

Islam and Civilisational Renewal

KDN No. PP 16237/08/2012(030866)

ISSN 2041-871X (Print) / 2041-8728 (Online)

A journal devoted to contemporary issues and policy research



Volume 12 • Number 2 • December 2021



International Institute of
Advanced Islamic Studies (IAIS) Malaysia

Islam and Civilisational Renewal

A journal devoted to contemporary issues
and policy research

Volume 12 • Number 2 • December 2021

Produced and distributed by



ISLAM AND CIVILISATIONAL RENEWAL

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- **ISLAM AND CIVILISATIONAL RENEWAL (ICR)** is an international peer-reviewed journal published bi-annually by IAIS Malaysia in Kuala Lumpur. It carries articles with actionable policy recommendations, book reviews, and viewpoints on civilisational renewal and aims to promote advanced research on the contribution of Muslims to science and culture.
- ICR is inter-disciplinary, non-political, and non-sectarian. We seek viable policy-relevant research yielding pragmatic outcomes informed by the best values and teachings of Islam as well as of other contemporary civilisations.
- ICR considers plagiarism a serious violation of its objectives and principles.
- This journal is indexed by Google Scholar and Mylete.

CONTRIBUTIONS AND EDITORIAL CORRESPONDENCE

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Online journal: icrjournal.org

Published by IAIS Malaysia, P.O Box 12303, Pejabat Pos Besar, 50774, Kuala Lumpur

Office Address: Jalan Ilmu, Off Jalan Universiti, 59100 Kuala Lumpur

Printed by Vinlin Press Sdn Bhd, Jalan Meranti Permai 1, Meranti Permai Industrial Park, 47100 Puchong, Selangor

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EDITORIAL

It is with pleasure that I present to our readers this latest December 2021 issue of IAIS Malaysia's flagship journal, *Islam and Civilisational Renewal*. In this issue, we continue our dedication to pragmatic and revivalist discourse, addressing a myriad of contemporary issues and challenges facing the Muslim world and wider global community in the twenty-first century. It comprises seven insightful articles, all with actionable policy recommendations, and four viewpoints on *maqasid al-shari'ah*, law (both shariah and modern), Islamic finance, economics, education, and governance, as well as sustainable development.

Our articles section begins with a Focus piece, 'An Enhanced Islamic Well-Being Index (IWI 2.0-2021) for Muslim Countries,' by Dr Daud Batchelor, Adjunct Fellow of IAIS Malaysia. This data-driven article evaluates the *Islamic Well-Being Index of Muslim Majority Countries*, which was first released in 2013. This evaluation is done based on a more up-to-date approach rooted in the core principles of *maqasid al-shari'ah*, as articulated by Imam Abu Hamid al-Ghazali. It provides insights and practical guidelines for countries seeking to advance to higher levels of development.

As the Coronavirus 2019 (COVID-19) pandemic continues to pose severe and unprecedented issues across the globe, our second article, 'Implementing the E-Family Expert Model through a Legal Framework for Online Dispute Resolution,' by Professor Zaleha Kamaruddin, Dr Umar A. Oseni, and Dr Zati Ilham Abdul Manaf, all of the International Islamic University of Malaysia (IIUM), assesses the pandemic's impact on family institutions. To solve the many family-related issues thrown over the last year, such as dramatic rises in domestic violence, divorce, and family disputes, this study proposes the development of an online resolution dispute platform known as the E-Family Expert Model, which resonates well with the current trends of Big Data and Digital Revolution.

Our third article, titled 'Factors Influencing Islamic Financial Inclusion in Indonesia: A Structural Equation Modelling Approach,' is by Dr Mohammad Mahbubi Ali (Associate Fellow at IAIS), Dr Abrista Devi, Dr Hamzah Bustomi,

Dr Muhammad Rizky Prima Sakti, and Dr Hafas Furqani. It addresses the problem of financial inclusion, which is fast becoming a global issue for governments and central banks. Together, the authors provide a quantitative study by gathering primary data samples from across Indonesia's five main islands and analysing them using Structural Equation Modelling (SEM) and Binary Logistic Regression. This study provides good prospects for policymakers and financial regulators who wish to foster Islamic financial inclusion in Indonesia, if not internationally.

In our fourth article, 'Ibn Sina's Theory of the Soul: A Taxonomy of Islamic Education,' IAIS Fellow Dr Nurul Ain Norman designs a taxonomy that will allow curriculum designers and Islamic educationalists to identify hierarchical human faculties and correlate them with specific curricular objectives, constructive classroom assessments, and suitable pedagogical practices. The taxonomy is based on a philosophical-descriptive analysis of Ibn Sina's theory of the soul and his logic-argumentative description of human categorisation, with the aim of fulfilling the needs of our modern educational system while promoting holistic human development and resolving the pertinent issue of 'excellence without a soul.'

The fifth substantive article we present in this issue, 'A Unified Model of Shariah Indices for Human Development and Prosperity,' is by Dr Atiq-ur-Rehman and Dr M. Ishaq Bhatti. The authors attempt to design a global unified model for a human development and prosperity index based on the higher objectives of shariah and United Nation's Millennium and Sustainable Development (MSD) goals. It analyses recent statistics in human developments and incorporates 'shariah-led prosperity' measures to achieve the global development goals of prosperity and human development via religiosity.

'Veiling and Muslim Women in African History since the Ottoman Empire' is the title of our sixth article, written by Dr Habibat Oladosu-Uthman and Dr Mutiat Titilope Oladejo, both of the University of Ibadan, Nigeria. In a fascinating discussion, they 'unveil' the profound history and dynamism of the veiling tradition in Africa, which is deeply rooted in the identity of Muslim women in the region. Imperial Ottoman rule and cross-cultural relations established through the trans-Saharan trade routes were the driving forces behind this tradition, which is still very much alive and visible today. Beyond the symbolism of piety and fashion, the modern re-interpretation of veiling in Africa has revealed its noteworthy influence on regional debates surrounding socio-economic issues, citizenship, identity, politics, nationalism, and global trade.

Our final substantive article is by Mohd Tahir Nasiri and reviews the impact of Islam and traditional codes of conduct on the supremacy of the constitution in Afghanistan. The author discusses the *Loya Jirga* (Grand Council) as a constitutionally-recognised Afghan tradition. He also raises the issue of persistent political instability in Afghanistan and proffers constructive solutions to preserve

the constitution's stability and survival in order to escape relentless government downfalls.

Our four viewpoints cover a wide range of issues, reaching out to a large spectrum of reading interests. Two of them are related to the COVID-19 outbreak. Dr Shahino Mah Abdullah points to the significance of practicing both a 7R approach to the environment and a circular economy when laying the groundwork for post-pandemic recovery, while Muhammad Sayuti Mansor's contribution, 'Price of the Digital Nomad Culture for Employer, Employee,' summarises the positive and negative attributes stemming from the current culture of 'Work from Home' (WFH), while also providing useful advice for employers and employees who wish to promote a better work-life balance.

In 'The Race Against Time to Save the Planet for Future Generations,' Dr. Ahmad Badri Abdullah calls for concerted efforts to mitigate the alarming effects of climate change by raising public awareness, achieving green targets, and implementing both circular economic policy and stricter regulations. He also stresses the need to realise Malaysia's Green Technology Master Plan 2017-2030 and Roadmap Towards Zero Single-Use Plastics 2018-2030. Our final viewpoint, by Muhd. Nur Iman Ramli, expresses concern for Malayan tigers, a protected species under the Wildlife Conservation Act 2010 (Act 716) that is currently in danger of extinction as a result of unlawful poaching and illicit trade. The author urges that Malayan tiger killers be declared 'enemies of the state,' tracked down, and severely punished.

In addition to our articles and viewpoints, we feature nineteen event reports, covering a range of lectures and seminars hosted between May and November 2021 by IAIS Malaysia and its partners. These include the 'Third World Congress of Integration and Islamicisation: Mental Health and Well-Being in the 4th Industrial Revolution,' 'KL Conference on Afghanistan: Re-Emergence of a Nation,' 'Regional Roundtable Discussion (RTD) Malaysia-Australia: Preparing for COP26: Curbing Carbon Emissions by Governments, Civil Society and Individuals,' and 'First International Conference on Islam, Sustainability and Resilience (ICISR 2021).' Although all held virtually due to Malaysia's Movement Control Order (MCO), these events were well-attended and well-received by the public.

This issue of the ICR also includes two book reviews. The first is by Muhammad Sayuti Mansor and appraises Fahd Salih al-'Ajlan's *Prohibition and Criminalisation: Explaining the Relationship Between the Shariah's Prohibition and the Law's Criminalisation*. It deftly evaluates al-'Ajlan's contribution to the subject of morality's legal enforcement, while also exploring the correlation between shariah prohibition and legal criminalisation. Our second book review sees Mohamed Fouz Mohamed Zacky encapsulates Joseph J. Kaminski's *Islam, Liberalism and Ontology: A Critical Re-evaluation*. Fouz asserts that Kaminski's

work concerning the direction of the Islam-liberalism debate offers thought provoking ideas capable of fostering mutual understanding by disengaging the 'us against them' narrative while respecting the values of plurality and diversity.

It is with deep sadness that we close this issue with the obituaries of Professor Malik Babikr Badri Mohammed, Professor Emeritus Dato' Abdul Hamid A. Abu Sulayman, Tun Ahmad Sarji Abdul Hamid, and Professor Dato' Siddiq Fadzil, all of whom were prominent figures in Islamic thought and civilisation. May Allah (swt) bless their souls, accept their good deeds, and encompass them in His boundless mercy.

Finally, I would like to extend my heartfelt appreciation to all the authors who contributed to this issue. Their enlightening contributions will, I am sure, be of interest to readers worldwide. I would also like to thank my colleagues in the Editorial Committee and the Publications Unit of IAIS Malaysia for their relentless support and cooperation.

Mohammad Hashim Kamali
Editor-in-Chief

AN ENHANCED ISLAMIC WELL-BEING INDEX (IWI 2.0-2021) FOR MUSLIM COUNTRIES

*Daud Abdul-Fattah Batchelor**

Abstract: This is a revised version of an assessment of the Islamic Well-Being Index (IWI) of Muslim majority countries, first published by this author in 2013 (IWI 1.0). It uses an improved, updated methodology and reflects the essential *maqasid al-shari'ah* (Higher Objectives of Islamic Law) developed by Imam Abu Hamid al-Ghazali. The IWI provides practical insights for countries that aspire to move to a higher state. Leading countries in the *maqasid* fields could serve as role models for lagging counties. More specifically, IWI indicators provide a way to spot problems, set targets, track trends, and identify best practice policies. This 2021 assessment adds four more countries to the 27 ranked previously. The method incorporates insights from leading Islamic scholars who have developed a '*maqasid* index of governance' for Muslim countries. The top three countries listed in the Index are (first to third): Indonesia, Tunisia and Malaysia. Indonesia, the world's largest Muslim country with a successful democracy, experienced an Islamic resurgence, which is reflected in its citizens' moderate values and practices. Leading countries within the *maqasid* fields are (first, second): Religion - Guinea-Bissau, Nigeria; Life - UAE, Brunei; Intellect - Albania, Kyrgyzstan; Family - Morocco, Tunisia; and Wealth - Malaysia, UAE. Countries showing greatest improvement in IWI rankings are Lebanon and Turkey. Those that significantly worsened are Afghanistan, Nigeria, Chad and Iraq. To expand the applicability of this index, governments in Muslim majority countries need to facilitate assessment. In particular, religiosity surveys should be expanded and periodic surveys are required to fill other data gaps. The IWI Index and its highlights should be prepared and published annually.

Keywords: Indonesia, Islamic Well-Being Index, Lebanon, *maqasid al-shari'ah*, Muslim countries, Tunisia.

Introduction

This is the first follow-up assessment of a 2013 publication¹ evaluating the best approach and parameters for measuring the Islamic Well-Being Index (IWI) of Muslims in Muslim majority countries (MMCs).² This comparative approach should benefit communities in identifying exemplary countries

to serve as role models worthy of emulation. It also indicates whether state policies have resulted in improvements between IWI assessment years. The focus is on MMCs since their governments have a greater opportunity to implement Islamic policies that could benefit their citizens' well-being.

Since the publication of our first Islamic Well-Being Index (IWI 1.0-2013), a few articles have appeared that similarly attempt to develop an Islamic well-being index, such as Sarkawi and others.³ Feisal Abdul Rauf and collaborators, including Mohammed Hashim Kamali and Jasser Auda, introduced a '*maqasid* index of governance', which they believed is a measure of 'Islamicity'.⁴ They contributed significantly to advancing the robustness of the approach and developing indices that can reflect the *maqasid al-shari'ah* (higher objectives of Islamic law). Muslim economists, most notably Umer Chapra,⁵ struggled to develop an Islamic Index for rating Muslim countries in terms of "Islamic Human Development." Others, such as Hendrie Anto⁶ and Necati Aydin,⁷ expanded on Chapra's ideas. These other authors are generally attempting to engender development (inputs) that lead to Islamic well-being without closely measuring the current state (outcomes) of a population's Islamic well-being, which is the focus of the present article on IWI 2.0, using the most recent data available in early 2021. Changes in the IWI data over eight years (from 2013 to 2021) reflect significant well-being trends occurring in Muslim countries.

Islamic Well-Being

Corey Keyes, a Western researcher in well-being, believes mental well-being has three components: emotional or subjective well-being, psychological well-being, and social well-being.⁸ The presence of a support system, the ability to adapt to changing conditions, and rapid response or recovery from stress are all indicators of good well-being. Positive psychologists agree that in order to experience 'the good life', one must live a meaningful life. Martin Seligman argued that 'meaningful life' requires five elements: positive emotions, engagement, relationships, meaning or purpose, and accomplishments.⁹ Striving for 'meaning' or 'purpose' puts everything into perspective as it drives people to identify desirable life goals.

In terms of 'Islamic well-being', Mohsen Joshanloo stated: "According to Islam, worshipping and serving Allah are humanity's ultimate function, the fulfillment of which constitutes well-being... well-being is living a life in which all one's actions and intentions are organised around the principle of Allah's absolute sovereignty."¹⁰ This state provides the correct condition in which the soul can be purified and submits to its Lord in the *mutma'inah* state,

which leads to the ultimate success (*falah*) at the end of one's life, as stated in the Qur'an:¹¹

(To the righteous soul will be said:) "O soul, in (complete) rest and satisfaction! "Come back to your Lord – well pleased (yourself), and well-pleasing to Him! Enter you then, among My devotees! Indeed, enter you, My Heaven!" (89:27-30)

As a result, the combination of belief (*iman*) and righteous acts (*'amal us-salih*) leads to an internal satisfaction, which can be regarded as 'Islamic well-being', as suggested by the following:

Those who believe and whose hearts find satisfaction in the remembrance of Allah; for without doubt in remembrance of Allah do hearts find satisfaction. For those who believe and work righteousness is (every) blessedness (*tuba*), and a beautiful place of (final) return. (13:28-29)

In this article, achieving Allah's good pleasure (89:28), or "(every) blessedness" and final good state (13:29), are interpreted as Islamic well-being, represented by the word *tuba*.¹² It leads to "a goodly return" and entry into His Heaven, as well as the seeker's ultimate success (*falah*).

Concerning well-being, classical scholar Imam Abu Hamid al-Ghazali (d. 1111) wrote, "The objective of the Shari'ah is to produce the well-being of all mankind, which lies in safeguarding their faith (*iman*), their human self (*nafs*), their intellect (*'aql*), their posterity (*nasl*) and their wealth (*mal*). Whatever ensures the safeguard of these five serves the public interest (*maslahah*) and is desirable, and whatever hurts them (*mafsadah*) is against public interest and its removal is desirable."¹³ These five elements are considered to be the necessities (*daruriyyat*) of a good life. Anto writes, "The fulfilment of these five basic needs is the condition for achieving welfare and happy living in the world and the Hereafter, which is called '*falah*'."

Measuring Islamic Well-Being using the *Maqasid al-Shari'ah*

In this paper, we improve on the 2013 Index approach by taking into consideration the methodology proposed by Abdul Rauf, which is explicitly based on *maqasid al-shari'ah*. Abdul Rauf's methodology, however, was developed more as a tool to evaluate 'Islamic governance', whereas the current approach seeks to measure the 'result' of good governance reflected more in the spiritual and mental state

of a country's Muslim citizens. We previously suggested that the *mu'amalat* (social interactions) component of our 2013 Index was "related to the shariah's five fundamental essential objectives (*maqasid*), namely the protection of faith, life, lineage, intellect and property."¹⁵

Construction of our IWI index follows a multi-step process similar to Abdul Rauf's:

1. Conceptual mapping between the scholar's definition of a *maqsad* and its proxy component parameters.
2. Data collection on component parameters.
3. Statistical analysis of the component scores.
4. Computation of the final index score.¹⁶

Measuring Indices

We calculate a composite index using each of the parameters chosen to represent each *maqsad* (objective). For example, for the *maqsad* of 'life,' five distinct parameters were chosen, each reflecting important aspects of the *maqsad*. The calculation for each *maqsad* entailed the four steps listed below.

Firstly, in accordance with the United Nations (UN) Human Development Index approach, the maximum and minimum values of a parameter were used to transform the range in values into the format 0 to 1. To calculate the index for each positive dimension, the following formula was used: (current value - minimum value) / (maximum value - minimum value).¹⁷ Hence, the resulting Index was relative rather than related to absolute values.

In the second step, also following the HDI approach, each of the *maqsad* composite values was calculated as the geometric mean of the transformed values for each parameter selected for that *maqsad*. The method for determining the parameters for each *maqsad* is discussed further below. Equal weighting of all of the component scores was used to construct the overall index score of a country for each *maqsad*.¹⁸ The advantage of giving equal weighting related to the minimisation of personal bias.

In the third step, the overall geometric mean of the four non-*din* *maqasid* (life, intellect, family, wealth) was calculated for each country.¹⁹

In the fourth step, we gave the '*din*' (religion) *maqsad* twice the weighting of each of the other remaining four *maqasid* when obtaining the overall IWI figure. This is similar to the scholars' proposal reported by Abdul Rauf: "Auda and Kamali contend that indicators within the *maqasid* do actually reflect the Islamic dimension, especially under the *maqsad* of religion, which

can be potentially given a higher overall weight.”²⁰ Jasser Auda elaborated: “in measuring the *maqasid* we are measuring the *maslahah* of the people... [Further,] the Qur’an critiques those who pray but do not feed the poor, about education and justice. Islamic teachings are adamant about such specific things that will amount to much more than 30 per cent of the index. It would easily take it up to the 70 per cent level.”²¹

We weight the non-*din* factors at 67 percent of the overall index in the 4-step approach used in this exercise, which is similar to Auda’s recommendation. Kamali argued that “the Islamic nature of a state is not only within the *maqasid* of religion – it [also] relates to justice and equality,” and Auda claims that, “elements of *‘ibadah* are imbedded in every other *maqasid*... so I think that the uniquely Islamic components [i.e. the ‘*din*’] might constitute up to 30 per cent of the overall score.”²² ‘*Din*’ is given 33 per cent weighting in IWI 2.0, in close accordance with these suggestions.

Choosing Indicators

The IWI-2021 incorporates numerous different types of indicators or parameters: outputs (outcomes) rather than inputs, as well as both single (primary) and composite (secondary) parameters. The following seven principles are applied in parameter selection:

1. We should not reward sheer material accumulation. For example, we do not use Gross Domestic Product, which is an indication of material wealth accumulation without clear linkage to societal well-being.
2. We try to identify dense criteria that reflect parameters that are themselves affecting the spiritual state of individuals. For example, Muslims attending mosque weekly is a better criterion than ‘Number of mosques per 10,000 population’ (suggested for the Malaysian Ummah Development Index),²³ since mosques in some countries may have lower usage than in others, e.g. Malaysian mosque attendance is relatively low.²⁴
3. We choose criteria for data that is: a) obtained relatively easily, b) is available for most Muslim countries investigated, and c) is from reputable sources, such as the UN and World Bank. Parameters chosen may promote positive elements or prevent negatives ones.
4. We choose criteria that are most relevant and representative of the *maqasid*.

5. The status of women is emphasised since my research shows that women have been disadvantaged in many parts of the Islamic world and need assistance to approach the target norm implied by the Qur'an and Prophetic teachings.²⁵
6. Criteria are selected to assist upliftment of the poor, weak, and disadvantaged in accordance with Islamic teachings on social equity.²⁶
7. We favour outcome/output measures for the index rather than input measures, since such measures are more likely to reflect citizens' spiritual or mental well-being.

The parameters chosen are believed to be the best at the time of choosing and are deemed to represent an improvement over those chosen for IWI 1.0. However, we are open to incorporating other parameters in the future if doing so signifies improving IWI assessment further.

Protecting Religion (*Din*)²⁷

Safeguarding religion (*din*) is defined by Raudha and others as “the preservation and development of human faith through spiritual enrichment in the divine law, embracing good moral standards, and performing religious practices at the individual, family and nation (*ummah*) levels.”²⁸

Country-level data on *din* was available for 31 out of the 50 MMCs. This was a limiting factor for calculating IWI 2.0, which could thereby only be determined for those countries. This was an improvement, however, over the 27 countries for which such data was available for IWI 1.0. Except in the case of four countries, the most useful data on strength of religious belief for Muslims came from the 2012 Pew Center report, *The World Muslims: Unity and Diversity*.²⁹ Data for general populations in four additional countries, Algeria, Burkina Faso, Iran and Bosnia & Herzegovina, are from the 2018 Pew report, *The Age Gap in Religion Around the World*.³⁰ The Pew 2020 *Global God Divide* report was used to update the general population data for Indonesia, Lebanon, Nigeria, Tunisia and Turkey.³¹ The figures on religious commitments presented in these reports are derived from Pew Center surveys conducted between 2008 and 2019, which used consistent questionnaire wordings to measure religious commitment.

Four questions were asked citizens of MMCs, namely “Affiliation”, and percentage that “Attend a place of worship weekly”, “Pray daily” and “[Believe their religion is] Very important”. Only the last three parameters

were used to calculate the *din maqsad*, with each being equal weighting. The outcome appeared to provide similar results to the *Ibadat* scores obtained for IWI 1.0, which used Pew Center survey data on the percentage of Muslims praying five-times daily, attending mosque weekly, and “fasting in Ramadan or paying *zakat*”.

Pew Center data is the most useful available survey data covering a large number of Muslim countries. We are therefore compelled to use this data to assess the mean religious state of MMC Muslims.

Countries absent from the religiosity surveys include the ‘oil sheikhdoms’ (Bahrain, Brunei, Kuwait, Oman, Qatar, Saudi Arabia, UAE) and Comoros, Gambia, Guinea, Libya, Maldives, Mauritania, Sierra Leone, Somalia, Sudan, Syria, Turkmenistan and Yemen.

Survey data

The majority of data for the *din* assessment is derived from surveys discussed in the 2012 Pew Center report, *World Muslims: Unity and Diversity*, which included data from the 2010 report, *Islam and Christianity in Sub-Saharan Africa*. For the 2012 report, country survey sample sizes for Muslims only ranged from 788 (Albania) to 1,918 (Bangladesh), representing error margins of ± 5.3 and ± 4.4 points, respectively. Survey error margins ranged from a low of ± 3.3 in Tunisia to ± 6.3 in Palestine. For a particular country, one can say with 95 per cent certainty that the error attributable to sampling and random effects is plus/minus the error margin. For the 2010 survey, some countries were majority Muslim (Djibouti, Senegal), while others (Chad, Guinea-Bissau, Nigeria) had an even Muslim-Christian mix. Chad drew a disproportionate sample of urban participants. Sample sizes for Muslims in predominantly Muslim countries only ranged from 891 (Senegal) to 1,452 (Djibouti), representing error margins of ± 5 and ± 4 points, respectively. In the even-mix countries, sample sizes ranged from 373 (Guinea-Bissau) to 818 (Nigeria), representing error margins of ± 7 and ± 5 points, respectively.

Protecting Life (*Nafs*)³²

Safeguarding life can be defined as protecting the existence, sustenance, and development of human life by satisfying basic physical and social needs, while also protecting individuals from harm. The latter might include hunger, disease, crime, unemployment, human rights violations, and environmental challenges, as mentioned by the UN Human Development Report.³³ Defence from external attack and loss of sovereignty are also major concerns.

Muhammad Asad highlighted: “A state, in order to be truly Islamic, must arrange the affairs of the community in such a way that every individual, man and woman, shall enjoy that minimum of material well-being without which there can be no human dignity, no real freedom and, in the last resort, no spiritual progress.” He further elaborated that “in an Islamic state there shall be no soul-grinding poverty side by side with affluence; secondly, all the resources of the state must be harnessed to the task of providing adequate means of livelihood for all its citizens; and, thirdly, all the opportunities in this respect should be open to all citizens equally, and that no person should enjoy a high standard of living at the expense of others.”³⁴

Within the *maqsad* of life, Abdul Rauf listed the following responsibilities of an Islamic state: right to life and personal liberty; national security and defence capability; providing food, shelter and clothing to those who cannot afford them; healthcare quality, availability and affordability; and lastly, environmental protection.³⁵

The following indicators were selected to assess this *maqsad*:

- National Peace and Security (Global Peace Index) measures “the state of peace across three domains: Societal Safety/Security; Ongoing Domestic/International Conflict; and degree of Militarisation.”³⁶
- Poverty Index measures proportion of the population below a basic sustainability level (poverty line).
- National Homicide Rate.
- Life expectancy (in years) at birth.
- Environmental Performance Index (EPI) ranks countries on 32 performance indicators covering environmental health and ecosystem vitality.³⁷

Abdul Rauf agreed “that an Islamic state has an obligation to assist the *mustad’afina fil-ard*, the weak and oppressed on earth, wherever and whomever they may be.”³⁸ Consequently, the UN Poverty Index (living below USD\$1.90/day) is considered a proxy measure for the life *maqsad* related to “the provision of food, shelter and clothing.”³⁹ Moreover, since “the *maqsad* of life originated as the ‘protected value’ that makes murder a crime,”⁴⁰ the National Homicide Rate is also a relevant indicator.

Anto,⁴¹ Abdul Rauf⁴² and Sarkawi⁴³ all proposed life expectancy as a key indicator for the protection of life. Life expectancy benefits from good national healthcare availability. A longer life is also reflective of Islam’s strong emphasis on cleanliness and purity. According to hadiths, one who strengthens family ties will live a longer life.⁴⁴

The EPI, developed by Yale University in collaboration with the World Economic Forum, provides an overall assessment of the environmental sustainability of 180 countries. However, “The inability to capture transboundary environmental impacts persists as a limitation of the current EPI framework. While the current methodology reveals important insights into how countries perform within their own borders, it does not account for ‘exported’ impacts associated with imported products.”⁴⁵

Protecting Intellect (‘Aql)⁴⁶

Safeguarding the intellect can be defined as “utilising and developing the intellect, as well as protecting the mind from negative influences such as drugs and superstitions.” It includes the right of freedom of expression.⁴⁷ Abdul Rauf believes that an Islamic state should ensure that all men, women and children have equal access to quality education. This requirement, according to Kamali, applies to both spiritual and secular education: “It is an obligation and compulsory.”⁴⁸ Further, “education should enlighten societal members about the worldview and moral values of Islam, as well as their mission in the world as the *khalifah* of God.”⁴⁹ This writer has not found any quantitative country assessments regarding Islamic teachings in Muslim countries, though such would be useful in assessing this *maqsad*.

Based on these considerations, the following indicators were selected:

- Adult Literacy Rate
- Human Capital Index
- Female secondary education percentage
- Press Freedom Index.

The Adult Literacy Rate is an essential indicator within all Muslim societies because it serves as a baseline education level for reading and understanding the Qur’an, as well as being indicative of a primary school level of knowledge, which is required for good parenting and employment productivity.

The Human Capital Index (HCI) benchmarks the key components of human capital. It was launched by the World Bank in 2018 as an effort to accelerate progress so that all children can achieve their full potential: “The HCI highlights how current health and education outcomes shape the productivity of the next generation of workers and underscores the importance of government and societal investments in human capital.”⁵⁰

Women require a secondary education equivalent to males both to ensure the quality upbringing of their children and to support informed family decision-making. This justifies including the parameter of “female participation in

secondary education percentage.” However, greater female than male participation does not result in a higher score than the maximum achievable (i.e. 1).

Press freedom allows citizens to access truthful information and unbiased news, and to express their thoughts freely within limitations to eschew slander, false accusation, or blasphemy. The Press Freedom Index provides a snapshot of media freedom in each country by evaluating media independence, quality of legislative framework, and journalist safety.⁵¹

Protecting Family⁵²

The *maqsad* of safeguarding lineage (*nasb*) and progeny (*nasl*) is best represented by protecting and promoting the well-being of the family, which is regarded as the fundamental unit of society in Islam. Marriage allows procreation⁵³ and protects Muslims from immoral extra-marital affairs,⁵⁴ while the Qur’an (30:21) emphasises that it provides the couple with tranquillity, compassion and love. Islamic marriage also protects lineage purity.

Protecting the family can be described as protecting the life of the expectant mother prior to, during, and after delivery, as well as protecting the infant. Islam promotes marriage as a life-long commitment and discourages divorce, though it permits the latter in cases of irreconcilable breakdown. Based on these considerations, the following indicators were selected to assess this *maqsad*:

- Maternal mortality index
- Infant mortality index
- Crude marriage rate
- Crude divorce/marriage rate
- Total fertility rate (TFR).

Muslim scholars who have written on the *maqsad* of protecting the family or lineage have used the following indices: maternal mortality index (Anto); infant mortality index (Anto; Raudha and Others); crude marriage rate (Sarkawi); and crude divorce rate (Sarkawi; Anto).

Chapra highlights the perils of divorce: “[Divorce] will have a detrimental impact on children’s moral, mental and psychological development. This is the reason why...the Prophet said: ‘Of all things allowed by God, the one despised by Him most is divorce.’⁵⁵ Therefore, it is necessary to avoid dispute and divorce as much as possible in the interest of children’s well-being.⁵⁶ We therefore do not agree with Abdul Rauf’s view that divorce rate should be

discarded as an indicator of family well-being,⁵⁷ although we ‘normalise’ it against the corresponding marriage rate to make it a meaningful indicator.

The TFR is based on a general scholarly view that Muslim parents should seek to at least replace themselves in terms of the number of children they have; having less than this number, without justification, is not encouraged by Islamic teachings.⁵⁸ The total fertility rate of a nation is the average number of children a woman will have over her lifetime, assuming she lives until experiencing menopause. Replacement fertility is the TFR at which women give birth to enough babies to sustain population levels. In 2003, global average for replacement TFR was 2.33.⁵⁹

Allah explicitly advises: “And let those (guardians) have the same fear if they (themselves) had left weak offspring behind” (4:9). He emphasises the necessity of leaving behind strong offspring, indicating the importance of providing them with a religious upbringing (*maqsad* 1), good health (*maqsad* 2), a good education (*maqsad* 3), and nurturing strong family relationships (this *maqsad*).

Protecting Wealth or Property (*Mal*)⁶⁰

The *maqsad* of safeguarding property (*mal*) can be defined as “the protection of ownership and property from damage, harm, theft or injustice.” It also refers to the “growth of wealth through circulation and equitable distribution, as well as the preservation of wealth through investment and good governance.”⁶¹ The Qur’an provides a wide range of ordinances on socio-economic justice, equality, and equal distribution of wealth, such as “so that it (wealth) may not (merely) circulate between the wealthy among you” (59:7).

Chapra emphasises that wealth is “a trust from God, and needs to be developed and used honestly and conscientiously for removing poverty, fulfilling the needs of all, making life as comfortable as possible for everyone, and promoting equitable distribution of income and wealth.”⁶²

Based on these considerations the following indicators were selected to assess this *maqsad*:

- Equitable wealth distribution - Gini Coefficient
- Access to employment - Unemployment rate (percentage)
- Prohibiting unlawful gain - Corruption Perceptions Index
- Minimising resources overconsumption or environmental degradation - Ecological Footprint
- Promoting Islamic finance - Islamic Finance Development Index (IFDI)

As proposed by Abdul Rauf, “the Gini Coefficient, which measures national income inequality, captures the promotion of an equitable distribution of wealth. We measured access to employment, which promotes the sustainability of the individual, by measuring the unemployment rate within each country. Prohibiting unlawful gain is measured through the Corruption Perceptions index.”⁶³ We do not include the suggested Gross Domestic Product Per Capita because we do not consider that wealth *per se* reflects Islamic well-being.

Ecological Footprint is promoted by the Global Footprint Network (GFN) as a means of measuring human demand on natural capital, i.e. the amount of nature required to support people or an economy. “At a global scale, footprint assessments show how big humanity’s demand is compared to what Earth can renew.”⁶⁴ High country values indicate areas where excessive consumption occurs, which has an impact on everyone’s well-being. While EPI figures (see life *maqsad*) do not take transboundary impacts into account, Ecological Footprint does. This is important when the largest environmental issue currently impacting humanity is Climate Change resulting from carbon emissions. Studies show that wasteful consumption in certain countries is the leading cause of environmental destruction worldwide.⁶⁵ GFN estimated that in 2014, humanity was using natural capital 1.7 times faster than the Earth’s ability to renew it. Consequently, all countries, particularly wealthy ones, must “walk lightly” and reduce their ecological footprint. Countries with lower ecological footprints are thereby assessed positively compared to those with larger footprints.

The Refinitiv Islamic Finance Development Indicator (IFDI) is a composite indicator that measures the development and health of the Islamic finance industry in 135 countries. It ranks national Islamic finance markets based on five broad development areas: quantitative development, knowledge governance, corporate social responsibility, and awareness. However, the use of this indicator will need to be reviewed since information publicly available online is limited to only the top fifteen countries.⁶⁶

Limitations

In preparing this IWI 2.0 assessment, the validity of the statistical data used was considered, followed by the validity of the methodology. The general concern is, “Are we adequately capturing the key aspects represented by each of the *maqasid*’s higher objectives?” After attempting to ensure appropriate parameter selection (see *Measuring Islamic Well-Being using the Maqasid al-Shari’ah*), two major issues can be addressed: first, is there sufficient data, and

second, is the available data accurate? Some data gaps exist in the following *maqasid* indicators: religiosity (*din*), religious education (*intellect*), crude marriage and divorce rates (*family*), Gini co-efficient and the IFDI (*wealth*).

One concern is lack of timeliness with regards to the Pew Center religiosity data (some of it dates back to 2008-2009), especially given the high weighting accorded to it (see *Protecting Religion*). Second, marriage and divorce data, which are important indicators for family well-being, are no longer recorded by the UN and World Bank. Consequently, some figures are out of date, while others are unavailable, especially for African countries. Third, poverty figures were unavailable for the Gulf countries for the life *maqasid*. They would almost certainly have enhanced these countries' non-*din* scores if they had been available. Finally, the IFDI base score for Muslim countries and IFDI figures for many other countries are not publicly available, which affects accuracy of the current assessment.

Two further considerations regarding the accuracy of data include whether that data is obsolete or politically-biased against certain Muslim countries. The latter possibility, however, has yet to be evaluated. IWI 2.0 also benefitted from the latest SDG 2020 Datasets for the Poverty Index and National Homicide rate because several IWI are aligned with the Sustainable Development Goals adopted by the UN. IWI 2.0 is based on data that was available until the end of 2020. However, much of the data and indices used precede 2020, and thereby predate the impact of COVID-19.

Results

Results from the improved methodology roughly mirror the IWI 1.0 results, displaying similar levels of well-being among countries that are geographically or culturally related to each other. IWI 2.0 rankings, however, hold a higher level of confidence. The Index provides an indication of important trends for government planners. Although we have not recalculated the 2013 indices using the current approach, it is clear that, beyond some changes due to the improved methodology, very significant changes in some country standings have occurred in the interim period, as discussed below.

Assessment of *Din* Results (Table 1)

In comparison to the Pew 2012 survey on The World's Muslims,⁶⁷ its 2018 survey⁶⁸ included data from four additional countries - Algeria, Bosnia-Herzegovina, Burkina Faso, and Iran. Analysis of the available data finds that Muslim countries can be grouped into five regions based on the strength

of their religious belief and observance (strong to weak observance, in order; average country transformed *din* values are indicated):

- African (non-Maghrib) countries (8): 0.919
- Southeast Asian countries (2): 0.854
- South Asian countries (3): 0.745
- Arab (MENA) countries (8): 0.703
- Former communist countries (8): 0.236.

Countries strongest in *din* were Guinea-Bissau, Nigeria and Burkina Faso, all in Africa. Leading countries in each of the other regions were Indonesia (South-East Asia), Jordan (MENA countries), Pakistan (South Asia) and Tajikistan (former communist).

The *din maqsad* country rankings are compared from 2013 to 2021. Because 27 countries were ranked in 2013 compared to 31 in 2021, the 2013 rankings were increased proportionately (i.e. 1.15) to facilitate comparison. This indicates that Jordan (+8), Guinea-Bissau (+7) and Djibouti (+6) strengthened in *din*, while Bangladesh (-13), Iraq (-11) and Afghanistan (-9) weakened. These three latter countries have all been negatively affected by foreign interference.

Assessment of Life Results (Table 2)

The Arabian Gulf and South-East Asia have the best overall result for the Life *maqsad*, with the UAE, Brunei, and Kuwait leading the way. Looking at each parameter of the composite, Malaysia and the Gulf countries perform best in terms of the Peace Index. Afghanistan, Iraq, Somalia, Syria, and Yemen are ‘war torn’ countries and among the least peaceful. For the other life parameters - poverty, homicides, life expectancy and environmental protection - West African countries score the worst, especially Nigeria, despite the fact it is an oil-rich country. Homicide rates are lowest in Indonesia and the Gulf countries. Life expectancy is highest in the Gulf countries, the Maldives, and Albania.

Table 1: Country Rankings for the *Maqsad of Din* (Religion)

Country	Rank 2021	Change 2013 - 2021	Composite Average	Attend Place of Worship Weekly	Pray Daily	“Religion is very important”
Guinea-Bissau	1	+7	0.980	1.00	0.976	0.964
Nigeria	2	-1	0.954	0.945	0.976	0.940

Burkina Faso	3	N	0.940	N/A	N/A	0.940
Chad	4	-3	0.931	0.879	0.988	0.928
Indonesia	5	+1	0.921	0.780	1.00	1.00
Niger	6	-	0.909	0.956	0.918	0.855
Mali	7	+1	0.884	0.857	0.847	0.952
Djibouti	8	+6	0.883	0.912	0.871	0.867
Senegal	9	-8	0.868	0.703	0.929	1.00
Afghanistan	10	-9	0.849	0.659	1.00	0.928
Malaysia	11	-3	0.788	0.615	0.847	0.940
Jordan	12	+8	0.776	0.703	0.788	0.843
Tunisia	13	+4	0.761	0.505	0.953	0.916
Pakistan	14	-	0.741	0.637	0.671	0.952
Palestine	15	+2	0.729	0.593	0.776	0.843
Morocco	16	-2	0.723	0.582	0.729	0.892
Egypt	17	+3	0.711	0.659	0.753	0.723
Algeria	18	N	0.692	0.516	0.918	0.699
Iraq	19	-11	0.682	0.429	0.918	0.807
Iran	20	N	0.654	0.407	0.906	0.759
Bangladesh	21	-13	0.644	0.571	0.588	0.795
Turkey	22	+2	0.612	0.473	0.718	0.675
Lebanon	23	-	0.550	0.374	0.671	0.663
Tajikistan	24	-4	0.388	0.319	0.435	0.422
Kosovo	25	+3	0.352	0.231	0.541	0.349
Bosnia-Herz.	26	N	0.318	0.253	0.271	0.470
Azerbaijan	27	-1	0.335	0	0.753	0.253
Kyrgyzstan	28	-3	0.259	0.242	0.176	0.410
Uzbekistan	29	-1	0.144	0.088	0.188	0.181
Kazakhstan	30	-2	0.045	0.099	0	0.036
Albania	31	-3	0.026	0.044	0.035	0

Sources: Except for four countries, data is from *The World Muslims: Unity and Diversity* (Washington DC: Pew Research Center, August 9, 2012) <https://www.pewresearch.org/wp-content/uploads/sites/7/2012/08/the-worlds-muslims-full-report.pdf> (Accessed June 30, 2021). Data for general populations in Algeria, Burkina Faso, Iran and Bosnia & Herzegovina is from *The Age Gap in Religion Around the World* (Washington DC: Pew Research Center, June 13, 2018), Appendix B. <https://www.pewforum.org/2018/06/13/the-age-gap-in-religion-around-the-world/> (Accessed Feb 19, 2021).

Updated 2019 general population data is used for Indonesia, Lebanon, Nigeria, Tunisia and

Turkey in *The Global God Divide* (Washington DC: Pew Research Center, July 20, 2020). <https://www.pewresearch.org/global/2020/07/20/the-global-god-divide/> (Accessed July 1, 2021). Notes: Significant change in a country's ranking is indicated in **bold**. N/A = data unavailable. N = Newly appearing country.

Table 2: Country rankings for the *Maqсад* of Life.

Rank 2021	Country	Composite Average	Vision of Humanity - Global Peace Index, 2020 ⁽¹⁾	SDG Poverty Index (%) -\$1.90/d, 2020 ⁽²⁾	SDG National Homicides /100,000 ⁽²⁾		UNDP Life Expectancy at birth (yr), 2019 ⁽³⁾	Environmental Protection Index, 2020 ⁽⁴⁾
1	UAE	0.948	0.893	N/A	0.990	2017	0.915	1.00
2	Brunei	0.930	N/A	N/A	0.990	2013	0.835	0.973
3	Kuwait	0.881	0.907	N/A	0.867	2012	0.819	0.934
4	Malaysia	0.880	1.00	1.00	0.838	2013	0.846	0.744
5	Jordan	0.877	0.796	0.993	0.905	2017	0.781	0.927
6	Albania	0.870	0.836	0.994	0.819	2017	0.939	0.781
7	Bahrain	0.843	0.677	N/A	0.990	2014	0.888	0.847
8	Bosnia & Her.	0.837	0.757	0.999	0.924	2017	0.892	0.661
9	Tunisia	0.803	0.733	0.997	0.752	2012	0.865	0.704
10	Algeria	0.797	0.640	0.995	0.905	2015	0.873	0.641
11	Morocco	0.787	0.749	0.997	0.838	2017	0.865	0.558
12	Qatar	0.779	0.957	N/A	1.00	2014	1.00	0.385
13	Azerbaijan	0.770	0.634	1.00	0.848	2017	0.723	0.698
14	Palestine	0.756	0.446	0.987 (5)	0.971 (6)	2017	0.765	N/A
15	Uzbekistan	0.755	0.701	0.891	0.933	2017	0.673	0.625
16	Iran	0.750	0.459	0.997	0.800	2014	0.865	0.748
17	Oman	0.748	0.804	N/A	0.990	2017	0.912	0.432
18	Kosovo	0.743	0.743	N/A	N/A		N/A	N/A
19	Maldives	0.741	N/A	0.980	0.962	2013	0.950	0.336
20	Indonesia	0.740	0.856	0.941	1.00	2017	0.673	0.409
21	Kazakhstan	0.735	0.800	1.00	0.562	2017	0.746	0.638
22	Saudi Arabia	0.711	0.567	N/A	0.914	2017	0.804	0.615
23	Egypt	0.707	0.549	0.991	0.800	2012	0.685	0.591
24	Tajikistan	0.696	0.687	0.976	0.886	2011	0.650	0.422
25	Lebanon	0.692	0.385	1.00	0.657	2016	0.950	0.661
26	Kyrgyzstan	0.680	0.731	0.987	0.638	2017	0.665	0.475

27	Turkey	0.636	0.323	1.00	0.629	2012	0.904	0.568
28	Turkmenistan	0.600	0.646	0.574	0.638	2006	0.538	0.611
29	Bangladesh	0.539	0.719	0.931	0.829	2017	0.708	0.116
30	Burkina Faso	0.504	0.627	0.468	0.914	2017	0.285	0.425
31	Pakistan	0.479	0.317	0.986	0.638	2017	0.504	0.252
32	Libya*	0.471	0.182	N/A	0.800	2015	0.719	N/A
33	Senegal	0.430	0.859	0.564	0.333	2015	0.527	0.173
34	Sudan	0.415	0.284	0.605	0.543	2008	0.427	0.309
35	Djibouti	0.393	0.674	0.777	0.419	2015	0.496	0.086
36	Comoros	0.364	N/A	0.679	0.305	2015	0.388	0.219
37	Niger	0.320	0.489	0	0.619	2012	0.315	0.176
38	Gambia	0.314	0.827	0.894	0.171	2015	0.304	0.080
39	Syria*	0.309	0.050	N/A	0.829	2010	0.712	N/A
40	Guinea-Bissau	0.289	0.702	0.163	0.933	2017	0.158	0.120
40	Iraq*	0.289	0.074	0.982	0.095	2013	0.631	0.465
42	Mauritania	0.280	0.640	0.949	0.095	2015	0.412	0.073
43	Yemen*	0.274	0.110	N/A	0.408	2013	0.458	N/A
44	Guinea	0.241	0.737	0.644	0.200	2015	0.285	0.030
44	Mali*	0.241	0.432	0.449	0	2015	0.196	0.130
46	Chad*	0.224	0.522	0.375	0.181	2015	0	0.040
47	Somalia*	0.221	0.161	0.190	0.629	2015	0.123	N/A
48	Afghanistan*	0.192	0	N/A	0.361	2017	0.408	0
49	Sierra Leone	0.132	0.861	0.392	0.876	2015	0.019	0.007
50	Nigeria*	0.126	0.368	0.237	0.105	2015	0.019	0.183

Sources: (1) Institute of Economics and Peace, Global Peace Index 2020: Measuring Peace in a Complex World, Sydney, June 2020 https://www.visionofhumanity.org/wp-content/uploads/2020/10/GPI_2020_web.pdf (Accessed June 6, 2021). (2) UN Statistical Division, The Sustainable Development Goals Report 2020 <https://unstats.un.org/sdgs/report/2020/> (Accessed June 6, 2021) (3) Latest Human Development Index Ranking From the 2020 UNDP Human Development Report <http://hdr.undp.org/en/content/latest-human-development-index-ranking> (Accessed June 6, 2021) (4) Wendling, Z. A., Emerson, J. W., de Sherbinin, A., Esty, D. C., et al. (2020), 2020 Environmental Performance Index (New Haven, CT: Yale Center for Environmental Law & Policy) <https://epi.yale.edu/downloads/epi2020report20210112.pdf> (Accessed June 6, 2021). (5) Palestine - World Bank 2016 value of 0.8% cited in https://www.theglobaleconomy.com/Palestine/poverty_ratio_low_range/ (Accessed June 6, 2021) (6) Palestine - UN Office on Drugs and Crime 2016 value of 0.7 homicides per 100,000 people cited at https://www.theglobaleconomy.com/Palestine/homicide_rate/ (Accessed June 6, 2021) Notes: SDG = UN Sustainable Development Goals. (*) Countries in recent or ongoing conflict. N/A = data unavailable.

