

CHAPTER 4

ANALYSIS THE ROLES OF NEGERI SEMBILAN AND SELANGOR ISLAMIC AUTHORITIES IN DEALING WITH THE APPLICATION FOR APOSTASY

4.1 Introduction

This chapter will discuss the procedure for declaring religious status according to the state act. In addition, this chapter summarizes the method of implementation of Islamic Authorities in handling the problem of religious conversion in Negeri Sembilan. Therefore, this research also discusses the method of implementation of Government Authorities in handling the problem of religious conversion in the state of Selangor based on previous studies from several researchers.

4.2 The Procedure for Declaring Religious Status According to the States Act

The procedure for applying for the proclamation of religious status applied in the Syariah Court is classified as a civil case. Therefore, the procedure acceptable to the application is subject to the Civil Procedure Enactment of the Syariah Court and the State Islamic Religious Administration Enactment. However, it should also be classified that the enactment is dissimilar according to the administration of the respective states. The difference enactment by the respective state has led to inconsistencies in the application process declaration of religious status in Malaysia.

If the dissimilar in procedures by the state are examined, it can be generalized that there are three different procedures. For example, the procedure for declaring religious status according to the Negeri Sembilan enactment is to use the application process. While

the Federal Territory uses the summons process and Melaka uses both application and summons procedures. Usually, the procedure for declaring religious status is started in the form of an application but there are *Syariah* courts that order some cases to be started in the form of a summons to facilitate the procedure to call the Islamic Religious Council, State Islamic Religious Department, or National Registration Department which usually acts as a defendant to testify to the *Syariah* Court. (Sopiee, 2015)

For states that use the application procedure for declaring religious status through applications such as Negeri Sembilan. The procedure for the application is stated under section 119 of the Negeri Sembilan Islamic Religious Administration Enactment 2003, which are:

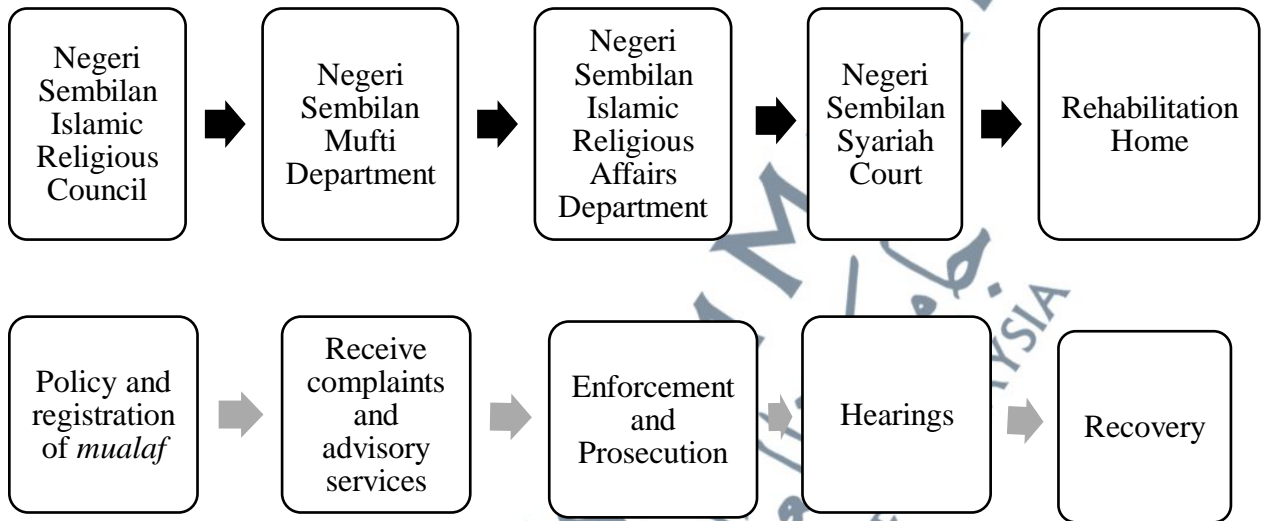
The muslim shouldn't leave Islam or be deemed to have abandoned Islam as his religion unless and until he has gained a declaration for that purpose from the *Syariah* High Court.

1. An application for a declaration under subsection (1) shall be made ex-parte to a *Syariah* High Court Judge in open court by a person intending to abandon Islam as his religion.
2. An application under subsection (2) shall state the grounds on which the applicant purpose to leave the religion of Islam as a religion and should be supported by an affidavit stating all the facts supporting the grounds of the application.
3. Having received an application under subsection (2). The *Syariah* High Court judge hearing the application must:
 - a. advises the person to repent and if the Judge is accepted the person has repented following Islamic Law, it is necessary to record the person's repentance; or
 - b. if the person disobey to repent, before making any order against another person, it is necessary to postpone the hearing of the application for 90 days and at the same time require the applicant to undergo a consultation and counselling session to advise the applicant to regard Islam as its religion.
4. If at any time the person required to undergo the consultation and counselling session has repented, the officer in charge of it shall summarize a report as soon as possible and bring the person to be decided before the *Syariah* High Court.

5. If the Judge is accepted that the person presented before him in accordance with subsection (5) has repented in accordance with Islamic Law, the Judge shall written record the person's repentance.
6. If after the expiration of the 90 days mentioned in paragraph (4) (b), the person still disobey to repent, then the officer responsible for it shall prepare a report as soon as possible and bring the person to the Syariah High Court.
7. If upon receipt of the report referred to in subsection (7), the Court is of the opinion that there is still hope for the person to repent, then the Court may adjourn the hearing of the application under subsection (2) and at the same time order the person to undergo a consultation session further means and guidance for a period not exceeding one year.
8. If after the order under subsection (8) is made, the person repents, then subsections (5) and (6) apply.
9. If after the expiration of the period ordered under subsection (8) and the person still refuses to repent, the officer in charge of it shall prepare a report and bring the person before the Syariah High Court and the Court may decide to declare that person leave Islam as his religion.
10. Before the Court to declare that the person has left the religion of Islam as a religion, the court shall make an order regarding the following matters:
 - a. Dissolution of marriage;
 - b. Division of matrimonial property;
 - c. Guardianship rights;
 - d. Inheritance rights
 - e. Child custody

4.3 Administration of Apostate Cases in Negeri Sembilan

Figure 4.3: Agencies Related to Apostasy Case Management in Negeri Sembilan.



