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ISLAMIZATION POLICY AND
ISLAMIC BUREAUCRACY IN MALAYSIA

MOHD AZIZUDDIN MOHD SANI



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INSTITUTE OF SOUTHEAST ASIAN STUDIES

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FOREWORD

The economic, political, strategic and cultural dynamism in Southeast Asia has gained added relevance in recent years with the spectacular rise of giant economies in East and South Asia. This has drawn greater attention to the region and to the enhanced role it now plays in international relations and global economics.

The sustained effort made by Southeast Asian nations since 1967 towards a peaceful and gradual integration of their economies has had indubitable success, and perhaps as a consequence of this, most of these countries are undergoing deep political and social changes domestically and are constructing innovative solutions to meet new international challenges. Big Power tensions continue to be played out in the neighbourhood despite the tradition of neutrality exercised by the Association of Southeast Asian Nations (ASEAN).

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Islamization Policy and Islamic Bureaucracy in Malaysia

By Mohd Azizuddin Mohd Sani

EXECUTIVE SUMMARY

- The history of Islamization in post-independence Malaysia covers *dakwah* (propagation of Islam) processes in projecting the doctrine of Sunni Islam. The implementation of Islamization policy, since independence in 1957 and aggressively pursued since the 1980s, has promoted the institutionalization of Sunni Islam in Malaysia. It has led to the expansion of the Islamic bureaucracy including the judiciary and security sectors.
- The Islamization policy has led to the general Islamization of education. Graduates of the Islamic programmes and institutions have been recruited into the public bureaucracy to protect, strengthen and spread Islam. This has pushed the rapid expansion of Islamic bureaucracy and institutionalized Islamic law to an extent that was unimaginable since the pre-colonial era.
- Since the 1990s, the Islamic bureaucracy, supported by the ruling coalition of Barisan Nasional (BN) government led by the United Malays National Organisation (UMNO), has been enforcing intensively Islam especially on Muslims through moral policing based on an adherent of Sunni doctrine of Islam.
- The main purpose of UMNO in projecting Islamization policy and expanding Islamic bureaucracy is its intention to champion Islam in its rivalry against the opposition Pan-Malaysian Islamic Party (PAS) especially in winning the hearts and minds of the Malays. UMNO leaders know that they can be in power as long as they can get the majority support from the Malays and deny PAS propagating its own agenda of Islamization.
- On 10 February 2015, Najib launched the *Shariah* Index that complements Islamic governance through a more comprehensive

Shariah requirement yardstick in eight major areas namely legal, politics, economy, social, education, culture, infrastructure, and environment. This will further strengthen UMNO as the defender of Islam in Malaysia.

- State policy of privileging Islam and expanding its role in governance has undermined the Constitution's secular foundation. *Shariah* law and court are becoming more important as a result. Thus this policy has a major impact on the fundamental liberties of both Muslims and non-Muslims guaranteed under the Constitution. Ethnic relations too would be adversely affected where the *dhimmi* (non-Muslims) would live a second-class life and give deference to their Muslim neighbours.

Islamization Policy and Islamic Bureaucracy in Malaysia

By Mohd Azizuddin Mohd Sani¹

INTRODUCTION

Article 3(1) of the Malaysian constitution states that Islam shall be the religion of the Federation, but other religions may be practised in peace and harmony in the country. Scholars have advanced various interpretations of Article 3, primarily connected to its ceremonial, historical and traditional significance (Fernando 2006: 249). Tommy Thomas suggests that Article 3 protects the elements and traditions of the Malay states such as the Sultanate, Islam, Malay language, and Malay privilege (Thomas 2006: 31). Shad Saleem Faruqi (2006: 1) stresses that “the implication of adopting Islam as the religion of the Federation is that Islamic education and way of life can be promoted for Muslims. Islamic institutions can be established. Islamic courts can be set up. Muslims can be subjected to *Shariah* laws in certain areas provided by the Constitution.”

Although Article 3 stipulates Islam as the religion of the Federation, it has, until recently, been agreed that this provision does not support an Islamic state. It merely allows for the religious nature of state ceremony (Harding 2010: 506). Chief Justice Abdul Hamid, the Reid Commission member from Pakistan, opined that the constitutional provision on Islam as the religion of the State is innocuous (Thomas 2006: 19). However, “secular”, as intended by the founding fathers, does not connote an

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anti-religious or anti-Islamic state of governance (Sarwar 2007). The Constitution envisages that *Shariah* laws would govern the personal law requirements of Muslims, but it recognizes that the *Shariah* would not be made the supreme law.

The most problematic aspect of the decision is the side-stepping of constitutional issues and deference to the *Shariah* court in matters related to freedom of religion. It reveals a lacuna in the legal system resulting from the overlapping of civil and *Shariah* jurisdictions. On the one hand, constitutional rights and interpretation fall squarely within the purview of the civil courts. Andrew Harding (1996: 138) argues that matters within the Islamic jurisdiction are personal rather than constitutional, and that “constitutional law requires that jurisdiction of the ordinary courts to rule finally on matters of legality should be preserved”. On the other hand, since 1988, conversions out of Islam are perceived to be a matter for the *Shariah* courts due to the separation of the civil-*Shariah* jurisdiction. The problem is that state-enacted Islamic laws regulating conversions are not always consistent with religious freedom. Moreover, barring a few states, there is no clear legislative enactment on how to deal with apostates or those who seek to convert (Hasan 2008). For instance, Articles 119(1) and 119(8) of the Administration of Islam Enactment (Negeri Sembilan) 2003 require an individual who seeks to convert first to apply to a *Shariah* court for a declaration that he or she is no longer a Muslim; requiring counselling for a year; and the court may grant the application if his or her position does not change (Refugee Review Tribunal 2008). It is worth mentioning that from an Islamic perspective, constitutional arguments aside, apostasy (for instance by pronouncing oneself to have renounced or to have intentions to renounce Islam) is considered valid regardless of its official endorsement by any particular authority (Abidin 2007).

