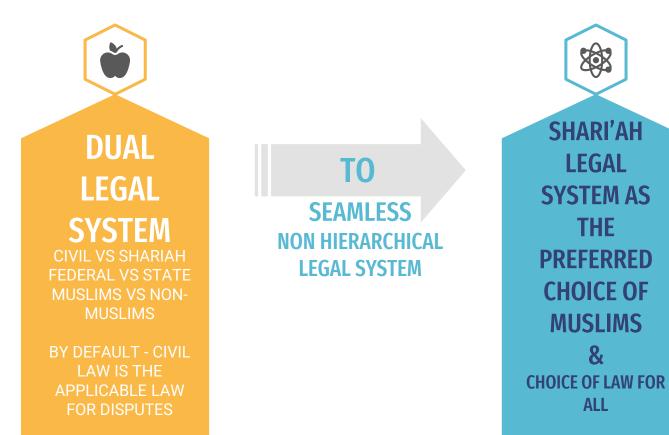
MAINSTREAMING SHARI'AH SOLUTIONS FOR PEACE AND JUSTICE AL-MIZAN AS THE FOUNDATION OF THE LEGAL SYSTEM

AL-MIZAN AS THE FOUNDATION OF THE LEGAL SYSTEM

MAINSTREAMING SHARI'AH SOLUTIONS FOR PEACE AND JUSTICE



QUR'ANIC CONCEPTS OF MIZAN

	THE VERSES		THE CONCEPT	
	SURAH AL-ANBIYA'(21): 47	>	AL-MIZAN AS SCALES OF JUSTICE AND MEASUREMENT OF GOOD DEEDS	
	SURAH AN-NISA(4): 58		TO FULFIL AMANAH AND ENSURE JUSTICE IS SERVED	
	SURAH AL-SHU'ARA'(42): 181-182	>	TO ENSURE JUST MEASURE & CAUSE NO LOSS	
	SURAH AL-RAHMAN (55): 5 - 9		BALANCE OF NATURE & WEIGH WITH JUSTICE	

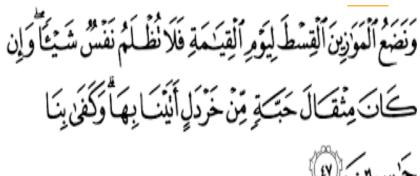
QUR'ANIC CONCEPTS OF MIZAN

	THE VERSES		THE CONCEPT	
	SURAH AL-HADID (27): 25	>	ADMINISTERING OF JUSTICE TO BENEFIT HUMANITY	
	SURAH AL-ISRA'(17): 35	-	MEASURE AND WEIGH IN THE RIGHT BALANCE	
	SURAH AS-SHURA(42):17	>	THE NEED TO MAINTAIN BALANCE OF NATURE (FITRAH/SUNNATULLAH) ON EARTH	
	SURAH AL-QARI'AH(101): 5-9	>	THE WEIGHT OF GOOD DEEDS	

AL-MIZAN AS SCALES OF JUSTICE

THE SURAH

AL-ANBIYA'(21): 47



TRANSLATION

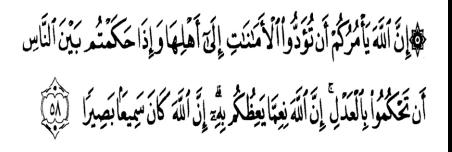
ABDULLAH YUSUF ALI

We shall set up scales of justice for the Day of Judgement, so that not a soul will be dealt with unjustly in the least, and if there be (no more than) the weight of a mustard seed, We will bring it (to account); and enough are We to take account.

AL-MIZAN AS FULFILLING AMANAH(TRUST) AND ENSURING JUSTICE

THE SURAH

AN-NISA'(4): 58



TRANSLATION

MUSTAFA KHATTAB

Indeed, Allah commands you to return trusts to their rightful owners; and when you judge between people, judge with fairmess. What a noble commandment from Allah to You! Surely Allah is All-Hearing, All-Seeing.

