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ISLAM AND INFORMATION PERSPECTIVE ON SOME MODERN COMMUNICATION TECHNOLOGIES BETWEEN LEGALITY AND PROHIBITION

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ABSTRACT

Islam as a religion condemned in equivocal terms, forms 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 (21st century) is full of worldly 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 (ICT's) and its related innovations and termed as "Islam and Information perspectives on some Modern Communication Technologies (ICT's); between Legality and Prohibition" This is because some Muslims misunderstood the real Islamic rules, to the extent that some denominations tagged the western education and technological innovations as forbidden. The discrepancy between the plight of Islam and different innovations that have been attached to it can be mainly found through the interplay and the features of different technological advancements 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). Documents analysis were employed for the data collection in conducting this work study. The findings show that the (ICT's) application in Islamic perspective is very valuable to procure the possible solutions to the predicaments faced by the entire humanity in all life ramifications be it socio-economic, legal and political advancements and the host of others.

Keywords: Islam, Information, Modern, Communication, Technologies

Introduction

The Muslim societies have come into contact with many newly societal developments or different objects introduced by technological advancement, despite the fact that the Muslim and the religion of Islam in general are benefiting from it. However, this question which arises in mind is that, do Muslims utilize such without basis of authentication from Islamic law. The exact word "Modern" in this research means the newly innovated Information and Communication Technologies (ICT's), which circumstances of life brought in the contemporary time. Even though, Muslims may need such objects most but in accordance with Islamic perspective, a true Muslim will not conduct anything except with the consultation to the Islamic Shari'ah.

The modern Information and Communication Technologies (ICT's) introduces the additional decision in the solid teaching of Islamic law, whereby some other things under the rule of "Necessities may legalized forewarn and exhortation". Before taking stand in legalizing modern Information and Communication Technologies (ICT's) 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 newly innovated objects. Additionally, Islam would not leave Muslims without setting them towards good things or without any given rules and 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 living condition 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 (literally) belong to it, is condemned strongly" al-Bukhari and Muslim.

Objectives

 To obtain an overview on the discourse from the Divine revelation and Sunnah towards the application of the new technological advancements and also the Information and Communication Technology (ICT's). And It is also an attempt to explore on the status of such innovative objects as well as their position in Islamic *Shari'ah*.This study will also highlight some of the positive and negative effects of ICT on the Muslim society.

Methodology

Document analysis was also employed in this study starting from early stage of the data collection methods. This study involves the use of the document instrument to achieve some of the desired objectives of this research. Mogalakwe, M. (2006), emphasizes the usefulness of documents in social science research and argues that the approach should not be underutilized and that requires rigorous adherence to the research protocol. That is the reason why the researcher consults the available physical and online documents with a view to synthesizing and collecting the accessible relevant data as supported by Payne and the second author (Payne) who described the documentary method as a means for identifying the physical sources of particular written documents with a view to investigate, categorize and interpretation of both public and private documents (Payne, G., & Payne, J. 2004).

Muslim Civilization

Worldly invention was known since early Muslim civilization. Many works either minimize or completely overlook the presence and contributions of the entire Islamic civilization. Muslim scholars contributed in different field of knowledge, Arts, sciences, culture and inventions among others. The Muslim rescued the knowledge in which the world today modernizing. Essa A. & Ali O. (2012) explore that: "the Qur'an strongly emphasized the beauty of nature and presence of Allah's miracles in the physical world as well as element of science. They also explain on the Muslim scholars' role

and contribution in medicine, arts, civilization and renaissance which western world benefited from them.

The Ideological stand of Islamic Law in Utilizing Modern Information and Communication Technologies (ICT's)

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, where someone 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 who are capable at all time for any circumstances March, A. (2010). From the afore saying the research deducts out that the origin of everything is legalization unless where Shari'ah has forbidden.

The modern Information and Communication Technologies (ICT's) is among the things that could be ruled legally, 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 (Idriss et al. 2020).

"Not all productions that emerged after the death of the prophet could be counted as innovation, because some other knowledge was emerged after his death (peace be upon him), 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 (Alzubaidi, I. B., & Abdullah, A. 2017).

