

A REVIEW OF APOSTASY CASES IN MALAYSIA

Azweed Mohamad¹, Radzuwan Ab Rashid¹, Kamariah Yunus¹, Razali Musa², Saadiyah Darus³, Shireena Basree Abdul Rahman⁴ and Kamarul Shukri Mat Teh²

This article reviews the apostasy cases that occur in Malaysia. The aim is to provide an overview of the issues in each case which can be used as a reference for future studies related to apostasy. There are three main cases which receive a wide media coverage in the country, which are the cases of Lina Joy, Nyonya Tahir, and Juli Jalaludin. These cases, even though differ in their background and time frame, contribute to a rather similar impact on the landscape of justice system and the inter-religious relations in Malaysia. The cases challenge the justice system and at the same time accentuate social tension between Islam and other religious minorities in the country. This article concludes that apostasy is a highly sensitive issue in the multicultural and multiconfessional Malaysia, and it requires diligent actions from the government to maintain the harmony of the country.

Key words: Apostate, apostasy, convert, Malaysia, *murtad*, Muslim

1. INTRODUCTION

Apostasy has long been a global issue. At the international level, notorious names such as Fudail, Rushdi, Ibn Warraq, and Taslima Nasrin are all associated with apostasy. For instance, Rushdi and Ibn Warraq are famous for their books entitled ‘*The Satanic Verses*’ (1988) and ‘*Why I Am Not a Muslim*’ (2003), respectively. Those books represent the voice of apostates around the world. These names, together with many other well-known names linked to apostasy, have been an inspiration to the apostates across the globe.

The case of Natrah is the first recorded apostasy case in Malaysia. It took place back in the 1950s. Natrah is a Dutch girl who was raised in a Muslim family. Her family took her back to Netherland and forced her to leave Islam. The more recent apostasy cases are the cases of Lina Joy, Nyonya Tahir, and Juli Jalaludin. All the cases have caused enough controversy to disturb the harmony between the multi-religious societies in Malaysia. This article reviews several apostasy cases in the country to provide an overview of the issues in each case which can be used as a reference for future studies related to apostasy.

¹ Faculty of Languages and Communication, ²Faculty of Islamic Contemporary Studies, Universiti Sultan Zainal Abidin, 21300 Kuala Nerus, Terengganu, Malaysia.

³ Sustainability of Language Sciences Research Centre, Faculty of Social Sciences and Humanities, Universiti Kebangsaan Malaysia

⁴ Faculty of Education, Universiti Teknologi Mara, Malaysia

Corresponding author: radzuwanrashid@unisza.edu.my

2. THE FIRST CASE: LINA JOY

Lina Joy is a Malay girl formerly known as Azlina Jailani. She was born in 1964 as a Muslim but renounced Islam later at the age of 26. She claimed that she never practiced Islam since she was born and she produced a baptism certificate to prove her apostasy. The controversy surfaced when her application to register her marriage with a Christian man was rejected due to the word 'Islam' on her Malaysian National Identification Card (NIC). Interfaith marriage in Malaysia, in any form of religion, is illegal and considered invalid. However in Islamic teaching "interfaith marriage is permissible so long as the prospective wife is professing a religion which promotes the oneness of God" that is the *ahl al-Kitab* (Islam, 2014, p. 44). In Malaysia, the Fatwa Committee National Council of Islamic Religious Affairs has decided that marrying a woman of the scripture is considered lawful (halal), but marrying a Christian or Jewish woman who is not classified as *ahl al-Kitab* is forbidden (see Islam, 2014). Lina Joy went through a very long process in order to remove the word 'Islam' and change her name on the NIC. Dual legal systems that have been practiced in Malaysia, namely civil law and Islamic law (Hasan and Ab Rahman, 2005), complicated the process even more.