Donald Horowitz (1994a: 236) describes the trend regarding *Shariah* laws in Malaysia:

Nowhere ... in Asia has the Islamization of law preceded more methodologically than in Malaysia where, in the span of a decade, dozens of new statutes and judicial decisions have clarified, expanded, and reformulated the law applicable

to Muslims ... what has been attempted is the creation of two parallel, relatively autonomous systems, one secular and one Islamic.

These changes are indeed revolutionary but, they are administered by each state authority and are still applicable only to the Muslims of Malaysia, in accordance with the 9th Schedule, List II, Paragraph 1 of the Malaysian Constitution (Miller 2004).

This paper will explore the rise of state-led Islamization policy, the growth of the Islamic bureaucracy, and the increasing Islamic moral policing under the Barisan Nasional (BN) government.

STATE-LED ISLAMIZATION POLICY

State Islamization policy in Malaysia commenced in the 1960s and has intensified since the 1980s during Mahathir Mohamad's premiership. The policy began with the state establishing *dakwah* (Islamic propagation or mission) organizations which became influential as a means to Islamize Malaysia. For instance, Prime Minister Tunku Abdul Rahman created the Persatuan Kebajikan Islam Malaysia (PERKIM, Islamic Welfare Organization) in 1960 as a "non-partisan" *dakwah* organization to care for recent converts to Islam and to educate Muslims about Islam. Another major state *dakwah* organization that supported Muslims at the community level is the Tabung Haji or Pilgrim's Fund, established in 1963 (Hassan 2003; Ryan 2010).

As the Islamization dynamic gained ascendance from the late 1960s onwards, *dakwah* organizations flourished signalling the growing popularity of Islam among Malay Muslims. This led the Majlis Raja-Raja (Council of Rulers) to establish the Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia (Malaysian National Council for Islamic Affairs) in 1968. Since its inception, the Chairman of the National Council for Islamic Affairs has always been the Prime Minister of Malaysia. As the Council is the highest religious forum for discussing and solving issues pertaining to Islam and Muslims, it has a major impact on the religion and its followers in the country. The secretariat for the National Council, which was put under the Prime Minister's Department, was later re-

launched as the Department of Islamic Development Malaysia (JAKIM or Jabatan Kemajuan Islam Malaysia).

The Malaysian government expanded its Islamization efforts in the early 1970s by sponsoring a number of cabinet level offices and national Islamization policies. In August 1971, a five-day government-sponsored National Cultural Congress (NCC) recommended the adoption of Islamic morals in all government sectors (JAKIM 2006; Funston 2006). The government also established the Pusat Penyelidikan Islam (PPI, Islamic Research Centre) in 1971 and the Institut Dakwah dan Latihan Islam (INDAH, Islamic Propagation and Training Institute) in 1974 (Islam 2005). In 1973, a Deputy Minister was assigned to the Malaysian National Council for Islamic Affairs which was responsible for promulgating the government's Islamization commitments. The Council was upgraded to a full Ministry in 1997 when the Mahathir administration decided to show that the administration of Islam was to become a federal priority (Funston 2006; Ryan 2010).

The worldwide Islam revivalism in the 1970s also contributed to the general Islamization process in Malaysia. Muslim student activism flourished at University of Malaya (UM), National University of Malaysia (UKM), and, later, International Islamic University Malaysia (IIUM): universities hosted a new generation of significant Islamic constituents (Garza 2012). Mohamad Abu Bakar (1991: 220) claims that an internal re-education about the holistic nature of Islam created a greater awareness and understanding of Islam among Malay Muslims and a heightened feeling that as *ad-din*, or a way of life, Islam needed a greater role in the public sphere (Miller 2004). Consequently, a growing number of Muslim youths became inspired to perform *dakwah* in Malaysia. One of the most influential Muslim youth organizations is the Angkatan Belia Islam Malaysia (ABIM, Malaysian Islamic Youth Association), established in 1971. Initially led by Muslim students in the Malaysian universities, ABIM rapidly gained popularity among the educated Muslim youths. Advocating Islamization through *dakwah* activities in efforts to develop and modernize Malaysia, ABIM was critical of the government for not incorporating Islamic values in social and economic policies. Anwar Ibrahim provided the charismatic leadership and was the popularizing force behind ABIM until he decided to become a member of United

Malays National Organisation (UMNO) and was appointed to join the Mahathir administration in the early 1980s (ABIM 2010).

In the late 1970s, the Pan-Malaysian Islamic Party (PAS) began to direct its criticisms of the UMNO-led government in terms of not having done enough to advance Islam and to entrench its status as the official religion. In harnessing the legitimising power of Islamic symbolism and discourse, Mahathir sought to co-opt the ascendant *dakwah* movement as well as to win over Malay Muslim support from PAS. Thus Mahathir readily pursued various Islamic policies and became more accommodating to Islam (Mutalib 1993; Miller 2004). Although UMNO started to pursue its own Islamization programme in the mid-1970s, the Islamization policy finally became an official policy under the leadership of Mahathir (1981-2003). To ensure the success of the policy, Mahathir was even prepared to co-opt dissenting Islamists. A big boost came when he managed to persuade the then ABIM leader Anwar Ibrahim to join UMNO just prior to the 1982 General Election and the latter played a key role in formulating and implementing state Islamization policy.

