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A review on the medina charter in response to the heterogeneous society in Malaysia

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Abstract

Malaysia is a Muslim country which comprises of a heterogeneous society. Through the efforts of the current and previous government, Malaysia has been attempting to include the Islamic principles into its governance. Firstly, it starts with the concept of the Asian values, moving on to *Islam Hadhari*, and the recent one is the idea of One Malaysia. These gestures speculate that Malaysia is in the process of bringing and applying back the Islamic way of governance system with reference to the first Islamic law, the Medina charter. Based on the Islamic history, the Medina charter was the first constitution drafted and documented in Islam providing the basis of the city-state between Muslim and non-Muslim in the medieval Muslim city of Medina. The content of the charter manages to unite a multi-religious and multi-ethnicity (heterogeneous) in the city. Therefore, this study is conducted to enlighten people's understanding on the success of the Medina charter, in relation to the heterogeneous society in Malaysia. The charter is applicable to be adapted into the Malaysian government in which the citizens are heterogeneous society. Hence, the aim of this study is to learn the reasons behind the success of the Medina charter in response to the heterogeneous society in Malaysia. In order to achieve the aim of this study, several objectives are highlighted to identify the purpose and function of the charter as well as to analyze the success of the charter to heterogeneous society in Malaysia. This study is based on the qualitative research methodology; thus, the document analysis is adopted to define and understand the Medina charter. The findings of this study emphasize three main aspects, namely, i) the condition of the Medina city before and after the establishment of the charter, and ii) the relationship of the charter with heterogeneous society, and iii) the importance of the charter to the Islamic city-state, especially in Malaysia. The outcomes of this study will assist to strengthen the understanding towards the importance of Medina charter and the significance of upholding the Islamic principles and values in heterogeneous.

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1. Introduction

There are several examples of Islamic history in response to the heterogeneous society, for instance, during the time of the Ottoman Empire, involving Muslim and non-Muslim, heterogeneous Muslim society in Africa and Asia¹. However, the Medina charter was the first constitution drafted and well documented in Islam that provided a basis of the city-state between Muslim and non-Muslim in the medieval Muslim city of Medina^{2,3}. It is perceived as the earliest example of the presence of mediation or terms of agreement among various religions and tribes during 622 A.D^{4,5,3}. This suggests the relation between Islam and heterogeneous society has developed in the Islamic history. Nevertheless, the question dwells on, i) What is the Medina charter? ii) How did the charter start? iii) Who composed the charter? iv) What are the components of the charter? and finally, v) How can Medina charter be utilized as a model in a country with a heterogeneous society like Malaysia?. These are among the uncertain matters pertaining to the Medina charter. Therefore, further discussions on the topic are elaborated in this paper.

2. Problem Statement

Malaysia is recognized as a Muslim country and Islamic city-state which comprises of a heterogeneous society. Through the efforts of the current and previous government, Malaysia has been undergoing a process to include the Islamic principles into its governance. It begins with the concept of Asian values, moving on to *Islam Hadhari*, and the recent one is the idea of One Malaysia. These stages speculate that Malaysia is in the process of bringing and applying back the Islamic way of governance system with reference to the first Islamic law, the Medina charter. According to the Islamic history, the Medina charter was the first constitution drafted and documented in Islam providing the basis of the city-state between Muslim and non-Muslim in the medieval Muslim city of Medina. The content of the charter manages to unite a multi-religious and multi-ethnicity (heterogeneous) in the city. It is perceived as mediation for the heterogeneous society. Thus, this study attempts to learn the success of Medina charter. It is essential to determine the relevance of Medina charter from the local context, Malaysia. An evaluation on the success of the Medina charter needs to be undertaken in order to understand the key in uniting a heterogeneous society in an Islamic city-state. For that reason, a study of the relevance of the Medina charter in the Islamic city-state should be conducted as a future reference in order to maintain and continue the legacy of the Islamic rulers.

