

## Malaysia

### 1988 state law allows Jais to act against non-Muslims

By Clara Chooi and Debra Chong

August 07, 2011



Lim maintains that Jais did not have proper legal basis to raid the DUMC premises. — file pic

PETALING JAYA, Aug 7 — The Selangor Islamic Religious Department (Jais) had likely acted within the law when it raided a church here, as a controversial enactment passed by a Barisan Nasional (BN) state government in 1988 allows action against non-Muslims.

Malaysian Bar Council chief Lim Chee Wee pointed out, however, their being empowered also meant the religious authorities can only act within the confines of the Islamic laws, highlighting that the words allegedly said to prove Christians were proselytising to Muslims at the event — “Quran” and “Pray” — did not fall within the religious enforcement’s context.

“Whilst Jais may have the legal power to enter the premises, it must do so on a proper legal basis that there has been an offence committed. From the presently available facts, there is no basis for its intrusion,” he told *The Malaysian Insider* in an email.

Lim said there were four existing state Islamic legislation that give the authorities wide powers to act on religious matters, namely:

- Enakmen Jenayah Syariah (Selangor) 1995 (“Enakmen Jenayah”);
- Enakmen Ugama Bukan Islam (Kawalan Pengembangan di Kalangan Orang Islam) 1988 (“Enakmen Ugama Bukan Islam”);
- Administration of the Religion of Islam (State of Selangor) Enactment 2003; and
- Syariah Criminal Procedure (State of Selangor) Enactment 2003.

Selangor’s Non-Islamic Religions (Control of Propagation Amongst Muslims) Enactment, which outlines offences deemed as acts of proselytisation by non-Muslims towards Muslims, grants the religious authorities powers to launch investigations and arrest individuals without producing a warrant.

Some offences include the persuasion or incitement of Muslims to convert, to receive instructions or to participate in any activity for the benefit of any non-Islamic religion; if non-Muslims communicate with a Muslim for the purpose of subjecting the latter to any speech on a non-Islamic religion; if a person uses certain prohibited words to describe any belief pertaining to any non-Islamic religion, and others.

The Damansara Utama Methodist Church (DUMC) was raided by Jais on Wednesday after it received a complaint that Muslims were present at a dinner function there, leading to suspicion that Christians were attempting to proselytise Muslims.

Section 11 of the enactment also describes the offences as “seizable offences”, which, under the Criminal Procedure Code (CPC), does not stop the police from raiding private spaces, like DUMC’s rented premises here.

*The Malaysian Insider* understands that DAP lawmakers had raised hue and cry when the enactment bill was tabled in the Selangor state assembly in 1988, arguing that the legislation would encroach the rights of non-Muslims.

But despite the furore, the bill was passed and gazetted into law by a BN-dominated House, after it earned the blessings of even non-Muslim lawmakers, including those from MCA.

DAP advisor Lim Kit Siang confirmed the controversy, saying that the enactment had been deemed “far-reaching and unreasonable”.

“I cannot remember specifically the details of the Bill but DAP strongly objected it,” he told *The Malaysian Insider* when



Lim said the 1988 enactment had been deemed “far-reaching and unreasonable”. — File pic

contacted.



Hasan is due to face the PAS CWC today. —  
File pic

Lim would not comment, however, when asked if this meant that blame for Jais' highly-criticised raid on the DUMC should be heaped on MCA and BN, instead of the present Pakatan Rakyat (PR) Selangor government.

"At this point, we still do not know for certain on what basis Jais had conducted the raid so there may be a leap in reasoning to say who was right or wrong. Let us wait for (Selangor Menteri Besar Tan Sri) Khalid Ibrahim to make a statement on this first," he said, reiterating that he could not remember details of the 23-year-old enactment.

The PR state government came under fire immediately after news of the church raid on Wednesday hit the headlines, with MCA leading the chorus of disapproval on the incident.

MCA president Datuk Seri Dr Chua Soi Lek also lambasted PAS state executive councillor Datuk Hasan Ali for defending Jais, and warned Selangor Muslims against the Islamist party's hardline Muslim stance.

Hasan, in his defence of Jais, had explained the raid was conducted based on a complaint that said Muslims were among those attending a dinner function at the church's rented premises here.

He said the words "Quran" and "pray" were used in front of Muslims and claimed there was also proof of efforts to proselytise Muslims during the function. Those involved, he said, could face punitive action for insulting Islam under Section 10 of the Syariah Criminal Offences Enactment 1995.

Hasan is due to face his party's central working committee (CWC) today to explain the Jais raid. The Islamist party's lawmakers have taken pains to voice their disappointment over the raids and explain circumstances where enforcement authorities can take action.



Recommend



415 people recommend this. Be the first of your friends.

**Request a FREE brochure from ITT Tech!**

Click Here