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Islamic Agencies Role in Handling Apostasy among Mualaf

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Abstract

Religious conversion or apostasy among Malay Muslims has always been a big issue and controversial subject in Malaysia. This issue is still a heated debate to the extent it does not only drew public's attention but also the Head Government of Malaysia. Apostasy issue are highly potential to muster up a disastrous situation and will raise misconceptions about Islam among believers in Malaysia. Therefore, a qualitative methodology has been conducted through analyzing documents and structured interviews. A total of two samples purposely chosen amongst Negeri Sembilan Islamic Religious Affairs Department (JHEAINS) and Negeri Sembilan Mufti Department (JMKNNNS) officers who are administrating mualaf and apostasy applicants in Negeri Sembilan. This study was conducted in Negeri Sembilan considering Negeri Sembilan is the only state that provisioned in law and procedures in applying for religious conversion. The results showed that both involved agencies have roles individually endeavoring apostasy in Negeri Sembilan. This research contemplating in apprehensions on the right authorized Islamic agencies' roles regarding the compulsory procedures in applying religious conversion before Sharia High Court's declaration on an applicants' religion status. This study are also able to give out an explanations on citizens' misunderstanding regarding the right authority in administrating religious conversion application in Negeri Sembilan as provisioned by the law.

Keywords: Apostasy, Islamic Agencies, Mualaf

Introduction

Religious conversion or apostasy among Malay Muslim as well as mualaf is often discussed. Despite generally, Muslims in this country acknowledge that apostasy is a great sin and can be sentenced to death based on Sharia law. Islam is the only religion in the sight of Allah as He stated in surah ali-Imran verse (3:19), "Indeed, the religion in the sight of Allah is Islam. And those (Jews and Christians) who were given the Scripture did not differ except after knowledge had come to them - out of jealous animosity between themselves. And whoever disbelieves in the verses of Allah, then indeed, Allah is swift in [taking] account." Prophet Muhammad PBUH said, "If somebody (a Muslim) discards his religion, kill him." (Narrated by al-Bukhari. Nayl al-Authar, vol. 7, p. 225, hadith no. 3215).

The death penalty for apostates recorded in a story that happened during the time of Caliph Abu Bakr al-Siddiq; an infamous Caliph for his assertiveness in fighting against apostates since the death of Prophet Muhammad PBUH (Selamat, 1998). One of the notable apostate fighting events amid the reign of Caliph Abu Bakr al-Siddiq was eliminating the apostates and false prophets thus uphold the Islamic government of Medina. Sayidina Abu Bakar asserts that the groups which is inhabitants of the Arab lands not only pay devotion to a distorted leader, but some of them slandered by claiming they were the prophets and messengers. Sayidina Abu Bakar launched a war against Ridda group in order to defeat apostasy and insults against Islam. Musailamah al-Kazzab was one of the slanders who claimed to be the prophet and deviate knowledge about Islam. Saidina Abu Bakar thereupon ordered the army led by warlord Khalid Al-Walid to defeat against this group. They succeeded killing Musailamah in a battle, then about 4000 of his followers returned to Islam (Za'farani, 2020)

In spite of that, there are still some Muslims pluck up the courage in applying religious conversion through the legal provisions. This issue is a sensitive issue because it stirs around faith, racism, and freedom of religion issues.

Research Problems

Apostate issues among Muslims in Malaysia has always been concerning. Lina Joy, Nyonya Tahir, Aisyah Bukhari are some of the appalling cases that has gotten public's attentions in Malaysia (Ibrahim, 2016). According to Negeri Sembilan Mufti Department (JMKNNNS), statistics from 2019 to 2020 shown a total of 34 applications for religious conversion have been requested by mualaf.

