The Public Perception on Persuasive Power by Influential Public Figures on Surname for Muslim Child Born out of Wedlock

Safiah Nur Atikah Binti Roslan[1]

Centre for Media and Information Warfare Studies
Faculty of Communication and Media Studies
Universiti Teknologi Mara (UiTM)
40450 Shah Alam, Selangor, MALAYSIA

[1]*safiahnuratikah@gmail.com*

ABSTRACT

In July 2017, Malaysia's Court of Appeal has granted the appeal made by parents of a seven (7) years old male child who was born only five (5) months and 24 days from the date his parents were legally married to be given the patronymic surname of his biological father instead of 'Abdullah'. Attentively, the Judge of Court of Appeal, Datuk Abdul Rahman Sebli, in his jurisdiction has aforementioned that the surname 'Abdullah' registered to the name of the child will cause difficulties to the child in future as there is stigma attached to the surname 'bin Abdullah' for a Muslim born child he is. The decision made by the Court of Appeal, however, has brought forward various reactions from many individuals. Those individuals

include Mufti Perlis as well as lawyer cum human rights' activist, Siti Kasim whom have provided the public with opinions that were deem rather odd in regards to the case discussed and thus, it has created a polemic and arguments amongst the public. Hence, this paper is studying the confusions Malay Muslims had in regards to the issue of surname given to Muslim children born out of wedlock, the persuasive power of the two individual mentioned earlier and the differences in opinions between Muslim "conservatives" and "liberals". This is an applied exploratory research in which the case being studied is a deviant case and it was conducted through a qualitative method. The findings have shed a new light on Malaysians' cognitive maturity in giving weightage to the pros and cons of this issue.

Keywords: Perception, persuasive power, influential public figure, surname, child born out of wedlock

1.0 INTRODUCTION

The emergence of human rights advocacy groups in the late 1970s has increased the people's awareness of the significance of human rights in the society [1]. As years passed by, human rights issues have gone more imperative and a growing number of groups and organizations have emerged and identified themselves in association with this discourse. Consequently, these groups have already been engaged with a number of activities relevant to either the promotion or defence of human rights.

In Malaysia, human rights movements are only able to take some steps forward. The elements in the distribution of socio-economic, political and civil rights in this country appear to be restricted and uneven despite the early distribution of liberal political institutions which based on the Westminster system. Over the years, various parties inclusive of scholars, policymakers, individuals and political activists can be seen debating over the highly contentious issue of human rights [1].

In the local context, most of the debate surround on political and civil rights. For example, the abolished Internal Security Act (ISA) has been replaced with the Security Offences (Special Measures) Act 2012

(SOSMA). Some other violations of human rights including power abuse by the police and the violation of freedom of association and assembly. Apparently, the government holds onto the idea that rather than a crucial premise for the legitimacy of the government, human rights protection was seen as a threat to the country's stability.

Internationally, Malaysia, as well as some other countries in Southeast Asia has been calling out for a system of human rights that highlights the Asian values by manipulating the right to national self-determination as a defence mechanism from the interferences from other States on their internal affairs.

In July 2017, Malaysia's Court of Appeal has granted the appeal made by parents of a seven (7) years old male child who was born only five (5) months and 24 days from the date his parents were legally married to be given the patronymic surname of his biological father instead of 'Abdullah'. Attentively, the Judge of Court of Appeal, Datuk Abdul Rahman Sebli, in his jurisdiction has aforementioned that the surname 'Abdullah' registered to the name of the child will cause difficulties to the child in future as there is stigma attached to the surname 'bin Abdullah' for a Muslim born child he is [2].

On top of that, Judge Datuk Abdul Rahman Sebli has pronounced that the power held by the Director of National Registration Department (JPN) is only subjected to Birth and Death Registration Act (BDRA) 1957 and it is not subjected to the fatwa. According to him, the Director of JPN was being irrational by refusing to change the surname 'Abdullah' to the name of the children's biological father in their birth certificate in accordance to the fatwa that has been issued [2].

The decision made by the Court of Appeal, however, has brought forward various reactions from many individuals. According to Mufti Selangor, Datuk Mohd Tamyes Abd Wahid and the former Mufti of Pulau Pinang, Datuk Seri Hassan Ahmad, the decision is going against the Syariah law to which it has been pronounced by National Fatwa Committee. On top of that, Mufti Kelantan, Datuk Mohamad Shukri Mohamad has

asserted that there will be confusions and various problems in mere future – especially in regards to marriage and inheritance – if these children who were born out of wedlock are to be given the patronymic names of their biological father. According to Datuk Mohamad Shukri, he did respect the court's decision; however, it is to be acknowledged that the decision made by National Fatwa Committee was made from the prospect of Mazhab Syafie [3].

On the other hand, Malaysia's human rights activists beg to differ. Lawyer, Siti Zabedah Kasim or most commonly known as Siti Kasim, believes that giving the surname 'Abdullah' to the child born out of wedlock is a form of victimisation to the children. She who had made headlines for her bold statements over religious matters stated in a Facebook post that every child has the right to get the love and affection they deserve from both father and mother as well as to be brought up in an accepting, loving and cool environment. To her, the justice commonly served denies the human rights of those illegitimate children.

On top of that, Siti in her Facebook post has stressed that the ongoing case is a civil court proceeding. She questioned the response given by the Syariah Lawyers Association of Malaysia towards the issue and saw it as an act that will scare both Muslims and the non-Muslims. She is agreeing to the decision made by the judge who had pronounced that JPN must follow the law and not the fatwa.

Currently, the issue is under close monitoring by the National Human Rights Society (HAKAM).

2.0 PROBLEM STATEMENT

The Malays are known for its unique culture and beliefs. According to one researcher in 2000, when Islam makes its first penetration into the Malay society in the 15th century, the mystical teachings brought forward by the Sufis knit the Islamic monotheism and existing beliefs together and

thus resulting to the birth of Islamic traditions that was syncretic in nature [4]. However, debates and confusions later arise starting in the late 19th century when religious scholars began to question the compatibility of the intertwining Malay beliefs and practices (adat) with the Islamic teachings [4]. The confusions remain until today across a number of issues. Besides that, the confusions may also be due to the stronghold on the existing hegemony and social convention, as well as the cultural diversity exists in this very land.

Such confusions the Malaysians had – especially the Malay Muslims – include the confirmation of Halal ingredients in food products made available in stores, fashions, the need for large dowry (mahar) in weddings and the need for certain food items or rituals during a baby shower.

Besides that, the latest case of 'Muslim-only' laundrette where the owner defended the idea by saying that the clothing brought by the non-Muslims may have excrements (of dogs and pigs (mughalazah) - especially) that if it comes in contact with the Muslims, will affect the sanctity of their prayers is also one of the confusions the Muslims had on the true semantics of 'cleanliness and sanctity'. The owner's action was said to have hurt the non-Muslims and it has caught the attention of Sultan Johor [5]. Besides that, the evolution of language also affects the beautiful meaning of names according to the Arab language – an issue when it comes to naming a newborn child.

On top of that, the confusions on Islamic teachings today may also be driven by the varied opinions, semantics and stance from one ustaz and/or ustazah to another. Some ustaz and/or ustazah can be very conservative in their teachings or speeches while some could be a little less rigid than the other, despite the same issue they are explaining. Same goes with Muftis. Some Muftis adhere to the fatwa issued by the National Fatwa Committee while some have set their own views on certain issues despite acknowledging the existing fatwa. Apparently, we share this angle of acceptance towards religious awareness with our neighbouring country,

Indonesia, whereby besides parents, Muslim youths also seek understanding from religious teachers and both informal and formal teachers (from mosque and school, respectively). The available media such as internet, television and radio shed light on how religious activities are to be communicated to the audiences along with the development of governmental policies [6].

Therefore, considering the recent interpersonal uproar between a Malaysian human rights activist and lawyer, Siti Kasim and Muftis in regards to the issue of registering the surname 'Abdullah' to a Muslim child born out of wedlock, the researcher seeks to gain understanding on the public perception towards influential public figures' stances in the matter of surname for Muslim child born out of wedlock. The contrasting stances between Siti Kasim and Muftis together with the Syariah Lawyers Association of Malaysia create quite a debate among the Malaysians with different school of thoughts. On top of that, a number of writers viewed that the issue of saving the face of child born out of wedlock by giving them the biological father's surname is less significant in comparison to the adultery committed by the parents as it is a crime and of great sin as accordance to the Islamic teachings.