In 1981, the government announced the Inculcation of Islamic Values Policy to instil universal Islamic values in government institutions (Prime Minister's Department 1986; Ministry of Information 1986). Other Islamization programmes include the official use of Islamic terminologies and salutations, the building of Islamic complexes and research and educational institutes, and the expansion of Islamic programmes on radio and television and Islamic courses for the public. In addition, the Constitution was amended to enhance the powers of the Islamic legal authorities and administration and to promote uniformity and coordination between states in the jurisdiction of Islam (Horowitz 1994*b*: 22; Thaib 2013: 48)

In the 1990s, Islamic regulations for Muslims had been tightened in the BN-controlled states as an obvious attempt to rival PAS's *Hudud* law (Islamic criminal punishments) in Kelantan (Martinez 2001: 482-483). Ahmad Fauzi Abdul Hamid (2009: 11) explains that, for example, "Penang and Johor imposed stiffer penalties for Muslims convicted of Islamic criminal offences, Terengganu affirmed its commitment to an Islamic economic package including the formation of an Islamic-based

securities company, Kedah started a programme to revive the role of the mosque as a social and educational centre, Perlis passed a law on apostasy for converts, and Selangor started charging Muslims deemed to have acted immorally such as working in liquor-serving outlets and participating in beauty contests”. PAS, however, failed to implement its *Hudud* law because it was against the Federal Constitution.

During the twenty-two years of Mahathir’s rule, the religious bureaucracy expanded at an unprecedented rate, and aspects of Islamic law were institutionalized to an extent that was unimaginable in the pre-colonial era. More new state Islamic institutions were established, primary and secondary education curricula were revised to include more material on Islamic civilization. But it was in the field of law and legal institutions that the most consequential innovations were made (Moustafa 2014). To further brandish his Islamic credibility, Mahathir most famously declared Malaysia an “Islamic state” on 29 September 2001 in the aftermath of the terrorist (al-Qaeda) attacks in the United States on 11 September 2001.

Abdullah Ahmad Badawi (2006: 3), who succeeded Mahathir as Prime Minister in 2003, also implemented a new national policy of Islamization called “*Islam Hadhari*”. In Parliament on 27 August 2007, he reiterated that Malaysia was a Muslim country and should be governed according to Islamic principles. But, Badawi insisted that the *Islam Hadhari* approach did not mean that Malaysia is a theocratic country and that he believed in the principles of Parliamentary democracy and the supreme law of Malaysia — the Federal Constitution (Bernama 2007). Since taking over as Prime Minister in 2009, Najib Tun Razak has essentially continued with the Islamization policies of his predecessors by advocating *Wasatiyyah* (moderation in Islam). Invariably, the Islamization policy and its implementation have resulted in the increasing Islamization of governance and public institutions.

THE GROWTH OF AN ISLAMIZED BUREAUCRACY

In 1984, Mahathir announced his intention to “Islamize government machinery” which included “the inculcation of Islamic values in

government ... [and] the laws of the nation although not Islamic based, can be used so long as they do not come into conflict with Islamic principles” (Islam 2005: 126). This meant that the government institutions would not become Islamic, but would adhere to Islamic principles so long as they did not discriminate against other religious groups. Official efforts to infuse “Islamic values” into the administration of the country were assigned to JAKIM at federal level and the Majlis Agama Islam dan Adat Istiadat Melayu (Council for Islamic Religious Affairs and Malay Customs) at state level. In 1997, JAKIM was given the task of further developing Islamic institutions and the administration of Islamic law, and also the responsibility to standardize the Islamic legislation. Mahathir also established the Islamic Development Foundation to help with the Islamization of the government machinery (Funston 2006).

The Federal Constitution stipulates that the administration of Islamic law is under the jurisdiction of state governments. All matters pertaining to Islamic law are within the state government’s legislative power, statutes and *Shariah* courts. There are thirteen states and a fourteenth unit called the Federal Territories (Kuala Lumpur, Labuan, and Putrajaya) which is under federal jurisdiction. The courts’ structures are outlined in the Administration of Islamic Law Enactments of the respective states and the 1993 Administration of Islamic Law Act for the Federal Territories. These provide for three principal authorities with three separate functions — the Majlis Agama Islam (Islamic Council), the Mufti, and the *Shariah* courts — in which all are accountable to the ruler of each state (Zin 2012).

The structure of the Islamic judiciary in Malaysia has been established nationwide and was restructured from the 1980s until the 1990s. Legislation governing the jurisdiction of Islamic judiciary was enacted in each of the states and the Federal Territories. This led to the establishment of a three-tiered *Shariah* court structure, resembling the structure of the country’s civil courts. The lowest court is the *Shariah* subordinate court which is under a single judge called a *Shariah* subordinate court judge. This court is the first instance for most matters. The *Shariah* high court, through its own motion or the application by any interested party, has supervisory and revisionary jurisdiction over all *Shariah* subordinate courts (Zin 2012).

The high court, like the subordinate court, has only one judge with the title “*Shariah* Judge”. However, the Shariah Court of Appeal consisting of a panel of three judges, the Chief Shariah Judge and two judges selected from standing panels, is duty-bound to hear appeals from both of the lower courts in both civil and criminal cases. The decisions of *Shariah* Court of Appeal are final. The Shariah judiciary in all states is headed by the chief *Shariah* judge who is responsible to either the Yang di-Pertuan Agong (states which are not governed by sultans) or the sultans of the respective states.

At the federal level, the Department of Shariah Judiciary has supervisory authority and it seeks to promote uniformity and coordination in the administration of Islamic law nationwide. The Department, however, has no binding power over the individual states. The states still maintain their ultimate authority over their own systems (Zin 2012). The constitutional amendment inserting article 121(1A) in 1988, subsequently erodes the role of civil courts as the ultimate adjudicator of inter-religious litigations. Shad Saleem Faruqi, a constitutional expert, characterized this evolving trend in the judiciary system as a case of “silent re-writing of the Constitution”, undermining critically the originally “secular” foundation of the nation (Ting 2009).