Assessment of Intellect Results (Table 3)

Countries that do best for the Intellect *maqsad* are the former communist and Gulf Arab countries, as well as the Maldives and Malaysia. Albania leads in this category while ranking last in religiosity (see Table 1), indicating that education is the government's top priority. African and 'war-torn' countries perform the worst in this category, although Comoros, Senegal, and the Gambia are among the African countries that perform best. For Literacy and the Human Capital Index, the former communist, Southeast Asian, and Gulf countries perform best. For female secondary school enrollment, the Gulf Arab and former communist countries are among the best. For press freedom, the former communist and West African countries rank highest.

Significantly, the countries ranked last in this category – Chad and Niger - are both client states of France. Chad has been dubbed 'France's unsinkable aircraft carrier in the desert' for its historical support of colonial France. Niger is the primary source of uranium for France's nuclear energy industry. Their support for France appears to provide little benefit to their citizens who suffer restricted educational opportunities.

Assessment of Family Results (Table 4)

Countries that score well for the Family *maqsad* are the non-Gulf countries, Senegal, and Tajikistan. Those that score poorly are the African and Gulf countries, as well as Malaysia and Brunei. The Gulf countries and Brunei are wealthy countries where it seems couples find difficulty marrying and have fewer children when married.

Qatar's low *maqsad* score results partly from the blockade imposed on it by Saudi Arabia, Bahrain, and the UAE in 2017, which was only lifted in 2021.⁶⁹

For maternal and infant mortality, Arab countries, Iran, and the former communist countries score best. For marriage rates, Tunisia, the Maldives, and Bangladesh score best. Countries more prone to divorce are Kuwait, the Maldives, Qatar and Malaysia. Kosovo, Indonesia, Tajikistan, and Syria have the lowest divorce rates. Countries having low fertility rates are Bosnia & Herzegovina and Albania.

Assessment of Wealth Results (Table 5)

Countries that score best for this *maqsad* are Malaysia, UAE, and Burkina Faso. The worst performers are 'war-torn' countries or those recently in conflict - Libya, Syria, and Yemen. Sudan, still recovering from the loss

of South Sudan and the Darfur conflict, also fares poorly. The Gini index shows income equality is best in former communist countries (Azerbaijan, Kazakhstan, Kosovo, Kyrgyzstan) and Algeria. Chad, Comoros, and Turkey have the most unequal income distribution. The unemployment rate is lowest in Qatar, Bahrain, Chad and Niger, and highest in Palestine, Kosovo, Bosnia & Herzegovina, and Libya.

UAE, Qatar, and Brunei are rated best on the Corruptions Perceptions Index. Those that score worst are mainly countries in conflict: Afghanistan, Chad, Guinea-Bissau, Iraq, Libya, Somalia, Syria, Sudan, Turkmenistan, and Yemen.

Environmental Footprint is worst for the Gulf countries, indicating unacceptable resource consumption levels. Malaysia is the most developed in Islamic financial terms, followed by Indonesia.

Table 3: Country Rankings for the *Maqсад* of Intellect.

Rank 2021	Country	Geometric Mean	Adult Literacy Rate, aged ≥15 years ⁽¹⁾		Human Capital Index, 2020 ⁽²⁾	School Enrolment, Secondary, Females (% Gross) (3)		World Press Freedom Index 2020 (4)
1	Albania	0.928	0.974	2018	0.892	0.958	2019	0.891
2	Kyrgyzstan	0.912	1.00	2018	0.811	0.958	2019	0.892
3	UAE	0.890	0.910	2015	1.00	1.00	2017	0.690
4	Maldives	0.876	0.974	2016	N/A	0.771	2019	0.896
5	Bosnia & Herz.	0.875	0.962	2013	0.757	N/A		0.919
6	Qatar	0.873	0.910	2017	0.919	1.00	2010	0.693
7	Malaysia	0.870	0.936	2018	0.838	0.865	2019	0.844
8	Kuwait	0.861	0.949	2018	0.703	1.00	2015	0.825
9	Oman	0.857	0.949	2018	0.838	1.00	2019	0.678
10	Turkey	0.847	0.949	2017	0.946	1.00	2018	0.572
11	Brunei	0.826	0.962	2018	0.892	0.938	2019	0.578
12	Palestine	0.824	0.962	2018	0.757	0.948	2019	0.667
13	Kazakhstan	0.820	1.00	2018	0.892	1.00	2019	0.506
14	Kosovo	0.813	N/A		0.730	N/A		0.905
14	Uzbekistan	0.813	1.00	2018	0.865	0.969	2019	0.522
16	Indonesia	0.811	0.949	2018	0.649	0.896	2018	0.785
17	Tunisia	0.790	0.731	2014	0.595	0.990	2016	0.904
18	Bahrain	0.781	0.962	2018	0.946	1.00	2019	0.408

19	Azerbaijan	0.747	1.00	2017	0.757	0.948	2019	0.435
20	Algeria	0.742	0.756	2018	0.622	1.00	2011	0.644
21	Jordan	0.739	0.974	2018	0.676	0.646	2019	0.700
22	Libya	0.733	0.821	2004	N/A	1.00	2006	0.479
23	Lebanon	0.723	0.936	2018	0.595	0.583	1985	0.843
24	Saudi Arabia	0.718	0.936	2017	0.757	1.00	2019	0.376
25	Tajikistan	0.684	1.00	2014	0.541	0.833	2013	0.486
26	Morocco	0.661	0.667	2018	0.541	0.771	2019	0.687
27	Iran	0.652	0.821	2016	0.784	0.844	2017	0.333
28	Turkmenistan	0.628	1.00	2014	N/A	0.885	2019	0
29	Egypt	0.603	0.628	2017	0.514	0.885	2019	0.462
30	Bangladesh	0.602	0.679	2019	0.432	0.771	2019	0.582
31	Comoros	0.511	0.474	2018	0.270	0.594	2018	0.898
32	Senegal	0.491	0.385	2017	0.324	0.469	2019	0.992
33	Iraq	0.477	0.821	2017	0.297	0.438	2007	0.485
34	Gambia	0.473	0.372	2015	0.324	0.469	2010	0.885
35	Pakistan	0.432	0.474	2017	0.297	0.385	2019	0.644
36	Syria	0.428	0.756	2004	N/A	0.500	2013	0.208
37	Mauritania	0.407	0.397	2017	0.216	0.375	2019	0.854
38	Nigeria	0.398	0.513	2018	0.162	0.375	2016	0.804
39	Sudan	0.392	0.500	2018	0.216	0.448	2017	0.486
40	Afghanistan	0.381	0.269	2018	0.270	0.375	2018	0.770
41	Burkina-Faso	0.380	0.244	2018	0.216	0.396	2019	1.00
42	Sierra Leone	0.350	0.269	2018	0.162	0.385	2017	0.890
43	Yemen	0.343	0.410	2004	0.189	0.406	2016	0.439
44	Guinea-Bissau	0.292	0.308	2014	N/A	0.094	2000	0.861
45	Djibouti	0.276	N/A		N/A	0.542	2020	0.141
46	Guinea	0.274	0.128	2014	0.189	0.281	2014	0.825
47	Somalia	0.242	N/A		N/A	0	2007	0.484
48	Mali	0.225	0.167	2018	0.054	0.344	2018	0.828
49	Chad	0.210	0	2016	0	0.104	2019	0.738
50	Niger	0.196	0.167	2018	0.054	0.177	2017	0.923

Sources: (1) UNESCO Institute for Statistics. Data as of September 2020. Literacy rate, % of people aged 15 and above. <https://data.worldbank.org/indicator/SE.ADT.LITR.ZS> (Accessed June 7, 2021) (2) World Bank, Human Capital Index 2020. Data as of September 2020. <https://www.worldbank.org/en/publication/human-capitalIndex> (Accessed June 7, 2021) (3) World Bank, School enrolment, secondary, female (%gross). Data as of September 2020. <https://data.worldbank.org/indicator/SE.SEC.ENRR.FE> (Accessed June 7, 2021) (4) Reporters Without Borders, 2020 World Press Freedom Index. <https://rsf.org/en/ranking/2020> (Accessed June 7, 2021). Note: N/A = data unavailable.

Table 4: Country Rankings for the *Maqsad* of Family.

Rank 2021	Country	Geometric Mean	Maternal Mortality Rate per 1000 live births, 2017 ⁽¹⁾	Infant Mortality Rate per 1000 live births, 2019 ⁽²⁾	Crude Marriage Rate per 1000 (CMR) ⁽³⁾		Crude Divorce Rate ^{(4)/ CMR (%)}	Total Fertility Rate, 2021 ⁽⁵⁾
1	Morocco	0.908	0.941	0.829	N/A		N/ A	0.959
2	Tunisia	0.873	0.965	0.868	1.00	2017	N/A	0.694
3	Syria	0.824	0.975	0.829	0.561	2006	0.836	1.00
4	Egypt	0.804	0.970	0.842	0.590	2010	0.697	1.00
5	Algeria	0.776	0.904	0.803	0.525	2013	0.737	1.00
6	Iraq	0.771	0.933	0.776	0.489	2004	N/A	1.00
6	Senegal	0.771	0.726	0.632	N/A		N/A	1.00
8	Libya	0.769	0.939	0.934	0.576	2008	0.532	1.00
9	Tajikistan	0.768	0.988	0.671	0.453	2016	0.889	1.00
10	Iran	0.758	0.989	0.908	0.604	2017	0.780	0.592
10	Turkmenistan	0.758	0.996	0.592	N/A		0.794	0.704
12	Bangladesh	0.757	0.850	0.724	0.698	2006	N/A	0.765
13	Yemen	0.748	0.858	0.487	N/A		N/A	1.00
14	Jordan	0.735	0.962	0.895	0.532	2010	0.468	1.00
14	Kyrgyzstan	0.735	0.950	0.855	0.367	2016	0.719	1.00
16	Palestine	0.734	0.979	0.842	0.324	2006	0.796	1.00
17	Sudan	0.731	0.743	0.526	N/A		N/A	1.00
18	Kazakhstan	0.698	0.994	0.947	0.511	2016	0.433	0.796
19	Comoros	0.692	0.763	0.434	N/A		N/A	1.00
20	Indonesia	0.686	0.847	0.803	0.345	2003	0.921	0.704
21	Pakistan	0.662	0.880	0.329	N/A		N/A	1.00
22	Gambia	0.657	0.478	0.592	N/A		N/A	1.00
23	Lebanon	0.655	0.977	0.987	0.482	2007	0.709	0.367
24	Kosovo	0.651	N/A	N/A	0.475	2018	1.00	0.582
25	Burkina Faso	0.635	0.721	0.355	N/A		N/A	1.00
26	Niger	0.628	0.555	0.447	N/A		N/A	1.00
27	Uzbekistan	0.620	0.977	0.855	0.360	2006	0.785	0.388
28	Kuwait	0.611	0.992	0.974	0.173	2010	0	0.918
29	Turkey	0.601	0.988	0.947	0.288	2018	0.482	0.602

30	Bosnia & Herz.	0.594	0.994	1.00	0.144	2012	0.830	0
31	Azerbaijan	0.585	0.980	0.829	0.309	2018	0.515	0.531
32	Afghanistan	0.582	0.442	0.447	N/A		N/A	1.00
33	Maldives	0.581	0.956	0.974	1.00	2005	0.194	0.367
34	Saudi Arabia	0.571	0.988	0.987	0.173	2005	0.589	0.612
35	Oman	0.560	0.986	0.934	0.086	2019	0.698	1.00
36	UAE	0.555	1.00	0.987	0	2005	0.482	0.306
37	Guinea-Bissau	0.542	0.416	0.382	N/A		N/A	1.00
38	Bahrain	0.537	0.990	0.987	0.259	2006	0.525	0.337
38	Brunei	0.537	0.975	0.934	0.194	2004	0.621	0.408
40	Malaysia	0.528	0.977	0.974	0.331	2019	0.313	0.418
41	Albania	0.522	0.989	0.947	0.381	2018	0.593	0.184
42	Mali	0.520	0.508	0.276	N/A		N/A	1.00
43	Mauritania	0.512	0.329	0.408	N/A		N/A	1.00
44	Guinea	0.481	0.496	0.224	N/A		N/A	1.00
45	Djibouti	0.438	0.785	0.434	0.187	1999	0.301	0.837
46	Chad	0.386	0	0.158	N/A		N/A	1.00
47	Qatar	0.346	0.995	0.987	0.036	2011	0.250	0.561
48	Sierra Leone	0.339	0.018	0	N/A		N/A	1.00
49	Somalia	0.293	0.274	0.092	N/A		N/A	1.00
50	Nigeria	0.262	0.196	0.092	N/A		N/A	1.00

Sources: (1) World Health Organisation, Trends in Maternal Mortality: 2000 to 2017 (2019) <https://www.who.int/data/gho/data/themes/topics/sdg-target-3-1-maternal-mortality> (Accessed June 7, 2021) (2) World Bank, Mortality rate, infant (per 1,000 live births under 5 years). Estimates developed by the UN Inter-agency Group for Child Mortality at [childmortality.org](https://data.worldbank.org/indicator/SP.DYN.IMRT.IN) <https://data.worldbank.org/indicator/SP.DYN.IMRT.IN> (Accessed June 7, 2021) (3) Primary sources: Wikipedia, Divorce demography https://en.wikipedia.org/wiki/Divorce_demography (Accessed June 7, 2021); UN, World Marriage Data 2008. Annual Number of Marriages and Crude Marriage Rates <https://www.un.org/en/development/desa/population/publications/dataset/marriage/data.asp> (Accessed June 7, 2021) Other sources: Azerbaijan - <https://countryeconomy.com/demography/marriages/azerbaijan> (Accessed June 7, 2021); Kazakhstan, Kyrgyzstan and Tajikistan - <https://www.statista.com/statistics/1053234/apac-crude-marriage-rates-by-country/> (Accessed June 7, 2021); Kosovo - Eurostat, Marriage and divorce statistics Statistics Explained, July 2020, Table 1: Crude marriage rate, selected years, 1960-2018 https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Marriage_and_divorce_statistics (Accessed June 7, 2021); Malaysia – Department of Statistics, Marriage and Divorce Statistics, 2020 ; <https://www.dosm.gov>

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Table 5: Country Rankings for the *Maqсад* of Wealth.

Rank 2021	Country	Geometric Mean	Gini Coefficient ⁽¹⁾		Unemployment Rate 2019 ⁽²⁾	Corruption Perceptions Index 2020 ⁽³⁾	Ecological Footprint Per Capita 2021 ⁽⁴⁾	Islamic Finance Development Index 2020 ⁽⁵⁾
1	Malaysia	0.708	0.402	2015	0.872	0.661	0.766	1.00
2	UAE	0.689	0.755	2014	0.911	1.00	0.411	0.55
3	Burkina Faso	0.686	0.639	2014	0.756	0.475	0.965	N/A
4	Azerbaijan	0.682	1.00	2005	0.785	0.305	0.901	N/A
5	Kazakhstan	0.681	0.963	2017	0.822	0.441	0.617	N/A
5	Kyrgyzstan	0.681	0.954	2018	0.753	0.322	0.929	N/A
7	Niger	0.678	0.680	2014	0.985	0.339	0.929	N/A
8	Algeria	0.656	0.959	2011	0.540	0.407	0.879	N/A
9	Saudi Arabia	0.650	N/A		0.769	0.695	0.631	0.53
9	Sierra Leone	0.650	0.622	2018	0.828	0.356	0.972	N/A
11	Senegal	0.644	0.432	2011	0.742	0.559	0.957	N/A
12	Gambia	0.637	0.614	2015	0.645	0.424	0.979	N/A
13	Indonesia	0.636	0.535	2018	0.818	0.424	0.922	0.61
14	Mali	0.624	0.734	2009	0.717	0.305	0.943	N/A
15	Egypt	0.622	0.797	2017	0.577	0.356	0.915	N/A
16	Bangladesh	0.621	0.759	2016	0.838	0.237	0.986	N/A
17	Guinea	0.619	0.705	2012	0.833	0.271	0.922	N/A

18	Albania	0.609	0.726	2017	0.515	0.407	0.901	N/A
19	Tunisia	0.603	0.743	2015	0.369	0.542	0.887	N/A
20	Morocco	0.601	0.465	2013	0.646	0.475	0.915	N/A
21	Pakistan	0.595	0.714	2015	0.827	0.322	0.979	0.40
22	Jordan	0.589	0.705	2010	0.421	0.627	0.908	0.42
23	Mauritania	0.587	0.751	2014	0.625	0.288	0.879	N/A
24	Bahrain	0.586	N/A		0.975	0.508	0.426	0.56
25	Oman	0.581	N/A		0.898	0.712	0.525	0.34
26	Lebanon	0.570	0.784	2011	0.757	0.220	0.809	N/A
27	Uzbekistan	0.569	0.639	2003	0.769	0.237	0.901	N/A
28	Palestine	0.564	0.705	2017	0	N/A	0.986	N/A
29	Tajikistan	0.538	0.693	2015	0.567	0.220	0.972	N/A
30	Qatar	0.534	N/A		1.00	0.864	0	0.27
31	Brunei	0.533	N/A		0.643	0.814	0.617	0.25
32	Maldives	0.522	0.805	2016	0.761	0.525	N/A	0.23
33	Kuwait	0.516	N/A		0.917	0.508	0.475	0.32
34	Somalia	0.511	N/A		0.554	0	0.979	N/A
35	Turkey	0.504	0.365	2018	0.469	0.475	0.794	N/A
36	Bosnia & Herz.	0.500	0.734	2011	0.274	0.390	0.794	N/A
37	Iraq	0.497	0.880	2012	0.496	0.153	0.915	N/A
38	Guinea-Bissau	0.490	0	2010	0.906	0.119	0.936	N/A
39	Djibouti	0.474	0.378	2017	0.596	0.254	0.879	N/A
40	Nigeria	0.457	0.647	2018	0.683	0.226	0.972	0.21
41	Iran	0.449	0.411	2017	0.553	0.220	0.816	N/A
42	Chad	0.448	0.307	2011	0.929	0.153	0.922	N/A
43	Turkmenistan	0.409	0.411	1999	0.849	0.119	0.674	N/A
44	Comoros	0.407	0.224	2014	0.832	0.153	0.965	N/A
45	Afghanistan	0.405	N/A		0.563	0.119	0.993	N/A
46	Sudan	0.353	0.685	2014	0.349	0.068	0.950	N/A
47	Yemen	0.347	0.581	2014	0.492	0.051	1.00	N/A
48	Syria	0.297	0.618	2004	0.672	0.034	0.957	0.17
49	Libya	0.262	N/A		0.268	0.085	0.794	N/A
50	Kosovo	0.230	0.900	2017	0.033	0.407	N/A	N/A

Sources: (1) World Bank, Gini Index, 1967-2019. Most recent year <https://data.worldbank.org/indicator/SI.POV.GINI> (Accessed June 8, 2021) (2) Sustainable Development Report 2020: The Sustainable Development Goals and Covid-19, June 20, 2020 <https://sdgindex.org/reports/sustainable-development-report-2020/> (Accessed June 8, 2021), See SDG2020Database; Kosovo – Unemployment Rate, from Kosovo Agency of Statistics (<http://ask.rks-gov.net>)

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Overall Non-*Din Maqasid* Results (Table 6)

Countries that perform best (first to third) for the non-*din maqasid* are Tunisia, UAE, and Kyrgyzstan. Those with the lowest scores are ‘war-torn’ and African, with Nigeria placed last. A comparison is made between the non-*din* rankings in 2013 and 2021. In 2013 these were termed *mu’amalat* indicators. Because of differences in the methodology and parameters used, we only give weight here to large differences between the two IWI indices. Countries whose rankings improved most were Morocco (+23), Tunisia (+18), Algeria (+17), and Kyrgyzstan (+12). Clearly the Maghrib countries have made considerable progress, perhaps because this part of the Muslim world remains relatively peaceful. Tunisia and Algeria benefitted from the Arab Spring (2011) and ending of the Algerian civil war (2002), respectively.

Countries that deteriorated the most were in the Gulf and ‘war-torn’: Qatar (-20), Syria (-18), Saudi Arabia (-17), Oman (-15), Bahrain (-14), Brunei (-12) and Libya (-12). Gulf countries have a worse result partly due to poor marriage and divorce rates, as well as their large environmental footprints, which were not captured in the 2013 assessment. The data displays a general grouping of countries into regions based on similar historical and ethnic backgrounds (best to worst, in order):

- Non-Gulf Arab countries (but including UAE)
- Former Soviet Union countries
- South East Asian countries
- Other former communist countries
- Gulf Arab countries
- Iran, Turkey, Bangladesh, Turkmenistan, Pakistan
- Certain West African countries (Senegal, Burkina Faso, Gambia)
- Other African and ‘war-torn’ countries

Overall IWI 2.0 Results (Table 7)

A comprehensive data analysis conducted using the improved IWI 2.0 methodology shows that leading countries in Islamic Well-Being (for countries with data) are (in order): Indonesia, Tunisia, Malaysia, Jordan, Morocco, and Algeria. While in 2013, personal religiosity (*‘ibadat*) and social interactions (*mu’amalat*) were given equal weighting, IWI 2.0 provides only 33 per cent weighting for the *din maqsad*.

Indonesia, the world’s largest Muslim country and a successful democratic nation, performed very well. Although some improvement for Tunisia, Jordan, and Morocco likely resulted from the improved IWI 2.0 methodology, it is also due to a continuing trend among many Middle-Eastern Muslim youth to move away from secular Arab nationalism towards regaining an Islamic identity. Malaysia lost its IWI 1.0 lead, which likely reflects the consequences of high-level corruption and weakness in its family *maqsad* value, which was newly assessed in IWI 2.0.

A high ranking in the IWI index requires good scoring both in the *din maqsad* and non-*din maqasid*. Indonesia does not lead in either of these categories but scores well enough in both to prevail as overall IWI leader. Since Suharto’s resignation as president in 1998, Indonesia has exhibited a growing, moderate Islamic resurgence, which is reflected in greater political participation, strengthening of democracy, Muslim intellectual engagement, and widespread dissemination of Islamic teachings.⁷⁰

Table 6: Country rankings for the Non-*Din Maqasid*

Country	Rank 2021	Change 2013- 2021	Non- <i>Din</i> Average	Life	Mind	Family	Wealth
Tunisia	1	+18	0.760	0.803	0.790	0.873	0.603
UAE	2	-1	0.754	0.948	0.890	0.555	0.689
Kyrgyzstan	3	+12	0.746	0.680	0.912	0.735	0.681
Algeria	4	+17	0.741	0.797	0.742	0.776	0.656
Kazakhstan	5	+3	0.732	0.735	0.820	0.698	0.681
Malaysia	6	+3	0.731	0.880	0.870	0.528	0.708
Morocco	7	+23	0.730	0.787	0.661	0.908	0.601
Jordan	8	+7	0.728	0.877	0.739	0.735	0.589
Indonesia	9	+10	0.715	0.740	0.811	0.686	0.636
Palestine	10	+1	0.713	0.756	0.824	0.734	0.564
Albania	11	-2	0.712	0.870	0.928	0.522	0.609

Kuwait	12	-9	0.699	0.881	0.861	0.611	0.516
Azerbaijan	13	-2	0.692	0.770	0.747	0.585	0.682
Brunei	14	-12	0.685	0.930	0.826	0.537	0.533
Bosnia & Herz.	15		0.683	0.837	0.875	0.594	0.500
Uzbekistan	16	+2	0.682	0.755	0.813	0.620	0.569
Egypt	17	+4	0.680	0.707	0.603	0.804	0.622
Oman	18	-15	0.676	0.748	0.857	0.560	0.581
Bahrain	19	-14	0.675	0.843	0.781	0.537	0.586
Maldives	20	-6	0.666	0.741	0.876	0.581	0.522
Tajikistan	20	-9	0.666	0.696	0.684	0.768	0.538
Saudi Arabia	22	-17	0.660	0.711	0.718	0.571	0.650
Lebanon	23	+2	0.657	0.692	0.723	0.655	0.570
Iran	24	+1	0.639	0.750	0.652	0.758	0.449
Turkey	25	-10	0.636	0.636	0.847	0.601	0.504
Bangladesh	26	+3	0.625	0.539	0.602	0.757	0.621
Qatar	27	-20	0.595	0.779	0.873	0.346	0.534
Turkmenistan	28	-1	0.585	0.600	0.628	0.758	0.409
Senegal	29	+7	0.569	0.430	0.491	0.771	0.644
Kosovo	30	-3	0.548	0.743	0.813	0.651	0.230
Burkina Faso	31	+9	0.537	0.504	0.380	0.635	0.686
Pakistan	32	+1	0.534	0.479	0.432	0.662	0.595
Libya	33	-12	0.514	0.471	0.733	0.769	0.262
Gambia	34	+4	0.499	0.314	0.473	0.657	0.637
Iraq	35	-2	0.479	0.289	0.477	0.771	0.497
Comoros	36	-3	0.478	0.364	0.511	0.692	0.407
Sudan	37	-1	0.453	0.415	0.392	0.731	0.353
Mauritania	38	+2	0.430	0.280	0.407	0.512	0.587
Syria	39	-18	0.424	0.309	0.428	0.824	0.297
Niger	40	-2	0.404	0.320	0.196	0.628	0.678
Yemen	41	-10	0.395	0.274	0.343	0.748	0.347
Djibouti	42	-10	0.387	0.393	0.276	0.438	0.474
Guinea-Bissau	42	-2	0.387	0.289	0.292	0.542	0.490
Guinea	44	+1	0.374	0.241	0.274	0.481	0.619
Mali	45	-1	0.364	0.241	0.225	0.520	0.624
Afghanistan	46	-3	0.362	0.192	0.381	0.582	0.405
Sierra Leone	47	0	0.318	0.132	0.350	0.339	0.650
Chad	48	+1	0.300	0.224	0.210	0.386	0.448
Somalia	49	-4	0.299	0.221	0.242	0.293	0.511
Nigeria	50	-3	0.278	0.126	0.398	0.262	0.457

Note: Significant change in a country ranking indicated in **bold**.

Table 7: Country rankings for the Islamic Well-Being Index 2.0.

Country	Rank 2021	Change 2013- 2021	Total Composite Average	<i>Din</i>	Composite Non- <i>Din</i> Average	Life	Mind	Family	Wealth
Indonesia	1	+1	0.784	0.921	0.715	0.740	0.811	0.686	0.636
Tunisia	2	+7	0.760	0.761	0.760	0.803	0.790	0.873	0.603
Malaysia	3	-2	0.750	0.788	0.731	0.880	0.870	0.528	0.708
Jordan	4	+6	0.744	0.776	0.728	0.877	0.739	0.735	0.589
Morocco	5	+8	0.728	0.723	0.730	0.787	0.661	0.908	0.601
Algeria	6	N	0.725	0.692	0.741	0.797	0.742	0.776	0.656
Palestine	7	-2	0.718	0.729	0.713	0.756	0.824	0.734	0.564
Egypt	8	+8	0.690	0.711	0.680	0.707	0.603	0.804	0.622
Burkina Faso	9	N	0.671	0.940	0.537	0.504	0.380	0.635	0.686
Senegal	10	-7	0.669	0.868	0.569	0.430	0.491	0.771	0.644
Iran	11	N	0.644	0.654	0.639	0.750	0.652	0.758	0.449
Bangladesh	12	-6	0.631	0.644	0.625	0.539	0.602	0.757	0.621
Turkey	13	+9	0.628	0.612	0.636	0.636	0.847	0.601	0.504
Lebanon	14	+10	0.621	0.550	0.657	0.692	0.723	0.655	0.570
Pakistan	15	+5	0.603	0.741	0.534	0.479	0.432	0.662	0.595
Guinea-Bissau	16	+4	0.585	0.980	0.387	0.289	0.292	0.542	0.490
Kyrgyzstan	17	+8	0.584	0.259	0.746	0.680	0.912	0.735	0.681
Azerbaijan	18	+8	0.573	0.335	0.692	0.770	0.747	0.585	0.682
Tajikistan	18	-10	0.573	0.388	0.666	0.696	0.684	0.768	0.538
Niger	20	-7	0.572	0.909	0.404	0.320	0.196	0.628	0.678
Bosnia & H.	21	N	0.561	0.318	0.683	0.837	0.875	0.594	0.500
Djibouti	22	-4	0.552	0.883	0.387	0.393	0.276	0.438	0.474
Iraq	23	-10	0.547	0.682	0.479	0.289	0.477	0.771	0.497
Mali	24	-2	0.537	0.884	0.364	0.241	0.225	0.520	0.624
Afghanistan	25	-19	0.524	0.849	0.362	0.192	0.381	0.582	0.405
Chad	26	-10	0.510	0.931	0.300	0.224	0.210	0.386	0.448
Nigeria	27	-16	0.503	0.954	0.278	0.126	0.398	0.262	0.457
Kazakhstan	27	+1	0.503	0.045	0.732	0.735	0.820	0.698	0.681
Uzbekistan	27	+3	0.503	0.144	0.682	0.755	0.813	0.620	0.569
Albania	30	-1	0.483	0.026	0.712	0.870	0.928	0.522	0.609
Kosovo	30	+1	0.483	0.352	0.548	0.743	0.813	0.651	0.230

Note: Significant change in a country ranking indicated in **bold**. N = Newly appearing country.

Some countries that scored well among the non-*din maqasid* ended up

with the lowest overall IWI rankings due to low levels of religiosity (*din*). These are all former communist countries – Kosovo, Albania, Uzbekistan, and Kazakhstan. Other countries with low scores are ‘war-torn’ and African.

A comparison is made between the 2013 and 2021 country rankings for Islamic Well-Being.⁷¹ Due to changes in the methodologies applied in the index years 2013 and 2021, we only emphasise major ranking changes considered to be meaningful. Countries that improved the most are Lebanon (+10), Turkey (+9), Azerbaijan, Egypt, Kyrgyzstan, Morocco (+8), and Tunisia (+7).

The Islamic well-being of certain Middle Eastern Arab countries has improved significantly towards regaining their historic Islamic leadership role, which is thought to be related to increased Islamic consciousness as reflected in the 2011 Arab Spring uprisings. Lebanon’s IWI 2.0 standing has improved significantly as a result of re-building since the 2006 war with Israel. The enhanced IWI 2.0 methodology may have also captured the well-being status of these Arab countries more accurately than before.

Turkey, Azerbaijan, and Kyrgyzstan have shown improvements that appear to be related to economic growth, rather than increased religiosity (see *din maqsad*). In Turkey’s case, however, historical bans on the Islamic headscarf in universities and the national parliament, first imposed by Atatürk, are now fading.

Countries whose IWI has deteriorated most over the same period are Afghanistan (-19), Nigeria (-16), Chad, Iraq, Tajikistan (-10), Senegal (-7), and Bangladesh (-6). These worsened IWI rankings are related to deteriorating security or civil conflicts.

Afghanistan experienced the greatest IWI decline of any country between successive reporting periods. This is confirmed by a 2018 Gallup Poll which found that Afghans expect their quality of life to deteriorate significantly over the next five years.⁷² In 2019, another Gallup Poll found that “No Afghans are thriving and 85 percent are suffering.”⁷³ This is related to the fear-based climate created by 40 years of conflict and a lack of confidence in Afghanistan’s security, partly created by Taliban attacks.

A marked contrast in IWI trends is apparent between Kyrgyzstan and Tajikistan, which are otherwise similar in their geography, history, and resources. Thus, while Kyrgyzstan has advanced (+8), Tajikistan has deteriorated (-10). This is partly due to their differing political backgrounds, since Kyrgyzstan is considered to be the most democratic of the five Central Asian republics in terms of freedom of public expression, whereas Tajikistan is ruled by an authoritarian government that restricts such freedom.⁷⁴

Nigeria has been affected by deteriorating security related to the rise of Boko Haram and other militant groups in the north of the country, while Chad and Senegal have also experienced conflict.

Iraq experienced major conflict in 2014 with the rise of the so-called ‘Islamic State,’ which captured territory across the country’s northern and central regions, before being neutralised by 2020.

Bangladesh’s IWI declined under Indophile Prime Minister Sheikh Hasina, who has downgraded Islam’s societal role, promoted secularism, and imposed capital punishments on many Muslim leaders since 2009.

The results show country groupings into regions as follows (best to worst, in order):

- South-East Asian countries
- Non-Gulf Arab countries
- Burkina Faso and Senegal
- Iran, Bangladesh, Turkey, and Pakistan
- Former communist, other African, and ‘war-torn’ countries - Afghanistan, Chad, Nigeria, Uzbekistan, Albania, and Kosovo.

Discussion and Conclusions

The world averages for many of the *maqasid* parameters compare well with pre-COVID-19 averages for MMCs (Table 8). MMC averages show Muslims are generally more likely to regard religion as ‘very important’ and to practice their faith. Furthermore, they outperform world averages in terms of Gini income equality and national homicide rates. Other parameters, such as the Global Peace Index, Adult Literacy Rate, UN Human Capital Index, female secondary school enrolment, Maternal Mortality Rate, and Corruption Perceptions Index, show MMCs performing worse than the world averages. This challenges MMCs to improve in these fields, which are essential indicators of Islamic Well-Being.

Table 8: Comparison of Indicator Averages for MMCs with Coeval World Averages

	Indicator	World	MMCs	Comparative Status
1.	Attend place of worship weekly (%)	39	49.7	Significantly higher
2.	Pray daily (%)	49	67.0	Significantly higher
3.	“Religion is important” (%)	54	72.1	Significantly higher

4.	National Homicide Rate, per 100,000 population	7.32	3.82	Much better
5.	Gini Coefficient	36.10	35.17	Better
6.	Total Fertility Rate, children per woman	2.52	2.983	Higher
7.	Poverty Level (%)	12.36	14.161	Probably similar
8.	Infant Mortality Rate, per 1,000 live births, 2020	28	28.67	Similar
9.	Ecological Footprint (global hectares)	2.75	2.91	Similar
10.	Life Expectancy at Birth (years), 2019	72.8	70.17	Slightly worse
11.	Global Peace Index	2.10	3.39	Worse
12.	Environmental Performance Index	46.44	39.09	Worse
13.	Human Capital Index, 2020	0.56	0.50	Worse
14.	Female participation, secondary education (%)	76	70.04	Worse
15.	Press Freedom Index	34.80	44.10	Worse
16.	Maternal Mortality Rate, per 1,000 live births, 2017	211	231.96	Worse
17.	Unemployment Rate (%)	6.97	7.79	Worse
18.	Adult Literacy Rate, aged ≥15 years (%)	86	76.68	Significantly worse
19.	Corruption Perceptions Index	43.3	33.5	Significantly worse

Notes: (1) Not including Gulf Arab countries. (2) 2017 figure. (3) 2021 figure (estimated).

The IWI-MMC represents a scorecard highlighting leader and laggard countries and providing practical insights for countries that aspire to move to a higher state. Countries who lead in each of the five distinct *maqasid* fields of well-being represent role models for lagging counties. IWI indicators can help spot problems, set targets, track trends, understand outcomes, and identify best policy practices. Good data and fact-based analyses based on this work can help government officials refine their policy agendas and facilitate communication with key stakeholders.

Abdul Rauf believes that, “In God’s eyes, one can pray and perform ‘*ibadat*, but if he is unjust then his final score is a negative one...the Islamicity of a state does not rely solely upon the ‘*ibadat*. The *mu‘amalāt* are equally important...”⁷⁵ The present IWI 2.0 assessment found that Nigeria ranks second in the *din maqsad*, but last in the composite non-*din maqsad*. This mirrors the amazing IWI 1.0 finding that “the West African bloc of countries (Nigeria, Chad, Senegal, Niger, Mali) that display the highest levels of Personal Religiosity

(*'ibadat*) at the same time demonstrate the lowest levels of Social Interactions (*mu'amalat*). This finding indicates that countries with Muslim citizens who perform well in terms of Islamicity do not necessarily display good levels of Social Interaction practices. This is an important finding that deserves follow-up research to elucidate reasons for this dissonance.”⁷⁶ Confirmation of this general pattern in IWI 2.0 implies that the overall approach of the two IWI methodologies is broadly similar, and that Nigeria's position in this matter has changed little since 2013.

The hypothesis presented here is that many Muslim leaders in West African countries hold the incorrect view that Islam is only about ritual worship, rather than understanding that worship is comprehensive, covering everything that a person says or does to seek Allah's pleasure. It is not restricted to the individual's direct relationship with God, but also includes the person's relationship with her/his spouse, children, relatives, business relations, humanity in general, and even birds, animals, and plants. It is presumed that Islam's role has narrowed in West Africa to core practices as a survival response to severe depredations linked to the European slave trade and colonialism, which removed Islam from trade, finance, banking, law (except family/personal), and governance. In one severe case, Nigerian Boko Haram extremists have attacked non-traditional schools teaching modern knowledge essential for societal improvement. In the context of such misguided thought, West Africa has the world's highest rates of preventable death from disease and malnutrition.

In our 2013 article, we proposed that Senegal, which achieved third place in IWI 1.0, would be worth visiting.⁷⁷ In 2017, the author visited Senegal and found a country whose Muslims displayed a high level of God-consciousness. He discovered Senegal had been blessed by the work of Sheikh Aamadu Bamba (1853-1927), founder of both the Muridiyya Sufi brotherhood and the city of Tuba (named after a tree in Paradise),⁷⁸ which he established in 1887. As an Islamic renewer (*mujaddid*), Aamadu called Muslims to spiritual rectification, while opposing colonialism. Forty percent of Senegalese reportedly follow him today, of whom 60 per cent are women. As a prime pilgrimage destination, Tuba has grown into Senegal's second largest city. Blessings from the profound *Muridiyyan* influence largely explain why Senegal has such high Islamic well-being.

The significant rise in IWI 2.0 of Tunisia can be interpreted as a strong endorsement of the success of that country's Arab Spring movement, led by Rachid Ghannouchi's Islamist party, Ennahda. It is also testament to the 'soft' approach taken by Tunisia while promoting an Islamic-minded civil society capable of leading the transition from autocratic government to working democracy. It serves as a good example for other authoritarian Muslim

countries to follow.

Shadi Hamid, of the US Brookings Institution, makes some comments in his 2016 book, *Islamic Exceptionalism*,⁷⁹ that validate the otherwise surprising finding that Indonesia and Malaysia have topped the rankings in both IWI-1.0 and IWI-2.0. Hamid highlights, “Indonesia and Malaysia feature significantly more shariah ordinances than Egypt, Tunisia, Algeria, Morocco or Lebanon, to name a few.” He points out that Indonesia and Malaysia are led by secular-based parties; they had to enact shariah legislation to satisfy popular demand among their Muslim citizenry for “Islam to play a central role in law and governance.” Surely, this is the concrete realisation of what Abdul Rauf (with other scholars) intended when identifying those Muslim countries showing a higher degree of conformity to the *maqasid al-shariah*.

Policy Recommendations

- A Muslim organisation should be funded to conduct periodic surveys to fill the data gaps for various *maqasid*, with special emphasis on obtaining comprehensive data from the Gulf and Brunei, as well as marriage/divorce data from African Muslim countries.
- It is necessary to identify internationally respected Muslim professionals and leaders who can promote Islamic values in the life, intellect, family and wealth *maqasid* to help uplift citizens in laggard countries who wish to strive to realise these virtues.
- Special attention is warranted to determine the best approach towards enhancing Islamicity in countries found to be lagging in the *din maqsad*, especially former communist countries.
- For African laggard countries in the non-*din maqsad*, the importance of modern education, including for women, should be promoted to facilitate employment, good upbringing of children, and to overcome widespread sickness from disease and malnutrition. Second, *mu'amalat* teachings and anti-corruption campaigns are required to enhance respect and compassion between fellow citizens, and to establish good family and neighbourly relations between non-Muslims and Muslims.
- Table 8 is important for administrator-planners to identify the key areas where MMCs lag and where efforts and resources are needed to reduce the gap with non-Muslim countries.

- Ideally, the IWI Index should be prepared annually, with a summary publication.

Notes

- * *Daud Abdul-Fattah Batchelor*, is an Adjunct Fellow at the International Institute of Advanced Islamic Studies (IAIS) Malaysia. He can be contacted at: daud.batchelor@gmail.com.
1. Daud Abdul-Fattah Batchelor, 'A New Islamic Rating Index of Well-Being for Muslim Countries,' *Islam and Civilisational Renewal* 4, no. 2 (2013): 188-214.
 2. This article has received considerable interest: as of June 6, 2021, it has registered 12,180 reads on ResearchGate.
 3. Azila Ahmad Sarkawi et al., 'A Conceptual Framework of Maqasid Human Wellbeing Index,' *International Journal of Advanced Biotechnology and Research* 8, no. 3 (2017): 220-5.
 4. Imam Feisal Abdul Rauf, *Defining Islamic Statehood: Measuring and Indexing Muslim States* (New York: Palgrave, 2015).
 5. Umer Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shari'ah* (Jeddah: Islamic Development Bank, 2008). Available at: https://www.researchgate.net/publication/303499103_The_Islamic_Vision_of_Development_in_the_Light_of_Maqasid_Al-Shari%27ah. (Accessed on: June 30, 2021).
 6. Hendrie Anto, 'Introducing an Islamic Human Development Index (I-HDI) to Measure Development in OIC Countries,' *Islamic Economic Studies* 19 (2011): 69-95.
 7. Necati Aydin, 'Islamic vs Conventional Human Development Index: Empirical Evidence from Ten Muslim Countries,' *International Journal of Social Economics* 4, no. 12 (2017): 1562-83.
 8. Christine Robitschek and Corey Keyes, 'Keyes's Model of Mental Health with Personal Growth Initiative as a Parsimonious Predictor,' *Journal of Counselling Psychology* 56 no. 2 (2009): 321-9.
 9. Martin Seligman, "Authentic Happiness," in *Flourish* (New York: Simon and Schuster, 2011).
 10. Mohsen Joshanloo, 'Islamic Conception of Well-Being,' in *The Pursuit of Human Well-Being*, ed. Richard Estes and Joseph Sirgy (Dordrecht: Springer, 2017), 109-31.
 11. Translations of the Qur'an are taken from Yusuf 'Ali, *The Meaning of The Holy Qur'an: Text, Translation and Commentary* (Kuala Lumpur: Islamic Book Trust, 2009).
 12. Ikrimah said *tuba* means 'How excellent is what they earned,' *Tafsir Ibn Kathir*, vol. 5 (Riyadh: Darussalam, 2000), 277.