The roles of each of these agencies are as follows:

4.3.1 Negeri Sembilan Islamic Religious Council

Efforts establishment Negeri Sembilan Islamic Religious Council began in 1947 when the British bring out modern administrative system and begun to take action to nominate administrators from among the Malays in order to get ready for independence. The Negeri Sembilan Government Constitution 1948 is the earliest stipulation related to the administration of the State Government that has been introduced.

The State administration led by the first Chief Minister of Negeri Sembilan, YAB. Dato 'Hj. Abdul Malek b. Yusuf (1948-1950) at that time had created the role of Mufti and Tuan Sheikh Hj. Ahmad b Sheikh Hj. Mohd Said b Hj. Jamaludin Al Linggi was selected as the first Sahibul Fadilah Mufti of Negeri Sembilan in 1949 after obtaining the consent

of DYMM Tuanku Abdul Rahman Ibni Almarhum Tuanku Muhamad (the 9th Yang di-Pertuan Besar of Negeri Sembilan).

Enactment of Islamic Religious Council (Negeri Sembilan) 1949

The order to set up an Islamic Religious Council or "Council of Muslim Religion" has been in the provisions of the Negeri Sembilan Government Constitution 1948. Section 6 states that DYMM *Yang di-Pertuan Besar* Negeri Sembilan and YAM. *Undang Yang Empat* shall form a council to be known as the Islamic Religious Council and Malay Customs Council which will help and counsel DYMM *Yang di-Pertuan Besar* of Negeri Sembilan and the government in all matters relating to religion and customs. However, only in 1949, the Council was officially established through the Religious Council Enactment or "Council of Muslim Religion" 1949 (Enactment No.5 / 1949).

Sahibul Fadilah Tuan Sheikh Hj. Ahmad b. Sheikh Hj. Mohd Said, Mufti of Negeri Sembilan was appointed as the first President of the Negeri Sembilan Islamic Religious Council in 1950. *Sahibul Fadilah* Tuan Sheikh Hj. Ahmad is also the President of the Negeri Sembilan Islamic Religious Department. Therefore, it can be generalized that the establishment of the Negeri Sembilan Islamic Religious Council and the Negeri Sembilan Islamic Religious Affairs Department is at the same time frame.

The first meeting of the Negeri Sembilan Islamic Religious Council was held on 18 November 1950 with 12 members consisting of representatives from DYMM. *Yang di-Pertuan Besar*, representative from every YAM. Dato'-dato ' *Undang Empat* and *Tuanku Besar Tampin* as well as 6 representatives from the public, one of whom is a Muslim foreigner.

Enactment of Islamic Religious Council (Negeri Sembilan) 1957

On 6 February 1957, the Islamic Religious Council Enactment 1957 (Enactment No. 3/1957) was approved by DYMM Tuanku Abdul Rahman Ibni Almarhum Tuanku

Muhammad and YTM Dato'-Dato *'Undang Empat* to be enforced. Following that the establishment of the Council was restructured based on this enactment.

While matters related to customs are placed under the management of the House of Justice and Law which is chaired by His Majesty Yang Di Pertuan Besar Negeri Sembilan.

Administration's enactment of Islamic Law (Negeri Sembilan) 1960

On 6 October 1960, the Administration's enactment of Islamic Law (Negeri Sembilan) was introduced to replace the entire Islamic Religion Enactment (Negeri Sembilan) 1957. This Enactment is more comprehensive than the Enactment 1957 and has some additional provisions to efficiently the Islamic administrative system in Negeri Sembilan. The title of Speaker of the Council has also been regenerate by the Chairman of the Council. This enactment then became the ground for the formation of a more structured Islamic Religious Council enactment and several related enactments.

Administration's Enactment of Islamic Law (Negeri Sembilan) 1991

In 1991, the Administration of Islamic Law Enactment (Negeri Sembilan) was introduced (Enactment No. 1 1991) to replace the entire Administration's enactment of Islamic Law (Negeri Sembilan) 1960. More reforms and matters related to religious administration have been introduced and reforms. This enactment is also drafted so that some Islamic rules and laws are in line between Negeri Sembilan and other states in Malaysia.

Administration's Enactment of the Islamic Religion (Negeri Sembilan) 2003

Due to the inconformable of the Islamic religion enactment between the states, the Department of Islamic Development Malaysia (JAKIM) has taken the alternative to standardize all state-related religious enactments including administrative enactments.

On 1 March 2004, the Administration's Enactment of the Islamic Religion (Negeri Sembilan) 2003 (Enactment No. 10 2003) was introduced. The enactment was passed in the State Legislative Assembly Negeri Sembilan on 11 November 2003. The management and operation of the Negeri Sembilan Islamic Religious Council are currently based on the stipulation in this enactment.

