

COMMENT: Putting Islam Hadhari into practice

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Jan 22: IF THERE is a litmus test for the acceptance of the concept of Islam Hadhari, the Islamic Family Act is probably it.

The Act deemed controversial by many, not least the women's groups, was passed by the Parliament recently though it is yet to be gazetted.

Going by the 10 principles of Islam Hadhari, one would be surprised to find on at least three points there seems to be a "violation" of the principles as posted on its official website, <http://www.islam.gov.my/islamhadhari/concept.html>.

The first point is the principle of free and independent people (rakyat berjiwa merdeka). Among the characteristics of these people is that they are creative and innovative.

Independent people are able to produce dynamic and positive ideas, which are beneficial for the promotion of individuals, families, society and country.

This is explicit in Quranic verse 70 in Chapter al-Isra'. An independent and free people, according to the official website, must be able to select and choose for themselves.

But yet it is apparent that this principle has not been closely adhered to when law makers were "directed" to vote for the Bill, even though they were reluctant to do so.

The choice of the word "directed", as explained by a minister, was intended not to give the members the option of not passing the Bill.

The second point is the principle on the protection of the rights of minority groups and women (pembelaan hak kumpulan minoriti dan wanita).

The protection is to encompass the protection of life, religion, property, dignity and intellect — aspects that exist in the objective of Islamic law (maqasid ash-shariah).

Therefore, these rights should not be denied with the excuse that it is a minority group or a different gender.

Denying them their rights is wrong in the eyes of Islam as implied in verse 13 in the Quranic chapter al-Hujurat.

Ironically, in the case of the Act, there are those who felt that the women's groups have been made more vulnerable instead of being protected.

Some of the points argued relate to the practice of polygamy, which has been said to have been made easier, and so, too, divorce.

The right to jointly access property was also raised. All these are pertinent points because they fit well into the Western stereotypes, which Islam is eager to disprove.

Unfortunately, the Act, in its present form, seems to reinforce the damaging stereotype that Islam treats women inappropriately.

The third point is the principle of a just and trustworthy Government (kerajaan yang adil dan beramanah). To be just means to give people their due, as asserted in verse 90, Chapter an-Nahl.

Justice is said to be blind to race, colour, social status, wealth and also religion (al-Maa'dah, verse 8).

Unfortunately, as it turned out to be, the Act is arguably manifesting the opposite as it was unjustly rushed through in "haste".

There was not much widespread public consultation (if any) on matter of such great importance and sensitivities.

More so, there is little room for meaningful debate as alleged by many concerned groups.

Consequently, inherent in the Act are some seemingly "discriminatory" provisions against women, as pointed out by many groups.

One letter to the editor explicitly appealed to the Prime Minister "to allow justice and fairness to prevail" and reconsider the Bill (NST, Dec 27).

The appeal has merit as justice and fairness are basic underlying principles in Islam and applies to all living creatures.

More specifically, in the context of polygamy, some would argue that it is not as simple as made out to be because it is virtually impossible for most people to be fair, let alone just, all the time in a polygamous situation.

On that basis alone one cannot see how polygamy can be made any "easier" by just introducing a law, what more in the contentious way it was hurriedly passed as directed.

Not surprisingly, therefore, that there were a number of inconsistencies in the Act, according to the National Council of Women's Organisation.

"The inconsistencies are very plain, not only in the drafting technique, but also the use of punctuation marks such as full stops and semicolons, which cause concern of discrimination among women." (NST, Jan 15)

In the final analysis, what is sad about these serious "avoidable" events is that while certain parties want to implement something deemed Islamic in their eyes, they have overlooked the very principles of Islam Hadhari.

It was the very same Islam Hadhari that was announced and generally accepted by all in the Government, especially the Muslim parliamentarians.

While the Islam Hadhari principles (as stated on the official website) have been formulated to ensure that the implementation and approach do not cause anxiety among any group in our multi-racial and multi-religious country, it has resulted in the exact opposite.

And worse still, it is the Muslim community that is most anxious about it.

Far from empowering Muslims to face the global challenges of today, the unfolding events

have been described as a regressive and step backward.

It has left a bitter taste in the mouth of a cross-section of Malaysian society, not just the Muslim women.

It has also raised doubt over whether the authorities are serious and committed to implement the concept of Islam Hadhari.

Islam Hadhari is a concept that has so much to offer in remaking the ruptured image of Islam, especially with regard to the status of women.

If there had been more consensus-building before tabling the Bill in Parliament, the embarrassment could have been avoided.

To help salvage the situation, the matter was left to the architect of Islam Hadhari himself, the Prime Minister, and he has called for discussions with the possibility of amending the Act.

He wants to study the feedback from various groups before coming back "to discuss the Act thoroughly".

The Cabinet, in support, has decided not to gazette the controversial Act, giving an unprecedented window of opportunity for all of us to ensure a truly Islamic Family Law is passed.

Such a law must categorically lift us to a new level of civilisation where all the 10 principles of Islam Hadhari are put into practice.

Islam Hadhari must not be compromised in any way, inadvertently or otherwise. Islam enjoins us to walk the talk.

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