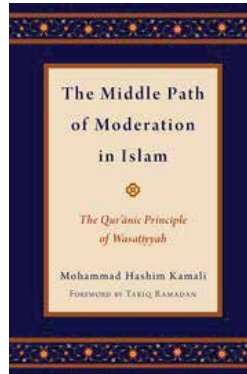




CONGRATULATIONS

Professor Mohammad Hashim Kamali International Best Book of the Year Award



Tehran, February 7- *The Middle Path of Moderation in Islam: The Qur'anic Principle of Wasatiyyah* was named as the Best Book of the Year for 2016 at the 24th Iran International Book Festival. The distinguished author, Prof. Mohammad Hashim Kamali, received the prestigious award from President Hassan Rouhani, at a special ceremony at Tehran's Vahdat Hall.

In his speech, President Rouhani emphasised that literature should not create conflicts among ethnic groups and religions and neither should encourage extremism and violence, but the works of literature should be the medium to promote peace and harmony. The eight award winners at the festival were authors from Malaysia, Iran, Turkey, Germany, Spain, Finland, Romania and England. Prof. Kamali represented Malaysia in the Islamic studies category. A total of 2,500 books were evaluated for the contest.

In his book published by Oxford University Press in 2015, Prof. Kamali illuminates the concept of moderation (*wasatiyyah*) and provides the manifestations of *wasatiyyah* in the Islamic tradition and the importance of its application in contemporary pressing issues, including social justice, women's rights, environmental balance, economic fairness and globalisation. Prof. Kamali was also invited to deliver lectures at Tehran University and Al-Mustafa International University of Iran. *For more information, please visit www.iais.org.my*



IAIS Malaysia Year in Review 2016

IAIS started the year by hosting the UN Women's Exposure Visit from Afghanistan. The five-day workshop offered perspectives on "Gender Responsive Law Reform Process in the Context of Islam", with a detailed coverage on women's issues, achievements and challenges in Malaysia. Among the prominent figures who participated in this event were Prof. Dr. Mohammad Hashim Kamali of IAIS, YB Datuk Mas Emieyati, Deputy Minister of Tourism and Culture Malaysia, Datin Paduka Hajjah Che Asmah Ibrahim of IKRAM, and YAA Dato' Dr Mohd Naim Mokhtar, Chief Judge of Selangor Shari'ah Judiciary Department (JAKESS).

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اللَّهُمَّ إِنَّا نَسْأَلُكَ وَالسَّلَامَةَ وَالسَّلَامَةَ وَالسَّلَامَةَ وَنَسْأَلُكَ بِرَبِّكَ يَا سَلَامٌ وَأَدْخِلْنَا الْجَنَّةَ يَا ذَا الْجَلَالِ وَالْإِكْرَامِ

O GOD: YOU are Peace, YOU are the source of Peace, Peace belongs to YOU. So welcome us (in the Hereafter) O LORD with the salutation of 'Peace!', and admit us into Paradise the Abode of Peace. Blessed and Exalted are YOU our LORD, Possessor of Majesty and Reverence.

(Hadith from al-Tirmidhi and al-Nasa'i)

EDITORIAL



Professor Mohammad
Hashim Kamali

Warm Greetings! Welcome to the 36th issue of the IAIS Bulletin, for January and February, 2017. In the feature article, "IAIS Malaysia Year in Review 2016," IAIS Publications Executive Ameen Misran provides a roundup of IAIS activities in 2016. Many interesting events were held at IAIS Malaysia and at times elsewhere, with partners. These included seminars, public lectures, forums, round table discussions, workshops, and book launches on themes as diverse as the use of green technology, gender issues, the family, plight of the Rohingyas, *fatwa* in *fiqh*, *Maqasid Shari'ah*, Islamic finance, *zakat*, renewable energy, etc.

In addition, we bring four articles. Mohamed Azam Mohamed Adil, Deputy CEO of IAIS Malaysia, makes several recommendations in his "Towards Standardisation of Fatwas in Malaysia." IAIS Research Fellow Muhammad Adha Shaleh reflects on his experiences with native groups in his "Benefits of Community Engagement and Volunteering." Shahino Mah, another IAIS Research Fellow, reflects on the parallels between present-day green energy

projects and the practices among the early generations of Muslims. Apnizan Abdullah, for her part, has contributed an article on the "Legal Aspect of Charities in Malaysia." IAIS Research Fellow, Tengku Ahmad Hazri, in turn, has shared some thoughts on the "Resurgent Tides of Nationalism".

We round out our Bulletin with Humour without Malice, Quotable Quotes, Words of Wisdom, Hikmah and some photos from various events at IAIS Malaysia. Included also is an item of information about my award-winning book as the Best Book of the Year 2016. I thank all our contributors as well as IAIS staff who contributed to this Bulletin in different ways and wish all our readers a happy reading!