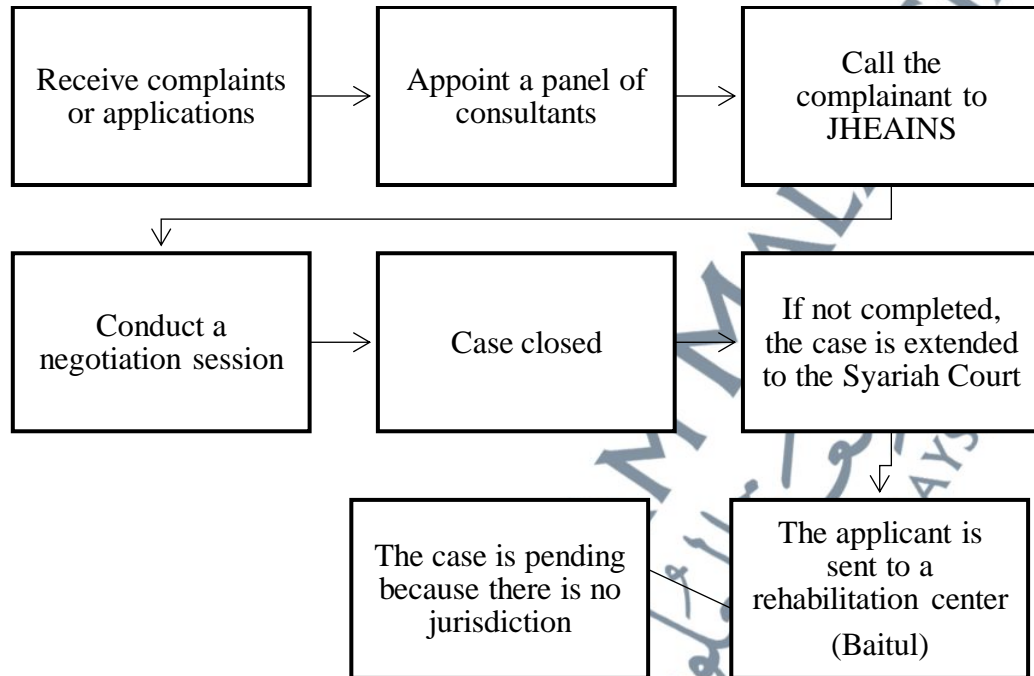
Jurisdiction of the Council

As an operating entity, the council has limited powers as inclose in the Administration's Enactment of the Islamic Religion (Negeri Sembilan) 2003. In addition to help and advice, DYMM *Yang di-Pertuan Besar Negeri Sembilan* who was the head of religion in all matters related to Islam is also the highest body that aims to command the Islamic religious affairs of the state.

The Council is the highest Islamic Association that aims to command the religious affairs of the Islamic state. Among the jurisdiction of the Council as stated in the Enactment:

- As a testator, administrator of the inheritance of Muslims in the state, and also as a trustee
- Carrying out collective business agreement on the movable and stabile property following certain conditions thereon following Islamic law
- Matters regarding the official fatwa of Negeri Sembilan
- Managing treasury, charity, and charitable
- Managing endowments, wills, and vow
- As the trustee of all mosques and their stabile property, including the appointment of mosque officials
- Handling with new relatives (*muallaf*)
- Religious teaching credentials
- Managing expenditure by *Asnaf* charity.

Flow Chart 4.3.1: The Process of Handling Apostasy Cases in the Negeri Sembilan Islamic Religious Council



Source: Human Development Division, Negeri Sembilan Islamic Religious Council

4.3.2 Faith Strengthening Division of Mufti Department Negeri Sembilan

The sixth clause of the Negeri Sembilan Government Constitution stated a meeting was held on November 18, 1950, at the Seremban City Office Meeting Room, to establish the Religious Council to help and advise on matters relating to the religion of the state, so that the course of religious administration is more perfect.

The Council consists of a President and a representative from Paduka Seri Dato'-Dato '*Undang Yang Empat* and Tunku Besar Tampin and 6 representatives from the public, one of the foreigners who are Muslims and a secretary.

According to the state constitution ratified in September 1949, *Yang Di Pertua Majlis* is the *Mufti* of Negeri Sembilan. While members chosen are selected from candidates presented by the parts of the United Malays National Organization and a member of the

foreign nation was nominated in accordance with the proposals acquire from the leading of the Indians (provided they have enough knowledge in Islamic Religious Affairs).

The Negeri Sembilan Government Mufti Department is a department under the administration of the Negeri Sembilan Government. Initially, it was one of the divisions in the Negeri Sembilan Islamic Religious Department which was responsible to advise *Paduka Seri Yang Di Pertuan Besar* of Negeri Sembilan, State Government, State Islamic Religious Council, Statutory Bodies and Society as a whole are concerned with all matters in Religious Affairs and Islamic Law.

In 1996, the Public Service Department issued a circular letter on the modification of the Fatwa Division from the Islamic Religious Department of each state in Malaysia including Negeri Sembilan. In January 1997, the Negeri Sembilan Government Mufti Department was disconnected from the administration of the Negeri Sembilan Islamic Religious Affairs Department, which was located on the 2nd Floor, Negeri Sembilan Islamic Religious Affairs Department Building, Jalan Dato Hamzah, Seremban. Currently, the Mufti Department is located at Level 15, Menara MAINS, Jalan Taman Bunga, 70100 Seremban, Negeri Sembilan Darul Khusus.

In Negeri Sembilan, applicants must apply to leave Islam. Provisions in the Enactment the Negeri Sembilan Islamic Administration Law (Amendment 2003) provides that as soon as a judge in the Syariah High Court hears the application is ex-parte. The judge shall adjourn the hearing of the case for 90 days and the applicant will submit to the Mufti for counseling purposes. (Norhafiz, 2019)

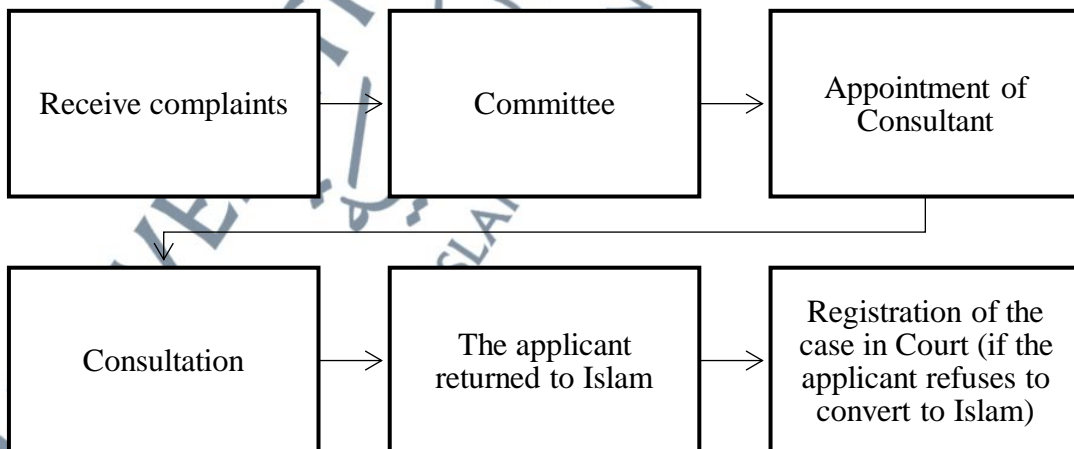
After Mufti Department Negeri Sembilan receives the name of the applicant, they are responsible for providing counseling services to applicants. Applicants will be called to undergo counseling at the office of the Mufti Department. Counseling and guidance will be provided by trained officers according to the prescribed sessions. (Ahmad Najib, 2019) According to Ustaz Najib from the Mufti Department, the enactment introduced in Negeri Sembilan is aimed at rehabilitation and is one of the ways to reach out to those who want to convert. The fact of the application is not as simple as the applicant thought. Applicants have to undergo an arranged counseling session over a relatively long period before being

decided by a judge in Court. The first counseling session was held for three months face-to-face. Applicants must be present throughout the session. (Ahmad Najib, 2019)

