

## CHAPTER 1

### INTRODUCTION

#### 1.1 Background of Study

The apostasy problem is one of the issues that is considered to be very sensitive to the Muslim community especially in this country. Apostasy is not a new phenomenon to Muslims in Malaysia and other countries. From 2000 to October 2006, the National Registration Department (JPN) recorded a total of 1064 applications of Muslims wanting a change of their name and religion with a variety of reasons and excuses. Apostate Muslims are considered to have committed a major crime against religion and Muslims. Although there are no accurate statistics on the true number of apostate Muslims in Malaysia but based on cases reported by the mass media and which have been decided by the Syariah Court, these symptoms are indeed serious and need to be addressed. (Farahwahida, 2012)

The involvement of some non-Muslim groups who are defending the rights of these apostates based on fundamental liberties signaled that the position of Islam and the Muslim community is increasingly challenging. Through legal channels, these groups try to exploit their existing space and opportunities, though their actions are seen as interfering with the Islamic affairs and Muslim community. These symptoms if not properly dealt with will undoubtedly lead to various negative implications for the Islamic development and the harmony of Muslim communities particular in Malaysia.

According to former Islamic Affairs Minister Jamil Khir, from 2000 to 2010, Syariah courts received 863 applications to renounce Islam and to no longer be known as a Muslim. (Jamil Khir, 2011). NGOs reported that most of those who left Islam preferred to do in private, without legal consent. At the national level, civil courts generally delegate jurisdiction to sharia courts in matters relating to exit from Islam.

The previous President of the Islamic Dakwah Foundation (YADIM), Datuk Mohd Nakhaie Ahmad, explained that based on a research about the apostasy issue last year found that the apostasy symptoms among the Malays are at an alarming level. According to him, although the study found that apostasy symptoms among new brothers recorded the highest number, but the number of apostate Malays was also alarming. According to him; "Although most of these apostates from new converts enter Islam and then return to their original religion, there are also Malays who want to convert. He said it without state the number of apostate Malays. (Harian Metro, July 28, 2008)

The apostacy issues also happen at Negeri Sembilan although it is a small state in Malaysia, and more than half of its inhabitants are Muslim Malays, the leftover being members of other faiths who are ethnic Chinese and Indians (Department of Statistics, Malaysia 2014). In 2003, the state's legislative body manufacture the Islamic Religious Administration Enactment 2003, which renege a previous provision by introducing some new modifications in Islamic administration. One of these developments was a specific provision concerning the procedure for leaving Islam; a bold step to take considering the position in other Malaysian states.

## **1.2 Statement of the Problem**

The issue of conversion (apostasy) has always occurred throughout the history of religion. Apostasy has occurred in the time of the Prophet s.a.w and also after Prophet time. (Arief Salleh, 2001). Even Abu Bakr was famous for his determination to fight the apostates by forming 11 forces to fight the false prophets and the apostates who have become more prevalent since the death of the Prophet Muhammad s.a.w. (Muhammad Isa Selamat, 1998).

Yet, the difference is, the apostasy that has existed throughout the ages is only an isolated problem, in contrast to apostasy in modern times. Lately, apostasy has become a symptom, in which many Muslims are involved. This phenomenon occurs due to their ignorance of the true nature of Islam. (Farahwahida Mohd Yusof, 2012). When apostasy occurs, then it is a crime. There is because apostasy has betrayed the faith of the Muslims

and humiliated them. It also means betraying the Islamic state and challenging its sovereignty. (Farahwahida Mohd Yusof, 2012).

The apostasy problem is one of the complex problems faced by the Muslim community, especially in Malaysia. In the 21st century, a growing number of cases reported that Muslims either Malay, Chinese or Indian want to convert to other religions because of some main factors. This problem usually occurs because of various factors such as psychological problems, poverty, educational background, familial, religious education, and others. This problem will be an epidemic that was very dangerous if it is considered to be trivial by the Muslim community, especially every Muslim individual itself. Without realizing it, this problem is ignored by some people without considering the implications that may be encountered if no prevention efforts and progress are accomplished starting from now. Statistics also show a day-to-day increase.

