



SHARI'AH AND SOCIAL ORDER

THE MALAYSIA EXPERIENCE

by

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In Islam the State is regarded as the instrument for the realization of the ultimate goals, both spiritual and material, of society. The authority of the State is a trust from Allah and is to be exercised in accordance with the terms of the trust as laid down in the Shariah. One of the most important terms of this trust is that the State should be welfare oriented. The conception of welfare in Islam is comprehensive and consistent with its concept of human nature. Man has been created from matter but has been infused with the Divine spirit

"He is it who created you from clay"

(Surah Al-An'am (6): 2)

"Behold! Your Lord said to the angels, "I am about to create man from clay, from mud moulded into shape.

When I have fashioned him in due proportion and breathed into him of my spirit fall you down in obeisance to him" (Surah Al-Hijr 15: 28-29)

Matter and spirit together constitute the human self who is free but responsible before God for all his actions within the limits of Divine guidance. He is intelligent and capable of differentiating between right and wrong and acting on his own initiative. His mission is to fulfil his obligations as the vicegerent on earth. He is not only a member of the brotherhood of Islam but also part of mankind, the family of God.

"The believers are but a single brotherhood: so make peace and reconciliation between your two contending brothers. And fear God that you may receive mercy"

(Surah Al-Hujurat (49): 10)

(b) the provision of ease and alleviation of hardship

"Allah intends every facility for you: He does not

The Prophet (s.a.w) said "Mankind is the family of God and the most beloved of them before Him is he who is best to His family".

(c) the attainment of prosperity

The philosophy of welfare in Islam enables man, firstly to attain a fuller realisation of his complete self, material as well as spiritual, and secondly to do his best for his ummah and for mankind. (7): 96)

"It is He Who has made you inheritors of the earth. He has varied you in ranks, some above the others that He may try you of the gifts He has given you".

(Surah Al-An'am (6): 165)

explain the signs by various symbols to those who

The concept of welfare in Islam is neither exclusively "Other-worldly" nor purely "This worldly". While urging mankind to gain mastery over nature and utilising the resources provided by God for the service and betterment of mankind, Islam warns them against single-minded concentration on material acquisitions as the highest measure of human achievement and ignoring the indispensable spiritual content of the human self. Islam rather provides a spiritual orientation to all material effort and creates a harmony between the innate spiritual and material urges of individuals and groups. In fact there is no division between material and spiritual aspects in Islam. All human effort whether for material, social, educational or scientific progress is spiritual in character so long as it conforms to the value system of Islam. Working hard for the material well-being of one's own self, family and society is

- (b) the provision of ease and alleviation of hardship
 "Allah intends every facility for you: He does not want to put you into difficulties"

(Surah Al-Baqarah (2): 185)

- (c) the attainment of prosperity

"If the people of the towns had but believed and feared Allah, We should indeed have opened out to them all kinds of blessings from heaven and earth"

(Surah Al-Arāf (7): 96)

"From the land that is clean and good, by the will of its Cherisher, springs up produce, rich after its kind; but from the land that is bad springs up nothing but that which is niggardly. Thus do We explain the signs by various symbols to those who are grateful"

(Surah Al-Arāf (7): 58)

- (d) nurturing a climate of love and affection "On those who believe and work deeds of righteousness will Allah Most Gracious bestow love" (Surah Maryam (19): 96)

- (e) Ensuring freedom from moral corruption, hunger, fear and mental tensions.

Unless you do this (protect each other) there would be tumult and oppression on earth and great mischief"

(Surah Al-Anfal (8): 73)

"O you who believe! bow down, prostrate and adore your Lord and do good, that you may prosper"

(Surah Al-Hajj (22): 77)

as spiritual as the offering of prayers, provided that the material effort is guided by spiritual values.

Iman Ghazali defines the objective of the Shariah to be the promotion of welfare of people which lies in safeguarding their faith, their life, their intellect, their posterity and their property and concludes that whatever ensures the safeguarding of these five serves the public interest and is desirable. Ibn Al-Qayyim emphasised that the basis of the Shariah is wisdom and welfare of the people in this world as well as the Hereafter. This welfare lies in complete justice, mercy, welfare and wisdom; anything that departs from justice to injustice, from mercy to harshness, from welfare to misery and from wisdom to folly has nothing to do with the Shariah.

