ISLAM AND INFORMATIONPERSRECTIVE ON SOME MODERN COMMUNICATION TECHNOLOGIES (ICTs): BETWEEN LEGALITY (PERMISSION) AND PROHIBITION

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Abstract

Islam as a religion condemned in equivocal terms, any form of innovation in the religion, as related from prophetic traditions: "whoever introduces something new (Bid'ah) into this affair of ours (Religion of Islam), something which does not originally belongs to it,it is rejected". Life in the modern time (21ˢᵗcentury) is full of wordily innovations, some of which are even utilized in furtherance of Islamic activities, ethics and values. This paper aimed at an attempt to explore on the status of such innovative objects as well as their position in Islamic Shari'ah. It is in the light of the above that the research chooses and focused on Information And Communication Technologies (ICTs) related innovations and termed "ISLAMIC AND IMFORMATIONPERSRECTIVE ON SOME MODERN COMMUNICATION TECHNOLOGIES (ICTs); BETWEEN LEGALITY AND PROHIBITION" This is

because some Muslims misunderstood the real Islamic rules, to the extent that some denominations taggedthe western education and technological innovations as forbidden. Keyissues such as social networks, computer applications, computer usage, cyber related crimes & social menace (such as hacking, fraud on the net, computer virus, computer games, pornography and some related issues were observed.

Introduction

The Muslim societies have come into contact with many newly Objects introduced by technological advancement, despite the fact that the Muslim and the religion of Islam in general are benefiting from it. But do Muslims utilize such without basis of authentication from Islamic law?

The exact word "Modern" in this research means the newly innovatedInformation and Communication Technologies (ICT), which circumstances of life brought in the contemporary time, and Muslims needs such objects most and logically, Muslims will not conduct anything except with the consultation to the Islamic Shari'ah.

The modern Information and Communication Technologies (ICT) introduces the additional decision in the solid teaching of Islamic law, whereby some other things under the rule of "Necessities may legalize forewarn and exhortation". Before taking stand in legalizing modern Information and Communication Technologies (ICT) or prohibiting it, one has to know the stand of Shari'ah in innovated objects and reflect it to

Shari'ah decision. Innovation in Shari'ah is different with the innovation in creating objects that may help in running people's life.

The life of modern man may not be completed except with utilization of the newly innovated objects. Also Islam would not leave Muslims without setting them towards good things and without rules & regulations to protect them from bad things or unlawful act. Islamic laws explored the right path, and scholars wrote a number of commentaries on it. So looking at the human benefits associated to the modern innovations and improvement of livingcondition for Muslims,thus Islam set it as lawful or unlawful.

The innovation in Islamic Shari'ah was expounded by the Prophet in one of his traditions: "One who introduces (something of his own) in this our religion affair, which does not (literarily)belong to it, is condemned strongly (censured)

«مَنْ أَحْدَثَ فِي أَمْرِنَا هَذَا مَا لَيْسَ فِيهِ، فَهُوَ رَدٌّ» رواه البخاري ومسلم. Imam Al-Bukhari and Iman Muslim".

The Ideological Stand of Islamic Law In Utilizing Modern Information and Communication Technologies (ICT)

"The Holy Qur'an as well as prophetic traditions gave a Muslims an embodiment of the code of life. The two sources provided guidance in the human aspect of life, individually, socially, morally, economically, politically, legally, culturally as well as nationally and

internationally.In spite of all this, wheresomeone tries to be over enthusiastic and add something in the matters of religion which neither Allah nor his prophet have ever said, it is an innovation (Bid'ah).The doors of Ijtihad are always open to those that are capable at all time for any circumstances" (A. Rahman I. Dol, 1983, p. 121). From therefore saying the research deduct out that the origin of everything is legalization unless where Shari'ah forbidden.

The Modern Information and Communication Technologies (ICT)is among the things that could be ruled legal, except if it will be used in prohibition or it may lead to unlawful act. The modern technological creation will not be regarded as innovation in religion except if it will open the door to innovation in Islam.

"Not all productions that emerged after the death of the prophet could be count innovation, because some other knowledge were emerged after his death (PBUH), and because the development in social life introduces the modern Technologies and modern life need it most, using it will not be out of designation of Shari'ah, it can serve some purposes to Shari'ah itself especially in modern time.(Qaradawi, p.203, Vol. 2).