Her application began at the Magistrate Court, then moved to the High Court and finally, she went to the Court of Appeal. All the courts unanimously acknowledged that her case is under the Syariah Court's jurisdiction, as they refer to the amendment made in "the Article 121 (1A) of the Federal Constitution in 1988 that gave exclusive jurisdiction to the Syariah Courts over Islamic law" (Hasan and Ab Rahman, 2005, p. 9). Having reached the dead ends in all of her approaches, her attorney then brought her case to the Federal Court. This action caused a huge clash between pro-apostate and anti-apostate groups, which contributed to the establishment of many new NGOs and Committees. The case attracted the attention of not only Malaysians but also international organizations especially those associated with human rights. In the end, the Federal Court rejected her application to remove the word 'Islam' and change her name on the NIC, as she bypassed the Syariah Court (Fong and Ahmad Ishak, 2010).

Even though she lost her appeal, the case caused a huge impact on the landscape of justice system, as well as the inter-religious relations in Malaysia. The case accentuated some sort of social tension between Islam and other religious minorities in Malaysia. Muslims may welcome the court's decision as it ensures the "adherence to Islamic law, Muslim norms and practices", while other religious minorities may "feel that the judgment was an infringement of Lina Joy's constitutional rights" (Fong and Ahmad Ishak, 2010, p. 13). It is a natural instinct for the minorities to get united whenever they feel threatened by the majorities. The religious minorities in Malaysia get united in Lina Joy's case because they feel that Muslims are challenging their rights. This case has opened the eyes of most Muslims in Malaysia regarding the capabilities of the pro-apostate groups which may as well question

the status of Islam in the constitution. Mainstream media, blogs, and newspapers express the “impassioned cries from those who support a Malaysian’s right to convert and those who fought to safeguard the sanctity of Islamic religious procedures” (Fong and Ahmad Ishak, 2010, p. 13).

3. THE SECOND CASE: NYONYA TAHIR

Nyonya Tahir, also known as Wong Ah Kiu was born in 1918. She was born as a Muslim but was raised in Chinese surrounding with Buddhist teaching. In her earlier life, her grandmother took Nyonya Tahir under her care. Her grandmother is actually a Malay Muslim married to a Chinese man who converted to Islam; hence explain the mixture of Malay and Chinese in Nyonya Tahir’s descendants. Later, a Chinese family adopted her and raised her as a Buddhist. Throughout her life, she “lived the lifestyle of a Chinese practicing Buddhism” (Shaari, Hua, and Raman, 2006, p. 189).

Even though she married a Chinese man, and has children out of the marriage, the word ‘Islam’ remains as a religion on her NIC bearing a name Nyonya binti Tahir, not Wong Ah Kiu. She did apply to change the name and religion on her NIC in 1986 but was turned down. When her husband died at the age of 87, she made another application, so she can be buried next to her husband when she died, only to see her applications got rejected twice, in 1991 and 1998. Her final attempt to ensure that she would be buried next to her husband was by leaving a “declaration or a will stating that she wanted to be buried according to Buddhist rites” (Shaari, Hua, and Raman, 2006, p. 189).

The case of Nyonya Tahir was controversial, but did not attract much of a spotlight (Shaari, Hua, and Raman, 2006). In the end, considering all the evidence and statements from family members, “Syariah Court was convinced that Nyonya Tahir was not of the Muslim faith at the time of her death” (Shaari, Hua, and Raman, 2006, p. 189). This is the first case that non-Muslim had testified in the Syariah Court of Malaysia. Even though the case did not cause much of a stir, the impact is still huge towards the whole Muslim community. This case should be a wake-up call to all Muslims after witnessing the determination of the non-Muslims to fight for their rights. Again, the pro-apostate groups are united in their crusade to claim their rights and may as well use this case as a reference for their claim in future apostasy cases.

4. THE THIRD CASE: JULI JALALUDIN

Juli Jalaludin is a Malay girl, who was born in Kelantan, known as the most Islamic state in Malaysia. She was raised in a Muslim family with a lifestyle of Islamic teachings. Her family provided a proper education to her till she managed to claim the best student award in the class of 1989. She then pursued her degree at the United States of America in an engineering course. The case of Juli Jalaludin is

quite different from the two cases reviewed earlier in the sense that she does not go through any court case to change her name on the NIC. This case is made known through the affordance of Internet where she engages in controversial postings on several social media platforms, such as Facebook, Twitter and blog.