2.1. Aim

The aim of this study is to learn the reasons behind the success of the Medina charter in response to the heterogeneous society in Malaysia.

2.2. Objectives

In order to achieve the aim of this study, two objectives are highlighted as follows:

1. To identify the purpose and function of the charter
2. To analyze the success of the charter to heterogeneous society in Malaysia.

3. Literature Review

In the selected verses, the Quran emphasizes on the existence of mankind, with a different background in term of racial, cultural and religious diversity. The differences are acknowledged in the Quran. *'O mankind! We have created you male and female, and have made you nations and tribes that you may know one another. Lo! The*

noblest of you, in the sight of Allah, is the best in conduct (Taqwa)...' (49:13). It also suggests that all human beings deserve to be treated equally regardless of gender, race or tribes and there are no races that are superior over another. The Medina charter was first established in the 622 AD, by the Prophet Muhammad PBUH for the citizen in Medina. The charter is perceived as a tool for conflict resolution, due to the intense fights among the tribes during the time^{4,3}. It was the first written constitution that takes accounts the well-being of Muslim and non-Muslim, and it specifically identified the parties involved in the conflict in Medina. Besides, the charter was explicitly designed to suit the heterogeneous society in which the rights of the citizens are equally highlighted, and they have the same rights to offer their opinion on the governmental matters⁵.

The charter was drafted by the Prophet Muhammad PBUH, however, on what ground and why was it freely accepted by all tribes? There were approximately 22 tribes during that time; nevertheless, each tribe ultimately accepted the influence of the prophet⁶. Hence, the establishment of the charter was achieved. According to Hamidullah⁷, the prophet Muhammad PBUH received a good response because of four reasons. There was a leadership void at that time allowing the Prophet Muhammad PBUH an opportunity to fill in the role. Secondly, the Arab usually seeks a third party or a foreigner for conflict resolution, and the prophet Muhammad PBUH was known as a mediator to resolve conflict in Mecca. Thirdly, there was a lack of agreement among the religious lines upon the arrival of the Prophet Muhammad PBUH. Thus, he was allowed to use religion in order to influence tribal leader. Finally, in order to draft the Medina charter, the Prophet Muhammad PBUH consulted the leaders of every tribe, thereby demonstrating his willingness in negotiating and listening to the needs of all tribes. The concept of the tribal in Medina was very common during that time, whereby the acceptance of the leader of the tribe is perceived as the voice of the members of the tribe. Therefore, the acceptance of the leader would be followed by all members, regardless of religion.

The charter was established after the arrival of the Prophet Muhammad PBUH in Medina. Hence, how was the existing condition of the city before the arrival of the prophet? During the pre-Islamic period, or before the establishment of the charter, the city of Medina was known as Yathrib. It was populated by countless of Arab and Jewish tribes, as well as a small minority of, approximately, 10'000 early Christians. The population of Yathrib was divided into 22 competing tribes with the most dominant tribes of all were the Banu Qaynuqa, Banu al-Nadir, and Banu Qurayza, while the Arab (Mecca) was divided into 12 tribes, dominated by 'Aws and Khazraj^{3,8}. The hostility between the tribes was long before the arrival of the Prophet Muhammad PBUH, and the aggression was mostly to gain control over military and government. The distributions of the tribes are as follows (Table 1).

Table 1. The list of tribes in Mecca and Medina

Mecca Tribes	Banu Quraish, Banu Kinanah, Banu Bakribn Abd Manat, Banu Jadhimah, Banu Hothail, Banu Thaqif, Banu Bariq, Banu Utub, Banu Ghatafan, Banu Hilal, Banu Tamim, Banu Sa'ad, Banu Amr, Banu Daws, Banu Abs, Banu Jumah, Banu Kalb and Banu Khuza'a
Medina Tribes	Banu Khazraj, Banu Aus, Banu Awf, Banu Najjar, Banu Harith, Banu Sa'ida, Banu Jusham, Banu Thaalba, Banu Jaffna and Banu Shutayba
Jewish Tribes	Banu Qainuqa, The Al-Kahinan, Banu Qurayza and Banu Nadir