The use of the modern objects depends on some circumstances,the modern (Muslim)man have no choice unless using the modern Information and Communication Technologies (ICT) which in many aspect could be used as a lawful something except if it will lead to unlawful act.

Allah says;

المائدة (فَمَنِ اضْطُرَّ فِي مَخْمَصَةٍ غَيْرَ مُتَجَانِفٍ لِإِثْمٍ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ)
"..But he who is driven by necessity, neither craving nor transgressing it is no sin for him Lo! Allah is forgiving and merciful" Q: 5, V: 3.

"Thus among the spiritual act of Islamic Shari'ah is to simplify and ease issues to its followers" (Qaradawi, 1985 P. 38).

For example: looking at the modern way of interaction and transactions many things where modernized, almost everything where about to be computerized or mechanized. In the case of buying and selling, Bank transactions make an impact on the rules of Yadan bi Yadin (Hand to Hand) in purchase and selling of goods or services from businesses. Nowadays, people are using bank transfer,Mobile banking as well as changing of currency, despite the fact that the Western banking system may be contrary to that of Islamic Banking system and the said transactionsmay pass through non Islamic rulesand some modern marketswere running on such system. On the other hand some of the contracts where online system,viamobile phones, over Fax, Telex, Internet, Mobile Banking and other modern ways. (Islam questions& an answer: 2009 internet).

Modern Muslim scholars were asked about such ways of modern transactions, on internet or its example; they responded:

"The contracts maybe executed based on the condition of offering and accepting even by words, even by one of the modern ways of communications, by saying "I sell it"by first party, while the second party will answer "I buy it" or any sign that will stand for agreement even by writing and sending it via SMS,whatsaps, Fax or by sending its picture through messengers, pagers, Instagram or any other form of social utilities. Scholars in decision No. 13,(2/10) and 13 (3/1) ruled out. (Ibid).

Computer

It became necessary in our modern time to make use of computer for one reason or the other, depending on the purpose or need. If it will be used in unlawful act,then the following jurist rule will be applicable;

"Whatever leads to unlawful act will be regarded as forbidden"(Ibid. Internet, no page number)

"Almost all objects has their advantages and disadvantages in use, although the disadvantages are not fully found in other worldly items, because with any disadvantage there will be an advantage, while advantages and its opposite are found in many objects." (Abu Ishaq, Shatibi 2006, Vol. 2, p.277).

Thus, computer will be regarded lawful where by it may be used in undertaking good thingsthat are relevant to real human development, acquisition of knowledge and some other useful things.On the other hand Computer may be abused, it may be used for unholy acts, it may be used to create several new ways for committing crimes.

Thus Islamic Shari'ah makes provision for all problems that may occur in future time to come, the modern time inclusive. The following are some examples of computer crimes:

Hacking:

Is an unauthorized access to data held on a computer system.(P.M Healthcote, 1998, p.49).

Theft of money:

The hackers often break into Banks databases to siphon money from one account to another. Some may obtaine credit information from computers of credit bureaus andmake fraudulent credit of their own card and obtain money from banks or other trade centers. In Britain Roger Cook on the Cook Report, November 18th 1997 showed how easy it is to use special hardware to transfer the details from magnetic strip on one card to that of another, or getting details from a credit card and using these details to order goods over phone or internet (Ibid p.50).

Fraudulent, according to Islamic Shari'ah can be defined as (Algishor Al-Khida) the Prophet (Peace Be Upon Him) said:

«مَنْ غَشَّنَا فَلَيْسَ مِنَّا» "Who ever act fraudulent,is not among us" Related by Imam Muslim.(IbnHajar. 167, BulugulMaram).

Islam forbid fraudulent in all dimensions; in buying and selling, in oldest and modern ways and in all means of transactions. Muslim are asked to be trustworthy in all their affairs (Qaradawi, 1985, p. 250).

Fraud on the Internet

Nowadays, modern men have an access to networks; they can sign in or activateto serve their own personal interest. In Islam also, there is right to possession. One has no right to use it except with the permission of the owners, unless where they validate it to the public consumption."The most common form of fraud on the internet takes place between traders that appear to be legitimate and innocent, purchase of goods that are offered for sale. A trader could for example disguise himself as a representative of a particular organization (say, Selfridges) but actually, they are entirely unconnected. They could then take orders and payment for goods and not deliver them (P.M. Heathcote 1998, p.50).