13. Abu Hamid al-Ghazali, *al-Mustasfa min 'ilm al-usul* (Cairo: Maktabah al-Tijariyyah al-Kubra, 1937), 139-40.
14. Anto, 'Introducing an Islamic Human Development Index,' 75; M.S. Salleh, *Pembangunan Berteraskan Islam* (Penang: Utusan Publications, 2003) argues the right aim of 'Islamic development' is *mardhiyyatillah* (Allah's Pleasure) since only the one who gains Allah's pleasure will receive *falah*.
15. Batchelor, 'A New Islamic Rating Index of Well-Being for Muslim Countries,' 194. Although Abdul Rauf used 'Dignity' as a sixth *maqсад*, we will stick with the five essential *maqasid* defined by al-Ghazali.
16. Abdul Rauf, *Defining Islamic Statehood*, 93.
17. For negative dimensions, the formula is modified slightly.
18. Cf. *Ibid.*, 97.
19. When a zero value is determined for any of a country's *maqсад* parameters, the arithmetic mean of parameters is calculated instead of the geometric mean.
20. Abdul Rauf, *Defining Islamic Statehood*, 76.
21. *Ibid.*, 79.
22. *Ibid.*, 79-80.
23. M. H. Mohamad and N. S. Abdul Jalil, *Indeks Pembangunan Ummah Malaysia* (Kuala Lumpur: IKIM, 2016).
24. See Table 1.
25. Daud Batchelor, 'Exploring the Significance of Some Cultural and Religious Factors in Domestic Violence among Muslim Immigrant Australians,' *Islam and Civilisational Renewal Journal* 11, no. 1 (2020): 9-38.
26. See Muhammad Asad, *The Principles of State and Government in Islam* (Gibraltar: Dar Al-Andalus, 1980): 86-94.
27. See Table 1.
28. Raudha Md Ramli et al., 'M-Dex among Islamic Countries.' Available at: <https://doczz.net/doc/987140/m-dex-among-the-islamic-countries-raudha-md-ramli-abdul>. (Accessed on: June 30, 2021)
29. *The World Muslims: Unity and Diversity* (Washington DC: Pew Research Center, 2012). Available at: <https://www.pewresearch.org/wp-content/uploads/sites/7/2012/08/the-worlds-muslims-full-report.pdf>.
30. *The Age Gap in Religion Around the World* (Washington DC: Pew Research Center, 2018). Available at: <https://www.pewforum.org/2018/06/13/the-age-gap-in-religion-around-the-world/>.
31. *Global God Divide* (Washington DC: Pew Research Center, 2020). Available at: <https://www.pewresearch.org/global/2020/07/20/the-global-god-divide/>.
32. See Table 2.
33. UNDP, *Human Development Report 2013: The Rise of the South: Human Progress in a Diverse World* (New York: United Nations Development Programme, 2013). Available at: <http://hdr.undp.org/en/content/human-development-report-2013> (Accessed on: June 30, 2021).
34. Asad, *The Principles of State and Government in Islam*, 88.
35. Abdul Rauf, *Defining Islamic Statehood*, 67-69.
36. Institute for Economics & Peace, *Global Peace Index 2020: Measuring Peace in a Complex World*, (Sydney, June 2020), 2. Available at: <https://>

- www.visionofhumanity.org/wp-content/uploads/2020/10/GPI_2020_web.pdf. (Accessed June 30, 2021).
37. Z.A. Wendling et al., *2020 Environmental Performance Index* (New Haven, CT: Yale Center for Environmental Law & Policy). Available at: <https://epi.yale.edu/downloads/epi2020report20210112.pdf>.
 38. Abdul Rauf, *Defining Islamic Statehood*, 68.
 39. Ibid, 88.
 40. Ibid, 67.
 41. Anto, 'Introducing an Islamic Human Development Index,' 77.
 42. Abdul Rauf, *Defining Islamic Statehood*, 88.
 43. Sarkawi, 'A Conceptual Framework of Maqasid Human Wellbeing Index,' 221.
 44. Allah's Messenger (peace be upon him) said: "He who likes that his sustenance should be expanded and his age may be lengthened should join the tie of kinship." *Sahih Muslim*, Book 32, Hadith #6203.
 45. 'About the EPI.'
 46. See Table 3.
 47. Raudha et al., 'M-Dex among Islamic Countries,' 11.
 48. Abdul Rauf, *Defining Islamic Statehood*, 70.
 49. Raudha et al., 'M-Dex among Islamic Countries,' 15.
 50. *The Human Capital Index 2020 Update* (Washington, DC: World Bank, 2020). Available at: <https://openknowledge.worldbank.org/handle/10986/34432>.
 51. Reporters Without Borders, *World Press Freedom Index 2020*. Available at: <https://rsf.org/en/ranking/2020>. (Accessed on: October 2, 2020).
 52. See Table 4.
 53. Abdul Rauf, *Defining Islamic Statehood*, 69.
 54. Abdullah b. Mas'ud (RA) reported that Allah's Messenger (pbuh) said: "O young men! Those among you who can support a wife should marry, for it restrains eyes and preserves one from immorality" (*Sahih Muslim*, Chapter 1, Book 8, Hadith #3233).
 55. Sunan Abu Dawud #2172. Al-Suyuti considered it to be authentic. Available at: <https://abuaminaelias.com/dailyhadithonline/2013/04/15/talaq-worst-of-halal/>. (Accessed on: December 12, 2020).
 56. Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shari'ah*, 44.
 57. Abdul Rauf, *Defining Islamic Statehood*, 107.
 58. See Daud Batchelor, 'Islamic Perspectives on Curbing Population Growth to Promote Earth's Sustainability,' *Islam and Civilisational Renewal* 10, no. 1 (2019): 21-46. Also Raudha, "M-Dex among Islamic Countries", 15; Anto, 'Introducing an Islamic Human Development Index,' figure 4, suggested 'fertility rate' as a family well-being indicator; Ibid., 85, noted: "A high fertility rate might reflect a strong desire/commitment onto sustainability of the next generation...this should be followed by a good quality of birth as indicated by the mortality rate."
 59. Thomas J. Espenshade, Juan Carlos Guzman and Charles F. Westoff, 'The Surprising Global Variation in Replacement Fertility,' *Population Research and Policy Review* 22 no. 5/6 (2003): 580. In rating countries, those with a

TFR of 2.33 or more are considered the best, while countries with lower TFR are marked down.

60. See Table 5.
61. Raudha and Others, 'M-Dex among Islamic Countries,' 11.
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IMPLEMENTING THE E-FAMILY EXPERT MODEL THROUGH A LEGAL FRAMEWORK FOR ONLINE DISPUTE RESOLUTION

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Abstract: With the protracted COVID-19 pandemic ravaging the world, and new virulent variants emerging all the time, there has been massive pressure applied to family institutions, particularly in the Muslim world. These pressures include domestic violence, increased divorce rates, and increased spouse mortality, all of which have triggered unique family disputes. With restrictions on movement and physical distancing measures in place, one wonders whether there are new, alternative means to resolve such budding family-related disputes. To address this issue, this paper examines the potential of the E-Family Expert Model, earlier designed by the authors, to resolve family-related disputes under the legal framework of Online Dispute Resolution (ODR). The study adopts an analytical approach via a qualitative research methodology to discuss the relevant issues with a view to finding a lasting solution to family dispute resolution within a pandemic environment. One of the study's major findings relates to the relevance of the Fourth Industrial Revolution for implementing the E-Family Expert Model, where the usual boundaries between the physical, digital, and biological are strategically blurred with the implementation of a family ODR platform. The study concludes that the E-Family Expert Model could help a great deal in addressing a multitude of family-related disputes through an ODR platform, while complying with national legislative frameworks. This could further be a tool for member states of the Organization of Islamic Cooperation (OIC) to address increasing numbers of family disputes using a more formalised framework.

Keywords: E-Family Expert Model, family disputes, family dispute resolution, Online Dispute Resolution, alternative dispute resolution.

Introduction

The COVID-19 pandemic has fast tracked the adoption of technology

in various aspects of life, including in the financial, legal, industrial, and business sectors. Another sector that has also seen major changes is the family institution, where family members have become separated due to travel restrictions and had to resort to virtual meetings. While virtual interactions have provided individuals with an opportunity to interact with their loved ones during the pandemic, a rise in domestic violence and divorce cases across the world has also emerged due to family implosion exacerbated by lockdowns and movement restrictions. In a recent study jointly undertaken by the United Nations Population Fund (UNFPA), UN Women, and Quilt.AI, an analytics company, the following eight countries were surveyed: Bangladesh, India, Indonesia, Malaysia, Nepal, the Philippines, Singapore, and Thailand.¹ The focus of the study was to identify trends between September 2019 and November 2020 in internet searches relating to both violence against women and help-seeking during the COVID-19 lockdown. The study revealed that such searches rose tremendously. For instance, searches related to physical violence (such as “spouse abuse” or “men hitting women”, among others) in three countries – Malaysia, Nepal, and the Philippines – increased by 47 per cent, 55 per cent, and 63 per cent respectively. The report therefore suggested that the governmental and private sectors of these countries consider active online engagement with people facing domestic violence, in addition to survivors who require immediate help.² This is an example of how Big Data analysis can help solve a perennial social problem.

Even before the COVID-19 pandemic, increasing cases of domestic violence and divorce rates in Muslim societies had prompted efforts within a dedicated family law research group at the International Islamic University of Malaysia (IIUM) to develop an internet-based solution for people seeking assistance when facing these issues.³ In furtherance to such efforts, and with the principal objective of providing a neutral platform establishing an inextricable link between family law experts and those seeking help, this study provides an overview of the integrated E-Family Expert Model. The role of family law experts and counsellors in operationalising this innovative system for managing family-related issues cannot be overemphasised at a time when domestic violence and divorce cases are skyrocketing. This study seeks to assess existing mechanisms for the E-Family Expert Model and its relevance as a unique form of Online Dispute Resolution (ODR). The research is expected to provide an avenue for couples seeking advice from experts at their convenience. With early intervention, it may save marriages from imminent collapse. The socio-legal impact of this research on the economy and national well-being will help build a formidable family institution capable of promoting a peaceful and cohesive society.

Family Disputes and Online Dispute Resolution

In its simplest form, ODR is the utilisation of Information and Communication Technology (ICT) to help manage disputes, including avoidance and resolution protocols. ODR emerged as early as the 1990s as a form of dispute resolution within online marketplaces.⁴ It has since extended into other forms of dispute, with courts adopting it in full for formal court proceedings involving a variety of subject matters. With the pandemic hitting the world, people are getting more comfortable with utilising ICT as a means of resolving disputes; in most cases, they have been compelled to use them for court proceedings.

Utilising ODR for Family Disputes

According to Katsh, one of the very earliest significant experiments in ODR took place at the University of Maryland, in association with their Family Law Project. Thus, the origin of ODR lies in family-related disputes. The Maryland project proposed an online platform for family disputes when couples were located in different geographical locations, making it impossible to bring them together physically.⁵ This early initiative triggered other experiments across the world. Notable among these were significant reforms in Australia: within the context of nine other ODR processes focused on family disputes,⁶ Australia's Attorney General Department funded research on Online Family Dispute Resolution (OFDR) in 2009.⁷ The final report produced by this project, submitted on 30 March 2011, included significant recommendations for user accessibility and usability, with additional suggestions concerning project management.⁸ Within the context of the present research, their use of the Customer Relationship Management (CRM) analytic model when developing online access to experts is particularly pertinent.⁹ This socio-legal element has not been previously used when addressing family related issues; its relevance for seeking expert opinion online, however, particularly during distressful times, when there seems to be no one to turn to for advice, is clear.¹⁰

Across the world, there are currently several ODR firms supporting clients facing family disputes, particularly divorce cases. Existing online platforms include: HelloDivorce.com, Wevorce.com, OurFamilyWizard.com, CommonSenseDivorce.com, ItsOverEasy.com, and CoParenter.com.¹¹ From an initial analysis of these existing platforms, it is clear that none have adopted Islamic law principles. There is, in short, no known formal platform for ODR in family dispute cases in the Muslim world. This makes a compelling case for the proposed E-Family Expert Model outlined here.

Family Lawyers and Online Family Dispute Resolution

The major concern when discussing ODR in the context of family disputes is whether this form of dispute settlement will adversely affect lawyers. It is argued that ODR would generate new opportunities for obtaining legal advice without recourse to traditional legal practitioners. Nevertheless, experts highlight how ODR is most often utilised by low income individuals, who would not be able to afford the cost of hiring lawyers, anyway.¹² However, there was a noticeable paradigm shift during the pandemic, when even the rich began utilising ODR due to travel restrictions, as well as the ease and timeliness of the process. Such clients, however, still need to hire lawyers, who make their appearances online during mediation, arbitration, or litigation. Family disputes require deep knowledge of the law and legal system; whether one is engaging in online mediation or arbitration, one still requires legal guidance. This was seen during the recent lockdowns, when many courts moved their proceedings online, enabling lawyers to charge fees and provide legal services to clients via the internet. One would therefore conclude that, with the implementation of the E-Family Expert Model, family lawyers would make more money, potentially increasing their number of clients while spending less time on the job as they would not be required to commute.

The Legality of Online Family Dispute Resolution in Islamic Law

In Islamic law, the shariah prioritises efforts to diffuse marital discord and proactively resolve family-related disputes. Family law in general, and family dispute resolution in particular, are two core areas where the Qur'an gives explicit prescriptions. For instance, the Qur'an states:

If a wife fears cruelty or desertion on her husband's part, there is no blame on them if they arrange *an amicable settlement between themselves; and such settlement is best*; Even though men's souls are swayed by greed. But if ye do good and practise self-restraint, Allah is well-acquainted with all that ye do. (emphasis added)¹³

Taking into account the reason behind the revelation of this verse, some Muslim jurists explain that *sulh* (amicable dispute settlement) is most relevant in cases of marital discord. Certainly, the Qur'an pointedly provides further direction on the need for family arbitration during marital disputes:

If you fear a breach between them twain (the man and his wife), appoint (two) arbitrators, one from his family and the other from her's; if they

both wish for peace, Allah will Cause their reconciliation. Indeed, Allah is ever All-Knower, Well-Acquainted with All things.¹⁴

In the exegesis of Ibn Kathir, it is emphasised that jurists have taken this verse to mean that, in the event of marital discord, it is the duty of the judge or family head to refer the parties (husband and wife) to a trusted third party who evaluates the dispute and guides the disputants to a negotiated settlement. It is usual to appoint reliable personalities from the two families to assist in reaching this amicable settlement.¹⁵

In the resolution of disputes more generally, Islamic law permits the use of all lawful means, including any ICT medium. Hence, ODR can be utilised for family disputes, since it is merely a medium or platform; the general Islamic legal principle of blocking the means to evil (*sadd al-dharai'*) still applies.¹⁶ It is important to note that the “evil” referred to here is the budding marital discord or other family dispute. Any medium employed to resolve this is considered appropriate, provided its outcome complies with Islamic law. In fact, the whole idea of *sadd al-dharai'* is to tackle a problem before it grows into a full-blown conflict. Therefore, it provides a good basis for the use of the E-Family Expert Model.

A Brief Overview of the Proposed E-Family Expert Model

A major policy of every responsible government is the construction of a progressive and inclusive society. This includes strengthening the family institution, which is the principal objective of the E-Family Expert Model. The latter is a neutral platform connecting family law experts with those seeking assistance. It provides unprecedented free and fair access to top experts in family law, as well as to counselling, psychology, and religious teachings, using a dedicated online portal and smart phone app. This model is expected to complement the existing offline programmes currently being used in different countries across the Muslim world, particularly in Malaysia. The project is expected to provide an avenue for couples who are having marital problems and seek the views and advice of experts, at anytime or anywhere.

When designing the E-Family Expert Model, the current authors relied on the CRM analytic model, as illustrated in Figure 1.

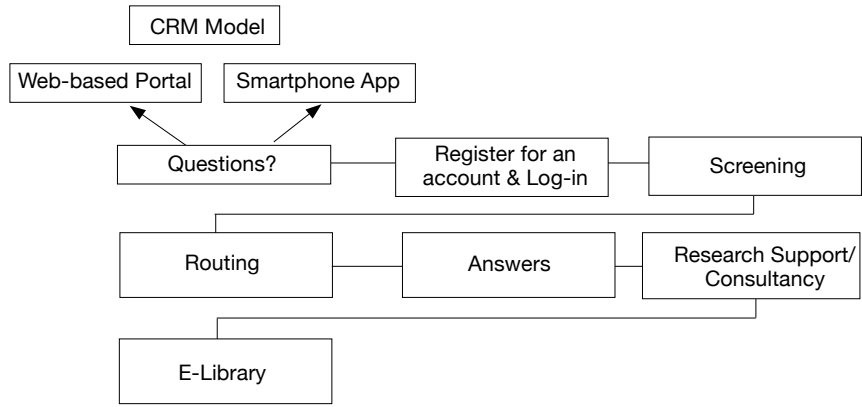


Figure 1: The E-Family Expert Model
Source: The authors

The platform involves: Questions, Screening and Routing, Answers, Consolidation, E-Library, and Research. In the first phase of this project, the CRM model was applied to allow for proper management of information among selected experts, including how that information would be visualised for users. The major features provided for in this first phase included: access to experts in family law, frequently asked questions, guides and tips for a successful marriage, online counselling services, and publications related to marital rights, duties, and obligations.

The mapping of the E-Family Expert website based on this first phase is provided in Table 1:

	Page	Remarks
1.	Home Page	Contains: Welcome Message, slideshow, features of the site (call, chat, and conferencing).
2.	E-Info	Contains pdf files related to Islamic family laws.
3.	E-Experts	Brief information about experts.
4.	Login and Registration	Area for experts/visitors to sign up.
5.	Dashboard for Experts	Area for the experts, containing a gateway to features like pay-per-call, one-to-one advice, video conferencing, and video library management.

6.	Dashboard for Users	Area for users, from where they can chose any mode to communicate with their respective experts.
7.	Contacts	Visitors may send any query or comment from this page.

Table 1: Mapping of the E-Family Expert Website
Source: Authors and website designers

When people suffer marital discord, they can visit this platform to seek assistance via the numerous resources provided. Users can enrich their knowledge of how to handle marital discord without violating the law. If they want to connect with experts, they are provided with direct access to psychologists, counsellors, and religious experts. In case they require mediation or arbitration, there are panel dispute resolution experts who can be engaged for such endeavours. And in extreme cases, where there is need for litigation, the platform provides access to leading law firms and lawyers who can conduct preliminary reviews of the case before proceeding. A condition to be listed on the platform is that each law firm should annually undertake a certain number of pro bono cases, catering to the needs of less privileged clients.

Incorporating the E-Family Experts Model into the National Legislative Framework: Malaysia as a Case Study

In Malaysia, all government-provided family and marriage counselling services are offered physically, with no offline alternatives.¹⁷ In terms of incorporating the discussed E-Family Expert Model into existing shariah judiciary platforms, it appears that nothing much can be done unless Jabatan Kehakiman Syariah Malaysia (JKSM, ‘Department of the Shariah Judiciary Malaysia’) and the respective state authorities adopt guidelines into their current legislating frameworks mandating that parties explore *sulh* before approaching the court in family disputes. In this respect, the Islamic Family Law (Federal Territories) Act 1984 (or IFLA 1984)¹⁸ introduced a framework for *hakam* (arbitration) and conciliatory committees. Thus, Section 47(5) of IFLA 1984 provides for the appointment of a conciliatory committee by a shariah court if one of the parties does not consent to divorce or it appears to the court that there is a reasonable possibility of reconciliation.¹⁹ This is in line with the legal text of the Qur’an, as provided in 4:35, which encourages reconciliation, as held in *Siti Hawa bte Mohamed v. Mohamed Radzuan*.²⁰ In a similar vein, in *Ramizah Hancem v. Yusuf Bin Hasbullah*,²¹ the husband applied to a shariah court for divorce under Section 47 of IFLA 1984, but without his wife agreeing to divorce. The court therefore appointed a conciliatory committee to attempt a reconciliation

in accordance with Section 45(5) of IFLA 1984. During the pendency of the proceedings, however, the husband pronounced divorce by a single *talaq*, allegedly before two witnesses, but in the absence of the wife. The latter was then informed of this development about two months later. In order to confirm the *talaq*, the husband applied to the shariah court, which did so relying solely on the statement of the husband. The court neither heard the wife nor the witnesses. The wife therefore appealed against the decision, which was allowed by Ahmad Ibrahim, who emphasised that the procedure set out in Section 47 of IFLA 1984 had not been followed. He further observed:

The learned judge in this case did not refer to the proceedings before the conciliatory committee and what progress was made in the effort to achieve reconciliation. The Act gives the conciliatory committee a period of six months from the date of its being constituted or such further period as may be allowed by the court. The learned judge did not state whether the period of six months had expired or whether he had extended the period.²²

The appeal court therefore set aside the order of the judge from the lower court, ordering instead that the latter should refer to the report or certificate of the appointed conciliatory committee.²³

According to the framework introduced by IFLA 1984, the second stage in any attempt to resolve a marital dispute is the appointment of *hakam* (arbitrators). Section 48 of IFLA 1984 makes this provision,²⁴ stating that when the court is satisfied that there are constant quarrels, marital discord, or the husband could not be procured to pronounce *talaq* after reconciliation has failed,²⁵ the court will appoint two arbitrators to act for the husband and the wife respectively in accordance with Islamic law.²⁶ Preference will be given to close relatives of the parties involved, who have knowledge of the circumstances of the case.²⁷ Nevertheless, the appointment of *hakam* may be subject to the discretion of the court. With usage of the phrase “the Court may appoint”, this step is considered mandatory, since the same provision states that such an appointment is in accordance with Islamic law.²⁸

In order to streamline and unify the practice and procedure of *sulh* as a court-annexed mediation process across Malaysia, its modus operandi has been introduced through court rules. The procedural rules for *sulh* were made pursuant to the powers of the Shariah Court Rules Committee, as provided for in Section 247(1)(c) of the Shariah Court Civil Procedure (Federal Territories) Act 1998.

Within this context, the National Technical Committee on Shariah and Civil Law drafted the procedural rules for *sulh* in order “to coordinate the implementation and ensure the effectiveness of the mediation process.”²⁹ This draft was named the Civil Procedure (*Sulh*) (Federal Territories) Rules 1998.³⁰ The release of the Practice Direction No. 3 of 2002 by the JKSM extended the application of *sulh* to all states in Malaysia.³¹ The Rules eventually came into force on 8 January 2004, as the Shariah Court Civil Procedure (*Sulh*) (Federal Territories) Rules 2004.³² Accordingly, the E-Family platform proposed here, with its pool of accredited experts, could be utilised for the purpose of conciliatory committees, *hakam*, and *sulh* when properly deployed within this legal framework.

While Malaysia seems to have a supportive legislative framework for the implementation of the E-Family Expert Model, other OIC countries should consider how such a platform can be accommodated under their existing laws. In some instances, these may need to be amended to allow for a mandatory condition necessitating the possibility of amicable settlement using the platform. In other cases, where couples require counselling, the court officials could refer parties to the E-Family Expert platform.

Conclusion and Policy Recommendations

This study has established the significance of embracing the opportunity ICT provides when responding to the urgent needs of couples undergoing difficult times in their marital relationships. While ODR has been utilised for various kinds of dispute, particularly in e-commerce related settings, one cannot but emphasise the contemporary relevance of this form of dispute resolution for family-related issues. The COVID experience has exposed the family institution to unprecedented threats, aggravated by continuous lockdowns and the negative psychological effects of COVID fatalities. Even after movement restrictions have been lifted, courts are unable to cope with the astronomical surge in family-related cases. Therefore, the E-Family Expert platform proposed here would, if developed further, help resolve such disputes remotely, easing family-related disagreements through counselling strategies administered by accredited experts.

This study will go a long way towards building a formidable family institution capable of promoting peace and cohesion within society, particularly within OIC member countries. This is the hallmark of Islamic law, which seeks to proactively address family-related disputes in innovative ways. In the modern sense, this could include the deployment of ICT in the form of ODR. When actualising this potential, however, there is a need to develop national

policies and an enabling legal framework. Some countries, like Malaysia, have introduced mandatory processes to be followed before the litigation of family-related disputes is initiated. Such processes should be augmented by the E-Family Expert platform, such that courts require disputing parties to utilise that platform before approaching them.

Future studies should focus on practical case studies, where family disputes are resolved via virtual intervention. Other potential areas of study could include the development of the platform in real time, from prototype to a full-blown platform. However, before doing this, there is a need to further investigate perceptions of online-based platforms as consultation mediums, especially regarding the resolution of family-related disputes. This investigation should be carried out using the Technology Acceptance Model (TAM) and the Unified Theory of Acceptance and Use of Technology (UTAUT). These will help us better understand whether potential users would accept the E-Family Expert platform. It is expected that such research on intention to use will help improve the platform and its design.

Notes

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The authors extend their deepest appreciation to the Ministry of Higher Education, Malaysia, for funding this paper and related research work via the Fundamental Research Grant Scheme (FRGS/2/2013/SSI10/UIAM/01/1).

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15. Ibn Kathir, n. 56, vol. 7 at 375.
16. Muhammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 2nd ed. (Kuala Lumpur: Ilmiah Publications, 1998), 311.
17. Details of family and marriage counselling services are available from the Ministry of Women, Family and Community Development website. Jabatan Kemajuan Islam Malaysia have also introduced an online platform called the '*Sistem Pengurusan Perkahwinan Islam Malaysia*' for Muslim couples to arrange an appointment with the relevant state Islamic Religious Department for consultation services.
18. There are corresponding Islamic Family Law Enactments across the states in Malaysia, all modelled after the IFLA 1984 (Act 303). These enactments include: Islamic Family Law Enactment 1990 (Johor) (No. 5 of 1990); Islamic Family Law Enactment 2002 (Kelantan) (No. 6 of 2002); Islamic Family Law (State of Malacca) Enactment 2002 (No. 12 of 2002); Islamic Family Law (Negeri Sembilan) Enactment 2003 (No. 11 of 2003); Islamic Family Law Enactment 1987 (Pahang) (No. 3 of 1987); Islamic Family Law (State of Penang) Enactment 2004 (No. 5 of 2004); Islamic Family Law (Perak) Enactment 2004 (No. 6 of

- 2004); Islamic Family Law Enactment 1992 (Perlis) (No. 4 of 1992); Islamic Family Law Enactment 1992 (Sabah) (No. 15 of 1992); Islamic Family Law Ordinance 2001 (Sarawak) (Cap 43); Islamic Family Law (State of Selangor) Enactment 2003 (No. 2 of 2003); Administration of Islamic Family Law Enactment 1985 (Terengganu) (No. 12 of 1985).
19. See a corresponding provision in section 47(5) of the Selangor Islamic Family Law Enactment 1984. However, there are exceptions to the application of section 47(5) and these are provided in section 47(15) of IFLA 1984, which provides: "The requirement of subsection (5) as to reference to a conciliatory committee shall not apply in any case—
 - a. where the applicant alleges that he or she has been deserted by and does not know the whereabouts of the other party;
 - b. where the other party is residing outside Peninsular Malaysia and it is unlikely that he or she will be within the jurisdiction of the Court within six months after the date of the application;
 - c. where the other party is imprisoned for a term of three years or more;
 - d. where the applicant alleges that the other party is suffering from incurable mental illness; or
 - e. where the Court is satisfied that there are exceptional circumstances which make reference to a conciliatory committee impracticable."
 20. [1992] 1 MLJ excix.
 21. [1993] 1 MLJA 115; [1993] 1 MLJA 115.
 22. *Id.*, 116.
 23. *Id.*, 119. See a similar case where the conciliatory committee was appointment but its efforts at reconciliation were unsuccessful: *Siti Rohani bte Muhamad Yusuf v Mohd Sazali bin Derham* [1993] 2 MLJ 1.
 24. Ahmad Ibrahim, *Family Law in Malaysia*, 3rd ed. (Kuala Lumpur: Malayan Law Journal, 1997), 241. Also see Nehaluddin Ahmad, 'A Critical Appraisal of Triple Divorce by Examining if it is Sanctioned by the Holy Qur'an or the Sunnah,' [2008] 6 *MLJ* i; [2008] 6 *MLJA* 1, 11.
 25. Nora Abdul Hak, 'Hakam/Tahkim (Arbitration) in Resolving Family Disputes: The Practice in the Syariah Courts of Malaysia and Singapore,' *Asian Journal of International Law* 1 No. 1 (2006): 47.
 26. Section 48(1) of IFLA 1984.
 27. Section 48(2) of IFLA 1984.
 28. Section 48(1) of IFLA provides: "(1) If satisfied that there are constant quarrels (*shiqaq*) between the parties to a marriage, the Court may appoint in accordance with Hukum Syarak two arbitrators or *Hakam* to act for the husband and wife respectively." For the different views of jurists and other Muslim countries, see Abdul Hak, 'Hakam/Tahkim' 48-50.
 29. Raihanah Azahari, 'The Development of Family Mediation in Malaysian Muslim Society,' *European Journal of Social Sciences* 18, no. 2 (2010): 227.
 30. *Ibid.*
 31. *Ibid.* Other Practice Directions relating to *sulh* issued by JKSM include Practice Direction No. 8 of 2003 on Procedure for Service of the *sulh* Notice; Practice Direction No. 11 of 2005 on the Jurisdiction of Syariah Subordinate Court to Record the Mediation and the Consent Agreement; Practice Direction No. 4 of

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FACTORS INFLUENCING ISLAMIC FINANCIAL INCLUSION IN INDONESIA: A STRUCTURAL EQUATION MODELLING APPROACH

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Abstract: The study examines the determinants of Islamic financial inclusion in Indonesia by applying Structural Equation Modelling (SEM) and Binary Logistic Regression. Through a field survey across Indonesia's five main islands, the study gathered responses from 291 primary data samples. The study discovered that Islamic financial inclusion in Indonesia is determined by both the demand and supply sides. Two most significant determinants of Islamic financial inclusion in Indonesia from the demand side are financial literacy and social influence while on the supply side is human capital. The study also includes references and policy recommendations to help Indonesia's financial regulators in formulating effective policies and strategies to foster the country's Islamic financial inclusion agenda.

Keywords: Financial inclusion, Islamic finance, financial literacy, Indonesia, SEM, binary logistics.

Introduction

Financial inclusion has become the focus point and global agenda for many governments and central banks. Improving financial access is recognised as an essential enabler of development in the Sustainable Development Goals (SDGs) outlined by the United Nations Development Program (UNDP). Consequently, national governments around the world have implemented a variety of financial inclusion strategies and measures to improve access to financial services.¹

Financial inclusion, in its most basic form, is an effort to ensure that financial products and services are accessible and affordable to all individuals and businesses regardless of their wealth and income. Financial inclusion, in this

regard, would facilitate the lower segment of society to improve their economic situation and allowing them to participate in and benefit from economic activities.² People who have access to accounts, savings, and payment mechanisms can start and grow their businesses, manage risk, invest in productive sectors, and absorb financial shocks.³ In contrast, a lack of financial access may result in liquidity and payment issues, resulting in high fees associated with the usage of money orders or check-cashing services.⁴ It might also trigger a poverty trap due to a lack of opportunities to save when there is a liquidity surplus or to borrow when times are tough.⁵

Islamic finance, as a new segment of the finance industry, is often viewed as a promising sector that can help to address financial inclusion issues. According to the Global Findex, approximately 6 per cent of unbanked adults in developing countries do not have an account due to religious reasons.⁶ Islamic finance, a system that is founded on shariah rules and values, could bring people closer to financial access and enable them to use various shariah-compliant financial services.⁷ The spirit of financial inclusion corresponds to the philosophical foundation of Islamic finance, which seeks to achieve equal access to financial institutions and promote equitable wealth distributions.⁸ The International Monetary Fund also acknowledged that “the growth of Islamic finance presents important opportunities to strengthen financial inclusion, deepen financial markets, and mobilise funding for development by offering new modes of finance and attracting unbanked populations that have not participated in the financial system.”⁹

In Indonesia, enhancing financial inclusion through Islamic finance is a top priority. Islamic microfinance sectors such as *Baitul Maal wat Tamwil* (BMT), Islamic cooperative institutions, Islamic pawnbrokers, and Islamic social finance institutions have evolved and played an important role in providing financial access to low-income communities over the last decades. In addition, the Indonesian government has made significant efforts and progress toward increasing financial inclusion. In this regard, the national strategy for financial inclusion was outlined in 2012 with a goal of achieving a financial system that is accessible to all Indonesian societies. Later, the Financial Services Authority of Indonesia – Otoritas Jasa Keuangan (OJK) launched the regulation of branchless financial services for financial inclusion (or known as “*laku pandai*”), which was stipulated on POJK 19 in the year 2014. In 2016, Bank Indonesia led the initiative to increase financial inclusion by introducing digital financial services to the unbanked population.¹⁰

Despite its efforts and progress, financial inclusion in Indonesia has yet to reach broad sectors of the population. The Global Findex discovered that only 48.9 per cent of adults in Indonesia have access to finance, leaving more than

half (51.1 per cent) of them excluded from financial services; they do not have an account at any financial institution or access to a mobile wallet. According to a survey by OJK conducted in 2019, the Islamic financial inclusion index was only 9.10 per cent, implying that only 9 persons out of 100 have benefitted from Islamic financial products and services.

The objective of this study is to identify possible idiosyncratic factors that may constrain low-income society's access to Islamic financial services. In particular, the present study will examine the determinants of Islamic financial inclusion in Indonesia from both the demand-side and supply-side.

The rest of this paper is laid out as follows. Section 2 depicts the financial inclusion theories and discusses the issues associated with financial inclusion. Section 3 discusses the research methods and data that were used. Section 4 encloses the results and analysis of the determinants factors of Islamic financial inclusion in Indonesia. Section 5 provides the conclusion and policy recommendations.

Literature Review

Several in the conventional finance literature studies investigated the determinants of financial inclusion.¹¹ According to them, there is a significant relationship between financial inclusion and various factors, including socio-demographic factors (age, gender, living area, education, marital status, employment, and income), financial literacy, self-efficacy, infrastructure, documents, distance, and the cost of opening an account.

Regardless of the aforementioned, a good financial inclusion model should account for both the demand and the supply factors of financial inclusion.¹² The demand factors include financial illiteracy, insufficient information about financial products and services, distrust in the financial system, religious constraints, and social factors.¹³ On the other hand, the supply factors are related to poor infrastructure of financial services, sophisticated document requirements, a lack of skills to understand the dynamics of financial services, the absence of robust credit information systems, and a lack of regulatory supports.¹⁴

Allen et al. argued that socio-economic variables, such as gender, age, living area, income, educational level, marital status, and employment status all have a significant impact on account ownership of Islamic financial services.¹⁵ Other research has found that socio-economic characteristics of households and socio-economic attributes of enterprises are essential determinants of financial inclusion.¹⁶ Socio-economic characteristics of the household included

in the previous studies are gender, living area, financial literacy, income, annual household spending, education, per-capita income, and home ownership. Meanwhile, socio-economic characteristics of enterprises gathered in the previous literature are gender, living area, financial literacy, education, income, net profit of the business, annual household spending, and per capita spending.

A study by Kostov et al. discovered that financial literacy is an essential determinant of household behaviour in the decision-making process for financial products in South Africa.¹⁷ Similarly, Kimutai used some indicators to measure financial literacy, such as financial education, regular information updates, attendance of seminars, workshops, and use of mass media. The unbanked-people's awareness of the importance of financial services is also influenced by their level of understanding and knowledge of financial products and services.¹⁸ Financial literacy is the term used to describe this level of understanding.

Religion is another important factor in determining financial inclusion. In the behavioural literature, there is increasing evidence that faith and ethnicity can influence financial literacy and decision-making.¹⁹ In the conventional finance literature, religious beliefs are associated with economic indicators.²⁰ Guiso et al. explored the role of religion on people's economic attitudes. They discovered a link between religious beliefs and positive economic attitudes. Many verses in the Qur'an encourage Muslims to give their best effort to achieve the best result, therefore, economic underdevelopment in many Muslim majority countries may be due to political and legal factors rather than religious factors.²¹

According to a study by McClearly and Barro, economic growth depends on the extent of an individual's level of belief. Their study looked at how religious participation and beliefs affect the rate of economic progress in a country. The authors came to the conclusion that religious beliefs influence individual characteristic that improve economic performance.²²

In the Islamic finance literature, Khan's research on the influence of religious beliefs on individual financial choices in Pakistan discovered that the 'faith premium' had a significant effect on the country's increasing demand for Islamic financial products and services.²³ Zulkhibri later investigated the relationships between Islamic finance and financial inclusion in Muslim-majority countries. The findings suggested that many Muslim households are financially excluded from formal financial services due to religious concerns on the lack of shariah-compliant products and services.²⁴

The latest work by Hassan et al. suggests that individuals in Muslim-majority countries are quite religious, implying a positive opportunity to boost Islamic banking penetration in that region. The paper also concludes that more religious individuals are less likely to use conventional financial services as a mean of borrowing since it violates the principles of shariah.²⁵

Infrastructure is another factor influencing financial inclusion and a critical component to ensure that people have a better access to Islamic financial services and products. According to some studies, the lack of supporting infrastructure is a significant barrier to financial access in rural areas.²⁶ Infrastructure readiness can be measured using three indicators: location, distance, and branding.²⁷ Mobile banking infrastructure can be considered a significant determinant of financial inclusion.²⁸ Furthermore, branch expansion and ATM penetration for distance barriers can be used as proxies for infrastructure variables.²⁹

Several studies have revealed that service quality has a significant impact on internet banking adoption in Malaysia.³⁰ Customers are more likely to acquire banking products and services if the bank offers internet banking.³¹ Pricing is another aspect that affects product and services. Overpricing would create barriers to individuals engaging in banking products and services.

Furthermore, good communication and networking skills of banking staff are among the most effective persuasive ways to attract more participations in banking products and services.³² Therefore, human capital development is important to add value to the financial service industry.³³ Poor human development and high financial illiteracy levels, on the other hand, may prevent a large number of people from benefitting from financial products and services.³⁴

Finally, we explored the importance of policies and regulations in promoting financial inclusion. Previous studies have empirically tested the impact of regulatory quality on financial inclusion. A country with high regulatory quality is more likely to have high levels of financial inclusion.³⁵ In this regard, regulation would improve financial inclusion through financial innovation, regulatory framework, economic state, and financial sector stability in a country.³⁶

From this literature review, the hypotheses of determinants of financial inclusion from both the demand and the supply factors can be derived as follows:

- H1: Socio-economic variables significantly influence Islamic financial inclusion.
- H2: Financial literacy significantly influences Islamic financial inclusion.
- H3: Religious factors significantly influence Islamic financial inclusion.
- H4: Social factors significantly influence Islamic financial inclusion.

- H5: Infrastructure significantly influences Islamic financial inclusion.
- H6: Products and services significantly influence Islamic financial inclusion.
- H7: Human capital significantly influences Islamic financial inclusion.
- H8: Policies and regulations significantly influence Islamic financial inclusion.

Data and Methodology

Data Collection

A questionnaire was used to collect primary data from all respondents in various categories. This study includes 300 samples of respondents. The primary data came from a field survey conducted in five major islands in Indonesia, with one province serving as a representative for each island except Papua. Purposive sampling is used to select the representative provinces based on the highest financial inclusion indices in each island. The OJK financial inclusion database report is used as the basis to determine the sampling selection as it is the official publication by Indonesia's government.³⁷ The province of Papua is excluded due to the small number of samples and low financial inclusion index.

We used stratified sampling and population data to determine the precise number of respondents for each representative area. According to the data from Indonesia's Statistic Centre (read: Badan Pusat Statistik/BPS, 2018),³⁸ West Java have the highest total population (12,895,640 people), followed by South Sulawesi (2,075,073), Aceh (1,252,092), East Kalimantan (864,128), and North Maluku (7,051 people). Therefore, the majority of our respondents are from West Java province.

Respondents are divided into several categories: (i) Islamic bank respondents, (ii) Islamic microfinance respondents, and (iii) Islamic capital market respondents. If the respondents have a formal IFI account or have access to savings, financing facilities, debit card, and insurance, they are classified as 'financially included respondents'. Respondents who do not have an IFI account or those facilities are classified as 'financially excluded respondents.' Table 1 illustrates the sample distribution of this study.

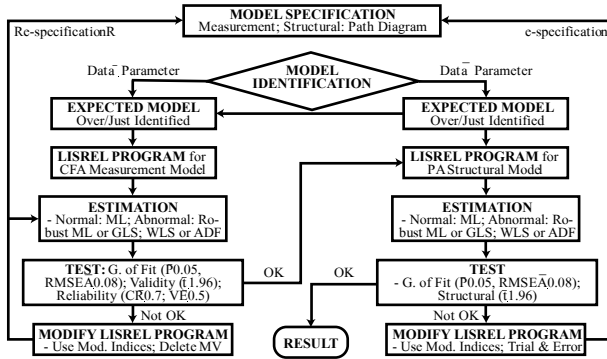
Island	Province	Islamic Bank		Islamic Micro Finance		Islamic Capital Market		Total samples each province
		Household	Enterprises	Household	Enterprises	Household	Enterprises	
Sumatera	Acch	7	2	7	2	3	1	22
Java	West Java	71	18	71	18	30	8	216
Kalimantan	Samarinda	5	1	5	1	2	1	15
Sulawesi	Makassar	11	3	11	3	6	1	35
Maluku	North Maluku	2	2	2	2	2	2	12
Total		96	25	95	25	48	12	300

Table 1: Respondents’ Distribution
Source: Authors

Methodology

This study uses structural equation modelling (SEM), a multivariate statistical technique, to analyse the causal relationships between variables using LISREL software. The SEM method, as mentioned by Hair et al. is appropriate for data in which the dependent variable for one regression analysis is also the regressors (independent variables) for another. SEM is derived from the simultaneous equation in econometrics (which includes measured or observed variables), but it also includes unmeasured variables (usually known as latent variables).³⁹

SEM procedures include the following steps: (i) model specification, (ii) model identification, (iii) confirmatory factor analysis (CFA) for model measurement (involving, programming, estimation, test and modification, as well as re-specification if needed), (iv) path analysis for structural model (involving, programming, estimation, test and modification, as well as re-specification if required), and v) interpretation and communication of the results.⁴⁰ Figure 1 depicts a summary of the SEM procedure.

**Figure 1: SEM Procedure Summary**

Source: Ascarya (2013)

Where:

- LF : Loading Factor,
 SLF : Standardised Loading Factor,
 MV : Measured Variable,
 LV : Latent Variables,
 RMSEA : Root Mean Square Error of Approximation,
 CR : Construct Reliability,
 VE : Variance Extracted,
 CFA : Confirmatory Factor Analysis,
 ML : Maximum Likelihood,
 GLS : Generalised Least Square,
 WLS : Weighted Least Square,
 MI : Modification Index.

In addition, binary logistic regression analysis is used to determine the relationship between independent variables (X) and binary scale response variables. Logistic regression analysis generally applies explanatory variables, which can be categorical or binary, to estimate the magnitude of an event opportunity based on the response category variable. Typically, financially-included respondents assign the value of 1, while financially-excluded respondents assign the value of 0. This is based on the Bernoulli distribution with the following opportunity distribution functions:⁴¹

$$f(Y=y) = \pi^y (1-\pi)^{1-y}$$

Where $y \in 0,1$ and π is an opportunity of a successful event ($y=1$). If the occurrence of Y the response variable is n , the chance of each event is the same, and each event is independent of each other, therefore Y will refer to the Binomial distribution.⁴²

The explanatory variables used in this research are socioeconomic (X1), financial literacy (X2), social influence (X3), religious commitment (X4), infrastructure (X5), product & services (X6), human capital (X7), and policies and regulations (X8) toward the opportunity of being financially included (Y). A response variable (Y) is the categorical scale, customer and non-customer (binary scale 1/0). If the response variable in the regression analysis is generally a categorical scale, then regression analysis employed is logistic analysis.

Survey Design and Measurement

In this research, the respondents (both financially-included and financially-excluded respondents) were asked to identify which determinant factors may influence their access to Islamic financial services. The items of constructs were evaluated using five levels of Likert scale: “1: strongly disagree”; “2: disagree”; “3: neutral”; “4: agree”; and “5: strongly agree”. The higher the score, the greater the degree that the respondents will access Islamic financial services. Figure 2 illustrates the SEM model for this research.

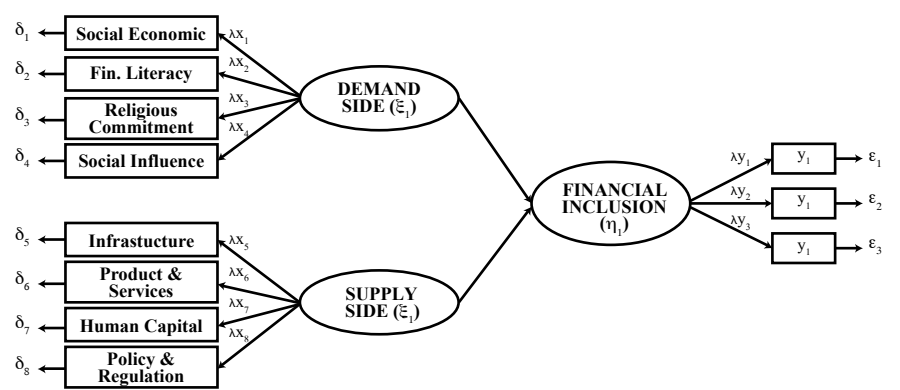


Figure 2: SEM Model of Financial Inclusion
Source: Authors

Explanation:

- ξ_1 = Demand Side (Socio-Economic Characteristic, Financial Literacy, Religious Commitment, Social Influence)
- ξ_2 = Supply Side (Infrastructure, Product & Services, Human Capital, Policies and Regulations)
- η_1 = Financial Inclusion (INC)
- λ = Effect between endogenous and exogenous latent variables toward their indicators
- γ = Direct Effect exogenous latent variables toward endogenous latent variables
- e = Error of endogenous and exogenous indicators
- ζ = Error of the equation
- λ = Effect between endogenous and exogenous latent variables toward their indicators
- γ = Direct Effect exogenous latent variables toward endogenous latent variables
- e = Error of endogenous and exogenous indicators
- ζ = Error of equation

Structural Equation

$$\eta_1 = \gamma_1 \xi_1 + \gamma_2 \xi_2 + \zeta_1$$

Exogenous Variable Latent of Demand Side's Equation:

$$\begin{aligned} X_{11} &= \lambda_{11} \xi_1 + e_{11} \\ X_{12} &= \lambda_{12} \xi_1 + e_{12} \\ X_{13} &= \lambda_{13} \xi_1 + e_{13} \\ X_{14} &= \lambda_{14} \xi_1 + e_{14} \end{aligned}$$

Exogenous Variable Latent of Supply Side's Equation:

$$\begin{aligned} X_{21} &= \lambda_{21} \xi_2 + e_{21} \\ X_{22} &= \lambda_{22} \xi_2 + e_{22} \\ X_{23} &= \lambda_{23} \xi_2 + e_{23} \\ X_{24} &= \lambda_{24} \xi_2 + e_{24} \end{aligned}$$

Endogenous Variable Latent of Financial Inclusion's Equation:

$$Y_1 = \lambda_1 \eta_1 + \lambda_2 \eta_1 + \lambda_3 \eta_1 + e_1$$

The observed variable in this research consists of eleven indicators (account ownership, the purpose of account use, the frequency of transaction, socio-economic, financial literacy, religious commitment, social influence, infrastructure, products and services, human capital, policies and regulation). Table 2 shows the operational variables of this study.

