

WORKING PAPERS

The Politics of Hudud Law Implementation in Malaysia

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INTRODUCTION

The Malaysian government's move on 26 May 2016 to expedite for parliamentary deliberation the Private Member's Bill introduced by Abdul Hadi Awang, the president of the opposition Islamic party PAS, to expand the Syariah court's jurisdiction, surprised and unsettled many. Yet when given the floor, Hadi merely read out the motion and then asked for its debate to be postponed to the following parliamentary sitting in October/November 2016. This has aroused suspicion as to his intention in doing so. In the following sitting, the proposed motion surfaced again. On 24 November 2016, instead of debating the proposed bill, Hadi proposed to amend the motion but again asked to postpone its debate to the parliamentary session in 2017.

This means that concerned observers and politicians are again left guessing as to why he really did what he did and its eventual outcome. The move has been interpreted by its opponents as a step towards the implementation of Islamic penal code (referred to as *hudud* in Malay). Others in particular the Prime Minister (who is also the president of the leading Malay political party in government, the United Malays National Organisation, UMNO) and his party leaders have dismissed this reading and explained that the bill would merely raise the sentencing power of the Syariah Court. A third interpretation back in May regarded the incident as nothing more than a ploy to boost the political credentials of UMNO and/or PAS in the face of the two by-elections in June, and it would eventually come to nothing.

This paper argues that there are elements of truth in all three arguments. The cynicism of the third position, for instance, is not without its basis. UMNO leaders in the government have repeatedly instigated PAS to make public stands on controversial Islamic issues to prevent its rapprochement with the Chinese-dominated opposition Democratic Action Party (DAP). This tactic which strikes at the Achilles heel in the working relationship between the two key opposition parties is particularly effective in breaking up their multiple attempts at coalition building. The current initiative of Hadi had already damaged irreparably the seven-year old, otherwise fairly successful cooperation in the multi-ethnic *Pakatan Rakyat (PR)* coalition. Hence UMNO has clearly achieved its prime objective.

Yet would PAS get its part of the deal? On the part of UMNO politicians, is there more to their intention of luring PAS into making the *faux pas* to break up PR? This paper explains how the tabling of the bill by Hadi may indeed be understood as their attempt at pushing for the partial implementation of hudud; while the amendment of the Act is as much an UMNO agenda. Based on the observations to be explicated, there is ground to anticipate that the government would get some form of compromised amendment of the Syariah Courts (Criminal Jurisdiction) Act 1965 (also known as Act 355) approved by the parliament.

The radical approach to implement Islamic penal code by PAS tends to divert public attention from the more disarming, gradualist approach of Islamisation by the BN government under the helm of UMNO, nudged continually by the burgeoning Islamic bureaucracy and institutions. While both approaches vary, the religious perspective behind their action arguably converges more and more, towards what they believe as rendering the Malaysian state institutions more in conformity with Islamic teachings. This idea and the multiple policy initiatives to realise the so-called *negara Islam* (meaning Islamic state or nation), unleashed since the launch of the Islamisation Policy by Dr Mahathir Mohamed as Malaysia's Prime Minister, have acquired a momentum of its own.

BACKGROUND

From around the beginning of the eighties, the two leading Malay-Muslim political parties, PAS and UMNO, have been competing to be the greater champion of Islam to boost their Islamic credentials in the eyes of the Malay electorate. Given the multi-religious composition of the governing coalition, *Barisan Nasional* (BN), UMNO which is the leading party of BN cultivates its image as the promoter of a moderate, modernist form of Islam and contrasts itself against the purportedly backward, traditional brand of Islam as propounded by PAS¹.

Many scholars have documented the notable extent of the expansion and development of the Islamic bureaucracy and Islamic financial system in Malaysia under the UMNO-led Islamisation policy². It also entailed the campaign to inculcate the so-called 'Islamic values' and the incremental efforts to 'Islamise' the government institutions as *negara Islam*. Institutions such as the International Islamic University of Malaysia (IIUM) were set up to develop intellectual backing and training in support of the policy.

