

Increasing powers of Syariah Courts may lead to violation of human rights in Malaysia

The Joint Action Group for Gender Equality (JAG) express our concern at the tabling of the Private Member's Bill to amend the Syariah Courts (Criminal Jurisdiction) Act 1965, to increase the punishments meted out by Syariah courts.

We are concerned of the manner in which this Private Members' Bill was tabled in Parliament. JAG urges that the government and the other parties involved give full regard to the democratic way which we must observe in putting forward any legislation, particularly where the public has significant concerns. Considering the level of debate this has generated in the public sphere, JAG requests that any future tabling of this Private Members' Bill or anything akin to it go through a thorough process which accords full and fair transparency and debate prior to its tabling in Parliament. It is our right as citizens of this country to be given our opportunity to present our views on a legislation that will have deep impact on our society in future.

Presently, Syariah courts' criminal jurisdiction is subject to limits imposed by federal law of a maximum sentence of three years' imprisonment, maximum fine of RM5000 and whipping up to six strokes, often referred to as the "3:5:6 Rule". This proposed amendment would now allow Syariah Court judges to sentence whipping up to 100 strokes for accusations of engaging in illicit sex and up to 80 strokes for consumption of alcohol.

We are specifically concerned that the amendments may lead to a significant degradation of human rights. We are of the opinion that Shariah laws have been applied in a discriminatory fashion, often victimizing the minority sects of our society. We are of the opinion that the role of the state in enforcing an individual's practice of the Muslim faith needs to be urgently relooked to remove further abuses under the name of the religion. Increasing punishments will only place a temporary bandage on open wounds within the society and may cause more societal harm in the long run.

Further, these disturbing developments do not uphold the compassionate and merciful nature of Islam (*mawaddah wa rahmah*) as it focuses merely on punishments with less to no room for forgiveness and repentance.

As opposed to amending the powers of Syariah courts, we call for the review of the Syariah Criminal Offences (SCO) laws of Malaysia. There needs to be a clear line on its jurisdictions and overhaul of laws that violate our fundamental liberties as enshrined under the Federal Constitution of Malaysia.