

# Moral Governance and Local Enforcement in Malaysia: Evaluating PBT Powers through the Framework of Siyasaḥ Syar‘iyyah

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## ABSTRACT

This article explores the intersection between Islamic political principles (al-Siyasaḥ al-Syar‘iyyah) and the enforcement powers of local authorities (Pihak Berkuasa Tempatan, or PBT) in Malaysia. Grounded in a qualitative research design, the study analyses legal texts, case documentation, and media reports concerning three controversial cases: (i) the unisex salon ban by the Kota Bharu Municipal Council (MPKB), (ii) the billboard advertising guidelines issued by the Alor Setar City Council (MBAS), and (iii) the alcohol confiscation operation by the Shah Alam City Council (MBSA). These cases are examined through the theoretical framework of al-Siyasaḥ al-Syar‘iyyah, focusing on four core principles: the realisation of public benefit (*jalb al-masalih*), the prevention of harm (*dar’ al-mafasid*), precautionary deterrence (*sadd al-dhari‘ah*), and consideration of changing realities (*taghyir al-zaman*). Findings reveal that although Islamic values are not explicitly encoded in Malaysian legal structures, the enforcement mechanisms by local authorities often reflect Shariah-aligned intentions, particularly in safeguarding morality and public order. However, public perception and media discourse frequently challenge these actions, accusing them of overreach or religious imposition. The article argues that such measures can be justified within the framework of al-Siyasaḥ al-Syar‘iyyah if they uphold justice, respect plurality, and align with constitutional limits. The study calls for improved policy communication, inclusive engagement with non-Muslim stakeholders, and the institutionalisation of ethical enforcement practices rooted in Islamic governance philosophy.

**Keywords:** Siyasaḥ Syar‘iyyah, Local Governance, Moral Enforcement, Public Policy Islamic Legal Framework

## INTRODUCTION

Islam occupies a significant position in the historical trajectory of Malaysia's governance, both during colonial rule and in the post-independence period. In examining the formulation and implementation of governmental policies and public administration, Islam's role has not been confined merely to ritualistic and personal beliefs. Instead, it has functioned as a principal reference and a vital element in shaping public policies (Kamil & Rahimin, 2006). This is evidenced by various governmental efforts to incorporate universal Islamic principles; either explicitly or implicitly, into the framework of national administration. Early initiatives include the Implementation of Islamic Values Policy, followed by the Islam Hadhari concept, and subsequently, the Malaysian Shariah Index. However, these policies have elicited mixed reactions, particularly from segments of the non-Muslim community who perceived them as encroachments on religious freedom as enshrined in Article 11 of the Federal Constitution (Abd. Rahman, 2009). Such policies are aimed at cultivating a generation of responsible and high-quality individuals capable of fulfilling their roles within the family, society, and nation.

A nation's true excellence is not solely measured by its material achievements, but also by how those

achievements are harmonized with noble values such as trustworthiness and accountability. These moral indicators are critical in elevating a nation's stature (ibid.). As such, Malaysia has endeavored to develop a progressive society anchored in Islamic identity, based on the awareness that physical development devoid of spiritual grounding may ultimately lead to ethical and moral decline. This effort to strengthen Islamic values in governance extends beyond the federal level and is actively pursued at the state level. The aim is to embed Islamic principles more deeply in shaping the direction of state administration. For instance, the state government of Kelantan adopted the slogan "Developing with Islam" and rebranded the Kota Bharu Municipal Council (MPKB) as the Kota Bharu Municipal Council – Islamic City (MPKB-BRI). Beyond administrative aspects, these Islamic values are also integrated into enforcement mechanisms, particularly through the authority granted to Local Government Authorities (PBT) to uphold societal moral standards (Zainuddin & Dinsman, 2000).