Mohammad Hashim Kamali
Chief Editor

ANNOUNCEMENTS

- **Call for papers for the ICR April issue 2017.** Scholars and researchers are cordially invited to contribute to the IAIS refereed research journal, *Islam and Civilisational Renewal*. ICR carries full articles, and shorter viewpoints, significant speeches, and book reviews. Please consult our Website, iais.org.my, for details.
- **Free online access for all issues of the ICR.** In keeping with our policy of implementing open access, we are pleased to announce that all issues of the ICR are now available on our Website for free.
- **Our bulletin is also available online** on our website; www.iais.org.my

Bulletin Editorial Team

Mohammad Hashim Kamali, Abdul Karim Abdullah, Tengku Ahmad Hazri,
Norliza Saleh

Published by: International Institute of Advanced Islamic Studies (IAIS) Malaysia, Jalan Ilmu, Off Jalan Universiti,
59100 Kuala Lumpur | Tel: 03 - 7956 9188 | Fax: 03 - 7956 2188 | www.iais.org.my

Printed by: Vinlin Press Sdn Bhd, No. 2, Jalan Meranti Permai 1, Meranti Permai Industrial Park, Batu 15, Jalan Puchong, Selangor Darul
Ehsan | Tel: 03 - 8061 5533 | Fax: 03 - 8062 5533

cont'd from page 1
by Ameen Misran



On 29th January 2016, IAIS and Al-Naqiy Islamic Solutions jointly organised a public lecture on Understanding Key Features of Basel III and Its Implications on the Islamic Banking Industry. The presenter, Mr. Abozer Magzoub Mohammed, the Project Co-Manager for IFSB Revised Capital Adequacy Standard based on Basel III (IFSB-15) said that Basel III has impact in terms of its approaches to enhance the quality of investment capital by changing debt-based capital increasingly to that of equity-based.

On 25th February 2016, IAIS, IDEAS and Istanbul Network organised a Public Lecture: Early Islam and the Birth of Capitalism. The presenter, Dr. Benedikt Koehler, stated that capitalism has its origins in Arabia. Early Islam made a contribution to the history of economic thought and that of capitalism.

On 10th March 2016, IAIS Malaysia with the Office of Mufti of Federal Territories, MAIWP, MAIS, IKIM, INFAD, APIUM, and JAKIM organised a seminar on Understanding Fatwa in the Contemporary Context: Issues Relating to Fatwa in the Context of Contemporary Fiqh. The Keynote Address was delivered by the Mufti of the Federal Territories, Dr. Zulkifli Mohamad Al-Bakri. Other presentations were given by Zulkifly Muda (Mufti of Terengganu), Prof. Kamali (Founding CEO, IAIS Malaysia), Prof. Emeritus Dr. Mahmood Zuhdi (UM), Prof. Dr. Ahmad Hidayat Buang (UM), Assoc. Prof. Dr. Mohamed Azam Mohamed Adil (Deputy CEO, IAIS Malaysia) and Assoc. Prof. Dr. Irwan Mohd Subri (USIM).

On 31st March 2016, IAIS Malaysia hosted a book launch event for Imam Feisal Abdul Rauf, Founder and Chairman of the Cordoba Initiative, who published a new book entitled 'Defining Islamic Statehood: Measuring and Indexing Contemporary Muslim States'. The event was launched by YABhg, Tun Abdullah Ahmad Badawi,

former Prime Minister of Malaysia and Chairman of IAIS Malaysia.

On 16th April 2016, IAIS Malaysia and Islamic Book Trust (IBT) co-organised the fourth Abdullah Yusuf Ali Memorial Lecture on "English as a Modern Literary Language for Islam: The Significance of Yusuf Ali's Translation of the Qur'an". It was delivered by Dr. Surin Pitsuwan, an eminent diplomat and Islamic scholar who has served as Foreign Minister of Thailand and ASEAN's Secretary-General.

On 27th May 2016, IAIS Malaysia, Crescent Collective, Radical Middle Way Asia, Simply Islam and Seekers Hub) co-organised a lecture on "Dealing with Diversity: Reviving the Ethics of Disagreement". Shaykh Faid said that "reform" means going back to tradition, not away from it.

On 23rd of June 2016, the Malaysia Institute of Integrity (INTEGRITI) and IAIS co-organised a round table discussion: '*Rukun Negara Teras Integriti Penganut Pelbagai Agama di Malaysia: Impian atau Realiti*' with its main speaker, Dr Chandra Muzaffar from Yayasan 1Malaysia. Assoc. Prof. Dr. Mohamed Azam Mohamed Adil (IAIS) was a discussant.

On 19th July 2016, IAIS and JAKESS jointly organised a seminar on Women as Judges and Leaders. In this seminar, Prof. Kamali, Prof Dr Raihanah Abdullah, Dean of Humanities Research Cluster at UM, and Justice Noor Huda Binti Roslan, the Shari'ah High Court Judge of Selangor, shared their thoughts. Prof. Kamali said that there is no Qur'anic verse that forbids women from having a leadership role in society. Prof. Raihanah Abdullah recommended that religious authorities review fatwas forbidding Muslim women from becoming Shari'ah Court Judges.

