

'Karpal's stand on hudud complete nonsense'
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Constitutional law expert Abdul Aziz Bari has rubbished DAP veteran Karpal Singh's claim that it is impossible to change the constitution to implement hudud law because the "basic structure" of the constitution can't be amended.

NONE "Karpal (left in photo) is at it again. Complete nonsense," the law professor told Malaysiakini.

Yesterday, the DAP stalwart put his foot down on the implementation of hudud should Pakatan Rakyat take over Putrajaya, saying that it was not in the coalition's agenda.

He also said that the constitution "advertises" to Malaysia being a secular state, and this in turn makes the constitutional guarantee a "basic structure" of the constitution, that cannot be amended even by a two-thirds majority in Parliament.

Abdul Aziz however stressed that there is no such a thing as "basic structure" that cannot be amended or taken away in the constitution.

"So long as the conditions are met - such as two-thirds majority or consent of the rulers - anything can be amended. This is the law," explained Abdul Aziz.

Stating that in his expert knowledge, he cannot make any sense of the notion of democracy as explained by Karpal, the UIA lecturer described the Jelutong parliamentarian as being "confused" about what he is talking about.

"The constitution clearly makes democracy the condition. This means if you have got the required conditions you can have it!" he pointed out.

Khalid 'absolutely right'

NONE Abdul Aziz (right) defended PAS Shah Alam MP Khalid Samad's statement on the issue as being "absolutely right".

"If the people of Malaysia want hudud it can be implemented. This is both democratic and constitutional."

New Straits Times (NST) on Friday reported Khalid as saying that he was confident that Pakatan Rakyat component parties will not stand in the way of hudud if this was the will of the people.

The report prompted Karpal's statement yesterday.

"We hold on to democratic principles and in the end, the implementation will be referred to the people. The rakyat will decide," said Khalid according to NST.

But more importantly, Abdul Aziz asserts that Malaysia and its constitution are not, in his opinion, secular.

"As I have been saying, the constitution of Malaysia is not secular. There is nothing in the constitution now that underlines this assertion."

Muddy debate

He argues that contrary to Karpal's claims, there are too many provisions that tell us that the constitution is not secular.

He was referring to provisions like Article 3(1) that states that Islam is the "official religion" of the federation as well as provisions under article 121(1)(a) recognising Syariah law as the governing jurisdiction for Muslims.

The debate over whether or not Malaysia is a secular state has raged over the years, the issue muddied by the fact that nowhere was it mentioned in the constitution that it is secular and the provisions noted by Abdul Aziz.

Pro-secularists claims that Malaysia was intended at its inception to be a secular state while those opposed to the notion of secularism point to the provisions recognising Islam as "alluding" to Malaysia being a pro-Islamic if not a true Islamic state.

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