APPLICATION OF MAQASID AL-SHARI'AH IN EVALUATING FIQH JIHAD OF RELIGIOUS EXTREMISM

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ABSTRACT
This study focuses on fiqh jihad in religious extremism with specific reference to Daesh, a militant group and their official media; Dabiq magazine. Thru maqasid al-shari'ah, the analyst analyzes fiqh jihad according to Islamic perspectives and compares the interpretations present by Daesh. In order to achieve these objectives, documentation method is applied by referring to the literature that relating to Daesh, jihad and violence (extremism). The collection of qualitative data will be inductively analyzed, deducted and compared. The study finds that Daesh has a specific interpretation of fiqh jihad, rigid, literal and definite, indeed to prioritize the objective of establishing Islamic territory instead of preserving the values of maqasid al-shari'ah which promotes good and prevents evil. In other words, shariah objectives are to form religious harmony and to avoid interfaith conflict in society. It is to ensure that Muslims and non-Muslims shall live together in peace and harmony.

Keywords: fiqh jihad; maqasid al-shari'ah; religious extremism; Islamic State (IS); harmony.

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1. INTRODUCTION

Religious extremism become a popular issue that is widely discussed around the world today. Various studies have been carried out by western and eastern scholars in order to identify the causes and to figure the solutions of the problem. Religious extremism is a sensitive issue because of its classification quite subjective and at times, prejudiced to certain researchers’ background, however, in Islam especially through maqasid al-shari‘ah, the upbringing issues needs to be analyzed and presented as one of the solutions to extremism. In conjunction with the aspiration of the [1] which emphasizes the sovereignty, security and harmony of the Malaysian nation from the threat of extremism, it aims to assist the process of deradicalisation and steps to prevent evils to Muslims and thus to preserve interest of religion, life, intellect, honor and property as required from the purpose of Islamic law itself.

2. RELIGIOUS EXTREMISM

Modern extremism is often associated with religious beliefs [2]. This is because the patterns and features of violence are influenced by the struggle of religious motivation [3]. The emergence of fundamentalist groups that adhere to extremist radical ideologies such as Al-Qaeda, Abu Sayyaf, Jamaat Islamiyyah (JI), Malaysian Militant Group (KMM) and Daesh have justified the allegations. Religious terms such as jihad and martyrdom (shahid) have been manipulated indeed to justify their member’s motivation acts of terror on targets, as to achieve the objectives of the extremist group.

The understanding of religious extremist groups is subjective according to the perspective of researchers. For some, Muslim militant groups are religiously extreme and terror, but for others, they are jihadists who fought against the despotic and injustice of the western towards the Islamic world [4]. Both ideas are associated with clashes between western and Islam. Western’s aversion against Islam results the allegations of extremism while the detestation of Muslims towards the west, produces armed in the name of jihad; not an extremist but obliged. By all means, either western or Islam, any form of extremism is inversely and should opposed by all civilizations.

2.1. Definition of Religious Extremism

Extremism is comprehend (attitude, practice, etc.) that extreme. Extreme or in native language
means, being describes as an ultra or vengeance [5]. This extremism is not only related to religion, but also to all aspects of human life; across cultures and human civilization [6]. Religious extremism in this study refers specifically to extremism that attempts to relate their acts to Islam, in spite of the fact that it is contrary to the teachings.

In addition, there are some other terms contributes to extremism such as radicalism, terrorism, revivalism, militant, ghulūw, khawarij and so forth which scholars and societies use to discuss the issues as extremism and it projects a negative meaning i.e. the idea and actions beyond the limits of religion.

2.2. Classification of Extremism, Liberalism and Wasatiyyah

The evaluation and classification of religious extremism should not be applied arbitrarily based on sub judice and prejudice, differences in sects, selected references and so forth. It requires justification of Islamic law to ensure that no party is mistreated by the wrong label of 'extremism' against their group. Means, any ideas and acts beyond religious boundaries, collectively are extremists regardless of their background and names. Pertaining to different ideas of furūʿ (specific rulings) should not be justified as religious extremism because ikhtilāf (divergences) is then recognized in Islamic law. However, if the situation is jumud (stagnant) and dissent to divergence of opinions where labels other as kafir (infidel); it is also a part of extremism.

