

## THE ISSUE OF ISLAMIC STATE IN MALAYSIA

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### **Introduction**

There have been six prime ministers of Malaysia since her independence on August 31, 1957 as the Federation of Malaya, and then since September 16, 1963 as the Federation of Malaysia. The six prime ministers are Tunku Abdul Rahman Putra (Aug. 28, 1957 to Sept. 21, 1970), Tun Abdul Razak Hussein (Sept. 22, 1970 to Jan. 14, 1976), Tun Hussein Onn (Jan. 15, 1976 to July 16, 1981), Tun Dr. Mahathir Mohamad (July 16, 1981 to Oct. 31, 2003), Tun Abdullah Ahmad Badawi (Oct. 31, 2003 to April 3, 2009) and then Dato' Seri Najib Tun Abdul Razak (April 3, 2009 up to the present day).

After the independences of Malaya and Malaysia, respectively, the issue of Islamic state in Malaysia has been up and down or merged and submerged. During the premierships of Tunku Abdul Rahman Putra, Tun Abdul Razak and Tun Hussein Onn, there was the idea of making Malaysia an Islamic state but they did not pay attention to this idea. However, during the premiership of Dr Mahathir, he paid attention to the idea of making Malaysia an Islamic state. In September 2001, Dr. Mahathir publicly declared that Malaysia is already an Islamic state. He disagreed with some Malaysian politicians who upheld that Malaysia was not an Islamic state<sup>1</sup>. These Malaysian politicians were in the Malay-Muslim opposition party named PAS in Malay or Pan-Malaysian Islamic Party (PMIP) in English, and those in the dominant non-

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<sup>1</sup> Kamarudin Salleh, "Politik Melayu: Konsep 'Negara Islam' UMNO dan PAS", in, *Islamiyyat*, Vol. 28, (2006), p.79

Muslim Malaysian Chinese opposition party named Democratic Action Party (DAP).

Dr. Mahathir declared, during his opening address of the GERAKAN annual delegates' conference on September 29, 2001 in Kuala Lumpur, that Malaysia is already an Islamic state. He was reported to have said, "UMNO wishes to state loudly that Malaysia is an Islamic country. This is based on the opinion of ulamas who had clarified what constituted as Islamic country. If Malaysia is not an Islamic country because it does not implement the hudud, then there are no Islamic countries in this world. If UMNO says that Malaysia is an Islamic country, it is because in an Islamic country non-Muslims have specific rights. This is in line with the teachings of Islam. There is no compulsion in Islam. And Islam does not like chaos that may come about if Islamic laws are enforced on non-Muslims."<sup>2</sup>

GERAKAN is a political party in the Barisan National (BN) or the National Front (NF) and the non-Muslim Chinese are the dominant members in GERAKAN. Another political party dominated by the non-Muslim Indians in the NF is Malaysian Indian Congress (MIC). UMNO (the United Malays National Organization) is the leader of the NF. Therefore, both GERAKAN and MIC did not oppose the declaration made by Dr. Mahathir that Malaysia is an Islamic country. Another political party founded by the Malaysian Chinese for the Chinese in Malaysia in NF is Malaysian Chinese Association (MCA). This Chinese party, also, did not oppose the declaration made by Dr. Mahathir.

The political parties that immediately opposed the declaration made by Dr. Mahathir that Malaysia is an Islamic country are PAS or PMIP and DAP. The spiritual leader of PMIP and the Menteri Besar of Kelantan, Dato Nik Aziz Nik Mat totally disagreed with Dr. Mahathir. For PMIP, "an Islamic country is one which is governed according to the tenets of the Quran and Hadith (sayings of Prophet Muhammed). Malaysia is a secular state. If the

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<sup>2</sup>Thomas, Tommy, Is Malaysia an Islamic State?, <http://www.malaysianbar.org.my> Accessed on March 25, 2009

present Malaysia is already an Islamic state, then what do you call the state ruled by Prophet Muhammed and his friends.”<sup>3</sup>. DAP adamantly protested against the public announcement made by Dr. Mahathir. “Paradoxically, Dr. Mahathir’s unilateral announcement was attacked with equal vigor from both sides of the political divide in Malaysia: PAS, as protector of the Islamic cause, and DAP, as articulating the non-Muslim voice.”<sup>4</sup>

This paper presents the reasons for UMNO and its supporters to affirm that Malaysia is an Islamic state as well as the reasons for PMIP and DAP and their supporters to negate the same thesis.

