. Yet it also reminds us of the responsibility entrusted to every generation to preserve, study, and faithfully transmit beneficial knowledge. Manuscripts do not preserve themselves. They endure because people choose to protect them, understand them, and pass them on to those who come after. Yet this constitutional inheritance was never intended for Pahang alone. The HKP belongs to a wider civilisational inheritance shared by the entire Malay world. It forms part of a constitutional tradition that transcends dynasties, state boundaries, and historical periods. Its significance therefore extends beyond regional history, illuminating the constitutional development of the Malay world as a whole. The manuscripts preserve a constitutional inheritance whose origins may be traced to Melaka, whose development continued in Pahang, and whose influence formed part of the wider Malay-Islamic civilisation. Their importance lies not merely in their association with a single state, but in their testimony to a shared constitutional, political, intellectual, and religious heritage that shaped the governance of the Malay world for centuries.[307] In this sense, what Pahang preserved was not merely a manuscript tradition, but a vital link in the constitutional chain stretching from Melaka through Pahang into the modern era. The survival of the HKP reminds us that constitutional traditions do not endure by accident. They survive because institutions preserve them, communities value them, and successive generations accept the responsibility of understanding and transmitting them. One of the central conclusions of this study is that the constitutional history of the Malay world should be understood not as a history of rupture following the fall of Kota Melaka, but as a history of constitutional continuity through Pahang. The evidence examined throughout this study demonstrates that the constitutional civilisation of Melaka neither disappeared in 1511 nor remained

[307] Liaw, *Undang-Undang Melaka*, 189-210; Yaakub Isa, *Hukum Kanun Pahang*, 1-20; Abdul Halim and Asma Hakimah, *Qanun Pahang*, 9-56.

static thereafter. It survived, matured, and continued to evolve through Pahang across successive generations.[308] Perhaps that is Pahang's greatest constitutional legacy. It preserved not merely a manuscript, but the constitutional memory of a civilisation. In preserving the HKP, Pahang preserved the living continuity of a constitutional tradition that began in Melaka, matured in Pahang, and continues to illuminate the constitutional heritage of the Malay world today.[309]

5.5 The Responsibility of Inheritance

If *adat* has endured across the centuries, it is because it has been lived, guarded, and honoured by successive generations. Much of this responsibility has rested quietly within families, communities, and institutions, and particularly among the royal women of the palace, who have ensured that traditions are not merely preserved as memories, but transmitted as living practices. Through their stewardship, *adat* has remained not a relic of the past, but a living inheritance entrusted to the future.[310] As someone who comes from within the system, my discovery of the HKP as a constitutional text was not merely an academic realisation. It was also a personal reckoning. Within its provisions lies a message that is often left unspoken but quietly carried across generations: kingship is never a matter of privilege. It is a sacred trust, exercised under the sovereignty of Allah and accompanied by profound responsibilities towards both law and society. The HKP therefore teaches that inheritance is measured not by what we receive, but by what we are entrusted to preserve. To inherit is not to own. It is to become the temporary custodian of something that ultimately belongs to history, to the community, and above all, to Allah. Every generation receives that trust only for a time before passing it faithfully to those who come after.

[308] The interpretation that the constitutional civilisation of Melaka survived, matured, and continued through Pahang represents one of the principal historiographical arguments advanced in the present study.
[309] This conclusion represents the synthesis of the historical, constitutional, and manuscript evidence examined throughout this thesis.
[310] Yaakub Isa, *Hukum Kanun Pahang*, 1-20; Wan Ahmad Fauzi , *Kedaulatan Raja-Raja Melayu,* 45-88.

The Qur'an reminds us:

> "Indeed, Allah commands you to render trusts (*amānah*) to whom they are due, and when you judge between people, judge with justice."
> *Sūrah al-Nisāʾ* (4:58)

The preservation of *adat*, like the exercise of kingship itself, is ultimately a matter of *amānah*. Every generation receives an inheritance that it did not create, yet is entrusted to preserve, strengthen, and faithfully transmit it to those who follow. Every generation stands between what it has inherited and what it will one day pass on. We are therefore not owners of our traditions, but their temporary custodians. Our responsibility is neither to preserve them unchanged nor to abandon them carelessly, but to ensure that their enduring principles continue to guide each new generation. Constitutional continuity is therefore never self-sustaining. It survives only when each generation consciously accepts the *amānah* of stewardship. What endured across the centuries was not merely a manuscript. It was an understanding of governance, responsibility, restraint, and moral accountability transmitted from one generation to the next. The survival of Pahang's constitutional tradition reflects the endurance of these values as much as the survival of any written text.[311] As a princess born beyond the shores of Pahang, who later made this state my home and was accepted into its Royal Family, my duty is not merely symbolic but custodial. My husband the Sultan and I inherit traditions, institutions, and responsibilities that extend far beyond our own generation. Such continuity is neither accidental nor automatic. It depends upon each generation consciously accepting the responsibilities entrusted to it. It is the lived transmission of governance, responsibility, and *adat* through lineage, institution, and trust. Having inherited one royal tradition by birth and another through marriage, I have come to appreciate that constitutional inheritance is ultimately not about blood alone, but about accepting the responsibilities that accompany trust. As Tengku Ampuan, my role extends beyond ceremonial presence to constitutional stewardship. The palace, in its daily order, ceremonial life, and moral discipline, has traditionally looked to the Permaisuri as

[311]Liaw, *Undang-Undang Melaka*, 189-210; Yaakub Isa, *Hukum Kanun Pahang*, 1-20; Wan Ahmad Fauzi , "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.

one of its custodians. As my husband often remarks, the Permaisuri is the *suri yang permai*, the one entrusted to ensure that palace life is conducted with dignity, order, and grace. In this capacity, I serve as *ketua istiadat*, safeguarding protocol, ceremony, and the ethical tone of royal life.[312]

My understanding of constitutional monarchy has not been shaped solely by manuscripts, legal texts, or academic study. It has also been formed through events witnessed within my own family. As a daughter of Johor and now as Tengku Ampuan of Pahang, I have observed that questions of succession, sovereignty, and constitutional authority are never merely matters of legal theory. They are lived realities that carry profound consequences for the continuity of monarchy.[313] One such experience remains deeply etched in my memory. In 1961, my father, then the Tunku Mahkota of Johor, was removed from his position as heir apparent and replaced by his younger brother. Two decades later, shortly before the passing of my grandfather, Sultan Ismail of Johor, my father was restored as Tunku Mahkota, while his younger brother was again appointed Tunku Aris Bendahara. Looking back, I now realise that the constitutional lesson was far more significant than the historical sequence of events. Questions of succession are never simply matters of personal preference or family relationships. They concern the continuity, legitimacy, and stability of the institution itself. Long before I encountered the HKP as a researcher, I had already witnessed how profoundly the orderly transmission of constitutional authority shapes the life of a royal institution. Those experiences taught me that monarchy endures not because it avoids change, but because succession is governed through recognised constitutional authority, institutional continuity, and fidelity to the principles that sustain the throne across generations.

Often, upon the hills of Indera Mahkota, I find myself reminding my son, the Crown Prince, of the responsibilities that accompany the crown he is destined one day to bear.

[312] The description of the constitutional and ceremonial responsibilities of the Tengku Ampuan reflects the author's experience within the Royal Household of Pahang and is offered as a personal reflection on the continuing practice of royal institutions.

[313] The reflections on constitutional succession in Johor are based upon the author's own experience and observations within the Royal Household.

From a young age, I have spoken to him through stories, stories of our history, our ancestors, and the generations from which he descends. These are not merely tales of rulers and courts, but lessons drawn from a legacy shaped by law, responsibility, faith, and service. They form part of a constitutional inheritance woven across centuries of Malay history. In this respect, the HKP remains more than a historical document. It serves as a constitutional reminder that every generation must consciously renew the trust it inherits. The manuscript preserves not only the laws of our forebears, but also the responsibilities they expected of those who would one day succeed them. In that sense, the manuscript continues to educate not only historians, but also those entrusted with leadership.[314] In sharing these stories, I speak not only as a princess who remembers, but as a mother who seeks to instill in my child an understanding that sovereignty is never inherited as privilege alone. It is inherited as *amānah*, as trust, obligation, accountability, and service to both the people and Allah. That legacy now passes to a new generation. As heir to a long constitutional tradition, my son inherits not merely a lineage, but a responsibility: to unite historical continuity with the demands of modern leadership. The HKP reminds us that kingship was never conceived as unrestricted authority. Rather, it was understood as stewardship exercised under law, guided by moral responsibility, and directed towards the welfare of society. My sense of responsibility is inseparable from an inheritance that is both historical and living. As a descendant of the Johor–Pahang–Riau–Lingga tradition and a member of the Royal Family of Pahang, I have become increasingly conscious that inheritance extends far beyond genealogy. It encompasses centuries of constitutional inheritance, institutional continuity, and custodianship exercised in service to faith, people, and state.[315] This study is therefore written not only for the present generation, but also for those who will inherit these institutions and responsibilities after us. The purpose of inheritance is not merely to receive what has been passed down, but to understand it, preserve it, and transmit it with integrity.

For me, this prayer has come to embody the deeper purpose of inheritance. The greatest legacy we leave to our children is not wealth, status, or position, but faith,

[314] Isa, H*ukum Kanun Pahang*, 1-20; Wan Ahmad Fauzi , *Kedaulatan Raja-Raja Melayu*, 45-88.
[315] The discussion of constitutional inheritance reflects the author's synthesis of the historical, constitutional, and institutional evidence examined throughout this study.

character, knowledge, and a sense of responsibility faithfully carried from one generation to the next. Inheritance is therefore never measured by what we receive from the past, but by what we faithfully leave to the future. Every generation receives a legacy that it did not create. Whether that legacy endures depends upon whether it is understood, protected, strengthened, and faithfully transmitted to those who come after. The HKP reminds us that constitutional traditions do not survive simply because they are ancient. They endure because every generation consciously chooses to understand them, preserve them, and faithfully transmit them to those who come after.

5.6 The Throne and the Constitution

The significance of the HKP lies not merely in its historical content, but in the extent to which its principles concerning kingship, governance, authority, ceremony, and constitutional order continue to inform the living traditions of the Pahang Sultanate. In this sense, the HKP survives as more than a historical manuscript. It remains part of a living constitutional culture.[316] Accordingly, this study may be understood not merely as an examination of a legal manuscript, but also as a constitutional study of a living monarchy. The importance of the HKP lies not only in what it reveals about the past, but also in the extent to which its constitutional principles continue to shape institutions, ceremonies, governance, and the exercise of authority within the modern Sultanate of Pahang.[317] The constitutional tradition of Pahang has endured because it has remained faithful to its underlying principles while adapting to changing circumstances. From the HKP to the UTKP and beyond, continuity has been preserved through a careful balance between constitutional stability and institutional adaptation. The following discussion examines this living constitutional tradition through selected contemporary illustrations. It demonstrates that the principles embodied within the HKP remain visible not only in historical manuscripts, but also in the constitutional institutions, succession, ceremonies, and governing practices of the modern Pahang Sultanate. In this respect, the HKP is not merely

[316] Yaakub Isa, *Hukum Kanun Pahang*, 1-20; Wan Ahmad Fauzi , *Kedaulatan Raja-Raja Melayu,* 45-88.
[317] *Undang-Undang Tubuh Kerajaan Pahang* (1948), Part I.

a record of constitutional history; it continues to illuminate a constitutional tradition that remains very much alive.

5.6.1 The 2019 Succession and Constitutional Adaptation

The constitutional developments surrounding the succession of 2019 revealed one of the defining characteristics of the Malay constitutional monarchy: its capacity to preserve continuity while adapting lawfully to extraordinary circumstances. Under ordinary conditions, amendments affecting Part One of the UTKP, concerning the position, powers, and succession of the Sultan, require royal assent. This reflects the constitutional principle that sovereignty resides within the institution of the Ruler. Yet every constitutional order must also possess lawful mechanisms to address exceptional circumstances. Where a reigning Sultan becomes permanently incapacitated and is no longer able to discharge the functions of rulership, the preservation of constitutional continuity itself becomes a constitutional necessity.[318] The events of 2019 presented precisely such circumstances. The incapacity of Sultan Ahmad Shah Al Mustain Billah (1974-2019) required the constitutional order to respond while preserving both the dignity of the reigning Sultan and the uninterrupted continuity of sovereignty. Acting within the constitutional framework of the State, the Jemaah Pangkuan Negeri introduced amendments to the succession provisions contained in Part One of the UTKP. These amendments established a lawful mechanism through which the gazetted heir presumptive, the Tengku Mahkota of Pahang, Tengku Abdullah, could be proclaimed Sultan while Sultan Ahmad Shah Al Mustain Billah remained alive but was no longer able to exercise the functions of rulership.[319] The role of the Jemaah Pangkuan Negeri was therefore not to create sovereignty, but to safeguard its lawful continuity. Its authority remained entirely within the constitutional framework governing succession and could operate only according to the recognised order of succession already established by law. It possessed no power to choose a ruler according to preference or political expediency; its constitutional responsibility was to ensure that

[318] *Undang-Undang Tubuh Kerajaan Pahang* (1948), Part I.
[319] *Undang-Undang Tubuh Kerajaan Pahang* (1948), Part I; amendments relating to the succession of 2019 and the constitutional role of the Jemaah Pangkuan Negeri.

sovereignty continued without interruption through the lawful succession of the gazetted heir.[320] The proclamation of Al-Sultan Abdullah Ri'ayatuddin Al-Mustafa Billah Shah was therefore neither a political act nor an executive decision of government. It was a constitutional act undertaken within the sovereign framework of the monarchy itself. The succession proceeded lawfully, peacefully, and with complete institutional legitimacy, demonstrating the ability of the constitutional order to adapt without compromising its foundational principles.

The significance of this episode extends well beyond Pahang. It demonstrates that constitutional provisions concerning the Ruler are neither symbolic nor ceremonial. They remain operative, sovereign, and capable of responding to circumstances unforeseen by earlier generations. The events of 2019 reaffirm that the Malay constitutional monarchy continues to function as a living institution, guided by law, *adat*, constitutional responsibility, and the principle of *amānah*, rather than political expediency. Perhaps most importantly, the succession of 2019 illustrates a constitutional principle that has echoed throughout this study: constitutional continuity is preserved not by resisting change, but by ensuring that change occurs lawfully and within the established constitutional order. In this respect, the events of 2019 stand not as an exception to the Malay constitutional tradition, but as a contemporary expression of it.

5.6.2 Proclamation and Installation: Law and Ceremony

The constitutional developments surrounding the succession of 2019 also highlight an important distinction within the Malay constitutional tradition: the difference between constitutional sovereignty and ceremonial affirmation. The proclamation and swearing-in of a Ruler constitute the decisive constitutional act through which sovereignty is vested and lawful authority established. From that moment, the Sultan assumes the powers and responsibilities of rulership and is constitutionally empowered to exercise authority. In this

[320] *Undang-Undang Tubuh Kerajaan Pahang* (1948), Part I.

respect, proclamation belongs primarily to the sphere of *hukum*.[321] Installation (*pertabalan*), by contrast, occupies a different constitutional space. It is a ceremony of affirmation and celebration, rich in *adat*, symbolism, and court tradition. It publicly honours and manifests a sovereignty that already exists. Its significance is immense, but its function is affirmatory rather than constitutive. The distinction is fundamental because it demonstrates how the Malay constitutional tradition accommodates *hukum* and *adat* without confusing their respective roles. Law establishes sovereignty; ceremony celebrates it. Constitutional legitimacy and ceremonial legitimacy therefore complement one another, but they perform distinct constitutional functions. Historical practice throughout the Malay world consistently reflects this principle. Sovereignty derives from lawful accession, proclamation, and constitutional recognition. Installation ceremonies affirm and commemorate that sovereignty, but they do not create it.[322] This relationship between *hukum* and *adat* illustrates one of the enduring strengths of the Malay constitutional tradition. Rather than existing in opposition, law and custom operate in complementary spheres, each reinforcing the legitimacy, continuity, and dignity of the institution.

The principle may therefore be expressed simply; proclamation makes a Sultan, installation celebrates the Sultan. This distinction encapsulates the relationship between constitutional legitimacy and ceremonial legitimacy within the Malay constitutional tradition. It also demonstrates that ceremony derives its meaning from constitutional authority, while constitutional authority is publicly affirmed and enriched through ceremony. Together, *hukum* and *adat* preserve not only the continuity of the throne, but also the legitimacy and dignity of the monarchy itself.

5.6.3 Constitutional Monarchy in Practice

The constitutional role of the Yang di-Pertuan Agong provides one of the clearest demonstrations that constitutional monarchy remains a living institution within Malaysia's

[321] Yaakub Isa, *Hukum Kanun Pahang*, 1-20; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu,* 45-88.
[322] Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu,* 45-88; Yaakub Isa, *Hukum Kanun Pahang*, 1-20.

system of government. During the reign of Al-Sultan Abdullah as the sixteenth Yang di-Pertuan Agong (King of Malaysia) this constitutional responsibility assumed particular significance. His Majesty's tenure coincided with one of the most politically fluid periods in modern Malaysian history, during which the nation witnessed the succession of four Prime Ministers from different political coalitions. These events brought renewed attention to the constitutional function of the monarchy and highlighted the continuing relevance of royal authority within a parliamentary democracy. Article 43(2)(a) of the Federal Constitution provides that the Yang di-Pertuan Agong shall appoint as Prime Minister the member of the Dewan Rakyat who, in His Majesty's judgment, is likely to command the confidence of the majority. The wording of the provision is significant. It entrusts this responsibility to the constitutional judgment of the King, particularly in circumstances where competing claims to majority support or questions of political stability arise.[323] During His Majesty's reign, Malaysia experienced an unprecedented succession of Prime Ministers from different political alignments. Under these circumstances, the constitutional role of the monarchy assumed unusual prominence. The King's authority was neither theoretical nor ceremonial. It became an essential constitutional mechanism through which continuity, legitimacy, and stability were preserved during periods of political uncertainty. These events remind us that constitutional monarchy exists not merely for ordinary times, but also for extraordinary ones. One of the principal purposes of a constitution is not simply to regulate ordinary government, but to preserve legitimacy when exceptional circumstances arise. Constitutions reveal their true strength not during ordinary times, but during moments of constitutional uncertainty. It is precisely then that constitutional principles are tested and their resilience becomes visible. The Qur'an reminds us, "O you who believe! Obey Allah, obey the Messenger, and those entrusted with authority among you."[324]

Within the Malay constitutional tradition, this verse has never been understood as conferring unrestricted authority. Rather, it affirms that legitimate authority carries corresponding responsibilities before Allah, the law, and society. Sovereignty therefore

[323] Federal Constitution of Malaysia, art. 43(2)(a)
[324] *Sūrah al-Nisāʾ* (4:59).

remains inseparable from *amānah*, and constitutional authority must always be exercised in the service of justice, stability, and the public good. In many respects, this constitutional responsibility represents the modern continuation of principles first articulated within the HKP and later preserved through the UTKP. Although constitutional forms have evolved, the underlying philosophy remains remarkably consistent: authority exists not as privilege, but as *amānah*, exercised for the welfare of the people and the preservation of constitutional order.

5.6.4 Concluding Reflection

The inclusion of the constitutional developments of 2019 in this study is not intended to revisit a contemporary constitutional episode for its own sake. Rather, they illustrate one of the central conclusions reached throughout this thesis: the constitutional tradition of Pahang remains a living institution, capable of adapting lawfully to new circumstances while preserving the continuity of sovereignty.[325] Perhaps the most significant discovery to emerge from this research is that what survived was not merely a manuscript, but a constitutional tradition. There was continuity of practice, but discontinuity of textual transmission.[326] The HKP was never entirely lost because the constitutional assumptions it embodied continued to survive within institutions, ceremonies, *adat*, governing practices, and the lived culture of the monarchy itself. The rediscovery of the manuscript therefore did not revive a forgotten constitutional tradition. Rather, it enabled us to recognise, understand, and articulate a living constitutional tradition whose textual foundations had long been overlooked. The continuing relevance of the HKP reminds us that constitutional traditions survive not merely because manuscripts are preserved, but because institutions continue to embody the principles they express. Constitutional memory remains alive wherever sovereignty, law, *adat*, and moral responsibility continue to exist in harmony. Ultimately, the endurance of constitutional monarchy is measured not by the survival of an institution alone, but by the continued vitality of the principles that sustain it. The HKP

[325] *Undang-Undang Tubuh Kerajaan Pahang* (1948), Part I; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu*, 45-88.
[326] The observation that there was continuity of practice but discontinuity of textual transmission represents one of the principal historiographical conclusions advanced in the present study.

demonstrates that constitutional government rooted in justice, *amānah*, and the sovereignty of Allah possesses the capacity to endure across changing political circumstances, while remaining faithful to the moral foundations upon which it was first established.

5.7 The Endurance of Constitutional Monarchy

5.7.1 Law as the Foundation of Endurance

The enduring strength of the Pahang Sultanate has never rested upon power alone. It has rested upon the preservation of enduring constitutional principles. Across centuries of political change, the institution survived because sovereignty was understood as an *amānah*, authority was exercised within the limits of law, and justice remained the moral foundation of governance. The HKP reveals that the survival of a constitutional order depends not merely upon written laws, but upon the willingness of successive generations to uphold the principles those laws embody. Law restrained power, succession ensured constitutional continuity, *adat* sustained legitimacy, and faith provided the moral framework within which authority was exercised. The purpose of constitutional government is not to weaken authority, but to ensure that authority remains worthy of obedience. Law does not diminish sovereignty; it legitimises it. History repeatedly reminds us that institutions decline not when they lose power, but when they lose moral discipline. Monarchies weaken when rulers forget that sovereignty is a trust. Governments falter when integrity yields to expediency. Nations lose their strength when justice no longer guides those entrusted with public authority. Perhaps this is the enduring lesson of the HKP. By placing law above the arbitrary exercise of power, it protected not only the *rakyat*, but also the institution of monarchy itself. The constitutional order endured because those entrusted with authority remained accountable to principles greater than themselves. The Pahang Sultanate therefore survived not because it resisted change, but because it possessed the capacity to adapt while remaining faithful to its foundational principles. Institutions evolved, constitutional arrangements were refined, and historical circumstances changed. Yet the principles of lawful succession, justice, institutional stability, and moral responsibility remained constant. In this respect, the legacy of the HKP extends far beyond

the history of a single Malay Sultanate. It reminds us that enduring institutions are sustained not by power alone, but by law, legitimacy, justice, and faithful stewardship under the sovereignty of Allah. Perhaps this, above all, explains why the Sultanate endured. The forms of governance evolved, but its constitutional principles remained constant. The institution endured because it remained anchored to values greater than power itself.[327]

5.7.2 Constitutional Resilience and the Purpose of Kingship

The observations of Ibn Khaldūn concerning the rise and decline of dynasties remain among the most influential reflections on political history. He argued that states often weaken as succeeding generations lose the discipline, cohesion, and moral purpose that characterised their founders. Over time, luxury replaces restraint, solidarity diminishes, institutions weaken, and the foundations of political authority gradually erode.[328] Measured against this framework, the continued survival of the Pahang Sultanate presents an intriguing constitutional question. Established more than five centuries ago, the institution has endured through war, dynastic transition, colonial intervention, independence, political transformation, and modernity. Its longevity cannot be explained by lineage alone. Dynastic succession may preserve a bloodline, but it cannot by itself preserve a constitutional order. The endurance of the Pahang Sultanate therefore invites us to ask not simply why dynasties decline, but why some constitutional traditions endure. One explanation lies in the enduring constitutional tradition preserved within the HKP and sustained through later constitutional developments. The institution survived not because it resisted change, but because it preserved continuity while adapting lawfully to changing circumstances. Its resilience rested upon enduring fidelity to law, *adat*, *amānah*, and moral responsibility. The HKP was never merely a legal code. It articulated a philosophy of governance grounded in justice, accountability, *amānah*, and moral restraint. It reminded rulers that sovereignty is not a personal possession, but a trust exercised under the sovereignty of Allah. The strength of the institution therefore lay not only in the authority

[327] Ibn Khaldūn, *The Muqaddimah: An Introduction to History*, trans. Franz Rosenthal, 3 vols. (Princeton University Press, 1967), 1:289–315.
[328] Ibn Khaldūn, *The Muqaddimah*, 1:289–315.

of the throne, but in the willingness of those who occupied it to remain subject to law. Perhaps this explains why the constitutional tradition of Pahang proved so resilient. The law existed not merely to regulate the *rakyat*, but also to discipline the ruler. It served as a constant reminder that *daulat* carries with it *amānah*, and that authority must always be accompanied by accountability. When rulers remained faithful to these principles, the institution retained its legitimacy. When they departed from them, history itself became the ultimate judge.

The endurance of the Pahang Sultanate therefore cannot be understood solely in political or dynastic terms. It must also be understood as the endurance of a constitutional tradition. The institution survived because constitutional discipline proved stronger than political circumstance, allowing the Sultanate to preserve its legitimacy across successive generations. In many respects, the endurance of the Malay Sultanate cannot be explained solely by history, ceremony, or tradition. It has endured because it continues to fulfil a constitutional purpose. While the forms of monarchy have evolved, its underlying principles have remained remarkably consistent. The ruler continues to serve as custodian of constitutional continuity, guardian of legitimacy, and protector of the stability upon which government depends. This constitutional vision, first articulated in the HKP and later preserved through the UTKP, remains a defining characteristic of the Malay constitutional tradition.[329] The enduring significance of the HKP therefore lies in its conception of kingship. It presents authority not as a privilege of command, but as an *amānah*. In the classical Islamic understanding, sovereignty is exercised not for personal advantage, but as a trust before Allah, discharged through service to society. Justice, accountability, compassion, and public welfare therefore stand at the centre of constitutional government. Within this constitutional tradition, the Sultan is not master over the people, but custodian of their welfare. His duty is to uphold justice, preserve stability, protect religion, encourage development, and safeguard those entrusted to his care. The relationship between Raja and *rakyat* is therefore not merely political, but moral. The ruler advises the people, and the people advise the ruler. The throne listens as much as it speaks. Authority is balanced by

[329] Yaakub Isa, *Hukum Kanun Pahang*; 1-20; Wan Ahmad Fauzi, *Kedaulatan Raja-Raja Melayu*, 45-88; *Undang-Undang Tubuh Kerajaan Pahang* (1948), Part I.

responsibility, and leadership is tempered by accountability. In this constitutional tradition, listening is itself an exercise of authority, for justice begins by hearing those entrusted to the ruler's care. The well-known Malay expression *raja dan rakyat berpisah tiada* therefore expresses far more than cultural sentiment. It reflects a constitutional philosophy grounded in reciprocal trust, mutual responsibility, and moral obligation. The ruler remains accountable to law and to Allah, while the *rakyat* recognise the legitimacy of authority exercised within those constitutional limits. It is this reciprocal relationship that sustains both the dignity of the throne and the confidence of the people. Central to this constitutional order is the enduring relationship between Islam, *adat*, monarchy, and governance. In Pahang, *adat* has never functioned merely as ceremony or symbolism. It remains a living framework through which values, responsibilities, and constitutional culture are transmitted across generations. It survives not only within formal institutions, but also through language, conduct, public life, and the moral expectations that continue to shape society.

The chronicles of the Malay world repeatedly remind us that the decline of monarchy begins not when rulers lose power, but when they cease first to govern themselves. The enduring wisdom of the HKP lies in its insistence that the ruler, no less than the *rakyat*, remains subject to law. Justice is therefore not merely an obligation owed by the ruler to the people; it is also the discipline through which the ruler preserves the legitimacy of his own authority. Perhaps this, above all, explains why the Pahang Sultanate endured. It survived not because it possessed power alone, but because it understood that power itself was always subject to law, to *amānah*, and ultimately to Allah. In this constitutional tradition, the Sultan stands as custodian of law, defender of religion, and protector of the people. These are not honorary titles, but constitutional responsibilities rooted in *Hukum* Allah, guided by Sharīʿah, and expressed through Malay *adat*. It is this enduring balance between Raja, *rakyat*, and *undang-undang* that has sustained the constitutional identity of the Pahang Sultanate from the era of the HKP to the constitutional monarchy of Malaysia today. The endurance of the Pahang Sultanate therefore reflects not merely the survival of a royal institution, but the continuing relevance of a constitutional philosophy rooted in justice, *amānah*, and the sovereignty of Allah. Constitutional

monarchy endured because power remained restrained by law, guided by *amānah*, and directed towards the welfare of society.[330]

5.8 Returning Pahang to History: The Recovery of a Lost Constitution

The HKM and UULM was already, in essence, a constitution: a comprehensive legal corpus governing the moral, legal, and political life of one of the greatest Malay-Islamic kingdoms in the Nusantara. Yet by the late sixteenth century, much of this constitutional legacy appears to have survived principally through memory, practice, and customary transmission. Liaw observed that one of the earliest extant manuscripts was a copy preserved in the Vatican Library and transcribed decades after the reign of Sultan Abdul Ghaffar, suggesting that earlier written versions may have been lost.[331] It was perhaps through the counsel of scholars, jurists, and religious intellectuals circulating between Pahang, Patani, Brunei, and the wider Malay world that Sultan Abdul Ghaffar recognised the danger of forgetting. His decision to document and codify the constitutional inheritance of Melaka within the context of Pahang was therefore an act of preservation as much as innovation. It transformed a constitutional tradition sustained through memory and practice into a written Malay-Islamic legal corpus.[332] What Sultan Abdul Ghaffar preserved was not merely a law book, but a constitutional tradition. By preserving and refining the HKM within the Pahang context, he transformed an inherited constitutional tradition into a written constitutional framework that united *syarak* and *adat*, law and governance, sovereignty and moral responsibility. In doing so, he ensured that the political wisdom, legal principles, and ethical foundations of the Melaka world would survive beyond the fragility of oral transmission. The constitutional civilisation of Melaka therefore did not perish with the fall of its capital; through Pahang, it continued to evolve.[333] The appearance of later Malay legal compilations in Aceh, Kedah, Perak, Johor, Brunei, and Riau-Lingga

[330] The interpretation that constitutional endurance rests upon the continuing relationship between law, *amanah*, justice, and constitutional monarchy represents one of the principal constitutional conclusions advanced in the present study.
[331] Liaw, *Undang-Undang Melaka*, 189-210.
[332] Yaakub Isa, *Hukum Kanun Pahang*; 1-20; Liaw, *Undang-Undang Melaka,* 189-210.
[333] Yaakub Isa, *Hukum Kanun Pahang,* 1-20; Liaw, *Undang-Undang Melaka,* 189-210; "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.

suggests that the constitutional impulse represented by the HKP formed part of a wider tradition of Malay-Islamic legal codification. Although the precise channels of transmission require further study, the similarities in structure, themes, and governing principles point towards the existence of a shared constitutional culture across the Malay world.[334] In this respect, Sultan Abdul Ghaffar's achievement lies not merely in preserving the constitutional legacy of Melaka, but in ensuring that it remained part of a living and evolving tradition of governance long after the fall of the Melaka Sultanate. In preserving the law, he preserved the constitutional memory of a civilisation.

This study therefore represents, in its own modest way, an effort to recover a neglected chapter of Malay constitutional history. More fundamentally, it seeks to return Pahang to its rightful place within that history. For too long, the narrative of Malay constitutional development has centred almost exclusively upon Melaka. While Melaka provided the constitutional foundation, the evidence presented throughout this study demonstrates that Pahang preserved, refined, and transmitted that inheritance across successive centuries. To restore Pahang to history is therefore not to diminish Melaka, but to complete the constitutional story that Melaka began.[335] The HKP demonstrates that the Malay world possessed sophisticated legal traditions, constitutional principles, and institutions of governance long before the arrival of colonial rule. The evidence has always existed, it has simply awaited rediscovery.[336] In this sense, the recovery of the HKP is more than an academic exercise. It is an act of historical remembrance. It reminds us that the Malay world was never without law, never without constitutional order, and never without intellectual traditions capable of sustaining governance, justice, and political legitimacy. To return Pahang to history is therefore not to invent a forgotten past, but to restore recognition to a constitutional tradition that has endured for centuries.[337]

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[334] Liaw, *Undang-Undang Melaka*, 1-40; Abdul Halim and Asma Hakimah, *Qanun Pahang*, 9-56.
[335] The interpretation that Pahang preserved, refined, and transmitted the constitutional inheritance of Melaka represents one of the principal historiographical arguments advanced in the present study.
[336] The historical and constitutional evidence examined throughout this study demonstrates that the Malay world possessed sophisticated legal and constitutional traditions long before colonial intervention.
[337] The historical and constitutional evidence examined throughout this study demonstrates that the Malay world possessed sophisticated legal traditions, constitutional principles, and institutions of governance long before colonial intervention.

My interest in history did not begin with manuscripts. It began with my father. From an early age, he nurtured in me a deep love of history. Bookshops were among our favourite destinations, and he rarely returned home without placing another history book in my hands. Museums became places of discovery, and reading became a lifelong habit. More importantly, he taught me that to deepen one's understanding of history, one must read widely, visit places where history is preserved, choose the company of knowledgeable people, and never stop asking questions. Our home also became a classroom of another kind. Whenever distinguished visitors came, my father rarely asked us to leave the room. Instead, he encouraged us to sit quietly, listen, and learn. Through him, I had the privilege of meeting remarkable individuals whose conversations left a lasting impression upon me. I listened to Hamka speak, heard Benigno Aquino share his reflections, met Lord Carnarvon, whose family name became synonymous with the discovery of Tutankhamun's tomb, and encountered members of royal families, scholars, statesmen, artists, and other distinguished visitors from many walks of life. Their conversations ranged across history, religion, politics, archaeology, literature, civilisation, and the rise and fall of kingdoms. Looking back, I realise that those moments quietly nurtured the historical curiosity that would eventually lead me to the HKP. My father often reminded me that there are two versions of history, the history commonly repeated and the history that is true. He taught me to value not only written records but also oral history, memory, and lived experience. Many of the stories he shared seemed extraordinary when I was young. Yet, throughout the course of this research, I repeatedly found myself returning to books, manuscripts, and archival sources, only to discover that many of those recollections were firmly grounded in historical evidence. One example remained with me throughout this study. My father often explained that when Sultan Abu Bakar introduced the Johor Constitution of 1895, he did not intend succession to be understood simply as inheritance from father to eldest son. Rather, he believed that the most suitable member of the royal lineage should succeed to the throne.[338] Only after studying the HKP and Raja Ali Haji's *Muqaddimah fi Intizam Waza'if al-Malik* (*Ketatanegaraan*) did I appreciate how closely that understanding reflected the constitutional spirit of the earlier Malay legal tradition. What my father had

[338] The reflections concerning the author's father, his encouragement of historical study, the conversations with distinguished visitors, and the value of oral history are based upon the author's own recollections and are included here as part of the methodological reflection underpinning this study.

long shared through family memory, I now encountered through constitutional evidence. He also told me that Sultan Abu Bakar sought the counsel of Raja Ali Haji when preparing the Johor Constitution, and that Raja Ali Haji recommended several classical works for his consideration. During this research, those family recollections acquired new meaning. They reinforced my conviction that the constitutional civilisation of Melaka did not disappear with the fall of Kota Melaka, but continued to evolve through successive Malay Sultanates while preserving its underlying principles.[339] Another memory has remained especially close to me. When my father first placed a copy of *Tuhfat al-Nafis* in my hands, he told me that it had been written especially for Sultan Abu Bakar. He would also remind me why Johor and Pahang have no Tengku Laksamana, recount the story of Laksamana Bentan, and speak of Sultan Abdul Jalil IV, buried at Kampung Marhum, simply as "our t*ok nenek*." At the time, these were family stories. Looking back, I recognise them as fragments of historical memory that encouraged me to ask questions long before I entered an archive. I was equally fortunate in another respect. My late father-in-law, Sultan Haji Ahmad Shah Al-Musta'in Billah, who shared a close friendship with my father as well as a common ancestral heritage, constantly encouraged my interest in history. I vividly remember one evening when, during dinner, someone jokingly remarked that I spoke far too much about history. Before I could respond, my father-in-law gently but firmly replied, "She knows her subject. Jokes aside, she knows her history." Those simple words remained with me. They were not merely a defence of my enthusiasm, but an affirmation that history deserves to be studied seriously, remembered faithfully, and passed on with integrity.[340]

In many ways, this conviction lies at the heart of the present study. The HKP has survived because generations before us chose to preserve it. The stories surrounding it have survived because individuals chose to remember. To return Pahang to history is therefore not merely to recover a forgotten manuscript, but to restore forgotten voices to the historical

[339] The discussion of Sultan Abu Bakar's constitutional thought, Raja Ali Haji's influence, and the continuity between the constitutional traditions of Melaka, Johor, Riau, and Pahang is informed by Raja Ali Haji, *Muqaddimah fi Intizam Waza'if al-Malik* (*Ketatanegaraan*); Liaw Yock Fang, *Undang-Undang Melaka*; and the historical and constitutional analysis developed throughout the present study. References to conversations with the author's father are presented as family recollections that informed subsequent historical inquiry.

[340] The reflections concerning Al-Sultan Haji Ahmad Shah Al-Musta'in Billah's encouragement of the author's historical interests are based upon the author's personal recollections and are included here as part of the reflective narrative of this chapter.

narrative. The purpose is not to rewrite history, but to ensure that a constitutional tradition of immense significance finally receives the recognition it deserves.[341] In this sense, the HKP serves as a window into a neglected chapter of Malay civilisation. Its rediscovery invites a reassessment of Pahang's contribution to the preservation and transmission of Malay-Islamic constitutional thought across centuries of political change. Rather than standing at the margins of history, Pahang emerges as one of the principal custodians of the constitutional civilisation of the Malay world. Returning Pahang to history therefore means restoring the constitutional tradition it preserved to its rightful place within the collective historical memory of the Malay world.[342]

5.9 The Future of the HKP

To restore Sultan Abdul Ghaffar to his rightful place in history is not an act of regional pride, but an act of historical justice. His work in compiling, refining, and codifying the HKP represents one of the most significant acts of constitutional stewardship in the Malay world after the fall of Kota Melaka.[343] The designation *Manuskrip Agung Negeri Pahang* reflects neither exclusivity nor ownership, but custodianship. The manuscript was compiled in Pahang, under Pahang royal authority, during the reign of Sultan Abdul Ghaffar. In that sense, it is rightfully a Pahang manuscript. Yet its constitutional significance extends far beyond state boundaries. The HKP preserves one of the most complete surviving articulations of Malay-Islamic constitutional thought, making it a shared inheritance of the wider Malay world.[344] Looking to the future, the HKP depends not only upon its physical preservation, but also upon accessibility. Through continued research, translation, scholarly editions, publication, digitisation, and wider public engagement, its constitutional wisdom may become increasingly accessible to scholars

[341] This chapter argues that recovering the HKP is simultaneously an act of historical, constitutional, and civilisational recovery.
[342] This conclusion represents the synthesis of the historical, constitutional, and historiographical arguments advanced throughout the present study.
[343] Yaakub Isa, *Hukum Kanun Pahang*, 1-20; Wan Ahmad Fauzi, "Analisis Hukum Kanun Pahang dari Aspek Ciri Perlembagaan Moden," 220-233.
[344] Liaw, *Undang-Undang Melaka,* 189-210; Yaakub Isa, *Hukum Kanun Pahang*, 1-20.

throughout the world. A manuscript fulfils its greatest purpose not when it is merely conserved, but when it continues to educate, inspire, and illuminate future generations. The continuing identification of additional manuscripts associated with the Pahang legal tradition, particularly MS E and MS F, opens exciting possibilities for future scholarship. Through conservation, transliteration, textual comparison, and critical analysis, these manuscripts may significantly deepen our understanding of the transmission, development, and continuity of Malay-Islamic constitutional thought across successive centuries.[345] My long-term hope is that the HKP will receive the wider international recognition it deserves, including eventual inscription on UNESCO's *Memory of the World Register*. Such recognition would not simply honour a manuscript; it would acknowledge one of the most significant constitutional and intellectual achievements of the Malay world while encouraging its continued preservation for future generations.[346] The HKP deserves greater engagement within international scholarship on legal history, constitutional traditions, Islamic governance, and comparative constitutional thought. In many respects, its rediscovery is not merely a manuscript recovery project. It is an epistemic recovery project. Through it, we recover constitutional ideas, legal concepts, intellectual traditions, and systems of knowledge that once stood at the heart of Malay-Islamic civilisation but were later overshadowed by colonial frameworks and modern assumptions. In this respect, the study of the HKP may also be understood as part of a broader process of decolonising knowledge. Decolonisation is not solely political; it is also epistemological. It requires the recovery of indigenous intellectual traditions on their own terms, allowing the Malay world once again to speak in its own constitutional voice.[347]

As the Pahang State Museum approaches its fiftieth anniversary, it stands as custodian of one of the most important surviving manuscript traditions in the Malay world. Since the return of MS D in 1993, and with the subsequent identification of MS E and MS F, Pahang has become the guardian of one of the richest surviving collections of Malay-Islamic constitutional manuscripts presently known. This remarkable convergence presents an opportunity not merely to commemorate the past, but to renew our commitment to

[345] Abdul Halim and Asma Hakimah, *Qanun Pahang,* 9-56.
[346] UNESCO, *Memory of the World Programme: General Guidelines*.
[347] al-Attas, *Islam and Secularism,* 139-152.

preserving, studying, translating, and sharing this constitutional inheritance with the world.[348] Ultimately, the future of the HKP depends not only upon conservation, but upon remembrance. A manuscript fulfils its highest purpose not when it is simply stored, but when it is read, understood, taught, discussed, and allowed to continue speaking across generations. Its future depends not upon the manuscript alone, but upon the people who continue to engage with it. Every generation will ask different questions, discover new meanings, and contribute new insights. That is the enduring strength of a living constitutional tradition. It continues to grow because every generation receives the same inheritance, yet understands it anew. Melaka gave birth to this constitutional tradition. Pahang preserved and refined it. The Malay world inherited it. Our responsibility is to ensure that it is never forgotten again.

5.10 Summary of Findings and Recommendations

5.10.1 Summary of Findings

This study has sought to restore the HKP to its rightful place within the constitutional history and civilisational heritage of the Malay world. Rather than approaching the HKP merely as a legal manuscript, this study has demonstrated that it represents a sovereign Malay-Islamic constitutional text embodying a sophisticated tradition of governance, sovereignty, justice, and public administration grounded in *Sharīʿah*, *adat*, and the institution of monarchy.

The findings of this study make several important contributions to the existing scholarship. First, this study repositions the HKP as a constitutional document and one of the most significant surviving constitutional manuscripts of the Malay world. It demonstrates that the HKP articulated a coherent constitutional order in which sovereignty was exercised within recognised legal, moral, and customary limits.

[348] Yaakub Isa, *Hukum Kanun Pahang,* 1-20.

Second, this study challenges longstanding colonial narratives that portray constitutional governance in the Malay world as a product of colonial modernity. The evidence presented throughout this study demonstrates that constitutional traditions had already developed within the Malay Sultanates centuries earlier through indigenous Malay-Islamic intellectual and political traditions.

Third, this study establishes the continuity of Malay-Islamic constitutional governance from the HKM and the UULM, through the HKP, and ultimately to the UTKP. Rather than representing separate constitutional traditions, these texts reveal an evolving continuum characterised by continuity, adaptation, and refinement.

Fourth, this study demonstrates that Pahang was not merely the custodian of an important manuscript but a major constitutional and maritime kingdom that preserved, refined, and transmitted the constitutional traditions inherited from Melaka. In doing so, it restores Pahang to its rightful place within the constitutional history of the Malay world.

Fifth, this study demonstrates that the maritime dimensions of the HKP formed an integral part of Malay-Islamic governance. By examining governance within its maritime environment, the study broadens our understanding of constitutional development in the Malay world and contributes to the growing study of Malay-Islamic maritime constitutionalism.

Sixth, this study contributes to the historiography of the Malay world through the examination of primary manuscript evidence, including MS D, MS E, and the recently identified MS F, together with archival materials and oral history. These sources provide new insights into the transmission, preservation, and continuing significance of the HKP within the constitutional tradition of Pahang.

Finally, this study demonstrates that the HKP should be understood not simply as a historical manuscript but as an enduring expression of Malay-Islamic constitutional thought and civilisation. It reflects a constitutional tradition founded upon justice, moral

responsibility, accountable kingship, and the harmonious integration of *Sharīʿah* and *adat* within a distinctly Malay worldview.

5.10.2 Recommendations for Future Research

While this study has sought to recover and re-establish the constitutional significance of the HKP, it also opens several important avenues for future scholarship. The findings presented in this thesis demonstrate that the constitutional traditions of the Malay world remain a fertile field for historical and civilisational inquiry, particularly through the continued study of indigenous constitutional texts and institutions.

First, further research may examine the constitutional ethics of kingship as reflected in the reign of Sultan Abdul Ghaffar Muhyiddin Shah and its contribution to the development of Malay-Islamic political thought. Such studies may further illuminate the relationship between sovereignty, justice, moral responsibility, and constitutional governance within the Malay Sultanates.

Second, future scholarship may undertake comparative historical studies between the HKP and other constitutional traditions within both the Malay world and the wider Islamic world, including Aceh, Brunei, Johor, Perak, Riau, Sambas, the Ottoman Qanun, and Mughal administrative traditions. Such studies would contribute to a broader understanding of indigenous constitutional development across Islamic civilisations.

Third, further research may examine the practical implementation of the HKP by investigating how its constitutional principles were applied in government, judicial administration, commerce, maritime affairs, and everyday life within the Pahang Sultanate.

Fourth, greater attention may be given to the relationship between the HKP and the UTKP, particularly in tracing the continuity of constitutional principles from the early modern Malay Sultanates to the contemporary constitutional order of Pahang.

Fifth, future studies may explore how the constitutional principles embodied in the HKP were received, preserved, and transmitted among different social groups, institutions, and communities, thereby contributing to a deeper understanding of constitutional continuity beyond the royal court.

Sixth, continued efforts should be devoted to the preservation, digitisation, translation, and critical study of Malay constitutional manuscripts to ensure that these important intellectual and civilisational sources remain accessible to future generations of scholars.

Finally, it is hoped that this study will encourage further research into Malay-Islamic constitutional history from an indigenous historical and civilisational perspective, thereby contributing to a more balanced understanding of the constitutional heritage of the Malay world.

This study does not claim to offer the final word on the HKP. Rather, it seeks to reopen an important constitutional conversation that has remained largely overlooked. By restoring the HKP to its rightful place within the constitutional history of the Malay world, this study hopes to encourage renewed scholarly engagement with the indigenous constitutional traditions of the Malay Sultanates. If this study encourages future scholars to continue recovering, preserving, and re-examining the constitutional traditions of the Malay world, and contributes, however modestly, to a fuller appreciation of their intellectual, constitutional, and civilisational achievements, then it will have fulfilled its purpose.

5.11 Conclusion: My *Tuhfat Al-Nafis*

The HKP is known as the *Manuskrip Agung Negeri Pahang* not because it belongs to Pahang alone, but because Pahang was entrusted to preserve it on behalf of Melaka and the wider Malay world. In preserving the manuscript, Pahang also preserved a constitutional memory, an intellectual inheritance, and a civilisational legacy that continues to speak across the centuries. This study was born not merely of scholarship, but also of affection, for a land, a people, and a legacy entrusted to me through history, marriage, and faith. My journey into the HKP has been inseparable from my own journey into Pahang itself; a state that embraced me, shaped me, and gave me a home rooted in dignity, continuity, and service. What I have written here is therefore not entirely detached observation. It is also the reflection of one who has lived within the constitutional tradition she has sought to understand. Throughout this journey, I repeatedly encountered the same question. Why do some civilisations endure while others fade into memory? In seeking an answer, I came to appreciate that the true strength of Pahang has never rested upon power alone. It has rested upon its ability to preserve continuity while adapting to changing circumstances. The state has never remained frozen in the past, yet neither has it abandoned the traditions that gave meaning, legitimacy, and coherence to its institutions. This balance between preservation and renewal has been one of the foundations of its endurance. Throughout Malay history, the Sultan has often been described as the *payung negeri*, the umbrella beneath which justice, faith, security, and public welfare find shelter. It is a beautiful metaphor because it captures one of the deepest principles of Malay-Islamic kingship: authority exists not for domination, but for protection. The ruler governs not for himself, but for those whom Allah has entrusted to his care.

The Qur'an reminds us:

> "Indeed, Allah commands you to render trusts (*amānah*) to whom they are due, and when you judge between people, judge with justice."
> *Sūrah al-Nisāʾ* (4:58)

This verse captures the constitutional philosophy that runs throughout the HKP. Leadership is not a privilege to be enjoyed, but an *amānah* to be discharged. Justice is not merely an administrative duty; it is an act of worship before Allah. As Tengku Ampuan of Pahang and a Princess of Johor, I offer this study as a voice from within the institution. It is written both as scholarship and as remembrance; both as historical inquiry and as an expression of gratitude for having inherited a living constitutional tradition. What began as an academic study gradually became a journey into constitutional memory, civilisational continuity, and the enduring relationship between *Hukum* Allah, sovereignty, justice, and moral responsibility. The HKP may rightly be regarded as one of the greatest intellectual monuments of Malay civilisation. Unlike monuments built of stone, it preserves a constitutional vision of governance, kingship, law, and moral order. Through its pages survives not merely the constitutional tradition of a kingdom, but the intellectual achievement of a civilisation that sought to harmonise faith, law, and authority under the sovereignty of Allah. The HKP is not Pandora's Box. It is a treasure chest. Every time one imagines that its contents have been exhausted, another compartment opens. Each reading reveals another insight, another forgotten voice, another path waiting patiently to be explored. The manuscript has taught me that history is never truly silent. It speaks to those who are willing to listen. This thesis, then, is my offering. As a Muslim, a wife, a mother, and a custodian of heritage, I write with humility and gratitude for having been granted the opportunity to serve a legacy greater than myself. To champion the HKP is, for me, to honour the past, educate the present, and safeguard the future. As this thesis drew to its conclusion, I found myself reflecting not only upon what the manuscript had taught me about the past, but also upon what it now asks of the future. When I thought of my own son, I realised that the greatest inheritance I could leave him was not privilege or position, but the constitutional and moral wisdom that I had spent this journey rediscovering.

To him, I wrote:

"My son Hassanal Ibrahim Alam Shah, never forget: all that you possess belongs to Allah alone, and it is entrusted to you so that you may strive in His cause, uphold justice, serve His creation, and bring order to the world.

Power may grant authority, but it is justice that preserves a state. Guard the balance of justice carefully, for when it is disturbed, the state is brought to ruin.

A state is not built by stone or force, but by fairness, restraint, and moral courage. Be just in all matters, and give to each what he rightfully deserves.

For when justice stands firm, the state endures; but when justice falters, no throne, no army, and no wall can save it."

As I set down these words, I realised that they were not mine alone. They echoed the same constitutional philosophy that runs throughout the HKP; that sovereignty is an *amānah*, authority is restrained by justice, and the endurance of a state depends not upon power, but upon righteousness. Perhaps that is the greatest inheritance any generation can leave to the next, not privilege, nor power, but the wisdom to govern with justice, humility, and faith. The inheritance of knowledge carries with it a responsibility. To inherit is not merely to receive; it is also to preserve, understand, and faithfully transmit what has been entrusted to us. Like every constitution, the HKP articulated an ideal of governance rather than a guarantee of perfect governance. History demonstrates that rulers and societies do not always live up to the constitutional standards they inherit. Yet this does not diminish the significance of the HKP. On the contrary, its enduring value lies precisely in providing the constitutional and moral standard by which rulers, institutions, and society alike may be measured across generations. The HKP now stands ready to speak once again, not only to Malaysia, but also to the wider world. It deserves to be studied, translated, digitised, exhibited, and recognised as one of the great constitutional achievements of the Malay-Islamic world. If these pages have helped restore even a small part of that constitutional memory, and encouraged others to look anew at the constitutional heritage of the Malay world, then they have fulfilled the purpose for which they were written. Looking back upon this study, I no longer see it simply as the product of my own effort. I see it as an *amānah* that Allah allowed me to carry for a brief moment in time.

May Allah accept this small effort as *ʿilm nāfiʿ* (beneficial knowledge), place barakah in every page, forgive its shortcomings, and allow the Hukum Kanun Pahang to continue guiding hearts and minds for generations yet to come.

Yet Allah knew. He preserved it. He returned it. And He allowed me to rediscover it.

Alhamdulillāhi Rabbil ʿĀlamīn.

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AFTERWORD

Mama Made It: When a Manuscript Comes Home

For many months, I believed I was studying a manuscript. I now realise that the manuscript was studying me. At the age of sixty-six, I did something that surprised even myself. I returned to university. The last time I sat in a classroom as a student was almost fifty years ago. Back then, assignments were written by hand, research meant hours in libraries, and nobody had ever heard of artificial intelligence. Suddenly, there I was again, carrying books, reading journal articles, meeting supervisors, and worrying about deadlines like any other student. The only difference was that most of my classmates were the same age as my children.

For years, I was the one reminding them to study, finish their assignments, attend lectures, and most importantly, graduate. Like many mothers, I could become quite a monster when it came to education. University was never presented as an option. It was an expectation. So when I enrolled in a Master's programme, my children immediately seized the opportunity for revenge.

"Mama, don't embarrass us."
"Mama, don't quit halfway."
"Mama, make sure you finish."

I suppose I deserved it. What they did not realise was how difficult returning to university would be. A brain occupied for decades with family, public service, charitable work, royal duties, and countless other responsibilities suddenly had to remember how to think academically again. There were moments when I wondered whether my brain had quietly retired. Instead, it chose to work overtime. Yet there was also joy.

Perhaps it is because I have always loved history. Perhaps it is because I grew up in a family conscious of history. Or perhaps it is because I eventually realised that I was

not merely studying history. I was studying a story my own family had lived through for centuries. Throughout this study, I have traced the movement of law, ideas, manuscripts, and dynastic relationships across the Malay world. Again and again, the evidence reveals that constitutional traditions were preserved not only through institutions and texts, but also through the people entrusted with carrying them forward.

In reflecting upon this history, I cannot ignore a certain irony. Just as dynastic marriages once linked the courts of Melaka, Pahang, Johor, Patani, Brunei, and Aceh, my own journey forms a small part of that continuing story. Born a princess of Johor and married into the House of Pahang, I did not set out to become a student of constitutional history. Yet it was through this journey that I encountered the Hukum Kanun Pahang and came to appreciate the magnitude of the legacy preserved within it.

My purpose in undertaking this study has never been to claim ownership of that legacy. Rather, it has been to return it to the people of Pahang and to restore recognition to a constitutional tradition that deserves its rightful place within the history of the Malay world. What began as a Master's thesis on the Hukum Kanun Pahang gradually became something much larger. At first, it was simply an old legal text, a manuscript preserved in a museum, a historical document waiting to be translated and understood. But as I spent more time with its pages, it became something else entirely. It became a mirror.

Through it, I discovered not only the history of a kingdom, but the history of an idea: that sovereignty must be guided by law, that power must be restrained by justice, and that governance is ultimately an amanah before Allah. What moved me most was not what was written in the manuscript, but what survived despite its absence. For centuries, the manuscript itself was no longer in Pahang. Yet the monarchy survived. The institutions survived. The traditions survived. The assumptions concerning kingship, succession, governance, and responsibility survived. The text was hidden, but the civilisation endured. Perhaps that is the greatest lesson of all. Civilisations do not survive because of buildings. They do not survive because of monuments. They survive because certain ideas are carried

from one generation to the next. Sometimes consciously. Sometimes silently. The Hukum Kanun Pahang was one of those ideas.

The fall of Kota Melaka did not mark the end of a civilisation. The civilisation simply changed its address. Part of it continued in Pahang. Part of it survived in law. Part of it survived in memory. And part of it waited quietly in a manuscript until the day it returned home. As I traced the genealogy from Melaka to Pahang, from Sultan Muhammad Iskandar (Parameswara) to Sultan Sultan Mansur Shah to Sultan Muhammad Shah, from Sultan Abdul Ghafur Muhyiddin Shah to the present day, I came to understand that history is not a series of disconnected events. It is a chain. Each generation inherits something and leaves something behind.

The recovery of the Hukum Kanun Pahang is therefore more than the recovery of a manuscript. It is the recovery of memory. It is the restoration of a constitutional tradition. It is the rediscovery of a chapter of Malay civilisation that has waited far too long to be read. Today, as more Malaysians encounter this remarkable manuscript, my hope is not simply that they will admire it as an old document. My hope is that they will recognise it as something much more important, a reminder that long before colonial codes and imported systems, our forefathers had already reflected deeply on law, governance, justice, and responsibility. This thesis is therefore more than an academic exercise. It is an attempt to leave something behind.

A contribution.
A correction.
A reminder.
A legacy for my children and, I hope, for future generations of Malaysians.

As I write these final pages, the thesis is nearing completion and the viva voce lies ahead. I confess that I am nervous. It is a strange feeling. At sixty-six years old, one would imagine that examinations, interviews, and academic scrutiny belong to another lifetime. Yet here I am, experiencing the same anxieties as students less than half my age.

Sometimes I pause and laugh at the absurdity of it all. After leaving school almost fifty years ago, I somehow found myself back at university, surrounded by classmates young enough to be my children, writing a Master's thesis on a manuscript that disappeared for centuries and returned home just in time for me to discover it. None of this would have been possible without the patience, guidance, and faith of my supervisors, who believed in me even when I occasionally doubted myself. They challenged me, encouraged me, and helped me transform a fascination with history into a serious academic undertaking.

For that, I shall always remain grateful.

To have reached this point already exceeds anything I imagined possible. Yet somewhere along the way, another thought quietly entered my mind.

What if this is not the end?
What if one day there is a PhD?
I must admit that "Dr Mama" has a rather nice ring to it too.

Soon, if Allah wills it, I will walk across a stage to receive my Master's scroll. My husband will be there. My children will be there. And I suspect they will be smiling, beaming with pride, perhaps with the same joy and gratitude I once felt as I watched them reach their own milestones. There is something wonderfully humbling about seeing the roles reversed, the mother who once cheered from the audience now becoming the one being celebrated by her family. Because after years of telling them to finish university, Mama finally had to take her own advice.

And when that day comes, I know exactly what I will be thinking.
The manuscript came home.
Perhaps our memory can too.
And yes..

Mama made it!

APPENDIX A

TRANSLATION OF MANUSCRIPT D OF THE HUKUM KANUN PAHANG, "MANUSKRIP AGUNG NEGERI PAHANG"

For more than four hundred years, the existence of the Hukum Kanun Pahang (HKP), the sole legal document applied in the state of Pahang, has been widely debated by academic scholars. These discussions have examined it as a body of laws, a guide to *adat* customs and prohibitions, matters that may or may not be permissible, and even as a literary work analysed from the perspective of traditional Malay literature.

According to records now in our possession, the manuscript of the Hukum Kanun Pahang was, at one time in the past, held in the hands of the state's ruling elite. Although it existed only in manuscript form, each ruler endeavoured to engage scribes of their time to produce copies for their use. These copies were then used to create second, third, and subsequent copies. The same practice applied to other traditional Malay literary works such as *hikayat*, religious texts, and *syair*. This tradition of manual copying gradually ceased when new elements entered the Nusantara region through the arrival of Westerners. The development of the printing press, followed by the introduction of electronic media, rendered manual copying obsolete and highly inefficient.

The earliest Western scholarly record of the Hukum Kanun Pahang was produced in 1947 by John E. Kempe and Richard O. Winstedt. The two HKP manuscripts that came into their possession were copies held at the Royal Asiatic Society Library in London, namely manuscripts belonging to William Maxwell. They designated these manuscripts as MS. A and MS. B. For philological purposes, Kempe and Winstedt conducted a fairly intensive study of both manuscripts, comparing them with van Ronkel's work on the Melaka Laws entitled Risalat Hoekoem Kanoen, published in Leiden, the Netherlands. The conclusion reached by Kempe and Winstedt was that the HKP was based on the Melaka

Laws. Prior to publishing that article, Winstedt had already written on the same subject, which was published in the Journal of the Royal Asiatic Society of Great Britain and Ireland, as well as a chapter in his book The Malays (Kelly & Walsh, 1947).

Not long after the publication of Kempe and Winstedt's article, an English officer in Malaya, R. W. Jakeman, discovered another HKP manuscript. One of these manuscripts was included in the collection of documents formerly belonging to Swettenham, now identified as Perak Museum No. 48, which was later acquired by the Federal Government. This manuscript has its own distinct history, based on the brief initials "Hugh Clifford" recorded on its cover. Clifford's connection with Pahang was indeed close, as in addition to serving as the British Resident, he was directly involved in several events concerning resistance by Pahang warriors against British interference in the state.

Jakeman subsequently named this manuscript the Swettenham MS. For the purposes of scholarly study, this manuscript was also designated as MS. C, distinguishing it from MS. A and MS. B previously examined by Kempe and Winstedt. Jakeman later identified several textual peculiarities present in this manuscript, attributing them to the fact that he himself was a novice in this field, in addition to lacking the necessary qualifications and time to undertake further in-depth research.

Subsequent studies and writings on the Hukum Kanun Pahang were initially carried out on a small scale by local intellectuals, particularly those based at the University of Malaya. With the establishment of institutions of higher learning after the 1960s, this role was also undertaken by students and other higher education institutions. Among the scholars who have extensively studied and written on this subject is a native of Pahang himself, Professor Dato' Dr. Abu Hassan Sham of University Malaya.

Pahang State Museum Manuscript

The HKP manuscript which we have named the Pahang State Museum Manuscript (MS. D) was discovered during the tenure of Dato' Mohamed Mokhtar Abu Bakar as Director of the Pahang State Museum. The manuscript was brought to his office by an antiques

dealer named Haji Mohd. Noor bin Yusof from Kelantan, and was subsequently purchased by the Museum with the approval of the State Government. The manuscript, said to have originated from Patani, contains 104 pages, including three blank pages. Its text measures 17 cm × 22 cm. The handwriting is neat and consistent from beginning to end. Clear differences in writing style indicate that the manuscript was written by more than one scribe. The two opening pages are decorated with illuminated cloud motifs interwoven with floral designs in gold, blue, green, and blood-red colours. There are 29 pages that exhibit damage and are difficult to read due to oxidation of the ink contained in the ink mixture or because the text has faded. Overall, the manuscript was restored by the National Archives of Malaysia. It was later reorganised and rebound once again by the National Library after several binding errors were discovered following the first restoration by the National Archives.

There are several historical facts that may be accepted regarding how the HKP manuscript could have reached Patani. The Hikayat Patani states that the Raja of Pahang married Raja Ungu, sister of the Raja of Patani named Pera' Chau. After the Raja of Pahang passed away, the Raja of Patani sent an entourage to bring her royal sister back to Patani. Her return was accompanied by "all the people of Pahang who loved Raja Ungu, all of whom followed Raja Ungu back to Patani, and many of the Patani lineage today are people who followed Raja Ungu, namely the Pahang people who now reside in Patani as their ancestors." The Raja of Pahang who married the Patani princess was none other than Sultan Abdul Ghafur Muhyiddin Shah, the ruler of Pahang responsible for implementing the HKP in his state approximately 400 years ago. Was it truly the followers of Raja Ungu or the queen herself who brought the HKP to Patani?