Variable	Measurement	Author(s)	Scale
Endogenous Variable			
Financial Inclusion	Account ownership	Allen, et al (2012); Kunt & Klapper (2013); Zins & Weill (2016)	5 point Semantic differential
	Purpose of account use		
	The frequency of transaction.		
Exogenous Variable			
Demand Side	Socio-economic	Allen, et al (2012); Clamara, Pena &Tuesta (2014); Naceur, Barajas &Massara (2015); Zins & Weill (2016); Clamara,et al (2014)	Nominal and Binary Scale
	Financial Literacy		
	Religious Commitment		
	Social influence		
Supply Side	Infrastructure	Allen, et al (2012); Clamara, Pena &Tuesta (2014); Naceur, Barajas &Massara (2015); Zins & Weill (2016); Clamara,et al (2014)	Nominal and Binary Scale
	Product and service		
	Human capital		
	Policies and regulation		

Table 2: Operational Variables

Source: Authors

Results and Discussions

Sample Characteristics

Table 3 summarises the sample characteristics based on seven categories: (i) gender, (ii) age, (iii) occupation, (iv) education, (v) marital status, (vi) income per month, and (vii) province and living area. As indicated in part 1, we use the primary data from 300 samples from a field survey on five major islands in Indonesia. However, nine samples were incomplete and thus excluded from the analysis. As a result, the total number of samples to be analysed in this study is 291 samples.

No	Items	Categories	Valid Percent (%)
1	Gender	Male Female	52.2 % 47.8 %
2	Age	21 years old 21-30 years old 31-40 years old 41-50 years old 51-60 years old 61-70 years old 71 years old	2.10 % 35.10 % 32.00 % 21.60 % 6.90 % 2.10 % 0.30 %
3	Occupation	Entrepreneur Employee Entrepreneur and Employee Unemployed	33.00 % 54.30 % 7.90 % 4.80 %
4	Education	Uneducated Elementary Middle/Junior Senior Diploma Bachelor Master Doctoral	1.00 % 4.50 % 5.20 % 35.10 % 6.50 % 40.90 % 6.20 % 0.70 %
5	Marital Status	Unmarried Married Divorced Widow/Widower	32.30 % 66.00 % 1.00 % 0.70 %
6	Income per month	Rp. 1.000.000 Rp. 1.000.000 - Rp. 1.700.000 Rp. 1.700.000 - Rp. 2.500.000 Rp. 2.500.000 - Rp. 5.500.000	17.50 % 14.40 % 12.40 % 55.70 %
7	Province & Living Area	West Java South Sulawesi Aceh North Maluku East Kalimantan	71.50 % 12.00 % 7.60 % 3.80 % 5.20 %

Table 3: Descriptive Statistics of the samples (n = 291)

According to table 3, there were 114 males (52%) and 105 females (48%), indicating a fair gender contribution across the data set. The majority of respondents (66%) were married, 41% had a bachelor’s degree, most of them are employed (54%), and 35% were between the ages of 21 and 30. Majority of respondents (56%) earn a monthly income between IDR 2,500,000 to IDR 5,500,000, and most of them reside in West Java province (72%).

In the subsequent sections, the results of the study are presented in two parts: (i) SEM results of financial inclusion determinants, and (ii) Binary logistics results of financial inclusion determinants.

The Determinants of Islamic Financial Inclusion

This section describes the result of the SEM model which is combined with the logistic regression method. SEM is used to determine the first order of CFA (1st CFA) which represents the relationship between indicators and their dimensions. Logistic regression, on the other hand, is used to answer the hypothesis.

SEM Results

The 1st CFA model is divided into two categories: the demand-side and supply-side — the demand-side consists of four main dimensions, namely (i) socioeconomic, (ii) financial literacy, (iii) religious commitment, and (iv) social influence. All measured indicator variables are significantly caused by the demand-side, except for the socioeconomic (see figure 3). The results show that financial literacy has the highest loading factor (0.77), followed by religious commitment (0.68), and social influence (0.51), respectively. Some studies suggested that the loading factor value must be above 0.6. Other studies, on the other hand, argued that the value of loading factor can be ≥ 0.5 . Fornell-Larcker criterion for convergent validity requires the standardised loading factor (SLF) not less than 0.5.⁴³ Hair et al criterion shares the same opinion with Fornell-Larcker that the SLF can be ≥ 0.5 .⁴⁴ Socioeconomic, on the other hand, provides an insignificant influence on financial inclusion from the demand side. Based on the financial literacy measurement model, fintech awareness has the highest loading factor (0.76), followed by financial behaviour (0.71), financial self-efficacy (0.68), media use (0.61), financial knowledge (0.54), and financial education (0.44), respectively. The religious commitment measurement model indicates that commitment to worship has the highest loading factor (1.00), followed by fear of divine punishment (0.98), perception of interest (0.90), commitment to using interest-free products (0.63), barrier to finding interest-free transactions (0.15), and religious affiliation (0.09). According to the social influence measurement model, the influence of informal leaders has the highest loading factor (0.86), followed by community influence (0.85), friend influence (0.79), media influence (0.75), family influence (0.72), and culture influence (0.69).

The supply-side consists of four main aspects: (i) infrastructure, (ii) products and services, (iii) human capital, and (iv) policies and regulations. The

supply side has a significant influence on all measured indicator variables, with products and services contributing the highest loading factor (0.87), followed by human capital (0.81), policies and regulations (0.77), and infrastructure (0.75). There are six (6) indicators for each aspect. The infrastructure measurement model indicates that network connectivity has the highest loading factor (0.94), followed by fintech readiness (0.92), mobile infrastructure (0.82), distribution channel (0.60), location (0.46), and distance (0.41). The products and services measurement model demonstrate that safety has the highest loading factor (0.87), followed by product fit and transparency (0.81), transaction cost (0.80), and documentation requirements and collateral (0.78). The human capital measurement model indicates that KPI targeting has the highest loading factor (0.91), followed by social awareness (0.99), employment background (0.87), understanding and knowledge (0.85), educational background (0.73), and risk-taking behaviour (0.72). Lastly, the policies and regulation measurement model signifies that distribution policy has the highest loading factor (0.94), followed by fintech regulation (0.90), consumer protection policy (0.88), data infrastructure (0.84), literacy regulation (0.76), and incentives and initiatives (0.75). Figure 3 and Figure 4 illustrate the path diagram of the Islamic financial inclusion determinants.

Confirmatory Factor Analysis (CFA) value allows us to derive critical information about the most important determinant factor of the study. Since financial literacy has been identified as the most important determinant factor of financial inclusion from the demand side, people with more knowledge about finance are more likely to be financially included. From the supply side, the highest determinant factor are products and services. Therefore, if financial institutions can provide products and services that meet people's need, the possibility of them becoming financially included increases.

The significance level used in this study is 10 per cent, with a confidence interval of 90 per cent. The table in figure 4 evaluates the estimation of the constant value of the cumulative logistic opportunity for financial inclusion, where financially-included respondents (individual and enterprises) are assigned a value 1 and financially-excluded respondents (individual and enterprises) are assigned a value 0. This is due to the fact that cumulative opportunity of dependent variables is valued at 1. The logistic regression shows that the intercept (constant) has a value of 0.835930, and a *p*-value of 0.000, using the following formula:

$$\ln \left(\frac{p}{1-p} \right) = 0.835930$$

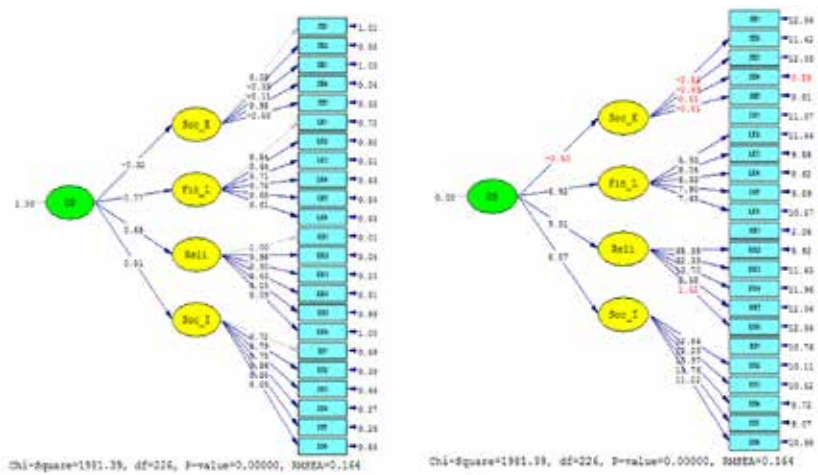
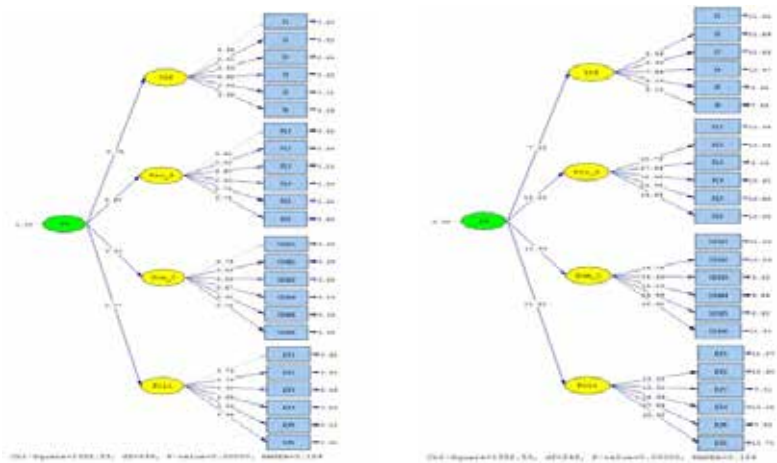


Figure 3: Standardised Solution and T-Value of 1st CFA Demand-Side (Overall Model)
Source: Authors



Human_C	-0.619574	-2.25	0.025	0.54
Policies_R	0.176838	0.67	0.505	1.19

Figure 4: Standardised Solution and T-Value of 1st CFA Supply-Side (Overall Model)
Source: Authors

Among the eight proposed hypotheses (socio-economic, financial literacy, religious commitment, social influence, infrastructure, product service, human capital, and policies and regulations), three independent variables (financial literacy, social influence, and human capital) have the most significant impacts on Islamic financial inclusion. Surprisingly, social influence dominates the impacts with a significant positive level of coefficient value of 0.96 and odds ratio of 2.61 or exp. (0.96). This indicates that the strong social influence will increase the chance of Islamic financial inclusion. The proportion of strong social influence (0.617) is greater than the weak social influence (0.382).

Additionally, financial literacy has a positive and significant effect on Islamic financial inclusion with the coefficient value of 0.569 and odds ratio of 1.77 (significance level at 0.012). This means that better financial literacy on Islamic finance will increase the probability of financial inclusion by 1.77 times compared to a community with low financial literacy. Human capital also has a significant effect on financial inclusion with a coefficient value of -2.25 and an odds ratio of 0.54 (significance level 0.025). The negative coefficient of -2.25 and odds ratio of 0.54 indicate that human capital has a relatively minimal influence on Islamic financial inclusion as compared to other variables.

A goodness-of-fit test is obtained using three methods, Pearson (0.174), Deviance (0.055), and Hosmer-Lemeshow (0.004), which indicate that p -value $> \alpha$, or even closer to 1 (see table 4). This result suggests that the model perfectly matches the data. On this note, we may conclude that the empirical data obtained is suitable for the research.

Method	Chi-Square	DF	P
Pearson	304.194	282	0,174
Deviance	321.050	282	0,055
Hosmer-Lemeshow	22.704	8	0,004

Table 4: Goodness-of-fit tests of Islamic Financial Inclusion

Discussions

As indicated earlier, the research applies SEM and Binary Logistic Regressions methods to identify the most important determinants of Islamic financial inclusion in Indonesia. The former method was employed to obtain a response from the low-income segment (either financially-excluded or financially-included) on the factors that may influence them to use Islamic financial services. Whereas, the latter was used to estimate the relationship between exogenous

latent variables factors (demand side: socio-economic, financial literacy, religious commitment, and social influence, and supply-side: infrastructure, product and service, human capital and policies and regulators) and endogenous latent variables (financial inclusion).

SEM and binary logistic regression provide similar results when the same determinant variables are used. Using the SEM method, it is found that financial literacy, religious commitment, and social influence are the three most important demand-side determinants of Islamic financial inclusion. Meanwhile, binary logistic results indicate that financial literacy and social influence are the most important demand-side determinants. Surprisingly, from both methods, the socio-economic factor is not a significant determinant of Islamic financial inclusion. This finding contradicts earlier research, which claims that socio-economy has a significant influence on financial inclusion.⁴⁵ This is possibly due to the fact that if low-income individuals become bankable, they may prefer to use conventional financing rather than Islamic finance. Arguably, the former takes a more proactive approach than the latter, particularly in rural areas, thus making the low-income segment more exposed to conventional finance than Islamic finance. In some cases, any income surplus will be invested in real sectors which offer a higher return. Even if they decide to place their fund in a formal financial institution; they will choose the one that is more accessible, offers competitive returns, and has simpler procedures.

Under the financial literacy cluster, both methods have proven that financial literacy is the most crucial determinant of Islamic financial inclusion in Indonesia. Unfortunately, Islamic banks in Indonesia do not adopt a proactive approach to promote financial literacy and awareness among low-income populations, making it difficult for them to participate in Islamic banks. This recommends that the key stakeholders, especially informal leaders, should engage in a more active campaign and awareness programmes.

Next, the SEM results also revealed that fintech awareness is the most crucial factor of financial literacy. This is understandable, given that society favours financial services with a simple process. Fintech platforms (both Islamic and conventional) have been widely promoted in society, especially among millennials.⁴⁶ Although many low-income people are unaware of fintech,⁴⁷ integrating traditional financial services and technology will eventually influence them to use financial services, including Islamic financial services.⁴⁸ Based on a survey by the World Bank, nearly 71 per cent of Indonesian adults are likely to make or receive digital payments.⁴⁹ As a result, fintech integration by Islamic financial service will enable low-income groups and unbanked segments in Indonesia to access financial products and services.⁵⁰ Furthermore, financial literacy is the main driver of financial inclusion in Indonesia.⁵¹

The SEM results show that informal influencers' (*ustadz, kiyai, sheikh*) impact is the most prominent component in social influence. Religious affiliation (i.e. *Nahdlatul Ulama* and *Muhammadiyah*) was found to be the least significant factor of Islamic financial inclusion. This finding suggests that people of all religions and communities are equally receptive to awareness programmes on Islamic finance. The analysis also found that fear of divine punishment and commitment to worship are the two most important determinants of Islamic financial inclusion in Indonesia. This finding confirms previous studies that suggests 'faith premium' influences financial decisions. However, due to a lack of knowledge and awareness, many low-income people believe that participating in conventional financial institutions has no religious implications.⁵²

From the supply side, SEM discovered that the two most important determinants of Islamic financial inclusion are human capital, as well as products and services. Meanwhile, from the supply-side perspective, binary logistic results show that human capital is the most critical factor. In terms of products and services, the two methods' analysis indicated that product fit and safety are the two most important factors of Islamic financial inclusion in this cluster. Surprisingly, simple documentation requirements and collateral flexibility are less important determinants of Islamic financial inclusion. One possible explanation is that, in general, many Indonesian financial institutions have offered simple procedures and documentation requirements. This finding contradicts previous research, which identified collateral and documentation requirements as the two significant barriers to financial inclusion.⁵³

In terms of the human capital cluster, analysis has found that Islamic finance talents should be instilled with a high level of social awareness as a minimum requirement. The finding verified previous studies⁵⁴ that indicated social awareness and attitudes are important KPIs in evaluating the competitiveness of IFI employees.

Conclusion and Policy Recommendations

This study is the first attempt to investigate the determinants of Islamic financial inclusion in Indonesia based on responses from both the financially included and the financially excluded segments of society.

Using SEM and binary logistic regression, the research discovered that financial literacy and social influence are the two most important determinants of Islamic financial inclusion from the demand side while human capital is the most significant determinant from the supply-side. The results also discovered that the influence of informal influencers' (*ustadz, kiyai, sheikh*) in the social-

influence cluster is the most critical factor in promoting Islamic financial inclusion among the low-income segment of society.

According to the research, Islamic financial institutions should develop systematic approaches and strategies to enhance financial literacy and awareness of the low-income segment to participate in Islamic banking and financial services by: (i) actively engaging them with informal leaders (*ustadz, kiyai, sheikh*), (ii) introducing sustainable community-based education programmes, and (iii) incorporating fintech components. Additionally, the efforts of Islamic financial institutions and policymakers must focus on strengthening human capital competencies and skills through training and education, capacity development, and social awareness programmes. Also, his research suggests that the Indonesian government promote Islamic financial literacy beginning at the primary level of education

Notes

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This paper is part of a research project funded by the Central Bank of Indonesia – Bank Indonesia Institute under the Research Grant Bank Indonesia Programme 2018.

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IBN SINA'S THEORY OF THE SOUL: A TAXONOMY OF ISLAMIC EDUCATION

*Nurul Ain Norman**

Abstract: Ibn Sina's theory of the soul possesses a logical-metaphysical categorisation of that concept, which allows for the designing of a new taxonomy of educational objectives. Its unique alteration of Aristotelian philosophy creates both an understanding of the natural relationship between categories, species, varieties, etc., and powerful inventive philosophical arguments and principles supporting the structural basis of monotheistic belief (*tawhid*). When speaking of the goals and objectives of the contemporary Islamic educational world, this approach also embraces the demands of the twenty-first century knowledge economy and the holistic development of the human being, enabling people to become critical, creative, innovative, and ethical without leaving religion behind. However, the new scene has created volatility, uncertainty, complexity, and ambiguity among educators as to how to liaise the new curriculum and apply new assessment methods in their classrooms. This study intends to develop a taxonomy that will enable curriculum designers and Islamic educators to easily identify hierarchal and categorical human faculties and relate them to specific curricular objectives, proper classroom assessments, and suitable teaching methods. The taxonomy is designed using a philosophical-descriptive analysis of Ibn Sina's theory of the soul and a logic-argumentative description of his human categorisation. The end result is a prototype taxonomy for future validity evaluation.

Keywords: taxonomy, Islamic education objectives, Ibn Sina, theory of the soul, Aristotle.

Introduction

The Holy Qur'an repeatedly invites man to think and reason, using words such as *nazar* (observe), *tafakkur* (think), and *tadabbur* (reflect). The spiritual act of thinking and reasoning is considered a sign of devotion and intellectuality, and will be reflected in the faith (*iman*) and acts (*amal*) of a Muslim. There are about 750 verses in the Qur'an exhorting readers to study nature, humanity, and history, including 10:101: "Say, 'Observe what is in the heavens and the earth.'"¹ Within this context, logic has an epistemic way of defining rationality. The definition of

man is extracted from the logical categorisation of existence, including nature's species, genera, and differentiae, resulting in a distinct criterion that explores the essence of the subject matter. "Man", referring to "what-it-is" in logic, defines the term "Rational Animal" (*genus*: animal, *differentia*: rational) and is seen as inseparable from the man himself. Thus, it is possible to say that "rationality" is man's essence, or a blended attribution thereof, and that it cannot be seen as new jargon related to a particular group or nation.

One of the most important and influential figures in global intellectual history is Ibn Sina (c. 980-1037), who developed a theory of the soul that classified its nature in a systematic, logical-metaphysical way, arranging concepts and elements according to the structure of monotheistic belief (*tawhid*). He used unique properties and harmonic proportions to reconcile his theory with al-Farabi's concept of the soul,² thereby separating it from the fundamental principles of Aristotle's framework. It signifies a two-fold causal chain, one facing the world of physics – bringing about the perspective of perfection through a microcosmic lens – and the other facing the world of metaphysics – perceiving man from a macrocosmic angle. Many of Ibn Sina's works have been translated into various languages, significantly impacting later traditions. The fundamental elements of his theories have been universally adopted, providing the theoretical basis for later contemporary thought.

Ibn Sina's Theory of the Soul and His View of Education

Ibn Sina conceived the unseen and observable universe as being closely related, stitching Peripatetic philosophical concepts and principles together with exceptional mystical insight, creating a beautiful embroidery of his own. His theory can be represented by a hierarchical figure, showing continuous descending movement of intelligible emanation towards the sublunary world and an ascending movement of universal forms – originated from human intellection – towards the world of the Intellects. The activation process of intellectual potency happens only through cooperative management of the soul and body and the willingness of man to engage in that process. Ibn Sina anchored elements of rationality and intellection, derived from different angles of logic and philosophy, in his world of epistemological thought.

By exploring man's natural disposition (*fitrah*) towards individual perfection and ultimate happiness, knowledge is seen as a holy instrument for revealing God's beauty through man's journey of self-knowledge. This expounds the meaning of the hadith: "Whosoever knows himself, knows his Lord."

As a Peripatetic philosopher, Ibn Sina examined man using logical reasoning and deductive argument. Man as a Rational Animal (*haywan al-natiq*) is initially separated from the other animal species (*genus*) due to his possession of rationality (*differentia*). This concept is later classified based on the species of soul; not in the sense that the soul has several species – it is impossible for an immaterial existence to have such properties – but due to its relevance as a medium for reaching perfection. Thereby, man possesses the dual task of attaining perfection through intellection of the material world and through the perfection of the Rational Soul, which allows an emanation process to happen within that soul. When man is united with the Universal Intelligible, he is qualified to be the Perfect Man. If he only practices intellection in a way that reflects his actions, however, he is seen as an ethical man with good conduct and moral character (a man with *akhlaq*). If, on the other hand, a man is unwilling to practice intellection in any form, completely rejecting his potencies for self-perfection, then the outcome will be poor conduct and non-ethical characteristics. This shows that the actions of a man are ultimately the manifestation of his thoughts.

Although Ibn Sina viewed the body as subordinate to and a deflection of the soul, he held that the act of intellection purifies the body from any bad qualities that may be attached to it. The soul must work alongside and be with the bodily faculties under one principle to produce either good or immoral acts. This is where Ibn Sina's concept of soul-body relation needs to be clarified. Fazlur Rahman mentioned at the beginning of *Avicenna's Psychology* that Ibn Sina elaborates on the unity of body and soul as follows:

When the elements are mixed in a more harmonious way i.e. in a more balanced proportion than in the cases previously mentioned, other beings also come into existence out of them due to the powers of the heavenly bodies...It is the unitary substance of the soul that links all the powers together to govern and separate every act of every faculty.³

Ibn Sina therefore interprets soul-body unity in terms of attachment (*inzimam*), not essence (*ittihad*).⁴ This type of relationship is defined as accidental and does not change the essence of existence. Aristotle, on the contrary, defined the soul as a substantial form that requires the impression (*intiba'*) of the body to actualise its potentiality.⁵ Another notable invention related to this discussion is Ibn Sina's Flying Man argument, which is structured around experimental thought. He mentions in *al-Shifa'* that:

So we say that it has to be imagined as though one of us were created whole in an instant but his sight is veiled from directly observing the things of the external world. He is created as though floating in the air

or in a void but without the air supporting him in such a way that he would have to feel it, and the limbs of his body are stretched out and away from one another, so they do not come into contact or touch. Then he considers whether he can assert the existence of his self. He has no doubts about asserting his self as something that exists without also [having to] assert the existence of any of his exterior or interior parts, his heart, his brain, or anything external.⁶

Ibn Sina's categorisation of the bodily faculties is based on soul species and is a result of the mental act. The soul's essence is unperceivable by man; hence it can only be known through accidental relationships (the body's action with the human soul). It is appropriate to say that the Vegetative Soul is the *genus* of the Animal Soul; and that the Animal Soul is the *genus* of the Rational Soul. Ibn Sina asserts that when the "types of souls" are defined, the higher-positing souls (visualised in a hierarchy) should include the characteristics of lower-positing souls, e.g. vegetative connotations should be included in the Animal Soul. His comprehensive definition of the three categories of soul can be seen below:⁷

1. The Vegetative Soul is the primary perfection of a natural body, possessing organs in-so-far as the bodies reproduce, grow, and assimilate nourishment.
2. The Animal Soul is the primary perfection of a natural body, possessing organs in-so-far as it perceives individuals and moves by volition.
3. The Rational Soul is the primary perfection of a natural body, possessing organs in-so-far as it acts by rational choice and rational deduction, and perceives universals.

It is important to note that the word "perfection" in the above definitions does not denote the character of being free of matter (or abstracted from matter), but implies *primary perfection* of the three categories. This primary perfection is different from secondary perfection; the latter needs to be perfected by something other than itself, while the former does not, here referring to those particular bodily actions that perfect (or make perfect) the particular type of soul.

The first category of the human soul consists of three faculties: nutritive, growth, and reproductive. The function of these three faculties perfects the Vegetative Soul. However, suppose the bodily faculties of this soul are observed through its actions. In that case, the perfection of human development depends heavily on adequate nutrition and normal growth progression, thus revealing the reason why Ibn Sina gave plenty of attention to these factors for ensuring the proper development of children.⁸

The Animal Soul consists of two major divisions: the motion/motor and perception faculties. The motor faculty is divided into two further categories: 1) the faculty that incites other faculties to move, and 2) the faculty that produces action. The first involves the appetitive and irascible faculties, which incite animals and human beings to move closer or further away from something. The second category involves the production of movement from the interaction of the soul with the bodily organs. The perceptive faculty of the Animal Soul is related to the principle of potentiality and is divided into external and internal faculties. The external faculties include the five senses: sight, smell, taste, hearing, and touch. Visual processing, for example, starts with the introduction of various stimuli from the external senses (*hiss al-mushtarak*) and is brought to common sense for integration and abstraction. The retentive faculty (*quwwah al-khiyaliyyah*) absorbs and stores these integrated-abstracted forms, which are later used by the estimative and imaginative faculties to produce action. The estimative (*wahm*) faculty absorbs non-sensible intentions (or connotational attributes, *ma'na*) from sensible objects and the imaginative (*mukhayyalah*) faculty recollects, combines, and separates them.

The imaginative faculty is divided into two parts, one belonging to the animals, the other only to man. The first is the sensitive-imaginative faculty, while the second is the rational-imaginative faculty. If human beings refuse to reason, they will remain as Animal Souls, reflecting only through the estimative and sensitive-imagination faculties. Ibn Sina’s categorisation of the Animal Soul can be seen as follows:

Faculties of the Animal Soul	Sub-faculties	Sub-Sub Faculties
1) Motor Faculty	1.1: Causes motion 1.2: Produces motion	1.1.1: Appetitive faculty 1.1.2: Irascible faculty
2) Faculty of Perception	2.1: Faculty of external perception	2.1.1: Sight 2.1.2: Hearing 2.1.3: Smell 2.1.4: Taste 2.1.5: Touch
	2.2: Faculty of internal perception	2.2.1: Common sense 2.2.2: Retentive 2.2.3: Estimative 2.2.4: Imaginative 2.2.5: Memory

Table 1: Faculties of the Animal Soul

The estimative faculty, on the other hand, is one of the chief innovations of Ibn Sina's philosophical thought. According to Ibn Sina, non-sensible intentions perceived by the estimative faculty are different from sensible forms. The latter depend on the external senses to be perceived, while the former are independent of any perceiving mediums. The results of the estimative process may also vary in truth and falsity due to the inability of the estimative faculty to perceive beyond intention. Confusion is impossible for the estimative faculty, as it can only combine and separate intentions without knowing that they need to rationalise them to reach a better understanding. As a result, the Animal Soul perceives things as they are and is incapable of changing them; this reveals why the "habitual behaviour" of man is related to the estimative faculty, while "behaviour change" is only related to the rational-imagination faculty.⁹

Habits are colloquially referred to as a series of human actions produced by repetition. According to Ibn Sina, which specific habitual actions a man takes up depends on the elements he is exposed to.¹⁰ For this reason, Ibn Sina asserts the importance of teaching virtues to children right after weaning (two years old),¹¹ to accommodate the formation of good habits before the ability to reason has developed (when habits become hard to change). He did not determine a particular age for this quality, as a child's milestones can only be gauged through observation and experiment. However, it is philosophically understood that the Actual Intellect can only be activated after the activation of the Habitual Intellect. If the instrument of reason (here referring to the capability of the brain to reason in a complex way) has not yet reached maturity, then the Actual Intellect is unable to activate. Therefore, Ibn Sina believed that children at a young age might not have the capability to organise and interpret complex input and, consequently, would depend on their teachers and parents for guidance. This point relates to why Ibn Sina elucidated the importance of educating children in Qur'an, ethics, art, and literature before adolescence,¹² as well as why he emphasised the importance of good character in teachers: they act as essential role models for children.¹³

The only faculty of the Animal Soul that has the potential to comprehend, synthesise, and analyse input is the rational-sensitive (*mufakkirah*) faculty. The types of input this faculty can comprehend, as stated by Ibn Sina, are as follows: 1) forms perceived through the commonsense faculty; 2) non-sensible and sensible intentions perceived through the estimative faculty; and 3) forms which were previously arranged and combined by the sensitive-imaginative faculty. These are selected, organised, and interpreted according to a meaningful objective that allows them to be completely managed by the Rational Soul.¹⁴ At this phase, the sensitive-imaginative faculty often distracts man from perceiving wisely by enabling an ability to observe things externally.

Intellection, as viewed by Ibn Sina, is a process of acquiring knowledge through the acts of *tafakkur* (to think or contemplate), *ta'aqul* (to reason), and *tadabbur* (to reflect). The three faculties mentioned above represent *tafakkur*, while the rational-imaginative faculty denotes *ta'aqul* and *tadabbur* the condition of the Rational Soul when being activated by the Practical Intellect. Therefore, *tafakkur* and *ta'aqul* are related to perfection by the bodily faculties, while *tadabbur* and a part of *ta'aqul* are related to perfection through the actualisation of potentialities. The Rational Soul needs the body to actualise both primary and commonly-held premises, but does not need anything other than itself to reach perfection.

The first part of the Rational Soul is the Practical Intellect. This perceives particular forms and intentions judged through commonly-held premises, commonly-accepted premises, premises based on assumptions, and the tenuous results of methodic experiences (consisting of previous assumptions, which are different from the substantiated methodic experience).¹⁵ This is all structured with the help of the Theoretical Intellect.¹⁶ This produces judgments about good and evil, right and wrong, what is permissible and non-permissible, and thus defines itself as the principal movement of the human body. Particular judgments are then imprinted on the body, to be actualised by its faculties. The root cause of the Practical Intellect's intelligence is the Animal Soul's desire to produce acts based on deliberation and purposive objectives. It corresponds to the faculties of appetite through the act of provoking the passions while using the faculties of imagination and estimation to deduce plans concerning transitory things as well as human art.¹⁷ Ibn Sina stresses that the Practical Intellect needs to govern all the faculties of the soul to produce good personalities and excellent moral qualities. This brings about the meaning of those actions that are accomplished through the act of willful reasoning (*al-'amal bil 'ilm*).

The second part of the Rational Soul is the Theoretical Intellect. This perceives (or structures) universal connotational attributes (*ma'na*) that bring "unknowns" (*majhulat*) to a phase of "being known" (*ma'lum*) through a process of assertion (*tasdiq*) and conceptualisation. They are completely abstracted from matter and determine subjects of truth, falsehood, necessity, possibility, and impossibility, which are portrayed in the form of primary premises.¹⁸ The Theoretical Intellect is divided into four:

The Material Intellect (*'aql al-hayula*), which denotes the condition of absolute potentiality and the incapability of the Theoretical Intellect to perceive universals. Ibn Sina compared this situation to a child who has the potentiality to write but does not have the skills to do so.¹⁹

The Habitual Intellect (*'aql bi al-malakah*), which denotes the actualisation

of potentialities and is attached to the prior ability of the intellect to perceive intelligibles (in the sense of being a receptor of universals). Self-evident premises (e.g. the whole is greater than the part, or things equal to one thing are equal to another) and emanated intelligibles are presented within the Theoretical Intellect, but are subject to the prior capacity of the body to apply the premises into syllogisms, as well as to receive intelligibles. The situation is similar to a person who has the skill to write but has not yet honed that skill to the degree of possessing proper handwriting.²⁰

The Actual Intellect (*'aql bi al-fi'l*), which denotes the actualisation of potentialities such that they are fully activated (and fully perfected) while intelligibles are continuously imprinted on the soul. However, the intellect still needs the soul's will power to perceive wherever universals are applicable. In other words, the primary premises are ready to be used whenever needed. Ibn Sina compares this situation to a person who has the capability to choose whether to write or not, without the need to think beforehand.²¹

The Acquired Intellect (*'aql bi al-mustafad*), which denotes the condition of completeness or absoluteness in the intellect's potentiality to perceive universals, showing the continuous act of perception by the intellect. The Theoretical Intellect is united with the act (or the Rational Soul, meaning the genus of human rationality is united with the species of the human animal) in such a way that does not require attachment to the bodily faculties to reach perfection. This is analogous to the person who is skillful in art, such that they are capable of creating new methods of drawing. In education, a learner or educator who has reached this stage of intellection is known as creative, analytical, rational, critical, holistic, and divergent.

The Designation Scheme and Implications of the Proposed Taxonomy

In an educational setting, a taxonomy is used to identify learning objectives.²² It also helps teachers, administrators, professional specialists, and research workers who deal with curricular and evaluation problems.²³ Learning objectives direct learner behaviour towards specific goals, with various educational instructions acting as a stimulus. However, before adequately identifying educational objectives, one needs to predict a lesson's learning outcomes and the learners' intended behaviours. For this reason, taxonomies need to be based on a guiding principle that is internally consistent, containing coherent terms that are clearly

defined. This is in agreement with the logical classification that Ibn Sina provided in his philosophical works. In addition, metaphysical divisions accompany this classification, aligning it with the objectives of Islamic education.

Islamic classrooms provide learning experiences based on Islam's fundamentals, as embodied in the Holy Qur'an and Sunnah. Classes tend to develop faith and commitment towards basic values, developing a sense of accountability towards the All Mighty and a closer understanding of Him. Learners, as a result, tend to realise their position as a vicegerent standing before Allah. This denotes the fact that Islamic classrooms attempt to foster the ability to apply faith to every aspect of life. This also brings about the point that intended behaviours are the focus of Islamic classrooms.

Behaviour is closely related to how a learner thinks and extracts particulars from given information. Educators need to evaluate the results of class participation by determining whether the act of intellection: 1) is at the level of surface understanding – that is, merely using commonsense and estimation; 2) involves complexity in organising input through the act of imagination; 3) interprets ideas through rational thinking; 4) applies knowledge through practice; or, 5) demonstrates the ability to synthesise ideas through the process of creativity and innovation. Appropriate values will then be linked to specific “indicators” set up to specify objectives. It will depend on the creativity of educators as to whether objectives that trigger these indicators are applied following the line “simple to complex” or a combination of random choices. The “indicators” can be observed in subject-matter contents, specifying different teaching methods labelled according to Islamic educational terms. These specifications will enhance educator communication in regards to classroom objectives and evaluating procedures, as they will now focus on specific indicators for developing learner skills and abilities. This idea of relating human behaviours to educational objectives was originally developed in the taxonomy of Benjamin Bloom (1913-99). The taxonomy proposed here will apply the same approach, linking Islamic educational objectives and teaching methods to Ibn Sina's human categorisation. Bloom developed a taxonomy based on developmental phases defined by surveys, data collection, and psychological and educational analyses, both theoretical and practical. The current proposed taxonomy, however, is based on library research and philosophical analysis alone. Nevertheless, it is designed specifically for Islamic classrooms and signifies moral articulation and internal human perfection.

A taxonomy is crucial for ensuring the realisation of classroom objectives. It makes educator ideas lucid, facilitating a better understanding of different perspectives using specific terms of classification. It also helps educators to: 1) organise ideas and objectives, from less important to most important; 2)

avoid unnecessary repetitive tasks; and 3) limit the implementation of various instructional methods and tools. Therefore, it is vital to identify the consensus among educators, administrators, educational policymakers, and researchers when defining the terms used to facilitate communication. It is also necessary to revisit the foundation of child psychology and development to ensure the suggested taxonomy is relevant.

It is hoped that the new taxonomy suggested here will support the professional development of Islamic teachers, helping them implement twenty-first-century curricula, including various teaching methods, such as flipped classrooms, project-based learning, cooperative learning, gamification, problem-based learning, design thinking, thinking-based learning, and competency-based learning. This taxonomy also attempts to eliminate volatility and uncertainty among educators adapting to new learner-centered atmospheres, helping them to nurture the spiritual, psychical, moral, and cognitive development of learners. This is aligned with the Malaysian Education Blueprint and National Education Philosophy, ensuring the development of a holistic child, whether intellectually, spiritually, emotionally, or physically, through a school curriculum that is able to produce citizens “who are knowledgeable and competent, who possess high moral standards, and who are responsible and capable of achieving high levels of well-being as well as being able to contribute to the harmony and betterment of the family, the society, and the nation at large.”^{24,25}

The connection between domains and sub-divisions within particular lessons and teaching methods allows teachers to focus on the development and assessment of universal values. This will ensure the building of a robust Malaysian identity that embraces moral qualities and unity (listed as the third shift in the Malaysian education system transformation).²⁶ People will be understood and appreciated according to their individual values and skills, rather than their different beliefs, cultures, or ethnicities.

An Islamic Education Taxonomy based on Ibn Sina’s Theory of the Soul

The main domains of the proposed taxonomy are classified using the types of soul suggested by Ibn Sina, namely: Vegetative, Animal, and Rational. The various bodily faculties will be subdivided according to their domains and connected to teaching methods based on their functions. The contents of an Islamic education are related to different teaching methods: *tarbiyyah* (to train), *ta’limiyyah* (to teach), *ta’dibiyyah* (to make behave), and *tahzibiyyah* (to purify). They also relate to the nature of the subject matter covered. Educators will first need to

determine the domain they intend to teach and develop, thereby leading to the subdivisions that will specify the objectives of their classrooms. Expected learner outcomes will be identified from the functionality of the bodily faculties, as well as the degree of perfection determined by the lower and higher skills included in each faculty. However, the identified methods and subjects used as a guideline for teaching are interchangeable in order to implement cross-curricular teaching within classrooms.

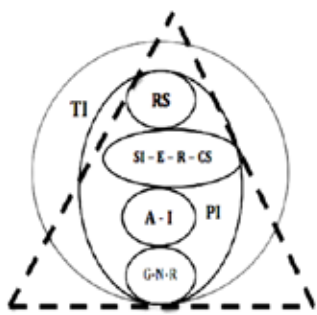


Figure 1: Taxonomy No. 1 – Classification of the Human Soul

Note: TI (Theoretical Intellect), PI (Practical Intellect), RS (Rational-Imaginative Faculty), S-E-R-CS (Sensitive-Imaginative, Estimative, Retentive, Commonsense Faculties), A-I (Appetitive, Irascible Faculties), G-N-R (Growth, Nutritive, Reproductive Faculties),

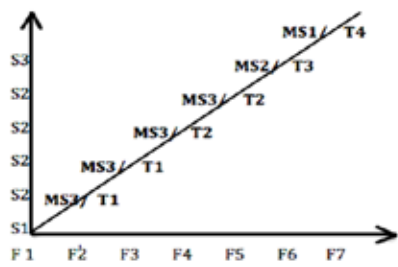


Figure 2: Taxonomy No. 2 – Classification of the Human Soul, Islamic Education Subjects, and Teaching Methods

Note: S1 – Vegetative Soul, S2 – Animal Soul, S3 – Rational Soul, F1 – Appetitive and Irascible Faculties, F2 – Commonsense Faculty, F3 – Estimative Faculty, F4 – Sensitive Imaginative

Faculty, F5 – Rational Imaginative Faculty, F6 – Practical Faculty, F7 – Theoretical Faculty, T1 – *Tarbiyyah*, T2 – *Ta'limiyyah*, T3 – *Ta'dibiyyah*, T4 – *Tazkiyyah*, MS1 – Logic, Philosophy, Principle of Jurisprudence, MS2 – Jurisprudence, Ethics, MS3 – Other Islamic Education Subjects.

Figure 1 shows the hierarchical classification of the human soul, denoting the descending movement of universal and particular forms, and intelligible movement from the intellects towards a higher level of perfection. The hierarchy indicates the human soul comprises a series of intellects and bodily faculties. This visualises the united-attached relationship between soul and body, as pictured by Ibn Sina. The three domains of the taxonomy (Vegetative, Animal, and Rational) are classified based on the *genus* of man and on man as a particular *species*. The three circular figures denote the subdivisions of the domains, moving from the faculties that accomplish simple activities to the faculties that carry the work of complex activities. Educators should develop the lower faculties before the higher ones in order to enable learners to reach intellectual perfection in both worlds (material and immaterial). It is also permissible, however, for educators to focus on the development of certain bodily faculties throughout their lessons to create flexibility in learning. Another context that should also be considered is the relevance of objectives to learner capacity; the most effective method is to teach and determine classroom objectives based on the positions of souls, from the lowest to the highest.

Figure 2 represents the link between domains and subdivisions within the taxonomy. Specific teaching methods and subjects are connected with a straight line to show the relevance between them. The positive slope shows a soul's progression towards actuality and perfection, but only if the variables on the vertical axis (bodily faculties, referring to learner outcomes) increases along with the variable on the horizontal axis (type of soul). It also depends on whether the suggested teaching methods for certain subjects (at the plots) are implemented. The classification of the soul according to the *genus* is seen at the vertical axis, while the horizontal axis points to the *differentia* of the human soul and the subdivision of the bodily faculties. The plotted points on the graph indicated by the letter T are Islamic education teaching methods: T1 - *tarbiyyah* (to train), T2 - *ta'limiyyah* (to educate), T3 - *ta'dibiyyah* (to make behave), and T4 - *tazhibiyyah* (to purify). The letters located beside the Ts are Islamic educational subjects. These are classified by nature (subject matter) and linked to different teaching methods. The letter S, which refers to the domains of the taxonomy, helps educators determine the type of soul they are attempting to develop. F depicts the outcome of the learners, as well as the specified intended behaviours that

educators will need to observe to ensure that classroom objectives are realised. It also identifies where development should be observed in learners. The letter T offers teaching methods that should be used in the particular setting of the classroom, while the letters MS illustrate the main subjects of lesson plans. The latter helps educators seek relevant topics to be included in the objectives of their classrooms.

Conclusion

According to Ibn Sina, man can dominate his animalistic desires and actions by allowing the Rational Soul to govern his lower souls. This will allow him to become the Perfect Man (*insan al-kamil*), a position that places him closer to the Divine. In the view of Ibn Sina, this can only be accomplished through the act of intellection. Rationality is a manifestation of man's intellect through which he seeks ultimate perfection and happiness. Ibn Sina's theory of the soul is the most convenient theory for the designation of a new taxonomy in the field of Islamic education. This is due to its logical-metaphysical classification, which ensures an internally consistent structure for developing an educational taxonomy. It will assist educators in determining appropriate objectives for their classrooms and avoid the act of over-emphasising educational objectives at the expense of twenty-first-century demands.

Notes

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A UNIFIED MODEL OF SHARIAH INDICES FOR HUMAN DEVELOPMENT AND PROSPERITY¹

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Abstract: In recent years, several attempts have been made to measure human prosperity using shariah objectives. These, however, have failed to propose a unified model that incorporates the ‘means to achieve these objectives’. This paper attempts to fill this gap by arguing that a large proportion of shariah-led prosperity measures are in line with the United Nations’ Millennium and Sustainable Development (MSD) goals to achieve global development targets and reduce poverty. This paper proposes a global unified model for a human development index that identifies existing development data that can be utilised in accordance with the objectives of shariah. The proposed model attempts to build a bridge between shariah-based Islamic development indices and MSD goals to achieve prosperity via religiosity.

Keywords: Objectives of shariah, development, spirituality, human prosperity.

Introduction

Recently, Kanbir and Dikkaya² conducted an empirical study comparing 148 Muslim and non-Muslim countries using the Islamic Development Index (IDI) criteria, which averages material and spiritual values as defined under *maqasid al-shari’ah*. They found that the IDI ranking of Islamic countries is lower than non-Islamic states in both material and spiritual development. Among others who have attempted to develop these indices are Chapra,³ Rehman and Askari⁴ (see their Islamicity Index), and Rauf⁵ (Islamicity of nations). In general, their methods may not meet the United Nations’ Millennium and Sustainable Development (MSD) requirements. In this paper, we argue that Islam is not merely a set of religious and spiritual exercises for Muslims. It is a complete code of life based on well-defined objectives relevant to the whole of humanity. Shariah⁶ scholars have classified these objectives into five main categories: (1)

the Security of Din (*hifz ad-din*); (2) the Security of Life (*hifz an-nafs*); (3) the Security of Intellect (*hifz al-‘aql*); (4) the Security of Lineage or Posterity (*hifz an-nasl*); and (5) Economic Security (*hifz al-mal*). These five major objectives have several sub-objectives, which collectively constitute a prosperous society. Not surprisingly, the global development agenda outlined in the Millennium Development Goals (MDG) and sustainable goals declarations is only a subset of the goals specified by the shariah. Ali and Hasan (2011) examined the theoretical framework which developed a method to gauge socio-economic development in line with *maqasid al-shari’ah*. Their proposed measures facilitate policy guidance at various levels of aggregation in Islamic Finance (see for example Hasan et al., 2018).⁷

In the early days of Islam,⁸ Islamic scholars identified five main objectives around which the teachings of Islam revolve. These five objectives formulate such a comprehensive concept of human prosperity that all the definitions of development designed so far rarely cross the limits specified by them. Therefore, if an index of human prosperity could be made based on shariah objectives, it would be capable of subsuming most of the recently developed measures for human prosperity. Consequently, Islamic scholars have recognised the need to formulate an index of human prosperity based on the objectives of shariah. Several authors have proposed different procedures for developing a shariah-based index of development. Recent examples in the literature include, Ali and Hasan (2011),⁹ Ali, Tohirin and Ismail (2014), Ashraf (2016),¹⁰ Ho et al. (2014),¹¹ Alaabed et al. (2016),¹² Rusydiana and Firmansyah (2018), Hasan et al. (2018),¹³ Ibrahim et al. (2019),¹⁴ Alias et al. (2019),¹⁵ Al Rahahleh et al. (2019),¹⁶ Cahya et al (2019)¹⁷ and Azmat et al. (2020)¹⁸ among others. However, these papers failed to develop a unified model which can incorporate the ‘means’ for achieving those objectives. They also did not differentiate between the ‘objectives’ themselves and the means/sources for achieving them. This paper attempts to fill this gap by arguing that a large proportion of shariah-led prosperity measures match the United Nations’ Millennium and Sustainable Development (MSD) goals. The proposed model attempts to build a bridge between shariah-based Islamic development indices and the MSD goals to achieve prosperity via religiosity.