The mission of the Holy Prophet Mohammad (s.a.w) is defined by the Holy Quran as "a merciful blessing (rahmah) for all mankind" (Surah Anbiyaa (21): 107). Some examples of this merciful blessing are stated in the Holy Quran.

These include :

- (a) the fostering of a "good life" (hayāt tayyibah) and welfare (falāh).

"Whoever works righteousness, man or woman, and has faith, verily to him will We give a good life and We will bestow on such their reward according to the best of their actions" (Surah An-Nahl (16): 97)

"O you who believe! Bow, down, prostrate and adore your Lord and do good, that you may prosper"

(Surah Al-Hajj (22): 77)

"Mischief has appeared on land and sea on account of what people have done, that Allah may give them a taste of some of their deeds: in order that they may turn back from evil (Surah Rum (30): 41)

"Allah sends forth a parable: a city enjoying security and quiet, abundantly supplied with sustenance from every place. Yet was it ungrateful for the favours of Allah. So Allah made it taste of hunger and terror, closing on it like a garment from every side, because of the evil which its people wrought".

(Surah An-Nahl (16): 112)

For the covenants of security and safeguard enjoyed by the Quraish, their covenants covering journeys by winter and summer - let them adore the Lord of this House who provides them with food against hunger and with security against fear of danger

(Surah Quraish (106))

"Those who believe and whose hearts find satisfaction in the remembrance of Allah; for without doubt in the remembrance of Allah do hearts find satisfaction".

(Surah Al-Ra'd (13): 28)

The Prophet (s.a.w) is reported to have said "Any ruler who is responsible for the affairs of Muslims but does not strive sincerely for their well-being will not enter paradise with them".

The welfare of the individual and of society can be realised if there is a proper environment for

- (a) a fuller realisation of Islamic spiritual values in the individual as well as society and
- (b) an adequate fulfilment of all the basic needs of life.

It is the responsibility of the State to look after the spiritual health of the people. Hence it is necessary for the State to bring into living reality the moral code of Islam. The Islamic system however does not seek to rely only on the use of the coercive power of the State. This is in compliance with the spirit of the Quranic verse "Let there be no compulsion in religion"

(Surah Al-Baqarah (2): 256)

Islam lays stress on education and the creation of conditions conducive to the practice of the moral norms on which the Islamic way of life is based. The Islamic State can strive to realise the spiritual values of Islam in three major directions. First it must foster conditions which help to create homes which would inculcate respect for and adherence to Islamic moral teachings in the rising generation. Islam has provided guidelines for fostering love and affection and mutual help and co-operation among the members of the family (nuclear as well as extended) and for generating a suitable environment for the proper upbringing of children. Second, the Islamic State must mould its educational system so that the educational institutions produce young men and women imbued with the ideals of Islam. Third, the State should enforce, where

possible, the norms and values of Islam and should punish severely all violations so that they serve as a deterrent to prospective violators.

"And among His Signs is this, that he created for you spouses from among yourselves, that you may dwell in tranquillity with them and He has put love and mercy between your hearts. Verily in that are signs for those who reflect" (Surah Rum (39): 21)

"And those who pray" "Our Lord! Grant to us wives and offspring who will be the comfort of our eyes and give us the grace to lead the righteous" (Surah Al-Furqan (35): 74)

In Malaysia a number of steps have been taken to encourage a fuller realisation of Islamic spiritual values in the individual as well as in society -

(a) During the Colonial period there was no provision for religious education in the schools. This was only introduced in the 1940s and the Muslim College was set up in 1954. Recently the Government has decided to make Islamic religious education compulsory for all Muslim students and also to teach them the Jawi (Arabic) script in the schools. Courses on Islamic civilization are given in all Universities and the International Islamic University has been set up to provide University and professional education in an Islamic environment.

(b) Equal opportunities in education are given to men and women and stress has been laid on the importance of the education of girls who will be the future mothers and educators of the young children.

(c) Efforts have been made to strengthen family ties and to provide for better administration of Islamic Family Law. A new Islamic Family Law has been drafted and this has been adopted in many States. It is hoped that this new law will give strength to the institution of the family and that through it the courts will give better justice and due consideration to women and children.

(d) The jurisdiction and powers of the Shariah Courts have been increased and this will enable them to act more effectively to enforce Islamic Law.

