

APPENDIX 1

COMPARISON OF CONTROL & RESTRICTION OF PROPAGATION OF NON-ISLAMIC RELIGIONS ENACTMENTS IN MALAYSIA

State E'nctmt		T'gnu	K'tan	K'dah	M'ca	S'gor	Perak	Phg	Johor	N.S.
Provisions		1980	1981	1988	1988	1988	1988	1989	1991*	1991
Offence of persuading, influencing, of inciting a Muslim to change faith		s.4	s.4	s.4	s.4	s.4	s.4	s.4	s.4	s.4
Maximum Penalty	Imprisonment (mths)	12	12	48*	12	12	48	48	36	12
	Fine (RM '000)	10	10	—	10	10	10	10	10	10
Offence of subjecting a Muslim under the age of eighteen years to influences of a non-Islamic religion		s.5	s.5	s.5	s.5	s.5	s.5	s.5	s.5	s.5
Maximum Penalty	Imprisonment (mths)	12	12	48*	12	12	48	48	36	12
	Fine (RM '000)	10	10	—	10	10	10	10	10	10
Offence of approaching a Muslim to subject him to any speech on or display of any matter concerning a non-Islamic religion		s.6	s.6	s.6	s.6	s.6	s.6	s.6	s.6	s.6
Maximum Penalty	Imprisonment (mths)	6	6	36*	6	6	24	24	24	6
	Fine (RM '000)	5	5	—	5	5	5	5	5	5
Offence of sending or delivering publications concerning any non-Islamic religion to a Muslim		s.7	s.7	s.7	s.7	s.7	s.7	s.7	s.7	s.7
Maximum Penalty	Imprisonment (mths)	3	3	36*	3	3	24	24	24	3
	Fine (RM '000)	3	3	—	3	3	5	5	5	3
Offence of distributing in a public place publications concerning non-Islamic religion to Muslims		s.8	s.8	s.8	s.8	s.8	s.8	s.8	s.8	s.8
Maximum Penalty	Imprisonment (mths)	—	—	36*	—	—	24	24	12	—
	Fine (RM '000)	1	1	—	1	1	5	5	3	1
Offence relating to the use of certain words and expressions of Islamic origin (see Schedule below)		s.9	s.9	s.9	s.9	s.9	s.9	s.9	s.9	s.9
Maximum Penalty	Imprisonment (mths)	—	—	36*	—	—	24	24	6	—
	Fine (RM '000)	1	1	—	1	1	5	5	1	1

* For a second or subsequent similar offence, an additional year is added to all maximum terms (e.g. the maximum term for violating section 4 is four years' imprisonment. Thus for a second or subsequent violation, the maximum term of imprisonment is five years.).

APPENDIX 2

ISLAMIC LAW ENACTMENTS IN ALL STATES

STATE	ENACTMENTS/ORDINANCES (E/O)	E/O NO.	REMARKS
1. Sarawak	i. Ordinan Mahkamah Syariah ii. Ordinan Undang-undang Keluarga Islam iii. Ordinan Kesalahan Jenayah Syariah iv. Ordinan Acara Mal Syariah v. Kanun Acara Jenayah Syariah vi. Ordinan Keterangan Syariah	4/91 5/91 6/91 7/91 8/91 9/91	<ul style="list-style-type: none"> - no provision/penalty for converting out/apostasy (murtad) - 'loose' provision
2. Sabah	i. Administration of Islamic Law Enactment ii. Syariah Court Enactment iii. Islamic Family Law Enactment iv. Syariah Court Evidence Enactment v. Zakat and Fitrah Enactment vi. Syariah Civil Procedure Enactment vii. Syariah Criminal Procedure Enactment viii. Syariah Criminal Offences Enactment	13/92 14/92 15/92 16/92 6/93 9/93 10/93 3/95	<ul style="list-style-type: none"> - no provision/penalty for apostasy & restriction on propagation - more detailed than the S'wak Ord. - S.65: makes apostasy a punishable offence
3. Malacca	i. Administration of Islamic Law Enactment ii. Islamic Family Law Enactment iii. Administration of Syariah Court Enactment iv. Syariah Criminal Procedure Enactment v. Administration of Syarak Law Enactment vi. Syariah Criminal Offences Enactment vii. Syariah Court Evidence Enactment	1/59 8/83 6/85 2/86 5/91 6/91 12/94	<ul style="list-style-type: none"> - the whole enactment has been repealed by En. 5/91, except Part IX