In contrast to liberalism which independently interpret nas (text) leniently (tasahul), extremism yet interprets text literally, jumud and tasyaddud (intransigence). Religious extremism often argued with the verses of the Qur'an and al-hadith that related to their extreme acts. In other words, religious texts are used to justify the acts of terrorism and to illustrate that their actions are recognized by Islam. However, every verse of the Holy Qur'an and hadith is free from conflicting of human nature. The verses should undergo methodology discipline of law (usul al-fiqh), which have been developed by scholars ago.

Wasatiyyah is an axis between tashaddud and tasahul tendencies in the interpretation of nas by considering current and local realities [7]. It is a simple, mediocre, balanced, brilliant, fair and non-extreme concept and approach that enables the development of prosperity, peace and prosperity of a society, country and civilization to be achieved. Wasatiyyah is the call of the Holy Qur'an (al-Baqarah (2): 143) and it coincides with the purpose of Islam's pursuit of
seeking goods (jalb al-masalih) and rejecting the harm (dar al-mafasid).

3. FIQH JIHAD AND MAQASID AL-SHARI’AH

Fiqh is a profound understanding of Islamic law based on verses and the details, either naqli or `aqli [8]. Jihad generally proposes to do something genuinely [9]. Ijtihad and mujahadah are the two words derived from word of jihad. Those words contain similar meanings but differ in application according to the context of the discussion [10]. Thus, when refers to jihad, it has become synonymous with war (qital) in Islam.

However, al-Qaradawi insists that the definition of jihad is more common than warfare. The concept of jihad covers the whole aspect of human life that includes warfare. There are verses of the Quran which is makiyyah i.e. jihad struggle is only when Muslims have migrated to Medina [11]. In addition, there are verses of the Quran and al-hadith which indicate the scope of jihad, according to Mahmood Zuhdi where the fuqaha does not limit the meaning of jihad to war but the term is often used by them to discuss war because of its importance [4].

Maqasid al-shari’ah is the objective of Islamic law. The objective of Islamic law is generally to seek goods (maslahah) and to reject evils (mafsadah) [12]. Allah The Almighty has suggests to bring good, while the only thing that he prohibits is simply because of the evil that would result if man did it. Al-Ghazali has divided the importance of maqasid al-shari’ah to the necessities (al-dhuriyyat), needs (al-hajiyyat) and complements (al-tahsiniyyat) [13] which later was developed and detailed by later scholars such as al-Razi in al-Mahsul, al-Amidi in al-Ihkam, al-Hajib in al-Muntaha al-Wusul, 'Izz Abd al-Salam in Qawaid al-Ahkam, Ibn Taymiyyah in Majmuk al- others. Al-Syatibi explains the maqasid al-shari’ah maintaining the five things of daruriy that preserving the religion (hifz al-din), the life (hifz al-nafs), the offspring (hifz al-nasl), the assets (hifz al-mal) and the mind (hifz al-`aql).

Based on the aforementioned concepts of fiqh jihad and maqasid al-shari’ah, it can be concluded that jihad is an Islamic shariah which contains maqasid or good objective i.e. achieving good and rejecting harm. In order to achieve this, the practice of jihad certainly, should follow the rules which have been outlined by law. Jihad struggle in accordance with Islamic rule is capable of achieving the maqasid of war in Islam. Excessive or extreme attitudes in war not only will not achieve good, but even bring disadvantages to the image of
religion.

