

**TITULAR ROMAN CATHOLIC ARCHBISHOP OF KUALA LUMPUR V
MENTERI DALAM NEGERI & ANOR: A LEGAL ANALYSIS OF ARTICLE 10
AND 11 OF THE FEDERAL CONSTITUTION**

By

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ABSTRACT

This research study consists of five chapters on background, judicial principles in Titular case, and critical analysis on Article 10 and Article 11 of Federal Constitution.

The purpose of this study is to analyse every law that enshrined the provisions and to provide a set of recommendation to resolve the issues arising from the usage of “Allah” word in the religious publication in Malaysia. This research will go further into analysing the case involving the judicial decision in the case of Titular Roman Catholic Archbishop of Kuala Lumpur v Menteri Dalam Negeri & Anor (the Titular case). In addition, it is also to examine the impact of the decision against freedom of religion and expression Malaysia under Article 10 and 11 of Federal Constitution. This research is also essential as it highlights the importance of the revolution and reformation in shaping the actions of Malaysia government.

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CHAPTER ONE: INTRODUCTION

1.0 Background

The decision in *Titular Roman Catholic Archbishop of Kuala Lumpur v Menteri Dalam Negeri and Anor*¹ (“The Titular case”) involves a fundamental constitutional law issues relating to freedom of religion and freedom of expression. In this case , the applicant, the Titular Roman Catholic Archbishop of Kuala Lumpur, is the publisher of "Herald - the Catholic Weekly" ('the said publication") is published on behalf of the Bishops of Peninsular Malaysia pursuant to a publication permit issued by the first respondent, the Minister of Home Affairs under the Printing Presses and Publications Act 1984 (Act 301). The second respondent is the Government of Malaysia.

The chronology of the dispute regarding the usage of the word Allah began on February 16, 2009 when the Roman Catholic Archbishop of Kuala Lumpur, Tan Sri Murphy Pakiam filed a judicial review on the use of the word God in a church publication, The Herald, and naming the Home Ministry and the government as respondents. The church claimed, among other things, a declaration that the decision of the Minister of the Interior on January 7, 2009 on the prohibition of the use of the word Allah in the Herald is not valid, and the word 'Allah' is not exclusive to Islam. Catholic weekly magazine that is printed in four languages, using the word Allah as a translation for God to section Bahasa Malaysia but the government argued that the word of Allah can only be used exclusively by Muslims. At December 31, 2009, High Court Judge Datuk Lau Bee Lan ordered that the decision of the Minister of Home Affairs (MOHA) to prohibit the publication's weekly newspaper The Herald from using the word 'Allah' in the Malay language edition of the magazine is illegal, null and void. On January 5, 2010, the Ministry of Home Affairs has filed an appeal against the High Court's decision to allow the Catholic Church to use the word 'Allah' in the Herald publication - The Catholic Weekly. In July 2013 Titular Roman

¹ [2010] 2CLJ 280