Nonetheless, several enforcement actions taken by PBTs have been misunderstood as attempts to impose Islamic values on non-Muslims. Notable controversies include the prohibition of unisex salons by MPKB, billboard guideline enforcement by Alor Setar City Council (MBAS), and the confiscation of alcoholic beverages by Shah Alam City Council (MBSA). These actions were, in fact, carried out within the jurisdiction granted to the PBTs. Unfortunately, these efforts have been manipulated by certain quarters, resulting in confusion and objections, particularly among non-Muslims. Within the Muslim community itself, some individuals perceive these enforcement efforts as purely legal procedures, devoid of any religious implications. Consequently, they are inclined to violate such regulations when enforcement appears lax, without considering the spiritual consequences from an Islamic perspective. Therefore, this study aims to evaluate the enforcement actions of Local Authorities in Malaysia through the lens of al-Siyasah al-Syar'iyah, to justify the role and position of Islamic law within the framework of governance and public policy.

## LITERATURE REVIEW

This literature review explores two interrelated domains: the concept of al-Siyasah al-Syar'iyah in Islamic governance and the framework of local governance in Malaysia. The first part outlines the theoretical foundation of al-Siyasah al-Syar'iyah, highlighting the role of enforcement mechanisms such as al-Hisbah in promoting public welfare and moral order, even in areas not explicitly addressed by religious texts. It examines how Islamic jurists justify policy actions based on public interest (*maslahah*) within the bounds of Shariah. The second part focuses on the legal and administrative structure of local government in Malaysia, particularly the authority and enforcement powers granted to local councils under statutory provisions. This section demonstrates how local governance serves as a platform for policy implementation, including regulations aligned with broader societal and ethical objectives, thus offering a point of convergence between Islamic principles and contemporary administrative practices.

### Enforcement (*al-Hisbah*) and al-Siyasah al-Syar'iyah

Al-Siyasah al-Syar'iyah refers to administrative or governmental actions based on the principle of public interest (*maslahah*) aimed at achieving the objectives of Shariah (*maqasid al-shari'ah*), namely the attainment of benefits and the avoidance of harm, even in matters not explicitly addressed by divine revelation (Ibn Farhun, n.d.). In other words, it is a system that applies Shariah principles based on contextual exigencies within administrative practices to realise the broader aims of Islamic law (Ibn Qayyim, 1996). Under this doctrine, rulers possess the authority to formulate and enforce regulations deemed necessary to protect human welfare and prevent societal corruption, even in the absence of direct evidence from the Qur'an or Sunnah (ibid.). This is consistent with the maxim articulated by Muslim jurists:

*"The policy of the ruler is bound by the pursuit of public interest."* (al-Suyuti, 1985)

Al-Burnu (1991) affirms that this principle legitimises the authority of rulers to enforce religious or worldly matters as long as they serve public welfare. Ibn Nujaim (n.d.) further explains that any government action based on consideration of *maslahah* is permissible under Shariah, even in the absence of explicit textual evidence. Accordingly, any rule or policy that aims to improve public affairs and prevent corruption is endorsed by Islamic jurisprudence, even if it was never implemented during the time of the Prophet Muhammad SAW (Ibn Qayyim, n.d.; Ibn 'Abidin, 1966; al-Bujayrimi, 1965).

Reviewing the definitions proposed by classical Muslim scholars reveals two main functions of al-Siyasah al-Syar'iyah: (1) as a framework for state governance in line with Islamic principles, and (2) as a mechanism for deriving state policies based on Shariah. When there is no explicit guidance in the Qur'an or Sunnah, *ijtihad* (independent reasoning) by qualified jurists is applied, provided it adheres to overarching Shariah principles. This framework includes three core elements:

1. *Maslahah al-'Ammah* as the evaluative standard in policy formulation.
2. *Fiqh al-Waqi'* as the contextual understanding of public needs.
3. *Tatbiq al-Siyasah*, which refers to the practical implementation of public policy through state institutions.

According to Ibn Khaldun (2014), al-Siyasah al-Syar'iyah is applied through two branches: al-Siyasah al-Diniyyah and al-Siyasah al-'Aqliyyah. The former focuses on the religious aspect of governance and commitment to divine commandments, while the latter allows the use of reason (under the guidance of revelation) in developing policies, enforcing laws, and ensuring social order.