On 28th July 2016, IAIS, IKIM and the Ministry of Health organised a seminar on "Vaccination and Health: The Islamic Perspective". The speakers, Dr. Faridah Abu Bakar, Deputy Director of Family Health Development Division MOH, Dr. Sh. Mohd Saifuddeen, Director of Centre for Science and Environmental Studies, IKIM, and IAIS's Research Fellow, Ahmad Badri Abdullah. Dr. Faridah said that Abu Bakr Muhammad ibn Zakaria Al-Razi (854 – 925) was the first scholar to describe smallpox

and measles. The Ministry of Health Malaysia has assured the public that there are no dangerous substances in vaccines.

On 9th August 2016, IAIS Malaysia organised a seminar on 'Accountability & Transparency of Zakat Institutions'. It featured three speakers: 1) Assoc. Prof. Dr Abd Halim Mohd Noor, Director, Centre for Islamic Philanthropy and Social Finance (CIPSF), Universiti Teknologi MARA of Malacca; 2) Haji Halidan Bin Md Daud, General Manager, Pusat Kutipan Zakat Pahang & Chairman; and 3) Tuan Haji Hussin Bin Mohd Ali, CEO, Lembaga Zakat Selangor (LZS). LZS Chief Executive Hussin Mohd Ali assured that LZS has always been transparent in its collection and distribution of alms.

On 19th August 2016, IAIS Malaysia and JUST jointly organised a forum on "The Coup in Turkey and the Future of Muslim Politics". The panellists were Wan Ahmad Faysal (Putra Business School), Assoc. Prof. Dr. Syed Farid Alatas (National University of Singapore), Prof. Dr. Abdullah Al-Ahsan (IIUM) and Junaid Ahmad (JUST). Moderated by Assoc. Prof. Dr. Mohamed Azam Mohamed Adil (IAIS), the opening speech was delivered by Dr. Chandra Muzaffar (JUST).

IAIS Malaysia & JUST co-organised a seminar on World Beyond War: The Rohingya Refugee Crisis and its Implications on Security in the ASEAN. The seminar took place at Institut Integriti Malaysia (IIM) on 24th September 2016. The seminar featured Dr. Chandra Muzaffar (JUST), Tan Sri Hasmy Agam (former Chairman of SUHAKAM), Richard Towle (Representative/Commissioner of UNHCR), Dr. Arujunan Narayanan (JUST), Dr. Jastwan Singh (UM), Azlinariah Abdullah (ASTRO Awani), Dr. Mohammad Iqbal Omar (MERCY Malaysia) and Junaid Ahmad (JUST). There was a general agreement that to resolve the conflict, the Myanmar government has to show political will and take remedial action.

The 8th International Seminar on Contemporary Fiqh (*Seminar Hukum Islam Semasa - SHIS-8*), co-organised by APIUM and Usul Fiqh Department, was revived after 5 years. This year's theme was: 'Maqasid Shari'ah: Standard, Application, and Contemporary Challenges'. The event was officiated by Prof. Dr. Shaliza Ibrahim, the Deputy Vice Chancellor (Research and Innovation) of the University of Malaya.

On 10th October 2016, IAIS held a public lecture, by Mr. Thomas H. Greco, Jr. on "A World Without Money and Interest". As the leading figure on moneyless exchange, Mr. Greco, Jr reiterated that a world without money and interest is possible, necessary and inevitable.

On 15th October 2016, Dr. Eric Winkel launched his book at IAIS Malaysia, a translation of Ibn 'Arabi's *al-Futuh al-Makkiyyah*, a classic Sufi text. It was the first in a series of English-Arabic translations. After the opening remarks by IAIS Deputy CEO, Dr. Mohamed Azam Mohamed Adil and a few additional remarks from the Director General of IKIM, Prof. Dr. Azizan Baharuddin, Dr. Winkel touched on a number of important themes in sufism.

On 17th and 18th of October 2016, Faculty of Law, UiTM, Shah Alam and IAIS Malaysia co-organised The Inaugural International Conference on Women and Children (ICWC 2016). Emeritus Prof. Dr. Hassan Said, Vice Chancellor, UiTM, officiated the event. Assoc. Prof. Dr. Mohamed Azam Mohamed Adil, together with Dr. Rafeah Saidon, Senior Lecturer at UiTM Shah Alam, presented a paper on "Religion as a Determinant of Child Welfare in Custody Cases".

On 3rd November 2016, IAIS organised a round table discussion on "*Persidangan Meja Bulat: Isu & Cabaran Kontemporari Dalam Pengurusan Zakat di Malaysia*". The sub-themes "Isu-Isu Kemiskinan di Malaysia" (Poverty in Malaysia), "Cabaran Institusi Zakat Dalam Menangani Kemiskinan di Malaysia" (Challenges by Zakat Institutions in Handling Poverty in Malaysia), "Isu-Isu Mendesak dalam Pengurusan Zakat di Malaysia" (Crucial Issues for Zakat Management in Malaysia).

On 16th November 2016, IAIS organised a seminar on Islam and Green Technology. Fellow academicians and Muslim scholars discussed renewable energy from the Islamic perspective. Datuk Dr. Abu Bakar, Deputy Minister, Ministry of Science, Technology and Innovation (MoSTI) officiated the seminar.

