

The Sharia Index

The Skin is Islam But the Content is Still Secular

News:

In the Premier Conference of the Ulama and Umara held on March 28th, the Malaysian Prime Minister Dato' Seri Najib presented the Malaysian Sharia Index (MSI) Report for 2015. The report is the result of a study conducted for 6 months starting from 15 July 2015 to 15 January 2016 by the Malaysian Sharia Index Unit of the Department of Islamic Development Malaysia (JAKIM) together with 133 researchers from five local universities. A total of 7587 respondents involving policy makers, policy implementers and various communities were in the study. According to the study, the overall governance rating based on the Malaysian Sharia Index for the Government of Malaysia in 2015 is 75.42% Sharia compliant in eight key areas of measurement namely the Islamic Law, Politics, Economics, Education, Health, Infrastructure and Environment, Culture, and Social. The Sharia Index was scientifically designed to measure the level of governmental commitment in enlivening the principles, values and systems of Islam based on five *maqasid Sharia* or objectives of Sharia in preserving religion, life, mind, offspring and property in the governance of the country. If the index is high, then it means that the respondents involved in the survey have a good view or perception of governance based on the *maqasid Sharia*.

Comment:

In order to understand the concepts of the Malaysian Sharia Index, it is absolutely necessary to understand exactly the concept of *maqasid Sharia*. According to Sheikh Taqiuddin an-Nabhani in his *Al-Shakhshiyya al-Islamiyya* [Hizb ut Tahrir, Vol III / 357] and also al-Muqaddimah Al-Dustur [Hizb ut Tahrir, Vol I / 57], as far as the objectives of Sharia is concerned, four main principles must be clearly understood and they are:

1) *Maslahah* (benefit) is a wisdom (result) obtained from the application of Sharia. It is understood through the texts of the Qur'an that the Prophet was sent as a mercy and blessings to the worlds. It should be emphasized that the benefit is not the *'illat* (reason) or motive of the law, but it is the wisdom and the outcome as a result of the application of the Sharia. In other words, the discussion should be about the application of Islamic law and from thence, the benefits can be achieved.

2) *Maqasid Sharia* should be viewed as a as a whole, not in a specific manner. In other words, the existence of the benefit is the result of the application of Sharia as a whole, rather than the result of the implementation of certain rulings.

3) The wisdom that results from the application of Sharia can sometimes occur and sometimes not occur. When Allah (swt) tells us that a particular wisdom can be achieved in a prescribed Sharia law, what it means is that Allah swt is telling us that if this law is applied, that particular wisdom may be achieved. It does not mean that this wisdom constitutes the reason for the implementation of the prescribed Sharia law.

4) The wisdom resulting from the implementation of Sharia can only be known by the Islamic texts rather than by reason. This is because Allah (swt) is the One who sets the law and He is the only One who knows the real purpose of the law. It is impossible for us as His creations, to fully understand the wisdom of a prescribed law unless it is known through the Quran and Sunnah.

The truth of the matter is that the understanding of the concept of *maqasid Sharia* which makes the core of the MSI has actually strayed far from its true understanding. The understanding of the objectives of Sharia which make the core of the index is nothing more than justifying the means in order to achieve the ends, which is the main concept of secular politics. What is focused upon are the objectives of Sharia, not the legitimate ways (implementation of Sharia) of achieving them. The MSI is clearly not a measure of the implementation of Islam in Malaysia, rather, it is just a measure of perception whether the government has achieved these objectives, albeit by the implementation of secular laws. The truth is that by using the index, the government is attempting to hoodwink Muslims into thinking that the ruling party is championing the “implementation of Sharia” in Malaysia. The terminologies employed by the government in promoting MSI are just tricks intended to mislead the people and to guarantee their existence in the seats of power. Where is the real significance of the index if the government rules based on a system not handed down by Allah (swt)? Where is the commitment to enliven the principles, values and systems of Islam if the Quran and Sunnah are not used as the main reference in governing the country? What does it mean to have the MSI if the ruling system uses the Federal Constitution, which is a product of the Reid Commission, as the supreme law of the country? The index is really nothing more than just a means to justify the government’s lame efforts in “upholding the principles and values of Islam” within the framework that has been authorized by the Federal Constitution. Our leaders have often used Arabic Sharia terms to obscure Muslims, when in fact they are persistently applying *taghut*. Before MSI, terms such as *al-Mujtama’ al-Madani* (Civil Society), *al-wasatiyyah* (Moderate), Islam Hadhari (modern Islam) etc. had been manipulated in such a way that benefits the status quo of the government. This is the rhetoric employed to deceive Muslims that the government is ruling based on the tenets of Islam, where in fact they remain rigid with the colonial legacy systems.

Allah (swt) said in the Quran:

“And whosoever does not judge by what Allah hath revealed, they are the ones who are the transgressors” [TMQ Al-Ma'idah (5): 45]

Hence, is it possible that those who reject Allah’s law in the government can be considered as meeting the demands of Sharia?

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