Therefore, it is the responsibility of all Muslims to play their respective roles in dealing with the problem of apostasy in Malaysia. The government and the Islamic Authorities need to work together to figure out the best way to resolve this crisis so that it does not get worse. Therefore, this study will discuss the roles of Islamic Authorities in dealing with apostasy applications, especially in Negeri Sembilan. In addition, this study will discuss the approaches used by Islamic Authorities in dealing with this issue like counseling and *istitabah*.

### **1.3 Research Questions**

The general questions this research seek to answer are as follows:

- 1- What are the main factors that influence Muslim want to convert to other religion?
- 2- What are the roles of Islamic authorities in dealing with the application for apostacy in Negeri Sembilan?
- 3- How the management of apostasy applications in Negeri Sembilan and Selangor?

### **1.4 Research Objectives**

The purposes of this research are:

- 1- To examine apostasy issues among the Muslim community and the influence that leads a Muslim to convert to another religion in Negeri Sembilan.
- 2- To analyze the roles of Islamic authorities in dealing with the application for apostasy in Negeri Sembilan.
- 3- To study the management of apostasy applications in Negeri Sembilan and Selangor.

### **1.5 Significance Of The Study**

The study of the apostasy problem is the most important topic to give disclosure to all the Muslim community, especially in Negeri Sembilan about the danger of apostasy problem if the Muslim community did not with the authorities to deal with this issue more seriously. The apostasy problem will be a problematic issue, particularly to Muslim youths. The enemy of Islam constantly observes the opportunity to corrupt and distort the faith of Muslims. This study will explain the forms of the elements that can cause a person to apostatize so that the Muslim community, especially in Negeri Sembilan, to be more careful and strives to prevent it.

In addition, This study highlights the roles of Negeri Sembilan Islamic Authorities in dealing with the application for apostasy with wisdom and effective ways. Nowadays, it is undeniable that Islam also develops every day with the flow of technology and information. But in fact, the emergence of western cultures such as liberalism and secularism was an early movement towards freedom of religion and be a contributor to the problem of apostasy and always hiding behind human rights. Muslim youth who want freedom in their life easily trapped by inverse cultures and influenced to leave Islam.

In addition, this study indirectly identifies the role of all parties in dealing with apostasy issues is important either from the individual, community, members, or the mass media. This problem requires the cooperation of the Muslim community with the religious authorities to enhance the awareness of the importance of preserving the sanctity of Islam. In this case, every member of the Muslim community should mobilize and therefore seek to appeal to its members from all walks of life to utilize mosque

institutions as it may serve as an Islamic educational center for the strengthening of the faith of Muslim.

## **1.6 Definition of The Terms**

The title of this study “ The Roles of Negeri Sembilan Islamic Authorities in Dealing with the Application for Apostasy” contains a few words that need an interpretation.

### **1.6.1 Term of Role**

In Cambridge Dictionary, the role means the position or purpose that someone or something has in a situation, organization, society, or relationship. The role also means a duty that someone or something usually has or is expected to have. (Cambridge English Dictionary, 2005)

### **1.6.2 Term of Islamic Authorities**

The word authorities is plural from the word authority. In Cambridge Dictionary, authority means a group of people with official responsibility for a particular area of activity. And the word authorities means the group of people with the official legal power to make decisions or make people obey the laws in a particular area, such as the police or a local government department. (Cambridge English Dictionary, 2005)