One of the most essential mechanisms within al-Siyasah al-Syar'iyah is al-Hisbah, which ensures public morality and social ethics. As human beings are naturally inclined toward both virtue and vice, a social control system is necessary to maintain order and harmony. The Islamic legal tradition differs from civil legal systems in that it considers ethical and moral violations, even those without direct public harm as subject to regulation. Shariah's legal philosophy seeks to safeguard the five essential objectives (*al-Daruriyyat al-Khams*) for holistic wellbeing in this life and the Hereafter. The duty of enjoining good and forbidding evil led to the establishment of institutions such as al-Hisbah, which held jurisdiction over public morality and large-scale offences. Its functions included not only market regulation but also oversight of public conduct, safety, urban infrastructure, and social interactions (Azrin, 2015). For example, the Prophet Muhammad SAW prohibited deceit in trade, hoarding (*ihthakar*), excessive uncertainty (*gharar*), unethical brokerage (*talaqqi al-rukban*), and combining multiple incompatible contracts within a single transaction (Mahmud Saedon, 2003). In the realm of public order, the Prophet also admonished groups obstructing public roads, underscoring Islam's attention to civil harmony.

The Hisbah institution was further developed during the time of the Khulafa' al-Rashidun. For instance, Caliph Umar ibn al-Khattab appointed al-Sa'ib ibn Yazid to manage the Medina marketplace and al-Shifa' bint Abdullah to supervise women's affairs. He also prohibited the mixing of Muslim and non-Muslim women in public bathhouses in Iraq, following complaints from local governors about modesty violations (Atiyyah, n.d.). This policy was based on the *sadd al-dhara'i* (blocking the means) approach to preventing moral harm (al-Burhani, n.d.). However, the restriction was context-specific and did not extend to public spaces unless moral transgressions became widespread, in which case similar legal measures would be justified. As Mohd Azhar and Raihanah (2010) argue, such measures serve to prevent the escalation of indecency that threatens public order. This falls under the purview of *ta'zir*, a category of discretionary punishment imposed by authorities to preserve community welfare, social ethics, and public peace (Ahmad, 1997). Therefore, governments are religiously justified in enforcing rules that serve these aims, regardless of citizens' religious affiliation. Ultimately, such enforcement fulfils the al-Siyasah al-Syar'iyah objective of moral restraint and social discipline (*al-zajr wa al-ta'dib*).

## Local Governance in Malaysia

Governance serves as a foundational element for administrative efficiency. The United Nations Development Programme (UNDP) defines governance as the process through which authority in economic, political, and administrative spheres is exercised at all levels of government (Sakiko & Richard, 2007). The International Institute of Administrative Sciences (IIAS) further describes it as the generation of authority and influence by key social elements in shaping policies and decisions that affect public and socioeconomic development (Thomas, 2005). A similar definition by the Canadian International Development Agency focuses on how governments manage social needs and economic resources (Kathleen & Joaquin, 2008). In Malaysia, the former Prime Minister Tun Dr Mahathir Mohamad conceptualised governance as a national commitment to providing a balanced and quality lifestyle—materially and spiritually for all citizens, irrespective of ethnicity or belief (Zulkarnain, 2001).

This view aligns with that of Chan Heng Che, who equated good governance with justice, legal fairness,

institutional accountability, and the absence of corruption (Syed Ahmad, 2007). Sharifah Hayati, Asmak, and Mohd Izani (2008) identified two core pillars: ethical values (good governance) and administrative effectiveness (effective governance). The UNDP outlines nine key indicators of effective governance: participation, rule of law, transparency, responsiveness, consensus orientation, equity, effectiveness and efficiency, accountability, and strategic vision. From an Islamic perspective, governance aligns with al-Siyasah al-Syar'iyah, which aims to promote welfare and manage human affairs. This principle manifests in three major areas: administration, economy, and politics. Al-Buraey (1988) emphasises democratic administration through mutual consultation and collective decision-making. In contrast, autocratic rule that oppresses citizens is considered contrary to the spirit of al-Siyasah al-Syar'iyah. M.A. Niaz (1987) argues that Islamic administration is value-driven, seeking to uphold Islamic ethical standards and social justice.

