

Malaysia: Aug 20 fixed for court decision on fatwa declaring SIS 'deviant'

Thursday 1 August 2019, by [ALHADJRI Alyaa](#) (Date first published: 17 June 2019).

After a five-year wait since the case was first filed in court, the NGO Sisters in Islam (SIS) will find out on Aug 20 the outcome of its legal challenge against an religious authority's edict declaring it as "deviant."

High Court judge Nordin Hassan in Kuala Lumpur fixed the date to deliver his decision after hearing submissions from lawyer Surendra Ananth representing SIS, and counsel for three respondents - the Selangor Fatwa Committee, Selangor Islamic Religious Council (MAIS) and the Selangor state government.

Justice Nordin also ordered all parties to make further submissions on their arguments on whether Section 66A of the Administration of the Religion of Islam (State of Selangor) Enactment 2003 applies to the case being heard.

When met later, Surendra said the hearing today follows a Federal Court decision last September for the case to be [reverted](#) to the High Court.

"I think we had a good chance to be heard earlier. It was a full hearing.

"Just to summarise it, our position is that the civil courts have jurisdiction because the issue is one that goes to the (Federal) Constitution and interpretation of federal and state laws," he told reporters.

"The matter (being challenged) affects the fundamental rights of not just SIS Forum but also all persons professing the religion of Islam.

"And that's something that only the civil courts can determine," Surendra said.

On Nordin's request for further submissions on Section 66A, which empowers the Syariah High Court to hear legal challenges against edicts issued by the Selangor Fatwa Committee, Surendra noted all the parties had, since 2016, agreed it was not applicable as it only took effect in May 2015, about seven months after the case was filed in October 2014.

"That (the submissions) must be done in two weeks from today.

"A decision has been fixed for Aug 20. So we will get a decision in full by then on that date," he added.

During the hearing earlier, counsel for respondents in the case submitted that a fatwa, which they defined as a scholarly opinion on matters regarding Islam, cannot be challenged in a civil court.

The High Court also heard that a fatwa can be binding on an organisation, and not just individuals,

contrary to the applicant's submission.

'SIS confident justice will prevail'

Lawyer for MAIS Yusfarizal Yusof argued that since SIS carries the name of Islam in its name and its directors are all Muslims, the company cannot use its status to do anything allegedly against Islam.

The Selangor fatwa committee declared SIS "deviant" in 2014, owing to its liberal stand on certain issues, and this declaration was gazetted by the Selangor government in July that same year.

Following that, SIS had filed a [judicial review](#) application in October 2014 to declare that the fatwa was not legally binding on an organisation.

Also present was SIS executive director Rozana Isa and the group's supporters.

"We are happy to finally have our day in court.

"SIS has full confidence that the Malaysian justice system will uphold the highest integrity and that justice will prevail for us," Rozana said.

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