

Reject hudud laws, says Dr M

KOTA BARU, Thurs. — Prime Minister Datuk Seri Dr Mahathir Mohamad said today the *hudud* laws formulated by Kelantan Pas should be rejected as they are not fully based on the *syariah*.

He said from a study the Federal Government carried out, it was clear that these laws do not fully fulfil "the laws, spirit and characteristics inherent in Islam".

"Pas laws not only cannot be accepted but, at this point, should be rejected," Dr Mahathir said in his speech during the opening of the *Majlis Ilmiah Ramadan*, an Islamic understanding seminar, at the Arab Language Centre in Nilam Puri.

But Dr Mahathir said this did not mean that the Government rejected the *hudud*.

"We only reject the interpretation and laws of Kelantan Pas which are not compatible with the *syariah*."

"The rejection of something that is wrong is compulsory if we are to hold on to the teachings of Islam," he said.

Dr Mahathir said there was a need to set up a body comprising Muslims who are experts in the religion, laws and crimes as the Federal Government needed to make a careful study of the Kelantan Pas laws.

He said the Malaysian Government, as a Government responsible for religion and Muslims in Malaysia, would take action to set up this body.

"Meanwhile, Pas laws cannot be accepted or implemented by anyone because they are not the laws of Islam or the country."

Dr Mahathir said members of this body had to be people who did not have any other interest besides their faith in Islam.

"They need expertise not only in Islam but also in other religions and in the area of crime, civil and criminal laws. As is normal, they need to consider the current conditions that influence the practice and implementation of the teachings, faith and laws in Islam," he said.

Dr Mahathir said the laws of Pas needed to be studied before they could be accepted or rejected by a Government that wished to assimilate

Islamic values.

"Certainly, the Government cannot simply ignore laws which have been claimed to be sourced from Islamic teaching."

Dr Mahathir said the Barisan Nasional Government at federal level was taking a long time to study the laws passed so easily by the Pas Government in Kelantan.

"This study has not ended. It will be continued. But, in order to give guidance to the people, the result of the study until now, needs to be made known to them," he said.

This, Dr Mahathir added, is aimed at protecting the interests of Muslims in Malaysia, irrespective of party affiliation or group.

He said although Muslims in Malaysia are safe and are able to face the challenges from the world outside, they are still weak and cannot protect their own safety.

"Certainly, they cannot help the *ummah* who are suppressed in other places. "In view of that, the Government, being responsible towards the *ummah* and Islam cannot allow any party to implement anything related to the religion without prior study of the effects on Muslims and Islam," he added.

Dr Mahathir said the Federal Government was responsible and would not neglect this responsibility.

"The Kelantan Government cannot be allowed to do something that may be contrary to Islam."

Dr Mahathir said the study that would be carried out by the Federal Government on Pas laws would concentrate on all important aspects in Islam.

"A matter that will be questioned is whether Pas laws concerned with *hudud* fulfil and achieve the meaning and objective of the *hudud* laws in Islam."

He said the second question was whether Pas laws would guarantee justice for those under which they would be prosecuted.

This, he said, was because *hudud* laws do not stress severity of punishment but on justice.

"To regard justice as not important in Islam is wrong," he said.

Dr Mahathir pointed out that the first thing that

should be determined was whether this law was made through a process according to the requirement and practice in Islam, that was based on a jurisprudence that was complete.

"A reply that is short but precise to this question is that this process was not used.

"Every learned religious person in this country, and in fact in Kelantan too, is not involved in this interpretation process and study of the teachings contained in the *hudud* laws of Pas."

Dr Mahathir said those who were given the opportunity to take part were the *ulamak* from a certain polit-

ical party or those who were sympathetic to that party.

"Their stand is already known. They are not free and it is not possible for them to isolate themselves from their political stand. In this situation, the teachings and interest of Islam and Muslims were not given a primary and strong place.

"The impact of party politics influenced the thinking and process of the study. Islamic politics too did not get strong focus because party politics have been mixed."

Dr Mahathir said Umno did not see these laws from a political viewpoint.

"Umno separates party and politics in this matter.

Umno only studies purely from the perspective of religion. Anyone must study, accept or reject Pas laws from the religious perspective.

"It is wrong to see Islamic laws from the political perspective or interest. Umno does not do this," he said.

Dr Mahathir said the *hudud* law is related to crime and pointed out that *ulamak* who are pious in the teachings and laws of Islam are not necessarily experts in criminology.

He said conditions during the Prophet's time were different from those in the present time in Malaysia.

"The problem of a multi-racial society with its com-

position in Malaysia requires serious and special consideration," he said.

Dr Mahathir said for all this, the opinion and views of criminal experts not only in Kelantan but also throughout the country had to be in tandem in the *ijtihad* (legal ruling) process.

"There is no evidence that these experts have fully taken part. This means that the *ijtihad* process from this point, has also not been practised. This has made the consultative process shallow and not fulfilling the requirement and spirit of *ijtihad*, he said.

Dr Mahathir said because of this alone, Pas laws cannot be accepted as consis-

tent with the requirement of Islam.

The Prime Minister later broke fast and attended *Maghrib* prayers at the Kampung Laut mosque before leaving for Kuala Lumpur.

Earlier, Dr Mahathir, who is also Kelantan Umno chairman, chaired a State Umno liaison meeting at the State Umno building.

The Prime Minister then proceeded to the Pondok Tuan Guru Haji Daud in Mahligai, Melor, about 18km from here where he performed *Zohor* prayers.

He also inspected some of the facilities there including a soon-to-be-completed hotel.