STATE	ENACTMENTS/ORDINANCES (E/O)	E/O NO.	REMARKS
4. Kedah	i. Administration of Muslim Law Enactment	9/62	<ul style="list-style-type: none"> - no provision for converting out - no provision/penalty for apostasy
	ii. Syariah Criminal Code Enactment	9/88	
	iii. Islamic Family Enactment	1/84	
	iv. Islamic Civil Procedure Enactment	2/84	
	iv. Syariah Court Enactment	4/94	
5. Terengganu	i. Administration of Islamic Religious Affairs Enactment	12/86	
6. Perlis	i. Administration of Islamic Law Enactment	3/64	<ul style="list-style-type: none"> - no provision for converting out. - no provision for apostasy and restriction of propagation
	ii. Criminal Offence in Syarak Enactment 1991	4/93	
	iii. Mal Procedure of Syarak Court Enactment 1991	5/93	
	iv. Criminal Procedure of Syarak Court Enactment 1991	7/93	
7. Johor	i. Administration of Islamic Law Enactment	14/78	<ul style="list-style-type: none"> - s.141 provision on how to convert out - no provision to punish apostasy
	ii. Islamic Family Law Enactment	5/90	
	iii. The Syariah Court Enactment	12/93	
	iv. Syariah Evidence Enactment	13/93	
8. Pahang	i. Administration of the Religion of Islam and the Malay Custom of Pahang	8/82	<ul style="list-style-type: none"> - s.166: makes propagation of other religions a punishable offence - s.185: makes apostasy a punishable offence (but both amended provisions are not in force yet)
	ii. Islamic Family Law	3/87	
	iii. Syariah Court Enactment	1/90	

STATE	ENACTMENTS/ORDINANCES (E/O)	E/O NO.	REMARKS
9. N.Sembilan	i. Administration of Islamic Law Enactment ii. Islamic Family Law Enactment iii. Syariah Criminal (Negeri Sembilan) Enactment iv. Syariah Court Evidence Enactment v. Enakmen Pentadbiran Hukum Syarak	5/91 7/83 4/92 1/91 5/91	- no provision for converting out - s. 48: apostasy is a punishable offence
10. Perak	i. Administration of Islamic Law Enactment ii. Crimes (Syariah) Enactment iii. Islamic Family Law iv. Administration of Islamic Law iv. Evidence (Syariah Court) Enactment v. Criminal Procedure (Syariah) Code viii. Syariah Court Civil Procedure 1996	11/65 3/92 13/84 2/92 3/94 4/94 2/96	- this Enactment which has been repealed by En. 2/92, includes deletion of s.146 which allows converting out - s.10: makes propagation of other religions a punishable offence - s.12: apostasy is an offence - s.13: word/action importing apostasy is an offence
11. Penang	i. Administration of Islamic Religious Affairs of the State of Penang ii. Administration of Muslim Law Enactment iii. Syariah Criminal Offences (State of Penang) Enactment iv. Administration of Syariah Court	7/93 3/95 3/96 3/82	- no provision for converting out - s.5: Makes propagation of other religions a punishable offence

STATE	ENACTMENTS/ORDINANCES (E/O)	E/O NO.	REMARKS
12. Kelantan	i. Council of the Religion of Islam & Malay Custom Enactment ii. Evidence Enactment of Syariah iii. Islamic Family Law iv. Syariah Criminal Code v. Syariah Criminal Procedure iv. Administration of Syariah Court	4/94 2/91 5/90 2/85 5/84 3/82	- s.102: makes apostasy a punishable offence - s.124: causing a Muslim to leave his religion is made an offence
13. Federal Territories	i. Administration of Islamic Law (F.T.) Act 1993 ii. Islamic Family Law (F.T.) Act 1984 iii. Syariah Criminal Offences (F.T.) Act 1997 iv. Syariah Criminal Procedure (F.T.) Act 1997 v. Syariah Court Evidence (F.T.) Act 1997	Act 505 Act 303 Act 559 Act 560 Act 561	- no provision for converting out
14. Selangor	i. Administration of Muslim Law ii. Islamic Family Law iii. Syariah Criminal Procedure iv. Syariah Civil Procedure	3/52 4/84 6/91 7/91	- most parts have been repealed by later enactments

