



1	 <p><b>LAWS UPHELD, COMMUNITY PROTECTED</b> <b>SPECIAL SERMON</b> 29 September 2017AD / 8 Muharam 1439H</p>
2	إِنَّ الْحَمْدَ لِلَّهِ، مُحَمَّدُهُ وَنَسْتَعِينَهُ وَنَسْتَغْفِرُهُ وَتَتُوبُ إِلَيْهِ، وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا وَمِنْ سَيِّئَاتِ أَعْمَالِنَا، مَنْ يَهْدِ اللَّهُ فَهُوَ الْمُهْتَدِ وَمَنْ يُضِلِّ فَلَنْ تَجِدَ لَهُ وَاِلْيَاءَ مُرْشِدًا.
3	أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ،
4	اللَّهُمَّ صَلِّ وَسَلِّمْ عَلَى نَبِيِّنَا مُحَمَّدٍ وَعَلَى آلِهِ وَصَحْبِهِ وَمَنْ دَعَا بِدَعْوَتِهِ إِلَى يَوْمِ الدِّينِ.
5	أَمَّا بَعْدُ، فَيَا عِبَادَ اللَّهِ، اتَّقُوا اللَّهَ، أَوْصِيكُمْ وَنَفْسِي بِتَقْوَى اللَّهِ وَطَاعَتِهِ لَعَلَّكُمْ تَفْلِحُونَ.
6	قَالَ تَعَالَى: أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ يَأَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَى أَنْفُسِكُمْ أَوْ أَوْلَادِكُمْ وَالْأَقْرَبِينَ ۚ إِنْ يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ بِهِمَا ۖ فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا ۚ وَإِنْ تَلَوُّوا أَوْ تَعْرِضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا ﴿١٣٥﴾



7	<p><b>Fellow Muslims blessed by Allah,</b></p> <p>Let us increase the level of our faith and conviction in Allah SWT by performing all that He has commanded and avoid all that He has prohibited. May we belong to the group of servants who are blessed with the graces and mercy of Allah SWT, and are awarded happiness in this world and in the Hereafter.</p>
8	<p>On this blessed day, let us together reflect upon a sermon entitled "<b>Laws Upheld, Community Protected</b>".</p>
9	<p><b>Fellow Muslims blessed by Allah,</b></p> <p>The security and harmony of a country lies in the integrity and sovereignty of its laws. For an independent Islamic country like Malaysia, the laws decreed are based on the Federal Constitution, which includes aspects of civil and Syariah matters.</p>
10	<p>This is the uniqueness of our beloved country. This legislative system celebrates the diversity of religion, community and race. Many of our citizens still lack an understanding of the functions and roles of the national legal system.</p>
11	<p>This is possibly due to the ignorance towards the current state of affairs. The reality today is that we are more concerned about trivial issues, to the point that we ignore or are indifferent towards the laws of the country.</p>
12	<p><b>Fellow Muslims blessed by Allah,</b></p> <p>Recently, on 21<sup>st</sup> of August 2017, a parliamentary session passed a legislative bill to amend the Law Reform (Marriage and Divorce) Act 1976, referred to as 'Act 164'.</p>
13	<p>Certainly many of us are unclear with the background of Act 164. Act 164, which was passed in 1976, and came into effect in March 1982, generally applies only to non-Muslim married couples</p>
14	<p>Under the civil law made by Parliament. This Act does not apply to Muslims who are married under Islamic family laws and bound by Syariah laws. Therefore, what is the relevance of such amendments to Muslims?</p>



15	The <i>Mimbar</i> would like to invite the congregation today to delve deeper to understand the benefits that come with the amendment to the Act. The purpose of the amendment to Act 164 is solely to address the issue of civil marriage dissolution among new converts to Islam,
16	Which has been outstanding for a long time, and has nothing to do with Muslim marriages registered under the Islamic family laws.
17	Before this amendment, Act 164 does not grant the right and opportunity to a new convert of Islam to file a petition for the dissolution of their marriage in a civil court, and the right is only granted to their former non-Muslim partner.
18	Therefore, as long as their former non-Muslim partner does not file their divorce petition in civil courts, the couple's civil marriage is still considered to be valid and continuous under Act 164.
19	This situation does not conform to Syariah Laws and has caused injustice to couples of whom either one of them have embraced Islam. For example, as long as a non-Muslim ex-wife does not file a petition for dissolution of marriage in a civil court, the marriage is still considered valid and in force under civil law,
20	And consequently, the husband who has converted to Islam, is obliged to continue paying maintenance to his former non-Muslim wife until she dies or remarries.
21	Since a husband or a wife who converts to Islam does not have the right to dissolve the marriage under the existing Act 164,
22	He or she also has no right to apply for other ancillary reliefs such as maintenance, child custody, or the division of marriage assets in a civil court. Therefore, some of them have gone to Syariah Courts to dissolve their civil marriage and apply for the relevant ancillary reliefs.
23	For the former non-Muslim partners, they will go to a civil court to make the same claims as they are hindered under the Constitution to be parties or