Since there is countless number of tribes in Medina, the fight over supremacy and authority are constantly happening and it is a never ending battle. There is no mutual understanding between the tribes as each leader is trying to imprint his power, such as in the politic, economic and social aspect⁸. The city was ruled by an anarchy system that was governed by tribalism and force. It led to several misunderstanding among the tribes. Thus, the community was in constant tension between being independent and being hostile tribes. Due to the ongoing fights, the tribes reached a final agreement between themselves as to seek a person (third party) as a mediator³. The rumor of a 'Trustworthy' man in Mecca gained the attention of the tribal leaders in Medina. Therefore, the people in Medina agreed to invite and allow the Prophet Muhammad PBUH to be an arbitrator⁹. The Prophet addressed these power struggles by establishing common goals that would serve the whole community, and Medina charter was the result of his supervision and the name Yathrib was changed to Medina^{5,3}.

Upon receiving the invitation from Medina, the Prophet Muhammad PBUH was having a dispute in Mecca between Muslim and non-Muslim. He firstly enlightened the Arab with the beauty of Islam during his early age of prophethood. He managed to convert influential people at that time such as Abu Bakar As Sidiq and Umar Al Khatab⁹. During the fifth year of his prophethood, the Arab begun to feel threatened by fears of Muslim on the over power of leadership by the Prophet Muhammad PBUH. Due to intense disagreement in Mecca between Muslims and the Arab tribes, it could threaten the life of the Prophet and the Muslims; the Prophet Muhammad PBUH

accepted the invitation from Medina. The journey from Mecca to Medina was then called as *the Hijra*^{3,8}.

After the establishment of the charter, the condition of Medina city had completely changed. The community reached a mutual understanding between one another and everyone was bound by the same law, the Medina charter. The content of the charter manages to unite a multi-tribe, multi-religious and multi-ethnicity in Medina. Therefore, the success of the charter is acknowledged by everyone and it is considered as a tool for conflict resolution^{4,3}. It is also perceived as guidelines for an Islamic city-state, until the present time. Nonetheless, the charter was drafted in 622 AD. It has been years and decades after the establishment of the charter. Hence, the unclear question is, who composed the charter and what are the components inside the charter that manages to unite the heterogeneous society in Medina?

The determination to compose and gather the Medina charter started 100 years after the death of Prophet Muhammad PBUH through the efforts of three historians namely, *Ibn Ishaq*, *Abu 'Ubayd*, and *Ibn Abi Khaythama*⁷. The charter established a 'plural society' that granted equal rights and duties to the citizens of the city-state despite their different social and religious backgrounds⁵. It is perceived as the 'first modern nation state in the world' in the sense that it proposed a 'unified citizenry' as a sovereign people, distinct from the rest of the people of the world. The foundation of the charter which was accepted by the society was probably due to the reason that it addressed the issue of equality in plural society or nowadays called, heterogeneous society. It also emphasized and highlighted the cultural differences of the two traditions of the Muslim and non-Muslim³.

According to Muhammad Hamidullah¹⁰, the most reliable source is by *Ibn Ishaq*, *Abu 'Ubayd*, and *Ibn Abi Khaythama*. He indicated that the charter was structured with 47 articles, the first 23 articles of the Medina charter highlighted on the welfare of Muslim and another 24 articles emphasized on the well-being of the non-Muslim in Medina⁵. The charter was drafted with the sole purpose of achieving peace for all groups of religion and tribes³. Later on, Muhammad Tahir-UL Qadri continued the effort by analyzing the original charter and categorizing the heading of the 47 articles according to the modern legal constitution, consisting of 63 articles¹¹. The sudden increase in the number of the articles from 47 to 63 is due to the extraction in some of the existing articles. There are no additional articles added into the revised version. The new version focuses more on simplifying the existing article according to the modern legal constitution. Therefore, both the 47 and 63 articles in the Medina charter still discusses on the similar regulation.

