

## Country Profile

# Malaysia

Zawawi Ibrahim, Imran Mohd Rasid

October 2019

This Country Profile provides a brief overview of religious diversity and its governance in the above-named state. It is one of 23 such profiles produced by GREASE, an EU-funded research project investigating religious diversity, state-religion relations and religiously inspired radicalisation on four continents. More detailed assessments are available in our multi-part Country Reports and Country Cases.

**Countries covered in this series:**

Albania, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Egypt, France, Germany, Greece, Italy, Hungary, India, Indonesia, Lebanon, Lithuania, Malaysia, Morocco, Russia, Slovakia, Spain, Tunisia, Turkey and the United Kingdom.

<http://grease.eui.eu>



The GREASE project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement number 770640

Total population: 32.4 million people (2018)

### **Religious affiliation (percent)**

Islam	61.3
Buddhism	19.8
Christianity	9.2
Hinduism	6.3
Traditional Chinese Beliefs	1.3

Source: Press Release on the Current Population Estimates, Malaysia 2017-2018, and Population and Housing Census, 2010, released by Department of Statistics Malaysia

### **Role of religion in state and government**

Article 3 (1) of the Federal Constitution of Malaysia states that Islam is the religion of the Federation. However, as expressed by the initial framers of the Constitution, this provision has only symbolic and ceremonial significance. It is clear from various key historical documents and other provisions that the Malaysian Constitution since its inauguration in 1957 has endorsed secularism as the governing principle by assuming the separation between religion and the state. Basic fundamental liberties, as outlined in Article 5 to Article 13, are protected under the Constitution. These liberties include detailed provisions on the rule of law and enforcement of the rule of law; personal liberty; freedom of movement, speech, assembly and association; and freedom of religion and rights in respect of education and private property.

The administration of Islam falls under the jurisdiction of each individual state, whereby individual Sultans (traditional rulers) maintain their position as the 'Head of Islam' in their own respective states. The Constitution also provides each state the right to establish Shari'ah courts to adjudicate disputes involving Muslims in their territory based on the state's interpretation of Islamic laws. The scope of the Shari'ah court is outlined in Schedule 9 (List II) of the Constitution, which revolves around "personal and family law of persons professing the religion of Islam, including the Islamic law relating to betrothal, marriage, divorce, dower, maintenance, adoption, legitimacy, [and] guardianship [.]". The relationship between the Shari'ah court and the Federal Court can be quite complicated, but Article 75 of the Constitution states that in the event of any inconsistency between state law and federal law, the latter shall prevail. At the Federal level, Islam still has a dominant role in the administration. Since its formation in 1977, JAKIM (Department of Islamic Development Malaysia) has mediated the discussion between religion and state while advocating policies that concern Malaysian Muslims nationwide.

## Freedom of religion

Article 11 of the Constitution provides for freedom of religion when it declares that “every person has the right to profess and practice his religion”. However, such freedom is subject to two important constraints: firstly, the right to propagate any religious doctrine or belief among persons professing the religion of Islam may be controlled or restricted by each individual state; and secondly, as stated in article 11(5), the exercise of such freedom must not result in an act contrary to any general law relating to public order, public health or morality. These constraints affect both Muslims and non-Muslims citizens greatly. For example, state law may prohibit not only non-Muslims in propagating their beliefs to the Muslims, but also restrict any views or teachings by Muslims that are deemed heretical or deviant from Sunni Islam. In practice, the force of Islamisation imposed by state and non-state actors (civil society) since 1960s has increased the scale of restrictions to religious expression in public and non-public spaces, which includes unnecessary regulations over publications, dress codes, social media content, blasphemy, and even the intention to establish inter-faith commissions.

The most referenced and highly discussed example would be the case of Lina Joy whose application to have Malaysian courts legally recognize her conversion from Islam to Christianity was rejected in 2007. Already in 2001 a High Court issued a ruling that ignored the secular basis of the state by giving primacy to Shari’ah laws over basic liberties guaranteed in the Federal Constitution. That 2001 verdict by Justice Faiza Tamby Chik opened the floodgates for a flurry of rulings that would later challenge Malaysia’s “secular state” status and broaden the legal scope of Shari’ah courts in determining the offences relating to Islamic affairs.

Muslim citizens receive additional restraints to religious freedom by virtue of Schedule 9, List II, Item I of the Constitution. The Schedule grants power to State Assemblies to enact laws to punish Muslims for offences against the precepts of Islam. The broad interpretation of the offences has led to criminalisation of *khalwat* (suspicious proximity between two individuals of opposite gender), adultery, apostasy, gambling, drinking, and much more. Shia Muslims and other minority Islamic sects continue to be prosecuted.

Religious expression in the press is also regulated on the basis that it might arouse sensitivity and create confusion among Muslims in the country. One example is the banning of Akyol’s book “Islam Without Extremes: A Muslim Case for Liberty” and its Bahasa Malaysia (National Language) translation for being prejudicial to public order. Another instance is banning the use of the word “Allah” in *The Herald*, a Catholic newspaper, in 2008. The restriction was justified on the basis that the word “Allah” refers to Muslim’s God and its use by non-Muslims might stir controversy or confusion within Malaysian Muslim community.

