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Umno-Pas battle over morality

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ZAID Ibrahim is what one could call a sometime urbane corporate lawyer, he likes to hang out at Kuala Lumpur's fine-dining establishments populated by the discreet elite.

But he also appears as at home in his native Kota Baru where he lives several days of the week, and where he is the Umno division chief, a post won in April after a hard-fought battle and only after the third try.

It's this curious mix of urbane and conservative, in unequal proportions, and a pronounced streak of political savvy which has led to his head-on style of taking on Pas, the ruling party of Kelantan.

It began with the setting up of a music club (the only one in an Umno division, he says), an activity which would raise eyebrows in conservative Kota Baru.

It must be said though Kota Baru was once quite lively, even during Pas' earlier reign from 1959 to 1978.

The music club was largely unknown until its head, Nik Ariff Nik Abd Ghani, an Umno member and government employee, applied for a permit to hold a concert of Malaysian artistes.

It was to be held last month at Hotel Perdana, a SEDC-owned hotel in Kota Baru which had barred Umno from holding its functions there at the height of the Pas-Semangat 46 honeymoon.

The Kota Baru Municipal Council turned the application down on the grounds that the concert would be un-Islamic as it would involve the mixing of the sexes, and unsuitable behaviour.

Nik Ariff filed a suit against the council in August, with the help of Zaid's law firm, and the case is creeping its way through the court.

Zaid, 51, is no stranger to taking on the State Government. In 1996, he had sued it over a water privatisation agreement; the case fell on a technical ground but he claims victory over the fact that agreement itself also collapsed after the outcry.

"It's about fundamental rights of the people and I think there are important issues here for the court to address," he says of his latest legal challenge.

It will be a test case of sorts although strictly speaking, it is not the first to challenge the "Islamic" rules laid down progressively by the Pas Government after it took Kelantan in 1990.

Years ago, a businessman sued after he ran into problems with the local council over his employees who refused to wear the tudung (headscarf). That case never made it to the finish as it was withdrawn.

The regulations on personal morality have since settled into Kelantan life, seemingly without too much of a fuss. In fact, more have been added over the years like separate queues in supermarkets and fully-lit cinemas.

They seem to fit well into the conservative psyche of the people. Though that depends on whom you ask. After all, many Kelantanese women still do not wear the tudung.

Of course, the regulations are well accepted, says Anuar Tan Abdullah, a Kelantan exco member whose portfolio includes tourism and culture.

"The people are used to it. They are a family-oriented people but people in the West Coast, they are used to discos," he says.

Not so, says Kelantan-born (but now Kuala Lumpur-based) lawyer Zahari Wahab.

He says they appear well accepted because the people tend to accept at

face value any pronouncement which Pas says is based on Islam.

And they quickly seeped into accepted norms, he says, when even the more liberal Muslims did not question the rulings.

It can be awkward to raise questions about religion, says Wanita Umno exco member and Kota Baru Umno treasurer Ilani Isahak, another Kelantan-born lawyer but now based in Taman Tun Dr Ismail in Kuala Lumpur.

"Many people lack confidence in their knowledge of religion; they are unsure whether they know enough to challenge them," she says.

Ilani, a former Semangat 46 MP for Kota Baru, has had many first-hand experiences dealing with similar grouses in her time.

It is a delicate task tackling religion-based issues, especially in Kelantan which has an overwhelmingly Malay population and where ambitious politicians would do well to be seen as pious Muslims even if they are not.

In fact, Zahari says Pas may well grab the opportunity to brand this law suit as an attempt by Umno to undo the Islamic social fabric which it has painstakingly woven.

Zaid concedes the point, but says people can't always be constrained by fear of what Pas might say.

He says the law suit is not about challenging the tenets of Islam.

His point is that adherence to religious injunctions is not always best enforced through law; they have to be driven deep into one's soul by persuasion and education.

"And anyway, where do you stop and where do you draw the line?" he says of legal enforcement of the rules of personal morality.

He sees this case as a matter of constitutional and fundamental liberties in a racially-mixed society, but he knows it's not that easy to shrug off the religious overtones.

Not in Kelantan.

As State exco for public administration, local government and regional development Takiyuddin Hassan says: "Even if we lose the case, I am sure that our policy is right because it is to curb immoral activities".

Of course, some would ask whether such stern rulings have merely driven the "vices" underground, but Takiyuddin firmly believes that they have done a lot of good.

It's quite another matter to say if they are on a sound legal and constitutional footing, and if the decision to reject the concert application was properly made - the two main grounds of the suit.

That's for the court to decide, he says.

Pas's Anuar, a Chinese convert and former Gerakan politician, is more blunt. Laws, he says, can be challenged in court, and politicians can get political mileage out of it "but they will have to face their God".

It goes to show how tricky it can get to even query Islamic regulations, let alone test them in court.

But in a way, if it runs its entire course, the case can go a long way to bring clarity to the government's policies and decision-making process.

Things are not as clear-cut as they could be, although Takiyuddin says that it's a well-known rule that only girls below 12 are allowed to take part in stage performances.

He points out that women are not even allowed to take part in Quran recitals as Pas considers the voice to be aurat (parts of the body which should not be exposed) because a melodious voice can attract men.

What more then, he says, of modern concerts where performers are inevitably clad in skimpy attire.

"You know, what they call showmanship," says lawyer Takiyuddin, also the state Pas youth chief and nephew of Tan Sri Abdul Hamid Othman, Religious Adviser to Prime Minister Datuk Seri Dr Mahathir Mohamad.

Takiyuddin says all such policies are thoroughly discussed at the State Exco and at the party level, at the Dewan Harian.

Both are chaired by Datuk Nik Abdul Aziz Nik Mat, the Kelantan Menteri Besar and Pas's Mursyidul Am (spiritual adviser).

Indeed, it is Tok Guru's spiritual persona which inspires the reverence needed to promote public acceptance for the State's pronouncements on religion.

Tok Guru is a scholar (albeit a conservative one), says Anuar.

"Well, I don't think that Nik Aziz is the conscience of the Malays," says Zaid, eschewing the title of Tok Guru which all Pas politicians use as a matter of course.