

PM: Reappraise Islamic rules

By Farush Khan

KUALA LUMPUR, Fri. — Datuk Seri Dr Mahathir Mohamed today said it was the responsibility of the religious scholars (ulamak) to reappraise the compatibility of traditional Islamic rules with their applicability now.

The Prime Minister made it clear that he did not feel traditional Islamic laws were wrong and not applicable now.

"But we know that the many laws made by the ulamak in the past were to answer questions relating to situations during that period of time, and not for application over 1,000 years later," he said.

He said if the ulamak were not bold enough to open their minds to new interpretations of the traditional methods, then Islamic syariah would be regarded as undynamic, weak and static.

He was opening a seminar on the law of evidence and court procedures organised by the Malaysian Institute of Islamic Understanding (Ikim) here.

Islamic laws, said Dr Mahathir, were dynamic in view of their flexibility which formed the basis of Islamic laws because *fiqh* (jurisprudence) was not isolated from social and environmental realities.

He said the principle of flexibility and gradation method in the Islamic legislation must be given serious attention in the formulation of laws, including syariah laws.

The method, he said,

would enable the assimilation of values of the syariah into the country's laws besides encouraging the development of harmonious syarak laws in the country.

"We mention the principle of flexibility and gradation method, not as an apologetic excuse for us not to give any attention to the development of syarak laws. We feel it is not appropriate to implement the syariah laws separate from the development of other aspects like social, cultural, economic and political aspects," he said.

Dr Mahathir said to ensure the syariah laws were well administered, a committee to co-ordinate the laws of the country and the syarak laws had been formed under the Pusat Islam.

Dr Mahathir said just like all duties, Islamic laws were not meant to burden the followers, let alone to cause them to suffer.

He quoted a past scholar, Ibn Khaldun, who in his works had said in view of the fact that the interests of the people were the foundation of the syariah, it was necessary and reasonable that the syariah rules underwent changes to suit the changing conditions and needs.

Another thinker, Ibn Qayyim, among other things, said legal interpretation should undergo change with the change of times, places, conditions, intentions and customs.

Dr Mahathir said the assessment by the present ulamak could be made based on the accepted *fiqh* proce-

dures that the rules of law varied with different periods of time.

He said that the seminar, attended by participants including syariah and Civil court judges and lawyers, could be linked to bold steps to study the traditional rules and accept new rules which were compatible and in line with Islamic justice and the present syariah court.

He said many of the procedures used in the syariah court in the past were not applicable anymore and the judicial system of the syariah court needed new and stronger procedures and evidence.

The Prime Minister said the syariah court system required new and better laws of procedures and evidence as many of those in use now were no longer suitable.

"Efforts should be made to update them as justice under syarak laws will be marred if administered according to whims and fancies," he said.

He also spoke on the importance of laws of procedures and evidence to avoid judges from making different interpretations and, in the process, pass unfair judgments for similar offences.

In this matter, he wanted kadis and judges to fully understand the procedures. Otherwise, the syariah court would become the centre of ridicule.

He said the Government was aware that the status of the syariah court procedure and its judges must be upgraded so that they really reflect the justice of the

syarak laws.

But he said the credibility and the discipline in the administration of the syarak laws must also be upgraded.

"If we could introduce the Islamic banking system until it is accepted by the people, there is no reason we cannot produce a syarak law administration which will not cast doubt on any-thing," he said.

He said it would be beneficial if the syariah court judges could discuss all aspects of laws related to courts.

The Prime Minister also spoke on jurisdiction in matters linked to Islamic affairs, saying that State Governments did not have the rights and absolute responsibility on Islam.

"We all have rights and responsibility towards our religion," he added.

He said the Federal Government also wanted to share the rights and responsibility and he wanted them to be streamlined and carried out through consensus and effective consultations.

Streamlining the law of evidence and syariah court procedures was a positive move to merge Islamic laws in Malaysia.

Dr Mahathir also called for closer co-operation and interaction between syariah and civil court staff.

On plans to set up a syariah appeal court, he hoped the seminar participants could make suggestions to the Government on its form and composition as well as whether the court should be under Federal or State Gov-

ernment jurisdiction.

Dr Mahathir hoped State Governments would implement the syariah court structure which had been reviewed and agreed upon. "Please do not find excuses not to implement what had been decided on."

He also wanted the participants to make recommendations to the Government on the form and composition of the syariah appeal court and if it should be under Federal or State Government jurisdiction.