Calls to 'Islamise the laws' of the country were made by Islamist groups from as early as the 1980s if not 1970s³. Speaking at a seminar entitled 'Towards Islamisation of Laws' organised by ABIM (*Angkatan Belia Islam Malaysia* or the Islamic Youth Movement) in 1986, the Lord President then, Mohammed Salleh Abas, explained that Islamisation of laws in the country should not be done drastically such that it would cause much alarm, confusion and unhappiness; rather 'the best changes are those which are imperceptible'. In the same seminar, ABIM asked that 'Islamic Laws be the basis of legislation in Malaysia'⁴. It is significant that the 'gradual approach' to implement Syariah law was also affirmed by a minister in the Prime Minister's Office, A.H. Othman in 1992⁵.

Farid Shuaib notes that attempts at 'Islamising' federal law to make it 'more consistent with Islamic norms' have not been so successful due to the lack of interest on the part of the federal government⁶. On the other hand, attempts at carving out 'an autonomous Islamic area of the legal system' at the state level have been relatively successful⁷.

This 'success' is derived largely from the 1988 constitutional amendment inserting clause 1A to Article 121, which stipulates that civil courts shall have no jurisdiction over matters under the competence of Syariah courts. Even though the new clause was meant to prevent challenges against Syariah court verdicts on litigations over Muslim family and inheritance issues in civil court, its evolving interpretation has had far reaching impact on non-Muslims on issues such as conversion and the adjudication of the religious status of a person deemed as Muslim, as well as on the resolution of interreligious conflicts over child conversion and custody⁸. The clause is now used to argue that the civil court cannot intervene in *any* subject matter related to Islam that falls within the legislative list of the state (as provided in Schedule 9 List II No 1 of the federal constitution), even if the case involves non-Muslim litigants over whom the Syariah court has no jurisdiction and hence the remedy cannot be sought in Syariah court.

In 1984, the Syariah Courts (Criminal Jurisdiction) Act of 1965, the same bill currently at the heart of the issue, was amended to increase the maximum sentences that the Islamic legislation and Syariah courts are empowered to impose, from six months of jail term or a fine of RM1000 or both, to three years of imprisonment, RM5000, or six strokes of canning,

or a combination of the three⁹. The Syariah judiciary systems were also upgraded in each state to a three-tiered structure, and various training facilities were put in place to prepare human resources to staff the various functions and positions in the syariah judiciary system including the judges, for which IIUM has been assigned a key pioneering role¹⁰.

In 1997, the Department of Islamic Development Malaysia (Jabatan Kemajuan Islam Malaysia, or JAKIM) was established to oversee the development of Islamic policy and legislation. The federal government also set up a Department of Syariah Judiciary of Malaysia (Jabatan Kehakiman Syariah Malaysia, JKSM) in 1998 to assist in streamlining the administration of the Syariah courts in various states. Indicative of the attempts at further expansion of the Islamic bureaucracy was the announcement in 2014 that JAKIM had been advocating since 2011 for the upgrade of the Syariah court to a five-tier system to be at par with its civil counterparts¹¹. Incidentally, Deputy Minister in the Prime Minister's Department in charge of Islamic Affairs, Asyraf Wajdi Dusuki also stated on 31 May 2016 that the current priority of the federal government is to upgrade the current three-tiered syariah court system to five-tiered as the civil judiciary system¹².

Given this impetus to progressively render Islamic laws a greater role in the Malaysian legal system, it is not surprising that the push to enhance the jurisdiction of the Syariah Court has been in the making for some years, not merely in the context of hudud implementation or just by PAS politicians but also by other Islamic social and institutional actors.

In September 2001, Dr Mahathir also controversially declared that Malaysia was already a *negara Islam* based on a list of criteria set at a seminar of ulama gathered by him to validate his claim. This claim was understandably disputed by PAS, who propounds its own version of an Islamic State. For them, the legislation of the hudud law which involves unconventional punishment such as limb amputation and death by stoning occupies a central place in this vision. When PAS controlled the state governments of Kelantan and Terengganu, it managed to enact these laws respectively in the states of Kelantan in 1993 and Terengganu in 2002. However, no attempt was made to implement these enactments deemed as going against the Federal Constitution on numerous aspects. Even though the UMNO President and the Prime Minister then, Dr Mahathir Mohamed, was forthright in expressing his objection to its

implementation, UMNO state leaders had not attempted to abolish the enactment upon winning back their control over the Terengganu state government.

The important difference in the current round of attempts by PAS to implement hudud, is a change in the attitude of top UMNO leaders. Notably, Prime Minister Najib himself has said publicly that the federal government has never rejected hudud as the divine law, but many issues and obstacles needed to be addressed before the Islamic law could be implemented in Malaysia¹³. Both the Minister and Deputy Minister in charge of Islamic Affairs are known to have expressed positive attitude towards PAS' current endeavour as will be explained.