4. RELIGIOUS EXTREMISM: DAESH

This study focuses on Daesh which in Arabic refers to 'al-Dawlah Islamiyyah fi al-Iraq wa al-Syam'. Daesh was previously known as ISI (2006-2013), ISIS (2013-2014) and later converted to Islamic State (IS) (2014-present) [14]. Daesh is a political organization with a great ambition of dominating the world by war and violence [15]. In year 2014, specifically on 1st Ramadan 1435H, they have declared the Islamic Caliphate's rule over the entire Muslim world through the spokesperson of the group, Abu Muhammad al-‘Adnani ash-Shami. They also officially appointed Abu Bakr al-Husayni al-Qurashi al-Baghdadi as ‘Amirul Mukmini’ of Muslims [16-17].

Daesh’s ideology and actions can be evaluated and analyzed through their written and published media. In this study, the author examined English-language online magazines named 'Dabiq' with selected videos on the youtube website that related to the group. The magazine was named Dabiq in conjunction with a place called Dabiq in northern Aleppo, Syria which would be called malahim or Armagedon of Islam and Christianity [18, 16]. Dabiq has fifteen different issues and themes. Below is the list of 15 Dabiq issues entitled:

1. The Return of Khilafah, July 5, 2014
2. The Flood, July 27, 2014
3. A Call to Hijrah, September 10, 2014
4. The Failed Crusade, October 11, 2014
5. Remaining and Expanding, November 21, 2014
6. Al-Qaidah of Waziristan a Testimony from Within, December 29, 2014
7. From Hypocrisy to Apostasy the Extinction of the Grayzone, February 12, 2015
9. They Plots and Allah Plots, May 21, 2015
10. The Law of God or the Laws of Mens, July 13, 2015
11. From the Battle of Al-Ahzab to the War of Coalitions, August 9, 2015
12. Just Terror, November 18, 2015
13. The Rafidah from Ibn Saba 'to the Dajjal, January 19, 2016
15. Break the Cross, July 31, 2016

Based on the 15 issues by Dabiq magazine, the author explains Daesh’s understanding as follows:

4.1. The Belief is between Islam and Kafir

The Daesh do believe there are only two religious beliefs exist namely Islam and infidels. To them, Muslim are those who follow their beliefs while those who agonists them considers infidels or apostates, even though he is an internationally recognized scholar or group that fight for Islam. Indeed, the priority to be dealt with, for Daesh is [19-20]:

"Fighting the apostates takes priority over fighting the original kāfir"

There is no one will survive if they do not recognize Daesh and embrace their version of Islam. They equated the coercion with the great flood happens of the time of Prophet Noah. Anyone who embraces Islam (and instils Daesh) will survive as the followers of Prophet Noah survived on the ship and those who oppose are infidels; who will be fought or swallowed up in floods [19-20].

For Daesh, they carry the law of God. Therefore anyone who opposes them, inevitably an infidel. They say [21]:

"Then ask yourself, 'What is the ruling on someone who replaces or is a cause for the replacement of the law of Allah with the law of man?' Yes, you become a kāfir because of that. So beware, for by fighting the Islamic State you fall into kufr whether you realize it or not"

Therefore, the hostility of infidels called the Crusaders, and those who have apostatized against their group ideology are the New Age of Ahzab War. Malaysia is also mentioned in the alliance against Daesh [19].

4.2. Concerning the Territories of Islam and Kafir

To Daesh, there are only two territories namely the Islamic region and the region of kufur. The Islamic territory is a territory governed by Daesh and the rest of are the infidels [17]. The term sovereignty of Muslim countries have not been recognized by Daesh as for them the concept of the Khilafah cannot be restricted by boundaries. Therefore, any struggle to liberate the country is not accepted by IS. They do not support Arab Spring because the national struggle
is to liberate the territories or an Islamic state because the division is carried out by western colonists [22]. Similar to the struggles of other nationalist groups such as the Free Syrian Army (FSA) in Syria which also been rejected by IS.

