

## **SEMINAR ON ISLAM AND JUSTICE**

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I wish to thank the Institute of Islamic Understanding Malaysia and the Ministry of Justice for inviting me to open this seminar on Islam and Justice.

2. Several centuries after the decline of the Islamic Empire, the world has been dominated by the non-Muslim countries of the West. They not only succeeded in dominating almost the entire world but also influenced the thinking of those they control and imposed their values and philosophy on these people. Their concepts and principles of justice are also widely disseminated so much so that the world is very engrossed with them and no one would question whether it is good or bad.

3. At the same time, the West became powerful militarily and economically and they controlled various kinds of knowledge, including information technology, which enabled them to suppress anyone who challenged them or their principles, as well as the values they uphold and disseminate.

4. This is their concept of justice. They speak eloquently of the rule of law, human rights, democracy or the voice of the majority, without taking into account the existence of certain man-made laws that are unfair, excessive human rights, and unwise majority voices. Hence the laws in the West place too much priority on the individual's right that allows him to do anything he pleases even though his actions may threaten the peace and security of the society.

5. International laws, meanwhile, were formulated to provide the mighty with the right to suppress the weak. The same applies to human rights which are highly valued to the extent that groups, in the name of democracy, are given protection even if their activities threaten society, peace and progress. Democracy or the voice of the majority, as found among the Serbs in Bosnia, is respected even though the objective is to suppress the Bosnian Muslims. Even though democracy clearly leads to disunity, breakdown in the rule of law, suppression, cruelty and widespread poverty as seen in the former Soviet republics and Eastern Europe, it is still highly regarded.

6. At the same time, the West would not hesitate to turn their backs on the very principles of justice they profess to uphold, if such moves benefit them. In West Asia, they appeared to be protecting the Kuwaitis from the cruelty inflicted by the Iraqis. It appeared that their action was based on humanitarian grounds and a sense of justice. But when it was evident that the Serbs were terrorising and killing the

Bosnian Muslims, the West had a thousand and one excuses for not acting on the Serbs. The truth is that they acted in Kuwait because they wanted to protect their source of petroleum. Since they have no interest in Bosnia, they are willing to allow the Serbs to kill, terrorise and suppress the Bosnian Muslims.

7. The actual principle subscribed to by the West and the majority of present day world civilisation is based on Might is Right. Since the West is powerful, everything they do is fair. Since the Serbs are strong, their annexation of Muslim land is condoned. As Islamic countries and Muslims everywhere are weak, everything they do is wrong and unfair. Efforts by Muslims to reassert the concept of justice, as espounded by Islam, were criticised by the West as an attempt to revive old and antiquated thinking. The danger is that Muslims, in their frustration with their weaknesses and failures, will react contrary to their religious teachings. Because of the disappointment, Muslims may act rashly, and commit the same offence as that committed by their foes. This would then confirm the allegations of the West that Muslims are extremists.

8. History is replete with examples of Islamic justice. When the Romans conquered Palestine, the Jews were expelled, reducing them to exiles across the world, in what is known as the Jewish diaspora. But when Umar Ibn Khattab, the Caliph, conquered Palestine, the Christians and the Jews were allowed to stay. The same thing happened when Salahuddin al-Ayubi the Caliph conquered Palestine, the non-Muslims were protected. But today, when the Jews, with Western help, annexed Palestine, Muslims including children are suppressed, evicted and killed everyday.

9. The same thing was seen in Spain where Muslims rule for 800 years. During that time, the Jews and the Christians stayed within their faiths and lived together with Muslims. But when Ferdinand and Isabella regained control of Spain, Muslims and the Jews, who failed to escape to Africa, were killed or tortured to accept Christianity. This was why under 800 years of Muslim rule, there were still Jews and Christians in Spain; but when the Christians ruled, not a single Muslim could be found.

10. When the communists were in power in the Soviet Union, Islam was suppressed to the extent that no Muslim dared to admit his faith. The same is true in Albania during the Marxist regime.

11. Now, we can clearly see the injustices in Bosnia. Islam is suppressed almost everywhere in the world even though the

world alleges that it subscribes to the principles of justice and rule of law.