PAS' ENDEAVOUR

The tabling of the motion of amendment to Act 355 by Abdul Hadi Awang in November 2016 was his fourth attempt over the past two years or so. The first stirring of the latest initiative had been reported as early as the end of 2013. Several scholars noted that some PAS leaders might have felt that their shift away from the ideology of Islamic State to the concept of *Negara Berkebajikan* (Benevolent State) had compromised some of their rural Malay electoral support in the 13th General Election¹⁴. Internally, the more puritan faction in the party, in particular the ulamas also clamoured for a return to its avowed struggle for the implementation of hudud which to them is central to their understanding of syariah and essential to their juridical conception of an Islamic state.

In November 2013, the dormant Kelantan state technical committee on hudud formed in October 2011 was revived by the state government, in part encouraged by the announced implementation of hudud in Brunei. Its first meeting was held in February 2014. On 27 March 2014, Jamil Khir Baharom, the minister in charge of Islamic affairs, was asked in the Parliament if the federal government would allow any states to implement hudud. He affirmed the readiness of the federal government to work with any state government that was ready to implement hudud, including Kelantan. However, he suggested that to do so, it is up to the opposition member of the parliament to table a private member's bill for that purpose¹⁵.

Within a week, on 2 April 2014, Kelantan Chief Minister welcomed the statement of Jamil Khir, and announced that two private member's bills would be tabled at the parliament to

enable hudud to be implemented in Kelantan by 2015. The first was to invoke Article 76(A) of the Federal Constitution which provides for the Parliament to extend legislative powers of the State to enable the latter to legislate on hudud, as a number of the hudud offences are deemed criminal offences legislated in the penal code, which could otherwise only be legislated by the parliament and tried in civil court. Secondly, a bill to amend Act 355 to authorise a wider scope of punishment to be issued by Syariah court would also be tabled¹⁶.

A Deputy Minister in the Prime Minister's Department Razali Ibrahim expressed doubt on the feasibility of the initiative of PAS, as he reasoned that the votes of UMNO together with PAS only made up of 109 out of the total of 222 votes in the parliament, which is insufficient to constitute the two-thirds majority required for any constitutional amendment¹⁷. Deputy Chief Minister of Kelantan, Mohamed Amar Nik Abdullah responded that only a simple majority is required as the bills would not seek any constitutional amendment, and that it is achievable if all Muslim Members of Parliament support the bills¹⁸.

The hitherto lukewarm attitude of UMNO ministers switched to a more serious tenor when the Prime Minister himself declared that UMNO had never rejected hudud as divine law, as mentioned above. Then Deputy Prime Minister Muhyiddin Yasin suggested to PAS Kelantan to form a national level technical committee on hudud to study how it could be implemented in Kelantan, and agreement to form such a committee was reached on 2 May, 2014¹⁹. PAS decided then to postpone its announced tabling of the private member's bills in June, pending the outcome of the technical committee²⁰.

According to a committee member who was also an academic in IIUM, Shamrahayu Abdul Aziz, the Federal-state Hudud Technical Committee came to an agreement on the roadmap for the implementation of hudud, and a consensus was reached that a minister would table a bill to amend Act 355 at the parliament. However, PAS went against the agreement when they inexplicably decided to table at the Kelantan state assembly, amendments to their 1993 version of hudud law, which according to Shamrahayu, was not what was recommended by the committee²¹. The Kelantan state government passed the Shariah Criminal Code II Enactment 1993 (Amendment 2015) on 19 March, 2015 with the unanimous support from the state assemblymen including 12 from UMNO, except for the sole PKR assemblyman who

abstained²². This was one day after Abdul Hadi Awang filed a notice to the parliament for the tabling of his private member's bill.

As government's bills are usually given priority, Hadi's bill appeared only on 7 April as the last item (No. 24) of the agenda for the parliamentary sitting, and was not tabled before the parliament adjourned on 9 April. Hadi re-submitted his notice on the 11 May for the following parliamentary sitting. Again it appeared on 17 June, 2015 on Parliament's order paper, the second last day of the sitting, and could not be tabled in time.