While those ‘objectives’ are recognisable by the entire globe, the ‘means to achieve those objectives’ are specific to Muslim societies, and are not necessarily desirable elsewhere. There are several problems with mixing the objectives with the means to achieve them, summarised as follows:

1. The final objectives that Islam wants in society are well recognised and have worldwide acceptability. But the ‘means to achieve the objectives’ proposed by Islamic shariah are recognised only by Muslim societies.

2. Data on the ‘means to achieve the objectives’ is rarely available. Moreover, it is extremely difficult to collect data on ‘means to achieve objectives’. Sometimes it is hard to get data from the Islamic world of any kind.
3. Since the ‘means to achieve the objectives’ given by Islam are usually not recognised by the non-Muslim world, the wider world probably cannot be convinced to collect the data on these indicators in future.
4. If data from non-Muslims could not be collected, a comparison between Muslim and non-Muslim worlds is not possible.

In the rest of this section, we attempt to explain these points with some examples. To begin, one needs to understand that the basics of the Islamic socio-economic system are designed to encourage a reduction in wealth accumulation by contributing the annual 2.5% *zakah* to those needy members of the community who are below the poverty line. This voluntary contribution reduces income inequality. The proposition of *zakah*, *khairat*, *sadaqah* and other charities are ‘means’ to achieve these objectives. In Qur’an 59:7, under the laws for distribution of war booty, it is stated that, “So that it (wealth) may not (make) a circuit between the rich among you.”

A reduction in the concentration of wealth is also a globally recognised objective. The MDG agenda item 1A “aims at improving the share of bottom quintile in aggregated income spans around this objective.” Therefore, nations across the globe, both Muslim and non-Muslim, have started collecting data on indicators of inequality, including income share of the bottom quintile and GINI index. But, as *zakah* is not recognised in non-Muslim societies, no data is generally obtained from the non-Muslim world on this indicator. Studies like Ali and Hassan (2014)¹⁹ have proposed indices in which such indicators are included, but only for Muslim society. As such, these indices are incapable of providing a universally acceptable development measure or valid comparison between the Muslim and non-Muslim worlds. This study, by differentiating between ‘objectives’ and the ‘means to achieve the objectives’, proposes a number of indicators which have global acceptability and could constitute a good proxy of progress toward the objectives of shariah.

Means to Achieve Objectives in the Islamic Tradition

The ‘objectives’ and the ‘means to achieve the objectives’ are two distinct things, with the Islamic scriptures explicitly differentiate between them. For example, regarding fasting:

O ye who believe, fasting is prescribed for you, even as it was prescribed for those before you that ye may ward off (evil). (2:183)

This verse explains that one should fast because doing so will ward off evil and achieve the objective of ‘fasting’. While data on evils/crimes could easily be obtained, data on fasting would be very difficult to find.

Similarly, the objective of obligatory prayer is to prevent one from evil and vulgarness, as stated in the Qur’an:

Prayer restrains from shameful and unjust deeds. (29:45)

Vulgarness could be measured by several proxies, e.g. the percentage of unwed mothers, which is available in many countries. But the data on *Salah* would be difficult to obtain. Even in Muslim societies, data on the regularity of *Salah* is not easy to collect. This is because Islam discourages the public display of good deeds. Similarly, the Qur’an explicitly expresses the end objective of its divine order. Thus, the distinction between the objectives and the means to achieve those objectives does not fall out of the Islamic tradition.

Literatures on the Objectives of Shariah

As stated earlier, most of the literature that attempts to construct a development index with roots in *maqasid al-shari’ah* fail to differentiate between objectives and the means of achieving them. Therefore, it is very hard to construct a globally acceptable index of human development based on shariah. A selected study on this topic is Ali and Hassan (2014),²⁰ which briefly explains the objectives of shariah and constructs an index that can measure micro-level data. The study used Pakistani survey data on *zakah*, prayers, and other Islamic activities as per the five pillars of Islam. However, their proposed index had limited acceptability. Similarly, Amin et al (2004) provided a very comprehensive account of the objectives of shariah and proposed several indicators that could be used to measure development in light of them. The indicators included soundness of faith and performing the five daily prayers. However, the five times daily prayers should not be a final objective, but a means of achieving the objective of encouraging the forbidding of evils and rudeness.

Recent literature lists the indicators that could be used to measure an Islamic development index (see Esen 2015).²¹ For example, ‘expenditure on health’ could be an indicator of ‘security of posterity’. It is obvious, however, that the two things only have a very weak relationship. On the other hand, some

very strong indices are often dropped from the construction of development indices. For example, ‘HIV prevalence’, which could indicate the occurrence of extramarital sexual relationships, is out of the index. Various authors have contributed to shariah-based indexation, for example Ali and Hasan (2011),²² Ali, Tohirin and Ismail (2014), Ashraf (2016),²³ Ho et al. (2014),²⁴ Rusydiana, A. S., & Firmansyah, I. (2018), Hasan et al. (2018),²⁵ Ibrahim et al. (2019),²⁶ Alias et al. (2019)²⁷ and Cahya et al (2019).²⁸ However, the emphasis of these studies has been on economic security and other issues, while ignoring the main objectives of shariah. This paper fills this gap and develops a uniform shariah-based development index from the available indicators of development accepted globally.

Chapra (2008)²⁹ pioneered an extension of the vision of development in light of the objectives of shariah. However, his work is abstract, without concrete and ‘measurable’ indicators capable of measuring socio-economic variables. For example, Chapra counts qualitative values and proper motivations among the sub-objectives of ‘Security of Faith’, but does not give a method to measure those two variables. We need to quantify these variables in a unified modelling form practitioners can apply in real life using observed data as input for computing-based models. Our proposed unified model of human development and prosperity is a timely attempt to fill this research gap in line with UN human development goals.

Most indices in the existing literature are developed by economists. Certain Islamic economists have attempted to develop a measure of ‘Islamicity’ in the context of economic indicators.³⁰ One of these attempts is Rehman and Askari’s 2010³¹ “An Economic Islamicity Index (EI2).” But the problem with these measures is that they are heavily influenced by economic aspects that undermine other objectives. The fact that economic security is counted as the last objective among the objectives of shariah makes defining development through the lens of economic indicators alone nonsensical. We need to include all the objectives.

In our view, the book *Defining Islamic Statehood: Measuring and Indexing Contemporary Muslim States* by Imam Feisal Abdul Rauf³² is the most successful attempt at measuring prosperity based on the objectives of shariah. Rauf has developed an excellent text derived from discussion with numerous scholars over a long period. However, the author imposes an unnecessary restriction by limiting the index only to Muslim countries; it should be possible to extend the work to non-Muslim countries as well due to the universality of Islam. As you will see in the forthcoming discussion, there is only one sub-index among the five indices and their numerous sub-indices which might not be acceptable to non-Muslims.

The basic definition of development adopted by social scientists in the first half of the twentieth century has been proven deficient. As a result, development indices are continuously expanding and becoming more comprehensive. The struggle to define human prosperity is therefore ongoing. For example, reduction of poverty is a shariah objective in which *zakah* and charity are central. At a global level, under the UN umbrella, nations are committed to achieving similar goals and are collecting data to monitor their progress in this area. There are other objectives not listed in the Millennium and Sustainable Development Goals that are nevertheless measures of human prosperity and many nations have systematic data on them.

Objectives of Shariah and Their Measurement

As stated earlier, the objectives of shariah are categorised into five. In this section, we briefly introduce these five objectives and the ‘indicators’ which can be used to measure their progress.

OBJECTIVE 1 - SECURITY OF FAITH (SF)

The objective ‘security of faith’ is the most important objective of shariah. It has several sub-objectives, which include (a) implementation of Islam as a religion and (b) religious freedom. The first sub-objective cannot be taken as a globally acceptable target, yet data is abundantly available by which it could be measured. The second objective is as much acceptable to non-Muslims as to Muslims. The sub-objectives and their indicators are listed below:

i. SF1- People should follow Islam

The most important aspect of shariah is religion (*din*). The only acceptable *din* on the Day of Judgment, according to shariah, is Islam. It is stated in the Qur’an (3:19) that, “No doubt, the (true) religion with Allah is Islam.” Similarly, Allah said in Qur’an 3:85, “For, if one goes in search of a religion other than Islam, it will never be accepted from him, and in the life to come he shall be among the losers.”

Therefore, ‘security of *din*’ primarily means the security of Islam and no other religion. The Islamic tradition envisions the entirety of mankind as Muslim. Therefore, while commanding the Muslims to perform *jihad* during warfare, Allah says, “And fight them until there is no temptation, (Or: discord, strife, sedition) and the religion is for Allah” (8:39).

The above verse indicates that Islam encourages continuous efforts to spread the religion until all humanity becomes ‘Muslim’.

Indicator

The progress of this objective could be measured via the percentage growth of the Muslim population. This is the only objective that might be unacceptable to the non-Muslim world as an objective of development. However, for the Muslim world, it is the most important objective.

The construction of an SF1 index is as follows:

PM_i = percentage of Muslim population

$$SF1_i = PM_i$$

The data for this indicator is available from the PEW research centre.

ii. SF2 - Religious Freedom

Even though Islam wants everyone to be Muslim, this target should not be achieved through force. Rather, the choice of religion and faith must be voluntary, without any imposition. Islam strongly prohibits forced conversion. In this regard, one can refer to the verse of the Qur'an below.

There is no compulsion in religion; truly the right way has become clearly distinct from error. (2:256)

Islam is such a strong advocate of religious freedom that Prophet Muhammad said that if someone kills a non-Muslim, he will never smell the fragrance of Heaven.

The one who kills a *Muaahid* (non-Muslim living in an Islamic State legally) will never smell the fragrance of Heaven, even though the fragrance of (the) heavens reaches a distance of 40 years. (*Ibnu Majah*, Hadith No 2686)

Additionally, offences based on religion are strictly prohibited, as stated in a famous hadith:

Beware that if someone did (anything) unjust with a *Muaahid*, or causes him a loss, or grabs something from him without his will, I will advocate him (*Muaahid*) on the Day of Judgment. (*Silsil Ahadith Sahiha*, Hadith No 445)

Therefore, forced conversion or any other kind of unjust and indecent act imposed on people from other religions are prohibited and liable to punishment

under shariah. Therefore, one important sub-objective of this objective of faith is to have universal religious freedom.

Indicator

Data on religious freedom for all countries is available online, for instance via the PEW Research Institute. PEW provides two measures of religious freedom: (a) Government Restriction (on religion) Index and (b) Social Hostility Index. The first measures the religious restrictions imposed by a government and its agencies, while the second measures the attitude of the public towards religious tolerance. Unfortunately, the PEW Institute has its own perspective of religious freedom which may not be acceptable to many. However, the collection of data from across the world indicates that the idea of religious freedom has worldwide acceptability; data rooted in a more reasonable definition of religious freedom could be collected without much difficulty.

The construction of an SF2 index shall be as follows:

GRI_i = Government restrictions on religion index

SHI_i = social hostilities index

Both of these indices are measured on a scale of 10, meaning the index is multiplied by 10 to make it comparable with the construction of other indices.

$$SF2_i = 1/2(10 \times GRI_i + 10 \times SHI_i)$$

iii. Construction of Security of Faith - SF index

The SF (security of faith index) could be constructed as a weighted average of SF1 and SF2. However, since PEW's calculations are biased toward their perception of religious freedom, a smaller weight is assigned to SF2 relative to SF1.

$$SF_i = \alpha SF1_i + (1 - \alpha) SF2_i$$

Where $0 < \alpha < 1$, with the proposed weighting of $\alpha = 0.7$.

OBJECTIVE 2 - SECURITY OF LIFE (SL)

The second most important objective in shariah is Security of Life (SL). This can take various forms, e.g. security against deadly diseases, security against killing and murders, etc. The sub-objectives of this objective are given below.

i. SL1: Security against deadly diseases and threats to life

Islam attaches extreme importance to life security. The Qur'an says:

If anyone saves a life, it shall be as though he had saved the lives of all mankind. (5:32)

Indicator

Two indicators are proposed to measure the progress of this objective: (a) infant mortality and (b) maternal mortality. These indicators are available from the World Development Indicators Database, published by the World Bank.

The index for security against deadly diseases can be constructed as follows:

$$\begin{aligned} MM_i &= \text{maternal mortality per thousand live births} \\ IM_i &= \text{infant mortality per thousand live births} \end{aligned}$$

These two factors will formulate the index for deadly diseases:

$$DD_i = MM_i + IM_i$$

The relative position of a country with respect to these indicators is calculated as:

$$SL_i = 100 \times \frac{DD_i^{-1}}{\max_i DD_i^{-1}}$$

ii. SL2: Security against intentional killings, homicide and war-related deaths

Secondly, Islam strictly forbids extrajudicial killings and those things that may threaten life.

And do not kill the soul which Allah has forbidden except for the requirements of justice; this He has enjoined you with that you may understand (6:151).

Data for this objective is also available for the entire world. Summarising the available indicators, we can construct the following:

$$\begin{aligned} BD_i &= \text{battle related deaths per thousand} \\ H_i &= \text{intentional homicide per thousand} \end{aligned}$$

Therefore the indicator for murder and intentional killing shall take the following form:

$$M_i = BD_i + H_i$$

The relative position of countries could be calculated as:

$$SL2_i = 100 \times \frac{M_i^{-1}}{\max_i M_i^{-1}}$$

iii. Security of Life Index

The composite index for the security of life could be constructed by combining the above two indicators as follows:

$$SL_i = \alpha SL1_i + (1 - \alpha) SL2_i$$

Where $0 < \alpha < 1$, here we propose $\alpha = 0.5$

OBJECTIVE 3 - SECURITY OF INTELLECT (SI)

The third objective is security of intellect. The intellect means the ability and capacity to understand. The Qur'an, in a number of places, praises those who understand. The sub-objectives of this objective are listed below:

i. SII- Research and Exploration of the Creation of Allah

For the security of intellect, Islam emphasises two things, (a) seeking knowledge and (b) researching the mysteries of the universe:

Verily! In the creation of the heavens and the earth, and in the alternation of night and day, there are indeed signs for men of understanding. Those who remember Allah (always, and in prayers) standing, sitting, and lying down on their sides, and think deeply about the creation of the heavens and the earth, (saying): "Our Lord! You have not created (all) this without purpose, glory to You! (Exalted be You above all that they associate with You as partners). Give us salvation from the torment of the Fire." (3:191)

He grants *hikmah* to whom He pleases, and he, to whom *hikmah* is granted, is indeed granted abundant good. But none remember (will receive admonition) except men of understanding. (2:269)

These verses indicate that the intellect that leads to a better understanding of the universe is praiseworthy because such will lead to the recognition that there is a Creator who formed the universe and to whom we should surrender.

Indicator

The number of researchers engaged in R&D could be used to measure the progress of this objective. The index could be constructed as follows:

RD_{it} = Researchers in R&D

$$SI1 = 100 \times \frac{RD_i}{\max_i RD_i}$$

ii. SI2- Literacy

Islam emphasises the seeking of knowledge and education for men and women, rich and poor, young and old, all colours and creeds. Islam emphasises that knowledge leading to a better understanding of the universe will result in piety towards Allah.

Indicator

Statistics on literacy are abundantly available. The index could be constructed as follows:

L_i = literacy rate, % of the total population
 D_i = difference in literacy rates for male and female

The difference in literacy rates for males and females should have a negative relationship with indicator SI2, whereas the aggregate literacy rate should have a positive relationship with the index:

$$SI2 = \frac{1}{2} \left(L_i + 100 \times \frac{D_i^{-1}}{\max_i D_i^{-1}} \right)$$

iii. SI3 - Security against sources of interruption in human intellect

In addition to the above-mentioned objectives, Islam also wants to reduce sources of interruption in human intellect. Therefore, those drugs and narcotics that affect our ability to think are declared *haram*.

Indicator

Consumption of alcohol, wine and other things that affect our ability to think may be used as another indicator of this objective. Data on alcohol consumption is also available from the WHO. A higher level of alcohol consumption leads to slower progress towards the security of intellect; therefore, the objective shall take the following form.

AL_{it} = alcohol consumption per capita

$$SI3_i = 100 \times \frac{AL_i^{-1}}{\max_i AL_i^{-1}}$$

iv. Security of Intellect (SI) Index

The composite index for the security of intellect (SI index) could be constructed as follows:

$$SI_i = aSI1_i + bSI2_i + (1-a-b)SI3_i$$

Where $a \approx 0.50$ and $b \approx 1$. For simplicity, equal weight may be assigned to the three indicators,

$$SI_{it} = \frac{1}{3} [SI1_i + SI2_i + SI3_i]$$

OBJECTIVE 4 - SECURITY OF POSTERITY /LINEAGE (SP)

In Islam, security of lineage means: (a) avoiding fulfilling sexual desire in a forbidden manner, (b) security of future generations, and (c) fulfilling sexual desire in a natural way.

i. SP1- Security of Piousness

Fulfilling sexual desire with a legitimate spouse is what Islam wants to see in society. Any sexual relationship outside of marriage brings very ill consequences to society, as is visible throughout the globe. In the United States, 50 per cent of people living under the poverty line are single mothers. The website Child Trends notes the following about unmarried mothers:

- i. Children born to unmarried mothers are more likely to grow up in a

single-parent household, experience unstable living arrangements, live in poverty, and have socio-emotional problems. As these children reach adolescence, they are more likely to have low educational attainment, engage in sex at a younger age, and have children outside marriage. As young adults, children born outside of marriage are more likely to be idle (neither in school nor employed), have lower occupational status and income, and have more troubled marriages and more divorces than those born to married parents.

- ii. Women who give birth outside of marriage tend to be more disadvantaged than their married counterparts, both before and after birth. Unmarried mothers generally have lower incomes, lower education levels, and are more likely to be dependent on welfare assistance compared with married mothers. Women who have a non-marital birth also tend to fare worse than childless single women; for example, they have reduced marriage prospects compared with single women without children.

There are many verses in the Qur'an indicating the importance of preventing such situations. Islam forbids sexual relationships outside of marriage, be it with or without consent. Sex outside marriage is one of the most heinous crimes in society, as per shariah.

Do not draw near to any unlawful sexual intercourse; surely it is a shameful, indecent thing, and an evil way (leading to individual and social corruption). (17:32)

Single and unwed mothers have become significant problems in many European and North American countries. As mentioned, 50 per cent of those individuals living under the poverty line in the United States are single mothers. The world has started recognising that single mothers are a problem; many countries now measure statistics on single mothers for this reason.

Indicator

The percentage of single mothers could be used as an indicator for the objective 'security of lineage'. Such statistics are available for many countries, although not all. Another indicator of this objective could be the prevalence of HIV in children. The prevalence of HIV in children is a direct consequence of the extramarital sexual relationships conducted by their biological parents. Data on these indicators is available via many sources, including the World Development Indicators.

The index for objective SP1 could be constructed as follows:

$$\begin{aligned}UM_i &= \text{percentage of unwed mothers} \\HIV_i &= \text{children with HIV per thousand}\end{aligned}$$

These indicators have an inverse relation with the security of lineage. The relative position of a country in these objectives could be calculated as follows:

$$\begin{aligned}UM2_i &= 100 \times \frac{UM_i^{-1}}{\max_i UM_i^{-1}} \\HIV2_i &= 100 \times \frac{HIV_i^{-1}}{\max_i HIV_i^{-1}} \\SP1_i &= HIV2_i \text{ if } UM2_i \text{ is not available} \\SP1_i &= \frac{1}{2(HIV2_i + UM2_i)} \text{ if } UM2_i \text{ is available}\end{aligned}$$

ii. SP2 - Fulfilling sexual desires in a natural way

Islam accepts only the natural way of satisfying sexual desire. The nation of Lot was eliminated for satisfying their sexual desires through unnatural means, i.e. homosexuality. In fact, homosexuality is a curse leading to a large number of negative consequences. The Family Research Institute writes that, according to a pioneering study, 6,737 obituaries from 18 US homosexual journals were compared to a large sample of obituaries from regular newspapers. The obituaries from the regular newspapers were similar to US averages for longevity: the median age of death for married, never-divorced men was 75 and 80 per cent of them died old (age 65 or older). For unmarried or divorced men, the median age of death was 57 and 32 per cent of them died old. Married, never-divorced women averaged 79 at death; 85 per cent died old. Unmarried and divorced women averaged age 71 and 60 per cent of them died old. The median age of death for homosexuals, however, was virtually the same nationwide — and, overall, only about 2 per cent survived to old age. If AIDS was the listed cause of death, the median age was 39. For the 829 gays who were listed as dying of something other than AIDS, the median age of death was 42 and 9 per cent died old. The 163 lesbians had a median age of death of 44 and 20 per cent died old.

The harm of fulfilling sexual desires beyond the limits specified by nature are appearing day-by-day, statistics reveal that of the 1.2 million people in the US living with AIDS, most are involved in homosexual practices. Islam warned about these consequences 14 centuries ago.

Indicator

PEW's report on the worldwide acceptability of homosexual practices is called the 'Gay Travel Index'. A higher value of GTI indicates a higher acceptability of homosexuality. This index could be used to measure the position of countries on this issue.

$$GTI_i = \text{gay travel index}$$

The gay travel index can take both positive and negative values; therefore a relative position cannot be calculated as for the other two indices. The relative position in GTI is calculated as:

$$SP2_i = 100 \times \frac{\max_i GTI_i - GTI_i}{\max_i GTI_i - \min_i GTI_i}$$

Thus this index shall take the value of 100 for countries having the most favourable conditions for homosexuality and the smallest value for those countries having the least favourable conditions.

The composite index could be formulated as follows:

$$SL_{it} = \alpha SP1_i + (1-\alpha) SP2_{it}$$

Where $0 < \alpha < 1$. For simplification, we take $\alpha = \frac{1}{2} = 0.5$ so that

$$SP_i = \frac{1}{2} (SP1_i + SP2_i)$$

iii. Security of Posterity Index

The composite index for security of posterity could be constructed as follows:

$$SP_{it} = \alpha SP1_i + (1-\alpha) SP2_{it}$$

Where $0 < \alpha < 1$. For simplification, we take $\alpha = 1/2 = 0.5$ so that

$$SP_i = \frac{1}{2} (SP1_i + SP2_i)$$

OBJECTIVE 5- ECONOMIC SECURITY (SE)

The last objective of shariah is economic security. The Quran, in many places, gives due emphasis to this objective. A better understanding of it can be achieved by focusing on several economic concepts, below.

i. SE1: Income

A variety of words have a similar meaning to income and wealth in the Qur'an, e.g. *maal*, *mataa*, *fadhal*, *khayr*, etc. The struggle for income is not prohibited and is sometimes desirable. The general guidance about wealth and income is as follows:

There is no blame on you that you should seek of the bounty of your Lord (by trading during the Hajj, but beware of preoccupation to the extent of neglecting any of the rites of the Hajj). When you press on in multitude from Arafat (after you have stayed there for some time), mention God at *Masharal-Haram* (al-Muzdalifah); mention Him, aware of how He has guided you, for formerly you were surely of those astray. (2:198)

Indicator

This objective could be measured through the per capita income of a country. The relative position of a country could be determined as follows:

Y_i =per capita income of a country

$$SE1_i = 100 \times \frac{\log(Y_i)}{\max \log(Y_i)}$$

ii. SE2: Reduction in Inequality

Along with permission to earn material resources, Islam prohibits concentrating it without disbursing its benefits to others. This objective is explicitly stated in the Qur'anic verse:

So that wealth may not be [a benefit] going round and round among such of you as may [already] be rich. (59:7)

Islam prohibits every kind of effort and action to store wealth so that its advantages are not widely distributed. To this end, Islam introduced the system of *zakah* and *ushr*, which automatically reduce the concentration of wealth by disbursing it. In many other places, the Qur'an forbids and counts the disadvantages of hoarding within the community.

Those who are ungenerous, and bid others to be ungenerous, and conceal whatever God has bestowed upon them out of His bounty; and so we have readied shameful suffering for all who thus deny the truth. (4:37)

This objective could be measured by the GINI index, which is available for all countries worldwide. Since the GINI index takes a higher value for countries with higher inequality, the index for inequality could be constructed as follows:

$$G_i = \text{GINI index for the country}$$

$$SE2_i = 100 - GINI$$

iii. SE 3-Reducing Poverty

One of the prime sub-objectives of economic security is the reduction of poverty and hunger. In the Qur'an, Muslims are advised to donate to the needy and poor so that they may come out of poverty. The Qur'an also urges Muslims to donate beyond the obligatory charity (*zakah* and *ushr*):

Those who spend their possessions [for the sake of God] by night and by day, secretly and openly, shall have their reward with their Sustainer; and no fear need they have, and neither shall they grieve. (2:274)

Lastly, the Qur'an urges mankind to be supportive of the deprived and poor and urges mankind to escape from depravedness:

But it was Our will to bestow Our favour upon those [very people] who were deemed [so] utterly low in the land, and to make them forerunners in faith, and to make them heirs [to Pharaoh's glory]. (28:5)

The progress toward this sub-objective could be measured by two indicators,

P_i =percentage of people living under the poverty line
 S_i =social contributions as a percentage of revenue

From these two indicators, the indicator for security against poverty could be constructed as:

$$SE3_i = \frac{1}{2} \left[100 \times \frac{\max_i P_i - P_i}{\max_i P_i - \min_i P_i} + 100 \times \frac{S_i}{\max_i S_i} \right]$$

iv. Index for Economic Security

The composite index for economic security could be constructed as follows:

$$SE = aSE1_i + bSE2_i + (1-a-b)SE3_i$$

Where $a > 0$, $b > 0$ and $a+b < 1$

Constructing an Islamic Development Index

The composite index for the five objectives detailed above can be generalised as follows:

$$IDI_i = \alpha_1 SF_i + \alpha_2 SL_i + \alpha_3 SI_i + \alpha_4 SP_i + \alpha_5 SE_i$$

Such that $\sum_i (\alpha_i) = 1$, $\alpha_i > 0$.

Since Islam gives different priorities to these indices, with security of faith (SF) taking the highest priority, followed by security of life (SL), security of intellect (SI), security of posterity (SP) and economic security (SE), the co-efficients α_i should be adjusted in a manner that reflects these priorities. Thus, the co-efficients I are assigned keeping in view the following considerations:

$$\alpha_1 > \alpha_2 > \dots > \alpha_5$$

It is important that none of these indices should have a very small weightage, entailing the following restriction:

$$\min \alpha_i \geq 0.1 \text{ and } \max \alpha_i \leq 0.3$$

Thus, a weighting scheme satisfying the above-mentioned criteria is as follows:

$$a_i = 0.3 - 0.05_i$$

Using this weighting scheme, one can easily construct the IDI for $i=1, 2, 3, 4, 5$ as follows:

$$IDI_i = 0.30SF_i + 0.25SL_i + 0.20SI_i + 0.15SP_i + 0.10SE_i$$

Conclusion and Policy Recommendations

This paper distinguishes between objectives and the means to achieve them. When it comes to final objectives, these are classified as objectives of shariah which have good global acceptability and applicability. One sub-objective of ‘security of faith’, however, may not have global acceptability, but the other sub-objectives of the same objective do. For example, the concept of ‘religious freedom’ inherent in the Qur’an is globally accepted, at least theoretically. Since the objectives of shariah match with global objectives, there is no problem obtaining data on these indicators and constructing an index of development rooted in the objectives of shariah. This paper identifies the indicators that could be used to construct such an index of development.

- Further study on human development index based on *maqasid al-shari’ah* is required by analysing the current trend of Sustainable Development Goals (SDGs), which are rapidly becoming integrated into global action on socioeconomic, political, environmental, and well-being issues. Big Data and Artificial Intelligence can be used to serve this purpose.
- Establishing the maqasidic principle as a quantitative concept is challenging since human development and prosperity may be understood in multiple dimensions. As a result, the Islamic Development Index should be assessed on a regular basis by evaluating a wider spectrum of indicators.
- ‘Security of faith’ may not be well received on a global scale due to misinterpretation and Islamophobia, but other objectives share the same values as the global aspiration. As a result, future human development indicators should include data and statistics from non-Muslim countries in addition to Muslim countries.

Objective	Sub-objective	Indicator	Data Source
Objective 1 SF: Security of Faith	SF1: People should follows Islam	Percentage of Muslim Population	PEW Research Institute
	SF2: Religious Freedom	Government Restriction index	PEW Research Institute
		Social Hostilities Index	PEW Research Institute
Objective 2: SL: Security of Life	SL1: Security against deadly diseases	Maternal mortality	World Development Indicators
		Children mortality	World Development Indicators
	SL2: Security against murder and killing	Battle Related Deaths	World Development Indicators
		Intentional homicide	World Development Indicators
Objective 3: SI: Security of Intellect	SI1: Research and Exploration of the Creation of Allah	Researcher in R&D per million population	World Development Indicators
	SI2: Literacy	Literacy Rate adult total	World Development Indicators
		Difference between literacy rate for male and female	World Development Indicators
	SI3: Security against sources of interruption in human intellect	Per capita alcohol consumption	World Health Organization Report
Objective 4: SP: Security of posterity	SP1: Security of piousness	Percentage of unwed mothers	US Department for Health and Demographic Statistics
		Children (0-14) living with HIV	World Development Indicators
	SP2: Fulfilling sexual desires in natural way	Gay travel index	PEW Research Institute
Objective 5: SE: Economic security	SE1: Income	Per capita income (constant, US\$)	World Development Indicators
	SE2: Reduction in Inequality	GINI index	World development Indicators
	SE3: Reduction in poverty	Percentage of people under \$1.25 poverty line	World development Indicators
		Social contribution as a percentage of revenue	World development Indicators

Table 1: Indicators Proposed for Constructing Islamic Development Index Along with their Sources

Notes

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1. We are thankful to the editor, anonymous referees and Daud Batchelor for constructive comments on earlier versions of this paper. The second author acknowledges the comments and hospitality of: Hussain Qadri of Minhaj University, Lahore; Duc Nguyen of IPAG Business School, Paris; and Ian Alam of SUNY, Geneseo, USA, where the final version of this paper was completed. We take sole responsibility for any errors.
 2. Ozgur Kanbir and Mehmet Dikkaya, 'Islamic Development Index,' *Sosyoekonomi* 29 no. 49 (2021): 151-80.
 3. Muhammad Umer Chapra, Shiraz Khan and Anas Al Shaikh-Ali, *The Islamic Vision of Development in the Light of Maqasid al-Shariah* (London: International Institute of Islamic Thought, 2008).
 4. Scheherazade S. Rehman and Hossein Askari, 'An Economic Islamicity Index (EI2),' *Global Economy Journal* 10, no. 3 (2010).
 5. Feisal Abdul Rauf, *Defining Islamic Statehood: Measuring And Indexing Contemporary Muslim States* (New York: Springer, 2015).
 6. Shariah is the sacred law of Islam. It is derived from the Qur'an, the Sunnah (sayings and deeds of the Prophet Muhammad), *Ijma'* (consensus), *Qiyas* (reasoning by analogy) and *Maslaha* (consideration of public good or common need).
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 8. The period starts from the time of the Prophet Muhammad (570-632 C.E) until the Umayyad and Abbasid eras (661-1258).
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27. Alias, 'Combating Money Laundering and Terrorism Financing.'
28. Cahya, 'The Development of Islamic Social Reporting as a Concept of Social Accountability.'
29. Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shariah*.
30. For religiosity measurement using a mechanism design approach, see Basov and Bhatti and Azmat et al.
31. Rehman, 'An Economic Islamicity Index (EI2).'
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VEILING AND MUSLIM WOMEN IN AFRICAN HISTORY SINCE THE OTTOMAN EMPIRE

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Abstract: In Africa, the culture of veiling by Muslim women is profound. Several forms of textile and art feature in the use of the veil across Africa, reflecting how that garment has become culturally embedded in the region. It is true that Islam's integration with African cultures is very much alive and visible. The story of veiling became prominent in Africa under Ottoman rule and in the context of cross-cultural intergroup relations through the trans-Saharan trade routes. This paper focuses on the history of the veil as a spiritual, artistic, political, and economic factor in the identity-making of Muslim women in Africa. The historical method is adopted to interrogate the complexities associated with veiling, using photographic representations, books, and journals. Photographic representations of women's dress in the Ottoman Empire provides a way to understand how permeated African societies.

Keywords: veiling, culture, African history, Ottoman.

Introduction

In contemporary conceptions of veiling, African Muslim women utilise it for fashion and spirituality. This means that the typologies of veiling that depict Muslim women as followers of the injunctions of God also contain a social dimension (i.e. fashionable outfits). The role fashion plays in the *hijab* was displayed in Nigeria in 2005, when Saidat Otiti of Baytuzeenah stores organized a fashion show at Victoria Island, Lagos, to advertise her *hijab* stocks. At the event, the former deputy governor of Lagos state, Sinatu Ojikutu gave the following speech:

The Islamic way of dressing is neither traditional nor cultural, but an injunction from the almighty that women should dress simply and decently.... The idea of featuring outfits in these different categories is to show that you can dress the Islamic way as a career woman, schoolgirl, or housewife and still look trendy and fashionable.¹

The above statement illustrates that while veiling remains an essential part of Muslim female identity, its historical process signifies varying dimensions and purposes. Recently, especially after the 9/11 attacks, veiling has assumed an international dimension beyond the Middle East, Africa, and any traditional understanding of its use. In the words of Van Santen:

In the European media, people from all walks of life regularly express their views concerning the negative effect they believe the veil or headscarf worn by Muslim women has on their liberal, progressive, secular, and above all enlightened society. The veil has in many respects become the symbol of fundamentalist Islam, understood in turn as synonymous with extremism or even terrorism. On the other hand, there is the view that Muslim women see the veil as part of their identity. More women are veiling, and more are ready to defend this choice.²

This position makes it important to consider the meaning and construction of veiling in African history. The Ottoman Empire is germane to this as it constituted a strong political factor that influenced Africa from the sixteenth century onwards.

This paper is concerned with the heterogeneity of veiling; where there are varying meanings and factors in its use that are yet to be acknowledged or understood. Amer articulated the fact that many Muslims rarely understand the nature of Muslims in other parts of the world.³ In Asher's reference to North Africa, it is assumed that veiling practices are universal, as it is often perceived that all Muslims dress the same way. Also, there is the assumption that black coloured veils are the most authentic, which compounds the challenges of veiling practices and cultures in other societies. In other words, it must be understood that Muslim women veil differently across continents and cultures. According to E.L. Guindi, veiling is a manifestation of many meanings that are often contested by men and women, Muslims and non-Muslims, and have changed over time.⁴ This article uses historical approach to analyse such changes since Islam was first introduced to Africa in the seventh century. The several typologies of veiling are often conflated in Africa and their historical underpinnings suggest its symbolic role in the identity of Islam in Africa. Invariably, it is synonymous with ideas, events, and actions.

Veiling as a subject of research in the humanities is important as Muslim men and women do not experience the impact of religious practices the same way. Nuances in the act of veiling are interwoven with cultural and religious interpretations. Veiling being the centre of analysis in this paper opens up an avenue for understanding the factors that either include or exclude African

Muslim women. As Ayesha Imam puts it:

It has not been the case that woman-sympathetic discourses have been entirely lacking in the history of Islam after all, but that they have not been able to attain authority.⁵

From Ayesha Imam's observation, female Muslim issues are of little concern in public affairs. The exclusion of women from public affairs can only be accounted for over the decades, due to the patriarchal interpretation of the texts and pre-existing misogynistic tendencies within Muslim communities across the world. This is particularly important when attention is paid to how women were gradually removed from the realm of the texts' interpretation and knowledge production. Not only that, but the patriarchal interpretation of the concept of the veil also contributed to the invisibility of women in the public sphere. In this regard, there are exclusive fundamental interpretations of the concept of veiling in Africa. Lufti maintained that "formal Islamic discourse, whether medieval or modern, seeks a patriarchal ideal order that inherently oppresses women."⁶ Bullock, on the other hand, argues that "some Islamic discourses may result in an oppressively patriarchal order, but other Islamic discourses do not."⁷ To engage these two arguments is to acknowledge that understanding the Islamic texts requires in-depth knowledge of the contexts from which interpretation is made. In other words, sometimes, the interpreters of the phenomenon of veiling do not take into account the possibility of multiple interpretations that are contextually grounded and sometimes culturally bounded.

It is also important to state that some Muslim feminists are not in agreement about the contextual approach to interpretation, which seeks to be in line with Bullock's argument that to "understand Muslim women from their own perspective [is] cultural relativism."⁸ According to Berktaay, "cultural relativism becomes a banner under which oppression may be made to appear tolerable."⁹ She argues further that:

This benevolent cultural relativism on the part of the Western feminists sometimes goes so far as to extend a rationalisation of the segregation of women to accepting and condoning even veiling for the Middle Eastern 'sisters': 'Although universally perceived in the West as an oppressive custom, it (veiling) is not experienced as such by women who habitually wear it, (quoting Leila Ahmed)....

Leaving aside the strength of the argument about the social construction of experience and feelings, and about how misleading it, therefore, is to claim a special 'authenticity' for (only some among) them, one

wonders whether Western feminists, who know perfectly well that these practices spring from the theology of the maintenance of so-called female purity, would ever accept 'veiling' for themselves- and not as an 'alternative' way of life, but as something compulsory, from which there is no possibility of opting out.¹⁰

A careful reading of the above suggests that there is no consensus among the critics of the veil adorned by Muslim women across the world about what constitutes 'oppressive practices'. In some quarters, veiling is seen as oppressive to women,¹¹ while in others, judgement is subjected to different worldviews, including different ideological and political commitments and contexts. In other words, the implication of this is that women themselves should determine or define what they perceive as oppressive based on their individual contexts. Another reading is to see Muslim women as those who have surrendered themselves to the command of their Lord rather than submitting to the interpretations of patriarchal elements within Muslim societies. In line with Wadud, "as Muslims, we know the word 'Islam' is the most important part of how we understood who we are." She says further:

A Muslim or Muslimah is one who surrenders him/herself to Allah. We often translate this word as 'one who submits'; however, the concept is proactive, spiritually ripe and dynamic, and might be better translated as 'engaged surrender'. Engaged surrender involves an active consciousness in participation in our social lives, family lives, community lives, economic lives, and political lives, by the heart which is always open to the will of Allah, and which always gives precedent to Allah's will. The concept we have been inclined towards- submission- sometimes gives the idea that there is no will. But the one who willfully submits to the will of Allah is engaged in surrender.¹²

Similarly, a quick look at the "golden era" of Islam (the Abbasid period) gives a clear picture of how women were brought back to a state of being "muted" or "unheard". It was actually during this period that women were once again seen as objects of amusement and sexual gratification. According to Mernissi,¹³ (1996: 14), the "triumph of political/economic power of the Abbasid state was accompanied by, and founded on, the institutionalization of female slavery and subordination to men". She argues further:

From now on, this era-eulogized as the Golden Age of Islam-would provide the stuff of endless fantasy (and misogyny) to both Muslims

and non-Muslims. The “tradition of historicizing women as active, full participants in the making of culture” would come to be replaced by a “memory in which women have no right to equality”.¹⁴

Asma Barlas corroborated Mernissi in the following lines:

Indeed, over the centuries, women would be marginalized not only in memory but also in fact within states and religious communities. This is because, women were acknowledged as having the same sexual drives as men and the same right to fulfil them; moreover, women and men were seen to be equally responsible for creating (sic) a child...yet at the level of rulers and the *ulama*, segregation remained prevalent.¹⁵

Given the above, over the decades, the past experiences of women have served as a catalyst for women’s liberation from oppressive interpretations of the texts, to become more aware of their relevance in Muslim societies, even as the veil remains the source of their identities. In Africa, beginning in the 1970s, female emancipation has been linked to the institution of veiling. This was also the case in Iran after the 1979 revolution. At the onset of the Islamic regime in Iran, according to Afsaneh:

Negative news about women’s daily lives in Iran continues unabated. Seemingly trivial matters, such as the shape and colour of a woman’s scarf or the thickness of her stockings, continue to be contested daily, largely among men. Women are far from legal equals of men. Despite many years of hard work by a remarkably active group of women inside and outside the Majlis (the Iranian parliament), many discriminatory laws passed within the first few months and years of the new regime remain on the books and in full force...secular feminists...often feel silenced by the dominant cultural climate.¹⁶

However, the above situation did not stop Iranian women from exerting their potential, despite the hostile climate in which they operated. Iranian women instead witnessed incredible intellectual flourishing as well as cultural production. They started making their presence visible in practically every field of artistic creation, professional achievement, educational and industrial institutions, including in sports activities. This is not to say that there were no restrictions, but Iranian women dared all consequences by jumping the fences. This is attested to by Haideh, as follows:

They (women’s activities and activism in the Islamic Republic of Iran)...signify only one thing: women’s determination and their

enormous efforts to escape the prisons of the femininity and sex roles defined and guarded by the guardians of shariah. The Islamic regime has not opened the gates. Women are jumping over the fences.¹⁷

In other words, veiling can be viewed within Islamic societies as an emblem of spiritual, political, economic, as well as moral evolution, regardless of geography or affiliation. This understanding has helped Iranian women prove their creative energy against all odds. The most glaring example according to Afsaneh has been women turning to the “production and directing of films, given the restrictions at the level of acting”. This is also reflected “in fields such as photography, painting, sculpture, literary production, publishing, women have established themselves on an unprecedented scale...”¹⁸

Veiling Concepts and Theories

No doubt, there is a lack of discussion about veiling in Africa. Few scholarly works have bothered to dabble with it, perhaps because of its complexity. Certainly, veiling has various meanings. Moors and Tarlo, for example, described it as fashionable dress.¹⁹ This brings to fore styles of veiling and the sense of attraction it creates. The nexus between veiling and fashion in Africa negates the assertion of Jean Allman that Africans are people without fashion.²⁰ The typologies of veiling in Africa are such that several fashion generations have evolved over the centuries. Beyond fashion, veiling also represents national interests; the paradigms of time and social change are likewise indispensable when analysing the trajectories of veiling. Against the assertion that African Muslim women were not veiled before the 1970s, this paper argues that veiling has existed among Muslim women in Africa for over seven centuries. As evident in Renne (2013), pictorial representations of veiled African women demonstrates the different types of veiling culture adopted over the years.

Renne’s book comprehensively projects the conceptual meaning of veiling adopted in this paper. From Zanzibar in East Africa to Ibadan in West Africa, veiling has assumed various forms over the years, incorporating issues of class, political power, and economy, among others. It is important to note the fact that this work takes the literal, etymological, as well as theological connotations of veiling into account. The word veil is a contested one among scholars due to the various interpretations given it. Just as “there is no practice without a theory,”²¹ so Muslims have formed many theories about veiling practices. But one thing is still lacking: a contextual interpretation. This is necessary in order to showcase the dynamic as well as egalitarian nature of the message of the

Qur'an. In other words, despite the fact that the message of Islam is universal, it nevertheless gives room for differences in interpretation, which are regarded as a form of blessing.

Amina Wadud, in her book, *Inside the Gender Jihad*, gave an expository analysis of when, how, and where a Muslim woman wears the *hijab*.²² The explanations indicate how fluid veiling practices are. In the words of Amer, in the context of Africa this fluidity goes thus:

Some progressive Muslims embrace veiling because they consider it a cultural practice specific to the Muslim-Majority nation to which they or their ancestors belong and which they want to maintain. This applies to many African Muslims, for whom covering their hair in some fashion is part of cultural tradition. For them, veiling represents a way of reconnecting deeply with their cultural and religious heritage, their faith and spirituality.²³

The fluidity expressed here is evident, for example, in Senegal where traditional styles of clothing and veiling were religiously inspired by the trans-Saharan trade and remain in the nexus of tradition, spirituality, and modernity.