4.3. Obliged 'Baiah' (Pledge of Allegiance) or Loyal Submission to Muslim Caliphs

Daesh has raised and declared Abu Bakr al-Baghdadi as Amirul Mukmini of the Islamic world. A Muslim, according to their view is obliged to perform allegiance to the appointed caliph. They will proceed from somewhere to another, to find those who support and oppose them. Muslim who performs baiah will survive, and to those who opposes will be declared apostate and in fact worthy of being killed. However, if the 'apostate' re-support, they will be saved from punishment.

Muslims who died without having a chance to submit to Daesh were also labeled as kafir. They supports by a hadith of [23]:

"Whoever dies unbound by a bay'ah (pledge of allegiance) has died a jahili death" (Muslim).
And he said, "Whoever dislikes something in his leader, let him be patient. For whoever leaves the obedience of lawful authority, even a hand span (and dies), has died the death of Jahiliyyah "(Al-Bukhari and Muslim).

Abu Bakr al-Baghdadi who is considered a caliph must also be adhered to. They argue with the hadith below [23]:

"Regardless of where you are, know that pledging allegiance is an obligation upon you, as is listening to your leader, the Caliph, and obeying his command. Allah's Messenger g said, "The Muslims must listen and obey in what he loves and what he hates, as long as he is not commanded with a sin. If he is commanded with a sin, there is neither listening nor obeying (in that sin) "(Al-Bukhari and Muslim).

The submission to the Caliph Abu Bakr al-Baghdadi is based on the concept of wala ' and barra' [21].

4.4. Coerced to Migrate or Submit Distance Baiah

A Muslim is obliged to immigrate from the infidels (dar al-kufr) to Islamic state (dar al-Islam) under the governor and recognition of Daesh. If they could not manage for some reasons which beyond their control, they must perform baiah openly to the Caliph of Ibrahim (Abu Bakr al-Baghdadi) [24]. The obligation of migrating from the dar al-kufr to dar al-Islam
covers all layers of Muslims whether they have other commitments such as work, study and so forth. Hijrah prevails all world commitments [25]. If they were prevented by the authorities to migrate to *dar al-Islam*, they were urged to commit themselves in their own place thru lone wolf attacks. Daesh spokesperson, Abu Muhammad al-Adnani [23] said:

"If the tawaghit have shut the door of hijrah in your faces, then open the door of jihad in theirs ... If one of you wishes and strives to reach the lands of the Islamic State, then each of us wishes to be in your place to make examples of the Crusades, day and night, scaring them and terrorizing them, until every neighbor fears his neighbor ".

Those who leave *dar al-Islam* and migrate to *dar al-kufur* such as fleeing Syrian refugees are considered to be disbelievers and committed to greater sin [19].

### 4.5. Confessed as Salafi of Ahlu Sunnah wal Jamaah

The Daesh admits to Sunnah wal Jamaah's understanding and cultivate Salafi practices. They do not recognize any form of difference in the Islamic sect, either among Sunnah wal Jamaah members such as Asyairah and Maturidiah or other beliefs such as Shia, Mauktazilah and others. All opposites are halal (permitted) to be killed [23].

### 4.6. Labelling Current Islamic Figures as Infidels

Many Islamic figures have been categorized as apostates by Daesh. Among them is Hamza Yusof who has been cited for practicing sufi-taqlidi. Suhaib Webb is also considered as apostate, for being a cleric who markets religion. He was seen as west-friendly and had praised the actions of the American President of Barrack Obama while he was the head of the Crusader who had killed thousands of Muslims [23].

### 4.7. Classifying Other Islamic Movements as Infidels

Pertaining to Daesh definition of Islam and Muslims, there is almost no Islamic movement worldly who survived from the accusation of apostasy or infidels except for some groups alleged to have dealt with them. Classifying Muslim Brotherhood founded by Hassan al-Banna as an act of infidelity because of their companion with Ikhwan-friendly relationship to Shiites and other religious organizations in Egypt. The Ikhwan has also recognized democratic system which is considered an infidel system that is unlawfully accompanied or supported by those who are Muslim. NGO groups and political parties around the world which under Ikhwan influence are also considered apostates by the Daesh. Among the
so-called Malaysian NGOs, is the Malaysian Islamic Youth Movement (ABIM) [20].