According to Islam adequate fulfilment of basic needs is as necessary for human welfare as spiritual uplift. Thus together with the spiritual guidance of men through the Prophets, God has also provided all the necessary resources for the material well-being of mankind.

"It is he Who has created for you all things that are on earth" (Surah al-Baqarah (2): 29)

"Do you not see that God has subjected to your use all things in the heavens and on earth and has made His bounties flow to you in exceeding measure both seen and unseen?" (Surah Luqman (31): 20)

Some of the basic material needs of individuals that must be satisfied are -

- (i) training and education to develop the innate abilities of the individual and to enable him to cater for his well-being independently without being a burden to others;
- (ii) a suitable job, profession or trade in keeping with his aptitude, ability, ambition and needs of society so that he and his society benefit from his ability and training;
- (iii) adequate food and clothing;
- (iv) comfortable housing;
- (v) a generally healthy environment combined with appropriate medical facilities;
- (vi) adequate transport facilities to enable a worker to go to and from his place of work without unreasonable discomfort and to convey his products to appropriate markets at reasonable cost.

The State plays a vital role in the provision of these basic needs but Islam also stresses that it is the moral responsibility of the individual to cater for his own needs through his volition and efforts. Islam condemns begging and laziness and places great stress on hard work. The Prophet (s.a.w) said -

"Beg not anything from people"

"A man has not earned better income than that which is from his own labour".

"God desires that whenever anyone of you performs a job he does it perfectly".

Some of the essential functions of the State with respect to the economy according to Islam are -

- (a) to eradicate poverty and create conditions for full employment and a high rate of growth;
 - (b) to promote stability in the real value of money;
 - (c) to maintain law and order;
 - (d) to enforce social and economic justice;
 - (e) to arrange social security and foster equal distribution of income and wealth;
 - (f) to harmonise international relations and ensure national defence;
- (a) Economic growth should be viewed against its impact on the moral strength of Muslim society, the goal of social and economic justice and the overall welfare of all people. In order to realize this objective the State should not leave the function of allocation of resources, particularly scarce resources, or the determination of aggregate demand to the unhindered operation of blind market forces. It should itself play a positive role and contribute towards the attainment of the desired ends through national planning and building the necessary physical and social infra-structure. The Holy Quran enjoins the Muslim to "make ready your strength to the utmost

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of your power" (Surah al-Anfal 8: 60). We are told that whenever the Prophet (s.a.w) appointed a governor he instructed him to strive for creating ease rather than hardship for the people". One of the means by which the State could generate prosperity is to provide the necessary infra-structure. Public Works programmes therefore received significant attention during the days of Umar and other caliphs.

The provision of social capital (education, public health etc.) should also be the concern of the Islamic State. The Prophet (s.a.w) said - "The acquisition of knowledge is obligatory for every Muslim".

"A strong Muslim is better and more beloved before God than a weak one".

"Cleanliness is half of the faith".

- (b) There are certain basic rules relating to economic activities in a Muslim society. Every person is under an obligation to work in order to live and nobody is entitled to any gain or reward without hard work. Any gain realised by a person without effort or risk is not legitimate.

There should be no hoarding of goods required by members of the society nor any attempt to monopolise

goods which are likewise needed. We are required to spend and never to keep money cornered, hoarded or even idle. To spend in the right way is to spend in legitimate consumption or in productive investment or in social welfare.

"And there are those who bury gold and silver and spend it not in the way of God: announce to them a most grievous penalty" (Surah al-Tauba (9): 34)

"Believe in God and His Messenger and spend out of the substance whereof he has made you heirs. For those of you who believe and spend-for them is a great reward" (Surah al-Hadid (57): 7)

"Speak to My Servants who have believed that they may establish regular prayers and spend out of the sustenance we have given them, secretly and openly, before the coming of a day in which there will be neither mutual bargaining nor befriending".

(Surah Ibrahim (14): 31)

"This is a Book. In it is guidance, sure without doubt to those who fear God, who believe in the Unseen are steadfast in prayer and spend out of what we have provided them".

(Surah Al-Baqarah (2): 2-3)

Everything in this world is subject to depreciation. It is only God who is Everlasting and Infinite. All monies must depreciate by lapse of time and it is the duty of the Islamic State to impose and collect the tax or rate

of depreciation in accordance with the Shariah. This tax is zakat, which is one of the five fundamentals of Islam.