From the researcher's observations, for quite some time, Malaysians are greatly looked up to influential public figures, especially those with great knowledge of religions (Ustaz, Ustazah, Mufti, etc.). Decades ago, Malay Muslims are very dependable to Muftis, Ustaz and Ustazah as these individuals are the people's main source of information and knowledge on Islam – the potent information for every Muslim in order to live in harmony and in a well-balanced civilization – and thus making these individuals are very looked upon. However, some despicable individual saw the attention received by these knowledgeable individuals as something that can be manipulated in order to deliver their extreme views on a number of matters. Often, the manipulation is being projected and dispersed through social media inclusive of blogs.

Thus, this debatable issue and conflicting views from the once reliable and looked upon individuals can cause confusions in regards to the child's

hereditary legitimacy and bloodlines which later could cause legal conflicts. This then affects how the society sees this sensitive issue. On top of that, the issues revolving children who are born out of wedlock are often being seen as taboo and the society will either shy away from speaking of the issue in public medium as they might be negatively judged and bullied by the people around them.

Hence, the researcher seeks to answer this confusion of the persuasive power hold by influential public figures on the issue of patronymic names of Muslim child born out of wedlock.

3.0 RESEARCH OBJECTIVES

The objectives of this research are:

1. To investigate the confusion among Malay Muslims with regards to the issue of surnames given to Muslim children born out of wedlock

2. To analyse the opinions and comments of influential public figures with regards to giving surnames to Muslim children born out of wedlock

3. To discuss the differences in opinions between Muslim "conservatives" and "liberals".

4.0 RESEARCH QUESTIONS

1. How extensive is the confusion amongst Malay Muslims with regards to the issue of surnames given to Muslim children born out of wedlock?

2. How persuasive are the opinions and comments of influential public figures with regards to giving surnames to Muslim children born out of wedlock?

3. How different are the stances between Muslim "conservatives" and "liberals"?

5.0 LITERATURE REVIEW

5.1. Human Rights in Malaysia

Human rights ideology in Malaysia saw its great expansion during the 22 years of ruling by Tun Dr Mahathir Mohamad. His rules were later being proceeded by the next Prime Minister, Tun Dato' Sri Haji Abdullah Ahmad Badawi [7].

In Malaysia, "fundamental liberties" is a term more commonly being associated to the Federal Constitution instead of the term "human rights". As declared by the first Prime Minister, Tunku Abdul Rahman in the Federal Constitution by the Proclamation of Independence, "…the nation shall be founded upon the principle of liberty and justice and ever seeking the welfare and happiness of the people…" [7]. However, there are two main features of human rights guarantees in Malaysia to which: i) due to its Western values, universal human rights are being rejected and ii) adapting to the Asian values that originated from the Confucian tradition.

During the period of Tun Mahathir's first leadership, the Malaysian government, under the international law, viewed the conflict between the Western and Asian values as a form of conflict arose between domestic sovereignty and universal human rights. Often, the conflict arose when the international legal instruments were in an attempt to impose the norms of human rights onto the local cultures. Thus, the government viewed the human rights as a new form of colonialism that has the potential of demolishing the inherent diversity of cultures embedded in the country and drive the global society towards cultural homogenization [7]. Nevertheless, similar to many other Asian countries, our perspective on the contents and approach of human rights are reflective to the culturally acceptable Asian values.

Technically, there are various ways to define human rights. One of it would be generally accepting the principles of justice and fairness that rightfully belongs to every human being. As stated in Article 1 of the Universal Declaration on Human Rights (UDHR), "*all human beings are born free and equal in dignity and rights*" [8]. Every individual shall live

with conscience and with the spirit of brotherhood.

Accordingly, every human being is to live without being alienated due to their sex, race, ethnicity, religion, national and social origin or political and other opinions. Each individual born in this world are entitled to security, freedom and decent standards of living. Equality is a major component of human rights to which everyone holds the right to an equal protection of their rights. This means that each individual is entitled to equal treatment before the law as well as equal access to the law [8].

The implementation of human rights is being monitored closely on several levels. Respectively, it is being monitored by concerned government agencies and services, national human rights institutions, the courts, professional organizations as such lawyers and doctors, and human rights and other non-governmental organizations (NGOs) to name a few [8].

In a website dedicated to the defenders of human rights, it has stated that human rights defenders in Malaysia are facing numerous impediments when it comes to practicing their stances and voicing their ideas and arguments. According to the website *Front Line Defenders*, Malaysia's human rights defenders are facing threats, smear campaigns, judicial harassment as well as arbitrary arrest. On top of that, it was said that these defenders who in particular are working across the sea and of the Borneo Island are facing travel bans to the Peninsula as well as minimal access to support from their international counterparts [9].

Names like Dato' Ambiga Sreenevasan and Siti Kasim did not sound unfamiliar to many Malaysians. Both ladies are lawyers and human rights activists. While the first is being commonly known as the former co-chairperson of the *Bersih* movement, the latter is being commonly known as a woman with the bold appearance as well as stances on a number of issues that touches on the sensitivity of the Muslim community.

5.2. Surnames for Muslim Child Born Out of Wedlock

Due to the vulnerable nature of children, it is to acknowledge that the Islamic laws indeed recognize the need for special protection of the children. Children are precious and as it has been described in many verses

of the Qur'an, every individual of the community besides the parents of the children have their responsibility to these little darlings. It has been emphasized by the religion that every child is born innocent and that they shall not be made included in any viciousness and conflicts occurred in the adult society. On top of that, as specifically stated by Prophet Muhammad (PBUH) in one of his Traditions, every child has the right to have a good name and this shall be accommodated to the child as their rights to be registered after birth [10].

An illegitimate child is to be considered as a product of an illegal intercourse between a man and a woman [11]. As stated in F*atwa Isu-Isu Munakahat: Keputusan Muzakarah Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia* published by Jabatan Kemajuan Islam Malaysia (JAKIM), it has been agreed that an illegitimate child is a child who either: i) born out of wedlock due to premarital sexual intercourse or an aftermath of rape to which it is not from a *syubhah* intercourse or slave of bondage or ii) born less than 6 months and 2 *lahzah* (seconds) in accordance to the Qamariah calendar from the date the parents were having intercourse [12].

Accordingly, an illegitimate child cannot be given the surname of the man who causes his or her birth or the surname of anyone who claimed to be the father of the child. Consequently, they cannot inherit any inheritance, becoming mahram or the *wali* for a marriage [12].

Despite the biological traits that bind the mother and the child, the traits are often remained unrecognized by the society. Instead, the child is being acknowledged as a fatherless child since he or she is not born within a legal marriage. The society at large felt that there is a crucial need for a cultural relationship (marriage) between the father and the mother in order to acknowledge the relationship between the father and his child [13].

Basically, the culture practiced by Malaysians relied mostly on religious beliefs. Evidently, religion is the main pillar in making various decisions. Thus, it is important to mind the relationship between a man and a woman with a religious bond in order to ensure that the child will have a respectful relationship with his or her biological father [13].

Law, rules and regulation are the statements made available due to the demands of the public. In regards to childbirth, the law comprehends to this matter by pronouncing that a child's birth is only to be acknowledged as valid if they were born through the conception of a legally married man and woman [13].

In regards to the issue of surname for the child born out of wedlock, the 41st National Fatwa Committee held in June 25th, 1998 has stated that:

i. If a woman lives together with either a Muslim or a non-Muslim man without *nikah* and later gives birth to a child, the child shall be given the surname of 'Abdullah' or any names picked from '*Asma' Ul Husna*' with Abdul cited at the front.

ii. A child born out of wedlock shall not be given the surname of his or her mother as it could lead to psychological effect and social problems to the child in future.

iii. An abandoned child with no information of its origins who was found by the member of the society shall be given the surname 'Abdullah'. If the caretaker happened to have the name of 'Abdullah', the child can be given the surnames picked from 'Asma' Ul Husna' with Abdul cited at the front (eg. Abdul Rahman; Abdul Rahim).

