
The Rights of Non-Muslims In the Malaysian Constitution and Its Comparison with The Sahifa Madinah

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Abstract: Providing rights in a country is essential, especially for organizing Malaysian citizens which has a different religion. The Malaysian constitution is the reference for knowing this right for non-Muslims. And the biography of the Prophet the Prophet had stated in the Sahifah Al-Madinah that these rights are a reference for the Islamic nation. It is worth noting that we compare the two constitutions to find out what can be improved towards non-Muslims in the Malaysian constitution. The purpose of this study is to research the Malaysian constitution about the rights of non-Muslims and then compare it with what was reported in Al-Madina Sahifah to discover what could be improved in the Malaysian constitution. The method used in this study is the inductive approach based on extrapolation of historical documents with the aim of obtaining related data. Then the data is analyzed using an inferential method to generate general conclusions regarding the rights of non-Muslims in both constitutions. Among the most important findings of the study is that there is a great similarity between these two documents in providing rights for non-Muslims. Then non-Muslims in the Islamic state are considered citizens with Muslims. It is permissible to cooperate with non-Muslims to defend the state to provide security and safety. Every Muslim and non-Muslim citizen has the right and duties in the Islamic state.

Introduction:

Rights is essential to build a society for a decent life, a prosperous future, and progress in the religious and secular fields. Malaysia is a country consisting of several different religious, which requires the ruler of the country to consider the different religious with different customs and traditions. Hence, the researcher sees the necessity of balancing rights, justice, and equality in Malaysia with what was stated from the prophetic guidance, as the Islamic law came with comprehensive solutions for the life of all human beings that transcend the boundaries of space and time. We find in the life of the Messenger peace be upon him, when he built the Islamic state in the city of Al Madinah al-Munawwarah, which consisted of various elements (Muhammad Ikram Abu Hassan, 2020). Nevertheless, he succeeded in managing them, and it was the first Islamic state to be established on the face of the earth during the era of the Prophet peace be upon him.

The aim of this research is to give a model and role model for the Islamic Ummah in general and Malaysia in particular. And then creating opportunities for improvement and upgrading the level of the relationship between the races in Malaysia, whether between Muslims with each other or Muslims and non-Muslims. The researcher relies on the document al-Madina, since it is the first document of the Islamic state in which the Prophet, may God's prayers and peace be upon him, organized the community of Medina. The researcher also focused on the sayings of Muslim scholars concerned with this matter in the search for a balance of rights, justice and equality that are available, and which must be provided by the Islamic state to non-Muslims.

The Malaysian Constitution related to the rights of non-Muslims.

Background

a. Historical overview of the Malaysian Federation Perlembagaan Persekutuan Tanah Melayu:

The Malaysian constitution, which is called specifically (the Constitution of the Union, the Land of Malaya) was established before Malaysian independence in 1946. The secret of this name is because Malaysia consists of the federation of some sultanate in the land of Malaya. This constitution was established at the request of Malay to their rights of sovereignty in the state after they objected to the constitution: (Malayan Union), which was established by the British in which all rights are equal between Malay and others in rights, religion and government, and which gives them the British wider freedom to rule in 1942, which ended in 1945. After the British met with strong opposition from Malay, they were forced to establish a council to establish the Malaysian Supreme Constitution, in which the

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members were from the British, Malay, and Malay sultans, and this was in 1946. And through it, the National People's Assembly or Parliament was established, which consists of all the classes of the state, whether according to race or the field of different specializations (Muhammad Mahdi Ismail & Zaini Uthman 2010).

Then, in 1955, the Malaysian delegation went to Britain to seek independence from Britain and obtained the approval, which is the reason for Britain being a council to establish a new constitution for Malaysia in the year 1956, and the members of the council consisted of a Raid leader from Britain and its members from specialists in the constitution and individuals from the Commonwealth countries (British colonies) In 1956. In 1957, which gained Malaysia its independence, the constitution of the Malaya Federation was established, which was agreed and signed by the Malay Sultans and Britain's Supreme Agent on August 5, 1957 at King's House, in Kuala Lumpur. This constitution kept a large part of the old constitution in 1946, especially those related to the rights of Malay and sultans and the official religion of the state, and on the other hand, it guaranteed full rights, freedoms, and equality for the citizen's body in the state. This constitution has undergone some amendments since its year to the present day inside and not main things, and it is in effect to the present day and has become a basic reference for all definitions, rights, duties, and laws of Malaysia (Ahmad Ali Bin Seman Ph.D, Warti Bt Kimi 2015).

B: The constitution and freedom of belief.