The counseling report will be prepared by the officers involved and submitted to the Mufti of Negeri Sembilan, Dato 'Haji Yusof bin Haji Ahmad for confirmation and further will be given to the Syariah Court. If not attending the arranged session, the court reserves the right to reject the application and the applicant will have to reapply. After receiving a report from an officer in the Mufti's Department, the Court will evaluate the report. If the applicant has not yet repented, the counseling session will be extended between a year to a year and a half according to the report given by the Mufti Department official. (Ahmad Najib, 2019)

In the counseling session, the *istitabah* process will be led by the officer in charge. The team involved in matters related to faith is known as the Special Faith Team (PASAK). In Psukan Khas Akidah, three main teams are *muallaf* who are skilled in preaching, namely the *istitabah* team, the visiting team, and the faith-building team. At the beginning of 2019, only the *istitabah* team was initially assigned for a consultation session with the applicants. Then continued by the pilgrimage team and faith-building team in mid-2019. (Ahmad Najib & Norhafiz, 2019)

Flow Chart 4.3.2: The Process of Handling Apostasy Cases in the *Mufti Department* Negeri Sembilan.



Source: Mufti Department Negeri Sembilan.

4.3.3 Negeri Sembilan Islamic Religious Department

The Negeri Sembilan Islamic Religious Affairs Department was established on 1 January 1950 under an ordinance called the Religious Council regulation 1950 aimed at handling the affairs of the Muslim community in Negeri Sembilan.

To encounter the objectives set, the government has improved the Religious Council Act 1950 to the Islamic Religious Council of 1957. Then the Administration of Islamic Law 1960 was amended again and renege with the enactment of the Administration of Islamic Law (Negeri Sembilan) 1991. Subsequently, from 1st March 2004, the Administration of the Religion of Islam (Negeri Sembilan) Enactment 2003 came into force and the previous enactment was revoked

This department implements other enactments including Islamic Family Law (Negeri Sembilan) 2003, Syariah Criminal Procedure (Negeri Sembilan) Enactment 1992, Syariah Criminal Procedure Enactment (Negeri Sembilan) 2003, Syariah Court Evidence Enactment (Negeri Sembilan) 2003, Procedure Enactment Syariah Crimes (Negeri Sembilan) 2003 and the Syariah Courts Civil Procedure (Negeri Sembilan) 2003.

Based on a proposal pass on by Financial Officer, YB Tuan Encik Harun bin Baba when he was the Acting President of the Department of Islamic Religious Affairs in 1976, an impressive three-story building is located on a 1-acre plot of land, on the hill near the buildings of the State Mosque on the south, the Legislative Assembly on the west and *Felda* on the north, leading to Jalan Lister and Taman Tasik Seremban, then the new building of the Department of Islamic Religious Affairs, Negeri Sembilan was established. It was officially opened by DYMM Tuanku Ja'afar Al-Haj Ibn Almarhum Tuanku Abdul Rahman Putra Al-Haj, Yang Dipertuan Besar Negeri Sembilan, on 10 *Syawal* 1400 Hijrah equivalent to 21 August 1980. (JHEAINS, 2019)

The main function of the department:

Function 1: Management of Islamic family law in Negeri Sembilan

Function 2: Management of da'wah activities

Function 3: Management of mosques and suraus

Function 4: Management of Islamic education

Function 5: Shariah enforcement

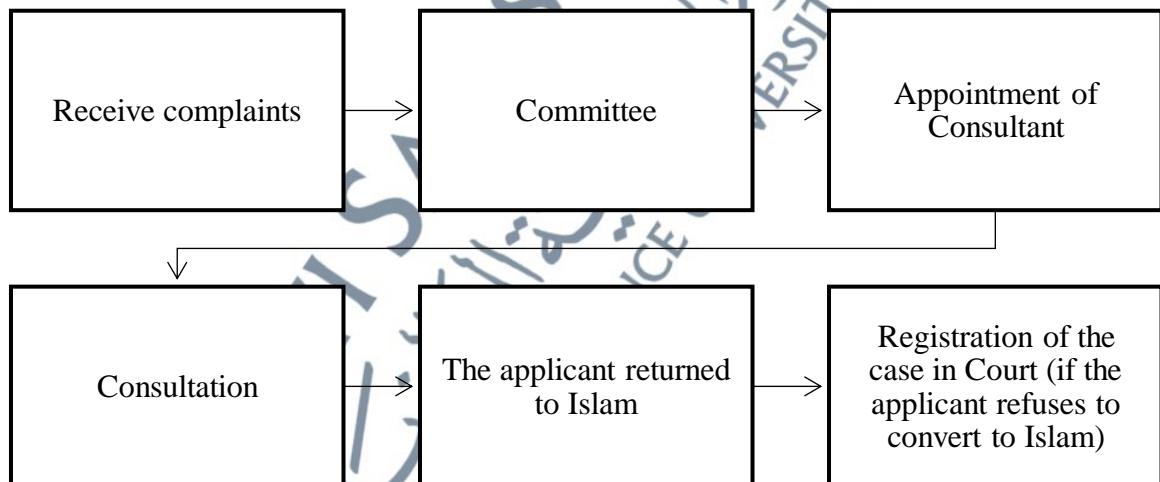
Function 6: Halal management

Function 7: Research

Function 8: Management services

In dealing with the application for apostasy, Negeri Sembilan Islamic Religious Affairs Department play a crucial position together to assist Mufti Department.