Recently, Siti Kasim made headlines on a number of news and blogs for her stance on the issue of child born out of wedlock's surname, in relative to a plea brought forward by a parents of a child born only five (5) months and 24 days from the date his parents were announced legally married to the Judge of Court of Appeal on July this year. She has been giving out statements through her social media accounts condemning the arguments given by the Syariah Lawyers Association of Malaysia in regards to this particular case that have reached its consensus by the Judge of Court of Appeal on mid-July 2017.

According to Siti Kasim, the child has the rights to live lovingly and accepted by the community. It is the utmost basic human rights for the child and that the child should not bear the burden of the parents' grave mistake of having them born out of wedlock. By denying the rights for

the child to have the biological father's name as his surname instead of the name 'Abdullah' as it is usually being registered for children of a similar fate to this particular child, Siti saw that as denying the child's basic human rights [14].

Mufti of Perlis, Prof Madya Datuk Dr Mohd Asri Zainul Abidin (MAZA) and one of PKR leader, lawyer Latheefa Koya also share a similar point of view with Siti Kasim. In an interview with Utusan Malaysia, MAZA asked the nation not to put the blame on child 'Bin Abdullah'. According to him, such action to which it was a result of *zina* (unlawful sexual intercourse) or technical misconducts that involve the National Registration Department (JPN) is merciless. The latter, made MAZA blames the states that made registering marriages conducted overseas more complicated than it should be and thus make the parents – despite that they are legally married – to bear the perception that they have conceived an illegitimate child [15].

MAZA also remind the readers that despite that we are indeed respecting the views of the ulamas, we need to be a realist, nevertheless. He added that Fatwa Perlis was based on the views by a number of religious scholars including Hasan Al-Basri, Ibnu Khair, Ibnu Taimiyah, Dr Yusuf Al-Qadarawi and Ibnu Utsaimin. Hence, in order to conceal one's disgrace as they may or could have changed for the better over time; there is a need to see how a situation is occurring in the first place. Besides that, he questioned the different approaches made available in regards to this particular issue. He had also highlighted the idea that religion had taught us to conceal one's disgrace.

In another interview done with reporters from Free Malaysia Today (FMT), Latheefa is on MAZA's side as she was defending him off the arguments brought forward by Mufti of Perak, Tan Sri Harussani Zakaria who claimed that MAZA's statements in response to the case can be considered as an act of making unlawful sexual intercourse (*zina*) as *halal*. According to Tan Sri Harussani, a decision that has reached its consensus years ago cannot be changed because it is based on the Quran, hadiths and the *ijma* (agreement) of the religious scholars (*ulama*). He also added

that there is no need for us to go against the hadiths [16].

In response to Tan Sri Harussani's fret, MAZA said that the difference in opinions shall not be attacked because it has been the practice of the previous religious scholar. He also has quoted on Imam Abu Hanifah that suggested the pair who has given birth to a child born out of wedlock are to be married to each other in order to secure the child's welfare.

In the researcher's opinion, these three (3) public figures raised a similar questioned to what 'Abd al 'Ati had raised before to why shall a child who has committed no offence but instead a result of his or her parents' fornication/adultery to be deprived of a legal father or denied a father's name. The decision (to deny a father's name to the child) was seen as an unjust "penalize" to such an innocent party (the child) [10].

'Abd al 'Ati however, do argue that the denial in giving the legal rights for the father of the aforementioned child or denying the father's name does not affect the basic rights ought to be received by the child which includes security and full community membership. Nevertheless, every Muslim-born has an equal access to whatever values hold by the Muslim society and they shall not be hindered by either family name or the lack of the family name. No one shall bear the responsible or be penalized by actions done by somebody else. It was believed that whenever an offence is committed against God, it is only God who may forgive or exempts the offender. Thus, if there are to be any stigma to such illegitimacy, it should not cling to the innocent child as to the parents and that any possible effects of the illegitimacy shall not hurt the innocent [10].

The above statement may seem logic and such a valid and strong argument especially if it is to be pair with a Quranic principle that highlights on "*No bearer of burdens shall bear the burden of the other*".

5.3 Influential Public Figures – Dato' Dr Mohamad Asri bin Zainal Abidin (MAZA) and Siti Kasim

The term 'influential public figures' one come across throughout this paper shall refer to public figures who opinions are being made public

either through personal channel or the mass media. In this research paper, the researcher had focused her study on the reactions given by public upon the statements and opinions by two public figures – Dato' Dr Mohamad Asri Zainul Abidin (MAZA) and Siti Kasim. The first individual is a man with a long list of qualifications and knowledge with regards to Islamic studies while the latter is a bold human rights activists whose at most time, her opinions and stances are being questioned by many due to the fact that she is born a Malay Muslim, yet she often oppose against the Islamic studies being practiced by many Malay Muslims for years.

Dato' Dr Mohamad Asri Zainul Abidin – often known by his acronym, Dr. MAZA – is one of the most prominent religious leaders in Malaysia. Besides his great educational background, he was also a Mufti for the state of Perlis. The position of 'religious leader' thus make him has to play the pivotal part in the process of determining children's rights in Islam. This is because according to one researcher, a religious leader possesses the moral authority and is able to influence the societies as well as to guide the people's behavior and social opinion with regards to matters as such marriage, family life and education [17]. This is because religion serves as a great foundation as to ensure that one shall live adequately, with respect and systematic.

Moreover, the researcher said that *"a greater engagement of Islamic thinkers and researchers with child rights is overdue as Western legal experts and academics have largely dominated international interpretations of human rights norms"* [17]. The researcher believed that this is when Siti Kasim came into the picture.

Siti Zabedah Kasim – most commonly known through the media as Siti Kasim – is a human rights lawyer and a defender for LGBTI's rights. This outspoken and defensive woman is a council member of the Malaysian Bar's human rights committee and the co-deputy chair of the committee on Orang Asli rights. Her mission is to defend the indigenous communities (Orang Asli) who is fighting for their lands against the uncontrolled mining and logging activities across the Malaysian Peninsula. Siti Kasim has also been a prominent advocate for the LGBTI community

in Malaysia. Due to her missions and stances, she has been at the receiving ends for death threats due to her speaking out against the rise of religious extremism in the country [9].

With regards to the decision called by the Judge of Court of Appeal, Datuk Abdul Rahman Sebli both Siti Kasim and Dr. MAZA has voiced out their opinions that at a first glance, they seem to be similar. However, as one analyse deeper into the context of their responses, one may found that the foundation to their responses are different whereby the first speaks based on the universal human rights while the latter speaks based on what has been talked in some part of the Holy Quran.

From what the researcher has observed, she found that Siti Kasim saw the decision as one way to enable the affected children to live their life happily and without being discriminated by the society due to their birth histories and Dr. MAZA saw the decision as befitting with what has been said in the Quran as protecting the dignity of all men and that their parents sins are not to be carried around on them who are innocent. Despite that the opinions and views given by these two (2) individuals seems logic and humane, not many Malaysians – especially religious leaders – can adhere to that. This is because it has been acknowledge for many years through the social construct as well as the *fatwa* that children born out of wedlock shall be given the surname 'Abdullah' since children born out of wedlock shall not bear the name of their biological father (despite that the father do wishes to take in the responsibility of raising and accepting the children) as has been stated in the *fatwa* and the Islamic law.

5.4 The Confusions with Regards to the Arguments on Surname for Children Born Out of Wedlock

What makes the issue seems more confusing is when different views were given by the religious leaders whereas the public are looking upon them when it comes to religious matters. When religious leaders are having opposing views within their own group (religious leader A has the opposing views with those of religious leader B on the same subject matter), it creates confusions to the public on whom to be listened to and who has the valid reasoning for such rules and regulations. After all,

the reading culture among Malaysians is still not at its peak and thus, the public prefer to have some quick information rather than reading a number of pages with regards to the subject matters. Besides that, many Malaysians are quick to jump onto conclusions and thus, making it rather difficult to have discussions or calm intellectual debate.