She evoked the Muslim rage by creating a Facebook page called '*Murtad di Pantai Timur*' (English: Apostate in the East Coast). Kelantan, the state where she was born, is located in the East Coast of Malaysia. The Page was perceived to provoke and insult Islam thus was blocked by the government. Her second Facebook Page, '*Murtad di Kelantan*' (English: Apostate in Kelantan), was also blocked by the government. She was not only declaring her apostasy to the public but also provoking and insulting Islam through a public network. The Muslim community in Malaysia was called to respond to her provocation in a very aggressive and threatening manner. The reactions from the Muslims and the threats that she had received enabled her to gain the status of an Asylum seeker in the United States of America.

Juli Jalaludin also maintains a blog providing the narratives of her life events and experiences. She uses this platform to justify her actions and decision by highlighting her past as a victim of child abuse. She constructs 'desirable identities' (Rashid *et al.*, 2016) to reach the public and promote her ideologies. Her tone in the blog is much more diplomatic and persuasive compared to her postings in other social media platforms.

Juli Jalaludin has created a new trend in the revelation of being an apostate. She shows that apostates are no longer afraid to reveal their apostasy as they can hide behind a keyboard while doing so. Internet seems to be the most powerful weapon for them. They can even recruit their allies through the Internet to fight against their foes. They can also persuade other people to join and support their crusade. The pro-apostate groups show their unity both online and offline. They get connected on the social media to support and help one another by any means they can. As the apostates are making full use of the affordance of social media platforms for their own benefits, the anti-apostate groups should also grab the opportunity in utilizing the platforms to construct the good image of Muslims.

5. CONCLUSION

The three apostasy cases reflect the determination of the pro-apostate groups to fight for their rights. In the case of Lina Joy, they show their constant efforts in going through the process of application, court by court, despite being rejected. Their never-give-up attitude should encourage the anti-apostate groups to do just the same in order to fight for their rights. In the case of Nyonya Tahir, the pro-apostate groups show their willingness in testifying the Syariah Court, which has never been done before. Finally, in the case of Juli Jalaludin, she shows a high level of initiative and self-motivation in expressing her emotions and spreading

her ideology. She uses every possible means to operate her strategies, including Facebook, blog, and Twitter, even though her attempts have been blocked by the government several times and she receives constant threats and hostile reactions from the Muslims. In conclusion, the apostasy cases have challenged the justice system and at the same time accentuate social tension between Islam and other religious minorities in the country.

Acknowledgement

This paper is part of the project funded by the Ministry of Higher Education Malaysia under the Fundamental Research Grant Scheme no. FRGS/1/2016/SSI03/UNISZA/02/5

References

- Fong, Y.L. and Ahmad Ishak, M.S. (2010). Covering religious conflict in Malaysia: How Sin Chew Daily framed the Lina Joy controversy. *Malaysian Journal of Media Studies*, 12(2), 11-22.
- Hasan, Z. and Ab Rahman, A. (2005). The position of Al-Quran as a source of law under the Malaysian legal system. *International Seminar on Al-Quran, Islamic Science University of Malaysia*, 19th-20th September 2005 (pp. 1-12). Retrieved from <https://zulkiflihasan.files.wordpress.com/2008/06/jurnal-quran.pdf>
- Islam, M.Z. (2014). Interfaith marriage in Islam and present situation. *Global Journal of Politics and Law Research*, 2(1), 36-47.
- Rashid, R.A, Yunus, K., Azmi, N. J., Rahman, S. B. A., & Yusoff, S. Z. (2016). The discursive construction of teachers' desirable identity on a social networking site. *International Journal of Applied Linguistics and English Literature*, 5(5), 139-144.
- Shaari, H., Hua, N.T., and Raman, V. (2006). Covering race and religion: The Moorthy and Nyonya Tahir cases in four Malaysian Newspapers. *Malaysia Studies*, 24(1-2), 185-201.