

# Examining The Social Implications Of Apostasy Punishment In Islamic Scholarly Discourse: A Case Study Of Its Application In Malaysia

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This article discusses the views of several selected Islamic scholars about punishment for apostate. They have a different point of view from the traditional punishment found in Islamic law. Although their views are awkward among the general Muslim community, they argue using arguments based on the disciplines they hold. Data collection is taken from the works of selected scholars and documents related to the question. In addition, document analysis is processed according to the desired theme, which is the punishment of apostasy according to selected Islamic scholars. Semi-structured interviews with Islamic scholar in Malaysia also support findings. The study's findings show that they dispute the issue of consensus in this problem. Meanwhile, the Qur'an explains the concept of coercion in religion in general, whether from Islam or to Islam, and punishment in this world is not explained. Only punishment in the afterlife is mentioned. The death penalty for apostates is carried out when it is done together with other crimes, such as rebellion against the Islamic community and country, not just for leaving Islam alone. Interview with the Officer of the Aqidah Consultation Unit of the Office of the Federal Territories Mufti Malaysia suggests that a comprehensive review of the punishment for apostasy should be undertaken and accompanied by appropriate assistance measures and a limited number of states impose penalties for apostasy among individuals adhering to Islam in Malaysia. Therefore, the study finds that the authorities of Islamic countries also need to enact a specific law to deal with the issue of apostasy among the Muslim community, especially in Malaysia.

**Keywords:** apostasy, punishment, discourse, Islamic scholars, Malaysia

## Introduction

Religious freedom is a global issue that has attracted the attention of the world community to discuss it openly. Especially at this point they are free to express themselves without restrictions and boundaries through social media. Islam is seen as not giving full freedom to its adherents and restricting people's freedom to choose a religion according to their own

choice. The allegations were based on the death penalty imposed on those who left Islam. The punishment is against the norms of human rights (HR) certified by the United Nations (UN). For example, an issue that received criticism from Western countries, which condemned Islamic law for setting the death penalty for apostates (Larsson, 2018).s

The study conducted by Hasbi (2023) shows that there are differences of opinion from jurisprudence scholars regarding the apostate status in the Hanafi School and the Syafie School for children who have not reached puberty and their rights to the property left by their heirs. The methodology in this study uses a qualitative descriptive method with a literature review approach to obtain the views of scholars from both schools. Therefore, apostasy before puberty, according to the Hanafi School, is a valid apostasy and that group does not have the right to receive inherited property. This is decided based on the argument in the book Fath Al-Qadir, namely:

"And for us that Ali r.a. Islam during his childhood and the Prophet confirmed his Islam and his confession of such is famous."

Ali's story above became the basis of the Hanafi School as a reason that children who have reached puberty fulfill their vows. For that reason, the Hanafi School is of the view that children who have reached puberty are valid for their Islam, as well as their apostasy. Based on the discussion from this book, the Hanafi School is of the view that if the children are apostates, then the law is valid, whether they convert to Islam on their own initiative or follow their parents. Therefore, it is forbidden for him to marry a Muslim and also own his inheritance. According to the Hanafi School, apostate children are considered valid for their apostasy when they have reached the age of mumayyiz.

This is different from the Syafie School, which holds the view that apostasy among children who have not reached puberty cannot be punished and they are allowed to receive inherited property. The evidence relied on for this matter is as contained in the hadith of Bukhari, namely:

From 'Aishah r.a. from the Prophet SAW said: The writing of deeds is lifted from three (kinds of) people, from a sleeping person until he wakes up, from a child until he becomes an adult, and from a mentally disabled person until he is sane (H.R. al-Bukhari).

This hadith is evidence in the view of the Syafie School that children have not yet been counted for their deeds and have not been burdened with the law of takfili. Because of this, children have not yet been burdened with sin because they have not yet understood Islamic law. Syafie's School is of the view that all forms of charity for small children, as a whole, are not prescribed, be it through wakalah (guardianship) or directly in the form of handover, acceptance, important or less important matters. This includes whether it is in the form of a vow or a statement, whether he is not smart or already smart.