5.5   *The Conservative and Liberal Muslims*

The debate on 'conservatives' and 'liberal' Muslims have been going on for quite sometimes. The images of these two categories are often being drawn by the observing society in which they often felt that it would help them to generalize these people. Through the researcher's observation, she found that Malaysians often labelled the person they met (or interact with) through the individual cognitive patterns, political inclination and their birth place.

'Conservatism' is a philosophy often associated with politics. Individuals or groups who are onto conservatism believed that changes in the society shall be made gradually or as little as possible [18].

The word 'conservative' is being used to acknowledge the people that hold onto such philosophy. These individuals are averse to change and that they prefer to hold onto the traditional values [18].   Social conservative individuals' main attention would be preserving his social privileges, no matter how small it may be [19].

Conservatism in Malaysia, especially when it is being incorporated with Islam, has invited various reactions from the Malay society. The way Islam is being anchored by the Prime Ministers saw different approaches were being used by the leaders in giving an image towards the nation's most professed religion. Malaysia was once successfully being known as "Islamic without being an Islamic state" during the premiership of Tun Dr Mahathir Mohamad [20].   The then-Prime Minister approach was able to slow down the conservative religious trends that begin to sprout in the Malaysian context.

Politically, conservatives, by some, was seen as group of individuals who put forward actions of narrow-mindedness – as how Khairy

Jamaluddin once saw it back in 2003 when the PAS Government for both the states of Kelantan and Terengganu had introduced separate payment counters at supermarket for men and women as well as posters which send the messages that women whom hair left uncovered bore an indication of negative influence by the conservative *ulama* – and dominates the decision-making process of PAS [20].

Nevertheless, the rise of Islamist conservatives began when the concept of Islam Hadhari brought forward Malaysia's fifth Prime Minister, Abdullah Ahmad Badawi during his six (6) years of premiership showed signs of lacking success. Apparently, despite that Islam Hadhari promoted the values of moderation and inter-religious tolerance as well as inclusivity; it unfortunately had triggered some defensive responses from the Islamist conservatives [20].

Conservative Muslims are often what the society thought to be a group of Muslims individuals who declines reformation, transformation and development. This group of individuals prefers things to be done according to the ideas they grew up with. This can be quite common among baby boomers. Conservative Muslims often finds it difficult to integrate with new ideas because they felt that their ways of life are fundamentally incompatible with what the current generation is facing now. Besides that, similar to the Muslim migrants in Europe, they view a reformation as a path that would lead to secularization and that religion will soon disintegrates from the people's minds. They often hold Islam in its original form tenaciously. However, there are also times when they associated the long-practiced culture and traditions into the Islamic teaching and thus making an activity or practice seems legit and closely-associated to one another. Similar to how some Arabic traditions are being seen as a part of the Islamic teachings (eg: wearing *niqab/purdah*).

On the other hand, according to an author to an article on 'liberalism', liberalism is a moral and political philosophy which centred on individualism and liberty – its two main principles [21]. First and foremost, liberalism focuses on individuality that is being put in the heart of a society and it argues upon the idea that "the highest value social order

is one that is built around the individual" [21] and second, society holds a purpose on allowing individuals to reach for their full potential as they wished to with as much liberty given to them as possible.

Liberalism may be divided into a number of categories such as political liberalism, economic liberalism and social liberalism. The third, in general, believe that no violation shall be put upon equal freedom of others. This idea extends to all aspects of life with the exception to political aspects and that it requires respect towards freedom of religion, of thoughts and expression, of sexual orientation and ways of life and also of movement and association [22].

Equal freedom as it was being mentioned in the paragraph above accommodates the idea that no one is to be restricted from doing what he or she pleases with, inclusive of the 'right' to harm or caused death to other. However, it may provide loopholes for an invasion by others upon the given freedom. Nevertheless, it was said that the freedom may indeed be increased through mutual acceptance of the equal limits to what every individual are entitled to do so. The aforementioned limits apprehend the exclusion of fraud and force to which if it is available, may affect the free consent of each involving party. In fact, any forms of coercion are only to be deemed as justify only upon those who had violated the limit [22].

Liberal individuals are individuals who understand and respect the opinions and behaviour of others, especially when it differs from their own [18].

Accordingly, the term 'Liberal Muslims' are often being associated with individuals whose mindsets are rather more open or that they do not prioritized religion and its essences in their cognitive processes and/or everyday actions as it should be. Often, they believe in what are being physically available as well as equal rights. At most times, liberal Muslims are being seen as the odd ones since they do not go well with the existing social construction and hegemony. Liberal Muslims are also often being associated with the individuals whose lifestyles seems to be Westernized by the Western culture as such wearing revealing clothes, attending parties and that they speak their minds out about the issues previously seen as

taboo by the society (eg: sexuality, equal rights, philosophy, etc). Hence, liberal individuals are being viewed as being too open and have wandered off the path taught by the religion.

6.0 METHODOLOGY

6.1 *Research Design*

The research work with respect to this particular study is being classified as exploratory research as it is to look into the pattern of impressions hold by the public in regards to human rights activists' stance on patronymic names for child born out of wedlock that has caused quite an uproar through the social media in the past couple of months (July to August 2017). Thus, in order to satisfy the objectives of this dissertation, a qualitative study is chosen to help run the study. A qualitative study is chosen as it happens to be the most appropriate method to work on a relatively small sample and on more defined elements in relative to the variables in the study.

6.2 *Qualitative Research*

A qualitative research is a research to which it is being characterized by the aims of the study itself and that it seeks to gain understanding on a few aspects of social life as such that the individuals' experiences and attitudes towards a certain issue [23]. The study might also revolve around the uncertainties and difficulties in dealing with the issue that is being brought forward in a study. On top of that, it is also being used to gain understanding as well as to analyse both the interactions and conversations between two people. Unravelling the control, power and other motives that might be pursued by the each conversant is basically the overall goal of a qualitative method. It is a helpful method to understand the relationships between two individuals of the same circle to their real-world settings.

The general method for its data analysis would be more on words rather than the numerical. The 'what', 'how' and 'why' of a phenomenon are the main questions encircle around the context of a qualitative research. There are five features to a qualitative research. First, it is to study the

meaning of lives of the individuals [24]. Second, it is to represents the individuals' perspectives and views. Third, to cover the contextual conditions to which the people are living in. Fourth, to suggest insights into the existing or emerging concepts which could aid in explaining the human social behaviour and fifth, to make use of multiple sources of evidence instead of relying on only a single source.

Hence, this method is synonymous with the researcher's aim to gain in-depth psychological answers and thus it is found to be fitting the study.

6.3 Sampling Design

The choice of sampling for this study would be purposive sampling. This is because the participants will be selected as they are likely to be able to generate a good amount of useful data for this paper [23]. Some scholars had mentioned that purposive sampling is a series of strategic choices of participants to a particular study. This particular statement links the researcher's sample and the objectives of the study together as the two must be tied together in order to make the answer more meaningful and with the right content [25].

For this particular study that aims to understand the public perception on Malaysian human rights activists in regards to their stance on the issue of registering the name for a child born out of wedlock with the surname 'Abdullah' instead of the name of the child's biological father. The case has caused conflict of opinions between Muftis and human rights activists/lawyers.

The researcher has interviewed eight (8) individuals for their views and opinions. The participants will be:

1. A representative to Mufti of Selangor;

2. Two (2) personnel from Jabatan Kemajuan Islam Malaysia (JAKIM);

3. A veteran;

4. A working yet unmarried individual;

5. An unmarried university student;

6. A married individual who lives in the city; and

7. A married individual who lives in the suburbs

The diversity of the participants is due to their different backgrounds and marital status. The researcher chose to interview a veteran because she wishes to see how veteran who have witnessed a number of national and societal development would think on the matter. The researcher believed that it would make the study more interesting as veterans are often seen as laggards and closed-minded due to the mind-sets they grew with. Two unmarried individuals were chosen to represent the community who has not yet experienced marriage life and concerning over child-related matters. On the other hand, two married individuals were chosen to represent the community who has experienced marriage life and concerning over child-related matters. On top of that, personnel from the governmental bodies Pejabat Mufti Selangor and JAKIM were chosen as to gain a deeper understanding on the issue as they are from governmental bodies that are in charge to manage the Islamic religion in Malaysia as well as its developments and its implementation.