Similarly, the Afghanistan fighters in the era of Soviet such as Ahmad Shah Masoud, Abdul Rasul Sayyaf and Burhanuddin Rabbani are considered apostates because they have fought for the state who are finally a friend of the west. In Tajikistan, Abdullah Nuri and Amir Khattab who came from Chechnya to fight in Tajikistan have also been regarded as *toghut* for executing democratic lane. In Palestine, Hamas and Syeikh Ahmad Yasin are considered apostates because they have resorted to democracy and some Muslim countries have been considered apostates by Daesh because their previous jihad struggle was considered nationalism, not the aim of religion and willingly to accept the democratic system of infidels [19]. Daesh also considers and declares mosque in the west as *Dirar* mosque that developed by Islamic groups which are apostate or disbelievers [26].

### 4.8. Islamic Domination are Truly Enforced by Armed Forced

Jihad thru sword or weapon is an Islamic commandment. Islamic beliefs will not spread without the use of weapons. The Daesh pledged not to stop the war from administering the east and west of the world. Said the Daesh group by quoting the Qur'anic verses:

"*Beware of falling into false excuses that hold you back from your true purpose and greatest obligation after becoming a Muslim. Do not be taken in by claims that the "real jihad" is giving da'wah - rather, the real da'wah is waging jihad! Most of the world is very aware of Islam's existence and even its tenets, and the time for showing them that actions speak louder than words is ever so present. The blood of the disbelievers is obligatory to spill by default. The command is clear. Kill the disbelievers, as Allah c said, "Then kill the polytheists wherever you find them" (At-Tawbah 5). "*

For those who are pledge from *dar al-kufr*, they are urged to do whatever they can. Daesh states [23]:

"*If you can obtain a weapon, do so and use it, as soon as possible and in a place that will cause the most damage and panic, bringing death and injury to the enemy of Allah, the disbelievers. Just as they terrify the Muslims in the lands of Islam, so you should terrify the disbelievers in their homelands. But unlike them, your terror shall be just, an equitable response to their crimes against Islam and the Muslim nation. "*

Daesh advised all Muslims not to be influenced by the slogan of "Islam is a religion of peace".
The slogan is repeated, so that Muslims remain mentally in good relations with the infidels. While the fact is, Islam is the religion of the sword, armed with weapons. In [17] mentioned: "It is clear then that salām (peace) is not the basis of the word Islam, although it shares the same consonant root (s-l-m) and is one of the outcomes of the religion's sword, as the sword will continue to be drawn, and swung until 'Īsā (Jesus -' alayhis-salām) kills the Dajjāl (the Antihrist) and abolishes the jizyah. Thereafter, kufr and its tyranny will be destroyed; Islam and its justice will prevail on the entire Earth ".

4.9. Jihad is Classify under Fardhu Ain (an Obligation)

The law of joining the armed jihad is fardhu ain, which is the duty to all Muslims. All scholars are said to have agreed on the duty based on the Quran, surah al-Taubah, verse 24 [21]. Referring to fiqh issues of jihad, war and crime, the following is the practice of Daesh:

4.9.1. Legitimizing Attacks and Murders upon Public of Infidel Territory

To strengthen the argument of fighting against dar al-kufr, Daesh saids [23]: "Likewise, as they haphazardly kill Muslims in their war against the mujahidin, it becomes even more obligatory for you to attack the Crusader nations and their citizens in their homelands."

They apply Qur'anic argument of: "So whoever transgresses against you, then transgress against him in a way similar to how he transgressed against you" (Al-Baqarah: 194).