12. On the other hand, in Islam, a religion which is also a complete way of life, justice is supreme and clearly defined. In Islam it is clearly emphasised that the objective of the the creation of the universe is primarily to uphold justice and truth. Verse 85 of the Surah Al-Hijr (15) in the Quran says:

" We created not the heavens, The earth, and all between them, But for just ends" This is true in Verses 38-39 in the Surah Ad-Dukhaan (44) which says:

" We created not The heavens, the earth, And all between them, Merely in (idle) sport. We created them not Except for just ends: But most of them Do not understand." The Verses clearly state the real objective of creating the earth and the sky, and in fact the whole universe, that it is to uphold justice and remove cruelty and evil. In the Surah Ad-Dukhaan (44), the said Verse 38-39, Allah made it clear that the universe was not created for nothing. The Universe was created for a reason. The Verse clearly denies that the Universe was created without a reason. In fact, it was created to uphold the truth and justice.

13. If we accept the fact that the Universe was created to uphold justice, we, being one of Allah's creations, should also uphold justice. In fact, upholding justice is one of our responsibilities as a human being.

14. In Islam, justice means placing something in its rightful place. Three very important aspects of justice in this context are: First, placing someone in a post or function appropriate to his capabilities. Second, to mete out sentence or make a decision appropriate to a situation or the person about to receive it. Third, to place wealth or property to those who rightly deserves them.

15. In selecting someone for any post or function, especially for important posts such as that of a judge, Islam demands that only the most qualified person be given such responsibilities. If we appoint someone who is not an expert in a particular field, we would be committing two acts of injustices. The first injustice is on the person so appointed because he will not be able to perform his duties as he lacks the necessary expertise. He will feel pressured, bored, lacked confidence and has no interest in doing his job. The second injustice is on the people or community whom the appointed person is supposed to serve. This is because the individual will not be able to provide the service expected of him.

16. When selecting someone for an important post, the Prophet (s.a.w.) once said that "in appointing someone to an important post, when there is someone more capable for the job, is a betrayal of Allah's trust, a betrayal to His Prophet and a betrayal to all believers." This means that in making such appointments, a meticulous exercise should be undertaken to find the most suitable candidate possible among those available, so that we will not be doing an injustice to ourselves, the appointed person, and the society he is supposed to serve.

17. When meting out sentences, Islam provides various guidelines as contained in the Quran and the Prophet's traditions so that the sentences are fair. Islam ensures that the judge is selected from the most eminent of persons in terms of knowledge, ability, wisdom and integrity. The method to be used in meting out sentence should enable that all relevant facts be obtained, scrutinised and considered so that all doubts are removed. Witnesses, too, should place justice above all other considerations, even if this results in their personal loss, their family and friends.

18. In making decisions, be it social, political, economic, management or administrative, justice must prevail. Decisions, which could lead to adverse situations, are unfair and unjust.

19. Justice is also demanded in the distribution of wealth, be it in the physical form or opportunities to accumulate them. In this matter, besides the direct distribution of wealth, the distribution of the opportunities, too, must be done fairly. This includes the distribution of opportunities in the fields of education, business and others.

20. Islam demands justice not only from its leaders but also from the community, as long as one of the said three aspects are present. If the masses are given the right to choose their leaders, they must select the most qualified and capable. All forms of corruption, such as demanding personal rewards, or for certain quarters to reciprocate an earlier assistance, run counter to Islamic justice.

21. The world's present chaos is a result of the international community's disregard for the principles of justice. The international community cares not and is cruel to those who are weak. Again, the Bosnian experience can be cited as an example. The weak Bosnian Muslims are not allowed to obtain arms even for self-defence. The Serbs who are already strong are allowed to increase their weaponry. Now, the big powers agreed to give the territories forcibly taken by the Serbs to them without due regard to the rights of the Bosnian Muslims.

22. To the big powers, the powerful Serbs are right and the weak Muslims are wrong and have no right. The big Western powers still insist that they are right and fair. Can we accept the western concept of fairness as the basis of justice for our community? Should we not reject their concept and principle of fairness unless they do not run counter to that of Islamic justice as outlined earlier?