This evidence can be understood that a child is not included as a mukalaf, so there is no taklif on him, and the child still inherits from his Islamic heirs because there is nothing to prevent

inheritance (mani' al-ir's) between the child and his heirs. However, this study only focuses on the problem of apostasy among children between the Hanafi School and the Syafie School. In contrast, the punishment for apostasy against the heirs is not discussed.

At the same time, the problem of riddah punishment for an apostate father was also discussed by jurisprudence scholars in a study by Hasan et al. (2020). The results of the study show that all four schools cancel the father's right to be the guardian of the child's marriage. The child also needs to be handed over to the mother and the marriage between both mother and father needs to be dissolved. This happens because marriage between couples of different religions is forbidden in Islam. Nevertheless, this study focuses on the relationship between apostasy and marriage according to fiqh. This study does not explain in more detail the punishment that should be imposed on apostate Muslims according to the views of Islamic scholars.

According to Rahman (2024), apostasy in the science of Islamic jurisprudence has various approaches presented by Islamic scholars from ancient times to contemporary times. This proves that the problem of apostasy among Muslims has existed since ancient times and is not a new issue in this era. Therefore, Rahman explained that the study of apostasy according to the science of Islamic jurisprudence needs to be analyzed from the viewpoints of various contemporary Islamic scholars in order to gain a clearer understanding. Nevertheless, Rahman's writing only explains the history of punishment for apostasy in Islam and the law of religious freedom according to the religious perspective. Punishment for apostasy other than the death penalty is not discussed in this study.

The increase in apostasy among the Muslim community is also becoming more noticeable every year in Malaysia. This factor occurs due to the weakness of Muslims who fail to emphasize education and guidance to the community. As a result, the symptoms of apostasy are increasing, especially the converts. In addition, love and family factors are also among the main factors that make someone choose to leave Islam and embrace another religion (Suariza et al., 2018). Therefore, Siti Aisyah and Aisyah (2023) suggest that Muslims should put a line of limitation in the Islamic religion themselves and consult the authorities about problems related to the Islamic religion to prevent themselves from getting caught up in the problem of apostasy. Nevertheless, research from Siti Aisyah and Aisyah also shows that the issue of leaving Islam has not yet been resolved because there is no clear answer from the authorities. Furthermore, no provision is set aside to be a reference in the implementing body.

Based on previous research on the symptoms of apostasy and religious freedom, it is shown that there is an increase in the Muslim community becoming apostate. The problem of punishment for apostasy has also been discussed by Islamic scholars from all four sects who state that a Muslim who apostates should be put to death. However, there is no further explanation about the punishment for apostasy before the death sentence is imposed and the conditions for the legality of a person's apostasy.

In addition, apostasy remains a contentious issue in Malaysia, with some individuals rejecting its classification as an offense, let alone a criminal one. For example, The Natrah 1950 issue in Malaya, where Natrah renounced Islam and converted to Christianity, the religion of her biological parents, significantly affected the sensitivities of the Malay community concerning

apostasy among Muslims. This incident led to the establishment of Shariah court laws governing the religion of Muslims (M.F. et al, 2021). Presently, there are documented instances of Malaysians, whether by birth or conversion, openly declaring their departure from Islam, asserting that such a decision should not be considered an offense, citing principles of freedom of religion and human rights. They refer to a Quranic verse that states, "Let there be no compulsion in religion," emphasizing that individuals born into Islam or those who converted should have the right to renounce it. This perspective stems from a literal interpretation of the verse, contending that Muslims are not obliged to adhere to specific Islamic obligations and rituals, are free to convert to other religions, and non-Muslims are not coerced to embrace Islam. Malaysia also addresses matters related to apostasy through laws that explicitly identify certain actions as inconsistent with Islamic practices, prescribing specific penalties for such transgressions. However, these laws lack provisions addressing the repercussions of these acts on the wrongdoer, and there is no mention of property entitlements in the event that the wrongdoer or any Muslim willingly renounces Islam without committing the specified acts outlined in the legislation. This absence of clarity contributes to confusion among both non-Muslims and Muslims in Malaysia regarding the apostate's status concerning inheritance rights and ownership of their assets upon death (W.N, 2016).

