

Why Najib's deafening silence on child conversion?

MalaysiaKini.com

June 22, 2013

By P Ramakrishnan

COMMENT This is what former de facto Law Minister Nazri Aziz once said: "A spouse who converts into Islam has to also fulfil his or her marital responsibilities according to civil marriage laws."

A lot has been said that Islam is a just religion, a religion of peace and compassion. All this is true. In keeping with the virtues and values of Islam, Islamic adherents are under a solemn obligation to give meaning to this by what they do and practise.

In other words, the Islamic faithful cannot be indifferent to the fate of someone who is of a different religion. They cannot deny the rights of these people nor can they be dismissive of the suffering when one Islamic faithful leaves his former family in the lurch after converting.

As a human being, he is expected to provide for his wife and children notwithstanding his embrace of Islam. If he fails to discharge this responsibility that is expected of him, should Islam embrace him? Should a man who betrays the trust of a family and abdicates his responsibility be welcome into Islam? Should such people be allowed to bring disrepute to the religion?

Unfortunately this is what is too often happening today. Secretly, the man converts, and all hell breaks loose for the family. He is not bothered. He compounds the misery of his wife by unilaterally converting his children to Islam. He shatters the life of a mother; and claims refuge in Islam. There is a moral question here.

One would expect religious authorities to guide him in the path of righteousness before he is allowed to convert. He should be advised to exemplify Islamic virtues by displaying compassion and discharging his responsibility to his family before he can find a place in Islam.

The religious authorities contribute to the family break-up when they convert his children without the knowledge or consent of their mother. By so doing, they add to the suffering of the helpless mother. Is this fair?

Lost in translation?

In a recent case, it is reported that a husband abandoned his wife from Jelebu in February last year without providing for her welfare, and converted to Islam. In

April this year, very quietly and without the knowledge of his wife, he converted both his children aged five and eight.

These children were not born Muslims. Is it right to convert minors who have no knowledge of Islam? Having been brought up in the Hindu faith, how do they reconcile their conversion to Islam?

It is wrong for Negeri Sembilan State Islamic Affairs Department director Johani Hassan to insist that "when one parent embraces Islam, the children can be automatically converted. ... The law does not say that we need the consent of both parents before we can convert their children."

The Federal Court might have erred when it ruled that the word "parent" in the constitution meant a singular person and therefore a single parent could convert the child. But the phrase "consent of the parent" could not have meant that. If that was the intention of the framers of the Constitution, they would have expressed the intention as "consent of either parent".

This contention must be correct. Malaysian Bar president Christopher Leong had pointed out that "Article 160 of the federal constitution explains the rules of interpretation. ... It is stated that words importing the masculine gender include females and words in the singular includes plural and vice versa."

How this important point could have been overlooked is a mystery to me. According to Mr Leong, "Until 2002, the Bahasa Malaysia version, as published by the government printers, translated 'parent' as 'ibu bapa'. However, in the 2002 edition of the translated Federal Constitution, the word 'parent' was translated as 'ibu atau bapa'," he added.

For the word "ibu bapa" to be changed to "ibu atau bapa" would require an amendment to the federal constitution. But from what can be ascertained, there was no such amendment. The original intention of the constitution must remain unaltered.

That is crystal clear. The Malaysian Bar must move to have the Federal Court decision reviewed. Otherwise, a great injustice will be perpetuated.

PM's deafening silence

In this unpleasant and worrying controversy, why is the cabinet not speaking up especially when a decision was made in April 2009? It was then decided that children of parents where one of them opts to convert must continue to be raised in

the common religion at the time of marriage.

Minister in the Prime Minister's Department at that time, Nazri, said it was decided in the Cabinet meeting that a spouse who has converted into Islam would also have to fulfil his or her marital responsibilities according to civil marriage laws.

"Religion should not be used as a tool to escape (marital) responsibilities. Conversion is not a ground for the automatic dissolution of a marriage," he said at a press conference at Parliament building on Thursday (23 April 2009).

"The children should be brought up in the common religion. For the spouse who intends to convert into Islam, he or she would also have to come clean," he said.

This is a fair and just cabinet decision. Why is the BN government not enforcing this decision?

Why is the prime minister allowing this unnecessary controversy to drag on? Our nation should not be embroiled in this issue.

Please speak up, Mr Prime Minister.

Copyright © 1999-2012 Mkini Dotcom Sdn. Bhd

Source: <http://www.malaysiakini.com/news/233661>