The Jabatan Kehakiman Shariah Malaysia (JKSM, the Department of Shariah Judiciary Malaysia) was established in 1998 to facilitate restructuring and coordinating the administration of justice in *Shariah* courts. It also intended to improve the infrastructure, procedure, and quality of service. Financial assistance was provided to states to upgrade infrastructure or to increase the remuneration of judges and legal officers of *Shariah* courts. A “joint service scheme” was adopted where judges and legal officers in the *Shariah* courts may be promoted and transferred between state and federal level. A Chief *Shariah* Judge, who is also the head or Director-General of JKSM, is in charge of the Department of Shariah Judiciary for the Federal Territories. JKSM also has a group of *Shariah* appeals court judges who can hear cases from the Federal Territories’ *Shariah* courts as well as cases from states that have been enlisted into the joint service scheme (Shuaib 2012).

The Islamization of state bureaucracy has also been extended to the security services in Malaysia in particular the military and police. For

instance, Kor Agama Angkatan Tentera (KAGAT, Religious Corp of Malaysian Army) was officially established on 19 April 1985 as the 16th Corps of the Malaysian Army. Unique among the Corps of the Malaysian Army, KAGAT serves all three branches of the Malaysian Armed Forces, and thus is not limited to just the Malaysian Army. Initiatives for the formation of KAGAT were made in 1979, and the Armed Forces Council agreed to the formation of the 16th Corps in their 197th Meeting on 24 January 1980. In March 1986, the Armed Forces Council approved the terms of transfer of the Islamic Religious Affairs officers from the Public Service Department to the newly founded KAGAT. The rationale for inculcating Islamic values in the military was due to the fact that the majority of Malaysian military personnel are Malay Muslims (Jalal 2014).

According to Burhanuddin Jalal (2014: 30), KAGAT aims to: “(1) Provide Islamic knowledge through *dakwah* programmes to all members of the Armed Forces and their families; (2) Offer Islamic education to the Armed Forces during peace, emergency or war; (3) Build high moral spirits, strength, positive attitudes, and discipline based on Islamic values; (4) Resolve any obstacle in the administration of Islam and *Shariah* law especially regarding the military-civilian relations; and (5) Be committed in any task for the good and spread of Islam in the Armed Forces.” There are no specific and formal field formations for KAGAT, but rather members of the 16th Corps are distributed throughout all three services of the Malaysian Armed Forces. The most senior KAGAT officer is the Director of the 16th Corps who holds the rank of a Brigadier General.

There is a direct link between KAGAT and JAKIM. For example, the late Brigadier General Abdul Hamid Zainal Abidin was appointed by Mahathir as the first Director of KAGAT (1985–95) and also as Director-General of JAKIM (1997–2001). Subsequently, Abdul Hamid was also appointed as a Senator to the Malaysian Parliament in 2001, and then as Minister in-charge of Islamic affairs (2001–04) in the Prime Minister’s Department. This tradition of KAGAT’s Director being appointed as Minister responsible for Islamic affairs has been continued with the appointment of Major General Jamil Khir Baharom, Director of KAGAT (2005–09), as a Senator and then Minister for Islamic Affairs in the Prime

Minister's Department in 2009. In the 2013 General Election, Jamil Khir contested and won the Jerai parliamentary seat in Kedah and continued to serve as the Minister for Islamic Affairs.

Unlike the Malaysian Armed Forces, the Islamization of the police force was only enforced quite recently. The importance of Islam was already recognized by the Polis Diraja Malaysia (PDRM, Royal Malaysia Police) since the 1980s, and knowledge about Islam was introduced into training course syllabus for the police and the small Religious Unit was established. The Religious Unit, however, targeted to undergo a major expansion in May 2005 after the PDRM tabled a report by the Commission on the Improvement of Operation and Management of PDRM (Chapter 13, Recommendation 10, Page 433) which suggested that the Religious Unit should be strengthened in order to boost the morale and spiritual development of the police officers (Haron 2007). Subsequently, both the Religious Unit and Counselling Unit were merged to form the Bahagian Agama dan Kaunseling Polis Diraja Malaysia (BAKA, Division of Religion and Counselling, Royal Police of Malaysia) in April 2007 (Haron 2007). BAKA's role is to reinforce police integrity through Islamic values (Teh & Jamsari, 2013). Organizationally, BAKA is under the charge of a committee headed by the Inspector General of Police and divided into three units; Religious Unit, Counselling Unit and Administration Unit. Finally, BAKA serves every police contingent headquarters such that each would have its own BAKA division.

ISLAMIC EDUCATION AND STUDIES

Since the 1980s, the Malaysian state has extensively widened the Islamization of Malaysian education including the Islamization of knowledge and incorporating more Islamic subjects in the curriculum. And in part to meet the growing manpower needs of public sector to facilitate its Islamization agenda, the provision of Islamic education and studies has expanded significantly. There are two main types of Islamic education in Malaysia, namely the traditional and the modern. Traditional Islamic education is provided by *pondok* and some *madrasah* religious schools (Buang, Mohd Nor and Abdullah 2008), while modern education

can be found in public schools and higher institutes and universities of Islamic studies (Buang, Mohd Nor and Abdullah 2008; Kayadibi and Buang 2011). For the state to implement its Islamization policy, it needs to increase the number of programmes and education institutions especially institutions of higher learning to produce more graduates in Islamic education and studies.