### **1.6.3 Term of Mufti**

A mufti (مفتي) is an Islamic jurist qualified to issue a nonbinding opinion (fatwa) on a point of Islamic law (*Syariah*). Mufti also can be defined as a jurist consult who notifies the decision of the law, in or respects case referred to him for the guidance of the *Qadi* and

other matters relating to Islamic law (al-Millah, 2009). Zulkifli Mohamad al-Bakri (2008) and Abdul Samat Musa (2006) stated the mufti was a individual name that describes the religious matters of the people and knowledgeable in the science of the Al-Quran, the *mansukh*, hadith, and the state of law. (Zulkifli, 2008)

The act of issuing fatwas is called *iftā'*. Muftis and their fatwas played an crucial role throughout Islamic history, taking on new roles in the modern era. The term *Mufti* also can define a Muslim legal expert and adviser on the law of the *al-Quran* who is responsible for issuing fatwas. (Council Dictionary Fourth Edition).

#### **1.6.4 Term of Application**

The word application is derived from the word apply. In Cambridge Dictionary, the word application means an official request for something, usually made in writing or by sending in a form. It also can be defined a way in which something can be used for a particular purpose. (Cambridge English Dictionary, 2005)

#### **1.6.5 Term of Apostasy**

The Arabic word *riddah* - commonly translated as "apostasy" - literally means to "turn back." In Islamic law, *riddah* is understood to be returning from the religion of Islam to *kufr* (unbelief), whether intentionally or by necessary effect. The majority of classical Muslim scholars agree that once a person becomes a Muslim by his or her free choice, there is no way by which he or she can conversion their religion. (Abdullahi Ahmed An-Na'im, 2017).

According to the Cambridge Dictionary, the meaning of apostasy is the act of less hope from your religious or political beliefs and leaving a religion or a political party. (Cambridge English Dictionary, 2005) Some scholars said *riddah* may occur include refusal of the existence of God or the attributes of God, refusal of a particular messenger of God, refusal of a pillar that is established as a matter of religion (such as the obligation

to pray five times a day or fast during the month of Ramadan), proclaim illegal what is manifestly legalized (*halal*), or proclaim legalize what is manifestly illegal (*haram*).

Moreover, apostasy is whenever a person is reverted from a religion of Islam, by an intentional or irreverent belief, act, or profanity. For instance, the first category is supposed to include: doubts about the existence of God or about the message of the Prophet Muhammad or any other prophet; doubts about the Qur'an, the Day of Judgment, the existence of paradise and hell; doubts about the eternity of God; and doubt about any point of belief on which there is agreement (*ijma*) among Muslims, such as the attributes of God.

Apostasy is one of the *hudūd* crimes in Islamic criminal law that is penalize by death. The Hanafi jurists, however, differentiate between male and female apostates. The death penalty is only for the male apostate. Female apostates must be imprisoned until she repents and returns to Islam. They treat a female apostate as equal with a female non-believer, which not to be killed but must imprison.. (Wan Noraini Mohd Salim 2016).

### **1.7 Research Scope/Limitation**

The title of this study is one of the important topics in the science of faith and theology study. Hence, in a modern world, every Muslim is obliged to know the discussion on this knowledge. This study was conducted in the state of Negeri Sembilan which was focused on Islamic Authorities in dealing with the Application for Apostacy such as the Mufti Department, Islamic Religious Council, Islamic Religious Department, and Syariah High Court.

The method that used in this study was a qualitative study. The researcher applies two methods which are library research and field research. The library method is to refer to some of the terms and facts about the research title. This study discusses apostasy problems such as the definition of apostasy in general and according to Muslim scholars, contemporary scholars, and definitions from the legal perspective. In the field research, the researcher conducted the intensive interview focused on the official officers in the field of faith and law to obtain accurate information about this study. The title of this study is one of the important topics in the science of faith and theology study. Hence, in a modern world,

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## **1.8 Research Methodology**

This study is a qualitative study and does not involve a survey. This study focused on library research and field research using two main methods which are document analysis and intensive interviews. This study focuses on the study of several documents apostasy cases that occurred in the state in particular and in other countries generally. This is done to determine the main subject so that the data can be sorted systematically in identifying a number of themes related to issues such as the definition of apostasy and the cause of apostasy as well as matters relating to the issue of apostasy. Included in the documents category such as research reports, Islamic studies books that are valid, government official documents, press releases, official letters and articles, and past studies related to apostasy problems. This study also talks about the types of apostasy from *Shariah's* perspective. It aims to clarify the meanings of practices and acts passed by a Muslim. It aims to distinguish between the things that can cause the invalidation of faith with the true things that are permitted by Islamic law.