Flow Chart 4.3.3: The Process of Handling Apostasy Cases in the Negeri Sembilan Islamic Religious Department



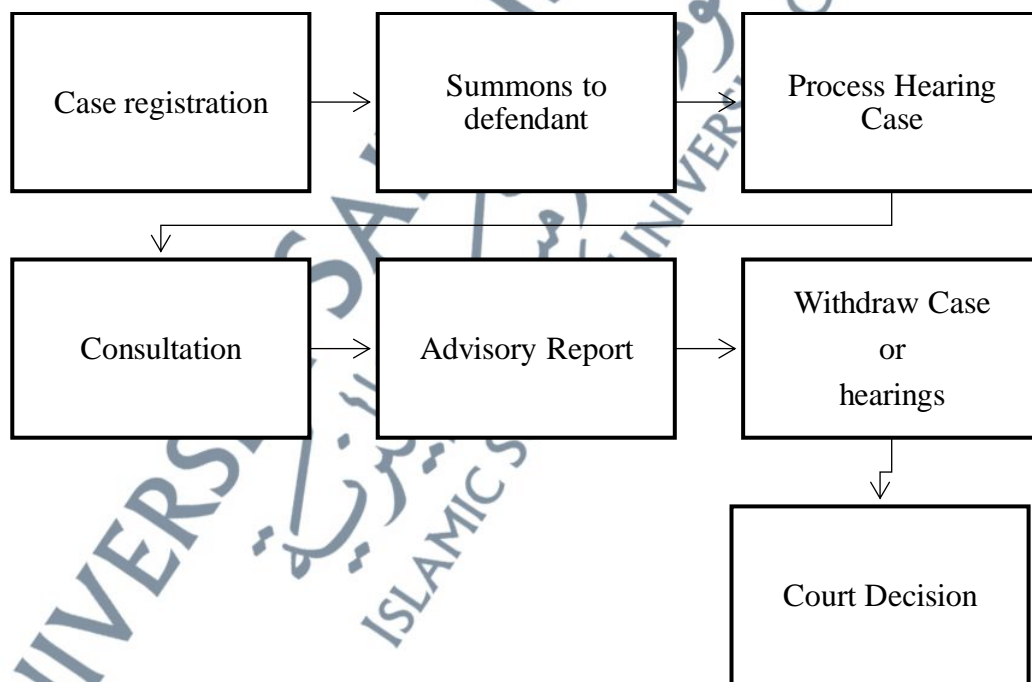
Source: Negeri Sembilan Islamic Religious Department

4.3.4 Syariah High Court

In Negeri Sembilan, applicants must apply to leave Islam. Provisions in the Enactment the Negeri Sembilan Islamic Administration Law (Amendment 2003) provides that as soon as a judge in the Syariah High Court hears the application is ex-parte. The judge shall adjourn the hearing of the case for 90 days and the applicant will submit it to the Mufti for counseling purposes.

If the applicant repents during that period, the Judge will record the matter and the applicant will be released. But if after the ending of the time frame and the applicant is still stubborn and unwilling to repent, it will be referred back to the Court. The court may make a declaration that the applicant has converted to Islam or defer the decision for one year. If the applicant is still stubborn and one year expires, the judge may declare that the applicant is no longer a Muslim or vice versa. There is no form of mandatory punishment or detention is provided for in the relevant Enactment. (Farahwahida, 2008)

Flow Chart 4.3.2: The Process of Handling Apostasy Cases in the Syariah High Court



Source: Syariah High Court Negeri Sembilan

4.4 Analysis the Roles of Selangor Islamic Authorities in Dealing with the Application for Apostasy

The provisions regarding the declaration as non-Muslims were introduced when the Islamic Religious Administration Enactment (Selangor) 2003 is approved. This enactment has provided in section 61, regarding the jurisdiction of the Syariah High Court in the state of Selangor to:

(x) a declaration that a person is no longer a Muslim;

(xi) a declaration that a person who has died is a Muslim or otherwise at the time of his death;

This section provides for the High Court to hear an application for a declaration that a Muslim is no longer a Muslim and the determination of the religious status of a person who has died, whether Muslim or non-Muslim. According to Tuan Zainor Rashid Hasin, when he was the Chief Registrar of the Selangor Syariah Court, this provision only stated the jurisdiction of the High Court and it was not an apostasy law. Therefore, there is no law on apostasy as provided in Islamic law in the state of Selangor. Even more unfortunate is the case of apostasy in this Enactment has been categorized in the civil jurisdiction whereas according to Islamic law, apostasy is a criminal case.

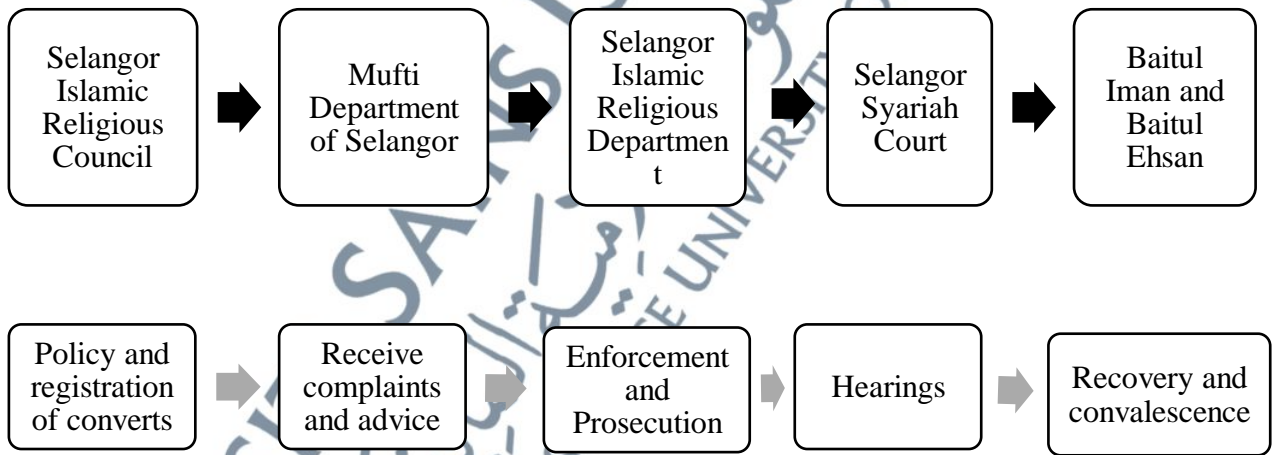
4.5 Administration of Apostate Cases in Selangor

The Selangor Islamic Religious Council (MAIS) is a corporate body that manages apostasy issues in Selangor. (MAIS, 2009) It was established under section 5 (1), Administration Enactment of the Islamic Religion (Selangor) 2003. Therefore, MAIS has created a network of relevant agencies to address the issue of apostasy in the state of Selangor. The coordination of the action was handled by the *Akidah* Advisory Committee which consists of the MAIS Legal Division, MAIS Human Development Division, JAIS *Dakwah* Division, JAIS Research Division, JAIS Enforcement Division, and the

Selangor Syariah Court. This committee is chaired by Sahibus Samahah Dato Mufti of Selangor.