Apostasy cases became a controversial subject ins Malaysia because it is seen as an insult and provoking Islam as Malaysia's official religion (Perlembagaan Persekutuan Malaysia 1963). This will clearly create a disharmony and instability in the country thus creating prejudice among religious believers in Malaysia (Zainal & Jamal, 2013)

A recent viral video of an Indian man inciting Hindus to apostatize Muslim women and flee the country. The man also admitted that he apostatized his Muslim wife in Indonesia and has now obtained a valid marriage certificate in Malaysia. The man also stated that many Malays who met him said they want to convert to Hindu. In the video uploaded, he was found to have insulted Islam, Prophet Muhammad SAW and Allah SWT (Ahmad, 2021).

Other noted apostate cases, a woman named Salina; who was previously a Christian. In November 1992, she converted to Islam for marriage purposes but she decided to returned as Christian in 2010 after her divorcement. Jenny; another noted apostasy case who had the same reason as Salina. She converted to Islam in 2002 and returned to Christian after her divorcement in 2006. In 1996, Mohd Syafiq; a Christian who converted to Islam for marrying a Muslim woman decided to return to his previous religion after his wife passed away in 2007 (Ahmad, 2018)

Based on statistics reported by the Selangor Mufti, Datuk Tamyas Abdul Wahid (2011), there are 686 applications for religious conversion (apostasy). Around year 2000 to 2010, 135 applications that have been approved by the Syariah Court recorded in Malaysia. Datuk Tamyas Abdul Wahid also stated, there are piles of application made by mualaf who just converted to Islam. Meanwhile, an Aqidah Counselor in the Selangor Mufti Department, M Daruddin Taib @ Hassan (2011) also reported that most of the apostasy cases involved mualaf Indians in Selangor (Malaysiakini, 2011).

In addition, this issue is oftenly discussed among Muslims in Malaysia because of misunderstandings regarding Islam agencies' role in dealing apostasy problems. This factor indirectly outstretched to a negative and bad perception of Islamic agencies in Malaysia.

Research Methodology

This research employs a qualitative research approach through document analysis and structured interviews. The interview was conducted with two desk officers from the Negeri Sembilan Mufti Department (JMKNNs) and Negeri Sembilan Islamic Religious Affairs Department (JHEAINS) respectively. One of the officers from the Negeri Sembilan Islamic Religious Affairs Department (JHEAINS); are responsible for anything related to mualaf while the officer from Negeri Sembilan State Mufti Department (JMKNNs) are responsible in managing apostasy cases. Accordance with the Ninth Schedule, the Second List stated in the Federal Constitution in relation to the power of the State Legislative Assembly to enact laws related to the affairs and administration of Islam (Federal Constitution of Malaysia, 1963). 'Religious/Islamic Agencies Role in Handling Apostasy Crime among Mualaf' study was found to be related to researcher's study. The study was conducted to obtain a clear and unambiguous role of the two Islamic institutions in dealing with apostasy. Both institutions also have their own scope of duties and roles respectively in carrying out dakwah efforts on apostate applicants and mualaf in Negeri Sembilan.

Result and Discussion

This study is related to the role and function of the two Islamic agencies in Negeri Sembilan in carrying out dakwah activities for non-Muslims as well as taken part in rehabilitation programs for applicants who applied for religious conversion. This study will also see if there is any overlapped functionality between the agencies related as well as the procedures that need to be followed by applicants who want to convert to Islam or leaving Islam. In order to obtain a clear finding related to the role of religious agencies in Negeri Sembilan, an in-depth and highly pragmatic research need to be done to answer the research questions that are carried out by researcher.

From 2018 to 2021, a total of 51 religious conversion applications made by mualaf applicants in Negeri Sembilan that have been recorded in Negeri Sembilan Mufti Department. Based on this number, a total of 42 applications have been approved by the court while 9 other applicants have repented. Few questions arise as to what role is played by the relevant religious agencies in order to curb the issue from continuing to occur? Does these mualaf not receiving any guidance and religious education after they convert to Islam? Such questions should be explored to find the causes and solutions are very much needed to overcome this crucial matter.