In addition, the method used to obtain data and information is to use the intensive interview method. This interview method is used to obtain accurate and direct information to produce quality research. It involves several officers from governmental institutions such as the authority of the Negeri Sembilan Religious Office, the officials of Mufti Department, and the Official Department. All data obtained are analyzed to get the correct information.

The interview with the Head of Aqidah Consultation Division, Ust. Ahmad Najib Bin Abdul Jalal and Assistant officer of Islamic affairs of Mufti Department of Negeri Sembilan, Ust. Norhafiz bin Abu Kassim. The duration of the interview about almost one hour. The interview was an open-ended questionnaire. The interview data was collected by

writing. The interview also has been recorded using an audio recorder. Then, the second interview with Director INFAD, International Fatwa And Halal Centre - IFFAH, Prof. Madya Dr. Irwan Mohd Subri. The time period of the interview was about 45 minutes. The form of questionnaire was an open-ended questionnaire. Finally, the data and information would be analyzed manually.

## **1.9 Literature Reviews**

There is a vast literature, either directly or indirectly relevant to the general scope of this research, relating to which is the title apostasy problem among the Muslim societies and the implication to Islamic development at Negeri Sembilan.

The apostasy issue is more noticeable among the Muallaf. Thus Azhar Yaakub (2000) devotes his research to apostasy symptoms that have taken place among new Indian brothers in the Federal Territory. Based on his research, the researcher found that the apostasy problem that occurred amongst the Indian relatives was sometimes caused by a person (intrinsic) and sometimes happened in a planned and extrinsic manner by external elements. This illustration creates the apostasy phenomenon among new Indian descent to be more dangerous and necessary for a more comprehensive and rapid solution.

Azweed Muhamad, Kamariah Yunus, and Radzuan Ab Rashid, Razali Musa (2017) with their research which is under title about 'A review of apostasy cases in Malaysia.' This article provides an overview of the issues in three cases that focus on apostasy in Malaysia. The researchers analyze the information about three main cases which acquire wide media coverage in this country which are the cases of Lina Joy, Nyonya Tahir, and Juli Jalaluddin. Moreover, this article just focuses on about chronological problem from three cases only without a mention of the factors that influence them to convert to other religions.

The research about Islamic Law and Human Rights in Malaysia by Mohamed Azam Mohamed Adil and Nisar Mohamad Ahmad gives a comprehension of Islamic law and its relationship with human rights within the Malaysian view. The writers mention the

historical and position of Islamic law and human rights in Malaysia. Islamic law and human rights are two crucial elements of the Malaysian legal system which have been strongly accentuated by the Federal Constitution of Malaysia.

The study on efforts made by the Malaysian government to curb apostasy crimes has been committed by Nabilah Yusof (2006). The researcher has analyzed government efforts through the Department of Islamic Development Malaysia (JAKIM) as the central agency responsible for coordinating Islamic religious affairs at a national level in addressing this problem. Then assess the entrepreneurship to see how far their parallel with the spirit of *al-syar`iyyah* and the concept of *al-siyāsah al-syar`iyyah*. The findings show that all efforts undertaken by JAKIM are in formation with Islamic law and the fundamental theory of *al-siyāsah al-syar`iyyah*. However, there are some weaknesses in practicality that need to be improved.