The main objective of Medina charter was to achieve unity between Muslim and non-Muslim as well as to provide protection against enemies. Hence, the charter is the perfect example in response to an Islamic country and heterogeneous society. The Medina charter managed to unite multi-religious, multi-tribes and multi-ethnicities; and the quality of the city-state is rather similar to Malaysia's, a heterogeneous society¹².

3.1. The Heterogeneous Society in Malaysia

Malaysia is known with its heterogeneous society as it comprises of three main ethnicities namely the Malays (67.4%), Chinese (24.6%), Indian (7.3%) and other minorities (Department of Statistic Malaysia, 2010). Hence, the cultural diversity is no longer a new subject to the country as peace and unity are among the principles upheld by all citizens. Although there are cultural differences, Islam is recognized as the state religion and the predominant society is Muslim. Under the influence of the fourth Prime Minister, Tun Dr. Mahathir Mohamad rejects the idea of Western values and promotes the Asian values instead which highlights three aspects, namely feudalism, Islam and traditional customs. The purposes of the Asian values are to ensure anti-western imperialism, strong government and protection of the community through the influence of Malay-Islamic¹³. As to continue the efforts, the fifth Prime Minister suggested the concept of Islam Hadhari. Islam Hadhari is an approach to change the secular paradigm to *Tawheed* paradigm, with the intention of uniting the *Ummah* as promoted by the Quran and Hadith¹⁴.

Currently, Malaysia is governed by the sixth Prime Minister, Dato' Seri Haji Mohd Najib Tun Haji Abdul Razak (2009 until present). Under his supervision, he proposed the concept of One Malaysia, with a similar concept introduced by the Prophet Muhammad PBUH through the development of Medina charter¹⁵. Medina is an example of a heterogeneous society. According to Ismail Albayrak⁸ historical records suggested it at that time, there were approximately 4500 Jews and 4000 Pagan Arabs, in addition to the 1500 Muslims living in Medina. Therefore, Medina was known as a place of diversity and pluralistic society. Thus, the implementation of the concept of One Malaysia is rather relevant to Medina charter in term of the city-state as Islamic country and heterogeneous society. Through countless of efforts, these gestures speculate that Malaysia is in the process of bringing and applying back the Islamic way of governance system with reference to the first Islamic law, the Medina charter.

The similarity between the Medina charter and the federal constitution of Malaysia is the status of Islam. The federal constitution of Malaysia recognizes Islam as the state religion while protecting the freedom of religion. All citizens are given the rights to practice their own religion. Other than that, the concept of One Malaysia introduced by the current Prime Minister is similar to the second articles of the Medina charter which is the thought of one *Ummah*. The concept intends to address on eight attributes which are accomplishment, strength, humility, acceptance, royalty, meritocracy, education and integrity. All of these attributes are to ensure that the heterogeneous society in Malaysia is living in unity, peace and harmony despite of the difference background, race and religion. The study of the similarities between the Medina charter and the federal constitutions of Malaysia helps to enhance and improve the development of the Islamic city-state and the heterogeneous society. It is perceived as a good step to create an Islamic environment and principles within a heterogeneous society in Malaysia.

4. Research Methodology

This study is based on the qualitative research methodology. There are three elements of inquiry in this study: the knowledge claim focused on the constructivist assumptions, strategy of inquiry which is based on the case study, while the document analysis is adopted as a method to define and understand the Medina charter. The document analysis is a form of qualitative research in which the documents are interpreted around the assessment issue, namely, the Medina charter and the heterogeneous society in Malaysia. There are two types of document analysis, which are the interpretation of the primary and secondary document¹⁶. However, this study focuses only on the secondary documents. The documents are divided into two sections namely; the Medina charter and the heterogeneous society in Malaysia.