On 5th and 6th of December 2016, IAIS Malaysia co-organised the 1st International Conference On Islam & Contemporary Issues on The Islamic World: Challenges & Way Forward (ICIC -2016) with Academy of Islamic Studies, University of Malaya (APIUM) and IIUM. The conference aimed at raising awareness and understanding of various challenges that Muslims are facing, and appreciating the opportunities that the Islamic world has to offer for the future.

Quotable Quote

One on tip-toe cannot stand. One who parades his own success will not endure.

– Chinese Text, *Tao Te Jing*



Towards Standardisation of Conflicting Fatwas in Malaysia

by Mohamed Azam Mohamed Adil

The establishment of fatwa institutions can be traced back to before the independence of Malaysia. Each State's Islamic Council housed its own Mufti, and a Mufti also served as judge (*kadi*) and presided over cases at the Shari'ah court. From a legal perspective, the personal views of a Mufti are not considered fatwas. An official fatwa can only be issued collectively through the respective States' Fatwa Committee, chaired by the Mufti. Fatwas are only binding upon Muslims in the states in which they are issued, provided they receive the Sultan's consent and complete their gazette periods. The problem is that fatwas often conflict at the national and state levels, thus becoming a source of confusion to the Muslim masses.

The Federal Constitution empowers each state to manage its own Islamic affairs. This is in line with the position of the respective Sultans as heads of the religion of Islam, except in Penang, Melaka, Sabah, Sarawak and the Federal Territories. The Yang di-Pertuan Agong (YDA) and the respective Sultans hold the highest position in matters relating to Islamic affairs. The Islamic Religious Council is established in every state to advise the YDA and respective Sultans in matters relating to Islam.

The Administration of Islamic Laws in each state empowers them to establish a Fatwa Committee to assist the Department of Mufti in issuing fatwas. All members of the Committee, including Muftis and Deputy Muftis are appointed by the respective Sultans and YDA. At the Federal level, the Fatwa Committee of the National Council for Islamic Religious Affairs is set up by the Council of Rulers in accordance with the National Rulings of Islamic Affairs. In carrying out its duties, the Fatwa Committee of the National Council for Islamic Religious Affairs conducts two types of meetings: First, under the order of Council of Rulers; and second, for Discourse or Muzakarah, which is held occasionally without the order of Council of Rulers.

Conflicting fatwas were issued at the national and state levels concerning investment in Amanah Saham Bumiputra (ASB)/Amanah Saham Nasional (ASN). Selangor and Penang prohibited ASB/ASN due to their apparent involvement in interest (*riba*) transactions—thus not Shari'ah-compliant. In contrast, the Fatwa Committee of the National Council for Islamic Religious Affairs concluded at its meeting (1-3 February 2008) that investing in ASB/ASN is permissible due to the absence of alternatives and the dire economic necessities of the Muslims.

Another example is religious rulings by states in regards to smoking which also varied between abominable (*makruh*)

and forbidden (*haram*). Kedah and Selangor declared smoking to be generally forbidden (*haram*), while Pahang only banned smoking in places of worships. At the national level, the Fatwa Committee of the National Council for Islamic Religious Affairs banned smoking completely.

In the previous examples of 'national vs states', we can also observe inter-state fatwa conflicts, with some cases more apparent than others. One of the more polarising cases between states, is the zakat of income. For example, Selangor and Perak have very different positions on the obligatory status of zakat on income. On 9 May 2001, Selangor passed a fatwa which makes zakat on income obligatory for Selangor Muslims. On the contrary, the Perak Fatwa Committee proclaimed that zakat on income is non-obligatory because it does not fulfil the requirement period of one-year hijrah (*haul*). However, the Federal Territories Religious Council's ruling is similar to that of Selangor, with a fatwa gazetted on 29 April 1999, making zakat obligatory on any income including salary, allowances and bonus.

The confusion arising from conflicting fatwas has sparked discussions for standardising fatwas across states and institutions. However, arriving at a common fatwa would be challenging considering the diverse backgrounds and experiences of 14 Muftis and their respective 14 state fatwa committees. The State Fatwa Committees are usually reluctant to follow fatwas issued by the Fatwa Committee of the National Council for Islamic Religious Affairs. They have two simple reasons: (a) that Islamic affairs are within the exclusive jurisdiction of states and Sultans; and (b) that the Federal Constitution has clearly provided in Ninth Schedule, List II State List and Article 74 (2) for such jurisdictions.

Notwithstanding the exclusive constitutional rights conferred on the states to issue fatwas, standardising fatwas can mitigate confusion among the Muslims, and also prevent nation-wide inconsistencies in religious rulings. Hence, the author recommends increasing the role of Fatwa Committee of the National Council for Islamic Religious Affairs for the purpose of standardising fatwas across states and institutions. In practice, state fatwas may be brought up to the Fatwa Committee of the National Council for Islamic Religious Affairs before their public issuance. Since the Fatwa Committee of the National Council for Islamic Religious Affairs already includes representatives from each of the states, this national-level institution can be a platform for fatwa standardisation and the formulation of guidelines for that purpose.