In connection with that, this article wants to examine religious freedom according to the views of some selected scholars who state that Islam does not restrict religious freedom based on their own arguments. They believe that the death penalty for apostates can still be discussed by looking at the current environment. The solutions presented are seen to be in line with the reality of the weakness of Muslims today and repel the accusations of the enemies of Islam who always try to portray Islam with a religious image that is intolerant of the development of the world today. First, Abdul al-Mutaàl al-Soidi (1894 – 1966), second Taha Jabir al-Ulwani (1935 – 2016) and third is Ahmad al-Raisuni (1963 – ). Abdul al-Mutaàl al-Soidi comes from the Arab Republic of Egypt. He is a graduate of al-Azhar University and also one of its teaching staff. Taha Jabir al-Ulwani is from Iraq. He is also a graduate of al-Azhar University. He is the president of the International Institute of Islamic Thought in the United States and the Fiqh Council of North America. Meanwhile, Ahmad al-Raisuni comes from Morocco and is a graduate of Mohammed V University as well as the head of the World Scholars Union (2023). The scholars were selected based on their agreement in discussing the issue of punishment for apostasy. They represent several Islamic countries and have a solid educational background in the field of religion.

## **Research Methods**

This study was carried out a qualitative research using document analysis. Document analysis described by Sudarwan (2013) refers to written material or films that are already available in a specific location. Document analysis involving book, journal and thesis are used to assist researchers in obtaining data through documents without requiring the presence of an informant. The intended document analysis is that the researcher analyzes the writings by several Islamic scholars who debate the rejection of the death penalty against apostates who

leave Islam. The chosen Islamic scholars are Abdul al-Mutaàl al-Soidi, Taha Jabir al-Ulwani and Ahmad al-Raisuni.

The data utilized in this research are secondary data gathered from already- existing sources including books, newspapers and journal article. The views are discussed and analyzed based on the researcher's perspective and supported by the results of interviews and written documents.

## **Results and Discussion**

The results of the research on the arguments put forward by some selected scholars in the problem of apostasy punishment can be summarized into several important points:

### **Al-Quran does not Touch the Punishment of Apostasy in the World**

The nature of the punishment is not specified in this world; however, it is clearly stated that retribution and punishment will occur in the afterlife. This condition provides clear guidance in support of the view from Taha Jabir al-Ulwani, that in the Qur'an, there is no mention of punishment in this world for apostates. This includes even in a gesture by being forced to return to Islam or killed if they continue to apostatize (Taha Jabir, 2006). Allah SWT said, which means:

And whoever among you apostatizes (turns away) from his religion (Islam), then dies while he remains a disbeliever, then those who are corrupted will perish because of their (good) deeds in this world and in the hereafter, and they are the people of Hell, abide they in it (forever). (al-Baqarah: 217)

All the verses that talk about riddah and irtidad do not mention punishment in the world. The verses also do not indicate either explicitly or implicitly that it is obligatory to force an apostate to return to Islam or to kill him if he refuses. On the other hand, the verses of the Quran clearly show that freedom of belief is the most important form of freedom that must be guaranteed and protected. According to Taha Jabir, al-Quran has established that people cannot be forced to embrace certain beliefs or change beliefs that have been believed because beliefs are personal matters between humans and God (Taha Jabir, 2006). The verses above delineate that the punishment for apostasy consists of the curse of Allah, the angels, and the Muslim community, the nullification of all good deeds, and the infliction of torment in hell in the afterlife. Notably, none of these verses prescribe the death penalty for apostates. Furthermore, these verses explicitly allow the possibility for repentance.

The same thing is also confirmed by Abdul Mutaal A-Sa'idi, that Allah SWT mentions apostates in several verses of the Qur'an. However, there is no punishment for their deeds in this world, except for the loss of the reward of their deeds in the afterlife as a result of their apostasy. In that verse, Allah SWT only mentions the actions of the apostates as useless and will be punished in the afterlife. There is no mention of murder, war, banishment and other punishments that forced them to change their beliefs (Al-Sa'idi, 2012). In this context, islamic scholars categorizes apostasy into two types: severe apostasy and mild apostasy. Severe

apostasy involves renouncing Islam accompanied by actions hostile to Islam and influencing other Muslims to apostatize. Mild apostasy, on the other hand, is simply renouncing Islam without any actions that demonstrate hostility towards the religion. Although both forms of apostasy are punishable by death, their implementation differs. For the first type, the apostate is executed without waiting for their return to Islam. For the second type, the individual is encouraged to repent, through explanations that correct their understanding of the issues that led to their apostasy.

