

## The Case of Azam Baki – How Islam Would Have Treated Issues Involving State Officials

### News:

Azam Baki is the chief commissioner of the Malaysian Anti-Corruption Commission (MACC). Early this month, he was alleged to have owned between 1.9 million and 2.9 million shares in Gets Global Bhd in 2015 and 2016. Azam is also said to have 2.15 million warrants in Excel Force MSC Bhd while holding the position as the head of the investigation unit of MACC. The ownership of the shares raises the question of whether it matches his income as a state official and the possibility of a conflict of interest. Azam, however, denied any wrongdoing and said that his brother used his trading account to acquire the shares. The Securities Commission (SC) carried out an investigation on this issue and "relieved" Azam of any wrongdoing. In a similar development, the Chairman of the Anti-Corruption Advisory Board (LPPR), Abu Zahar Ujang, also "cleared" Azam of any misconduct or conflict of interest, which was later described by six other LPPR members as Abu Zahar's personal opinion and they insisted that it was not a unanimous decision.

### Comment:

Lalitha Kunaratnam was the earliest informant to reveal this matter concerning Azam Baki. In connection with this, Azam initiated a legal action against her and demanded RM10 million in damages and an apology from Lalitha. Azam was criticized for this action in lieu of the statement by MACC that it is an agency that uses the Whistle-blower Protection Act 2010 to provide protection to whistle blowers. Clearly, in this matter, it is a double standard on Azam's part. In the current system, high-level officials are clearly protected, especially when this protection implies benefit for the politicians and other state officials. The right of people to make complaints against state officials, as exhibited in this case, is clearly disregarded. In Islam, there is very little room for this to occur as the Deen guarantees the right of the people to complaints and has specific mechanisms in dealing with state officials. Records have shown that in Islam, complaints against state employees can be made directly to the head of state or his representative. Rasulullah (saw) for example, fired his 'Amil in Bahrain after receiving a complaint from the Abdi Qais tribe. Complaints can be made not only on misconducts by state officials, but also dissatisfaction with their actions. Rasulullah (saw) once reprimanded Muaz bin Jabal (when he was a Wali in Yemen) for shortening the recitation of the Al-Quran when he was an Imam, only because there was a complaint from a Muslim who was praying behind him. Umar al-Khattab, during his tenure as the Khalifah, was notoriously stern with the misconduct of this officials and often dismissed them without hesitation when there were complaints. Umar once dismissed Saad bin Abi Waqas because of a public complaint against him. Umar was also once visited by a Jew from Egypt who complained that his land had been confiscated by Amru bin al-Ash. Umar then took a piece of bone and made a straight line and a cross on the bone, and then ordered the Jew to give it to Amru. Amru who understood the rebukes and allusions made by Umar then returned the land to the Jew. All these and indeed many other examples show that the people have the right to lodge complaints against state officials and the State is obliged to act upon every complaint.

In Islam, the Khalifah is obliged to ensure that state officials carry out their duties well and comply with Islamic Syariah and serve the interests of the people. This is because the duties and responsibilities of state officials are as the implementing organ of the Syariah (Shari'a) in serving all the needs of the public. Thus, in carrying out their duties, state officials must prioritize the interests of the people over personal interests, especially in times of conflict between the two. It is haram for a state official to use his/her position for personal gain. Clearly, in Islam, the mechanism in dealing with issues involving state officials is very different from the current state of affair which is full of injustice and loopholes. All misconducts, malpractices, corruption and abuses of power that occur among state officials today are symptomatic of the democratic system applied in the society. The main fault lies with the absence of the law of Allah (swt) which results in an atmosphere which is far from Islam. Consequently, the case of Azam Baki is not unexpected from a government that betrays Allah (swt) and His Rasul (saw).

Written for the Central Media Office of Hizb ut Tahrir by

Dr. Mohammad – Malaysia