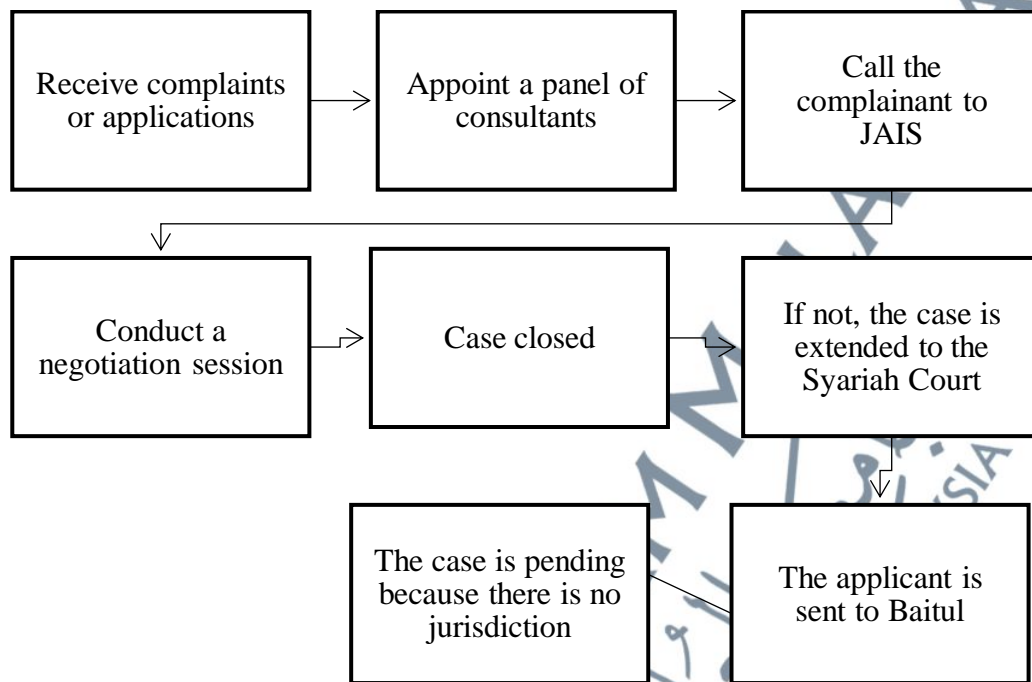
All apostasy cases brought to the Syariah High Court will be referred to a rehabilitation center in Baitul Iman, Hulu Yam Selangor. Beginning in 2009, the rehabilitation process segregated male and female offenders. Male offenders are housed in Baitul Iman and female offenders are housed in Baitul Ehsan. However, the action taken by this institution is not based on the provisions of the law but only based on administrative instructions only. An overview, the relationship between the agencies that handle apostasy cases in the state of Selangor is as shown in the diagram below:

Figure 4.5: The agencies Related to the Management of Apostasy Cases in the State of Selangor.



4.5.1 Selangor Islamic Religious Council

Flow Chart 4.5.1: Apostasy Case Handling Process in MAIS Development Division until May 2008



Source: Human Development Division, MAIS

Flow Chart 4.2.2 above explains the process of handling apostasy cases in the MAIS Development Division. Prior to May 20, 2008, apostasy cases were handled by the *Ukhuwah* Unit JAIS. The late Sultan Hisamuddin Alam Shah Al-Hajj has ordered the Selangor state government to establish an Islamic Religious Affairs Department. On 1 October 1945. The Department of Islamic Affairs was established and YM Raja Hussin was appointed secretary of this institution. This impermanent administrative office has been placed in the Sultan's office placed near the Klang City Palace after obtaining His Majesty's blessing and permission. then this unit was known as the MAIS Human Development Division starting April 2005. (Mohamad Zamri, 2011)

The cases that are often handled by this Unit are applications from converts either through phone calls, public complaints, or in-person to JAIS. When a complaint or confession is received, then JAIS will investigate. The units that will assist are the District Islamic Religious Office and the JAIS Enforcement Authority. When the investigation

confirms that this complaint is true, then JAIS will call the applicant to the office or JAIS will visit the applicant to provide consultation services. The consultation session was conducted by an appointed panel. The consultants appointed are according to the race or descent of the applicant to facilitate communication in their mother tongue. (Mohamad Zamri, 2011)

When the case is successfully rehabilitated then the case will be closed, but if the applicant remains stubborn to apostatize, then the case will be referred to the Syariah Court. However, before 2003, such cases are not discussed because no jurisdiction. As a result, the position of this case is in a state of suspension. But some judges take proactive steps by issuing an order to the applicant to be rehabilitated in the Baitul Iman, even though there is no clear provision on it. (Anuar Hamzah, 2009)

The procedures described above are only administrative instructions and there are no legal provisions supporting its enforcement. Therefore, the effectiveness of the action taken depends a lot on the cooperation of the applicant. Otherwise, then no legal action can be taken.

4.5.2 Faith Strengthening Division of Mufti Department Selangor

Before 1996, the Mufti Department of Selangor was one of the divisions in JAIS. It is known as the Fatwa Division. At that time, the position of Mufti was known as *Sheikhul Islam*. In 1996, the Public Service Department (JPA) issued a Circular on the separation of the Fatwa Division from the Islamic Religious Departments of each state in Malaysia, including the state of Selangor. (Mufti Selangor, 2009)

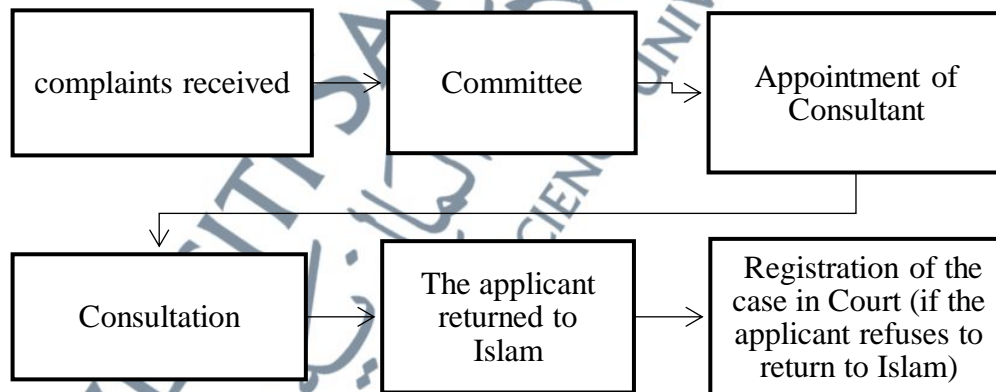
The Faith Advisory Division of the Selangor Mufti Department was established on 20 May 2008. From this date, all apostasy cases in Selangor are handled by the Selangor Department as in Negeri Sembilan.

