

## Najib Going to Jail Does Not Mean We Already have a Judicial System to be proud of

### News:

Malaysia: Datuk Seri Mohamad Najib bin Abdul Razak became the first former Prime Minister to be jailed for the misappropriation of RM42 million in SRC International funds. On 28 July 2020, the High Court convicted and sentenced Najib to 12 years in jail and a fine of RM210 million. This ruling was upheld by the Court of Appeal on Dec 8, 2021. Najib appealed but was finally dismissed by the Federal Court on August 28, 2022. Many, especially the opposition leaders voiced their satisfaction with the Federal Court's decision and praised the five judges who made the unanimous decision to uphold Najib's conviction. As expected, Najib's supporters expressed their disappointment with the court's decision and were not satisfied with the justice process against him.

### Comment:

A point of agreement for many on this event is the lesson that leaders should take. When one is in power, never commit any form of corruption, breach of trust, abuse of power and any immoral acts. As many would say, today, while in power one may be safe and have control over things, but the sky is never always bright. Well, this is most definitely true but above all, the most important lesson for leaders to take heed is that, besides the obligation to stay away from all prohibitions, they are obliged to apply the Law of Allah (swt) in totality. This is the ruling mandate that is burdened on their shoulders - which is not only to avoid illegal matters, but to carry out the highest obligation in the form of the comprehensive application of the Book of Allah (swt) and the Sunnah of His Messenger (saw)! «قُلِ اللَّهُمَّ مَلِكُ الْمُلْكِ تُؤْتِي الْمُلْكَ مَنْ تَشَاءُ وَتَنْزِعُ الْمُلْكَ مِمَّنْ تَشَاءُ وَتُعِزُّ مَنْ تَشَاءُ وَتُهْذِلُ مَنْ تَشَاءُ ۗ إِنَّكَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ» ***Say, 'O Prophet, 'O Allah! Lord over all authorities! You give authority to whoever You please and remove it from who You please; You honour whoever You please and disgrace who You please—all good is in Your Hands. Surely You alone are Most Capable of everything'*** [TMQ Ali Imran (3) 26].

No matter how great and powerful a man is, he should realize that it is Allah (swt) who bestows that power on him, and thus he should always remember Him, and fulfill all His orders. Allah (swt) has reminded the believers through the story of Pharaoh and many other rulers who have been destroyed by Allah (swt). These lessons should open the eyes of rulers who are in power now that He has the power to snap away their authorities very easily.

Despite the praises given to the judges and judicial institutions through the decision in the Najib case, which is said to have been clean of political interference, they are in fact an acknowledgment of a judicial system that can never be guaranteed to be 'free' from contamination! Can we now say, after the conviction of Najib that we

have a free and independent judiciary? Yes, it is true that we want a judicial body that is independent, but what is truly meant by independence is that the system should be free from the secular framework and the laws left by the colonialists! We want a judicial body that judges with Islamic law completely! For those who breathe a sigh of relief after seeing Najib go to jail, they should not be too happy because in today's secular system, Najib still has the opportunity to be free and "pure" from all wrongdoings overnight if he gets a royal pardon! And when this happens, the narrative of an 'independent secular judiciary' is akin to writing words on sand!

In Islam, once a court decision has been reached, it is binding (obligatory), and no one can grant forgiveness after that. Punishment must be carried out regardless of a person's status in society. The Prophet (saw) was once asked by Usamah bin Zaid to forgive an honourable woman from the *Makhzumiah* tribe who was proven to have stolen. The Prophet (peace be upon him) said quite firmly, as a warning to his people: «إِنَّمَا أَهْلَكَ الَّذِينَ قَبْلَكُمْ أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ تَرَكَوهُ، وَإِذَا سَرَقَ فِيهِمُ الضَّعِيفُ أَقَامُوا عَلَيْهِ الْحَدَّ، وَإِيمُ اللَّهِ لَوْ

**“Indeed the nations before you have been destroyed because when the noble amongst them stole, they free him, but when the weak amongst them stole, they cut off his hand. By Allah (swt), if Fatimah binti Muhammad steals, I will surely cut off her hand!”** (Bukhari and Muslim)

A person named Najib going to jail does not mean that justice has been done, it does not mean that all the wrongdoing leaders will also be reprimanded and it does not mean that the country's problems have been solved! We need to remember that the secular democratic system is still plaguing this country, causing so much corruption and destruction. And the Law of Allah (swt) has not yet run its course. Humankind needs to be freed from slavery to man, to slavery only to Allah (swt). The true struggle of Muslims is to restore Islamic life in its totality under the auspices of the Caliphate (Khilafah) upon the method of the Prophethood, by which the Ummah will be free from the shackles of colonialism, both mentally and physically.

**Written for the Central Media Office of Hizb ut Tahrir by**

**Dr. Mohammad – Malaysia**