

# INTERNATIONAL CONFERENCE ON FAMILY LAW, FAMILY JUSTICE AND MAQASID AL-SHARI'AH **2021**

## AN OVERVIEW ON ISLAMIC PRINCIPLES OF RELIGIOUS DIVERSITY AT WORKPLACES IN MALAYSIA

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## INTRODUCTION

- Islam recognized the rights and liberties of non-Muslims who were living in a Muslim Country. Islam enjoins good treatment to them so long as they do not fight the Muslims.
- Freedom to profess a religion of a person's choice also reflects that non-Muslims are also allowed to practice their religion in a Muslim Country including in workplaces where the employers are Muslims. It follows as similar to that Muslims should also be allowed to practice their religion where the employers are non-Muslims.



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## RELIGIOUS DIVERSITY IN MALAYSIA

- Religion is undeniably diverse in Malaysia. With Islam, Buddhism, Hinduism, Taoism, Christianity and some forms of Shamanism, Malaysia has become a multi-racial nation due to the ethnic-demographic basis, making up the composition of religions in Malaysia.
- The theory of religious diversity dictates that there are essential variations in religious belief and practise, even within the same religious group.
- The theory actually promotes the concept that one religion is as good as any other. This is the pluralistic approach to religion in a liberal society.



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## RELIGIOUS DIVERSITY IN MALAYSIA

- Nevertheless, it is submitted that the situation is rather different in Malaysia. This is due not only to the fact that the majority of the citizens in Malaysia are Muslims, but also the fact that several articles in the Malaysian Constitution actually makes special mention and treatments to the religion of Islam as well as the Malays, who are defined under the Constitution as being Muslim.
- The workplace religious diversity is never directly addressed by statute or policy. It purely depends on the initiatives of the workers or employers who have an awareness of the need to provide facilities and opportunity for the workers' need to perform their religious requirements.



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## RELIGIOUS DIVERSITY IN MALAYSIA

- Since the time of the Holy Prophet s.a.w, there is evidence to show that the Holy Prophet had respected the rights of non-Muslims to profess and practice their religion. Hence, a corollary right to this is that the right to practice one's religion is inclusive of them doing so within their workplace.
- This research submits that every employer needs to respect the right as it is a universally accepted right under the Constitution as well as the Shari'ah.



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## ISLAMIC PRINCIPLES RELATING TO THE RIGHT TO PRACTICE RELIGION AT WORKPLACES

- Islam is a comprehensive religion that enjoins an Islamic way of life.
- Islam teaches the Muslims the ethical way to deal with non-Muslims who share the same workplace.
- Those principles include being merciful, practicing no compulsion, respecting and being polite to each other, not causing harm and avoiding oppressive behaviours, doing good and being gentle, being just, forgiving and faithful.



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## 1. MERCY

- There is a very broad definition of mercy in Islam that includes empathy, love, affection, empathy, tolerance for others. It is basically treating others empathetically and treating them the way we wish to be treated.
- Allah the Almighty said to the effect, “And We have not sent you, [O Muhammad], except as a mercy to the worlds.”



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## 1. MERCY

- Ibn 'Ashur mentioned "As for the mercy of Islam on non-Muslims, it is meant for ahl al-dhimmah. The mercy on them is not coercing them to part from their religions and to make justice among them in judgments whereby they have what the Muslims have in the sense of general rights."
- Therefore, to achieve mercy at the workplace, the employer is to respect the right of dressing, the right to display religious decorations, and the right to wear any religious symbols according to the religious values of the employee.



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## 2. NO COMPULSION

- Islam teaches that there is no compulsion to accept Islam. In other words, there should be no pressure on anyone to become a Muslim. Rather, someone who is led by Allah to Islam opens his heart to Islam and illuminates his mind, firmly embraces Islam. Anyone whose heart is blind and seals his ears and eyes to Allah does not benefit from being compelled to obey Islam.
- This is based on the verse, “Let there be no compulsion in religion.”



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## 2. NO COMPULSION

- At the same time, Allah forbids His Messenger and Muslims from offending the idolaters' false deities, although there is a strong advantage in doing so. Insulting their deities would lead to a greater evil than its advantage, because, despite the truth is the religion of Islam, the idolaters can retaliate by insulting Allah.
- Therefore, this principle reflects that in the workplace the employer should not impose restrictions on any acts of worship or compelling the non-Muslims to embrace Islam.



