

Malays converting: Why not? says Dr M
Malaysiakini.com
May 3, 2007
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Malay Malaysians seeking to renounce their religion must also be prepared to give up their special rights associated with the race, said former premier Dr Mahathir Mohamad.

This is because the constitution determines Islam to be among the characteristics of being Malay, he explained.

"If he renounces Islam, then he is not a Malay. That's all," he said when asked if he agreed with allowing Malays to convert out of Islam.

"Why not? People would still be Malay, but officially, he would not be a Malay. Being a Malay in this country has certain privileges, so he wouldn't enjoy those privileges.

"If you are prepared to give up Islam, you must also be prepared to give up (the rights associated with) the definition of a Malay. You must say that 'I am not a Malay,'" he added.

Mahathir, who is also the president of the Malaysian Muslim Welfare Organisation (Perkim), said this during a recent interview with malaysiakini at his Perdana Leadership Foundation office in Putrajaya.

The Federal Constitution determines that a Malay is one who speaks the Malay language, practices Malay customs and follows the religion of Islam.

As state syariah laws oblige non-Muslims to convert before marrying Muslims, Islamic departments have long accommodated such converts seeking an exit out of the religion upon the breakdown of their marriages.

**Federal Constitution
on status of Malays**

Article 160

(2) "Malay" means a person who professes the religion of Islam, habitually speaks the Malay language, conforms to Malay custom and -

(a) was before Merdeka Day born in the Federation or in Singapore or born of parents one of whom was born in the Federation or in Singapore, or was on that day domiciled in the Federation or in Singapore;

or

(b) is the issue of such a person.

However, the syariah courts have predominantly ruled against attempts by Malays seeking a formal recognition of their apostasy from Islam.

This is partly because of concerns that doing so would 'unravel' the fabric of the religio-cultural definition of being Malay.

"When we see a Malay, we see a Muslim. That is what is in the constitution. So when we allow all these things, we are finished. Malaysia is finished," said Perak mufti Harussani Zakaria in a recent special programme by Al Jazeera on the apostasy issue.

It was to stave off attempts to obtain an overruling by the civil courts on such syariah court decisions that the Article 121 (1A) amendment was introduced in 1988. Civil and syariah courts have since enjoyed separate jurisdictions.

Among the cases that have gripped civil society is that of Lina Joy, a Malay who converted to Christianity. Her appeals for legal recognition of her conversion presently awaits the decision of the Federal Court.

Separate fact from fiction

Mahathir - under whose administration the constitutional amendment was introduced - said there was no need for a redefinition of a Malay.

"At the moment, we've got no reason to change the definition of a Malay," he said.

Apart from Malaysia there was at least one other country - Maldives - where ethnicity is linked with religion, he added.

Addressing the fear that opening the doors to apostasy in Malaysia would unravel the Malay demographics, constitutional expert Shad S Faruqi noted in a two-part article in The Star that it had significant legal, political, social and economic consequences.

"A Muslim apostate will lose his Malay status. His marriage will be dissolved. Painful questions of custody and guardianship and of Malay privileges will arise," said Shad.

However, he said conversion out of Islam does not mean an "automatic desertion of the Malay community... Our first task should be to separate fact from fiction," he added.

Below is an excerpt of the Mahathir interview:

Malaysiakini: The Federal Constitution says that the definition of Malay is that you have to be Muslim, and allowing for Malays to covert out of Islam would unravel the whole thing. What's your point of view on this?

Mahathir: The thing is, if you are not a Muslim, then you are not a Malay. That's all. That's what the constitution says.

And that is what some Malays are worried about.

If you are prepared to give up Islam, you must also be prepared to give up (the rights associated with) the definition of a Malay. You must say that 'I am not a Malay.'

Would you agree to that?

Why not? People would still be Malay, but officially, he would not be a Malay. Being a Malay in this country has certain privileges, so he wouldn't enjoy those privileges.

You've got no problem with the definition of the Malay?

At the moment, we've got no reason to change the definition of a Malay. There are only two countries in the world where the race is linked to the religion.

You've go no problem if a Malay actually renounces Islam?

If he renounces Islam, then he is not a Malay. That's all.

The other country is Maldives. In Maldives, you must be a Muslim to be a Maldivian.

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Source : <http://www.malaysiakini.com/news/66752>