The manuscript that is markedly different from Manuscripts A and B is Manuscript C. Researchers have not yet had the opportunity to examine Manuscript C because it has not been located in the National Archives, the National Library, the Pahang Museum, or the National Museum. It has its own distinctive characteristics and merits more intensive study. There are several clues that can shed some light on the study of this manuscript. At the request of the Nakhoda (ship captains), the Bendahara Seri Maharaja under the reign

of Sultan Mahmud Syah provided "guidelines and commands for all captains and sailors." These guidelines mention "the privileges of captains who own their ships and the crew and passengers under them," which we later recognise as the Undang-Undang Laut (Maritime Laws).

Meanwhile, at the initiative of Hang Saidi Ahmad during the reign of Sultan Mahmud Syah, who was "confronting the infidel Portuguese" in Bintan, laws governing the management of prisoners of war, all of whom are compiled within the HKP, were recorded. These constitute among the authentic evidence that the HKP derives from the Melaka Laws and the Melaka Maritime Laws.

Also found in this manuscript are place names that indicate the boundaries for taxation or fines that should be imposed. The names Tanah Merah, Seletar, Singapura, Pengerang, Teluk Ramunia, Kuala Muar, Banang, and Sedili Besar prove that this manuscript was once used in the administration of the Johor Sultanate. The southern boundary of the state of Pahang prior to the outbreak of the civil war between Bendahara Tun Mutahir and Bendahara Wan Ahmad extended as far as Sedili, and northwards to Dungun. It is possible that the scribe of the manuscript used in Johor inadvertently omitted the phrase "…completed the Johor Laws" when copying it for use as the laws applied in Pahang.

There is therefore no need to arrive at conclusions regarding the "journey" of the manuscript now in our possession, which began in Melaka, then moved to Bintan together with the last Melaka Sultan, and subsequently underwent additions and adaptations in Johor, before being introduced to Pahang under the reign of the twelfth Sultan descended from Melaka, namely Sultan Abdul Ghafur Muhyiddin Shah (1592–1614).

There is one further clue that may be added to the study found in the HKP, namely a note stating that this manuscript was "made" (meaning copied) by a person who identified himself as Fakir, who resided on Pulau Raya. This note establishes that, according to custom, anyone wishing to copy it was required to pay in gold. If the manuscript was

borrowed and loss or damage occurred during the loan period, the borrower was required to pay its full value. It is difficult for us to speculate about the final intention of Fakir, namely that this manuscript should be kept securely, described as “locked away”, so that “not many people would know.” The name Pulau Raya, the place where this HKP manuscript was possibly copied, sounds very familiar to us today. However, the problem is that it still sounds foreign when associated with its actual location in modern geography, which renders it uncertain.

Contents of the HKP

From the perspective of structural organisation, this HKP differs greatly when compared to the two manuscripts studied by Kempe and Winstedt. This does not necessarily mean that the two contain entirely different material. There are matters relating to the naming of places that are found only in this manuscript. The final three sections of the HKP are clearly later additions, which are entirely absent from MS. A and MS. B examined by Kempe and Winstedt.

The HKP manuscript is arranged in a manner that may be divided into the following sections:

(a) Customs and court traditions practised in the state (including prohibitions on the use of certain colours, regulation of language, duties of senior officials, determination of ceremonies upon the accession of a ruler, and so forth).

(b) Resolution of matters related to social issues (drunken persons, slaves, various forms of wrongdoing, agriculture and farming including the provision of plots for cultivation and the care of livestock, taxation, forestry and paddy cultivation, handling intoxicated persons, the role of witnesses and oaths, and methods of pursuing knowledge, namely the study of the Qur’an, and so forth).

(c) Procedures and regulations applied in maritime cases (ships and boats; authority and responsibility of those appointed as Nakhoda, Jurumudi, Jurubatu, Jurutopang, Mualim; determination of taxes and methods of resolving conflicts occurring at sea). In this section, it is stated several times that the Nakhoda is the king of the sea.

(d) Matters relating to munakahat (marriage law) as well as family issues (adultery, illicit sexual relations, sodomy, elopement with another man's wife, relations between master and slave including matters involving sexual relations and children born from such relations).

(e) General matters (methods of managing diplomatic relations with the kingdom of Siam, determination of commercial affairs, and procedures for receiving a Nakhoda when he comes ashore in foreign territories).

In carrying out the task of copying, the scribe was clearly not sufficiently careful. The weaknesses that can be -

What can clearly be observed is the inconsistency in spelling. The spelling [t-u-a-n] is frequently written as [t-u-h-a-n], which certainly brings about a rather significant difference in meaning. Although there are 17 fasal (clauses) in total that discuss maritime law, Clause V is included. The chapter that discusses the responsibilities of a Syahbandar is stated to consist of five provisions, but Provision IV is not recorded. There is also another chapter stated to consist of 14 clauses, beginning with Clause I (Law of the Nakhoda who owns a jong and boat), Clause II (Law of people who commit offences), Clause III, Clause IX, and Clause X. Elsewhere, the HKP categorises thieves into eight types, whereas in another place only seven types are mentioned.

The original author of the HKP appears to have been a reader of Sejarah Melayu, one of the most renowned works of Malay historiography, as several passages are reproduced in toto from that great work in the clauses and chapters that discuss the role of kings and senior officials in forging relationships and earning the affection of the common

people. The most notable excerpt is a testament delivered by Sultan Mansor Shah to his son shortly before his death. In addition, a hadith of the Prophet (peace be upon him) and a Persian proverbial phrase are also included (Sejarah Melayu, 1952: 140–141).

Efforts to Prepare the Manuscript

Since early 1997, efforts have indeed been undertaken to prepare a transliteration of the HKP. However, these efforts frequently encountered obstacles, because apart from the absence of a clear primary priority, the difficulty of reading the manuscript using very basic methods caused repeated delays. Several pages are indeed completely illegible, especially those sections that are damaged and oxidised. The existence of image enlargement tools and software such as Adobe Acrobat Distiller and ACDSee has enabled reading via computer screens to be carried out more easily; this software is even capable of performing zoom-in and zoom-out according to the needs and preferences of the user. This represents a recent advancement, which has also made it possible for the work of producing a parallel transliteration to be completed, although it may still not have achieved the level of perfection originally hoped for.

Throughout the process of producing the transliteration, the editor encountered problems involving several doubtful words. Two types of uncertainty were identified: first, words that could not be read at all, all of which were marked with (x); second, words whose letters were clear, but which could not be rewritten due to ambiguity in their pronunciation or uncertainty in their meaning. For the latter category, the transliteration presents the original Jawi letters replaced with their Roman equivalents enclosed in brackets, such as [k-y-w-y].

In addition to transforming the status of the HKP from a manuscript into textual form, the editor felt it necessary for readers of this book to have access to several other existing sources in order to begin further study or to strengthen existing understanding. Therefore, this book also includes the HKP text that has been studied in greater depth. Indeed, the writings of Kempe and Winstedt are deliberately not fully included, as they

have long served as the central reference point for HKP studies. The editor also felt it necessary to provide a list of reference materials related specifically to the HKP or to the state of Pahang more generally, which has ultimately been compiled as a selected bibliography.

Conclusion

All of this, as mentioned at the outset, is intended to serve as a catalyst toward more accessible and focused study of the HKP. In overcoming all these challenges, it is hoped that this effort may stand as a manifestation of the love of a son of the homeland for his state, the prosperous and exceptional state of Pahang.

HUKUM KANUN PAHANG

PAGE 1

In the Name of Allah, the Most Compassionate, the Most Merciful. All praise be to Allah, Lord of all the worlds; the end belongeth to the righteous, and the reward to those who are mindful of Him. Blessings and peace be upon His Messenger Muhammad, upon his family, and upon all his noble companions. And thereafter, this is a concise treatise composed to set forth the terms and expressions of kingship and sovereignty in the royal and noble realm of Pahang, the Abode of Peace, may Allah, the Exalted, safeguard it May Allah Most High preserve it in honour and prosperity during the reign of the Sultan, the mighty, the exalted, the noble, the honoured, the revered Imam, the distinguished and illustrious one by the grace and bounty of God, the Glorious and the Magnificent King, Sultan ʿAbd al-Ghaffar Muhiy al-Din Shah. may Allah perpetuate his sovereignty and prolong his reign.

PAGE 2

May his kingdom and sovereignty be exalted, and may Allah continue to bless him with justice, kindness, and grace. May He extend His mercy and bounty across all horizons, and illuminate his glory and splendour throughout the world, and make his virtues known among mankind. May Allah prolong his reign and strengthen his armies. After that, I give

thanks to Allah for His blessings, those that have passed and those yet to come. Truly, He has made me among the followers of His Beloved, and among the community of the Leader of all Messengers, who was sent forth with divine commands, and who affirmed the laws of all the Prophets who came before him, commanding justice and righteousness, enjoining what is right and forbidding what is wrong, so that truth may be made clear and manifest.

PAGE 3

The whole world is illuminated by the light of His religion. Peace be upon him, upon his family, his companions, and upon his entire community. I bear witness that there is no god but Allah, and that Muhammad is the Messenger of Allah. And among His noble creations, He appointed kings to rule, as the Almighty declared:
“Indeed, I will place upon the earth a vicegerent.”

And in this treatise it is written:
“He judges by the law in clear truth, over the kingdom, the nobles, and the ministers.”

And thereaftet. This is a treatise that sets forth the laws (Hukum Kanun) for the great realms and all kings, and it contains the regulations that bind rulers, towns, and villages, so that the welfare of the land and its people may be preserved. As for the kings, they must appoint men of high rank and honour to hold offices of dignity:

first, the Bendahara (Grand Vizier); second, the Temenggong (Chief of Security); third, the Syahbandar (Harbourmaster). Thus shall the kings preserve their kingdoms and protect their people. The laws are divided into three parts: the first concerning the Bendahara, the second concerning the Temenggong, the third concerning the Syahbandar these are the laws governing the officers, courtiers, and the sons of the nobles. If the Temenggong administers justice within the land and gives judgement therein, the Syahbandar judges matters relating to merchants, to orphans who are wronged, and to the customs of ships, timber, and trade goods. These customs have been handed down from the time of the ancient kings of old.

PAGE 4

The elders who may succeed the King are these three men; none other may rule in his place. Then were the laws gathered together, numbering nineteen sections.

The FASAL YANG PERTAMA explains the customs of the royal court — the royal assembly, the attire, and the royal gifts bestowed upon the nobles. Royal garments that are forbidden to the common people must not be worn by them; they are not permitted to wear the colour yellow. If any noble should wear such attire without the royal grant, the punishment is death. Likewise, none may wear a hulu keris or other royal ornament when appearing before the King or entering the royal enclosure, unless it has been given by the King himself. If such items are worn without permission, they shall be confiscated; if by a slave, he shall be punished; if by a commoner, his sentence shall be decided according to circumstance. Similarly, to wear the hilt of the royal keris without royal gift — the penalty is seizure, except for the descendants of the Bendahara. Likewise, all those who serve beneath the King must know the customs of the rulers. As for the Law of Allah, according to the King's word: He must be just, or he must be tyrant — such is the decree of Divine Law. And this is what is called the Hukum Kanun. The meaning of kanun is the law of great kingdoms from ancient times, handed down through the ages until now — thus it is called kanun.

The FASAL YANG KEDUA concerns the royal language and speech of all Kings. The royal speech contains five words that none may utter except the Kings themselves: First, titah (royal command); Second, patik (the humble self of a servant); Third, murka (royal displeasure); Fourth, kurnia (royal gift); Fifth, raja-raja (sovereigns).

PAGE 5

As for the word anugerah, it may be spoken within one's own house, village, or hall. If not, the punishment is death, for such royal speech may not be uttered by anyone other than the King. Likewise, if someone is granted by the King a tributary state or river, he must not speak of it as his own. If he does so, or issues a command or letter in his own name, the punishment is death.

FASAL YANG KETIGA declares the laws concerning the great nobles and men of rank. They must not act proudly or give alms unless by royal decree. If they do otherwise, it shall be confiscated. Likewise, whoever sits upon a yellow mat or yellow cushion shall incur the King's wrath, for the use of royal yellow is forbidden and punishable. This fasal commands that the honour and dignity of the Kings be upheld, so that none may incur royal displeasure. Thus, we have spoken of the laws of royal assemblies and attire.

FASAL YANG KEEMPAT sets forth the laws of the kingdom and its tributary lands and villages. The first law declares that anyone who kills, stabs, strikes, robs, steals, falsely accuses, deceives the nobles, or speaks falsely of royal decrees, is guilty and shall be judged.

FASAL YANG KELIMA declares the law concerning the killing of a man without the knowledge of the King or nobles. Even if his guilt be great, the punishment shall still be measured by royal judgment. The fine is fivefold, unless pardoned by the King.

PAGE 6

To inform the King or ministers of the matter is as though one had committed adultery with another man's wife, whether near or far. If it is near, it is called taksir (neglect). As for the one who kills a person in revenge or out of enmity, and then flees to another village and enters it, if the people of that village fight with him, they are not bound by the customary law of the state, but according to the Law of Allah, the punishment for killing is death. And if a man carries a royal command or decree and in doing so takes another man's wife, he shall not be killed; but if he kills, it is called menderhaka (treason), for it is done under royal order.

FASAL YANG KEENAM declares the laws concerning those who go on a rampage. If a slave runs amok or if one causes injury due to debt or dispute, and if he is not captured, he shall be put to death. If he is captured and it is found that the great nobles had no knowledge of the act, he shall be fined ten tahil of silver. If the Bendahara or Bendahari is guilty, there shall be no punishment for them. But if the offender is not of noble rank, he shall pay a

fine of ten tahil of silver. In such cases, it must also be examined: if the person is found guilty, he shall bear full responsibility. If the value of the slain person is not determined, and his death was due to the failure of the nobles to report or intervene, it shall be considered taksir (neglect). Likewise, if he was already wounded and then captured, he shall be fined one tahil of silver. If his wounds were severe and he was near death, and he was killed without the judge's knowledge, then the killer shall pay ten tahil of gold and provide the shroud for the slave he has killed.

PAGE 7

If an act is done without the knowledge of the judge and the King, then there shall be no pardon or mercy. The punishment shall be a fine of fivefold, or death, unless the King and the nobles grant forgiveness, for such matters fall under royal authority. As for a slave who seeks to kill his master or another man, and is not captured, he must be put to death; there shall be no excuse for him. And if he is far from the judge, once captured he shall be executed. If he is near and is caught, he too shall be put to death, and a fine of ten *tahil* shall be paid to His Majesty. Five *tahil* is the prescribed fine if the offender is captured and has not informed the judge. If the slave is severely wounded or injured and is then killed by his master, there is no fault upon the master, for the slave had attempted to kill him. Such is the law of the land, or of the tributary states and villages. According to this law, we have set forth the ruling for all judges.

FASAL YANG KETUJUH declares the law concerning a free man who kills a slave. If a slave belonging to the King is killed, the compensation is sevenfold. The ruling depends upon the King's command; the payment of sevenfold applies if he has the means. If he does not, then he shall submit himself before His Majesty. If a slave belonging to the Bendahara is killed, the compensation is also sevenfold. This too shall be judged according to the King's command and the ruling of the judge. However, if the act was committed out of wrongdoing , such as taking another man's wife or acting upon desire , there shall be no compensation.

PAGE 8

If a man steals and is caught, he shall be put to death, and his punishment is a fine of fivefold. That too is the royal decree. Likewise, if a slave of another commits theft and is caught, he shall be put to death and fined ten *tahil* of silver. When he is captured, he must be presented before the King who rules the land, so that no further harm befall others. As for one who steals, he shall be put to death. There is nothing more to be said. Likewise, if one takes another man's wife or acts upon desire for another's possession, he shall be put to death; there is no fault in that judgement. As for the law concerning a drunkard, if he kills another, he shall be put to death, though his act was without intention or cause. If one man kills two, only one man shall be punished. Such too is the royal decree. As for all free men, their punishment shall be according to the *Hukum Kanun*.

FASAL YANG KELAPAN declares the law concerning a slave who strikes a free man. If a slave strikes a free man, he shall enter servitude. If a free man strikes a slave, he shall pay half the value of the slave. If he is poor, he shall pay the full value. If a free man strikes a slave without cause, the fine is five *emas*. If he is wealthy, ten *emas*. If a free man reviles another unjustly with harsh words, there is no sin upon him. If a slave strikes a free man, and the free man kills him with a stab, there shall be no punishment, for the law of Allah decrees that whoever kills shall himself be killed. Such is justice. As for a free man who is struck by a slave and then stabs him, no words shall be said against him. If a slave strikes another slave, and one dies, the one who struck shall pay half the value. Thus is the law — whether man or woman — whoever strikes another unjustly, under the Law of Allah, the punishment is the same.

PAGE 9

Such is justice. As for the law concerning those who utter insults: if a slave curses a free man, his punishment is to have his mouth struck or his teeth broken. If a free man curses a slave's wife and is killed by the slave, the slave bears no fault, for the law concerning another man's wife cannot be taken lightly. But according to the Law of Allah, whoever kills shall himself be killed, so that his case may be judged before the ruler and the judges.

As for the law concerning striking and slapping: if the one who strikes is stabbed by the one he struck and dies, the one who struck is guilty and shall pay a fine of threefold. If the fine is fivefold, it is because the matter was brought before the judge; and if the one who struck is a man, then under the Law of Allah, his punishment is death.

FASAL YANG KESEMBILAN declares the law concerning those who may kill under four ranks of authority. First, the Bendahara, when he rules in the King's stead, may execute without royal command. Second, the Temenggong, when capturing offenders, needs no royal decree. Third, the Syahbandar, when at the river port: if anyone disobeys his orders while boarding or unloading ships, he may act without royal command. Fourth, the Nakhoda, when at sea, has the King's authority during the voyage. But when he returns to the land, judgement shall be made. If guilty, he shall pay the full fine, that is, fivefold, for the law of the sea is under the authority of the Nakhoda. Therefore, he shall not kill except one who takes another man's wife or acts upon desire for another's property — in which case, he may be killed by the Nakhoda.

FASAL YANG KESEPULUH declares the law concerning *bidanuda* and the concubines of others, or the slaves of others or of the King. If one takes a *biduanda* knowing she belongs to another master, then death shall be his punishment.

PAGE 10

The fine shall be equal to the value of the person killed. If the distance is as far as a day's journey, the offender must still pay compensation. If the distance is four *keruh bumi* or half a day's travel, there shall be no exemption. A full day and night's distance shall still be judged as neglect if the chief has not been informed. Likewise, this law applies to all slaves who travel without their master's knowledge; wherever they go, they are still liable for compensation. But according to the Law of Allah, there is no replacement for a life taken under the judgment of Allah.

FASAL YANG KESEBELAS declares the law concerning theft. If a man steals within a village and the villagers kill him or chase him into another village, and he is killed, the one

who kills is at fault. If the thief is later caught, he shall not be killed again, but punished according to the law. If the theft occurs in a house, the thief's hand shall be cut off. If only one thief is caught and not the others, the one caught shall have his hand cut off, while the others shall be punished by *ta'zir* (disciplinary punishment). As for the *ta'zir*, he shall be placed upon a buffalo, decorated with hibiscus flowers and shaded with an umbrella of betel leaves. His face shall be marked, and he shall be paraded around the town. If he has eaten the stolen goods, his master shall pay compensation; if he is free, he shall surrender himself to the owner of the goods. If someone steals crops such as sugarcane, bananas, paddy, or fruits, there shall be no punishment for cutting them during the day, but if it happens at night and the owner strikes and kills him, there is no fault upon the owner. If the theft occurs during the day and is proven, the thief shall pay a fine of ten *emas*, and the stolen fruits shall be hung around his neck and he shall be paraded around the town. If the fruits have been eaten, the fine shall be ten *emas*. And if one steals a boat—

PAGE 11

If the stolen boat can be recovered by its owner, it shall be customary to lease it again, but if it cannot be recovered, the thief must replace the boat entirely. The fine for stealing a boat is ten *emas*. Such is the ruling. As for stealing a buffalo, cow, goat, duck, or chicken — if the theft occurs inside the pen, the fine is one *tahil* and one *sepaha*, and the buffalo must be replaced according to its value. If a goat is stolen from within the house and later discovered, the judge shall determine its value, and the fine shall be ten *emas*. If one steals a duck or chicken, the price of the fowl shall first be demanded, and in addition, a fine of five *emas* shall be paid. If the thief is a slave, his master shall pay the compensation.
Such is the ruling. And such is the Law of Allah — and this law applies to all people of the land, in towns, villages, and tributary states alike.

FASAL YANG KEDUA BELAS declares the law concerning a person who entices another man's wife or child. If the husband knows of it, he may bring the offender before the court to bow in repentance before the royal assembly. If he refuses, he shall be fined ten *tahil*, according to the decision of the judge. If the husband kills the man who enticed his wife,

his punishment shall be a fine of five *tahil*, for such killing arises from the provocation of enticement. However, execution shall not be carried out except by the King or his ministers. If a person entices another man's child, the fine is two *tahil* and one *sepaha*, if proven guilty.

PAGE 12

He shall also be made to sit and bear the cost of expenses. If he is found guilty, the fine is one *tahil* and one *sepaha.* Likewise, if a man entices another person's slave, the fine is five *emas.* And if he defiles or violates another's child, the fine is ten *emas,* and the same applies to one who captures and dishonours another — the fine is also ten *emas,* for such is the law concerning assault and violation. The same punishment applies to any who unlawfully seize or detain another person. If the offender is free and captured, the woman shall first report the matter to the judge, and if she does not, she shall be fined three *tahil* and one *sepaha,* as determined by the judge. If she is not married, her conduct shall follow the custom of the King's slaves. As for the Law of Allah, if she is *muhsin* (a woman who is married or previously married), then according to Divine Law she shall be stoned to death. That is the ruling of one who commits adultery while being *muhsin.* If she is not *muhsin,* she shall be flogged eighty lashes according to custom. Such is the ruling, and there shall be no blame. As for one who falsely accuses another of adultery, under the *Hukum Kanun* the fine is ten *tahil.* If the person falsely accused is a slave, the fine is two *tahil* and one *sepaha,* or half the value. If the accusation is proven true, there shall be no punishment upon the accuser. Likewise, whoever falsely accuses another of wrongdoing shall be fined half the value of the accusation.

FASAL YANG KETIGA BELAS declares the law concerning one who runs away or hides another person's slave and confines them. If any person flees by sea to another land, no law shall be applied except by the mercy of the judge and the will of God. But if one flees by river, far from the land, for a journey of two days, the slave shall be divided between the original master and the one who finds him.

PAGE 13

The slave shall be divided — part to the river chief, and part to the village headman. If he flees as far as the river mouth of the state, the ransom shall be three *emas.* If he flees within the town, the ransom is one *emas.* If he flees outside the town, the ransom is two *kupang.* As for one who steals together with another or hides the thief and refuses to redeem him to his master, the fine is two *tahil.* As for one who consorts with a thief or conceals him, the fine is two *tahil,* for such is the law concerning the act of concealing. As for one who sells or betrays the royal decree, he shall be executed, or his tongue cut out, or his head flayed. If one lies to the Bendahara, his face shall be marked or he shall be fined two *tahil.* If one speaks deceitfully to a great noble or Syahbandar, he shall be fined one *tahil* and one *sepaha,* or else be publicly cursed before the assembly. If he resists punishment, he shall be executed, for the nobles act in the service of His Majesty. When one speaks falsely or disputes before a court, it must be judged so that the rights of man are upheld in the land and in the villages, and so that the honour of the King and Judge may be preserved.

FASAL YANG KEEMPAT BELAS declares the law concerning accusations and disputes when one person accuses another. If one is accused and denies the charge, the judge shall ask, “Will you swear an oath?” If there are no witnesses — neither two men nor one man and two women — the matter shall be decided according to the law of custom. According to the Law of Allah, the accused shall be commanded to swear an oath upon the Qur’an. According to the *Hukum Kanun*, the accused shall be instructed to either shake hands in oath or to dip his hand in molten tin. Then it shall be written: “By Allah who created you and what you do. By His will, by the blessings of Jibril, Mikail, Israfil, and Izrail — show the truth of this person and his claim.” Then he shall place his hand between the two (in the molten tin),and his hand shall be dipped in once to complete the oath.

PAGE 14

Whoever is found guilty shall be judged for his offence. If his crime is great, the punishment is death. If the wrongdoing is minor, he shall be fined or pardoned, for the punishment of such offence is death unless mercy is granted. If a person accuses another of taking his wife, and the accused is killed by the husband, then the husband is not guilty.

And likewise, if the accused is indeed guilty and is killed, the one who killed him is not guilty, for it was a matter of defending the sanctity of marriage. If the accused is not killed, the fine is ten *tahil* and one *sepaha*, unless the judge grants pardon, for helping the oppressed is more virtuous in the sight of Allah than the letter of the law. The judge shall instruct him to swear an oath and repent from his act.

If the wrongdoing is minor, he shall be fined or pardoned, for the punishment of such offence is death unless mercy is granted. If a person accuses another of taking his wife, and the accused is killed by the husband, then the husband is not guilty. And likewise, if the accused is indeed guilty and is killed, the one who killed him is not guilty, for it was a matter of defending the sanctity of marriage. If the accused is not killed, the fine is ten *tahil* and one *sepaha*, unless the judge grants pardon, for helping the oppressed is more virtuous in the sight of Allah than the letter of the law. The judge shall instruct him to swear an oath and repent from his act.

FASAL YANG KELIMA BELAS declares the law concerning those hired to climb or cut timber. If a person is hired to climb a tree or fell a tree belonging to another without his master's knowledge, and he falls to his death, his master must pay half the value of his life. If the master had knowledge of it, he must pay the full value. If the task was ordered by the master himself, and the worker climbs and falls to his death or is injured, the master must pay full compensation. If the worker is lent to another, and the borrower commands him to climb the tree and he dies or is injured, the borrower must pay full compensation. If the worker is lent with the owner's permission, and the borrower says, "I wish him to climb the tree," and the owner replies, "Very well, as you desire," then the responsibility lies with the borrower. If the worker climbs and falls to his death, the borrower must pay full compensation. If the owner lends him and says, "He will climb, though he is not skilled," and the worker falls to his death, the owner must pay one-third of the value.

If an ox or buffalo is borrowed to pull timber and the animal dies, the borrower must pay compensation.

PAGE 15

If a buffalo or cow is borrowed and dies, it shall be compensated in full. If it is lent for use in a mill and dies while milling, it shall be compensated in full. If a buffalo is lent to drag timber or goods and dies while working, it shall also be compensated in full. If a buffalo, cow, or goat is borrowed and placed in a pen, and is taken by a tiger, the compensation shall be one-third of its value. If a buffalo is borrowed for work and dies in the process, there shall be no further claim, for death has determined the matter. According to the Law of Allah, whatever is borrowed with a fixed condition must be paid for, for every loan involves trust (*'ainnya*), meaning clear accountability. If a borrowed machete (*parang*) is used for carving and it breaks, it must be compensated in full. If there is no price fixed, the judge shall decide the value; and thus compensation shall be paid according to that judgment — such is the law of the *Hukum Kanun*. If a woman borrows something and it is defiled or damaged, her master shall be informed. If she is a virgin, her fine is ten *emas*, one piece of cloth, and one garment. If she is a widow, her fine is five *emas*; the cloth and garment shall no longer be required.

The purpose of this ruling is to guide all people so that none become arrogant, and that the weak are not wronged by the strong, nor the poor by the wealthy. Thus was this *kanun* established to judge all wrongful acts, so that those who err may repent and be mindful, and that mercy and justice may be extended to the weak and the orphans in every land, river, and village.

FASAL YANG KEENAM BELAS declares the law concerning *fudzul* (false testimony) and slander.

PAGE 16

If a person quarrels or argues and the dispute turns violent, and someone intervenes and strikes or stabs with a weapon or other object, causing death, there shall be no word of guilt upon him, for this is called *fudzul* (acting out of just defence). Likewise, if a dispute arises concerning adultery (*zina*),and the adulterer is killed — if within two years the same person

commits adultery again with another woman, the new adulterer may be killed by the earlier adulterer, for his sin remains, and there shall be no retaliation or judgment by the court. If a man commits adultery with one woman and later with another, he shall be executed; and if the woman commits adultery again with another man, she too shall be executed, for under the Law of Allah, whoever commits adultery repeatedly is subject to death.

Now begins the law concerning *fudzul* — there are three causes for it: First, when one kills to protect another who is weak — such is *fudzul.* Second, when a friend defends another in the right path, that too is *fudzul.* Third, when one defends an oppressed person whose plea has not reached the King, Minister, or authority — such as a child or one unable to speak or defend himself against many — this too is considered *fudzul.* Any other cause besides these is not *fudzul* but *taksir* (negligence). If one kills, injures, or strikes another under such circumstances, the fine shall be five *tahil* and one *sepaha*; the lesser fine is two *tahil* and one *sepaha.* Such is the penalty for *fudzul.*

PAGE 17

The fine shall be one *tahil* and one *sepaha.* If we assist another in such a matter, the fine shall be one-third of the full penalty, while the employer of the act shall pay ten *tahil* or five *tahil* in full measure. If our companion kills a person together with us, or if we assist our companion in the act, the fine shall also be one-third of the penalty. If one is truly in the right, it cannot be considered *fudzul* unless it falls under the three causes mentioned earlier. Likewise, if our companion kills or is killed, or strikes another in self-defence, there shall be no guilt upon him. As for the law of *fudzul*, if the person who defended another is killed, all expenses of burial and death shall be borne by the one he defended — including the cost of the shroud and all related expenses. If he is only wounded, the cost of his healing shall also be borne by the one he defended. Such is the law of *fudzul*, and the judgment shall be decided by the judge according to the custom and law of every state and tributary.

FASAL YANG KETUJUH BELAS declares the law concerning one who accepts payment to kill, strike, or insult another. If a man is paid by another to kill someone, and the killer succeeds, the one who gave the payment is guilty of the crime. He shall be fined ten *tahil,*

and if the person is killed, the expenses of burial shall be borne by the one who ordered the killing, for it was his negligence in not informing the judge beforehand. If one is hired—

PAGE 18

If one is hired to kill or strike another with the judge's knowledge, and the hired man is killed in the act, the payment for his death and his wages shall be borne by the one who hired him. If the hired man and the one who hired him die together, the payment shall be given to the hired man's wife, family, or parents, and this too shall be paid by the one who hired him. If the hired man is injured while carrying out the act, the expenses of his treatment and full wages shall be paid by the one who hired him. Such is the judgment of the judges according to the law of the land. Likewise, the law concerning one who is hired to strike or insult another: if he acts without the judge's knowledge, the fine upon the one who hired him shall be one *tahil* and one *sepaha,* for it is negligence in failing to inform the judge. By this rule all judges shall judge righteously, so that no one is wronged and the people remain protected. As for the law concerning one hired to strike another: if the person struck dies, the fine shall be equal to the value of the person killed. If the striker is a slave and the victim is free, or if the striker is free and the victim a slave, the fine shall be ten *tahil* for failing to inform the judge. As for the law of *ziadah* (insult or defamation), if one insults another, whether in front of the judge or otherwise, he shall be punished with a flogging.

FASAL YANG KELAPAN BELAS declares the law concerning *angkara* (rebellion or treason). *Angkara* is divided into two parts: first, *maharajalela* (armed insurrection); second—

PAGE 19

Treason (angkara) includes acts such as enticing another's betrothed or doing as one pleases without regard or restraint. Such deeds are known as *angkara.* If a person entices another's betrothed after a formal agreement has been made, and does so with the knowledge of her parents, and later the betrothed learns of it, the matter shall be brought before the judge. Then the judge shall summon her parents and examine them. If her parents

approve of the enticement, the judge shall order that the engagement be annulled. The fine upon the one who enticed her shall be ten *tahil* and one *sepaha.* If he is poor, the fine shall be five *tahil* and one *sepaha.* If the betrothed herself was unaware of the engagement, there shall be no fine. If her parents knowingly approve of the man who enticed her, they too shall be fined, for they have accepted the engagement unlawfully. The amount of the fine shall follow the custom as determined by the judge. If her parents were unaware of it and did not approve, they shall not be fined.

As for rejecting an engagement, there are three circumstances: first, when no dowry or gift has been given — in such case, there is no double payment; second, when the engagement is annulled because the man brought shame upon the woman without her parents' knowledge — when they later learn of it, the dowry must be returned in full; third, if the man is afflicted with weakness, disease, or deformity such as leprosy or scabs, then the engagement may be annulled and all gifts returned in double. Likewise, if a man takes a second wife or another's spouse and she is afflicted with disease or weakness, she shall be returned to her family and the dowry repaid in double. Similarly, both man and woman are blameless if such illness is discovered after the marriage.

PAGE 20

All women shall be governed by these three conditions: First, if the woman is a slave; Second, if she suffers from a defect or disease; Third, if she has a foul discharge, excessive bleeding, or decay of the womb — then the engagement (*a'aram*) shall be annulled. As for the law concerning a slave and another slave, if one takes another's slave to help him, the fine is one-fifth of a gold *emas.* Thus shall the judge apply this ruling in similar cases.

As for *maharajalela* (armed rebellion), it concerns two matters: first, killing without the King's knowledge; second, entering another's village unlawfully. The fine is ten *tahil.* If he enters another village again and kills, the fine is ten *tahil* as well. Thus is the law for entering another's settlement and committing murder — it shall be judged in this manner. If one enters another's home to shame or insult, and is captured by the owner of the house before he regains his senses,

he shall be released; but if he later kills someone while in his senses, he shall be punished with death. If retaliation occurs while he is drunk or insane, there shall be no retribution at that time, for it is counted as *angkara.* If the person dies within his house, the fine shall be two *tahil* and one *sepaha.* If the offender is poor and cannot pay, he shall be paraded around the town in disgrace; but if he is forgiven by the victim's kin, there shall be no further blame. Thus is the law. The law shall not place greater burden upon the guilty than what justice allows. If the offender is captured and confesses without excuse, he shall be fined one *tahil* and one *sepaha,* or less, as deemed fitting, under the punishment of *ta'zir.*

PAGE 21

FASAL YANG KESEMBILAN BELAS declares the law concerning all fruits within a village or in the town of the state. If the fruit is purchased, it shall be shared equally. If it is sold, two parts shall belong to the owner of the village and one part to the former owner of the land. If the seller refuses to share, the tree shall be cut down, and its wood shall be given by the owner to the judge. The judge shall then order that the fruits of the garden trees within the village be measured and divided accordingly. Thus is the custom: the produce of the gardens and all fruits are divided in the same manner. If the present owner of the village sells the land, the former owner may not make a claim, unless the land and orchard were granted by the King to someone, in which case no claim may be made thereafter, for the King's decree is final. If a Bendahara or noble grants a village to someone without the King's knowledge, the claim shall not stand, for such matters belong to the King alone. If a person takes possession of another's village or orchard, the rightful owner must present it before the King; and once the King has ruled, the matter is concluded.

As for matters of *gadai* (pledge or mortgage), there are two kinds. First, if a person mortgages an orchard or village that is barren and without crops, it shall not be transferred permanently to the holder of the pledge. It may be redeemed by the owner with gold. Second, if it cannot be redeemed, the mortgaged land shall remain with the holder, such as a coconut grove, banana garden, durian orchard, or similar plantation.

PAGE 22

It cannot be doubled according to the law. If it is to be redeemed, it must be reported to the judge. If one gains possession of another's village that was under mortgage, the land shall be divided — one-third to the original owner and two-thirds to the holder of the pledge. Likewise, if a village is granted by the King, it shall be divided equally between the grantee and the original owner. Such is the ruling. As for a fruit-bearing orchard, if someone occupies and eats its fruits or sells them, the former owner may lay claim upon it. Likewise, if a person flees from the state out of fear of the King's displeasure, and his village is then taken by another, the original owner may reclaim it, for it remains his right. If he does not return, the matter shall be brought before the judge, who shall order that the land be restored to its rightful owner. Such is the law.

FASAL YANG KEDUA PULUH next declares the law concerning cultivated land (*tanah perhumaan*). Land is of two kinds — *tanah hidup* (living land) and *tanah mati* (dead land). *Tanah mati* refers to land with no known owner or boundary. Such land is unclaimed and unspoken for. If one turns it into a garden, field, or plantation, no one else may make a claim to it thereafter. This is what is called *tanah mati* (dead land). As for *tanah hidup*, it is land with known ownership — such as wells, trees, gardens, or houses. If someone builds a village, house, or field upon such land without permission, the rightful owner may claim it and if the intruder resists, he shall be fined ten *emas.*

PAGE 23

If the land is turned into an orchard, it shall belong to the one who planted it. The land, however, shall be divided equally between the owner of the land and the planter. If the land is cultivated into a field (*huma*) without the owner's knowledge, and the rightful owner objects, the offender shall be fined ten *emas.* If the land is abandoned by its owner, the fine is one *tahil* and one *sepaha,* for neglecting the land that belongs to him. If the owner of the land is deceased, there shall be no further claim upon it.

FASAL YANG KEDUA PULUH SATU declares the law concerning buffaloes and cattle that are left wandering. If a buffalo is tethered by the roadside of another person's property

and gores someone, causing injury, the fine shall be one *tahil* and one *sepaha.* If the person dies, the compensation shall be equal to the value of the deceased, for it is negligence (*taksir*) to tether a buffalo in such a place. This is called *taksir* — negligence, not intent. Such is the law. Likewise, if a buffalo or cow is left to stray on a public road or in the forest without being tied, and it gores a person, injuring or killing him, the buffalo shall be put to death, and there shall be no further discussion. Such is the law concerning cows and buffaloes.

If one buffalo gores another, it cannot be captured or held accountable. If it is killed by another person, the fine is half its value. If it gores a buffalo belonging to the Bendahara, Temenggong, or Syahbandar, then the compensation shall be in service (*masuk ulur*). If it gores an ordinary buffalo, there shall be no such rule. If the buffalo gores a person anywhere, the case is closed if the animal is killed by the victim or his kin. If a buffalo is known to be vicious, and its owner does not pen it by night or by day, then if the buffalo is killed, there shall be no fault upon the person who killed it.

PAGE 24

If a person kills a buffalo at night, there shall be no compensation. But if he kills it during the day, upon entering its pen, the fine is half its value. If a person kills another on the road out of anger or resentment, he shall pay compensation equal to the price of the buffalo, and there shall be no further guilt upon him. If a man kills a buffalo that is penned, he shall pay its full price and a fine of one *tahil* and one *sepaha.* If a man kills a buffalo that has eaten his paddy in the forest, the fine is half its price and an additional ten *emas* for having acted out of anger towards another's property. The same law applies to cows and goats. If a person steals a goat belonging to the King or a Minister, the fine is one *sepaha,* and the goat must be paid for at its full value. If the goat belongs to a commoner, the thief must also pay its full value but shall not be fined. If someone finds a stray buffalo and leads it into a pen, he shall be rewarded one-third of its value. If the buffalo is tame, he shall receive half a *tahil* as reward for its return; if its value is one *sepaha,* he shall receive two *kupang* as payment. If the buffalo is wild and difficult to capture, he shall receive the

same payment as before. Thus is the law concerning cattle and the rightful handling of disputes.

FASAL YANG KEDUA PULUH DUA declares the law concerning cultivated fields (*huma*) that are destroyed by fire caused by another person. If it burns accidentally, there is no wrongdoing. If the fire was ordered by another and the land belongs to a noble, the fine is half the yield of the harvest. If the land belongs to a commoner, the fine is half that amount. Such is the ruling; this is the law.

PAGE 25

If a person burns another's field without knowing that it belongs to someone, it shall be treated as an act of ignorance. As for the law regarding the fence of a field — if one has already burned it, others shall not be blamed for the fire. If the crops are eaten by pigs or buffaloes due to lack of fencing, it is negligence (*taksir*) on the part of the owner for failing to protect it. If all the paddy is destroyed, it shall be replaced with new seedlings. Such is the law. If a person steals the fence of a field or other cultivated plants and is caught by the owner, all weapons or tools he carries — such as a dagger, machete, or knife — shall be seized, and he shall be bound and brought before his master. Such is the law.

FASAL YANG KEDUA PULUH TIGA declares the law concerning famine and hunger when people perish due to scarcity of rice. If famine befalls the kingdom and the servants of Allah suffer hunger, and the poor and lowly say, "Take us as your servants and give us food, so that we may live," then whoever feeds them shall later be allowed to sell them, for this is called *darurat* (necessity). The judge shall order that only the value of the food given be paid to the one who provided it. If the person fed is another's slave, and his master does not feed him, the provider of food shall have the right to the slave's service for four seasons. After that, the slave shall be returned to his master. If the slave dies while serving the one who fed him, and the judge was aware of it, the provider shall not be held accountable. If the judge was not informed, and the slave dies, the provider shall be held responsible.

PAGE 26

The full price shall be paid to the rightful owner who provided the food. Now begins the law concerning a person found adrift at sea. If a person shipwrecked at sea says, “Take me and sell me to save my life, for I shall die,” then the rescuer may take him and provide him food, and employ him to work on his ship until they reach the shore. When they arrive at the port, the rescuer may request that he be sold, and the case shall be brought before the *Syahbandar* (Harbourmaster). The judge shall then determine that the full price be divided according to what the shipwrecked man had said, for such a matter is considered a necessity (*darurat*).

If the shipwrecked man was rescued by a small boat, the case shall be brought before the ship’s *nakhoda* (captain). When they reach land, the judge shall rule that a free man shall pay one *sepaha* for each person, and a slave shall pay seven *emas* for each. If they are stranded upon an island due to storm and destruction, the fine for a free man is five *emas*, and for a slave, seven *emas* per person. If the *nakhoda* delays the voyage for trade, he shall not be held accountable, for the matter lies within the right and discretion of the captain. As for the law concerning fishermen — if a fisherman is shipwrecked and there is no negligence found, he shall be treated as a fellow fisherman and shall pay one *sepaha* per person. If he possesses a boat but no sail or crew, the charge upon him shall be two *emas* per person. Such is the law. And thus begins the next law concerning the ransom of a person who is shipwrecked; such is its ruling.

PAGE 27

Such is also the law concerning a person who finds another’s boat. If a boat is found adrift at sea, and if it is a large vessel six or seven fathoms long, the ransom is one *kupang*. If the boat is small or a canoe, its ransom is determined by two considerations. If the boat is still tied and secured by rope, it shall not be ransomed. If it drifts far away, and all its ropes and fastenings are gone, it must be redeemed. If both boats are stolen and later recovered, they shall be returned, and if they drift far out to sea, there shall be no ransom — except by the generosity of the finder. If a large vessel is found drifting and later reclaimed by its owner, the boat shall be divided into three shares —one share for the owner and two shares for the

finder. If treasure or goods are found within the boat, the same rule shall apply: one-third for the owner and two-thirds for the finder. If the matter is disputed, it shall be brought before the judge, who will decide accordingly.

FASAL YANG KEDUA PULUH EMPAT declares the law concerning a *nakhoda* (ship captain) who commits theft in another land. If a *nakhoda* kills one of the King's slaves, or if he kills a slave belonging to a noble, the *Syahbandar,* or any royal servant, the fine shall be ten *tahil* and one *sepaha.* If he kills a commoner's slave, he shall return the slave or pay the equivalent value. Thus shall it be judged.If the *nakhoda* commits theft involving the *Syahbandar* ,the fine shall be ten *tahil* and one *sepaha,*unless the *Syahbandar* or the noble grants him pardon. As for taxes or port duties (*bukuk* or *cukai*),if a ship arrives—

PAGE 28

If the ship later arrives in that land, the goods shall be confiscated according to the law. If there is no restitution, a fine shall be imposed, for it is unlawful to deny the rights of another kingdom, unless pardoned by royal mercy — for it is insolent to act so in another land.

Now begins the law concerning *wakil* (agents or trustees), which concerns three matters. If the entrusted goods are gold, cloth, rice, or any such items, and the owner says ,"Take this gold of mine to my kinsman," but the agent gives it instead to another relative,the owner may feel wronged and say, "You have given it to my son instead of my brother." If the son then spends or consumes it, the agent shall be held responsible and must replace what was lost.The owner may demand the return of his gold from the agent.If the agent replies, "I gave it to your son,"and the owner insists, "You were to give it to my brother,"a dispute arises between them,and the matter shall be brought before the judge.The judge shall order the agent to present the written instruction (*surat wakil*).If, upon examining the letter, the judge finds that the instruction was to give it to the brother,he shall rule that the agent is liable to replace the gold.If the son is known to be wicked or of bad conduct,then half the value of the gold shall be paid to the agent who delivered it,for he could not have known the son's behaviour.The judge shall summon both the owner and the agent before him.If the owner is absent,the responsibility shall fall upon the agent,and he shall answer for the

claim brought against him.Furthermore, if the son demands gold from his father's appointed agent,and the son is of good conduct,then the gold belonging to the father may rightly be given to him.

PAGE 29

The one who holds the trust (*wakil*) shall inform the judge of it. The gold entrusted to him cannot be reclaimed by the father once it is expended, for the judge is already aware of the matter. Whether or not it reaches the father, the agent shall be released from liability.

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In the name of Allah, the Most Compassionate, the Most Merciful. All praise be to Allah, Lord of all worlds; the end belongs to the righteous. Blessings and peace be upon His Messenger Muhammad, upon his family and all his companions. The meaning is: all praise belongs to Allah. He created among His creatures rulers and guides. As the Almighty has said: "Indeed, I will place upon the earth a vicegerent." He made the rulers on earth as His deputies. The affairs of all His servants are entrusted to them. Were there no kings, the people would be left without order or leadership, and thus kings are the guardians of mankind. It is said of the wise: "Among the noble, the King and the Prophet are like two jewels set within one ring." And since it is made clear that the Prophet holds the highest rank among all, it is fitting that the King follow the Prophet's example in guiding his people and restraining their wrongdoing. Thus the King appoints his officers as the walls and pillars of his kingdom. Each is entrusted with his duty and responsibility, so that all affairs may be properly administered. In the days of the ancient kings, there were the *Mangku Bumi* and the *Menteri,* each entrusted with their respective laws, customs, and the order of the realm.

PAGE 30

And the affairs of the whole kingdom are under his command and determination. Then was appointed the Chief Bendahara, to whom was entrusted the charge of recording all the royal servants, managing the revenues brought to the palace, and overseeing all works within the palace walls. It was he who directed and determined all royal duties.

Then was appointed the Temenggong, to whom were entrusted the affairs of the state — such as the fortifications, canals, the management of the city, and the keeping of order among the people, in matters of life and death, law, and governance.

And over all these responsibilities stood the Syahbandar, who was the King's overseer of all merchants and trade. He was commanded to regulate all matters of the harbours, to inspect the ships arriving and departing, and all commercial duties were under his care.

Thus was the order of administration entrusted to him. And all the kings entrusted their servants, each according to their rank and ability, to act as their eyes and ears — to watch over the army and to bear the weight of the kingdom's affairs. Indeed, the kings were like a single thread binding a woven mat: each thread carefully laid so that what is planted by their will may flourish with delight in their hearts. And those who serve under them are set each in their rightful place, that all may work in harmony and order, as befits the grandeur of the royal establishment.

PAGE 31

The meaning of planting and cultivation is that it will become an inheritance for one's descendants, or bring benefit to oneself through its fruits and blossoms, or by its shade that may cure weariness and illness. Thus is the purpose of all who cultivate the land — to create goodness that endures.

Syahadan, know that from every fruit that grows and every fragrance that blooms, its blessings shall return to the one who planted it, for such is the knowledge of its true owner when he beholds its growth. Firstly, one must be grateful for all divine laws and duties, and hasten to fulfil them. To give thanks is the beginning of righteousness and obedience. Secondly, one must carry out all commands entrusted to him faithfully. Thirdly, one must complete all duties entrusted by Allah with sincerity, for every servant of Allah will answer for what has been given into his charge. Fourthly, one must not act contrary to the will of the King, nor neglect any task decreed by royal command ,and one's heart must remain

steadfast in obedience to the King's word. Fifthly, one must accept with contentment the conduct of noble men. No story of any prophet has been told without their being tested by Allah through hardship and tribulation. Thus patience amidst trial and suffering elevates one's station in the sight of Allah. For this reason, the patient are raised in honour and rank by the Almighty.

PAGE 32

And he shall be honoured and exalted with perfect nobility. Sixth, he must restrain his desires and guard himself from all vile and immoral conduct. Seventh, he must be present every morning and evening in the King's audience hall. Whoever is summoned by the King must speak with gentle words and a pleasant countenance. He must serve faithfully and seek to please the King, for the custom of a servant is to bear patiently all commands, even hardship. He who betrays or seeks to harm his master — that is treachery, and such a one is called a traitor who kills his lord. Such is the conduct expected of those noble in service to the King.

The Chief Bendahara must observe nine conditions. First, he must uphold truth in all matters entrusted to him, and receive the King's beloved with honour, while rejecting all that is evil within himself. Second, he must refrain from any act that might bring shame or disgrace upon the King's rule. Third, he must guard all servants of the King, so that with affection and contentment they may carry out every task bestowed upon them by the King, even if it brings no personal gain to himself. Fifth, he must show kindness and fairness in all dealings. Sixth, he must ensure that his wife behaves with the same propriety as the royal servants within the palace. Seventh, he must always keep watch over all matters entrusted to his care, for all that concerns the King's household originates from his own house. Syahadan, all affairs of this world are not to be trusted absolutely, for they are transient and uncertain. Eighth, he must not covet or be greedy for the wealth in his possession. Ninth, he must continually strive to fill the royal treasury with diligence and integrity.

PAGE 33

The Bendahara must always investigate what pleases his King and act upon it. Such is the noble conduct expected of us and of all kings. As for the Temenggong, he must observe seven conditions: First, he must regard himself as both watchman and guardian, ever mindful of his duty. Second, he must be vigilant and always alert. Third, his hearing and sight must be keen and far-reaching. He must inspect daily all prisoners and those sentenced to punishment, keeping them bound and confined as if with chains, for the safety of their lives lies in his hands. Fourth, he must never be distracted by personal gain, lest he neglect the duties entrusted to him by the King. Fifth, he must seek strength and courage, for his task is difficult and perilous. Sixth, he must be patient in all matters that he hears and witnesses, and carry out the King's commands with sincerity and loyalty. All his judgments must be made through consultation with the other officers, and their decisions must be united as one.

As for all Hulubalang (warriors), they must observe three conditions: First, they must possess great knowledge. Second, they must act with discipline in all matters of warfare. Third, they must be gentle and protective of their subordinates, skilled in all strategies of battle and adept with all weapons. The Hulubalang is like a physician who knows the sickness of his own body — he must discern the source of danger and seek the cure, guarding himself and his men from all afflictions of weakness and defeat. Such is the noble conduct expected of us and of all kings.

As for the Syahbandar, he must observe five conditions: First, he must act in harmony with the Chief Bendahara, that all duties of the port and treasury may be carried out in accord and order.

PAGE 34

The Syahbandar must act in harmony with the Chief Bendahara, consulting him on all matters concerning the King's trade and affairs. Second, he must maintain good relations with all merchants, for trade enriches the land and brings prosperity to the realm and its ports. If trade ceases, the King's revenue will decline, and the welfare of

the *Syahbandar* himself will be diminished. Third, if any merchant is wronged or oppressed, the matter must immediately be reported to the King. Fourth, he must gather news from other lands, so that he may oversee all ships entering and leaving the ports, and ensure that all vessels and their goods are properly accounted for. Fifth, he must exercise firmness in his duties, so that all who travel and trade may benefit from the safety and order of the harbour. Such is the noble conduct required of all in royal service.

As for all royal attendants (*hamba raja yang karib*),they must observe six conditions: First, they must constantly guard their eyes and ears against anything that may harm the King or cause trouble among his people. If any such matter arises, it must be reported at once to the King. If the King learns that they have concealed a matter of importance, his heart will turn away from them. Second, they must never harbour jealousy towards their fellow Muslims, for envy is a vile trait and a grievous sin. It brings no favour from Allah, and in the sight of the King it brings only shame and misfortune. Such behaviour must be cast away. Third, they must be courageous in presenting themselves before the King, even if they face his wrath, for the custom of a true servant is to endure his master's reproach. The faithful servant gains not disgrace but greater honour in the eyes of his sovereign.

PAGE 35

Fourth, he must not be deceived by the King's favour or by the rewards of his service, for vanity brings no honour. Let him not boast of his deeds, for even if he performs them well, they are not done for his own glory but for his King. If his work is marred by pride, his eyes will be cast down in shame, for the King observes his conduct and awaits the proper time to test him. Fifth, he must guard all secrets entrusted to him by his master, for such trust is a sacred duty upon all servants who serve their sovereign. It is told that one day the King Nasyrun asked his minister, Khoja Bazar Jamhir Halim, "O Khoja, what is the fate of one who reveals the secrets of his master?" Khoja replied, "O my Lord, such a person deserves to be buried deep within the earth, so that the secrets of his master may remain hidden forever." Thus, whoever betrays his master's secrets — his punishment is death, and his name shall be erased from the memory of men.

This is a matter of utmost importance among all kings, and most difficult for servants to uphold. First, they must bear faithfully the trust of their King. Second, they must guard his secrets. Third, they must share in the King's nature and temper. Fourth, they must never be seen among the gatherings of women. Fifth, they must be careful that their behaviour and their worship never contradict the will of their King. If the King should find his servant's behaviour or devotion displeasing, trust in him will be lost forever. There is no greater evil in this world than a servant untrusted by his lord. For this reason, the wise servant must preserve the King's faith in him above all else. Thus, this is the very essence — the heart and mind — of all noble conduct expected of royal servants, as the Almighty has said: "Obey Allah, and obey His Messenger."

PAGE 36

"…and those vested with authority among you." Do good deeds in service to Allah and His Messenger, and to those who rule over you — your King — for he grants pardon and mercy for the deeds of his servants.

Syahadan, know, O men, that all worldly affairs are fleeting. If this world were eternal, it would have remained in the hands of those before us. Thus it has not fallen to us, for it is destined to pass. Therefore, let us take heed and learn from this truth. If the world were precious in the sight of Allah, He would not have granted it to the unbelievers, nor allowed them to boast of it. Do not think that man has no need of this world, for even the prophets required it as a means to fulfil their divine purpose. Yet the world is like a man who dives into water — the deeper he goes, the more he risks being drowned. Thus, he must guard his mouth and nose to keep from perishing. Such is the nature of the world. As the son of Prophet Noah, Yafith, once said:"If the body of Prophet Adam had not been buried, many wonders would have been revealed upon it. And if his breath had not ceased, the veil between heaven and earth would have been lifted." If the world were filled with all its treasures and delights, man would lose himself within it, forgetting his true purpose and the reality of life. Therefore, let all of you beware of worldly matters, and prepare for the days of maturity and the life to come. For death is like a cup — and every living being shall

drink from it, as the poet said:“He who drinks not from the cup of death knows not that death pursues him.”

PAGE 37

A man is like a chess piece moved by unseen hands, unaware that death follows closely behind him. As for all wise men, they are known in the eternal place, their virtues are perfected, and they are distinguished from the deceit of Satan. Thus, they resist temptation and prepare themselves for what lies ahead, bringing with them their provisions for the journey to the Hereafter. And if one possesses not these seven virtues, his life shall be wasted. First, if he has no knowledge, his mind is empty. Second, if he has no devotion, his faith is hollow. Third, if he gains no benefit from his learning, his effort is in vain. Fourth, if he has no worthy occupation, his work is futile. Fifth, if he lacks patience, his virtue is lost. Sixth, if he does not listen, he cannot teach. Seventh, if he has no followers, he cannot be a leader.

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Thus, from this time forth, these are the laws and customs of the Malay kingdom of Pahang and Johor, recorded and established in several chapters. And the first chapter declares all that is forbidden to the Malay rulers of ancient times. All forms of yellow cloth are forbidden to be used for clothing, curtains, mattresses, or pillows, except for their borders. Likewise, ornaments and decorations for houses are forbidden, except for what is close to one’s body — such as clothes and headcloths. As for your garments, you must not make sacks or bags from royal yellow fabric, nor use it for personal adornment. Likewise, gold — you must not craft or adorn it upon your clothing, your dagger sheaths, or shirt fronts, nor twist golden threads or attach golden ornaments as are found among the royal regalia. Whoever wears such—

PAGE 38

Whoever wears such forbidden garments or ornaments shall have them confiscated, or be fined five *tahil.* Whoever wishes to use such items must first seek permission from the

King; only with royal consent may they be made. All other forms of adornment may be used freely, for they add honour and grace to the people of the realm, as such beauty is a reflection of the splendour of kings.

The second chapter declares the law concerning lands that have no known owner. If anyone wishes to cultivate such land, he must first obtain permission from the rightful owner or leaseholder. If the owner later desires to reclaim it, the land must be returned to him. If the owner chooses to pledge or sell it, as with a rice field, it shall be done with his consent. Therefore, help one another, O Muslims, and show kindness to your brethren in matters of the land.

The third chapter declares the law concerning disputes over cultivated land. If you cultivate a field, you must fence it well and not depend upon others to guard it. There are two principles in this matter. If the crop is fenced and a buffalo or cow enters it by night and tramples it, half the value of the damage shall be paid by the animal's owner. If the buffalo enters during the day and destroys the crop, the full value shall be paid, for it is negligence on the part of the owner who should have restrained the animal. If a buffalo is known to be mischievous and causes damage again, its owner shall pay the full price of the crop destroyed, even if the animal escapes by night. Such is the rule of justice.

FASAL YANG KEDUA PULUH LIMA declares the law concerning those who enter another's village by night. If one is killed during such trespass, his death shall be deemed lawful. Such is the established judgment.

PAGE 39

If the trespasser can be caught, he shall be seized; if he is killed, his life shall be paid for in full. However, under the law of *khiyar* (choice or discretion), the ransom is half the value. If one flees immediately after being caught, there must be no confusion in capturing him among others. But if the village is fenced, then the previous condition does not apply until the person is identified. If someone enters the village to steal and carries away goods or property, the owner of the village may pursue him. If he is killed, it is lawful. If he enters by day and is captured, and he resists, he may be slain. Likewise, if he comes by night demanding entry and the owner refuses, then if he is killed, his death is justified.

FASAL YANG KEDUA PULUH ENAM declares the law concerning one who strikes another, whether kinsman or stranger, for some fault or insult. If he is struck and dies, the matter ends there; his death is lawful. Likewise, if a person threatens another and is killed in the act, his death too is lawful. If the offender flees, he shall not be pursued; if he dies or is injured, he shall not be avenged, unless he is proven to be of sound mind. If he acts from madness, he shall not be executed but restrained. If it is due to drunkenness, he shall be beaten according to the law. If he resists, he may be killed. According to ancient custom, a drunken man who resists arrest shall not be executed if he can be subdued. And it is said, whoever brings his wife with him and speaks gently from afar, that man is considered honourable and wise. If he does not act with patience or reason, then the one who kills him shall be judged guilty. Thus, he who acts with forbearance is perfected in wisdom.

PAGE 40

According to customary law, if one is killed unlawfully, his life must be redeemed in full with blood money (*harga tebusan*), and the offender shall also be punished under *taʿzir* (disciplinary penalty). If a royal slave (*abdi Raja*) is killed by a free person (*hurr*), then the killer must face punishment, whether the victim be male or female, whether married (*muhsin*) or unmarried. If the victim is a free woman (*hurr*) and the killer is a slave, the slave shall be executed. If a free man (*hurr*) is killed by a slave, the same ruling applies as before — the slave shall be executed. If the killer is a free person and the victim a slave, the matter shall return to the previous law — the value of the slave shall be

compensated, and the killer shall be punished with *taʿzir*. If a woman kills a slave, and she is married (*muhsin*), she shall be executed; if she is unmarried, she shall be flogged (*didera*). If a man commits the same offence, he shall be punished likewise (*diwarakḥ*).

According to customary law, if a female slave of the King is killed, the offender shall be punished after judicial consideration; and if the offender is a woman, she shall be executed. If the offence only causes injury, the offender shall be flogged again (*diwarakḥ*), as the previous law decrees. If two slaves fight and one kills the other, the punishment is *qisas* — retaliation. If a woman kills a slave, she shall be executed; and if she only injures him, she shall be flogged again, as in the earlier law. If three people are caught fighting, they shall be paraded through the marketplace as punishment. And if anyone quarrels in a place not permitted for such, let them be punished accordingly. Thus, O you who are married under the law of Islam, whether long established or newlywed, if you wish to keep your spouse, guard yourselves well.

FASAL YG KEDUA PULUH TUJUH declares the law concerning *abdi* (slave) and *hurr* (free person). If a free person strikes a slave and the slave fights back, and the slave dies, it is lawful. If the slave does not resist and is killed, the offender shall pay compensation equal to the slave's value. If the free person cannot repay the debt, he shall bring his case before the judge, and the judge shall determine the proper ruling.

PAGE 41

If a free person (*hurr*) humiliates or mistreats a slave (*abdi*), the slave has the right to defend himself. If the slave is killed, the free person must compensate the King with the slave's full value according to justice. If a slave strikes a free man (*hurr*), he shall face *qisas* — retaliation — unless the free man has taken the slave's wife unlawfully, in which case the free man shall be executed.

FASAL YANG KEDUA PULUH LAPAN declares the law concerning the return of slaves who are found to be defective (*aib*). Whoever redeems a slave and later finds defects within six months may return the slave to his master. The defects that permit return include

madness, blindness, paralysis, deafness, running away, thievery, or deceitful conduct. If the defect is minor, such as pregnancy or disease, the return shall be accepted with due consideration, and compensation shall be adjusted to the time of discovery — not beyond the first month after purchase. Beyond that, no return may be made; the defect shall remain the responsibility of the master who sold the slave. Thus, the law remains as before.

FASAL YANG KEDUA PULUH SEMBILAN declares the law concerning free persons who carry goods or debts without the knowledge of their chief (*penghulu*) or master. If a person carries another's goods, responsibility lies upon him until the goods are returned to their rightful owner or chief. If he carries goods beyond the designated boundaries — upstream as far as *Musafak al-Kasar*, or to the coast as far as *Penur* and *Bencah* — he remains accountable for them. If the goods are lost or damaged within this range, he shall bear full responsibility. As for the ruling under *taʿzir*, if the carrier dies or the goods are lost within these limits, the judge shall determine the just penalty or remission accordingly.

PAGE 42

Whoever is commanded to carry another's slave shall pay full compensation for any loss. Therefore, anyone who carries a slave must do so with the knowledge and permission of the master. If he departs without the master's knowledge, he shall bear responsibility for the slave. If, however, he departs with the master's understanding or later reports to him, the responsibility shall no longer rest upon the master.

FASAL YANG KETIGA PULUH declares the law concerning those who lend or employ slaves without the knowledge of their masters. Slaves are of two kinds: one who has no master, and one whose master is impoverished (*muflis*). A masterless slave may borrow or lend, but a slave whose master is poor cannot lend or borrow, for his property belongs to his master. Thus, those who lend or deal with slaves must be cautious and observe their conduct, lest they incur loss through carelessness.