### **The reasons for UMNO to declare and affirm that Malaysia is an Islamic country**

As stated and reported from Dr. Mahathir’s opening address delivered in September 2001 as President of UMNO, UMNO declares that Malaysia is an Islamic country and justifies it with the views of the Muslim religious scholars who are either in UMNO or outside UMNO but not in PAS. For UMNO, Malaysia is an Islamic country based on that “Muslims constitute the majority of the population. The constitutional monarchs at federal and state levels are Muslims. The political executive, the civil service, the police, the army, the judiciary and the legislatures, while multi-racial, are under the control of Muslims. The federal and state Constitutions are replete with Islamic features. Islamic practices are gaining ground. Islamic economic and religious institutions thrive with state support.”<sup>5</sup>

Among the Muslim religious scholars in Malaysia who have agreed with the idea that Malaysia is an Islamic country or state are Dato’ Wan Zahidi Wan Teh (the Mufti of the Federal Territories in

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<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> Shad Saleem Faruqi, *Secularism or Theocracy: A Study of the Malaysian Constitution*, in, Abdul Razak Baginda and Peter Schier (eds.), *Is Malaysia an Islamic State? Secularism and Theocracy: A study of the Malaysian Constitution*, (Kuala Lumpur: Malaysian Strategic Research Centre and Konrad-Adenauer-Foundation, 2003), pp.13-14

Malaysia), Dato' Nakhaie Ahmad (the Director-General of Yayasan Dakawah Islamiah Malaysia (YADIM), Dato' Dr. Faisal Othman, Tan Sri Dr. Abdul Hamid Othman, Dato' Dr. Ismail Ibrahim, Uthman al-Muhammady and Dato' Mohd Shahir Abdullah.<sup>6</sup> These Muslim religious scholars have agreed with the views of other Muslim religious scholars regarding the definition of an Islamic state. For example, the Muslim religious scholar Muhammad bin Hasan al-Shaybani defines an Islamic state as a state under the control of the Muslims and the Muslims in that state live in peace and comfort. Another Muslim religious scholar Muhammad Abu Zahrah defines an Islamic state as a state under the control of the Muslims and it depends on the Muslims for its power and defense. It is obligatory upon each individual Muslim to defend that state.<sup>7</sup>

Nakhaie was the secretary of PMIP and became a PMIP member of Parliament for two terms representing a parliamentary constituency in Kedah before he left PMIP and joined UMNO. He was also a lecturer at National University of Malaysia before he left the university to contest in the parliamentary general election and won the parliamentary seat in Kedah. For Nakhaie, an Islamic state is not necessarily the one like the state ruled by the Prophet Muhammad and his companions. The Muslim religious scholars have recognized the Umayyad and the Abbasid caliphates as the Islamic states and governments during their eras. During the reigns of the Umayyad and the Abbasid caliphs, there were many weaknesses and shortcomings but no Muslim religious scholar in the past and in the present time says that the Umayyad and the Abbasid caliphates were not the Islamic governments and states. The Muslim scholars in the past and present agree that the Umayyad and the Abbasid caliphates were the Islamic governments and states. Based on this historical fact, Malaysia is an Islamic state although it does not implement Islamic criminal laws. The shortcoming by not implementing Islamic criminal laws does not exclude Malaysia from being an Islamic state.<sup>8</sup>

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<sup>6</sup> Kamarudin Salleh, *op.cit.*, pp. 85-86

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

Basing his view on that of the Muslim religious scholar and legalist al-Mawardi, Wan Zahidi says that Malaysia is an Islamic state because Malaysia has implemented eleven functions out of the twelve functions listed by al-Mawardi for an Islamic caliphate or Islamic government. Malaysia has implemented eleven functions of an Islamic government, and the one function that is to be done in Malaysia is to implement Islamic criminal laws. Even though Malaysia does not implement the Islamic criminal laws, Malaysia has implemented Islamization. By not implementing the Islamic criminal laws in Malaysia, it does not exclude Malaysia from being an Islamic state.<sup>9</sup>