6.4 *Instrumentation*

As the researcher opts to conduct an in-depth interview on a number of chosen public, a set of question is prepared to which it surrounds the context of the public perception on Malaysian human rights activists' stance on patronymic names for Muslim child born out of wedlock. For this study, a semi-structured qualitative study is the right method as it addressed exploratory, open-ended questions [26]. Accordingly, a semi-structured qualitative study focuses more on addressing the questions instead of testing the hypotheses [26]. A semi-structured qualitative study usually involves the utilisation of a semi-structured script that focuses on what to be observed.

The interview protocols are as stated below:

RO1: To investigate the confusion among Malay Muslims with regards to the issue of surnames given to Muslim children born out of wedlock

1. Malaysia has been incorporating Malay values and the Islamic teachings since centuries ago. Considering the recent social atmosphere in Malaysia such as the clash of beliefs between Muftis and clash of viewpoints/opinions between the conservatives and the liberalists, does this confuse you when the Malay culture is being incorporated with the Islamic religious teachings? Why?

2. What do you think of the practice of Islamic teachings today? Are they rigid or loosely dependent on what is stated in the Holy Quran?

3. In relation to the case of registering a Muslim child born out of wedlock with the surname 'Abdullah' instead of the name of the child's biological father, what do you have to say about it?

4. Which statute (of Syaria or of Civil) do you think should be more of a prominent statute to rely on in reaching consensus in regards to cases brought forward to the court in this country (as such this particular case)? How is it rightfully applicable?

RO2: To analyse the opinions and comments of influential public figures with regards to giving surnames to Muslim children born out of wedlock.

5. How do you feel towards the comments and/or opinions given by influential public figures like Siti Kasim and Mufti Perlis, Dr Mohd Asri Zainul Abidin, in regards to religious-conflict issues as such the given surname of 'Abdullah' to the child born out of wedlock?

6. In your opinion, how do these influential public figures represent the policies and values of their organization (The Malaysian Bar Council and Pejabat Mufti Perlis)?

7. Besides the views and feedbacks given by the two influential public figure (Siti Kasim and PM Dr Mohd Asri Zainul Abidin), are there any traits embraced by them that give an impact to your perception on them (personality, education background, media coverage, their position in the society, etc)?

RO3: To discuss the differences in opinions between Muslim "conservatives" and "liberals".

8. Being liberal or being conservative. What do you think? Why?

9. In your opinion, how would these two points of views affect the rearing of the society?

10. In order to follow the flow of era of rapid globalization, what could possibly be the best move to be taken by the society without leaving a negative impact to our diverse cultures (in terms of being either conservative or liberal)?

11. Do you perhaps have any additional comments/opinions in regards to the matter of this study?

6.5 Data Analysis

For this study, the researcher first transcribed the recordings from all the interview sessions. For interview sessions that were being conducted in Bahasa Melayu, the transcription will then be translated into English.

Due to the absence of application that could help in analysing the data, the researcher has manually analysed the data through tables and similar contexts from each answers by each questions. The researcher has placed the given answers in tables following the questions asked to the participants. The researcher then looked for similar context of answers and grouped them together as to ease the researcher in acknowledging the views given by the participants. Finally, the researcher summarised all the points according to each question asked from each participant. Discussions then follow according to each research objectives.

The table for analysing the data according to each research objectives is as shown below:

TABLE 1:
Data Analysis (Answers)

No	Participant	Answers		
		First Research Objective *To investigate the confusion among Malay Muslims with regards to the issue of surnames given to Muslim children born out of wedlock*	Second Research Objective *To analyse the opinions and comments of influential public figures with regards to giving surnames to Muslim children born out of wedlock*	Third Research Objective *To discuss the differences in opinions between Muslim "conservatives" and "liberals"*
1.	P1	Not confuse	Disagree with both Siti Kasim and Dr. MAZA	Depends on the given situation
2.	P2	Not confuse	Siti Kasim: non-influential statements Dr. MAZA: influential statements	Balance between being liberal and conservative
3.	P3	Not confuse	Siti Kasim: non-influential statements Dr. MAZA: influential statements	Balance between being liberal and conservative
4.	P4	Not confuse	Agrees with both Siti Kasim and Dr. MAZA	Indeed have to be open-minded and we can be outspoken
5.	P5	Not confuse	Agrees with Both Siti Kasim and Dr. MAZA	Balance between being liberal and conservative
6.	P6	Not confuse	Disagree with both Siti Kasim and Dr. MAZA	Balance between being liberal and conservative
7.	P7	Not confuse	Siti Kasim: free to speak her mind Dr. MAZA: his influence is in-between the two sides of yes and no	Depends on the given situation
8	P8	Not confuse	Siti Kasim: disagree with her on this issue Dr. MAZA: agree with him on this issue	Depends on the given situation

TABLE 2:
Data Analysis (Conclusion)

CONCLUSION		
First Research Objective	Second Research Objective	Third Research Objective
To investigate the confusion among Malay Muslims with regards to the issue of surnames given to Muslim children born out of wedlock	*To analyse the opinions and comments of influential public figures with regards to giving surnames to Muslim children born out of wedlock*	*To discuss the differences in opinions between Muslim "conservatives" and "liberals"*
- Individuals who have insufficient knowledge on religion (tasawwur Islam) may face difficulties in understanding and evaluating a situation - The society today almost always only listens to the figures they look upon to rather than asking for verification from the authorized parties - A number of religious teachers are having different approaches to the given situation in which they are unable to incorporate the cultural values as well as considers the given timeframe in their teachings - Nevertheless, Malaysians were seen to be practicing Islamic teachings accordingly to what has been stated in the Quran. In fact, a great number of developments that Malaysians are enjoying today are complying with the *Maqasid Syariah* despite that they are not physically being labelled as so	- According to the participants, there is a difference on the level of persuasiveness possessed by the two public figures – Siti Kasim and Dr. Mohd Asri Zainul Abidin – whereby the first possess low persuasive power while the latter's persuasiveness is high - Siti Kasim left a very minimal impact on the society with her views on the issue - Dr. MAZA indeed has the authority to speak of the matter due to his position and knowledge - Siti Kasim responded to the case individually rather than representing an organization/whole legal institution	- It is best to practice moderation in thinking and take into account the situation in hands - There are situations that require compromise and toleration from the involving parties since it involves various level of understanding and/or multiple parties of different background - In regards to Islamic matters, as long as it has been clearly defined by the *nas*, there are ought to be arguments on it - The key to follow the era of rapid globalization is to contemplate the options thoroughly - Despite that being open-minded allows an individual to accept new ideas, there is a limit to it because not all ideas are suitable to be practiced in the given society and culture - All conflicting matters shall be preceded with dialogues and discussions

Cont.

TABLE 2:

Data Analysis (Conclusion)

• Most participants had agreed with the *fatwa* holds by a majority of States in Malaysia in which they do not allow the parents to register their children who were being born out of wedlock for the sake of the children's future from the perspective of *hukum syarak* • Nevertheless, there are two participants who saw the decision to give the surname 'Abdullah' to children born out of wedlock will only bring negative psychological effect to the children as there is a negative stigma clings to that particular surname • Half of the participants opinionated that Syariah law would work best in handling the case as it is in relative to Islamic matters and regulations • However, only two participants (who came from the same organisation) felt that the case has been rightfully being brought forward to the Civil Court as it deals with the issue of registering the child's birth through the Birth Registration Act	• Dr. MAZA is indeed representing *Pejabat Mufti Perlis* – his views may affect NRD's policies if it is to be reviewed • Personality, appearances and media coverage do affect how the public figure is being perceived by the public	• Be mindful of the messages that are being delivered will save the individual from bad impressions and negative perceptions received from the society • Stigma can consume the affected individuals badly and will affect them psychologically

6.6   Pilot Study

Accordingly, a pilot study is a mini version of a particular research. It is also known as a trial run that is being conducted before a full scale study takes place [27]. A pilot study is being conducted to pre-test the research instrument for both quantitative and qualitative study [28].