In the economic sphere, Masudul Alam (1986) defines Islamic economics as a theoretical and empirical study of human needs guided by Islamic values. Al-Sadr (1982) views Islamic economics as a discipline that links theoretical insight to real-world challenges, structured by ethical reflection and jurisprudence. In politics, Ahmad Fathi (1965) interprets governance as the management of the Muslim community's needs under divine guidance to realise benefit (jalb al-masalih) and avoid harm (dar' al-mafasid). These dimensions distinguish Islamic governance from secular models through its integration of revelation as a primary source of legitimacy. In Malaysia, the effectiveness of governance is reflected in the division of powers among federal, state, and local governments. Local governments (Pihak Berkuasa Tempatan, PBT) constitute the third tier in the national governance hierarchy, yet they remain under state jurisdiction. PBTs are empowered under the Local Government Act 1976 (Act 171) to enact and enforce by laws essential for public interest. Section 102 explicitly authorises local authorities to legislate matters related to health, safety, and community well-being, including:

*"...to control and supervise, through registration, licensing, or otherwise—including prohibition—any trade, business, or industry deemed harmful or a public nuisance."*

Section 104 authorises penalties for by-law violations, including fines of up to RM2,000, imprisonment of up to one year, or both. Continued offences may incur daily fines up to RM200. Local authorities also collect property taxes (cukai taksiran) to finance operational expenses and community services such as infrastructure, public facilities, and staff salaries. In addition to Act 171, other relevant legislation includes the Town and Country Planning Act 1976 (Act 172) and the Street, Drainage and Building Act 1974 (Act 133). Together, these laws empower PBTs to enforce policies focused on three main priorities: public health, societal safety, and resident well-being.

## RESEARCH METHODOLOGY

This study adopts a qualitative approach for both data collection and analysis. Qualitative research aims to obtain non-numerical data that provides in-depth insights into the background and context of a particular issue (Creswell, 2013). It employs a naturalistic strategy to understand real-life phenomena within specific contexts without manipulating the actual situation (Patton, 2002). In this study, the textual content of the Local Government Act 1976, particularly the sections concerning the authority of local governments to regulate and oversee communities through the enactment of by-laws, was analysed to determine its relevance to the issue under investigation. Content analysis in qualitative research involves interpreting texts in a subjective and context-driven manner. Berg (1988) distinguishes qualitative content analysis by its emphasis on both context; interpreting latent meanings within the text and process, which entails a careful, repetitive interpretative reading of the material. The data were analysed inductively, beginning with detailed observations of general situations and progressing towards the formulation of more specific insights or theoretical conclusions (Bernard, 2011). This approach enables the researcher to describe the problem or phenomenon under study, with findings ultimately contributing to the development of contextually grounded conclusions.

### Enforcement By Local Authorities from The Perspective of Al-Siyasah Al-Syar'iyah

The formulation of public policies and government regulations based on the principles of al-Siyasah al-Syar'iyah serves as a framework to realise the objectives of Islamic law (*maqasid al-shari'ah*). Mustafa al-Zarqa (1988) outlines four main parameters influencing policy enforcement from this perspective. First, the

establishment of public interest (jalb al-masalih) through beneficial regulations such as reasonable taxation. Second, the prevention of harm (dar' al-mafasid) by curbing acts that may cause physical or moral damage. Third, the enforcement of preventive measures (sadd al-dhara'i) to close avenues leading to vice or social disruption. Lastly, the consideration of changing circumstances (taghyir al-zaman) to ensure relevance in implementation. Although the branding of Islamic legal principles is not always explicit in the Malaysian local government system, enforcement practices often align with Shariah-based objectives. This study analyses three controversial enforcement incidents by local authorities (PBT):

1. The unisex salon ban by the Kota Bharu Municipal Council (MPKB).
2. The advertisement guideline enforcement by the Alor Setar City Council (MBAS).
3. The alcohol seizure by the Shah Alam City Council (MBSA).

These cases drew public backlash and were used as political instruments, leading to confusion and misperceptions. The aim is to reassess them through the lens of Islamic governance and local regulatory frameworks.