The Rector of al-Azhar who visited Malaysia in 1985 was reported to have said that as long as Malaysia and her Muslim leaders do not deny the obligation to implement the Islamic criminal laws in Malaysia, Malaysia is not an infidel state. Islam, as understood by the Rector of al-Azhar, does not permit a Muslim to call another Muslim an infidel, who does not implement the Islamic criminal laws. The same rule goes to the state and government. If a Muslim state does not implement the Islamic criminal laws, it does not become an infidel state. In the Muslim history, the caliph Ali bin Abi Talib and the governor Muawiyah bin Abi Sufyan involved in the civil war and both of them did not accuse each other as an infidel.<sup>10</sup>

### **The reasons for PMIP to reject and negate that Malaysia is an Islamic country**

PMIP has been the political party aiming at establishing an Islamic state in Malaysia and at fully implementing Islamic law. PMIP was able to rule the states of Kelantan and Terengganu and PMIP passed the Islamic criminal law or known as the hudud law in Kelantan and Terengganu but PMIP was unable to impose that law because it was considered illegal since it was against the Constitution of Malaysia. In Constitution, the criminal law is not based on Islam. In the 1999 Malaysian general election, PMIP

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<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*, pp. 87-88

expressed its plan to establish an Islamic state and to implement Islamic law. It won more state and parliamentary seats than DAP because the Chinese voters did not vote for DAP since DAP joined Barisan Alternative with PMIP and PKR (Parti Keadilan Malaysia). MCA and GERAKAN asked the Chinese voters not to give their votes to DAP because DAP agreed with PMIP to establish an Islamic state in Malaysia.<sup>11</sup> Therefore, if PMIP agrees with Dr. Mahathir in 2001 that Malaysia is an Islamic state, its plan to establish an Islamic state in Malaysia is no longer valid.

In general, there are two main reasons for PMIP to reject and negate that Malaysia is an Islamic state as declared by Dr. Mahathir. The first one is the Federal Constitution of Malaysia, and the second one is the Islamic law in Malaysia. Prof. Dr. Shad Saleem Faruqi stated that the non-Muslims in Malaysia “are adamant in their assertion that Malaysia’s constitution is, and always was, meant to provide a secular foundation. The opposition Muslim party, PAS, agrees with them that the Constitution is secular. However, it says this in an accusatory tone and has made it clear that once in power, it will amend the basic law to convert Malaysia into an Islamic state. The ruling Muslim party, UMNO, dismisses this proposal on the ground that Malaysia is already an Islamic state, therefore no constitutional amendments are needed.”<sup>12</sup>

PMIP emphasizes that an Islamic state must fully implement Islamic law in all aspects including the Islamic criminal law. Since Malaysia does not fully implement Islamic law, Malaysia is not an Islamic state.<sup>13</sup> Abdul Hadi Awang, the present President of PMIP, has come up with the concept of Islamic state and its objectives. Based on his concept of Islamic state and its objectives, Malaysia is not an Islamic state. There are three objectives of an Islamic state according to Abdul Hadi; they are the caliphate, the divine trust, and

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<sup>11</sup> Ibrahim Abu Bakar, “Islam Issues in the Present Malaysian Political Movement”, in, *Newsletter of the Southeast Asian Studies*, No. 14, (2001), pp. 62-81

<sup>12</sup> Shad Saleem Faruqi, *Secularism or Theocracy: A Study of the Malaysian Constitution*, in, Abdul Razak Baginda and Peter Schier (eds.), *op. cit.*, p. 13

<sup>13</sup> Kamarudin Salleh, *op.cit.*, p.103

the divine worship or the worship of Allah. The caliphate as the first objective of an Islamic state is based on the Koran (al-Baqarah 2: 30) stating that Allah has made human beings, not the angels, the caliphs on the earth. The duty of the prophet's caliphs on the earth is to protect Islam and to administer the world.<sup>14</sup> The divine trust as the second objective of an Islamic state is based on the Koran (al-Ahzab 33: 72) stating that the heavens, the earth and the mountains have been reluctant to accept the divine trust but the human beings have accepted the divine trust although they are ignorant and unjust. The divine trust is God's law.<sup>15</sup> The worship of Allah as the third objective of an Islamic state is based on the Koran (al-Dhariyat 51: 56) stating God has created human beings and jinn to worship Him only. To worship Allah is to believe in Allah and other articles of Islamic faith as well as to obey Allah's law in worshipping Him and in implementing Allah's commands and in abandoning Allah's prohibitions.<sup>16</sup> All three objectives of an Islamic state as advocated and defended by PMIP are related to the implementation of the divine laws on the earth. The Islamic state of PMIP is the implementation of the divine law or shari`atullah in Arabic language, to protect a Muslim's religion, life, intellect, dignity and property; they are the five imperative goals of the divine law. .

