

# Malaysia: court confirms fatwa against 'deviant' Moslem feminist group

Sisters in Islam legal challenge rejected by High Court

Wednesday 28 August 2019, by [ALHADJRI Alyaa](#) (Date first published: 27 August 2019).

**The Kuala Lumpur High Court today dismissed women's rights group Sisters in Islam's (SIS) judicial review application against a *fatwa* by Selangor religious authorities declaring the NGO to be "deviant".**

In delivering his decision, High Court judge Nordin Hassan said the Selangor *fatwa* committee has complied with all procedures when it issued the *fatwa* against SIS.

"As such, the judicial review application is dismissed with costs of RM10,000," said Justice Nordin after delivering his grounds of judgement.

Among others, he said it was found that *fatwa* issued against SIS remained confined to matters under the jurisdiction of the *syariah* courts as limited by the Federal Constitution.

"The Federal Constitution said that matters related to *syariah* law should be under the jurisdiction of the state laws," he said.

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

SIS filed for a judicial review in October 2014 to declare the *fatwa* not legally binding on an organisation.

When met by reporters, counsel for SIS Surendra Ananth said there were five or six issues brought before the court, including whether or not the civil court has jurisdiction to review a *fatwa*.

"In essence on that point, the court says it is within the exclusive jurisdiction of the *syariah* court, with the reason being it concerns a *fatwa* on the determination of Islamic law.

"The *fatwa* was validly promulgated under the Selangor Islamic Law Enactment, and therefore it is within the jurisdiction of *syariah* court," he said.

Given the *fatwa*'s validity, Surendra said the court found it does not violate SIS's freedom of speech under Article 10 of the Federal Constitution because it falls within the exception to free speech.

Similarly, he said the court found no violations to the rule of natural justice because the Selangor *syariah* enactment does not require the *fatwa* committee to inform SIS before issuing a *fatwa* against them.

**'A damning decision'**

SIS executive director Rozana Isa, meanwhile, described the decision as being “damning” on women’s rights, on Muslim women and on Malaysians in general.

“We are definitely very disappointed by the decision. However, I cannot say that I am surprised.

“The fight continues. We will forge on with our work...,” she said.

“Whatever is said about SIS, at the end of the day we are here for Muslim women and women’s rights,” said Rozana, who was accompanied by SIS supporters including Marina Mahathir and lawyer Siti Kasim.

Marina raised concerns over the decision that the *fatwa* can apply to SIS as a registered company because its directors are Muslims.

“This decision sets a very dangerous precedent...that this is considered justice to me is mind-boggling,” she added.

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