23. Legal history has proven that the process of making laws into statutory legislations was initiated and implemented by Muslims. This process has helped Islamic laws become more accurate and structured. But it should be noted that since the process of making Islamic laws into statutory legislations were done by people, who are not immune to imperfections, adjustments and corrections on these documents need to be made from time to time depending on time and place. In this way, laws which were based on the Quran and the sayings of the Prophet (s.a.w.) would be applicable at all times.

24. Crimes change with time. In this modern time, there are subtle and complex commercial crimes which are difficult to detect and determine. If no efforts are made to identify these crimes and determine the appropriate penalty, consistent with religious teaching, then such crimes will engulf society. The same applies to hundreds of other crimes today. Efforts should be made so that the country's legal system is not inconsistent with the concept and principles of justice found in Islam.

25. There are many flexibilities in Islam which take into consideration the prevailing environment. Flexibilities are allowed in all Islamic practises. Hence the Islamic way of life does not become a burden and cause Muslims to face hardship, thus alienating them from the changing times.

26. Today, Muslims are found throughout the world and not only in Islamic countries. In most countries they are a minority. As minorities they are unable to implement Islamic laws that are practised by countries wholly controlled by Muslims.

27. It is important that Islamic rule is accepted as fair by all, including non-Muslims. Islamic rule in Medina and later in Mecca, since the time of the Prophet (s.a.w.), were fair to non-Muslims. Under the Prophet's (s.a.w.) rule and under the Al-Rashidin caliphates forcing non-Muslims to accept Islam and Islamic laws, confiscating property and suppression, did not take place. There are times when sentences imposed on non-Muslims were based on the laws of their religion. As a result of the fairness of Islamic rule, many non-Muslims embraced Islam and placed themselves under Islamic laws.

28. In multi-religious Malaysia, the government, which is led by Muslims, has to show to all quarters, Muslim and non-Muslim, that its administration based on the concept and principles of Islamic justice is truly fair. If there is a perception today that Islam is extremist or cruel, the reason is not that Islam is cruel but because there are Muslims who, when in power, become arrogant and do not abide by the teachings of the Quran and the sayings of the Prophet (s.a.w.) and the examples of the rule of the Prophet (s.a.w.) and wellknown caliphs in Islamic history. Muslims who are in power, judges and Muslim administrators in Malaysia should not be arrogant because of their power and should not forget Islamic principles of justice. It is important that the administration in Malaysia led by Muslims, prove that their rule is fair to all, is non-partisan and non-oppressive. It is the responsibility of all Muslims to correct the wrong image of Islam caused by extremists and deviationist groups who have given a negative image of the religion and its followers.

29. We must not forget that the World today views that might is right. Islamic countries, including Malaysia should strengthen themselves. To achieve this, the important thing is to ensure that a fair and efficient administration be established so that our achievement is at par with that of other developed countries. Only after we have developed can we undertake preparation to strengthen our defence capability to be on the same level with that of other developed nations in all fields. This is necessary as it is stated in the Surah Al-Anfal, verse 60 of the Quran:

"Against them make ready Your strength to the utmost Of your power, including Steeds of war, to strike terror Into (the hearts of) the enemies, Of Allah and your enemies, And others besides, whom Ye may not know, but whom Allah doth know. Whatever Ye shall spend in the Cause Of Allah, shall be repaid Unto you, and ye shall not Be treated unjustly"

30. If today certain countries and races, such as the Serbs and the Jews, dare and able to suppress and terrorise, the reason is because the Islamic countries are all weak. The Quranic teachings on the preparation for defence are not heeded. Their administration is often unfair and fail to create peace and order vital for the development of knowledge, efficiency and wealth, all of which are needed for attaining strength and respect.

31. Hence, before we Muslims blame others, we should question ourselves on our Islamic practises, especially in respect of ensuring fair administration. If Islamic justice is not evident and is difficult to be accepted by all, then we are partly to be blamed.

32. Therefore, it is important not only to deliberate on Islamic justice but also to prove that the concept and the principle of justice in Islam can ensure righteousness and create a harmonious society.

33. I hope this conference will succeed in clarifying the concept and principles of justice in Islam so that any misconceptions and negative image can be corrected, and that the world can learn and gain from the wisdom of Islamic justice which can overcome the prevailing injustices caused by the arrogance of the present world powers.