### **The reasons for DAP to reject and negate that Malaysia is an Islamic country**

The non-Muslims who are not in the political parties of MIC, MCA and GERAKAN and other political parties within NF are adamant in their assertion that Malaysia is a secular country or secular state. "DAP's stand of Malaysia as a secular state and opposition to Malaysia becoming an Islamic state, violating the secular basis and commitment of the 1957 Merdeka Constitution and 'social contract', is so crystal clear and unmistakable that only the most ignorant or unprincipled can question it." DAP has demanded

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<sup>14</sup> Abdul Hadi Awang, *Islam: Fikrah, Harakah & Daulah*, (Kuala Lumpur: Dewan Pustaka Fajar, 2005), pp. 353-354

<sup>15</sup> *Ibid.*, pp.359-360

<sup>16</sup> *Ibid.*, pp.363-365

MCA and GERAKAN to ask Abdullah Ahmad Badawi and Najib Razak “to withdraw their declaration that Malaysia is an Islamic state and return to the founding principles of the 1975 Merdeka Constitution and ‘social contract’ on the secular basis and character of Malaysia, which was not questioned by Barisan Nasional until Mahathir’s ‘929 Declaration’ on Sept. 29,2001.”<sup>17</sup>

In 2000, Lim Kit Siang clearly stated that “DAP will not support an Islamic state as our objective is that Malaysia shall remain forever a secular democratic Malaysia. This is a fundamental founding principle of the party which cannot be compromised. DAP opposes Islamic state and our co-operation with PAS in Barisan Alternative is not to establish an Islamic State but to create a New Malaysia with justice, freedom, democracy and good governance. This is why the Barisan Alternative common manifesto ‘Towards A Just Malaysia’ made no mention of an Islamic state.”<sup>18</sup>

In August 2008, Lim Guan Eng, the son of Lim Kit Siang and the DAP secretary-general, explained that DAP holds that Malaysia is a secular state. DAP does not support “a theocratic state”, “whether an Islamic state or a Christian state” because it is contrary to DAP’s vision of “a civil society that is multicultural and multi-religious” and because it “violates the Federal Constitution”.<sup>19</sup>

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<sup>17</sup> Lim Kit Siang, *Islamic state – MCA/Gerakan should stop hypocrisy and double standards*, <http://blog.limkitisiang.com/2008/04/13/islamic-state-mcagerakan>

<sup>18</sup> Lim Kit Siang, Open letter to Sanggang Voter, <http://www.geocities.com/tatkean/election99/openl.htm?200926>

<sup>19</sup> Zen, “DAP says ‘no’ to theocratic state”, in, *Malaysia Today*, Sunday, 24 August 2008



**Concluding remarks**

It is obvious that the political parties in Malaysia have two different views on the declaration made by Dr. Mahathir Mohamad on 29 September 2001 that Malaysia is an Islamic country. At that time, he was the leader of UMNO and BN or NF. The non-Muslim political parties in NF like MCA, MIC and GERAKAN seem to agree with that declaration. Two opposition parties, PMIP and DAP do not agree with that declaration. PMIP upholds that Malaysia is not yet an Islamic state because it does not fall with the concept and objectives of an Islamic state as perceived by the leaders of PMIP. Meanwhile, DAP does not agree with the declaration made by Dr. Mahathir because DAP does not want Malaysia to become an Islamic state as perceived by Dr. Mahathir or as perceived by PMIP. DAP upholds that Malaysia is secular and civil state based on the Federal Constitution of Malaysia as perceived by DAP and some other Malaysian advocates and solicitors like Karpal Singh, the present leader of DAP and his sons. However, other legal experts like Prof. Dr. Shad Saleem Faruqi and Prof. Dr. Syed Othman Alhabshi and Dr. Abdul Aziz Bari do not support the idea that Malaysia is fully a secular state based on her legal system since Malaysia has two legal systems. One legal system is for all Malaysians, and another legal system named Islamic law is for Muslims only.

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