

'PAS' hudud will see 50 years' more Umno rule'
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PAS' insistence on the implementing hudud could well hand power to Umno "for the next fifty years", as it could weaken the Pakatan Rakyat coalition Islamic Renaissance Front (IRF) director Dr Farouk Musa warned yesterday.

"We have worked very hard for a regime change in this country. And not for one moment, that is, because we love Pakatan. But, because of this issue alone, Umno will continue ruling for the next 50 years," Farouk (left) said passionately at a panel that also featured PAS' Sepang MP Hanipa Maidin.

Farouk, who is also deputy chairperson of electoral reforms group Bersih, told a forum on hudud in Kuala Lumpur last night that PAS should not bite "Umno's bait"- referring to Umno's statement that they would support the implementation of hudud in Kelantan.

He also questioned is hudud is really as "divine" as PAS makes it out to be.

"Many offences that are featured in the Kelantan hudud law do not have any basis in the Quran itself. There is no hudud mentioned for apostasy, not any for adultery. This is the work of people in interpreting God's laws," he said.

In fact, Farouk argued, PAS should first tell the "Kings, Malay rulers and the Sultans" that they too will be subjected to hudud punishment in a just society.

"Syariah penalties are almost never applicable in a modern society when inequality is clearly abundant.

"And when the burden of proof is so high, the victim might get prosecuted (for a false allegation) instead of the accused. Is this justice? Of course not," he added.

Hudud 'unconstitutional'

Both Farouk and constitutional lawyer Syahredzan Johan agreed that hudud implementation would be unconstitutional in Malaysia.

This is because, according to both, having this law contradicts Article 8 of the federal constitution which states that everyone is equal before the law with the exception of matter pertaining to "personal law" such as marriage, custody, and inheritance.

"In order for PAS to smoothly implement hudud, the constitution must first be amended to state that this is an Islamic state. Our constitution is secular. States cannot enact laws that

have equivalents in the penal code,” Syahredzan (right) said.

However, he said that any constitutional amendments that “changes the basic structure” of the constitution itself can be considered “unconstitutional”.

“Even if the bills tabled by PAS is passed, if the matter is challenged in courts, there is a high likelihood the courts will find that the act is unconstitutional,” he said, adding that arguments about hudud cannot be limited to Muslims alone.

“You cannot say you are non-Muslim, so it does not involve you. In that case, you will never achieve true unity in the country,” he said.

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