AL-MIZAN AS ENSURING JUST MEASURE AND CAUSING NO LOSS TO OTHERS

THE SURAH

أَوْفُوْا ٱلْكَيْلَ وَلَا تَكُونُوْا مِنَ ٱلْمُخْسِرِينَ شُنْ وَزِنُوْا بِٱلْقِسْطَاسِ الْمُسْتَقِيمِ شَنْ وَلَا تَعْتُوْا فِي الْأَضِ الْمُسْتَقِيمِ شَاءَهُمُ وَلَا تَعْتُوا فِي ٱلأَرْضِ الْمُسْتَقِيمِ شَنْ وَلَا تَعْتُوا فِي ٱلْأَرْضِ مُفْسِدِينَ شَنْ وَلَا تَعْتُوا فِي ٱلْأَرْضِ مُفْسِدِينَ شَنْ وَلَا تَعْتُوا فِي الْأَرْضِ مُفْسِدِينَ شَنْ وَلَا تَعْتُوا أَنْ الْمُسْتَقِيمِ مُفْسِدِينَ شَاءَهُمُ وَالْجَبِلَةَ ٱلْأُولِينَ شَنْ أَعْدَى الْمُعْتَعَمْ وَالْجَبِيلَةَ أَلْأُولِينَ شَنْ أَعْتُوا فِي أَوْلَا مَعْتُوا الْمَالِينَ الْمُعْتَقِيمِ مُوْلَا تَعْتُوا فِي الْأَرْضِ الْمُسْتَقِيمِ شَاءَهُمُ وَالْحَضِ مُوْنُوا اللَّهُ مَنْ اللّهُ مَنْ أَعْمَالَ اللّهُ مَعْتُوا فِي الْمُوْلِينَ مَنْ أَعْنَ أَعْنُ مُ أَعْنَا مُوْلَا مَعْتُوا فِي أَنْ أَعْلَى مُعْتَقُولُ مُوْلُولُ مِنْ أَعْتُ مُوْلَا لَعْتُ مُوْلُولُ مِنْ أَعْنَ مُوْلُولُ مِنْ أَعْنَانَ مُوْلُكُولُ مُولَا تَعْتُوا فِي أَنْوَنِينَ مُعْتَقُولُ الْمُولَا الْنَاسَ أَسْعَاءَهُمُ وَالْعَالَينَ مَنْ أَعْنَ أَعْتُ أَنْ أَنْ أَعْلَى أَنْ أَنْ أَنْ أَعْلَى مُلا الْحُولُولُ مِنْ الْعَنْ مِنْ أَنْ أَنْ أَنْ أَنْ أَنْ عَالَ مُعْتَعَتَقِيمِ مُنْ أَنْ أَنْتُولُ الْعَالَيْنِ الْعَامَ مُنْتُعَتَعُولُ الْعَنْعَنُونُ مُنْ أَصْلَاحُيْسَتَقِيمِ مُنْ أَنْ أَنْ أَعْلَى الْعَالَقِ مُعْتَعَيْنَ الْمُ أَنْ أَنْ أَعْلَى الْعَامِ مُ أَسْدِينَ مُنْ أَنْ أَنْ أَنْ أَنْ أَعْلَى الْعُنْ مِنْ أَنْ أَنْ أَنْ أَعْلَى الْعُلَى الْعُنْ الْعُنْ مُ مُفْسِيدِينَ مَالْهُ الْعُنْعُولُ الْعَامِ الْعُنْعَامِ مِنْ أَعْلَى الْعُنْ الْعُنْعُولُي مَالِي لَعْنَا لِعُلُي أَعْنَا لَكُولُ مُ أَعْلَى أَعْلَى مُعْلَى الْعُنْعُ أَنْ أَنْ أَعْلَا لَعْلَيْ أَعْنَا لَعْنَا أَعْنَا لِعُنَا أَنْ أَنْعُنُوا لِلْعُلَالِ لَعْلَى مُنْ أَنْ أَعْلَى أَعْلَى أَعْلَى مَنْ أَعْلَى أَعْنَا لَعْلَى أَعْلَى أَعْتَعْنُ مُ أَعْلَى مُعْلَى أَعْلَى أَعْنَا لَعْلَيْ أَعْنَ مَا لَعْلَى أَعْلُ مُ أَنْ أَ مُعْلَيْ أَعْلَا مَالْعُنَا مَنْ أَعْلُ مَنْ أَعْلَى أَعْلَى أَعْلَى أَعْلَى مَعْلَى مَالْعُ مَنْ أَعْلَى أَعْلُ مَا أَعْلَى مُعْلَى أَعْلُ مُعْلَى أَعْلُ مُعْلَى مُعْلَى أَعْلُ أَعْ أَعْلَى مَا أَعْلُ مُ أَعْلُ أَعْلُ مِ أَعْ أَعْلَع

TRANSLATION

MUSTAFA KHATTAB

Give full measure, and cause no loss to others. Weigh with an even balance.

AL-MIZAN AS ENSURING BALANCE OF NATURE

& WEIGHING WITH JUSTICE

THE SURAH

AL-RAHMAN(55): 7-9

وَٱلسَّمَآءَ رَفَعَهَا وَوَضَعَ ٱلۡمِيزَانَ ﴾ آلَا تَطۡغَوۡا فِ ٱلۡمِيزَانِ ﴾ وَأَقِيمُواْ ٱلۡوَزَنَ بِٱلۡقِسۡطِ وَلَا تُخۡشِرُواْ ٱلۡمِيزَانَ ۞

TRANSLATION

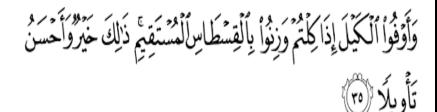
MUSTAFA KHATTAB

As for the sky, He raised it high, and set the balance 'of justice'. So that you do not defraud the scales. Weigh with justice and do not give short measure.