The use of the modern objects depends on some circumstances, the modern (Muslim) or rather a man has no choice unless using the modern Information and Communication Technologies (ICT's) in many aspects they could could be used as lawful in different circumstances. However, if using this new modern innovation through the technological advancement could lead to unlawful act. Allah says; "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.

"This is among the spiritual act of Islamic Shari'ah to simplified and eased issues to its followers" Qaradawi, (1985). Al-Qardawi mentioned that "as for the invented knowledge by human a rational Muslim will not close a door and windows just to neglect all these knowledge and developments as well as what it is resulting to a wisdom Muslim must embraced it for smooth running of his life" more especially in the modern days. (Qaradawiy, 2004)

For example: looking to the modern way of interaction and transactions many things have been 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 transactions may pass through non Islamic rules and some modern markets were running on such system.

On the other hand, some of the contracts were online system, via mobile phones, over Fax, Telex, Internet, Mobile Banking and other modern ways Ni, et al. (2009). Modern Muslim scholars have been asked about such ways of modern transactions, on internet or its example; they responded: The contracts may be executed based on the condition of offering and accepting even by words, even by one of the modern ways of communications, by saying "I sale 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, whatsApp, Fax or by sending its picture through messengers, pagers, Instagram or any other form of social utilities (Fearn-Banks, K. 2016).

The modern world in term of social, education, economic and religious activities rapidly grows due to the newly invented technologies and man is witnessing changes thus Muslim are in the position to reshape their reasoning to utilize the advantages of modern world development because Islam is a

religion of civilization they must easily adopt the available development to promote their religion rulings and Da'wah programs in their regions through ICTs. (Gwadabe, N. A. 2014)

Computer as a Necessity

It became necessary in our modern time to make use of computer for one reasons 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" Al-Qaradawi, Y. (2013). Almost all objects have their advantages and disadvantages in use, although the disadvantages are not fully found in other worldly things, because with any disadvantage there will be an advantage, while advantages and its opposite are found in many objects, (Nur, I., & Muttaqin, M. N. 2020).

Thus, computer may be regarded lawful whereby it may be used in undertaking good things (*Maslahah*) that are relevant to real human development, acquisition of knowledge and some other useful things as acknowledge rationally by wise and learned people. On the other hand, Computer can be abused it may be used for unholy acts, it may be used to create several new ways for committing crime Kierkegaard, S. (2008). Thus Islamic Shari'ah makes provision for all problems that may occur in future time to come, the modern time inclusive.

Legalizing the utilization of computer can go with the rule of *Maslaha* and *Mafsadah* based on *Maqasid al-Shari'ah*, Ibn Ashur said "…the benefit or harm must be definite and regular, and so prevalent and evident that rational and wise people acknowledge it, and the action characteristics cannot replace with something else Ibn Ashur, M. A. T. (2006). Thus, computer in Islamic perspective can be used based on life *Maslahah*, this means we cannot prohibit its usage just because it was invented by non-Muslims.

The following are some examples of Computer crimes:

Theft of Money

The hackers often break into Banks databases to siphon money from one account to another. Some may obtain credit information from computers of credit bureaus and make fraudulent credit of their own card and obtain money from banks or other trade centres. 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 (Heathcote, P. M. 1998).

Fraudulent, according to Islamic Shari'ah can be defined as (Algish or Al-Khida) the Prophet (peace be upon him) said: "Whoever act fraudulent, is not among us" Related by Imam Muslim. Islam forbid fraudulent in all dimensions; in buying and selling, in oldest and modern ways and in all means of transactions. Muslims were asked to be trustworthy in all their affairs (Al-Qaradawi, Y. 1985).

Fraud on the Internet

The basic and basis of Islamic law on computer crime and its ruling was explained by many scholars and Islamic ruling contributed to the ICTs safe and security spiritually more than practically. Many texts prohibiting untruth worthiness attributed to such type of crime Al-A'ali, M. (2007). Nowadays, modern men have an access to networks; they can sing in or activate to serve their own personal interest. In Islam also, there is a 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 (Heathcote, P.M. 1998).

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 its sometimes delivered by means of a virus. The bomb can be

written to destroy or worse, subtly change the contents of organizations computer systems. Usually it was done also by the hacker or distorters (Heathcote, P.M. 1998).