Sizable resources have been allocated to expand the provision of Islamic education so as to produce more and better trained Islamic scholars, administrators, judges, and educators who could then help to improve the Islamization policy and its effective implementation. For instance, a person must be well versed in various aspects of Islamic law and jurisprudence before qualifying to practise in the *Shariah* court. The Administration of Islamic Law Act (ACT 505) governs the appointment of *Shariah* court judges in the Federal Territories. While ACT 505 does not impose any educational qualification for judges, Najibah Zin (2012: 118–19) shows that:

In practice, appointment to the *Shariah* courts there [Federal Territories] and in all states in Malaysia is open only to those who have obtained at least a bachelor's degree. This is because judges are appointed from the ranks of the civil service, and the basic educational qualification required for appointment as a *Shariah* officer within the civil service is a bachelor degree. This degree may be obtained from any recognized institution of higher education either in Malaysia or abroad. In addition to the required bachelor degree, however, candidates for a position on the *Shariah* court must obtain a professional qualification in the form of either a postgraduate professional diploma from the IIUM or another recognized institution or a double degree in both law and *Shariah* (LL.B. in *Shariah*).

In the Federal Territories, the appointment of *Shariah* judges to the *Shariah* high courts are only for Malaysian citizens and that a person must have at least ten years' experience as either a judge of a *Shariah* subordinate court, a *kathi* (*qadi*), a registrar, or a *Shariah* prosecutor, and be learned in Islamic law. ACT 505 states that the appointees for

judges of the *Shariah* subordinate court should be from among members of the general public service of the Federation (Zin 2012: 119). Likewise, appointees to the *Shariah* court in the state of Selangor must have at least ten years' experience as a *Shariah* lawyer (*peguam syarie*), a prosecutor, a registrar, or a member of the *Shariah* courts, and be learned in Islamic legislation. Candidates from the general public service or the *Shariah* Judicial Legal Service are eligible to be appointed as the *Shariah* subordinate court judges (Zin 2012: 119).

Since 1960s, education institutions have been established to produce graduates in Islamic education and studies. The first higher education institution of Islamic Studies in Malaysia, Kelang Islamic College (Kolej Islam Kelang), was established in 1949. The academic staffs employed in the college were from Egypt. Thus, Al-Azhar University, Egypt gave accreditation to the programmes and graduates of Kelang Islamic College in 1961 which was equivalent to the bachelor and master degrees conferred at Al-Azhar University. Nilam Puri Foundation of Higher Learning (Yayasan Pengajian Tinggi Nilam Puri), a well-known Islamic institution, was established on 18 September 1965 in Kelantan. The establishment of Nilam Puri Foundation then paved way to many new establishments of Islamic Centres for higher education in Malaysia such as the Academy of Islamic Studies (AIS) at the University of Malaya (UM). Later, a Faculty of Islamic Studies (FIS) was established in the National University of Malaysia (UKM) in 1970, in International Islamic University Malaysia (IIUM) in 1983, in Islamic University College of Malaysia in 2000, and in several other public and private higher education institutions (Kefeli, Ahmad and Alias 2007).

The AIS in the UM is currently composed of eleven individual departments namely department of Islamic History and Civilization; *Fiqh* and *Usul*; *Shariah* and Economics; *Shariah* and Management; *Aqidah* and Islamic Thought; *Shariah* and Law; *Al-Quran* and *Al-Hadith*; Islamic Education programme; *Dakwah* and Human Development; *Siasah Shariyyah*; and Applied Sciences with Islamic Studies (Kayadibi and Buang 2011). According to Raihanah Abdullah (2001), the department of *Shariah* and Law offers mainly courses such as traditional Islamic law (*fiqh*) and the administration of Islamic Law in Malaysia with subjects like Jurisdiction, Islamic Procedure, the Islamic Law of Succession,

Islamic Family Law, Islamic Criminal Law, Islamic judiciary system, Administration of *Fatwa*, *wakaf*, *bayt al-mal*, *zakat*, and the law of Islamic banking. Besides, students are also taught non-Islamic law subjects such as the Malaysian legal system, constitutional law, tort, contract, property, criminal, and evidence (Abdullah 2001). To attain a global standard of education, lecturers in the *Shariah* and Law faculty are recruited from a variety of backgrounds including Middle Eastern universities' graduates to teach Islamic Law courses and Malaysian law practitioners to teach Malaysian Law courses (Abdullah 2001). Many lecturers and scholars from Middle Eastern countries especially Egypt, Saudi Arabia, Syria, Iraq, Turkey, and Gulf States and Western countries particularly United Kingdom, United States, and Canada are frequently invited to teach Islamic studies in Arabic and English languages (Kayadibi and Buang 2011).

Islamic studies courses are also offered in the University of Islamic Science Malaysia (USIM), University of Science Malaysia (USM), University of Utara Malaysia (UUM), University of Malaysia Terengganu (UMT), University of Technology Malaysia (UTM), University of Sultan Zainal Abidin (UNIZA), and University of Technology MARA (UiTM) (Bakar & Mohamad 2012). Furthermore, the Mahathir administration had also introduced Islamic Civilization as a subject in all Malaysian universities and launched the International Institute of Islamic Thought and Civilization (ISTAC) on 4 October 1991 as a research and postgraduate institution to offer degrees in Islamic civilization and Islamic science. Mahathir affirmed that the focus of learning about Islamic civilization is not to convert people to Islam, but to erase any anxiety and doubt that non-Muslims have towards Islam and Muslims in order to strengthen inter-ethnic relations in Malaysia (Ahmad 2010: 147–48).