Money is a means of exchange and nothing more. It is not a normal commodity which can be brought or sold, even if it is made of gold or silver. It is recommended in Islam to exchange goods against money and then to buy what is needed for the same money. Anybody withholding money is committing a prohibited crime against himself and the community.

"O you who believe! Eat not up your property among yourselves in vanities but let there be amongst you traffic and trade by mutual good will".

(Surah An-Nisaa (4): 29)

All sorts of lending money against interest is riba and prohibited.

"O you who believe! Observe your duty to Allah and give up what remains due to you from riba, if you are in truth believers. And if you do not, then be warned of war against you from Allah and His Messenger. And if you repent then you have your principal (without interest). Wrong not and you shall not be wronged". (Surah al-Baqarah (2): 278-279)

Any State following the Islamic Laws must legally prohibit such dealings and must establish an appropriate system for borrowing without interest.

Muslims are asked to establish solidarity and mutual help in their societies within the frame work of their political structure whereby the government has an obligation to provide the citizens directly or indirectly with the essential amenities of life when they are poor, ill or unemployed. Besides there is the general obligation of a Muslims to help one another on the basis of human fraternity and co-operation. *land seeking mischief*.

"Help you one another in righteousness and piety but help not one another in sin and rancour".

(e) (Surah Al-Maida (5): 3) *ety are among the essential requirements of growth and stability of an economy*

Honesty and justice in all transactions have been stressed in the Quran. *said on the occasion of his Farewell Pilgri-*

"And give full measure and weight with justice"

(Surah Al-An'am (6): 152) *erties are as sacred as*

"And O my people! Give just measure and weight nor withhold from the people the things that are their due. Commit not evil in the land with intent to do mischief. That which is left for you by God is best for you if you but believed". *duty of the Islamic*

(Surah Hud (11): 85-86) *life and property of all*

"Give just measure and weight nor withhold from the people their due; and do no mischief on the earth after it has been set in order; that will be best for you, if you have faith" *has fear of none except*

(Surah Al-Araf (7): 85)

(f) Since Islam regards mankind as one family, all members of this family are alike in the eyes of God and before the Shariah. There is no difference between the rich and the poor, the high and the low or the white and the black. There is no discrimination due to race, colour or position. The only criteria for a man's worth is his character, ability and service to humanity. The Prophet (s.a.w) said - "Give full measure when you measure and weigh with a balance that is straight. That is the most fitting and the most advantageous in the final determination" (Surah Bani Israil (17): 35)

"Give just measure and cause no loss to others by fraud and weigh with scales true and upright. And withhold not the things justly due to man, nor do evil in the land seeking mischief".

(Surah Shu'araa (26): 181)

"The noblest of you are the best in character".

(e) Law and order in a society are among the essential requirements of growth and stability of an economy and the inner happiness of individuals. The Prophet (s.a.w) said on the occasion of his Farewell Pilgrimage -

"Your lives and your properties are as sacred as this day of Haj".

On another occasion he stressed -

"Whatever a Muslim possesses is unlawful for another Muslim, his wealth, and property and his life".

Muslim jurists have stressed this duty of the Islamic State to safeguard the life and property of all individuals within its boundaries, so that in the words of the Prophet (s.a.w).

"A woman travelling alone from Hira to the Kaaba feels such security that she has fear of none except God".

(f) Since Islam regards mankind as one family, all members of this family are alike in the eyes of God and before the Shariah. There is no difference between the rich and the poor, the high and the low or the white and the black. There is no discrimination due to race, colour or position. The only criteria for a man's worth is his character, ability and service to humanity. The Prophet (s.a.w) said - "Certainly God does not look at your faces or your wealth, He looks at your heart and your deeds".

"The noblest of you are the best in character".

The renowned jurist, Abu Yusuf, wrote to Caliph Harun al Rashid -

"Treat alike all individuals whether they are near you or remote from you - - the welfare of your subjects depends on establishing the Divine Law and eliminating injustice".

It is not only legal justice and justice before the law that is emphasised in Islam, but also economic and social justice.

"And withhold not things justly due to men nor do evil in the land working mischief".

(Surah Ash-Shua'raa (26): 183)

"Woe to those who deal in fraud - those who when they have to receive by measure from men, exact full measure but when they have to give by measure or weight to men, give less than due. Do they not

think that they will be called to account?".