Norhafizah Musa (2002) sees the role of da'wah institutions at the government and non-governmental. The researcher exposes the true situation of apostasy symptoms allegedly infectious in the Klang Valley. Norhafizah also discusses the programs composed and implemented by the da'wah movement and its management which have been implemented by major da'wah institutions in the Klang Valley such as the Department of Islamic Development Malaysia (JAKIM), *Yayasan Dakwah Islam Malaysia* (YADIM), Muslim Welfare Organisation Malaysia (PERKIM), the Federal Territory Islamic Religious Department (JAWI), the Selangor Islamic Religious Department (JAIS), and the Muslim Youth Movement of Malaysia (ABIM). The results of this study found that the efforts of the mission implemented either at the government or non-governmental organizations in preventing the apostasy problem should be enhanced. Hence, the da'wah institutes mentioned above should make post-mortem and comprehensive reforms so that apostasy problems can be solved in effective ways.

Research by a group of researchers about model repentance under the title 'Model of repentance at Malaysia' (2016). This study of 'Model of repentance in Malaysia is one of the scientific researches conducted by lecturers from the Islamic Science University of Malaysia. In this book, the researchers divided into four chapters that discussed apostasy.

This book focuses on some important subtopics about the apostasy problem. The first chapter, identify factors whether internal or external analyzing the method of treatment of recovery and clarification of the creed through several processes. establish a model of repentance for long-term education based on psychological and sociological approaches of preaching.

The article under title '*Factors and Challenges of Religious Exchange within the Community Malay-Islam in Malaysia*' discusses the haziness of position and the role of Islam in the Federal Constitution and the Laws of Malaysia, which caused the effort of rationalise the Islamic theology of Muslims in law seemed less effective. It also discussed the challenges of religious conversion among the Malay-Muslims in Malaysia, starting with an occurrence of Natrah in 1950 until the modern age of globalization. The raising number of cases of religious conversion among the Malay-Muslims from time to time raised the fright of many people. It recorded from the year 1999–2003, there were 750 applications to change a name from Muslim to non-Muslim at the National Registration Department (JPN) (Mohd Azam Mohamed Adil, 2006). Next, this article analyzes the cause that led to the religious conversion amid neighborhood. Based on the study, the cause that contributed to the religious conversion is due to the lack of education and ignorance of religion, love, chaos marriage, religious missionary movement and the process of modernization, the easement of laws, the administration of religion and community's leader, Islamic education system, less duty of missionary, racialism of convert Muslims. Finally, this article talk about the issue of apostasy from the viewpoint of the constitution and Islam.

The research from Siti Zaleha Ibrahim, Nur Sarah Tajul Urus Mohd Faisal Mohamed.2016 which is the title '*The Change Of Religion And Its Impact On The Community: A Detail Explanation On The Cases Of Apostates And Muslim Converts In Malaysia*'. This study examines the responses of society, especially the family in cases of religious conversion. A few cases of apostasy and Muslim conversion such as Natrah case, Lina Joy, Muhamad Abdullah, and Nyonya Tahir have been analyzed to justify the credibility of religious conversion. This study also contains research on the progress taken by the Syariah Court judges in cases related to consideration against the religious conversion through apostasy cases and cases of conversion to Islam. This qualitative study

uses the essential method which is library research in attaining the information of these cases besides bring out its impact on the community. The study recommends some approaches that can serve as a guide in determining the conversion standards and their effect on local communities to help the legislative institution to be fair towards the parties involved. The study also contains suggestion, so that issues related to conversion are to be taken seriously by the authorities.

