

Malaysia: Sisters in Islam (SIS) unequivocally opposes the proposal to increase punishment for shariah crimes

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Free Malaysia Today: No room for forgiveness, repentance in RUU 355 (26th November 2016)

<http://www.sistersinislam.org.my/news.php?item.1455.27>

Sisters in Islam (SIS) unequivocally opposes the proposal to amend Act 355 (RUU 355) to increase punishment for shariah crimes to 30 years' imprisonment, a RM100,000 fine and 100 lashes of the cane from the present limit of three years imprisonment, a RM5000 fine and six lashes of the cane.

RUU 355 is a bill that will potentially result in more injustices in the long run and paint a bad image of Islam as a punitive religion. The public deserves an explanation of the rationale behind the leap in expansion of punishment from the present limit to the proposed limit. Furthermore, how will the shariah court decide on the proportionality of punishment to be given out under the existing Shariah Criminal Offences Enactment (SCOE) of each state? Will the punishment of the crimes be the same or would they differ from state to state?

Under the existing Shariah Criminal Offences (Federal Territories) Act 1997 (SCOA) there are over 40 offences ranging from possession of religious publications contrary to Islamic Law to moral crimes such as khalwat (close proximity), both of which carry the maximum sentence of two years' jail or a RM3,000 fine or both. With punishment as severe as 30 years' jail, a RM100,000 fine and 100 lashes in RUU 355 how will the shariah courts be guided to determine that the punishment will not be disproportionate to the crime?

As it stands, the existing SCOE of each state has been implemented in a discriminatory fashion, often targeting minority groups of society and groups of a lower income.

For example, khalwat hotel raids have been largely concentrated in budget hotel areas and the process of these raids completely disregard one's right to privacy and dignity. Muslim trans-women have been constantly targeted by religious authorities and inhumanely treated by being placed in male prisons, where they are then subject to sexual violence. How will RUU 355 ensure that further discrimination will not happen, once the bill is passed?

Bulldozing a law through parliament will not solve the present inconsistencies and conflict of jurisdiction between civil and shariah courts. While proponents of RUU 355 insist that the bill will not affect non-Muslims, reality shows that existing shariah laws are already impacting non-Muslims in Malaysia.

The unilateral conversion cases of Indira Gandhi and Deepa Subramaniam are just two examples of the far-reaching impact of the dual legal system in Malaysia. Indira's case has been ongoing for seven years, yet only now discussions on reforming laws pertaining to unilateral conversion of

minors have risen. SIS believes that it is irresponsible of politicians to dismiss the fears and concerns of non-Muslims in Malaysia, as they too are equal stakeholders in RUU 355.

The systemic weaknesses of shariah courts must be addressed, instead of focusing on increasing punishments. The status of shariah courts can be elevated by improving the implementation of the Islamic Family Law, which Muslim women have often complained is unjust to them. 2015 statistics compiled by SIS' Telenisa service recorded that the second highest number of cases involved unpaid child maintenance, while the highest was child custody cases.

These cases often continue for years, the main reason being that the ex-husband does not show up to court. Despite this, the shariah courts rarely issue arrest warrants for the men who fail to show up in court, leaving Muslim women bearing the brunt of the injustice.

SIS calls for the state and other proponents of RUU 355 to focus on Islam's message of forgiveness and repentance. Allah's forgiveness and mercy (for both men and women) is a constant and recurring theme that is emphasised in the holy Qur'an as stated in Surah Al-Maidah (5:39) and Surah An-Nur (24:5) which read, "...those who afterward repent and amend their conduct, God is Oft-Forgiving, Most Merciful."

Why then are our lawmakers more focused on implementing harsher punishments, without providing space for forgiveness and repentance as promoted in Islam? As citizens, we deserve a proper explanation and justification from lawmakers on the effectiveness of retributive justice in reducing "shariah crimes" rather than a blanket explanation that existing punishments are not effective in deterring crimes.

What is abundantly clear is that this proposed legislation has become extremely politicised. The impact of all these political manoeuvrings have raised fears and created a divide between Malaysians.

We call upon all Malaysians, Muslims and non-Muslims alike to make your voices heard. Speak to your family, community, your leaders and express to them your concerns and reservations that this Bill proposes. This is a matter of national interest. All of us have a stake in this. It is time for the voices of the people to come together and reject a future that undermines our unity and threatens our way of life.

<http://www.freemalaysiatoday.com/category/opinion/2016/11/26/no-room-for-forgiveness-repentance-in-ruu-355/>

The Malay Mail Online: Shariah laws already affect non-Muslims, SIS says (26th November 2016)

<http://www.sistersinislam.org.my/news.php?item.1454.27>

KUALA LUMPUR, Nov 26 — Politicians' argument that Shariah laws do not affect non-Muslims is disproved by existing interfaith custody battles, the Sisters in Islam group said today when urging the rejection of a Bill to enhance Shariah punishments.

Citing the cases of M. Indira Gandhi and S. Deepa who both underwent high-profile custody battles with Muslim convert ex-spouses, SIS said this was just one of many reasons not to "bulldoze"

through PAS president Datuk Seri Abdul Hadi Awang's private member's Bill.

"While proponents of RUU355 insist that the Bill will not affect non-Muslims, reality shows that existing syariah laws are already impacting non-Muslims in Malaysia," the group said.

"SIS believes that it is irresponsible of politicians to dismiss the fears and concerns of non-Muslims in Malaysia, as they too are equal stakeholders in RUU355."

Hadi's Bill is dubbed RUU355 as it seeks to amend the Syariah Courts (Criminal Jurisdiction) Act 1965 or Act 355.