To run it, a small number of participants with the same characteristics as those in the main study are either to be given the questionnaire (for a quantitative study) or are being interviewed with the prepared interview protocols (for a qualitative study). As a result, it helps the researcher to identify those questions that appear to be unclear or statements that seem ambiguous. One researcher believes that pilot studies can indeed add both value and credibility upon the entire research project. After all, pilot study helps to understand how the instrument will work when the actual study is being conducted whereas it provides space for improvements on identified potential problems.

During the interview sessions for this study, the researcher incorporates the pilot questions with social conversation before proceeding with the interview proper. The researcher aims to develop good relationships with each participant as well as to let the participants acknowledge the scope of study and the elements within. The interview sessions were being conducted in dual language – Bahasa Melayu and English – as it helps in making the session more casual and that the participants felt comfortable when discussing the issue.

Apparently, there are times when the participants had given answers that were meant for the subsequent questions or that they added to the point they have mentioned earlier in the previous discussion.

6.7   Validity

As this research is exploring the religious-matter that are often deemed as taboo by the society, there are many questions need to be answered with regards to the subject matter that is being studied. Accordingly, the research questions are valid for the desired outcome whereas it seeks to understand how well the society is aware about the issue and does it

confuses them when religious leaders and pronounced individuals are giving mixed views on this matter. After all, the subject matter of this study has something to do with the Islamic studies and human rights. Hence, the research questions are being crafted as to unfold the three layers of understanding the issue with surnames for Muslim children who are being born out of wedlock and the mindsets one should have when it comes to speak of religious matters that are also interrelated with human rights issues.

Accordingly, the choice of research method that is being used in this study is appropriate whereas the researcher was seeking for opinionated answers rather than a simple 'yes' or 'no' or even numerical data. However, the researcher does admit that the sample was rather small to represent the views Malaysians had on this particular issue.

The research design shall comprehends the aim of this study accordingly as the researcher seeks to understands the public's view on the issue of surname for Muslim child born out of wedlock and the opinions and views given by prominent public figures of opposing backgrounds and mindsets.

As it has been stated earlier, the sampling data was rather small to represent the views Malaysians had on the issue that is being studied. A larger sampling is recommended for future studies as it would better comprehends the subject matter included in this study. Nevertheless, it was an eye-opening data gained by the researcher as some sampling data do surprised the researcher. This is because one participant was in an age group most commonly known as 'baby boomers' whom often seems to be more reserved in giving opinions and living their life. However, this particular proves otherwise whereas his opinions are not something one would expect to hear from that particular age group.

Judging the validity of qualitative research data has always been a debate among previous researchers because it is believed that it will not be as easy as judging the validity of data from a quantitative study. However, according to one previous researcher, there are five (5) categories of validity qualitative data. There are: interpretive validity, descriptive

validity, theoretical validity, evaluative validity and generalizability [29].

The data gathered through this research is accurately reflects what the participant has said and done during the whole interview sessions. The researcher has transcribed all seven recordings with accurate manner as to ensure that the data unfolds the event accurately. On top of that, the researcher also has noted the small reactions given by the participants during the interview sessions as such their laughs and repetition of actions validity [29].

Nevertheless, a qualitative research provides interpretive research findings and its subjective viewpoints cannot be represented the same way with what quantitative study is capable with which is scales as such Likert scale. This is mainly due to the fact that this particular research design deals with issues that require the participants to think thoroughly by beliefs and values rather than picking up numbers.

7.0 DISCUSSIONS

7.1   *Discussion on First Research Objective*

The first research objective is to investigate the confusion among Malay Muslims with regards to the issue of surnames given to Muslim children born out of wedlock.

From the answers and opinions given by all participants, it is apparent that Malaysians nowadays understand the assimilations between Islamic teachings and Malay elements, culture and traditions. As a result, they do not face confusions in digesting the complicated situations laid ahead.

However, the participants believed that individuals who have insufficient knowledge on religion (*tasawwur Islam*) may face difficulties in understanding and evaluating a situation. Besides that, the society today almost always only listens to the figures they look upon to rather than

asking for verification from the authorized parties. Another reason that could cause confusions among the society is when a number of religious teachers are having different approaches to the given situation in which they are unable to incorporate cultural values as well as considers the given timeframe in their teachings.

Nevertheless, Malaysians were seen to be practicing Islamic teachings accordingly to what has been stated in the Quran. In fact, a great number of developments that Malaysians are enjoying today are complying with the *Maqasid Syariah* despite that they are not physically being labelled as so. However, it is always a good idea to keep things in check as to ensure that they are indeed following what has been stated in the Quran and are not misleading the society.

In regards to the participants' reactions towards the issue of giving surname 'Abdullah' to children born out of wedlock, most participants had agreed with the fatwa holds by a majority of States in Malaysia in which they do not allow the parents to register their children who were being born out of wedlock for the sake of the children's future from the perspective of *hukum syarak*. This is because this particular birth does affect inheritance matters as well as ancestry of the children as there are certain restrictions applied to children who are being born out of wedlock. Nevertheless, there are two participants who saw the decision to give the surname 'Abdullah' to children born out of wedlock will only bring negative psychological effect to the children as there is a negative stigma clings to that particular surname.

As for the inquiry on which statute would work best with the issue in study, half of the participants opinionated that Syariah law would work best in handling the case as it is in relative to Islamic matters and regulations. However, only two participants (who came from the same organisation) felt that the case has been rightfully being brought forward to the Civil Court as it deals with the issue of registering the child's birth through the Birth Registration Act.

Looking on to the answers given by the participants with regards to the confusions in the assimilation between the Malay culture and practices with Islamic teaching, the researcher found that the findings validate the context of Social Judgement Theory included in the earlier chapter. This is because considering how Malaysians accept the culture brought by the migrants in the earlier years the land was being opened for maritime traders and later assimilates it with the existing believes and culture, it can be agreed that the persuasive effect brought by the migrants is positive despite it is only partial. Hence, it has resulted to the assimilation between culture and religion and the acceptance felt upon it. Besides that, the change in attitude was due to how the messages – despite being discrepant from the receivers' point of view still falls within their latitude of acceptance. Hence, this is coherent with what is being theorized by Sherif (2001).

7.2   *Discussion on Second Research Objective*

The second research objective is to analyse the opinions and comments of influential public figures with regards to giving surnames to Muslim children born out of wedlock. The two influential public figures highlighted in this study is a lawyer and human rights activist, Siti Kasim and Mufti for the State of Perlis, Dr. Mohd Asri Zainul Abidin (MAZA). The two figures were chosen to be studied by the researcher due to the context of responses given by them in regards to a case of registering the birth of a child who was being born out of wedlock with the surname of his biological father instead of the surname 'Abdullah' as wished by the child's parents. The case, which had happened in Johor mid-2017, was being brought forward to the Civil Court and the jurisdiction had favoured the child's parents.

According to the participants, there is a difference on the level of persuasiveness possessed by the two public figures – Siti Kasim and Dr. Mohd Asri Zainul Abidin – whereby the first possess low persuasive power while the latter's persuasiveness is high. Theoretically, Siti Kasim was unable to leave a great impact on the society through her opinions as she is seen as one liberal individual who often thinks solely using logical

thinking. However, Dr. Mohd Asri Zainul Abidin (MAZA) is the total opposite to Siti Kasim as the former does have the authority to speak on matters related to the Islamic religion and its studies as he is a Mufti who has been granted the ascendancy by the King to manage Islam in the State of Perlis. His vast and deep knowledge on Islam made him seem reliable and comprehensive to speak and give responses.

Despite the answers given by a majority if the participants, one participant stood up to the researcher where she has stated that Siti Kasim may speak of what she wants to as we are living in a democratic country. As for Dr. Mohd Asri, due to the position Pejabat Mufti Perlis is currently on in the eyes of the Muslim society in Malaysia, his persuasiveness may waver. This is because despite that he does have great knowledge in Islam, he often preceded with the views from the minority in *fiqh*. Thus, there are times when his statements had received odd impression from the readers.

Representation of the organizations-wise, both public figures stood differently in the eyes of the public. Most participants found that Siti Kasim responded to the case in study individually and she does not representing one of the organisation she is associating with which is the Malaysian Bar. This is because it was believed that not all lawyers across Malaysia do agree with her stance on this case. On the contrary, Dr. Mohd Asri was found to be indeed representing his organisation which is *Pejabat Mufti Perlis* as the whole organisation itself is associated in handling and managing Islamic matters and studies for the particular State. Some participants viewed that his responses may also affect the policies of the National Registration Department (JPN) if his statements are to be reviewed by JPN's personnel. This is because Islamic matters and the birth registration for the child are overlapping with each other.