1. Text of the Constitution:

(Section One: Department of States, Religions, and Government Laws:

Religion of the Union - Article Three - Number One:

Islam is the religion of the federation; But other religions can be practiced safely and peacefully in any part of the union.) (Perlembagaan Malaysia 2004)

2. The text of the constitution:

(The second section: the freedoms section:

Freedom of belief - Clause Eleven - Number One:

- Everyone has the right to believe, practice his belief, and publish it, but it is related to number four in the same section, and the state has the right to prevent any publication of any other belief it sees among Muslims.) (Perlembagaan Malaysia 2004)

C: The constitution and individual freedom.

1. Text of the Constitution:

(Section Two: The Freedoms Section:

- Freedom of the individual - Article Five - Number one:

No individual shall be killed or deprived of his freedom except by legitimate laws.) (Perlembagaan Malaysia 2004)

2. The text of the constitution:

(The second section: the freedoms section:

- Preventing slavery and forcing an individual to work - Article Six - Number One:

Prohibition of slavery of anyone). (Perlembagaan Malaysia 2004)

D: The constitution and equality.

1. Text of the Constitution:

(Section Two: The Freedoms Section:

Equality - Article Eight - Number One:

People are equal in law and have the right to fair protection in law.) (Perlembagaan Malaysia 2004)

E: The most important thing in the constitution.

First: Religious freedom for everyone, whereby everyone can practice his religion and the customs and traditions of his people as he pleases, with the recognition that Islam is the highest official religion of the state. And it is the same in the same way, like what the Prophet, may God bless him and grant him peace, wrote in the Sahifah Medina (The Jews have their religion and Muslims have theirs) (Ibnu Hisyam 1955). And religious freedom is one of the great indications of Islam for its sincerity in its claim that it is a religion of mercy and peace for all. Thus, all religions are attracted to take shelter under them to think of Islam, and then surrender their faces to God, Lord of the Worlds, out of love and surrender and not coercion in religion.

Second: The freedom of the individual where they are neither oppressed nor oppressed. All of them are considered citizens with individual freedom of ownership, freedom of life, freedom to wealth, freedom of education and freedom of expression, among others. This is a great principle endorsed by Islam, whereby no individual is wronged under Islamic rule. The Messenger, may God's prayers and peace be upon him, wrote about this in the Medina Document: (And that this book does not prevent an unjust or sinner, and that he who goes out is safe and he who sits believes in Medina, except for those who do wrong and sin, and that God is a neighbor to those who are righteous and pious, and Muhammad is the Messenger of God, peace be upon him And blessings) (Ibnu Hisyam 1955).

Third: The right to equality is one of the important things in life, as the individual is reassured that he will obtain his rights on an equal basis with others. No one affects the other except with the right. He wrote that in the document Al-Madina: (This is a book from Muhammad the Prophet, the Messenger of God, between the believers and Muslims from the Quraysh and the people of Yathrib, and those who followed them joined them and fought with them. They are one nation without other people) (Ibnu Hisyam 1955).

Thus, through our extrapolation of the articles of the Malaysian constitution, it can be said that some of them are dyed with an Islamic character, and perhaps because the Medina document is one of the first global constitution that succeeded in organizing a multi-religious and ethnic state, and the countries of the world undoubtedly derive from it.

Secondly, as the researcher previously indicated in the history of writing this constitution, it was taken from the old constitution in 1946 by Muslims from the heads of state at that time and by the Muslim sultans. Security and peace in the era of the Kingdom of Malaga for all the non-Muslims coming to the countries of Islam from the merchants and expatriates to the land of Malaya.

Sahifah Madinah

The Sahifah Madinah shows the extent of the justice of Islam, which brought the message of global justice. And Islam, as it considers it essential, is also one of the doors of the call that attracts non-Muslims to think and contemplate and then choose for themselves to remain under the banner of Islam without coercion. It gives them space for freedom of thought, and provides them with safety of life, security, and prosperity. This is one of the effects of the Islamic religion, when the country is governed by security, peace and prosperity. This is what Islamic history indicates when one of the caliphs or rulers governs with Islam, we find that all people follow this ruler, and many of the people recognize what they saw in Islam as justice and benevolence and rejecting oppression and tyranny. This is what happened in Andalusia and Constantinople, bright pages of Islamic history, which led to the conversion of groups of people to Islam. There is no doubt that this is mixed between Muslims who came to conquer the country, as the Prophet, may God bless him and grant him peace, and his Companions came to Medina. Al-Buti says: (This document indicates the extent of justice that characterized the Prophet, may God's prayers and peace be upon him, treating the Jews, and it would have been possible for this just matter to bear fruit between Muslims and Jews, had the Jews not overcome their nature of love for deceit, treachery, and deceit, then what is it? Except for a short period, until they became fed up with what was included in the articles of this document that they adhered to, so they came out against the Messenger and the Muslims with colors of treachery and betrayal) (al-Buti 2005).