### **Case 1: The Unisex Salon Ban by MPKB**

In line with Kelantan's aspiration to implement Islamic values in governance under the slogan "Developing with Islam", the Kota Bharu Municipal Council (MPKB) enforced a ban on unisex salon services on 25 September 2003, aimed at protecting women's dignity and preventing inappropriate interactions. Controversy arose in November 2012 when Ong Lee Ting, a non-Muslim salon operator at KB Mall, reported receiving 11 compound fines from MPKB for violating Section 107(2) of the Local Government Act 1976, which grants local authorities' discretionary power to impose conditions and revoke business licenses. MPKB justified its action as part of a broader effort to foster moral development in society, guided by the state's integrated development strategy encompassing human capital, management, and physical infrastructure. The Hairdresser and Hairdressing Salon By-Laws (Amendment 2003) under Section 3B specifically prohibit cross-gender hairdressing, including among non-Muslims. Critics argued that the enforcement infringed on non-Muslims' rights and amounted to Islamisation of public space. Political opposition figures attempted to challenge the regulation by deliberately violating it, prompting MPKB to temporarily suspend enforcement for further dialogue.

The regulation was initially introduced in response to complaints linking certain salons to immoral activities such as prostitution. From the Islamic perspective, this aligns with the principle of sadd al-dhara'i (blocking the means to harm), aiming to prevent the misuse of salon businesses for unethical purposes. While such preventive action can safeguard public morality, it must also be implemented cautiously to avoid misuse or perceptions of religious imposition. The regulation did not universally prohibit cross-gender services among non-Muslims per se, but rather focused on preventing potential abuse and safeguarding women's privacy and dignity. The approach reflects a governance strategy rooted in al-Siyasah al-Shar'iyah, balancing public interest and moral order. Nonetheless, as some critics pointed out, enforcement must be handled with sensitivity and legal clarity to maintain public trust and communal harmony.

### **Case 2: MBAS Advertisement Guidelines**

In 2013, the Alor Setar City Council (MBAS) introduced enforcement of advertisement guidelines that regulated language use, landscape presentation, and the attire of models displayed in advertisements. The guideline stipulated that models must dress modestly and, in the case of Muslim women, must observe Islamic dress codes. MBAS Mayor Datuk Mat Noh Ahmad warned billboard operators to comply or face penalties, including RM300 fines and removal of non-compliant advertisements. Additionally, MBAS announced its refusal to approve advertisements promoting entertainment centres and gambling premises. Despite the alignment of these actions with the Advertisement By-Laws (MPKS) 1992, some political figures opposed the move. Kedah MCA Chairman Chong Ith Chew argued that such enforcement without consultation with non-Muslim communities would cause confusion. Gerakan Youth Chief Tan Keng Liang criticised the subjectivity of the term modest, claiming it should not be interpreted solely through an Islamic lens. The issue escalated when Kedah DAP Chairman Lee Guan Aik asserted his party's resistance to any attempt at Islamising public laws, prompting rebuttals from PAS leaders, who emphasised global rejection of exploitative advertising involving women.

The portrayal of women in advertising is a well-documented marketing strategy. However, excessive sexualisation of female models—particularly in ads irrelevant to women—raises concerns over objectification. Research highlights conflicting portrayals: some ads elevate women as nurturing and elegant figures, while others depict them as sexually provocative commodities (Anand & Tyagi, 2017; Drake, 2017). In response, Malaysia's Code of Advertising Practice (4th ed.) urges advertisers to present women respectfully and avoid exploitative imagery (ASA Malaysia, 2016). The MBAS guideline reflects this principle, especially given the disproportionate use of women's bodies to sell products, often targeting male consumers (Ayunni et al., 2018). By requiring modesty and differentiating between Muslim and non-Muslim expectations—Islamic dress code for Muslims and general modesty for others—the policy aligns with both public decency and religious sensitivity. Prophet Muhammad ﷺ warned of the potential moral threat posed by unregulated interactions between men and women. However, scholars such as Tahir Ibn 'Ashur (2008) emphasised that Islamic teachings seek to protect, not oppress, women. In this context, MBAS's policy is not about religious imposition but about safeguarding public decorum and promoting ethical advertising practices within the legal jurisdiction of local authorities.