### **Religion Is Not Founded Through The Element Of Coercion**

The element of coercion is not used in religious life. This point is confirmed by Ahmad al-Raisuni. Religious life and coercion cannot coexist at the same time. Compulsion will produce hypocrisy, which is false and reprehensible. Those who are forced to apostatize do not apply, nor do those who are forced to believe. The word of Allah SWT means:

There is no compulsion in religion (Islam) because the truth (Islam) has been revealed instead of fallacy (kufr). (al-Baqarah: 256)

Al-Raisuni added that this verse establishes a clear and unequivocal general method: religion is faith and confidence accepted by a perfect mind and a calm heart. Religion is a willing commitment and action; therefore, those who are forced to kufr are not infidels, just as those who are forced to believe are not considered believers. In the hadith, it is clearly explained about the factor of willingness, which is contentment. The meaning of the hadith:

I am pleased with Allah as Rabb, Islam as religion and Muhammad SAW as a prophet. (Muslim: 1884)

In Islamic law, marriage contracts, divorce, buying and selling and coercion are invalid and do not apply, so of course, adhering to the creed, faith and Islam is also invalid (Raisuni, 2010).

If forced to interfere in religious affairs, whether entering or exiting, surely the one who deserves to do so is Allah SWT. But Allah SWT gives freedom to His servants to choose. The word of Allah SWT which means:

And (it is not your responsibility, O Muhammad, to make all mankind believe), if your Lord wills, all the people on earth will believe. (Do not be sad about the stubbornness of those who disbelieve; if God does not will) Then, should you also want to force people so that they become believers? (Yunus:99)

Freedom of choice is wisdom given by Allah SWT to humans because coercion will give birth to lies, hypocrisy and hatred towards Islam and its followers (Raisuni, 2010). According to Al-Sa'idi, forcing apostates to return to Islam is included in the general meaning of this verse. This means that, just as non-Muslims cannot be forced to embrace Islam, neither can apostates be forced to return to Islam. Among the virtues of Islam is the slogan of religious freedom. The tenets of a belief are developed based on the conviction of a person's heart. When there is coercion, it does not affect the confidence of the heart. For that reason, there is no compulsion



in religion, but calls and preaching full of wisdom and good teaching must always be done. They are not forced to return to Islam with the death penalty, imprisonment and various means of coercion. On the other hand, they are called with good advice, just like the call is made to those who are not yet Muslim with full of wisdom.

At the same time, the pronunciation of ikrah in Arabic is nakirah not ma'rifah. The pronunciation of nakirah indicates a general description, while ma'rifah is specific. For this reason, the expression of compulsion (ikrah) shows a general meaning, not a specific one. This explains generally the coercion either from non-Islam to Islam and also from Islam to other religions (Al-Sa'idi, 2012). It should also be understood there is a difference between no compulsion and the necessity of kufr. The command sentence (فَلْيَكْفُرْ) in this verse gives the meaning of must (ibahah). Therefore, "not forcing someone to Islam" should not be understood with the meaning of compulsion for kufr or to leave Islam willingly. This difference needs to be well understood so that there is no impression that Islam encourages Muslims to leave their religion. The principle articulated by the slogan "There is no compulsion in religion" is unequivocally affirmed, being reiterated multiple times in the Qur'an through various textual formulations. This principle of religious freedom, as emphasized in the Qur'an, is consistently reflected in historical accounts recorded in the hadiths, illustrating that Prophet Muhammad (peace be upon him) adhered strictly to this principle.

### **Prophet SAW did not Kill People Who Committed the Crime of Apostasy Only**

This matter was debated by Taha Jabir Ulwan, which is also based on the sunnah. Prophet SAW never sentenced apostates to death throughout his life. This is based on a quote from Imam Syafie, who said the Prophet SAW never abandoned hudud punishment. In fact, His Majesty was very concerned with the execution of the sentence, as in the case of a woman who stole, and there was an attempt to intercede in the sentence. Prophet SAW explained that this is one of the causes of the destruction of the Ummah. In another quote, Imam Syafie explains that there are those who believed, then apostatized, then returned to faith, and the Prophet SAW did not kill them. According to the narration of al-Baihaqi, the same event happened to Abdullah ibn Al-Sarh when he was with the infidels and then returned to Islam. There is also another narration of what happened to the Ansar (Taha Jabir, 2006).

