

Abim: Najib's proposal insults Syariah Court
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Prime Minister Najib Abdul Razak's proposal to bring interfaith custody disputes before the Federal Court is an insult to the Syariah Court, charged the Malaysian Islamic Youth Movement (Abim).

Abim said it viewed the proposal as disrespecting the jurisdiction and legitimacy of the Syariah Court as well as denying the court's role in dealing with religious matters which it argued cannot be challenged by the civil court.

"Article 121 (1A) of the federal constitution gives the Syariah Court full powers to adjudicate on all cases involving Islamic affairs.

"This is a good thing as it is an effort to raise the standing of syariah law in this country," said the movement in a statement.

However, Abim said Najib's proposal gave the impression that the government was not serious in enhancing the position of syariah law as stipulated by Article 121 (1A).

On the same note, the movement called for a new approach to ensure the "harmonisation" of both syariah and civil laws.

"The present scenario shows that the Syariah Court has been placed in an awkward situation, especially in cases involving the relationship between Muslims and non-Muslims," it said.

As for the custody disputes, Abim believes that the cases could be resolved if the Syariah Court allowed the non-Muslim spouse to bring her case before the court for justice.

"This is essential because it involves the right of a person who feels that she has been wronged," said the movement.

Police feels conflicted

On Thursday, Najib suggested taking the cases to the apex court following two civil court decisions overruling the syariah courts' decisions pertaining to which parent should have custody of the children in interfaith disputes.

This despite the court rulings that had outlined that the dispute was a civil matter and not syariah, as the marriages in question were conducted under civil law prior to one of the spouse's conversion.

M Kulasegaran, who represents M Indira Ghandi in the custody dispute with her Muslim convert ex-husband, Mohd Ridzuan Abdullah, described the proposal as a “disappointment”.

The police also contributed to the stalemate by refusing to enforce civil court orders to return the children to their Hindu mothers.

Inspector-General of Police Khalid Abu Bakar claimed that the police are “sandwiched” between two jurisdictions and suggested that the children be placed in childcare centres, which both parents could visit.

However, the police chief’s suggestion has ignited a firestorm of protest.

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