As stated, the expansion of Islamic education and studies is in part to increase the manpower needed to facilitate the state-led Islamization policy. According to Ibrahim Abu Bakar and Mohd Nasran Mohamad (2012: 855), many graduates from FIS of UKM, for instance, have joined:

the Malaysian Public Service as Islamic religious teachers in primary and secondary national schools, as college and university lecturers in Islamic education, Islamic studies, Islamic history,

Arabic and Islamic Civilization, Islamic law, Islamic banking, and Islamic finance. In addition, the graduates from FIS of UKM have also joined the Islamic institutions in Malaysia such as Islamic banks, Islamic religious departments, departments for state Islamic affairs and Malay customs, Islamic councils and JAKIM.

Bakar and Mohamad stressed that Malaysian graduates in Islamic studies programmes are able to become *imams* in the mosques; Islamic religious teachers; lawyers and judges in the *Shariah* courts; officers and administrators in Islamic religious departments; and other related establishments. In particular, the federal and state constitutions have placed the responsibilities upon both federal and state governments to propagate and spread Islam among the Muslims especially children and youth through the national education system and curriculum as well as the Islamic religious education system and curriculum. National and Islamic religious educational institutions require and employ many graduates from Islamic studies programmes as Islamic religious teachers at the primary and secondary schools teaching subjects related to Islam like the Islamic tradition, theology, history, law, worship, and mysticism. The federal and state governments provide policy and financial support to Islamic education in the national school and Islamic religious school systems.

A survey conducted in 2011 showed that most Islamic studies graduates chose to work in the education sector instead of other sectors which also offered numerous opportunities (Bernama 2011). In 2010, 71,565 people graduated in the arts and social sciences of whom 1,804 were Islamic studies graduates. The Director of Academic Development Management Division in the Higher Learning Department, Zarida Hambali, reported that 62.8 per cent of graduates in 2010 sought employment in the education sector as teachers, J-Qaf (basic Islamic teaching) teachers and teachers in religious schools (Bernama 2011). According to Hambali, there are ample opportunities available for them because there are many new schools and colleges. Meanwhile, Director of AIS, UM, Ruzman Md Noor said that graduates of Islamic studies would find few problems in securing jobs because opportunities are in

abundance for them especially in the education sector. He added that these graduates have a bright future in terms of employment (Bernama 2011).

ENFORCING ISLAM AND MORAL POLICING

Arguably, the politicization of Islam has led to the UMNO-led government manufacturing an official Islam which enables the state to monopolize the interpretation Islam. Tamir Moustafa (2014) clarifies that the public expression of alternate views is prohibited because the Administration of Islamic Law Act and other parallel state-level enactments impose a state monopoly on religious interpretation. In this regard, the Ruler, Islamic Religious Council, the office of the Mufti, and the Islamic Legal Consultative Committee wield absolute authority over the interpretation of Islam. Moustafa (2014: 164) further argues that the Shariah Criminal Offences Act (1997) consolidates the monopoly on religious interpretation established in the Administration of Islamic Law Act:

1. Article 9 criminalizes defiance of religious authorities: Any person who acts in contempt of religious authority or defies, disobeys or disputes the orders or directions of the Yang di-Pertuan Agong as the Head of the religion of Islam, the Majlis or the Mufti, expressed or given by way of *fatwa*, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.
2. Article 12 criminalizes the communication of an opinion or view contrary to a *fatwa*: Any person who gives, propagates or disseminates any opinion concerning Islamic teachings, Islamic Law or any issue, contrary to any fatwa for the time being in force in the Federal Territories shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.
3. Article 13 criminalizes the distribution or possession of a view contrary to Islamic laws issued by religious authorities: Any person

who (a) prints, publishes, produces, records, distributes or in any other manner disseminates any book, pamphlet, document or any form of recording containing anything which is contrary to Islamic Law; or (b) has in his possession any such book, pamphlet, document or recording, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

However, although the government commands a complete monopoly over the interpretation of Islamic law, its monopoly has been challenged by several civil society organizations such as the Islamic Renaissance Front (IRF), Sisters in Islam (SIS) and more recently the 25 Prominent Malays (former government's top officers) who called for a rational dialogue on the position of Islam in a constitutional democracy (*The Star Online* 2014a).

A 1996 fatwa by the Fatwa Committee of the National Council of Islamic Religious Affairs stated that Muslims in Malaysia can only follow the teachings of Islam based on the Sunni doctrine on creed, religious laws and ethics. Other teachings of Islam such as Shiism are considered deviant from Islam (Razak 2013). The Home Ministry was urged to immediately ban printed materials such as books and novels written by Shia followers on the deviant religious doctrine. Senator Noriah Mahat, in debating on the Supplementary Supply Bill (2012) 2013 in the Dewan Negara (upper house in the parliament) on 31 July 2013, said that the ministry should also take stern action against any such individual so that their writings would not erode the faith of Muslims in the true teachings of Islam. She further said that "If it is not controlled, I fear for young Muslims because they could be easily influenced by Shia teachings as they are a curious lot" (*Malaysian Insider* 2013: 1).

One issue that raised considerable concern over the exercise of religious freedom and expression in multiracial Malaysia is the controversy on the use of the word "Allah". In January 2008, the Malaysian cabinet banned a Catholic online newspaper *The Herald* from using the word "Allah" in its publications. The Malaysian government justified the restriction on the basis that the word "Allah" refers to God according to the Muslim

faith, and as such its use by non-Muslims may arouse sensitivity and create confusion among Muslims in the country (*The Sun* 2008: 1). A seven-judge panel in the Federal Court upheld on 23 June 2014 an Appeal Court's decision that ruled in favour of the government position on the "Allah" issue. In a 4-3 majority decision, the Federal Court rejected the Catholic Church's bid to get leave to challenge the Home Ministry's ban on the use of the word "Allah" for its online daily publication *The Herald* (*The Star Online* 2014b). In response to the Federal Court decision, the Prime Minister's Department said that Malaysian Christians may still use the word "Allah" in church. It said in a statement that the government is committed to the ten-point Cabinet solution which was endorsed in 2011, prior to the Sarawak state election, that allows Christians in Sabah and Sarawak to use the word "Allah" in their Malay language Bible (*The Star Online* 2014b).