(Surah At-Tatfit (83): 1-4)

The Prophet (s.a.w) said :

"Beware of injustice for injustice will be equivalent to darkness on the day of judgment".

Islam specifies rules for the relationship of employer and employee and their mutual treatment so as to establish justice between them.

The Prophet (s.a.w) said -

"Three persons who will certainly face God's displeasure on the Day of Judgment are : he who does not fulfil his covenant with God; he who sells a free person and enjoys the price; and he who engages a labourer, receives due work from him but does not pay him his wage".

"Your employees are your brothers whom God has made your subordinates. So he who has his brother under him let him feed him with what he feeds himself and clothe him with what he clothes himself and not burden him with what overpowers him. If you do so then help him".

"An employee who excels in his devotion to God and renders to his employer the duty, sincerity and obedience that he owes him, for him there is a double reward with God".

- (g) Islam emphasises distributive justice and incorporates in its system a programme for redistribution of income and wealth so that every individual is guaranteed a standard of living that is humane and

respectable and in harmony with the dignity of man.

"It is He who has created for you all things that are on earth".

(Surah al-Baqarah (2): 29)

The Prophet (s.a.w) said -

"He is not a true believer who eats his fill when his next-door neighbour is hungry".

The programme for distributive justice includes

- (a) making arrangements for training and rendering assistance in getting gainful employment to those unemployed and looking for work in accordance with their ability;
- (b) enforcing a system to provide a reasonable salary for workers;
- (c) making compulsory arrangements for insurance against unemployment and occupational hazards, old age pensions and survivors' benefits for those who can afford to provide for them;
- (d) providing assistance to those who because of physical disability or mental handicaps or of being orphans or widows are unable to support themselves or to attain a respectable standard of living by their own effort.
- (e) collecting and distributing zakat and enforcing Islamic teachings relating to the division of the estate of deceased persons to accelerate the distribution of income and wealth in society.

because the rich have deprived them of their right and it will be their punishment.

"What God has bestowed on His Messenger and taken from the people of the townships belongs to God, to His Messenger; and to kindred and orphans, the needy and the wayfarer in order that it may not merely make a circuit between the wealthy among you".

(Surah Al-Hashr (49): 7)

"It is He who has made you inheritors of the earth. He

It is the duty of the State to ensure a respectable standard of living for every individual, who is unable to take care of his own needs and hence requires assistance.

The Prophet (s.a.w) said -

"He whom God has made an administrator over the affairs of the Muslims but remains indifferent to their needs and their poverty, God will also be indifferent to his needs and poverty".

"He who leaves behind him dependents, they are our responsibility".

"The ruler is the supporter of him who has no supporter".

His gifts more freely on some than on others; to men is

Umar the second Caliph emphasised in one of his addresses that everyone has an equal right to the wealth of the community, that none, not even he himself, enjoyed a greater right to it than anyone else, and that if he were to live longer, he would see to it that even a shepherd on Mount Sinai received his share from this wealth.

Ali, the fourth Caliph, said "God has made it obligatory for the rich to provide the poor with what is adequate for them; if the poor are hungry or naked or troubled, it is

because the rich have deprived them of their right and it will be proper for God to hold them responsible for this deprivation and to punish them".

The Islamic concept of justice in the distribution of income and wealth does not require equal reward for everyone irrespective of his contribution to society.

"It is He who has made you inheritors of the earth. He has raised you in ranks, some above others that He may try you in the gifts He has given you".

(Surah Al-An'am (6): 165)

"Is it they who would portion out the Mercy of your Lord? It is We who portion out between them their livelihood in the way of this world. And we raise some of them above others in ranks so that some may command work from others. But the Mercy of your Lord is better than the wealth they amass".

(Surah Az-Zuhruf (43): 32)

"And in no wise covet those things which God has bestowed His gifts more freely on some than on others: to men is allotted what they earn and to women what they earn. But ask God of His bounty. For God has full knowledge of all things.

(Surah An-Nisaa (4): 32)

- (h) The guiding principle in Islamic relations is to cooperate in all matters relating to righteousness and piety and to refrain from cooperating in

Thus the Government has taken measures to increase aggression and sin and to work positively for the welfare of mankind because it is the family of God. "Help you one another in righteousness and piety but help you not one another in sin and aggression". (Surah al-Maida (5): 3)

The Prophet (s.a.w) said -

"Mankind is the family of God and the most beloved of them before Him is the one who is best to His family".