Virus:

A malicious program that is harmful to computers. It can be used to spread the development of problems and or damages to computer files in business or place of works. There is also "LOGIC BOMBS" is "similar to a virus and it is sometimes delivered by means of a virus. The bomb can be written to destroy or worse, subtly change the contents of organizations computer systems (Ibid p. 51). Usually it is done also by the hacker or distorters.

Games:

Electronic gameson computer, tablets, smart phones, depend on the kind of a game and what it contain there in, as well as its effect to one's time. Muslims were commanded to value time, see Q: 103, V:1 and 2, (وَالْعَصْرِ (1) إِنَّ الْإِنْسَانَ لَفِي خُسْرٍ (2) إِلَّا الَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ وَتَوَاصَوْا بِالْحَقِّ وَتَوَاصَوْا بِالصَّبْرِ (3) most of the electronic games lead to the wasting and loss of time, Ibn Al-Qayyim said: "Wasting of time is far more disastrous than death; for wasting of time cuts you off from Allah and the hear after whereas death cuts you off this life and its inhabitant" (Ahmad: 2001 p.22).

Before using the game with all its kind, some conditions must be realized;

- It must be objective in terms of developing personality and good attitude.
- It must develop idea ingenuity and acquisition of knowledge
- It must be useful to upbringing in child and make him courageous and brave in attaining good habit.
- It must not contain something unlawful or against Islamic orientation.
- It must not protect from performing obligations of both religion and life.
- And cautions must be taken, because constant looking at screen and listening to the strong sound may create negative effect, may be by causing illness to eye, back born and ears. (Ibid)

And actually the game of child is quite different with that of adult. So let each one use what correspond his status based on the mentioned conditions. The congress of Islamic Jurist suggested that every game that fulfill the previous condition would not be counted as offence or misdeed (In-Sha Allah) maybe the producer will be judged according to his intention, Allah knows best (Islam Q/A).

Multimedia on TV, I Pad, Smart Phones, Video, CD, DVD, Etc.

Some scholars were asked the about above mentioned photos, are they lawful? They answered images and pictures categorized it into two: the above mentionedones, and the second one is still camera photos (pictures), and all will not be regarded as unlawful. Although it depends on the purpose it is used for, if it is in good state like recording or watching religious programmes in mosques and schools and for memory purposes. Where it is used in an unlawful state it will count as unlawful (Ibid pp. 197 - 199).

The second one which is still camera i.e. pictures (photograph) snapped or taken for a legitimate purpose, then it will be under one of the five decision of Islamic Shari'ah, these are: Wajib (obligatory), Mandub (allowed), Mubah (permissible), Makrooh (misfortune) and Mahzoor (adversity).

On the second category picture i.e. still camera picture Qaradawi , make a good analysis about it, where he said "Obviously (Surah) or (Tasweer) means the carving and

hewing or sketching ones images", he then continue to say: "but in the case of photograph in camera is a modern issue, it was not known during the life time of the prophet (PBUH) nor to the antecedent scholars of Muslims. According to late Shaykh Muhammad Bukhayt the Muftiy of Egypt: photograph is not among the forbidden ones by Shari'ah because the feature found in the forbidden one was not in the photograph. (Qaradawi, 1985 p. 112 - 113).thus, it willbecount lawful.

Internet Café:

Two words put together (compound word) internet – means international computer network, connecting other networks and computers from companies e.t.c, and CAFE is a place where you can buy something (A.S Hornby). Internet cafe (وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا) means a place where people doing transaction with networks through computer. Allah said; (…but Allah hath permitted trade (buying and selling) and forbidden usury)Q:2,V:275.also the transaction will be based on agreement of offering and accepting, this type of transaction is also allowed.

Conclusion

Now that we have dewelled on the topic of this research as well as attempted to position some of modern innovated objects on the scale of acceptance or nullity through Islamic perspectives

Thus it is pertinent to re-iterate the need for continuous search for knowledge, the research aimed at affirming

the level of Islamic law in accommodating anything good and useful to its followers, contrary to the understanding of some denominations broke out from among Muslims whom were forbidden allowable and recommendable in both life and religion, as well as criticizing those that are or and accusing Islamic civilizations and its renaissance, and that we should be reminded that Islam is a perfect religion, that lacks nothing (مَا فَرَّطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ) (..Nothing was neglected from the book) Q: 6, V: 38

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