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Mahathir-PAS

BODY TO SCRUTINISE PAS' LAWS TO BE SET UP

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KOTA BAHARU, March 3 (Bernama) -- A body comprising Muslim experts in religion, Islamic laws and crime should be set up to study the laws to be implemented by PAS to determine whether they were truly Islamic laws, Datuk Seri Dr Mahathir Mohamad said today.

The Prime Minister said the federal government would set up the body and, in the meantime, PAS laws could not be accepted or implemented because they were not yet Islamic laws or the laws of the country.

Muslims in Umno rejected PAS laws, and rightly so, because thus far there had been no proof that an accurate study based on the "fikah" (Islamic religious rules) and "maqasid syariah" had been conducted on the laws.

"It was not a decision made by Umno indiscriminately," he said at a meet-the-people session at the Arabic Language Centre in Nilam Puri here.

Dr Mahathir said the body should consist of people who had no vested interests other than their strong adherence to Islam.

Apart from this, they should also be well-versed in other religions and the civil and criminal laws, he added. -- more

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And, as usual, they should also consider the prevailing situation which influenced the implementation of Islamic teachings, practices and laws, he said.

The Prime Minister said PAS' claim that those who did not accept the PAS' hudud laws would become apostates was contrary to the teachings of Islam which gave room to interpretation.

"PAS' hudud laws are the result of the understanding and interpretations of PAS people on the teachings of the Quran and Islamic laws. They were also born out of the party's political interests," he said.

"They are not part of the teachings of Quran which must be accepted by everyone."

Dr Mahathir said PAS' laws also were not the result of the understanding and interpretations of imams recognised by the Sunni and Shiite sects.

Their authenticity could not be established yet and, therefore, PAS could not claim that the laws were accurate and formed part of Islamic teachings, he said.

Dr Mahathir said there was no better way to determine whether Kelantan PAS' hudud laws complied with Islamic hudud laws than to assess whether the punishments to be meted out under the laws were fair or not.

If they are fair it is possible that they are based on Islamic laws. If not, it was impossible that they were fully based on Islam laws which also took into consideration the "maslahat am Syariah" (general protection of religious rulings), he said.

Citing rape cases as an example, he said a rape victim who made a complaint could not possibly get witnesses acceptable under the PAS laws. Under such circumstances, the rapist could not be charged under PAS laws.

"PAS laws also do not provide for the admission of 'circumstantial evidence' that she has been raped," he added.

With the rejection of such evidence and the non-availability of four valid witnesses under the definition of PAS laws, the complaint by the rape victim would be rejected, and the rapist would go scot-free, he said. --

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Dr Mahathir said PAS laws were not only unfair but could be the subject of ridicule by others, a tarnish on the image of Islam and alienate others towards the religion and Muslims themselves.

The ones who caused Islam to be a burden, an obstacle and cruel to the well-being of Muslims were certain fanatics who wished to portray Islam as a religion solely concerned with acts of devotion, he said.

"Islam is not a blind religion which does not take cognisance of the surrounding situation and the effects of practising its teachings," he said.

PAS laws were not something that emerged out of valid studies but were made to fulfill non-religious interests, especially politics. PAS itself had admitted that the laws were made due to the political pressure exerted by Umno, he said.

As such, he said, PAS laws should be scrutinised before they could be accepted or rejected by a government like the Barisan Nasional (BN) which wished to inculcate Islamic values. -- more

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Dr Mahathir, who is Umno President, said it was pertinent to raise two questions concerning the PAS laws.

The first was whether the laws fulfill the meaning and objective of Islamic hudud laws; and the second, whether they could ensure fairness to those charged under the laws.

If PAS laws were applied to Muslims and the normal criminal laws used against non-Muslims, it was certain that there would be obvious disparity in the sentences, he added.

"Having differing sentences for the same crime is very unfair for whatever value system and religion," he said.

He said studies done so far showed that PAS laws did not wholly fulfill the requirements of the law and the spirit and characteristics of Islam, and were not fully based on the "maqasid syariah."

As such, PAS laws were not only unacceptable but should be rejected at this point in time, he added.

"This does not mean that we reject the hudud laws. We only reject the interpretations and laws of Kelantan PAS which are inconsistent with "maqasid syariah". -- more

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"The rejection of something that is wrong is a must if we hold true to Islamic teachings," he said.

Dr Mahathir said the BN government at the federal level had been spending a lot of time studying the laws which simply passed by the Kelantan PAS government.

The study would be continued and the findings made known to the public to protect the interests of Muslims in the country irrespective of which parties or groups they belonged to, he said.

The state government could not be allowed to do something that might be against Islamic teachings, he said. -- Bernama

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