In addition, the article from Siti Zubaidah Ismail, Muhamad Zahiri Awang Mat (2016) is the title '*Faith and Freedom: The Qur'anic Notion of Freedom of Religion vs. the Act of Changing Religion and Thoughts on the Implications for Malaysia*'. This article study the different interpretations given by scholars on the issue of freedom of religion according to the Qur'an. By using historical and thematic analysis, the writers evaluate the *mufasssirins*' (scholars of exegesis) views on the related Qur'anic verses. Interpretations of the classical Islamic legal sources are also examined to identify their opinions on the issue of leaving Islam, followed by contemporary opinions. The objective is to show the growth and changes, if any, in the approaches taken regarding the boundary of freedom of religion. This will clarify the ways to handle the issue of apostasy, as it is seen as a highly divisive and controversial issue, and highlight an ideal approach for Malaysia.

Nur Suriya Bt. Mohd Nor stated in her research focus mainly on understanding the phenomenon of apostasy in Malaysia between 2003 until 2006. There may have been studies on the related issues to apostasy, however, identifying background and causes of contemporary cases need further research. The previous studies also focused only on the cases and causes of apostasy in Malaysia until the year 2003. In collecting the data on apostasy, this study will only focus on certain states which have the higher as well as the lower number of apostasy cases. States included are Federal Territory of Kuala Lumpur, Selangor, Negeri Sembilan, Johor, and Terengganu. The categorization of the states is according to the study of Mohamed Azam bin Mohamed Adil and Waheeda Kamalam Ambigay Bt. Abdullah.

Based on a review of the above studies and reviews conducted at the University Malaya Library, National University of Malaysia, International University of Malaysia, and the Islamic Science University of Malaysia, on behalf of the author's knowledge, the author

find a study on the roles of Negeri Sembilan Islamic Authorities in dealing with the application for apostasy has not been run comprehensive. In addition, this study makes the comparison with the roles of Selangor Islamic Authorities in dealing with the application too. Thus, the authors argue that the study was made as a proposal to integrate solution methods for both states to face this crisis in the context of current society and then can be used as a guide to other states in dealing with this issue.

### 1.10 Conclusion

Nowadays, the diversity forms of faith attacks must be addressed immediately. Similarly, the various issues raised above need answers and solutions. Therefore Islamic scholars must find a way out of this crisis. Otherwise, it will be cancer that will erode the purity of the Islamic faith and slowly collapse the social system of Muslims. (Mohamad Zamri, 2011)

The apostasy issue among Muslims should not be taken lightly. This is a big issue that must be addressed by all parties. It needs to be taken early so that Muslims cannot easily be deflected by the enemy of Islam. Therefore, Islam is the only religion that can rescue humanity in this world and hereafter. No religion is ideal like Islam and there is no teaching were the greatest and most graceful teachings like Islam. Islam is the religion of Allah. His word:

إِنَّ الدِّينَ عِنْدَ اللَّهِ الْإِسْلَامُ ۗ وَمَا اخْتَلَفَ الَّذِينَ أُوتُوا الْكِتَابَ إِلَّا مِنْ بَعْدِ مَا جَاءَهُمُ الْعِلْمُ بَغْيًا بَيْنَهُمْ ۗ وَمَنْ يَكْفُرْ بِآيَاتِ اللَّهِ فَإِنَّ اللَّهَ سَرِيعُ الْحِسَابِ

"Verily the religion (right and pleased) in the instance of Allah is Islam. And the people (Jews and Christians) who have been given the Book are contest (concerning the religion of Islam and refuse to accept it) but after reaching to them the legitimate knowledge of the truth. (The disagreement was) entirely because of the envy that existed among them. And whoever disbelieves the Signs of Allah, lo! Allah is fleet at computation.

(Surah Ali 'Imran, 3: 19)

Thus, from the very beginning, Rasulullah s.a.w with his companions earnestly sacrificing souls and possessions invites human beings to embrace Islam so that they will be safe and prosperous. Then guide them to be steadfast and unwilling to leave this religion (Islam) in whatever circumstances.

In conclusion, the authors hope that it can be part of an apostate case resolution model at the state level, which can be expanded to the national and international levels. Hopefully, this study will also invigorate the other related research about apostasy as one of the efforts to sustain the sacred of the Islamic faith.