AL-MIZAN AS GIVING FULL MEASURE IS THE FAIREST & BEST

THE SURAH

AL-ISRA'(17): 35



TRANSLATION

MUSTAFA KHATTAB

Give in full when you measure, and weigh with an even balance. That is fairest and best in the end.

AL-MIZAN AS ADMINISTERING JUSTICE

THE SURAH

TRANSLATION

AL-HADID(57): 25

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِٱلْبَيِّنَتِ وَأَنزَلْنَا مَعَهُمُ ٱلْكِنْبَ وَٱلْمِيزَانَ لِيَقُومَ ٱلنَّاسُ بِٱلْقِسْطِ وَأَنزَلْنَا ٱلْحَدِيدَ فِيهِ بَأْسُ شَدِيدٌ وَمَنَفِعُ لِلنَّاسِ وَلِيَعْلَمَ ٱللَّهُ مَن يَضُرُهُ وَرُسُلَهُ بِالْغَيْبِ إِنَّ ٱللَّهَ قَوِيَّ عَزِيزٌ ٣

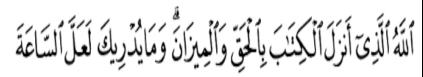
MUSTAFA KHATTAB

Indeed, We sent Our messengers with clear proofs and with them We sent down the Scripture and the balance "of justice' so that people may administer justice. And We sent down iron with its great might, benefits for humanity and means for Allah to prove who is 'willing to' stand up for Him and His messengers without seeing Him. Surely Allah is All-Powerful, Almighty.

AL-MIZAN AS ENSURING THE NEED TO MAINATAIN BALANCE OF NATURE (FITRAH/SUNNATULLAH) ON EARTH

THE SURAH

AL-SHURAA(42): 17





TRANSLATION

MUSTAFA KHATTAB

It is Allah who has revealed the Book with the truth and the balance of justice. You never know, perhaps the Hour is near.

AL-QARI'AH (101): 5-9 - THE WEIGHT OF GOOD DEEDS

الفتارعة (() مَا القارعة () وَمَا أَدْرَبْكَ مَا الْقَارِعَة () يَوْمَ يَكُونُ النَّ اسْ كَالْمَرَاشِ الْمَبْشُونِ () وَتَكُونُ الْجِبَالُ كَالِمِهْنِ الْمَنْهُوشِ () فَلْمَا مَن تَقْلَت مَوَرَسِتُهُ () فَهُوَ فِي عِيشَتَة تَاضِية () وَأَمَّا مَن خَفَت مَوَرَسِتُهُ () فَهُوَ فِي عِيشَتَة تَاضِية () وَمَا مَن حِيته () نَارُ عَامِيتَهُ ()

So as for those whose scale is heavy with good deeds. They will be in a life of bliss. And for those whose scale is light. Their home will be in the abyss.

PRE-COLONIAL ERA - 1990s - TIMELINE



Introduction of English Law

Restructuring Legal system Royal charter of Justice 1807 Creating New courts; Appointing English Judges; Marginalizing Qadi Courts; 1950, Civil Law Act, ss 3&5; Codifying Shari'ah Laws & limiting its application only to personal matters.



1970-1980s

Strong Executive Prime Minister's Office Integrated Education Islamic University, Legal education, Islamic Finance, Islamic Bank, Takaful Nasional, Abolition of Privy Council Increase (slight) in powers of Shari'ah Courts



SHARI'AH/ADAT LAWS

PRE-COLONIAL

ERA

Kanun Melaka, Undang-Undang Tubuh Kerajaan Negeri, Undang-Undang 99 Perak, Majalla Al-Ahkam



Award of Constitution to Malaya Power of Sultans Article 3 Article 74 Islamic Law Schedule 9 List II



1990s

Future

Islamisation Agenda

JAKIM (1997) JKSM (1998) IKIM (1992) Minister in PMO for Islamic matters Article 121(1A) Reform of Shari'ah Courts

2000 - 2020 TIMELINE

2018

2020

THE NEW MILLENIUM

FEDERAL ELECTION

CHANGE IN GOVERNMENT -PAKATAN HARAPAN COALITION



COVID-19 PANDEMIC

CHANGE IN GOVT. 1st Lady Chief Justice

THE FUTURE

2000

REVIEW OF FEDERAL COURT JUDGEMENT Chia Yan Tek v.Ng Swee Kiat Zakat & Awqaf Revival JAWHAR Islamic Financial Services Shariah Compliance and governance Boards BN SECURITIES COMMISSION Judiciary Halal Industry Education