Benefits of Community Engagement and Volunteering

by Muhammad Adha Shaleh

Volunteer programmes and community engagement activities have been significant enough to attract young people to learn about other cultures in the region and develop knowledge in ways beyond classroom experience. Enriched by my field research, I acquired meaningful Orang Asli Jakun perspectives on forest conservation in Pahang, Malaysia. From many lively community engagements with the local communities, I made a simple observation that the templates of sustainable ecological practices can be said to exist in the society. For example, the quality of the Orang Asli people's livelihood depends on collective actions in protecting the forest ecosystem. There is a co-relationship, in this regard, that equates rich biodiversity to indigenous people's attitudes toward nature as they live with nature with little intention to exploit it. Regarded by many Orang Asli as a norm, forest conservation is a venerable practice, which they have held for many generations.

While field research has been pivotal to my academic passion and achievement, the positive aspect of volunteering has been reflected in the pleasure of doing good things for others. In line with my volunteering experience in rural parts of South East Asia, my good feelings have been vividly captured in enthraling students with a recycling project, using creative environmental storylines to draw student's attention, engage with teachers, deliver workshops to young volunteers, and teach basic English to enthusiastic students. Broadly, what makes volunteering rewarding is found in two elements: listening to what is needed by our project recipients, and a respectful engagement between volunteers and project recipients – and I think that we need to form

creative synergies that can bring about cooperation from both sides.

The good thing about engaging with people in a new environment, whether through volunteering or field research, is that it exposes young people to new social and ecological knowledge. There is no doubt that a firm grasp of cultural and ecological literacy helps the eager mind of today's youth to appreciate the perspectives of different societies. This would include indigenous perspectives toward forest conservation – children's perspectives toward local environment - how traditions taught local people about forest conservation, how rural students perceive outsiders, how the idea of development is being theorised by young rural students, parents' hopes for their children, and young people's aspirations for the future. As their knowledge, cultural awareness and experience increase, young people develop empathy and strong will to be part of a changing world. In this scenario, a group of dedicated people grow together, in a care-giving environment, ingrained in a commitment to make a sustainable difference to society.

Finally, the above personal experience, which I call knowledge-driven activity, offers a plethora of opportunities to young people who see field research as a bridge to the outside world, and produce positive results by volunteering to participate in community engagement activities. There is also great satisfaction in seeing a group of dedicated people produce benefits for society by efforts of this nature. This is why I think that there should never be any doubt that a small group of young people can do wonders, and even great things, for the benefit of society.

Humour Without Malice

Guess what I have in my pocket?

Nasrudin's friend had an egg in his pocket. He went up to Nasrudin and said, "If you can guess what I have in my pocket, I'll treat you to breakfast. I'll give you three clues."

"Ok," Nasrudin replied, "give me the clues."

The friend said, "It's yellow in the middle. The rest of it is white. And it's shaped like an egg."

Nasrudin replied, "Is it some kind of pastry?"

Instructions

Nasrudin was very old and on the verge of dying. He turned to his wife and said, "After I die and am buried, don't put stone plaque over my body."

"Why?" his wife asked. "Because," Nasrudin explained, "I don't want to hit my head on it when I am ascending to heaven."



Green Energy Practice In Line With Islamic Teaching

by Shahino Mah

One of the best measures that modern civilisation can adopt to restore the natural balance is the use of green energy. Green energy can be defined as clean and renewable energy that comes from natural resources such as sunlight, wind, heat, rain, and tides. These energy resources are kept replenished naturally, and are available abundantly on the earth and free to be harvested by anyone. Green energy is regarded by many to be a potential solution to our environmental crisis due to its sustainability, which is the ability to meet the energy demands of global development while preserving the earth for future generation.

The development of green energy power plants has been growing rapidly around the world for decades. Implementing green energy practices, for example, can take the form of changing from the use of conventional fossil fuels to renewable energy resources in order to tackle global environmental issues such as the greenhouse effect, global warming and climate change. Such changes address the root cause of these environmental hazards: the large carbon emissions from fossil fuels that are widely used in power plants, industrial sector, and transportation around the world. Other consequences include water contamination and air pollution due to inefficient waste management. The failure of human beings in taking care of the environment must not be tolerated and excused.

Developments in Islamic studies highlight the importance of environmental protection (*hifz al-bi'ah*). Within this general concept are sub-concepts such as trusteeship (*amanah*), custodianship (*khalifah*), and balance (*mizan*). Humankind are given a great trust (*amanah*) to take good care of what they own and use for their own benefit and that of the community as well as the environment at large. Man is the caretaker or steward (*khalifah*) on the earth with the responsibility to respect, nurture and care for the environment, as well as fellow human beings — not the opposite. Preserving the balance (*mizan*) requires that taking benefits from natural resources should not be at the expense of the environment.

Allah SWT commands human beings to abstain from mischief and avoid wasting the earth's resources, as these acts lead to the destruction of the environment: "And do not cause corruption on the earth after its restoration. That is better for you, if you are faithful" (*al A'raf*, 7:85). In another verse: "Be good [to others] just as Allah has been good to you, and do not try to cause corruption in the land. Indeed, Allah does not like the agents of corruption" (*al Qasas* 28:77). Based on the strong exhortations above, it was made clear that we

must be considerate and take good care of the environment in order to maintain the natural balance. In this case, it is clear that green energy practices can be the best option to proceed with.