Initially, PAS leaders appeared to be confident of the chance of Hadi's bill being tabled, claiming to have received green light from Putrajaya²³. When it became clear that Hadi could not table it at his second attempt, PAS Member of Parliament Mahfuz Omar questioned the sincerity of Jamil Khir's promise, to which UMNO minister Shahidan Kassim denied that the government was not serious²⁴. When asked at a public function, Jamil Khir Baharom allegedly reiterated his commitment to amend the law and assist any state government that wanted to impose hudud. He further revealed that the Prime Minister had met Hadi three times to talk about the issue²⁵.

On 26 May, 2016, in the afternoon of the last day of the parliamentary session, Hadi finally succeeded in getting his bill read at his third attempt, when his bill was suddenly expedited by Minister Azalina Othman. He however proposed to delay its debate to the following parliamentary sitting, citing the lack of time. This unexpected turn of event naturally aroused suspicion as to whether it was just for show in the face of the impending by-elections in Sungai Besar and Kuala Kangsar. Subsequently, PAS Secretary General, Takiyuddin Hassan, announced that PAS had the undertaking of Minister Jamil Khir Baharom that he would get the amendment approved in due course²⁶.

On 24 November 2016, the Speaker of the House gave the floor to Abdul Hadi who tabled a 'tweaked' private member's bill which differs from his original proposal to remove completely the limits to the sentencing power of the Syariah Court except for death penalty. The new amendment to Act 355 proposes to increase the Syariah Court's sentencing power to no more than 30 years of jail term, 100 lashes or Rm100,000 fine.

FORCES IN SUPPORT OF THE BILL

Even though non-Muslim leaders of the civil society and even the component parties of BN have expressed strong objection to the bill, the bill appears to have received generalised support from the Malay community and the Islamic institutions except for a few critical voices. At least two muftis have voiced their support for Hadi's bill²⁷, with the Pahang mufti declaring controversially as against Islam and as *kafir harbi*, those who oppose the bill²⁸. In his regular column in a Malay daily *Sinar Harian*, Asyraf Wajdi Dusuki also said that the bill only affects the Muslims. He described those who associate the bill amendment to hudud implementation in Kelantan as having bad intention that could threaten stability and harmony of the country²⁹.

IKSIM (Institut Kajian Strategik Islam), an Islamic think tank set up by the federal government in 2014, issues a public statement in support of Hadi's bill, arguing that the proposed amendment would boost the capacity of the Syariah court in moral policing in the face of serious social ills³⁰. Jakim also voiced its support for Hadi's bill back when Hadi made his first attempt³¹, saying that broadening the sentencing limit of the Syariah court had been advocated by Jakim for years. Its director-general nonetheless distinguished the bill from the newly amended hudud enactment by the Kelantan state assembly, clarifying that Malaysia would not be any less Islamic without implementing the hudud punishment³².

Proposal to increase sentencing power of the Syariah court has been echoed by many Islamic activists for some time. For instance, Zainul Rijal Abu Bakar, the president of Malaysia Muslim Lawyers Association, was reported as calling for the augmentation of the scope of sentencing of Syariah court back in September 2009³³. In effect, JAKIM initiated a study by its Syariah and Civil Law Technical Committee to increase the sentencing limits of Syariah court in April 2009³⁴. Jamil Khir announced back in November 2013 that the Attorney-General's Chamber had given clearance to amend the 3-5-6 rule of Act 355³⁵. These public announcements were made before or at the time PAS sprang into action to activate its hudud law, and could in no way be interpreted as mere political ploy of sorts in their respective context.

CHARTING THE ROADMAP

A consensus appears to have been reached in the joint hudud technical committee, as affirmed by Shamrahayu mentioned earlier and corroborated by other sources. The question is what the road map is. In fact, many initiatives have been made to explore solutions to the numerous legal huddles posed by the federal legal structure to the implementation of hudud. A number of seminars have been held to study its implementation, including one sponsored by Yadim (Yayasan Dakwah Islamiah Malaysia, Malaysia Islamic Missionary Foundation) in May 2014 when it was headed by Asyraf Wajdi Dusuki. There is also a leaked draft proposal purportedly prepared by Jakim in May 2014 for briefing among the BN backbenchers' Club which outlines its ideas.

