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Local laws in tune with Islamic laws

Carolyn Hong

KUALA LUMPUR, Tues. - The Government does not reject Islamic laws but is unable to codify and implement all of them fully because of Malaysia's multi-religious context, Datuk Seri Dr Mahathir Mohamad said today.

The Prime Minister said that while local laws were not Islamic laws, they were consistent with Islamic principles and justice.

"The punishment may be different but the principles are the same," he said at an International Seminar on Islamic Law in the Contemporary World at the Institute of Islamic Understanding Malaysia.

Dr Mahathir later gave an example of the difficulty in implementing Islamic law when he was asked about the issue of apostasy during the dialogue session.

He said that it will be possible to impose the death penalty for apostasy if a society was entirely Muslims.

But in a multi-religious society, it would only discourage people from becoming Muslims.

"They won't want to become Muslims because they think that we will kill them if they leave. Islam will not spread to the people," he said.

He gave the example of Malaysia where non-Muslims convert to Islam when they marry a Muslim. When the marriage breaks down, some may want to return to their former religion and families as they had been left penniless.

He said religious experts were still debating the punishment for apostasy and, as such, the Government has chosen not to act for the time being.

"It would be very unfair if we impose the death punishment and later, there is a fatwa to say that the punishment need not be death. It's better not to take extreme measures which cannot be remedied later," he said.

He also noted that other Muslim countries had not fully codified Islamic laws. This sometimes led to the arbitrary arrest of foreigners who were subject to trials which did not follow clear procedure.

Malaysia, he said, had tried to codify the laws but it was difficult because the States had different and contradictory laws.

"Such are the differences that it is possible for a Muslim from one State to escape a specific Islamic law by going to another State."

Dr Mahathir said Muslims should not be isolated from other people as they need to demonstrate that Islamic laws and their enforcement were just.

Islamic laws were compatible with universal concepts of justice even if they were not in full accord with modern liberal thinking.

For example, while Islam could not accept homosexuality, it did not differ from Western justice when it came to punishing the criminal and according justice to the victim.

He said there were, however, some Muslims who insisted on the strict letter of the law and ignored justice, and thus, would still consider it just if the victim was punished and not the criminal.

For instance, if a girl became pregnant through rape but could not produce witnesses, the rapist would not be punished but the girl could be stoned to death for adultery.

The Prime Minister said such interpretations made Islam appear unjust, not only to non-Muslims but also to the majority of Muslims.

Yet, he said, during the Prophet's time, many had flocked to the

religion because it was just and the Prophet was merciful.

The Muslims of today, he said, including Malays, were less tolerant.

"It would seem that a Muslim is only a Muslim if he is harsh in the execution of Islamic laws," he said, adding that political rivalry has led to different groups trying to outdo each other in the rigidity of interpretation.

Islam is made as intolerant as possible and as a result, a perfect religion has been made to be uncaring and oppressive.

He said it was unfortunate that so many Muslims believed more in the form than substance of Islam, and cared little about justice.

"That's why Islamic justice often appears harsh and pitiless."

Islam has become different from the religion of peace and tolerance brought by the Prophet. It has become rigid, intolerant and seemingly unjust because of fanaticism and misplaced orthodoxy of people with vested interests.

Dr Mahathir urged modern Muslim jurists to relook the interpretations of Islam, in particular those relating to justice.

He later launched a book, *The Economic and Financial Imperatives of Globalisation: An Islamic Response*, published by Ikim.

The two-day seminar, jointly organised by Ikim and Department of Syariah Judiciary Malaysia, is aimed at examining efforts to implement Islamic laws in the contemporary Muslim world.

Participants include judges, lawyers and scholars from Egypt, Nigeria, Yemen, Iraq, Turkey, Indonesia, Russia, Brunei and Malaysia.

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