

Press Release

Muslims require the implementation of Shariah in its totality under the Khilafah, not the 355's Bill!

According to the schedule, the Shariah Court (Criminal Jurisdiction) (Amendment) Bill 2016 (the Bill) will be tabled for debate in the current sitting of Parliament, after being deferred on the day it was proposed on 26 May 2016. The Bill seeks to amend the Shariah Courts (Criminal Jurisdiction) Act 1965 (Act 355) to empower the Shariah Courts to enforce any punishment, except the death penalty, for offences listed under state jurisdiction in the Federal Constitution. Currently Act 355 limits the sentencing power of Shariah Courts to three years in jail, RM5000 in fines and six strokes of the whip. Since its was first proposed until now, the Bill has caused heated debate among various parties including non-Muslims, even though non-Muslims are not subject to the Shariah Courts (and laws) in Malaysia.

It is deeply regretted to see the reaction of some parties who took the proposed Bill to be of utmost importance as if the whole Islamic struggle revolves around it! With regard to the tabling of the Bill, **Hizb ut Tahrir / Malaysia would like to express:**

1. Any effort to implement Shariah law must not only be supported, but should also be vigorously pursued by every Muslim. However, the Bill is not even a part of Shariah as it is nothing more than another parliament made law that must undergo the process of tabling, debate and approval by the majority of man. Shariah law on the other hand is not subject to the approval of people, because it is the Law of Allah (swt) and must be carried out by human beings, regardless of the agreement or disagreement of the majority of people;

2. The court system that exists today needs no upgrading, it must be completely revamped instead, so that the division between Civil and Shariah Courts no longer exist. The system must be returned to the Islamic court system comprising of the Madzalim, Khusumat and Hisbah Courts, in which all citizens, including non-Muslims, are subject to the same courts. Based on the clear evidences of al-Quran and al-Hadith, non-Muslims must abide by and be subject to the laws and courts of Islam, except in some cases where the divine law has exempted them from, such as worship, foods and beverage, marriage and the likes.

3. The untainted desire of several parties in trying to resolve the problems of crime through the implementation of Islamic penalties must be commended for this shows that Muslims have lost confidence in the existing civil punishment. However, amending Act 355 is not a solution to the problems and it is not even the Islamic solution. This is because in order to resolve any problem shrouding the country today,

it is the capitalist-democratic system, as the source of the problems, that must be uprooted and replaced with an Islamic system. The Islamic system on the other hand, must be implemented fully, not partially and not only the uqubat (penalty) system, let alone a piece of the uqubat. The perfection of Islam encompasses all the systems of life including a ruling system, economic system, social system, education policy and foreign policy. The justice and beauty of Islam can only be realized when Islamic law is fully implemented, not only a partial implementation of the uqubat system.

4. Though the Bill is not in line with Islam and does not apply to non-Muslims, the resistance shown by non-Muslims against it demonstrates their antagonism to the application of Islamic law in the country. Despite efforts by certain Islamic movements to explain the Bill's issue to them, this have manifestly failed. This is because the Islamic movements failed to understand that the root cause of the problem is the democratic system itself which gives the right to non-Muslims (and Muslims alike) to accept or oppose any imposition of Islamic law. The Islamic movements failed to understand that any attempt to implement Islam using the path of democracy is akin to using a knife with which one will only end up stabbing himself.

5. The obligation to implement the Laws of Allah (swt) lies upon the shoulders of the government. This is a huge trust and they will be held accountable by Allah (swt) in the Hereafter. Nevertheless, we see that the government chooses to implement the secular system and keeps giving justification after justification for not implementing the Islamic law. Hence, the government must be accounted continuously on this matter and it must be replaced with an Islamic ruling system (Khilafah). Meanwhile, the efforts to implement Islamic rules must be performed by each and every Muslim.

O Muslims! We are obliged to reject the colonial systems and laws which had long been imposed on us and must replace them with the Shariah of Allah (swt). However, to do so, we are obliged to use the Shariah ways, rather than employing "the ways of the colonialists". Tabling the Bill by following the procedures established in the constitutional legacies of the colonialists, and hoping for clemency from the majority of people to approve it – these are clearly the ways established by the colonialists! Is the value of the "Shariah" of Allah this low? Is the Shariah of Allah to be subjected to the process (system) of democracy and must be subjected to the will of the majority of mankind before it can be implemented? Na'udzubillah min dzalik... How can one say that he wants to reject the colonial laws, yet in his effort to implement Islam, he bows and follows exactly the footsteps provided by colonialists?

Indeed, Muslims do not need the Bill or any colonial laws or laws invented by man in the Parliament. What is needed by the Muslims is the implementation of the comprehensive Shariah of Allah (swt) under the shade of the Khilafah al-Rashidah 'ala Minhaj al-nubuwwah.

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