Every religious agency in Negeri Sembilan has its own function and role in carrying out dakwah efforts to non-Muslims. The function and role of each religious agency is clearly stated through legal provisions, service circulars and establishment warrants that explain the foundation of a department.

1. Negeri Sembilan Islamic Religious Affairs Department

The Negeri Sembilan Islamic Religious Affairs Department was established to manage the affairs of Muslim community in Negeri Sembilan on January 1st, 1950 under a regulation called the Negeri Sembilan Islamic Religious Council Regulations 1950. Malaysian government

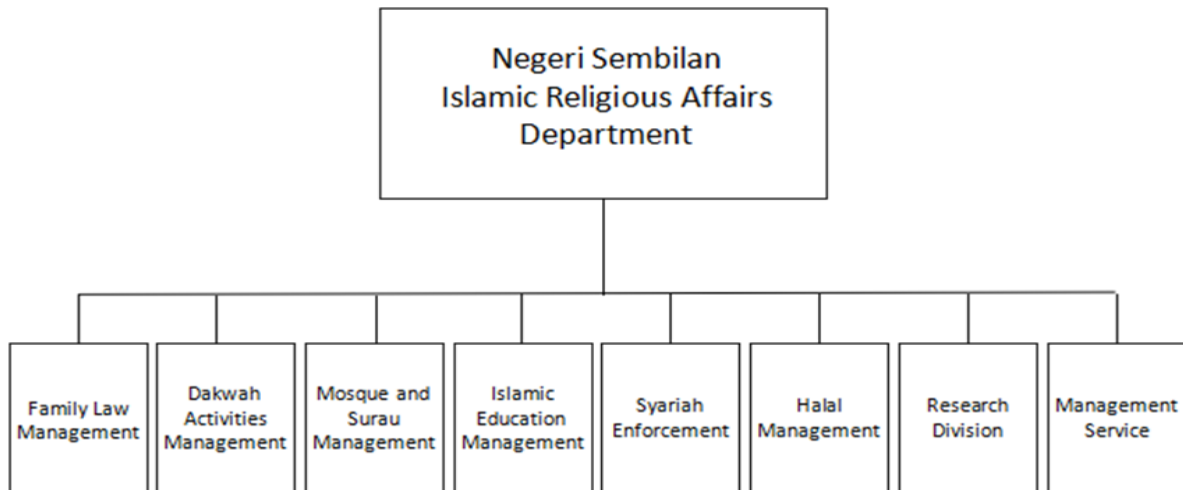
has amended the rules of the Religious Council 1950 to the Islamic Religious Council Act 1957 to meet the set objectives.

It was later amended three times from the Administration of Islamic Law 1960 then repealed with enactment of Administration of Islamic Law (Negeri Sembilan) 1991; then amended again to the Administration of the Religion of Islam (Negeri Sembilan) Enactment 2003 and were enforced on March 1st, 2004.

This department also plays a role in enforcing other enactments including Islamic Family Law (State of Negeri Sembilan) 2003, Syariah Criminal (State of Negeri Sembilan) Enactment 1992, Syariah Criminal Procedure (State of Negeri Sembilan) Enactment 2003, Syariah Court Evidence (State of Negeri Sembilan) Enactment 2003, Syariah Criminal Procedure (State of Negeri Sembilan) Enactment 2003 and Syariah Civil Procedure Enactment (State of Negeri Sembilan) Enactment 2003.

In 1976, The State Financial Officer, Mr. Harun bin Baba; who was also the Head of the Islamic Religious Affairs Department; proposed to construct a three-storey building located on a 1 ½ acre land near the State Mosque buildings on the south, the Legislative Assembly on the west and Felda on the North, leading to Jalan Lister and Taman Tasik Seremban. Thereupon, a building was built for Department of Islamic Religious Affairs, Negeri Sembilan. The building was officiated by DYMM Tuanku Ja'afar Al-Haj Ibni Almarhum Tuanku Abdul Rahman Putra Al-Haj, Yang Dipertuan Besar Negeri Sembilan, on Syawal 10th 1400 Hijrah equivalent to August 21st, 1980 (Negeri Sembilan Islamic Religious Affairs Department Official Portal).