FASAL YANG KETIGA PULUH SATU declares the law concerning debt and mortgage (*gadai*). Mortgages are of two types: the simple pledge (*gadai sahaja*) and the interest-

bearing pledge (*gadai berbunga*). A simple pledge carries no increase in value over time. An interest-bearing pledge, however, continues to accumulate, even if it doubles the original amount. The same applies to all debts that bear interest, and to all usurious loans, even those made over long periods. If goods are pledged or taken to sea, and if they have not yet accrued interest, then upon return, the holder must inform the owner and allow redemption of the pledge. Such is the law of justice and trustworthiness.

PAGE 43

If the pledge (*gadaian*) is not redeemed, the pledged item shall be valued according to the amount of gold owed, and any excess shall be returned to its rightful owner. If the pledge has accrued less than double its value in gold, and interest has reached its due limit, the pledger shall be ordered to redeem it from the pledge holder. If he refuses to redeem it, the pledge shall be forfeited, and such is the ruling. As for a simple pledge (*gadai sahaja*), when the time of redemption arrives, the pledger must notify the pledge holder and request to redeem it two or three times in the presence of witnesses. If he still refuses to redeem, the item shall be valued, and the amount owed deducted accordingly. Any excess shall be returned to its owner. If the value of the pledge is less than the debt owed, the remainder shall be accounted for as an outstanding debt. Even so, one must seek fairness and moderation in all dealings of pledge and debt, and the judge shall deliberate upon such matters carefully, so that none may transgress the Law of Allah.

FASAL YANG KETIGA PULUH DUA declares the law concerning those who take in the child of a slave abandoned by its mother. Whoever takes in such a child must do so with compassion and with the permission of the child's rightful master. The master's permission is of two kinds: first, to release the child entirely; second, to grant permission for the child's care and upbringing. If permission is given for care, it shall be treated as guardianship, and the child shall later return to the master. If permission is not obtained from the master, the matter shall be divided into six parts: one part belonging to the caretaker, and the remainder to the master.

PAGE 44

If the caretaker finds it difficult to inform the master, such as when the place is far or the situation uncertain, the matter shall return to the earlier law — for without the King's decree, nothing may be gained. Thus, the slave shall return to his master by royal command and order.

FASAL YANG KETIGA PULUH TIGA declares the law concerning those who hire or employ another's servant without the knowledge of his master. If the servant is known to work for wages, then all profits and earnings belong to his master, whether the servant is hired or rented. If the servant dies or loses property, no claim may be made against the employer, for such is the rightful condition. If the servant is borrowed from his master, and he goes to work such as cutting wood, fetching water, or diving, and dies in the process, his death shall be deemed lawful under the Law of Allah. If the cause of death is sudden — such as being attacked by a tiger, bitten by a snake, or struck by unexpected misfortune — then there shall be no claim upon the borrower.

However, if the servant dies due to the borrower's negligence, or from work other than that permitted by his master, then the borrower shall be punished under *taʿzir*. If the servant's property is lost while in the borrower's care, its value shall be repaid at half its worth if lost by fire or shipwreck, and in full if the loss occurred through neglect. Such is the ruling, unless the event was beyond one's control (*takdir*). And likewise applies to all living creatures. As for borrowing tools or possessions — such as weapons or ornaments — if they are lost, the borrower must compensate according to the assessed value, and may also face punishment under *taʿzir* if found negligent.

PAGE 45

If the master affirms the matter according to custom, then no claim shall remain.

FASAL YANG KETIGA PULUH EMPAT declares the law concerning all who run away. If anyone hides in the forest or plain, especially within the state, and is found by another, he must be brought before the judge. If not, judgment shall be passed upon him. If a man

is captured, his ear shall be pierced; if a woman, she shall be fined half a *tahil* in weight. If they escape beyond the borders of Sedili and Terengganu, their ransom shall be double the value. The same applies to all ivory tusks found at sea; if found beyond those borders, their value shall also be doubled, according to the judgment and discretion of the judge. Thus, the rule is that beyond such limits, all goods or persons are to be valued at twice their worth, for that is the ransom price. If a person is sold by one master to another, and later his former master wishes to reclaim him, the new master must be paid the redemption price; there shall be no further claim upon his property. If the redeemer disputes this, the first seller shall still receive the proceeds of the original sale.

FASAL YANG KETIGA PULUH LIMA declares the law concerning those who find a drifting boat. If one finds a boat adrift, it must be brought to shore and witnessed before it is used. If it is later reunited with its owner, it shall be returned. If found at sea, its finder shall receive a share of its value, divided fairly according to custom.

FASAL YANG KETIGA PULUH ENAM declares the law concerning one who finds property—

PAGE 46

If one finds property such as gold, silver, or other valuables, it must be brought before the judge to be witnessed. If it is not presented and later discovered, the finder shall be judged guilty of theft. If it is brought before the judge, a portion — ten or twelve parts — shall be granted to the finder as his reward.

FASAL YANG KETIGA PULUH TUJUH declares the law concerning royal tribute (*aiyil Raja*) to be rendered by all subjects. Whoever strikes a royal slave and causes his death shall pay compensation equal to the slave's full value. If the offender is a free man (*hurr*), he shall perform service (*masuk ulur*) to the King. Whoever captures a runaway slave shall also receive a reward. If the slave dies or escapes, the captor must pay the equivalent value of the slave, together with an amount proportionate to the time the slave had served him. This is known as the *tebus segala hamba orang lari* — the ransom for runaway slaves.

Within the city, the ransom is one *kupang*; outside the city but within the realm, two *kupang*; beyond that, it becomes seizure under customary law. If a slave is captured beyond the royal borders — such as downstream of Lancang or upstream of Sungai Lintang — the ransom is three *kupang.* If he is caught bearing weapons such as knives or machetes, the value of such items shall be added to the ransom. Other property shall be returned to the master.

The fixed ransoms are as follows: from the lower reaches of the river to *Tuasan* — six *kupang*; to *Bencah* — one *semas*; to *Bebar* — two *emas*; to *Mercong* — three *emas*; to *Rompin* — one *sepaha*; to *Pontian* — five *emas*; to *Endau Tiang Belah* — seven *emas*; to *Mersing* — seven *emas*; to *Sedili Tengah* — half a *tahil*; to *Kuala Pahang Tua* — one *semas*; to *Penur* — one *kupang*; to *Kuantan* — two *emas*; to *Kemaman* — one *sepaha*; and to *Paka* — five *emas.* Beyond that, to the edge of the riverbanks — two *emas.*

PAGE 47

From *Rantau Abang*, the fine is seven *emas*; to *Terengganu*, half a *tahil.* If upriver, to *Kepayang*, one *semas*; to *Mentiga*, five *kupang*; in the early morning, less than one *kupang*, two *emas*; to *Mempelas*, two *emas*; to *Mempelang*, two *emas* and one *kupang*; to *Kuala Bera*, three *emas*; to *Kuala Terlang*, less than two *kupang* and one *sepaha*; to *Semantan*, one *sepaha*; to *Pasir Mandi*, five *emas* and a half; to *Lubuk Pelang*, five *emas*; to *Tembangan Tiang Belah*, if less than the distance of a *kupang*, ten *emas*; to *Kuala Lipis*, seven *emas.*

If the matter concerns the Mandalika or Temenggong, the fine is to be shared as follows: six *tahil* to the King, two *tahil* and twelve *emas* to the Mandalika, and forty *tahil* to the Temenggong. For lesser fines, between one *tahil* and one *sepaha*, the penalty is for the Mandalika and the Ministers. If the offender is a royal slave, the fine belongs to the King. If the offender is a commoner, the fine belongs to the Mandalika, the Ministers, and all those holding office.

FASAL YANG KETIGA PULUH LAPAN declares the law concerning those who rebel against the King. The punishment for treason is equal to three hundred and sixty lashes. His property shall be confiscated, and his wife and children made slaves. He shall be tormented for eternity, suffering one hundred and forty-eight agonies, each for the number of human bones. If he dies, his body shall be divided into four parts, and his remains cast away, that he may be erased from the memory of men.

PAGE 48

Those who conspire with traitors shall share their punishment. If anyone hears news of treason or rebellion and conceals it from the King, his tongue shall be cut, both ears pierced through, and his eyes gouged out — then he shall be cast away in a desolate place. Thus, O people, if you hear any report that may harm your King, you must at once present it before the nobles and officials close to the throne. If the report proves false, and no harm was intended, then you shall not be held guilty. Wa-Llahu a'lam — and Allah knows best.

FASAL YANG KETIGA PULUH SEMBILAN declares the law concerning royal tribute (*isti'adat*) and revenue of the realm — such as harvests, duties, and all goods measured by weight. For each measure of produce or trade received by foreign traders, such as the *Peringgi* (Portuguese) and the Chinese, the duty is one *sepaha* for every load brought in.

The following goods are weighed and taxed accordingly: Silk, *akhkal*, and *asyarny* — fifteen *emas* per *sebahara* (standard measure). *Suk*, *gaharu*, *gadung*, *sudu*, and *sarung* with mirrors—nine *emas* per *sebahara*. *Delakang* — seven *emas* per *sebahara*. All other copper goods are weighed by standard measure. Among the goods taxed by the half *pikul* are nutmeg flowers, cloves, tin, sulphur, camphor, opium, fine sandalwood, wax, resin, bird's nests (black), and other rare commodities — valued at two *emas* per *sebahara*. Likewise, pepper, clove stems, cardamom, betel, cinnamon, and all fine spices are taxed one *semas* per *sebahara.* Cotton, sewing threads, gunpowder, cumin, perfumed woods, Chinese medicines, borax, buffalo horn, and other household goods are taxed according to measure and kind.

PAGE 49

Two *kupang* for each measure. *Sandalwood* (*kayu laka*) — one *sebahara* is taxed one *kupang.* All weighed goods must pay duty to the treasury; otherwise, they shall be confiscated. All duties collected amount to ten parts per hundred, and no two persons may combine their share if less than twenty. The large *asyar* tax is up to ten *koyan* in quantity, with trade dues amounting to ten *emas* for every forty *emas* in transactions. Anything less shall not be counted. For merchants numbering up to forty, each head trader shall pay one *semas* in tax. If a commoner trades, he shall pay two *kupang* per head. Anyone who redeems his trade goods must pay two hundred *pitis* as *asyar.* If a trader sells goods and fails to pay dues to the royal collector, the goods may be seized. All merchants bringing goods out of the realm shall pay two *kupang* as *asyar* for export.

FASAL YANG KEEMEPAT PULUH declares the law concerning respect and conduct towards the King. Whoever strikes a royal slave, and if the slave dies, the offender shall perform *masuk ulur* (servitude) as restitution. If the slave survives, he shall be fined five *tahil* and his neck bound as a mark of guilt. Therefore, you must never oppose or defy the royal slaves, even if they are at fault. Report the matter instead to the judge or local chief, for only the King may deliver judgment.

FASAL YANG KEEMPAT PULUH SATU declares the law concerning those who kill royal cattle or buffaloes. Whoever kills such animals shall repay sevenfold their value.

PAGE 50

If a royal buffalo or cow is killed, the compensation is sevenfold. For the Bendahara and Ministers, the compensation is fivefold. For the palace officials (*sida-sida*) and guards (*bentara*), threefold. For the common people, twice the value of the animal. If a slave is punished by having his hands bound, the same law applies as in the previous rulings.

FASAL YANG KEEMPAT PULUH DUA declares the law concerning those who sell or adorn themselves with the royal ornaments, or with items belonging to the King, the royal attendants, or the palace servants. If the offender is a free person, the penalty is sevenfold

restitution, and he shall be publicly shamed before the royal assembly. If the offender is a royal slave, he shall pay a single restitution, and be ordered to live in disgrace among the servants for one full year.

FASAL YANG KEEMPAT PULUH TIGA declares the law concerning fines of five *tahil.* For every fine of five *tahil*, the division is as follows: one *tahil* to the King, one *tahil* to the Bendahara, one *tahil* to the Ministers, and the remainder to the Temenggong. Likewise, for fines of ten *tahil* and three *tahil*, the division is: three *tahil* to the King, three *tahil* to the Mandalika, and the remainder to the Ministers, with the Temenggong receiving the enforcement share. For fines of seven *tahil* and one *sepaha*, the division is: one *tahil* and one *sepaha* to the Mandalika, the rest to the Ministers, and enforcement to the Temenggong. For fines of six *tahil*, three *tahil* go to the King, two *emas* and twelve *tahil* to the Mandalika, and the rest to the Ministers and Temenggong. All smaller fines below these sums shall follow the same rule of division and distribution.

PAGE 51

The fines of five *tahil* and one *sepaha*, and one and a half *tahil* with one *sepaha*, are those imposed upon the Mandalika and the Ministers. For lesser fines — if the offender is a royal slave, the fine belongs to the King. If the offender is a commoner, the fine is divided between the Mandalika, the Ministers, and all who hold office.

FASAL YANG KEEMPAT PULUH EMPAT declares the law concerning emissaries sent to the Kingdom of Siam. From Jelai to Terengganu and Jemaja, the levy is set according to custom. Other territories pay as follows: *Tambang* — one and a half *tahil sepaha*; *Dungun* — fourteen *emas*; *Batang Pahang* — ten *emas*; *Tambangan* — half a *tahil*; *Endau* — half a *tahil*; *Rompin* — half a *tahil*; *Tioman* and *Pulau Aur* — half a *tahil sepaha*; *Bandar* — half a *tahil*; along the coastal banks near Pasir Mandi and the banks of Jempol — one *sepaha*; *Sedili* — one *sepaha*; *Serting* — one *sepaha*; *Kerau* — three *emas*; *Mentiga* — two *emas*; *Bebar* — two *emas*.

All rivers and tributaries are apportioned according to their respective responsibilities. Each waterway under royal charge is administered with a tribute of rattan. The custom of the Siamese Kingdom is to present both a golden flower and a silver flower, each weighing five *tahil.* Together with these tributes is a letter of homage from Paduka Seri Sultan of Pahang, sent to His Majesty Duli Bercu, accompanied by words of praise written upon golden paper, and offerings to Paduka Seri Maharaja Duli Bingka Mandarkana, expressing complete respect and courtesy, according to the Treaty of Bening Tangga Akam Persedi Tamaskuataret, which establishes the royal honour of the Queen Consort.

Chapter: On theft against the King. Whoever steals from the King, or redeems stolen royal property brought into the kingdom, such property shall be seized by the King.
Likewise, all who sail and commit theft upon the waters—

PAGE 52

If one steals or redeems stolen royal goods brought into the kingdom, he shall be judged according to the value of his trade and the law that applies to it. Wa-Llahu a'lam bissawab — *And Allah knows best what is right.*

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During the reign of Sultan al-'Adil al-Yaul al-Sultan Muzaffar Shah, *may Allah perpetuate his rule and kingdom, and bestow upon him His grace and goodness among the righteous and the virtuous*, the King enforced the laws of Allah upon the people of the world, for all matters rest under the will of Allah. The Prophet ﷺ said: "May Allah free from the fire those who uphold justice among His creation." Its meaning: to exalt those who serve the commands of Allah and to grant them the intercession and mercy of Allah in all that they do. Thus, the command of *amar ma'ruf wa nahi al-munkar* — to enjoin good and forbid evil — is the duty of every ruler who upholds the laws of Allah and strives for the welfare of his people. Whoever commits wrongdoing or deceit shall be judged according to his sin: he who deserves nishment shall be punished, and he who deserves death shall be executed.

Now begins the law concerning the Ministers and officials of the realm. All Ministers, attendants, and officers of the King, together with the soldiers and the people, must act in accordance with the command of Allah the Almighty and the teachings of His Messenger ﷺ, so that they may fulfil the noble duty of *amar ma'ruf wa nahi al-munkar.* Such is the task entrusted to every Minister and to all who hold office in service of the King. Therefore, you must all rise early and attend the royal court each morning, for the servants of the King bear great responsibility before Allah.

The Prophet ﷺ said: "Kullukum ra'in wa kullukum mas'ulun 'an ra'ayati." — *Every one of you is a guardian, and every one of you will be held accountable for those under your care.* Its meaning: each one of you is entrusted with stewardship, and you shall all be questioned concerning your trust on the Day of Judgment.

PAGE 53

Every task and duty performed in this world should be carried out with care and sincerity, so that one's burden in the Hereafter may be eased. For if justice cannot be upheld, then the King's rule will not prosper. If a King is courageous, wise, and knowledgeable, yet his Ministers and his people lack understanding (*tafaqquh*), then there shall be no peace — just as fire cannot burn without wood. So too, the King and his Ministers are like flame and light — for the Prophet ﷺ said: "The servant and his master are one in their purpose."

As the Persians say:
"The people are like water, and the King is its vessel — without the vessel, the water cannot stand."

Thus, I say: the people are like my body, and the King is like a tree. If the roots are weak, the tree cannot stand firm. Therefore, I ask of you all, my subjects, do not hesitate to serve and stand in the royal hall, so that when the Day of Judgment arrives (*yaum al-qiyāmah*), your deeds will be made lighter before Allah.

Now begins the law concerning cultivators of the land. All who plant crops must build fences and ditches around their fields. If buffaloes or cows enter and damage the crops, do not strike or wound them. If the animals enter at night, the owners must pay for the crops that were eaten. If they enter during the day, the compensation is doubled.

Now begins the law concerning labourers. Every labourer must have a witness to his work. If there is no witness, the reward is divided in half between worker and master. If there is a witness, the worker receives his full due.

PAGE 54

Whoever commits rape upon another man's daughter or kinswoman shall be put to death — only one life for one life. If the offender seeks reconciliation, he must seat himself before the woman's family and pay an expense of one thousand as compensation. If he is beaten or cursed in return, it is just, for the woman's family may avenge her, even to the point of death — for there is no sin greater than violating a woman's honour upon the earth. And whoever seizes another's property, even for a value as small as one *kupang*, is guilty of robbery, and his punishment is death. For whether the theft is small or great, the name of robbery carries the same guilt. Likewise, all who gamble, play games of chance, throw dice or leaves, or wager with cockerels — all are gamblers. Their goods shall be seized, and if they resist, they shall be put to death.

Now begins the law concerning debtors. Whoever owes a debt must repay double if the debt is long overdue. If a debtor dies and leaves no heir or wife, he shall be seized for the debt. If he dies while working for another, his debt shall be divided into three parts — one part to the creditor, one part to his wife, and one part to pay for his burial. If gold or valuables are lost while under his care, the debtor shall not be accused, for the loss falls upon the one who owned the property.

Now begins the law concerning slaves who are sold. If a slave who has been sold later meets his former master, he may redeem himself for his full value. If a slave escapes from one kingdom to another, his price shall be two hundred; one hundred shall go to the person

who captures him, and the other hundred to the master who owns him. If a slave escapes from this realm into another, he is considered a fugitive. But if a slave from another realm enters this one, he shall not be returned unless commanded by the King, for only by royal decree may pardon or return be granted.

PAGE 55

Whoever, being a free man, takes possession of a royal slave shall himself become a slave to the King. If a slave takes possession of the King's slave, his punishment shall be one hundred lashes. If a person beats his slave to death, his guilt lies with the King. And whoever wrongs the King without cause, even in the smallest matter, shall be captured and brought before those who guard the royal secrets. If found guilty, his punishment is death, for it is a crime against the King and the law of kings. If a royal slave is stolen and later recovered, the fine is fourteenfold the slave's value. If the slave belongs to the royal family, the fine is sevenfold, and likewise for the slaves of the Bendahara — sevenfold; for those of the Ministers — fivefold; for the *sida-sida* and guards — threefold; and for the common servants — twofold. If the thief is caught, he shall be executed. Whoever finds a runaway slave must bring him to the nearest bridge and keep him there for three days as witness, or take him to the royal court to be judged before the Ministers. If this is not done, it is a wrongful act. If the slave escapes or dies, the finder shall pay compensation. Whoever shelters in the forest, and a runaway slave or abandoned servant comes to him, he must bring the person to the Minister and present witnesses. If this is not done, he shall be judged as a thief. And whoever finds gold, silver, cloth, or any lost goods, must bring them to the bridge and wait three days. If the rightful owner does not appear, the item must be brought before the Minister. If no owner can be found, the property shall belong to the Minister, to be kept under royal authority.

PAGE 56

And all workers and labourers must have witnesses to their work. If this is not done, it is an offence; and if later discovered, the penalty shall be the same as for theft. All boats, paddles, oars, sails, or coverings that are found adrift must not be taken. If they are retrieved, they must be brought to the bridge within three days. If this is not done, it is a

transgression of the law. If a slave is struck upon the mouth until he dies, his life shall be compensated with his full value. If a free person kills another man's slave, he shall not face *qisas* (retaliation by death) but must pay the value of the slave in compensation. If a father kills his own child, there shall be no *qisas* upon him. If the child of a Minister kills his own child, the matter shall be judged according to the nature of the sin and circumstance. If a person or animal causes the death of livestock, the animal shall not be killed in return but fined instead. If a non-believer kills a Muslim, he shall be executed. If a Muslim kills a non-believer, he shall not be executed but fined instead.

Now begins the law concerning intruders entering homes at night. If anyone enters another's house at night — be it the house of a commoner, a Minister, or royal kin — without calling out or asking permission, and forces his way in, the householder may defend himself, and if the intruder is killed, it is lawful. If he is stabbed and dies, there is no blame upon the householder. If anyone sees a stolen item or suspects one being stolen and fails to report it to the authorities or the King, he shall share in the guilt of the thief. All things stolen by the common people or by sailors from hired boats — if the stolen property is found in their possession — the fine shall be imposed equal to the value of the stolen goods, and those goods shall be returned to their rightful owner, the King. If the stolen goods belong to a merchant, the penalty shall be doubled. And whoever commits such theft—

PAGE 57

If a person leaves the royal service or departs from his work before it is completed, he shall be deemed guilty before the King.

Now begins the law concerning royal slaves. Whoever harbours a royal slave — male or female — and allows them to stay overnight in his house, shall be punished with death. Now begins the law concerning trade and market dues. Areca nuts, betel leaves, coconuts, and salt — for every ten parts, one part shall be taken as tax. Whoever brings goods to sell must first present them to the royal tax officer for inspection. Only after paying the due tax may the goods be sold. If anyone sells before paying tax, it is an offence. If he is found

guilty, his fine shall be one *tahil sepaha* of gold. If the fine is one *tahil sepaha*, he must show proof of payment to the royal officer. Now begins the law concerning resin and rattan. The tax on resin and rattan is ten *emas*.

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Now begins the royal decree of the Malay Kings of old. This is my message to all of you: This is the distinction between the King and the people of his armies — that the King alone forbids the wearing or use of anything yellow. You are forbidden to make mats, cloth, or curtains, or handkerchiefs or household ornaments of yellow. Only turbans (*dastar*), garments, and ordinary cloth may be worn by the people — no more than three kinds. Anyone wearing beyond these three shall be guilty, and the punishment is death. From ancient times, even the greatest of nobles may not wear anklets or bracelets of gold, for such adornments are reserved for the children of Kings. All others who adorn themselves with gold, if not granted royal permission, shall be guilty of transgression. This is the distinction of the Kings above their people and their armies — that royal dignity cannot be equalled by any. Such has been our honour, inherited from our forefathers since the ancient days of the Malay Kings. Wassalam bi al-akhir — *And peace be upon you in the end.*

PAGE 58

And the one who carried out this royal decree was Hang Saidi Ahmad, son of the royal attendant during the reign of Sultan Mahmud Shah Ghazi, when he was in Bentan waging war against the infidel Portuguese — *la'natul-Lah* (may Allah curse them).

This decree concerns the judgment and punishment of all who are taken captive. All royal slaves and subjects of the King who are captured shall be returned under the authority of His Majesty — none may keep them for themselves. All royal slaves, and slaves belonging to the royal household, together with those belonging to the people, shall pay in tribute half a *tahil* of gold for each servant, and those who work under the *tiang belah* (the royal seal) shall pay one *tahil* of gold for expenses. Lesser slaves shall pay two *emas*; nursing slaves, one *semas*.

Now begins the fines decreed by the King. The fine of one and a half tahil is divided thus: one *tahil* and five *emas* go to the King; four *tahil* to the Mandalika; and two hundred *tahil* of tin for the Temenggong. For a fine of ten *tahil* and a half, its division is as follows: ten *emas* to the King, three *tahil* to the Mandalika, two *tahil* to the Ministers, and ten and a half *tahil* of tin to the Temenggong. For a fine of seven *tahil* and one *sepaha*, its division is: one *tahil* and one *sepaha* to the Ministers, and ten *tahil* of tin to the Temenggong. For a fine of six *tahil*, the distribution is: half to His Majesty the King, two *tahil* to the Mandalika, one *tahil sepaha* to the Ministers, and forty *tahil* of tin to the Temenggong. As for the ransom of one who flees from within the city to outside its walls, the fine shall be determined by the Temenggong, and for those who flee from outside into the city — the fine is one kupang, under the jurisdiction of Skandari and Ksanali, and the jurisdiction of Tekong—

PAGE 59

Two *kupang* is the fine for the boundary of Tanah Merah, Bawah Bukit, and Seletar; three *kupang* for Singapore and Pengerang; one *semas* for Teluk Ramunia and Rembang; six *kupang* for Tanjung Barus and Penyusup; two *emas* for Pontian and Dibanci; three *emas* for Sedili Besar and Banang; and one *sepaha* for Kuala Muar and Tebing Belah.

Thus ends the Law of Johor.

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The Prophet ﷺ said: “The burden of proof lies upon the claimant, and an oath is upon the one who denies.”

Those who bear witness must testify truthfully for the claimant, and those who swear an oath must do so with sincerity if they deny. The conditions for witnesses are that they must be just, free men, of sound mind (*‘aqil*), mature (*baligh*), and Muslim. Both must be knowledgeable and honest. The qualities of a just man are these: that he carries out the commands of Allah in accordance with the Divine Law, avoids the prohibitions of Allah,

and protects himself from major sins, as well as from the minor sins and disliked actions. Among the minor sins is playing chess without betting, while it becomes forbidden (*haram*) when wagers are placed upon it. Also forbidden are all forms of gambling, such as dice and games of chance, dancing with seductive gestures, singing, listening to music with stringed instruments such as the *harbab* or *gambus*, and engaging in frivolous poetry without purpose — for all such acts are condemned. And one who eats in public without covering his head, or allows his wife to be seen unveiled before others, or indulges in idle tales and foolish jesting — his testimony is invalid. Such a person loses his honour in the eyes of the law, for good deeds, wealth, justice, and religion are not upheld in him. Let every man maintain proper conduct and guard his behaviour at all times.

PAGE 60

As has been mentioned before, this law concerns witnesses and their testimony, in accordance with their proper standing.

Now begins the law regarding witnesses in cases of adultery. For the crime of adultery (*zina*), there must be four male witnesses, all of whom must be just and righteous. If only two witnesses say, "We testify that we saw the act of intercourse," their testimony shall not be accepted, for four just witnesses are required to prove such a case. Similarly, if two male witnesses claim, "We testify that we saw the thief in the act," their testimony too shall not be accepted, for the law requires four witnesses in matters of such gravity. As for the sighting of the new moon marking the beginning of Ramadan, one just male witness shall suffice. If a sinful or corrupt person (*fasiq*) claims to have seen the new moon, his testimony shall not be accepted, and the day shall be known as *Ayyam al-Syak* — the Day of Doubt. It is forbidden to fast on that day, for it is not yet confirmed as Ramadan.

Now begins the law concerning witnesses in business and transactions. For all dealings — such as trade, release and emancipation, sales and pledges, borrowing, hiring, partnerships, giving, taking, or destruction of goods — there must be two just male witnesses. If two men cannot be found, then one just man and two just women may testify; but the testimony of two women alone shall not stand without a man. In matters concerning the rights of

Allah — such as drinking wine or adultery — the testimony of three witnesses may be accepted if they declare their testimony for the sake of Allah. But in matters of human rights and worldly affairs, such testimony shall not be accepted if it is given without being questioned by the judge (*hakim*). Such a witness is called *saksi fadhuli* — one who speaks without being asked.

PAGE 61

If a witness gives false testimony, he shall be punished under *ta'zir*. If his lie is proven to be great, his face shall be blackened with soot and he shall be paraded among the people at his place of work as deemed fit by the judge. If he is brought before the assembly, he shall be publicly shamed as an example and taught a lesson. The judge may strike him, but not exceeding twenty lashes, for *ta'zir* has its limits and no right belongs to him thereafter.

Now begins the law concerning oaths. There are two types of oaths (*sumpah*): The first relates to matters of bloodshed, marriage, and divorce — when a man seeks to take back his wife — and also for freed persons and matters involving the payment of large compensations (*diyat*). If it concerns gold, the value is twenty *misqal*. If it concerns less than two *kupang* of gold, it follows the standard of *misqal sunni*. If the matter concerns trade or dealings (*muamalat*), the value is one *kupang* or two *emas*. When the oath concerns property valued at twenty *misqal*, the oath must be sworn publicly in the mosque before the Friday congregation. If the value is less than twenty *misqal*, the oath may be taken privately while invoking the name of Allah. He must say: "By Allah, what I say is true," or "There is no falsehood within me." Upon the taking of this oath, the accused is freed from the claim made against him.

Now begins the law concerning disputants and trials. When a plaintiff and defendant come before the judge, both must stand equally before him. The judge shall greet them with peace and ensure fairness between them. If the plaintiff speaks first, his claim is recorded, and the judge shall instruct the defendant to pay if guilt is proven. If the defendant admits, he shall say, "Yes, I have a witness." If he truly has witnesses, his defence shall be accepted. If he has no witness, the plaintiff shall be ordered to take an oath. If the plaintiff refuses to

swear, he shall forfeit his claim. If he swears falsely, his shame shall be exposed before Allah.

PAGE 62

When a case has been decided and the plaintiff has sworn his oath, the judge shall order the payment of the rightful due.

Now begins the law concerning the conduct of judges. The place of judgment must be spacious, not narrow. A judge shall not deliver judgment during times of extreme heat or cold, nor when he is hungry, or when he is overcome by sleep. It is forbidden (*haram*) for a judge to accept gifts from anyone in relation to his duties. His sustenance must come from the Bait al-Mal or from the royal treasury as granted by the King. If he has no such provision and accepts gifts from others, his judgment becomes invalid, for it is corrupted by bias. If it is proven that he has received a gift from someone under his judgment, then the giver shall be declared innocent, for the judge's decision is no longer based on truth. Therefore, it is unlawful for a judge to receive or keep any personal gift from those whose cases he adjudicates, for such acts are considered treachery and a grave sin in the sight of Allah. Allah the Almighty says:

"They are those who listen to falsehoods and consume what is unlawful." (*Surah Al-Ma'idah, 5:42*)

Now begins the law concerning murder. When a mature and sane Muslim man kills another Muslim, whether the victim be male or female, young or old, the killer shall be put to death in equal measure (*qisas*). A Muslim is not to be executed for killing a non-Muslim, nor is a free man executed for killing a slave, nor a father for killing his own child, nor a master for killing his slave. If a Muslim slave kills a free non-Muslim (*zimmi*), he shall not be executed but must pay compensation. If a non-Muslim Jew or Christian (*Nasrani*) or Magian (*Majusi*) kills a Muslim, he shall be executed, but if the non-Muslim accepts Islam, he shall be spared. If a man kills many people, he shall first be executed for the first person he killed, and thereafter for all the rest.

PAGE 63

If it is not known who among many committed the first murder, lots shall be cast among them, and all shall share the penalty. If one person kills many, he shall be executed once for all the murders. If a person orders another to kill, both shall be judged alike, for the one who commands is as guilty as the one who strikes the blow. If a man seizes another by the hand and causes his death, the victim's family may choose either to demand his execution, to restrain his hands in punishment, or to forgive him and accept compensation (*diyat*). The law of *qisas* (retaliation) for bodily harm requires that the wound be equal — the right is cut for the right, the left for the left — and that no amputation may exceed the exact injury caused. A forearm shall not be cut for a finger, nor a thumb for a ring finger; nor may small teeth be taken for large ones, unless both are equally damaged. If one hand without fingers strikes a hand with fingers, and causes loss or injury, then the other hand shall be cut in equal measure, and a fine imposed for the injury. The law of *qisas* does not apply to minor wounds, but only to injuries that reach the bone.

Now begins the law concerning diyat (blood compensation). The *diyat* for killing a man is one hundred camels. If camels are not available, the price of one camel is equal to one *tahil* and two *emas*; therefore, the full *diyat* equals one hundred times that amount — or one thousand *diyat emas* as full compensation. The *diyat* for a woman is half that of a man, and the *diyat* for Jews and Christians (*Yahudi* and *Nasrani*) is one-third that of a Muslim. As for other non-believers, their *diyat* is one-tenth of that paid for a Muslim.

PAGE 64

The *diyat* for non-Muslims is less than that of Muslims. For the loss of both hands, the full compensation is one hundred camels; and for the loss of both hands a second time, the same compensation applies again. For the loss of both nostrils, the fine is complete; for the loss of both lips, the fine is complete; for the loss of both eyelids, the fine is complete; and for the loss of sight, hearing, smell, or taste — all are complete fines. If a man loses his reproductive organ or the ability to procreate, the compensation is likewise one hundred camels. For a single tooth, the fine is five camels; for one finger, five camels; and for any organ that is not essential to labour, the judge shall determine the value accordingly. If the

head is struck and bleeds, the fine is half a *tahil* and one *sepaha*. If the wound bleeds but does not flow freely, the fine is ten *emas*. If the bruise causes swelling but no bleeding, the fine is five *emas.* If only a line of blood appears, the fine is five *kupang.* For the injury of a slave woman, the fine is half the value of her freedom; and if a pregnant slave miscarries, the fine for the child is ten *emas,* payable to the mother. If a person wrongly frees a slave woman who is Muslim, it is deemed an offence, for emancipation must only be given to one who is free from sin and disgrace.

Now begins the law concerning adultery (zina). Adultery is of two kinds: The first is called *muhsin* — meaning a man who has a wife and a woman who has a husband. If they commit adultery, both shall be stoned to death with stones. The second is *zani ghair muhsin* — meaning a man who is unmarried and a woman who has not yet wed. If they commit fornication, both shall be punished with one hundred lashes and banished from the country for one year.

PAGE 65

For the offence of a slave committing fornication, the punishment is fifty lashes. As for the act of sodomy (*liwat*) or bestiality (*wati dengan binatang*), the punishment is the same as that for adultery (*zina*). If there is no act of intercourse, but only embraces and kisses, the punishment shall be by *ta'zir* — no less than two lashes, and not exceeding twenty.

End of the first discourse. (*Tamat al-kalam.*)

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In the name of Allah, the Most Compassionate, the Most Merciful. All praise be to Allah, the Lord who has established kingship upon the earth so that rulers may judge among mankind with justice. It is by His decree that a King is made judge over men, to rule with equity in accordance with the divine law (*bi-'adl*), and to administer affairs with wisdom and order together with the customs (*adat*) and laws (*undang-undang*) that have been inherited from great judges before him — those who were wise in governing the realm and

dispensing justice among the people. As for the descendants of noble customs, let them not deviate from the traditions of their forebears, nor confuse justice between the innocent and the guilty, but act always according to *adat* — for therein lies the perfection of the law. If a person comes before the judge to seek justice, the judge must hear his complaint attentively and grant him that which is rightly due. Whoever is deserving, let him receive his due reward. And if one is called before the court to testify, he must be summoned properly, for the common people shall not presume themselves as nobles or officials, for only those in royal service may hold such dignity. Therefore, let none intrude into the ranks of authority without merit. Now begins the new discourse — When the succession occurs between—

PAGE 66

When there is a change of authority between one minister and another, the judge must carefully observe and examine both sides — those who belong to the previous minister and those of the new one — and verify with witnesses the claims made by each. The wise minister shall then mediate between both parties, and if injustice is found against one side, he shall render judgment in favour of the wronged party. If either side refuses to accept the decision, the matter shall be brought before another minister for final judgment. Should the new minister affirm that the previous judgment was correct, then justice is deemed complete. If he fails to judge rightly, he shall himself be held accountable under the law. If a minister refuses to pass judgment, he shall be struck thirty times with a whip made of ox-hide.

Now begins the law concerning disputes before the minister. If a messenger is sent to summon a person to court, and upon arrival both the messenger and the defendant quarrel or insult one another, both shall be detained for three days in confinement. After they have calmed, the minister shall conduct the hearing. Now begins the law concerning disorderly conduct. If a madman goes about calling others to fight, and the people do not resist him, then the instigator — the one who provoked the madness — shall be fined two *tahil sepaha*. If two people fight willingly, the one who began the fight shall be fined one *tahil sepaha.* If someone strikes another and causes injury — for instance, a broken limb — and it is

proven before the court, the fine shall be imposed according to the degree of harm: if the weapon used is iron or steel, the fine shall be one *tahil sepaha*; if the weapon is wood, the fine shall be ten *emas*.

PAGE 67

Firstly, if a person enters or takes timber from another's forest without the owner's knowledge,

and the owner brings the matter before the judge, then, if the trespass is proven, the offender shall be fined one *kupang* and one *tahil sepaha*.

Now begins the law concerning the administration of the state and the customs of the realm. These laws were established by the Kings of old who ruled both land and people, so that Ministers, chiefs, and subjects alike might not oppress or harm one another. Each must abide by the customs of their rank, so that neither the realm nor its people should fall into ruin. A King is likened to a gardener who tends a great orchard. He encloses it with a wall of stone and plants within it all manner of fruitful trees. Those in the centre bear rich fruit and give shade to all who dwell beneath them. Their leaves and roots become medicine for every ailment — these are the trees of blessing and virtue. But those that grow by the edge of the garden, whose fruits give no nourishment, and whose leaves and roots have no healing power, must be cut down and cast into the sea. New trees must then be planted in their place, that the garden may flourish and continue to give health and joy to all who dwell within it. So too is the King among his people. He must be like the gardener — wise, just, and vigilant — so that his realm may be governed in righteousness and his people live in peace. If the King appoints a just judge to hear the people's complaints, then the King himself shall be free from sin before Allah the Almighty.

PAGE 68

Do not act unjustly toward the people or oppress them, for the people are the servants of the Ministers, and the Ministers are the servants of the King. Thus, the King's right is the right bestowed by Allah the Almighty to govern both Muslims and non-believers alike, and we must all obey his command. If anyone comes to present a complaint, the judge must

listen attentively and examine the grievance with fairness. When the matter is understood and the truth appears, then justice must be given accordingly. The judgment must be delivered with kindness and gentleness of speech. If the judge speaks harshly, it may cause fear in the complainant, and he may not speak truthfully even if his claim is just. Thus, gentleness is a condition of justice.

Now begins the law concerning the Temenggong and matters of theft. The Temenggong and his men are responsible for all cases of theft, as well as those involving fighting, stabbing, or acts of violence. The crime of theft (*pencuri*) is divided into eight kinds: 1. The thief himself; 2. One who assists the thief; 3. One who hides the stolen goods; 4. One who trades or exchanges stolen goods; 5. One who receives property from the thief; 6. One who buys the stolen property knowingly; 7. One who obstructs or prevents the capture of a thief; 8. And one who shelters the thief in his home.

The act of thievery is divided into three types: 1. *Tapar* — stealing at sea or at the river mouth; 2. *Menapar* — stealing by means of a boat; 3. *Thyskan* — stealing outside the home or ambushing travelers on the highway.

Whoever shelters or protects a thief shall be punished by confiscation of all his property and shall be executed. His wife and children shall also share in his punishment, for they are deemed to have shared in his household and his deeds. As for the thief himself, his punishment shall be half the penalty of the one who shelters him. The wife and children of the thief shall likewise share his fate.

PAGE 69

If a person comes forth and accuses another of theft or of plotting murder, or of any wrongdoing, the accuser must be confronted by the accused in open court. If the accuser insists upon his claim and says truthfully, “I bear witness that this man has committed the act,” then his testimony shall be recorded. If the accused denies the charge, the judge shall then consider both sides according to *adat* (customary law). If the accuser’s claim is false, he shall bear the punishment for false accusation, and the accused shall be cleared of guilt.

If, however, the accuser's words prove true, then the accused shall be punished according to *adat* and the law of the land.

Now begins the law concerning false accusation and communal disputes. If a person accuses another of wrongdoing and it is found that he has lied, he shall pay a fine of six *kupang* and one *tahil sepaha* of gold. If one person accuses another together with a group — for example, a man brings several companions to bear witness with him — each of them shall pay six *kupang* and one *tahil sepaha* if the accusation proves false. If the one who led them in the accusation is found guilty, his penalty shall be heavier by two *kupang* and five *emas* for every additional person involved in the slander.

If a royal officer (*pegawai Raja*) is sent to investigate and he acts unjustly or exceeds his command, his fine shall be six *kupang* and five *emas*, for a royal officer is expected to know the law. If he transgresses knowingly, his punishment shall be doubled, for he has erred despite his understanding of the law. If the accused is found innocent, the one who brought the false charge shall pay one *tahil sepaha* in compensation and a further fine of ten *emas* to the court. If the false accuser is a person of noble birth, his punishment shall be equal to that of commoners in proportion to his wealth. If a person is accused of trespassing upon land, harvesting rice or cutting timber across a boundary line, the fine shall be six *kupang* according to *adat*, and if the offence involves cutting down fruit trees, the fine shall be one *kupang* per tree destroyed.

PAGE 70

If there are many who join in trespassing or cutting across another's boundary, then each of them shall be fined according to their number. If the offender is a noble or a royal officer, he shall be fined ten *emas* for each tree he has felled, and the others involved shall each pay five *emas*. The same penalty applies to commoners and nobles alike.

Now begins the law concerning lost property and false counsel. If a person loses his property and seeks it, and another says, "Do not search for it, you will not find it," then the owner shall report the matter to the judge. If it is proven that the person indeed spoke falsely

to hinder the search, he shall be fined the value of the lost goods, for he is deemed to have obstructed rightful recovery. If a slave escapes from his bonds and steals, he shall be punished and required to replace all that he has stolen. If a person steals deer from a snare or a trap set in the forest, the fine is five *emas.* If he steals stones, the fine is five *emas.* If he steals timber, the fine is ten *emas.* If he steals betel leaves or areca nuts or coconuts, the fine is ten *emas.* If he steals sugarcane or bananas planted by others, the fine is ten *emas,* for those are goods grown upon the land and the labour of another, and the fine for such offences is six *kupang.* If one steals a dagger (*keris*), spear, or weapon, the fine is one *tahil sepaha.* If he steals by breaking into another's house, his entire property shall be seized, and his wife fined two *tahil sepaha.* If a slave strikes or wounds another's master — whether by stabbing, cutting, or beating — no legal punishment shall be imposed upon the master for retaliating against his own servant.

PAGE 71

If a master is generous in forgiving his servant, yet the servant's offence causes significant loss or damage, a fine shall still be imposed upon him, the amount determined by the value of the object — whether of iron, wood, or ivory. If the damage is caused by an iron tool, such as an axe, chisel, or adze, or any other tool connected with iron, the fine shall be one *tahil sepaha.*

Now begins the law concerning slaves and their families. If a male slave belongs to one master and his wife belongs to another, and they bear three children, the children shall belong two-thirds to the mother's master and one-third to the father's master. If the wife remains under her master and the husband belongs to another, and they bear one child, the child belongs to the husband's master. If the husband later becomes indebted to another master and the wife bears another child, that second child belongs to the new master. If the wife continues to belong to her first master while the husband is transferred to another, the next child belongs to the wife's master, for she remains under his ownership. The child cannot claim inheritance from the father, nor can the father's master claim rights over the child, for the wife is bound to a different master. If the slave's wife bears one child only, that child shall belong to the mother's master. If she bears a third child, that third child

shall belong to the husband's master, for she is not bound to one master alone. If a slave's children are pledged for debt, and there are many of them, the eldest born shall not be bound by the mother's debt. If one of them is dearly beloved, his share shall be reduced by one *sepaha*, while the mother's debt shall be valued at one *tahil.* If more children are born thereafter, their value shall be reckoned by their number, but none of them may be called *anak emas* (children of privilege) unless the debt reaches one full *tahil.* If it is less than that — even by a *kupang* — the child shall not be called *anak emas.* Thus, this is the measure and law of ownership, inheritance, and debt among slaves.

PAGE 72

If the *anak emas* (child of privilege) is valued at one *tahil*, then he may be seized and redeemed according to that amount. If a slave in debt owes two *tahil* or one *tahil*, and she gives birth to a child, and later becomes indebted to another, then her child shall be redeemed by her first master. If her second master pays two *emas* or six *kupang* for the debt, then the child shall remain with the mother until adulthood. If the mother seeks to leave and serve another person, the child shall be bound to her, and the child's value shall be half a *tahil.* If the gold value is one *kupang* or less, a fine shall be imposed of five *emas* as *air nasi* (compensation for nourishment). If the master wishes to sell the child according to the debt of the mother, he must obtain permission from the royal minister. If sold, the minister must record and witness the transaction, and payment must be made up to the amount of half a *tahil.*

If a slave woman who is in debt bears a child while being held as collateral (*cagar*), then the child too shall be collateral. No matter how many children she bears, they all remain as collateral under the same debt, unless the total value exceeds one *tahil*; if it exceeds this, they shall be freed according to the law of the land. If a child born of debt (*anak emas utang-utangan*) is still nursing under its master, and the child damages any property or breaks any item belonging to the master, no compensation shall be imposed, for the child is already half the property of the master. If the master strikes or beats the child, even to the point of causing bleeding or bruising, no fine shall be imposed, for the child is considered partly his own. If a slave enters another person's house without being

summoned or called, the master of that slave shall be held responsible, and must pay compensation for the act of trespass.

PAGE 73

If a slave climbs the stairs of another person's house, and the rope of the staircase breaks, causing the slave to fall and die, then the owner of the house shall pay half the value of the slave, for the fastening of the rope was not secure. If the slave belongs to another person, and it is the house owner's child or wife who falls and dies, then it is the same — for life cannot be exchanged for life. Thus, compensation must be made — half the value of the life lost. If a slave is lent to his master to climb a tree and he falls and dies, the value of his life shall be divided into three parts: one part forfeited, one part paid by the borrower, and the remaining part paid by the master.

Now begins the law concerning slaves who are hired for work. If a slave works for hire and is engaged by another person, and the slave dies by stabbing or is killed by a tiger, then half of his value must be paid in compensation, for the death occurred while he was under paid service. If the master knew of the slave's labour and permitted it, then the master bears no loss. If a person strikes or kills a slave who climbs onto another's house, the master must compensate the house owner. If a woman strikes a slave, she shall be fined ten *emas*. If a slave is beaten by his own master and flees to another's house, the householder must inform the master of the slave's whereabouts. Once informed, the body of the slave must be returned to the master. If the master then strikes the slave again, he shall be fined ten *emas* for striking a slave in the presence of those who returned him. If the householder fails to notify the master, and the slave dies under the master's anger, the fine shall be half the value of the slave, to be paid by those who had taken him in. If the slave dies due to the master's excessive rage, the master shall be fined accordingly for wrongful anger.

Now begins the law concerning debt. If a person is in debt, his pledge (*cagar*) must be held in full until payment is made. If the debtor dies, half the pledged value shall remain in debt, as recorded by contract or written proof.

PAGE 74

If a pledge (*cagaran*) has been fully made according to custom, then every promise bound to it must be honoured. If no pledge or written agreement exists, the debt shall not be imposed upon the debtor's child. If a person borrows gold as capital for trade, no matter how much he borrows, the debt remains upon his children after his death. If a man who is in debt enters into marriage, and his wife later complains to the minister, the husband's gold shall be forfeited. If the husband's debt is brought before his wife and cannot be repaid, then responsibility shall fall upon her as well. If a married man brings a slave woman into his household, and she bears children, then upon the husband's death or separation — whether by divorce or otherwise — all the children shall return to the master of the slave woman, and their number shall be divided according to custom.

Now begins the law concerning a woman who brings a slave into her husband's house. If a woman brings a slave with her into marriage, and her husband does not bring a slave of his own, then the slave remains her property, and any offspring of the slave shall also belong to her household. If a person acquires wealth or property, it must be distributed fairly among his kin and dependents. The property shall first be entrusted to the elder relative serving the King. If the rightful heir later claims it, he must redeem it at half its value. If a person finds a boat, dagger (*keris*), or spear that has been lost and does not report it, he shall be fined as a thief.

Now begins the law concerning found boats and goods at sea. If anyone finds a drifting boat before it reaches the port, the ransom (*tebusan*) is two *kupang*. If the boat reaches the port, the ransom is one *semas.* If it drifts out to sea, the ransom is two *emas*, unless the value of the boat exceeds that amount — then it shall be determined according to the full worth of the vessel.

PAGE 75

If the property is divided into three parts, two parts shall go to the finder and one part to the rightful owner, for the finder must continue to seek the owner of the lost item. If the found item is discovered in mid-sea, its ransom shall be equal to its full value, as the boat

has already been lost and abandoned. If someone finds lost property and conceals it without declaring it, then he shall be judged as a thief. If a person enters another's house without permission, and upon his return it is found that goods from that house or village are missing, he shall be fined and ordered to repay the value of the lost items, in accordance with the laws of theft and mischief. If fruit from another person's tree falls to the ground and is taken, the fine shall be determined according to the value of the loss. If someone throws an object, shoots, or injures another, and the person dies, then the one who caused it shall pay full compensation, and the cost of burial shall be borne by the offender.

Now begins the law concerning "Air Nasi" (the custom of adoption or nurturing). If a person is instructed to heal a wound until it is cured, his payment shall be divided into four parts: the first, one *tahil sepaha*; the second, ten *emas*; the third, five *emas*; and the fourth, one *semas*. If a child is found abandoned by its parents — whether in a river, in the forest, or on a public road — and someone takes the child and raises it until the child can walk and speak, and later the parents claim the child, the caretaker shall receive one *tahil sepaha* as recompense. If the "air nasi" (the nurturing fee) is ten *emas*, the one who found and raised the child shall receive that amount, together with payment for the midwife, and for the care provided until the child grows up. If the parents refuse to reclaim the child, they shall pay ten *emas* as a penalty. If the "air nasi" is five "emas," then it shall be taken and divided according to custom, depending on the age and condition of the child.

PAGE 76

When the child has learned to walk or crawl, the fee for *air nasi* (the nurturing payment) is five *emas.* If the *air nasi* is one *semas,* then the same applies to the Ministers — for even the *nasi Menteri* is one *semas.*

If a person entrusts goods to another's house and they are stolen, the entrusted goods are likewise considered lost. If the house owner claims that both his own goods and the entrusted goods were stolen, and he swears that his words are true, then his oath shall stand. But if it is discovered that the house owner has secretly sold or hidden the entrusted property, he shall be fined an amount equal to the value of the lost goods and shall repay

the owner whose property was entrusted to him. Thus, whoever causes deceit or loss in matters of trust shall repay according to the full value of what was lost. If a borrower loses or damages what he has borrowed, he must pay its full worth. If anyone copies or imitates another's property or writing, the fine shall be one *semas* according to custom. Let all such matters be resolved quietly and discreetly, so that not many people will know of them — for honour must be preserved.

As was written by Fakir of Pulau Raya, who said:
"When one stumbles or speaks wrongly,
if wealth and law are lost,
then both the law and the land perish.
It was folly that made me poor —
I am the Fakir who remains in Pulau Raya."
If a borrower loses or damages what he has taken, he must repay its full value.
Let all such matters be kept private, for they should not be known to many.

Tamat al-kalam.
(*Thus ends the discourse.*)

PAGE 77

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In the name of Allah, the Most Compassionate, the Most Merciful. All praise be to Allah, who created the heavens and the earth, night and day, together with all His attributes and qualities. All praise is due to Allah the Exalted, who made manifest through the seven layers of the heavens and the seven layers of the earth the reality of His Essence and Attributes. And He made the sea and its waves as a sign of His majesty and power over all that traverses upon it. May blessings and peace be upon our Master Muhammad, the most excellent among the Prophets and Messengers of Allah. And may Allah's mercy and peace be upon his family and his companions, who were the best among all His creations. After that, this poor and humble servant [h-r-f] declares: when the noble and honourable captains desired to establish the laws of protection and guidance for themselves while they

were at sea, they commanded that such regulations be written down for their preservation during their voyage.

PAGE 78

It was presented by Dato' Bendahara Seri Maharaja Mangkubumi to His Majesty Sultan Mahmud Shah, who ruled the kingdom of Melaka, regarding the requests of all the captains (nakhoda).

Then His Majesty decreed:

"We too wish to hear and consider the laws and ordinances concerning all seafaring captains, and to discuss the merits and duties of a captain — the one who owns the ship, his crew, and the passengers who travel with him — so that harmony may be preserved among them while at sea. Let not the ancient customs that have been upheld by honourable captains of old be lost or corrupted. Let no unbecoming conduct arise, nor any actions unbefitting of a captain who owns a ship or vessel, and let there be no quarrels or disputes among those who sail with him. To begin with, if We do not bestow laws and decrees upon these captains, surely there would be no order in their affairs at sea, nor in the conduct of those who sail with them. Therefore, We have established these laws and regulations for all captains who navigate the seas, so that proper governance may prevail among them."

PAGE 79

Even if a child or a servant becomes a captain, he is the ruler at sea. Therefore, everyone aboard — whether passengers or crew — must respect and fear him, lest they be subject to his law. Whatever judgments the captain passes upon those within his ship while at sea shall stand as law, and no further judgment shall be brought against it under the laws of the land. For the law governing all captains at sea lies beneath our own authority; only the laws of the sea, as decreed by the captain, are valid while he is upon the waters. When the captain returns to the realm, he too is bound by the law of the land, and thus all affairs are made complete. After that, Dato' Bendahara conveyed these words as commanded by His Majesty to all captains, saying:

“If you, noble captains, do not follow as commanded by His Majesty, then you are as those who have thrown themselves upon the stones in disobedience. Whoever refuses to follow the royal decree is truly rebellious against His Majesty Sultan Mahmud Shah, the sovereign of Melaka, and against all noble captains under his rule.”

Therefore, this humble servant completed this treatise so that it may serve as a reminder and guidance for all captains in the days to come. Thus, I have compiled this *mukhtasar* (summary) into seventeen articles. May Allah illuminate it with the light of guidance (*Nawwara Allahu bi nur al-hidayat wa al-qanun*), and may it be blessed in paradise with all His bounty (*ma’ahu fi al-jannati ma’a al-ni‘mati*). May Allah, the Exalted, make it so.

PAGE 80

May Allah guide him upon the clear and righteous path, and grant His pleasure. May Allah also grant him a dwelling in paradise and the bliss therein. *Amin.* O my Lord, accept this humble servant’s plea.

The First Article

This article declares the law concerning the Captain (Nakhoda) who owns the ship (*jong*) and its cargo. During the reign of Sultan Mahmud Shah, it was decreed that the captain is the ruler while at sea and within his ship. If he appoints others beneath him, then the Chief Officer (Tukang Agung) is akin to a *Temenggong* (chief minister), for he manages both good and evil matters aboard and oversees all the equipment and work within the ship. The Right Officer (Tukang Kanan) and Left Officer (Tukang Kiri) are likened to chamberlains within the ship, and they too assist in the captain’s duties. The Right Helmsman (Jurubatu Kanan) and Left Helmsman (Jurubatu Kiri) each carry out their respective responsibilities under the command of the captain. Every sailor and craftsman on the ship is under the captain’s order, and all must obey the Chief Officer (Tukang Agung). If the Chief Officer calls upon the sailors and they refuse to obey, they are to be judged by the captain, who shall order that the offender be struck seven times by the helmsman. When the Chief Officer carries out the punishment, the helmsman must join him in administering it. If the

offender resists the Chief Officer, he shall be struck four more times. If a sailor rebels or behaves insolently against the Chief Officer, he shall be struck seven times in total. Thus is the law decreed. *Wallahu a'lam* — and Allah knows best.

PAGE 81

The Second Article

This article states the law concerning adultery committed by those aboard the ship. If any person aboard the ship is free — whether married or unmarried — and commits adultery with another free person's spouse on board, the Captain (Nakhoda) and all on the ship must ensure that justice is carried out: both the man and the woman guilty of adultery shall be executed. If, however, both the man and the woman are unmarried and free, each shall be caned one hundred times, and after that, they are to be married to one another. If either refuses marriage, they shall each pay a fine of one tahil and a half of gold. Should one of them agree to marriage while the other refuses, the one who refuses shall pay the fine, while the other is freed from it. However, the marriage must be solemnized by the Captain in the presence of many witnesses, so that no shame or scandal falls upon them. Such is the law. As for sentencing or execution, the Captain must deliberate in agreement (*muafakat*) with the others aboard. When the Captain consults and reaches consensus with his company, his actions will be just, and he will not be blamed by others thereafter.

Next: if a free man commits an immoral act with his servant woman, newly employed by her master —

PAGE 82

Thus is the law: If a free man commits an immoral act with his female servant, he must pay compensation equal to the servant's value to her master, for he has wronged her. If her worth as a slave is unknown or uncertain, the offender must pay according to the master's estimation of her value, as restitution for the wrongdoing. If the servant woman has long served her master, then the master may decide — if he wishes — either to pardon or to execute her and the man who committed the act with her. But the Captain (Nakhoda) must enforce this law sternly, commanding that both the man and the woman be put to death, so

that no other man dares to violate a servant who belongs to another. If the servant woman has borne a child by her master, then the law is altered — neither the man nor woman shall be put to death; only the man who betrayed his master shall be executed. If a free-born child commits immorality with the wife or child of a sailor, and if both are killed by the husband, then both are deemed dead and no charge shall be brought against the husband. If the husband does not kill the woman, then the woman becomes the Captain's property, for she is deemed forfeited under the law. At that point, the man shall be put to death, and the matter is considered settled. If the Captain acts justly, both shall be executed; but if the woman is spared, no one on board may touch her — she belongs solely to the Captain, who may claim her by right. Hence, the woman becomes the Captain's lawful possession, as decreed by maritime law.

PAGE 83

If the woman is redeemed by her husband with several taels of gold, even then the Captain (Nakhoda) should not accept the ransom, for the woman has already brought shame upon her husband. If the Captain accepts gold as ransom, it is a grave offence under the royal law decreed by His Majesty. Instead, the man who committed the offence should be judged, and the woman returned to her rightful husband, that she may continue to serve him and maintain her duties aboard the ship. Such is the law for all who are under the Captain's command and authority while at sea. The Captain shall deliberate on every matter together with his company. If a slave commits wrongdoing aboard the ship against another slave, the Captain shall order that he be bound and beaten by the crew under the command of the Chief Officer (Tukang Agung). This is the established custom. All matters of discipline are also entrusted to the Chief Officer. *Wallahu a'lam* — and Allah knows best.

The Third Article

This article declares the law concerning any person who obtains some profit or gain from another while aboard the ship. If, by chance or opportunity, a crew member or a relative of the Captain acquires some wealth or valuable goods — whether found adrift in a bay, at a trading port, or recovered from the sea — then whatever is gained belongs also to the

Captain, the rightful master of the ship. Even if it be gold, silver, or any fine possession found on land or in the forest while under the Captain's command,

PAGE 84

All such gains or profits shall belong to the Captain (Nakhoda). None may claim them except by the Captain's consent, for it is by his grace that any person receives their share. Such is the law. If, however, someone ventures ashore of his own accord, without any order or duty assigned by the Captain, and he happens to gain something, then whatever he acquires shall be divided into three parts — one part for himself and two parts for the Captain. Such is the law. If a debtor acquires something, the profit also belongs to the Captain, the rightful master of the ship. Yet if the Captain is generous, he may allow a small portion to be shared with the person who found it. If a slave or servant comes across any valuable object or treasure, the law for a debtor applies likewise: the gain belongs to the Captain. If the Captain himself acquires something, it shall be divided into four parts — three parts to the Captain and one part to the entire crew of the ship. Such is the law.

The Next Article

If anyone finds a runaway person or slave, whoever finds them must return them to their rightful master. If the master later meets the Captain and seeks to redeem his runaway servant, then half the value shall be paid to the Captain who found the runaway. If the master cannot be found and the Captain encounters the servant first, the servant shall remain with the Captain and be taken along with him. If, within the voyage, it is discovered that the servant had committed wrongdoing against his master, then he may be sold by the Captain for a fair price. When such a sale is made, it must be done in the presence of witnesses from among those aboard the ship.

PAGE 85

…and to the people of the land where the slave is sold. If the Captain (Nakhoda) later meets the slave's master, the Captain must return the servant and divide the proceeds equally: half the price to the master, and half to the Captain, as the rightful finder. *Wallahu a'lam* — and Allah knows best.

The Fourth Article

This article states the law regarding those who are shipwrecked or who are cast ashore upon an island or coral reef. If a person is stranded and rescued, a reward of half a tahil of gold per person shall be requested from them. If the person has lost all possessions except for a small amount — say half a tahil of gold — then the Captain shall provide them with food and sustenance, and no payment shall be demanded from such a destitute person. However, if the shipwrecked person has wealth and hides it, refusing to declare it, and it is later discovered by others that he had concealed it, then by law, all concealed property becomes the Captain's rightful possession. If a shipwrecked person, when questioned by the Captain, says, "I have no possessions," but later is found to have hidden wealth, that property shall belong entirely to the Captain. *Wallahu a'lam* — and Allah knows best.

The Fifth Article

This article concerns a passenger who charters passage but fails to reach the intended destination. If the ship has already completed half of its voyage, then even if the passenger disembarks or turns back midway, the fare already paid remains with the Captain, and the passenger cannot claim it back.

PAGE 86

The Next Article

If anyone commits theft or deceit aboard the Captain's ship — whether freeborn, indebted, or a servant — by secretly taking another's belongings or lowering them overboard, he shall be judged according to the customary law concerning theft (jaadah) and robbery (ta'ajal). Such offences are considered acts of treachery against the sovereign rulers, for they are equivalent to crimes committed on land. Therefore, the offender shall be punished according to the full penalty of ta'ajal, and he shall be beaten severely. If the offender refuses punishment, he shall be beaten repeatedly until he submits. However, if he repents and asks forgiveness, then the Captain may pardon him, though his punishment shall first be administered to serve as a warning so that he does not repeat the crime. Thus is the law for all cases of theft and robbery at sea. *Wallahu a'lam* — and Allah knows best.

The Sixth Article

This article sets forth the law concerning offences punishable by death during a voyage. There are three acts for which one may be executed:

1. Committing wickedness or rebellion against the Captain; for such behaviour endangers the Captain's authority. The Captain must be vigilant and, upon clear proof of rebellion, order the offender's death. Whoever among the company refuses to aid the Captain in such a matter is also guilty, for his silence aligns him with the wrongdoer.