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## 3. RESPECT AND BEING POLITE

- Islam teaches Muslims to practice respect and be polite to one another. In contrast, impoliteness and rudeness must be avoided at all times.
- Allah the Almighty said: “O mankind, indeed, We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the noblest of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.”



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## 3. RESPECT AND BEING POLITE

- It is narrated that a young Jewish boy who used to serve the Prophet s.a.w became sick. So the Prophet s.a.w went to visit him. He sat near his head and asked him to embrace Islam. The boy looked at his father, who was sitting there; the latter told him to obey Abu al-Qasim and the boy embraced Islam. The Prophet s.a.w came out saying, “Praises be to Allah Who saved the boy from the Hellfire.”
- To maintain workplace peace and harmony, people need to respect, understand, and educate themselves about various faiths and cultures.



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## 4. NOT CAUSING HARM AND OPPRESSION

- Islam prohibits the act of harming or oppressing of one another including the non-Muslims. Islam makes it obligatory to protect non-Muslims from any harm and oppression.
- It is narrated by 'Abdullah bin 'Amr that the Prophet s.a.w said, "Whoever killed a mu'ahid shall not smell the fragrance of Paradise though its fragrance can be smelt at a distance of forty years of travelling."



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## 4. NOT CAUSING HARM AND OPPRESSION

- Therefore, the employer should accommodate the employee's requests to be excused from performing particular duties that seem to be contradicted with his/her religious norms to avoid causing harm, hurting, abuse, and cruelty to the employee. As an example, when workplace events are held, the employer also should be aware of food restrictions and offers a meal that can accommodate all employees' beliefs.



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## 5. DOING GOOD AND BEING GENTLE

- It is the commandment to do righteousness, good and be gentle to non-Muslims. Islam prohibits any kind of abusive and improper words to Muslims and even non-Muslims as Allah ordered to speak to people good words.
- Abu Hurayrah reported it was said to the Prophet s.a.w to invoke the curse upon the non-Muslims. However, the Prophet s.a.w said, "I was not sent as the invoker of the curse, but I was sent as a mercy."



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## 5. DOING GOOD AND BEING GENTLE

- There is also the renowned story of Abu Hurayrah who reported that his mother who was a non-Muslim kept saying something bad to the Prophet s.a.w. When he told the Prophet s.a.w about his mother, the Prophet s.a.w said, "O Allah set the mother of Abu Hurayrah on the right path." Consequently, his mother embraced Islam.
- A similar attitude was shown by the Prophet s.a.w to Asma' bint Abu Bakr as he ordered Asma' to treat her mother with kind and generous despite her mother is non-Muslim.



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## 5. DOING GOOD AND BEING GENTLE

- The qualities of doing good and being gentle as shown by the Prophet s.a.w, support a proposal that the employer should tolerate any religious celebrations of important events. The employee should also be allowed to apply for a leave for his/her religious festivals. Similarly, the employer should also provide special leaves facilities for the employee to perform their religious obligations or festivals.



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## 6. JUSTICE

- In Islam, justice must be exercised and upheld between all human s and is not only meant for Muslims.
- Allah the Almighty said: “O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah; indeed, Allah is Acquainted with what you do.”
- The Prophet s.a.w interacts with justice with non-Muslims even with the Jews. For example, the Muslims never touched the village of a woman who had embraced Islam although the villagers had not yet embraced Islam.



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## 6. JUSTICE

- Besides, Zayd bin Sa'nah, a non-Muslim man once bought some weight of dates from the Prophet s.a.w with the postponement of the delivery of the dates from the Prophet s.a.w. Before the appointed meeting time, Zayd purposely said fiercely to the Prophet s.a.w, "Do you not want to give me my rights? By Allah, I never knew Bani 'Abd al-Mutalib loves to ignore the payment of debts!" The Prophet s.a.w replied to him nicely and then said to Umar, "Umar, go to him and give him his right. Then, add to him 20 sa'a of dates."