The cap on the sentencing power as posed by the current Act 355 is just one of the numerous legal obstacles against the implementation of the hudud laws as legislated in Kelantan and Terengganu. The Federal Constitution provides for a clear delineation of what the federal and state legislative bodies could legislate on. Islam is designated as within state legislative competence, with its subject matter clearly itemised in List II (state list) No. 1 of Schedule Nine in the Federal Constitution. Syariah court being a creature of state laws does not have jurisdiction over matters under the federal list or over non-Muslims. The legislation of criminal laws is within the exclusive purview of the parliament. Hudud crimes such as robbery, theft, rape and sodomy are already legislated in the penal code and clearly designated as under the jurisdiction of the civil court.

As mentioned, one of the earlier suggestions of PAS was to pass a federal law invoking Article 76(A) of the federal constitution to enable such legislative power to be delegated to the Kelantan state government. Nonetheless, as former Chief Justice Abdul Hamid Mohamad points out, this would still mean that the civil court in Kelantan would have the jurisdiction over such crimes and not the syariah court, and these laws would apply to both Muslims and non-Muslims in Kelantan alike, lest it violates Article 8 of the Federal Constitution which forbids unequal treatment based on religion³⁶.

Even if the Federal Constitution could be amended (which requires two thirds majority support, an impossible feat given the issue at hand and the current composition of the

parliamentarians) to allow parallel enforcement against these crimes by both federal (civil) and state (religious) authorities, it would be too messy to address the multiple legal complications of such amendment.

Abdul Hamid opines that the part of the hudud law which could be implemented without too much legal complications are those offences deemed as ‘offences against the precepts of Islam’ by Muslims, such as the consumption of alcohol, adultery, false accusation of adultery (qasaf), and apostasy. Many of these offences have already been legislated unevenly by various states, though Act 355 does not allow the exact hudud punishment as prescribed by the Islamic jurists, such as flogging up to 100 lashes or death by stoning. Amendments to Act 355 by the parliament would enable all the states to legislate heavier punishment on these offences in correspondence with hudud prescription and not just for Kelantan. These offences are deemed as within the competence of the Syariah Court jurisdiction and are regarded as not going against the federal constitution³⁷.

At Hadi’s first attempt to table the bill, Jamil Khir when queried gave his assurance in parliament that Putrajaya has worked to ensure its implementation by expanding the jurisdiction of the Syariah courts and upgrading the syariah judicial system. He further explained that the joint hudud technical committee was to ensure that hudud ‘can be implemented in an orderly manner, consistent with the federal constitution.’³⁸ Currently, the only proposal in circulation appears to be that of Abdul Hamid Mohamad as explained.

Many indications appear to point to this perspective on the partial implementation of hudud being contemplated, if not as the first step forward. In effect, Husam Musa, the vice-president of PAS then, had said that Hadi told him that the hudud punishment as intended by Hadi’s bill was confined to caning, implying his awareness that crimes already listed under the federal Penal Code could not be tried in Syariah court³⁹. Similarly, Asyraf in the online statement mentioned in footnote 12 above acknowledged the relevance of the amendment to the four hudud offences which involves “personal sins” as mentioned earlier, which he stressed have nonetheless already been legislated by various states (though currently with its penalty limited by Act 355).

The unresolved puzzle here is why after reaching a consensus in the technical committee that a minister would table the bill, PAS suddenly jumped the gun and proceeded to pass its amended version of the hudud law in Kelantan and served notice for the tabling of the amendment of Act 355. Shamrahayu claimed that PAS was being 'impatient' when Hadi tabled the bill, as 'there already is a blueprint to amend Act 355' by Putrajaya as prepared by Jakim⁴⁰. Husam Musa, on his part, claimed that someone sent by a minister had told PAS to table the bill in March 2015 against the committee's decision, leading to huge negative reactions from non-Muslims. He asked whether PAS was played out by UMNO who was insincere in getting the bill passed⁴¹. Another source claims that the Kelantan government felt that leaving it to a minister to table the bill would mean lesser political mileage scored by PAS⁴².

Deputy Minister Asyraf Wajdi Dusuki clarified on his facebook page that the federal government left it to PAS to table the bill because the cabinet which includes non-Muslim ministers needs to achieve consensus on this before it can table the bill⁴³. Because PAS does not have these constraints, they 'tried very hard in wanting to speed up the tabling of the bill' (translation from Malay by author). According to him, if the parliament approves the bill, then it is the majority of the people who want the bill and not merely the government. In other words, Asyraf expresses his open support for the bill and endorses PAS' initiative to table it as a way to get around the lack of consensus for the bill in the cabinet.