Conspiring with others aboard the ship to kill the Captain—

PAGE 87

or with the Muʿallim (navigator) or any artisan (craftsman) aboard — such a person shall also be executed, for that is the prescribed punishment. The third capital offence during a voyage is when a person carries a dagger (keris) at his waist without permission, showing intent to challenge the Captain's authority or to harm others. Anyone found doing so is deemed a traitor and shall be executed. Let all aboard take heed, and beware of such actions, for if guilt is proven, no plea can prevent judgment. He shall be bound (*banat*) and, if he resists, struck repeatedly until he yields (*mayal*). When his offence becomes evident before many witnesses, the execution is to be carried out so that no harm may befall the rest aboard. *Wallahu a'lam* — and Allah knows best.

The Seventh Article

This article concerns the law of debt repayment. If a debtor has agreed with his creditor to repay within one, two, or three years — or for however long their agreement lasts — he may not be forced to repay before the promised time. If, however, he chooses to repay earlier, he must pay the full amount of the gold owed. If it is found that the debtor has means — be it capital, property, or even clothing — these may be seized by the creditor, up to the value of the debt, calculated at ten tahil of gold. Such is the law. Likewise, if a passenger travels aboard another's ship and disembarks before reaching the agreed destination, he shall pay a fine of ten tahil of gold, based on the value of his possessions, including his clothing, even down to his wooden belongings.

PAGE 88

The Captain (Nakhoda) must first hold a council with everyone aboard the ship before throwing any cargo overboard, since such an act concerns all who have invested their goods. Some may have greater capital, others less, and therefore the Captain must confer with them before deciding. If no council is held and the cargo is discarded without consent, then the responsibility (*taksir*) shall fall upon the Captain himself.

The Next Article

If there is a matter involving compensation for loss of life, then the rule is that all lives are of equal worth — rich or poor, servant or free, man or woman, child or elder — all are equal in their inheritance and value. None may claim greater or lesser worth than another. If a great wave, storm, or typhoon strikes the ship and it collides with another vessel or rocks in the sea, causing damage, then the loss must be shared fairly among the owners of the ships involved. The damages shall be divided into three portions, apportioned to those whose property was unharmed as well. *Wallahu a'lam* — and Allah knows best.

If, while sailing together, two ships collide, resulting in destruction or loss, and it is clear that one vessel caused the collision, then the fault lies with the one that struck.
Compensation (*fakrīm*) must then be paid — two parts at sea and one part upon reaching land, the payment shared among the injured parties according to the extent of their loss.
Such is the law. *Wallahu a'lam.*

The Ninth Article

This article sets forth the customs and etiquette aboard the ship. No one may sit at the cross-beam (balai lintang) or the main beam (balai bujur) except the Captain, for he is the ruler at sea

PAGE 89

unless it concerns a great matter of importance, when the Captain (Nakhoda) summons the crew for discussion or council — only then may they ascend to the main platform (balai). Even so, they may only do so by the Captain's summons. If someone climbs the platform without permission, that is an offence: he shall be beaten seven times, fined according to his means, and shamed before others. Such is the law. If a sailor sits upon the Captain's platform — a place not meant for him — he commits an offence. For none may sit there except the Captain himself, as he is the ruler at sea, just as the King is on land. Thus, anyone who sits in the Captain's place shall be punished: if it is a sailor, he shall be struck three times, and if it is someone other than the sailors, he shall be fined ten tahil of gold. Such is the law. If someone sits at the foredeck (ancang-ancang), only the Right Officer (Tukang Kanan) and Left Officer (Tukang Kiri) may sit there. If anyone else does so, it is an offence punishable by seven strokes. Likewise, anyone who places his foot upon the foredeck and faces toward the stern commits a great offence. No one may make jest or mockery of the Captain, and if any noble or senior member of the crew does so, he shall be judged with the same punishment as any common offender.

PAGE 90

No one may compare himself to the Captain (Nakhoda), for he holds the same authority at sea as a king on land. Whoever defies this shall be beaten seven times and fined half a tahil of gold, for it is a grave offence. Such is the law. *Wallahu a'lam.*

The Next Article

If anyone is given a small boat (sampan) for fetching water or firewood, that shall be the only one assigned to him; no more may be taken beyond that.
Such is the law.

The Twelfth Article

This article sets forth the law regarding those who keep watch or take turns on guard (berkepang). A person may keep watch for several reasons: First, while at sea — out of fear of enemies or pirates, or when near the coast — out of fear that hostages, slaves, or

goods might be stolen or escape; and when anchored near towns or shores, to guard against thieves from the land. For all these reasons, the practice of *berkepang* — taking turns to keep watch by night and by shifts among the crew — was established. Everyone aboard the ship takes their turn, except the Captain, for he is regarded as the ruler, and thus exempt by law from the nightly watch. If a person keeps watch to guard captives or ransomed persons, and one of them escapes while under his care, then he who was on guard must replace the guard's post or pay the ransom value of the one who escaped. If the escaped person was worth a certain ransom amount, then the guard must pay the equivalent value to the captive's master. However, if the captive has not yet been presented to his owner for redemption,

PAGE 91

If the escaped captive has fled to another region, the value of the ransom shall be shared among those who were on guard with the watchman responsible for the escape. The amount paid must equal the ransom price that would have been obtained had the captive been sold to his master. Thus, the watchman must pay compensation to the captive's owner. If the escaped captive acted treacherously, then the guard on duty at that time shall be beaten sixty times as punishment. Such is the law. If any goods or property are lost while the watchman is on duty, he shall pay an amount equal to the value of the missing items, for that is the measure of liability (*taksir*). Therefore, the Captain (Nakhoda) must ensure that all the younger men on board take turns in keeping watch, so that each person shares in the responsibility. If an escaped captive is not found by the younger guards, they are all held responsible for the loss. When one's turn at watch has ended, it must be witnessed by others as he hands over his duty to the next guard. If he fails to do so, the fault lies upon him. According to the custom (*adat*) of watchkeeping, one must always have a partner on duty, so that neither falls asleep while on watch. Every task of watchkeeping is under the Captain's command. If the ship runs aground on a reef or sandbank due to the negligence or sleep of the watchmen, or strikes a cape because they failed to guard properly, then—

PAGE 92

If the ship runs aground because the watchman neglected his duty and he has no wealth to compensate for the damage, he shall be beaten thirty times as punishment. But if he possesses wealth, then he must replace what has been lost or damaged by providing property of equal value to that destroyed at the time of the incident. Likewise, if a young sailor or watchman (*berkepang*) neglects his duty and forgets to keep watch, causing loss or damage to another person's property, he must make restitution (*taksir*) for it. If another's property becomes wet and ruined because of his negligence, he must pay compensation according to its value. If a boat approaches from another direction and the watchman fails to alert the crew, forgetting or neglecting to warn the others, then he and his companions shall be fined the equivalent of a ransom price, as the neglect is considered a serious fault. Such is the law. Therefore, the Captain (Nakhoda) must ensure that all young sailors and watchmen remain vigilant and never neglect their duties. *Wallahu a'lam* — and Allah knows best.

The Thirteenth Article

This article concerns those who take turns drawing water (bertimba) and those who handle the bilge buckets (memegang orok-orok). Those tasked with drawing water or bailing it out during the voyage are all the people aboard the ship — except for the Captain, who is assisted by the Chief Officer (Jurupangku), and the Navigator (Muʿallim), Helmsman (Jurumudi), and Assistant Helmsman (Jurubatu), who share this duty only while at sea. When the Helmsman and his assistant finish their turn at bailing, upon reaching a port or harbour, after three or seven days they shall once again take turns with the others aboard, joining the cycle of shared duties.

PAGE 93

and they shall take their turn at drawing water while at sea.

As for those assigned to handle the bilge buckets (orok-orok), when their turn comes, they must perform their duty with utmost care and vigilance, keeping watch over the ship's bilge water during their shift, as well as over all goods being carried on the voyage. During the

night, if they notice anything unusual, they must immediately alert everyone and point out any approaching vessel or sign of danger. If they fail to do so, the punishment shall be the same as that for a negligent watchman (berkepang), and their liability (*taksir*) shall likewise be equivalent.

The Next Article

If a person neglects his duty while drawing water (*bertimba*) during a voyage or at port, and if goods within the ship become damaged by water, then he must compensate the full value of the damaged cargo. When one has completed his turn at bailing, he must hand over the bilge bucket (orok-orok) to the next person on duty, and inform the helmsman (jurumudi) and all others nearby. If he fails to do this, he shall be held responsible (*taksir*). Sometimes, two men may have to take a turn together because of the difficulty of the work. If the next person on duty is found sleeping, the first must wake him and remind him. If he remembers and responds promptly, he is not at fault; but if he fails to remember or delays, he shall be punished. If the bilge bucket is not properly handed over, the one neglecting the duty shall be liable for double service (two turns) of water drawing as penalty.
Such is the law. *Wallahu a'lam* — and Allah knows best.

PAGE 94

—and he must continue to serve until the voyage reaches its destination.

If he wishes to replace the bilge bucket (orok-orok) but is unable due to exhaustion from prolonged duty, he must seek permission from his fellow crew members and apologize to the Captain (Nakhoda), the master of the ship. He must also pay a fine of half a tahil of red gold as penance for his negligence. When this is done, his fault is forgiven, and peace and harmony are restored. Such is the law concerning those who draw water (*bertimba*). If he neglects his duty concerning the bilge bucket entrusted to him, he must be diligent in completing his work properly and entirely. Likewise, if one of the crew who is scheduled for water duty falls ill for three days or more, another person must be hired to replace him during that period. If no one is hired, then the Captain himself must assign someone else to perform that duty during the sick man's turn. If neither is done, the fault lies upon the

Captain, and the sick man is excused. Such is the law. *Wallahu a'lam* — and Allah knows best.

The Next Article

Now as for the work of the Helmsman (Jurumudi), it is similar to that of the Navigator (Muʿallim) on ships that have none. He must remain ever vigilant by day and by night while sailing — never careless or forgetful of his duties. He must watch over the crew and all the equipment of the vessel: the ropes, cables, anchors, and sails — both the main sail and the fore sail — ensuring all are secure and properly maintained. He must also remain alert to the condition of these fittings, especially during the night and when the wind grows strong.

PAGE 95

The helmsman (Jurumudi) must always remain extremely vigilant, especially when sailing at night. He must constantly observe the wind and the ships of others sailing nearby, discerning their course and condition. He must also examine the ropes of the boats, ensuring they are strong and not near breaking, and check the bilge water, ordering it to be drawn out whenever needed — just as he commands the sailors to bail water when necessary. He must supervise those drawing water (*bertimba*), ensuring that all is done properly, and examine whether any faults or damage exist. If he fails to do this, he shall be subject to taʿzir (disciplinary punishment) for his negligence. If the ropes snap during his watch, then the helmsman who was on duty shall be responsible for replacing them. Such is the law.

As for the assistant helmsman (Jurubatu), he too must never neglect his duties. He must examine the anchor, its condition whether good or bad, and if he notices any defect, he must repair it at once, lest it cause trouble when the ship sets sail. When the ship is anchored, he is responsible for watching over those drawing water. If he falls asleep while on watch — especially during the voyage — he commits a great fault. The assistant helmsman must therefore always stay alert. If the anchor fails to hold or drags, and the ship runs aground upon a reef or island, causing hardship to all aboard, then the fault (*taksir*)

lies upon the assistant helmsman, who must pay full compensation for the damage caused. Thus, the assistant helmsman is fully accountable for his duty, both by law and by custom.

PAGE 96

If the Captain (Nakhoda) imposes a fine upon him, he must bear it. If a boat or sampan goes missing while the ship is anchored due to the negligence of the assistant helmsman (Jurubatu), he must also pay for the loss. *Wallahu a'lam* — and Allah knows best.

As for the duties of the young sailors, when at sea, they assist in steering the helm and perform all other necessary tasks. When their turn at steering ends, they must help with hauling ropes and chains. Should they encounter enemies, they must fight bravely with all their might, praying that Allah grants them victory over their foes. Such are the responsibilities of the young sailors during and after the voyage. When the Captain lands ashore or travels inland, the young sailors must accompany him wherever he goes. If the Captain goes into the forest or to river inlets, they must go with him. Should they refuse or neglect to accompany the Captain in such matters, they commit a grave offence, for it is akin to disobeying the commands of a king on land.

The Fourteenth Article

This article sets forth the law regarding those who wear hats (bertopi). If a servant burns his master's hat, or a servant belonging to another person burns someone's hat, then the fine shall be four paku of Javanese pitis. If the master refuses to pay the fine, then the servant shall be beaten thirty strokes as punishment. If two people quarrel aboard the ship, the party at fault shall be fined four belas piku (14 paku) of Javanese pitis. If someone draws a dagger (keris) during a fight —

PAGE 97

if he draws his dagger (keris) while moving through the deck toward the stern, he shall be executed. If he is captured alive, he shall first be disciplined (taʿzir) and later fined one hundred and fifty paku of Javanese pitis. If anyone raises his keris against the Captain (Nakhoda), his punishment is death. If he is captured by the crew, he must humble himself,

bow before the Captain, ask forgiveness, and repent for his transgression. In that case, he shall not be put to death but shall instead pay a fine of fourteen paku of Javanese pitis and one buffalo, in addition to providing food for the Captain as a sign of remorse and reconciliation. He must also seek forgiveness from all aboard the ship. Such is the law. If the Captain takes possession of merchandise or ransom goods for safekeeping and later returns them to their rightful owner, there is no blame upon him, for the Captain bears no shame in matters of justice.

Likewise, if anyone brings merchandise or ransom goods aboard the ship and fails to inform the Captain, such concealment is an offence. The Captain shall confiscate the goods and return them only after payment of their value. This is because it is considered disrespectful and deceitful toward the Captain, who must always be informed of all trade and ransom dealings aboard. If the Captain chooses to be lenient, the goods may be returned to the offender, but the act remains recorded as a wrongdoing. Such is the law. Likewise, if a person aboard redeems a captive (*tebusan*) without the Captain's knowledge, the act is invalid and considered unlawful.

PAGE 98

If a person redeems a captive (*tebusan*) while aboard the ship without the Captain's knowledge, the act is invalid, and whatever he paid is forfeited to the Captain. This is because such conduct brings disgrace and disrepute upon the Captain's name. Thus, the goods or payment shall be seized by the Captain as rightful compensation. Such is the law. Likewise, if any person aboard the ship brings along another passenger without the Captain's permission, the same law applies—the additional passenger is considered unlawful, and the Captain shall take him into his custody.

The Next Article

If the Captain (Nakhoda) wishes to anchor at a port or coastal settlement (teluk rantau), he must first hold council with all those aboard the ship. If he wishes to cross to another shore, he must likewise consult them beforehand. Before sailing, the Captain must inspect all his officers and crew—checking that the ropes, fastenings, and towlines are secure and strong.

Only then may he proceed with the voyage. Such is the custom and law for all who sail aboard the ship. If a passenger from a coastal settlement asks to be taken aboard, he must not be accepted; if he is, the Captain is at fault, for such action is forbidden.

The Sixteenth Article

This article declares the law of provisions and wages for the sailors, helmsmen, and passengers. If a ship's size is four to five koyan (a measure of cargo capacity), then the helmsman's wage (sara jurumudi) is one koyan, the assistant helmsman's (jurubatu) wage is seven hundred, and each sailor (anak perahu) earns five hundred. As for passengers, if they pay one koyan or more for passage, they owe one hundred per person as part of the ship's shared expenses. This is because those who pay for passage do so with their own capital. If the ship's size is three to four koyan, then the helmsman's wage shall be seven hundred, the assistant helmsman's wage shall be six hundred, and the wages of all sailors shall be shared equally at half a koyan among them.

PAGE 99

The Seventeenth Article

This article sets forth the law concerning the sailing season (musim). When the sailing season arrives, the owner of the ship (*empunya jong*) shall have seven days to prepare. If, after seven days, he still delays sailing, the Captain (Nakhoda) shall be held responsible for any loss due to the delay. If the season ends before the ship departs, the charter fee (harga petak) that has been paid by the merchants or passengers must be returned in full by the Captain. However, if the delay was caused by the merchants (*k-y-w-y*) themselves, and the season passes because of their negligence, they must bear the loss. If the Captain waits an additional seven days beyond the agreed time, and still they delay further — even until fifteen days — then the fault lies with the merchants for their great negligence. In such a case, the Captain may proceed to sail, and no further claims can be made against him. If the merchants remain behind at the port because they are still preparing their goods, the Captain may lawfully depart, and their claims are void. If, however, a merchant disembarks at a coastal settlement (*teluk rantau*) because of dispute, quarrel, or rebellion against the Captain, or attempts to commit treachery—

PAGE 100

the charter fee (*harga petak*) shall still be paid by the merchant, and the boat or sampan shall likewise remain under the Captain's authority, without any right of claim or refund for the goods or their place of stowage. If the Captain is found to be at fault, then the fee shall be divided into three parts: one part is to be paid by the Captain, and the remaining two parts are forfeited. If the merchant (*k-y-w-y*) chooses to leave the ship, his fare is also forfeited. And if he quarrels with the sailors, then the fee shall be divided into four parts: three parts shall be paid by him, and one part shall be lost. *Wallahu a'lam bissawab* — and Allah knows best and judges rightly.

Thus ends all the laws and regulations issued under Sultan Mahmud Shah through the counsel of Dato' Bendahara Mangkubumi and other esteemed officials of Melaka during that glorious age. The Sultan proclaimed:

"Let this law be known to all our descendants and to every captain who sails the coasts and harbours of our dominion, and to all who voyage in ships and vessels. These shall be their laws, for the Captain is the ruler at sea, as the King is on land."

From that time onward, all distinguished captains were honored with royal titles. The first among them, Nakhoda Wan Har, was granted the title Sang Naya al-Diraja; Wan Jenal was titled al-Diraja Maharaja Perba; Nakhoda Wan Dewa received the title Setia al-Diraja; and Nakhoda Jamil was known as Maharaja Perba. Thus were these noble captains exalted under the reign of His Majesty Sultan Mahmud Shah, whose kingdom prospered in Melaka's golden age.

PAGE 101

Melaka prospered greatly, with its wealth and its people in abundance.

Tamat al-kalam — *Here ends the discourse.*

On Customs and Taxes in the Port

Know then, the following article explains the law of customs duties (cukai) for ships (*jong*) entering the port (*bandar*). If a ship of ten koyan capacity enters the harbour, no customs may be taken before its cargo is inspected and verified at the anchorage. Whatever goods are aboard — whether cloth, opium, silk, or gold thread — shall be taxed according to the quantity and value of trade. For every ten tahil of purchase, a duty of four puluh (forty) shall be levied and delivered to the royal officers. If a merchant trades within the city, the levy shall be twenty tahil at the first transaction. If the ship carries much merchandise or hard goods, such as metals or heavy wares, then for every two mas in value and two kupang per *sehasta* (arm's length) of the ship's length, a further duty is imposed — the proceeds being paid to the King, except where the ship belongs to the royal fleet itself. When ships anchor in the harbour, dues shall also be paid for the use of mooring stones, masts, and anchors, calculated as one-third of every hundred parts of the total value, following the ship's length and tonnage. However, if the goods are of special nature or the merchant's own craft, the levy shall be assessed separately. The same law applies to smaller boats or vessels (*perahu* or *baluk*), though the rate shall be lighter, according to their means and the nature of their trade.

On Export Duties

It is further declared that all goods leaving the realm shall be taxed at one-tenth (sepuluh esa) of their value. If the trader is a local subject, the duty shall be twenty parts per hundred, that is, twice the amount paid by foreign merchants.

PAGE 102

If the trader is a local subject of the kingdom, then the tax is two-tenths (dua puluh esa), except for the servants or envoys of noblemen — for them, no tax shall be levied. If merchants conduct trade aboard the ships, the customary fee (*tanda*) taken from the workers shall be collected only once. Likewise, if a merchant redeems a captive or trades for ransom, upon reaching the laborers or working crew, he shall pay a fee of one mas of gold; and if the person who sells the goods is of the class of Mandalika (royal agent), then his due is two kupang and two kandiri. If the merchant's profit equals one mas of gold, the

same rate applies to him. The same law applies to ships (*jong*) and boats (*baluk*), the head of each vessel being responsible for his crew.

On Domestic Trade

If trade takes place within the realm, no one other than the royal officials or authorized workers may receive or handle goods before the proper officers (*orang bekerja*). O all ye companions and traders — observe this custom and obey the appointed officers of the realm. The Maharajalela is the one entrusted with collecting dues and goods within the state, and all errors in the conduct of customs or trade shall be judged by the rightful ruler of the land. Tamat al-kalam bi al-akhir — wassalam ajma‘un.

Thus ends the discourse, with peace and blessings upon all.

Amin.

PAGE 103

The Law Concerning the Arrogant

To begin, the law regarding a person who is arrogant or insolent: the fine is seven tahil and a half. If he cannot pay or is defiant, the punishment is death.

The Law Concerning the Teacher and the Student

Next, the law concerning one who teaches the Qur’an: If a student is already under a teacher, he must not go to another before completing his lessons and being released by his original teacher. If another person still teaches him before that release, the fine is five kupang.

The Law Concerning Damage to Property

If a person digs a water channel or drains a paddy field belonging to someone else and damages the crop, he must pay a fine of ten mas of gold, or restitution equal to the amount of paddy lost.

The Law Concerning Servants

If a servant is struck, slashed, stabbed, punched, or slapped by his master, and the blow causes injury, the case shall be judged according to the degree of harm. If the blow was with a stick or rod, the fine is one tahil and a half, and if struck with an object of iron — such as the handle of a knife, a machete, or an axe — the same fine of one tahil and a half applies, as it involves iron. If the wound was caused by fingernails, teeth, or bone, the fine is ten mas of gold,

or one piece of timber as determined by local custom.

The Law Concerning Offences of Authority

The hierarchy of offences (*hukum angkara*) is divided into four categories:

1. Maharajalela – the chief executor of the king's justice,
2. Angkara – acts of aggression or rebellion,
3. Pawas and Karam – crimes of misconduct or disobedience,
4. Bazab – punishable transgressions under royal decree.

The Maharajalela dresses in royal attire, symbolizing the ruler's delegated authority. Whoever commits an act of angkara — that is, any grave offence done without the ruler's consent — is guilty of rebellion against the throne.

APPENDIX B

TRANSLATION OF MANUSCRIPT E OF HUKUM KANUN PAHANG, "KITAB ISTILAH BAGI RAJA DAN WAZIR BAGI NEGERI PAHANG DARUSSALAM"

TEXT 1

Pg 1

Invocation

Thereafter, I give thanks to Allah for His blessings, those that have passed and those yet to come. Truly, by His grace, He has made me among the followers of His Beloved and among the community of His Messenger, whom He sent bearing His commandments and confirming the laws of the prophets who came before him, commanding justice, enjoining what is right (*al-amr bi al-maʿrūf*), and forbidding what is wrong (*al-nahy ʿan al-munkar*). Thus, the world was illuminated by the light of His religion. Peace and blessings be upon him, upon all his family, his companions, and his entire community. Then He appointed, among His creation, kings, as He has declared:

> "Indeed, I will place upon the earth a vicegerent (khalīfah)."
> *(Qur'an 2:30)*

Thereafter, this treatise sets forth the laws (*Qanun*) governing the great realm and all kings who uphold its established customs. It has been compiled for the benefit of the kingdom so that its rulers may preserve and protect all their subjects. Every king shall appoint great officers to act on his behalf, so that affairs do not become burdensome to him. First, he shall appoint a Bendahara; second, a Temenggong; third, a Penghulu Bendahari; and fourth, a Shahbandar. Through these officers, the king and all his people shall be properly governed. The laws are therefore divided into three principal parts: first, those concerning the Bendahara; second, those concerning the Temenggong; and third, those concerning the Shahbandar, together with the regulations governing court officials, attendants, and the children of the nobles. The Temenggong shall serve as the judge of the realm and investigate legal matters, while the Shahbandar shall adjudicate disputes involving merchants, orphans who have suffered injustice, and matters relating to ships, cargoes, and all commercial goods. This has long been the established custom among the ancient kings: these three principal officers acted in place of the ruler in administering the affairs of the kingdom. Through them, nothing essential was left unattended. Accordingly, the laws were compiled into nineteen chapters (fasal).

Fasal One Concerning the Royal Court, Royal Regalia and Royal Privileges

The first chapter sets forth the customs of the royal court, the attire and gifts bestowed upon the nobles, and the prohibitions concerning matters reserved exclusively for the ruler. No noble shall wear the colour yellow unless it has been bestowed upon him by royal grant. Should anyone wear the colour without such permission, he shall be liable to the prescribed punishment. Likewise, no person may wear the royal garments known as hasriyyah or hamwin, nor may anyone enter the royal enclosure (*pagar raja*), except by express royal permission. Whoever enters without permission shall be punished. Likewise, if any royal servant (*abdi carik*) is found guilty of such an offence, the appropriate punishment shall be imposed. Similarly, no person may wear a marubi keris hilt unless it has been granted by the ruler. Whoever does so without royal permission shall have the item confiscated, except for the descendants of the Bendahara, who are exempt. Accordingly, every person living under the authority of the ruler must know and observe these royal customs. According to the Law of Allah, every ruler is under an obligation to govern with justice and not with tyranny. This is what is called the Qanun. The meaning of *Qanun* is the law of the kingdom, handed down from the rulers of former times and transmitted from generation to generation until the present day.

Fasal Two Concerning the Royal Language

The second chapter concerns the language reserved exclusively for kings. There are five royal expressions which no person other than the ruler may use:

1. Titah (royal command)
2. Patik (the royal first-person pronoun)
3. Murka (royal displeasure)
4. Kurnia (royal favour)
5. Anugerah (royal grant)

These expressions may be used only by the ruler. Within one’s own house, village, or local community, a person may speak freely, but if these royal expressions are used improperly in a manner reserved for the ruler, punishment may be imposed, because these forms of speech belong exclusively to the sovereign. The terms anugerah, titah, and murka likewise belong solely to the ruler. Although great chiefs may use certain expressions within their own districts, they may not do so in the royal presence unless expressly permitted. Otherwise, they shall be punished. Likewise, if a person has been granted authority over a district or river, the people under his authority shall not employ these five royal expressions, nor use them in official correspondence or in addressing him with honours reserved exclusively for the ruler. Whoever does so shall be liable to punishment.

Fasal Three Concerning Mourning Upon the Death of the Ruler

When the ruler dies, the nobles and other distinguished persons shall not carry parasols, wear ceremonial garments, or display the insignia of honour, except by express royal permission. Whoever acts otherwise shall be liable to confiscation and punishment.

Pg 3

Likewise, yellow bolsters and yellow cushions are reserved exclusively for the ruler. Whoever uses them without authority shall incur the ruler's displeasure. Likewise, anyone who carries or bears a yellow ceremonial hand-cloth without royal permission shall be punished. These are the customs that all subjects are required to observe in preserving the dignity and majesty of the ruler. Accordingly, these laws concerning the royal court and royal attire have been set forth so that the people may avoid incurring the ruler's displeasure.

Fasal Four
Concerning the Laws of the Realm, Rivers, and Districts

The fourth chapter sets forth the laws governing the kingdom, its rivers, and the territories subject to its authority. The first matter concerns homicide, stabbing, wounding, assault, robbery, theft, false accusation, slander against the great officers of the realm, falsely claiming to act under a royal command (*titah*), or denying a lawful royal command.

Fasal Five
Concerning Homicide Without the Knowledge of the Ruler

The fifth chapter concerns a person who kills another without the knowledge of the ruler or the great officers of the realm. Even if the offence warrants taʿzīr punishment, the offender shall be fined one kati and five tahil, unless the ruler grants a pardon. There are, however, circumstances in which it is not necessary to notify the ruler or his ministers—for example, where a man discovers another committing adultery with his wife, particularly if the act occurs nearby. Such a case likewise falls within the category of taʿzīr. If a person commits murder and flees to another village, and those pursuing him enter that village, where a conflict arises and the village head is killed, then the matter is no longer governed merely by the customary law of the kingdom, but by the Law of Allah: whoever commits murder shall himself be put to death. Likewise, if a person carries a genuine royal command (*titah*) authorising him to take another man's wife, he shall not be killed for doing so. Whoever kills him shall himself be guilty of an offence, because the act was performed under lawful royal authority.

Fasal Six
Concerning Persons Who Run Amok

The sixth chapter concerns the law relating to persons who run amok. If a slave runs amok and cannot be apprehended, he may be killed. If he is successfully captured, and the matter occurred without the knowledge of the great officers of the realm, a fine of ten and a half tahil shall be imposed. If the offender is a Bendahara or Penghulu Bendahari, this particular penalty does not apply to them. If, however, the offender is not one of the great officers, he shall be fined ten and a half tahil. If, during the incident, a person has been killed, then full liability shall also arise for the death. Furthermore, compensation equivalent to the value of the deceased shall be payable because the offender failed to notify the great officers of the realm, thereby rendering the offence subject to taʿzīr.

Pg 4

Concerning Persons Who Run Amok

Likewise, if a person who has run amok is already wounded and has been apprehended, but the matter has not yet come to the knowledge of the great officers of the realm, and he is then put to death, the offender shall also be fined one tahil. If the wounds are so severe that death is inevitable, and the offender is nevertheless put to death before the judge has been informed, the person who kills him shall be liable to pay ten emas together with the burial cloth (*kapan*) for the deceased. If a person kills another without first informing the judge or the ruler, he shall not be entitled to the judge's protection or intercession. Instead, he shall be fined one kati and five tahil, unless he first seeks pardon from the ruler and the great officers, for such conduct is regarded as an act of arrogance (*maharajalela*). If a slave attempts to kill his master or another person and cannot be apprehended, he shall be put to death without blame. If the offence occurs far from the judge, but the offender can be apprehended nearby, he shall first be arrested and then executed. In addition, a fine of ten tahil shall be imposed, of which five tahil shall belong to the ruler. Such is the law because the offender was apprehended without first informing the judge. Likewise, if a slave has inflicted either a serious or a minor wound and is then killed by his master, the master shall incur no liability, because the slave had attempted to kill him. Such is the law governing the kingdom, its rivers, and its districts. We hereby declare it for the guidance of all judges.

Fasal Seven
Concerning a Free Person Who Kills a Slave

The seventh chapter concerns the law governing a free person who kills a slave.
If a royal slave is killed by another person, compensation of forty-ninefold (seven times seven) shall be paid. This is by command of the ruler, and the compensation shall likewise be assessed at sevenfold. If the offender has the means to pay, he shall do so. If he lacks the means, the matter shall be brought before the ruler. If a Bendahara's slave is killed, compensation shall likewise be paid in the prescribed amount, together with the value in gold, as determined by the judge. If a slave commits an offence such as taking another man's wife, assaulting another person, or stealing, and is apprehended, he shall be put to death. In addition, a fine of one kati and five tahil shall be imposed, in accordance with the ruler's command. Likewise, if a royal slave commits theft and has been apprehended, he shall be executed. Once apprehended, however, he must first be presented before the ruler,

who shall determine the matter so that injustice may not arise against him. If a slave steals, he shall be put to death without further question. Likewise, if he takes another man's wife or assaults another person, he shall also be put to death without blame. As for a person who becomes intoxicated and, while drunk, kills another, he shall nevertheless be put to death. Drunkenness does not excuse the offence, nor may a single life be taken in exchange for two. This likewise is by royal command. All free persons shall be judged according to the Qanun.

Pg 5

Fasal Nine
Concerning Those Authorised to Exercise the Power of Life and Death

The ninth chapter sets forth the four authorities who may lawfully order the taking of life. First, the Bendahara, in the absence of the ruler or within his own jurisdiction, may order an execution without first obtaining a royal command (*titah*). Second, the Temenggong, when apprehending an offender, need not seek a royal command before carrying out the law. Third, the Shahbandar, while stationed at the harbour, may enforce his authority over all persons arriving or departing by jong and other vessels. Whoever refuses to obey his lawful orders may be punished without requiring a royal command. Fourth, the Nakhoda (shipmaster), while at sea, exercises the authority of the ruler during the voyage and may therefore act under that authority. Once the vessel arrives in port, however, matters must be brought before the authorities of the kingdom. If the offence is punishable by death, the prescribed fine shall be one kati and five tahil, in accordance with the maritime law governing the authority of the *Nakhoda*. If, however, the offender has taken another man's wife or committed an act of violence against another, he shall be put to death by the *Nakhoda*. If a slave is struck by a free person and, in return, stabs and kills that free person, the slave shall incur no punishment under the law of the kingdom. However, under the Law of Allah, whoever kills shall himself be put to death. That is true justice. Likewise, if a free person is struck and retaliates by stabbing the assailant, no offence has been committed. If, however, both parties are slaves and one strikes the other to death, full compensation shall be paid. The same rule applies whether the parties are men or women. Thus, under the Law of Allah, retaliation is met with retaliation, and justice is thereby maintained. If a person insults another, the law is as follows. If a slave insults a free person, he shall be punished or have his teeth knocked out. If a free person insults the wife of a slave, and the slave kills him, the slave shall not be blamed, for the honour of one's wife must not be violated. Under the Law of Allah, whoever unlawfully kills shall himself be put to death, so that justice may be restored before the judges. Likewise, if a person steals, he shall be put to death without further question. If he takes another man's wife or commits violence against another, he shall likewise be put to death without blame. If a person becomes intoxicated and, while drunk, kills another, drunkenness does not excuse the offence. One life alone may be taken in retribution for the life lost. This, too, is by royal command. All free persons shall be judged according to the Qanun.

Concerning Assault

The next chapter concerns the offence of wounding or assaulting another person. If a slave wounds a free person, he shall be handed over to the authorities. If a free person wounds a slave, he shall pay compensation amounting to half the slave's value. If the offender is poor, compensation shall nevertheless remain payable according to the law. If a free person merely strikes a slave, no offence is committed under this provision.

Pg 6

If the offender is poor, he shall pay five emas; if he is wealthy, he shall pay ten emas. If the offence consists merely of abusive or insulting words, no punishment shall be imposed under this provision. If a slave is struck by a free person and, in retaliation, stabs and kills that free person, the free person incurs no liability under the law of the kingdom. However, under the Law of Allah, whoever unlawfully kills shall himself be put to death. Thus justice is fulfilled. Likewise, if a free person who has been struck retaliates by stabbing the assailant, no offence is committed. If, however, one slave strikes another and death results, compensation amounting to half the slave's value shall be paid. Such is the law, applying equally to men and women. Under the Law of Allah, retaliation is answered by retaliation.

Fasal Ten
Concerning Royal Attendants, Servants, and Slaves

The tenth chapter concerns court attendants (biduanda), young retainers, private slaves, and royal slaves. If anyone takes away a royal attendant without the knowledge of that person's superior, and the attendant dies, the offender shall pay compensation equal to the value of the life lost. If the attendant has merely been absent for one day and one night, compensation must likewise be made. If the absence is only a short distance—about half a day's journey or approximately four keruh of land—no compensation is required. However, if the person is taken away for one day and one night, one month, or any longer period, compensation shall be payable because the offender failed to inform the proper superior, making the offence subject to taʿzīr. Likewise, anyone who removes another person's slave without the knowledge of the slave's master shall be liable to make compensation wherever the slave is taken. Under the Law of Allah, however, if death results, no substitute compensation can replace the prescribed law of Allah.

Fasal Eleven
Concerning Theft

The eleventh chapter concerns the law relating to theft. If a man commits theft within a village, the head of that village may kill him. Likewise, if the thief is discovered between two villages and is killed, the person who kills him incurs no liability. If, however, the thief has already been apprehended, he may no longer be killed. Instead, he shall be dealt with according to the law. If a person steals within a house, the prescribed punishment shall be carried out. If several persons enter a house to steal, but only one actually commits the theft, only that person shall suffer the prescribed punishment, while the others shall be subject to taʿzīr.

Taʿzīr Punishment

A person sentenced to taʿzīr shall be mounted upon a buffalo, adorned with hibiscus flowers, made to wear a food-cover (tudung saji) upon his head, have his face blackened with soot, and then be paraded throughout the kingdom as a public disgrace. If the stolen property has already been consumed or cannot be recovered, the offender's master shall make restitution. If a free person unlawfully enters another person's property, he shall be liable under the law. As for a person who steals crops or produce, such as sugarcane, bananas, coconuts, or fruits, the prescribed punishment of amputation shall not be imposed…

Pg 7

Concerning Theft

If a person steals fruit or produce at night, and the owner of the orchard kills him, the owner incurs no liability. If the theft occurs during the daytime, and the offender is apprehended, he shall be fined ten emas, and the stolen goods shall be hung around his neck while he is paraded throughout the kingdom. If the stolen fruit has already been consumed, restitution shall first be made, after which a fine of ten emas shall be imposed. If a person steals a boat, and the owner recovers it, the thief shall compensate the owner for the value of its hire in addition to returning the boat. Furthermore, he shall be fined ten emas. Such is the law concerning the theft of boats. If a person steals a buffalo, cow, chicken, or duck while the animal is kept within its enclosure, he shall be fined one and a half tahil, in addition to paying full compensation for the animal. If a person steals a goat from beneath a house and is later apprehended by the judge, he shall first restore the value of the goat and shall then be fined ten emas. If he steals a chicken or duck, he shall first pay compensation for its value and shall then be fined five emas. If the offender is a slave, his master shall make restitution. According to the Law of Allah, a person who steals a buffalo or a goat from within its enclosure shall suffer the prescribed punishment of amputation or death. If, however, the animal was taken from outside the enclosure, the offender shall merely compensate the owner for its value and shall not incur any further penalty. If the offender is a slave, the master shall make restitution on his behalf. Such is the Law of Allah concerning theft. These are the laws applicable to all persons living in the kingdom, the districts, and the river settlements.

Fasal Twelve
Concerning the Seduction of Another Man's Wife or Child

The twelfth chapter concerns a person who attempts to seduce another man's wife. If the husband becomes aware of the matter, the judge shall order the offender to bow before the husband in open court. Should he refuse to do so, he shall be fined ten tahil, as determined by the judge. If the husband kills the offender, he shall nevertheless be fined five tahil, because seduction alone does not justify private execution. Only the ruler or the ministers possess lawful authority to order such punishment. If a person attempts to seduce another

person's daughter, he shall be fined two and a half tahil, provided the proposal was one that might reasonably have been accepted. If the proposal was improper or wholly unsuitable, the fine shall be one and a half tahil. Such is the law. Likewise, whoever attempts to entice away another person's slave shall be fined five emas. If a person makes another's child into his own slave, or claims another's child as his own, he shall be fined ten emas. Likewise, whoever unlawfully arrests or seizes another person and carries him away shall be fined ten emas…

Pg 8

Concerning Abduction, Zinā, and False Accusation

Whoever abducts or carries away another person shall be fined ten emas for the offence of unlawful seizure. Such is the law according to the Qanun concerning the unlawful taking of another person. If a free woman who has been abducted is found, the judge shall order that she be lawfully married to the man concerned if she consents. If she refuses, he shall instead be fined three and a half tahil, together with the customary marriage payment prescribed for the royal slaves. According to the Law of Allah, however, if the offender is muḥṣan (a married person), the punishment is stoning to death (rajm). The meaning of muḥṣan is a man or woman who has been lawfully married. If the offender is not muḥṣan, the punishment is one hundred lashes, in accordance with the law. Such is the prescribed punishment. As for a person who falsely accuses another of zinā, the punishment under the Qanun is a fine of ten tahil. If the person falsely accused is a slave, the fine shall be two and a half tahil, or half the slave's value. If the accusation cannot be proven, no further punishment may be imposed beyond that prescribed for the false accusation. Likewise, anyone who falsely accuses another of zinā shall pay half the prescribed compensation.

Fasal Thirteen
Concerning Runaway Slaves and Those Who Harbour Them

The thirteenth chapter concerns runaway slaves, those who conceal them, and those who assist them. If a slave flees from the sea to the land, the judge shall determine the matter and return the slave to his master. If the slave escapes to an inland river settlement situated approximately two days' journey from the kingdom, the redemption payment shall be divided between the master and the Penghulu Sungai. If the slave is recovered at the river mouth nearest the capital, the redemption shall be three emas. If the slave escapes from within the city to outside the city, the redemption shall be one emas. If the slave escapes from outside the city into the city, the redemption shall be two kupang. If a person conceals a runaway slave, and the owner refuses to redeem him, the slave shall remain with the owner according to law. Anyone who knowingly assists or shelters a runaway slave shall be fined two tahil, because he has aided the offence. Whoever falsely claims to possess a royal command (titah) shall be punished by death, or else his tongue shall be split, or the skin of his head shall be flayed. Whoever lies to the Bendahara shall have his face blackened or shall be fined two tahil. Likewise, anyone who falsely claims to speak on behalf of the Shahbandar or the other great officers shall be fined one and a half tahil, or be publicly reprimanded before the people. If such a person resists the lawful authorities,

he may be put to death, because the great officers are entrusted with carrying out the ruler's commands. Whenever disputes arise between persons, they shall be determined promptly so that every individual may receive justice throughout the kingdom and its districts, thereby preserving the honour of the ruler and the judges.

Pg 9

Fasal Fourteen
Concerning Accusations and Denials

This chapter concerns accusations. If one person accuses another, and the accused denies the accusation, the judge shall ask:
"Will you contest the accusation?"

If there are not two witnesses, the matter shall be decided according to the Qanun (customary law). Under the Law of Allah, the parties need only swear upon the Qur'an. Under the Qanun, however, they are required to undergo the customary ordeal (*bersalam*), by dipping the hand into hot oil or molten tin, upon which the prescribed words are recited:

"O Allah, reveal the truth between this person and that person, by the blessing of Jibril, Mikail, Israfil and ʿIzraʾil."

Then both parties shall place their hands into the vessel. Whoever is proven to be in the wrong by the ordeal shall bear the penalty for his offence. If the offence is grave, the punishment is death. If it is less serious, he shall either be fined or pardoned, for the death penalty applies only to the gravest cases. If a person falsely accuses another of taking another man's wife, and the accusation is brought before the court, the false accuser may himself be put to death. Likewise, if the accused is vindicated, the false accuser becomes liable, because the honour of another man's wife is protected by the death penalty. If death is not imposed, the false accuser shall instead be fined ten tahil sepaha. Nevertheless, the judge should always seek the course that best protects the innocent. According to the Law of Allah, the judge shall require the parties to swear an oath and call them to repentance for their wrongdoing.

Fasal Fifteen
Concerning Hired Labour for Climbing Trees and Felling Timber

This chapter concerns wages paid for climbing trees or felling timber. If someone hires another person's slave without the owner's knowledge, and the slave falls and dies, the employer must pay the slave's full value. If, however, the owner knew that his slave was hired for such work, and the slave falls and dies, the compensation is one-half of the slave's value. If the slave is lent by his owner to climb a tree, and he falls, dies, or is injured, full compensation is payable.
If the borrower first says: "Permit me to send your slave to climb the tree," and the owner replies: "Very well, let him climb if you wish," then, should the slave fall and die, the borrower must pay the full value. If, however, the owner himself sends the slave to climb

the tree, knowing the risks, and the slave falls and dies, only one-third of the value is payable.

pg 10

Concerning Borrowed Property and Liability

If a person borrows a buffalo or an ox to haul timber, and the animal dies while being used, he shall compensate the owner for its full value. Likewise, if the borrowed animal disappears or is lost, the borrower shall pay its full value. If a borrowed buffalo dies while engaged in hauling timber or similar work, full compensation shall likewise be payable. If a borrowed buffalo, ox, or goat is placed in an enclosure and is carried off by a tiger, compensation shall amount to one-third of its value. If the animal was lent under an express agreement allocating the risk, then, should it die, no further compensation is payable. According to the Law of Allah, however, every borrowed article—whether or not specific conditions have been agreed—must be returned or its value paid, because the obligation arising from a loan remains binding. If a person borrows a parang for cutting wood and it breaks during use, he shall pay its full value. If the article lent was not one for which compensation had previously been stipulated, then no compensation is payable, in accordance with the principle of qiyās (analogical reasoning). Such is the law of the Qanun. If a woman is unlawfully abducted or violated, and her guardian becomes aware of it, then: if she is a virgin, the offender shall be fined ten emas, together with one piece of cloth and one garment; if she is a widow, the fine shall be five emas, without the additional cloth or garment. The wisdom of this law is to ensure that no one abuses the weak according to his own desires. The Qanun therefore restrains wrongdoing so that justice may prevail and protects the weak, the poor, and the orphans throughout the kingdom, the river settlements, and the districts.

Fasal Sixteen
Concerning Public Disorder (Fuḍūl) and False Accusations (Fitnah)

The sixteenth chapter concerns offences of public disorder (fuḍūl) and false accusation (fitnah). If two persons quarrel and begin fighting, and another person intervenes by striking, stabbing, or otherwise attacking one of them so that death results, no blame shall fall upon the judge, for the killing arose from fuḍūl—that is, unlawful interference in another person’s dispute. Likewise, unlawful interference in the affairs of others is treated with the same seriousness as zinā. If a man who has previously committed zinā later commits zinā again with another woman within two years, he shall be put to death for the earlier offence. If a man commits zinā, and the woman later commits zinā with another man, then, if convicted, she too shall be put to death by order of the judge, because both the man and the woman have repeatedly committed the offence.

pg11

Concerning Fuḍūl (Lawful Intervention) and Public Disorder

Whether the offence is old or recent, according to the Law of Allah, whoever commits zinā shall be punished according to the prescribed law. The circumstances in which a person may lawfully intervene (*fuḍūl*) are limited to three situations. First, where a weak or helpless person is being unlawfully attacked or killed, it is permissible to intervene in his defence. Second, where one comes to the assistance of a friend who is acting in a just and lawful cause. Third, where a person is oppressed because he has no opportunity to seek the assistance of the ruler or the ministers, or because he is a child, unable to speak for himself, unable to defend himself, or overwhelmed by superior force. Apart from these three situations, unlawful interference (*fuḍūl*) constitutes an offence punishable by taʿzīr. If a person intervenes by killing, wounding, or striking another, he shall be fined five and a half tahil. If the offence is less serious, the fine shall be two and a half tahil. For minor acts of unlawful interference, the fine shall be one and a half tahil. If a person joins another in committing the offence, he shall incur the same punishment as the principal offender. If several friends act together in killing another person, or assist one another in doing so, each shall bear one-third of the prescribed fine.

Even where the cause appears just, no person may intervene except in the three circumstances already stated:

1. when the matter cannot first be brought before the ruler or his ministers;
2. when the victim is unable to defend himself; or
3. when immediate assistance is necessary to prevent injustice.

Likewise, if a friend kills another person and someone else joins him in striking the victim, even by analogy (*qiyās*), that person shall also be liable.If the person being assisted dies, all funeral expenses—including the burial shroud and every necessary expense—shall be borne by the person who received the assistance, and the helper incurs no further liability. Similarly, if injuries are sustained, all medical and related expenses shall be borne by the person who was assisted.
Such is the law concerning fuḍūl, determined according to qiyās by the judge. Such is the customary law governing the kingdom, the river settlements, and the districts.

Fasal Seventeen
Concerning Persons Hired to Kill, Strike, or Assault Another

The seventeenth chapter concerns those who accept payment to kill, strike, or assault another person. If a person is hired to kill another, and the killing is carried out, the hired killer shall be put to death. The person who employed him shall also be fined ten tahil, and shall bear all the expenses arising from the death. This is because he caused the offence to be committed. He is further liable to taʿzīr because he failed to bring the matter before the judge.

pg 12

Concerning Persons Hired to Kill, Assault, or Strike Another

If a person is hired to kill another with the knowledge and permission of the judge, and the hired killer is himself killed in retaliation, the person who employed him shall bear all the expenses arising from his death. Likewise, if the hired killer dies, all compensation due to his children, wife, family, and funeral expenses shall be borne by the person who engaged him. Such is the law. If the hired killer is merely wounded, the person who employed him shall pay all expenses relating to his treatment. Likewise, if the intended victim is killed while the hired killer survives, the employer shall pay the agreed remuneration together with all medical expenses incurred by the hired killer.
Such is the application of qiyās, as determined by the judges of the kingdom. The same principle applies where a person is hired merely to strike or assault another. If a person accepts payment to strike another without the knowledge of the judge, he shall be fined five tahil, according to the custom of the kingdom. Likewise, if a person hires another merely to beat someone without informing the judge, the employer shall be fined one and a half tahil, because the matter was concealed from the judge and is therefore punishable as taʿzīr. According to this application of qiyās, all judges shall administer justice without error so that the people may be protected. If a person who has been hired to beat another causes that person's death, compensation equal to the value of the deceased shall be imposed. If the offender is a slave, and the victim is a free person, the prescribed fine shall be ten tahil, because the matter was concealed from the judge and the victim's family. As for offences consisting merely of verbal abuse or insulting language (ziyādah), whether uttered before the judge or elsewhere, the punishment shall be beating.

Fasal Eighteen
Concerning Angkara (Lawless Conduct)

The eighteenth chapter concerns the law relating to angkara. *Angkara* is divided into two categories:
1. Maharajalela—acts of violent lawlessness and oppression.
2. Other forms of wrongful conduct, such as attempting to court another person's fiancée or acting recklessly according to one's own desires.
Such conduct is called angkara.

If a man courts a woman who is already formally betrothed to another, after the engagement has been confirmed by the giving of the customary token, and he does so with the knowledge of her parents, then, when the betrothed man learns of the matter, it shall be reported to the judge. The judge shall summon the parents and inquire into the circumstances. If the parents knowingly consented to the second proposal, the judge shall order that all gifts previously received be returned. The second suitor shall be fined ten and a half tahil. If he is poor, the fine shall be reduced to five and a half tahil. If, however, he genuinely did not know that the woman was already betrothed, no fine shall be imposed.

pg 13

Concerning Angkara (Lawless Conduct)

If the parents of the betrothed woman have already accepted the engagement gifts and nevertheless encourage another suitor, they too shall be fined according to the prescribed law, for they have knowingly acted contrary to justice. If, however, the parents had no knowledge of the earlier engagement and did not encourage the second proposal, then no penalty shall be imposed upon them. There are three circumstances in which an engagement may lawfully be dissolved. First, where the engagement has not been confirmed by the giving of the customary gifts. Second, where the man has accepted another engagement without the knowledge of the woman's parents, and, once they become aware of it, the engagement is dissolved without any additional compensation. By qiyās, the same rule applies if, after the engagement, the man is discovered to suffer from a serious defect, such as impotence, leprosy, vitiligo, or another grave and repugnant disease. In such circumstances, the engagement may be dissolved without further liability. Likewise, the same principle applies equally to men and women.

There are three defects in a woman which entitle the man to dissolve the engagement and recover the engagement gifts:

1.if she is found to be a slave;
2. if she suffers from a serious concealed disease;
3. if she suffers from conditions such as a foul bodily discharge, severe haemorrhoids, or disease affecting her private parts.

In such cases, the engagement gifts shall be returned. Likewise, where one slave assists another in taking away a woman, a fine of ten emas shall be imposed, according to the judge's application of qiyās.

Concerning Maharajalela

The offence of maharajalela consists of two principal forms. First, killing another person without the knowledge of the ruler. Second, entering another person's village unlawfully. Whoever enters another person's village without authority shall be fined ten tahil. If he enters the village and kills someone there, he shall again be fined ten tahil, together with the prescribed punishment for homicide according to qiyās. If a drunken or insane person is invited into another person's house and, while there, attacks, stabs, or strikes someone, the owner of the house shall restrain him until he regains his senses and then release him. If, after regaining his senses, he kills another person, retaliation (*qiṣāṣ*) may be carried out. However, while he remains intoxicated or insane, qiṣāṣ shall not be carried out, because the offence falls within the category of angkara. If he dies in another person's house, compensation of two and a half tahil shall be paid. If he is too poor to pay, he shall instead be subjected to taʿzīr by being paraded throughout the kingdom. If the owner of the house has acted lawfully, he incurs no liability. Such are the limits of the law concerning angkara. If the offender is apprehended, he may be granted mercy where appropriate; otherwise, he shall be fined one and a half tahil, or, where the offence is less serious, be punished by taʿzīr.

pg 14

Fasal Nineteen

Concerning Orchards, Villages, and Property Rights

The nineteenth chapter sets forth the law concerning fruit orchards situated within villages and towns of the kingdom. If the fruit of an orchard is purchased, it may be consumed jointly by those entitled to it. If the fruit is sold, the proceeds shall be divided into three parts:

- one-third shall belong to the head of the village;
- the remaining share shall belong to the lawful owner.

If a person cuts down a fruit tree without the owner's permission, and the matter is reported to the judge, he shall pay compensation amounting to half the value of the tree. The same rule applies to orchards and fruit-bearing trees generally. If the owner of a village sells it, the former owner may still bring an action concerning his rights, unless the village has already been granted by the ruler as a royal gift (*anugerah*). Once the ruler has granted the village by royal authority, no further claim may be brought. Likewise, if the Bendahara or any of the great officers grants a village to another person without the knowledge of the ruler, that grant may itself be challenged because the matter was never submitted to the ruler for approval. If a person's village or settlement is taken from him and the matter is formally presented to the ruler, then, once the ruler has knowledge of it, no further challenge may be brought against the ruler's decision.

Concerning Mortgages (Gadai)

The law concerning the mortgage of villages or orchards is as follows. If a village or orchard containing fruit-bearing trees is pledged as security, but the trees bear no fruit during the period of the mortgage, the mortgagee shall nevertheless retain his lawful rights until the debt is redeemed. Certain forms of property, however, are not to be mortgaged, such as orchards of coconut, areca nut, durian, and similar perennial trees. If such property is nevertheless mortgaged, the matter shall be reported to the judge. If income is derived from property held in mortgage, it shall be divided according to the law, with one-third allocated in the prescribed manner. Likewise, where a village has been granted by the ruler and subsequently yields profit, that profit shall be divided into two shares:

- one share for the person enjoying the grant;
- one share for the lawful owner.

Such is the law.

If a person occupies another's fruit orchard, consumes its fruit, or sells its produce, the owner may bring an action against him. Likewise, if a person who has incurred the ruler's

displeasure flees to another kingdom, and his village is occupied by another person during his absence, he may nevertheless reclaim it as his lawful property. If it is not voluntarily returned, the matter shall be reported to the judge. The judge shall then order that the property be restored to its rightful owner.

Such is the law.

pg 15

Concerning Agricultural Land and Ownership

This chapter further sets forth the law relating to agricultural land. Land is divided into two categories:

1. Living land (tanah hidup)
2. Dead land (tanah mati)

Dead land is land over which no person has an established right of ownership and upon which there exists no sign of occupation or possession. If such land is cleared and made into an orchard, cultivated field (*huma*), or garden, no other person may afterwards assert ownership over it. Such land is called dead land. Living land, however, is land marked by signs of ownership, such as wells, valuable trees, or established woodland. If another person builds a village, house, or cultivated field upon such land without the owner's permission, the owner may bring an action against him. Whoever unlawfully occupies another's land shall be fined ten emas.If an orchard is planted upon another person's land, the produce shall be divided into three shares:

- one share shall belong to the owner of the land;
- two shares shall belong to the person who planted and cultivated the orchard.

If a cultivated field (*huma*) is established upon another person's land without the owner's knowledge, the owner may bring an action before the judge. If the occupier unlawfully takes possession of the land, he shall be fined ten emas. If the owner voluntarily abandons the land, the occupier shall instead be fined one and a half tahil for the unlawful occupation. If, however, the owner has given his consent, then no offence has been committed.

Concerning Dangerous Buffaloes and Cattle

This chapter also sets forth the law concerning dangerous buffaloes and cattle. If a buffalo is tethered beside a public road and gores a passer-by, causing injury, the owner shall be fined one and a half tahil. If the victim dies, compensation equal to the value of the life lost shall be paid because the owner negligently tethered the animal in an unsafe place. This is an offence of taʿzīr, arising from negligence. Likewise, if a dangerous ox or buffalo is allowed to wander upon the road or in the forest without being properly restrained, and it injures or kills a person, the animal itself may be killed. No further liability arises.

If one buffalo gores another buffalo and is then killed by the owner of the injured animal, compensation amounting to half its value shall be paid. If the injured animal belongs to the Bendahara, Temenggong, or Shahbandar, the ordinary rule does not apply, and the matter shall instead be brought before the authorities. If a buffalo gores a person in any place, whoever kills that buffalo incurs no liability. If a buffalo is known to be especially vicious and the owner nevertheless allows it to roam outside its enclosure by day or by night, then, if another person kills the buffalo at night, no compensation shall be payable.

pg 16

Concerning Buffaloes, Crops, and Agricultural Liability

If a buffalo enters another person's enclosure during the daytime and is killed there, the person who kills it shall compensate the owner for half its value. If a buffalo is killed while grazing in an open field merely because the killer dislikes it, he shall pay its full value, for the owner has committed no wrong. If a person kills a buffalo while it is properly confined within its enclosure, he shall pay the full value of the buffalo, together with a fine of one and a half tahil. If a buffalo that has been killed was feeding upon cultivated rice or forest crops, the offender shall nevertheless pay its full value and shall also be fined ten emas, because he has committed an act of angkara (lawless wrongdoing).bThe same law applies to oxen and goats.

If a person steals a royal goat or one belonging to a minister, he shall be fined one and a half tahil, in addition to paying compensation for the goat. If an ordinary person's goat is stolen, the thief shall simply pay the value of the goat, without any additional fine. If a person captures a stray buffalo that is not truly wild and keeps it until the owner is found, he shall be entitled to one-third of its value as compensation. If the buffalo is tame, he shall receive one emas or half a tahil, according to its value, as a reward for recovering it. If the reward amounts only to one and a half tahil or two kupang, that shall likewise be its lawful payment. If the buffalo has gone blind and can no longer see people, the reward shall be shared proportionately. Such is the law concerning buffaloes and oxen.

Concerning Burnt Fields and Agricultural Damage

The law concerning cultivated fields (*huma*) accidentally burned by another person is as follows. If the fire is spread by the wind, no offence has been committed. If, however, another person's field is destroyed, the person responsible shall help to clear and prepare the land again until it is fit for cultivation. If the destroyed field belonged to a wealthy person, the compensation shall be greater. If it belonged to a poorer cultivator, compensation shall amount to half a planting season.

Such is the law. The same rule applies where a person unknowingly burns another person's cultivated land.

If a cultivated field is left without a proper fence, and pigs or buffaloes enter and consume the crops, the owner has been negligent and is therefore subject to taʿzīr. If the crops are completely destroyed, the owner shall bear the loss himself because he failed to fence the field properly.

Such is the law.

If a person is caught stealing fencing materials or crops, any weapons or tools found in his possession—such as a keris, golok, parang, or knife—shall be confiscated and delivered to the rightful owner.

Such is the law.

Concerning Famine

The law also concerns persons who suffer hardship and hunger when the kingdom is afflicted by famine because the price of rice has become excessively high. If, through warfare, divine calamity, or other disaster, hunger afflicts the people because food is unavailable…

pg 17

Concerning Famine, Necessity, and Shipwreck

When famine afflicts the people, the poor shall say:

“Take us as your servants, but give us food.”

If, after they have been fed, the kingdom later recovers from war or calamity, the person who provided the food shall not sell them as slaves. Instead, the judge shall require that person to receive only the value of the food that had been provided. This is because the transaction arose out of necessity (ḍarūrah).

If a slave is not given food by his master, and another person provides him with food, the value of that food for four seasons shall be recoverable from the master. If the slave dies after the judge has ordered that he be fed, no further payment is required. If, however, the matter was not brought before the judge, and the slave dies from hunger, the owner of the food shall be entitled to recover the full value of the slave from the negligent master.

Concerning Persons Rescued at Sea

If a person is found adrift at sea, and he says:

“Take me and I shall sell myself to you, for otherwise I shall die,”

the rescuer shall take him aboard, feed him, and require him to work on the vessel during the voyage. When they arrive safely in port, he shall not be sold, notwithstanding what he had promised in his desperation. Instead, if the matter comes before the Shahbandar, the judge shall determine that he pay half his value as compensation to the rescuer. The desperate promise to sell himself shall not be enforced because it was made under necessity (ḍarūrah).

If a ship is wrecked and the survivors are rescued by another vessel, they shall first be brought before the Nakhoda of that vessel. When they arrive in the kingdom, the judge shall determine the proper redemption due for every free person. If the rescued person is a slave, the amount shall not exceed that prescribed by law. If a person is stranded upon an island because of storms or disaster, the redemption shall be:

- five emas for a free person;
- seven emas for a slave.

If, however, the Nakhoda delays the rescue merely for the sake of commercial profit, he shall incur no additional legal claim other than liability under taʿzīr, to be determined according to the circumstances.

Concerning Fishermen and Salvage

If a fisherman is found adrift at sea without a boat and is rescued by another fisherman, the redemption shall be one and a half tahil. If he had a boat but lost only his sails and fishing gear, his owner shall redeem him for two emas.

Such is the law.

Likewise, the law concerning the redemption of shipwrecked persons shall apply in these cases. If a person discovers a drifting boat at sea, whether large or small, he shall be entitled to a salvage reward determined according to the size of the vessel. A large vessel shall carry a greater reward, while a smaller vessel shall carry a proportionately smaller reward.

pg 18

Concerning Salvage and Wrecked Vessels

The redemption or salvage of a vessel depends upon two circumstances.

If a vessel has merely drifted away after its mooring rope broke, and it is recovered before it has drifted far, no salvage payment is due, because it has not truly been lost.

If, however, the vessel has been stolen, carried away, and then abandoned so that it later drifts at sea, it is no longer redeemed. Instead, the finder shall report the matter to the great officers, who shall determine the rightful owner.

If a person discovers a drifting sampan, and property is found inside it, and the owner later claims it, the property shall be divided according to law. One-third shall belong to the finder as a salvage reward, while the remainder shall be restored to the owner. Likewise, if valuables are found in a drifting vessel at sea, the same rule applies: the owner receives two shares, while the finder receives one share. Should any dispute arise, the matter shall be reported to the judge.

Concerning Theft by a Nakhoda

The law also concerns a Nakhoda who commits theft while in another kingdom. If a royal slave is killed by the Nakhoda, or if the Nakhoda kills the slave of the Shahbandar or of one of the great officers, the Nakhoda shall be fined ten and a half tahil. If the slave is returned unharmed, the Nakhoda shall instead pay compensation equal to the slave's value.

Likewise, if the Nakhoda steals in collusion with the Shahbandar, the property shall be confiscated, or the Nakhoda shall be fined ten and a half tahil, unless the great officers determine otherwise according to law.

Concerning Customs Duties

If a person evades customs duties, conceals merchandise, or fails to declare taxable goods before entering the kingdom, the goods shall be confiscated. No monetary fine shall be imposed, because the offence consists in dishonouring the kingdom and its lawful customs. Such confiscation belongs to the ruler as a matter of royal authority.

Concerning Agency (Wakālah)

The law concerning agency consists of three principles. If a person entrusts another with gold, cloth, rice, or other property, instructing him:

"Deliver this gold on my behalf to my brother,"

and the agent delivers it exactly as instructed, he incurs no liability. If, however, the agent delivers the property instead to the brother's son, and the nephew spends or consumes it, and the owner later demands its return, the agent may reply:

"I delivered it to your nephew in your presence."

The owner may answer:

"I instructed you to deliver it to my brother."