	participants in Syariah Courts. When this happens, there is a conflict of laws between the civil courts and the Syariah Courts.
24	The reality is, this conflict has been dragging on for so long and it is timely that a proposal is made for one concrete mechanism to resolve the issue.
25	<b>Fellow Muslims blessed by Allah,</b> As a solution, the Government viewed that Act 164 should be amended. Alhamdulillah, through amendments passed by the Parliament recently, our new brothers and sisters will later have the same rights as their former non-Muslim partners
26	To file the petition for the dissolution of their civil marriage under Act 164, and may apply for other ancillary reliefs under the same Act. This amendment is in line with the decision of the highest court of this country
27	Which ruled that all marriages registered under Act 164 shall be dissolved in accordance with the provisions of the same Act. The amendment is also expected
28	To address the overlapping issues of jurisdiction between the civil courts and the Syariah Courts, which have been in existence for a long time, as well as to safeguard the benefits of our new converts who have embraced Islam.
29	In fact, Islamic laws prevents the marriage between Muslims and non-Muslims. Consider the words of Allah SWT, which affirms such description, in surah Al-Mumtahanah, verse 10: يَأْتِيهَا الَّذِينَ ءَامَنُوا إِذَا جَاءَكُمْ الْمُؤْمِنَاتُ مَهَاجِرَاتٍ فَامْتَحِنُوهُنَّ ۗ اللَّهُ أَعْلَمُ بِإِيمَانِهِنَّ ۗ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ حِلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ ...
30	<b>Which means:</b> “O, you who have believed, when the believing women come to you as emigrants, examine them. Allah is most knowing as to their faith. And if you know them to be believers, then do not return them to the disbelievers; they are not lawful [wives] for them, nor are they lawful [husbands] for them...”



31	<p><b>Fellow Muslims blessed by Allah,</b></p> <p>Confusion and discontentment had begun to spread since the initial legislative bill for the amendment to Act 164 was first brought before the Parliamentary House of Representatives. The cause of this confusion and discontent stems from Section 88A in the bill, which deals with the change of a child's religion</p>
32	<p>That can only be made with the consent of both parents. This matter contradicts Syariah Laws, which was decided by the Fatwa Committee during the 87<sup>th</sup> Conference of the Council for Islamic Religious Affairs, in June 2009, <i>"That when one of the spouses converts to Islam, the religious status of their under-aged children is Islam, and it is accepted in the country."</i></p>
33	<p>Taking into consideration the views of the State Muftis during a meeting held on 17<sup>th</sup> July 2017, which was organised by JAKIM, the Government abolished Section 88A of the Bill and the amendment of Act 164 was re-tabled and approved by Parliament recently.</p>
34	<p>Therefore, as wise citizens, let us adopt a mature culture of thought. Always search for the truth regarding an issue before we make any comment on social media. Be wise in evaluating any issue without being influenced by reckless provocations of certain irresponsible parties.</p>
35	<p><b>Fellow Muslims blessed by Allah,</b></p> <p>To end the sermon today, here are some takeaways for us to ponder upon:</p> <p><b>First:</b> Upholding the sovereignty of our laws is the catalyst for peace and harmony of a country.</p> <p><b>Second:</b> Act 164 was amended to ensure that whichever spouse who converts to Islam is entitled to receive their appropriate rights and protection without harm to any party.</p> <p><b>Third:</b> All parties should provide support and trust to the leaders of our country, and the authorities, in particular, in enacting and enforcing of laws.</p>
36	<p>As declared by Allah SWT in surah an-Nisa 'verse 58:</p>



	<p>أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ</p> <p>إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا ﴿٥٨﴾</p>
37	<p><b>Which means:</b> “Indeed, Allah commands you to render trusts to whom they are due and when you judge between people, to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing.”</p>
38	<p>بَارَكَ اللَّهُ لِي وَلَكُمْ بِالْقُرْآنِ الْعَظِيمِ، وَنَفَعَنِي وَإِيَّاكُمْ بِمَا فِيهِ مِنَ الْآيَاتِ وَالذِّكْرِ الْحَكِيمِ، وَتَقَبَّلَ مِنِّي وَمِنْكُمْ تِلَاوَتَهُ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ. أَقُولُ قَوْلِي هَذَا وَأَسْتَغْفِرُوا اللَّهَ الْعَظِيمَ لِي وَلَكُمْ وَلِسَائِرِ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ الْأَحْيَاءِ مِنْهُمْ وَالْأَمْوَاتِ، فَاسْتَغْفِرُوهُ إِنَّهُ هُوَ الْغَفُورُ الرَّحِيمُ.</p>