

PAS backs constitutional court proposal
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PAS has joined the chorus in calling for the setting up of a special constitutional court to deal and resolve contentious legal disputes regarding constitutional points of law and rights.

The Islamic-based party wants the special court to deal with not only cases between Muslims and non-Muslims affecting their fundamental religious and family rights, but also violation of basic human rights enshrined in the Federal Constitution.

PAS believes a special constitutional court would resolve the dilemma faced by many non-Muslims for having to seek legal redress from the syariah court in their legal disputes with Muslims.

The party's national unity bureau chairperson Mujahid Yusof said the constitutional court should not be confined to dealing with only legal disputes between Muslims and non-Muslims on fundamental religious and family rights.

It should also deal with all constitutional-based legal disputes especially violation of basic human rights and citizenship rights enshrined in the Federal Constitution, he added.

"The special court shall be the legal mechanism to protect and safeguard the Federal Constitution and constitutional rights of the people," he said.

Gov't must be brave

Mujahid was commenting on a resolution passed by the Federal Territory Gerakan at its annual convention early this week calling on the federal government to set up a special constitutional court to deal and resolve cases involving constitutional rights and laws.

FT Gerakan chairperson Dr Tan Kee Kwong, who heads the party national religious bureau, said the setting up of the special court was imperative to deal with "various constitutional grey areas" that had surfaced in recent court cases affecting religious, family and basic human rights of non-Muslims.

He said the special constitutional court shall evade non-Muslims from being ordered by civil courts to seek legal redress from the syariah courts in legal disputes with Muslims.

He said the special court could be a solution to inter-religious problems, which were bound to crop up from time to time.

"The country is not on the brink of an inter-religious crisis. But the government must be brave enough to tackle this problem now before the situation gets worse," he added.

Although he concurred with Tan on the setting up of the special constitutional court, Mujahid, however, disagreed that it was a breach of fundamental rights of non-Muslims when they were ordered by civil courts to seek legal redress under the syariah law.

Fear factor

He said the fear factor among non-Muslims had led to the misconception that Islamic laws would be unfair to them.

He said non-Muslims should view the Syariah Court as another legal mechanism for them to seek justice through the rule of law.

"By seeking justice under the syariah rules, non-Muslims are not being forced to subscribe to Islamic laws. They are merely given another chance to seek justice," he said.

In several recent legal disputes involving non-Muslims and Muslim converts, including the latest R Subashini case.

Non-Muslims throughout perceived the civil court order as "unconstitutional, breach of fundamental rights of non-Muslims and paving the way for non-Muslims to subscribe to Islamic laws."

In view of this, Mujahid called on the government to hold a national conference to deliberate and resolve the contentious issue.

"All political parties, non-government organisations and various intellectuals and law experts should be invited to this conference. The conference could pave way to finding a permanent solution," he said.

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