

RSIS Commentary is a platform to provide timely and, where appropriate, policy-relevant commentary and analysis of topical issues and contemporary developments. The views of the authors are their own and do not represent the official position of the S. Rajaratnam School of International Studies, NTU. These commentaries may be reproduced electronically or in print with prior permission from RSIS and due recognition to the author(s) and RSIS. Please email: RSISPublications@ntu.edu.sg for feedback to the Editor RSIS Commentary, Yang Razali Kassim.

RUU 355 Rallies: Gauging Support for Islamic Law in Malaysia

By Rashaad Ali

Synopsis

The proposed changes to Malaysia's Criminal Jurisdiction Act 1965 – also known as Act 355 – seek to raise the penalties for certain crimes under Shariah jurisdiction. The move has provoked strong public reaction, as seen in two rallies on 18 February 2017. The controversy demonstrates a nation still divided over race and religion amid a looming general election.

Commentary

THE RECENT rallies on 18 February 2017 both in support and in opposition to a bill to amend the Criminal Jurisdiction Act 1965, known as RUU 355, has opened another political and social schism in Malaysian society. The RUU355 move began as PAS President Hadi Awang's Private Member's Bill that seeks to raise the penalties for certain crimes under the jurisdiction of Shariah courts in Malaysia.

Public opinion appears muddled on the issue, as the continued politicisation of religion takes precedence over religious debate on the matter. Some see the bill as a potential backdoor for the entry of *hudud* laws into the country. PAS held a rally that drew a reported 20,000 people, while a counter rally organised by the NGO BEBAS drew a much more modest crowd of around 200 individuals.

Gauging Support for Islamic Laws

Support for the bill is significant enough: various surveys, most recently one conducted amongst university students, indicates Malay-Muslim support for the amendment and for the implementation of Islamic laws. The pro-355 rally further

emphasises this thinking. Additionally, the numbers indicate some level of moderate success for PAS, as mobilising 20,000 odd people for a rally is no small feat.

However, as the issue of this bill is central to the party's aims, one would think they could have done with larger numbers. This suggests a difficulty in appealing to urban folk and that mobilised supporters from other parts of the country could account for the majority of the turnout.

The counter rally, on the other hand, held at the same time but at a different location as the PAS gathering, serves to better demonstrate the mood regarding the bill. The opposition DAP were among the early critics of the bill when it was first announced, but they eventually distanced themselves from the counter rally completely; the only DAP name who attended was Zaid Ibrahim, and that was not as a party member but in his individual capacity.

The party's absence is unsurprising as the issue puts them in a difficult position: DAP may not support the bill, but attending the counter rally would only serve to cement the perception that they are an anti-Malay/anti-Muslim party. The discourse surrounding this issue has been very black and white; support for the bill is seen as a Muslim's religious duty, regardless of whether they understand the issues at hand, while opposition to it is deemed vehemently anti-Islamic.

A Fear of Reprisal

In contrast, the low public attendance for the counter rally suggests that the issue was not significant enough for the general public to take to the streets in numbers. For Malay-Muslims, a fear of reprisal for attending a rally seen as anti-Islamic seems significant to keep people away. Thus it appears easier for the pro-355 rally to draw Malays as the narrative is more populist, keeps with a conservative Islamic position, and is supported by Malay parties in UMNO and PAS.

This extends to supporters of three other Muslim-majority opposition parties PKR, Amanah and Bersatu. As far as non-Muslim participation goes, it appears the issue of the day is neither relevant nor attractive enough to drag would-be participants out of bed in the morning; they can hardly be blamed as many voices from the pro-355 camp constantly state that the amendment will not affect non-Muslims.

The difference in attendance of the two events tells us that overall, more people seem to be for the bill than those that actually oppose it, or rather those willing to act on their opposition to the bill.

Two Legal Systems

Although this amendment does not mean that non-Muslims are suddenly going to be tried under *Shariah* law, two legal systems that apply to two different groups of people effectively brings equality before the law into question. For a multicultural country that should seek to be inclusive instead of exclusive, these amendments are not helpful especially when considering the knock-on effect it will have in the country as a whole.

Past cases of overlapping jurisdiction between *shariah* and civil courts, such as conversion cases or burial rights of non-Muslims should indicate this is not as black and white as it appears. While the bill aims to raise the penalties for certain crimes under Shariah law such as murder and theft, some constitutional experts argue that these crimes strictly fall under the purview of federal, not Shariah, law. Furthermore, this bill exacerbates an already highly polarised society divided along racial and religious lines.

This is another episode in the overall Islamisation trend in Malaysia that directly and indirectly affects all groups in society. Various incidents in the past few years point at how religious relations in the country can easily sour: a church was forced to take down its cross display in 2015; Auntie Anne's renaming of their hot dog; a recent issue with the usage and distribution of paint brushes containing pig bristles; and the moral policing of dress code at government buildings.

Playing Politics?

The issue is made more complicated but the fact that this is more political than religious. Putting aside PAS' ambition to see this through, the bill is an obvious affirmation of the party's own religious credentials. In the current climate, this helps to regain the trust of its core supporters, which also explains why UMNO has jumped on the bill's bandwagon. It helps UMNO to bolster its image at a time when the administration has suffered a dip in popularity. The timing of this issue is also convenient, as elections are due to be held latest by next year.

As it stands, it would not be surprising if the bill passes next month when it comes to parliament. Opposition MPs who opposed the bill are likely to be absent from the vote for fear of being branded anti-Islamic, while UMNO's allies in the ruling Barisan Nasional (BN) coalition are likely to vote along party lines. If the amendment eventually gets passed, the biggest concern is how it is likely to worsen existing racial and religious polarisation in the country. Given the political dimension to the bill, and a general election looming, a more inclusive Malaysia is not yet on the horizon.

Rashaad Ali is a research analyst with the Malaysia Programme at the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University, Singapore.