If the parties dispute the matter, they shall appear before the judge. The judge shall examine the written authority or letter of agency. If the written authority expressly directed delivery to the brother, then the agent shall be liable for failing to follow those instructions. If, however, the nephew was widely known to have authority to receive the property on his

father's behalf, then the judge may determine that the agent is liable only for half the value of the property.

pg19

Conclusion of the Law of Agency (Wakālah)

If the principal and the agent appear before the judge together, and the agent proves that he acted in accordance with his authority, he shall incur no liability. If, however, the principal is absent, he may still bring an action against the agent. Likewise, if the principal's son demands the gold from his father's agent, and the son is of good character (*ʿadl*), the judge shall inquire whether the gold truly belonged to the father and whether it was entrusted to the agent. If the agent has acted honestly and in accordance with the authority given to him, no claim shall lie against him. Even if the gold has been spent, the agent shall not be liable, provided he acted with the knowledge and authority of the principal. Otherwise, if he acted beyond the authority entrusted to him, he shall be answerable for taʿzīr.

And Allah knows best what is right. May Allah send blessings and peace upon him (the Prophet Muhammad).

TEXT 2

Thereafter, I give thanks to Allah for His blessings, those that have passed and those yet to come. Truly, by His grace He has made me among the followers of His Beloved and among the community of His Messenger, whom He sent bearing His commandments and confirming the laws of the prophets who came before him, commanding what is right (*al-amr bi al-maʿrūf*) and forbidding what is wrong (*al-nahy ʿan al-munkar*). Thus the whole world was illuminated by the light of His religion. Peace and blessings be upon him, upon all his family, his companions, and his entire community.

Then He appointed, among His creation, kings, as He declared:

"Indeed, I will place upon the earth a vicegerent (khalīfah)."
(Qur'an 2:30)

This means that Allah has appointed a khalīfah upon the earth to administer the affairs of His servants and to watch over them. Were there no kings, the affairs of the people would fall into disorder. They would become like sheep without a shepherd, devoured by the strong while the weak would perish.

As the Persian saying declares:

"The king and the prophet are like two jewels set in one ring."

Since the king occupies the station of vicegerent after the prophets, he must follow the example of the prophets in governing his people. Accordingly, the king appoints his

officers, who become the pillars and supports of his kingdom. To each officer he entrusts responsibility according to the duties of his office.

pg 20

Concerning the Organisation of Government

Thus the kings established the Mangkubumi and the Ministers, entrusting to them the laws, customs, and orderly administration of the kingdom. They were charged with determining the affairs of the state and the welfare of the realm. The Penghulu Bendahari was likewise appointed. To him were entrusted the royal treasury, the registration of all the servants of the ruler, the accounting of all revenues belonging to the kingdom, and the supervision of all affairs within the royal palace. He was responsible for ensuring that every matter was properly administered. The Temenggong was likewise appointed. To him were entrusted all matters concerning the kingdom, including the administration of the city, the defensive ditches, the punishment and discipline of offenders, and the maintenance of public order throughout the roads, markets, and towns. He was responsible for ensuring that weights and measures remained accurate, neither exceeding nor falling short of the lawful standard. He was, as it were, the ruler by night, watching over wrongdoers and preserving peace throughout the kingdom. All these responsibilities rested upon him. The rulers also appointed Hulubalang (military commanders) as the ornament and strength of the kingdom. Their duty was to repel danger from the ruler, defend the realm against all enemies who came against it, and protect the people. They bore responsibility for all such matters. Likewise, the rulers appointed the Shahbandar, who was the ruler over all merchants. To him was entrusted the administration of the harbour, the supervision of every vessel entering and departing, and all matters relating to maritime trade. All such affairs were placed under his authority. The rulers also appointed trusted servants who stood close to them. These servants became the eyes and ears of the ruler, gathering intelligence concerning the army and safeguarding the confidential affairs of the kingdom.

The Garden of Government

The rulers are like a gardener planting a garden. They must carefully consider every tree they plant: which trees are suitable for the centre, which belong along the borders, and which are fit to stand within the flower beds. Each plant must be placed according to its proper rank. The purpose of planting is that it may become an inheritance for one’s children and grandchildren, or that it may bear fruit, produce flowers, provide shade, or yield medicine for the healing of illness. Such is the purpose of every well-planted garden. When the owner tastes the sweetness of its fruit and enjoys the fragrance of its flowers, he knows that the garden has fulfilled its purpose. If, however, a tree no longer brings benefit, it shall be uprooted and replaced by another…

pg 21

Concerning the Duties of the Great Officers of State

Thus should all kings govern their kingdoms, just as a wise gardener tends his garden.

The Seven Qualities of the Mangkubumi and the Ministers.
The Mangkubumi and all Ministers shall cultivate seven virtues. First, they shall always give thanks for the blessings of Allah Most High. Second, they shall place obedience to Allah above all else, and faithfully serve their ruler. Third, they shall constantly strive to perfect the affairs entrusted to them by the ruler, administering justice in every matter and promptly carrying out all lawful commands committed to them. Fourth, they shall not neglect any duty assigned by the ruler, nor fail to carry out his commands with wholehearted devotion, together with all those under their authority. Fifth, they shall cultivate noble character. They should remember that the Prophets of old were tested by Allah with trials, suffering, and adversity, and they therefore must remain patient in the face of every hardship that befalls them. For through patience Allah elevates a person's rank and perfects his honour. Sixth, they shall restrain themselves from every evil desire and every shameful act. Seventh, they shall present themselves before the royal court every morning and evening. If absent, they shall answer immediately when summoned. They shall address everyone with kindness, gentleness, and pleasant speech. They shall offer whatever counsel their wisdom permits. Even if the ruler becomes displeased with them, they shall patiently endure his displeasure, for such is the duty of every loyal servant. These are the noble qualities required of all who serve the ruler.

The Nine Qualities of the Penghulu Bendahari

The Penghulu Bendahari shall cultivate nine virtues. First, he shall always speak truthfully, for truthfulness conceals no deceit and repels every form of corruption. Second, he shall exercise prudence and economy in all matters entrusted to him, especially in the management of the ruler's affairs. Third, he shall faithfully supervise all servants placed under his authority, carrying out every duty with sincerity, goodwill, and contentment. Fourth, he shall always be present whenever the ruler requires his attendance and shall not absent himself from the affairs of the kingdom. Fifth, he shall show kindness towards those serving within the royal household, especially the women attached to the palace. Sixth, he shall conduct his own household in the same orderly manner expected within the royal palace. Seventh, he shall ensure that everything entrusted to him remains properly prepared, for the ruler's needs may arise at any moment. He must therefore remain constantly ready. Eighth, he shall never misuse or appropriate anything entrusted to his care. Ninth, he shall constantly seek to enrich the royal treasury and diligently inquire into everything that contributes to the prosperity and welfare of his ruler. Such are the noble qualities required of you and of all who serve the kings.

pg 22

The Seven Qualities of the Temenggong

The Temenggong shall cultivate seven virtues. First, he shall conduct himself like a vigilant warrior, ever watchful in safeguarding the kingdom. Second, he shall remain constantly alert. Third, his hearing and sight shall be keen, and every day he shall inspect all prisoners,

their chains, fetters, stocks, and places of confinement, for the lives of those under punishment are entrusted to his care. Fourth, he shall never neglect the duties committed to him by the ruler. Fifth, he shall choose capable assistants, for the burden of his office is great. Sixth, he shall patiently hear every complaint brought before him, for those who seek justice often come with grief and hardship. Seventh, he shall exercise mercy (*syafāʿah*) whenever the proper occasion arises. Such are the noble qualities of the Temenggong.

The Four Qualities of the Hulubalang (Military Commanders)

All Hulubalang shall cultivate four virtues. First, they shall possess broad knowledge and sound judgment. Second, they shall put into practice everything beneficial, while caring for and properly organising all those under their command. Third, they shall diligently train themselves and their men in every form of warfare and in the use of every kind of weapon. Fourth, the Hulubalang should resemble a skilled physician. Just as a physician examines his patient to discover the source of illness and then seeks the proper remedy, so too must the Hulubalang identify the causes of danger before taking the appropriate measures to remove them. Such are the noble qualities required of all who serve the kings.

The Five Qualities of the Shahbandar

The Shahbandar shall cultivate five virtues. First, he shall work in harmony with the Penghulu Bendahari in accounting for the revenues belonging to the ruler. Second, he shall show kindness and generosity towards merchants, for merchants enrich the kingdom and bring prosperity to its ports. Without merchants, the ruler's revenues would diminish and the welfare of the realm would decline. Third, if any merchant suffers injustice, the matter shall immediately be brought before the ruler. Fourth, he shall continually seek information concerning foreign kingdoms. Fifth, he shall carefully supervise every vessel entering and leaving the harbour and ensure that all necessary facilities and equipment are available to support maritime trade. Such are the noble qualities required of the Shahbandar.

The Six Qualities of the King's Trusted Attendants

The ruler's trusted attendants (*hamba raja yang karib*) shall cultivate six virtues. First, they shall remain ever loyal, allowing neither their hearts, nor their eyes, nor their ears to be corrupted. They shall diligently observe anything that might endanger the ruler or bring harm to the people.
Whatever they discover shall immediately be reported to the ruler. Then the ruler shall know the true state of his kingdom…

pg 23

The Qualities of the King's Trusted Attendants

If matters entrusted to them are not reported to the ruler, the ruler's confidence in them will diminish. Second, they shall never envy their fellow Muslims, for envy is among the vilest of qualities, a grave disease in the sight of Allah. It is displeasing to the ruler, brings loss

upon its possessor, and ultimately destroys him. Such conduct must therefore be abandoned. Third, they shall have the courage to appear before the ruler even when he is displeased with them. For it is the duty of a loyal servant to endure the rebuke and anger of his master, since such endurance does not diminish his honour but rather increases it. Fourth, they shall never become proud or conceited because they enjoy the ruler's favour. They shall not seek praise for themselves, nor think that their achievements arise from their own merit. Even if they have performed great deeds, they shall remain humble. The ruler observes the conduct of his servants and knows the proper time to reward them. Fifth, they shall faithfully guard the ruler's secrets. The ruler's confidential affairs are a sacred trust (*amānah*) entrusted only to those whom he has chosen.

The Story of King Nasrūn

It is related that King Nasrūn once asked his minister, Khawāja Badhar Jamāhir Ḥakīm:

"O Khawāja, what should be done with a man who reveals the secrets of his ruler?"

Khawāja replied:

"Your Majesty, whoever reveals the secrets of his ruler deserves to be buried alive in the earth, so that the ruler's secrets remain concealed."

For there are five duties that are most noble in the service of kings, and among the most difficult to fulfil:

1. to safeguard the ruler's trust (*amānah*);
2. to preserve the ruler's secrets;
3. to endure the character and temperament of the ruler;
4. to remain steadfast even within the ruler's household and court, where many temptations arise;
5. always to remember one's proper conduct and never act contrary to the ruler's wishes.

If the ruler discovers misconduct in any of these matters, he will no longer place his trust in that servant. There is no greater disgrace in this world than for a servant to lose the confidence of his master. Such are the principles of conduct expected by all kings from those who serve them.

As Allah Most High has declared:

"Obey Allah, obey the Messenger, and those vested with authority among you."
(Qur'an 4:59)

Its meaning is: Be obedient to Allah, to His Messenger, and to those entrusted with authority, namely the ruler. Know, therefore, that all the affairs of this world are fleeting.

If a person remains permanently attached to worldly things, he merely inherits what belonged to those who came before him, and nothing ultimately remains with him. Therefore, let us take admonition and wisdom from these realities.

pg 24

If this world truly possessed honour before Allah, He would not have granted even a sip of its blessings to the unbelievers. When we speak in this manner, do not imagine that we despise this world entirely, for worldly life also forms part of the dignity bestowed upon the Prophets and the saints (*awliyāʾ*). The affairs of this world resemble a man who dives into the sea. His whole body is submerged beneath the water, yet he carefully protects his mouth and nose so that he may not drown. Such is the meaning of the saying attributed to Yāfiṯ (Japheth), the son of the Prophet Nūḥ (Noah), peace be upon him:

"Had Adam not been tested, all the hidden defects of mankind would never have become manifest."

Were it not for the temptations of this world and its adornments, the true nature of mankind would never be revealed. Therefore, let not my lords become heedless concerning this worldly life. Remember that maturity is followed by death. Death is a cup from which every created being must drink. As the poet has said:

"He passes his nights in play and amusement, unaware that death pursues him from behind."

The Seven Things Without Which Life Is Fruitless

A wise man recognises his permanent abode and prepares himself for it. He knows that Satan is his enemy and therefore struggles against him. He prepares provisions for the journey that lies ahead.

Without the following seven things, a person's life is in vain:

1. Knowledge without righteous deeds is fruitless.
2. Deeds without obedience to Allah are fruitless.
3. Wealth without benefiting others is fruitless.
4. Authority without justice is fruitless.
5. Patience without piety (*warāʿ*) is fruitless.
6. A ruler without his people is fruitless.
7. A teacher whose advice is not heard is fruitless.

Beginning of the Customs of Pahang and Johor

Thereafter follow the customary laws observed in the Malay kingdoms of Pahang and Johor, arranged into several chapters.

First Chapter

The first chapter concerns the matters that were prohibited to the Malay rulers in former times. The colour yellow shall not be used for curtains, mats, bedding, pillows, or household furnishings. It is reserved only for garments worn upon the body, such as clothing, headcloths, and personal attire. Do not transgress these established customs…

pg 25

Gold ornaments such as gold chains, gold ornaments worn upon the breast, gold head ornaments, gold tassels, and other articles belonging to the royal regalia shall not be worn by ordinary persons. Whoever wears them unlawfully shall have the articles confiscated or be fined one kati and five tahil. If a person wishes to wear such ornaments, he must first obtain the ruler's permission. Only after the ruler has granted permission may such ornaments be worn, for they are part of the dignity and adornment of kings.

Chapter Two

Concerning Unoccupied Agricultural Land

The second chapter concerns land that has not yet been cultivated by its owner. Whoever wishes to cultivate such land must first obtain it from the owner, either by borrowing it or leasing it. If, thereafter, the owner wishes to recover his land, it shall be returned to him. If another person wishes to reclaim or improve the land, as in the case of rice fields, he shall purchase it from the owner. Thus, every Muslim should assist and deal fairly with his fellow Muslims.

Chapter Three

Concerning Cultivation and Responsibility for Crops

The third chapter concerns those who cultivate the land. Everyone who plants crops shall fence them properly and shall not be negligent (*taʿzīr* arises from negligence). There are two situations. First, where the cultivated land is properly fenced. If buffaloes or cattle enter the enclosure at night and destroy the crops, compensation shall ordinarily be half the value of the damaged crops. According to another legal opinion (*qaul aṣaḥ*), however, compensation should equal the full value of the crops, to be paid by the owner of the buffalo. Second, where the cultivated land is not fenced. If cattle enter at night and destroy the crops, the loss shall fall upon the owner of the crops, because he failed to fence his land. If the damage occurs during the day, liability shall generally be shared between both parties, unless the buffalo is already well known to be vicious, in which case the owner of

the buffalo bears full responsibility. The compensation for the damaged crops shall be paid by the owner of the buffalo.

Concerning Trespass into a Village

This chapter also concerns a person who enters another person's village at night. If he is killed while unlawfully entering, no liability arises. According to the stronger legal opinion (*qaul aṣaḥ*), if he is merely apprehended, he shall instead be held according to law. If he is killed, compensation equal to the full value of his life may arise under one legal opinion, whereas according to another opinion (*khiyār*), only half the compensation is payable. If the intruder flees, he may be pursued only along the direct course of his flight. He may not be pursued indiscriminately together with other innocent persons. If the village is not properly enclosed, the previous rule does not apply. However, if the person is a thief carrying away stolen property, he may be pursued until the property is recovered. If he is killed during that pursuit, no liability arises. If he enters the village during the daytime…

pg 26

If a trespasser is apprehended and resists arrest, he may be killed. Likewise, if a person comes at night demanding that the gate of a village be opened by force (*qahr*), the villagers are under no obligation to admit him. If he is killed while attempting to force his way in, no liability arises, because he himself created the danger.

Concerning Persons Accompanying Their Wives or Female Relatives

This chapter concerns those who are travelling with their wives, sisters, or other female relatives. If another person confronts or attacks them and is killed, no liability arises. Likewise, if a person deliberately startles or intimidates another and is killed in consequence, no liability arises. If an offender flees, he should not be pursued. Should he nevertheless be pursued, and death or injury results, the law of qiṣāṣ applies. If, however, the offender has lost his reason through insanity, no retaliation applies. If the offender is merely intoxicated, he shall first be beaten according to law. Should he continue to resist, he may then be killed. According to another legal opinion (*khiyār*), however, an intoxicated person who resists but can be safely apprehended should not be killed.

Whoever travels with his wife should call out from a distance when approaching others. Such conduct belongs to a person of refinement and good character. Otherwise, if misunderstanding leads to death, the killer bears responsibility. Likewise, when meeting another person travelling with his wife or daughter, one should move aside and give way, especially where the path is narrow. Such is proper conduct (*adab*).

Concerning Assault

This chapter concerns persons who strike others without lawful cause. If a person who strikes another is himself stabbed and dies, no liability arises. According to the stronger

legal opinion (qaul ṣaḥīḥ), the person who retaliates by stabbing may himself be liable to retaliation. According to another opinion (*khiyār*), however, if he acted in self-defence against unlawful violence, he bears no liability. If a man insults another man's wife, and the husband strikes him so that he dies, no liability arises. If, however, the circumstances do not justify such force, the matter shall be brought before the judge, who shall decide according to his legal discretion (*ijtihād*). If the offender is a slave, his tongue may be split as punishment. The same rule applies to those who deliberately provoke quarrels between others. Likewise, the same rule applies where one slave insults another.

Concerning Adultery

This chapter concerns a person who commits zinā with another man's wife or female relative. If the offender is discovered by the husband, or if the offence is established by truthful witnesses, then—even if the offender is a slave—he may be put to death. According to another legal opinion (*khiyār*), however, a report given by a slave alone is insufficient to establish the offence unless further evidence is produced. The accusation may proceed only if one of the following conditions exists:

1. there is established hostility between the accused and the witness;
2. there is a recognised legal dispute (*khuṣūmah*) between them;
3. the dispute concerns both the accused and the witness in a manner recognised by law.

pg 27

The husband may choose (*khiyār*) to seek witnesses and have the accusation properly investigated. If this is not done, then whoever kills another on the basis of mere suspicion shall himself be judged according to the judge's qiyās (analogical reasoning) based upon the available evidence.

If a woman cannot lawfully marry because she has no guardian (*walī*) or for other legal impediments, then no marriage may be contracted on her behalf. If, however, she behaves as though she were another man's wife, she may be punished according to law.

The Three Categories of Zinā

The offence of zinā falls into three categories:

1. A free man with a free woman (ḥurr with ḥurr);
2. A free person with a slave (ḥurr with ʿabd);
3. A slave with another slave (ʿabd with ʿabd).

If death results, the law of qiṣāṣ applies. The same principle governs cases involving injury. Thereafter, the circumstances of both the man and the woman shall be considered according to the recognised legal opinions (*qaul*). If the woman has previously entered into a lawful marriage (*nikāḥ*), and both offenders are put to death, this accords with one

recognised legal opinion. According to another established opinion (*qaul resam*), she shall instead receive the prescribed punishment and not be put to death. According to the older opinion (qaul qadīm), a person who has incurred the death penalty may instead be spared death and become a royal slave. If only injury is involved, the offender shall receive one hundred lashes. Likewise, if the offender has never previously entered into a lawful marriage, and death does not result, he shall receive the prescribed punishment but shall not be put to death.

Concerning Free Persons and Slaves

If a free woman commits zinā with a free man, but the man who is put to death is a slave, then the compensation due shall equal the full value of the slave. According to one recognised legal opinion (*qaul*), the established customary law requires payment of the slave's full redemption value together with the prescribed punishment.

If a royal slave is killed by a free person, the offender shall be publicly paraded as punishment. The woman shall receive the prescribed punishment whether she is muḥṣan or not muḥṣan. If the woman is free but the man is a slave, and the slave is killed by the free person with whom she committed the offence, the matter shall first be brought before the judge. If a free person is killed by a slave, the slave shall be liable to qiṣāṣ. The woman shall likewise be put to death if she is muḥṣan. If she is not muḥṣan, she shall instead receive the prescribed punishment. According to the established customary opinion (*qaul resam*), if the woman belongs to the royal household, she shall receive the prescribed punishment or be subjected to taʿzīr.

If a free woman and a free man commit the offence together, qiṣāṣ shall apply where death results. If only injury results, the offender shall receive the prescribed punishment. Likewise, where one slave commits the offence with another slave, qiṣāṣ shall apply where death results. If only injury occurs, the offender shall receive the prescribed punishment…

pg 28

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If only injury results, the offender shall receive the prescribed punishment. Likewise, where one slave commits the offence with another slave, qiṣāṣ shall apply where death results. If only injury occurs, the offender shall receive the prescribed punishment.

pg 29

The law stated previously shall continue to apply.

Likewise, if people quarrel in an improper place, they should first be reconciled according to the customs long observed among the Muslims before any further action is taken.

Chapter Eleven

Concerning Free Persons (Ḥurr) and Slaves (ʿAbd)

The eleventh chapter concerns the law relating to free persons and slaves. If a free person strikes a slave, and the slave resists so that death results, no liability arises if the slave acted in lawful defence. If, however, the slave does not resist and is nevertheless killed, compensation equal to the slave's proper value shall be paid. If the free person is dissatisfied with the matter, he may bring the case before the judge. The judge shall decide it according to his ijtihād (judicial discretion). If a free person unjustly oppresses a slave, and the slave defends himself, then, should the free person die, the slave shall be judged according to the proper law and the value due shall be determined.

If a slave insults or strikes a free person, qiṣāṣ shall apply. Likewise, if a free person insults the wife of a slave, retaliation (*qiṣāṣ*) shall also apply according to law.

Concerning the Return of Slaves with Hidden Defects

This chapter concerns the return of slaves found to possess hidden defects. Whoever purchases a slave may return that slave to the seller within six months if a latent defect is discovered.

The defects that justify return include:

- insanity,
- blindness,
- paralysis,
- physical deformity,
- epilepsy,
- habitual theft,
- habitual running away,
- pregnancy,
- and other serious concealed defects.

If such defects are discovered within the first month, the slave may be returned. After that period, no further return may be made unless it can be shown that the defect already existed when the slave was sold. In that case, the previous rule shall apply.

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Concerning Debts Incurred Without Permission

This chapter concerns a free person who incurs debts without the knowledge of his superior or guardian. If obligations arise because of those debts, responsibility shall remain with the debtor until he returns to his superior or guardian. Likewise, if a person travels from the interior to the coast, or from one region of the kingdom to another, and obligations arise during the journey, he himself remains responsible. According to one recognised legal opinion (*qaul*), where negligence (*taʿzīr*) is involved, the person who undertook the journey bears responsibility. If the traveller dies while carrying out another person's instructions, compensation equal to the proper value shall be paid. Accordingly, anyone entrusted with taking another person's slave on a journey should first obtain the master's knowledge and consent. The master should carefully ascertain the circumstances before allowing the slave to depart. Otherwise, liability rests upon the person who took the slave away without the master's permission…

pg 30

If the slave travelled with the knowledge and permission (*tafahus*) of his master, then the master bears no liability.

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Chapter

Concerning Debts Incurred by Slaves

This chapter concerns persons who extend credit to another person's slave without the master's knowledge.

Slaves fall into two categories.

The first is a slave authorised by his master to engage in transactions. Such a slave may lawfully incur debts.

The second is an insolvent (*muflis*) slave who has not been authorised. Such a slave may incur only a very limited debt. If he exceeds that limit, the excess is void.

This rule applies to ordinary loans, not to commercial trading.

If the slave is engaged in authorised trade, the transaction shall not be invalidated merely because it concerns commerce, and the master shall not automatically become liable.

Therefore, before extending credit to a slave, one should first ascertain the slave's legal authority so that no dispute later arises.

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Concerning Debts and Mortgages (Gadai)

The law concerning mortgages consists of two kinds:

1. a mortgage carrying profit or interest;
2. an ordinary mortgage without profit.

If the mortgage carries profit, the pledged property remains under mortgage for as long as the debt continues. The same principle applies to every debt producing profit. As for a mortgage without profit, once the agreed time has arrived, the mortgagee shall notify the owner that the pledged property should be redeemed. If the property is not redeemed within the prescribed time, the pledged property may be sold. If the sale yields more than the amount owed, the surplus shall be returned to the owner. If the value of the pledged property has fallen below the amount of the debt, so that it no longer covers the obligation, the creditor shall again notify the debtor to redeem it. If the debtor still fails to redeem it, the property shall continue to stand as security according to law.

For an ordinary mortgage, when the agreed date arrives, the creditor shall notify the debtor two or three times, in the presence of witnesses, requesting redemption. If the debtor nevertheless refuses to redeem the property, it may be sold or otherwise disposed of according to law. The amount corresponding to the debt shall first be taken.Any surplus shall be returned to the owner. If, however, the proceeds are insufficient to satisfy the debt, the remaining balance continues as a debt owed. In all matters concerning mortgages and debts, judges shall exercise their legal discretion (*ijtihād*) so that no injustice is committed contrary to the Law of Allah.

Concerning an Abandoned Child of a Slave

This chapter concerns a person who finds the abandoned child of a slave. Whoever finds such a child shall immediately inform the child's master, if the master can be identified…

pg 31

Concerning the Care of an Abandoned Child

If a person finds an abandoned child and obtains the permission of the child's master, the arrangement shall be witnessed. The master's permission may take two forms:

1. he may completely relinquish the child; or
2. he may permit another person to rear and maintain the child.

If the second form is chosen, the person who raises the child shall be entitled to one-third of the child's value, while the remaining share continues to belong to the master. If the child is taken without the master's knowledge, the value shall be divided into six parts. One share shall belong to the person who cared for the child. However, where the master could not reasonably be informed—for example, because he lived far away—the matter returns to the previous rule. According to the stronger legal opinion (qaul ṣaḥīḥ), no

ownership may be acquired without the master's permission, because the matter ultimately depends upon the ruler's authority.

Concerning Hiring Another Person's Slave

This chapter concerns a person who hires another person's slave without the master's knowledge. If the slave is known to hire himself out, or if his labour normally benefits his master, then, should the slave die or suffer loss while employed, liability does not automatically fall upon the person who hired him. If these conditions are absent, however, the hirer shall compensate the owner for the slave's full value.

If a slave is lent by his master to perform work—such as climbing trees, diving for fishing nets, or similar tasks—and the slave dies while carrying out those duties, his death shall be regarded as occurring according to the Law of Allah. The same applies if he is killed by a tiger, bitten by a snake, or dies through another unforeseen misfortune. In such cases, no compensation is payable unless negligence (*taʿzīr*) can be shown on the part of the borrower.

If, however, the slave dies because he was employed in work beyond that authorised by the master, the borrower shall be liable. Likewise, if death results from fire, shipwreck, or similar accidents, compensation shall amount to half the slave's value. In such cases, the matter is free from the charge of taʿzīr. The same principle applies generally to all living creatures.

The same rule applies to borrowed property, including weapons, tools, and valuable ornaments. If the owner has expressly acknowledged the ordinary risks associated with their use, no compensation is payable should accidental loss occur.

Concerning Runaway Persons

This chapter concerns persons who have fled. If a person residing in a forest, pasture, or remote district discovers a runaway, he shall bring that person before the judge. If he fails to do so, he shall be punished. If the offender is a man, his punishment shall include public disgrace. If the offender is a woman, she shall be fined half a tahil. In the district of Tamblang, the fine shall likewise be half a tahil if the runaway is allowed to escape…

pg 32

Concerning Runaway Slaves

The same law applies throughout the coastal regions extending from Sidli to Terengganu. According to one recognised judicial opinion (*khiyār al-ḥākim*), the customary redemption (*tebus*) shall be twice the prescribed value. Likewise, in the inland regions stretching from Lancang to the upper reaches of the Lentang River, and downstream to its mouth, whoever captures and returns a runaway shall receive twelve kupang as the lawful reward.

Concerning Persons Who Sell Themselves

This chapter concerns a person who has sold himself to another. If such a person later meets his former master, and the master wishes to redeem him, he shall be redeemed according to the prescribed redemption. No additional payment beyond that redemption may be demanded. Nor may the person who paid the redemption lose his property because of the claim. The former owner may recover only what the law allows.

Chapter

Concerning Drifting Boats

This chapter concerns persons who discover a drifting boat. If a drifting boat is found, it shall be brought before the authorities and formally witnessed before anyone makes use of it. If the owner later appears, the boat shall be restored to him. If it is recovered at sea, the finder shall receive one-third of its value as a lawful salvage reward.

Such is the law.

Concerning Found Property

This chapter concerns persons who discover gold, silver, or other valuables. Whoever finds such property shall bring it before the judge so that it may be properly witnessed and recorded. If he fails to do so and later keeps the property for himself, he shall be judged as a thief. If the property is properly brought before the judge, the lawful reward shall be distributed:

- two shares to the owner,
- one share to the finder.

Concerning Runaway Royal Servants

This chapter concerns royal servants and runaway slaves. Whoever unlawfully strikes or humiliates a royal servant so that death results shall incur the legal consequences prescribed for a free person (ḥurr). If a person captures a runaway slave and returns him alive, he shall receive the lawful reward. If the slave dies or escapes after being captured, the captor shall compensate the owner according to the period during which the slave remained in his custody. This constitutes the customary law concerning the redemption of runaway slaves. If the capture occurs within the town, the reward shall be one kupang. If it occurs outside the town but within the district, the reward shall be two kupang. If it occurs beyond the settled district, between Lancang and the upper Lentang River, the reward shall be three kupang.

pg 33

Concerning Redemption Payments and Administrative Jurisdictions

If property recovered consists of weapons—such as knives, parangs, or other articles taken in robbery—the property shall be restored to its rightful owner. The customary redemption rates are as follows:

- downstream to Tuasan – six *kupang*;
- to Banchi – one emas;
- to Babar – two emas;
- to Marcung – three emas;
- to Rompin – one and a half emas;
- to Pontian – five emas;
- to Endau – one and a half tahil;
- to Mersing – seven emas;
- to Sadili – half a tahil.

Likewise:

- to Kuala Pahang Tua – one emas;
- to Penor – six kupang;
- to Kuantan – two emas;
- to Kemaman – one and a half emas;
- to Paka – five emas;
- to Dungun – one and a half tahil;
- to Rantau Abang – seven emas;
- to Terengganu – half a tahil.

For the inland regions:

- to Payang – one emas;
- to Antok – five kupang;
- to Wakaf Paka – one and three-quarter emas;
- to Jempol – two emas;
- to Mempelang – two and one-quarter emas;
- to Kuala Bera – three emas;
- to Kuala Teriang – one and a half kupang;
- to Samantan – one and a half tahil;
- to Pasir Mandi – two and a half emas;
- to Lubuk Pelang – five emas;
- to Tambang – one and a half tahil;
- to Jengka – one and three-quarter kupang;
- to Kuala Lipis – seven emas.

These are the prescribed rates.The corresponding shares shall belong to the Minister, while the responsibility for enforcement belongs to the Temenggong. Of every fine of seven and a half tahil, one and a half tahil belongs to the Minister, while the Temenggong receives

the prescribed share. From the remainder, six and a half tahil belongs to the ruler. Of this amount, two emas shall belong to the Mendalika, while the Temenggong receives the prescribed portion. As for lesser fines of one and a half tahil or one tahil, these belong to the Mendalika and the Ministers. If the offender is a royal servant, however, the fine belongs to the ruler. If the offender is an ordinary subject, the distribution shall follow the established administrative practice among the Mendalika, the Ministers, and the officials responsible.

Concerning Treason Against the Ruler

This chapter concerns those who commit treason (durhaka) against the ruler. The punishment is severe. The offender shall suffer three hundred and sixty punishments, corresponding to every sinew of the human body. His property shall be confiscated. His wife and children shall become the ruler's slaves. He shall suffer perpetual punishment. His body shall receive one hundred and forty-eight additional punishments, corresponding to every bone of the human body. If he has already died, his body shall be cut into four parts and cast to the four directions. The same punishment applies to those who knowingly join him in his treason.

Whoever learns of such treason and fails to report it to the ruler shall likewise be punished. His tongue shall be cut out. Both ears shall be pierced. His eyes shall be gouged out…

pg 34

Concerning Treason

The offender shall be cast into a desolate place (*khalī*). Whenever you hear any report that may bring harm to your ruler, you must immediately convey it to the great officers who stand close to the ruler, even if the report has not yet been fully confirmed, so that no harm may come either to the ruler or to yourselves.

And Allah knows best.

Concerning the Customs and Revenues of the Kingdom

This chapter sets forth the customary laws governing customs duties, taxation, and all goods weighed for trade. Merchants from the Portuguese and the Chinese shall pay half a sepak on every consignment of merchandise. Other foreign merchants shall pay one emas for every sepak, according to established custom.

The following goods, when weighed, shall be subject to customs duties:

- silk,
- gaharu (agarwood),
- salt,

- arsenic,
- spoons,
- copperware,
- lead,
- tin,
- bird's nests,
- mirrors,

and other similar goods.

Certain classes of merchandise shall pay nine emas per bahara, while others shall pay seven emas per bahara, and copper shall pay one and a half tahil per bahara. For goods weighed by the pikul, including:

- cloves,
- nutmeg,
- tin,
- sulphur,
- manjakani,
- camphor,
- fine sandalwood,
- candles,
- frankincense,
- black bird's nests,

the customs duty shall be two emas per bahara.

For goods weighed by the pikul, such as:

- pepper,
- gambier,
- cloves,
- nutmeg,
- chillies,
- beans,
- cinnamon,
- inferior sandalwood,
- gunpowder,
- cumin,

the duty shall be one emas per bahara.

Cotton, sappanwood, alum, rat poison, sulphur, Chinese medicines, iron, buffalo horns, timber, and similar commodities shall pay two kupang per bahara. Every commodity subject to weighing shall first be brought to the customs warehouse (bangsal). Failure to do so shall result in confiscation.

The customs duty (ʿ*ushr*) shall be one-tenth. No merchant may divide his goods among several persons in order to reduce the customs payable. Where the quantity reaches twenty units, the full customs duty shall be imposed. Rice amounting to ten koyan shall likewise be subject to customs. For merchandise sold in large quantities, a duty of forty emas shall be paid. Smaller transactions shall pay ten emas. Quantities below the prescribed minimum shall not be taxed.

Where there are forty merchants, one among them shall be appointed Chief Merchant (Kepala Dagang). He shall receive one emas. A local inhabitant who transports goods out of the kingdom shall pay two kupang. Long-established merchants shall pay one kupang.

The redemption fee (*tebusan*) shall amount to two hundred pitis, together with the prescribed ʿushr. Anyone who trades without first obtaining the official permission (*cop*) of the ruler's officers shall have his goods confiscated. Likewise, every merchant exporting goods from the kingdom shall pay an export redemption fee of two kupang, together with the prescribed ʿushr.

pg 35

Concerning Offences Against the Royal Household

This chapter concerns offences committed against the ruler and the royal household.mWhoever insults or assaults a royal servant, causing his death, shall be punished according to the law applicable to a free person (ḥurr). If the victim is a slave, the prescribed punishment shall likewise be carried out. If the offender acted with the knowledge or approval of his superior, he shall be fined one kati and five tahil. Accordingly, none of you should take action against the ruler's servants, whatever their fault may be. Instead, report the matter to the judge or to the proper chief officer, so that the ruler may administer justice through lawful authority.

Concerning the Killing of the Ruler's Buffaloes and Cattle

This chapter concerns anyone who kills the ruler's buffaloes or cattle. Whoever kills them shall incur the prescribed punishment of twice sevenfold. If the animal belongs to a prince, the punishment shall be sevenfold. If it belongs to the Bendahara or a Minister, the punishment shall be fivefold. If it belongs to a court attendant, officer, or soldier, the punishment shall be threefold. If it belongs to an ordinary subject, the punishment shall be twofold. If the offender is a slave, the punishment shall follow the rule already stated in the earlier chapters.

Concerning the Sale of Royal Property

This chapter concerns those who unlawfully sell the ruler's ornaments, royal regalia, or the ruler's servants. Whoever commits such an offence shall incur the prescribed punishment of sevenfold and shall be publicly denounced before the royal court. If the property consists of a royal servant, the owner shall receive double compensation. The offender shall also undergo public punishment. If the offence continues over a long period, the punishment shall likewise continue according to law. If the property belongs to the royal household, the punishment may extend for one full year.

Concerning the Distribution of Fines

This chapter sets forth the distribution of fines amounting to one kati and five tahil. Of that amount:

- six and a half tahil belongs to the ruler;
- one and a half tahil belongs to the Minister;
- half a tahil belongs to the Temenggong.

For fines amounting to ten and a half tahil, the shares are distributed according to the established administrative practice:

- the ruler receives the principal share;
- the Mendalika receives his allotted portion;
- the Minister receives his allotted portion;
- the Temenggong receives the prescribed share.

Likewise, fines of seven and a half tahil and lesser fines shall be distributed according to the same established order. If the offender is a royal servant, the fine belongs to the ruler. If the offender is an ordinary subject, the shares belong to the Mendalika, the Minister, and the officials responsible for administering justice.

Concerning Diplomatic Missions to Siam

This chapter concerns envoys sent to the Kingdom of Siam. The first route proceeds through Jeli to Terengganu. From there, the customary stages continue through Jimah, Tambang, Dungun, and the other prescribed stations…

pg36

Conclusion of the Chapter on Diplomatic Missions

The customary tribute and travelling expenses for missions to the various regions are as follows:

- Sumatra – fourteen emas;
- Batang Pahang – ten emas;

- Timbangan – half a tahil;
- Endau – half a tahil;
- Rompin – half a tahil;
- Tuman – half a tahil;
- Pulau Awur – one and a half tahil;
- Bandar – half a tahil;
- Sagi Laut – one and a half tahil;
- Sinam – one and a half tahil;
- Pasir Mandi – one and a half tahil;
- Jempul – one and a half tahil;
- Sidli – one and a half tahil;
- Sarting – one and a half tahil;
- Kurai – three emas;
- Intik – two emas;
- Biru – two emas.

Every Nakhoda and every merchant shall bear the travelling expenses for his own undertaking. Where rattan is available along the rivers, it shall be supplied as required.

Concerning Tribute to the Kingdom of Siam

The customary tribute to the Kingdom of Siam shall consist of:

- one golden flower (bunga emas),
- one silver flower (bunga perak),

each weighing five tahil.

Together with these shall be sent a formal letter of homage from Paduka Seri Sultan of Pahang to the ruler of Siam. The letter shall contain the proper royal titles, expressions of honour, and the established diplomatic formulas appropriate to communication between sovereign rulers.

Final Chapter

This chapter concerns persons entrusted by the ruler. If a person appointed by the ruler commits theft, or unlawfully exacts redemption money or tribute, and then returns to the kingdom, his property shall be confiscated by the ruler. Likewise, anyone engaged in maritime trade who steals tribute or revenues belonging to others shall, upon returning to the kingdom, be judged according to the law, and the value of the stolen property shall be restored in accordance with the Undang-undang.

And Allah knows best what is right.

pg 37

The Book of Government (Kitāb al-Yāsit)

This Kitāb al-Yāsit was compiled during the reign of the Just and Perfect Sultan, Sultan Muzaffar Shah, may Allah perpetuate his kingdom and sovereignty, and increase his righteousness through justice and benevolence. Its purpose is to establish the Law of Allah throughout the world among His servants over whom authority has been entrusted.

As it is said:

“To magnify the command of Allah and to show compassion towards His creation.”

Thus,

the duty of enjoining what is right (amr bi’l-maʿrūf) and forbidding what is wrong (nahy ʿan al-munkar) is that through the implementation of the Law of Allah, the welfare of all the people may be secured. Whoever violates the command of Allah, or the teachings of His Messenger, or exceeds the limits established by them, or commits evil, shall receive the punishment prescribed by law—whether that punishment be corporal punishment, a fine, or death, according to what justice requires.

All ministers, court officials, military officers, and the people of the realmshall likewise observe the command of Allah:

to enjoin what is right and forbid what is wrong.

These are the duties of every minister and of all who hold public office under the ruler. Every morning they should assemble in the royal audience hall, for Allah has entrusted many responsibilities to the ruler, who in turn entrusts them to those who serve under him.

As the Prophet (peace and blessings be upon him) said:

“Each of you is a shepherd, and each of you will be questioned concerning those under your care.”

Therefore, each official should faithfully perform his duties in this world, so that his burden may be lighter in the Hereafter. Even though a king is perfectly just, he cannot govern justly without ministers and without faithful officials carrying out their responsibilities.

Even if a king is bravewise, and knowledgeable, if his ministers and his subjects do not act in harmony, the kingdom cannot endure. Just as fire cannot burn without wood, so too kingship cannot flourish without cooperation between ruler, minister, and people. The people are the adornment of the earth, for the Prophet said:

“The servants are the fragrance (or adornment) of the land.”

If there were no earth, nothing could grow. Likewise, it is said in Persian:

“The people are the roots; the Sultan is the tree.”

If a tree has no roots, it cannot stand. Therefore, I exhort all of you: do not neglect your attendance at the royal audience hall. Watch carefully over all those entrusted to your care. If they commit wrongdoing, you will answer for them on the Day of Resurrection (Yawm al-Qiyāmah). May Allah Most High lighten your burden on that Day.

pg 38

Miscellaneous Laws

Concerning Cultivated Land

Whoever cultivates land shall surround it with fences and ditches. If buffaloes or cattle enter the crops, do not stab them and do not strike them with a parang. If they enter at night, the owner of the buffalo or cattle shall compensate the owner of the crops for everything the animals have eaten. If the animal is accidentally stabbed during the night, compensation equal to its value shall be paid. If the animal is stabbed during the daytime, compensation shall be double.

Concerning Found Property

If lost property is discovered without witnesses, the finder shall receive double compensation if the claim is later established. If witnesses are present, the property shall be returned according to law.

Concerning Representation

If a person acts on behalf of another after that person has died, the deceased’s family shall receive the appropriate compensation. If, thereafter, someone is struck and dies, retaliation by the deceased’s family shall not be treated as an offence where it accords with the law.

Concerning Robbery

Whoever commits robbery (rampas) commits the offence of robbery regardless of the value taken. Whether the amount is small or great, the punishment is the same because the offence lies in the act of robbery itself. Likewise, those who engage in gambling, cockfighting, gambling games, or other forms of wagering are guilty of unlawful conduct. Whatever has been wagered shall be confiscated. If they resist lawful arrest, they may be put to death.

Concerning Debts

A debt should never be allowed to increase beyond double the original amount. If a debtor’s wife and children had no knowledge of the debt, they shall not be arrested on account of it.

If the debtor dies, his estate shall first be divided into three shares. One share shall be used to discharge the debts. The remaining shares belong to the lawful heirs. The wife and children shall not lose their lawful property because of debts they did not incur.

Concerning Runaway Slaves

If a slave who has been sold later meets his former master, he may be redeemed upon payment of his proper value If a slave escapes from one country to another, the person who recovers him shall receive the prescribed reward. If a free person unlawfully takes a royal slave, that slave shall remain the property of the ruler.

Concerning Royal Slaves

If one slave unlawfully seizes another royal slave, he shall receive one hundred lashes. Whoever assaults another person's slave so that the slave dies commits an offence against the ruler. If the master is at fault, he shall nevertheless bring the matter before the proper authorities. Should he be found guilty, he shall suffer the punishment prescribed by law. Likewise, if a royal slave is stolen…

pg 39

Continuation of the Miscellaneous Laws

If a royal slave is found, the prescribed redemption shall be twice sevenfold. If the slave belongs to a prince, the redemption shall be sevenfold. If the slave belongs to the Bendahara, the redemption shall likewise be sevenfold. If the slave belongs to a Minister, the redemption shall be fivefold. If the slave belongs to a court attendant (*sida-sida*), the redemption shall be threefold. For other slaves, the redemption shall be twofold. If an insolvent (*muflis*) person commits theft, the punishment prescribed by law shall be imposed.

Whoever finds a runaway slave shall bring him within three days to the bridge (or public place of registration) to be witnessed before Sang Khoja Ahmad, or alternatively present him before the council in the presence of the Ministers. If this is not done, the finder commits an offence. Likewise, if the slave dies or escapes before being lawfully reported, liability arises. Persons living in forests or open country who discover runaway slaves or abandoned persons shall likewise bring them before the Ministers to be properly witnessed. Failure to do so shall be treated as theft.

If anyone finds gold, silver, cloth, or any valuable article, he shall not keep it for himself. Instead, he shall bring it within three days to the proper authorities. If the owner cannot be found, the property shall be brought before the Ministers and witnessed by those present. Whoever fails to do so and later keeps the property shall be punished as a thief.

Likewise, if a boat, oar, paddle, or boat-roof is found drifting, it shall not be appropriated. It shall be brought within three days to the proper authorities. Failure to do so is an offence.

If a slave is beaten because of his abusive speech and dies, compensation equal to his full value shall be paid. If a free person kills a slave, qiṣāṣ does not apply. Instead, compensation equal to the slave's value shall be paid. Likewise, if a father kills his own child, qiṣāṣ shall not be imposed.

If the son of a Minister kills another child, the punishment shall be determined according to the gravity of the offence. If a person or even an animal causes death accidentally, the offender shall not be put to death but shall instead be fined according to law.

If a non-Muslim kills a Muslim, the punishment is death. If a Muslim kills a non-Muslim, the punishment is not death but the prescribed fine.

If a person comes at night to another person's house and forces his way inside without first requesting permission to enter, and is then stabbed and killed by the householder, his death gives rise to no liability.

Such is the law.

If anyone knows that property has been stolen and sees where it has been hidden but refuses to disclose it, that person commits an offence against the ruler.

pg 40

Conclusion of the Pahang–Johor Customs

If a person steals property, or secretly removes it from another, or hires a boat for the purpose of theft, and the offence is discovered, the punishment shall be death. All the offender's property found in his house shall be forfeited to the ruler. If the stolen goods are merchandise, one-tenth shall be taken according to law. Likewise, whoever boards a jong before the appointed workers have done so commits an offence against the ruler. If a person harbours or shelters a royal slave, whether male or female, and allows that slave to remain overnight in his house without authority, whoever shelters him commits a capital offence.

Concerning Customs Duties

The following commodities shall be subject to customs duties:

- betel leaf,
- areca nut,
- coconuts,
- salt,

at the prescribed rate of one-tenth.

Whoever brings goods for sale must first present them to the customs officer. Only after customs have been assessed may the goods lawfully be sold. If a person sells goods before customs have been paid, he commits an offence. If the offender is a free person, he shall be fined one and a half emas. If the offender is a slave, he shall be fined one and a half tahil, to be paid by his master. Likewise, dammar and rattan are subject to customs at the prescribed rate.

Royal Prohibitions

The royal command declares the matters prohibited by the Malay rulers of former times. This is my command to all of you. The distinction of the ruler above all others is that the colour yellow is reserved for the sovereign. You shall not use yellow for:

- bedding,
- curtains,
- ceremonial cloths,
- hand-cloths,
- household furnishings,
- ornaments,
- or any other royal regalia.

Only clothing, headcloths, and personal garments may bear the permitted use of yellow in the prescribed manner. Whoever wears or uses anything beyond these lawful exceptions commits an offence punishable according to law. Likewise, gold anklets may be worn only by the children of the ruler. No other person may wear them. No one may wear royal ornaments of gold unless they have first received the ruler's express grant (*anugerah*). This is the distinction belonging to kings above all others. Such are the customs we have entrusted to you, our people, for they constitute the ancient traditions of our kings.

Peace be upon you.

pg 41

Royal Prohibitions and Royal Privileges

The royal command declares:
These are the ancient prohibitions of the Malay kings. This is my command to all of you. These are the privileges reserved for the king above all others. No one shall use anything of the royal yellow regalia, including:

- yellow furnishings,
- yellow curtains,
- ceremonial cloths,
- hand-fans,
- household ornaments,
- or royal decorations.

Only:

- waistcloths,
- ordinary garments,
- and three permitted articles of clothing

may be worn by the common people.

Whoever wears anything beyond these permitted articles commits an offence. The prescribed punishment is death. Likewise, only the children of the royal household may wear gold anklets.

Whoever wears gold ornaments without receiving royal permission commits an offence, for such ornaments constitute one of the exclusive privileges of kings. This privilege belongs only to the rulers.

Peace be upon you.

Concerning Royal Slaves

These regulations were upheld by Hang Sidi Ahmad, son of Inang, during the reign of Sultan Mahmud Shah Ghazi at Bentan, when dealing with the Portuguese. He enforced these regulations concerning all captured persons. Royal women and subjects returning before His Majesty need pay no redemption. Royal slaves and privately owned slaves are redeemed according to their prescribed values. The smallest royal slaves are redeemed for two emas, with further additions according to rank.

Distribution of Fines

Fines amounting to five tahil are distributed as follows:

- the principal share belongs to the Raja;
- four tahil go to the Mendalika;
- the remainder is divided among the Menteri and Temenggong according to the prescribed schedule.

For fines amounting to ten tahil:

- the Raja receives the principal portion;
- the Mendalika receives three tahil;
- the Menteri receives two tahil;
- the Temenggong receives the prescribed balance.

For fines of seven tahil sepaha emas, the prescribed divisions likewise apply. For fines amounting to six tahil, the Raja receives the principal share, the Mendalika receives two tahil, the Menteri receives one and a half tahil, and the Temenggong receives the remainder according to law.

Territorial Redemption Fees

The redemption of runaway persons varies according to locality. Among the prescribed districts are:

- Tekong,
- Tanah Merah,
- Singapura,
- Teluk Ramani,
- Rambang,
- Tanjung Beruas,
- Pontian,
- Banci,
- Sidhi Besar,
- Banang,
- Kuala Muar,
- Endau,

each carrying its own prescribed redemption value.

Thus ends the Undang-Undang Johor.

pg 42

Concerning Witnesses and Evidence

The Prophet (peace and blessings be upon him) said:

“The burden of proof rests upon the claimant, and the oath rests upon the one who denies.”

Therefore, the claimant must produce evidence, while the defendant who denies the claim shall swear an oath. The qualifications of witnesses are as follows.

There must be two male witnesses who are:

- just (*ʿadl*);
- free persons;
- Muslims;
- of full age (*bāligh*);
- of sound mind (*ʿāqil*);

- and who both saw and heard the matter to which they testify.

A just person is one who:

- obeys the commands of Allah according to the Sharīʿah;
- avoids everything prohibited by Allah;
- abstains from major sins;
- guards himself even from lesser sins.

The following conduct diminishes or invalidates a person's standing as a witness:

- playing chess for gambling purposes;
- gambling of every kind;
- dancing in an improper manner;
- singing indecent songs;
- listening to frivolous performances;
- behaving in a disgraceful manner in public;
- eating publicly in the marketplace in a way inconsistent with dignity;
- walking bareheaded in public without proper decorum;
- allowing one's wife to appear improperly before others;
- or engaging in conduct that diminishes personal honour.

Whoever behaves in such a manner loses the honour required for legal testimony. Accordingly, every person must preserve good conduct and guard his reputation.

Witnesses in Cases of Zinā

In cases of zinā, there must be four just male witnesses. If only two witnesses testify that:

"We saw the thief,"

or

"We saw the adulterer,"

their testimony alone is insufficient unless the required number of witnesses is completed.

Likewise, where the sighting of the new moon for Ramadan is concerned, the testimony of one just male witness is accepted. However, if the witness is fāsiq (of openly sinful character), his testimony is not accepted. If uncertainty remains concerning the beginning of Ramadan, that day is called Yawm al-Shakk (the Day of Doubt), and one should not begin the obligatory fast upon that day.

Witnesses in Civil Transactions

For matters concerning:

- trade,
- sale and purchase,
- the return of property,
- reconciliation (*ṣulḥ*),
- manumission,
- emancipation,
- sales,
- acknowledgements,
- debts,
- loans,
- wages,
- partnerships,
- gifts,
- robbery,
- and destruction of property,

there shall be two just male witnesses.

If two men cannot be obtained, then:

- one just man, together with
- two just women,

shall suffice.

A larger number of women alone does not substitute for the required testimony.

Rights of Allah and Rights of Human Beings

Matters concerning the Rights of Allah (*Ḥuqūq Allāh*), such as:

- drinking intoxicants, and
- zinā,

are distinguished from matters involving the rights of human beings. In matters concerning the Rights of Allah, testimony may be accepted even where it has not first been elicited by questioning from the judge, because the matter concerns the commands of Allah. By contrast, in matters concerning the rights of human beings, testimony is not accepted unless it has been properly examined and received by the judge.

pg 43

A witness who testifies without proper knowledge is called a fuḍūl witness.If such a witness knowingly gives false testimony, he shall be subjected to taʿzīr. The judge shall pronounce judgment against him. If his falsehood is grave, his face shall be blackened and he shall be paraded publicly throughout the town as an example. His offence shall be publicly proclaimed before the congregation in order to disgrace him. If the judge orders him to be beaten, the punishment shall not exceed twenty strokes, because taʿzīr has no fixed prescribed limit (*ḥadd*).

Concerning Oaths

Oaths are of two kinds. The first concerns serious matters such as:

- claims involving bloodshed,
- marriage,
- divorce,
- restoration of a wife,
- emancipation of slaves,
- and substantial financial claims.

Where the amount in dispute reaches twenty mithqāl of gold, the oath shall be regarded as a solemn oath. Where the amount is less than twenty mithqāl, it shall be treated as an ordinary oath. The judge may require the solemn oath to be taken upon the pulpit (minbar) of the Friday Mosque.

If the amount in dispute is less than twenty mithqāl, the oath is sufficient if the person says:

“By Allah, there is no such claim against me, nor do I possess the property alleged.”

Thereupon the claimant’s demand shall cease.

Conduct of Judicial Proceedings

The claimant and the defendant shall stand equally before the judge. The judge shall receive both with equal courtesy and shall remain impartial. If the defendant admits the claim (*iqrār*), the judge shall immediately order him to satisfy the claimant’s right. If the defendant denies the claim but says:

“I have witnesses,”

and those witnesses testify truthfully, their testimony shall be accepted.

If the defendant has no witnesses, he shall be required to swear an oath. Should he refuse to swear, judgment shall be entered in favour of the claimant. The defendant shall then be ordered to satisfy the claimant’s right.

Judicial Ethics

The place where judgment is given should be spacious rather than confined. A judge shall not pronounce judgment when:

- overcome by excessive heat,
- extreme cold,
- severe hunger,
- or overwhelming sleepiness.

A judge is forbidden to accept gifts from litigants. If his livelihood is provided from the Bayt al-Māl (Public Treasury) or by the ruler, he has no need to receive gifts. Otherwise, if he accepts gifts from those appearing before him, he risks judging unjustly. Therefore, it is unlawful (ḥarām) for a judge to accept gifts from litigants while a case is before him.

pg 44

Concerning Qiṣāṣ and Diyah

Allah Most High has said:

"…They are eager listeners to falsehood…"
(Qur'an 5:41)

If a Muslim man, who is of sound mind (ʿāqil) and has reached maturity (bāligh), intentionally kills another Muslim—whether the victim is male or female, young or old—the killer shall be put to death.

A Muslim shall not be put to death for killing an unbeliever. A free person shall not be put to death for killing a slave. A father shall not be put to death for killing his child. Likewise, a Muslim slave shall not be put to death for killing a non-Muslim dhimmī. However, a Jew who kills a Christian or a Magian (Zoroastrian) shall be put to death. If a non-Muslim later embraces Islam, that conversion does not remove liability for a previous unlawful killing.

If one person kills several people, he shall be executed for the first person whom he killed. If it cannot be determined who was killed first, the matter shall be decided by drawing lots among the victims. If several persons jointly kill one person, they shall all be liable to death. Likewise, anyone who directs or intentionally causes another person to be killed shall be treated in the same manner. If death does not result, retaliation may nevertheless be carried out according to the injury inflicted.

Retaliation for Bodily Injury

If a person cuts off another person's hand and death does not result, the victim's family has three options:

1. to demand qiṣāṣ (retaliation);
2. to accept diyah (financial compensation);
3. to forgive the offender.

All three are recognised by law.

Retaliation must correspond exactly to the injury. The right hand shall not be taken in retaliation for the left hand. The thumb shall not be taken in retaliation for the little finger, nor the little finger for the ring finger. Likewise, retaliation does not apply where the corresponding members are unequal. A hand possessing fingers shall not be taken in retaliation for a hand without fingers. If a hand without fingers cuts off a complete hand, the corresponding hand may be taken, together with financial compensation for the fingers. Retaliation does not apply to every wound. It applies only where the wound reaches the bone.

Diyah (Blood-Money)

The full diyah for the unlawful killing of one person is one hundred camels. If camels are unavailable, their value shall be paid. According to one recognised legal opinion (*qaul*), the equivalent is one thousand gold dinars. The diyah of a woman is one-half that of a man. The diyah of Jews and Christians is one-third that of a Muslim. The diyah of other non-Muslims is one-tenth that of a Muslim. The diyah for both hands together equals the full diyah of one hundred camels.

pg 45

Conclusion of the Chapter on Qiṣāṣ and Diyah

The complete diyah is payable for:

- both legs,
- both nostrils,
- both lips,
- both eyelids,
- complete loss of sight,
- complete loss of hearing,
- complete loss of smell,
- complete loss of taste,
- complete loss of the reproductive organs or their function.

For all these, the full compensation is one hundred camels.

For:

- each tooth, the compensation is five camels;
- each finger, the compensation is five camels.

For every other bodily member whose value is not specifically prescribed, the judge shall determine the appropriate compensation according to justice.

If a blow to the head causes bleeding, the compensation is one and a half tahil. If there is swelling without bleeding, the compensation is ten emas. If a blow to the body causes bleeding, the compensation is ten emas. If there is swelling without bleeding, the compensation is five emas. If only a superficial mark remains, the compensation is five kupang. If a slave is injured, the compensation is half that payable for a free person. If an unborn child dies while still in its mother's womb because of an assault, compensation of ten emas shall be paid to the mother.

Kaffārah

The expiation (kaffārah) for accidental homicide is to free a believing female slave who is free from defects that would diminish her value.

The Law of Zinā

The law of zinā is divided into two categories. The first concerns the muḥṣan: that is,

- a man who has previously been married,
- and a woman who has previously been married.

If they commit zinā, the punishment is stoning to death (rajm).

The second concerns those who are not muḥṣan:

- an unmarried man,
- and an unmarried woman.

If they commit zinā, they shall each receive one hundred lashes. Thereafter they shall be banished from the kingdom for one year. If the offender is a slave, the punishment is fifty lashes.

Liwāṭ and Bestiality

The offence of liwāṭ (male same-sex intercourse) and intercourse with animals shall be punished in the same manner as zinā. If, however, no actual intercourse has taken place, but only embracing, kissing, or similar acts, the offender shall be punished by taʿzīr. The punishment of taʿzīr shall not exceed twenty lashes.

تم الكلام

Tamat al-Kalām Here ends the text.

pg 46---pg 92

Beginning of the Acehnese Legal Text

“In the Name of Allah, the Most Compassionate, the Most Merciful. Praise be to Allah who created kings so that they might judge justly among mankind.”

All praise belongs to Allah, who appointed rulers to judge among mankind with justice (bi al-ʿadl), and who established the law.

Thus has the law been transmitted from the Great Judge known as Permandu, who wisely governed the kingdom, settled the affairs of the people, and directed the rulers.

—

The customs of the people shall not allow disputes to arise between the Cut and the Camlui.

Instead, they shall follow the established customs so that justice may be perfected.

—

Whenever a person brings a complaint before the judge, the judge shall carefully hear the complaint.

He shall give to every person what is rightfully due.

The common people are the fingers of the great men, while the great men are the hands and feet of the rulers.

Therefore, no confusion or disorder shall be permitted in these matters.

—

If a dispute arises between the Cut and the Camlui, the judge shall examine the recognised customs together with the established regulations.

The wise ministers shall hear the dispute between the parties.

If one minister acts unjustly towards the successful party, the defeated party may appeal to another minister.

That minister shall summon the parties, hear the complaint, investigate the alleged injustice, and render judgment according to law.

—

If a traveller stays overnight in another person's house and property later goes missing, the owner of the house shall be liable according to the law of taʿzīr.

This rule exists so that householders will not deal carelessly with those entrusted to their care.

If the householder refuses to comply with the law, he shall be beaten thirty strokes with a rattan cane.

—

If a person summons another before the minister's court and the parties quarrel, both shall be arrested.

They shall be imprisoned for three days before their dispute is heard.

—

If a madman provokes another person into fighting, and no one dares to oppose him, the madman shall be fined two and a half tahil.

If another person willingly joins the fight, the one who began the quarrel shall be fined one and a half tahil.

pg 47

Continuation of the Acehnese Legal Text

If a person strikes another so violently that a bone is fractured or dislocated, the offender shall be liable according to the injury caused.

If the injury is caused with iron, the prescribed compensation shall be one and a half tahil.

If caused with wood, the compensation shall be ten emas.

—

If a person enters another's forest and clears or fells trees without the owner's permission, the owner shall bring the matter before the judge.

If the offence concerns the cutting of valuable timber (*kang sanggah*), the offender shall be fined six kupang together with one and a half tahil.

—

The Duty of Kings

The laws and customs established by the rulers of former times exist so that the kingdom and its people may be governed justly.

No injustice should be committed by the ruler, the ministers, the hulubalang, or the people, so that the kingdom may prosper and the people live in peace.

The rulers may be compared to a gardener cultivating a garden.

He surrounds it with a wall, plants fruit trees within it, placing each tree where it is most suitable:

those fit for the centre are planted in the centre;

those suited to the borders are planted around the edges.

The gardener delights in the fruits of the trees.

Their shade provides shelter for the servants of Allah.

Their leaves and roots become medicine for those who are ill.

For this reason the trees are carefully tended.

If, however, a tree no longer bears fruit, provides no shade, or yields no medicine, it shall be uprooted completely and cast into the sea.

Another tree shall then be planted in its place so that it may once again provide benefit and blessing.

By the same qiyās (analogy), rulers should appoint just judges to hear the complaints of the people.

Only in this way will the ruler avoid sin before Allah Most High.

The ruler must not oppress the people.

The ministers must likewise avoid injustice.

The people are the hands and feet of the ministers, and the ministers are the hands and feet of the ruler.

The ruler himself is entrusted by Allah Most High with the government of all people, whether Muslim or non-Muslim.

Therefore, all should obey his lawful commands.

—

Conduct of the Judge

When a person comes before the judge with a complaint, the judge shall listen carefully.

He shall give to each person what is rightfully due.

He shall question the parties with gentleness, kindness, and courteous speech.

If the judge examines the parties harshly, fear may cause them to speak falsely even when they possess the truth.

Such is the proper rule.

—

The Office of the Temenggong

The Temenggong is responsible for matters involving:

- theft,
- assault,
- beating,
- stabbing,
- wounding,
- and all similar offences.