2. Function of Negeri Sembilan Islamic Religious Affairs Department



One of the department functions manifestly stated under Dakwah Activity Management that Negeri Sembilan Islamic Religious Affairs Department (JHEAINS) has been entrusted as a religious agency in Negeri Sembilan to administer Islamic religious development programs and activities to Muslims and non-Muslims as well as supervising muaf welfare. Dakwah Unit were established in JHEAINS based on this function to be responsible in carrying out this task. Some of the main scopes in this division are managing muaf affairs or circumstances, managing for amendment in identity cards, building basic religious study modules for muaf, in charge of their registrations, maintaining their welfare, issuing Islamic certification cards as well as monitoring religious study class for them (Interview with Azlim, February 16th, 2021).

The Ukhwah Unit of JHEAINS Dakwah Division has carried out several proactive approaches such as Dakwah bi al-hal activities to curb on apostate cases in Negeri Sembilan. Dakwah activities that has been carried out by the volunteers, mu'allim, murabbi and mu'addib are focusing on the aspect of wisdom in dakwah and practical understanding. This method is more practical compared to dakwah through a series of talks or explanations.

There are various forms of dakwah bi al-hal (practical dakwah); such as visiting _ (state who you visited), build good connections and networks with targeted groups such as Orang Asli, mualaf, hospital patients, handicapped people, senior citizens, trainees at rehabilitation centers and inmates of detention centers. There are also non-Muslims cultural awareness programs, computer skills and culinary trainings (Fadri, 2017), along with physical and non-physical development programs that meet the basic needs such as economic development, quality improvement in religious, intellectual and social practices, building facilities and infrastructure in communities such as clinics and community halls (Interview with Azlim, 2021).

Based on the program stated, Dakwah Division of Negeri Sembilan Islamic Religious Affairs Department (JHEAINS) clearly plays a large and significant role to ensure that every new Muslim converts (mualaf) receives proper Islamic education, maintaining the quality of sociocultural and economy as well as obstruct them from apostasy problems.

3. Prosedur for Conversion to Islam

There are several compulsory procedures for a person who wants to convert to Islam in accordance with provisions of the Act and State Administration of The Religion of Islam Enactment such as the conditions and requirements that need to be complied for someone who wants to convert to Islam. These procedures are contained in the State Administration of The Religion of Islam Enactment as well as the Rules of the State of the Islamic Religion (Interview with Azlim, 2021).

Section 107. Requirements for conversion to the religion of Islam.

(1) The following requirements shall be complied with for a valid conversion of a person to the religion of Islam:

(a) the person must utter in reasonably intelligible Arabic the two clauses of the Affirmation of Faith;

(b) at the time of uttering the two clauses of the Affirmation of Faith the person must be aware that they mean "I bear witness that there is no god but Allah and I bear witness that the Prophet Muhammad S.A.W. is the Messenger of Allah"; and

(c) the utterance must be made of the persons own free will.

(2) A person who is incapable of speech may, for the purpose of fulfilling the requirement of paragraph (1)(a), utter the two clauses of the Affirmation of Faith by means of signs that convey the meaning specified in paragraph (1)(b).

Upon completion of reciting the Affirmation of Faith (Syahadah) and the requirements are fulfilled, a person has become a Muslim. The new converted Muslim will be referred to as a mualaf. From the moment of conversion to Islam, the person has been subjected to the same duties and obligations as any other Muslims. If a person is unable to recite the Affirmation of Faith due to disabilities, a signal will be used indicating the meaning of Affirmation of Faith to

fulfill the legal requirements set out under paragraph (1)(a) indicating the meaning stated in paragraph (1)(b).

