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Islamic Governance in Malaysia: Taking the cue from Brunei?

By Yang Razali Kassim

Synopsis

Islamic governance is rising to the fore again in Malaysia as UMNO and PAS probe each other for meeting points while competing for Malay/Muslim support. Shariah, or Islamic law, is emerging as a new issue catalysed by Brunei's adoption of hudud, the Islamic penal code.

Commentary

ISSUES RELATING to Islamic governance look set to dominate the Malaysian political scene this year. New developments at the end of 2013 set the agenda for relations between the country's two Malay/Muslim parties — the ruling United Malays National Organisation (UMNO) and the opposition Parti Islam SeMalaysia (PAS). Both are entering a new phase of looking for common ground over Islamic issues, while remaining competitors for the support of the majority Malay/Muslim community in peninsular Malaysia.

Following the 13th general election in May, PAS and UMNO held their respective party congresses and elections, which threw up new leadership formations. While PAS continued its shift towards the centre with its slogan of *Rahmat untuk Semua* ("Blessings for All"), UMNO edged more to the right by its de-emphasis on 1Malaysia and a tilt towards Islam.

The Brunei factor

This has drawn criticism from PAS leaders that UMNO was out to be "more fundamentalist than PAS", even as the two competing parties probed each other for meeting points in the name of "Malay unity", which UMNO is trying hard to lure PAS into.

The seemingly contradictory developments mean that PAS is becoming more inclusive to embrace all communities, even softening its rejection of UMNO's overture for unity talks by offering dialogue on issues of Islamic administration. UMNO, however, is becoming more exclusivist as it backtracks on its all-embracing policy of 1Malaysia, while it tries to expand its Malay/Islamic base.

More significantly, both parties have been converging on the issue of hudud or Islamic criminal law — something which has divided them for years. This apparent convergence has been catalysed from the outside — surprisingly by Brunei's push to implement hudud for its Muslims from this year.

At the PAS Muktamar or general assembly in November, party President Hadi Awang said: “If they (UMNO) say they are committed to implement an administration based on Islam, let’s *muzakarah* (dialogue).” The run-up to the Muktamar had been abuzz with Brunei’s move to adopt the Islamic Penal Code, which had even caused some UMNO leaders to rethink their opposition to hudud in Malaysia.

Minister in the Prime Minister’s Department Shahidan Kassim said in the same month that he was ready to debate with PAS the implementation of hudud. Encouraged by this apparent change in attitude - UMNO would in the past not even entertain the idea -- PAS leaders urged UMNO to take the lead in tabling a motion on hudud in Parliament where the opposition does not have a majority.

To be sure, PAS has been ahead of the curve on hudud which imposes deterrent corporal punishment for theft, adultery, consumption of alcohol and apostasy, such as possible whipping, stoning and amputation of limbs. While it has enacted the law in Kelantan state, which it controls, PAS’ push for hudud nationwide has met with resistance from its opposition coalition partner, the Democratic Action Party. It also lacks federal support - meaning UMNO’s backing -- which it would require to amend the Federal Constitution.

Indeed, support for hudud in UMNO has actually been growing. For example, in 2012, an UMNO politician, speaking in the Johor state assembly, called for its introduction in Johor, which evoked the backing of PAS spiritual leader Nik Aziz.

Umno’s turn to Islamism

Weeks after PAS’ Muktamar, UMNO convened its general assembly following its party elections, which was marked by something unusual: Prime Minister and UMNO President Najib Razak declared that Shariat Islam or the Islamic Shariah would be the first of “three key take-aways” or messages from the assembly. The other two were a stronger Malay and bumiputra agenda and UMNO’s transformation into a “party of the 21st century”.

Although Mr Najib did not spell out what he meant by upholding the Shariah, it is significant that Islam was made the first of three strategic thrusts to propel UMNO towards a bigger victory in the next general election that must be called by 2018.

An ethno-nationalist party, UMNO had never been strong on Islam. Its turn towards Islam as part of its identity began in the early 1980s when then-Prime Minister Mahathir Mohamad co-opted firebrand Islamic youth leader Anwar Ibrahim into UMNO. This coincided with the start of Islamisation of the country, including its government administration.

While Mr Anwar was expelled in 1998, UMNO’s Islamisation continued, although more in form than substance. Its core identity is still Malay nationalism, which strictly speaking, cannot co-exist ideologically in puritan Islamist parties. For this reason, Mr Najib’s declaration of UMNO as an upholder of the Shariah at the December assembly marked a clear shift in the party’s identity from an ethno-nationalist political entity to a semi-Islamist, if not a pseudo-Islamist, party.

This Shariah shift came into sharper focus when, soon after Najib spoke, Home Affairs Minister and UMNO Vice-president Ahmad Zahid Hamidi declared that UMNO would be a defender of *Islam Sunnah Wal Jamaah* or Sunni Islam. UMNO would amend its party constitution to make this distinction; he dropped hints that it may even aim to amend the Federal Constitution in due time — though this would be more difficult to achieve in view of the ruling coalition’s weakened position in Parliament.

Nevertheless UMNO introduced a clear divide with Shiism, which the minister controversially declared a threat to Islamic unity. Surprisingly, he even launched a blistering attack on the PAS deputy leader, whom he accused of being a closet Shia.

In distancing itself from Shiism, UMNO had planted the seeds of further polarisation within the Muslim community, which has generally been homogenous faith-wise. This can backfire not only on UMNO but also the country, given Malaysia’s aspiration to be a leader of the Islamic world. PAS leaders have called UMNO’s stance a “political ploy” to claim they are the ones true to the religion and not PAS.

New phase for Islam’s role?

These developments have heightened the Islamic factor in Malaysian politics. It marks a new trend in which PAS and UMNO are inching closer towards each other on issues of Islamic governance, the outcome of which cannot be easily predicted given conflicting signals from both key actors, especially UMNO. While PAS appears more sure-footed about its political direction, UMNO’s signals seemed defined by internal political jockeying.

Still, UMNO and PAS have taken the issue to a new level with an unprecedented meeting on hudud due to take place between the chief minister of PAS-controlled Kelantan state and Najib. PAS has made it clear the meeting will not be about Malay unity, as the pro-UMNO mainstream media had portrayed.

This new trend of convergence over hudud, if it remains, could be a game-changer in the dynamics of relations between the country's two competing Muslim-based parties.

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