Games

Electronic games on computer, tablets, smart phones, depend on the kind of a game and what it contains there in, as well as its effect to one's time. Muslims where commanded to value time, see Q:103, V:1 and 2, 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" (Roy, O. 2017).

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 to screen and listening to the strong sound may create negative effect, may be illness to eye, back born and ears.

By all means such above mentioned objects will not be neglected by modern Muslims approaches on the legality of using them depend on problem or benefits (*Illah or Maslahah*), because according to Imam al-Ghazali, objectives of Islamic law can be categorized as spiritual (or religious) or worldly he placed the religious at the top, now the religious ruling will be given emphasis because it calls for the preservation of some aspects which includes essentials and exigencies and interest most vital human life and needs particularly where there is no alternatives. "There is also a consensus that; whatever contributes to the preservation of *Dharuriyat al-Khams* i.e a benefit, and everything which causes them to be forfeited is a source of harm while its prevention is benefit" Ahmad al-Raysuni, Imam al-Shatibi's theory of the higher objectives and intents of Islamic law.

And actually the game of child's is quite different with that of man. So let each one uses what correspond his status best on the mentioned conditions. The congress of Islamic Jurist suggested that every game that fulfil the previous condition would not be counted as an offence or misdeed, may be the producer will be judged according to his intention.

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

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

The second one which is still camera i.e. pictures(photograph) take 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 one's images", he then continues 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 (peace be upon him) 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 thus, it will be count as lawful (Al-Qaradawi, Y. 1985).

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 (Никипорець, С. С. 2020). Internet cafe 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 by offering and accepting, this type of transaction is also allowable.

Findings

This paper depicts Islamic view points on the permissibility or prohibition of some modern technological advancements or products such as different games and gadgets in age of Information Technology (ICTs). The research also shows the above mentioned products and its relevancy in accordance with Islamic Shari'ah. In the modern Muslim world of today, certain products in the age of technological advancement such as different technological products used in different sphere of life such as communication, education, industry, military and the host of others should be accepted if both the production and the usage of the above mentioned new technological products met the objectives of *Sharia* or rather Islamic rulings would be accepted but however if they are not, then should be avoided or rejected. The paper also calls Muslim scholars particularly the modern ones that they should adhere to bring awareness to Muslims because western world was doing their best in developing world from theory to practical in both *Maslahah* (what brings benefits to the Muslim World) and *Mafasadah* (what brings harms to the Muslim society).

Thus, Islamic rulings and decisions should be deducted from the primary sources to back the legality of embracing such modern innovations in order to allow Muslims to use it in accordance with Islamic injunction. This also can change the idea of prohibiting all innovative objects by western world as claimed by some emerged denomination sect among Muslims. Yusuf al-Qaradawi has explained on the necessity of Ijtihad that can be observed from time to time by sound scholars who knows much about the modern world and also learned scholars of Islamic Shari'ah to have comprehensive update in secondary Islamic ruling and decisions. It also indicates the need of *Mujtahidun* (Authorities in Islamic Law) in the field of Jurisprudence from many Muslim communities. (Al-Qaradawi, Y. 2006).

The research mainly aims to clear some discrepancies of different extremist ideologies from among some Muslims and clearly explore on the legality of using modern technology invented by the western world for human consumption as well as how Islam tolerates newly invented developments in as much as they did not contrast with basic Islamic doctrines. The Qur'an vividly depicted the revolution that may come in the future, which would be of benefit to human being in particular and the universe in general.

Conclusion

Now that we have dwelt 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 the Islamic perspectives. Thus it is pertinent to re-iterate the need for continuous search for knowledge and its advancement in the modern age for the benefit of the Muslims and the humanity as a whole. The research aimed at affirming the level of Islamic law in accommodating anything good and useful to its followers. It is also condemning the notion of some extremist scholars who have been overboard in passing different rulings to bastardise everything coming from the west in the age of technological advancements. Islamic civilization and its renaissance is a progress religion in nature as the Islamic Law mentioned clearly that in accordance with the principle of Islam everything is permissible except for other things that are prohibited in Islam. Thus, we should also be reminded that Islam is perfect religion that

always enjoys what is good and forbids what is wrong based on the uniqueness of the objectives of the Maqasid Shari'ah (Objects of Islamic Law). In response to this, Allah says "...Nothing was neglected from the book" Q:6, V:38.

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