Veiling in Africa: Historical Perspectives

Photographic representations of veiling are manifested in the culture of costumes in the Ottoman Empire. Portraits of Muslim women in imperial times show how Muslim women wore the veil. The photograph on page 190 of Nolan's work, for example, shows this; the women pose in different costumes²⁴ and the typologies of appearances signify how veiling was an integral part of Ottoman society. The diffusion of Ottoman forms of veiling mixed with the dressing culture of the Arabs, occurred through the trans-Saharan trade and the Indian Ocean. Veil fashioning in Ottoman society was aided by the cotton industry. The imperial transfer of cotton had religious, fashion, and economic underpinnings and allowed dressing styles to expand within Africa after the eighteenth century. According to Faroghi, the imperial interests of the Ottomans resulted in the projection of its textile economy.²⁵ The textile industry of the Ottoman world advanced the manufacturing traditions of the wider Islamic World. The gradual Ottoman penetration of Cairo in the seventeenth century then influenced dressing cultures.²⁶ With trade and diplomatic relations, artisans and craftsmen adopted Ottoman culture, and Ottoman textiles were adopted in everyday life. Textiles made by craftsmen were already seen on women in Cairo by the 1670s; Photographs from the 1900s show Muslim women in workplaces and factories

with Ottoman-designed veils in separate groups according to age.²⁷

In Algeria, in the early twentieth century, the Ottoman style of veiling was prevalent among Muslim women. For example, a colonial postcard of the early 1900s shows hyper-veiled (face covered).²⁸ For French colonialists, such representations were uncomfortable; they used de-veiling as an instrument of colonisation under the guise of liberating women. Yet, unveiling women was also described as oppressive by at least one photographer, who said:

I photographed nearly two thousand people, mainly women, at the rate of two hundred days. In each village, the postmaster would call up the residents. It was the faces of the women that struck me most. They had no choice. They were forced to unveil and be photographed. They glammed at me from point-blank range, I was the first to witness the silent but fierce protest.²⁹

Beyond this, the ideologies of independence and self-government transformed veiling into a subject of national interest across Africa. In the nineteenth century, specifically in West Africa, the use of the veil profoundly shaped how women appeared in public. This was reinforced by Uthman Dan Fodio's teachings, where he mandated that women should seek knowledge. He stated that:

Oh Muslim women, do not listen to the words of the misguided ones who seek to lead you astray by ordering you to obey your husbands instead of telling you to obey Allah and his messenger. They tell you that a woman's happiness lies in obeying her husband. This is no more than camouflage to make you satisfy their needs. They impose on you duties which neither Allah nor His messenger imposed on you. They make you cook, wash clothes and do other things they desire while they fail to teach you what Allah and His apostle have prescribed for you. Neither Allah nor His apostle charges you with such duties.³⁰

Uthman Dan Fodio's teachings tally with how Muslim women have constructed use of the veil in public life, especially in the context of modernisation during the postcolonial period. This paper places emphasis on how the veil has historically been used to counter fundamentalist teachings that manifested in twentieth-century Africa. Emerson and Hartman analysed the intersection of modernisation and fundamentalism.³¹ In their exposition, it was explained that modernisation features as a threat to religious fundamentalism, hence the latter tends to regulate the impact of the former. In this construct, Muslim women in Africa used the veil to control both modernisation and fundamentalism.

The veil controlled modernisation as it afforded Muslim women the ability to manage sexuality and maintain religious identity in public life. On the other hand, African Muslim women used the veil to control fundamentalism by seeking knowledge and professionalism following the lessons of Uthman Dan Fodio. This is emphasised in the Qur'an, where it is stated that:

Are those equal, those who know and those who do not know? It is those who are endued with understanding that receive admonition. (39:9)

Allah will raise up, to (suitable) ranks (and degrees), those of you who believe and who have been granted knowledge. Allah is well-acquainted with all ye do. (58:11)

There are quite a number of times in the Qur'an where acquisition of knowledge is well-celebrated and encouraged. It is important, therefore, to state that in line with Uthman Dan Fodio, knowledge here is gender blind; it is a religious duty prescribed for every Muslim. A proper understanding of this will continuously propel Muslim women to showcase their potential, even while still veiling. Veiling in the words of the Qur'an is an emblem of honour and liberation, not relegation and perpetual oppression. The Qur'an unequivocally states the following concerning the *hijab*:

And say to the believing women, that they should lower their gaze and guard their modesty: that they should not display their beauty and ornaments except what must ordinarily appear thereof, that they should draw their veils over their bosoms and not display their beauty. (24:31)

O Prophet! Tell thy wives and daughters, and the believing women, that they should cast their outer garments over their persons (when abroad): that is most convenient, that they should be known (as such) and not molested. And Allah is oft-forgiving, Most Merciful. (33:59)

The above verses emphasise nothing except modesty and chastity. The object, in line with Yusuf Ali (explanation no. 3765), was not to restrict women's liberty but to protect them from harm and molestation. This was very relevant due to the existing conditions in Madinah when these verses were revealed. Those conditions are also true of the modern world, where women have become objects of play in the hands of men. In the contemporary world, the issue of veiling has attracted much debate. While in Muslim communities it has served as an expression of female identity, within the Western context, it is interpreted

as a demonstration of the oppression and relegation of Muslim women despite the egalitarian and all-inclusive message of the Qur'an. To explain why this is, Asma' Barlas states as follows:

While a definition of patriarchy is fundamental to being able to establish the Quran as an antipatriarchal...text, and also for explaining issues of con/textuality... it does not address the problem of contextual legitimacy or the question of what constitutes a proper reading of a text. In fact, I am convinced that one of the primary reasons Muslims have failed to recover the Quran's antipatriarchal epistemology has to do with the fact that we have not systematically addressed this question, particularly in the light of the Quran's own recommended modes of reading it.³²

In light of the above, this paper proposes that veiling should be viewed from a contextualised standpoint, to avoid what Asma refers to as both hermeneutic and theological failure.³³

Over the twentieth century, the culture of veiling assumed several meanings under the influence of new social and political-economic factors. The coming of Wahabi influences changed perspectives on veiling, deviating from the African Islamic understanding of that practice.³⁴ Invariably, the premise of veiling that evolved under the Ottoman Empire and later disappeared.

Among the upper class, women almost lost the right to participate in public affairs under strict new interpretations of the law. On the other hand, women in the lower class, who were just receivers of knowledge, had the freedom to interpret the use of the veil and rarely encountered limitations to work. Given this, few women with an Islamic education found it necessary to establish institutions foregrounding a feminine approach to public life in Muslim societies.

In addition to Wahabi ideas, the British also reinforced African patriarchy. In spite of this, states like Nigeria, Sudan, and Senegal witnessed a postcolonial emergence of Muslim women groups, such as the Federation of Muslim Women Associations in Nigeria (FOMWAN)³⁵ and the women's branch of the Sudanese Communist Party.³⁶ These groups or formations strategised agendas for Muslim women's rights, especially in the secular space, where issues of veiling became a subject of controversy.

Across all regions in Africa, Muslim women have struggled to be part of public affairs, including politics and governance, and have projected the veil as a symbol of fashion, spirituality, and identity. Also, the politics of ethnicity and religion (Islam versus Christianity) served to heightened the idea of the veil.

Often perceived as part of Muslim culture, the veil appeared to be a political instrument for drawing lines between religions. However, in matters of gender relations, Muslim men have taken the veil as an instrument of moral and ideological policing with which they manage women, at the detriment of the required religious understanding that a woman needs her own societal identity.

Ultimately, the new forms of fundamentalist Islam that became prevalent from the 1970s led to the use of the veil as an instrument of appeasement to allow women's participation in public and democratic affairs. The fundamentalist believes that women's involvement in public issues is unnecessary. Consequently, Muslim women in countries like Sudan, Nigeria, Senegal, Niger, Kenya, and Tanzania adopted the veil for legitimacy and spiritual identity.³⁷ To entrench and integrate veiling, several initiatives unfolded.

Despite the imperial influence of the Ottoman Empire and contact with the Arabs, African women have defined and maintained their veiling culture through a process of continuity and change. For example, the media portrayed it as an advantage to project *hijab* fashion in Egypt. It was stated in the Egyptian-based magazine *Hijab Fashion* that:

Many women assume that the *hijab* diminishes their elegance. And most veiled women believe that they cannot follow the trends of international fashion, and that they are limited by well-rehearsed styles considered to be the only modest ones that are suitable for veiling. However, these ideas are completely wrong. For many of the styles that are presented by the most famous designers can also be appropriate for women who veil, either as is or with small modifications in the way the clothes are worn. The woman who veils, just like the one who does not, can therefore find what suits her in most, if not all, fashion styles. And to prove this, we present to you here a few models created by some of the most famous designers for the Spring–Summer 2011 season. These styles correspond to the latest fashion trends that we described in the previous pages, and they are appropriate to wear with your *hijab*. This is so you can get inspired for your clothing this season and relish in the fact that you are “fashionable.”³⁸

The caption in the magazine read “Your Hijab as Inspired by International Fashion.” This statement in March 2011, gives insight into the contemporary global trends underlying the concept of *hijab* in Africa. Such a trend is similar to how Saidat Otiti (Nigeria) organised a *hijab* themed fashion show, discussed earlier in the introduction.

Dynamics of Veiling and Muslim Women in Africa

By the 1900s, African societies were being transformed by Western colonialism. Women used the medium of Western education to teach the Islamic learning they had acquired. Yet, efforts to recognise women in public affairs was shoved aside by reformists. From the period of independence, the symbol and typologies of veiling recurred due to the failure of colonial political and economic systems, causing agitation for veiling to increase. Post-colonial governing systems in Africa saw a period of instability and disruption pointing to the failure of the state, as evident in military *coup d'états*. The imbalances created over this period enhanced the veil as a symbolic construct, entrenching Islamic reforms. According to Elodie Aparé, transformations in the Muslim world induced paradigm shifts in Islamic revival in Africa.³⁹ The logics of mutation and adaptation as manifested from the 1970s created varied forms of identity for women. Invariably, veiling became a tool of power and license to public appearance.

In spite of the challenges, most postcolonial African societies presented the veil as an instrument of negotiation allowing women to participate in public life.⁴⁰ This was profound in Sudan and Northern Nigeria where women used the veil to justify participation in the public sphere over the 1970s.⁴¹ Hence, from the 1970s, the question of veiling in Africa became complicated as it subsumed challenges of legitimacy.

Both Western and Islamic education systems influenced new forms of veiling among educated women. Of course, with the growth of universities in Africa from the 1970s, new forms of Islam that defined veiling for women gradually emerged. This emergence re-organised the fashion of veiling in line with new ideals of Islam as projected by Muslim student groups.

In French West Africa, Kaba analysed how women engaged in Islamic learning and translated it into public engagement.⁴² Individually and collectively, they also blended Islamic learning with Western education, such that they emerged as breadwinners within families. In line with this construct, the veil is central to the politics of identity. It functions in fashion, public identity, political engagement, and spiritual cognisance. This idea of the veil as a symbol of Muslim womanhood is in line with the tradition of the Prophet's wives.⁴³ In a study of young Muslim female learners in South Africa, it was discovered that Muslim girls likewise understand the veil as a representation of their identity.⁴⁴

With the intersection of modernisation and fundamentalism, Muslims in contemporary Africa negotiate the use of the veil as a binding force that allows women to live in a modern society without severing their ties with Islamic

tradition. The phenomenon of veiling in contemporary Africa is essential to the identities, nationalism, and citizenship of its Muslim women.

Conclusion

This paper teased out how the veil has constructed female Islamic identity throughout African history. It is important to emphasise that the use of veils has varied over time. Before the twentieth century, it signified Islamic consciousness among Muslim women. In contemporary times, veiled Muslim women use the *hijab* as a symbol of piety and fashion. This is a survival from Ottoman custom. Though the twentieth century debates concerning the history and contemporary relevance of the hijab have shown that Muslim women wear the veil based on their understanding of Islam and not coercion. However, ideological affiliations and affirmations in the political and religious landscape, as well as global influences, have entrenched variations in veiling formats. Since the twentieth century, veiling has featured both resentment and legitimacy. This paper concludes by recommending the following:

- Veiling is a functional component of female Muslim dress in Africa and should be seen as reflective of the long history of Islam.
- Veiling in Africa is a complex tradition that varies across societies and hence reflects the features of migration and settlement. It should be used to aid citizenship and identity management in contemporary governance systems.
- Veiling features as a factor in the making of nationalisms in Africa. It should therefore be a determinant in politics.
- Ultimately, veiling as an object of fashion is a factor in global trade across Asia, the Middle East, and Africa which should boost employment and income generation.

Notes

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THE IMPACT OF RELIGION AND CULTURE ON THE SUPREMACY OF THE CONSTITUTION IN AFGHANISTAN¹

*Mohd Tahir Nasiri**

Abstract: Afghanistan's social composition demonstrates it to be a pluralist, multi-cultural, multi-lingual, and multi-ethnic country. The life and behaviour of its citizens are, for example, governed by more than one source of law, namely those of Islam and Afghan culture. In light of this, the current article attempts to, firstly, explain Islam as a source of law in Afghanistan and its supremacy over that country's constitution and then, secondly, apply the same logic to culture as rooted in Afghan tribal and ethnic traditions. While many cultural traditions exist in Afghanistan, this article focuses solely on the constitutionally recognised *Loya Jirga* (Great Assembly). Finally, the study suggests applicable solutions for maintaining the authority of the constitution in the presence of Islam and Afghan custom. This, it is hoped, will help Afghanistan escape its ongoing political instability and avoid the relentless downfall of governments.

Keywords: Constitution, Supremacy, Religion of Islam, Afghan culture, Tribes and Ethnicity, *Loya Jirga*.

Introduction

Afghanistan is a pluralist country, where Islam and Afghan culture have high social positions, to the extent that they have supremacy over the constitution, even forming the sources of it. Therefore, this article discusses both Islam and Afghan culture in relation to the country's constitution.

A situation under which more than one source of law controls the life and behaviour of persons in a country is called legal pluralism. Since Afghanistan is a country that possesses non-written, informal tribal and customary laws beside its formal civil and criminal codes, it is counted as a country with legal pluralism. Prior to the enactment of any national constitution, Afghans governed their affairs by reference to Islam and traditional codes of conduct; prior to Islam, adjudication relied upon traditional codes alone. To date, the latter are still widely practiced for dispute resolution by the majority of tribes in Afghanistan, especially the Pashtun. These alternative or informal legal institutions represent historical tradition and work outside formal courts. A lot

of the time, people settle their problems and disputes through these informal channels, especially regarding land matters. Citizens are able to approach their respected elders to help them arrive at resolutions without the need for long waiting periods, which formal court systems require. The difference between the formal and informal institutions of dispute resolution revolve around the latter's ability to resolve problems outside the state's control, while the former can only settle disputes within state-controlled courts. But, it should be kept in mind that, nowadays, the judiciary relies on informal dispute resolution institutions when there is a lack of official oversight within the country.²

Afghanistan's first constitution was established in 1923, followed by eight others, culminating in its most recent 2004 incarnation.³ This 2004 constitution codified the fundamental rules and regulations of the country, while also regulating the distribution of powers between different branches of government.⁴ Therefore, in general, the constitution is the basis of the legal and political systems upon which Afghanistan's government relies. This definition makes it clear that a constitution is a very important document and should be supreme over all other laws. However, Afghanistan has Islam, which should be the first body of reference in governance, as no law can clash with this religion. Therefore, it is necessary to know the origin and source of the constitution in Afghanistan.

'Source' literally means 'point of origin'. Terminologically, a source means the causes through which something comes into existence, or the place from where something emerges or is produced. For example, the source of a river is the place from which that river gets its water. Regarding the sources of the constitution of Afghanistan, this issue goes unaddressed in many studies. However, this article, by critically analysing the political, legal, and constitutional history of Afghanistan, and by interviewing several Afghan intellectuals, argues that, although there is no agreed upon source for the Afghan constitution, by convention Islam and the different customs ('urf) of the country play an important role therein. Every constitution and legal system applied to Afghanistan has to be compatible with these two elements. All Afghan governments, especially from the enactment of the first constitution in 1923 until today, have been careful not to breach these two things. If any ruler had attempted to disrespect these elements, especially Islam, he would not only have lost power, but his head too. This article, therefore, discusses each of these elements in turn.

Islam as a Source of Law and its Impact on the Supremacy of the Constitution

Over 99 per cent of Afghans are Muslim. Historically, the only unifying element between the various tribal and ethnic groups has been Islam, which still plays an obvious role in the life of the people. A large majority of Afghans are Sunni and follow Hanafi *fiqh*. However, a small group of Shi'a are also present, the majority of whom are Ithna 'Ashari (Twelver), with a minority of Isma'ilis, mainly in the north of the country. The traditional customs of different ethnic groups, especially the *Pashtunwali* (Pashtun customs), are still practiced alongside Islamic law. The joint practice of customary and Islamic law sometimes causes problems, disagreement, and tension. Nevertheless, the legal system of Afghanistan is deeply rooted in Islamic law overall, reflecting the nation's and its leaders' profound affiliation with the religion. Therefore, Islam has a significant role in the 2004 constitution. For example, it is the religion of the state;⁵ no law shall contravene its tenets and provisions;⁶ it is the only unifying factor within the nation; and it is the foundation and source of the legal system.⁷

Moreover, it is not only the 2004 constitution which gives a high position to Islam. Historically, from Afghanistan's foundation as a state, specifically from the time of Abdul Rahman Khan, the religion of Islam has played an important role in governing the country. Abdul Rahman Khan formed a legal system, with proper courts and proper court procedure, with the understanding that the job of government was only to implement the Law of God. He believed that the final goal of the Afghan legal system was to establish a state where the people obeyed shariah. Although during the long history of Afghanistan many other laws developed, Islamic law was placed in the highest position; every government should have Islam as its first source of law and constitution.

From 1923 until today, Islam has been an integral part of every Afghan constitution. If any government ignored it in any way, they created massive problems for themselves and the whole country, as demonstrated during the communist period. Nevertheless, deviation from tribal custom has also proven problematic. After taking power in 1919, King Amanullah Khan, while being careful to observe Islam, tried to deviate from tribal cultural practices. This ended in his exile from the country in 1929. Interestingly, this was because his deviation from tribal custom was interpreted as deviation from Islam. King Nadir Khan was aware of this sensitivity; when he took power in 1930, he did not deviate from these two elements, while also abolishing the reforms King Amanullah Khan had introduced.

The Constitution of 1964 recognised Islam as the religion of the state; all religious rituals, ceremonies, and functions of the state had to be in accordance

with Hanafi *fiqh* and only a Muslim (Afghan) could be head of state. It was also a condition within the constitution that any law passed by parliament agree with the principles and rules of Islam. Judges were required to have knowledge of both shariah and the enacted laws of the country. Based on Article 102 of the 1964 Constitution, the judiciary was first required to apply parliament-made laws; only when no parliamentary law existed would a judge use the basic principles of Hanafi *fiqh* in accordance and with the limitations of the constitution, to ensure justice was done.⁸

In 1976, Daud Khan prepared another new constitution. Although under Article 22 of this document Islam was recognised as the religion of Afghanistan, Hanafi *fiqh* went unmentioned. The constitution of Daud Khan was thought to be influenced by socialist ideas, for which he faced strong criticism from the religious community. Before this escalated into armed conflict, however, Daud Khan was overthrown by the Afghan communists.

The communist period (1978-1992) can be divided into two parts. During the first, both Islam and Afghan culture were marginalised. This resulted in an armed reaction from the whole nation, obliging a change in direction. During this second period, in 1987, the communists enacted a new constitution based on the 1976 Constitution of Daud Khan. When this also proved unpopular, they enacted another constitution in 1990. This included Islamic articles, and even declared Afghanistan to be an Islamic State. It was, however, too late: they were finally removed from power in 1992 by the Mujahidden.⁹

From 1992 to 2001, both the Mujahidden and Taliban tried to root all of Afghanistan's law in Islam. Unfortunately, however, their era marked the bloodiest period of internal fighting in Afghanistan. Moreover, their internal disunity resulted in a failure to introduce an effective Islamic system or improve the international reputation of Islam. They brought into reality the Pashto proverb, "An intelligent enemy is better than a stupid friend."¹⁰

Although, the 2004 constitution was sponsored by NATO and many other democratic and non-democratic countries, it fails to mention democracy. Rather, it describes Afghanistan as an Islamic State. For example, Article 1 states that Afghanistan is an Islamic Republic, Article 2 that the religion of Afghanistan is Islam (while also allowing the followers of other faiths to practice their religions), and Article 3 states that no law can be made that runs contrary to Islam. It is the first responsibility of the Supreme Court to uphold Islam; the second is to maintain the constitution.¹¹ Likewise, no one is allowed to form any political party whose aim is to contradict Islam.¹² The principles of obedience and adherence to the tenets of Islam, as well as any Islamic regime, cannot be amended.¹³ Article 130 specifically instructs that:

In cases under consideration, the courts shall apply provisions of this Constitution as well as other laws. If there is no provision in the Constitution or other laws about a case, the courts shall, in pursuance of Hanafi jurisprudence, and within the limits set by this Constitution, rule in a way that attains justice in the best manner.¹⁴

These references to Islam in the 2004 Constitution are wider than in the Constitution of 1964. The latter only required observance of the “basic principles” of Hanafi *fiqh*. The 2004 Constitution, on the other hand, although ostensibly prioritising statutory law, does so within a system in which the majority of civil and criminal laws are based on shariah. Only the laws relating to modern phenomena, such as municipal organisation, labour relations, industry, and commerce, are regulated purely by statutory law.¹⁵

The forgoing discussion makes it clear that Islam has deeply influenced the constitutions and other legal systems of Afghanistan. Since the establishment of the first constitution of Afghanistan, Islam has always been referred as a source of law and identity, except during the communist period. Even the communists, however, were finally obliged to enshrine Islam in their constitution.

Culture as a Source of Law and its Impact on the Supremacy of the Constitution

‘Urf (or *‘adah*, ‘custom’) refers to any behaviour within a community, ethnic group, or tribe that is not based on Islam. Before considering the different customs of Afghanistan, including their impact on the supremacy of the constitution, it is necessary to briefly describe the different ethnic and tribal groups populating the country.

Afghanistan’s Ethnic and Tribal Groupings

Afghanistan is a multi-cultural, multi-lingual, and multi-ethnic society. The country’s landscapes, comprising large mountains and desert terrain, have traditionally served to keep these various tribes and localities physically isolated from each other. Therefore, from the start of the twentieth century until today, one of the biggest challenges facing the various constitutions of Afghanistan has been a lack of national unity. Improving national unity has been the goal of nearly every constitution and forms the context underlying the importance of Islam, justice for all, and equality before the law within those texts.¹⁶

The population of Afghanistan comprises approximated 25 to 30 million people. A government survey done back in 1976 calculated the population to

be only 14 million. This survey, however, excluded the nomads (*kochis*), who were only estimated to comprise approximately 4 to 5 million people. Although Article 4 names and recognises several tribal groups,¹⁷ Kamali has argued that of those listed, only four (Pashtuns, Hazara, Turkomen, and Aimaq) are actually tribal. The rest, including Tajiks and Uzbeks, do not have tribal characteristics.¹⁸

Throughout the twentieth century, the Pashtun were estimated to make up between 60 and 65 per cent of the total population. Tajiks constituted 15 per cent and the Hazara 7 to 9 per cent. Other small tribal groups, like the Aimaq, Turkomen, Uzbeks, Kirghizs, Arabs, Kohistanis, Baluchs, Brahuys, Gujars, Wakhs, Noristani, Qizilbash, Jats, and Pashaie, were together estimated as making up 7 to 9 per cent of the population. Non-Muslims, like Hindus, Singhs, and others comprised less than 1 per cent.¹⁹ However, in December 2001, after the US invasion, the Northern Alliance, led by Tajiks (specifically, Burhanuddin Rabani), took power and began questioning the percentages of the various tribes. The Shi'a Hazaras, for example, claimed they made up 30 per cent of the population, while the Tajiks said their percentage was double that of the Hazaraz, namely 60 per cent. Based on these calculations, the remaining 10 per cent comprised other minority groups, including the Pashtun. Thus, a minority ethnic tribe, with the support of the US, started isolating the majority tribe. This was a new and challenging issue for the unity of the country. Kamali stated that: "the number and presence of the Pashtun was reduced during Tajik influence of the government in Afghanistan. Even though Karzai's election as a President from 2004-2012 downsized the Tajik authority and occupation of Ministries by 15-20 percent. However, a correct equilibrium had already been destroyed, and much sensitivity was brought on the tribal issues into the focus and notice of the public."²⁰

Within the above context, the 2004 Constitution needed to mention several tribes. However, although under Article 4 it recognised 17 ethnicities in Afghanistan, the list was by no means exhaustive. The recognised ethnicities, although debatable as to size, were: "Pashtun, Tajik, Hazara, Uzbek, Turkman, Baluch, Pachaie, Nuristani, Aymaq, Arab, Kirghiz, Qizilbash, Gujar, Brahwui, and other tribes."²¹ While Pashtu and Dari were recognised as the official languages of the country, in areas where the majority speak languages other than these (like Turkmani, Uzbeki, Baluchi, Pachaie, Pamiri, and Nuristani), these languages were recognised as official third languages.²² The national anthem was also recognised by the constitution; in Pashtu, this mentions *Allahu Akbar* (God is great) and references some of the tribes.²³

The above discussion proves that tribal pluralism is accepted in Afghanistan. Every tribe has a different set of customs (or '*urf*'), which are in turn recognised as part of informal, out-of-court dispute settlement procedures. Therefore, the constitution has to be in line with accepted culture.

Culture ('*Urf* or '*Adah*)

'*Urf* or '*adah* can be translated as *huquqi t'amoli*, which means accepted rules that come into existence from the daily behaviour/actions of members of society independently of Islam. In turn, custom has two factors: the material, which serves the physical needs of the community, and spiritual, which refers to belief. Although dissimilarities exist, most Afghans follow the same '*urf* and behave in the same way. This '*urf* has existed for millennia, since at least the time of the Achaemenid Empire.²⁴ A majority of Afghans are ethnically Pashtun and follow *Pashtunwali*. Other tribes, after living alongside the Pashtun, have also adopted a similar culture.

Traditionally, '*urf* has operated as law. Even today custom is still relied upon beside Islamic law. For instance, many Afghans do not completely believe or accept that the government has exceptional power over criminal cases. In criminal cases, according to custom, the family of a victim has a choice between retaliation and requesting compensation.²⁵ Apart from physical damage to people or property, these damages also extend to the honour of a group (loss of honour demands compensation). Although the government of Afghanistan does not officially accept out-of-court resolutions like this, its weakness makes it unable to implement the official justice system, especially in rural areas. Rural communities generally do not rely on governmental institutions, often reacting violently when the government interferes in matters thought to be personal.²⁶

Application of custom has both negative and positive effects. For example, on a positive note, use of custom has reduced levels of rebelliousness, anarchy, and general lawlessness, both at local as well as national levels. When governmental institutions are weak, people can take control of their own affairs. However, the negative effects of custom are apparent when it slows down the state's quest for justice, even completely paralysing it. The people of Afghanistan generally oppose official systems of justice, feeling that the central government merely wishes to impose its own power rather than keep law and order.²⁷

For more than a century, successive governments in Afghanistan tried to impose a centralised judicial system.²⁸ Although every government used a different technique, the opposition and reaction to them was the same. Importantly, each and every time changes effecting custom were introduced, they were immediately criticised as the plans and policies of foreign powers, designed to violate Afghan culture and tradition. Frequently, therefore, they resulted in rebellion, civil war, and the collapse of the regimes that had planned them. The best example of this is the resignation of King Amanullah Khan in 1929, which resulted from his desire to modernise the Afghan legal system.²⁹ These reforms, including education for all and an overhaul of family law, caused a rebellion; not

wanting to kill his own people, but also unable to carry on in a system which he was sure was not beneficial for the country, King Amanullah Khan chose exile, leaving both his government and beloved country for good.³⁰ Likewise, when the Afghan communists seized power in a bloody military coup in 1978, they issued decrees against both Islam and custom. This again provoked conflict with the people. Within just a short period of eighteen months, the Russians invaded Afghanistan to prevent the communist regime from collapsing. This invasion and the following occupation lasted more than a decade and led to bitter conflict.³¹ Likewise, when the Taliban seized power in 1996 and tried to enforce a strict interpretation of Islamic law, they also provoked hostility and antagonism by doing things that were far removed from Afghan custom, just as King Amanullah Khan and the communists had done. Although diametrically opposed to the communists,³² like them the Taliban tried to enforce a rigid legal system rooted in a foreign ideology (Wahhabism) while ignoring local Afghan *‘urf*.

The above discussion makes it clear that custom is important and has a high position within Afghanistan's legal system, even though, officially, it goes unmentioned in the 2004 Constitution or any other legal document. However, Stanikzai believes that, “under civil law (*Qanooni Madani*) culture is mentioned and accepted in such a way, when it is not contrary to the basis of justice,” meaning custom is accepted when not contradictory to Islam.³³ In any event, no regime has prospered in Afghanistan that does not respect Afghan culture. Therefore, in summary, culture always plays a significant role in Afghan society, being arguably a source of both the country's legal system and constitution.

***Jirga* and *Loya Jirga* as Part of Afghan Custom**

The *Jirga* and *loya jirga* are among the oldest and most important traditions of Afghanistan. *Jirga* has many meanings, including assembly, council, *majlis*, and, in some areas, *marakah*. It is a delegation of one or more persons sent by an individual, group, or tribe to request something or resolve a problem. *Jirga* has existed in Afghanistan since time immemorial. Generally, it refers to an assembly of leaders who sit in a big circle to make a collective decision regarding a problem. The *jirga* does not impose secular law, but shariah or tribal law, using the general wisdom of the tribal elders. Either side in a dispute can appeal to a higher *jirga* of more experienced tribal leaders, should they be unsatisfied with the decision of the first *jirga*. Thus, the *jirga* system of Afghanistan has many methods and formalities like that of the official legal system, and so could be regarded as a legal institution applying customary law. Until today, *jirga* govern and control the daily lives of many Afghans, particularly those living outside major cities.³⁴

The reason many Afghans, specifically those living in rural areas, use the *jirga* system relates to its reputation for being accessible, fair, effective, and more attentive to local tradition and values than the state-based judicial system, which is often accused of being slow, corruption, and inaccessible. Lastly, *jirga* can help disputing parties solve their problems in a friendly manner, so that they can live together peacefully in future.³⁵

Jirga can be arranged by any disputing party, or via the initiative of any other member of society. Its membership can extend from one person to thousands, depending on the case. *Jirga* is used not only for solving political problems, but all minor and major issues. Generally, a *jirga* is hosted by the party opposing the disputant, but sometimes arbitrators call the disputing parties to a specific place, speak to them, and try to convince them. *Jirga* decides on the basis of majority opinion, although sometimes the opinion of just one person (such as a strong religious leader or tribal head) is sufficient. Political leaders have no power over and cannot impose their political status on members of the *jirga*. If a political leader happens to be part of the *jirga*, he has to put aside his public position and sit in the circle as a member of the *jirga*. Generally, the *jirga*'s decision, if not agreeable to one of the disputing parties, is not mandatory. However, once the decision of a *jirga* is accepted by both sides, it has to be followed. If a binding decision is not upheld, the party that breaches it will be blamed by all members of the *jirga*; sometimes all members of the *jirga* will stand against the one who breaches the decision of the *jirga*. The upside of the *jirga* is that no side is considered to be the winner and the other the loser. Instead, both are winners as the problem is solved, which is considered to be to the common benefit of all. A *jirga* generally solves problems among members of a family, village, tribe, or political group. If the problem involves the whole nation, *loya jirga* plays a more important role.³⁶

The term *loya jirga* means 'grand/big assembly/council'. Customarily, the *loya jirga* is a gathering of representatives from among the heads of the Afghans, comprising the heads of the different tribes, popular religious scholars, and other influential national figures. *Loya jirga* have a special position in the history of Afghanistan. Every discussion about the legal system of Afghanistan is considered incomplete unless a *loya jirga* is involved. Generally, the *loya jirga* is held at a national level, to decide about important issues and problems facing the country. Once it decides on an issue, that decision has to be implemented. If there is any resistance against the decision, a *jirga* could implement and impose it by force. In other words, the members of the *loya jirga* must support the side that listens, obeys, and accepts their decision.³⁷

The first recorded *loya jirga* was held in 1707, under the aegis of Mirwais Khan Hotak, later on known as Mirwais Khan Nika (grandfather).³⁸ This first

loya jirga supported Mirwais Khan Nika as leader of the Afghan people, under whose leadership they were able to defeat the Iranian Safavids and lay the foundations of modern-day Afghanistan. From then on, *loya jirgas* became a regular feature of national decision making.³⁹

Overall, *loya jirga* can be divided into two types. The first is convened during times of national emergency, when the government is either very weak or is deemed to be the agent of a foreign power. In this situation, the people come together to discuss problems and decide what to do. The second type of *loya jirga* is called by the rulers or government for consultation on some urgent or important issue. Although technically two different types of *loya jirga*, the jobs, functions, and activities of these two are the same. Both decide about national issues of peace and war, including: tackling a threat to sovereignty, including an invasion; choosing the next Amir or King; enacting or approving changes to the constitution; approval and ratification of important treaties with foreign countries; and ensuring national peace and unity. However, the first type of *loya jirga*, where the people choose their own representatives, is generally more powerful and successful than the second type. This is because members of the latter are generally selected by the government, and so do not constitute real representatives of the community. They therefore have no power to either speak on behalf of the community or impose their decisions on them.

While gatherings resembling the first type of *loya jirga* began in 1707, the second type of *loya jirga* was not held until 1747, when powerful tribal leaders from the Ghilzai and Abdali tribes, in addition to those from other ethnic groups, particularly the Uzbeks, gathered at Kandahar, in the area of Sher-i-Surkh. This *loya jirga* chose Ahmad Khan Abdali as King, giving him the title Baba (Ahmad Shah Baba). Soon afterwards, Ahmad Shah Baba established an empire, from which modern-day Afghanistan evolved. From the time of Ahmad Shah Baba, the second type of *loya jirga* has been a regular means of solving difficult national crises. Out of Afghanistan's nine constitutions, six were ratified by a *loya jirga*, every one of which had a complete chapter on the *loya jirga*. If any constitution is not ratified by a *loya jirga*, it cannot be considered a constitution.⁴⁰

Since Amir Habibullah Khan in 1915, who called a *loya jirga* to discuss Afghanistan's participation in the First World War, and which persuaded him to remain neutral during that conflict, every ruler or king has called a *loya jirga* to legitimate their government and/or constitution. For instance, King Amanullah Khan called three *loya jirga*, held in February 1923, July 1924, and August 1928 respectively. Every one of these *loya jirga* was called for a different purpose, but always to legitimate a government decision.⁴¹ King Nadir Khan, for example, called a *loya jirga* in September 1930 to approve his newly established *Millie Shura* (National Council). King Nadir Khan's son, King Zahir Khan, also called

a *loya jirga* in July 1941 to advise him on the position of Afghanistan during the Second World War. As before, he was advised to stay neutral. Another *loya jirga* was called in November 1955, again by King Zahir Khan, during the premiership of Sardar Daoud Khan. This *loya jirga* was called to discuss two problems: the creation of Pakistan as the agent and inheritor of British rule in the area and to decide on the fate and destiny of Pashtunistan, a part of Afghanistan gifted to Mr Jinnah by the British for the establishment of Pakistan.

After declaring himself President of Afghanistan in 1973 following a military coup, Daud Khan also called a *loya jirga* in February 1977 to request approval of dozens of issues. These included his desire to legitimise: the coup that brought him to power; his newly drafted constitution; his election as president; the creation of his newly founded national revolutionary party; his legal reforms; and the ratification of new contracts and treaties with foreign powers. When the communists took control after another coup in April 1978, they also tried to utilise the *loya jirga*. First, Babrak Karmal called a *loya jirga* in 1985, and after him Doctor Najib in 1987. Both wanted to garner support for their governments and the Russian invasion of December 1979. As both operated under the direct support and supervision of the Russians, however, neither were able to gain proper support via the *loya jirga*.⁴² The same negative result was obtained by Burhanuddin Rabbani in Herat province in 1992, when he held a *loya jirga* without the participation of any opposition under the name *Shura-e-Hal-wal-Aqd*. Wanting to illegally prolong his presidential term, his attempt to co-opt the *loya jirga* failed.⁴³ Finally, on Thursday 13 June 2002, an emergency *loya jirga* overwhelmingly re-elected Hamid Karzai as president of the Transitional Government of Afghanistan. Although the Bonn Conference had set the term of president of the Transitional Government to two years, the emergency *loya jirga* decided that Karzai and his administration could continue until they were able to complete the general election for a permanent president.⁴⁴

The 2004 Constitution, under which governments have called several *loya jirga* on different issues, describes the features of a *loya jirga* in its Chapter 6. It explains the authority and power of that institution, including the way it should be established and constructed. For example, it defines the position of the *loya jirga* and mentions that it is the highest manifestation of the will of the people of Afghanistan and has to include members of parliament and the chairmen of the provincial and district councils. The Chief Justice and other judges of the Supreme Court, all ministers, and the Attorney General can participate in the *loya jirga* but have no voting rights.⁴⁵ The *loya jirga* can be held to find solutions to important questions and problems concerning the nation as a whole, including issues of national sovereignty, territorial integrity, independence, amending the constitution, impeachment of a president, and any

other important matter involving Afghanistan.⁴⁶ In its first session, a *loya jirga* must elect from amongst its members a chairperson, deputy-chairman, secretary, and assistant secretary.⁴⁷ Similar to a parliament, the quorum of the *loya jirga* is completed with the presence of a simple majority. Its decision shall also be adopted by the presence of a simple majority, except in a situation where the text of the constitution states otherwise.⁴⁸ The public is allowed to attend and view sessions, conferences, or assemblies of the *loya jirga*, unless one fourth of its members demand secrecy and the *loya jirga* accepts that demand.⁴⁹ Immunity from criminal prosecution for expressing political opinions or voting a specific way, as applied to members of the National Assembly under Articles 101 and 102 of the 2004 Constitution, are also extended to members of a *loya jirga*.⁵⁰

Conclusion

It is an accepted fact that in some countries constitutions are supreme, but in others the parliament or people are. In Afghanistan, neither is the case. Rather, Islam and Afghan culture are supreme and counted as the sources of that country's constitution. This study examined the history and culture of Afghanistan, finding that nation to be a multi-cultural, multi-lingual, and multi-ethnic society. Apart from its constitution and legal system, the country is governed by religion and custom, making it a pluralist country, where more than one source of law controls the life and behaviour of citizens.

In the light of these findings, the author concludes that both Islam and culture have considerable impact on the supremacy of the constitution in Afghanistan. Ultimately, it is clear that any regime or political group that intends to survive in Afghanistan must respect both Islam and traditional Afghan culture, besides observing statutory law. Moreover, the government must be inclusive of all ethnic groups, in a fair, proportional, and representative manner.

Policy Recommendations

- Any discussion of constitutional supremacy in Afghanistan must accommodate Islam and traditional Afghan culture;
- Any constitution applied to Afghanistan must take into account that country's multi-cultural, multi-lingual, and multi-ethnic character, providing for the expression of those features through proper channels;
- Any Afghan government must be democratic and inclusive, able to represent all ethnic and cultural groups in a fair, proportional, and representative manner.

Notes

- * *Mohd Tahir Nasiri*, is a Ph.D candidate at Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia. This article is written under the supervision of Professor Dr Farid Sufian bin Shuaib and Associate Professor Dr Nor Hafizah Mohd Badrol Afandi.
1. This article was written prior to the events of 15 August 2021, and so does not cover the Taliban's return to power.
 2. Stephanie Ahmad and Alexander Benard, *An Introduction to the Law of Afghanistan*, (Stanford: Afghanistan Legal Education Project, 2011), 3.
 3. For detail, see: M. Tahir Nasiri, 'Application of the Doctrine of SOPs in the Current Constitution of Afghanistan,' Unpublished PhD thesis, International Islamic University Malaysia (2021), Ch. 3.
 4. Ibid.
 5. Constitution of Afghanistan (2004), Article 2 (paragraph 1).
 6. Ibid., Article 3.
 7. Islamic law is based on the Qur'an, *Sunnah*, *ijma* (consensus), and *qiyas* (analogy). In Afghanistan, the most difficult question has been about who has the authority to decide whether a specific law is Islamic or not. Who possesses the power to decide whether a newly enacted law is compatible with Islam? The legislature? The Supreme Court? Or the Independent Commission for Supervision of the Implementation of the Constitution (ICSIC)? Should it instead be decided by an Islamic Council?
 8. Ibid., 565.
 9. Nasiri, 'Application,' Ch. 3.
 10. In Pashto, *Hoshiyar Dushman tar bi 'aqle Dost bihtar dy*.
 11. Constitution of Afghanistan (2004), Articles 119 and 121.
 12. Ibid., Article 35 (1).
 13. Ibid., Article 149 (paragraph 1).
 14. Ibid., Article 130.
 15. Mohammad Hashim Kamali, 'Reference to Islam and Women in the Afghan Constitution,' *Arab Law Quarterly* 22 no. 3 (2008): 293.
 16. Ibid., 271.
 17. Constitution of Afghanistan (2004), Article 4 (paragraph 2).
 18. Mohammad Hashim Kamali, *Law in Afghanistan* (Leiden: E. J. Brill, 1985), 1-2. More detail regarding the geopolitical dynamics of Afghanistan is available in Ralph H. M. et al., *Afghanistan: Mulla, Marx and Mujahid* (Colorado: Westview Press, 2002) Ch. 3.
 19. Edat Shah Maqbil, *Geography Subject (Academic Book) for Class 12th of Schools*, Ministry of Education, Kabul Afghanistan, 1975.
 20. Kamali, 'Reference to Islam,' 273.
 21. Constitution of Afghanistan (2004), Article 4 (paragraph 2).
 22. Ibid., Article 16.
 23. Ibid., Article 20.
 24. The Achaemenid Empire (the first Persian Empire) was established in 550BCE

- by Cyrus the Great. It embraced the area extending from Anatolia to Egypt, to many other parts of Asia, up to the north of India.
25. Mountstuart Elphinstone, *An Account of the Kingdom of Caubul* (Oxford: Oxford University Press, 1972), 339-40.
 26. Thomas Barfield, 'Culture and Custom in Nation-Building: Law in Afghanistan,' *Maine Law Review* 60 no. 2 (2008): 348.
 27. Thomas Barfield, 'Problems in Establishing Legitimacy in Afghanistan,' *Iranian Studies* 37 no. 2 (2004): 263-293.
 28. Kamali, *Law in Afghanistan*, 4.
 29. Leon B. Poullada, *Reform and Rebellion in Afghanistan, 1919-1929: King Amanullah's Failure to Modernize a Tribal Society* (New York: Cornell University Press, 1973) 99-103.
 30. Senzil K. Nawid, *Religious Response to Social Change in Afghanistan, 1919-29: King Aman-Allah and the Afghan Ulama* (California: Mazda Publishers, 1999), 72-104.
 31. For more details, see Mohammed Hassan Kakar, *Afghanistan: The Soviet Invasion and the Afghan Response, 1979-1982* (Oakland: University of California Press, 1995); and Nancy Peabody Newell and Richard S. Newell, *The Struggle for Afghanistan* (New York: Cornell University Press, 1981), 107-28.
 32. See for more detail, see Thomas Barfield, 'An Islamic State is a State Run by Good Muslims: Religion as a Way of Life and Not an Ideology in Afghanistan,' in *Remaking Muslim Politics: Pluralism, Contestation, Democratization*, edited by Robert W. Hefner, (Princeton: Princeton University Press, 2005), 213-39.
 33. Nasrullah Stanikzai, 'Nizami Huqoqi e-Afghanistan Wa Manab'i e An,' *Storai Magazine*, (no date), 33, 74.
 34. Ahmad and Bernard, *Introduction*, 4.
 35. Ibid.
 36. The present author comes from a family that is frequently involved in solving problems via *jirga*.
 37. Ramin S. Moschtaghi, 'Constitutionalism in an Islamic Republic, The Principles of the Afghan Constitution and the Conflict Between Them,' in *Constitutionalism in Islamic Countries Between Upheaval and Continuity*, edited by Rainer Grote and Tilmann J. Order (Oxford: Oxford University Press, 2012), 683-713.
 38. Some historians claim the date of the first *loya jirga* was 1709. Primary texts, however, establish the correct date as 1707.
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 40. Ibid.
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 42. 'Members of President Hamid Karzai's Cabinet,' *Afghanistan Gove Political Page*, Availabe at: <http://www.afghan-web.com/members.html>. Accessed on: 23 July, 2014.
 43. Ibid.
 44. 'The Loya Jirga.'
 45. Constitution of Afghanistan (2004), Article 110.

46. Ibid., Article 111.
47. Ibid., Article 112.
48. Ibid., Article 113.
49. Ibid., Article 114.
50. Ibid., Article 115.

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VIEWPOINTS

Circular Economy and Environmental Recovery in the Post-Pandemic Period

*Shahino Mah Abdullah**

During the COVID-19 pandemic, there has been a substantial rise in plastic pollution. Discarded masks and gloves have been found in various cities, streets, sewers, rivers and seas, owing to people who take environmental cleanliness for granted. People must now play their part as responsible citizens in restoring the environment in the post-pandemic period. Individuals and industries that practise environmental stewardship can avoid the post-pandemic ‘rebound effect’, preserving the ecological balance. Refraining from polluting the environment will help to maintain the existing natural equilibrium. The necessity of preserving environmental balance is highlighted in the Qur’an: “And the Firmament has He raised high, and He has set up the Balance (of Justice), in order that ye may not transgress (due) balance” (55:7-8). In fact, Islam has made environmental stewardship a responsibility in life: “And do no mischief on the earth after it has been set in order, that will be best for you, if ye have Faith” (7:85). This illustrates how a person’s care of the environment is linked to their moral reasoning and beliefs, especially during the challenging period of the pandemic and thereafter.

Post-pandemic environmental recovery requires the coordinated involvement of all parties. The least we can do is avoid polluting, while the most we can do is voluntarily eliminate all forms of pollution. This time, strategies to reduce waste cannot rely just on the efforts of government and non-governmental organisations to raise awareness and put enforcement into action, but also on manufacturers to produce good re-usable masks and gloves. This measure requires manufacturers to ‘rethink’ before making product, to go beyond the previous 3R practice outlined for consumers. A ‘rethink’ for consumers may imply an understanding of how to properly dispose of used items, while for manufacturers it requires the making of products that will not harm the environment. Eco-friendly antibacterial face masks, biodegradable gloves, and compostable shields, for example, should be among new innovative products. As is usual in business, the most crucial aspect is that manufacturers make all of these products affordable to consumers of various financial backgrounds. It is,

of course, a challenge to produce high-quality products at affordable prices, but it is the task and responsibility of manufacturers to consider it, in accordance with the demand to 'rethink' for the sake of the environment.