### Case 3: Alcohol Confiscation by MBSA

On 29 July 2009, the Shah Alam City Council (MBSA) confiscated alcoholic beverages from a convenience store located in Section 8, Shah Alam—a Muslim-majority area. The enforcement action triggered controversy when Selangor's State Executive Councillor for Local Government, Ronnie Liu, intervened the next day, instructing MBSA to return the seized goods, citing a misunderstanding. This intervention led to a public disagreement with the State Executive Councillor for Islamic Affairs, Dr Hasan Mohamed Ali, who viewed Liu's actions as interference in Muslim affairs. The conflict was temporarily defused by then Menteri Besar Tan Sri Khalid Ibrahim, who called for both parties to refrain from further public statements pending investigation (G. Manimaran, 2015). The controversy was rooted in an earlier proposal by Dr Hasan in October 2008, advocating for regulations to limit alcohol sales in predominantly Muslim areas. The proposal was put on hold pending stakeholder feedback, particularly from business owners (Jimadie, 2008). As a compromise, the state government introduced a self-regulation system for alcohol sales, initially piloted in Shah Alam. This approach included requiring shops to post warning signs prohibiting sales to Muslims and underage individuals, shielding alcohol from public view, and creating separate payment counters for alcoholic products (Azian, 2009).

Islam recognises the rights of non-Muslims to practise their religious beliefs, including the consumption of alcohol (al-Qaradawi, 1992). While the sale and consumption of alcohol are prohibited for Muslims under Syariah criminal enactments, non-Muslims remain subject only to civil regulations. The Local Government Act 1976 (Act 171), under Sections 101(1)(v) and 102(s), empowers local authorities to regulate public safety and health through licensing, which indirectly supports the enforcement of alcohol sale limitations in Muslim-majority areas (Jasri & Noryati, 2012). The MBSA enforcement action drew on the provisions of the 2007 MBSA Local Licensing By-Laws for Trade, Business and Industry, which grant local councils the authority to impose specific licensing conditions, including entry, inspection, seizure, and prosecution powers. MBSA's enforcement typically involves coordination with external agencies such as the Land Office, Royal Malaysian Customs, Royal Malaysian Police, and Selangor Islamic Religious Department.

The action against the convenience store was not based on religious discrimination, but rather on a violation of licensing conditions. Islamic jurisprudence does not permit the sale of alcohol to Muslims, whether by Muslim or non-Muslim vendors. However, non-Muslims are not bound by Islamic law unless their actions disrupt public order. As such, the MBSA initiative does not infringe upon non-Muslim religious freedom. It is instead a targeted enforcement measure within the legal powers of local government to ensure Muslim compliance while preserving broader public harmony (Majid, 2001).

## OVERALL DISCUSSION AND ANALYSIS

The enforcement actions by the local authorities in the three cases analysed; MPKB's ban on unisex salons, MBAS's billboard advertisement guidelines, and MBSA's alcohol confiscation, reflect attempts to regulate public conduct in accordance with moral, religious, and community welfare considerations. These actions can be understood and evaluated through the framework of al-Siyasah al-Syar'iyah, an Islamic model of public

policy that aims to realise the objectives of Shariah (*maqasid al-sharī'ah*) through prudent, context-sensitive governance. Mustafa al-Zarqa (1988) identifies four guiding principles for public policy under this framework: the promotion of public welfare (*jalb al-maslahah*), the prevention of harm (*dar' al-mafsadah*), precautionary measures to close avenues to vice (*sadd al-dhari'ah*), and the consideration of changing contexts and societal realities (*taghyir al-zaman*). These principles are clearly manifested in the decisions of the local councils.

In the MPKB case, the ban on unisex hair salons was designed to uphold public morality and the dignity of women, especially in preventing inappropriate physical contact between the sexes. The ruling was based on *sadd al-dhari'ah*, a pre-emptive strategy to prevent potential moral transgressions. Though controversial, the policy was legally grounded in the Local Government Act 1976 and the MPKB by-laws, and it aligned with Kelantan's broader agenda of integrating Islamic values into governance. Similarly, the MBAS billboard guidelines aimed to curb the exploitation of women's bodies in advertising and to uphold social decency. While some critics framed the policy as an imposition of Islamic norms, the regulations embraced universal values of modesty and respect. Moreover, the policy distinguished between Muslim and non-Muslim requirements, applying religious obligations only to Muslim models, and general decency to all others. This reflects a careful balancing act between Islamic principles and the pluralistic nature of Malaysian society.