Besides that, personality, appearances and media coverage do affect how the public figure is being perceived by the public. For three participants, Siti Kasim's appearances do affect their perceptions on her. To one of the participant, one may claimed that they have good education on their religion. However, if they do not present themselves as one with

such knowledge, it will remain vague. This is the complete opposite to Dr. Mohd Asri in which his personality shines through his ability to deliver speeches well and thus is able to attract the public's interest. He also has been able to make prominent appearances through the media – both personally-owned media as such blogs and Facebook page and the mass media as such television programmes.

Hence, the answers given by the participants seem to be coherent with Persuasion and Social Influence Theory included in the earlier chapter of this study. Accordingly, 'persuasion' is a process where a message communicated by the communicator is aimed at changing the attitude or behaviour in the receiver [30]. It also involves a deliberate attempt by the communicator to influence and change their audiences' behaviour or attitude towards the issue that is being communicated.

Evidently, Siti Kasim and Dr. Mohd Asri Zainul Abidin (MAZA) were seen to be making an attempt to change the stigma held by Malaysians with regards to the relationship between the surname of 'Bin Abdullah' and the children's family background. They are seen to be activating the desire to live with equal amount of affection as shown towards other children who were born within wedlock. Thus, these two influential individuals are showing the public the logic behind the given ideas.

7.3   Discussion on Third Research Objective

The third research objective for this study is to discuss the differences in opinions between Muslim "conservatives" and "liberals".

All eight (8) participants opinionated that the two forms of mind-sets – conservatives and liberals – can become threats to the society as well as the national security if they turned extreme. This is because when liberalism has run deep, people will begin to take religious matters lightly while conservatism will hindered the development of the society whereas there is no toleration and compromises between the involving parties. Thus, it is best to practice moderation in thinking and take into account the situation in hands. This is because there are situations that require compromises and toleration from the involving parties since it

involves various level of understanding and/or multiple parties of different backgrounds. There are also situations where the existing principles related to it are already at its best and changes will only complicates things further.

Accordingly, in regards to Islamic matters, as long as it has been clearly defined by the nas, there are ought to be arguments on it. In fact, Islam has been a perfect religion in which each prohibitions and practices have its reasoning.

Apparently, the key to follow the era of rapid globalization is to contemplate the options thoroughly. One shall never lean towards the extreme side of mind-sets as it would only make matters become more complex and difficult to handle. Despite that being open-minded allows an individual to accept new ideas, there is a limit to it because not all ideas are suitable to be practiced in the given society and culture. The same goes to being close-minded in which at times, it helps to preserve the existing values and practices. However, if one had gone too extreme on it, it will only hinder development and complicates living which then may also result to a sudden outburst. Modernization is welcome; however, it needs to be administered accordingly following the location, situation and the society itself. Practicing moderation in everything we do can be the best solution as to ensure that there is no lacking or excessiveness in living the life of mature, capable and tolerable human being.

Most importantly, all conflicting matters shall be preceded with dialogues and discussions. Be mindful of the messages that are being delivered will save the individual from bad impressions and negative perceptions received from the society. Besides that, stigma can consume the affected individuals badly and will affect them psychologically.

Prior to this research, the researcher felt that the issue truly revolve around the Islamic teaching Malaysians Muslims have been adhering to for many years whereby the issue has been stated and explained in the Holy Quran itself and thus, we the followers of the religion should not questioned too much and challenge what has been ordered by ALLAH swt. Internationally and through human rights' lenses, the issue is rather

sensitive and may lead to negative psychological effect to those who are affected. This is because it is closely related to one's dignity and basic human rights, psychological development as well as societal development and generalization. However, one must also note that religion-wise, this issue is closely related to the issue of inheritance, choosing life partner and raising a family in the future. Hence, prior to this research, the researcher are leaning more towards believing that these rather unfortunate children shall be given the surname 'Abdullah' as it has been stated in the Quran accordingly.

However, throughout the journey of completing this research, the researcher has gained insights from different facets of the issue. It is being acknowledged that due to the surname given, some other individuals are also being affected. For example, for the children whose father really does hold the name 'Abdullah', they could also be target of bullying by other children or even parents who would have thought that the children would have been born out of wedlock due to the father's name. According to one of the participants, she has witnessed the situation herself and later saw how that single situation could affect the child's psychology. Same goes to another participant who saw that the situation could further confuse the people whereas the surname of 'Abdullah' was also being given to the new Muslim converts who following their new journey, has chosen to adopt to a Muslim name (eg: Muhammad Azlan Chong bin Abdullah) as to help them adapt better to the new religion and somehow given them a new identity following the transition.

Despite the varying answers given by the participants, the researcher has remained resilient as to see the situation from a religion-based lense. This is because the researcher believe that in every decision that a Muslim is ought to make, they should always go back and refer to what has been discussed, talked and explained in the Holy Quran since its contents has never change since centuries ago. The contents have always been befitting in accordance to time and that multiple issues and courses have been talked about in that one book. In fact, it is the most complete guidebook for all Muslims across the world. Nevertheless, all opinions, feedbacks and

views given by the participants are being valued since every individual have their own mindsets, philosophy and stances. Every human being is free to think the way they wanted it to be, but they shall also bear in mind that everything needs to be done in moderation. Being too obsessive or too shallow would not help in making things seem right and applicable.

8.0 IMPLICATION OF THE STUDY

8.1   *Implication on the Society*

From this research, it is to be noted that the case of giving the surname 'Abdullah' to children born out of wedlock gives various perceptions to the Muslim society. For some, the surname 'Abdullah' given to the children who were being born out of wedlock protects them from mishaps that could affect either their own life or the people close to them. However, for some, the decision can badly consume the affected ones – especially the children – psychologically in which they should not bear it from the first place as they are innocent and have never wished to be born through such situation.

Thus, the researcher believes that the society needs to be mindful of every options laid ahead of them and every actions they ought to take. On top of that, the researcher also believes that Malaysians should equip themselves with complete and validated knowledge especially in regards to Islamic studies. Globalization and modernization are goals of development that a country may wish to achieve. However, working towards it is not one man's effort and it does not mean that religion has to be left behind in order to do so.

8.2   *Implication on the Authoritative Bodies*

Looking through the answers given by the participants and the discussions following the findings, it is notable that authoritative bodies in Malaysia related to birth and death registration and Islamic matters shall re-evaluate their existing policies, regulations, clauses as well as standard-

of-operations (SOP). The National Registration Department (JPN) may want to review the clauses in the Birth Registration Act as to ensure that there shall be no more confusion in registering Muslim children born out of wedlock due to the fact that the Act is associated with the Civil Court. This is because they may want to consider Dr. Mohd Asri's viewpoints on the issue of giving the surname 'Abdullah' to children born out of wedlock in which he had spoken based on valid *fiqh* despite that it was from the views of the minority.

On top of that, the researcher thinks that it will be a great addition to government authoritative bodies to have a specific department that will monitor debatable, misleading and progressive posts that are being posted in social media and communication application as such as Twitter and WeChat that will endanger the real teachings of Islam as well as the Malaysians' mindsets. This is because upon enquiry, these government officers have little knowledge on how these applications work, their capabilities and how the younger generations are utilising these applications in voicing out their beliefs as well as in sharing their data to the public. Apparently, to these authoritative bodies, media and information warfare – especially those made through social media – is an unfamiliar field to them.

