

'Jakim no authority to probe status of caned boy'
Malaysiakini.com
November 11, 2010

The Islamic Development Department (Jakim) has no authority probe the religious status of the father of the Sarawak schoolboy who was caned for bringing non-halal food to school, said constitutional expert Abdul Aziz Bari.

NONEAbdul Aziz (right) said that based on the framework of federalism, the regulation of Islam in Sarawak rests solely on the authority of the state.

"In this issue, it is the state that has the authority. Jakim cannot interfere. Moreover, under the federal constitution, Jakim is under the authority of the Conference of Rulers, not the federal government.

"However, this is not the case (in reality). All agencies related to Islam in the federation is being controlled by Umno and the federal government," said Abdul Aziz.

Abdul Aziz said this in an email interview today over de facto law minister Mohd Nazri Abdul Aziz's announcement yesterday that Jakim will be probing the matter that caused controversy in Parliament this week.

NONEThe issue arose over confusion on the religion of the 10-year-old boy's father, Beginda Anak Minda, who allegedly also goes by the name of Norazman Abdullah.

Beginda Anak's marriage certificate dated 2009 states that he has "no religion" while his wife is a Christian.

Jakim's authority over the matter comes into question considering the 18-point agreement for Sarawak's entry into Malaysia in 1963.

18-point agreement overridden

Article 1 of the agreement reads: "While there was no objection to Islam being the national religion of Malaysia there should be no State religion in Borneo (Sarawak & Sabah), and the provisions relating to Islam in the present Constitution of Malaya should not apply to Borneo."

However, Abdul Aziz points out that this is overridden by Article 3 (3) of the federal constitution that states that Penang, Malacca, Sabah and Sarawak must make provisions conferring the Agung as the head of Islam in the state.

"The question is this: is Jakim acting on behalf of the Agung? In my opinion, the Agung must act on his own in the context of him being the head of Islam in his own state," said Abdul Aziz.

On the National Fatwa Council's claim that the victim of the controversial caning incident is Muslim by default of the father being a Muslim, Abdul Aziz said that this has no legal bearing.

"It's just an opinion that can be accepted or rejected by the states," he said.

Meanwhile, Jakim headquarters and its branch in Kuching refused to comment when contacted.

Father appeared in Anwar's trial

The dispute over Beginda's religious status was sparked when his marriage certificate was made public to prove that he and his wife were non-Muslims.

NONEHowever, it was then pointed out that Beginda had appeared in Anwar Ibrahim's sodomy trial as Norazaman in 1998 where he claimed he was involved in a tryst with key prosecution witness Ummi Hafilda Ali (left).

Kulim Bandar Baru MP Zulkifli Noordin had also adduced evidence to prove that Beginda contested in the general election in 1999 and 2004 under the PKR ticket, as Norazaman.

Zulkifli argued that since the schoolboy was born in 2000, it would mean that he was born to a Muslim father, predating the marriage certificate that was issued in 2009.

Copyright © 1999-2007 Mkini Dotcom Sdn. Bhd.
Source : <http://www.malaysiakini.com/news/147988>