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Malay Politics Meets Islamist Activism in Malaysia's Act 355

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EXECUTIVE SUMMARY

- A Bill raised by Hadi Awang, president of the Islamist PAS, seeking amendments to the Syariah Courts (Criminal Jurisdiction) Act 1965, best known as Act 355, and effectively a partial implementation of hudud punishment, has whipped up much controversy in Malaysia.
- PAS leaders have been reiterating publicly that the amendments are not about hudud but are merely meant to strengthen the country's Sharia laws and will therefore not affect non-Muslims. Opponents of the Bill, however, claim it to be unconstitutional, and that it is indeed a stepping stone for the wider implementation of hudud.
- PAS organized a rally, called Himpunan 355, in support of the Bill. Held on 18 February 2017 in Kuala Lumpur, it saw a sizeable turnout. Be that as it may, PAS current leadership faces many challenges in consolidating and expanding the party's support base. Many of the attendees may have rallied in support of the amendments, but they were not necessarily giving approval to a closer relation between PAS and the ruling UMNO.
- Act 355 is an extremely polarizing issue. The division is not only between Muslims and non-Muslims, between Islamist-minded and secular-minded Muslims, but also among Islamist-minded Muslims who hold different views on strategies and priorities in pursuit of their Islamic agendas.
- The debate over Act 355 is very much a political one. The Bill is meant for PAS to demonstrate that it is more Islamic than its splinter party, Amanah; for UMNO to show that it 'fights for Islam' while its main opponent, the DAP, 'rejects Islam'; and for the ruling parties to divide Malaysians along ethnic and religious lines as a distraction at a time when corruption scandals abound.
- In the process, the voices of the majority of Malaysian Muslims are distorted or misrepresented.

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INTRODUCTION

PAS president Abdul Hadi Awang's private member's bill to amend the Syariah Courts (Criminal Jurisdiction) Act 1965, best known as RUU 355 or Act 355 has been a controversial affair from the very start. The amendments were initially aimed to allow PAS (the Pan-Malaysian Islamic Party) to implement hudud laws in the state of Kelantan, and Hadi's initial version of the amendments sought to remove the punishment cap for Sharia offences. Disagreements over this was one of the key reasons for the breakup of the opposition pact, Pakatan Rakyat.

The Bill has since been watered down, with UMNO getting into the picture by allowing it to be tabled in parliament. As it now stands, it seeks to raise the punishment cap to 30 years' jail, RM100,000 in fine and 100 strokes of the whip. Such amendments allow for parts of PAS' stymied hudud laws (as outlined in Kelantan Syariah Criminal Code Enactment 1993 and Terengganu Syariah Criminal Offence Enactment 2002) to be implemented in Kelantan and Terengganu.

PAS leaders however have publicly reiterated that the main aim of its current proposed amendments does not concern hudud but is aimed merely at strengthening the Sharia laws, and will not affect non-Muslims. However, their opponents claim it to be an unconstitutional move and a stepping stone for the implementation of hudud.

This article is divided into two parts. Based on the author's participation observation of Himpunan 355, a PAS-organised rally held in support of Act 355, the first section describes PAS mobilisation for support, and its strengths and challenges. The second part is based on media coverage and online discussions, and explores various criticisms of the amendments, especially among Muslims, ranging from liberal-minded to Islamist-minded Muslims.

RALLYING BEHIND ACT 355

On 18 February, about 30,000 purple-shirted people attended Himpunan 355 in Padang Merbok, Kuala Lumpur. This was a rally organised by PAS, together with several Muslim organisations. Although this number is slightly higher than the Malay crowd that attended the anti-government Bersih 5, this should not be seen as indicative of the strength of PAS's electoral support. At best, it reflects the ability of the Islamist party to mobilise a crowd, but it also reveals its limitations.

When the progressive leaders left the party to establish Parti Amanah Negara, PAS was left facing an existential crisis. Key Muslim organisations such the Malaysian IKRAM Association and ABIM (Muslim Youth Movement of Malaysia) have distanced themselves from the party's leadership, which has been perceived as having unacceptably close ties to UMNO (United Malays National Organisation). Hence, Himpunan 355 was an important effort by PAS leaders to consolidate their support base at a time when many of its members are confused about the party's direction.