The implementation of green energy practices for the sake of human and environmental well-being can be achieved by spreading public awareness, conducting cooperation among groups, ensuring strict enforcement, and following up by effective monitoring. However, all of these should ultimately begin at the individual-level, via correct understanding and deep awareness. According to renowned Islamic jurisprudence scholar Dr Mohammad Hashim Kamali, the Qur'an and hadith make trust (*amanah*) an integral part of the faith of a Muslim. The Qur'an designates trust (*amanah*) as a hallmark of faithful Muslims, those who "fulfil their trusts (*amanat*) and observe their promises and commitments" (*al Mu'mininun* 23:8). Therefore, it can be understood that those who are faithful will definitely take good care of the trust (*amanah*) given to them. In this context, the conservation of the natural balance through green initiatives should nurture Islamic values in human activities.

Hikmah

Justice, mercy, wisdom, righteousness and common good are the basics of Islam. Whatever gets out of justice to injustice is not from Islam. Whatever gets out of mercy to violence is not from Islam. Whatever deviates from common good to harm is not from Islam, and whatever dissents from wisdom to imprudence is not from Islam.

— Ibn al-Qayyim al-Jawziyyah

It is reported that Imam Abu Hanifah was passing through the bazar and a small amount of mud fell on his clothes. He went to the local river and washed it. Someone asked him, "O Imam, you say a certain amount of dirt is exonerated and yet you are washing a little mud!" The imam replied, "Yes that was fatwa and this is taqwa."

— Fariduddin 'Attar



Legal Aspect of Charities in Malaysia

by Apnizan Abdullah

Charitable giving is indeed a universal phenomenon that is highly encouraged by all religions subject to specified rules or customs.¹ Its impact on socio-economic conditions of society is undeniable. In Malaysia, the laws governing charities are piecemeal. There are charities that fall within the jurisdiction of the federal government, while others are exclusively in the hands of the states. Article 74 of the Constitution clearly creates the segregation of the legislative powers of the Federal and State Governments. The Ninth Schedule of the Constitution further spells out the demarcation of such powers, namely, the Federal Legislature is empowered to enact laws for the matters listed in List I (Federal List) and List III (Concurrent List) of the Ninth Schedule. The State Legislature is granted the power to make laws in relation to matters listed in List II and List III, subject to the restrictions imposed by the Constitution.

The general laws on charities, except *waqf* and Hindu endowments, are governed by Item 15 (c) of List I of the Ninth Schedule of the Constitution while charities concerning Muslims are provided by Item 1 of the List II (State List) in the same Schedule. List II of the Ninth Schedule is known as the 'State List' which sets out matters to be dealt with by each State Government of the Federation independently, without interference from the Federal Government. The charitable trusts in Sabah and Sarawak, on the other hand, are governed by Item 15 of List IIIA (Supplement to the Concurrent List) of the Ninth Schedule as accorded by the Constitution.

Basically, the sources of law of charitable trusts in Malaysia are the Federal Constitution, Federal laws, state legislation and local cases and customs which follow the path of the Common Law and which are only applicable when there is a gap in the relevant legislation. The latter position is provided by Section 3 of the Civil Law Act 1956.

Apart from Federal laws, relevant legislation comprises state enactments. Trusts would also be governed by the trust instrument, which is based on common law principles. Charities in Malaysia are mostly executed via the establishment of non-profit organisations. According to the Financial Action Task Force (FATF), the non-profit organisation refers to:

the legal person or arrangement or organisation that primarily engages in raising or disbursing funds for charitable, religious, cultural, educational, social or fraternal purposes or for the carrying out of other types of good works.²

The establishment of the non-profit organisations in Malaysia is governed by four (4) regulators under specific governing laws which are illustrated in Table 1 below.

No	Regulators	Governing Statutes	Entity governed
1	Legal Affairs Division (Bahagian Hal Ehwal Undang-undang), (BHEUU) of the Prime Minister's Department	Trustees (Incorporation) Act 1952 (TIA 1952) ³	1. Foundation 2. Trust Fund
2	Companies Commission of Malaysia (CCM)	Section 24 of Companies Act 1965 (CA 1965) ⁴	Company Limited by Guarantee
3	Registry of Societies (ROS)	Societies Act 1966	Organisation/Society
4	Labuan Financial Services Authority (LFSA)	1. Labuan Trusts Act 1996 2. Labuan Foundation Act 2010	1. Trust company 2. Labuan Foundation

Islamic charities such as *zakat* (obligatory giving), *hibah* (gift), *waqf* and other charitable endowments concerning Muslims are supervised by the states' Islamic Religious Councils under their respective enactments.

In conclusion, jurisdictional issue would arise when Islamic concepts of charities such as *sadaqah* or *infaq* are to be applied within the federal jurisdiction. This is due to the fact that such concepts would fall within the power of the states. It is to be noted however, that Islamic law in the states are applicable on Muslims only. Should there be a mixture of donors or beneficiaries in term of religion, such concepts could arguably be applied for charitable organisations within the federal jurisdiction.