The issues of Shiism and "Allah" have clearly impinged on Article 11 of the Malaysian Constitution which protects the freedom of religion in the country. The United States Commission on International Religious Freedom (USCIRF) 2014 Annual Report placed Malaysia on Tier 2, one level down from Tier 1 (countries of particular concern) which lists countries like Myanmar, China, Iran, Iraq, Pakistan and Sudan, among others. USCIRF found that the intertwining of religion, ethnicity, and politics in Malaysia complicates religious freedom protections for religious minorities and non-Sunni Muslims (Zachariah 2014).

In January 2005, the Jabatan Agama Islam Wilayah Persekutuan (JAWI, Federal Territories Religious Department) enforcement officers raided the Singapore-owned Zouk nightclub in Kuala Lumpur and arrested 100 Muslim patrons. The religious officers claimed that those arrested were dressed indecently or had consumed alcohol. This event triggered a protest by a group of anti-moral policing campaigners, who called themselves Malaysians Against Moral Policing. They did not only protest the arrest but also questioned the state's role in defining the morality of its citizens and the use of punitive religious and municipal laws to curb immorality and indecency (Mohamad 2008: 159). The campaign was endorsed by about fifty non-governmental organizations (NGOs) and more than 200 individuals including prominent government

officials and politicians from opposition parties such as the Democratic Action Party (DAP) and Parti Keadilan Nasional (KeADILan, National Justice Party) (Mohamad 2008: 159). On the other hand, responding to the Anti-Moral Policing Campaign, a counter-campaign to defend the enforcement of Islamic moral laws was launched by a coalition of fifty Islamic organizations including Malaysian Ulama Association (PUM), ABIM, National Association of Islamic Students (PKPIM), Jamaah Islah Malaysia (JIM), Malaysian Chinese Muslim Association (MACMA) and Indian Muslim Youth Movement of Malaysia (GEPIMA). They issued a joint statement claiming that the campaign “has caused confusion and ambiguities about the concepts of prevention of sin and the limits of individual freedom in Islam” (Mohamad 2008: 160). This effort was also supported by muftis and *ulamas* or Muslim scholars who were members of the National Fatwa Committee in urging the government to uphold the Islamic teaching of “enjoining good and forbidding evil” by enforcing those laws more responsibly.

As a result of the various protests staged by Malaysians Against Moral Policing, none of the Muslim patrons arrested was charged in the Shariah court because, according to Abdullah Mat Zin, the *de facto* Islamic Affairs Minister in the Prime Minister’s Department, of the “lack of evidence which warrants prosecution” (Mohamad 2008: 160). The government, in responding to the protests from the Islamic organizations, promised to retain all laws on morality including the *Shariah* laws in order to safeguard the morality of Malaysians (Mohamad 2008: 160). However, the then Prime Minister, Abdullah Ahmad Badawi stated firmly that his Cabinet disapproved of such moral policing and intrusion into private lives (Ismail 2009).

In another moral policing case, fifty-two unmarried Muslim couples were charged of sexual misconduct for committing *khalwat* or “close proximity” (*Daily Mail* 2010). They were caught by Malaysia’s Islamic morality police in budget hotel rooms in Selangor before dawn on 1 January 2010. *Khalwat* is applied only to Muslims and is defined as unmarried couples being alone together in a private place (*Daily Mail* 2010). In Selangor, *khalwat* carries a maximum penalty of two years in prison and a fine. Mohd Asri Zainal Abidin, Mufti of the state

of Perlis, conceded that it was the right of the religious authorities to conduct *khalwat raids* but it must be done in a reasonable and rational manner (*The Star Online* 2006). He suggested that state governments have special guidelines for religious departments on the proper way of conducting *khalwat* raids.

It is clear that the UMNO-led government has increased the moral policing of its Muslim population. Indeed, it is no longer the question of UMNO controlling the Islamic bureaucracy as had purportedly happened during Mahathir's premiership or UMNO failing to control the *ulamas* from imposing and enforcing Sunni Islam on Muslims. Today, UMNO collaborates closely with the Islamic bureaucracy and *ulamas* to ensure that Sunni Islam is fully implemented in Malaysia. This collaboration helps UMNO to outdo PAS in championing Islam. For example, there is a correlation between the current Prime Minister Najib Razak's views on Islam and the Friday prayer sermons prepared by JAKIM. Several recent Friday prayer sermons have singled out the following as the "enemies of (Sunni) Islam": pluralism (25 January 2013), human rights and lesbian, gay, bisexual and transgender (LGBT) activities (18 October 2013), liberalism (15 November 2013), and Shiism (29 November 2013) (SUARAM 2014: 81-82). Similarly, in a speech to 11,000 *imams* and mosque committee members from across the nation on 19 July 2012, Najib gave his assurance that UMNO would continue to promote *Wasatiyyah* and branded the LGBT community along with liberalism and pluralism as enemies of Islam. He said that the government does support human rights, but it will do so within the boundaries set by Islam (Hafidz 2012).

On 13 May 2014 during the opening of the National Quran Recital Competition, Najib rejected what he termed "human rights-ism" by referring to types of understanding based on humanism, secularism and liberalism. He said that "human rights-ism" rejected the values of religion and etiquette, but was instead wrapped in an image of struggling for basic rights (Ong 2014). He received a lot of criticism from the Malaysian Human Rights Commission (SUHAKAM) and other civil society organizations, and also from opposition parties — especially DAP and People Justice Party (PKR, Parti Keadilan Rakyat) — and

members of his own ruling party, the BN. This led Najib to retract his statement on “human rights-ism”, but he maintained his position in rejecting humanism, secularism and liberalism (Anbalagan 2014a).