"Be kind to those on earth and He Who is in the Heavens will be kind to you".

"God forbids you not with regard to those who fight you not for your faith nor drive you out of your homes from dealing kindly and justly with them. For God loves those who are just.".

(Surah al-Mumtahana (60): 8-9)

"But if the enemy incline towards peace, do you also incline towards peace and trust in God; for He is the one Who hears and knows all things".

(Surah Al-Anfal (8): 61)

In Malaysia a number of measures have been taken by the Government to provide for the basic needs of life -

- a) The Government has implemented a New Economic Policy which has two prongs, firstly the eradication of poverty and secondly, the removal of the division of society according to employment and business.

(d) The Bait-ul-Mal in the various states have been reorganised so that its funds can be utilised for useful development projects. In Kuala Lumpur for example, the Bait-ul-Mal has set up and run a hospital on Islamic lines.

Thus the Government has taken measures to increase production in all fields, agriculture, mineral and oil industry and manufacture in order to provide jobs and income for the population. In the past economic opportunities were divided according to race - the Chinese were well-represented in mining and commerce and industry while the Malays were mainly engaged in agriculture and fisheries and the Indians in the rubber plantations. Under the new Economic policy the Government has striven to give a bigger share of new industrial and commercial projects to the Malays. This has not meant taking away any rights or possessions from the Chinese, for example, but as the economic cake gets bigger, the Malays are given the opportunity to have a proportionate share of it.

(b) The Government has tried to provide Islamic institutions to enable the Muslims to invest and trade in ways not forbidden by the Shariah. Thus an Islamic bank has been set up to help the Muslims invest their savings in profitable projects and it is hoped soon to have a Takafol Company which will take the place of insurance for the Muslims.

(c) A Committee has been set up to consider the best way of collecting and disbursing the zakat so that it gives the greatest benefit and helps to remove poverty.

- (d) The Bait-ul-Mal in the various states have been reorganised so that its funds can be utilised for useful development projects. In Kuala Lumpur for example the Bait-ul-Mal has set up and run a hospital on Islamic lines.
- (e) There is legislation for unemployment relief and social security. A provident fund scheme is run to help the workers to provide for their retirement.
- (f) Education has a high priority in the plans of the Government. There are adequate primary and secondary schools. There are also polytechnics and universities and in addition a large number of students are sent for education overseas.
- (g) The Government tries to set up a high standard of administration based on the principles of Efficiency, Clean Administration and Trust". There is a Corrupt Practices Bureau to check corruption and the Government has issued guides for its public servants one of which is based in Islamic work ethics.
- (h) The drugs problem is a serious one, especially among the youth. Malaysia now has tough laws which impose the death penalty for trafficking in drugs, and enable the Government to detain and seize the property of drug merchants.

(e) No Arab has any superiority over a non-Arab nor any non-Arab over an Arab nor any white man over a black man nor a blackman over a whiteman save with piety

The Shariah provides for the protection of human rights. Islam believes in the betterment of humanity at large. The Prophet (s.a.w) was not only a benefactor for the Muslims but was sent as a "mercy for all creatures" (Surah Anbiya (21): 107). Among other human rights mentioned in the Quran and the Sunnah are -

Freedom of Thought

Equality there be no compulsion in religion.

(a) O people We have created you from a male and a female and have made you into nations and tribes so that you may know one another. The noblest of you before Allah is the most Allah fearing. Allah is Knower, Wise. (Surah al Hujurat (59): 13).

(b) By Him in whose hand the life of Muhammad is, if Fatimah, the daughter of Muhammad, should steal I shall cut off her hand. (Sahih al Bukhari and Sahih Muslim)

(c) Allah has relieved you of the fanaticism of Jahiliyyah and of its pride in ancestors. All of you are children of Adam and Adam was made of clay. (Tirmizi).

(d) No Arab has any superiority over a non-Arab nor any red coloured man has any superiority or excellence over any black coloured man save in respect of piety and fear of Allah.

(Abu Daud)

(e) No Arab has any superiority over a non-Arab nor any non-Arab over an Arab nor any white man over a black man nor a blackman over a whiteman save with piety and fear of Allah.

