

Azizan defends new fatwa ruling amid growing criticisms

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ALOR SeTAR: Amid growing criticisms of the new *fatwa* ruling passed by the state assembly, Kedah Menteri Besar Datuk Seri Azizan Abdul Razak stood his ground and told dissenters they should not politicise the matter.

"We have been discussing this issue for two years because we realise the difference between the mufti and the judicial body can be confusing.

"This amendment has nothing to do with the Madrasah Salihah surau suit," he said, referring to the legal action against the state government over the development of a shopping mall that would take a portion of the land that houses the surau.

Several quarters had taken the state government to task over the amendment to the Mufti and Fatwa (Kedah Darul Aman) Enactment 2008, which makes it an offence to challenge any religious edict made by the state mufti or the *fatwa* committee.

Controversial Section 22A provides that any *fatwa* decided by either the state mufti or the *fatwa* committee, whether gazetted or not, cannot be challenged, appealed, reviewed, denied or questioned in any civil or syariah court.

Azizan said non-Muslims should not be too worried as the amended enactment does not apply to them.

Meanwhile, the Madrasah Salihah Surau action committee has lodged a police report against the state government, saying the new *fatwa* ruling has disgraced the Sultan of Kedah and the Malay Sultanate.

Committee chairman Mansor Ahmad said the amended law gives the mufti a power over the Ruler.

Gerakan expressed its fears that the new *fatwa* ruling could affect non-Muslims as well as undermine democracy and the rule of natural justice.

Kedah Gerakan Youth chief Tan Keng Liang wants Pakatan Rakyat national leaders to stop the state government from enforcing the amended law and review the decision of the state assembly.

Tan said some *fatwa* may indirectly affect non-Muslims and is unfair if it cannot be challenged.

"For example, if the state issues a *fatwa* banning Muslims from issuing a licence for sales of alcoholic drinks and the Muslim district officer complies, an affected non-Muslim may not be able to challenge the decision in a civil court," he said.

Bar Council constitutional law committee chairman Syahredzan Johan told an online news portal the amended *fatwa* enactment was unconstitutional.

He said that it went against the basic principles of a functioning democracy, which underlines the separation of powers between the legislative, executive and judiciary arms of the Government.

Syahredzan added that the state assembly does not possess such powers to usurp the jurisdiction of the courts as enshrined under Article 121 of the Federal Constitution.

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