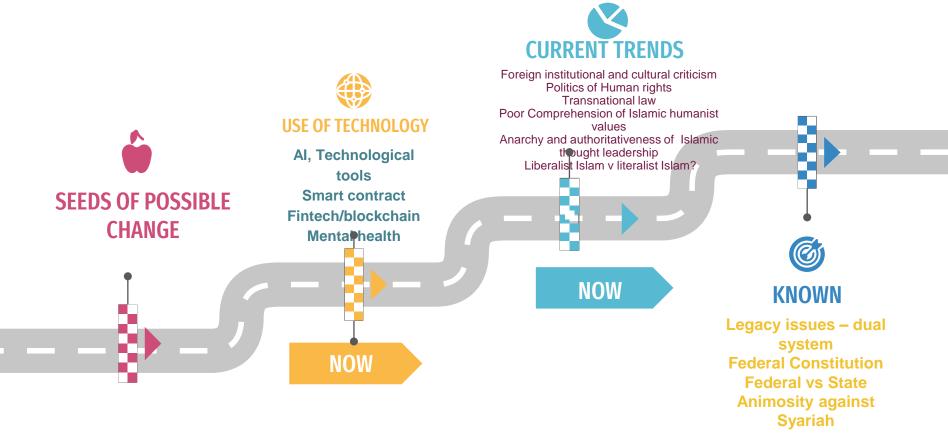


2019

CONSTITUTIONAL AMENDMENT

Lower voting age to 18 & automatic registration of voters. Coming into affect in 2021 Actions Challenging Islamic statutes

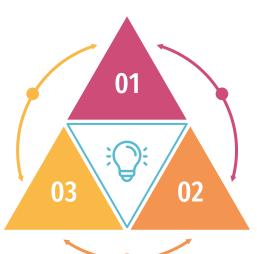
TRENDS IN THE CURRENT LEGAL SYSTEM



AL-MIZAN

PUSHES OF THE PRESENT

Islamic Banking & Finance, Islamic Social Finance (waqaf, zakat), Islamic Fintech, Halal Products & Services



WEIGHTS

Controversial Decisions of Civil Courts, Liberalism, Western Concept of Human Rights, Transnational Law, Waning Political Support.

BASIS MAINSTREAMING SHARI'H SOLUTIONS FOR PEACE AND JUSTICE

PUSHES & WEIGHTS TOWARDS MAINSTREAMING SHARI'AH SOLUTIONS FOR PEACE & JUSTICE

PRESENT PUSHES

Islamic Banking & Finance, Islamic Social Finance (waqaf, zakat), Islamic Fintech, Halal Products & Services

GOVERNANCE

Facilitating Civil Services, Proactive Rulers' Council, New Breed of Judges

FURTHER WEIGHTS

Bribery, Ineffective Muslim BAR members, Traditional English legal Education, English law less critical & non-evolutionary, Islamic education Taqlidi form, Threat - Private colleges & foreign graduates

WEIĞHTS

Controversial Decisions of Civil Courts, Liberalism, Western Concept of Human Rights, Transnational Law, Waning

THE PUSHES - EXPLAINED

NOW

Islamic Banking & Finance, Islamic Social Finance (waqaf, zakat), Islamic Fintech, Halal Products & Services

GOVERNANCE

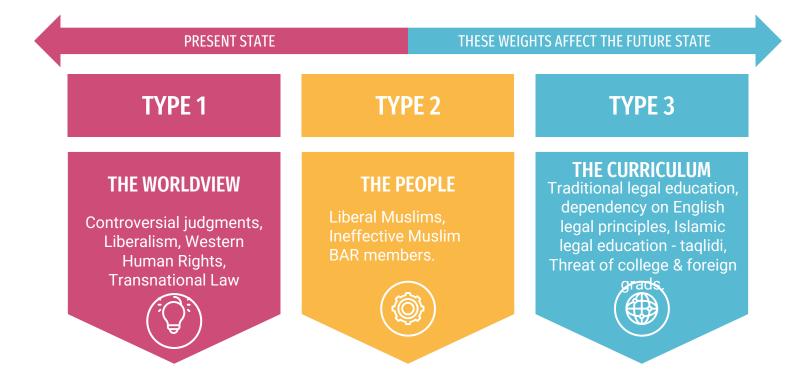
Facilitating Civil Services, Proactive Rulers' Council, New Breed of Judges



