

Hudud delay a way out for PAS and Umno?
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By Eileen Ng

PAS's decision to shelve its proposed Islamic criminal law, or hudud, is to all intents and purposes a way out of a political quagmire for the Islamist party and rival Umno, both of whom have been caught in a maelstrom of protests from their non-Muslim allies, say politicians and analysts.

Even as one political analyst described it as a face-saving measure for PAS, the DAP, who has all along opposed its ally's hudud plans, cautioned that the thorny issue would still require the green light from the Pakatan Rakyat (PR) leadership council in the future if any attempt was made to introduce it in Parliament.

Umno MPs, meanwhile, have asserted that the Islamic penal code cannot go ahead even though the Malay party, which is the lynchpin of the ruling Barisan Nasional coalition (BN), holds majority seats in Parliament.

With 88 MPs, Umno could team up with PAS, which has 21 MPs, to push through the Islamist party's private member's bills in the 222-seat Parliament to pave the way for the Islamist party to implement hudud law in Kelantan.

However, Umno MPs said they would adhere to BN's way of achieving consensus on important issues, and that the infrastructure and awareness were not in place for the Islamic law to be introduced in Malaysia.

While agreeing that PAS postponing the bills was a positive development, DAP national organising secretary Anthony Loke said this episode proved that such sensitive issues needed to get the nod from the top PR leaders.

"Even though the bills will no longer be tabled, the issue of hudud has to be discussed within Pakatan's framework and we insist that any future plans on the matter have to have the consent of the Pakatan leadership council.

"We are in a pact and there must be consensus in any moves made," he told The Malaysian Insider.

Loke, who recently told PAS to leave the opposition pact if it was adamant on going ahead with the move, admitted that the episode had somewhat strained ties between the two parties but was optimistic that they could put the issue behind them to focus on the upcoming Bukit Gelugor and Teluk Intan by-elections.

DAP strategist Dr Ong Kian Ming, however, cautioned that opposition parties have to be careful that the joint technical committee, comprising Putrajaya, PAS and the Kelantan government, to look into the implementation of hudud is not used as a tool to divide Pakatan.

"We have averted a major crisis within Pakatan but the hudud issue is not off the table yet," he warned.

Political analyst Oh Ei Sun said both PAS and Umno have found out in the past few weeks that many Malaysians are not in favour of hudud and as such, a delay in its implementation is inevitable.

PAS, he said, is facing a "double whammy" – risking being sidelined in the opposition Pakatan Rakyat bloc and losing support from the urbanites.

"This is one of the ways for them to delay it," said the analyst from Singapore's S. Rajaratnam School of International Studies, referring to PAS's president Datuk Seri Abdul Hadi Awang's reasoning that the postponement was to give sufficient time to the joint Putrajaya and Kelantan government technical committee to study the implementation of the state's Shariah Penal Code II.

He said if PAS did not take this route, the BN government would ensure, through "procedural tactics", that the bills would not be debated in Parliament.

"Umno as a Malay party cannot outright say no to hudud so they might use some sort of means to clog up the bills in Parliament," he said.

Umno's Pulau MP Datuk Nur Jazlan Mohamed is adamant that his party would not have pushed through the proposed bills as it is bound by the BN pact's way of achieving consensus before any decision can be made.

"We can't go on our own, we have our coalition where we do things via consensus and we have to abide by the coalition's stand," he said.

BN's Chinese majority partners MCA, Gerakan, Sarawak United People's Party (SUPP) and Sabah's Liberal Democratic Party (LDP) have been very vocal in their stand against hudud, with MCA going a step further by threatening to "review its position in BN" if Umno votes in favour of the bills. Umno's Jerlun MP Datuk Othman Aziz said hudud was not suitable to be implemented now due to the lack of infrastructure and awareness among the people.

"You cannot simply introduce the law without educating the people. They (PAS) are playing politics, why did they plan to introduce the bills when they knew they can't implement hudud?" he asked.

Umno, he said, does not see the implementation of hudud as a priority.

Although he is supportive of the Islamic law, the first-term MP said it cannot be simply implemented without educating both Muslims and non-Muslims.

"When the government introduced the school-based assessment system, it was 'kelam kabut', what more hudud," he said, using the Malay term for "chaos" in referring to the controversial pupil assessment programme that was put on hold by Putrajaya in February after a public outcry.

Gerakan said it will be ready to haul the Islamist party to court if it reverses its decision.

"Our legal notice sent to PAS on April 24 will remain. There is clearly no provision in our Federal Constitution for the implementation of hudud. It was never agreed when Malaysia was formed.

"We will not take any chance. The Federal Constitution and its fundamental principles must be defended," said its vocal youth chief Tan Keng Liang.

PAS had previously announced plans to introduce two private members' bills in Parliament to allow it to enforce hudud in Kelantan, triggering an exchange of words between the Islamist party leaders and its ally DAP, which has been adamantly against the implementation of the Islamic penal code in Malaysia.

PAS's intention has also been opposed by the Chinese-majority political parties although Umno's Minister in the Prime Minister's Department Datuk

Jamil Khir Baharom had said the BN government was willing to support any state government that wanted to implement hudud.

The two private members' bills would have allowed the Kelantan government to enforce the Kelantan Shariah Penal Code II, which was passed in 1993 by the state assembly. – May 12, 2014.

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