Note

1. Fatima Lambarraa & Gerhard Riener, "On the norms of charitable giving in Islam: A field experiment", DICE Discussions Paper, No 59, (2012): 2.
2. SSM, FSA, BHEUU & BNM, "Best Practice Guides On Managing NPO For Director/Trustee Office Bearer", *Awareness Programme Specifically For Non-Profit Organisation (NPO) in Malaysia*, (2012), at. 7.
3. This Act is only applicable in Peninsular Malaysia.
4. This Act was repealed by virtue of Companies Act 2016.

EVENT REPORTS

Forum: Understanding the Aleppo Crisis (3 February 2017, IAIS Malaysia)

by Wan Naim Wan Mansor

Beyond the media frenzy covering the Syrian conflict—recently highlighted by the Aleppo situation—how can we better understand its dynamics and make better informed comments or decisions? What are the latest developments? Who are the local and international stakeholders? What are their key driving factors? Are there leverage points of de-escalation and roadmaps towards peace?

With the above questions in mind, IAIS Malaysia and JUST co-organized an intellectual forum under the banner “Understanding the Aleppo Crisis”. The forum which began at 3pm and ended at 5.30pm witnessed an almost full-seat attendance in the IAIS boardroom, with around 60 participants from various backgrounds including academicians, scholars, students, activists as well as Syrian students studying in Malaysia.

Prof Dr. Mohammad Hashim Kamali, CEO of IAIS, delivered the opening remarks, followed by a brief introduction by forum moderator, Assoc. Prof. Mohamed Azam Mohamed Adil, Deputy CEO of IAIS. Featured speakers were notable Malaysian scholar Dr Chandra Muzaffar from JUST, terrorism expert Ahmad El-Muhammady from IIUM, and political science professor Dr. Abdullah al-Ahsan from IIUM (also featured a brief presentation by his Syrian student). One of the invited speakers, Assoc. Prof. Hafidzi Mohd Noor who was to represent the humanitarian aspect, unfortunately did not make it to the event due to a traffic accident. Overall, the diverse backgrounds of the speakers contributed towards an interactive and multi-spectrum discussion on the Syrian conflict: from the macro-level perspectives of geopolitics and super power hegemonic theory, to the micro-level perspectives of terrorism and radicalism, and local Syrian politics.

Owing to the complexity and sensitive nature of the Syrian conflict, the moderator concluded the forum by asking the attendants to make their own intellectual judgement on the matter based on the deliberations and facts presented in the discussion. The forum ended in a positive manner, despite polarizing views and dynamic exchange of ideas.

Quotable Quote

The sage is self-effacing and scanty of words. When the task is accomplished and things have been completed, all the people say, "We ourselves have achieved it!"

– Chinese Text, *Tao Te Jing*

Food is the chief of all medicines.

– Indian Text, *Upanishads*

Humour Without Malice

By all means marry. If you get a good wife, you will become happy. And if you get a bad one, you will become a philosopher.

– Socrates

Research is what I'm doing when I don't know what I'm doing.

– Wernher Von Braun (d. 1977)



Resurgent Tides of Nationalism

by Tengku Ahmad Hazri

In recent months, the rise of nationalism has been associated with the return of xenophobia, anti-immigration sentiments, populism and far-right, neo-fascist conservatism. Nationalism has been much maligned and made the scapegoat for Brexit, the rise of Donald Trump, 'Putinism' and China's intransigence on issues like Taiwan. Putin's expansion towards the East, has been construed in certain media circles as a revival of Eurasianism, a policy advocated by Russian thinkers from Prince Nikolay Trubetskoy and Lev Gumilev to Alexander Dugin. Putin's 2012 allusion to Gumilev's *passionarnost* (the Russian equivalent of Ibn Khaldun's *asabiyya*) was taken to hint at a revival of Eurasianism. When Donald Trump assumed office as the President of the United States, China's President Xi Jinping warned the US not to forsake the latter's "One China" policy.

Concomitant with these developments are a cynicism towards democracy and greater calls for the restraint of popular sentiments through the rule of law. Democracy, long promoted as a means of mass empowerment, is now pejoratively viewed as the backdoor to populism. Stark examples include how referendums—democracy pushed to its furthest frontiers—produced Brexit in the UK and separatism in the Crimea (blamed on the aforementioned Eurasianism). Democracy, it is now alleged, gives rise to the tyranny of the majority—or, in more fashionable parlance, to 'illiberal democracy'.

This present and pervasive vilification of nationalism sits rather uneasily within post-colonial societies whose nation-building projects are very much a work-in-progress. Faced with the challenge of managing diverse communities and groups, for decades these societies have used nationalism as a rallying point for transcending these differences; the nation is supposed to be different from, and to transcend, all ethnic, religious and cultural boundaries. Consequently, it was the space in which all communities could converge and share values.