**Religiously inspired radicalisation**

In dealing with terrorist-related crimes, the Malaysian strategic plan in countering violent extremism involves three fronts: legislation, rehabilitation and education. The first measure includes putting in place counterterrorism policies and legislative mechanisms like the Security Offences (Special Measures) Act 2012(SOSMA) and the Prevention of Terrorism Act 2015 (POTA) to curb terrorism activities in the region. Both measures give Royal Malaysian Police the power to detain for a limited time any person who falls under suspicion of terrorist activities. The Royal Malaysian Police also set up the Bukit Aman Special Branch Counter Terrorism Division in the early 1990s to help monitor, investigate and prosecute terrorist-related crimes. At the administrative level, various ministries have been involved in PCVE measures. These include the ministries of education, internal affairs, communications and multimedia, foreign affairs, and religious affairs.

A rehabilitation program was developed to address Islamic radicalization and provide pathways for terrorist disengagement among the detainees. The suspected detainees have to go through various programs to rehabilitate their mind and behaviour so that they can re-join the society without resorting back to their former terrorist activities. The Malaysian government has declared that its IS-era rehabilitation programme has had an impressive success rate of 97.5%.

Educational measures have involved raising public awareness of the problem of violent extremism as well as countering the narratives spread by militant groups. Institutions such as the Malaysian Special Branch, the Department of Islamic Development of Malaysia (JAKIM) and the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) are tasked to produce effective public campaigns for peaceful co-existence among various religious and racial groups. Some of the initiatives engage communities through schools, universities, mosques and suraus (community prayer houses), also utilizing the internet. As for the latter, the government has initiated a Regional Digital Counter Messaging Communication Centre aimed at synchronizing efforts to counter radical social media messages and present a more inclusive narrative of Islam in the region.

## **Religious diversity governance assessment**

Malaysia has always been a multi-religious society. The 2010 census indicates that 61.3% of Malaysians are Muslim; 19.8% are Buddhist; 9.2% are Christians; 6.3% Hindus and 1.3% practice Confucianism, Taoism, or other traditional Chinese beliefs. Given this diverse mix it is crucial that the principle of peaceful cohabitation between differing groups in a shared territory is fully embraced by the administration as well as the members of the society at large.

There have been many policies and initiatives introduced by the Malaysian government for the purpose of governing religious diversity in the country. From the administrative standpoint, the federal government allocates two ministerial positions under the prime minister to govern the religious affairs in Malaysia: the Ministry of National Unity and Social Well-Being and the Ministry of Religious Affairs. The former oversees the Department of National Unity and Integration and the latter is tasked with administering various religious bodies and institutions. Through these two departments, the government conducts runs programs to improve the relations between different religious communities in the country.

The list of programs includes: organizing inter-faith dialogues at local and national level; engagement with local religious organizations to understand the issues of each religious community; public advocacy; mediating collaboration between non-governmental religious organizations to foster better working relationships; and providing educational materials on religious inclusivity and unity at various levels of education. The Minister of Education had also made Ethnic Relations as a compulsory module for all public universities since 2005/2006 to enrich student's understanding of diverse religious backgrounds that make up Malaysian society as a whole.

Despite many of the great measures introduced by Malaysian governments since its inception, Malaysian society is still struggling with the challenge of maintaining a respectful racial and religious relationship in society. The problem stems mainly from the continuous politicisation of religions and race by many civil society groups and political actors, which instils fear and suspicion towards many religious groups. Another contributing factor is the preservation of many discriminatory and repressive practices and policies that stand in opposition to the message of inclusion preached by the government of the day. Freedom of religion and expressions are still fairly restricted with many religious, sexual, and even racial minorities (including indigenous communities) continuing to face immense pressure from authorities for practicing their respective lifestyles. 60,000 people recently gathered near Dataran Merdeka to protest against plans by Malaysia's governing coalition (Pakatan Harapan) to ratify the International Convention on the Elimination of All Forms of Racial Discrimination. This can be read as a sign of further retreat into race and religion in the context of current Malaysian political discourse.

**About the GREASE project**

Radicalisation, Secularism and the Governance of Religion: Bringing together European and Asian Perspectives (GREASE)

Involving researchers from Europe, North Africa, the Middle East, Asia and Oceania, GREASE is investigating how religious diversity is governed in over 20 countries. Our work focuses on comparing norms, laws and practices that may (or may not) prove useful in preventing religious radicalisation. Our research also sheds light on how different societies cope with the challenge of integrating religious minorities and migrants. The aim is to deepen our understanding of how religious diversity can be governed successfully, with an emphasis on countering radicalisation trends.

This document is available for download at <http://grease.eui.eu>

The sole responsibility of this publication lies with the authors. The European Union is not responsible for any use that may be made of the information contained herein

Any enquiries regarding this publication should be sent to:

Professor Anna Triandafyllidou, [anna.triandafyllidou@eui.eu](mailto:anna.triandafyllidou@eui.eu)

October 2019

Document series reference: D2.2 Country Profiles