FUTURE

ELEVATION & FULL UTILISATION OF THESE PRODUCTS & SERVICES INSTILLING AMANAH ONLINE & UTILISATION OF TECHNOLOGY

THE WEIGHTS - EXPLAINED



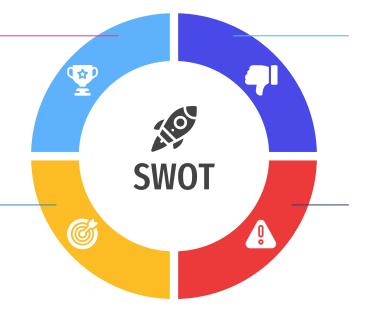
SWOT Analysis

Strengths

- 1. SUSTAINABLE, EVERLASTING, CONTINUING
- 2. LEGITIMATE
- 3. ADAPTIVE
- 4. CONSTANT
- 5. UNIVERSAL VALUES

Opportunities

- 1. PANDEMIC CRISIS
- 2. MAJORITY
- 3. DIGITAL MEDIA
- 4. INTERNET
- 5. ECONOMIC OPPORTUNITIES
- 6. MUSLIM SOLIDARITY



Weaknesses

- 1. DOCTRINAL
- 2. LIMITED IN APPLICATION & JURISDICTION
- 3. COMPARTMENTALISED
- 4. IGNORANCE
- 5. MISUNDERSTANDING

Threats

- 1. POSITION OF THE RULERS
- 2. BIASED & PREJUDICE
- 3. ISLAMOPHOBIA
- 4. GLOBALISATION & TRANS-NATIONAL LAW
- 5. DIVISIVENESS
- 6. LIBERALISM
- 7. WESTERN HUMAN RIGHTS THEORIES

DETAILS FOR THE FUTURE

INSTITUTIONAL CHANGE

System applies to all, Set of Laws applies to all, Curriculum for for Training of Legal Fraternities

CHANGES IN DUALITY OF SYSTEM

Islamic Law as part of the law within the meaning of law in FC, to put the jurisdiction of Shariah matters to the Parliament

TECHNOLOGY

Artificial Intelligence, Automation, Smart Contracts, ECourts, Block Chain, ELawyers



LEGAL EDUCATIONAL SYSTEM

A single curriculum for law and shariah schools. No recognition given to foreign law schools / compulsory 2 years programme on Malaysian Legal System for foreign graduates.

APPLICABLE LAWS

Parties may choose the applicable laws (particularly Shariah) in settling disputes

FEDERAL STATE RELATIONSHIP

Seamless Federal-State relationship.

DOMINANT WORLDVIEW - AL-MIZAN

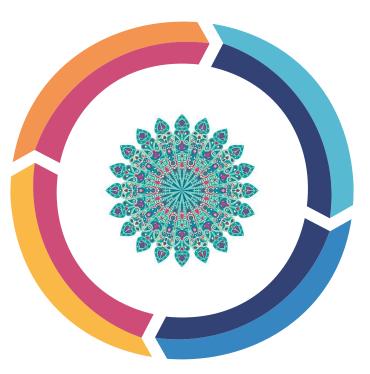


SHARI'AH FOR ALL

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BALANCE & HARMONY

FEDERAL STATE RELATIONSHIP, EQUAL STATUS OF CIVIL & SHARI'AH COURTS





GUIDED BY THE SHARI'AH & ITS UNIVERSAL PRINCIPLES

JUSTICE & FAIRNESS

PERSONS, INSTITUTIONS, GOVERNANCE, SERVICES & DISPUTE RESOLUTIONS

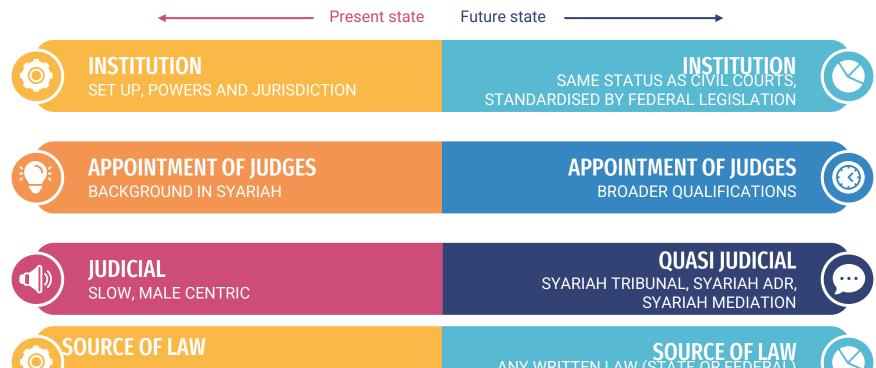
2021 VS 2077

NOW			_	FUTURE
Ø	DUAL LEGAL DISCONDUCTED, IN SILOS, SUPERIORITY UVER SHARIAH & APPLICABLE JURISDICTION BY DEFAULT, EEDEDAL (STATE	01		SEAMLESS LEGAL SYSTEM APPLICATION BY CHOICE OF PARTIES, FLEXIBLE, UNION
	COURT SYSTEM PROCEDURAL, COURT RULES AND ETIQUETTES	02		DISPUTE RESOLUTION SHARI'AH BASED MEDIATION INFORMAL REMEDIES, AI & ONLINE COURT & SOLUTION, NON-TECHNICAL, PEOPLE FRIENDLY
	JUDICIAL LEGAL SERVICES NOT INDEPENDENT, TIED TO GOVT. POLICY,, "ONLY TO QUALIFIED PERSONS"	03		JUDICIAL LEGAL SERVICES MORE OPEN MEMBERSHIP, INDEPENDENT, WIDER QUALIFICATIONS
	JUDGES LACK OF JUDICIAL ACTIVISM, OVERWHELMINGLY ADVERSARIAL, CASE ANALYSIS AND LEGAL INTERPRETATION	04		JUDGES SETTLING DISPUTES BASED ON FAIRNESS RATHER THAT TECHNICALITIES, IT SAVVY
X.	LAWYERS LEGAL REPRESENTATION MANDATORY, FEE BASED, QUALIFIED PERSON, TRADITIONAL SKILLS, REGULATED	05		RISE OF NON LAWYERS, AI, AUTOMATED & COMPARTMENTALIZED, ELIGIBILITY FLEXIBLE,, BROAD-BASED SKILLS, GLOBAL,

