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Need for uniformity in Syariah enactments of the various States

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IT is quite rare for a leader anywhere in the world to publicly admit errors.

Malaysians should thus take pride in the frank admissions by no less than two Menteri Besar, from opposing ends of the political spectrum to boot - over a minor snafu caused by the same State Religious Department.

There was Kelantan Menteri Besar Datuk Nik Abdul Aziz Nik Mat of Pas, who, on Saturday, clarified his earlier statement calling for separate restaurants for Muslims and non-Muslims.

"I admit that I did not phrase myself accurately," said the Menteri Besar well known and respected for accuracy of religious quoting, accounting for his rare faux pas.

Only that his admission came a bit too late, five days later to be exact and after Prime Minister Datuk Seri Dr Mahathir Mohamad had described the proposal as "the best way to divide people into small segments".

"What I had wanted to say and meant is that in Kelantan it is not wrong for Muslims to patronise premises that serve liquor, so long as they don't consume it," he added.

He was referring to the controversy following the arrest of 53 Muslims by Jais (Selangor Religious Affairs Department) in an outlet serving alcohol in Petaling Jaya.

Nik Aziz' admission, however, followed an earlier clarification by Selangor's Barisan Nasional Menteri Besar Datuk Seri Abu Hassan Omar on the arrests.

Abu Hassan said the arrests were a mistake. He said under the State's Syariah enactments it was not an offence for Muslims to be in a place that manufactures hard liquor, sells, offers for sale, exhibits or keeps liquor.

This was supposed to provide welcome relief for the many thousands of Selangor Muslims who had begun to suspect countless transgressions from past travels via Malaysia Airlines, shopping at large supermarkets and 7-Eleven and staying in most hotels - all the places where one can encounter alcohol.

In his explanation Abu Hassan said the Jais officers, faced with the situation for the first time, did not fully understand section 10 of the Selangor Syariah Crime Enactment 1995 - which deals with the offence of insulting Islam by being on the premises where alcohol is served.

Those caught under section 10 of the enactment are liable to a fine not exceeding RM5,000 or three years' jail, or both.

Jais is no doubt at this very moment, drilling its officers on the exact definition of the enactment and the enforcement "dos and dont's" regarding it.

It would not be the first time the department would have had to do so.

The 1997 arrest of three beauty pageant contestants by Jais enforcement officers drew comment from the Prime Minister regarding the manner the arrests were carried out.

And in 1995, the then Menteri Besar Tan Sri Muhammad Muhammad Taib rescinded the arrest powers of Badan Amal Makruf dan Nahi Mungkar (Badar) members including its enforcement officers.

Badar was a voluntary enforcement body formed by Jais in 1994 to "curb social ills".

Muhammad said there would be no more arrests under the name of Badar and

all future arrests would be made by the Jais enforcement division.

The move followed allegations that some of them had abused their powers - which again, could have been caused by the same Jais oversight brought about by inadequacies of its enforcement.

All these examples have been confined to the State Religious Department of one State, Selangor.

As religious matters falling under the jurisdiction of State Governments, multiply the potential for confusion by 13 - what's okay to do in one State might not be okay for another due to the sometimes differing Syariah Ordinances, Enactments and laws in each State.

Efforts must be continued to seek a formula to achieve uniformity in these laws.

More importantly, the enforcement of these laws must be impeccable and beyond reproach.

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