

**A CRITICAL STUDY ON THE ESTABLISHMENT OF INTERFAITH
COMMISSION FROM THE LEGAL PERSPECTIVE IN MALAYSIA**

By

Siti Khadijah binti Asma'on (2008401816)

Nurul Hidayah binti Md Radzi (2008401812)

Yusna Khadijah binti Md Yusop (2008288444)

Zulaika binti Hamidi (2008409028)

Submitted in Partial Fulfillment of the Requirements
for the Bachelor in Legal Studies (Hons)

Faculty of Law

Universiti Teknologi MARA

October 2010

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

ACKNOWLEDGEMENT

This project paper has been carried out by a team which includes Siti Khadijah binti Asma'on, Nurul Hidayah binti Md Radzi, Yusna Khadijah binti Md Yusop and Zulaika binti Hamidi. First and foremost, we would like to express our benevolent gratitude to Allah S.W.T.. In completing this project paper, we indeed call for moral support as well as material support. Therefore we must record our thankfulness to many. We would like to express our utmost gratitude to our respected supervisor, Prof Dr Md Amin bin Haji Abdul Rahman for assisting us to complete this project paper and from time to time providing us with the essential inspiration to complete this project paper. Likewise, we are very much indebted to Mr Daniel Hakim Boey, the Chairman of Malaysian Chinese Muslim Association (MACMA) Selangor, for his time in giving us relevant information and critical idea while conducting the interview with him. Last but not least, we must also record our appreciation to the endless supports given by our family and closest friends. We had such constant supports from our family members and friends, whose have been helping us in spite of all difficulties. Finally, thank you for those who assisted us directly and indirectly.

ABSTRACT

In Malaysia, the importance of having a harmonious society is a vital component to maintain a stable country. This is due to the fact that Malaysia consists from society with various background, cultures, races and religions. Thus, tolerance and mutual understanding are needed among the society in order to create respect and to preserve peace and harmony. The establishment of the Interfaith Commission is closely related with religious and racial issues. Therefore there is a need to examine the establishment of the Commission from many aspects such as the concept of the Commission, the jurisdiction of powers and the extent of powers, so as to determine the legal as well as social impacts to the country. The establishment of the Interfaith Commission is a proposal initiated by the Bar Council and the National Rights Society (HAKAM) in order to settle any disputes or acts that constitute an infringement of religious freedom by means of mediation, negotiation and conciliation. The Commission will comprise of representatives from all religions to voice out their ideas and rights, to uphold its objective in promoting a better understanding between religious sects. Hence throughout the dialogue, it can resolve problems faced by the nation especially concerning their perspectives toward others' beliefs and faiths. The Interfaith Commission of Malaysia Bill 2005 had been passed to the Parliament for discussion, however it was never tabled and put on hold as the government was in the opinion that the issue was very sensitive and will create more interreligious problems. This project paper composed of in-depth study of the functions and powers of the Commission as provided in the Bill and also the consequences of the establishment of the Commission from legal and social contexts. Towards the end, this study will determine on whether or not the Interfaith Commission is relevant to be applied effectively in Malaysia.

TABLE OF CONTENTS

Acknowledgement	i
Abstract	ii
Table of Contents	iii

CHAPTER ONE: INTRODUCTION

1.0	Background	1
1.1	Problem Statement	3
1.2	Objectives of the Study	5
1.3	Significance of the Study	5
1.4	Scope and Limitation	6
1.5	Methodology	6
1.6	Provisional Plan of Research	7
1.7	Conclusion	8

CHAPTER TWO: LITERATURE REVIEW

2.0	Introduction	9
2.1	The Idea of Interfaith Commission	9
2.1.1	The Role of Interfaith Commission	9
2.1.2	Interfaith Commission to Solve Interfaith Conflicts	11
2.1.3	The Approach by Interfaith Commission	13
2.2	Reactions to Interfaith Commission	15
2.2.1	Tolerance by Society	15
2.2.2	Grounds for Muslims' Objections	16
2.3	Possible Implications	19
2.4	Conclusion	20

CHAPTER THREE: THE CONCEPT OF INTERFAITH COMMISSION

3.0	Introduction	21
3.1	Definition	22
3.1.1	Faith	22
3.1.2	Religion	23
3.1.3	Commission	24
3.2	Concept and Practice of Interfaith Commission in Other Countries	25
3.2.1	United Kingdom	26
3.2.2	Republic of Rwanda	28
3.2.3	Australia	31
3.2.4	Philippines	33
3.3	Conclusion	36

CHAPTER FOUR: IMPACTS OF INTERFAITH COMMISSION

4.0	Introduction	39
4.1	Legal Implications	40
4.1.1	Federal Constitution of Malaysia	40
4.1.2	State Laws	44
4.1.3	Human Rights Commission of Malaysia Act 1999	47
4.1.4	National Fatwa Council	50
4.2	Social Implications	52
4.2.1	Positive Implications	52
4.2.2	Negative Implications	54
4.3	Conclusion	55

CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS

5.0	Introduction	57
5.1	Conclusion	57
5.2	Recommendations	60
5.2.1	Review the Interfaith Commission of Malaysia Bill 2005	60