Malaysia is starting to implement the *Shariah* (compliance) index in 2015. Najib officially launched the Malaysian *Shariah* Index on 10 February 2015, a same day when the Federal Court upheld the guilty verdict to Anwar Ibrahim’s sodomy case. It is a product that complements Islamic governance through a more comprehensive *shariah* requirement yardstick in eight major areas namely legal, politics, economy, education, culture, infrastructure, environment, and social (*Malaysian Insider* 2015). In the inaugural Malaysian Mosque Awards 2014 on 28 August 2014, Najib announced that the *Shariah* Index will be introduced to gauge Malaysia’s achievements in the implementation of Islamic law. Najib said that the *Shariah* Index was developed by JAKIM in collaboration with the IIUM and the Islamic Missionary Foundation Malaysia (YADIM). He explained that:

It is highly polemical; some say our country is Islamic and some say it is not. How are we attempting to fulfil the requirements of Islamic law? There must be some scientific gauge for Islamic law....When there is such an index, we will be able to gauge and make comparisons with other countries as to where we have achieved success and where there are shortcomings that we should rectify together (*Malaymail Online* 2014: 1).

Najib called for the assistance of *ulamas* to shape an administration required by Islam, not only in terms of progress but also in the fair and equitable distribution of wealth. Moreover, recent government Islamic policies and moves seem to suggest that the Najib administration is moving towards the full implementation of Islamic law. In fact, a statement by a Minister in the Prime Minister’s Department, Jamil Khir Baharom reiterated that the government has been in discussion for two years with state religious councils over the setting up of a Federal Shariah Court that would have the same powers as the civil Federal Court (Anbalagan 2014b). This is consistent with the agenda of deepening Islamization and the establishment of a *Shariah* Index in Malaysia.

CONCLUSION

This paper provides details of the Islamization policy that began in the 1960s. Islamization is mainly supported and protected by provisions of the Federal and states constitutions. This has allowed the national leadership to establish several permanent bodies to promote Islam such as JAKIM at the federal level and *shariah* courts in all states. Moreover, many institutions such as the IIUM, KAGAT and BAKA PDRM were established to promote Islamization policy in the administration. More significantly, Mahathir amended the constitution to increase the power of Islamic legal authorities.

Several policies were established to support the state's agenda for Islamization such as the Inculcation of Islamic values by Mahathir; *Islam Hadhari* by Badawi; and *Wasatiyyah* by Najib. These policies were the result of the continuous propagation of Islamization policy in the public administration and society by the government. This Islamization policy was responsible in spreading Islamic education in local universities in order to produce human capital with the required knowledge and skills in Islam. At the same time, this human capital has been co-opted into the Islamic bureaucracy to protect, strengthen, and expand the Islamization policy.

Overall, the Islamization policy in Malaysia has several aims. The first is to make Islam a special religion, unlike in secular countries, with a special state-sponsored Islamization policy. This allows for the federal and state governments to establish departments, agencies, education institutions, and courts to manage its affairs and fund its activities. This expansion of Islamic bureaucracy goes hand in hand with the agenda to turn Malaysia into an Islamic state. If this process does not go well or in line with the system of parliamentary democracy and common law legal system currently practised, we may see, although this will be difficult, a major transformation or overhaul of the political and legal systems in Malaysia in line with Islamic tenets.

Second, it enforces the Sunni Islamic teaching to all Muslims in Malaysia through: (a) the *Shariah* Index which is a holistic approach to enforce Islam in all aspects of life by meeting the *shariah* requirements; and (b) the fight against any other Islamic teaching such as the banning of

Shiism and Liberal Islam. This makes a significant impact on the practice of pluralism and intra-religious freedom in Malaysia.

Third, it provides more power to the Islamic bureaucracy in monopolising the interpretation of Islam through the Administration of Islamic Law Act. Thus, the Islamization has also had significant ramifications on non-Muslims in practising their religion in Malaysia as demonstrated by the “Allah” issue.

Finally, it essentially gives legitimacy to the ruling BN-UMNO government for championing the issue of Islam in Malaysia against other Islamization agendas by other political party particularly PAS and civil society movements. UMNO believes that as long as the party is championing Islam, they will always have Malay-Muslim support to be in power. The ruling party works closely with the Islamic bureaucracy to implement this strategy.

It is obvious that Islamization is one of the main priorities of the Malaysian government. Unfortunately, the opposition Pakatan Rakyat (PR), a loose and unregistered coalition of three parties namely PKR, DAP and PAS, is getting weaker, not only because of the imprisonment of main opposition leader Anwar Ibrahim in February 2015, but also because of PAS openly pushing again its ambition to implement *Hudud* law since 2014. Surprisingly, it was supported this time by UMNO (Mahavera 2014) against PR wishes especially DAP which is against the law. For DAP and PKR, *Hudud* law will distance non-Malays, particularly the Chinese who are against the law, from supporting PR. In fact, even some PAS leaders see this law as currently unsuitable to be introduced in Malaysia’s multiracial society and it was just used by UMNO to split the PR. If this in-fighting continues in PR and if they fail to make a common stand on policy, there is a possibility that PR will break up. This will definitely give an advantage to the ruling BN to be in power and to win the next general election. In sum, Islam will continue to play an important role in determining the future of politics and ethnic relations in Malaysia. Islam will be used and exploited to benefit those in pursuit of power and dominant in Malaysia, and with adverse consequences for the secular foundation of the Malaysian constitution, the constitutionally guaranteed fundamental liberties of Muslims and non-Muslims, and the marginalization of the non-Muslim communities.

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