

An open letter on PAS' hudud move
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COMMENT When I penned “Forging a political contest beyond hudud” in The Edge back in August 2012, I knew it wasn’t going to be my last on this subject.

Sure enough, it is back, and even more vociferously.

Everyone wanted the 13th general election to be about a contest of ideas, policies and performance.

With hudud not on board PAS’s political agenda and Pakatan Rakyat’s election manifesto, it empowered PAS, particularly, to focus its election machinery on an inclusive Islamic agenda affecting the rakyat.

The 52 percent popular vote for Pakatan was an onerous feat, notwithstanding the very tilted playing field, a grossly unfair media and the “faulty” first-pass-the-post electoral system made worse with gerrymandering.

There is no denying the fact that PAS has certainly benefited from the coalition politics of Pakatan.

Suddenly, PAS seems to have dropped an “atomic bomb” of sorts. It has stolen the limelight from the unending search for the MH370 and the bitter debate on the goods and services tax (GST).

The positive response from the Kelantan menteri besar, when challenged by the minister in the Prime Minister’s Department to table a Private Member’s Bill on hudud in Parliament, is regarded by many as immensely negative and shocking.

Admittedly, the “Hudud Bill” has thrust the Malaysian populace and electorate to either being its proponents or detractors.

I am fully aware and respectful of the fact that both the proponents and detractors have equally compelling and persuasive arguments.

I address this open letter of mine to all Malaysians. I empathise with the anxiety and concern the Hudud Bill has caused, particularly but not confined to, the nascent support-base from “Middle Malaysia”, who surely feel let down by PAS.

An in-depth discourse is in order

This letter, however, is not an attempt at debating these issues exhaustively. It only serves to endear that an in-depth discourse or debate is in order.

Lest you have also come to believe that PAS has been trapped into Umno's game plan to eventually break the fraternity-solidarity of Pakatan, let this letter reaffirm you of our political acumen of Umno's purported decoy and allay all your concerns and anxieties about our naivete.

The news bandied around of PAS uniting with Umno on the hudud agenda is similarly meant to cause a split in Pakatan Rakyat, much as it is meant to incite distrust and contempt for PAS.

But again, the question raging in almost everyone's mind is, why must the new Kelantan menteri besar be adamant about tabling the Hudud Bill in the coming parliamentary session?

Has PAS become an Islamic political party that only champions hudud and the Islamic penal code? Has PAS debunked the concept of "the benevolent state"?

Is this move ill-conceived? And with the Hudud Bill, has PAS now come full circle to again be propagating an Islamic state? Are PAS' "reforms" for real, after all? An almost endless list of disturbing questions.

Bill has demonised PAS overnight

Overnight the Hudud Bill has again demonised PAS. PAS has instantaneously become a punching bag and received unending blows from all quarters.

It is most baffling to witness the sudden change of attitude towards PAS, which a while ago was praised for all the correct things we stood for in defending the right of others to practice the religions and faiths of their choice.

This open letter makes it categorically clear that PAS is indeed committed to and will be unyieldingly consistent with the party's political advocacy of the "Negara Berkebajikan" or "the benevolent state".

PAS shall uphold and will not budge from the battle-cry of "justice for all" and "Islam for all".

We will act firmly and persevere against the posturing of a rigid and seemingly intolerant Islam that is sure fodder for more intense religious bigotry and conflict.

We will be unwavering in our partnership with the rakyat to go against any sacrilegious acts on places of worship, the like that of the cow head intimidation and the debilitating polemic of 'Kalimah Allah', which have all deepened the religious divide.

While PAS stands corrected in the framing of the Hudud Ordinance of 1993, PAS wishes to be viewed as making its best efforts in fulfilling one of its democratic and mandated obligations to the people of Kelantan, besides other aspects of improving their well-being.

I have no qualms in admitting that while the laws ordained by Allah and His Prophet are sacrosanct and inviolable, the codification of these laws represent human effort, which is surely not infallible and, therefore, susceptible to errors of judgments.

Drafting of law a delicate undertaking

As a matter of fact, the drafting of any law is a very delicate undertaking and the Hudud Ordinance is no exception.

That said, I, however, note with much grief and sadness the overwhelming prejudices of some disparaging critics, borne out of sheer hatred for anything religious, more so of an Islamic penal code – namely hudud.

Be that as it may, the widely held supposition that the Hudud Ordinance is in conflict with the Federal Constitution, the Penal Code and the basic structure of the Federal Constitution deserves a good debate and discourse.

To be violently persistent that it is against the Constitution and not wanting to listen to the counter argument does not augur well for a thinking Malaysia.

The fact that the Constitution is without a “Grundnorm” as opposed to the Indian Constitution, which has its “secular basic structure” categorically stated in its preamble, makes it all the more difficult for one to be presumptuously assuming that its genetic DNA to be out rightly “secular” or “Islamic”.

I take great consolation in noting that some astute legal minds posit that our Constitution is neither secular nor Islamic.

Admittedly, a deeply complex issue like hudud will continue to take centrestage in Malaysian politics for many months to come.

An integral part of Islamic legal system

It may well be that the detractors of hudud will neither allow nor be able to overcome the notion that hudud can be allowed a place in modern, multi-religious and largely “secular” Malaysia.

It cannot be overemphasised that hudud is an integral part of the Islamic legal system, albeit a small one. In other words, the Islamic legal system is not solely about hudud.

Regrettably though, hudud has always been portrayed as lacking the true spirit of compassion and justice that are so intrinsic in the Islamic legal provision and the

comprehensive philosophy of punishment in Islam.

It needs to be again unequivocally emphasised that the Hudud Bill is only applicable to Muslims and Muslims alone.

If that seems like injustice to some, together we shall address the issue in our forthcoming dialogues and discourses.

My colleagues and I in PAS value transparency, openness, constructive feedback and frank exchanges to resolve the many and major issues that beset our nation, with hudud being just one of them.

It is in this context of creating the democratic space, that I humbly urge my fellow Malaysians, whether Muslims, adherents of other faiths or atheists, to engage hudud and similar issues with mutual respect, decorum and sensitivity through discourses and dialogues.

The current engagements have, however, fallen short of the basic norms of civility and the spirit of compassion as expounded by the founders of our nation.

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