(b) Take not life which Allah has made sacred, except by way of justice and law.
(Sahih Muslim)

(f) People are equal like the teeth of a comb.

(Imam Ahmad al Musnad)

(c) Those who invoke not with Allah, any other god, nor slay such life as Allah has made sacred, except for

Freedom of Thought

(a) Let there be no compulsion in religion.

(Surah Al-Baqarah 829: 256).

(b) Therefore give admonition for you are one to admonish.

You are not ever to manage men's affairs.

(Surah al-Ghasiya (58): 22-23)

(c) Verily we have revealed the Book to you in truth for instructing mankind. He then that receive guidance benefits his own soul but he that strays injures his own soul. Nor are you set over them to dispose of their affairs.

(Surah az-Zumar (39): 41)

Protection of Life

(a) If anyone slew a person - unless it be for murder or for spreading mischief in the land - it would be as if he slew the whole people; and if anyone saves a life it would be as if he saved the life of the whole people.

(Surah al-Maida (5): 35)

Due Judicial Process

(a) O you who believe! If a person bring you tidings verify it lest you smite some folk in ignorance and afterwards

(b) Take not life which Allah has made sacred, except by way of justice and law.

(Surah Al-An'am (6): 151)

(c) Those who invoke not with Allah, any other god, nor slay such life as Allah has made sacred, except for just cause nor commit fornication - and any that does this not only meets punishment but the penalty on the day of judgment will be doubled to him and he will dwell therein in ignominy.

(Surah al-Furqan (25): 68-69)

(d) We ordained therein for them "Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth and wounds equal for equal." But if anyone remits the retaliation by way of charity it is an act of atonement for himself.

(Surah al-Maida (5): 48).

(e) Never should a believer kill a believer; but if it so happens by mistake compensation is due.

If a man kills a believer intentionally his recompense is hell to abide therein for ever and the wrath and the curse of Allah are upon him and a dreadful penalty is prepared for him.

(Surah An-Nisaa (4): 92-93)

Due Judicial Process

(a) O you who believe! If a person bring you tidings verify it lest you smite some folk in ignorance and afterwards repent of what you did.

(b) No can be imprisoned without judicial process.

(Mejelle)

(c) Everyone is originally free from all liabilities.

Right of property

(a) And do not eat up your property among yourselves for vanities nor use it as a bait for judges with intent that you may eat up wrongfully and knowingly a little of other people's property.

(Surah al-Baqarah (2): 188)

(b) Whoever is killed in defence of his property is a martyr.

(a) (Ibn Majah) ...
 (c) A man came to the Holy Prophet (s.a.w) and said "O Messenger of Allah! What do you think if a man comes to snatch my property". The Prophet said "Do not give it to him". He said "What do you think if he fight me for that purpose?". The Prophet said "You also fight him". The man said "What do you think if he kills me?". The Prophet said "Then you are a martyr". The man said "What do you think if I kill him"? The Prophet said "He will be in Hell".
 (Sahih Muslim)

name connoting wickedness to be used of one after he has believed. And those who do not desist are indeed doing wrong.

(d) Verily your blood, your property and your honour are as inviolable as this day of yours in this month of yours in this city of yours. (Address on Last Pilgrimage).

(e) The property of a man is not lawful except with his pleasure and willingness.

(c) The Holy Prophet (s.a.w) said "Verily! One of the Rights of women is the liberty taken by a man to violate

(1) And women shall have rights similar to the rights against them according to what is equitable. But men have a degree of advantage over them.

(Surah al-Baqarah (2): 228)

(d) Abusing the Muslim amounts to a major sin and fighting

(2) Women are the sisters of men in respect of commandments.

(Baihaqi)

Individual honour and dignity

(a) We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours above a great part of Our Creation.

(Surah Bani Israil (17): 70)

(b) O you who believe! Let not some men among you laugh at others. It may be that the latter are better than the former. Nor let some women laugh at others. It may be that the latter are better than the former. Nor defame nor be sarcastic to each other nor call each other by offensive nicknames. Ill-seeming is a

name connoting wickedness to be used of one after he has believed. And those who do not desist are indeed doing wrong.