The Selangor Mufti Department received cases based on public complaints. Complaints are also received from the Family Law Division, JAIS Enforcement, District Religious Office or MAIS Human Development Division. When a complaint is received,

then this complaint will be referred to the Faith Advisory Committee. Therefore, the Mufti Department will appoint a consultant among the appropriate preachers. In addition, a meeting schedule is also arranged to make it easier for consultants and applicants to make meetings. When negotiating session to fruition then the case will be closed. But if the applicant is still stubborn to apostatize then the case will be bring up to the Syariah High Court for further action.

The above explanation shows that the procedure that has been used in the MAIS Development division has been transferred to the Selangor Mufti Department. Currently, the Syariah Court already has jurisdiction to accept apostasy applications. Unfortunately, the existing legal provisions only clarify the jurisdiction but the procedure for handling apostasy cases is not specified by law. For example, when a problem arises such as the applicant refuses to attend the counseling session, then the Mufti Department cannot force them to attend. Finally, some of the complaints received cannot be acted upon. (Darudin, 2009)

Flow Chart 4.5.2: Apostasy Application Process in the Mufti Department Selangor.



Source: Mufti Department Selangor

4.5.3 Syariah High Court

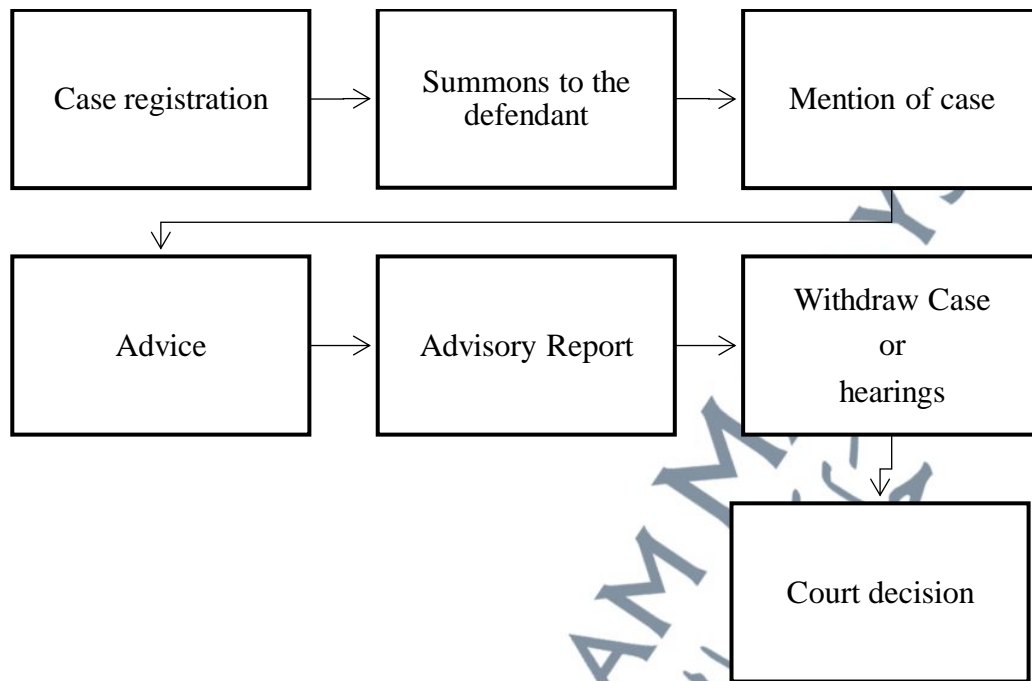
Based on the Selangor Islamic Law Enactment No.2 of 1989, the Selangor Syariah Court was officially established and separate from JAIS. In 2003, the name of the Selangor Syariah Court was shifted to the Selangor Syariah Judicial Department (JAKESS) in line with the development and improvement of service quality to customers. The establishment of Syariah Courts in the State of Selangor is under the provisions of Sections 55 (1), 55 (2), 55 (3), and 55 (4) of the Administration of the Religion of Islam (Selangor) Enactment 2003. (Jabatan Kehakiman Selangor, 2009)

The application for a declaration of renunciation of Islam in the Syariah Court begins with registration in the Syariah High Court. The case is registered as an inter-party case. Therefore, the applicant will name the relevant parties such as MAIS and JAIS. Therefore, MAIS and JAIS will be sued as defendants in this case. (Mohamad Zamri, 2011)

The case begins with the mention of the case in the Syariah High Court to ensure that the required documents are complete and the parties sued are relevant. The court can use its discretionary power at this stage to order MAIS to make further investigations and guide the applicants so that they are clear with the application submitted and its implications. MAIS will direct the Advisory Division faith placed under Mufti Department to take an action. (Mohamad Zamri, 2011)

After the counseling session is made by the Selangor Mufti Department, then the report on the results of the counseling must be submitted to the court. Based on the report received from the Mufti's Department, the court will begin the next hearing to determine the position of the application submitted whether the applicant can be declared an apostate or not.