2021 VS 2077



NOW VS FUTURE SYARIAH COURTS



STATE ENACTMENTS, FIQHI BOOKS

ANY WRITTEN LAW (STATE OR FEDERAL LAW AND FIQHI BOOKS

NOW VS FUTURE IFRAT - THE CAGED PARROT THE LEAST PREFERED SCENARIO.

MUSLIMS WILL JUST PARROT THE WEST IF THERE IS NO CHANGE



TAFRIT - BULLIED BOY - IF THERE IS MARGINAL CHANGE

MUSLIMS WILL FOREVER BE BULLIED BY WESTERN IDEAS



MUSTADH'FUN - MOST UNACCEPTABLE SCENARIO

MUSLIMS' CONTRIBUTION ARE JUST FLEETING AND DOES NOT LEAVE ANY IMPACT.



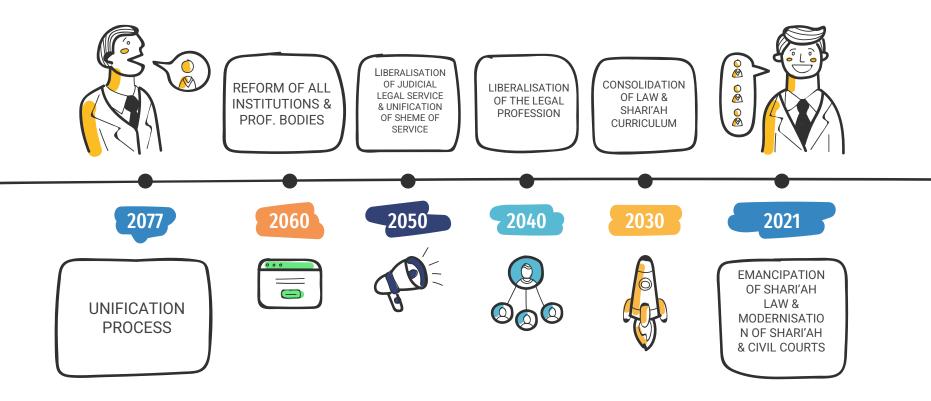
NOW VS FUTURE MUSTAD'AFUN - OUTLIER - MOST UNACCEPTABLE SCENARIO.

HUMANS ARE STRIPPED THEIR HUMANITY AND DECISIONS ARE MADE BY ROBOTS..



BACKCASTING TO ACHIEVE VISION OF AL-MIZAN

BACKCASTING FOR MAINSTREAMING SHARIAH SOLUTIONS FOR PEACE & JUSTICE



MAINSTREAMING SHARI'AH SOLUTIONS FOR PEACE & JUSTICE (2021-2077)

EMANCIPATION AMEND OF FC - A. 121(1) 4 & A.121(1)A, 160, 74-77, 4 & 3 5 **CONSOLIDATION** AMEND LPA, LPQB, MQA 6 1 **LIBERALISATION 1** AMEND LPA & ADMINISTRATION OF ISLAMIC LAW ENACTMENT

LIBERALISATION & MERGER

JUDICIAL LEGAL SERVICE & JABATAN KEHAKIMAN SHARI'AH MALAYSIA -MERGER OF SCHEME OF SERVICES CREATE A UNIFIED JUDICIAL & LEGAL SERVICE (ART.138)

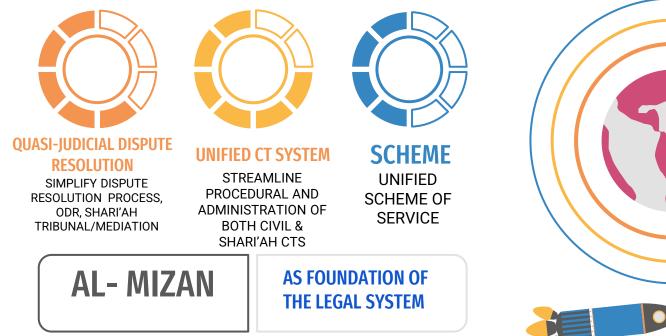
REFORM

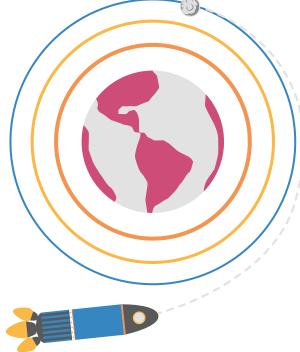
JKSM, AGC, JUDICIAL & LEGAL SERVICE COMMISSION, LPQB, BAR COUNCIL LEGAL AID, LAW SCHOOLS