Therefore, Daesh claimed to have attacked several countries. Among those mentioned in the Dabiq magazine are:

- On November 13, 2015, Daesh has claimed their responsibility for launching an attack in Paris that had killed at least 130 people and injured hundreds of others. The attackers armed with rifles and explosives, did target six locations throughout Paris [26].
- Daesh has claimed to be responsible for the bleak Hotel Corinthia in Tripoli, Libya which is the stopover of President Omar al-Hasi and high-ranking Libyan government officials, deemed apostatized by the Daesh for being the 'dog guard' of the Crusaders (America and the west) [17]. Nine people were killed including five of them, a US citizen, two Filipinos, and a French and South Korean [27].
- The killing of Theo Van Gogh for mocking Allah and the Messenger of Allah [17].
• Elton Simpson and Nadir Sufi have attacked the caricature competition of the Prophet Muhammad [22].

• Blast bombs at Lyon [21].

• A suicide bombing in Kuwait targeting the mosque of Shiites, which has killed 25 people and injured hundreds of people [21].

• A random attack on Sousse beach, Tunisia that have killed 37 people [21].

• The Daesh in Dabiq 12 also praised the actions of individuals who dared to launch attacks individually in their respective countries in the name of jihad. Among them, 15-year-old of Farhad Khalil Mohammad Jabar on October 2, 2015 which has killed Curtis Cheng, a financial police officer, outside the headquarters of the New South Wales Police Department in Parramatta, Australia. He, then shot dead by the authorities [26].

• On November 4, 2015, an 18-year-old, Faisal Mohammad stabs and injures four people with hunting knives at the University of California campus in Merced, California. He was then shot dead by the university police.

• In addition, several attacks have been praised which a former captain of Jordan police at a training center in Rimon, Jordan. The attack has killed five people, two Americans, two Jordanians and one South African and many more [26].

They absorbed the killings and violence acts are methods which recognized in jihad in order to build daulah islamiyah. Said the Daesh while formulating the attacks [26]:

"These are the deeds of those upon the methodology of the revived Khilafah. They will not let its enemies enjoy rest until enemy blood is spilled in revenge for the religion and the Ummah".

4.9.2. Women's Servitude

The Daesh only identifies the pure infidel women who the prisoners of war should remain enslaved and however not applicable to Muslim women who are considered yet apostates in their understanding. As mentioned in the Dabiq, Daesh has revived the slavery of Yazidis women who are said to embrace pagan and animism [28]:

"Accordingly, the Islamic State dealt with this group as the majority of fuqahā ‘have indicated how mushrikīn should be dealt with. Unlike the Jews and Christians, there was no room for jizyah payment. Also, their women could be enslaved unlike female apostates who the majority of the fuqahā ‘say cannot be enslaved and can only be given an ultimatum to repent
or face the sword. After capture, the Yazidi women and children were then divided according to the Shari‘ah amongst the fighters of the Islamic State who participated in the Sinjar operations, after one fit of the slaves were transferred to the Islamic State’s authority to be divided as khums."

4.9.3. Incineration the Prisoner of War
The Daesh burned live captive; Muaz Safi Yusuf al-Kasasibah, a Jordanian military pilot. The captured live-life burn was considered to be a Qisas punishment, as Jordanian military attack against the position of Daesh which declared an attack on Islam and the land of Muslims. The Jordanian troops, including Muaz have been declared apostates and he has been burned alive. Muaz's life-giving combustion is based on the story of four Muslim caliphs who have burned the prisoners Abu Bakr, Ali Abi Talib, Muaz bin Jabal, Abdullah bin Zubair and Hisyam bin Abd Malik [17].

4.9.4. Market the Prisoner of War
The Daesh has advertised sales of their captive war. The example of sales can be seen in [19].

4.9.5. Jizyah to the Loyal Infidels
The disbelievers who are submissive and obedient to Daesh may survive the death penalty thru the payment of jizyah. However, Daesh warns them to live in detestation for opposing the teachings of God [23].

