

## **On the road to a failed 'Islamic state'**

**Malaysiakini.com**

**August 9, 2011**

COMMENT The Jabatan Agama Islam Selangor (Jais) raid on the Damansara Utama Methodist Church (DUMC) last week signals Malaysia's quickening slide into a failed "Islamic state" like Iran, Yemen, and Tunisia and the rest.

Prime Minister Najib Abdul Razak must act firmly and urgently to assure non-Muslims that the ruling coalition is serious about protecting their constitutional right to profess, practise and propagate their faith. The commitment to religious freedom is a hallmark of a progressive nation; which Najib says his 1 Malaysia is all about.

Therefore, the PM cannot afford to continue to remain silent on this affront by Jais. Islam may be a state matter. But clearly Jakim or the Islamic Development Department is parked right under the PM's nose headed by a full cabinet minister. It can act swiftly if it wanted to in matters pertaining to Islam and even other religions.

For instance, when the Kuala Lumpur High Court ruled on Dec 31, 2009 against the government and allowed The Herald - a Catholic publication - to use the word Allah to refer to God in Bahasa Malaysia, it went into overdrive seeking ways to scuttle the ruling.

The government was initially indecisive in that instance. A church in Kuala Lumpur was subsequently torched so extensively that it was rendered useless following relentless public vilification of Christians by Utusan Malaysia, the Malay language newspaper owned by Umno, as well as by Perkasa, a small ultra-Malay right-wing outfit under the patronage of former PM Dr Mahathir Mohamad. He declared Malaysia to be an Islamic state in 2001.

The raid by Jais or the state Islamic Religious Department on a fundraising dinner held at the DUMC in Petaling Jaya cannot be described as anything but a sanctioned vigilante action. It is part of the continuing agenda to vilify and incite hatred towards Christians.

They came unannounced but prepared and accompanied by a media circus, their own enforcement officers and the police. However, they did not have a search warrant nor any plausible explanation for barging in except that someone had made a complaint of which they did not produce details of it. Their suspicion was that the church was proselytising Muslims.

The rule of law cannot be based merely on suspicions. There must be prima facie evidence.

Proselytisation has always been the bugbear used by extremist Muslim groups and the right wing in Umno to scare the Malay heartland into believing Christians are out to convert them by any means. And even to make Christianity into the religion of the federation, ludicrous as it may sound. But the opposite is true.

### **102,997 converted to Islam in 20 years**

Data tabulated from Pusat Islam and Jakim revealed that between 1980 and 2001 a total of 102,997 people were converted to Islam in Malaysia. But the figure could be higher.

Utusan Malaysia on Feb 25, 2009 quoted the governor as saying in Sabah alone there were 117,579 converts to Islam since 1970. It is public knowledge that such conversions were mainly from rural native bumiputra Christians from Sabah and Sarawak sometimes through marriage, inducements or other means.

While the prime minister and Umno had decided to remain silent, MCA president Dr Chua Soi Lek was quick to hammer Jais but shifted the blame to the Pakatan-controlled Selangor state government.

But Jais had likely acted within the law as a controversial enactment passed by the then-Barisan Nasional state government in 1988 allows action against non-Muslims, according to Malaysian Bar Council chief Lim Chee Wee (right).

“Whilst Jais may have the legal power to enter the premises, it must do so on a proper legal basis that there has been an offence committed. From the presently available facts, there is no basis for its intrusion,” he was reported to have said.

The 1988 enactment as well as the four existing state Islamic enactments that give the authorities wide powers to act on religious matters, were introduced by Barisan. The MCA, which was in the state government then, agreed to them while DAP lawmakers had argued that the legislation would encroach on the rights of non-Muslims.

Article 4 of the federal constitution states that: “This constitution is the supreme law of the federation and any law passed after Merdeka Day which is inconsistent with this constitution shall, to the extent of the inconsistency, be void”.

But over the past decades, Islamic enactments were enacted by the respective state governments like the controversial 1988 enactment in Selangor. State Islamic agencies like Jais can carry out their vigilante action against Muslims and non-Muslims like the raid on DUMC under the cover of state laws which may or may not be inconsistent with the federal constitution.

Under Article 8 of the constitution, “All persons are equal before the law and are entitled to equal protection of the law. Article 11 makes it clear that every person has the right not only to profess and practise his religion but also to propagate it.

Surely Jais must understand that propagating one's religion is not the same as proselytising others. It is a fact even in places like Iran, many Muslims have turned to Christianity. This phenomenon is not uncommon in other Muslim majority countries like Malaysia. Surely Jais must understand no amount of religious policing can stop such phenomena.

Therefore, its raid on DUMC is nothing short of a vigilante action. This is not only wrong. It also puts Malaysia on a slippery path towards a failed “Islamic state.” Both Muslims and non-Muslims alike will end up losers.

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