UNIFICATION

UNIFIED COURT SYSTEM - AMEND COURT OF JUDICATURE ACT, RULES OF COURT & RULES OF PROCEDURES IN SHARI'AH COURT

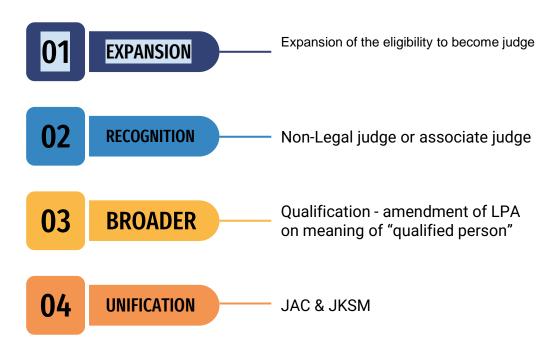
UNIFICATION 2070 - 2077

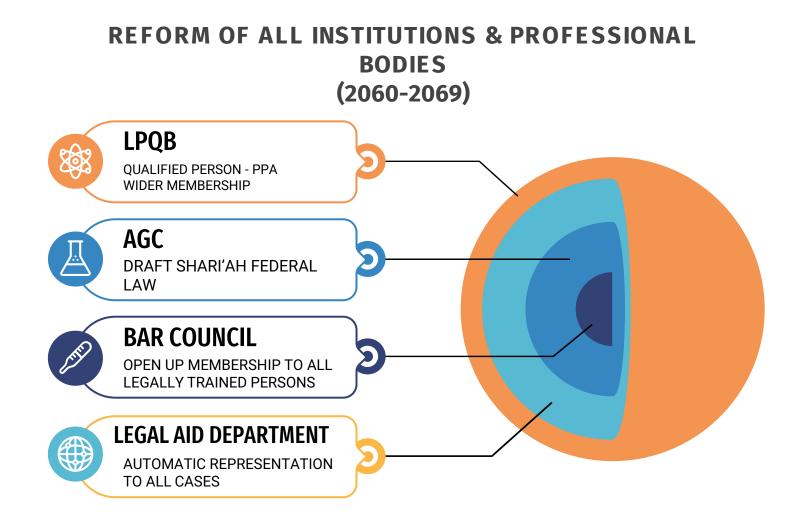




LIBERALISATION OF JUDICIAL LEGAL SERVICE & UNIFICATION OF SCHEME OF SERVICE (2050-2059)





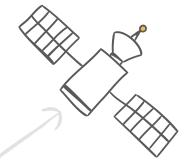


LIBERALISATION OF THE LEGAL PROFESSION (2040-2049)