5. Findings and Discussions

The anticipated findings of this study emphasize on three main aspects, namely the condition of the Medina city before and after the establishment of the charter, the relationship of the charter with heterogeneous society, and the importance of the Medina charter to the Islamic city-state, especially in Malaysia.

5.1. The establishment of the Medina charter

Based on the Medina charter both 47 and 63 articles, it is discovered that the success of the charter lies in the attributes: unity, equality, protects rights, support, protection, and justice. These six attributes are the keys that manage to bind the multi-tribes and multi-religion in Medina. Other than that, the reasons behind the success of the charter are because of the followings:

- There are a number of tribes in Medina, and every tribal leader is consulted regarding the content of the charter. Hence, this gives the opportunity for every tribe to voice out its needs and demands. In order to promote unity among the multi-tribes, everyone is given an equal chance to participate in drafting the charter. This is perceived as one of many other ways to acknowledge every party involved in the conflict in Medina. Besides, the idea of consulting every leader shows the credibility of the Prophet Muhammad PBUH as a leader.
- The concept of one *Ummah*. The whole tribes in Medina are considered as one community under the charter. This is where the term plurality or heterogeneous society is being recognized as one community and one *Ummah*. This concept ensures that everyone holds the same responsibility to protect Medina and the neighbors (tribes). This responsibility is emphasized on Articles No. 1, 39, 40 and 44.
- The purpose of the charter serves one common goal, which is to serve the whole community, regardless tribe, race, ethnicity and gender. The right of every citizen is highlighted in the 47 articles, for instance, i) Muslim: articles No 2 until No 10 and ii) Non-Muslim: articles No 25 to No 35. The rights of every tribe both Muslim and non-Muslim are specifically identified and highlighted in the charter. Therefore, the rights of no tribes in Medina are left unattended.
- Respect of religion. According to the charter, everyone is entitled to choose his/her own religion. Everyone under the influenced of the charter must be a believer. No one will be protected if he is a non-believer as stated in Article No 20. Leader of every tribe is still in charge of his members. However, if there is any dispute arise

and cannot be solved by the leader, the matter must be referred to God and Prophet Muhammad PBUH as stated in Article No. 42. This allows the distribution of power among the tribes; yet, the Prophet Muhammad PBUH remains as the only reference. Hence, the struggle against power is reduced through the development of the charter.

The contents of the charter specifically highlighted the rights of its citizen. Therefore, the establishment of the charter manages to solve the existing issues that happen between the tribes in Medina. Thus, it leads to the success of uniting Muslim and non-Muslim in the city. There are huge differences in the condition of Medina city before and after the development of Medina charter. Before the development of Medina charter;

- There was no man with a notable reputation to be referred to if there was any dispute occurred between the tribes.
- There were no unification and law to bind all the tribes. The tribes were consistently having a fight over supremacy and authority regarding the military and political matters. There was no mutual understanding between one another. The majority had the power over the minority.

However, after the development of the Medina charter;

- If there were any confusion and dispute among all the tribes, under the influence of the Medina charter they referred to God and the Prophet Muhammad PBUH. During that time, the charter could be accepted by all ethnicities because it emphasized on the rights of worshipping God regardless the religion. According to the charter, all citizens of Mecca and Medina, who believe in God, are considered as a believer. Therefore, those believers such as Muslim and Jews would be given protection, provided that they agreed to follow, join and abide to the laws written in the Medina charter.
- The charter promoted the concept of one *Ummah* which emphasizes on the word unification; therefore, the citizen is recognized as one community. The citizen is bound by the law and breaking the law is considered as an unforgivable act. Justice will be served for the wrongdoers and protection shall be given to those who agree to the law, the Medina charter. Hence, mutual understanding is achieved through the concept of one *Ummah*.

This shows how the establishment of a charter manages to bring the heterogeneous society together. Medina was a place with diverse and heterogeneous society even before the arrival of The Prophet. The Medina charter was created to bring 'unity' among the citizens as it promotes equality, justice and provides protection regardless race, tribe or gender. Therefore, it can be concluded that unity is an important element in order to bring a multi-tribes, multi-religious and multi-ethnicity together.