O you who believe! Avoid suspicion as much as possible; for suspicion in some cases is a sin. And spy not on each other nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay you would abhor it.
(Surah Al-Hujurat (19): 11-12)

(c) The Holy Prophet (s.a.w) said "Verily! One of the biggest sins is the liberty taken by a man to violate the honour and dignity of a Muslim without any legal right.

(Abu Daud)

(d) Abusing the Muslim amounts to a major sin and fighting with him amounts to disbelief.

(Baihaqi)

Right to basic necessities

(a) That man does not believe who passes his nights fully satisfying his appetite while his neighbour is hungry and he (the former) knows.

(Tabrani)

(b) Every locality in which someone passes his morning hungry and starving the responsibility of Allah to protect them ceases to exist.

(Darimi)

(c) Whoever has some additional food should give it to
hope one who has no food at all. been included in the

Rukun Negara. The five ideals of the Rukun Negara are:

Sanctity of Labour a united nation; (2) the ideal of a

(a) Verily! Allah loves the servant who knows and earns
demo with some crafts and dislikes the servant who knows
toler no craft and is idle. ideal of a progressive society
util (Baihaqi) benefits of science and technology. In

order to achieve these ideals five principles have been

(b) Verily! The best earning is the earning of man by
Count his own hand. The Prophet of Allah, David, used to
Law, earn his livelihood through the labour of his hands.

formulated a New Economic Policy which has two prongs, the

Privacy of poverty irrespective of race and the

(a) Do not speak ill of the Muslims behind their backs. Do
societ not violate their privacy for whoever violates their
The privacy Allah will violate his privacy; and if Allah
the violates the privacy of someone he is surely disgraced
a mor in his own home. ibution of wealth and a more balanced

parti (Tirmizi; Abu Daud) unities in the economy is seen

as an indispensable condition for a stable and united

Malaysia. In this context the call for the implementation

of the Islamic Law for the Muslims is in line with the

desire of the Muslims to be allowed to follow their own

system of law so that they will be better able to take part

in commercial and industrial development. In seeking the

freedom to follow their own religion, the Malays certainly

do not seek to prevent the other communities in Malaysia

from following their own religions and customs, if they

wish to do so.

Malaysia has adopted certain basic principles which it hopes to achieve and these have been included in the Rukun Negara. The five ideals of the Rukun Negara are: (1) the ideal of a united nation; (2) the ideal of a society founded on social justice; (3) the ideal of a democratic society; (4) the ideal of a liberal and a tolerant society; (5) the ideal of a progressive society utilising the benefits of science and technology. In order to achieve these ideals five principles have been laid down that is, Belief in God, Loyalty to King and Country, the Supremacy of the Constitution, the Rule of Law, and Good Conduct and Morals. The Government has also formulated a New Economic Policy which has two prongs, the eradication of poverty irrespective of race and the restructuring of society and the creation of a more just society where the nation's wealth is more equally shared. The justification for the New Economic Policy goes beyond the moral reasons of giving the weak a helping hand. Rather a more equitable distribution of wealth and a more balanced participation of all communities in the economy is seen as an indispensable condition for a stable and united Malaysia. In this context the call for the implementation of the Islamic Law for the Muslims is in line with the desire of the Muslims to be allowed to follow their own system of law so that they will be better able to take part in commercial and industrial development. In seeking the freedom to follow their own religion, the Muslims certainly do not seek to prevent the other communities in Malaysia from following their own religions and customs, if they wish to do so.

It would be ideal if all the followers of religion could agree on certain basic principles of morality which are universally acceptable. The Holy Quran has summarised such basic principles as follows :-

"Say: Come close, I will list what you Lord has forbidden you:

- I Do not associate anything with Him;
- II And show kindness towards both (your) parents;
- III Do not kill your children because of poverty;
We shall provide for you as well as for them;
- IV Do not indulge in shocking acts which you may practise openly or keep secret;
- V Do not kill any person whom God has forbidden except through (due process of) law. He has instructed you with this so that you may use your reason;
- VI Do not approach an orphan's estate before he comes of age except to improve it;
- VII Give full measure and weight in all fairness.
We do not assign any person to do more than he can cope with;
- VIII Whenever you speak, be just even though it concerns a close relative;
- IX Fulfil God's agreement. Thus has He instructed you so that you may bear it in mind;
- X This is My Straight Road, so follow it and do not follow paths which will separate you from His path. Thus has He instructed you so that you may heed.