Expanding the 3Rs will help to ensure ecological sustainability. 'Rethink', as previously suggested, can be added, as could refuse, repurpose, and rot, transforming the 3Rs into 7Rs (rethink, refuse, reduce, repurpose, reuse, recycle and rot). The first of the three Rs, 'Reduce', demands the usage of reusable products and a reduction in the quantity of used resources such as water and energy. Second, 'Reuse', can be applied to using single items until they are worn out, as long as they are safe. Third, 'Recycle', allows products to be reused under particular conditions, reducing the need for new materials. The additional Rs begin with 'Refuse', which simply means avoiding extravagance or refraining from unnecessary buying. 'Repurpose' is similar to reuse, but with a creative new concept, while 'Rot' focuses on biodegradable waste that can be returned to the soil to prevent GHG emissions, rather than dumping everything into landfill. There can be other Rs as long as they support environmental sustainability. For example, some may add Repair, Re-gift, and Recovery, making ten combinations instead of seven or three.

While the majority of these practices focus on the consumers' responsibility to manage their waste, there must also be a set of standards that manufacturers and the private sector should comply with in order to manage waste properly. To guarantee proper waste management, both consumers and manufacturers must work together. There are also 7Rs for manufacturers and the private sector known as the 'Circular Economy' model, which consists of 'rethink', 'reduce', 'reuse', 'repair', 'refurbish', 'recover', and 'recycle'. This model ensures that materials, components, and products are always at their best in terms of utility and value, at all times. A circular economy takes an alternative approach to traditional business models, which are characterised by linear economic activities that normally begin with resource utilisation and finish with waste. The conventional economic system of 'take-make-waste' continues to deplete natural resources via the production of unsustainable products, while also leading to a rise in landfill. A circular economy avoids unsustainable resource consumption and allows the regeneration of natural systems.

In the 7Rs, 'Rethink' prompts manufacturers to be mindful of resource utilisation and waste production. Their business models should address the issue of depleting resources and waste avoidance. One of the alternatives is to adopt a sharing economy, which uses fewer resources by promoting shared ownership of products. Second, a 'Reduce' mindset encourages manufacturers to use lean design concepts while also prolonging product life spans. Redesigning a product allows for the use of minimal resources and avoidance of waste. 'Reduce' in

this sense can also refer to making a product that will last longer. Third, the ‘Repair’ feature allows manufacturers to keep products and use them for a much longer period of time. The ‘Repair’ feature is also applicable to consumers who own a product and keep it in good condition for their own use. These measures not only save money but also benefit the environment in the long run. Fourth, the term ‘Reuse’ refers to the act of transferring a used product in good condition to another user, such as through a second-hand marketplace. It can help manufacturers by allowing them to maintain the quality of their equipment while consumers get a low-cost and well-maintained used product. This will also save the environment by minimising waste.

Following on from this, the ‘Refurbish’ feature will enable the transformation of used products into new ones with improved design or performance. This can refer to the process of upcycling old products by giving them a new lease of life, either for personal use or for resale. When a product is beyond repair or refurbishment, however, it is placed in the ‘Recycle’ category. Here, a product must be disassembled before it can be recycled. Some parts, such as the gold in electronic components, are still valuable enough to recycle without degrading their quality. Most people believe that the measures listed above are part of the process of ‘Recovering’ old items. This is not incorrect, but what ‘recover’ also signifies here is using non-recycled parts that cannot be repaired, refurbished, or recycled for energy generation using waste-to-energy processes such as combustion and gasification. This energy can then be re-used by industries. Within this circular economy model, nothing will be wasted, and there will be no more garbage stockpiling in landfills. In fact, existing garbage can be discarded using the above principles, culminating in energy conversion. In this way, the 7Rs can solve both current and previous environmental issues related to pollution stemming from improper waste disposal. A circular economy will benefit the environment by cleaning up, creating jobs through the recovery process, and reducing resource consumption by ‘cascading materials’ from existing products. It may be the finest strategy for manufacturers to conserve the environment, save money, and restore employment after the pandemic.

Notes

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Price of the Digital Nomad Culture for Employer, Employee

*Muhamad Sayuti Mansor**

The term ‘Work from Home’ (WFH) came to prominence in the aftermath of the COVID-19 pandemic. Working from home appears to be the most practical way of curbing the spread of the virus, with repeated enforcements of the Movement Control Order (MCO). Despite the fact that WFH has become the “new normal”, it is worth noting that this phenomenon is far from new; it used to be standard practice across human civilisation.

In France, for example, there were more than 1.5 million home-based employees in the 1900s according to one census. The same can be said of Malaya during those times, when a majority of the population were farmers, craftsmen, and small-scale merchants who worked out of their homes or shop houses. Rapid shifts in this pattern occurred only with the development of industrial culture when newly set up factories and mega business outlets led to a significant influx of employees into major cities. These employees had to adhere to fixed working hours, standardised labour wages, and daily commutes to and from their workplaces.

Despite the lack of flexibility associated with office-based work, employees today have a greater sense of privacy, with a clear distinction between their public work obligations and personal life. To put it another way, if you work in a factory, you know when the day is over and you can be completely at home during off-hours. In this regard, the decline of home-based work translates into more privacy and pleasure in one’s private life. In tune with the notion that “the only constant in life is change”, however, we now find ourselves at a crossroads once again in modern times. The swift advancement of science and technology has made a work-from-home lifestyle feasible.

The digital nomad lifestyle is now gaining currency worldwide. The COVID-19 pandemic was really just a small push to change our conventional way of working from a designated workspace, known as the office. What began as a preventive measure to limit the spread of the virus is now a viable option, with many businesses opting for WFH mode or a mix. WFH is unlikely to end in the near future, given our current situation. Rather, it will likely be around for a long time.

Unfortunately, WFH comes at a cost. Although it provides greater flexibility and removes transportation hassles for employee, while also saving money on office maintenance, it comes at the expense of the employee’s personal life.

WFH implies that there is no boundary between living and working, as well as between a worker's personal life and his public duties. Flexible working hours, on the other hand, sometimes entail procrastination and finishing tasks in the wee hours. As a result, it's worth mentioning the irony that a person who works from home might also lose their home!

Moreover, WFH is a luxury that not everyone can afford. WFH might be a nightmare for less fortunate employees, especially those in lower-paying positions, because they do not have a suitable workspace at home. Some of them also live in overcrowded or cramped spaces.

To summarise, we must be mindful of the WFH culture. Employers must allow adequate time for their employees to adapt to these unexpected developments. More reasonable and effective supervision may be needed since disturbances to the typical workflow and pace are possible. Employers might also assist their underprivileged employees by offering home office appliances. Employees, on the other hand, must re-calibrate their attitude in order to adapt to this new environment. To achieve work-life balance, they should set aside some time for their personal life. Second, they must be realistic and avoid the trap of blaming themselves for minor setbacks in performance. Lastly, they must have a deep sense of *amanah* (trustworthiness) when carrying out their duties, especially when they are not closely supervised by their employer.

Notes

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The Race Against Time to Save the Planet for Future Generations

*Ahmad Badri Abdullah**

While we are still dealing with the COVID-19 pandemic, the impact of planetary catastrophes has begun to rear its ugly head. Spain, Greece and China are suffering from heat waves, high temperatures, extreme flooding, and deadly wildfires. In an interview on the Veritasium channel, Bill Gates stated that climate change and bioterrorism will be the next challenges to strike humanity post-pandemic.

This is made clear by the alarming code red warning issued by the United Nations Intergovernmental Panel on Climate Change, in their report 'Climate Change 2021: The Physical Science Basis,' which estimates the world will warm by more than 1.5°C over the next decade.

Climate-related hazards, such as health and livelihood issues, food scarcity, a lack of clean water, security and economic threats, are expected to intensify if global warming exceeds 2°C. Unfortunately, it has been found that in Malaysia, public awareness of climate change is persistently poor, ranging from 32 to 40 per cent of the population.

Despite the fact that Malaysia has experienced extreme weather and flooding on a yearly basis, Malaysians are unable to link these disasters to climate change. Malaysia lags behind Indonesia, Vietnam, and the Philippines in the adoption of renewable energy in the energy industry, manufacturing, and transportation - these other countries have high rates of adoption approaching 30 per cent.

In fact, Malaysia's largest carbon emitters are the energy, transport, manufacturing, agricultural, and waste management industries. Therefore, it takes unwavering political will among the country's leadership to reach the necessary pace and scale of change. The IPCC has proposed that the world reach zero carbon emissions by 2050, while Malaysia has pledged to reduce its greenhouse gas emission intensity of gross domestic product by up to 45 per cent by 2030.

Government intervention in realising green targets, appropriate policy implementation, and active monitoring of green company performance is crucial. More importantly, the country must consider its long-standing approach to natural resources-led development over environmental protection, and shift toward ecologically sustainable growth.

A two-pronged strategy needs to be adopted. First, current efforts should be accelerated. Second, a new circular economic concept and practice-oriented culture should be developed. The ministries in charge of the environment, water, energy, natural resources, agriculture, plantations, and commodities must play a strategic role in reducing carbon emissions. Moreover, the government and the public must guarantee that long-term plans, such as the Green Technology Master Plan 2017-2030 and Malaysia's Roadmap Towards Zero Single-Use Plastics 2018-2030, are implemented effectively. In 2015, the government made it mandatory for households to segregate solid waste at the source, with the Ministry of Housing and Local Government enforcing the Solid Waste and Public Cleansing Management Act 2007 (Act 672).

However, the lack of a unified solid waste management strategy has resulted in a waste recovery rate of less than five per cent. Therefore, developing a clear waste management policy is critical, especially in major cities. Cities like San Francisco and Seoul should serve as models. Thanks to effective policies and laws, these locations have been able to remove 80 per cent of their local daily waste from landfill by recycling and converting food wastes into compost for plantations.

Malaysian authorities must aggressively implement policies that improve the lifestyle of its population, in addition to a circular economic strategy and regulations for manufacturing and waste management. This primarily involves redesigning business models such that all products manufactured are easily recycled, repurposed or reused, and employ sustainable raw materials. This may guarantee that products last as long as possible, while minimising the use of natural resources in the creation of new ones.

The formation of a Special Parliamentary Committee on Environment, Climate Change, Energy and Technology, as announced by the Parliament speaker in 2019, is more important than ever. This committee must serve as a coordinator for multidimensional strategies to mitigate the impact of climate change. If we are serious about preserving the planet for future generations, we should not waste time in pulling together across sectors and organisations.

Notes

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Declare Malaysian Tiger Killers 'Enemies-of-the-State'

*Muhd Nur Iman Ramli**

A country's national symbol serves as a tool of unity. People express their passion, patriotism, aspirations, and inspiration via a national symbol, which helps define the nation's identity. Animals of pride, such as the eagle in the United States, the lion in the United Kingdom, the brown bear in Russia, and the komodo dragon in Indonesia, have long been revered as symbols of a country's grandeur. The Malaysian tiger (*panthera tigris jacksoni*) is a symbolic animal in Malaysia, representing the Malaysian people's strength, determination, and courage.

The Malaysian tiger is Malaysia's National Emblem (Jata Negara) and appears on the official coat-of-arm of the Yang di-Pertuan Agong. The image of the Malaysian tiger's head also appears on the logos of the Royal Malaysian Police Force (PDRM); Malaysia's first national car, PROTON; the country's leading bank, Maybank; and the country's renowned football club, Johor Darul Ta'zim (JDT). 'Harimau Malaya' is also the national football team's nickname.

Except for the Department of Wildlife and National Parks (PERHILITAN) and non-governmental organisations (NGOs) such as World Wildlife Fund (WWF) and MyCat, which are working to save Malaysian tigers from extinction, Malaysians have paid little attention to the lives or deaths of Malaysian tigers in the forest.

While the numbers of Malaysian tigers is rapidly declining, World Tiger Day was observed on July 29, 2021. Harimau Malaya is a tiger subspecies found solely in Peninsular Malaysia, particularly in Kelantan, Perak, Pahang, and Terengganu. In comparison to 3,000 tigers recorded in national forests in the 1950s, the 1st National Tiger Survey (NTS) from 2016 to 2018 revealed that the number of Malaysian tigers has now drastically reduced to just 200! If this is not taken seriously, the nation will lose this species altogether in the next five to ten years.

The major factor affecting Malaysian tigers' food sources, habitats, and breeding grounds has been forest degradation for development and logging. Illegal poaching has also proven destructive. Surprisingly, even though Malaysian tigers are symbolic Malaysian creatures listed as fully protected species under the Wildlife Conservation Act 2010 (Act 716), neither local nor international poachers are deterred from killing them.

Poachers sneak into forests and set traps. Slain Malayan tigers are then used for their skin, claws, fangs, bones, and flesh. Consuming or exploiting tiger body parts for commercial purposes is an atrocious act of cruelty. The high demand for them on the black-market motivates poachers to kill more tigers to maximise profits, rather than consider the devastation to ecosystems, much less the extinction of species, that could result from their reckless acts.

Apart from the ‘Ops Bersatu Khazanah’ special operation between PERHILITAN and PDRM, there should be more attempts to recognise Malayan tigers as part of Malaysia’s national heritage. Killers of Malayan tigers should be considered ‘enemies-of-the-state’ and severely punished for killing such a symbolic animal, an act as heinous as burning the *Jalur Gemilang*, ridiculing the national anthem, or desecrating the National Emblem. Special operations to arrest poachers should be carried out on a regular basis.

HRH the Sultan of Johor, Sultan Ibrahim Ibni Almarhum Sultan Iskandar, issued a harsh warning against Malayan tiger poachers in October 2019: “Poachers will be hunted” if they continue to kill Malayan tigers in Johor. Perhaps now is the appropriate time for the palace to pay attention to and actively intervene in the plight of Malayan tigers in the wild.

At the grassroots level, the struggle against poachers and the campaign to save Malayan tigers needs patriotism from all parties, corporate entities, and the country’s leadership.

From an Islamic point of view, the act of abusing or killing animals for reasons other than those authorised by law, religion, or morality is against Islamic principles. Therefore, any noble efforts to save animals, especially endangered species, are in accordance with Islamic teaching.

Among the ongoing initiatives to save Malayan tigers is the RM20.8 million establishment of the National Tiger Conservation Centre (NTCC) in Kampung Bolok Hulu, Lanchang, Pahang. Its primary goals are to perform research into the enrichment of the Malayan tigers’ habitat and food resources, as well as breeding programmes to boost the population.

Three of the nine Malayan tiger subspecies are now extinct. If no substantial measures are taken, we may lose the Malayan tigers for good in less than a decade. Poaching and illicit trading have caused the extinction of Bali and Javanese tigers in Indonesia. Certainly, there is no hope of resurrecting an extinct species.

Notes

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SIGNIFICANT SPEECHES, EVENTS AND DEVELOPMENTS

**Webinar: Islamic Finance Talk Series:
Harta Beku Umat Islam: Penyelesaian dari Aspek Perancangan
dan Pengurusan Pusaka
(Frozen Assets of Muslims: Solutions from the Aspect of Inheritance
Planning and Management)
(24 May 2021)**

Muhamad Sayuti Mansor

Featuring two panellists, Dr Mohd Khairy Kamarudin from Universiti Teknologi Malaysia and Dr Muhammad Ikhlas Rosele from the University of Malaya, this event was moderated by Associate Professor Dr Mohamed Azam Mohamed Adil, the Deputy CEO of IAIS Malaysia. Khairy set the discussion in motion by elaborating the meaning of frozen assets - generally understood as assets that could not be disbursed properly due to the death of their owners without any proper inheritance plans. These assets remain registered under the name of the deceased and cannot be managed and hence considered as 'frozen'. Ikhlas disclosed the staggering rise in the total value of frozen assets, which has nearly doubled since 2005. He pointed out several categories of factors: the owner, heirs, and the related agencies, and legal provisions. In the case of owners, it is usually due to their failure to put forward clear wills and inheritance plans. For heirs, their prolonged delay in assets distribution or disagreements among them led to the assets being frozen. Lastly, issues with agency or legal provisions usually emerged as a result of unreasonable management fees or a jurisdiction conflict between the shariah and civil courts in matters related to inheritance assets, therefore proper assets management is critical to resolve these problems. Khairy further explained the potentials of shariah instruments such as *faraid* (Islamic inheritance law), *hibah* (gift), and *wasiyyah* (wills) to ensure that the deceased's assets can be managed and disbursed properly according to the owner's wish. He also rejected the notion that *hibah* is used to escape the obligatory *faraid*, as certain circumstances justified its application. According to Ikhlas, all of these instruments have their advantages and disadvantages and

it is up to the Muslims to use them properly. He also explores the feasibility of other shariah instruments, such as *waqaf* (endowments) and *amanah* (trust) that is currently being developed for the same purpose.

**Virtual Conference: Plenary Speech by Professor Dato' Dr
Mohammad Hashim Kamali: "Humanising Technology in Light of the
Higher Purposes (*Maqasid*) of Shariah" at the 3rd World Congress of
Integration and Islamicisation: Mental Health and Well-Being in the
4th Industrial Revolution
(4 June 2021)**

Muhamad Sayuti Mansor

Organised by the International Islamic University Malaysia (IIUM), the 3rd World Congress of Integration & Islamicisation was held on 4 June 2021. The founding CEO of IAIS Malaysia, Professor Dato' Dr Mohammad Hashim Kamali was invited to deliver a plenary speech on the topic "Humanising Technology in Light of the Higher Purposes (*Maqasid*) of Shariah." Kamali began his speech by outlining the theoretical underpinnings of the concept of technology. He presented the latest technological advancements that greatly influenced human lives, values and civilisations. These technological advancements are a double-edged sword with both benefits and harms. Kamali related this advancement to the rise of the concept of "humanising technology." This happens as humans begin to recognise the threats of technology and attempt to mitigate them. Thus, they began to give a greater emphasis on human well-being and happiness instead of technological advancement. Kamali emphasised the need for regulatory mechanisms, industry awareness, and strong political will to prioritise human well-being and happiness over materialistic gain and profit from technological exploitation.

Kamali later provided a brief overview of the theory of *maqasid al-shari'ah*. The *maqasid*'s classification of needs into the essential (*daruriyyah*), the complementary (*hajiyyah*), and the embellishments (*tahsiniyyah*), as well as the categorisation of the five essentials (*al-daruriyyat al-khams*) are very useful to evaluate the humanisation of technology from the Islamic perspective. At the same time, Kamali reminded the need for a moderate (*wasatiyyah*) approach in identifying the *maqasid* to be used for the evaluation process. For instance, the element of harm in technology must be evaluated carefully to ensure the predominance of its benefits to human society, or else it must be removed and rejected. In other words, technology must always be kept as a means (*wasilah*) of service to humanity and observe the values of the *maqasid*.

Webinar: IAIS Malaysia Online Research Camp for Academic and Policy Research (22-23 June 2021)

Mohammad Mahbubi Ali

Following the success of the 2019 and 2020 research camps, IAIS Malaysia, amid the COVID-19 pandemic, organised its annual “Research Camp for Academic and Policy Research” via online on 22-23 June 2021.

The camp provided researchers, lecturers, and postgraduate students with in-depth insight into how to produce high-quality academic papers and manage academic references efficiently. It also equipped participants with essential skills for conducting both academic and policy research. During the two-day event, participants learned the basics of how to formulate policy issue papers, utilise the Oxford style of writing, write newspaper articles, reference Islamic sources, and manage academic references.

The research camp provided seven modules in total: (1) “Decades of Academic Excellence and Prolific Writing: Experiences as an Islamic Scholar,” by Professor Dato’ Dr Mohammad Hashim Kamali, the founding CEO IAIS Malaysia; (2) “Developing and Designing Policy Issue Papers,” by Dr Mohamed Azam Mohamed Adil, IAIS Malaysia Deputy CEO and Dr Ahmad Badri Abdullah, IAIS Malaysia Research Fellow; (3) “The Art of Constructing Quality Academic Papers: The ‘Oxford Style’ of Writing,” by Dr Alexander Wain, IAIS Malaysia Associate Fellow; (4) “Tips and Strategies for Writing a Newspaper Op-ed” by Dr Mohamed Azam Mohamed Adil; (5) “The Do’s and Don’t’s of Legal Research,” by Mrs Apnizan Abdullah, IAIS Malaysia Research Fellow; (6) “Citing and Referencing Islamic Sources: Avoiding Common Pitfalls,” by Mr Mohd Fariz Zainal Abdullah, IAIS Malaysia Head of Human Resources; and (7) “Academic Housekeeping: Managing References and Databases,” by Dr Shahino Mah Abdullah, IAIS Malaysia Research Fellow.

Kamali, in the opening session, shared his long-standing experiences in research and authorship and provided important tips and keys to becoming a prolific author and excellent researcher. In the second session, Mohammad Azam and Ahmad Badri discussed some important aspects and steps in preparing policy issues papers. Alexander Wain shared his personal experience in using the Oxford style of writing and how it differs from other forms of academic writing. He listed the key elements of the Oxford Style, including the three-art structures, concise sentences and use of active sentences.

The second day of the research camp started with a sharing session by Mohammed Azam on preparing a newspaper Op-ed. He discussed the characteristics of an Op-ed and shared some writing tips and tricks. Apnizan Abdullah discussed several important aspects of doing legal research. In the proceeding session, Mohd Fariz highlighted some of the common mistakes in referring to Islamic sources. The last session by Shahino Mah provided participants with structured and simple techniques in managing references and databases using Endnote software.

This year's research camp attracted more than 30 participants from Malaysia, Indonesia and Singapore, representing a variety of backgrounds and professions, ranging from researchers to lecturers, students, representatives from the mufti offices, CEO, policymakers, and Islamic finance practitioners.

Webinar: Melaka Kingdom: Myth and Fact (24 June 2021)

Muhd Nur Iman Ramli

The webinar was delivered by Dr Alexander Wain, Associate Research Fellow of IAIS Malaysia, and Dr Mohamad Firdaus Bin Mansor Majdin, Assistant Professor from the Department of History and Civilisation (IIUM) as a commentator. This webinar explored the history of Malay civilisation and investigated the historicity of *Sejarah Melayu*, and the myth and fact in the history of Melaka, including how this has generally impacted the study of Malay history.

In reference to the history of the Melaka kingdom, both Wain and Mohamad Firdaus highlighted the Malay literary work known as *Sejarah Melayu* (Malay Annals), the principal Malay source that gives a romanticised history of the origins, evolution, and demise of the Melaka Sultanate. It centred around the character of Sang Nila Utama, who was famously known as Parameswara. The work was composed sometime between the fifteenth and sixteenth centuries, and is considered as one of the finest literary and historical works in the Malay language. It was traditionally written in classical Malay on a traditional paper in Jawi script. The text has undergone numerous changes and the oldest known text was dated 1612. This was later known as the Raffles MS No. 18.

The phantasmagorical stories in the *Sejarah Melayu* were constructed as a body of literature to be marvelled at by future generations. According to both Wain and Mohamad Firdaus, this, however, leads to a problem. Rather than seeing *Sejarah Melayu* as a great work of history detailing the past, some see it

as a confluence of fact and fiction. Colonial historians, such as Wilkinson and Winstedt, instinctively dismissed Malay historical texts, interpreting them as *ahistorical*.

However, as European colonialism ended, Asia and other regions witnessed a revival in indigenous culture. Simultaneously, in 1960s France, post-structuralism emerged (Derrida, Foucault), re-styling historical enquiry as a ‘discourse’—as a linguistic narrative shaped by the historical and cultural context of its authors, not objective reality. All forms of history became equally valid.

Emphasising their genealogical nature and association with the royal courts, it was concluded that Malay histories functioned not to record (as in the West) but to legitimate; their magical elements were not intended to reflect reality but to reorder it in an attempt to confer divine power upon the ruler. Early Malay writers did not compose fictitious historical narratives; they merged genuine historical events with myth, co-opting the latter’s supernatural aspect to elevate the former’s status.. For early Malay writers, a myth did not signify an account without objective reality, but something that reinforced the importance of reality.

Malay texts were written to legitimate and glorify their subjects using mythological elements. The presence of mythic imagery within those texts should therefore be seen as part of a unique worldview, not a reason to discredit the existence of the individuals mentioned in the text. These considerations must prompt a new approach to the historical sources on Melaka.

Firdaus concluded that historians find it extremely difficult to ascertain facts from distant pasts especially when relevant documentations are not available. Historians have developed a strict standard of accepting true events that do not simply follow any rumours or hearsay, let alone myths or legends.

**Webinar: Forum: Wanita dan Cabaran Era Pandemik menurut
Perspektif Islam
(Women & Challenges during the Pandemic according to
Islamic Perspective)
(12 July 2021)**

Nurul Ain Norman

Women are at the epicentre of the global pandemic that threatens their physical, social, and economic well-being. As public awareness grew, IAIS

and Fitwanita IIUM organised a virtual forum entitled *Wanita & Cabaran Era Pandemik Menurut Perspektif Islam* (Women & Challenges During the Pandemic According to Islamic Perspectives). The forum featured honourable panellists from the University of Pendidikan Sultan Idris (UPSI), University of Malaya (UM), and University of Technology MARA (UiTM), namely Professor Dr Saedah Siraj, Associate Professor Dr Sharifah Hayaati Syed Ismail, and Dr Kartini Ilias. During the first round of the discussion, Saedah highlighted the pandemic's damages on women's life by increasing episodes of domestic violence, work overload, depression, and sexual abuse. The data and strategies are likely to be inaccurate and insufficient if Asian women continue to be embarrassed and reluctant to report incidents. In an attempt to untangle the issue, Sharifah stated Islam came to honour, protect, and raise the status of women. She stressed the intellectual capability of women in holding various positions and responsibilities. In response to the moderator's question, Kartini delineated the mental health issue among women during the COVID-19 pandemic. The pressure of an undue vicious cycle of burden and stress has been detrimental to depression, anxiety, post-traumatic stress and insomnia. She advised women to look closely at how they deal with emotions in terms of intensity, frequency, and duration. In the second round of discussion, Saedah depicted the role of women as being the spiritual teacher of the household. A woman has the quality of guiding her family to practise positive discipline, focusing on kindness, trust, and connection. Sharifah further mentioned the exemplary women in history: the four ladies of paradise; Khadijah, Fatimah, Maryam, and Asiyah. They have reached perfection through the trials that Allah had bestowed upon them and are worthy of following. At the end of the session, Kartini introduced the ABC Model, which is an acronym for activating events, beliefs, and consequences. It helps build women's awareness of their behaviour triggers and consequences, while belief plays a vital role in managing emotional stress by creating a conditioned response. Two hundred virtual participants attended the forum via zoom and Facebook Live and had over 1000 views overnight.

Webinar: Israel's Attempt at Normalisation in Nusantara (22 July 2021)

Wan Naim Wan Mansor

For the first time, online activism around the globe has driven a groundswell of support for the Palestinian cause, with even many global personalities

and Hollywood celebrities openly chastising Israel for their recent onslaught on Gaza and violence in Jerusalem. Throughout the barrage of international condemnations, however, Israel found an unsuspecting opponent in the form of Malaysian and Indonesian social media users, to the point that official mouthpieces of the IDF and other celebrity proponents of Israel felt the need to directly respond to them. The Malay Archipelago nations, often represented by the three Muslim-majority countries—Malaysia, Indonesia, and Brunei—have always been ardent supporters of the Palestinian cause. On 15 May, the three nations issued a joint statement condemning “in the strongest terms, the repeated blatant violations and aggressions, carried out by Israelis, targeting civilians.”

Under this backdrop, the IAIS forum featured three eminent speakers: Prof Dr Azyumardi Azra (Syarif Hidayatullah UIN Jakarta), Azmi Abdul Hamid (President of MAPIM), and Assistant Professor Dr Ahmad El-Muhammady (ISTAC-IIUM). Azyumardi, in his presentation, posits that because Indonesia is the most populous Muslim country, gaining its recognition and support has always been a priority for Israel. Nevertheless, Indonesians, both at the level of government and civil society, have consistently opposed having any kind of diplomatic relations with Israel. According to Azyumardi, this is due to Islamic sentiments by its Muslim majority regarding the Palestinian struggle. Azmi, representing the Muslim NGO perspectives, elaborated on the geopolitics surrounding Israel’s tireless attempts to normalise its position among Muslim countries. For the Nusantara countries, the appeal to forge relationships with Israel is mostly related to strategic and security reasons, especially given current developments in Southeast Asia involving China. Nevertheless, Malaysia, in line with other Nusantara nations, remains steadfast in resisting the normalisation of Israel. Ahmad, an expert in terrorism in the Southeast Asian region, recalled the history of Malaysian diplomatic ties with Israel and revealed the not well-known fact that Malaysia (then Malaya) used to have a close relationship with Israel, particularly in the years leading to Malaysia’s Independence in 1957. This relationship, however, did not extend past Independence due to multiple factors, such as government leadership, the opposition of Arab countries, internal oppositions, and geopolitical concerns. Nevertheless, according to Ahmad, these factors may have weakened over time and that Malaysia is now at a new crossroads regarding Israel.

**Webinar: Islamic Finance Talk Series:
Islamic Social Finance and Its Role in COVID-19 Recovery Planning
(26 July 2021)**

Mohammad Mahbubi Ali

The COVID-19 pandemic and its adverse impacts have sparked greater attention towards Islamic social finance and socially responsible investments (SRI). For instance, on 19 June 2020, the Islamic Development Bank (IDB) raised USD 1.5 billion with its Sustainability Sukuk to assist its 57 member countries in funding COVID-19-related measures and expenditures. On 22 September 2020, Malaysia issued the *Sukuk Prihatin*, raising to RM 500 million (approximately USD 121.5 million) to finance its economic stimulus packages and COVID-19 recovery plans. Indonesia also echoed this move by issuing a retail cash *waqf*-linked *Sukuk* on 19 October 2020 to finance its economic COVID-19 recovery plan. This was following the success of the issuance of the world's first sovereign cash *waqf*-linked *Sukuk* of IDR 50.8 billion (USD 3.46 million) in March 2020.

To discuss further the role of Islamic finance in COVID-19 recovery planning, IAIS Malaysia organised its bimonthly *Islamic Finance Talk Series* (IFTS), featuring Dr Rifki Ismal who is currently the assistant secretary-general of the Islamic Financial Services Board (IFSB). The talk was moderated by Dr M Mahbubi Ali, Head of Economics, Finance, Awqaf and Zakat cum Associate Fellow at IAIS Malaysia.

In his presentation, Rifki started with an update on the impact of the pandemic on social and economic activities. He argued that the COVID-19 pandemic has created a severe adverse impact on many aspects of economic and finance. As a response, many governments across the globe introduced several fiscal, monetary, and financial stimulus packages to address the impact of the pandemic. These include an increase in budget for the health system, financial assistance to households, workers and social safety net, lowering benchmark rate, moratorium policy, and restructuring of financing.

Dr Rifki further shared that the COVID-19 pandemic offers an opportunity for Islamic finance to strengthen its value proposition as a 'responsible finance' industry—pursuing goals beyond profit; striving for a just and fair system; promoting brotherhood and cooperation, and developing a community-oriented and entrepreneur-friendly environment. In this regard, Islamic social finance instruments, such as *zakat*, *waqf* and *qard hasan* (benevolent loan), can be used to support both consumptive and productive economic activities, upgrade the status of *mustahik* and facilitate public facilities and needs.

In Indonesia, according to Rifki, Islamic social finance instruments are used to empower small and medium enterprises and Pondok Pesantren (Islamic boarding school) through various initiatives by Bank Indonesia and Badan Amil Zakat Nasional – National Zakat Agency (BAZNAS). For example, Bank Indonesia launched an initiative called *Rumah Amal Bank Indonesia “Berbagi”* using *zakat*, *infaq*, and *shadaqah* funds to financially assist COVID-19 high impacted economic sectors and to enhance the *halal* value chain via a link and match mechanism to meet the demand and supply of the real sectors. BAZNAS introduced a health emergency programme as well as social and economic programmes to assist those who are financially affected by the adverse impact of the COVID-19 pandemic.

**Webinar: ‘Poverty Porn’ vs. Misi Kebajikan dan Kemanusiaan:
Memperkasakan Integriti dan Professionalisme NGO Islam Bertaraf
Antarabangsa
(Poverty Porn vs. Charity and Humanitarian Mission:
Empowering Integrity and Professionalism to Establish a World-Class
Islamic NGO)
(5 August 2021)**

M. Fakhurrazi Ahmad

Natural catastrophes, wars, genocides, infectious diseases, and man-made disasters are all examples of common crises that result in human suffering, loss of life, infrastructure damage, homelessness, and poverty. These situations demand our concern and solidarity; therefore, humanitarian and charitable non-governmental organisations (NGOs) were founded to respond to crises, alleviate suffering, and provide assistance to those in need. However, contemporary challenges are facing the organisations, such as trust issues, mismanagement, inefficiency, and ‘poverty porn’—exploiting the poor and vulnerable to raise money for self-interest or committing fraud. A webinar was jointly organised by IAIS Malaysia and the Youth Committee of the National Dakwah Council to discuss the issues and strategies to promote integrity and professionalism in developing a world-class Islamic NGO. It was moderated by Associate Professor Dr Mohamed Azam Mohamed Adil, the Deputy CEO of IAIS Malaysia.

Mr Azhar Ab. Shukur, Chairman of EZ Group of Companies, emphasised that humanitarian missions and charities are more than just collecting donations and delivering aids; they require comprehensive strategic planning involving human resources and logistics administration, good marketing strategies,

financial management, transparency, and the application of *fiqh al-awlawiyyat* (understanding the priorities in decision making).

(Dr) Ahmad Sani Araby bin Dato' Abdul Alim Araby, the CEO of the Malaysian Consultative Council for Islamic Organization (MAPIM), urged Islamic NGOs to implement transformational changes in their administration and leadership. MAPIM is currently conducting research with the National University of Malaysia (UKM) to empower Islamic NGOs by developing explicit guidelines for constitutional framework and execution of impactful policies, supervision of human resources and volunteerism, management of funds, investment and endowment, construction and maintenance of *asnaf* houses, *asnaf* database management, and *fiqh*-based application systems for effective administration, domestic and foreign affairs, and management of humanitarian missions. He expected Islamic NGOs in Malaysia to adopt these guidelines in the near future.

Although non-profit organisations are allowed to spend up to thirty per cent of their collection on management and administration, they should consider minimising expenses to ensure their long-term viability and resilience. NGOs can use innovative approaches to promote their causes and activities in the media, but exploitative portrayals and fraudulence are not acceptable. Associate Professor Dato' Dr Mohd Izhar Ariff bin Mohd Kashim (Deputy Dean, Faculty of Islamic Studies, UKM) urged the public to avoid scams, fraud, and money laundering by conducting background checks, verifying all media information, and acquiring reports and proofs of payment for all donations to ensure their charitable giving goes to the right direction.

Islamic NGOs in Malaysia are encouraged to obtain the ISO 9001: 2015 certification, an internationally recognised standard for Quality Management System (QMS) that will elevate their organisations to greater heights in terms of better management and professionalism, proper accounting and auditing, measuring key performance indicators, and providing effective client services. This will help them build a reputation and gain public trust in the long run.

Webinar: Zoo and Animal Well-Being during the COVID-19 Pandemic (12 August 2021)

Muhd Nur Iman Ramli

This webinar was delivered by Dr Muhammad Danial Felix Abdullah, former Deputy Director of Zoo Negara Malaysia, and Noorzakiahnum Binti Mohd Noh, Senior Assistant Director of PERHILITAN, highlighted concerns on the well-being of zoo animals during the pandemic outbreak.

Noorzakiahhanum stated that zoos are often inspected by governmental institutions and are subject to specific regulations under the World Association of Zoos and Aquariums (WAZA), an umbrella organisation for the global zoo and aquarium society. As stated in WAZA's code of ethics, 'its members should make all efforts in their power to encourage substandard zoos and aquariums to improve and reach appropriate standards.' If it is clear that the funding or the will to improve is not there, WAZA would support the closure of such zoos and aquariums.

Zoo closures since the Conditional Movement Control Order (CMCO) have made it impossible for them to earn enough revenue to fund animal care expenditures. While some believe that keeping animals in zoos is inhumane, Dr Muhammad Daniel believed that one should consider the value of zoos and why they were founded in the first place. A zoo's three focal areas, according to him, are conservation, education, and scientific research. Animals at zoos are treated with dignity and have all of their requirements fulfilled.

There are also basic guidelines for animals in a captive managed situation known as the '5 Freedom', that is, 1) freedom from thirst, hunger and malnutrition, 2) freedom to express normal behaviour for the species, 3) freedom from fear and distress, 4) freedom from pain, injury and disease, and 5) freedom from discomfort due to the environment. These guidelines are globally recognised as the gold standard in animal welfare.

Zoos are facing a number of issues as a result of the COVID-19 outbreak. Zoos' revenue is reduced by up to 80 per cent or more as a result of the lockdown, which triggers a reduction in manpower to reduce management costs. When the zoo is closed to guests, zookeepers must continue to feed the animals and provide medical and enrichment care. In this case, the government's Enhanced Wage Subsidy is important for zoo's survival.

In terms of bio-security, parts of the zoo will be disinfected, and a new SOP was added to the zoo's preexisting SOPs. This additional safety precaution will guarantee that the disease is not transmitted among the animals. Animal behaviour will change as a result of the new routine, especially for animals that interact well with people. Zoos are keeping their animals on same routines as before lockdown to avoid the animals becoming accustomed to the absence of humans and becoming frightened when visitors return.

The food supply chain will be affected as a result of the shutdown. Some zoos do not have the capacity to preserve fresh fruits and vegetables for an extended period of time, therefore they require regular fresh food deliveries.

To tackle these issues, Muhammad Daniel proposed that fresh produce that would otherwise go to waste be donated to zoos. This includes tonnes of unsold produce from food supply networks affected by MCO, as well as consumable produce seized by the Quarantine and Inspection Services.

**Webinar: Forum Kemerdekaan: Perpaduan dalam Rangka Pemulihan
Negara daripada Pandemik COVID-19
(Independence Day Forum: Unity in the Framework
of National Recovery from the COVID-19 Pandemic)
(30 August 2021)**

Ahmad Badri Abdullah

On 30 August 2021, IAIS Malaysia in collaboration with the Hadhari Global Foundation (HF), Nahdatul Ulama' Indonesia (NU), Malaysian Youth Council (MBM), Sunway Foundation for Planetary Health hosted an independence day forum entitled 'Unity in the Framework of National Recovery from the COVID-19 Pandemic.' The online forum featured renowned society leaders, academia, and activists including Datuk Dr Zainal Arifin Omar, the President of Public Health Society, Malaysia, Dr H. Helmy Faishal Zaini, General Secretary of Nahdatul Ulama Indonesia, Professor Madya Dr Mohamed Azam Mohamed Adil, Deputy CEO of IAIS Malaysia, Mr Eddin Khoo, founder and director of PUSAKA, and Jufitri Joha, President of Majlis Belia Malaysia.

In his introductory remarks, Dato' Jefridin Haji Atan, Chairman of Hadhari Global Foundation, highlighted the significance of the forum in remembering our independence heroes who sacrificed for the benefit of the next generation. According to the first panellist, Zainal Arifin, Malaysia has already started a recovery phase of the epidemic, but community behaviour and support are critical for future restoration. H. Helmy, speaking in the context of Indonesia, emphasised the importance of a harmonious relationship between state and religion, as well as a sense of national fraternity, in dealing with public health emergencies such as the COVID-19 pandemic. In the Malaysian context, Mohamed Azam recalled historical narratives during Malaya's independence process, as well as the vital role of the country's constitution in unifying Malaysia's multiracial societies.

The fourth speaker, Eddin Khoo, who is a cultural activist and thinker, highlighted the complexity of Malaysian history and urged the new generation to fully comprehend the national pillars in the pursuit of developing the identity of 'Malaysian Nation'. Finally, as a youth leader, Jufitri Joha reminisced on the role of youths in the country's independence process and proposed that mentoring should be a national agenda where potential young talents are trained under the tutelage of senior society leaders.

**Webinar: Forum Hari Malaysia 2021: Perpaduan dalam
Semangat Keluarga Malaysia
(Forum on Malaysia Day 2021: Unity in the Spirit of
Malaysian Family)
(15 September 2021)**

Wan Naim Wan Mansur

In commemoration of the 58th Malaysian Day, IAIS Malaysia has organised a forum on the topic of unity and nation-building featuring four eminent Malaysians. Invited speakers were SS Datuk Bungsu Aziz Jaafar, Mufti of Sabah; Prof Emeritus Dato' Dr Teo Kok Seong, Principal Fellow of Institute of Ethnic Studies (KITA), UKM; Dato' Dr Madeline Berma, Commissioner of the Human Rights Commission of Malaysia (SUHAKAM); and Muhammad Faisal Abdul Aziz, President of Angkatan Belia Islam Malaysia (ABIM). The forum was moderated by Assoc Prof Dr Mohamed Azam Mohamed Adil, representing IAIS Malaysia. Mufti Bungsu, in his opening presentation, identifies three components from Prophet Muhammad's leadership that contribute towards his success in uniting the warring tribes in Madinah. The three components are: religion, brotherhood, and the constitution of Madinah (*sahifah Madinah*), and these components form the bedrock of toleration, acceptance, and unity in the Medinan society. Extracting lessons from this model, according to Bungsu, is essential in developing a framework that will unite Malaysians from diverse ethnic backgrounds. Teo, commenting on the state of unity between ethnic groups in the country, argued that ethnic relations remain fragile (*rapuh*), especially in West Malaysia. This situation, among others, stems from the 'integration' model adopted by the country which is the opposite of the 'assimilation model'. In the integration model, a community is not required to abandon their identity, while the assimilation model demands a mandatory removal of ethnic origin for the purpose of uniformity. Teo also refers to the recently introduced concept of '*Keluarga Malaysia*' and pointed out the several virtues of adopting the 'familial' concept which promotes empathy and moderations. Madeline, sharing her perspective as a commissioner of SUHAKAM and Sarawakian of Iban descent, emphasised the need for honesty in assessing the state of ethnic relations which is accompanied by genuine efforts to reconcile differences. Madeline also called for fresh narratives for unity, particularly those that address real challenges such as the present COVID-19 pandemic. Faisal, representing the youth perspectives, drew from his experience leading an Islamic NGO and emphasised the concept of '*Bangsa Malaysia*'. According to Faisal, present obstacles to unity in the

country include the devastating impacts of the COVID-19 pandemic, extreme political divisions, and recurring ethnic clashes. In brief, reform proposals to enhance national unity include widening the role of Bahasa Malaysia in society, repositioning the role of *Rukun Negara* as a basis for unity, and expanding the role of religion in promoting good communal values.

**Webinar: Round Table Discussion (RTD): The Return of the Taliban
and the Legal and Humanitarian Implications
(17 September 2021)**

Muhamad Sayuti Mansor

In conjunction with the recent political development in Afghanistan, the International Law and Maritime Affairs Unit (ILMA), Ahmad Ibrahim Kuliyah of Laws (AIKOL) IIUM on 17 September 2021 has organised a roundtable discussion entitled ‘The Return of the Taliban and the Legal and Humanitarian Implications.’ This RTD is moderated by Dr Muhamad Hassan Ahmad, with welcoming remarks by Professor Dr Farid Sufian Shuaib, Dean of the AIKOL. This discussion included four presentations by Associate Professor Dr Mohammad Tahir Sabit, Professor Dr Mohammad Naqib Eishan, Professor Dr Abdul Ghafur Hamid, and Professor Dr Najibah Mohd Zin, and a concluding remarks by Professor Dato’ Dr Mohammad Hashim Kamali, the Founding CEO of IAIS Malaysia.

Mohammad Tahir provided an overview of the current situation in Afghanistan. While the first Taliban-led government has failed due to the lack of international recognition and economic sanction, the recent return of the Taliban looks more promising as evidence from the recognition of the de-facto status of the new administration, albeit unofficially. Despite that, the humanitarian crisis in Afghanistan is becoming more critical. A combination of several catastrophes including drought, the COVID-19 pandemic and the ongoing international economic sanction have put Afghan’s lives in jeopardy, and Tahir urged the international community to prioritise the need of the Afghan people above all else. Mohammad Naqib Eishan then focused on the question of the international legitimacy towards the new Taliban administration. He highlighted the importance of legitimacy for a government to survive and cited that the failure of the previous local governments in Afghanistan was caused by this lack of legitimacy. Thus, he stresses the need for the new Taliban’s regime to have a clear foreign policy in earning international legitimacy and to respect Afghanistan’s constitution.

Abdul Ghafur discussed the ending of the unlawful foreign military intervention in Afghanistan. He criticised the illegality of the US invasion in 2001 as a violation of international law. The Afghanistan invasion has taken a big toll in terms of duration, cost and casualties, while the clear losers of this conflict are both the Afghan people and the American taxpayers. Therefore, the US must be held accountable for the war crimes committed during the occupation on top of the *ex gratia* compensation paid to the Afghans. Najibah explored the paradigm shifts from cultural to legal rights in protecting women rights and also stressed the importance for the legal interpretation to pay focus on the context as well as avoiding the pitfalls of the protective mind that resulted in too many restrictions on women.

To conclude the discussion, Kamali emphasised the need to revisit the implementation of shariah based on the contemporary context of Afghanistan while observing the principles of *siyasah shar'iyah* and *wasatiyyah* in the governance.

Virtual Conference: KL Conference on Afghanistan: Re-Emergence of a Nation

Session 2: 'Cautious Optimism of the Future of Afghanistan' (26 September 2021)

Muhamad Sayuti Mansor

The KL Conference on Afghanistan: Re-Emergence of A Nation was held on 26 September 2021, by Global Peace Malaysia and ABIM, with IAIS Malaysia as one of the partners. Session 2 was moderated by Associate Professor Dr Zulkifli Hasan and featured three distinguished panel members: Professor Dato' Dr Mohammad Hashim Kamali (IAIS Malaysia), Dr Roy Anthony Rogers (University of Malaya), and Dr Abdul Razak Ahmad (*Bait al-Amanah*). Its sub-theme was 'Cautious Optimism of the Future of Afghanistan.' This discussion revolved on how the international community and Muslim nations, including Malaysia, should respond to the current developments in Afghanistan.