9.0 CONCLUSION

Through this study, the researcher can conclude that our society is getting matured in relative to their thinking processes and the weightage given when reviewing the situation presented to them. Malaysians are well aware of the assimilation between the Islamic teachings and Malay values that have passed through generations. Thus, it is not something new to them when a situation has both Islamic and Malay elements as such during Malay weddings and other practices. On top of that, many believe that Malaysians are practicing Islam accordingly to what has been stated in the Holy Quran, Sunnah and hadiths. Besides that, the government's efforts in developing the countries through multiple channels are indeed

following the *Maqasid Syariah.*

Despite the differences in their perceptions towards both the issue of giving the surname 'Abdullah' to children born out of wedlock, all participants provides reasoning that are worth to be ponder over. For many, the responses given by Dr. Mohd Asri do give impact to the Muslim society in Malaysia because he has the authority to speak and discuss on Islamic matters considering his position as Mufti Perlis in which he was being appointed by the King to manage Islamic matters in Perlis. On top of that, his vast knowledge on Islamic studies made him a credible source to be referred to when there are inquiries related to Islamic matters. Besides that, his strong personality and great ability to speak up had attracted the public's attention at large. In addition, his persuasiveness has also attracted a great number of followers on his social media accounts.

On the other hand, despite her provocative statements and flamboyant dressing styles, Siti Kasim is not persuasive enough to be able to catch the attention of the public at large. However, it is to be noted that her persuasiveness may work upon individuals who shares the same mind-sets with her. In relation to the issue of giving the surname 'Abdullah' to children born out of wedlock, Siti Kasim has individually spoken about it from the human rights' perspective. However, to most participants, hukum syarak rules over her statements and thus making them disagreeing with her stances. At a glance, the content of her statement on this particular issue being studied may look similar to what Dr. Mohd Asri has to say. However, the foundation to each response was different whereby the first had referred her stances on the human rights laws while the latter referred to the syariat despite that it is the opinion from the minority in fiqh which also representing Pejabat Mufti Perlis as it is a single unit that manages Islamic studies and practices in the state of Perlis.

Moreover, mind-sets play a role in developing the nation. Hence, a balanced mind-set that sits between liberalism and conservatism is required. This is because if these mind-sets have gone too extreme and the related individuals begin to breach a certain limitation, toleration, compromises and peace might be a distant goal for the nation as extreme

mind-sets can be a threat for the country. After all, one of the elements that can topple down a government would be the minds of its people. Information warfare is complex and thus, if it is not being well understood, the people might not be able to differentiate between the truth and the wrong information presented to them. As a result, they may opt to get affix with the wrong side.

10.0 ACKNOWLEDGEMENT

11.0 REFERENCES

[1] Hooi, K. Y. (2014). Human Rights Advocacy in Malaysia : the Case of the Suara Rakyat Malaysia, 2(December), 130–150.

[2] Sebli, A. R. In The Court of Appeal Malaysia (Appellate Jurisdiction) Civil Appeal No. W-01 (A)-365-09/2016 (2016).

[3] Farah Marshita, Abdul Patah and Ahmad Suhael Adnan. (2017, July 28). Keputusan benarkan bin bapa anak luar nikah langgar syarak. Retrieved September 15, 2017, from BH Online: https://www.bharian.com.my/berita/kes/2017/07/306491/keputusan-benarkan-bin-bapa-anak-luar-nikah-langgar-syarak

[4] Syed Hassan, S. Z. (2000). A Fresh Look at Islam and Adat in Malay Society,

23–32.

[5] Harian, W. S. (2017, September 27). *Sultan Johor mahu pemilik dobi minta maaf*. Retrieved October 1, 2017, from Sinar Online: http://www.sinarharian. com.my/nasional/sultan-johor-mahu-pemilik-dobi-minta-maaf-1.735954

[6] Goethe Institute. (2010). *Values, Dreams, Ideals: Muslim Youth in Indonesia and Malaysia*. Goethe Institute. Retrieved from http://www.goethe.de/ins/ id/pro/jugendstudie/jugendstudie_en.pdf

[7] Rohaida Nordin. (2010). Malaysian Perspective on Human Rights . J*urnal Undang-Undang Dan Masyarakat* , 14, 17–33. Retrieved from http://www. ukm.my/juu/fuujurnal

[8] SUHAKAM. (2008). *Readings in Human Rights and Law Enforcement* (1st ed., Vol. 5600). Suruhanjaya Hak Asasi Manusia / Human Rights Commission of Malaysia

[9] *Front Line Defenders*. (n.d.). Retrieved October 12th, 2017, from Profile of Siti Kasim: https://www.frontlinedefenders.org/en/profile/siti-kasim

[10] Baderin, M. A. (2003). *International Human Rights and Islamic Law*. New York, United States: Oxford University Press.

[11] Aminu, M. Y. (2015). *Illegitimate Child (Walad Al-Zina) And His Position In Islamic Succession, 20*(12), 25–27. https://doi.org/10.9790/0837-201222527

[12] Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia. (2013). *Fatwa Isu-Isu Munakahat: Keputusan Muzakarah Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam. Perpustakaan Negara Malaysia* (1st ed.). Putrajaya: Jabatan Kemajuan Islam Malaysia (JAKIM).

[13] Ismail, P. H. (n.d.). *Pensabitan Nasab dan Anak tak Sah Taraf Dari Perspektif Syariah dan perundangan Islam Di Malaysia*.

[14] Kasim, S. (2017, July 30). *Facebook - Siti Kasim*. Retrieved from Facebook: https://www.facebook.com/sitikasim/posts/10213944954480778

[15] *Jangan Hukum Anak 'Bin Abdullah'*. (2017, June 11). Retrieved October 22nd, 2017, from Utusan Online: http://www.utusan.com.my/rencana/utama/ jangan-hukum-anak-bin-abdullah-1.491951

[16] Reporters, F. (2017, August 1). *Isu Anak Luar Nikah: Peguam Selar Mufti Perak Serang Asri*. Retrieved October 22nd, 2017, from Free Malaysia Today: http://www.freemalaysiatoday.com/category/bahasa/2017/08/01/isu-anak-luar-nikah-peguam-selar-mufti-perak-serang-asri/

[17] Volkmann, C. Z. (2008). Child Rights and Islam. *Forced Migration Review, Supplement*, 5. Retrieved from http://www.fmreview.org/human-rights. htm%5Cnzotero://attachment/510/

[18] Oxford Writing Tutor, . (2010). Oxford Avanced Learner's Dictionary: International Student's Edition. Oxford, United Kingdom: Oxford University Press.

[19] Burckhardt, T. (2014). *What is Conservatism ?*

[20] Abdul Hamid, A. F., & Ismail, M. T. (2014). Islamist Conservatism and the Demise of Islam Hadhari in Malaysia. Islam and Christian-Muslim Relations, 25(2), 159–180. https://doi.org/10.1080/09596410.2014.880549

[21] Chau, R. (2009). Liberalism : A Political Philosophy.

[22] Charvet, J., & Kaczynska-nay, E. (2008). The Liberal Project and Human Rights: The Theory and Practice of a New World Order. Cambridge. https://doi.org/10.1017/CBO9780511755972

[23] Bricki, N., & Green, J. (2007). A Guide to Using Qualitative Research Methodology. *Medecins Sans Frontieres*, 11–13. https://doi.org/10.1109/PROC.1978.11033

[24] Robert K. Yin. (2011). *Qualitative-Research-From-Start-To-Finish.* New York City: The Guilford Press. https://doi.org/10.1007/s13398-014-0173-7.2

[25] Palys, T. (2008). Purposive sampling. *The Sage Encyclopedia of Qualitative Research Methods, 2*, 697–8.

[26] Blandford, A. (2013). Semi-Structured Qualitative Studies. *The Encyclopedia of Human-Computer Intreraction, 2*, 53.

[27] Dikko, M. (2016). Establishing Construct Validity and Reliability: Pilot Testing of a Qualitative Interview for Research in Takaful (Islamic Insurance). *The Qualitative Report, 21*(3), 521-528. Retrieved from http://nsuworks.nova.edu/tqr/vol21/iss3/6

[28] Aliff Abdul Majid, M., Othman, M., Fatimah Mohamad, S., & Lim, S. (2017). Piloting for Interviews in Qualitative Research: Operationalization and Lessons Learnt. https://doi.org/10.6007/IJARBSS/v7-i4/2916

[29] Thomson, S. B. (2016). Qualitative Research : Validity. *Research Method/ Research Note, 6* (January 2011)

[30] Perloff, R. M. (2003). *The Dynamics of Persuasion: Communication and Attitudes in the 21st Century* (2nd ed.). New Jersey: Lawrence Erbaum Associates