Although Himpunan 355 was undeniably politically motivated, many PAS leaders claimed it was a religious gathering. Congregational prayers, Islamic chanting and songs, and a Q&A

session with popular preacher Ustaz Azhar Idrus featured at the rally. Evening Mahgrib prayers said in heavy rain reflected the religious spirit of many attendees. Yet, the speech of an UMNO Minister in the Prime Minister's Department, Jamil Khir Baharom, immediately after prayers, brought electoral politics back to the forefront. While the attendees rallied in support of RUU 355, they did not necessarily approve of the close relationship between UMNO and PAS.

Besides banking on its traditional support bases such as religious schools and mosque committees, PAS is also trying to engage a broader audience by seeking endorsement from popular preachers such as Imam Muda celebrities (contestants on a reality TV show of selecting the best young Imam) and Muslim NGOs such as Malaysian Muslim Solidarity (ISMA), Muslim Consumers Association of Malaysia, and Muslim Lawyers Association of Malaysia. To counter criticism from outspoken Perlis Mufti, Mohd Asri Zainul Abidin, PAS invited the Federal Territories Mufti Zulkifli Mohamad to speak at the rally.

Most speakers at the rally avoided the contested term 'hudud' and focused on the higher objective of 'Sharia'. Using the theme of 'Muslim unity', they claimed that Act 355 is an important step in implementing 'God's laws' and is a solution to the rising social problems amongst Muslim youth. They also avoided the technical aspects of its implementation and its political consequences. Some even welcomed the support of UMNO leaders for the amendments, but remained silent on Prime Minister Najib Razak's corruption scandals.

PAS president Hadi Awang was the last speaker at Himpunan 355. When the emcee invited Hadi to speak, the crowd closer to the front stage chanted 'Allahu akbar' (God is Great). However, the crowd further from the stage remained silent, only chanting when urged to do so. But, it appeared that Ustaz Azhar Idrus was more popular than Hadi Awang. Some people even began to leave the rally before Hadi Awang had finished his speech. Perhaps this is an indication that PAS supporters, although still loyal to the party, are not necessarily happy with its current leadership.

QUESTIONING ACT 355

Even though PAS claims that the amendments will not affect non-Muslims, many non-Muslims disagree. The Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism (MCCBCHST) has called on lawmakers to vote down PAS' Bill, expressing fear that it would ultimately lead to the implementation of hudud. Political parties with non-Muslim lawmakers, such as the Malaysian Chinese Association (MCA), the Malaysian Indian Congress (MIC) and the Democratic Action Party (DAP) are all opposed to the Bill.

Even though some PAS leaders have declared those who do not support Act 355 to be 'anti-Islam', it is important to note that there are Muslims who are questioning, if not opposing Act 355. BEBAS, a newly established movement consisting of urban liberal-minded Muslims and non-Muslims, have actively and vocally campaigned against it. The movement argues the amendments to be against the spirit of the Constitution. BEBAS aims to fight for religious freedom and a secular Malaysia that upholds equality. It has organized a counter rally to Himpunan 355 and are lobbying lawmakers to vote against the Bill. Similarly,

progressive Muslim organisations such as Islamic Renaissance Front (IRF) and Sisters in Islam (SIS) have issued statements against the amendments.

Major mainstream urban-based Muslim organisations such as the Malaysian IKRAM Association and ABIM (Muslim Youth Movement of Malaysia) have been distancing themselves from the amendments, and perceive the whole exercise to be a political strategy by PAS. Generally speaking, they may in principle be supportive of efforts to enhance the existing Sharia courts, but differ from the current PAS leadership on the methods being used. The People Justice Party (KeAdilan) and the National Trust Party (Amanah) share views similar to those adopted by IKRAM and ABIM on this issue.

Interestingly, the hardliner Islamist group Hizbut Tahrir Malaysia went even further in condemning PAS' proposal. It considers such amendments not to be a Sharia-compliant way of upholding Allah's law. The local chapter of the transnational Islamist group seeking to create a global caliphate argues that divine laws cannot be debated or passed by a secular system.

In the last few months, when attending Islamic-related events and seminars in Kuala Lumpur, I have noticed grievances being expressed by many mainstream Islamist-oriented activists towards the Hadi-led PAS. Some are unhappy with Hadi's perceived pro-UMNO stand as well as his confrontational manners towards opponents. Although many in principle support the stricter implementation of Islamic laws, they are dissatisfied with the way PAS manipulates such issues for political gain, projects a negative image of Islam among non-Muslims and reduces Islamic activism into mere enforcement of laws.