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## 6. JUSTICE

- Therefore, the policy of an organization should not restrict to hire only those who have a certain religious background. The employer should apply the laws that provide equal employment and promotion opportunities for all employees regardless of their race, skin colour, religion and gender. The employer should not discriminate on grounds of religion in terms of recruitment and work conditions. Employees should be able to exercise religious freedom and equality in the workplace. Ensuring this right to them would exudes a sense of justice on the part of the employer and instill a sense of satisfaction on the employees. This would increase their loyalty to the organization and make them more productive.



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## 7. FORGIVING

- It is one of the qualities of the Prophet s.a.w to give forgiveness to non-Muslims who hurt him.
- For example, the Angel of the Mountains had offered to the Prophet s.a.w to do whatever he wished to people who opposed his preaches. They said, “O Muhammad! Order what you wish. If you like, we will let the two mountains (Al-Akhshabayn) fall on them.” The Prophet s.a.w reply: “No, but I hope that Allah will let them beget children who will worship Allah Alone, and will worship none besides Him.



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## 7. FORGIVING

- Similarly, the Prophet forgave Husayn who said something bad to him, taught him beneficial prayers to Allah, and forgave some people who are very strongly opposed to his sermon during the event of Fath al-Makkah. Al-Mawardi writes on the attitude of the Prophet s.a.w during the event of Fath al-Makkah, “The Prophet made it a day of mercy and he rejected that it would be a day of slaughter. Thus, it shows that it was reconciliation without violence.”



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## 7. FORGIVING

- Since religion is viewed as a personal matter, religious issues must be dealt with respectfully and appropriately in the workplace. The staff should prefer not to talk about religion unless people ask about it because people do not like to talk about religion in the workplace. In some cases, religious issues are being dealt impolitely and without wisdom. Therefore, it is highly recommended that the team workers solve the issue with a gentle, professional, and be forgiving to one another.



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## 8. FAITHFULNESS

- Faithfulness in agreement is very clearly practiced by the Prophet saw.
- An example can be seen when the Prophet s.a.w was in the treaty of al-Hudaybiyah. One of the provisions of the treaty is an obligation to return of any Meccan who might fled to Medina without permission from his guardian.



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## 8. FAITHFULNESS

- The Prophet s.a.w did not betray the treaty even though it was in his favour. In one incident before the Battle of Badr, Huzayfah and her father left Makkah for Madinah. Both agreed with non-Muslims Quraysh, “We do not intend to go to Muhammad, but we wish to go to Madinah. We would not fight on the side of Muhammad.” When they met the Prophet s.a.w in the middle of their journey, they told the Prophet s.a.w about it. The Prophet s.a.w said to the effect, “Proceed your journey to Madinah. We will fulfill the covenant made with them and seek Allah’s help against them.”



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## 8. FAITHFULNESS

- Faithfulness as shown by the Prophet s.a.w. is very significant to be practiced and appreciated in the workplace. Such value is not only useful to the success of a company, but also a kind of positive effect as with such a value, the achievement of the company can be increased and provides a good impact on the economy of the country.



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## CONCLUSION

- It is undeniable that the practices of the Prophet s.a.w while interacting with non-Muslims are recognised and accepted by non-Muslims and by the whole Muslim society.
- Islam teaches the Muslims the ethical way to deal with non-Muslims who share the same workplace include being merciful, practicing no compulsion, respecting and being polite to each other, not causing harm and avoiding oppressive behaviours, doing good and being gentle, being just, forgiving and faithful.
- The awareness of the respect for religions or faith in public life, such as in the workplace, should therefore be raised.



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## CONCLUSION

- It follows that both employer and employee needs to be aware of religious freedom at the workplace.
- In fact, the objectives of Shari'ah (Maqasid al-Shari'ah) also can be achieved. It is necessary for the employees in the company to ensure justice and maslahah (welfare). These safeguards aim to make every person and community life safer, more cultured and more peaceful. Serving the interests of employees of an organization (jalb al-masalih) and protecting them from harm (daf'al-mafasid) is the wisdom behind the promotion of the protection of workers' rights. In the meantime, it can contribute by increasing the productivity of the organization which secures more profitability.



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**THE END**

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