(The discussion continues o

pg 48

Continuation of the Acehnese Legal Text

Concerning Theft and Accomplices

The offence of theft comprises eight forms:

1. committing theft oneself;
2. assisting another to commit theft;
3. helping to conceal stolen property;
4. accompanying the thief;
5. receiving the thief’s property;

6. purchasing stolen property;
7. failing to restore stolen property to its owner;
8. preventing others from apprehending the thief.

—

The Principal Thief

The principal thief is of three kinds:

1. the thief who steals at sea or at the harbour;
2. the thief who steals a boat;
3. the highway robber who attacks travellers outside their homes.

The punishment of the principal thief is:

- confiscation of his property,
- death,
- and the forfeiture of his wife, children, and possessions.

—

Those who merely assist the thief shall receive half the punishment imposed upon the principal offender.

Their wives and children are likewise subject to the legal consequences prescribed by law.

—

Concerning False Accusations

If a person comes before the authorities saying,

“So-and-so has stolen,”

or

“So-and-so intends to stab another,”

the accused shall immediately be summoned.

If the accusation is proved true, the accuser is vindicated and the accused becomes the guilty party (*Cut*).

If the accusation proves false, the positions are reversed: the accuser becomes the guilty party (*Camlui*), while the accused is acquitted.

The prescribed penalty shall then be imposed according to the established custom (*Tamcut*).

—

If a person falsely accuses another of bringing armed men against him, the penalty shall be:

six kupang for each person alleged to have been brought.

The person making the false accusation shall also be fined five emas less two kupang.

—

If royal officers unlawfully attack another person, they likewise incur the penalty known as Tamcut, amounting to five emas less two kupang.

If four or five officials participate together, every official involved incurs the same liability.

Officials are expected to know the law better than ordinary people.

If an ordinary subject is found guilty (*Cut*), he shall be fined one and a half tahil together with ten emas.

If the guilty party is the Camlui, the person who brought the false accusation shall pay one and a half tahil, while each additional participant shall pay ten emas, according to the prescribed schedule.

—

Likewise, if a person falsely accuses another of:

- harvesting rice,
- cutting seedlings,
- digging boundary markers,
- or felling trees,

the offence shall incur the penalty known as Tamcut, amounting to six kupang for every false accusation.

pg 49

Continuation of the Acehnese Legal Text

If the Camlui is found guilty, he shall be fined ten emas.

The other principal offenders shall each be fined five emas.

The same punishment applies if the Cut is found guilty.

—

Concerning Lost Property

If a person loses property and begins searching for it, and another person says:

“Do not bother looking; you will not find it,”

the owner may bring that person before the judge.

If it is shown that he spoke in this manner because he knew where the property was, he shall be ordered to compensate the owner for the value of the property, since his knowledge gives rise to suspicion that he concealed or appropriated it.

—

Concerning Theft

If a slave is not properly restrained and commits theft, he shall be punished by compensating the owner for the value of the stolen property.

If a person steals traps or snares used in the forest, he shall be fined one buffalo.

If a person steals:

- boundary markers,
- cultivated plants,
- or growing crops,

he shall be fined five emas.

If he steals:

- carved stone,
- coral stone,

the fines are:

- five emas for carved stone;
- ten emas for coral stone.

If he steals:

- betel leaves,
- areca nuts,

the fine shall be ten emas.

If he steals:

- sugarcane,
- bananas,
- or other cultivated produce,

the fine shall likewise be ten emas, because these are products intentionally planted.

In addition, the customary penalty known as Tamcut of six kupang shall also be imposed.

If a person steals a keris, spear, or other weapon, he shall be fined one and a half tahil.

—

Concerning Theft from a House

If a person steals from another person's house, he shall compensate the owner with property valued at two and a half tahil.

His wife likewise bears liability amounting to two and a half tahil according to the established custom.

—

Concerning Slaves

If a slave incurs debts, and his master disciplines him by beating, striking, stabbing, or otherwise punishing him, the master does not incur the penalty of Tamcut.

Instead, the ordinary compensation prescribed for injuries caused by:

- iron,
- wood,
- or teeth,

shall apply.

If the injury is caused by iron, or by other weapons such as the ulu cak, beliong, or citai, the fine shall be one and a half tahil.

—

Concerning Children Born to Slaves

If a male slave belongs to one master and a female slave belongs to another, and they have three children, then:

- one child belongs to the father’s master;
- two children belong to the mother’s master.

If the female slave remains with her original master but the male slave incurs debts to another master, the child continues to belong to the father’s master and does not become the property of the creditor.

Conversely, if the female slave herself comes under the authority of another master and bears a child there, the children belong to the mistress who owns the mother.

They do not belong to the former master of the father, because the mother no longer belongs to him.

pg 50

Continuation of the Acehnese Legal Text

Concerning Children Born into Debt

If a child is born to a woman held in debt, and she has several children, the eldest child shall not automatically be bound by the mother’s debt.

Only one child may be taken in satisfaction of the debt, and the value shall not exceed one and a half tahil.

If there are several children, the others remain free and do not become “children of debt” (*anak emas*) merely because of their mother’s obligation.

If the value of the debt is less than one and a half tahil, no child may be taken on account of it.

Only where the debt reaches the prescribed amount may such a claim arise.

—

If an indebted slave bears a child while owing two tahil or one tahil, and later incurs debt to another person, the child may be redeemed by the owner.

The child shall remain with the mother until reaching maturity.

If the mother subsequently incurs another debt to a different creditor, the child shall be valued at half a tahil or six kupang, according to the established custom.

If the owner wishes to sell the child together with the mother’s debt, the sale shall not proceed without the permission of the Minister.

If the sale has already taken place, the Minister shall intervene and require payment according to the prescribed value of half a tahil.

—

If an indebted slave is pledged as security (*cagar*), any children subsequently born likewise become subject to that pledge.

Nevertheless, however many children are born, they do not automatically become children of debt, because they remain subject to the original pledge.

Likewise, where a pledged slave bears children, those children belong to the original owner until the value exceeds one and a half tahil, at which point the matter is governed by the customary law of the kingdom.

—

If a child born into debt is still nursing from its mother, and accidentally destroys or damages the property of the owner, no compensation shall be payable.

Likewise, if the owner disciplines or strikes the child so that bruising or bleeding occurs, no penalty arises because the child is regarded as remaining under the owner’s authority.

—

Concerning Accidents

If another person’s slave comes to one’s house without being summoned, climbs the stairs, and the fastening of the staircase breaks so that the slave falls and dies, the householder shall pay half the value of the slave.

This is because he failed to secure the staircase properly, and the matter therefore falls within taʿzīr for negligence.

If, instead, it is the householder’s own child who falls and dies, compensation shall likewise amount to half the prescribed value.

If a slave is lent by his master to climb a tree and falls to his death, the compensation shall be divided into three parts, one of which shall be borne by the borrower.

pg 51

Continuation of the Acehnese Legal Text

Concerning Hired Slaves

If a slave earns his livelihood by hiring out his labour, and while employed he is:

- killed by another person,
- killed by a tiger,
- or dies in the course of his employment,

then compensation amounting to half the slave's value shall be paid, provided that the employment took place with the master's knowledge and consent.

—

Concerning a Slave Seeking Refuge

If a master beats his child or his slave, and the slave flees to another person's house, the owner of that house shall return the slave to the master.

If the slave is a woman who has been assaulted, the offender shall be fined ten emas.

If the master again beats the slave after she has been returned, he shall likewise be fined ten emas, because it is improper to beat a slave in the presence of the person who returned her.

If the person sheltering the slave fails to inform the master and instead secretly keeps the slave while the master searches for her, and the slave is later beaten to death, the person who concealed her shall compensate the master for half the slave's value, because the concealment contributed to the loss.

—

Concerning Debt and Pledged Property

If a debtor has pledged property (*cagar*), the pledge remains fully binding.

If the pledge has been reduced to writing, and the debtor dies, the written pledge remains effective.

If no pledge exists, and no written agreement has been made, the obligation does not automatically pass to the debtor’s children.

Likewise, if a person borrows another’s capital for trade, any resulting obligation remains attached to the debtor himself and does not automatically bind his children.

If a debtor incurs obligations without the knowledge of his wife and children, and the wife brings the matter before the Minister, the loss remains the debtor’s responsibility.

Only where the debt has lawfully become chargeable against the family does liability extend to the wife and children.

—

Concerning Marital Property

If a husband brings into the marriage a slave (dum) and the wife brings none, then, if children are born and the marriage later ends through divorce or death, the original slave shall be returned to the husband.

Any property acquired during the marriage shall be divided according to established custom.

Likewise, if the wife brings a slave into the marriage and the husband brings none, the slave remains her property.

—

Concerning Found Property

If a person finds valuable property, he shall publicly announce the discovery.

The property shall then be placed in the custody of the senior official serving the ruler.

If the owner later appears and proves his claim, the property shall be restored to him upon payment of the prescribed redemption…

pg 52

Concerning Found Boats and Weapons

If a person finds a boat, keris, or spear, he shall not conceal the discovery from the owner.

If he fails to report it, he shall be punished as a thief.

—

Concerning Drifting Boats

If a drifting boat is found before it reaches the harbour, the redemption shall be two kupang.

If it reaches the harbour, the redemption shall be one emas.

If it has drifted beyond the harbour, the redemption shall be two emas.

If the boat has drifted out to sea, its value shall be divided into three parts:

- two parts shall belong to the finder,
- one part shall belong to the owner, once he has been found.

If the boat is recovered in the open sea, the redemption shall equal the value of the boat because it had already been abandoned.

If a person discovers another person but does not announce the discovery and instead conceals him, he commits theft according to the law.

—

Concerning Guests

If a person comes to another person's house with the knowledge of the owner of the village and household, and property later disappears from the house, the householder shall compensate the loss.

Like the proverb:

"When the eagle flies away, even a fallen fruit is noticed."

Such negligence is punishable by taʿzīr.

—

Concerning Injury and Death

If a person throws something at another, or stabs him, and death results, the offender shall bear the expenses of the funeral, including the coffin and burial arrangements.

If the victim survives, the offender shall bear the cost of medical treatment until recovery.

—

Concerning Abandoned Children

The maintenance (*air nasi*) of an abandoned child is divided into four stages:

1. one and a half tahil;
2. ten emas;
3. five emas;
4. one emas.

If an infant is abandoned by its parents in a river, forest, or by the roadside, and another person rescues and raises the child until it can run about and reaches maturity, and the parents later acknowledge the child, they shall pay the prescribed maintenance.

The payment includes the reward due to the midwife who cut the child's umbilical cord and to the person who raised the child.

If the parents refuse to take responsibility, they shall be fined ten emas.

If the child has already grown old enough to stand or feed independently, the maintenance shall be five emas.

Once the child is fully weaned and eats independently, the maintenance becomes one emas.

—

Concerning Property Left in Another Person's House

If a person deposits property in another person's house and it is stolen, both parties suffer the loss.

If, however, the owner of the house falsely claims:

"The property has been stolen,"

when in fact he has appropriated it himself, he shall compensate the owner for the full value of the property alleged to have been lost.

pg 53

Conclusion of the Acehnese Legal Text

If property deposited with another person is later found, then all of that property shall be restored according to the established account of its loss.

If evidence appears from the conduct of the person, from his words, or from the surrounding circumstances that reveal the truth of the matter, then judgment shall follow accordingly.

This legal code has long been known and transmitted by the humble man of Pulau Raya.

Whoever wishes to make a copy of it shall do so according to the established custom.

If borrowed property is lost or damaged, compensation amounting to one and a half tahil shall be paid.

The matter should be dealt with discreetly so that unnecessary public dispute does not arise.

Tamat al-Kalām.
Here ends the text.

pg 54

The Maritime Laws of Melaka

Preamble

In the Name of Allah, the Most Compassionate, the Most Merciful.

Praise be to Allah, who created the seven heavens and the seven layers of the earth, manifesting thereby His Essence and His Attributes.

“And He made the sea and its waves mighty over all that sail upon it.”

He made the sea and its waves powerful over all who travel upon them.

“Peace and blessings be upon our master Muhammad, the noblest of the Prophets and Messengers.”

May the mercy and peace of Allah be upon our master Muhammad, the foremost among all the Prophets and Messengers.

“And upon his family and his Companions, who were the best of creation after him.”

And upon all his family and companions, who are the best of mankind after him.

—

Thereafter speaks this humble and insignificant servant.

It came to pass that the honourable Nakhodas desired that a proper code of maritime law should govern them while at sea.

Accordingly, Dato' Bendahara Seri Maharaja Mangkubumi presented this request before His Majesty Sultan Mahmud Shah, Sovereign of the Kingdom of Melaka.

His Majesty declared:

"We ourselves wish to hear the laws and regulations governing all Nakhodas and seafarers."

He further proclaimed the privileges and authority of the Nakhoda, who commands the jong, the smaller vessels, and all those who sail under him.

Everyone on board must not ridicule him nor dispute his authority while at sea.

Nor should anyone disregard the ancient customs long observed by the noble Nakhodas.

Likewise, no one should behave in a manner contrary to established custom or conduct himself in a way unbecoming those who sail upon the vessel.

Neither should they quarrel or dispute among themselves while at sea.

—

If We did not establish these laws and regulations for the Nakhodas, the affairs of those at sea would never be properly ordered.

Therefore, We now establish these customs and laws governing every Nakhoda while he is at sea.

And if…

pg 55

Continuation of the Preamble

The Authority of the Nakhoda

Even if the Nakhoda is only a youth or a slave, once he is appointed Nakhoda, he is king upon the sea.

Therefore, every passenger and every member of the crew shall honour him and stand in awe of his authority, lest they incur punishment.

Any judgment delivered by the Nakhoda concerning those aboard his vessel while at sea shall not afterwards be reopened under the laws of the kingdom once the vessel has returned to land.

For the authority exercised by the Nakhoda is conferred by His Majesty the Sultan.

Only if the Nakhoda is unable to determine a matter may it afterwards be referred to the judge on land.

Otherwise, whatever is decided under the authority of the Nakhoda remains complete and valid.

—

Then Dato' Bendahara conveyed to all the Nakhodas the commands of His Majesty.

He declared:

"If you do not obey these royal commands which I now present to you, you shall no longer remain under the protection of His Majesty."

Whoever refuses to obey the commands of His Majesty Sultan Mahmud Shah shall be guilty of disobedience both to the Sultan and to the honourable Nakhodas.

Therefore this humble servant has compiled this treatise so that it may serve as a reminder and guide for all Nakhodas in future generations.

—

Accordingly, this Mukhtaṣar (Abridgement) is arranged into seventeen chapters (fasal).

"May Allah illuminate it with the light of guidance and law, and make it among the people of Paradise and everlasting bliss."

May Allah illuminate this work with the light of the true path and His good pleasure.

May He make its compiler among the people of Paradise and His everlasting blessings.

Āmīn.

—

Fasal One

Concerning the Authority of the Nakhoda

The first chapter concerns the law governing the Nakhoda, master of the jong and all other vessels.

This law was established during the reign of Sultan Mahmud Shah.

The Nakhoda is king upon the sea and within his vessel.

Within the ship:

- the Bendahara serves as his chief minister;
- the Tekong stands in the position of the Temenggong, for he supervises all matters, both good and bad, within the vessel, maintains its discipline, determines the equipment required for the voyage, and oversees the work carried out aboard the ship.

The right Tekong and the left Tekong occupy the position of the sida-sida (royal attendants) within the vessel.

They perform their duties together under the authority of the Senior Tekong (Tekong Agong).

pg 56

Continuation of the Preamble

The Authority of the Nakhoda

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They perform their duties together under the authority of the Senior Tekong (Tekong Agong).

pg 58

Continuation of Fasal One

The Chain of Command Aboard Ship

The right Jurubatu and left Jurubatu are responsible for the ropes, rigging, and all matters entrusted to them.

The Sepahi and the Tekong likewise act under the authority of the Nakhoda.

All sailors and crew members receive their commands through the Tekong Agong (Senior Tekong).

If the Tekong Agong gives an order and a sailor refuses to obey, thereby resisting his authority, the Nakhoda shall order that sailor to receive seven strokes of the cane administered by the Jurubatu.

The Tekong Agong shall be present when the punishment is carried out.

If the offender further resists the Tekong Agong, he shall receive four additional strokes and be publicly disgraced.

If a sailor resists both the Tekong and the Sepahi, he shall receive seven strokes.

Such is the law.

And Allah knows best.

—

Fasal Two

Concerning Zinā Aboard Ship

The second chapter concerns the offence of zinā committed aboard a ship.

If a free man, whether married or unmarried, commits zinā with the wife of another free man aboard the vessel, the matter shall first be investigated by the Nakhoda.

If the offence is established, both the man and the woman shall be put to death.

If, however, both are unmarried, each shall receive one hundred lashes, after which they shall be married to one another.

If they refuse to marry, each shall instead be fined one and a half tahil of emas.

If only one of them refuses the marriage, the one willing to marry shall be released from further liability, while the unwilling party shall receive taʿzīr in the public square.

Thereafter the unwilling party shall pay half the prescribed fine, while the marriage shall proceed under the supervision of the Nakhoda and in the presence of the assembled company aboard the ship, so that no lasting shame remains upon them.

Such is the law.

—

Collective Decision-Making

Whenever the punishment to be imposed is death or a fine, the Nakhoda shall first consult with the assembled company aboard the vessel.

Only after such consultation shall judgment be carried out.

If the Nakhoda acts without consulting those aboard, disputes may later arise concerning his decision.

—

Concerning Sexual Offences Involving Slaves

If a free man has unlawful relations with a female slave who has only recently entered the service of her master, he shall compensate the owner according to the value of the slave, since she has not yet become permanently established in her master’s household.

If, however, the slave has long been in her master’s service, the matter shall first be brought before the owner…

pg 58

Continuation of Fasal Two

Concerning Sexual Offences Aboard Ship

If a free man has unlawful relations with a female slave belonging to another, the Nakhoda shall determine the appropriate punishment.

The purpose of the punishment is to deter other men from violating women belonging to others.

If the slave woman has already borne children to her master, then there is no lawful punishment other than death for both the man and the woman who have betrayed their master.

—

If a free sailor commits adultery with the wife of another crew member, and the husband kills both of them, no liability falls upon him.

If he does not kill them, the woman becomes subject to the authority of the Nakhoda.

If the Nakhoda is just, he shall order both offenders to be put to death.

If he does not do so, the woman shall not be left to wander freely among the crew.

The Nakhoda must ensure that she is punished because she has already become subject to his jurisdiction.

Even if the husband offers many emas to redeem his wife, the Nakhoda should not accept such payment.

To do so would constitute a serious breach of the law established under the authority of His Majesty the Sultan.

Instead, the husband should be counselled.

If there is another suitable woman, he should marry her so that life aboard the vessel may continue in good order.

Such is the law governing all who sail upon the ship.

—

If one slave has unlawful relations with another slave aboard the vessel, the Nakhoda shall order them bound.

They shall be publicly beaten in the open space of the ship.

The execution of the punishment shall be entrusted to the Tukang Agong.

Such is the established custom.

All matters concerning punishment are entrusted to the Tukang Agong.

And Allah knows best.

—

Fasal Three

Concerning Property Acquired During a Voyage

The third chapter concerns property acquired during the voyage.

If the Kiwi (a ship’s officer), the relatives of the Nakhoda, or any member of the crew discovers property, captures a runaway person, or acquires any goods at ports or along the coast, such acquisitions belong to the Nakhoda, master of the vessel.

Likewise, if anyone discovers:

- gold,
- silver,
- valuable property,
- or even damaged goods,

whether in forests, upon landing ashore, or while engaged in the service of the Nakhoda, the property shall…

pg 59

Continuation of Fasal Three

Concerning Property Acquired During a Voyage

Whatever is acquired during the voyage belongs to the Nakhoda.

No other person may claim it except through the Nakhoda.

Such is the law.

If, however, a Kiwi (ship's officer) goes ashore of his own accord, independently of the Nakhoda's business, and acquires property there, the property shall be divided into three shares:

- one share belongs to the finder;
- two shares belong to the Nakhoda.

Such is the law.

If an ordinary crew member acquires property, it likewise belongs to the Nakhoda, owner of the vessel.

If the Nakhoda is generous, he may voluntarily grant part of it to the finder.

If a slave or servant serving aboard the vessel acquires property, the same rule applies.

—

If the Nakhoda himself acquires property, it shall be divided into four shares:

- three shares belong to the Nakhoda;
- one share belongs collectively to those serving aboard the vessel.

Such is the law.

—

Concerning Runaway Slaves

If a person discovers a runaway slave, whoever finds the slave acquires the right to recover him.

If the owner later appears, he shall redeem the slave by paying half the slave's value to the Nakhoda who recovered him.

If the owner never appears, the Nakhoda shall bring the slave ashore.

If no offence is found against the slave, the Nakhoda may sell him at a reasonable price.

The sale, however, must take place publicly in the presence of:

- those aboard the ship;
- and the people of the place where the sale occurs.

If the owner later appears, the Nakhoda shall restore to him half the value of the slave, while the remaining half belongs to the Nakhoda who recovered him.

And Allah knows best.

—

Fasal Four

Concerning Shipwrecked Persons

The fourth chapter concerns persons who have been shipwrecked upon an island or upon reefs in the sea.

Every such person shall be provided with sailcloth, valued at half a tahil, for clothing.

If the shipwrecked person possesses no property except one and a half emas, the Nakhoda shall nevertheless provide him with food.

No charge shall be imposed upon a shipwrecked person in such circumstances.

However, if he later reaches a port safely, he shall reimburse the Nakhoda for the food provided, amounting to half a tahil of emas.

If he possesses property worth more than ten emas, customs duties shall first be assessed.

If the shipwrecked person conceals any of his property…

pg 60

Conclusion of Fasal Four

Concerning Shipwrecked Persons

If a shipwrecked person tells the Nakhoda that he possesses no property, but it is later discovered before many witnesses that he had concealed his possessions, then all the property he concealed shall be forfeited to the Nakhoda.

And Allah knows best.

—

Fasal Five

Concerning Passengers

The fifth chapter concerns passengers who have paid for passage.

If the vessel fails to reach the agreed destination and turns back before completing half the voyage, the passenger's fare shall be returned.

If the vessel has already completed more than half of the voyage, the fare shall not be returned.

Such is the law.

—

Concerning Fraud and Commercial Misconduct

If a person commits fraud (juʿādah), unlawfully appropriates another person's goods aboard ship, whether belonging to the Nakhoda, the Kiwi, another officer, or an indebted person, he shall be punished according to the established law governing fraud (juʿādah) and disciplinary punishment (taʿjīl).

Such conduct constitutes a breach of trust towards the owner of the vessel.

The offender shall therefore receive the prescribed disciplinary punishment.

He shall be beaten.

If he refuses to submit to punishment, the crew shall compel him.

Should he resist and die in the course of that lawful enforcement, no liability falls upon the Nakhoda.

If, however, the offender repents and seeks forgiveness, the Nakhoda may pardon him.

Nevertheless, the punishment should first be carried out so that such conduct will not recur.

Such is the law concerning juʿādah and taʿjīl.

And Allah knows best.

—

Fasal Six

Concerning Offences Endangering the Voyage

The sixth chapter concerns offences for which a person may be put to death during a voyage.

There are three such offences.

First

If a person commits serious misconduct and openly rebels against the authority of the Nakhoda, the crew shall restrain him.

If necessary, he may be put to death.

Anyone aboard the ship who refuses to assist the crew against such a dangerous offender likewise commits a serious offence, for he joins himself to the wrongdoer.

Second

If a person conspires with another to kill:

- the Nakhoda,
- the Mualim,
- the Kiwi,
- or the Tukang,

he too shall be put to death.

Third

No one aboard the ship shall secretly carry a keris.

If a person conceals a keris upon his person, it shall be presumed that he intends to do harm either to the Nakhoda or to another person aboard the vessel.

pg 61

Conclusion of Fasal Six

Concerning Rebellion Aboard Ship

The assembled company shall first warn the offender.

If he refuses to submit to lawful punishment, the crew shall restrain him.

If he violently resists and is killed during the lawful enforcement of discipline, no liability arises.

Such punishment is imposed only to prevent danger and disorder from spreading among all those aboard the vessel.

And Allah knows best.

—

Fasal Seven

Concerning Debtors During a Voyage

The seventh chapter concerns persons who incur debts.

When a debt is contracted, the debtor shall agree with the creditor upon a period of repayment, whether:

- three years,
- two years,
- or any other agreed term.

Until the agreed time arrives, the debtor cannot be compelled to make payment.

If another debt falls due before the agreed term, the earlier agreement remains binding.

—

Thereafter, if the debtor possesses capital, merchandise, clothing, or other property, all such property may be assessed and applied towards payment of the debt according to law.

Such is the law.

Likewise, if a passenger leaves the vessel before reaching the destination originally agreed upon, customs duties amounting to ten emas may be levied upon his property and clothing.

Such is the law.

—

Fasal Eight

Concerning the Muʿallim (Navigator)

The eighth chapter concerns the Muʿallim, who possesses knowledge of navigation.

If assistance is rendered by the Muʿallim, he shall receive the customary share allotted to his office.

If the Muʿallim himself requires assistance, he shall receive three tahil.

The Assistant Muʿallim receives two and a half tahil.

The Muʿallim holds the office immediately below that of the Chief Muʿallim.

When the vessel prepares to sail, responsibility for:

- ropes,
- tackle,
- sails,
- and all navigational equipment,

is entrusted to the Muʿallim according to the duties of his office.

The heavier work, including:

- anchors,
- spars,
- gangways,
- and other large equipment,

is entrusted to the Tukang Agong, who in turn directs the crew together with the Right Tukang and Left Tukang.

They supervise all work, ensuring that everything is carried out properly.

If anyone interferes with the Muʿallim while he is:

- setting the sails,
- trimming the sails,
- or directing the navigation,

and thereby causes disagreement or confusion concerning each person's responsibilities, the offender shall receive four strokes.

If he refuses the corporal punishment, he shall instead pay a fine of four hundred pitis.

If the voyage reaches port safely, that money shall be given in charity as protection against future misfortune and danger.

The Muʿallim's foremost qualifications are that he must know:

- the beginning and end of the sailing seasons;
- the movements of the stars;
- the courses of the heavens;
- the sun;

- and the moon.

Secondly, he must know…

pg 62

Conclusion of Fasal Eight

Concerning the Muʿallim

The Muʿallim must know:

- the coming of the winds,
- the depths of the waters,
- bays,
- estuaries,
- anchorages,
- reefs,
- channels,
- straits,
- long and short passages,
- dangerous and safe routes.

Only one who possesses such knowledge may serve as Muʿallim.

If the Muʿallim forgets his calculations or loses his bearings so that the jong strikes a cliff, island, reef, or other obstacle and is wrecked, the Muʿallim shall suffer the prescribed punishment.

No excuse shall avail him.

Such is the decree of Allah Most High.

Therefore, the Muʿallim must constantly remember everything stated above and continually seek the help of Allah and His Messenger against the dangers of the sea.

For the Muʿallim is like an Imam leading his congregation.

Such is the established custom.

The Muʿallim must never abandon his appointed station.

If he does so, he shall be seized by the crew and brought before the judge.

If he resists arrest, the Nakhoda may order him to be put to death.

—

Fasal Nine

Concerning the Kiwi (Merchant-Supercargo)

The ninth chapter concerns the Kiwi, whose duties consist of four principal matters.

First, the Kiwi purchases merchandise.

Second, he purchases goods using the capital entrusted to him by the Nakhoda.

Whether the investment amounts to three tahil or any other sum, the goods remain under his responsibility.

Cargo is entrusted to him by the Nakhoda, whether amounting to three kuwin or two kuwin, according to the value of the merchandise.

If the goods are worth three tahil of gold, he receives one customary share.

If the cargo increases to seven or eight shares, he receives the corresponding share.

The Kiwi may not purchase merchandise recklessly.

When the voyage returns safely to port, one-tenth shall be paid as customs duty.

Such is the customary duty of the Kiwi.

The Malik Kiwi receives one share because he serves as the chief of all the Kiwis.

He is responsible for the commercial revenues of the kingdom arising from eight shares.

Apart from this, he receives the customary allowance of eight lengths of cloth and one coil of rattan.

Such is the custom.

Since the Kiwi already pays customs duties, he shall not be liable for additional state taxes.

The Malik Kiwi shall consult with the Nakhoda and the other Kiwis regarding every important matter, whether good or bad.

Such is the law.

—

Fasal Ten

Concerning Jettison During Storms

The tenth chapter concerns the throwing of cargo overboard during violent storms.

Whenever cargo must be thrown into the sea because of a great storm, the Nakhoda shall first consult with all those whose goods are aboard the vessel.

For the cargo belongs to many different owners…

pg 63

Conclusion of Fasal Ten

Concerning Jettison and Maritime Losses

Where cargo is thrown overboard, the loss shall be shared according to each person’s share in the cargo.

If the Nakhoda orders goods to be thrown overboard without first consulting those concerned, he bears responsibility (*taʿzīr*) for that decision.

—

If a debt or loss arises because all aboard face the same danger from the sea, then:

- rich and poor,
- free person and slave,
- man and woman,
- child and elder,

shall all share alike according to the established law.

—

If, during a violent storm, heavy seas, or a fierce tempest, a jong strikes rocks or reefs, and two vessels become fastened together so that they cannot separate, then if one vessel suffers damage, the loss shall be apportioned according to the law of pekeram (shared maritime liability).

The loss shall be divided into three parts, with compensation borne by those not directly affected.

And Allah knows best.

—

Likewise, if two vessels sailing together collide through negligence (*taʿzīr*), although the sea is wide enough for them to avoid one another, the vessel causing the collision shall bear responsibility.

According to the law of pekeram:

- two parts of the compensation shall be paid immediately at sea;
- three parts shall be paid after arrival in port by the vessel responsible.

Such is the law.

And Allah knows best.

—

Fasal Eleven

Concerning Shipboard Customs and Etiquette

The eleventh chapter concerns the customs governing everyone aboard the jong.

No person may sit upon the main council platform (balai lentang) or the long hall (balai bujur) except the Nakhoda, for he is the King of the Sea.

Only when an important matter arises may the company assemble there to deliberate and consult.

Even then, they may ascend the platform only when summoned by the Nakhoda.

Anyone who ascends the platform on his own initiative commits an offence.

He shall receive seven strokes or be fined one Javanese kupang.

Such is the law.

Again, only when important business requires consultation may people gather there.

No one may occupy the platform except by the command of the Nakhoda.

Whoever disregards this rule shall likewise receive seven strokes or pay one Javanese kupang.

Such is the law.

—

Ordinary sailors may not sit upon the council platform, for it is not their proper place.

Likewise, no one may sit upon the forecourt (petaran lawang) except the Nakhoda…

pg 64

Conclusion of Fasal Eleven

Concerning Constitutional Order Aboard Ship

No one may sit in the place reserved for the Nakhoda, because the Nakhoda is King at Sea, and his commands carry the same authority as those of kings on land.

Whoever passes through or occupies that place unlawfully commits a serious offence.

If a member of the crew sits in the Nakhoda's place, he commits an offence.

If he is one of the ordinary sailors, he shall receive three strokes.

If he is someone other than an ordinary sailor, he shall be fined ten emas and one kupang.

—

The ancang-ancang (the raised fore-platform of the vessel) may not be occupied by anyone except the Right Tukang and the Left Tukang.

If any other person sits there, he commits an offence and shall receive seven strokes.

Likewise, whoever stretches out his legs upon the ancang-ancang in the direction of the stern commits a serious offence against the dignity of the Nakhoda.

—

Even persons of high rank or advanced age aboard the vessel are subject to these rules.

Anyone who fails to honour the constitutional rank of the Nakhoda shall receive seven strokes together with a fine of one and a half tahil of emas, because of the gravity of the offence.

Such is the law.

And Allah knows best.

—

The Kiwi may possess one small boat solely for obtaining:

- fresh water,
- firewood,
- and necessary supplies.

He may not possess more than one.

Such is the law.

—

Fasal Twelve

Concerning Watchkeeping (Berkepang)

The twelfth chapter concerns the duty of keeping watch.

Watchkeeping is required for several reasons.

First, while at sea:

- because of enemies;
- because of pirates or evil men;
- to avoid collision with other vessels;
- to avoid rocks.

Secondly, when approaching land:

- because runaway slaves may escape;
- or because someone aboard may commit treachery by fleeing in a small boat or carrying away redeemed persons.

pg 65

Continuation of Fasal Twelve

Concerning Watchkeeping (Berkepang)

If a redeemed slave (*tebusan*) escapes while under guard, the guards shall compensate the owner according to the redemption value for which the slave would have been sold.

The guards themselves shall pay that compensation to the owner.

—

If the redeemed slave commits treachery while under guard, the guards shall receive sixty strokes.

Such is the law.

If property belonging to another person is lost while under the watch of those assigned to guard it, the guards shall compensate the owner for the full value of the property because of their negligence (taʿṣīr).

The Nakhoda shall organise the watches among all those aboard the vessel.

Each watch shall consist of one or two persons.

If a watch is left without sufficient assistance, responsibility rests upon those assigned to that watch.

When one watch hands over duty to the next, the change of watch shall take place before witnesses.

The outgoing watch shall formally hand over responsibility to the incoming watch.

If this is not done, liability for negligence remains.

—

Those keeping watch should always have a companion with them so that they do not fall asleep while on duty.

The Nakhoda shall supervise every watch.

—

If the jong drifts aground or strikes a reef, shoal, or headland because those keeping watch have neglected their duties and failed to keep proper vigilance, then:

- if no property has been lost, the negligent watch shall receive thirty strokes;
- if property has been lost, they shall compensate the owners for the losses sustained.

Likewise, if the watchmen or their assistants neglect to guard the ship properly, they incur taʿzīr for their negligence.

If goods are damaged by seawater because those responsible failed to exercise proper care, they shall compensate the owners for the resulting loss.

—

If another vessel approaches and those assigned to keep watch fail to challenge or warn it because of their negligence, then both the watchmen and their assistants shall be fined according to the value of one redeemed slave, because of the seriousness of their neglect in failing to give warning to the approaching vessel.

Such is the law.

Therefore, all assistants and those assigned to keep watch must never neglect the duties entrusted to them.

And Allah knows best.

pg 66

Fasal Thirteen

Concerning Those Responsible for Bailing Water and the Orak-Orak

The thirteenth chapter concerns those responsible for bailing water from the vessel and for keeping the orak-orak.

Those responsible for bailing water shall include everyone aboard the ship except:

- the Nakhoda,
- one senior officer appointed by him,
- the Muʿallim,
- the Helmsman (*Jurumudi*),
- and the Jurubatu,

while the vessel remains at sea.

If the Jurumudi and the Jurubatu are temporarily excused from bailing until the ship reaches port, whether after three days or seven days, they shall afterwards take their turn together with everyone else engaged in bailing water.

—

Whoever holds the orak-orak when his turn arrives must remain especially vigilant.

He must watch carefully over the water entering the ship and everything connected with his watch.

If water begins entering the vessel during the night, he must immediately report it and awaken everyone who is asleep, showing them where the water is entering.

If he fails to do so, he is guilty of taʿzīr through negligence, and his punishment shall be the same as that imposed upon those responsible for ordinary watchkeeping.

—

If a person neglects the water entering the vessel while at sea or in harbour, and because of that neglect cargo becomes wet and is damaged, he shall compensate the merchants for the full value of the goods destroyed.

When his period of bailing duty ends, he must hand over the orak-orak to the person taking over the next watch.

He shall also inform the Jurumudi or whichever officer is nearest.

If he fails to do so, he is guilty of negligence and may be required to serve two consecutive turns of bailing duty.

Likewise, if the person who should receive the next watch is asleep, he must first be awakened and reminded.

Only when he is fully awake may the orak-orak be handed over to him.

If the outgoing watch hands it over before the incoming watch is properly awake, he commits negligence and must again perform two turns of duty.

Such is the law.

And Allah knows best.

—

If the orak-orak is lost while under someone’s care, the person responsible for bailing water remains liable until the ship reaches port.

If he wishes to replace the lost orak-orak because he is no longer able to continue his turn, he must first obtain permission from the others serving on the same watch.

He must then ask forgiveness from the Nakhoda and pay a penalty of one and a half tahil of red emas.

Thereafter, if the others consent, another person may take over his duty.

Such is the law.

pg 67

Continuation of Fasal Thirteen

Whoever is assigned to the duty of bailing water shall remain constantly mindful of his responsibility.

When the orak-orak (the token of duty) comes into his possession, he shall perform his work with the greatest care until it is completed.

—

If one of those responsible for bailing water falls ill for as long as three days, he shall be excused from his duty.

Another person shall be appointed to take his place.

If no substitute is appointed, the Nakhoda himself shall arrange for another person to perform the duty in place of the sick man.

If he fails to do so, the negligence lies with the Nakhoda, while the sick man is free from liability.

Such is the law.

And Allah knows best.

—

Concerning the Jurumudi (Helmsman)

The duties of the Jurumudi resemble those of the Muʿallim, particularly on vessels where no Muʿallim is carried.

The Jurumudi must remain constantly vigilant, whether sailing by day or by night.

He must never neglect:

- directing the crew;
- supervising the ship’s equipment;
- inspecting the ropes;
- examining the anchors;
- checking the sail-rigging;
- ensuring that the great sails and smaller sails are properly secured.

He must also inspect:

- the mooring ropes;

- the anchor cables;
- and all tackle, especially during the night and in heavy winds.

Likewise, the Jurumudi must continually observe:

- the wind;
- nearby vessels;
- whether conditions are favourable or dangerous;
- the towing ropes of small boats;
- whether any rope is becoming worn or likely to break.

He shall inspect the water entering the accompanying boats and ensure that those responsible for bailing water perform their duties properly.

If the Jurumudi neglects these responsibilities, he is guilty of serious negligence (taʿzīr).

Should any rope break because of his neglect, he shall bear responsibility for replacing the accompanying boat.

Such is the law.

—

Concerning the Jurubatu

The Jurubatu likewise must never neglect any duty entrusted to him.

He is responsible for all the ship’s rigging and equipment.

He must inspect every part carefully, whether good or defective.

Whenever he discovers any fault, he shall repair it immediately so that difficulties do not arise during the voyage.

After the vessel has anchored, he is also responsible for supervising those engaged in bailing water.

He must remain constantly alert.

If the anchors fail to hold, or if the vessel drifts and strikes:

- a fort,
- a reef,
- a cliff,
- or an island,

so that everyone aboard suffers because of that collision, then the Jurubatu is guilty of complete negligence (*taʿzīr*).

The prescribed punishment and fine shall therefore fall upon the Jurubatu…

pg 68

Conclusion of Fasal Thirteen

Concerning the Jurubatu and Junior Crew

If a small boat is lost while the vessel lies at anchor, then according to one recognised opinion (*qaul*), the Jurubatu shall compensate for its loss.

And Allah knows best.

The duties of the younger crew members while at sea include:

- steering when required;
- assisting in hauling the anchor chains;
- and, if an enemy is encountered, fighting courageously so that victory may be granted by Allah.

These are the duties of the younger crew until the vessel reaches harbour.

Whenever the Nakhoda goes ashore or walks through a foreign settlement, the younger crew and the sailors shall accompany him.

If the Nakhoda orders them to proceed to the forest, the bay, or any other place, they shall obey.

Whoever fails to accompany or assist the Nakhoda in these duties commits a serious offence, equivalent to disobeying the royal commands on land.

—

Fasal Fourteen

Concerning Discipline Aboard Ship

The fourteenth chapter concerns persons wearing hats (*topi*).

If a hat is burnt by one’s own servant or by another person’s servant, the responsibility rests upon the servant’s master.

The prescribed fine is four paku of Javanese pitis.

If the master refuses to pay, the servant shall receive thirty strokes in the open court of the vessel.

—

If persons quarrel aboard the ship, each offender shall be fined fourteen paku of Javanese pitis.

If one of them draws a keris during the quarrel and advances from the bow of the ship through the central passage towards the stern, the punishment is death.

If he is captured before carrying out the attack, he shall first receive taʿzīr, after which he shall pay a fine of one hundred and five paku of Javanese pitis.

—

If a Kiwi raises a keris against the Nakhoda, the punishment is death.

If, however, he is restrained by the others before carrying out the attack, and humbles himself, asking forgiveness from the Nakhoda, he shall not be put to death.

Instead he shall pay a fine of sixteen paku of Javanese pitis together with one buffalo, and shall provide a meal for the Nakhoda.

He must also publicly confess his offence and ask forgiveness from everyone aboard the ship.

—

Beginning of Fasal Fifteen

Concerning Trade Upon Arrival in Port

The fifteenth chapter concerns trade after the ship has safely reached harbour.

No one except the Nakhoda may begin trading immediately.

The Nakhoda alone may trade for the first four days after arrival.

After that, the Jurumudi…

pg 69

Continuation of Fasal Fifteen

Concerning Trade After Arrival in Port

After the Nakhoda has enjoyed his exclusive right to trade for four days, the Jurumudi may trade for two days.

After the Jurumudi's period has expired, the Jurubatu may trade.

Thereafter, the Kiwi may trade for two days.

Only after these periods have elapsed may the remainder of the company engage freely in trade.

—

If the Nakhoda himself has already purchased certain merchandise, no one may purchase those same goods in preference to him.

If anyone, whether:

- the Kiwi,
- the Malik Kiwi,
- or any other person aboard,

knowingly purchases goods already chosen by the Nakhoda, those goods shall be returned to the Nakhoda upon payment of the price originally agreed.

—

Likewise, if anyone brings merchandise, redeemed goods, or other valuable property aboard without informing the Nakhoda, the Nakhoda may take possession of those goods upon paying their proper value.

The goods shall then belong to the Nakhoda because proper respect was not shown to his authority.

Such is the law.

—

If someone purchases goods that properly belong to the Nakhoda's privilege, the goods may likewise be taken by the Nakhoda upon repayment of the purchase price.

This is because the purchaser failed to honour the Nakhoda's precedence.

Such is the law.

—

Likewise, if a person redeems a captive (*tebusan*) without informing the Nakhoda, the Nakhoda may take the captive under his authority.

The same rule applies if a person secretly brings a runaway slave aboard.

In both cases the matter falls within the Nakhoda’s jurisdiction.

—

Whenever the Nakhoda wishes to anchor in a bay or estuary, or intends to cross a river or channel, he shall first consult all those aboard the vessel.

Before crossing, he shall inspect:

- every officer,
- the ropes,
- the moorings,
- and the tow-lines of the accompanying boats.

Only then shall the crossing proceed.

Such is the customary law governing those who sail aboard jongs and other vessels.

No person from a foreign shore shall be brought aboard without the Nakhoda’s permission.

If the Nakhoda nevertheless permits it contrary to the law, responsibility rests upon him.

—

Fasal Sixteen

Concerning Shares of Freight and Wages

The sixteenth chapter concerns the allocation of shares (sara) among:

- the crew,
- the Jurumudi,
- and the passengers.

If the vessel carries four hundred or five hundred units of cargo, then:

- the Jurumudi shall receive one koyan;
- the Jurubatu shall receive seven hundred;

each ordinary crew member shall receive five hundred…

pg 70

Undang-Undang Laut Melaka

Fasal Seventeen

Concerning Delay in Sailing and the Rights of Merchants

If a vessel carries three or three-and-a-half koyan of cargo,

the jurumudi (helmsman) shall receive seven hundred,

the jurubatu (boatswain) six hundred,

and the crew together shall receive half a koyan.

Passengers shall receive seven hundred.

These proportions are to be adjusted according to the size of the vessel.

And Allah knows best.

—

Concerning Delay at the Beginning of the Sailing Season

This chapter concerns delay at the commencement of the sailing season.

If the sailing season has arrived,

but the owner of the jong delays departure,

and after seven days the merchant (*kiwi*) is ready to sail,

yet the nakhoda still refuses to depart,

then the delay is attributed to the nakhoda.

Should the season pass because of that delay,

the advance freight (*harga petak*) already paid by the merchant

must be returned in full by the nakhoda.

—

If, however,

the merchant himself is negligent,

and after waiting seven days still fails to board,

then the vessel may sail without him,

and the nakhoda incurs no liability whatsoever.

—

If the nakhoda waits another seven days,

making a total of fifteen days,

and the merchant remains absent through his own negligence,

the vessel may depart,

and no claim may thereafter be brought against the nakhoda.

—

When a Merchant Must Be Put Ashore

If the merchant is put ashore because of his own negligence,

the advance freight is forfeited.

If the merchant is landed at another harbour

because he quarrels with the nakhoda,

or commits an offence,

or behaves treacherously,

or otherwise acts wickedly towards the nakhoda,

then he must forfeit the freight he has already paid.

The nakhoda may lawfully remove him from the vessel at whatever place is appropriate.

—

If, however,

the nakhoda himself is at fault,

the freight shall be divided into three parts:

- one-third shall be repaid by the merchant,
- two-thirds shall be borne by the nakhoda.

The merchant shall then leave the vessel.

—

If the merchant quarrels with an ordinary member of the crew (*awak perahu*),

the freight shall instead be divided into four parts:

- three parts are repaid,
- one part is forfeited.

And Allah knows best and knows what is most correct (Wallāhu aʿlam bi al-ṣawāb).

pg 71

Conclusion of the Undang-Undang Laut Melaka

Thus all the laws and commands contained in this code were entrusted by Sultan Mahmud Shah to Dato' Bendahara Mangkubumi, and by the Bendahara they were entrusted to all the honourable and senior Nakhodas during the prosperous age of the Kingdom of Melaka.

The Sultan commanded:

"Temenggong, ensure that this law is observed by you and by all your descendants, wherever they may sail, and by all who embark upon jongs and other vessels."

Such is the law, for the Nakhoda is king within his ship.

—

Thereafter all the Nakhodas were invested with their respective titles.

Wan Har was granted the title Sang Naya Diraja.

Wan Dir was granted the title Setia Diraja.

Nakhoda Wan Dewa received the title Setia Diraja.

The just Nakhoda received the title Maharaja Purba.

These men became the foremost among the great Nakhodas, renowned for their wealth and honoured beneath the sovereignty of Sultan Mahmud Shah, during the flourishing and prosperous age of the Kingdom of Melaka.

Tamat al-Kalām.
Here ends the text.

pg 72

Concerning Maritime Customs Duties

Know that the following provisions concern the customs and duties imposed upon jongs entering the harbour.

If a jong carries ten koyan of cargo, no customs duty shall be collected until the cargo has been inspected in the harbour.

If the cargo consists of:

- cloth,
- opium,
- silk,
- gold thread,

or similar valuable merchandise, the customs shall be assessed according to their value.

Goods valued at ten emas shall be taxed accordingly.

Large commercial consignments shall likewise be assessed according to their value.

—

If the jong is large and carries extensive merchandise, harbour dues shall be assessed according to the size of the vessel.

These dues belong to the King, not to private individuals or to other harbours.

The officials responsible for inspection and customs collection shall receive their prescribed shares.

The same rules apply to other vessels (baluk) according to the duties of those responsible for them.

—

Concerning Customs on Exports

The following concerns duties collected upon goods leaving the kingdom.

All exported goods shall pay customs amounting to one-tenth.

Merchants trading within the kingdom pay according to the established rates.

Those acting under the authority of the great officers may be exempt.

When merchants redeem captives or conduct commercial exchanges, the prescribed fees shall likewise be collected according to established custom.

The same regulations apply to baluk vessels under their respective masters.

—

Concerning Merchants Entering the Kingdom

Merchants arriving within the kingdom shall not negotiate with private persons before first reporting to the authorised customs officers.

Anyone who bypasses the lawful officials and conducts business directly commits an offence against the established customs and royal regulations.

Goods arriving in small boats must likewise first be presented to the proper customs officers.

Only thereafter may they enter the commerce of the kingdom.

—

Tamat al-Kalām bi al-Ākhir wa al-Salām Ajmaʿīn. Āmīn.

Here ends the discourse in its entirety. Peace be upon all. Amen.

Text 2

pg 1

Translation of the Arabic Preface

In the Name of Allah, the Most Compassionate, the Most Merciful.

Praise be to Allah, Lord of all the worlds.

Peace and blessings be upon His Messenger Muhammad, and upon all his family and companions.

Thereafter follows this concise treatise setting forth the terms and institutions of kingship and government in the prosperous realm of Pahang, the Abode of Peace (Dār al-Salām), may Allah Most High preserve it from calamities and destruction.

It was composed during the reign of the noble and exalted Sultan, the honourable Imam, through the grace of Allah.

That mighty ruler was Sultan Abdul Ghaffar, Defender of the Faith, may Allah perpetuate his sovereignty and kingdom.

May Allah increase his justice, his beneficence, his honour, and the excellence of his governance.

May He make his proofs manifest before all creation.

May He prolong his life and strengthen his armies.

Page 2

Praise be to Allah, and goodness be upon those who are God-fearing.

Peace and blessings be upon our Master, Muhammad, and upon his family and all his Companions.

Thereafter, this is a concise treatise explaining the offices and responsibilities of the kings and ministers of the State of Pahang Dār al-Salām, which Allah, Most Glorious and Exalted, has protected from loss and destruction.

It was prepared during the reign of the Sultan—the exalted ruler, the noble, mighty, and honoured sovereign through the grace of Allah—namely the great king Sultan Abdul Ghaffar.

May Allah perpetuate his justice and wisdom.

May He exalt his affairs and his rank.

May He spread his goodness and knowledge throughout all creation.

May He prolong his life and strengthen his armies.

—

Then follows this preserved treatise setting forth the duties of all kings and all their ministers within the kingdoms of Pahang, Perak, and Johor, during the reign of the Great Sultan, Sultan Abdul Ghaffar, whose kingdom Allah has preserved from this world until the Hereafter.

—

Thereafter I give thanks to Allah for His blessings,

those which have passed,

and those which are yet to come.

For He has made me among the followers of His Beloved,

the leader of all His Messengers,

to whom all His revelations were entrusted,

who confirmed the laws of the earlier prophets,

commanded justice,

and enjoined al-amr bi al-maʿrūf wa al-nahy ʿan al-munkar (commanding what is right and forbidding what is wrong).

Thus the whole world was illuminated by the light of His religion.

Peace and blessings be upon him,

upon all his family,

all his Companions,

and upon all of us among his community.

Āmīn, O Lord of the Worlds.

—

Then Allah appointed among His creation the kings, as He declares in the Qur'an:

"Indeed, I will place upon the earth a vicegerent (khalīfah)."
(Qur'an 2:30)

That is to say:

"I shall appoint kings upon the earth as My deputies."

The kings are entrusted with governing all the affairs of His servants.

Were there no kings,

the affairs of the people would have no order.

They would become like sheep without a shepherd,

to be devoured by the strong at the expense of the weak.

As expressed in the Persian saying:

"To the man of wisdom, the king and the prophet are like two jewels set in a single ring."

Having understood that the king occupies the rank of the Prophet in carrying out his functions, he therefore follows the example (*af'āl*) of the Prophet.

He listens to the affairs of his people…

Page 3

The kings appoint their officers as the walls and pillars of the kingdom, entrusting to them the administration of the realm so that they may lighten the burdens of kingship.

—

The kings appoint a Bendahara (Mangkubumi) together with ministers.

To him are entrusted:

- all the laws,
- the customs of government,
- the administration of the kingdom,
- and the affairs of the entire state.

They appoint a Penghulu Bendahari, to whom are entrusted:

- the royal treasury,
- the register of all royal servants,
- the accounting of all revenues due to the Crown,
- and the supervision of every matter within the royal palace.

He determines and administers all those affairs.

—

The kings appoint a Temenggong.

To him are entrusted:

- the administration of the towns,
- the moats,
- criminal offenders,
- punishments,
- public order,
- the markets,
- streets,
- commercial centres,
- weights,
- and measures,

ensuring that all are conducted according to established custom, neither exceeding nor falling short.

He is the King by Night, watching over criminals within the kingdom.

He bears responsibility for all those matters.

—

The kings appoint Bentara.

Their duty is to execute every royal command,

to guard them faithfully,

and to prepare registers of the great and lesser hulubalang once those lists have been completed.

—

The kings appoint the Hulubalang as the ornament of the kingdom and the shield against danger threatening the sovereign.

They defend the kingdom against every enemy,

and safeguard the welfare of all the people.

The responsibility for those matters rests upon them.

—

The kings appoint the Shahbandar, who is the ruler over all merchants.

To him are entrusted all matters relating to the harbour.

He inspects every vessel arriving and departing,

and all maritime affairs are committed to his authority.

—

The kings also appoint their trusted personal attendants (*hamba yang karib*).

They become the eyes and ears of the sovereign,

investigating the condition of the armies,

and guarding every royal secret.

—

The kings are like a gardener cultivating a garden.

He plants each tree where it is most fitting.

Some are planted along the borders,

others upon raised platforms,

each according to its proper place.

For his purpose in planting the garden is that it may become an inheritance for his descendants,

and that it may bring benefit,

just as flowers…

Its fruits, fragrance, and shade become a source of benefit and healing.

Such is the purpose of planting the garden.

Thus, when the owner enjoys the sweetness of its fruits and the fragrance of its flowers, he knows the worth of what he has planted.

But if he sees that a tree bears no benefit, it is uprooted together with its roots and replaced by another.

Such likewise is the condition of kings.

This is the wisdom contained in the parable of the garden.

—

Concerning the Faqih and the Ministers

The Faqih and all ministers should observe seven qualities.

First, they should give thanks for the blessings of Allah and His Messenger.

Second, obedience to Allah Most High must always take precedence over obedience to the king.

Third, they should constantly strive to perfect the affairs of the kingdom through justice and by promptly applying the laws of Allah whenever people bring their disputes before them.

Fourth, they must never decide any matter contrary to the Qur’an and the Hadith, nor neglect any command entrusted to them by their king.

Rather, they should devote their lives, hearts, and all their strength to carrying out those responsibilities.

Fifth, they should remain content with Allah’s decree.

For patience under the trials by which Allah tests His servants raises their rank and perfects their honour.

Sixth, they must restrain their desires from every evil disposition, as Allah Most High declares in the Qur’an:

“Whoever does an atom’s weight of good shall see it; and whoever does an atom’s weight of evil shall see it.”
(Qur’an 99:7–8)

Seventh, they should present themselves before the royal court every morning and evening.

Whoever is absent shall be summoned.

They should address everyone with gentle speech and a pleasant countenance.

They should present to the king whatever good counsel their wisdom can provide.

Even if the king should become displeased, the faithful servant must patiently endure his sovereign’s anger and displeasure.

Such is the conduct befitting a perfect servant.

These are the noble qualities required of those who serve kings.

—

Concerning the Penghulu Bendahari

The Penghulu Bendahari should possess nine qualities.

First, he must always speak truthfully, for truth removes the veil from falsehood and protects him from evil.

Second, he should practise economy in administering the king’s expenditure.

Third, he should supervise all the royal servants entrusted to him so that they perform their duties with loyalty and goodwill.

Fourth, he must always be present whenever the king requires his attendance…

Page 5

The Penghulu Bendahari shall continue to observe the following qualities:

Fifth, he should treat kindly the women servants of the palace who are close to the king.

Sixth, he should conduct his own household in the same disciplined manner as the royal servants within the palace.

Seventh, he should always remain at his post, for the royal banquets and ceremonial affairs depend upon his household.

As for the affairs of this world, they are never to be fully trusted.

Eighth, he must never hastily distribute or expend what has been entrusted to him.

Ninth, his constant concern should be to enrich the royal treasury and carefully discern whatever pleases the heart of his sovereign.

Such is the noble conduct expected of those who serve kings.

—

Concerning the Temenggong

The Temenggong shall observe seven qualities.

First, he should regard himself as a warrior entrusted with the defence of the kingdom.

Second, he must remain constantly vigilant.

Third, he should possess keen hearing and sharp eyesight.

Every day he must inspect:

- prisoners,
- chains,
- fetters,
- prisons,

for these matters concern human life.

Fourth, he must not show favouritism in carrying out the duties entrusted to him by the king.

Fifth, he should seek capable assistants, for his responsibilities are difficult.

Sixth, he should patiently receive every report brought before him, for those executing the commands of their sovereign often encounter hardship and harsh words.

Seventh, he should always exercise compassion (syafaqah) at the proper time.

—

Concerning the Hulubalang

The Hulubalang shall observe four qualities.

First, he should be generous.

Second, he should protect all those under his care.

Third, he should master every stratagem of warfare.

Fourth, he should become proficient in every kind of weapon.

For the Hulubalang resembles a physician caring for his patient.

Just as a physician seeks the cause of illness before prescribing its cure, so must the Hulubalang discover every danger before taking measures to remove it.

Such is the noble conduct required of the Hulubalang serving kings.

—

Concerning the Shahbandar

The Shahbandar shall observe five qualities.

First, he should work in harmony with the Penghulu Bendahari in calculating the revenues due to the king.

Second, he should show great care and concern for all merchants, for merchants enrich the kingdom and make the harbour flourish.

Without merchants, the king's revenues diminish, and the prosperity of the realm declines.

Third, whenever merchants suffer injustice, he should immediately report the matter to the great officers and to the king.

Fourth, he should diligently gather intelligence concerning other kingdoms.

Fifth…

Page 6

The Shahbandar shall ensure that all vessels arriving and departing are properly supervised.

He shall provide whatever facilities are necessary to assist merchants in their trade.

Such is the noble conduct required of those serving kings.

—

Concerning the Trusted Royal Attendants

The trusted royal attendants (*hamba raja yang karib*) shall observe six qualities.

First, they should possess steadfast hearts and ever-watchful eyes and ears.

They must investigate anything that might bring harm upon their sovereign or injury to his people and report it immediately.

If the king later discovers that such matters were concealed from him, his confidence in that servant diminishes.

—

Second, they must never envy their fellow Muslims.

Envy is an evil disposition and a grievous disease.

It is displeasing to Allah, of no benefit to the king, and harmful only to the person who harbours it.

Therefore such corrupt conduct must be cast away.

—

Third, they should present themselves before the king courageously whenever required.

Even if they expect the king to become displeased, the loyal servant must not withhold the truth.

His duty is not to bring harm to his sovereign but to protect him.

—

Fourth, they must never become conceited because of the king's favour, nor imagine that royal kindness is praise of their own worth.

They should never seek glory for themselves.

Even if their good deeds go unnoticed, they must not become discouraged.

Rather, they should patiently await the proper time for their merit to become known.

—

Fifth, they must faithfully preserve every royal secret.

Royal secrets are a sacred trust (*amānah*) entrusted only to the sovereign's chosen servants.

—

Once, during the reign of King Nursyirwan, the ruler asked his minister Khawaja Bazar Jamhin Hakim:

"O Khawaja, what is the proper punishment for one who reveals his sovereign's secret?"

The Khawaja replied:

"Your Majesty, whoever reveals his sovereign's secret deserves to be buried alive, so that the secret itself may remain buried."

For there are four noble qualities especially required of those who serve kings, and they are among the hardest of all duties:

1. faithfully guarding the trust committed by the sovereign;
2. preserving his secrets;
3. conducting oneself properly before the king;
4. entering the women's quarters only when lawfully required.

Fifth, one should constantly examine one's own conduct and one's audience before the king, ensuring that nothing is done contrary to the sovereign's wishes.

If the king discovers misconduct in the servant's behaviour or audience, he will no longer trust him.

There is no greater disgrace in this world than for a servant to lose the confidence of his master.

These are the innermost qualities required of those whom kings choose to serve them.

As Allah Most High declares:

"Obey Allah, obey the Messenger, and those vested with authority among you."
(Qur'an 4:59)

That is to say:

"Obey Allah…"

…obey His command, follow His Messenger, and obey those entrusted with authority over you—namely, your rulers.

Know, therefore, that this worldly life is passing away.

If this world had remained forever with any created being, it would have remained with those who came before us.

Yet now it has come to us, and it too shall pass.

Therefore, let us take warning from it.

If this world truly possessed lasting honour before Allah Most High, He would never have granted it to the unbelievers who disobey Him.

Do not imagine, however, that I speak thus because I despise this world absolutely.

Rather, the prophets and the saints have regarded it in this manner because they understood its true nature.

—

A person's conduct should resemble that of a diver searching for pearls beneath the sea.

Although his entire body is submerged beneath the water, he carefully protects his mouth and nose so that he is not overcome.

Likewise, it is said of Yafiq, the son of the Prophet Nūḥ (Noah), peace be upon him:

If the body of the Prophet Adam had not been fashioned from clay, all the hidden lights would have appeared within him.

If man were not overcome by the passions of the lower self, the veils concealing reality would be lifted.

If he were not distracted by the temptations of this world and everything contained within it, all truth would become manifest before him.

Therefore, do not neglect the affairs of this transient world nor the life that is yet to come.

—

Death is a drink that every created being must taste.

Death is also the mount that every creature must ride.

As the poet says:

“He is distracted by play and amusement, while death pursues him from behind.”

That is:

“Like a man absorbed in a game of chess, unaware that death follows close behind.”

The wise therefore prepare themselves for the place to which they are destined.

They cultivate what endures,

they resist Satan,

and, knowing that they must soon depart,

they prepare their provisions for the journey.

—

If a person’s devotion to Allah is absent, his worldly life is wasted.

If his efforts produce no benefit, his labour is wasted.

If his public service bears no fruit, his administration is wasted.

If he lacks patience, his learning is wasted.

If a king has no people, his kingship is wasted.

If a teacher has no attentive listener, his teaching is wasted.

Thereafter begins this treatise concerning all the laws of the kingdoms of Pahang, Johor, and Perak, inherited from the ancient Malay realm of Dār al-Dunyā Dār al-Salām.

Page 8

First Chapter

Concerning Matters Reserved to the King

The first chapter concerns those matters prohibited by the kings.

These include everything of the colour yellow, such as royal curtains, carpets, cushions, and other furnishings belonging to the palace.

Ordinary people may wear only those articles attached to their own persons, such as clothing and headcloths.

Likewise, gold ornaments attached to garments, gold embroidery, gold-threaded cloth, and similar royal ornaments are forbidden.

Whoever unlawfully uses such royal insignia shall have them confiscated.

According to one recognised opinion (*qaul khiyār*), under customary law the offender may even be put to death because he has imitated the insignia of kings and violated the royal command.

However, if permission has first been obtained from the king, such use is lawful.

According to another recognised opinion, the prohibited yellow ornaments include only the royal curtains and ceremonial furnishings.

All other clothing mentioned above may be worn because they add dignity and adornment to the royal institution.

—

Concerning Unoccupied Land

This section concerns land that has not yet been developed by its owner.

Whoever wishes to cultivate such land must first obtain it from its owner either by loan or by lease.

Should the owner later require its return, it shall be restored to him.

If permanent improvements have been made, such as rice fields, the owner shall compensate the cultivator.

Therefore, you should assist your fellow Muslims.

According to another recognised legal opinion (*khiyār hukum resam*), land abandoned by its owner should not simply be occupied by anyone who wishes to use it.

Only land specifically abandoned or lying near the owner’s settlement may be taken into use.

—

Concerning Agriculture

This section concerns the customary law relating to cultivation.