For registration that stated in Section 110, Negeri Sembilan Islamic Religious Council is the authority to appoint the Registrar of Mualaf. The Registrar will be responsible in managing the Register of Mualaf. Therefore, stated in Section 111(1), a person who has converted to Islam can request the Registrar in the prescribed form to register him as a Mualaf. After the requirements conversion to Islam have been set by the applicant, the Registrar can register them in the Register of Mualaf by documenting the details required in the Register of Mualaf including determining the date of conversion to Islam by the applicant.

The Registrar may also allow the applicant to recite the Syahadah in front of them or any of fellow officers if they were discontented that the requirements to convert to Islam have not been met before registering the applicant according to Section 111(2). After registration, the registrar is required to issue a Certificate of Islamic Conversion which must be the final proof of a person who has converted to Islam as a Muslim based on the provisions of Section 111(1)(2).

Pursuant to Section 113(1), a person who has converted to Islam and has been registered in the Register of Mualaf shall be treated as a Muslim for any Federal or State law. It is subjected to any provision on Muslims in their respective states (Section 113(2)). Based on Section 114, if a person who has converted to Islam is not registered in the Register of Mualaf and a question arises as to whether a person is a convert or otherwise, then the question must be decided by the court based on the merits of the case by referring to the requirements that met the needs before a person is considered a Muslim.

In general, the rules set by the States Administration of The Religion of Islam Enactment are align with the guidelines set by Syara'. The rules set are simple and comprehensive because it is refined with other requirements that need to be complied with before going through the registration process. The Certificate of Admission to Islam issued by the Registrar of Mualaf is also important because it will be the final proof for a person who has converted to Islam when any doubts or disputes arise in the future regarding his religious status.

Based on the provisions of the law, it is clearly stated that the Registrar of Mualaf appointed by the Negeri Sembilan Islamic Religious Council and placed in the Dakwah Division, Negeri Sembilan Islamic Religious Affairs Department is in charge of all matters regarding mualaf in Negeri Sembilan.

4. Negeri Sembilan State Mufti Department

In 1996, the Public Service Department issued a circular letter on the separation of Fatwa Division from the Islamic Religious Department of each state in Malaysia including Negeri Sembilan. In January 1997, Negeri Sembilan State Mufti Department was separated from the administration of Negeri Sembilan Islamic Religious Affairs Department, located on the 2nd Floor, Negeri Sembilan Islamic Religious Affairs Department Building, Jalan Dato' Hamzah, Seremban.

5. History of the Establishment of the Negeri Sembilan State Mufti Department

According to the sixth clause of Negeri Sembilan Constitution, a meeting was held on November 18th 1950 at the Seremban City Council Office Meeting Room to establish a Religious Assembly Council to provide assistance and advice on affairs relating to the state religion for a facile religious administration.

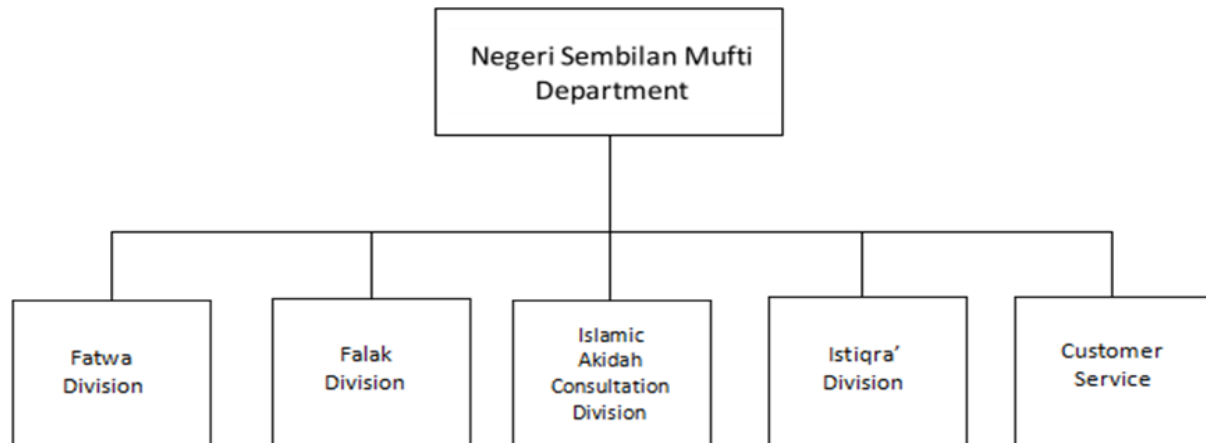
The assembly consisted of Yang Di-pertua, a representative from Paduka Seri Tuanku himself the Ruling Chief of Four Undang along with Tengku Besar Tampin and 6 representatives from the public, one of whom was a Muslim foreigner and a secretary.

