

Dr M's aide backs ex-CJ on Islamic law's status

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By Nawar Firdaws

But Islam forbids the act of compelling non-Muslims to adopt Islamic values, says Haniff Khatri.

PETALING JAYA: A senior lawyer has voiced agreement with former chief justice Ahmad Fairuz Abdul Halim's interpretation of the Federal Constitution with regard to the status of Islamic jurisprudence.

Speaking to FMT, Mohamed Haniff Khatri Abdulla said he agreed that Islamic law, like English common law, formed part of the constitution.

He said Fairuz was therefore "not wrong" in saying that laws contradicting Islamic law would be null and void.

He pointed to Section 3 and Section 5 of the Civil Law Act 1956, which, he said, meant that post-1956 English common law principles could no longer be imported, thereby emphasising the incorporation of Islamic principles into Malaysian common law, which would evolve according to the changing needs of society.

However, Haniff, who is former prime minister Mahathir Mohamad's legal aide, also said non-Muslims could not be compelled to adopt Islamic values because that would be contrary to Islamic jurisprudence.

Hence, certain Islamic teachings, such as the prohibition on intoxicants, could not be extended to non-Muslims, he added.

Haniff also commented on a remark made yesterday by former Federal Court judge Gopal Sri Ram.

Sri Ram told FMT that judges in the 1988 Supreme Court case of *Che Omar v Che Soh* held that a law inconsistent with Islamic scriptures was valid because of the secular nature of Malaysia's constitution.

"The case actually never declared that the Federal Constitution is a secular constitution," said Haniff. "That case, which dealt with the Dangerous Drugs Act and Firearms Act, only stated that those acts of parliament are secular laws."

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