

Hudud: A Merry-Go Round Again.

1. Sadly, our beloved Malaysia is now ...

... a nation plagued with crippling perennial problems of gross endemic corruption, hefty embezzlement, wastages and a widening income inequality....

... a nation virtually torn apart because of deepening racial divides and religious intolerance due to bigotry...

... a nation whose critical institutions are chronically subverted by the powers-that-be, thus losing its cardinal role of check and balance of the separation of powers for effective governance ...

And yet, despite all these gross failures of nation building, 'Hudud', is once again taking centre stage in Malaysian politics. But why? Why was the Private Member's Bill from Marang allowed to be tabled?

2. To stand down all other government matters in the order paper, only to be told that the Pas President, Haji Hadi Awang wanted the debate on the 'Motion/Bill' deferred is simply nonsensical!

3. Any thinking Malaysian would realize that, by granting leave to amend the Syariah Court Act of 355 (Criminal Jurisdiction) and conveniently deferring the debate to a later session, smacks of mala fide. A sinister political maneuvering at best and downright despicable at worst.

4. Never mind that Barisan Nasional is about to implode. Never mind that Pakatan Harapan might bite the 'Hudud Bill' bait and go into a tail-spin again, like how 'Hudud' dismantled Pakatan Rakyat. Never mind that the debate was over a 'Motion' or a 'Bill'.

5. The fact of the matter is that the entire nation is yet again embattled in this acrimonious unending debate. And arguably correct enough, without any constructive and productive outcome!

6. Just as everyone was up in arms against everyone else, seen as having contrarian views, PM Najib and his minister in charge of religious affairs, Jamil Khair, deemed it amusing to announce that it is not 'Hudud Bill' after all.

7. So is it a 'Hudud Bill' or not, Najib? Of course it is Najib! Why are you afraid to call a spade a spade? Were you really caught unaware? Or did Jamil misled you, just as Jho Lo did repeatedly in the now infamous 1-MDB saga.

8. Simply put, Hadi through his Private Member's Bill is seeking to amend the syariah court's jurisdiction to empower a "minimalist" implementation of Hudud.

9. The bill dubbed the 'Hudud Bill' of Act 355, needs to be amended to allow syariah courts to mete out some (perhaps 3) of the total 5 Hudud sentences; only involving those not in the Federal List (Penal Code) and not involving death sentences.

10. If the Hudud Bill is passed, it can pave the way for Hudud to be implemented in Kelantan. Specifically, allowing Hudud punishments for adultery or zina (sex between couples who are not married to each other), alcohol consumption (syurb khamr) and apostasy (irtidad).

11. So what if Hadi was successful. Should we celebrate and praise ourselves? Is that about all Pas could offer of Islam and its Hudud centric understanding of the higher objectives of Shari'ah, in the midst of a failing nation? Punishment and more Punishment!

12. This truly epitomises the typical 'intellectual paralysis' of the first generation Islamist political parties that have deluded the minds of the undiscerning Muslims. Such political posturings have been criticised by many contemporary Muslim intellectuals.
13. I have also said it on numerous occasions. I will repeat myself, fully knowing that I will again be villified and ostracised as 'liberal and infidels' by God knows who.
14. The time has come for all discerning Muslims and their organisations to pronounce it loud and clear to all Malaysians, nay the entire world, of what Islam truly stands for, beyond the punitive aspect of the Shari'ah.
15. Parti Amanah Negara (Amanah) will continue to relentlessly advocate for the Higher Objectives of the Shari'ah (Maqasid Shari'ah), to address the national failures and move forward towards nation re-building.
16. To embrace the true embodiment of 'Islam as a Mercy unto all Mankind', (Rahmatan liL 'Alamin), Amanah foremost upholds and strongly advocates for the imperative of "Human Dignity" (Karamah Insaniyyah) as fundamental to debunk all forms of discrimination based on race, faith, religion and political affiliations.
17. Amanah advocates the principles of Justice and Equality (Al' Adl wa al-Musaawa), in both Responsibility and Opportunity for every citizen in the entire nation, to be observed and institutionalised, without any prejudice and discrimination. The Prophet Muhammad (peace be upon him) pronounced this very 'revolutionary' precept and commitment in his Medina Constitution.
18. Only when the recognition of the 'Dignity of Man' is institutionalized in political governance, will the other 'Higher Objectives of Shari'ah', namely the protection and preservation of Faith (Hifzul Deen), Life (Hifzul Nafs), Intellect (Hifzul Aqal), Progeny (Hifzul Nasab) and finally the protection of Property (Hifzul Maal); be meaningful and operational within a policy construct of enhancing a 'Just and Equitable Development'.
19. Whilst recognising the appropriate roles of 'Punishment and Prohibition' in Islam, Amanah is very wary and opposed to the over-emphasis of such an orientation of presenting Islam and its Shari'ah (legal reductionism), as it reduces Islam to a 'way of life' based on a rigid 'dos and donts' and finally becoming 'Talibanic' into 'coercion and policing'.
20. Submission in Islam must be based on conviction, knowledge and free-will and not through legal acts of coercion, which invariably breeds ignorance, hypocrisy and dishonesty, human ailments which Islam endeavours to eliminate.
21. Amanah's progressive and systemic view of the Maqasid Shari'ah additionally calls for Islam to be fundamentally hinged on its imperatives of Securing and Protecting of Justice and Freedom (Hifzul 'Adalah wa Hurriyah) for all mankind as advocated by the great 20th century thinker Ibn Ashur's treatise on Maqasid Shari'ah.
22. Pas is at liberty to adorn any clothing from Arabic jubah and turbans to Malay songket and tanjak and brandish the longest keris. We could only wish them well.
23. But whenever Pas retrogresses into championing the doctrine of 'Malay-Muslim Supremacism' (Ketuanan Melayu-Islam) and now reducing Islam to merely Hudud and Punitive Laws, fellow Malaysians can rest assured that Amanah and its Coalition Partners, Pakatan Harapan(PH), will lump Pas together with their new found ally, Umno-BN, as our political nemesis.
24. While Pas President had time and again repeated the position of assuming the 'advisory' role to the Najib-BN's government, inadvertently maintaining Najib's status-quo, Amanah and Pakatan Harapan in coalition with civil society shall intensify and mount a serious challenge for Change and Reforms.
25. Distortions and subversions of the system, driven by greed and dishonesty are the underlying reasons for the endemic rent-seeking activities, monopolies and corrupt practices. Amanah calls for an immediate systemic

reform premised on the ethical and moral principles of Accountability and Transparency as advocated by the corpus of Islamic jurisprudence and the immediate restoration of the Rule-of-Law (Siyadah al- Qanuniyyah).

26. Recognising the immediate and urgent needs of a failing Malaysia, the “Hadi and Najib Bill” simply reflects a party that is completely oblivious, out of touch of the injustices, corruption, racial and religious strife that is raging in our nation and another that is fighting for its political survival by creating distractions from the ravages of 1MD, national economic slump and a potential party implosion.

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