5.2. *The relationship of the charter with heterogeneous society*

The success of the charter is laid on the concept of unity and equality, protecting the rights of Muslim and non-Muslim. Based on the literature on Medina charter, several matters become clear. It is discovered that:

- In terms of definition, the Medina charter discussed the same issues regarding the mediation of peace between the citizens in Medina.
- Medina was a place with diverse and heterogeneous society even before the arrival of The Prophet. The charter was created to bring 'unity' among the citizen, as it promotes equality and provides protection regardless race, tribe or gender.
- The Medina charter is the example of Islamic law accepted by Muslim and non-Muslim, and explains on how the charter manages to unite a multi-religious and multi-ethnicity (heterogeneous) in Medina.

5.3. *The importance of the Medina charter to Islamic city-state especially in Malaysia.*

In response to the heterogeneous society in Malaysia, it is identified that:

- Malaysia as a Muslim country comprises of a heterogeneous society. Through the efforts of the current and previous Prime Minister, it is discovered that Malaysia is in the transition process of creating an Islamic environment. The finest example and reference are the Medina charter.

- Medina charter upholds the rights of the citizens and encompasses public or private matters. There are several human rights outlined and in the context of a heterogeneous society in Malaysia, Medina has similar characteristics which are the city-state and heterogeneous society.

6. Research Implication

This study highlights on the success of the Medina charter as the first written and documented law for an Islamic city-state. The establishment of the charter managed to unite the heterogeneous society in the city of Medina. Hence, this study intends to discover the reasons behind the success of the Medina charter. Through the findings and discussion section, the study assists to provide a better understanding on how to strengthen and obtain the social sustainability during the prophet time. Before the development of the charter, Medina was a city without any sense of unification and mutual understanding. The two important aspects were the major concern at that time, therefore, the establishment of the charter emphasized on the term unification as well as protecting human rights. These are among the key success that has brought the heterogeneous society together and managed in obtaining social sustainability in Medina. Medina is known as the first Islamic city-state with exquisitely united multi-religious and multi-tribe. Because of these reasons, Medina is chosen as a reference of an Islamic city-state and heterogeneous society, similar to Malaysia.

Malaysia is recognized as one of the Islamic city-states in Asia which comprises of multi-religious and multi-racial society. Through the concept of Asian values, Islam Hadhari and One Malaysia have been introduced by previous and current government, so that it can be speculated that Malaysia is in a process of bringing back the Islamic values and principles within the governance system. It is perceived as a continuous effort made by the government. Based on the finding, it is discovered that the success of the Medina charter lies on six attributes which are unity, equality, protects rights, support, protection, and justice. By adapting the attributes from the Medina charter, hopefully, it can help to refine, improve and improvise the development of Malaysia as an Islamic city-state with a heterogeneous society.

7. Conclusion

This study begins with the speculation that Malaysia is in the process of bringing and applying the Islamic principles into its governance. Medina is recognized as the first Islamic city-state through the establishment of the Medina charter. Therefore, the aim of this study is to learn the reasons behind the success of the Medina charter in response to the heterogeneous society in Malaysia. The finding emphasizes on the nature of the charter as well as the implementation of the charter in the heterogeneous society as it is shown to be successful. Among the important key factors towards the success of the charter are unity and protections against human rights. These factors are perceived as the most significant aspect to unite a nation. Other than that, the heterogeneous society in Medina achieved peace due to respect of religion. It is important to understand that God and one *Ummah* highlighted in the Medina charter not only refer to Islam and Muslim, but also encompass the whole community regardless race and religion. Everyone is protected by the charter as long as s/he is a believer and all citizens are given the freedom to practice their own religion. This is probably the main reason why a heterogeneous society in Medina can achieve peace and live in harmony.

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