Everyone who cultivates land must build proper fences and dig protective ditches.

He must not neglect (*taʿṣīr*) their maintenance.

If cultivated land is properly fenced and cattle or buffaloes enter during the night and are killed, the animal's owner must compensate half the value of the damaged crops.

According to the accepted legal opinion (*qaul ṣaḥ*), the owner shall compensate the entire value of the crops.

If, however, the cultivated land is not fenced, and cattle enter at night, the owner of the crops bears the loss.

If the damage occurs during daylight, the liability is divided equally.

Nevertheless, if the buffalo or cattle are widely known to be dangerously unruly, the owner must still compensate half the damage to the crops.

—

Concerning Persons Entering Another Village at Night

This section concerns those who enter another village during the night.

If such a person is killed, no liability ordinarily arises.

According to the accepted legal opinion (*qaul ṣaḥ*), however, if he can first be captured…

Page 9

If the intruder is killed, compensation equal to his full value shall be paid.

According to another legal opinion (*ikhtiyār*), compensation shall be reduced to half the ransom value.

If he flees, he may be pursued only so far as he can still be clearly distinguished from other people.

If the village is not enclosed by a fence, the earlier rule does not apply.

The pursuer must first ascertain whether the person is:

- male or female;
- free or slave;
- sober or intoxicated;
- sane or insane.

If he can be captured, he should not be killed.

Only if he cannot be apprehended and continues carrying away stolen property may he lawfully be slain.

If he enters during the day, he shall first be arrested.

Only if he resists may he be killed.

Likewise, if someone comes at night and violently strikes the village gate, the owner of the village is not obliged to admit him.

Should that person be killed, no liability arises, unless he has already lost his reason (*zawāl al-ʿaql*).

—

Concerning Those Who Bring Their Wives or Female Relatives

This section concerns anyone who brings with him his wife, his female relative, or another woman under his protection.

If another person attacks them and is killed, no liability arises.

According to one recognised legal opinion, an intoxicated person who resists arrest but can still be captured should not be killed.

According to another opinion, if someone unlawfully enters another person’s house and is struck, two situations arise.

First, if he is struck while entering.

Second, if he has already entered the house.

If the intruder is killed by a free man (*ḥurr*), half compensation shall be paid.

If only a wound is inflicted, no diyah is payable to the slave.

If a free man kills another free man, qiṣāṣ shall apply.

If only injury results, no further action arises.

Likewise, if both are slaves.

If the intruder is free and the householder is a slave, and death results, qiṣāṣ applies.

If only injury results, qiṣāṣ does not apply.

Instead, the slave shall receive compensation for medical treatment.

According to the accepted legal opinion (*qaul ṣaḥ*), every such case shall be decided either by qiṣāṣ or by diyah, according to the circumstances.

—

Concerning Housebreaking

If someone breaks into another person’s house and is killed, no liability arises.

If he flees, he should not be pursued.

Should he later die or be wounded during pursuit, qiṣāṣ applies.

If, however, he has lost his reason (*zawāl al-ʿaql*) because of insanity or intoxication, he shall merely be beaten.

Only if he resists may he then be killed.

Therefore, anyone travelling with his wife should announce himself from a distance.

In this way he demonstrates good conduct.

If he fails to do so, the person who kills him incurs no liability.

Page 10

Concerning Conduct Towards Women

If one encounters a person escorting his wife or a woman under his protection, one should keep respectfully to a distance.

If the road is wide, one should move aside.

If the road is narrow, one should turn back.

Such is proper etiquette (*adab*).

—

Concerning Assault

This section concerns the customary law relating to striking another person without lawful cause.

If the person struck dies, the ordinary rules concerning homicide apply.

According to the accepted legal opinion (*aqwāl al-ṣaḥ*), one may not immediately retaliate by striking back.

However, according to another recognised opinion (*khiyār*), if the person struck retaliates and is then killed while defending himself, no liability arises.

If a man insults another man’s wife, the husband may strike him.

Should the offender resist and be killed, no liability arises.

If the husband exceeds what is permitted, the matter shall be brought before the judge (*ḥākim*).

The judge shall determine the appropriate punishment.

In serious cases, the offender’s tongue may be cut out.

The same principle applies to servants who insult one another, for both remain the property of their respective masters.

—

Concerning Adultery (Zinā)

This section concerns those who commit zinā with another man’s wife or with a woman under his protection.

If the offender is caught by the husband,

or if a truthful witness reports the offence,

the offender may be killed,

even if he is a slave.

According to another recognised legal opinion (*ikhtiyār hukum resam*), mere hearsay from a slave is insufficient.

Further proof must first be obtained.

Three conditions are required:

1. that the witness bears no personal hatred towards the accused;
2. that there is no private dispute (*khuṣūmah*) between the witness and either the man or the woman;
3. that the testimony is free from partiality.

The husband should therefore examine the witness carefully.

If these conditions are not fulfilled, the husband who kills the accused becomes liable under qiyās, for judgment must be based upon reliable evidence.

These rules likewise apply to persons whose marriages cannot lawfully proceed because no guardian (*walī*) exists or for other similar legal impediments.

If a woman behaves as though she were a lawful wife while merely acting as a concubine or mistress, judgment shall not be imposed except by the authority of the ruler through his appointed officers.

—

If a woman commits adultery with a slave,

and her family discovers the offence,

the slave shall be put to death.

The person who kills him incurs no liability,

or, according to another opinion,

the prescribed fine is five tahil.

Page 11

Concerning the Categories of Zinā

Adultery (*zinā*) is divided into three categories:

1. between a free person and another free person (ḥurr sama ḥurr);
2. between a free person and a slave (ḥurr dengan ʿabd);

3. between one slave and another slave (ʿabd sama ʿabd).

If a free person kills another free person, qiṣāṣ (retaliatory punishment) shall apply.

The same applies where serious bodily injury is inflicted.

After judgment has been rendered, both offenders shall be bound.

According to one recognised opinion, both men shall then be publicly paraded (*diguling*).

Under customary law (*hukum resam*), however, corporal punishment alone may be imposed.

—

If a woman has previously entered into a lawful marriage and commits adultery, and the man dies, both offenders shall be put to death.

If only bodily injury results, corporal punishment shall instead be inflicted.

If the woman has not previously been married, and the man dies, the offenders shall receive corporal punishment and public disgrace rather than death.

—

If a free woman commits adultery with a slave, and the slave is killed, compensation amounting to half his value shall be paid.

The free person shall then be publicly paraded.

The woman shall receive the prescribed punishment, whether she is muḥṣan (previously married) or not.

If the woman is free and the man is a slave, and the slave is killed by the free man involved, judgment returns to the earlier rule.

—

If a free person is killed by a slave, qiṣāṣ shall be carried out against the slave.

If the woman is muḥṣan, she shall likewise be put to death.

If she is not muḥṣan, she shall instead receive corporal punishment.

According to another recognised customary opinion (*qaul hukum resam*), if the woman is a slave she shall either receive corporal punishment or taʿzīr.

If the woman is a slave but the man is free, and the free man dies, qiṣāṣ applies.

If only injury results, the offender shall receive corporal punishment.

The man shall be judged according to the earlier rule.

If one slave kills another slave, qiṣāṣ likewise applies.

The woman shall be put to death.

If only injury occurs, all three offenders shall receive corporal punishment and be publicly paraded in the marketplace.

—

If people quarrel in an improper place, they should instead be encouraged to marry those who are unmarried rather than continue such misconduct.

—

If a free person attacks another free person, he shall first be struck.

If he resists, and death results, no liability arises.

If he does not resist but is killed, compensation equal to his ransom value shall be paid.

If the free person refuses to submit, the matter shall be brought before the judge.

The judge shall determine the punishment according to his lawful discretion (*ikhtiyār al-ḥākim*).

If a free person unlawfully enters a slave’s dwelling, the slave may defend himself.

Should the slave kill the free person while defending himself, compensation equal to the lawful value shall be paid according to established law.

—

If a slave wounds a free person, qiṣāṣ shall apply.

Both of the slave’s hands shall be cut off.

However, if the free man commits adultery with the slave’s wife, qiṣāṣ alone shall apply.

Page 12

Concerning the Return of Purchased Slaves

This section concerns the law relating to the return of slaves who have been sold.

Whoever redeems or purchases a slave may return him to the seller within six months.

The defects which justify such return include:

- insanity;
- blindness;
- paralysis;
- physical deformity;
- habitual running away;
- theft;
- selling his master’s property without authority;
- severe skin disease;
- pregnancy,

and other similar defects.

However, if the slave has only recently been redeemed, he may still be returned within the period of one lunar month.

After that period expires, no return may be made.

Any remaining defects become the responsibility of the seller according to the earlier law.

—

Concerning Debts Incurred Without Permission

This section concerns free persons, retainers (*sakai*), and slaves who incur debts without the knowledge of their chief or master.

If any obligation arises from their own conduct, responsibility rests upon the individual himself until he returns to his chief or master.

—

If a person travels:

- inland,
- to Teluk Emas,
- to al-Qaṣr,

- to Pelek,
- by sea to Penor,
- or to Bencah,

he alone bears responsibility for his own affairs.

According to one recognised legal opinion (*qaul hukum resam*), however, if negligence (*taʿṣīr*) on the part of the person who accompanied him causes loss, or if he dies while carrying out the work assigned to him, compensation equal to his value shall be paid.

Therefore, anyone taking another person’s slave with the owner’s permission must diligently search for him should he disappear.

If he fails to do so, liability rests upon him.

If, however, the slave departed without the owner’s knowledge, the owner bears no responsibility.

—

Concerning Lending Money to Slaves

This section concerns persons who lend money to slaves without the master’s knowledge.

Slaves are divided into two categories.

First, a slave possessing recognised property may incur limited debts.

Second, an insolvent slave may not incur debts except to a very limited extent.

Any greater debt becomes void.

No liability falls upon the master.

Therefore, before extending credit to a slave, one should carefully examine his conduct so as not to suffer loss later.

—

Concerning Debt and Pledges

This section concerns those who borrow money and those who give pledges (*gadai*).

Debts take many forms.

Whenever repayment becomes due, it must be settled according to the agreed terms.

Whoever intentionally delays repayment beyond what is lawful commits wrongdoing.

Persistent refusal to repay may justify corporal punishment according to the gravity of the offence.

Page 13

Concerning Pledges (Gadai)

The value of a debt shall be determined according to its proper measure (*mithāl*), while the judge shall exercise his lawful discretion (*ikhtiyār*) in assessing the circumstances.

Pledges (*gadai*) are of two kinds.

The first is a pledge that bears profit or increase.

Even if many years pass, the pledged property may not increase beyond double its original value.

The same rule applies to debts bearing profit and to loans taken for maritime trade.

According to the accepted legal opinion (*qaul ṣaḥ*), such increase must never exceed the original pledged amount.

—

The second type is a pledge that bears no profit.

When the agreed period expires, the pledge-holder shall notify the owner and require him to redeem the pledged property.

If the property is not redeemed, it may be sold according to its proper value.

Any surplus remaining after satisfaction of the debt shall be returned to its owner.

If the pledged property is worth less than the debt, the debtor shall still be required to redeem it.

If he does not do so, the matter ends there according to law.

—

Where property is pledged without profit, once the agreed date arrives the creditor shall notify the debtor two or three times, in the presence of witnesses.

If redemption still does not occur, the property may be sold or otherwise disposed of according to law.

If its value exceeds the debt, the balance shall be returned to its owner.

If the pledged property is worth less than the debt, the deficiency remains the debtor’s obligation.

In all these matters you should show compassion (syafaqah) towards those who pledge property and those who borrow.

The judge shall likewise exercise his lawful discretion so that no one acts contrary to the Law of Allah Most High.

—

Concerning Abandoned Slave Children

This section concerns those who take into their care children of slave women who have been abandoned by their mothers.

Whoever takes such a child into his care shall first notify the child’s master.

If permission is granted, witnesses should be present.

Permission by the owner is of two kinds.

First, the owner simply releases the child.

Second, he expressly authorises another person to care for the child.

Where such authorisation is given, the person caring for the child shall receive one-third of the child’s value, while the remaining share returns to the owner.

If, however, the child is taken without the owner’s knowledge, its value shall be divided into six parts, one portion belonging to the person who cared for the child.

According to the accepted legal opinion (*qaul ṣaḥ*), no right arises without the owner’s permission.

If the owner cannot reasonably be informed because he is far away or for some similar cause, the matter returns to the earlier legal rule.

Page 14

Concerning Hiring Another Person’s Slave

This section concerns those who hire another person’s slave without the knowledge of the master.

If the slave is commonly known to work for wages, to produce income for his master, or to be hired out, then if he dies or suffers some mishap, the person who hired him bears no liability, provided the hiring was according to the recognised conditions.

Otherwise, he must pay the slave’s full value.

—

If a slave is borrowed from his master to perform work such as climbing trees, diving for fishing nets, or similar labour, and the slave dies while carrying out that work, then according to one recognised customary opinion (*qaul hukum resam*), compensation equal to his value shall be paid, since the work was undertaken with the master’s permission.

—

If the borrowing is not connected with any particular task, and the slave dies through causes beyond human control—such as being seized by a tiger, bitten by a venomous snake, or any similar accident—or dies according to the decree of Allah, then no compensation is payable.

Likewise, if he falls and dies through no one’s fault, no liability arises.

However, if negligence (*taʿṣīr*) is committed by the person who borrowed him, whether in supervising him or assigning work beyond the owner’s permission, and the slave dies as a result, compensation shall be paid.

The same principle applies to every living creature.

—

The rule differs where ordinary property is borrowed, such as weapons, tools, or ornaments.

If such property is destroyed by fire, lost at sea, or otherwise perishes, the borrower shall pay half its value.

If the loss occurs without negligence, and with the owner’s acknowledgement (*iqrār*) of the circumstances, no liability arises.

—

Concerning Fugitive Slaves

This section concerns those who harbour or shelter runaway slaves.

Whoever finds a runaway slave in a forest, an open plain, or elsewhere within the kingdom must bring him before the judge.

Failure to do so constitutes an offence.

A male offender shall have his ears nailed to a tree.

A female offender shall receive corporal punishment.

If the runaway slave dies or escapes again, the person sheltering him must compensate the owner for the slave’s value, calculated according to the length of time he remained in that person’s care.

The customary redemption value for runaway slaves is as follows:

- within the city: one dinar;
- outside the city but within the boundaries of the kingdom: two kupang.

No confiscation of the slave’s belongings shall occur.

Outside the royal boundaries—for example, downstream to the coast or upstream along the Sungai Lintang—the redemption shall be three kupang.

Only such items as knives, weapons, or other articles whose value has diminished become subject to confiscation.

All remaining property shall be restored to its owner.

Page 15

Concerning Redemption According to Territory

The customary redemption rates continue as follows:

Downstream towards the estuary:

- Kuala – six kupang;

- Benjah – slightly less than two emas;
- Bidur – two emas;
- Mercang – three emas;
- Rampasan – one-half emas;
- Pontian – five emas;
- Terengganu – one-half tahil.

On the opposite side:

- Kuala Pahang – one emas;
- Penerah – six kupang;
- Keluatan – two emas;
- Keramat – one-half emas;
- Paka – five emas;
- Dungun – three emas;
- Rantau Abang – seven emas;
- Terengganu – one-half tahil.

Upstream the river:

- Tapang – one emas;
- Antika – five kupang;
- Saling – six kupang;
- Lubok Paku – slightly less than two emas;
- Kuala Jempul – two emas;
- Pengilang – two and one-quarter emas;
- Kuala Bera – three emas;
- Kuala Teriang – slightly less than two and one-half kupang;
- Semantan – one-half emas;
- Pasir Mandi – five and one-half emas;
- Lubok Pelang – five emas;
- Timbangan – one and one-half tahil;
- Jeka – slightly less than two kupang and seven emas;
- Kuala – seven emas;
- Selingsing – one-half tahil;
- Tembeling – one-half tahil.

Beyond these places, redemption follows the ordinary redemption rates.

Likewise, at every headland and rocky point along the sea, beyond Sidli and Terengganu, the same redemption rules apply.

If the fugitive is found upstream towards Lipis from Kanja, or downstream towards Lipis from Sungai Lintang, the person recovering him shall receive one-tenth of the property found with him.

—

Concerning the Sale of Another Person’s Slave

This section concerns anyone who purchases a slave from another person.

If the true owner later appears and claims him, he may redeem the slave by repaying the purchaser.

The purchaser shall not lose the value he paid.

The original seller alone remains liable.

—

Concerning Drift Vessels

This section concerns those who discover a drifting vessel.

Whoever finds such a vessel shall bring it into the kingdom and produce witnesses.

If the owner has not yet appeared, the finder may use the vessel.

Once the owner is identified, however, it must be returned.

If the vessel is found at sea, the finder shall receive one-third of its value.

—

Concerning Found Property

This section concerns anyone who discovers valuables such as:

- gold,
- silver,
- or similar property.

The finder must immediately bring the property before the judge and produce witnesses.

Failure to do so causes the finder to be treated as a thief.

Once the property has been lawfully presented before the judge, the finder shall receive two parts out of every ten as his lawful reward.

Concerning Offences Against Royal Servants

This section concerns offences committed against the king's servants.

Whoever strikes a royal servant and causes his death shall be punished.

If the offender is a free person (*ḥurr*), he shall be liable according to the royal law.

If the offender is a slave, his neck shall be bound.

If the act was committed with the knowledge of the slave's master, the prescribed fine is five tahil.

Therefore, none of you should oppose or assault the king's servants under any circumstances.

According to another customary opinion (*hukum resam*), if a royal servant acts improperly so that others cannot escape his authority, then anyone who suffers such wrongdoing must immediately report the matter to the judge or to the royal chief, who shall administer justice.

—

Concerning Killing the King's Cattle

This section concerns anyone who kills the king's buffaloes or cattle.

Whoever kills such an animal shall pay compensation amounting to twice seven asa pulang.

If the offender is a prince, the penalty is seven asa pulang.

If he is a Bendahara, the same applies.

If he is a Minister, the penalty is five asa pulang.

If he is a palace attendant (*sida* or *bentara*), the same rate applies.

If he is an ordinary subject, the penalty is two asa pulang.

If the offender is a slave, his hands shall be bound.

According to the accepted legal opinion (*qaul ṣaḥ*), compensation equal to the full value of the animal shall also be paid.

—

Concerning Royal Insignia

This section concerns persons who sell or misuse the ornaments and insignia of kings, the royal retainers (*sakai raja*), or the king’s slaves.

Whoever cries aloud or behaves improperly in relation to these royal insignia shall incur the penalty of seven asa pulang and shall be publicly censured before the royal assembly.

If the offender is a royal slave, the penalty is reduced to two asa pulang, together with public punishment before the royal attendants.

Where the offence continues over a long period, the penalties remain enforceable.

—

Concerning the Distribution of Fines

This section concerns the lawful distribution of monetary fines.

For a fine of five tahil:

- the principal share belongs to the ruler;
- one share belongs to the Bendahara;
- another share belongs to the Minister;
- and the execution fee belongs to the Temenggong.

For a fine of ten tahil:

- the ruler receives the principal portion;
- the Mandalika receives three and one-half tahil;
- the Minister receives the designated administrative share;
- the Temenggong receives the execution fee.

For a fine of seven and one-half tahil:

- one tahil and one-half forms the administrative share;
- forty timah constitute the execution fee.

Likewise:

- six tahil belong to the ruler;
- twelve emas belong to the Mandalika;
- one and one-half tahil belong to the Minister;
- forty timah belong to the Temenggong.

(The schedule continues on the following page.)

Page 16

The remaining smaller fines, namely:

- five and one-half tahil,
- three tahil,
- two and one-half tahil,
- and one and one-half tahil,

shall likewise be distributed among the Mandalika, Minister, and Temenggong.

If the offender is a royal servant, the fine belongs to the ruler.

If the offender is an ordinary subject, the shares belong to the Mandalika, Minister, Temenggong, and those responsible for carrying out the sentence.

—

The wise should exercise sound judgment (*ikhtiyār*) in all these matters,

for every human action will ultimately be reckoned by Allah, Most Glorious and Exalted, on the Day of Judgment.

As the Prophet (peace and blessings be upon him) said:

“Man is composed of error and forgetfulness.”

Likewise it is said in the books of wisdom:

“There are three things that are never in vain:
if there were no sin, forgiveness would be in vain;
if there were no believers, Paradise would be in vain;
if there were no unbelievers, Hell would be in vain.”

—

Concerning Treason Against the King

This section concerns those who rebel against the ruler.

Their punishment is three hundred and sixty strokes, corresponding to the number of veins within the human body.

Their property shall be confiscated.

Their wives and children shall become royal slaves.

They shall suffer perpetual punishment corresponding to the one hundred and forty-eight bones of the human body.

If the offender dies, his body shall be quartered and cast to the four directions.

The same punishment applies to all who conspire with him.

—

Whoever hears of such treason but fails to report it to the king shall have:

- his tongue tied,
- both ears pierced,
- both eyes gouged out,

and shall be cast into a deserted place.

Therefore, whenever you hear of any matter that may endanger your sovereign, report it immediately to the king or to those closest to him.

Even if the report later proves unfounded, no blame shall fall upon you.

—

Colophon

“Here ends the completed treatise.”

This treatise was completed in the year 1000 Hijrah, on the 29th day of Muḥarram.

It is the composition of the just, wise, and perfect ruler,

Sultan Abdul Ghaffar Mahyuddin Shah,

the Khalifah of the Blessed Kingdom,

whose like shall not appear again.

Accept our supplication,

O Lord who governs all creation,

O Most Merciful,

O All-Healing,

through Your mercy,

O Most Generous of the generous.

Text II

Page 17

Concerning the Conditions of Trade

This chapter concerns the rules governing lawful commerce.

It explains the distinction between lawful (*ḥalāl*) and unlawful (*ḥarām*) earnings.

As Allah Most High declares:

“Allah has permitted trade and forbidden usury (ribā).”
(Qur’an 2:275)

Therefore:

Gold shall not be exchanged for gold,

nor silver for silver,

except when exchanged equally and immediately.

Likewise, food shall not be exchanged for food except according to the lawful conditions of immediate exchange.

—

Concerning the Sale of Houses and Land

This section concerns the sale of houses.

When a house is sold, only the house itself is included in the sale.

Items not expressly mentioned do not pass with it.

When land is sold, trees growing upon the land are included,

unless the sale specifically concerns only the cultivated plot.

If the matter is not expressly stated, and the fruit has not yet appeared,

the fruit belongs to the purchaser.

If fruit has already appeared upon the trees before the sale and is not specifically mentioned,

the fruit belongs to the seller.

If the fruit has not yet emerged when the sale occurs,

it belongs to the purchaser.

—

Concerning Hidden Defects (ʿAyb)

This section concerns the return of purchased property because of hidden defects.

If a purchaser discovers a defect already existing in the property at the time of sale,

he may return it.

If he delays returning it without lawful excuse,

he loses that right.

When property is lawfully returned,

the purchaser is not required to answer for ordinary use made of it while it remained in his possession.

The seller simply receives back his property together with his legal rights.

—

Among the defects that justify rescission are:

- a slave who habitually runs away;
- a violent slave;
- a thief;
- insanity;
- severe skin disease;
- physical deformity;
- blindness;
- deafness;
- lameness;

- muteness;
- a married slave whose status was concealed;
- and every other hidden defect.

Such defects justify rescission whenever they become known.

—

If a purchaser discovers a defect only after taking possession,

the sale is not automatically cancelled.

If the property is valued at one hundred,

and because of the defect its value falls to ninety,

or eighty,

the parties may agree to an appropriate reduction in price.

If the property is not returned,

the purchaser shall instead receive compensation equal to ten tampang timah.

If it is still not returned,

the value shall be reduced according to the extent of the defect.

Page 18

Concerning Disputes over Hidden Defects

If disagreement arises between the seller and the purchaser concerning whether a defect already existed before the sale, the seller shall swear an oath regarding the value of the property or the existence of the alleged defect.

If both parties swear conflicting oaths, the contract of sale shall be dissolved.

—

Concerning Pledges (Rahn)

This section concerns all property given as security.

Whatever is pledged for a debt shall remain pledged until the debt is discharged.

The person holding the pledge is regarded as a trustee (*amānah*).

If the pledged property is lost without his negligence (*taʿṣīr*), he bears no liability.

If it is lost through his negligence, he must compensate for it.

Where the debtor repays only part of the debt, he has no right to recover any part of the pledged property.

The pledge remains intact until the debt is paid in full.

If, after the agreed time has expired, the debtor refuses to redeem the pledge, the judge shall order its sale in order to satisfy the debt.

—

Concerning Insolvency (Muflis)

Whoever's debts exceed the value of his property shall be declared muflis (insolvent).

His creditors may petition the judge.

The judge shall prohibit the insolvent person from freely disposing of his property.

If a creditor finds his own property still among the insolvent person's possessions, he may reclaim it.

If the insolvent person still possesses merchandise intended for trade, the goods may likewise be recovered.

If only part of the property remains, the creditor receives that portion, while the remainder is divided among the other creditors.

Once the judge has declared a person insolvent, he may no longer freely dispose of his property.

Nor may he lawfully give it away.

The same rule applies to:

- children,
- persons who are insane,
- and those lacking legal capacity to manage property.

—

Concerning Settlement (Ṣulḥ) and Acknowledgement (Iqrār)

This section concerns valid settlements (*ṣulḥ*) arising from acknowledgements (*iqrār*) relating to property.

No valid settlement exists concerning matters that are denied (*munkir*) or where legal capacity is absent.

Valid settlement falls into six categories:

1. settlement resembling a commercial transaction;
2. settlement concerning the exchange of gold for gold;
3. settlement resembling a gift;
4. settlement resembling release from an obligation;
5. settlement resembling a loan;
6. settlement resembling hired service.

For example, if a person claims ownership of a house and another acknowledges (*iqrār*) that it belongs to him, the dispute may be settled by agreement.

The law governing such settlement follows the law governing commercial transactions.

The parties may agree immediately or by future promise.

Page 19

Continuation of the Law of Settlement (Ṣulḥ)

Second, if a person claims one hundred dinars from another, and the defendant acknowledges (*iqrār*) the debt, the dispute may be settled by payment of one thousand silver dirhams, following the legal rules governing exchanges between gold and silver.

Third, if the dispute is settled by payment of fifty gold dinars, the settlement has the legal effect of releasing one-half of the claim.

Fourth, if a man claims ownership of a house or a village, and the defendant acknowledges (*iqrār*) the claim, the fact that he has occupied it continuously for one year shall be treated as though the property had been lawfully lent to him.

Fifth, if a man claims ownership of a house or village and the defendant acknowledges the claim, but settlement concerns only part of the property, such settlement is not valid until the true ownership has first been determined.

—

Concerning Acknowledgement of Another Person’s Debt

This section concerns the acknowledgement (*iqrār*) of another person's debt.

An acknowledgement is valid only if the person making it fully understands:

- the debt;
- its amount;
- and whether payment is immediate or deferred.

Otherwise, the acknowledgement is invalid unless it satisfies the conditions laid down by the Sharīʿah.

If the owner of the debt demands payment from the person who has acknowledged it, and the debtor later pays, payment shall be made according to the acknowledged obligation.

The debtor is not required to pay beyond what he has acknowledged.

Nor is he required to acknowledge a debt in gold when it was incurred in silver.

—

Concerning Immediate and Deferred Debts

This section concerns debts payable immediately and debts payable at a future date.

Immediate debts cannot simply be converted into deferred debts,

nor deferred debts into immediate debts,

without lawful agreement.

Joint property belonging to several persons cannot be acknowledged as belonging to only one of them.

Nor should an acknowledgement be made regarding claims that have not yet become legally established.

One should not acknowledge obligations affecting another person's body or person merely because someone else directs it.

If the person making the acknowledgement dies,

or if the acknowledged matter is destroyed,

the acknowledgement itself becomes void.

—

Concerning Sales

This section concerns the lawful conclusion of contracts of sale.

The seller says:

“I sell this to you.”

The purchaser replies:

“I accept the sale.”

Thus the contract is concluded.

The sale remains valid only where both parties consent.

Existing debts attached to the property remain enforceable after the sale.

If the property sold perishes,

or the purchaser absconds,

or disputes arise,

the law provides the appropriate remedy.

Gold should not be exchanged for silver on deferred terms.

Such exchanges must be immediate.

—

Concerning Borrowed Property

This section concerns borrowed property.

Borrowed goods should ordinarily be returned to the place from which they were borrowed.

If the borrower dies,

or the borrowed property is destroyed,

and no negligence (*taʿṣīr*) exists,

the borrower bears no liability.

Page 20

Continuation of the Law of Loans

If the period agreed for the loan has not yet expired,

the borrower incurs no liability merely because the term has not ended.

The borrowed object shall be returned to its owner.

The borrower is not liable for its loss

provided that it was used without negligence (*taʿṣīr*).

Likewise,

if a man instructs another to travel somewhere on his behalf,

or entrusts him with a conveyance,

and that conveyance is destroyed or lost without negligence,

the person entrusted incurs no liability.

—

Concerning Capital Investment and Commercial Partnership

This section concerns a person who provides capital to another for trade.

If one says:

“Take these dinars or dirhams and trade with them.”

the profit shall be divided according to the agreement made between them.

If the trading capital is lost without negligence,

the trader bears no liability.

The investor has no right to demand repayment beyond the capital originally entrusted.

If no profit-sharing agreement has been made,

yet the trader voluntarily returns more than the original capital,

there is no objection.

—

Concerning Property Taken by Force

Whoever wrongfully seizes property that is being traded,

and the property is subsequently destroyed while in his possession,

bears full liability.

If he seizes a slave valued at two hundred,

and the slave later becomes ill,

he must restore the slave together with compensation equal to the diminution in value,

or pay the slave’s proper market value.

—

Concerning Joint Ownership (Shuf ah / Partnership)

This section concerns jointly owned land,

fruit,

and trees.

If one of two joint owners sells his share,

the other joint owner has the prior right to purchase it

on the same terms offered to the buyer.

The property should not first be sold to a stranger

without offering it to the co-owner.

If disagreement arises concerning the value or purchase price,

the matter shall be determined according to law.

If excessive claims are made without lawful excuse,

the claim fails.

—

If one partner wishes to sell his share,

but the other refuses to purchase it,

the first may then sell it to another person.

The partner who declines his right cannot afterwards complain of the sale.

—

Concerning Wages

This section concerns contracts for wages,

whether for messengers,

cooks,

or any other work performed for an agreed period,

whether by the day or by the month.

The wages must be specified beforehand.

If property entrusted to the worker is damaged without negligence,

the worker incurs no liability.

PG21

Concerning Wages for Skilled Labour

Whoever hires a weaver under an agreed contract shall pay the agreed wage once the cloth has been woven according to the agreed value.

Whatever the customary wage may be, it must be paid in full.

—

Concerning the Lease of Houses

This section concerns those who lease houses.

If the house is destroyed through no fault of the tenant, the tenant bears no liability.

If the tenant wishes to terminate the lease because the house has become uninhabitable, he may reclaim the rent for the remaining period.

For example:

If a man rents a house for ten months at one hundred timah, but after living there for one month the house collapses, he is entitled to recover the rent corresponding to the remaining nine months.

If, however, he chooses to continue living there after repairs have been made, no refund of rent is due.

If the rent has already been paid, it shall not be reclaimed.

If it has not yet been paid, only the amount corresponding to the usable period is payable.

If he wishes to remain in the house, it shall first be repaired, after which he continues paying rent according to the agreement.

—

Concerning the Lease of Land

This section concerns the leasing of land.

If a landowner grants land to another for cultivation in return for a share of the produce, such an arrangement is not valid.

If, however, the rent is fixed in gold, silver, or a specified quantity of food, it is valid.

—

Concerning Planting Rights

This is the law concerning a person who plants trees belonging to another.

If someone plants trees, he is entitled to enjoy their fruits according to the agreed period.

If seeds belonging to the owner of the land are sown in that land, the planter is entitled to receive his proper wage for his labour.

—

Concerning Acknowledgements (Iqrār)

Acknowledgements (*iqrār*) are divided into two categories.

First, acknowledgements concerning the rights of Allah, such as zinā.

Second, acknowledgements concerning the rights of human beings.

In matters involving the rights of Allah, a confession may be withdrawn, and once withdrawn it is no longer binding.

In matters involving the rights of people, an acknowledgement cannot simply be withdrawn.

Three persons cannot make a valid acknowledgement:

1. a child who has not yet reached bulūgh (legal maturity);
2. a person who is insane;
3. a person acting without free will or under compulsion.

Such acknowledgements are invalid.

If an acknowledgement concerns property, it should be expressed clearly, for example:

“This property belongs to so-and-so.”

If the acknowledgement is uncertain or ambiguous, reference shall be made to its true owner.

The same rules apply whether the person making the acknowledgement is healthy or ill.

Page 22

Concerning the Clearing of Unoccupied Land

This section concerns the clearing of uncultivated forest that belongs to no individual but remains open land.

Whoever first clears such land, being a Muslim, acquires the right to cultivate it.

The land itself does not automatically become private property.

Whatever is cleared and cultivated belongs to the person who cleared it.

If springs or watercourses arise within the land beyond his own needs, they may be used for irrigating cultivated fields and for watering livestock.

People living downstream must not be prevented from using that water.

—

Concerning Gifts (Hibah)

This section concerns gifts of property that are not intended for trade.

A gift is not complete merely because it has been promised.

It becomes legally valid only when:

- the property is actually delivered,
- the recipient takes possession,
- and the donor voluntarily transfers it.

—

A father or grandfather may recover a gift previously made to his child or grandchild so long as the property remains in the recipient's possession.

If the property has already been exchanged for something else, neither the father nor the grandfather may reclaim it.

If a father gives his son a female slave who is pregnant, and the slave later gives birth while in the son's possession, the child of that slave remains with its mother.

The Sunnah requires fairness in gifts between sons and daughters.

Reciprocity and generosity in giving are likewise encouraged.

—

Concerning Waqf

A waqf consists of land or other property dedicated permanently for charitable benefit.

Such property no longer passes as ordinary private ownership.

Its benefit belongs to the descendants of the founder, both present and future.

No individual may take exclusive ownership of it.

Where it has been dedicated for the poor, its benefit belongs to the poor.

—

Concerning Rewards for Recovering Lost Persons or Property (Juʿālah)

This section concerns those who recover runaway persons or lost property.

If someone promises:

“Whoever finds him shall receive three tampang,”

or,

“Whoever finds him shall receive six tampang,”

or,

“Whoever finds him shall receive nine tampang,”

then whichever person successfully recovers him shall receive the promised reward.

If several people recover him together, the promised reward shall be divided equally among them.

If no reward was promised beforehand, payment shall nevertheless be made according to the established custom of the country.

—

Concerning Found Property (Luqaṭah)

This section concerns property found on roads, in forests, or in mosques.

Whoever discovers such property may take it into safekeeping.

He must publicly announce and describe its distinguishing marks and appearance.

Continuation of the Law of Found Property (Luqaṭah)

The property shall be described in detail,

whether great or small,

its distinguishing marks shall be recorded,

and two trustworthy witnesses shall testify to them.

The discovery shall then be publicly announced for one full year.

If the owner appears during that period,

the property shall be returned to him.

—

If someone falsely claims ownership without witnesses,

his claim shall not be accepted.

Only if the true owner recognises the distinguishing marks may the property be restored to him.

The finder may, if he wishes, retain the property for safekeeping as an amānah (trust).

If the property is lost without his negligence (*taʿṣīr*), he bears no liability.

If, however, the loss results from his negligence, he becomes liable.

The same applies throughout the one-year period during which the property is being publicly announced.

—

Concerning Lost Animals

Where someone finds:

- a camel,
- a cow,
- a goat,
- or a donkey

grazing freely in open country,

they need not immediately be publicly announced,

but should instead be cared for.

If the owner later appears,

the animal shall be returned.

If someone finds a goat in open country,

and wishes the owner to recover it,

he shall announce the discovery publicly.

If, after proper announcement, no owner appears,

the goat becomes the finder's property.

If he wishes to sell it,

the proceeds belong to him.

If he consumes it,

he must compensate the owner should the owner later appear.

—

Whoever finds property should not remove it from the place where it was discovered without good reason.

If it is lost after being removed, he bears liability.

The proper course is to preserve it.

—

Property found in the Sacred Mosque of Makkah never becomes the property of the finder.

Likewise, a woman who is unlawful (*not lawfully available*) can never become the property of the person who finds her.

—

Concerning Foundlings (Laqīṭ)

This section concerns abandoned children.

Whoever finds such a child should take and care for him.

If property accompanies the child,

that property shall be used for the child's maintenance under the direction of the judge.

If the child possesses no property,

the child shall be maintained from the Bayt al-Māl.

If the child dies leaving property,

the finder is entitled only to the customary reward,

while the remaining property belongs to the Bayt al-Māl.

The person who assumes responsibility for such a child should be:

- Muslim,
- free,
- of sound mind (*ʿāqil*),
- legally mature (*bāligh*),

and upright (*ʿādil*).

Page 23

Concerning Legal Status

A wealthy person is compared to one who supports the poor,

just as the chief of a village is compared to one who protects the people under his care.

If someone claims:

"His child is Muslim while my slave is an unbeliever,"

both claims shall be judged equally according to law.

—

If a person is found living within the territory of Islam,

he shall be judged according to Islamic law.

If a free Muslim who has reached legal maturity (*bāligh*) acknowledges (*iqrār*) that a slave belongs to him,

that acknowledgement is accepted.

One acknowledgement cannot invalidate another person’s lawful freedom.

—

Concerning Homicide

If a sane (*ʿāqil*), legally mature (*bāligh*) Muslim deliberately kills another Muslim,

whether male or female,

adult or child,

the killer shall be put to death.

A Muslim shall not be put to death for killing an unbeliever.

A free person shall not be put to death for killing a slave.

A father shall not be put to death for killing his own child.

There is likewise no qiṣāṣ between a Muslim slave who has been freed and a dhimmī (protected non-Muslim).

—

If a Jew kills a Christian or a Magian,

he shall be executed.

His later conversion to Islam shall not prevent the execution.

—

If one person kills many people,

he shall first be executed for the first victim.

The remaining deaths remain upon him.

If it cannot be determined who was killed first,

judgment shall proceed according to the recognised legal rules.

—

Concerning Qiṣāṣ

Retaliation applies to bodily members.

If retaliation cannot be carried out against the life,

it shall not automatically extend to the limbs.

Retaliation must correspond precisely to the injury inflicted.

Death may not be inflicted by a weapon merely because another weapon was originally used.

—

If a person seizes another's hand,

and death results,

the victim's family may choose:

- to demand execution,
- to accept compensation (*diyah*),
- or to grant a pardon.

If they forgive,

the offender is released without further punishment.

—

Concerning Retaliation for Bodily Injuries

Qiṣāṣ applies to bodily members.

The right hand may not be taken in retaliation for the left.

The thumb may not be substituted for another finger.

The little finger may not replace the ring finger.

A small tooth may not replace a large tooth,

even if both parties agree.

Retaliation must correspond exactly to the injured member.

If the injured hand possesses fingers but the offender’s hand does not,

his hand shall not be amputated.

Instead,

compensation for the missing fingers shall be awarded.

Page 24

Concerning Qiṣāṣ and Diyah

Qiṣāṣ does not apply to every bodily wound.

It applies only to wounds reaching the bone.

This section concerns the law of diyah (blood-money).

Diyah is divided into two categories:

- the major diyah;
- the minor diyah.

The major diyah consists of one hundred camels, namely:

- thirty female camels three years old;
- thirty female camels four years old;
- forty pregnant she-camels.

The minor diyah likewise consists of one hundred camels:

- twenty female camels four years old;
- twenty female camels three years old;
- twenty male camels two years old;

and the remaining camels according to the recognised legal proportions.

If camels are unavailable, then according to one recognised opinion (*qaul*), one thousand gold dinars shall replace them.

—

The diyah for a woman is one-half that for a man.

The diyah for Christians and Jews is one-third that of a Muslim.

The diyah for other unbelievers is one-tenth that of a Muslim.

—

The complete loss of:

- both hands,
- both feet,
- the nose,
- both ears,
- both eyes,
- both eyelids,
- both lips,

each requires the full diyah.

—

Loss of:

- eyesight,
- the sense of smell,
- the reproductive organ,

likewise requires the full diyah.

Each tooth requires compensation of five camels.

All other bodily members are assessed proportionately according to judicial estimation.

An unborn child is compensated at ten emas, taken from its mother's diyah.

The expiation (*kaffārah*) for accidental killing includes the emancipation of a believing slave free from physical defect.

—

Concerning Zinā

The law of zinā is divided into two categories.

First, the offender who is muḥṣan.

A muḥṣan is a man or woman who has previously entered into a valid marriage.

Second, the offender who is not muḥṣan.

This refers to a man or woman who has never previously contracted a lawful marriage.

—

The punishment for a muḥṣan is stoning.

The offender shall be stoned with rocks.

He shall be buried up to the waist,

or according to another narration,

up to the neck.

The Messenger of Allah (peace and blessings be upon him) said:

“The habitual adulterer shall not enter Paradise.”

The punishment for one who is not muḥṣan is:

- one hundred lashes,
- followed by banishment from the country for one year.

—

A muḥṣan must satisfy four conditions:

1. he is Muslim;
2. he is of sound understanding;
3. he is not insane;
4. he is not a slave.

A male or female slave receives one-half of the punishment imposed upon a free person,

namely fifty lashes.

Page 25

Concerning Liwāṭ (Sodomy)

The offence of liwāṭ is treated in the same manner as zinā.

Likewise, sexual intercourse with animals is subject to the same legal principles.

If actual intercourse has not occurred,

and there has only been embracing or kissing,

the offender shall receive taʿzīr at the discretion of the judge.

Such discretionary punishment shall not exceed the prescribed minimum limit,

namely twenty lashes.

—

Proof of Zinā

The offence of zinā may be established by:

- the offender's own confession (*iqrār*); or
- the testimony of four adult male witnesses who actually saw the act take place as clearly as "a kohl-stick entering its container."

If only two witnesses testify,

their testimony alone is insufficient.

Only where four witnesses agree is the offence legally established.

—

Concerning False Accusation (Qadhf)

This section concerns falsely accusing another person of zinā.

Whoever accuses another of adultery without producing witnesses shall receive eighty lashes.

If the accusation concerns a slave,

the punishment is forty lashes.

If the accusation concerns a slave or an unbeliever,

the judge may instead impose taʿzīr according to his discretion.

A father is not subjected to the prescribed punishment for accusing his own child.

The accuser himself must satisfy three conditions:

1. legal maturity (*bulūgh*);
2. sound understanding;
3. sanity.

The person falsely accused must satisfy five conditions:

1. Muslim;
2. legally mature;
3. of sound understanding;
4. muḥṣan;
5. never previously convicted of zinā.

—

Concerning Intoxicants

This section concerns those who drink wine (*arak*), palm liquor (*tuak*), or any intoxicating drink.

The prescribed punishment is:

- forty lashes for a free person;
- twenty lashes for a slave.

The offence is established by:

- confession (*iqrār*); or
- the testimony of two adult male witnesses.

The offence is not established merely because the smell of wine is detected upon a person's breath.

—

Concerning Theft

This section concerns those who steal another person's property.

The punishment is amputation of the hand.

Before amputation may lawfully occur, several conditions must all be satisfied.

First,

the offender must have reached legal maturity (*bāligh*).

Children are not subject to amputation.

Second,

the offender must be of sound mind.

An insane person is not subject to amputation.

Third,

the value of the stolen property must amount to one-quarter of a dinar (expressed here as the prescribed monetary equivalent).

Fourth,

the property must have been taken from a place in which it was lawfully secured.

If it was not kept in proper custody,

amputation does not apply.

Fifth,

the stolen property must remain identifiable as the owner’s property.

Page 26

Completion of the Law of Theft

The thief’s right hand shall first be amputated at the wrist.

If he steals again,

his left foot shall be amputated.

If he steals a third time,

his left hand shall be amputated.

If he steals yet again,

he shall receive taʿzīr (discretionary punishment) according to law.

—

Concerning Highway Robbery (Ḥirābah)

This section concerns those who commit robbery upon travellers.

Highway robbers fall into four categories.

First, one who kills but takes no property.

His punishment is death.

Second, one who kills and also seizes property.

He shall be executed and his body exposed publicly for three days.

Third, one who seizes property but does not kill.

His punishment is the amputation of his right hand and left foot.

Fourth, one who merely terrifies travellers without killing or stealing.

He shall receive taʿzīr.

If, however, he sincerely repents before being captured,

the prescribed punishment is lifted,

although the rights of those he has wronged must still be restored.

—

Concerning Self-Defence

If someone comes intending:

- to kill another,
- to seize his property,
- or to violate the women of his household,

and is killed while being resisted,

the person defending himself commits no offence.

—

If a beast is brought by someone,

or ridden,

or led,

or driven,

and it causes damage,

the person in control of the animal bears liability for the resulting loss.

If an animal wanders at night without anyone accompanying it and causes damage,

compensation is payable.

If the same occurs during the day,

the owner is generally not liable for damage to fields or crops.

However,

if the owner has been negligent (*taʿṣīr*) in controlling the animal,

he must compensate.

Likewise,

if the owner of cultivated land fails to maintain proper fencing,

that negligence (*taʿṣīr*) is attributed to the owner of the field.

—

If someone keeps a cat,

and during the night it eats another person's chicks,

the owner of the cat bears liability.

If this occurs during the day,

he generally bears no liability unless the cat is known to attack domestic animals.

If another person's pigeons gather with one's own,

their offspring belong to the owner of the pigeons.

—

Concerning Rebellion Against a Just Ruler (Bughāh)

This section concerns those who rebel against a just ruler.

Such persons are first to be declared rebels.

They are summoned and instructed to return to obedience.

If they comply,

they are forgiven.

If they refuse and resist,

they may be fought.

If they later repent and return to obedience,

they shall again be pardoned.

Those who do not actively fight are not to be killed.

They are to be taken prisoner.

Their wounds are not to be increased.

Their property is not to be confiscated.

Page 27

Concerning Refusal to Pay Zakāt

Those who refuse to pay zakāt or any obligation due to Allah Most High shall first be required to fulfil that obligation.

If they resist by force and wage war,

they may be fought.

If their property is destroyed during the fighting,

or they are killed in battle,

no compensation is due.

If, however, they submit to lawful authority,

their property shall be protected.

—

Concerning Feeding the Hungry

If a person possesses food while another is suffering from hunger,

he should provide food to the hungry.

If the food has already been purchased,

the purchaser is not obliged to surrender it.

However,

if a person refuses to give food to one who is starving,

and the starving person seizes it,

or conflict occurs between them,

the starving person incurs no liability if he acts to preserve his life.

—

Concerning Apostasy (Riddah)

This section concerns apostasy.

If a Muslim apostatises,

he shall be called upon to repent three times.

If he refuses to repent,

the prescribed punishment is death.

He shall not be washed,

nor shall funeral prayers be performed over him,

nor shall he receive Muslim burial.

—

Concerning Abandoning Prayer

This section concerns those who abandon the obligatory prayer.

There are two categories.

The first consists of those who deny that the obligatory prayers are required.

Such persons fall under the ruling concerning apostasy.

The second consists of those who acknowledge the obligation of prayer but deliberately refuse to perform it.

They shall first be commanded to pray.

If illness prevents them,

they incur no blame.

If they deliberately refuse,

they shall be called upon to repent,

just as the apostate is given three opportunities to repent.

If they continue to refuse,

the punishment is death.

However,

they die as Muslims.

Their property is not confiscated.

They receive Muslim burial.

As the Prophet (peace and blessings be upon him) said:

“Whoever abandons prayer has come close to disbelief.”

Whoever persists in abandoning prayer deliberately resembles the unbeliever.

—

Concerning Fighting in the Path of Allah (Sabil)

The law concerning jihād in the path of Allah requires seven conditions.

The participant must be:

1. Muslim;
2. legally mature (*bāligh*);
3. of sound understanding;
4. male;
5. physically healthy;
6. capable of fighting;
7. lawfully participating.

When unbelievers are captured in war,

their women and children become prisoners.

Adult male captives are treated differently.

The ruler may choose among four lawful courses:

1. execution;
2. enslavement;
3. release without ransom;
4. release upon payment of ransom.

Each course is lawful according to the circumstances and the public good.

If Muslims capture enemy property,

the property and minor children of the captives are protected according to the law of Islam.

Page 28

Concerning Burden of Proof

If a person brings a legal claim against another,

but possesses no witnesses,

then the burden falls upon the defendant.

The defendant shall swear an oath denying the claim.

If he refuses to swear,

judgment shall be given in favour of the claimant.

The claimant shall then swear the required oath,

and judgment shall be entered accordingly.

—

Concerning Possession

If a person claims property that is in another person's possession,

the possessor shall swear an oath concerning that property.

If both parties claim property found in the possession of a third person,

both shall swear,

and the property shall be divided equally between them.

—

Concerning Oaths

Whoever swears:

"This property truly belongs to me,"

shall be judged according to that oath.

Likewise,

where someone swears concerning another matter,

saying:

"Indeed, I know that such-and-such belongs to so-and-so,"

or

"Indeed, I do not know that matter,"

his oath shall be treated according to its terms.

—

Concerning Witnesses

This section concerns the law governing witnesses.

A valid witness must satisfy five conditions.

He must be:

1. Muslim;
2. legally mature (*bāligh*);
3. of sound understanding;
4. free;
5. upright (*ʿādil*).

An upright witness must:

- avoid major sins;
- avoid persistence in minor sins;
- possess good character;
- not behave dishonourably;
- preserve his reputation.

—

Number of Witnesses Required

The offence of zinā is established only by four male witnesses.

Other prescribed offences (*ḥudūd*), including:

- drinking intoxicants,
- theft,
- murder,
- apostasy,
- and qiṣāṣ,

are established by two male witnesses.

Two male witnesses are likewise required for matters concerning:

- marriage,
- divorce,
- acknowledgements (*iqrār*),
- trusts (*amānah*),

- agency (*wakālah*),
- wills (*waṣiyyah*),
- and the sighting of the Ramadan moon.

—

Commercial matters such as:

- trade,
- returning purchased goods,
- sales,
- pledges,
- acknowledgements,
- settlements (*ṣulḥ*),
- release from obligations,
- debts,
- loans,
- wages,
- partnerships,
- gifts,
- robbery,
- and destruction of property,

shall likewise be established according to the prescribed rules of evidence.

Page 29

Concerning the Number of Witnesses

A matter may be established by:

- two male witnesses;
- or one male witness together with two female witnesses;
- or, in matters concerning childbirth, virginity, widowhood (*thayyib*), women's defects, and other matters ordinarily known only to women, by four female witnesses.

—

Concerning Claims and the Burden of Proof

This section concerns the law governing claimants and defendants.

The Prophet (peace and blessings be upon him) said:

"The burden of proof is upon the claimant, and the oath is upon the one who denies."

Accordingly, the claimant must first specify clearly:

- the property claimed;
- its quantity;
- its description;
- and establish that it belongs to him.

If gold is claimed,

its weight must be stated.

If goods are claimed,

their value must be specified,

for goods differ in:

- size,
- quality,
- and value.

When the claim has been fully described,

the judge shall ask:

“Do you have witnesses?”

If witnesses are produced,

their testimony shall be heard.

If no witnesses are available,

and the claimant says,

“I have no witness,”

the defendant shall be required to swear an oath.

If the defendant swears,

the claim is dismissed.

If the defendant refuses to swear,

the oath is returned to the claimant.

If the claimant also refuses,

his claim fails.

—

Concerning Claims Against Persons Under Disability

If a claim is brought against:

- a deceased person,
- a person who is insane,
- a minor,
- or a person absent from the jurisdiction,

the judge shall summon the proper representative whenever possible.

Where the defendant is a minor or an insane person,

the claimant must establish his claim by two witnesses together with the prescribed oath,

after which judgment shall be entered in his favour.

—

Concerning Claims of Slavery

If someone claims that an adult man is:

“My slave,”

he must produce witnesses.

The alleged slave shall likewise be required to swear.

If the claimant produces witnesses,

and the alleged slave cannot rebut them,

judgment shall be entered that he is the claimant’s slave.

—

Concerning Manumission

If someone claims:

“You are my slave,”

and the other replies:

“Indeed, I was once your slave, but you have already emancipated me,”

or says,

“You sold me upon the understanding that I was to be freed,”

then witnesses shall be called concerning the alleged manumission.

If witnesses establish that emancipation took place,

their testimony shall be accepted,

and the person shall be declared free.

If witnesses testify:

“This man has long been recognised as free,”

that testimony is even stronger,

and judgment shall be entered that he is free.

Page 30

Concerning Judicial Procedure

When two litigants appear before the judge,

both shall be required to stand before him,

and they shall be seated equally.

The claimant and the defendant shall enter together,

and the judge shall greet both equally.

The judge shall remain silent until they have spoken,

or he himself asks:

“Which of you is making the claim?”

If the defendant acknowledges (*iqrār*) the claim,

judgment shall immediately be entered accordingly.

If he denies the claim,

the judge shall ask the claimant:

“Do you have witnesses?”

If the claimant replies:

“Yes, I have witnesses,”

the witnesses shall be brought before the court,

and their testimony shall be heard.

If there are no witnesses,

the defendant shall be required to swear an oath.

Judgment should be delivered in an open place,

without favouring either party.

A judge must not decide cases:

- during extreme heat;
- during extreme cold;
- when overcome by hunger;
- when excessively full after eating;
- or when overcome by sleep.

—

Concerning Judges Accepting Gifts

It is unlawful (ḥarām) for a judge to accept gifts

if he already receives maintenance from the Bayt al-Māl

or from a fixed public salary.

If he nevertheless accepts gifts,

he has acted wrongly,

for the gift influences his judgment.

Such conduct is among the unlawful acts prohibited by Allah.

—

The Book of Government (Bab al-Yāsit)

In the Name of Allah, the Most Compassionate, the Most Merciful.

“Obey Allah, obey the Messenger, and those entrusted with authority among you.”

All ministers,

court officials,

military officers,

and every servant of the realm

shall obey this Divine command by

enjoining what is right (amr bi al-maʿrūf) and forbidding what is wrong (nahy ʿan al-munkar).

—

These are the duties of ministers

and of every person entrusted with public office.

Every morning they should assemble in the royal audience hall,

for Allah has entrusted many responsibilities to the ruler,

who in turn entrusts them to his servants.

As the Prophet ﷺ said:

“Each of you is a shepherd, and each of you shall be questioned concerning those under your care.”

Therefore,

each person should faithfully perform his duties in this world,

so that his burden may be lighter in the Hereafter.

Even though a king is perfectly just,

he cannot govern justly

without ministers

and without faithful officials carrying out their responsibilities.

—

Even if a king is brave,

wise,

and knowledgeable,

if his ministers

and his people

do not act together in harmony,

the kingdom cannot endure.

Just as

fire cannot burn without wood,

so too kingship cannot flourish

without harmony between ruler,

minister,

and people.

Thus is the relationship between ruler and minister.

—

The people are the adornment of the earth,

for the Prophet said:

“The servants are the adornment of their land.”

pg 31

Concerning the Foundation of Government

It is said in Persian:

“If there is no foundation, nothing can stand.”

And again:

“The audience hall is like the roots, while the king is like the tree.”

For if a tree has no roots,

it cannot stand.

Therefore,

we exhort all of you:

do not neglect attendance at the royal audience hall.

Take careful care (*tafahus*) of your families and those under your responsibility,

so that on the Day of Resurrection (Yawm al-Qiyāmah)

Allah Most High may lighten your burden.

—

Concerning Damage to Crops

If a person fences his fields with fences and ditches,

he should not wound or kill another person’s buffalo or cattle.

If buffalo enter the field at night and destroy the crops,

the owner of the buffalo must compensate for the damage.

If the buffalo are injured during the daytime,

the law differs according to the circumstances,

but if they are injured at night,

their owner bears liability.

—

Concerning Found Property

If property is found,

but its discovery is not witnessed,

the finder receives only the prescribed reward.

If there are witnesses,

they too are entitled to their lawful share.

Such is the law governing found property.

—

Concerning Assault

If someone assaults another person’s child,

or the relative of a deceased person,

and the victim’s family retaliates,

striking the aggressor until death results,

they incur no liability,

for the retaliation arose from the original assault.

—

Concerning Robbery

Whoever commits robbery,

even if the property taken is of small value,

is guilty of robbery.

The punishment remains the same,

whether the amount stolen is small or great.

—

Concerning Gambling

Gambling,

dice,

cockfighting,

gaming,

and wagering upon contests

are all included under the prohibition of gambling.

If people gamble,

fight,

and property is taken by force,

the punishment is death.

—

Concerning Debt

No person should allow his debts to multiply indefinitely.

If a man incurs debts without the knowledge of his wife,

she is not automatically responsible for them.

—

If a debtor dies while still engaged in work from which he earned his livelihood,

his estate shall first be divided into three parts.

One portion is used by his wife in discharging the debts.

The law concerning debt continues thereafter.

Page 32

Continuation of the Law of Debt

A wife is not required to bear the loss of her husband’s property,

for she is a free person.

Property that has been lost shall be compensated according to the law previously stated.

—

Concerning Slaves

If a slave has been sold,

and later meets his former master,

he may be redeemed for his proper redemption price.

If a runaway slave flees from one territory to another,

the person who captures him is entitled to the prescribed reward.

If a free person unlawfully takes a royal slave,

he himself becomes liable under the law governing royal slaves.

If someone strikes a royal slave,

the punishment is one hundred lashes.

If a royal slave dies because of such abuse,

compensation is owed to the ruler.

Whoever abuses a royal slave without lawful cause remains liable,

even if he later brings the matter before the authorities.

Wherever this offence occurs,

the ruler shall administer justice according to law.

—

Concerning Trust Property (Amānah)

This section concerns property entrusted to another.

Whoever accepts an amānah must preserve it faithfully.

If the property is lost without negligence (*taʿṣīr*),

he bears no liability.

If he uses the property with the owner’s permission,

he likewise incurs no liability merely because he has used it.

If, however,

the property is damaged,

he must compensate the owner.

When the property is to be returned,

it should first be restored to the owner.

If the owner cannot be found,

it shall be delivered to his lawful representative,

or to the judge (*qāḍī*).

If no judge is available,

it shall be entrusted to the King’s trustworthy officer (*Amīn Raja*).

If entrusted property is carried during a voyage and is lost,

the rules concerning liability remain those already stated.

If someone says:

“I have already returned the trust property to its owner,”

and the owner denies this,

while no witnesses exist,

the person who originally entrusted the property shall swear the oath.

No oath is required from the trustee.

If the owner swears,

the property shall be restored to him.

Likewise,

if the trustee says:

“I returned the property to so-and-so,”

and the owner denies it,

the owner shall swear,

and compensation shall follow according to law.

—

Concerning Agency (Wakālah)

Whoever conducts legal affairs on behalf of another acts as his lawful representative (*wakīl*).

Agency extends to matters such as:

- trade,
- buying and selling,
- marriage,
- divorce,
- and the recovery of legal rights.

The agent is entitled to the agreed remuneration.

An agent is not liable for loss occurring without negligence (*taʿṣīr*).

A commercial agent must conduct transactions according to the instructions of the principal.

He should not sell on deferred payment unless authorised.

Nor should he knowingly sell at a manifest loss.

He may sell only in accordance with the lawful commercial practice of the country.

Page 33

Continuation of the Law of Agency (Wakālah)

If an agent trades with another person’s son,

he shall first receive payment before delivering the goods.

If he delivers the goods before receiving payment,

and payment is not subsequently made,

the agent must compensate the owner for the goods.

If the principal had instructed:

“Sell this property for one thousand,”

the agent must carry out that instruction,

for this accords with the principle of

enjoining what is right (amr bi’l-maʿrūf).

—

Concerning Royal Responsibility

These duties belong to every ruler.

Whatever wrongdoing is committed by the ruler’s servants

shall ultimately rest upon the ruler’s own neck

on the Day of Resurrection (Yawm al-Qiyāmah).

—

The Sultan commands all his servants.

May Allah preserve

Sultan al-ʿĀdil al-Kāmil al-Bādil Sultan Muzaffar Shah,

and perpetuate his kingdom and sovereignty,

granting him goodness through his justice and benevolence.

He governs according to the Law of Allah

among all the servants of Allah,

exercising authority in accordance with the commands of Allah Most High.

Thus is fulfilled the duty of:

enjoining what is right (amr bi'l-maʿrūf) and forbidding what is wrong (nahy ʿan al-munkar).

Accordingly,

every servant entrusted with authority

must govern according to the Law of Allah

for the welfare of all the people.

—

Concerning Disobedience

Whoever knowingly acts contrary to the commands of Allah

and to the teachings of His Messenger,

or deliberately exceeds their limits,

shall be punished according to the gravity of his offence.

If the prescribed fine amounts to

one hundred timah,

then that amount shall be imposed.

If the offence is repeated many times,

the punishment shall nevertheless remain within the lawful limits prescribed.

Whoever refuses obedience

is liable to death.

His household property passes under the supervision of the Bendahara.

—

Concerning Runaway Slaves

If a runaway slave is captured,

the reward depends upon the status of the slave.

If he is a royal slave,

the reward is doubled.

If he belongs to the royal family,

the reward is increased further.

If he belongs to a minister,

a different prescribed reward applies.

For ordinary subjects,

the customary reward is paid.

A bankrupt fugitive may be executed according to law.

—

Concerning Persons Found Wandering

This section concerns the redemption of runaway slaves.

Whoever finds a runaway slave

shall bring him before the authorities within three days.

The matter shall first be reported before

Damang Khawaja Ahmad,

or,

if necessary,

before the ministers.

—

Likewise,

whoever discovers a runaway person

or one who has died

in forests,

fields,

or remote places,

shall report the matter to the ministers.

If he fails to do so,

his conduct is treated in the same manner as theft.

Such is the law.

Page 34

Concerning Found Property

Whoever finds:

- gold,
- silver,
- cloth,
- or any valuable property,

shall bring it before the authorities within three days.

Its discovery shall be witnessed.

If the owner cannot be found,

it shall be presented before the ministers

and the King's officers.

Whoever fails to do so commits an offence,

and if the matter later becomes known,

he shall be punished as though he had committed theft.

—

Concerning the Redemption of Runaway Slaves

This section concerns the redemption fee for runaway slaves.

Within the town,

the redemption fee is one kupang.

Outside the town,

up to the limits of the settled district (*imārah negeri*),

the fee is two kupang,

and the articles carried by the runaway are not forfeited.

Outside the settled district,

in places such as Timangan,

at the five *bidar* station,

or along the river,

the prescribed redemption fees apply.

Articles such as:

- knives,
- parangs,
- and other goods whose value has diminished,

become forfeited.