According to the State Constitution September that are verified on September 1949, Yang Di-Pertua Majlis is the Tuan Mufti of Negeri Sembilan whereas members appointed are candidates selected and proposed by the United Malays National Organization (UMNO). Meanwhile, the foreign members are appointed according to the recommendations received from the leading Indians with required conditions that they have sufficient knowledge in religious affairs.

Negeri Sembilan State Mufti Department is a department under the administration of Negeri Sembilan Government. Initially, it was one of the divisions in Negeri Sembilan Islamic Religious Department which was responsible for helping in advising His Majesty Yang di-Pertuan Besar of Negeri Sembilan. State Government, Negeri Sembilan Islamic Religious Council, Statutory Bodies and society as a whole have crucial significance in Religious Affairs and Islamic Law.

In January 1997, Negeri Sembilan Mufti Department was separated from Negeri Sembilan Islamic Religious Affairs Department administrations that located on the 2nd Floor, Negeri Sembilan Islamic Religious Affairs Department Building, Jalan Dato' Hamzah, Seremban. Currently, the Mufti Department is located on Level 15, Negeri Sembilan Islamic Religious Council Tower (MAINS), located at Jalan Taman Bunga, 70100 Seremban, Negeri Sembilan Darul Khusus (MAINS Official Website).

6. Function of Negeri Sembilan Mufti Department



7. Procedure in Applying to Leave Islam

One of the division in Negeri Sembilan Mufti Department role are in charge of managing religious conversion applicant's affairs from Syariah High Court. This division is responsible for carrying out all istitabah processes and submitting reports to the court before they decide on religious status declaration of an applicant.

Application procedure for leaving Islam or apostasy in Negeri Sembilan through the provisions under § 119 of the Administration of The Religion of Islam (Negeri Sembilan) (Amendment) 2009 which states that a Muslim may not leave Islam unless they obtain a declaration from the Syariah High Court. However, under the same section under subsection (4); there is a provision on individuals deciding to leave Islam to be advised to repent by

undergoing a consultation and guidance session for 90 days. This process also can be extended up to 12 months.

Each applicant must apply at the Syariah High Court. They need to go through the processes and procedures that have been set based on Section 119 of the Administration of The Religion of Islam (Negeri Sembilan) (Amendment) 2009. The apostate applicants can be identified through this provision. It is also compulsory for them to undergo a consultation session or rehabilitation process (*istitabah*) based on court's order. The 2009 amendment tightening the application procedure which requires applicants that convert to Islam and registered as *mualaf* in Negeri Sembilan only or must be born in Negeri Sembilan. This amendment was made to prevent the occurrence of applications from applicants outside of Negeri Sembilan. Every application that has been received by the court the *istitabah* process will be extended to the Akidah Consultation Division at the Negeri Sembilan Mufti Department.