4.9.6. Being Thrown from High Buildings
The Daesh has executed penalties for sodomy offenders by dumping them from tall buildings. The offender will be handcuff and the eyes were closed before the punishment [17].

4.9.7. Stoning to death
The death penalty was executed on female adulterers in Raqqah, Syria [17]. In Dabiq, the details of the offense are not mentioned.

4.9.8. Whipping an act of Takzir
A man was sentenced by Daesh, to be whipped because of pornography [17].

4.9.9. Destroying Other Religious Places of Worship
The Daesh only recognizes the faith held by their members. Anyone who is indifferent from their belief, moreover a different religion is considered a pagan or apostate even though he is a Muslim. The worship places of different understanding will be blown up, on the basis of
avoiding shirk in society. For Daesh, they followed the Sunnah of the Prophet (peace be upon him), after the opening of Mecca and the sunnah of the Prophet Ibrahim (AS) who destroyed the statues of the people of his day [29, 21].

Daesh has also destroyed the ancient temples of Roman history, Ballshamin in Syria. The temple has been recognized by UNESCO as a world heritage, known as the 'Pearl of the Desert' [19]. They also destroyed an ancient tomb in Darnah, Syria [19].

5. THE APPLICATION OF MAQASID AL-SHARI'AH IN EVALUATING FIQH JIHAD OF RELIGIOUS EXTREMISM

According to the concept of fiqh jihad and religious extremism group, specifically the stated group i.e. Daesh, the author analyzes based on the application of maqasid al-shari'ah. The assessment is based on arising jihad issues, law and impact on daruriyyah al-khams that to be preserved in Islamic law. An analysis was made to determine the position of the jihad group i.e. Daesh, which also claimed an Islamic teaching that must be implemented.

Preserving faith is a pillar in the teaching of Islam. It means to obey the one and only God; Allah and to hinder shirk [30]. Jihad in the terms of Islamic law is in line with the its objective; to endeavor and endorse an Islamic community, to place the verses of Allah in the highest place, thereby conveying the shariah of Allah as to lead the whole world. Hence, any struggle in the name of jihad and Islam must confirm to the intention of presenting the rules of Allah [11]. On the contrary, acts of violence in the name of religion will undermine the name of the religion itself.

Endorsing tawhid does not mean Muslims should break down the infidels to compel with. The prohibition for compulsion of embracing Islam has been secured against the verses of the Quran and al-hadith [31]. Pertaining to the practice of takfir by Daesh, it is so obviously contrary to the objective of shariah. They not only regard the infidels as enemies, but rather to deny all Muslims who disagree or resist their leaders. Any co-operation and interaction between Muslim and non-Muslims is justified as apostasy, however cooperation and interaction for the sake of goodness is recognized in Islamic teachings and indeed is also one of the forms of jihad [32]. Justifying the infidels and apostasy against all parties including Muslims without a good reason is the main cause why Daesh is regarded as extremist or
extreme. The obligation to pledge to their leader for the purpose of establishing an Islamic state is also a question. This is because the appointment of the caliphs and the Islamic state is not an exclusive right of any group but depends on the sovereignty.

In relation to labelling the infidels and apostates as practiced by Daesh, there is no preserving life of maqasid al-shari'ah recommended in their struggle. Parties who are not recognized as Muslims by Daesh is considered halal for murder including Muslims in other countries who are not involved in direct warfare. Thru random armed attacks and bomb blasts in public places, has explained the extreme acts of this group. Ironically, the fuqaha have agreed on the importance of preserving life, in fact in the context of the war, man cannot even kill arbitrarily. The prohibition of killing human beings is being emphasized in many verses of the Quran indeed it is a very serious sin according to Islam [33].