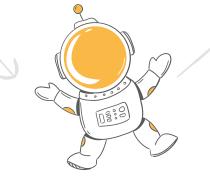
SINGLE ENTRY

AMEND LPA - MALAYSIAN LAW - FOR BOTH SHARI'AH & CIVIL



AMENDMENT

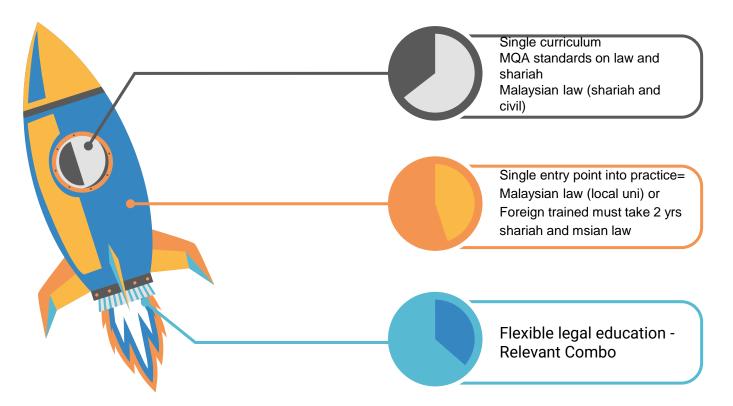
FEE BASED SYSTEM ABOLISHED COMPULSORY LEGAL REPRESENTATION



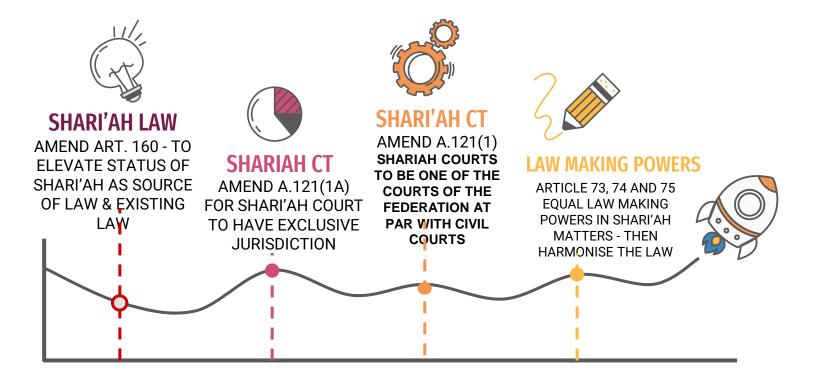
RECOGNITION

ROLES OF NON-LAWYERS AS WELL AS ONLINE FIRMS & TECHNOLOGICAL TOOLS

CONSOLIDATION OF LAW & SHARI'AH CURRICULUM (2030-2039)



EMANCIPATION OF STATUS SHARI'AH LAW & MODERNISATION OF SHARI'AH & CIVIL COURTS (2021-2029)



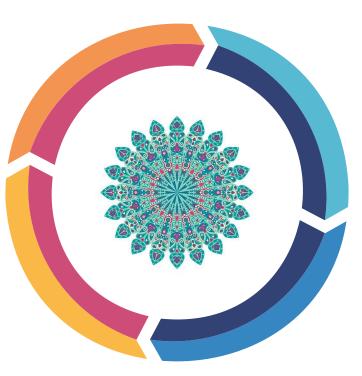
UNIFIED FAMILY COURT SYSTEM



Both civil and criminal jurisdiction

FAMILY WELFARE & FAMILY VALUES

Regardless of gender and age



EQUAL

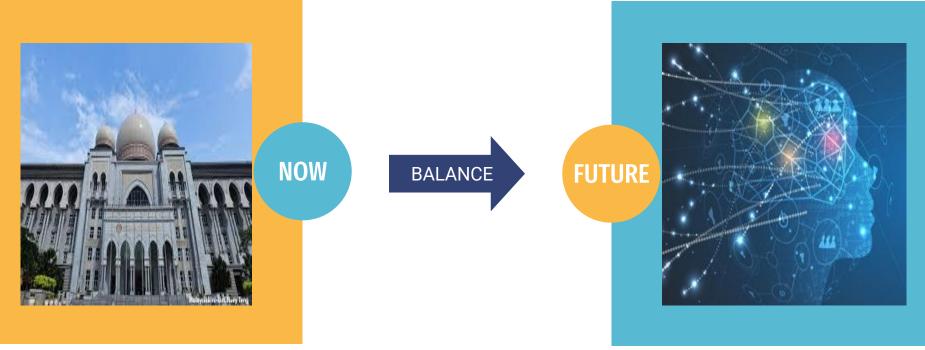
REPRESENTATION

Both judges of civil courts and syariah courts Both civil lawyers and syariah lawyers

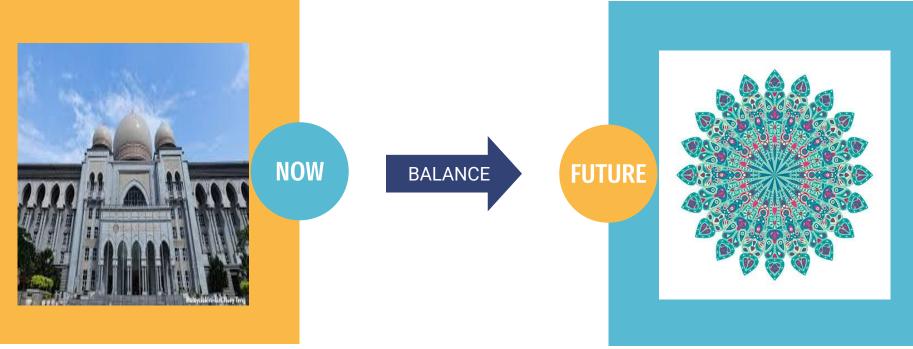
LED BY FEDERAL LAW

Drafted by committee consisting of members of different religious groups

MOST PREFERRED SCENARIO - AL-MIZAN THE UMMAH OF JUSTICE, GOODNESS AND BALANCED



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IDA MADIEHA ABDUL GHANI AZMI

NAJIBAH MOHD ZIN





NIK AHMAD KAMAL NIK MAHMOD



MOHAMMAD TAHIR SABIT

MAJDAH ZAWAWI

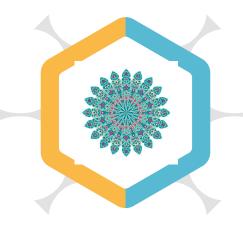
ROSLINA CHE SOH

AINUL JARIA MAIDIN





NORIAH RAMLI











SODIQ OMOOLA

ZULFAKAR RAMLI

SONNY ZULHUDA

MAHYUDDIN DAUD

Shukran Jazilan!

Barakallahu fi kum!

AIKOL, IIUM



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