Nationalism, has functioned as a default ideological template even if unspoken for many nation-states, as it is perceived as the common basis upon which diverse identities can converge. Nationalism outside Europe emerged as an antidote to sectarianism and parochialism in societies divided by race, ethnicity and religion which offering a common voice against colonizing powers. This a distinction has commonly been made between ethnic nationalism and civic nationalism. Whereas ethnic nationalism is based on a single

ethnic group, civic nationalism relies on the construction of a common civic identity.

In the Muslim world, nationalism played a key role in the short-lived merger of Egypt and Syria to form the United Arab Republic (UAR) in the late 1950s. It was also under the nationalist spirit that Arab states, during the so-called the oil crisis in 1970s, were able to respond to the US's assistance towards Israel by launching an oil embargo that devastated the US economy, compelling the US to realign its policies towards the Gulf States, particularly Saudi Arabia.

In pre-Independence Malaya, the left-leaning intellectual-politician Burhanuddin al-Helmy's nationalist thought censured the French intellectual Ernest Renan's narrow conception of 'nation' and instead embraced Otto Bauer's wider conception of nation as "a community of conduct arising from a community of destiny." Burhanuddin dissociated Malay nationalism from Malay ethnicity and made the case for the inclusion of diverse ethnic and hereditary communities in the Malay 'nation'. He then formulated it in the vein of Mahatma Gandhi (via Sukarno), "I am a nationalist, but my nationalism is humanity".

In China, the Chinese state takes a distinctive attitude towards race and ethnicity, and in a manner which eminent China scholar Martin Jacques has described as "non-negotiable." This is the belief that the Han Chinese are superior, conceived of as a single race with even distinct biological origins from the rest of humanity. The non-Han Chinese are even seen as different nationalities altogether.

In Turkey, the Kemalist legacy to create a new civic community based on Turkish identity backfired when the constitution's identification of all citizens as Turks provoked discontent among its minorities, particularly the Kurds. As this debate continues to unfold today, Turkey's proposed new constitution seeks to address this very problem, which the AKP had earlier initiated with its "Kurdish opening" (*Kürt açılımı*).

Perhaps the bitterest story, however, revolves around the rise of Buddhist nationalism in South East Asia, particularly Myanmar. This has led to antipathy towards and widespread persecution of the Rohingyas, Myanmar's Muslim minority. The Myanmar scenario is illustrative of the dangers of a state monopoly over the identification of ethnicity; under Myanmar law, only 'recognized' ethnic groups can qualify as citizens. The Rohingyas are not recognized as such, but instead, are seen as "Bengalis" and subject to numerous discriminations.



HRH Sultan Nazrin Muizzuddin Shah launched Prof Kamali's "The Middle Path of Moderation in Islam"



UN Women's Exposure Visit from Afghanistan



YABhg Tun Abdullah Ahmad Badawi, the Chairman of IAIS speaking at IAIS Event

We have organised a total of:

- 17** Events
- 13 Lectures
 - 3 Roundtable Discussions
 - 1 Training

3 Round Table Discussions

IAIS MALAYSIA 2016



MoU signed between IAIS Malaysia and Ibn Sina University, Kabul

32 IAIS Staff

In Review Fast Facts



Speakers and organising committee members of International Seminar on Islam & Green Technology 2016



Professor Kamali with HE Atiqulla Atifmal, the Ambassador of Afghanistan in Malaysia



Datuk Prof Dr Azizan Baharuddin, the Director General of IKIM at a book launch at IAIS Malaysia

2 Conferences

2 Book launches



MoU signed with COREIS, Italy



Visit by HE Austrian Ambassador, Christophe Ceska



Special Visit to the Embassy of Qatar in Kuala Lumpur



Datuk Dr Abu Bakar, the Deputy Minister of the Ministry of Science, Technology and Innovation (MOSTI) delivered the opening speech at International Seminar on Islam & Green Technology 2016

2 MOU signed

EVENTS AT IAIS MALAYSIA

DATE	EVENTS
24 th - 25 th January	Training <i>Islamic Finance & Banking Training Programmes - IFT 2017</i>
3 rd February	Forum <i>Understanding the Aleppo Crisis</i>
9 th February	Public Lecture <i>Revisiting Women's Status in the Light of Maqasid al-Shari'ah</i> by Prof. Dr. Jasser Auda
22 th February	Research Fellow Seminar <i>Climate Change in Context</i> by Dr Daud Batchelor



Participants at the forum
"Understanding the Aleppo Crisis"



Visit from Tazkia University College of
Islamic Economics, Indonesia



Q&A session at the Public Lecture
"Revisiting Women's Status in the Light
of Maqasid al-Shari'ah"



Mr A. M. Sabeghi, Cultural Counselor,
Embassy of Islamic Republic of Iran and
Professor Kamali



Dr. Azam presenting a token of
appreciation to Dr. Jasser Auda



Group photo with former IAIS fellow,
Dr. Daud Batchelor



Professor Kamali with Mr. Ahmad
El-Muhammady after the forum
"Understanding the Aleppo Crisis"



Professor Kamali and Dr Azam with Dr
Syed Farid al-Atas and Mr Abdolreza
Alami

ISLAM AND CIVILISATIONAL RENEWAL (ICR)



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