Non-Muslims commenting on the Bill, which is regularly associated with hudud, are regularly told not to interfere as the matter ostensibly does not concern them. This went as far as a special briefing in Parliament this week that was conducted exclusively for Muslim MPs.

SIS today also questioned how Hadi arrived at his proposal to increase punishments available to Shariah courts to 30 years' imprisonment, RM100,000 fines, and 100 lashes of the cane.

These limits were introduced in the amended version of his Bill; it previously sought to allow Shariah courts to hand out any punishment short of the death penalty.

"The public deserves an explanation of the rationale behind the leap in expansion of punishment from the present limit to the proposed limit," it said.

SIS also asked what safeguards would be put in place to prevent Shariah courts from handing down disproportionate sentences for religious offences or to ensure that the punishments do not vary state to state.

Religious matters come under the purviews of the individual states and each has its own set of Shariah enactments.

Rather than punishments for religious offences, SIS said the area of Shariah law that most needed reform was in family law such as concerning the non-payment of child maintenance.

"These cases often continue for years, the main reason is that the ex-husband does not show up to court. Despite this, the syariah courts rarely issue arrest warrant for the men who fail to show up in court, leaving Muslim women bearing the brunt of the injustice," it said.

The group then urged all Malaysians regardless of faith to speak out against the Bill, calling it matter of national interest and the concern of everyone.

"All of us have a stake in this. It is time for the voices of the people to come together and reject a future that undermines our unity and threatens our way of life."

Hadi on Thursday tabled a motion on his amended private member's Bill, but again deferred it to the next parliamentary meeting, as he had done when he submitted the motion on the original Bill in the previous meeting.

He had then complained about non-Muslim interference over his Bill, which he claimed necessitated him to defer its tabling.

<http://www.themalaymailonline.com/malaysia/article/shariah-laws-already-affect-non-muslims-sis-say>
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The Star: SIS: Amending Syariah law bad for Islam's image (27th November 2016)

<http://www.sistersinislam.org.my/news.php?item.1453.27>

PETALING JAYA: The proposal to amend the Syariah Courts (Criminal Jurisdiction) Act 1965 can potentially lead to more injustices in the long run and paint a bad image of Islam as a punitive religion, says Sisters in Islam (SIS).

Calling for an explanation to the public on the rationale behind the leap in expanding punishment from the present limit to the proposed limit, SIS said questions arose on how the Syariah courts would decide on the proportionality of punishment to be given out under the existing Syariah Criminal Offences Enactment (SCOE) of each state.

"Will the punishment be the same or will it differ from state to state?" it said in a statement yesterday.

SIS pointed out that under the existing Syariah Criminal Offences (Federal Territories) Act 1997 (SCOA), there are over 40 offences ranging from possession of religious publications contrary to Islamic law to khalwat (close proximity), both of which carry the maximum sentence of two years' jail or RM3,000 fine, or both.

"The existing SCOE of each state has been implemented in a discriminatory fashion, often targeting minority groups of society and groups of a lower income," it added.

It said bulldozing a law through Parliament would not solve the present inconsistencies and conflict of jurisdiction between civil and Syariah courts.

<http://www.thestar.com.my/news/nation/2016/11/27/sis-amending-syariah-law-bad-for-islams-image/>

The Star: Proposal to amend legislation could paint bad image of Islam, says SIS (26th November 2016)

<http://www.sistersinislam.org.my/news.php?item.1452.27>

PETALING JAYA: The proposal to amend the Syariah Courts (Criminal Jurisdiction) Act 1965 can potentially result in more injustices in the long run and paint a bad image of Islam as a punitive religion, said Sisters in Islam (SIS).

In a statement on Saturday, the non-governmental organisation said that the public deserved an explanation of the rationale behind the leap in expansion of punishment from the present limit to the proposed limit.

The group also asked how the syariah courts would decide on the proportionality of punishment to be handed out under the existing Syariah Criminal Offences Enactment (SCOE) of each state.

“Will the punishment of the crimes be the same or would they differ from state to state?” it asked.

SIS pointed out that under the existing Syariah Criminal Offences (Federal Territories) Act 1997 (SCOA) there are over 40 offences, ranging from possession of religious publications contrary to Islamic Law to khalwat (close proximity), both of which carry the maximum sentence of two years’ jail or RM3,000 fine or both.

SIS also claimed that the existing Syariah Criminal Offences Enactment (SCOE) of each state had been implemented in discriminatory fashion, often targeting minority groups of society and groups of a lower income.

The group added that “bulldozing” a law through Parliament will not solve the present inconsistencies and conflict of jurisdiction between the civil and syariah courts.

“While proponents of RUU355 insist that the Bill will not affect non-Muslims, reality shows that existing syariah laws are already impacting non-Muslims in Malaysia,” it said.

SIS said that the systemic weaknesses of syariah courts must be addressed, instead of focusing on increasing punishments.

“SIS calls for the state and other proponents of RUU355 to focus on Islam’s message of forgiveness and repentance. Allah’s forgiveness and mercy is a constant and recurring theme that is emphasised in the holy Qur’an,” it said.

The hype over the Private Member’s Bill to amend the Syariah Courts (Criminal Jurisdiction) Act 1965 fizzled out on Thursday when PAS president Datuk Seri Abdul Hadi Awang deferred its debate to the Dewan Rakyat session next year.

He said that he was amending his earlier motion in May to include the maximum punishment that the Syariah courts could mete out if the amendments were to be passed, eventually.

Hadi said the amendments would see the punishment at Syariah courts increased from a three-year jail term to 30 years, RM5,000 maximum fine to RM100,000 fine and six lashes to 100 lashes.

<http://www.thestar.com.my/news/nation/2016/11/26/proposal-to-amend-legislation-could-paint-bad-image-of-islam-says-sis/>