The MBSA alcohol confiscation case reveals a more complex interplay between legal authority and religious sensitivity. While non-Muslims are not subject to Syariah law, local councils have the power under general licensing laws to impose conditions on the sale of alcohol in Muslim-majority areas. The self-regulation system implemented in Shah Alam represents a pragmatic middle path that respects the religious obligations of Muslims while recognising the rights of non-Muslims. This policy, rooted in *dar' al-mafsadah* and *jalb al-maslahah*, aimed to prevent social disruption and maintain public order. In all three cases, the local authorities acted within their legal mandate and attempted to harmonise public policy with Islamic ethical values without coercing non-Muslims into religious compliance. These enforcement actions underscore the flexibility and adaptability of *al-Siyasah al-Syar'iyah* as a tool for governance in a multi-religious society. However, the controversies also highlight the need for transparent communication, inclusive consultation, and sensitivity to public perception to avoid unnecessary tension and misunderstanding.

Thus, while the underlying intentions of the enforcement efforts align with Shariah objectives, their implementation must be continuously refined to ensure justice, inclusivity, and public acceptance. When applied judiciously, the principles of *al-Siyasah al-Syar'iyah* can contribute to the realisation of a public order that upholds both religious values and civic harmony.

## RECOMMENDATIONS AND FUTURE RESEARCH

Future studies should explore how Islamic-based regulations are communicated and justified by local authorities, especially in Malaysia's multicultural and multireligious context. As shown in this study, the effectiveness of moral enforcement is often undermined by public misperception, which may stem from inadequate communication strategies. Ethical and inclusive engagement, particularly with non-Muslim stakeholders; could foster greater understanding and voluntary compliance, rather than resistance or legal contestation. Moreover, comparative research with other Muslim-majority democracies, such as Indonesia, can provide valuable insights into the diverse models of moral governance and their social outcomes. In Indonesia, the implementation of regional Sharia-inspired by-laws (*Perda Syariah*) offers a relevant parallel for understanding the tensions between religious values and democratic pluralism. These comparative efforts could enrich the scholarly discourse on contextualising Islamic governance within constitutional and multicultural frameworks. Interdisciplinary collaboration, incorporating perspectives from legal theory, political science, sociology, and public policy, is also essential to better grasp the complexities of implementing Shariah-informed public regulation. As Malaysia continues to balance its Islamic identity with constitutional pluralism, such research can help guide the development of morally grounded but socially responsive regulatory frameworks at both local and national levels.

## CONCLUSION

This study has examined the role of local authority enforcement within the framework of *al-Siyasah al-*

Syar'iyah, highlighting how Islamic governance principles can be operationalised in contemporary policy contexts. Through the analysis of three selected cases; the unisex salon ban by MPKB, billboard advertisement guidelines by MBAS, and the alcohol confiscation by MBSA, it becomes evident that local enforcement in Malaysia is not merely administrative but carries significant implications for moral regulation and social harmony. The findings demonstrate that local governments possess legitimate legal authority under the Local Government Act 1976 to enact and enforce by-laws aimed at promoting community well-being. When these powers are exercised in a manner consistent with the higher objectives of Shariah; namely, the promotion of benefit (*maslahah*), prevention of harm (*mafsadah*), and maintenance of public morality, they serve as a form of practical siyasah that reflects responsible Islamic governance.

However, in a multi-religious and plural society like Malaysia, the implementation of religiously inspired policies must be carefully calibrated to avoid infringing on the rights of non-Muslims or being perceived as coercive. This calls for a more inclusive policy-making approach that involves public consultation, inter-religious dialogue, and clearer communication of the rationale behind each enforcement measure. In conclusion, the integration of al-Siyasah al-Syar'iyah into local governance can strengthen the ethical foundation of public administration. Nonetheless, it requires wisdom, justice, and contextual sensitivity to ensure that the enforcement of such policies aligns with both Islamic principles and Malaysia's constitutional framework. Future research should explore mechanisms to institutionalise these principles within public governance while safeguarding civil liberties and national unity.

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