Moreover, murder acts performed by members of Daesh is also often aired using ruthless methods, such as slaughter and burn their live captive. There are also prisoners among foreign journalists who have been marketing publicly on the internet, to cause fear and embarrassment of the involved state. These acts are clearly contrary to the teaching of Islam which preferring noble concern even in the context of war. In fact, Islam is very protective of human dignity by forbids an act that can humiliate oneself and bring down other human dignity. There are so many verses from the Quran and al-hadith that reflect the understanding. Daesh's attitude does not preserve the dignity of captives, certainly tarnish the image of the grace, brought by Islam.

The practice of *takfir* practiced by Daesh also affect marriage status in Islam. If any couple refuses to Daesh's objectives, means that their marriage be void because the legitimate requirement as 'muslim' has been affected. Couples or children that not being recognized by Daesh will fall out the ownership status of the property and their family relationship will face bigger problems. This serious confusion resulting perseverance of offspring by an affected marriage. It is clearly contradictory to the Sunni wal Jamaah's method of discipline, which is not simple to punish an individual infidels [34].

The Daesh has also been destroying other religious and ancient temples, which have historical value to human civilization. Islam is a religion that cares for religious dignity. The proof of Islam prohibits to insult other religions is because it will result in reprisals against Islam [35].
Hence, act of destroying without any reasonable reason as the Daesh practiced have been prohibited in Islam. It also contradicts to the teaching of Islam that recognizes the freedom of non-Muslims in practicing their own religious beliefs [36]. The Islamic principle can be proofed based on an agreement with the Christians written by Saidina Umar RA and among its contents [37] are:

"This is the assurance of peace given by `Umar bin al-Khattab to the residents of Elia, `Umar guarantees the peace of life, property, churches, crosses and all their religious teachings. No one will occupy their churches, much more to destroy them."

Further, various public facilities being devastated by Daesh such as hotels, mosques, police stations, public training centers, trains and so on shows that they are not concerned with property perseverance. The attacks on public areas, neither in war nor foreign countries is visibly contrary to the purpose of Islamic law. Indeed, what the Daesh group did was considered normal because they regarded only two territories exist in the world namely the dar al-Islam (which they ruled) and dar al-kufr (other regions). Wahbah al-Zuhailiy in his book; Atharu al-Harb fi al-Fiqh al-Islami states the typology is not specifically mentioned in the Qur'an and al-sunnah, but it is because of the historical factors of the past that can be reclassified [38]. Hence, reviving the concept in present times, requiring comprehensive and cautious details, not arbitrarily as practiced by Daesh, as it has great legal consequences and could undermine the relationship between Islam and ummah, and with non-Muslims. The thoughts of Daesh, unfortunately have created new understanding on the meaning of Muslims struggle.

The subjugation method of Daesh in deciding a law certainly is extreme in the sense of ifrat (restricted). They interpret the Islamic texts with a literal and selective juzi'i understanding, not a comprehensive assessment, as opposed to the general nature of Islamic law and its fundamental objectives. The act of terrorism based on sentiments and narrow religious interpretations with irrespective of the authority and contextual aspects have made this group's legal understanding further astray from the true teachings of Islam.

6. CONCLUSION

Religious extremism executes by Daesh is a serious threat to world's peace. This extreme
legitimacy and extradition have also become a new defamation to the Muslim world after the effects of Islamophobia on September 11. Advancement, infrastructure and sophisticated technology have become a new force of extremism in threatening national security as well as world’s understanding of, especially Muslims. Concerning the application of daruriyyat al-khams that should be achieved thru maqasid al-shari'ah, the researcher asserted that the practice of Daesh, i.e. their thinking and action was conflicted to the objective of the Islamic shariah; to seek maslahah and prevent mafsadah. Although their actions literally based on the arguments and writing of scholars, they are in fact constricted, misinterpreted, manipulated and justifiable to agree the acts of violence in the name of religion, by referring to their exploits to the world today. The analysis that based on the law and the application of maqasid al-shari'ah is expected to give a true understanding and certainty to all parties regarding religious extremism coercions, thus to achieve prevention and to create great solutions to the country.

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