Flow Chart 4.5.3: Apostasy Case application process in the Syariah High Court



Source: Selangor Syariah High Court

4.5.4 Baitul Iman and Baitul Ehsan

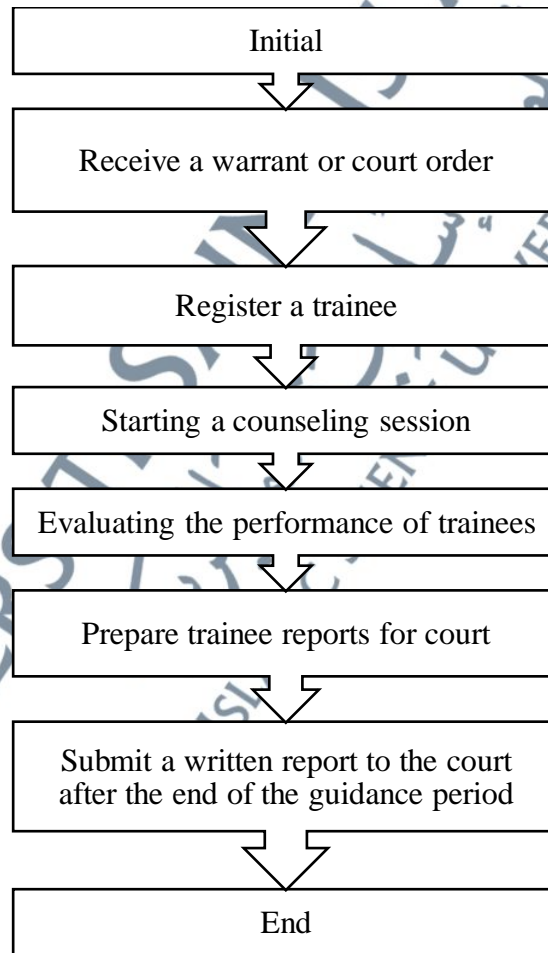
The establishment of Baitul Iman and Baitul Ehsan was initiated by YB Dato 'Hj. Hashim Meon is the former Selangor State Secretary and the Chairman of MAIS. Its establishment is due to the development of heresy is very significant and as a follow-up measure of the action of the Enforcement. Its establishment is subject to Section 53 and Section 54 (1); Selangor Syariah Criminal Enactment No.9, 1995. It is located in Ulu Yam Bharu, Hulu Selangor. It is one-acre area is part of the entire JPG Central Brigade II Headquarters camp area of 5 acres. The Baitul Iman Faith Purification Center became fully operational in January 2000.

The purpose of the establishment of Baitul Iman is to curb the problem of perversion of faith. One of the main functions of this agency is to rehabilitate criminals associated with religious offenses, including apostasy. Since its inception in 2000, Baitul Iman has handled cases of apostasy whether male or female criminals. However, starting in 2009, women

criminals were stationed in Baitul Ehsan. Admission of trainees to this center is divided into two, namely admission of trainees by court order and voluntary admission of trainees.

The process of admission of trainees by court order begins with the submission of a warrant or court order to the superintendent of Baitul Iman. After that, the trainee will be registered as a trainee at Baitul Iman. The duration of the trainee following the coaching session is based on the court order received. During the period, the trainees will attend coaching classes, skills training, counseling, and assessment. The evaluation report on the trainee will be submitted to the court after the end of the coaching period.

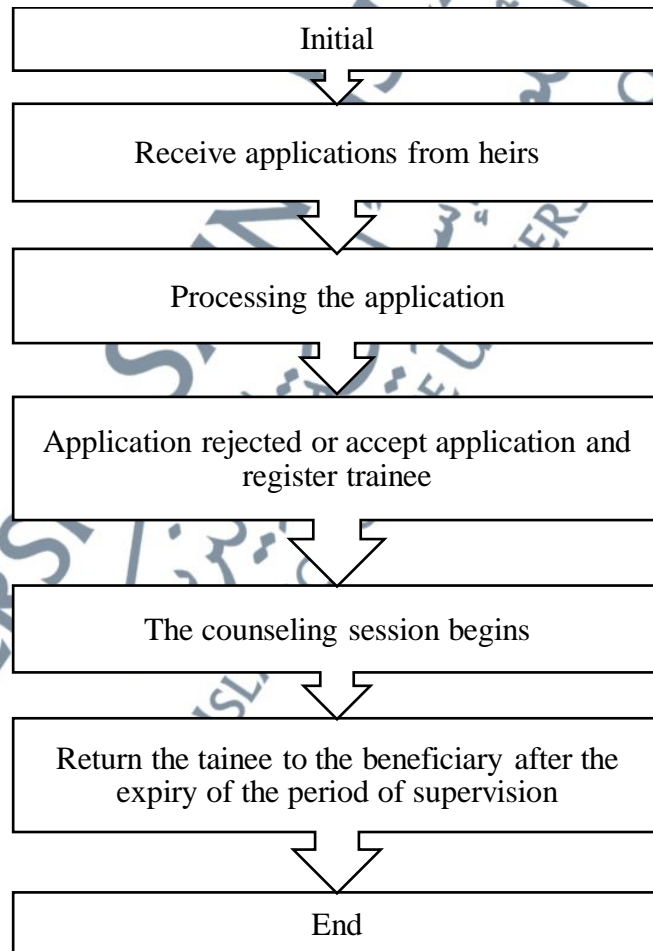
Flow Chart 4.2.5: Trainee Admission Process to Faith Strengthening Centers with Courts.



Source: Faith Strengthening Centers Kuala Kubu Bharu, Hulu Selangor.

Meanwhile, the case of voluntary admission to Baitul Iman begins with the application process through the JAIS Enforcement Division. The application must be accompanied by a report from the JAIS Enforcement Division, a police report, and a sworn affidavit from the heirs that the trainee was admitted to Baitul Iman voluntarily. The Baitul Iman will consider the application whether it is acceptable or not. If accepted, the trainee will be registered and will attend counseling sessions as scheduled.

Flow Chart 4.2.6: The process of admitting Trainees to the Faith Strengthening Center on a voluntary basis.



Source: Faith Strengthening Centers Kuala Kubu Bharu, Hulu Selangor.

While in Baitul Iman, trainees will attend classes from Monday to Friday. The trainees will be guided in the field of memorization of the Quran, faith, *tahsinul ibadah*, *sirah anbiya* and *tahsinul akhlak*. Their spirituality is also strengthened with dhuha prayer activities, *ma'thurat* or *manzil* recitation, *zikir asmaul husna*, *yassin* recitation, and *qiamullail* activities. While physical activity includes marching, leisure, sports, cooperation, and aerobics. They are also required to attend group and individual counseling sessions.

4.6 Conclusion

The above discussion shows that the model used by Selangor to address the issue of apostasy is based on civil cases. Therefore, it is greatly influenced by the approach used in Negeri Sembilan. This is because Negeri Sembilan is the first state to handle apostasy as a civil offense. The significant difference between Selangor and Negeri Sembilan is that the Mufti Department in Negeri Sembilan has been provided with clear laws on apostasy applications.