Based on an interview with Ahmad (2020), he explained based on the provisions of section 11 that the Akidah Consultation Division of the Mufti Department will order the appointed Consultative Officer to carry out the *istitabah* process within 90 days. If the process succeeded, a report will be sent to court to record the repentance pronounced by the applicant. If the process failed within 90-day period, the consultant will send a report to the Mufti Assistant of Akidah Consultation Division and apply a deferment from the court for a period of one year to continue the process of *istitabah* on the applicant. During this period, various *istitabah* modules will be conducted on applicants such as talk programs that give exposures on Islam and held a get-along or *ziarah* programs among *mualaf*. The module used in this *istitabah* process will run for 6 months. Apart from that, *istitabah* process are carried out formally and face to face through Program Bina Insan conducted by Negeri Sembilan Mufti Department (JMKNNNS) (Interview with Azlim, February 16th, 2021).

As per the provisions of section 119 (4A), this rehabilitation process is handled by a qualified Akidah Consultative Officer appointed by the Negeri Sembilan Islamic Religious Council and supervised by the Akidah Consultation Division. Then consultants are well-experienced in implementing the *istitabah* module on apostate applicants. Some of the modules carried throughout the process are Bina Iman Program module, faith consultation module and *ziarah* module. *Ziarah* modules are carried out flexibly beyond time and places during *istitabah* process. Aside from that, the 'Bina Iman Program' module is a rehabilitation module for apostate applicants which is conducted casually over a period of several days in cozy places. The program is carried out in a relaxed manner so that the relationship between the consultant and the prospect becomes acquainted and break the ground deeply yet comfortably throughout the face-to-face *istitabah* process. This module and *istitabah* process granted 9 people that have been successfully repent according to the records provided by Negeri Sembilan Mufti Department (Interview with Ahmad, September 9th, 2020).

Negeri Sembilan Islamic Religious Affairs Department (JHEAINS) also plays a role in assisting by intensifying educational programs and understanding of Islam to *mualaf* in order to curb apostasy cases among them. Azlim (2021) said, there are attempts of applications to leave Islam from several individuals. He explained that this application needs to use appropriate mediums or agencies by asking the court's permission and the court will order Mufti Department to carry out *istitabah* process for the applicants. This unit also collaborates with the Mufti Department by helping in suggesting the right Akidah consultant panel to conduct consultation sessions or *istitabah* to apostate applicants (Interview with Azlim, February 16th, 2021). Forming a committed and practical *mualaf* as well as made Islam as a

way of life through educational methods are objectives that needs to be achieved by JHEAINS Ukhwah Unit. Educational methods are the grounds in preventing the apostasy (Huda, 2015)

Indirectly, this unit sustains a huge responsibility in managing muallaf affairs including the initial aspects of their conversion to Islam, certain provisions on muallaf in terms of welfare and education as well as their particular activist and programs. In the context of apostasy prevention, there are several specific methods used such as education, welfare, ziarah and counseling.

Conclusion

Based on the study conducted, the researcher found that the two relevant government agencies, which namely the Negeri Sembilan Islamic Religious Affairs Department and the Negeri Sembilan Mufti Department; have their own role and functions in dealing with the apostasy problems. This study also found that Negeri Sembilan Islamic Religious Affairs Department clearly in charge of anything that is related to the affairs and welfare of muallaf while Negeri Sembilan Mufti Department responsible in anything that is related to the application to leave Islam that has been applied by any Muslims in accordance to the required law at the Syariah Court. This study determined that Negeri Sembilan Islamic Religious Affairs Department are accountable for any individuals who has not made an application through the Syariah Court. The study also discovered that there was no overlapping functions and roles as there were clear legal provisions related to the terms of reference between these two agencies. However, the separated roles and functions between these two agencies does not preclude any collaboration that can be implemented to get the best results for Muslims benefits. Welfare, miscellaneous problems as well as apostasy problems among Muslims and muallaf in Negeri Sembilan can be curbed through collaborations and systematic synergy between these two agencies.

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