Asyraf appears to imply that the cabinet could not get non-Muslim ministers to agree to the bill, however it is known that even some Muslim ministers such as Nazri Aziz and Nancy Shukri have expressed openly their reservation towards Hadi's bill as an attempt to implement hudud. Beside the non-Muslim BN MPs who announced their intention to vote against the bill, Adenan Satem who is the Chief Minister of Sarawak and head of BN-Sarawak has also reiterated that BN-Sarawak would vote against Hadi's bill.

On the other hand, as explained above, setting the hudud bill aside, there has been a generalised agreement among many Islamic actors that the sentencing power of Syariah Court is too low to act as a deterrent to Islam-related offences. A judge sitting in a Magistrate Court, the lowest level of the civil judiciary system, can issue fines up to RM10,000, five years of jail term and 12 strokes of rattan, and hence has more power than the highest ranking

Syariah Court judge. If it was this argument which was advanced in the cabinet to substantiate the amendment, would there have been such violent objections to the amendment? Did the hasty or opportunist initiative of PAS (at the encouragement of UMNO) in tabling the private member's bill (and initially touting it as a hudud bill) scuttle the plan as decided in the technical committee?

PERSPECTIVE AHEAD

On 1 December 2016, Prime Minister Najib in his speech at his party's General Assembly had described the tabling of the amended private member's bill by Hadi on 24 November as a 'historic' day. Both himself and a couple of ministers have announced that after the first reading of Hadi's current amended bill, the government would 'take over' it. Presumably, postponing it to the next parliamentary session and the latest amendment to Hadi's motion proposed by himself would give UMNO more time to persuade and negotiate with its BN component parties to ensure that BN remains a cohesive force in the face of the upcoming 14th General Elections.

As explained, there appears to be two different approaches to the implementation of hudud between UMNO and PAS. Through the technical committee, UMNO and PAS seem to have forged a greater degree of common ground on the issue of hudud implementation. In this respect, the gradualist and pragmatic approach of UMNO and the radical way of PAS appear to differ only in form but not on substantive theological ground. The insistence of adhering to the framework as set by the Federal Constitution, the exclusion of death penalty, and the latest trimming of sentencing power help blunt the alarming nature of such position, and suspend the more repulsive punishments such as the chopping of hand as prescribed for crimes such as robbery or death by stoning or crucifixion. Notwithstanding the obvious political motivation of gaining more Islamic credentials, UMNO's position on hudud has clearly evolved from the time of Dr Mahathir to that of the current Prime Minister Najib. Whether it is because UMNO has allowed itself to be influenced by Wahabi-Salafist oriented ulama⁴⁴, or due to the institutionalisation and mainstreaming of the more literalist, radical interpretations of Islam⁴⁵ as claimed by some scholars, the clearly alarming sign is the relatively low level of concern if not tacit support that has been aired in the public sphere by the Malay civil society thus far.

In reality, the enforcement of the Islamic legislation is confronted with a multitude of weaknesses. The efforts of moral policing by the religious officers have been subjected to criticism, as to whether such approach really conforms to Islamic principles. There are also administrative hiccups arising from the fact that the law and order enforcement institutions such as the police force, prison institution and so forth are federal agencies. At times, the religious enforcement officers appear to be out of sync with the basic legal provisions when carrying out enforcement activities. More than ever, the past decade or so have witnessed numerous incidences of interreligious conflicts over conversion issues and tussles between newly converted Muslim spouse and his/her non-Muslim counterpart over issues such as unilateral conversion of children to Islam, child custody and divorce. It is arguable whether the issue of increasing the jurisdiction of the Syariah court should be regarded as the more urgent issue to attend to rather than these other ones for the law- and policy-makers in Malaysia.