—

The manuscript then lists the redemption fees for numerous places, including:

- Kuala Dadap,
- Kuala Perak,
- Kuala Dinding,
- Kuala Bernas,
- Kuala Larut,
- Pulau Sembilan,
- Pulau Temburak,
- Kuala Beranam,
- Nibung Hangus,
- Pasir Panjang,
- Hulu Perak,
- Tepus,
- Langkus,
- Kuala Pulus,
- Jeram Panjang,
- Kuala Rawil,
- Pengkalan Gua,
- Temangar,
- Peranggan,
- Bruas,
- Dedap,
- Bukit Tunggal,
- Kuala Berus,
- Nyor Manis,
- Bukit Cina,
- Bukit Alas,
- Kampar,
- Cendering,
- Batang Padang,
- Bidor,
- Sangkai,

and other locations,

each with its prescribed redemption fee.

—

Concerning Pearl Diving

Let all of you know

that pearl diving should never be undertaken carelessly,

for although it may produce great profit,

it also involves considerable risk.

The value of the pearl catch is carefully assessed.

The proper shares are then distributed among:

- the royal audience hall (*balai*);
- the Temenggong;
- the supervising officers;
- and the divers themselves,

according to the established law.

Those who supervise the diving operations,

those who issue the official permits,

and the Bentara each receive their prescribed lawful shares.

Page 35

Continuation of the Regulations Governing Pearl Diving

The diver shall receive one kupang.

The person supervising the diving operation (*pemegang turus*) shall likewise receive one kupang.

The written permit authorising the dive also carries a prescribed fee.

When the expedition is successful, the proceeds are divided according to the established schedule.

—

Concerning Head Wounds (Shijāj)

Retaliation (*qiṣāṣ*) does not apply to every wound of the head, but only to recognised categories of injury, especially the mudīḥah (a wound exposing the bone).

The recognised head wounds are classified into several categories.

The hāshimah is a wound that fractures the skull. Its prescribed compensation is five camels, or the equivalent monetary value.

The mudīḥah, where the bone is exposed, likewise carries its prescribed compensation.

Where the injury is accidental (*khaṭāʾ*) or quasi-intentional (*shibh al-ʿamd*), compensation (*diyah*) is payable.

The munqilah is a wound in which the fractured bone is displaced. Its compensation is likewise assessed at the prescribed amount.

The maʾmūmah is a wound that penetrates to the membrane surrounding the brain. Its compensation amounts to one-third of the full diyah, namely one-third of one hundred camels or the equivalent monetary valuation.

The dāmighah is a wound that penetrates into the brain itself. Its compensation likewise amounts to one-third of the full diyah.

—

Concerning Harbour Administration

The customary law of the kingdom prescribes harbour dues according to the size and cargo of the vessel.

For ships carrying between two and eight koyan, specified dues are payable for:

- the mast,
- the shipmaster,
- anchorage,
- inspection,
- weighing,
- and harbour administration.

Ships carrying ten koyan, fifteen koyan, twenty koyan, or fifty koyan are subject to higher prescribed rates according to their cargo capacity.

Separate charges are levied for:

- the master,
- anchorage,
- harbour facilities,
- weighing,
- elephants,
- warehouses,
- and other official services connected with the port.

Smaller craft are assessed according to their own established schedules.

—

Concerning the Commercial Valuation of Ships and Goods

This section prescribes the valuation of ships carrying ten koyan of cargo.

The value of the vessel is determined according to the recognised commercial schedule.

If the ship is sold, the duties payable are calculated according to its selling price.

Likewise, cloth is valued according to recognised commercial units (*kodi*), and different rates apply depending upon the selling price.

Page 36

Concerning the Shahbandar

This chapter sets forth the regulations governing all official business conducted through the Shahbandar.

Whenever an official acts together with the Shahbandar,

or correspondence is sent,

and a chief nakhoda presents gifts through the Shahbandar,

the Shahbandar shall receive those offerings

and ensure that the nakhoda’s petition or request is duly conveyed.

—

Concerning Harbour Charges for Ships

This chapter concerns ships.

The prescribed harbour dues are as follows:

- for the principal mast — one bahara;
- for anchorage — half a bahara;
- for cargo inspection — one bahara;
- for customs and harbour charges — the prescribed amount.

For a vessel carrying eight bidar,

the following official shares are prescribed:

- the Harbour Commander (*Panglima Bandar*) — one *bidar*;
- the Shahbandar — one *bidar*;
- the registrar (*jurutulis*) — his prescribed share;
- the harbour officer (*buki*) — his prescribed share.

For larger vessels,

the prescribed charges include:

- mast dues — sixteen riyals;
- harbour levy (*perkat*) — eight riyals;
- anchorage (*salab*) — four riyals;
- mooring rope (*sambuk*) — three riyals;
- weighing charge — two riyals.

For smaller vessels,

the prescribed charge is six suku.

APPENDIX C

MANUSCRIPT F OF HUKUM KANUN PAHANG COPY PROVIDED BY TUNKU AZIZAH MAHMOOD ISKANDAR WITH NOTES BY DATO' ANNABEL TEH GALLOP, 8 MARCH 2026, LONDON

This manuscript of *Hukum Kanun Pahang* contains four codes of law (*kanun yang keempat*) as well as a collection of *kisah* which are instructions concerning the relationship with Daik (the seat of the royal court of Riau) and other aspects of royal traditions of Pahang. Following a devastating pirate (*lanun*) attack in 1787, the Malay sultans of Johor-Riau had moved their court from Pulau Bintan in the Riau archipelago to Daik on Pulau Lingga. The manuscript was copied in 1884 from an original manuscript dated 1817, in the time of Bendahara Tun Ali of Pahang (r. 1806-1858), the senior minister of the Johor-Riau empire, during the reign of Sultan Abdul Rahman of Riau (r. 1811-1832) in Daik. The manuscript of 221 pages is incomplete, and ends abruptly in the middle of the third *kanun* (and thus lacks the fourth *kanun* and the *kisah*).

In this manuscript the composition of the *Hukum Kanun Pahang* is attributed to Sultan Iskandar al-Alam Syah (the first Muslim sultan of Melaka, Sultan Iskandar, r. 1414-1424), and hence need comparing with the *Undang-undang Melaka*. The contents of the four *Kanun* of Pahang are listed on pp. 2-6, followed by a list of *Kisah*. The first *Kanun* is on general laws; the second *Kanun* is for the Syahbandar to regulate trade; the third *Kanun* concerns relations with western lands and Malay states; and the fourth *Kanun* is on general matters (*adat-istiadat*).

According to the colophon (in *syair* form, on p.7), this manuscript was copied on 1 Rabiulawal 1302 (19 December 1884), and thus during the reign of Sultan Ahmad al-Muazzam Syah (as sultan r. 1881-1914), the son of Bendahara Tun Ali. The manuscript was copied by two scribes, the young one named Kasim and the older one Syaikh Ibrahim, in Kuala Pahang Tua. It is copied on ledger paper (with printing lines and columns), often

used in late 19th-century manuscripts. The handwriting, in black ink, is very professional and clearly written.

The main text commences on p. 8. The first part (pp. 8-104), Kanun 1, containing 66 pasal, has a colophon on p.104 giving the date of copying (of the original manuscript from which this one was copied) as 1232 (1816/7) written by a scribe named Encik Ismail bin Muhammad Arif. The second part (pp. 105-174), Kanun 2, containing 42 pasal, has a colophon on p. 174 giving the date of copying (of the original manuscript from which this one was copied) as 27 Jumadilakhir, in a dal year, on Friday at 8 o'clock, in Singapore, also written by Ismail. The year is given in numerals as '11002', which is difficult to interpret. It may simply refer to 1302, the date of copying of the current manuscript, but if it is understood to refer to the same year as the writing of Kanun 1, i.e. 1232, then 27 Rabiulakhir 1232 would be equivalent to 16 March 1817. The manuscript ends abruptly on p.221, at pasal 7 of Kanun 3, which should contain 21 pasal. Thus Kanun 4 and the Kisah are completely missing.

On the first page of this manuscript (p.1) are some notes on the birth of three children (probably of the owner of the manuscript), in Kampung Baru, Pahang, in 1894, 1802 and 1905; such notes of birth and death are sometimes found in Malay manuscripts on the first or last pages. This note may help to identify the keeper of this manuscript during the early 20th century in Pahang.

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p.1, Notes on birth of three children

Notes on the birth of three children (probably of the owner of the manuscript), in Kampung Baru, Pahang, in 1894, 1902 and 1905. The notes were probably written all at the same time, some time after 1905.

Di dalam negeri Pahang di Kampung Baru

Hijrat al-nabi Muhammad salla Allah 'alayhi wa-sallam kepada masa dewasa tarikh menulis surat ini akan jadi ingatan bagi anak kita (Muhammad) iaitu pada 14 Ramadan tahun 1311 pada pukul 8 pagi Rabu

[Rabu 14 Ramadan 1311 = Wednesday 21 March 1894]

'In the state of Pahang, in Kampung Baru.

In the year of the migration of the Prophet Muhammad, may God's blessings and peace be upon him, at that time, the date written in this note is to record our child (Muhammad), on 14 Ramadan 1311, at 8 o'clock in the morning, on Wednesday'.

Di dalam negeri Pahang di kampung Baru

Kepada hijrat al-nabi Muhammad salla Allah 'alayhi wa-sallam kepada masa dewasa tarikh menulis surat ini akan jadi ingatan bagi anak kita (Dalam) iaitu pada 11 Safar tahun 1320 berbetulan dengan 18 Mei tahun 1902 pada pukul 1 malam Isnin adanya.

[Isnin 11 Safar 1320 (Tuesday 20 May 1902 AD)]

'In the state of Pahang, in Kampung Baru.

In the year of the migration of the Prophet Muhammad, may God's blessings and peace be upon him, at that time, the date written in this note is to record our child (Dalam), on 11 Safar 1320, equivalent to 18 May 1902, at 1 o'clock at night on Monday' (i.e. Tuesday).

Di dalam negeri Pahang di kampung Baharu

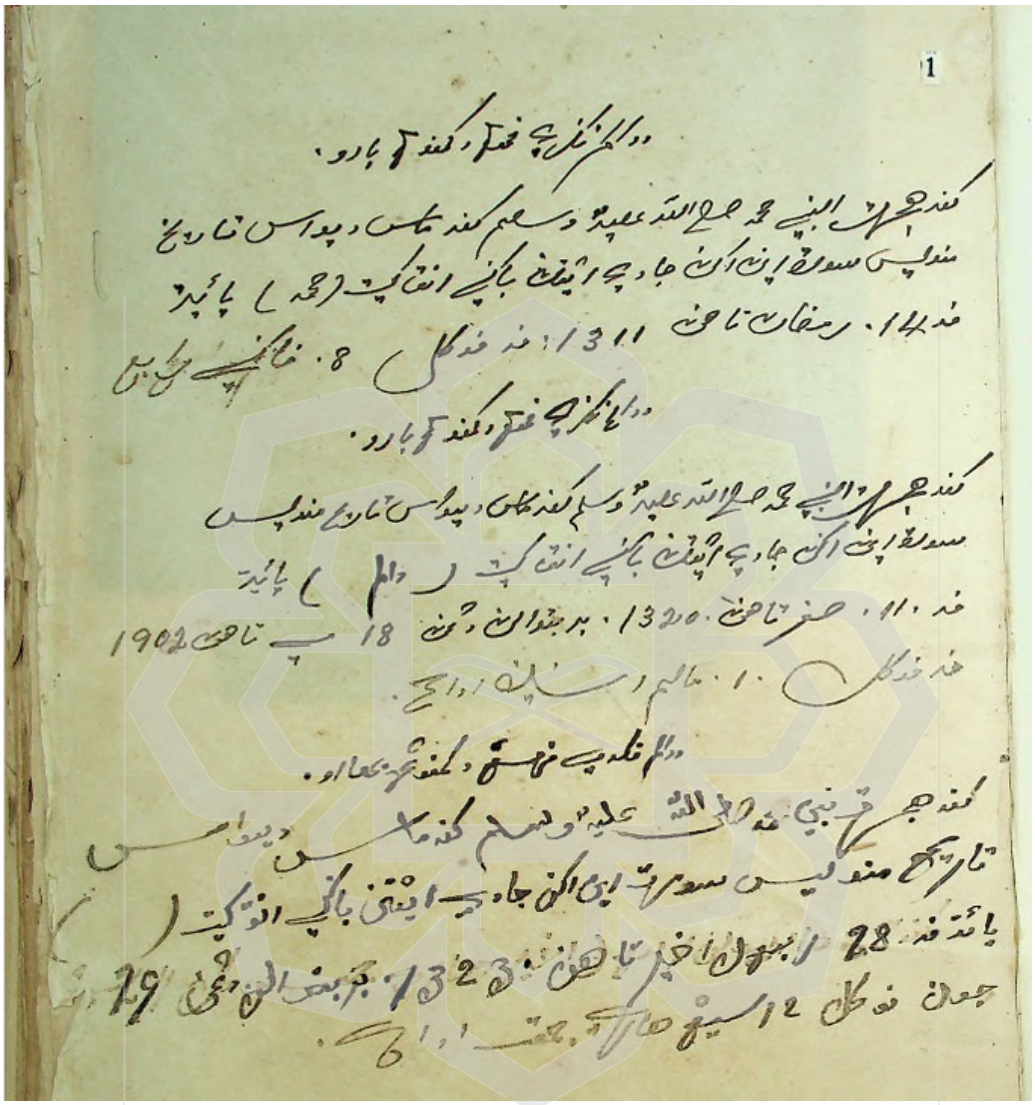
Kepada hijrat nabi Muhammad salla Allah 'alayhi wa-sallam kepada masa dewasa tarikh menulis surat ini akan jadi ingatan bagi anak kita ( ) iaitu pada 18 Rabiulakhir tahun 1323 berbetulan 19 Jun pukul 12 siang hari Jumaat adanya.

'In the state of Pahang, in Kampung Baharu.

In the [year of] the migration of the Prophet Muhammad, may God's blessings and peace be upon him, at that time, the date written in this note is to record our child ( ), on 18 Rabiulakhir 1323, equivalent to 19 June, at 12 o'clock noon, on Friday.'

Note: 18 Rabiulakhir 1323 is equivalent to Thursday 22 June 1905, but there is often a discrepancy of one or two days in conversion of dates. The name of the child is not

included, and the line with date is written on top of an earlier erased line, suggesting some confusion about the dates, suggesting this note was written quite a while after 1905.



p.1 – Notes on the birth of three children in 1894, 1902 and 1905.

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pp. 2-6, Contents list of Hukum Kanun Pahang

Kanun 1

[p.2] *Ketahui olehmu akan aturan hukum kanun dan segala undang2 dan sekalian jenis di dalamnya* [6 bab and 66 pasal]

[p.3] *Telah selesailah daripada menyalin akan kanun yang pertama seta dengan sekalian pasal yang di dalamnya*

Kanun 2

Ketahui olehmu hukum bagi Syahbandar itu akan menhukumkan segala orang yang dagang2 [42 pasal]

[p.4] *telah selesailah daripada menyalin akan kanun yang kedua serta dengan sekalian pasal yang di dalamnya*

Kanun 3

Ketahui olehmu akan aturan bagi kanun adat negeri di sebelah barat dan sekalian negeri Melayu serta dengan sekalian undang2 dan sekalian pasal yang di dalamnya [21 pasal]

[p.5] *Telah selesailah daripada menyalin akan kanun yang ketiga serta dengan sekalian adat barat dan sekaliannya undang2 adat seperti negeri Melayu serta dengan sekalian pasal yang di dalamnya*

Kanun 4

Ketahui akan aturan bagi hukum kanun yang keempat serta dengan sekalian pasal yang di dalamnya [24 pasal]

Telah selesailah daripada menyalin akan kanun yang keempat serta dengan adat istiadat yang ada di dalamnya.

[Black paper has been pasted on the top and bottom of parts of pp. 4-6, perhaps to hide certain portions of text]

Kisah

[p.6: 22 kisah, on relations with the royal court at Daik, and royal customs of Pahang]

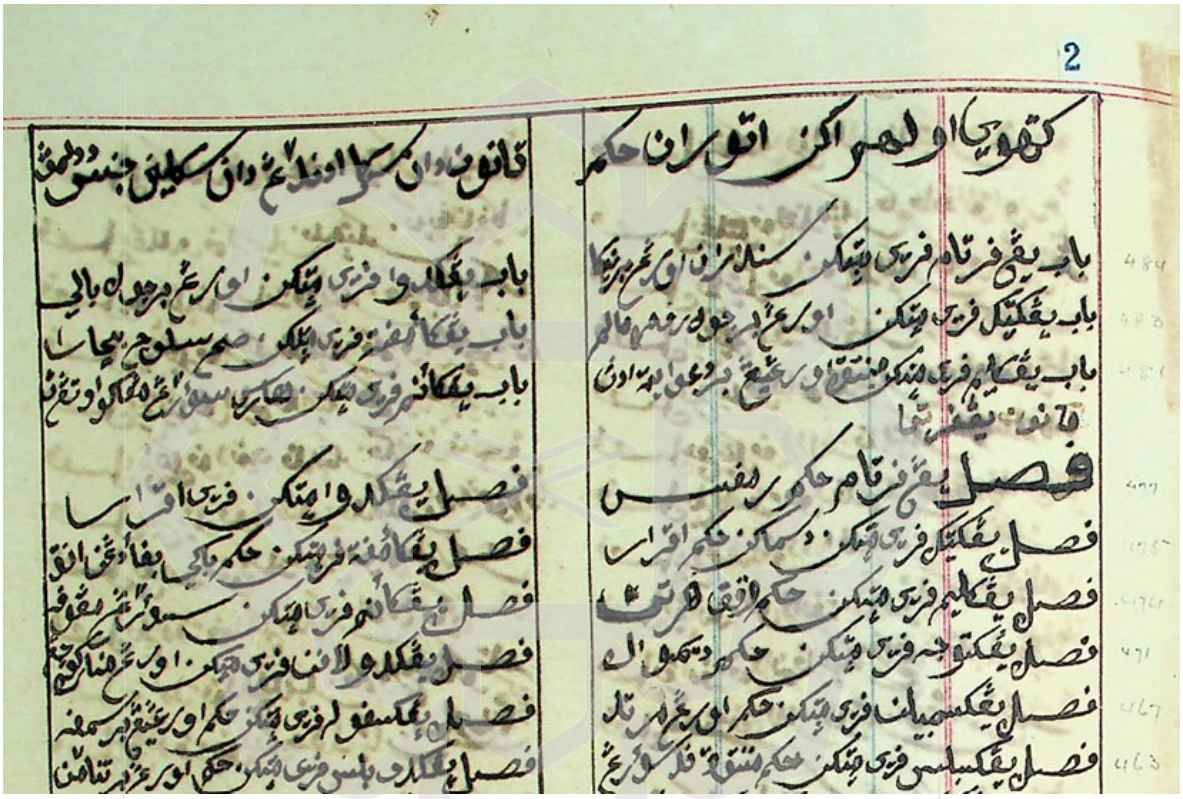
Kisah yang pertama pada menyatakan utusan datang dari Yang Dipertuan negeri Daik tiba ke Pahang

Kisah yang kedua pada menyakatan akan peri utusan Daik balik ke Daik

...

Kisah yang keenam pada menyatakan baginda mudik ke hulu Pahang serta berhenti di teluk dan rantau membilang tanjung mana2 yang sampai
Etc.

[p.7] *Telah selesailah daripada menyalin akan kanun / yang keempat peri menyatakan hukum adat raja2 Melayu*



p. 2 – Start of the contents list of Kanun 1

p.7, Colophon in syair form

The colophon gives the date of copying as 1 Rabiuwal 1302 (Friday 19 December 1884), at 8 o'clock, on Thursday, the year wau, copied by two scribes, the young one named Kasim and the older one Syaikh Ibrahim, in Kuala Pahang Tua.

Karangan Sultan Iskandar ...seri? / sampailah kepada zaman masa kita ini

Serta termasuk? di dalam surat kitab ini / akan kisah mana? Yang Dipertuan pekerjaan Daik
Hijrat al-nabi 'alayhi al-salam / seribu tiga ratus dua bilangan 'alam
Tiga kanun sudahlah khatam / cukub undangan adat di dalam

Karangan khalifat Yang Dipertuan / Sultan Iskandar Syah al-Alam
Tamatlah kanun satu dan kedua / tiga dan empat sertakan jua

Sertakan pula kisahan Daik / pekerjaan indah atur pun baik
Tamatlah surat kanun jauhari / Rabiulawal bulan berseri

Harinya Khamis sehari bulan / langkah panglima dengan pahlawan
Jam pukul lapan masa sudahnya / tahun wau nama sebutnya

Salin ngan fakir orang yang hina / Kasim pun nama muda teruna
Sertakan pula fakir yang tua / Syaikh Ibrahim di Kuala Pahang Tua

Ketahui olehmu segala tuan / yang empunya ini sekalian barang
Datuk Bendahara Yang Dipertuan / Seri Maharaja Abdul Rahman
Limpah adilnya di negeri Pahang / adat dan syarak tiada bertahang

Sampaikan Allah akan hajatnya / sempurnakan selamat anak buahnya
Titibkan Allah akan imannya / sempurnakan rabi amal ibadatnya

Wahai sekalian sanak saudara / hendaklah pikir serta [segera?]
Hukum kanun ikutkan segera / jangan ke syarak beroleh cedera

Hukum syarak bersumpah dan lelah / sumpah tak betul mendapat salah

Badan kita hampirkan binasa / kita bersumpah tiada biasa
Sendiri mencari racun yang bisa / daripada Allah datang binasa

*Wahai sekalian ikhwan * baik berpakat sama sekawan /*
*Kepada raja jangan sampaikan * mana yang alah harta dihabiskan*

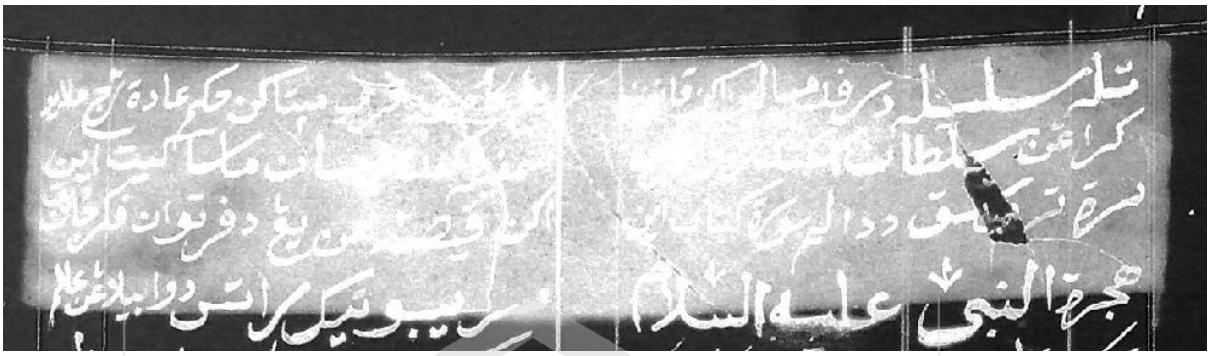
*Hukum syarak kepada kadi * adil dan insaf di dalam ardi **
*Allah dan rasul supaya radi **

Jangan dihukumkan hukum percuma / suwab seorang jangan diterima
Janganlah zalim barang sezarah / khusus(a) pula bicara mendarah

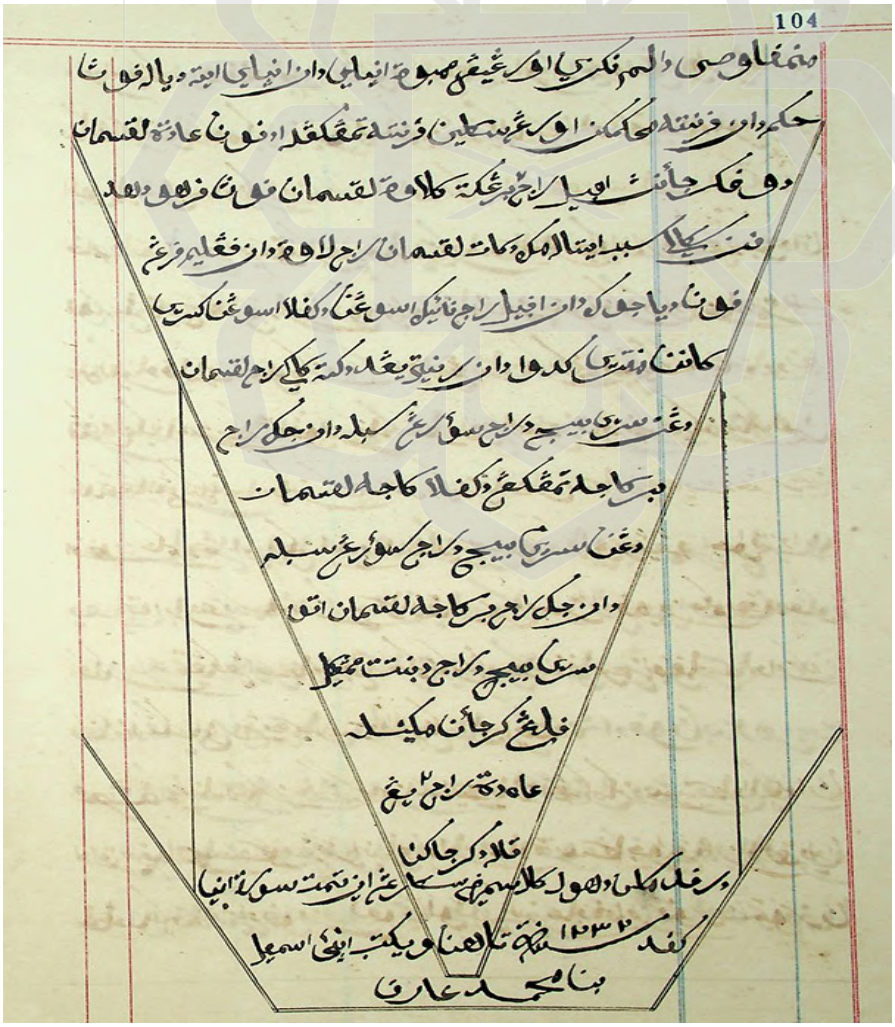
Hati jangan kuruh dan karuh / kepada Allah mendapat salah
... beroleh ... / akhir ... beroleh kalah



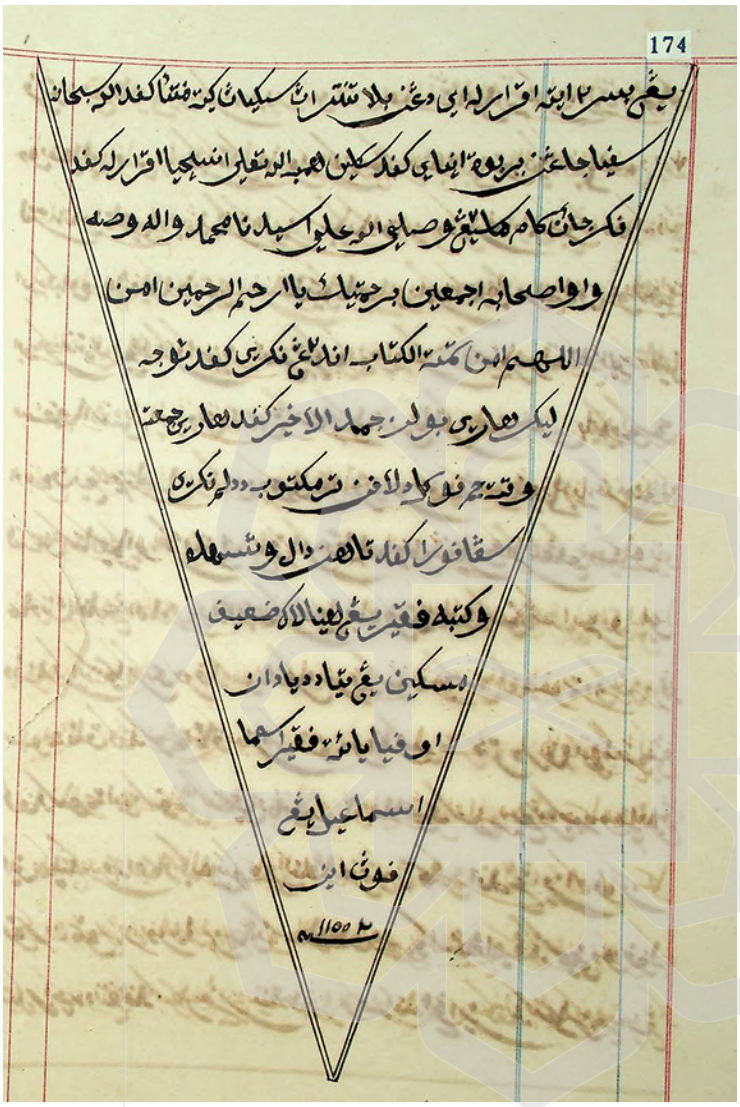
p. 7 – Colophon in syair form, giving date of copying of the manuscript of 1884, by the scribes Kasim and Syaikh Ibrahim in Kuala Pahang Tua



p. 7 – The damaged first lines of the colophon have been enhanced through ImageSleuth to reveal clearly the name Sultan Iskandar. https://www.thestampweb.com/imagesleuth



p. 104 – Colophon at the end of Kanun 1, giving date of writing of original manuscript as 1232 (1816/7) and the name of the scribe as Encik Ismail bin Muhammad Arif.



p. 104 – Colophon at the end of Kanun 2, giving date of writing of original manuscript as 27 Rabiulakhir [11002] in Singapore, and the name of the scribe as Ismail; 27 Rabiulakhir 1232 would be equivalent to 16 March 1817.

APPENDIX D

ORAL HISTORY INTERVIEWS

Interview 1

Dato' Sri Wan Haji Abdul Wahid bin Haji Wan Hassan

Yang Dihormat Orang Kaya Indera Pahlawan

Interview conducted by the Tengku Ampuan of Pahang

Kutub Khanah DiRaja, Kuantan, Pahang

5th March 2026

The Discovery and Custodial History of MS F

On 5th March 2026, while I was working on my thesis at the Kutub Khanah Diraja, Kompleks Muzium Diraja Sultan Haji Ahmad Shah, in Kuantan, Dato' Sri Wan Wahid, the Orang Kaya Indera Pahlawan, came to see me. During what began as a casual conversation, he asked whether I had ever seen a manuscript of the Hukum Kanun Pahang kept in the office of my husband, Al-Sultan Abdullah Ri'ayatuddin Al-Mustafa Billah Shah, at the Majlis Ugama Islam dan Adat Resam Melayu Pahang (MUIP). He explained that the manuscript had been kept there in a glass case.

That seemingly simple question led to an extraordinary discovery.

Dato' Sri Wan Wahid related the custodial history of the manuscript as it had been known to him. It had earlier been in the keeping of YAM Tengku Arif Temenggong, Tengku Abdul Aziz ibni Almarhum Sultan Abdullah al-Mu'tasim Billah Shah, who had served as Yang Dipertua MUIP. Following Tengku Temenggong Abdul Aziz's death, his son-in-law, Dato Seta Pahlawan Tengku Korish, entrusted the manuscript to Sultan Ahmad Shah Al-Musta'in Billah through Dato' Sri Wan Wahid. The manuscript was subsequently kept at MUIP.

After the demise of Sultan Ahmad Shah Al-Musta'in Billah, Dato' Sri Wan Wahid took the manuscript into his safekeeping before later handing it to Al-Sultan Abdullah Ri'ayatuddin Al-Mustafa Billah Shah.

More significantly, Dato' Sri Wan Wahid recalled an account related to him by his father, Haji Wan Hassan bin Engku Haji Abdullah, who told him that he used to read the manuscript to Tengku Ampuan Fatimah, the royal consort of Sultan Ahmad Al-Mu'adzam Shah and the first Tengku Ampuan of Pahang.

This detail is particularly significant. Tengku Ampuan Fatimah's interest in having the Hukum Kanun Pahang read to her suggests an intellectual engagement with the legal and constitutional traditions of the state at the highest level of the royal household. Her interest in the manuscript also provides an important glimpse into the intellectual life of the Pahang court and the place that the Hukum Kanun Pahang continued to occupy within it.

According to Dato' Sri Wan Wahid's family testimony, the manuscript remained in use until 1948. If substantiated through further manuscript and historical study, this would be especially important because it suggests continuity in the use of the Hukum Kanun Pahang tradition up to the introduction of the Undang-Undang Tubuh Kerajaan Pahang 1948, rather than a complete chronological rupture between the older legal tradition and the modern written constitution.

Immediately after this conversation, I requested that the manuscript be sent from Pekan to Kuantan for examination. Because of its fragile physical condition, only 221 pages could safely be scanned; the remaining pages were too fragile to handle for scanning. The digital images obtained were subsequently sent to Dato' Dr Annabel Teh Gallop for her preliminary observation and consideration. For the purposes of this study, the manuscript is identified as MS F.

MS F is presently undergoing conservation and preservation at the National Archives. A full comparative study can only properly be undertaken once this process has been completed and the manuscript can be safely examined in its entirety.

The discovery of MS F adds a third important manuscript to the modern history of the Hukum Kanun Pahang: MS D was returned to Pahang in 1993, followed by MS E in 1999 and MS F in 2026. Abdul Halim El-Muhammady undertook a comparative study of MSS D and E, identifying variations and omissions between the two manuscripts. MS F now creates the possibility of extending that comparative study further.

There is also a poignant scholarly irony in the timing of these discoveries. Liaw Yock Fang did not live to see the return of MS D to Pahang in 1993 and MS E in 1999, just as Abdul Halim El-Muhammady passed away only a week after the discovery of MS F in 2026. Both scholars had devoted substantial attention to the manuscript tradition of the Hukum Kanun Melaka and Hukum Kanun Pahang. Had they lived to examine these newly recovered witnesses, one can only imagine the intellectual excitement they might have felt, the new questions they might have raised, and even the possibility that they might have reconsidered or refined aspects of their earlier conclusions. The discovery of new manuscripts reminds us that scholarship is never entirely closed; new evidence can reopen old questions and deepen our understanding of texts thought to be already known.

Of particular interest is the organisation of MS F into fasal and kisah, together with what appears to be a further refinement and articulation of Islamic legal provisions. Once conservation is completed, a systematic comparison of the Hukum Kanun Melaka, MSS D and E, and MS F may provide important new evidence concerning the evolution, transmission and continued application of Malay-Islamic law in Pahang. Such a study has the potential to significantly deepen, and perhaps revise, our present understanding of the constitutional and legal history of Pahang and the wider Malay world.

Interview 2

Dato' Mohamed Mokhtar bin Abu Bakar

Former Director, Lembaga Muzium Negeri Pahang

Interview conducted by the Tengku Ampuan of Pahang

Kutub Khanah DiRaja, Kuantan, Pahang

24th June 2026

Discovery, Acquisition, and Provenance of the Hukum Kanun Pahang Manuscript (MS D)

This interview was conducted as part of the research for this thesis to document the first-hand recollections of Dato' Mohamed Mokhtar bin Abu Bakar regarding the recovery of Manuscript D of the Hukum Kanun Pahang in 1993. As the officer who personally supervised its acquisition on behalf of the Pahang State Government, his testimony constitutes an important primary source concerning the manuscript's provenance, acquisition, registration, conservation, and preservation.

Dato' Mohamed Mokhtar bin Abu Bakar recounted the circumstances surrounding the discovery and acquisition of the Hukum Kanun Pahang manuscript by the Lembaga Muzium Negeri Pahang in 1993. According to Dato' Mokhtar, the recovery of the manuscript began in April 1993, when Encik Mohd Nor Yusof travelled to Pekan to meet him and informed him that he possessed an old manuscript known as the Hukum Kanun Pahang, which he wished to sell. The manuscript was located in Tak Bai, Patani, Thailand. Following this initial approach, the proposal to acquire the manuscript was submitted to the Majlis Mesyuarat Kerajaan Negeri Pahang. In June 1993, the State Government approved the acquisition during the administration of Tun Khalil Yaakob, Menteri Besar of Pahang. Following the Government's approval, Dato' Mohamed Mokhtar bin Abu Bakar and his deputy, Cikgu Haji Zainuddin bin Jumaat, Deputy Chairman of the Lembaga Muzium Negeri Pahang, travelled personally to Tak Bai to inspect, verify, and complete the purchase of the manuscript. Upon examination, they confirmed that the manuscript was authentic and complete. Unlike many surviving Malay legal manuscripts that exist only as

fragmentary copies, the Hukum Kanun Pahang was preserved as a complete bound manuscript. Dato' Mokhtar explained that the manuscript had been preserved by descendants of Mat Kilau living in Patani. According to the family's account, Mat Kilau had married while living in exile in Patani, and the manuscript had remained within the family through succeeding generations. Encik Mohd Nor Yusof, who offered the manuscript for sale, was related to Mat Kilau's descendants. The manuscript was kept inside a square wooden chest measuring approximately one and a half feet in width, believed by the family to have belonged to Mat Kilau. Besides the manuscript itself, the chest contained several personal belongings, namely:

- a writing pen made from *buah kayu bakau*;
- an ink bottle; and
- a keris.

Dato' Mokhtar further recalled that the manuscript was bound with a tenun Pahang textile, which served as its protective covering. Following verification, the manuscript was purchased for RM20,000. Payment was made on 3 August 1993, after which Dato' Mokhtar and Cikgu Haji Zainuddin personally brought the manuscript back to Pekan. The Hukum Kanun Pahang arrived safely in Pekan on 9 August 1993. Upon its arrival, the manuscript was entrusted to Ustaz Kadir, who undertook its initial reading on behalf of the Museum in preparation for the transliteration project. The manuscript was formally registered as the property of the Lembaga Muzium Negeri Pahang on 6 September 1993.

The dispute concerning the manuscript arose only after its arrival in Pekan, while it was still housed in the wooden chest believed to have belonged to Mat Kilau. According to Dato' Mokhtar, Encik Zainuddin, a grandson of Mat Kilau, learnt from his relative, Encik Mohd Nor Yusof, that the Hukum Kanun Pahang manuscript had been acquired by the Museum. He subsequently went to the Museum and claimed the wooden chest and its contents as his family's *harta pusaka* (ancestral inheritance). Dato' Mokhtar recalled that the claim gave rise to considerable disagreement. Although the manuscript had been lawfully purchased by the Pahang State Government, members of Mat Kilau's family maintained that the wooden chest and the accompanying objects formed part of their ancestral inheritance and should therefore be returned to them. The Museum, having

acquired the manuscript together with the chest in which it had been preserved, initially wished to retain all the items. Faced with these competing claims, Dato' Mokhtar made what he regarded as the most appropriate decision. In his view, the Hukum Kanun Pahang manuscript was by far the most valuable and historically significant object. The true treasure was not the wooden chest itself, but the manuscript that it had protected for generations. He therefore decided that the Museum should retain only the Hukum Kanun Pahang manuscript, while the wooden chest and the accompanying objects—the writing pen made from *buah kayu bakau*, the ink bottle, and the keris—should be returned to Mat Kilau's family. In Dato' Mokhtar's judgment, preserving the manuscript for the State of Pahang was of paramount importance, while returning the remaining items respected the family's claim to their ancestral possessions. This decision resolved the dispute. The Hukum Kanun Pahang remained in the custody of the Lembaga Muzium Negeri Pahang, while the wooden chest and its accompanying objects were returned to Mat Kilau's descendants. On 27 November 1993, the manuscript was transferred to Arkib Negara Malaysia for professional conservation and preservation. The conservation process was completed on 5 March 1994, corresponding to 22 Ramadan 1414H, after which the manuscript was returned to the Lembaga Muzium Negeri Pahang in a preserved condition. On 22 June 2026, Dato' Mohamed Mokhtar visited the researcher and, for the first time, recounted the history of Mat Kilau's wooden chest and its contents. This information had not previously been incorporated into the published history of the manuscript and significantly enriches the documented provenance of Manuscript D. A formal interview was subsequently conducted on 24 June 2026, during which Dato' Mohamed Mokhtar confirmed that the foregoing account accurately reflects his recollection of the discovery, acquisition, transport, registration, conservation, and preservation of the Hukum Kanun Pahang manuscript.

Chronology of Events

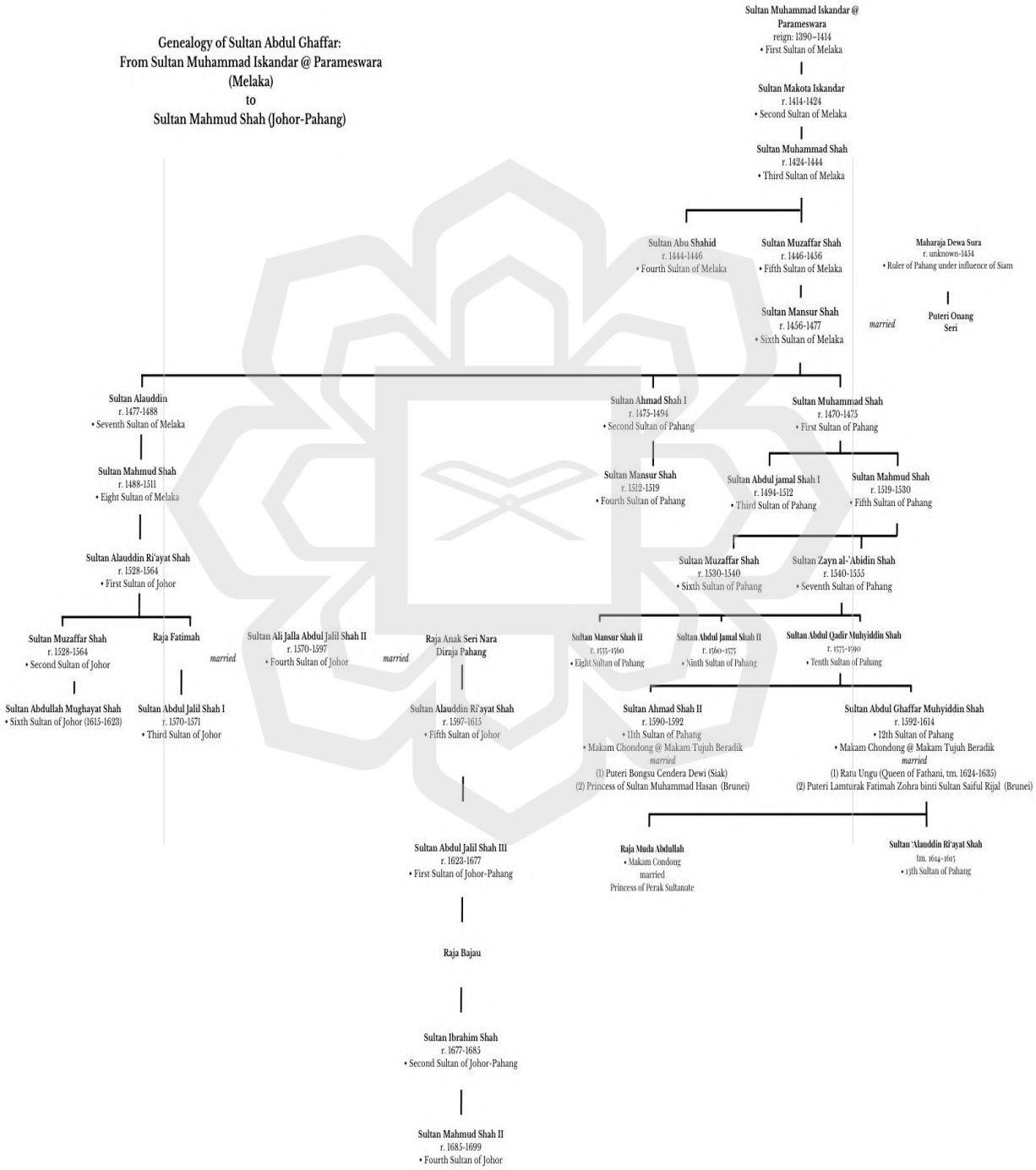
Date	Event
April 1993	Encik Mohd Nor Yusof informed Dato' Mohamed Mokhtar bin Abu Bakar of the existence of the Hukum Kanun Pahang manuscript in Tak Bai, Patani, Thailand.
June 1993	The Majlis Mesyuarat Kerajaan Negeri Pahang approved the acquisition of the manuscript.
3 August 1993	Payment of RM20,000 was made.
9 August 1993	Dato' Mohamed Mokhtar bin Abu Bakar and Cikgu Haji Zainuddin bin Jumaat brought the 1safely to Pekan.
6 September 1993	The manuscript was formally registered as the property of the Lembaga Muzium Negeri Pahang.
September 1993	Ustaz Kadir undertook the initial reading of the manuscript for the Museum's transliteration project.
27 November 1993	The manuscript was sent to Arkib Negara Malaysia for conservation and preservation.
5 March 1994 (22 Ramadan 1414H)	Conservation was completed.
22 June 2026	Dato' Mohamed Mokhtar related the history of Mat Kilau's wooden chest and its contents to the researcher.
24 June 2026	Formal interview conducted and testimony verified.

Verification

The information contained in this Interview Memorandum is based upon the personal testimony of Dato' Mohamed Mokhtar bin Abu Bakar, former Director of the Lembaga Muzium Negeri Pahang, who personally supervised the acquisition of the Hukum Kanun Pahang manuscript in 1993. The interview was conducted by the researcher on 24 June 2026, and Dato' Mohamed Mokhtar confirmed that this memorandum accurately reflects his recollection of the events to the best of his knowledge and memory.

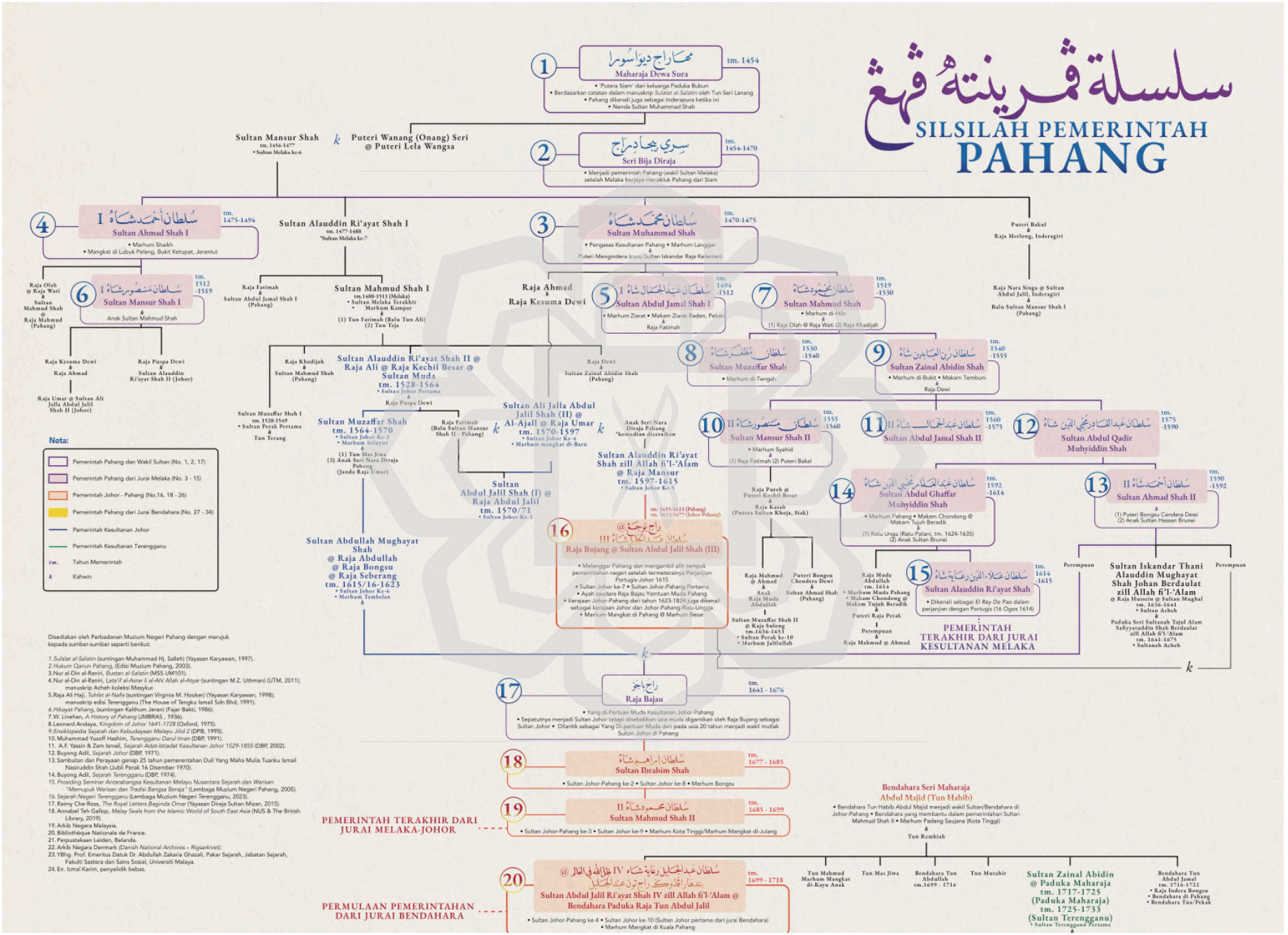
APPENDIX E

GENEALOGY OF SULTAN ABDUL GHAFFAR



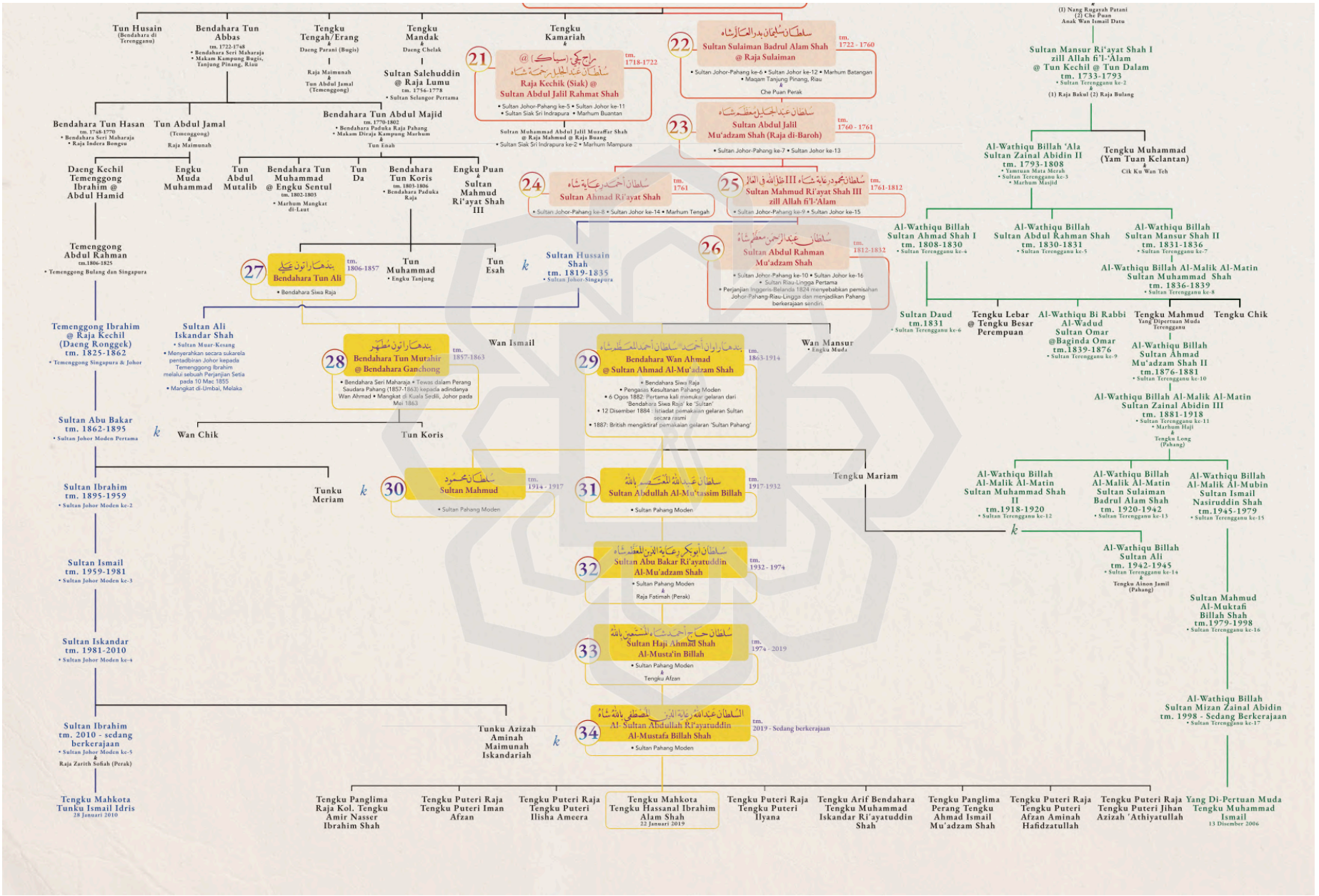
سلسلة قرينته فهڠ

SILSILAH PEMERINTAH PAHANG



Disediakan oleh Perbadanan Muzium Negeri Pahang dengan merujuk kepada sumber-sumber seperti berikut:

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23. YBhg. Prof. Emeritus Datuk Dr. Abdullah Zakaria Ghazali, Pakar Sejarah, Jabatan Sejarah, Fakulti Sastera dan Sains Sosial, Universiti Malaya.
24. En. Izmal Karim, penyelidik bebas.


Tun Husain
(Bendahara di Terengganu)
Bendahara Tun Abbas
tm. 1722-1748
• Bendahara Seri Maharaja
• Makam Kampung Bugis, Tanjung Pinang, Riau
Tengku Tengah/Erang
&
Daeng Parani (Bugis)
Raja Maimunah
&
Tun Abdul Jamal (Temenggong)
Tengku Mandak
&
Daeng Chelak
Sultan Salehuddin
@ Raja Lumu
tm. 1756-1778
• Sultan Selangor Pertama
Tengku Kamariah
&
21
Raja Kechik (Siak) @
Sultan Abdul Jalil Rahmat Shah
tm. 1718-1722
• Sultan Johor-Pahang ke-5 • Sultan Johor ke-11
• Sultan Siak Sri Indrapura • Marhum Buantan
Sultan Muhammad Abdul Jalil Muzaffar Shah
@ Raja Mahmud @ Raja Buang
• Sultan Siak Sri Indrapura ke-2 • Marhum Mampura
22
Sultan Sulaiman Badrul Alam Shah
@ Raja Sulaiman
tm. 1722 - 1760
• Sultan Johor-Pahang ke-6 • Sultan Johor ke-12 • Marhum Batangan
• Maqam Tanjung Pinang, Riau
&
Che Puan Perak
23
Sultan Abdul Jalil
Mu'adzam Shah (Raja di-Baroh)
tm. 1760 - 1761
• Sultan Johor-Pahang ke-7 • Sultan Johor ke-13
(1) Nang Rugayah Patani
(2) Che Puan
Anak Wan Ismail Datu
Sultan Mansur Ri'ayat Shah I
zill Allah fi'l-'Alam
@ Tun Kechil @ Tun Dalam
tm. 1733-1793
• Sultan Terengganu ke-2
&
(1) Raja Bakul (2) Raja Bulang
Bendahara Tun Hasan
tm. 1748-1770
• Bendahara Seri Maharaja
• Raja Indera Bongsu
Tun Abdul Jamal
(Temenggong)
&
Raja Maimunah
Bendahara Tun Abdul Majid
tm. 1770-1802
• Bendahara Paduka Raja Pahang
• Makam Diraja Kampung Marhum
&
Tun Enah
Daeng Kechil
Temenggong
Ibrahim @
Abdul Hamid
Engku
Muda
Muhammad
Tun
Abdul
Mutalib
Bendahara Tun
Muhammad
@ Engku Sentul
tm. 1802-1803
• Marhum Mangkat di-Laut
Tun
Da
Bendahara
Tun Koris
tm. 1803-1806
• Bendahara Paduka Raja
Engku Puan
&
Sultan
Mahmud
Ri'ayat Shah
III
24
Sultan Ahmad Ri'ayat Shah
tm. 1761
• Sultan Johor-Pahang ke-8 • Sultan Johor ke-14 • Marhum Tengah
25
Sultan Mahmud Ri'ayat Shah III
zill Allah fi'l-'Alam
tm. 1761-1812
• Sultan Johor-Pahang ke-9 • Sultan Johor ke-15
26
Sultan Abdul Rahman
Mu'adzam Shah
tm. 1812-1832
• Sultan Johor-Pahang ke-10 • Sultan Johor ke-16
• Sultan Riau-Lingga Pertama
• Perjanjian Inggeris-Belanda 1824 menyebabkan pemisahan Johor-Pahang-Riau-Lingga dan menjadikan Pahang berkerajaan sendiri.
Al-Wathiqu Billah
Sultan Ahmad Shah I
tm. 1808-1830
• Sultan Terengganu ke-4
Al-Wathiqu Billah
Sultan Abdul Rahman Shah
tm. 1830-1831
• Sultan Terengganu ke-5
Al-Wathiqu Billah
Sultan Mansur Shah II
tm. 1831-1836
• Sultan Terengganu ke-7
Al-Wathiqu Billah Al-Malik Al-Matin
Sultan Muhammad Shah
tm. 1836-1839
• Sultan Terengganu ke-8
Al-Wathiqu Billah
'Ala Sultan Zainal Abidin II
tm. 1793-1808
• Yamtuan Mata Merah
• Sultan Terengganu ke-3
• Marhum Masjid
Tengku Muhammad
(Yam Tuan Kelantan)
&
Cik Ku Wan Teh
Temenggong
Abdul Rahman
tm.1806-1825
• Temenggong Bulang dan Singapura
27
Bendahara Tun Ali
tm. 1806-1857
• Bendahara Siwa Raja
Tun
Muhammad
• Engku Tanjung
Tun
Esah
k
Sultan Hussain
Shah
tm. 1819-1835
• Sultan Johor-Singapura
Sultan Daud
tm.1831
• Sultan Terengganu ke-6
Tengku Lebar
@ Tengku Besar
Perempuan
Al-Wathiqu Bi Rabbi
Al-Wadud
Sultan Omar
@Baginda Omar
tm.1839-1876
• Sultan Terengganu ke-9
Tengku Mahmud
Yang Dipertuan Muda
Terengganu
Tengku Chik
Al-Wathiqu Billah
Sultan Ahmad
Mu'adzam Shah II
tm.1876-1881
• Sultan Terengganu ke-10
Al-Wathiqu Billah Al-Malik Al-Matin
Sultan Zainal Abidin III
tm. 1881-1918
• Sultan Terengganu ke-11
• Marhum Haji
&
Tengku Long
(Pahang)
Temenggong Ibrahim
@ Raja Kechil
(Daeng Ronggek)
tm. 1825-1862
• Temenggong Singapura & Johor
Sultan Ali
Iskandar Shah
• Sultan Muar-Kesang
• Menyerahkan secara sukarela pentadbiran Johor kepada Temenggong Ibrahim melalui sebuah Perjanjian Setia pada 10 Mac 1855
• Mangkat di-Umbai, Melaka
28
Bendahara Tun Mutahir
@ Bendahara Ganchong
tm. 1857-1863
• Bendahara Seri Maharaja • Terkorban dalam Perang Saudara Pahang (1857-1863) kepada adindanya Wan Ahmad • Mangkat di Kuala Sedili, Johor pada Mei 1863
Wan Ismail
29
Bendahara Wan Ahmad
@ Sultan Ahmad Al-Mu'adzam Shah
tm. 1863-1914
• Bendahara Siwa Raja
• Pengasas Kesultanan Pahang Moden
• 6 Ogos 1882: Pertama kali menukar gelaran dari 'Bendahara Siwa Raja' ke 'Sultan'
• 12 Disember 1884 : Istiadat pemakaian gelaran Sultan secara rasmi
• 1887: British mengiktiraf pemakaian gelaran 'Sultan Pahang'
Wan Mansur
• Engku Muda
Sultan Abu Bakar
tm. 1862-1895
• Sultan Johor Moden Pertama
k
Wan Chik
Tun Koris
Sultan Ibrahim
tm. 1895-1959
• Sultan Johor Moden ke-2
Tunku
Meriam
k
30
Sultan Mahmud
tm. 1914 - 1917
• Sultan Pahang Moden
31
Sultan Abdullah Al-Mu'tassim Billah
tm. 1917-1932
• Sultan Pahang Moden
Tengku Mariam
k
Al-Wathiqu Billah
Al-Malik Al-Matin
Sultan Muhammad Shah
II
tm.1918-1920
• Sultan Terengganu ke-12
Al-Wathiqu Billah
Al-Malik Al-Matin
Sultan Sulaiman
Badrul Alam Shah
tm. 1920-1942
• Sultan Terengganu ke-13
Al-Wathiqu Billah
Al-Malik Al-Mubin
Sultan Ismail
Nasiruddin Shah
tm.1945-1979
• Sultan Terengganu ke-15
Sultan Ismail
tm. 1959-1981
• Sultan Johor Moden ke-3
32
Sultan Abu Bakar Ri'ayatuddin
Al-Mu'adzam Shah
tm. 1932 - 1974
• Sultan Pahang Moden
&
Raja Fatimah (Perak)
Al-Wathiqu Billah
Sultan Ali
tm. 1942-1945
• Sultan Terengganu ke-14
&
Tengku Ainon Jamil
(Pahang)
Sultan Iskandar
tm. 1981-2010
• Sultan Johor Moden ke-4
33
Sultan Haji Ahmad Shah
Al-Musta'in Billah
tm. 1974 - 2019
• Sultan Pahang Moden
&
Tengku Afzan
Sultan Mahmud
Al-Muktafi
Billah Shah
tm.1979-1998
• Sultan Terengganu ke-16
Sultan Ibrahim
tm. 2010 - sedang berkerajaan
• Sultan Johor Moden ke-5
&
Raja Zarith Sofiah (Perak)
Tunku Azizah
Aminah
Maimunah
Iskandariah
k
34
Al- Sultan Abdullah Ri'ayatuddin
Al-Mustafa Billah Shah
tm. 2019 - Sedang berkerajaan
• Sultan Pahang Moden
Al-Wathiqu Billah
Sultan Mizan Zainal Abidin
tm. 1998 - Sedang Berkerajaan
• Sultan Terengganu ke-17
Tengku Mahkota
Tunku Ismail Idris
28 Januari 2010
Tengku Panglima
Raja Kol. Tengku
Amir Nasser
Ibrahim Shah
Tengku Puteri Raja
Tengku Puteri Iman
Afzan
Tengku Puteri Raja
Tengku Puteri
Ilisha Ameera
Tengku Mahkota
Tengku Hassanal Ibrahim
Alam Shah
22 Januari 2019
Tengku Puteri Raja
Tengku Puteri
Ilyana
Tengku Arif Bendahara
Tengku Muhammad
Iskandar Ri'ayatuddin
Shah
Tengku Panglima
Perang Tengku
Ahmad Ismail
Mu'adzam Shah
Tengku Puteri Raja
Tengku Puteri
Afzan Aminah
Hafidzatullah
Tengku Puteri Raja
Tengku Puteri Jihan
Azizah 'Athiyatullah
Yang Di-Pertuan Muda
Tengku Muhammad
Ismail
13 Disember 2006