Kamali emphasised in his presentation the prevalent mood of cautious optimism during the early weeks of the Taliban's return as a consequence of the relatively peaceful takeover of Kabul and their pledges of general amnesty, inclusivity, and human rights protection. Given the Taliban's legacy of death, brutality, and terrorism, Afghanistan's future remains uncertain. Apart from the rising concern on human rights, women's rights, and inclusivity, there is also the possibility that the Taliban would become too dogmatic in their

interpretation of shariah. Another biggest challenge is the economic crisis. All of these difficulties and obstacles, Kamali concluded, must be addressed in order for the new Taliban government to gain support and credibility.

The second panellist, Dr. Roy Anthony Rogers, began his presentation by highlighting the new Taliban government's advances and adjustments, which appear to be more realistic. Cooperation with the Taliban, who is currently the country's *de facto* government, is the best strategy for the international world. Malaysian NGOs can play a track two diplomacy role to help the Afghans. Malaysia may fully utilise its multilateral links to bring the Afghanistan's issues to the global attention. Rogers emphasised Afghanistan's potential of achieving peace and stability, noting the success of other war-torn countries like Bosnia and Herzegovina, Cambodia, and Vietnam.

The last panellist, Abdul Razak Ahmad, argued that there is a lack of understanding and contact between the international world and the Taliban, which has frequently resulted in mistrust and misunderstanding. Another concern is the Taliban's connections to terrorism, notably al-Qaeda. According to Dr Razak, the Taliban would use this as political leverage. The possibility of a civil war in Afghanistan remains if the Taliban fail to stabilise the country. As a result, he emphasised the importance of Malaysia considering its strategic regional interests and actively participating in the crisis' resolution. Malaysia could assist Afghanistan by focusing on humanitarian and capacity-building issues and collaborating with more experienced nations such as Pakistan and Iran.

**Webinar: Forum: 'Learning Loss' di Malaysia: Memahami Isu
dan Mencari Solusi
(Learning Loss in Malaysia: Understanding Issues and
Finding Solutions)
(30 September 2021)**

Nurul Ain Norman

Following the Education Ministry's plan to reopen schools nationwide after months of being under the Movement Control Order, IAIS Malaysia, in collaboration with the National Council of Professors Malaysia, held a virtual forum to discuss problems and solutions pertaining to Malaysia's learning loss issue. The forum featured Professor Datuk Dr Raduan Che Ros, President of the National Council of Professors Malaysia; Mrs Nor Hainei Abu Bakar, Malaysia National Teacher Icon 2020; Associate Professor Dr Muhammad

Helmi Norman, Deputy Director of Instructional Technologies of Teaching and Curriculum Development Centre, UKM; and Dr Nurul Ain Norman from IAIS Malaysia as the moderator.

The discussion began with Raduan emphasising the need to conduct empirical research to determine Malaysia's average learning loss crisis and that the measurement should be done according to the National Development Plan 2021. He also suggested that the term "learning gap," which addresses the difference of learning expectation and learning gain, would be seen as more relevant to the educational situation in Malaysia rather than the "learning loss" term. Nor Hainei, in the first round of the forum, laid practical implementation strategies in schools for preventing the long-term impact of learning loss among students. She mentioned that school empowerment is the key aspect of finding suitable ways to curb the problem. This is due to different schools with different backgrounds, problems, abilities, and skills that need particular strategies to deal with their issues. While school improvement depends heavily on the principal's transformational leadership, data-driven development strategies are also fundamental forces to improve pupil and professional learning during the pandemic. She also suggested that the district education offices act as school support hubs that provide digital education resources, guidelines, and training. On the other hand, Muhammad Helmi believes that the educational revolution era relies on teachers who develop creative learning approaches using technology to activate, blend, and strengthen multiple skills in the classrooms. He states that content-wise, face-to-face, home-based, and hybrid learning need to be tailored according to its pedagogy approach and concern its own learning space. In the second round of discussion, the first panellist argues that a new action plan should be devised to provide a clear direction to schools, teachers, and students to achieve purposive goals effectively and timely manner. Quality Schooling Assessments should include learning indicators developed according to the international standard to cover the whole process from supplying educational services, demand factors, and accessibility, to results in terms of educational performance and externalities derived from the enhanced human capital formation. The second panellist favoured the lack of digital readiness among teachers as crucial agents of continuous learning support during the pandemic. She pointed out that a significant barrier existed among teachers and students when access, equipment, connectivity, or skills were lacking. The crisis requires us to rethink how education and training are designed and provided to meet the demands of the pandemic and the digital world. The third panellist suggests that we address the issue of learning loss from the phases of education technology (ed-tech). He identified a four-stage development process in digital education; forming, storming, norming, and performing, where he depicts the

current system as engaging within the second stage of development which is the most critical and challenging stage to pass through. In order to reach the ‘norming stage’ of the ed-tech, the whole system needs to undergo a process of repetition to arrive at a maturity phase of digital transformation.

Online Forum: Systems Thinking and Its Necessity in Managing the Pandemic Crisis (4 October 2021)

Ahmad Badri Abdullah

This online forum featured two prominent personnels in academia and the industry: Associate Professor Dr Ridhwan Fontaine, a business management expert and a lecturer at the Kulliyyah of Economics and Management Sciences, Islamic International University Malaysia (IIUM), and Dr Mohd Izhan Mohd Yusuf, an Analytics Consultant at Telekom Malaysia (TM) Berhad and a specialist in statistical analysis. The forum aimed to shed some light on the necessity of resorting to systems thinking to tackle the pandemic situations especially by the authorities and how the approach may resonate with Islamic teachings and principles. More importantly, it was also a discussion of how a systemic mindset may harness our ability to build resilient socio-economic-health systems in the post-pandemic era.

In his session, Ridhwan Fontaine narrated the historical development of systems thinking as a scientific discipline whose main interest is in making sense of the complex phenomena in nature and societies. By using water as an example, Ridhwan explained that an emergence phenomenon is truly a novel situation or substance that does not represent its own components. Systems thinking, according to Fontaine, represents thinking in feedback loops, contrary to the conventional linear cause and effect reasoning, and making sense of how a system operates is a painstaking task. Responding to the issue of how businesses can survive in the pandemic context, Ridhwan suggested that they need to become specialised in their own niche in terms of their product offering. He also advises businesses to brace new ways of doing things as we would never return to a normal situation in the post-pandemic era.

Mohd Izhan Mohd Yusuf proposed that systems dynamic modelling, a tool in systems thinking, be employed before the authorities make policy decisions. Policymakers would be capable of predicting many models of outcomes and scenarios resulting from the policy execution. Systems dynamic modelling would enable policymakers to foresee different models of outcomes and

scenarios emanating from the implementation of a certain policy. By doing so, it would enable the authorities to minimise bad decision making. The challenge, however, is to collect as much relevant data as possible to be analysed in the systems dynamic software. According to him, no country is using systems thinking as a whole to manage the pandemic issue. However, several countries, like as Korea, Taiwan, and Sweden, have effectively mitigated the negative pandemic consequences by employing some features of systems thinking.

Webinar: Islam & Futures Studies (5 October 2021)

Ahliis Fathoni

Future studies are an interdisciplinary branch of science that seeks to map out the futures of humanity. The establishment of futures studies was motivated by the need to forecast and overcome global crises through a methodical and comprehensive analysis of social, economic, political, scientific, and environmental progress. To explore the Islamic perspectives of future studies, a webinar was organised by IAIS Malaysia on 5th October 2021, featuring two futuristic-thinking Malaysian scholars, Datuk Dr Daud Bakar, President of the International Islamic University of Malaysia (IIUM) and Distinguished Professor Tan Sri Dr. Mohd Kamal Hassan, Honorary Advisor of the Centre for Islamisation (CENTRIS), IIUM.

Future thinking and planning are based on an individual's belief system, as well as their conceptualisation and imagination of the future. Mohd Kamal Hassan stated that the Islamic worldview of future studies dictates how to envision futures in our present life and the hereafter. It strikes a balance between humans' roles and responsibilities as vicegerents of earth and their preparedness for life after death.

Future studies can help us predict our near-term futures, such as technology optimisation via quantum computers and 5G, renewable energy development, healthcare paradigm shift, global economic enhancement, engineering and architectural revolution, reversing climate change impacts, and closing the inequality gap. On the other hand, future planning and thinking based on an Islamic worldview should analyse how Muslim nations have diverged from the methodology and approaches provided by divine wisdom and revelation, in order to remedy their faults and failures.

The encouragement of future studies and forward-thinking can be found in the Qur'anic verse: "O you who have believed! Fear Allah, and let every soul look

to what it has put forth for tomorrow” (59:18). According to Dr Daud Bakar, the key characteristics of future studies are predictive and prescriptive, data-driven (qualitative, quantitative or synthetic), objective, multidisciplinary, unbiased, and develop intuitive power of thinking in anticipating the future. Future studies, if embraced and implemented in our daily lives, will transform our understanding of Islam and its teachings in terms of knowledge management, ethics and moral obligations, laws and jurisprudence, and the construction of a sustainable and resilient civilisation for humanity in the social, political, and economic landscapes. The study of Islam should be subjected to natural language generation and processing that can automatically interpret the teachings of the Qur’an and *sunnah* in a well-organised manner. This will help to spread the message of Islam and establish effective communication with the rest of the world.

**Webinar: Malaysia-Australia Regional Roundtable Discussion (RTD):
Preparing for COP26: Curbing Carbon Emissions by Governments,
Civil Society, and Individuals
(Tuesday, 12 October 2021)**

Shahino Mah Abdullah

IAIS Malaysia, in collaboration with Better Futures Australia, hosted a regional webinar to bring together stakeholders and specialists from both countries in discussing the issues, possible effective responses, and actionable recommendations in reducing carbon emission prior to the UN Climate Change Conference (COP26) in Glasgow. The webinar was officiated by Dato’ Seri Ir Dr Zaini Ujang (Secretary General in Ministry of Environment & Water, Malaysia) and featured several local environmental experts and activists including Professor Dato’ Ir Dr Wan Ramli Wan Daud (Founding President, Malaysia Association of Hydrogen Energy), Dr Shaikh Mohd Saifuddeen Shaikh Mohd Salleh (Director, Centre for Science and Environmental Studies, Institute of Islamic Understanding Malaysia), and Mr Yusaimi Md Yusof (Chairman, Nature Harmony Society Malaysia - GRASS). During the webinar, Zaini Ujang pointed out several measures taken by the government through the Malaysia Climate Change Action Council to reduce 45% carbon intensity based on GDP by 2030, compared to the 2005 level. Wan Ramli stressed the need for Malaysia to seriously adopt renewable energy to reduce its reliance on depleting fossil fuels, and consider alternative energy sources with low or zero emissions. According to Shaikh Mohd Saifuddeen, religion offers invaluable

lessons in the ethics of environmental protection and thus, religious institutions should be at the forefront of the campaign in reducing carbon footprint. Yusaimi called to preserve the forest, protect soil, and improve the farming system to maintain ecological sustainability. From the Australian side, the webinar continued with presentations by Dr Daud Batchelor (Ambassador, Better Futures Australia), Mrs Philippa Rowland (President, Multifaith Association of South Australia) and Mr Mark Delaney (Australia Religious Response for Climate Change). Daud stated that excessive consumerism in wealthy and developed countries has greatly contributed to carbon emission and advised them to return to spiritual teachings and self-training to avoid detrimental desires. Philippa Rowland urged the need to start looking at nature-based solutions and ecosystem service, including respecting indigenous and First Nations' Wisdom in managing their country sustainably. Mark Delaney listed down several actions that can be taken by both individuals and policymakers to reduce wasteful consumption in goods production, transportation, diet, and energy usage. The webinar proceeded with a discussion session by Associate Professor Dr Zul Ilham Zulkiflee Lubes (Institute of Biological Sciences, Faculty of Science, Universiti Malaya), Mr Fauzy Omar Basheer Othman (Head of Facilities of the Future, Group Research and Technology, Petronas) and Dr Ahmad Badri Abdullah (Head of Science, Technology, Environment & Ethics Unit, IAIS Malaysia), Dr Habib Jamal (President, Islamic Council of Queensland), Lisa Cliff (Programme Manager, Better Futures Australia, Climate Action Network Australia), Professor Dr Shahjahan Khan (President, Islamic Society of Toowoomba, also a Professor of Statistics, University of Southern Queensland), Dr Kuntal Goswami (Founder, Australian Centre for Sustainable Development Research & Innovation), and Imam Ahmed Naffa (Imam, Masjid Al Farouq, Kuraby Queensland). The webinar ends with resolutions from both Malaysian and Australian representatives.

**Online Islamic Finance Training Series:
Waqf and Waqf-Based Islamic Financial Products
(11 & 12 November 2021)**

Mohammad Mahbubi Ali

Waqf has a long history in Islam. It has played — and, in many cases, continues to play — a pivotal role in the advancement of the socio-economic well-being of the Muslim community. Throughout the centuries, *waqf* has funded many magnificent architectural monuments and public infrastructures all over the

world. Al-Azhar University in Egypt, the University of Cordova in Spain, and Al-Noori Hospital in Damascus, to name a few, are among the public projects financed by *waqf* funds. Some *waqf* institutions have survived for more than a millennium.

Realising the potentials of *waqf* as a catalyst for economic advancement and empowerment, IAIS Malaysia organised a two-day online training on *waqf* and *waqf*-based Islamic financial products on 11 and 12 November 2021. This course was designed to provide a comprehensive understanding of *waqf*, its practices and its development in modern times. In particular, the two days training discussed the *fiqh* of *waqf* and examined the various emerging *waqf* structures and models, as well as their integration with Islamic financial products. It also highlighted the issues and challenges surrounding the practice and institution of *waqf*.

The training comprises seven sessions. The first session introduced the participants to the concept of *sadaqah* and its relation to the concept of utility. The second session discussed the application of *waqf* in the Islamic capital market sector. The shariah aspects of *waqf* were discussed in the third session, followed by the examination of various *waqf* models applied in Islamic financial institutions such as Islamic cooperatives, Islamic banks, *takaful*, and the capital market, which was discussed in the fourth session. The proceeding session provided insight to the participants on the implementation of *waqf* in the education and health sectors. Various innovations in the modern development of *waqf* such as *waqf* blockchain were presented in the sixth session. The last session highlighted some pressing issues and challenges surrounding the practice of *waqf*.

The two-day training was conducted by three trainers, namely Prof Raditya Sukmana from the University of Airlangga Indonesia, and Dr M Mahbubi Ali and Dr M Fakhurrazi Ahmad, both from IAIS Malaysia. Participants from different backgrounds and countries attended this training session.

Virtual Conference: 1st International Conference on Islam, Sustainability and Resilience (ICISR 2021) (16 & 17 November 2021)

Shahino Mah Abdullah

The International Conference on Islam, Sustainability and Resilience (ICISR 2021) was organised by IAIS Malaysia to explore the roles of shariah

in promoting ecological sustainability, civilisational renewal, economic sustainability and educational sustainability. In his welcoming remarks, Prof Dato' Dr Mohammad Hashim Kamali, Founding CEO of IAIS Malaysia, stated that Islam offers a comprehensive value system to encounter the issues of sustainability and resilience, especially for post-pandemic recovery. This online conference was officiated by YB Dato' Sri Tuan Ibrahim Tuan Man (Minister of Environment and Water) who highlighted the need for new policies, strategies, and regulations that support financial resilience, competent leadership, and environmental sustainability. This was followed by the first keynote speech by Datuk Prof Dr Azizan Baharuddin (Holder of UKM-Yayasan Sime Darby Chair for Sustainability). She reminded the audience that resilience demands a new mindset and holistic approach that combines both empirical knowledge and religious values. The second keynote speech was by Prof Dr Tariquillah Khan from Department of Islamic Finance & Economics, Istanbul Zaim University, Turkey. He promoted sustainable development through Green Economic Transformation (GET) by incorporating the *Maqasid al-Shariah*, national targets, and global SDG goals. The first day began with the theme of 'Islam & Sustainability'. Presenters in the first session were Dr Donald G. Bennett (Florida Public Schools, USA), Dr Shahino Mah Abdullah (Research Fellow, IAIS Malaysia), Ms Jamaliah Jamil (PhD candidate, Universiti Teknologi Malaysia) and Mr Nouman Hussain (PhD candidate, University of Glasgow, UK) with their presentations entitled, "Revisiting future shock in light of Islamic science and its revival", "Sustainable Recovery and its Challenges in the Post-pandemic Period", "Revisiting Hospitality Philosophy: Islamophobia Host-Guest Relationship and Travel in the Muslim world", and "Boundaries of Jihad", respectively. The second session began at noon with the theme 'Economics' and the presenters were Dr Fadhl A. Bashir (Department of Political Sciences, IIUM), Mr Muhammad Syamsul Bahri (Tazkia Islamic University College, Indonesia), Ms Aisyah As-Salafiyah (Tazkia Islamic University College, Indonesia), and Ms Ain Zaidatulazira Omar (Jamiyah Nursing Home Singapore) with their presentations entitled, "Behaviour of Muslim Donors During the COVID-19 Pandemic: The Case of GCC Foreign Aid", "The Nexus of Green Economy and Islamic Finance: Insights from a Scientometric Analysis", "Waqf and Sustainability: A Text Mining", and "Corporate Social Responsibility Response to COVID-19 Pandemic: The case Study of Malaysian Private Sector", respectively. The event continued on the second day with the theme 'Education' featuring Prof Dr Noor Azlan Ahmad Zanzali (Professor of Education, Universiti Teknologi Malaysia), Ms Noor Asyikin Abd Razak (Department of Sociology & Anthropology, IIUM), Ms Nor Athiah Mohd Noor (Kulliyyah of Education, IIUM), Assistant Professor Dr Nefertari Al-

Raschid Arsad (Institute of Islamic Studies, University of the Philippines), and Dr Busari Moshood Olaniyi (The West African Examination Council, Lagos, Nigeria) with their presentations entitled, “Insan Rabbani Concept as a Basis for Educational Sustainability”, “Empowerment of Traditional Knowledge of Orang Asli During the COVID-19 Pandemic”, “Contributing Factors Toward Social Solidarity Among Multicultural Muslim Students: A Phenomenological Study”, “Deconstructing The Islamic Studies Program in Higher Education Institutions”, And “Secondary School Education in the West African Sub-Region: A Critical Survey in the Face of Islam”, respectively. The webinar ends with an interactive session before Associate Professor Dr Mohamed Azam Mohamed Adil (Deputy CEO, IAIS Malaysia) announced the recipients of the “Best Paper Awards”, namely “Empowerment of Traditional Knowledge of Orang Asli During the COVID-19 Pandemic”, “Behaviour of Muslim Donors During the COVID-19 Pandemic: The Case of GCC Foreign Aid”, and “The Nexus of Green Economy and Islamic Finance: Insights From a Scientometric Analysis.”

BOOK REVIEWS

Fahd Sāliḥ al-‘Ajlān - Al-Taḥrīm wa al-Tajrīm fī Bayān al-‘Alāqah bayn al-Taḥrīm al-Shar‘ī wa al-Tajrīm al-Qānūnī [Prohibition and Criminalisation: Explaining the Relationship Between the Shariah’s Prohibition and the Law’s Criminalisation]

(Riyadh: Markaz al-Bayan lil-Buhuth wa-al-Dirasat, 2017), 210 pp.

ISBN: 978-603-8191-18-7

by Muḥamad Sayuti Mansor, *Special Assistant to the Founding CEO cum Analyst, International Institute of Advanced Islamic Studies (IAIS) Malaysia.*

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Al-‘Ajlān’s *al-Taḥrīm wa al-Tajrīm* is a unique contribution to the discourse on the legal enforcement of morality in Islam. This book aims to explain the correct relationship between the shariah’s prohibition and the law’s criminalisation amid the heated polemic over the extent of state’s intervention into the private lives of individuals, which gave rise to the argument that “*not all of what shariah prohibits needs to be criminalised.*”

The author provides a general overview of the conceptual relationship between shariah’s prohibition and law’s criminalisation in Chapter One. In the modern criminal law, when something is not categorised as a crime, it is deemed permissible and lawful. The law must therefore justify its legal permissibility (*ibahah qanuniyah*), even if it is morally incorrect. But the same cannot be true of shariah, which is based on the principle of “commanding right and forbidding wrong”. Instead, it is the law’s responsibility to safeguard and uphold the shariah’s rulings. This does not, however, imply that every single shariah restriction must be legislated or prosecuted in court. Due to the flexibility of discretionary punishment (*ta‘zir*) and consideration of the public interest (*maslahah*), the quest to forbid injustice can be done informally by everyone.

In Chapter Two, the author distinguishes between the western concept of crime and Islamic law. In the West, there is a strong link between crime and punishment that a crime can only be identified by the presence of punishment, without which it cannot be considered a crime at all. Therefore, moral wrongdoings such as fornication and homosexual acts are not considered crimes

in the West and should not be punished. On the other hands, shariah does not distinguish between the two, so such wrongdoings are still considered crimes despite the absence of stipulated punishments. The second distinction is the obligation to execute the specified punishment. While Western criminal law made it mandatory to carry out the punishment specified in the law, *ta'zir* offences are not required to be punished officially. For a minor offence, an informal warning or advice is sufficient, or it can even be completely absolved.

Chapter Three is dedicated to evidences supporting the criminalisation of shariah prohibitions. First, the author gives a detailed account of the qur'anic verses, *hadiths*, and Muslim scholars' consensus on the obligation to forbid wrongdoings of all kinds. Then, using the two related concepts of *ta'zir* and *hisbah*, he proceeds to defend the legitimacy for punishing all of these moral wrongdoings. *Ta'zir* encompasses all wrongdoings not specified in the textual sources including moral transgressions such as extramarital sex, abandoning the obligatory worships and eating publicly during the fasting month. The *ratio legis* for criminalising these offences liesis found in the violation of the religious prohibition itself, rather than in any other external elements. While the existence of several moral offences that are not punishable by *ta'zir* is regarded as an exception that does not affect this general rule.

On the practice of *hisbah*, the *muhtasib*'s important roles in enforcing public morality and modesty, upholding the public prayers, and prohibiting public manifestation of moral wrongdoings demonstrated that *hisbah* provides a significant mechanism to enforce morality. This is evident by the collection of the quranic verses, *hadiths*, practices of the rightly guided Caliphs, consensus, and the consideration of public interest that emphasises the importance of law enforcement in ensuring citizen's submission, as opposed to relying solely on individual consciousness.

In Chapter Four, the author attempts to mitigate the unintended consequences of strict moral enforcement and the possible power abuse through by taking public interest into account and employing shariah-oriented policy (*siyasa shar'iyah*). By making these two concepts preconditions, the state authority is required to consider factors such as offender's and society's interests, and circumstances under which the offender commit his or her offence before executing punishment. It also allows some flexibility, such as pardoning a first-time offender, using light punishment or dropping the charge entirely if there is no benefit or greater harm. Therefore, the criminalisation of shariah prohibitions is not done arbitrarily or whimsically but must adhere to clear and strict guidance stipulated by shariah guidelines.

In Chapter Five, the author responds to the objection of legal enforcement of morality. He compiles ten different contemporary approaches on the relationship

between shariah prohibition and legal criminalisation. In general, they denied a direct link between the two. Some of them even opposed criminalising shariah prohibitions on the grounds that they are considered as private affairs, or that shariah punishment is only limited to the Hereafter. Some restrict the shariah's right to criminalise to certain categories only, such as those related to "men's rights" (*huquq al-'ibad*), public interest or causing "harm to others". As for the rest, they either make it conditional upon the agreement of the majority and the existing legal provision, or do not provide any differentiation at all.

Each approach is then analysed and refuted. Al-'Ajlani primarily criticises the influence of secularism on these approaches, arguing that they cannot regard shariah prohibitions *per se* as a valid reason for criminalisation. The dichotomy between what is legal and what is moral also affected their view that they cannot perceive that it is God's prerogative to dictate what is good and bad and the need for the state power's policy to promote religious interests. Moreover, this secular worldview changed their approach to the law and criminalisation, especially in terms of legitimacy, legal characteristic, and the concept of religiosity. The author then illustrates the ideal moderate approach to this matter that supports the legal enforcement of morality and the right to criminalise shariah prohibitions.

Al-'Ajlani's final chapter attempts to uphold his view on the legal enforcement of morality in Islam, despite the fact that some moral wrongdoings are not punishable by law. Primarily, the author did not deny that some moral wrongdoings, such as backbiting and lying, are difficult to punish. Next, he discusses the difference between criminalisation and punishment in Islamic law, arguing that moral transgression can still be considered a crime without its penalty being imposed. Moreover, this incapacity to punish is frequently due to external constraints, such as when it has become a common hardship (*'umum al-balwa*), a reduction in the society's religiosity or a changing reality. Inherently, it is the crime itself that must be prohibited. Thus, legal punishment is only a procedural and technical way of prohibiting wrongdoings, not an end in itself.

This work is an excellent masterpiece in safeguarding the Islamic principle of legal enforcement of morality. Nonetheless, certain concerns must be expressed here. First, Al-'Ajlani's focus on the negative connotation of legal permissibility of the moral misconduct appears to take for granted the modern legal system's position on the neutrality of modern law towards morality. The concept that modern law simply eliminates morality from its realms rather than recognising it remains untested. Second, while this book is intended to be a critique of the modern legal system, it may unintentionally fall into the trap of modernism. While criticising the separation between what is legal and moral, the author relied on another modern state logic; the over-reliance on state authority

and legislation to enforce morality. Finally, this work may be more suited to targeting secularists and “liberal” Muslims. Although political Islamists assert the same argument, their motivation may differ. As they are trying to impose shariah within the framework of the modern system, and the author suggests to implement it from the perspective of Islamic criminal law, most probably, they are two sides of the same coin.

Joseph .J. Kaminski, *Islam, Liberalism and Ontology: A Critical Reevaluation*

(New York: Routledge, 2021), 198 pp.

ISBN: 978-0-367-53985-6

by Mohamed Fouz Mohamed Zacky, *Ph.D. candidate in Political Science, International Islamic University Malaysia.*

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Islam, Liberalism and Ontology: A Critical Reevaluation is an ambitious work that challenges the fundamental direction of the entire debate of reconciling Islam with liberal ideas. Joseph J. Kaminski, an assistant professor of political science at the International University of Sarajevo, presents his core argument in this book, stating that “liberalism - Enlightenment, and Political- and Islam operate on fundamentally different baseline assumptions about the nature and reality of itself. The stark differences regarding the overarching ontology of both discourses make reconciling them very problematic.”

He also criticises the reality that most academic endeavours that juxtapose Islam with the Liberal worldview are predicated on the presumptions that both are compatible from the beginning, which fails to produce a critical dialogue between the two doctrines. In the introductory part, the author includes some remarks on comparative political theory and contemporary debates that inspire his research. He interestingly states that one of his work engages in ‘the more orthodox sources first and then moving on to less orthodox ones’. Thereby, the comparative political effort can make a broad ontological claim on a particular discourse. In other words, Kaminski argues that ‘it makes no sense to base one’s argument about liberalism and or Islam on sources widely seen as overly reformist or outside the mainstream’. The author’s overarching arguments are outlined in nine chapters, including introduction and the conclusion.

Chapters two and three examine the enlightenment roots of liberalism and its so-called modest version of political liberalism. Initially, Kaminski

asserts unequivocally that “modern liberalism’s beginnings clearly lay within the European enlightenment and the western intellectual tradition. Liberal individualism is an inevitable outcome of modern secularism, and secularism, in turn, is a natural result of these enlightenment ideas. The book states that secularism entails contemporary man re-positioning himself in regard to the cosmos, a prioritisation of the individual psyche above the communal, and a new way of understanding science and causality.

The third chapter’s main point is that political liberalism is nothing more than a brainchild of perfectionist liberalism. Political liberalism, as opposed to its perfectionist counterpart, shows its value-neutrality through the idea of public reason. As one of its prominent proponents, Rawls argues that public reason has the capacity to attain an *overlapping consensus* in the public realm, even though engaging in the process may have different perspectives of what constitutes a good life. Nevertheless, Kaminski merely asks what if one’s own religion or belief contradicts public reasoning on a certain subject. Interestingly, in situations of conflict, Rawls stipulates that public rationality overrides individual reasoning. Kaminski says that in this context, political liberalism reflects its exclusivity and reveals its intrinsic link with the larger liberal philosophical paradigm.

In chapter four, the author devotes substantive attention to the subject of how to understand ‘Islam.’ Kaminski outlines his threefold framework for understanding Islam. In this section, he asserts that any understanding of Islam must incorporate the five pillars of Islam, six articles of faith, and canonical Islamic knowledge that has grown over times, as well as how Muslim lived within their integral aspects. Following this secondary level is commentaries and developments by subsequent scholars on the aforementioned canonical discourse. The author accepts that defining an orthodox interpretation of Islam in light of Islam’s broader intellectual tradition is nearly impossible. However, since there were central tenets of Islam that were agreed upon, prior scholars were able to distinguish between who was an innovator and who was an outright disbeliever.

This book makes an important point in comparing Islam’s moral epistemology with liberalism. On the other hand, unlike the independent liberal ethical mind, God is the creator of the cosmos and values, and hence, the scripture or God’s higher authority plays an important role in uncovering the dimensions of ethics in Islam. Kaminski exposes the gap between Islam and Liberalism in articulating individual rights. He claims that on one level, both are concerned about the individual. However, the manner in which these concerns are expressed differs dramatically; Islam is more concerned with the individual’s soul and their spiritual well-being while liberalism does not concern with the intrinsic qualities of man.

The book argues that there may be a common space in which Islam and the liberal framework can coexist without a conflict in regard to public issues.

Yet, there are substantial issues in the philosophical level that would prohibit Islam from accepting liberal demand in terms of how Islam should define its position in addressing the public realm. Here, Kaminski expresses his scepticism that mainstream Islam can be an acceptable option that fits well within the most prevalent Rawlsian argument on '*political and secular-based reasons for justifying what the doctrine supports*' in debating the public affairs. Kaminski is well aware that Islamic or legal ethical judgments would not hesitate to provide reasonable public justifications for its position on public concerns, as 'some of the Islam's legal prescriptions simply cannot be justified via appeals to secular public reason, such as the law of inheritance, prohibition of consumption of alcohol and laws of marriage, etc.'

In terms of legal philosophy, Kaminski emphasises that the liberal paradigm varies from the Islamic counterpart in a few notable aspects. Primarily, the liberal legal tradition concentrates on the issue's legality or 'what is legally right or wrong'. For liberal order, 'a just law is a legal law and questions related to 'the good' are not considered'. Islamic view on legality, on the other hand, transcends the restricted definition and incorporates the ethical and moral implications of the law into its own definition of legality. In that sense, Islamic law is 'expansive'. According to him, the broad character of Islamic legal philosophy is rooted in a cosmological truth that 'justice an openly prescribed need in an Islamic court. While context-specific versions of liberal positive law frequently have their own underlying sources, such as secular constitutions or human-made Bills of Rights, these foundational sources are inherently changeable and susceptible to interpretation.

As opposed to liberalism and its *deep disagreements* with Islamic onto-epistemological assumptions, the book contends that the communitarian framework might be an alternative paradigm in rethinking modern Muslim societies for several reasons. Because communitarian theorists believe that communities can be formed based on shared collective ideas and, they support the ontological claim of social nature of the self, the methodological claim of the importance of social context for moral and political reasoning, and normative claims about the value of community. Hence, the theory provides a flexible area to build a Muslim community based on the Qur'anic worldview.

Finally, an overall exploratory reading of this book generates three critical inputs that transcend the scope of this its study. First, comparative studies among dominant notions should always be founded in well-grounded philosophical architecture, allowing separate ontological underpinnings of ideologies to be extracted. Only then can those ontological assumptions be discussed with their counterparts. Second, this work contributes to healthy and honest discussions among communities and a mutual understanding on a wide array of topics by

promoting the moral values that respect diversity and plurality. Third, by bringing together Western theorists who advocate for an alternative communitarian paradigm to accept his communitarian plan for Muslim societies, Kaminski aims to demonstrate that his work is not just a divisive endeavour that promotes the '*us against them*' narrative. Instead, he intends to promote a new trend of discourses in which the Muslim scholars may critique and learn.

OBITUARIES

Professor Malik Babikr Badri (1932 - 2021)

Norliza Saleh

Professor Malik Babikr Badri Mohammed, a professor of psychology, a prolific writer, and a mentor, passed away at the age of 88 on February 8th, 2021. He completed his primary studies in Sudan and earned both Bachelor's and Master's degrees from the American University of Beirut. He completed his PhD at the University of Leicester, England, in 1961 and Postgraduate Certificate of Clinical Psychology from the Academic Department of Psychiatry of the Middlesex Hospital Medical School of London University in 1966. His academic career began as a Fellow at the British Psychological Society, where he was awarded the title of Chartered Psychologist. He was a professor at the International Islamic University Malaysia for more than 20 years.

In the 1960s, he became very active in reforming the secular framework of modern psychology. Malik Badri's most influential book, *The Dilemma of Muslim Psychologists*, published in London in 1979, had been a major game-changer for Muslim students to be more critical of Western psychological theories and practices. He emphasised the integration of spirituality (soul) and modern psychology, which constitutes a foundation for Islamic psychology and psychotherapy. In recognition of his outstanding achievement, he received honorary awards by UNESCO and WHO. He was conferred with the medal of Shahid Zubair by the President of Sudan.

Islamic psychology today is no longer an alien subject. Malik Badri's devotion and enthusiasm for the Islamisation of Psychology began to bear fruit. He initiated many university departments, centres, and associations, including the Applied Psychology Department at the University of Khartoum and the Psychological Clinic of the University of Riyadh. Acknowledging his contributions, IIUM granted Malik Badri as the holder of the Ibn Khaldun Chair. In 2017, he gathered a number of prominent Muslim psychologists worldwide and founded the International Association of Islamic Psychology (IAIP) with the objective to form a more comprehensive Islamic framework of psychology. He was very active in giving lectures and keynote addresses until the last days of his life.

IAIS Malaysia was very fortunate to have him present a paper, "Emotional Blasting Therapy: A Psychotherapeutic Technique Invented by Early Muslim Physicians," at IAIS's International Conference on Developing Synergies Between Islam and Science & Technology for Mankind's Benefit on 2 October 2014. In that conference, he emphasised the importance of going back to the original Islamic sources and the works of early Muslim predecessors in the field of psychology; most of which have been underestimated. For instance, the therapeutic technique, 'flooding', that inverts the gradual approach of systematic desensitisation was first invented by Muslim doctors, ar-Razi and Ibn Sina. They believed that unexpected explosive emotion could cure psychological, psychosomatic and organic disorders. Unfortunately, this therapy is not fully utilised by Muslim psychologists.

He wrote many important books, including *Contemplation: An Islamic Psychospiritual Study*, *Cyber-counseling for Muslim Clients*, *Islam and AIDS: Between Scorn, Pity and Justice*, and *Abu Zayd al-Balkhi's Sustenance of the Soul*. Some books have been translated into other languages.

Indeed, his death is a great loss to the Muslim ummah. Former students and colleagues remembered him as an enthusiastic, thoughtful and supportive professor, who always had a broad smile and his speech was always with wisdom. Malik Badri is survived by his wife, Dr Fatimah and seven children. Our deepest and most sincere condolences to his family, and may his soul be blessed and placed among the pious in paradise. His legacy in Islamic psychology will always be remembered.

Professor Emeritus Dato' Abdul Hamid A. Abu Sulayman (1936-2021)

Nurul Ain Norman

Dato' Abdul Hamid A. Abu Sulayman was a notable Muslim scholar of the twentieth century and a key figure in the Islamisation of knowledge movement. Born into a respectable family in Mecca in 1936, he graduated from the University of Cairo in 1959 and 1963, respectively, with degrees in commerce and political science. He obtained his PhD in International Relations from the University of Pennsylvania in 1973. He had a brief administrative career before becoming the chairman of King Saud University's political science department. He was also the founding member of the International Institute of Islamic Thought and the

Association of Muslim Social Scientists. Later, in 1988, he began his ten-year tenure as rector of the International Islamic University Malaysia (IIUM).

During his time at IIUM, he was fully devoted to the curriculum, philosophy, and development of that institution. Using his ideas for rejuvenating Islamic philosophy and learning methodology in the context of the modern world, he established the Islamic Revealed Knowledge and Human Sciences (IRKHS) Faculty, which integrated divine and human sources into one unified whole. His outstanding contemporary traditionalist ideas were incorporated into the architecture and building structure of IIUM. Through the beautiful designs of the institution's mosque, library, and *bazaar*, he created a learning environment that expressed the monotheistic, ethical, and economic sides of life. He was a man of inspiration, not only through his scholarly works, but also via his exemplary leadership. He was a man of kindness and great humility, as well as an agent of unity and peace for the Muslim world.

Among his major works were *The Crisis of the Muslim Mind* (1986), *The Islamic Theory of International Relations: New Directions for Islamic Methodology and Thought* (1993), *Islamisation: Reforming Contemporary Knowledge* (1994), and *The Quranic Worldview: A Springboard for Cultural Reform* (2011). His reformist ideas sought to the Muslim intellectual community as a whole, advocating the creation of a new identity based on the ummah's Quranic vision of civilisation. Professor Abdul Hamid Abu Sulayman also contributed to Islamic education through his publications. His two educational publications discussed practical strategies for building character, knowledge, values, skills, and a faith-based viewpoint to assure healthy relationships, emotional well-being, excellent physical health, and the nurturing of God-conscious, ethical behaviour, and successful children.

He saw education as a powerful tool for social reform, and hence placed a high value on education at all stages of human life. This belief led to his role in the foundation of the International Islamic School Malaysia. In terms of the ummah's priorities, he said that they include not only reforming education, but also cooperation among partners, proper planning, and effective execution. If the ummah's interests are protected based on these principles, then civilisation can be revived through the pursuit of brotherhood, justice, cooperation, and peace. Professor Dato' Dr Abdul Hamid Abu Sulayman's demise is truly a tremendous loss for the ummah. The world has lost a giant of knowledge, reminding us that 'the death of a scholar is the death of the world'. May Allah accept his life-long service, forgive his shortcomings, and grant him a place in *Jannah al-Firdaus*.

Tun Ahmad Sarji Abdul Hamid (1938 - 2021)

M. Fakhrurrazi Ahmad

Born on September 16, 1938 in Tapah, Perak, Tun Ahmad Sarji Abdul Hamid received his early education at the Malay School Pasir Puteh, Ipoh, Perak. He attended the Government English School in Tapah and Anderson School in Ipoh, before pursuing a Bachelor's degree at the University of Malaya in 1960 and a Diploma in Public Administration at the Institute of Social Studies, The Hague, Netherlands in 1967. He obtained his Master's degree in Public Administration from the Harvard University in the United States in 1971.

Ahmad Sarji began his career in public administration as the Deputy Assistant District Officer of Klang, Selangor in 1961. At the age of 25, he was one of the youngest civil servants to be made a District Officer, first at Rembau in 1963 and then at Port Dickson in 1964. He was appointed as the Assistant Director of the Public Service Department in 1968 and the Secretary of the Prime Minister's Department in 1972. He served as the founding Director General of the Farmers Association Authority from 1973 until 1979. In 1981, he was the Deputy Chairman and Director General of Majlis Amanah Rakyat (MARA). In 1985, he was appointed as the Deputy Director General of the Public Service Department (JPA) and the Director General of the Ministry of Trade and Industry, as well as the Chairman of the Malaysian Industrial Development Board (MIDA). From 1990 until 1996, he served as the Chief Secretary to the Government, the most senior position in the civil service.

Ahmad Sarji was a remarkable bureaucrat who demonstrated excellent leadership and relentlessly pushed the boundaries for his beloved country. He argued that strong development plans and policies were insufficient for Malaysia's success, and that a government dedicated entirely to serving the needs of the people was far more necessary. According to him, visionary leadership that recognises administrative challenges at the political level and is backed by competent public service administration would initiate change in public administration and socio-economic development.

In 1992, Ahmad Sarji was appointed as the first Chairman of the Institute of Islamic Understanding, Malaysia (IKIM) and served until 2009. Prime Minister Tun Mahathir reappointed him as Chair of IKIM in 2019. His leadership strengthened the institute's reputation as a leading centre for Islamic knowledge and education in promoting inter-civilisational dialogues, Islamic finance and economics, environmental ethics, and sustainable development. He also served as the Chairman of the Malaysian Institute of Standard and Industrial Research

(SIRIM) in 1992, Chairman of Permodalan Nasional Berhad in 1996, Chairman of Sime Darby in 1998, Pro-Chancellor of Universiti Tun Abdul Razak (UNITAR) in 2003, Pro-Chancellor of Universiti Kebangsaan Malaysia (UKM) in 2006, and Chancellor of Universiti Tun Abdul Razak (UNIRAZAK) in 2012.

Ahmad Sarji regarded leadership not as a position of profit but of trust; and one can only achieve great victory if this trust was honoured. He received numerous recognitions for his outstanding leadership in administration and management, including the National Ma'al Hijrah Award in 1999, the Sports Leadership Award by the National Sports Awards, the Tun Sri Lanang Premiership National Book Icon Award, the Gold Medal of Honour 2012 by the Royal Rotary Club of Kuala Lumpur, the Queen Victoria Memorial Medal by the European Business Assembly, and he was named the National Sports Icon in 2015. In June 2008, Ahmad Sarji was granted the Seri Setia Mahkota Malaysia (SSN), which bears the title 'Tun'. He breathed his last breath on 28 August 2021 at the age of 82 and was buried at the Raudhatul Sakinah Islamic Cemetery, Bukit Kiara, Kuala Lumpur.

Professor Dato' Dr Siddiq Fadzil (1947-2021)

Mohamed Azam Mohamed Adil

Professor Dr. Siddiq Fadzil was born on 4 January 1947 in Kampung Sungai Tiang Darat, Bagan Datoh, Perak, to a family of Javanese descent. He received his primary education at Sungai Tiang Darat Primary School (1954-1959) and his secondary education at Izzuddin Shah Religious School in Ipoh (1959-1966). He then moved to the Lembah Pantai Language Teaching College in Kuala Lumpur (1967-1968) to begin his career as an educator, before continuing his studies at the University of Malaya (1971). He joined Universiti Kebangsaan Malaysia, Bangi, as a tutor after obtaining a Bachelor of Arts degree in Islamic Studies with First Class Honours (1974), then pursued his second degree at the same university, gaining a Master of Letters (M.Litt.) in Islamic Thought in 1978. In 1989, he was the first person to get a Doctor of Philosophy (Ph.D) degree in Malay Culture and Islamic Philosophy from the Institute of Malay Language, Literature and Culture, UKM.

Siddiq Fadzil served as the third President of the Malaysian Islamic Youth Movement (ABIM – Angkatan Belia Islam Malaysia) from 1983-1991, succeeding Anwar Ibrahim, who quit to enter politics by joining UMNO. He was also the President of the National Association of Malaysian-Muslim Students

(PKPIM, Persatuan Kebangsaan Pelajar Islam Malaysia) and the leader of the Muslim Students Association at the University of Malaya (PMIUM, Persatuan Mahasiswa Islam Universiti Malaya). He also acquired the trust of the Perak state government when he was appointed to the Perak Islamic Religious and Malay Customs Council (1992-2000).

In 2005, Siddiq Fadzil founded Wadah Pencerdasan Umat Malaysia. Finally, he was the Chairman of the Board of Directors of Universiti Sains Islam Malaysia (USIM) from 1 October 2018 until his death on 31 August 2021. He was the President of Kolej Dar al-Hikmah, the Head of Majlis Istisyyari, Wadah Pencerdasan Umat Malaysia (WADAH), the Chairman of the Board of Directors of Institut Darul Ehsan (IDE), and the Chairman of the Academy of Civilisational Studies (AKK, Akademi Kajian Ketamadunan) at Universiti Industri Selangor (UNISEL) where he was also appointed as an Adjunct Professor.

Dr. Siddiq was a very prolific writer and a productive scholar. Among the books published by him are *Sejarah Orang Cina di Tanah Melayu* (*History of the Chinese People in Malaya*) (1971), *Kebangkitan Islam: Kenyataan dan Harapan* (*The Rise of Islam: Reality and Hope*) (1975), a translation of *Di Bawah Naungan al-Qur'an* (*Under the Protection of al-Qur'an*) (1980), *Minda Melayu Baru* (*New Malay Mind*) (1992), *Turning to History in a Direction* (1999), *Tawhidic Management* (2001), *Qur'anic Perspectives: Thematic Discourse Series* (2003), and *Management in Islam: Appreciating Principles and Values* (2005).

One of his most recent publications, *Pembinaan Bangsa – Kepelbagaian Dalam Bingkai Kesatuan* (*Nation Building – Diversity in the Framework of Unity*), published by Institut Darul Ehsan (IDE), was regarded as one of the finest references advocating nation building in a plural society like Malaysia. He argued that the terms *dhimmi* and *harbi*, as defined by classical scholars, do not adequately characterise Malaysia's multireligious and multiethnic society seeking to replace them with *muwatanah*, or "Malaysian citizen".

In recognition of his great contribution to Islamic education, the late Siddiq Fadzil received the National Ma'al Hijrah Recipient Award (*Tokoh Maal Hijrah*) in 2018. In 2001, he was conferred the Darjah Dato' Paduka Mahkota Perak (DPMP), which carries the title Dato'. In 2006, he was also honoured with the Perak Ma'al Hijrah Award.

Siddiq Fadzil died at 6.32 pm on 31 August 2021 at the age of 74, in An-Nur Specialist Hospital, Bangi, Selangor, from lung and kidney infections. His remains were buried at the Islamic Cemetery, Kampung Sungai Ramal Dalam, Kajang, Selangor.

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