NOTES

1. Amrita Malhi, 'The PAS-BN conflict in the 1990s: Islamism and modernity' in *Malaysia: Islam, Society and Politics*, edited by Virginia Hooker and Norani Othman (Singapore: ISEAS, 2003), pp. 236-265.
2. See for example, Mohd Azizuddin Mohd Sani, *Islamization policy and Islamic bureaucracy in Malaysia* (Singapore: ISEAS, 2015); Delfolie, David, 'Développement de la finance Islamique en Malaisie', in *Capitalismes Asiatiques et Puissance Chinoise*, edited by Pierre Alary and Elsa Lafaye de Micheaux (Paris: Presses de Sciences Po, 2015), pp. 223-261; Maznah Mohamad, 'Legal-bureaucratic Islam in Malaysia: Homogenizing and Ring-Fencing the Muslim Subject' in *Encountering Islam: The Politics of Religious Identities in Southeast Asia*, edited by Hui Yew-Foong (Singapore: ISEAS, 2013), pp. 103-132; Kikue Hamayotsu, 'Politics of Syariah Reform: The Making of the State Religio-Legal Apparatus' in *Malaysia: Islam, Society and Politics*, edited by Virginia Hooker & Norani Othman (Singapore: ISEAS, 2003), pp. 55-79; Hussin Mutalib, *Islam and Ethnicity in Malay Politics* (Singapore: Oxford University Press, 1990); Chandra Muzaffar, *Islamic Resurgence in Malaysia* (Petaling Jaya: Penerbit Fajar Bakti, 1987).
3. Farid Sufian Shuaib, 'The Islamic Legal System in Malaysia', *Pacific Rim Law & Policy Journal*, vol. 21, no. 1 (2012), p. 86.
4. Catholic Research Centre, *Islamization of Malaysian Laws* (Kuala Lumpur: Catholic Research Centre, 1986), p. 2.
5. Tan Poh-Ling, 'Paying the Price for Religious Freedom – A Non-Muslim Perspective', in *Public Law in Contemporary Malaysia*, edited by Wu Min Aun (Petaling Jaya: Longman, 1999), p. 168, footnote 98.
6. Farid, 'The Islamic Legal System in Malaysia', pp. 86, 93.
7. Farid, 'The Islamic Legal System in Malaysia', p. 86.
8. On 21 November 2016, the government had tabled amendments to the Law Reform (Marriage and Divorce) Act 1976 for the first reading at the parliament in order to address some of these issues which arose when one of the non-Muslim spouses converted to Islam.
9. Farid Sufian Shuaib, 'The Islamic Legal System in Malaysia', p. 96.
10. Farid Sufian Shuaib, 'The Islamic Legal System in Malaysia', p. 97. See also Najibah M. Zin, 'The Training, Appointment, and Supervision of Islamic Judges in Malaysia', *Pacific Rim Law & Policy Journal*, vol. 21, no. 1 (2012), pp. 115-131. Currently, besides IIUM, four other public universities also develop courses for Syariah legal practitioners including judges.
11. 'Jakim confirms Putrajaya's plan for Syariah equivalent to Federal Court', *The Malay Mail Online*, 13 November, 2014.
12. Asyraf Wajdi Dusuki, 'Menjawab 10 Salah Faham Mengenai Pindaan RUU Akta Mahkamah Syariah (Bidang Kuasa Jenayah) @ Akta 355' dated 31 May 2016, accessed on 28 August 2016 at <https://www.facebook.com/drasyrafwajdidusuki/photos/a.148660531830669.27045.116331768396879/1337632409600136/?type=3&theater>.
13. 'Government never rejected hudud, says Najib', *The Star Online*, 24 April 2014; 'PAS welcomes Najib's stand on hudud', *Malaysiakini*, 26 April 2014.

14. Ahmad Fauzi Abdul Hamid, 'The Hudud Controversy in Malaysia: Religious Probity or Political Expediency?' *Southeast Asian Affairs 2015*, pp. 205-219; Abdillah Noh, 'Malaysia's Dilemma: Economic Reforms but Politics Stay the Same', *Southeast Asian Affairs 2014*, pp. 190-202.
15. 'Why PAS is pushing hard for hudud?' *Malaysiakini*, 2 May, 2014.
16. 'Kelantan Sambut Baik Kerajaan Pusat Sedia Beri Kerjasama kpd Pelaksanaan Hudud', recording of press conference held by Ahmad bin Yakob, Chief Minister of Kelantan on 2 April, 2014 by TV Kelantan, at <https://www.youtube.com/watch?v=oY9ZneK5-wo>. A media statement entitled, 'Kenyataan Media Dato Ahmad bin Yakob, Menteri Besar Kelantan' dated 2 April 2014, is also available on the internet.
17. 'PAS faces uphill battle to get support for hudud, says deputy minister', *The Malay Mail Online*, 14 April, 2014.
18. 'Kelantan yakin hudud dapat dilaksana', *Utusan Online*, 17 April 2014.
19. 'Umno proposes national-level hudud technical committee', *The Star Online*, 27 April 2014; 'Putrajaya, K'tan to form panel for hudud talks' *Malaysiakini*, 2 May 2014
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