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Feature-Islam

GOVERNMENT'S RELENTLESS IN IMPROVING IMAGE OF ISLAM

By: HALIM TAIB

KUALA LUMPUR: Various regulations encompassing the different aspects of Islamic laws had been introduced by the government into the Islamic administrative system since independence, in line with Islam as the official religion of the nation as provided for by the Federal Constitution.

Nevertheless, there still remains several other aspects of the system which continue to be contentious issues among members of the society, including the opposition camps and proponents of the government's initiatives.

For instance, PAS leaders had been claiming that the government had not succeeded in bringing glory to Islam when it fails to find solutions to overcome the various vices and social ills which could mar the image and dignity of the religion, like the alleged spate of apostasy among the Muslims in the country.

On the other hand, proponents of the government's initiatives feel that the time has come for the Islamic administrative system of all the states in the federation to be coordinated or standardised, to avoid contradictions during the implementation of the various Islamic rules and penalties.

They feel that the uniformity was necessary to erase the prevailing doubts within the Muslim society, due to the significant differences in the interpretation and implementation of syariah laws between the states, their enforcement and the penalties imposed on Syariah offenders.

These setbacks, they argue, not only expose the Syariah laws to ridicule but also hinder efforts to bring the religion closer to non-Muslims, and in certain cases created unnecessary doubts among the Muslims themselves towards the integrity of Islamic rules which appear to differ from state to state.

Bernama recently interviewed the Minister in the Prime Minister's Department Datuk Paduka Dr Abdul Hamid Othman in order to clear the air over the issues. Here are the excerpts of the interview;

Q: What are among the steps taken by the government so far to check apostasy among the Muslims in the country, and has any state incorporated a provision in its Islamic Administrative Laws to counter apostasy?

A: The Federal government through the Islamic Development Department (JAKIM) had already drafted a law pertaining to apostasy. The draft would become a model to be adopted by all states in the federation.

The draft is now being scrutinised by the Attorney General's Chamber because it involves certain provisions in the Federal Constitution such as Article 11 (1) which guarantees all individuals the right and freedom of religious worship.

Included in the draft are provisions for apostasy-related cases to be tried by the Syariah High Court.

Currently, the Islamic Administrative Laws in three states had provisions which enable their respective Syariah Courts to hear cases involving apostasy or attempted apostasy.

In Negeri Sembilan, the provision is in its Syariah Administrative Enactment (Negeri Sembilan) (Amendment) 1991, Melaka in its Syariah Offences Enactment (Negeri Melaka) 1991, while in Sabah it is contained in

its Syariah Criminal Offences Enactment (Negeri Sabah) 1995.

Q: What are among the steps taken by the federal government to standardise the Syariah Administrative Laws of all the states, in line with the repeated request by a significant section of the Muslim community.

A: The Malay Rulers and the Prime Minister (Datuk Seri Dr Mahathir Mohamad) had on the eve of the 176th meeting of Conference of Rulers on August 1, 1997, agreed with the proposal by the federal government to standardise Islamic laws throughout the country.

Following that, the Malay Rulers appointed the Sultan of Perak, Sultan Azlan Shah, as their legal advisor. Sultan Azlan then instructed the Attorney General to conduct a study on the existing differences in Islamic laws between the states.

For the purpose of the study, the AG's Chamber together with JAKIM gave their focus to six major enactments currently being enforced in the states, namely, the Islamic Administrative Enactment, Muslim Family Enactment, Syariah Criminal Offences Enactment, Syariah Court Evidence Enactment, Syariah Criminal Procedure Law and Syariah Court Procedure Law.

For this purpose, the syariah laws currently in use in the Federal Territories, were used for cross reference.

The AG's Chamber and JAKIM concluded their study with the drafting of six relevant laws which would ultimately be the models for adoption by all the states.

However, the drafts would initially be presented before the Conference of Rulers for royal consent. Only then would the drafts be adopted by the states without any amendment or modification, hence their uniformity.

Q: The need for the standardisation of Syariah Administrative Laws becomes more pertinent because of the present inconsistencies in fines or penalties with regards to syariah offences, giving rise to unnecessary polemics among the Muslims.

For example, they are now questioning whether it is justified for a Syariah Court to impose just a one-day imprisonment and a fine of RM4,000 on an imam of a mosque who was found guilty of attempted adultery, while those arrested for eating in public during the fasting month were sometime sentenced to a week or more imprisonment.

A: In principle, those found guilty of adultery or attempted adultery should rightfully be given heavier penalties than those guilty of not fasting because the former concerns not only the dignity of the offenders but also affects other individuals, family members and the Muslim community as a whole.

The existing laws pertaining to such an offence provide for much heavier punishment as compared to those found guilty of eating or drinking in public during the month of Ramadhan.

For instance, section 23 of the Syariah Criminal Act (Federal Territories 1997) provides that any male who commits adultery can be fined up to RM5,000 or jailed for up to three years, or be given six strokes of the rotan or punished with a combination of any of the penalties.

Section 24 of the same act states that those found guilty of attempted adultery could be fined up to RM3,000 or two years' imprisonment or both.

Section 52 of the Syariah Criminal Offences Enactment (Melaka) 1991 stipulates that any individual found guilty of attempted adultery can be fined up to RM5,000 or sentenced to three years imprisonment or both.

As to the case referred above, the penalty could be imposed at the discretion of the judge. The existing provision stipulates that offenders

in such a case could be fined up to RM5,000 or jailed up to three years or both.

On the contrary, the penalty for those who are found guilty of eating or drinking in public during Ramadhan is RM1,000 fine or six months imprisonment or both for first offence, and RM2,000 or imprisonment of upto a year or both for second and subsequent offences. -- Bernama

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