Outspoken Perlis Mufti, Mohd Asri Zainul Abidin, best known as Dr MAZA, has openly expressed such sentiments. While Dr MAZA has stated that he is supporting the enhancement of Islamic laws, he has publicly argued that Act 355 be subjected to criticism and scrutiny. He announced the right of Muslims to have different views on the PAS-proposed amendments and warned against labelling those who oppose the Bill as 'anti-Islam' or 'infidels'. His religious voice does ring loud in deterring support for PAS, and his Islamic credentials grant legitimacy to pious Muslims seeking to reject Act 355. Dr MAZA holds particular appeal for many young, pious, educated and urban middle class Muslims. Compared to secular and liberal critics, Dr MAZA's disagreement therefore poses a more effective challenge to PAS.

Another Muslim scholar, Nurul Haq Shahrir has also offered a religious argument to discredit Act 355. Nurul is a member of a panel on Islamic law transformation under *Majlis Dakwah Negara*, the government's top council for the propagation of Islam. In an online article, 'Hadi's Bill: A violation of the shariah', he questioned PAS' claim that the Bill was in line with the teachings of Islam. He suggested that it is not whether the sharia should be introduced or reinforced as statutory law, but rather how Islamic jurisprudence can be adapted to reflect the sense of justice in modern societies. Many netizens have shared his article to show that it is not 'un-Islamic' to speak against the amendments. MCA has also invited Nurul Haq Shahrir to speak at a forum about Act 355, but he failed to show up. According to an MCA leader, this was due to pressure put on the preacher.

A PAS leader, Syed Azman Syed Ahmad Nawawi, who is also a state assemblyman in Terengganu has stated that Act 355 has been politicized and there is no sincerity from

current UMNO and PAS leaders to implement hudud in Terengganu, Outspoken PAS lawmaker Mahfuz Omar, while not opposing Act 355, has also been consistently critical of PAS' present closeness to UMNO.

PAS is presently holding its elections at the division level ahead of the party's muktamar which will take place between April 27 and May 1 in Kedah. On 18 March 2017, PAS Youth Chief Nik Abduh Nik Abdul Aziz was trounced in the Pengkalan Chepa PAS division election. Nik Abduh, who was vying for the position of Pengkalan Chepa PAS deputy chief, suffered a heavy defeat against sole competitor Dr Izani Husin. As Nik Abduh has been perceived as one of the PAS leaders who support closer ties with UMNO, the result may show that the PAS grassroots are rejecting pro-UMNO leaders. It will be interesting to see whether this sentiment will continue to grow and lead to another PAS split.

CONCLUSION

Despite the large number of attendees at Himpunan 355, PAS' current leadership faces many challenges in expanding the party support base. The debate on Act 355 is not merely a religious one, but very much a political one as well. It aims for PAS to demonstrate that it is more Islamic than Amanah, for UMNO to show that it 'fights for Islam' while DAP 'rejects Islam', and for the ruling parties to divide Malaysians along ethnic and religious lines. In such a process, not only are so-called liberal or progressive Muslims sidelined, the voices of many ordinary Muslims are also distorted and misrepresented.

The debate surrounding Act 355 implies that while many conservative Muslims support broadly-defined Islamic agendas, they disagree on issues of timing, priorities and strategies. Therefore, Act 355 is not only contested between Muslims and non-Muslims, between secular-minded and Islamist-minded Muslims, but also among Islamist-minded Muslims who have different views on what constitutes 'Sharia' in contemporary Malaysia.

Undeniably, Sharia law is an increasingly important issue, yet it is not a decisive one for many Muslims. After all, PAS supporters stayed true to PAS in the last two general elections even though the party did not openly campaign for a stricter implementation of Islamic criminal laws. Some PAS leaders have used Act 355 to justify closer relations with UMNO, but that might cost them the votes of PAS supporters who are against UMNO. Act 355 may help to keep PAS hardcore members in line, yet it is unlikely to broaden the party's support base. At the same time, non-Muslims who voted for PAS in the last elections will most likely not be voting for the Islamist party again.

By allowing Act 355 to go so far in the parliamentary process, UMNO successfully diverted media attention away from IMBD. However, it is yet to be seen whether UMNO will actually endorse the amendments. As late as on 17 March 2017, Deputy Prime Minister Ahmad Zahid Hamidi said that the government would press ahead to table Act 355, despite warnings from its allies in the BN ruling coalition. Most BN component parties, such as the non-Muslim-majority Malaysian Chinese Association (MCA) and Malaysian Indian

Congress (MIC), as well as the Muslim-majority Sarawak-based United Bumiputera Heritage Party (PPB), have expressed disagreement with the amendments.

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