Akram Dhia said: (It is likely that the document was originally two documents, then historians gathered between them, one of which deals with the Prophet's articles to the Jews, and the second clarifies the obligations of Muslims, including immigrants and supporters, their rights and duties.) (Akram Dhia al-Umari 1994).

We recall the text of the document relating to the Jews, who are the largest non-Muslim community in Medina: (And that the Jews spend with the believers if they are warriors. And that the Jews of Bani Auf, that the Jews of Bani al-Najjar, that the Jews of Bani al-Harith, and that the Jews of Bani al-Harith, and that the Jews of Bani Saada, and that the Jews of Bani Jeshm, and that the Jews of Bani Aws, and that the Jews of Bani Tha`labah and Jaffna, and that the Jews of Bani al-Shatibah are a nation With the believers, the Jews have their religion and the Muslims have their religion, their loyalists and themselves except those who are wronged and sinful, because only himself and the people of his household come out of them, and that no one comes out from them except with the permission of Muhammad. On the righteousness of this, that the Jews have their expense, the Muslims must spend, and that among them is victory over those who fought the people of this Sahifah, and that among them is advice, advice, and righteousness without sin. And that it is forbidden for the people of this Sahifah to drink inside it. That the neighbor is like the soul is not harmful or sinful, and that there are no merchants of sanctity except with the permission of its people. And that God is the most pious and righteous thing in this Sahifah, and that there are no merchants from the Quraysh Not from her

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victory. And that among them victory over those who attacked Yathrib. And if they call for a reconciliation, they reconcile it and wear it, then they reconcile it and wear it, and if they call for something like that, then they have over the believers except for those who fought in religion. All the people who share their part before them. And that the Jews of Al-Aws, their loyalists and themselves, are like the people of this Sahifah, with pure righteousness from the people of this Sahifah, and that righteousness without sin does not gain any gain except upon himself, and that God is the most sincere and righteous thing in this Sahifah. And that this book does not prevent an unjust or sinner, and that he who exits is safe and who sits believes in Medina, except for those who are wronged and sinful, and that God is a neighbor to those who are righteous and pious, and Muhammad is the Messenger of Allah (Ibnu Hisyam 1995).

The most important thing in the document is what is related to non-Muslims:

1. The Islamic religion is a religion of peace that does not impose belief on others but considers beliefs. That is why the Messenger, may God's prayers and peace be upon him, wrote this Sahifah to spread safety and peace among the spectrum of the people. Thus, the Islamic ruling when ruling gives space for those with beliefs to believe their religion.
2. The first and second clauses, the Messenger mentions sects of the Jews and brings them together in civil society. He calls them the term ummah, meaning that they have their rights just like any sect of the people of Medina.
3. Advocacy while the people owe the debt to their external enemy, and that no one attacks others.
4. The Messenger, may God's prayers and peace be upon him, is the ruler and judge of the state. Anything related to the disagreement is his reference and the separation is the Messenger, peace and blessings be upon him.
5. The Messenger, may God's prayers and peace be upon him, gave security to all Jews and others who live in Medina.

Comparison between The Malaysia Constitution and Sahifah Madina

1. Both documents provide rights, justice, and equality for non-Muslims
2. The right to religion and freedom of belief and practice are available even though it is not mentioned by the statement in Al-Madina Sahifah, but through extrapolation for his action, peace be upon him
3. Non-Muslims are considered citizens of the Muslims in one country
4. It was mentioned in Al-Madina Sahifah that the Jews participate in the Muslims' defense in the defense of Medina and spend with the Muslims paying blood money. This indicates cooperation for the homeland.
5. It is mentioned in the Malaysian constitution that there is no wrongdoing with the prohibition of murder, as well as in the city Sahifah the prohibition of injustice and support for the oppressed
6. It was mentioned in Al-Madina Sahifah to provide security and safety to the citizens who live in the city

Conclusion

1. There is great similarity between these two documents in providing rights for non-Muslims
2. Non-Muslims in an Islamic state are considered citizens with Muslims
3. It is permissible to cooperate with non-Muslims to defend the state to provide security and safety
4. Every Muslim and non-Muslim citizen has rights and duties in the Islamic State

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