Based on the statement above, it is shown that the Prophet SAW did not impose the death penalty on people who committed the crime of apostasy only. As happened to Abdullah ibn Al-Sarh, after apostasy, he returned as a Muslim and Prophet SAW did not kill him. This is said to be so because Prophet SAW did not compromise in the implementation of hudud punishment.

Meanwhile, Abdul Mutaal al-Sa'idi explains in the Sirah about the event of a man accusing Prophet SAW of being unfair. This event happened after the outbreak of the Hunain War in the eighth year of the Hijrah. The man was not satisfied with the gift given to him by His Majesty SAW. In Sahih al-Bukhari and Muslim, a story was narrated by 'Abdullah bin Mas'ud, saying that:

Meaning: At the end of the Hunain war, Prophet SAW gave priority to certain people in the distribution of the spoils of war. He gave al-Aqra' bin Habis 100 camels and likewise 'Uyainah. On that day, His Majesty SAW lavished gifts on several Arab dignitaries. A man said: "For God's sake, this division is not fair and does not seek God's pleasure. I said: "For God's sake, I will tell Prophet SAW". Then I met Prophet SAW and told him. The Prophet SAW said: "Who can be fair if Allah and His Messenger do not do justice? Indeed, Allah SWT had mercy on Musa a.s. when he was hurt more than that, yet he was patient." (al-Bukhari: 3150 & Muslim: 1062)

In the story above, it is clear that the man accused Prophet SAW of not being sincere in the distribution of the spoils of war. This act is kufr and apostasy, but Prophet SAW did not allow his friends to kill him. It is also not narrated that the apostate repented of his actions, and they were not executed, not imprisoned and not even told to repent. Based on the event, Al-Sai'di believes that apostates are not forced to repent. On the other hand, they are given advice with wisdom and good reminders, as is the call for preaching to non-Muslims (Al-Sa'idi, 2012). The events above prove that apostasy alone is not enough to be sentenced to death. The crime of apostasy committed together with other crimes will qualify a person to be sentenced to death. He explained that kufr alone does not allow a person to be killed but must be related to the commission of other crimes, such as fighting or defaming the purity of Islam.

Historical instances of the death penalty for apostasy during the era of Prophet Muhammad (peace be upon him) and his companions reveal that such penalties were not imposed solely for the act of renouncing Islam. Rather, the death penalty was applied when apostasy was accompanied by acts of treason, betrayal, hostility, and collaboration with non-believers against Islam and the Muslim community. There is no historical evidence indicating that an individual was executed merely for converting from Islam without engaging in actions detrimental to Islam and the Muslim community.

### **Crime of Apostasy Committed Together with Other Crimes**

However, it should be understood that the death penalty for apostates is not carried out for apostasy cases alone. On the other hand, this punishment is done with other crimes such as killing, rebelling against the Muslim community or joining the enemy camp (Raisuni, 2010). This matter is clearly explained in the hadith, which means:

"The blood of a Muslim is not halal except because of one of three things: A married person commits adultery, murders and apostates who leave the congregation". (al-Bukhari: 6878, Muslim: 1676)

The death penalty was carried out because of the atmosphere surrounding the apostate movement against the Muslim community. The movement in question is a treacherous and fraudulent movement that tries to cause chaos and chaos in the Muslim community. This matter is clearly touched upon in the hadith above, which is to do two things, namely apostasy and leaving the Muslim community. This does not mention only one crime but even combined



with two crimes. The phrase "out of the congregation" means rebelling, fighting and strengthening the enemy forces (Raisuni, 2010).

Al-Bukhârî also narrates a lengthy hadith through Abû Qilabah, wherein ‘Umar ibn ‘Abd al-‘Azîz sought his opinion regarding the punishment for a group of individuals who had committed murder. Abû Qilabah responded, "By Allah, the Prophet Muhammad (peace be upon him) never imposed the death penalty on anyone except for one of three offenses: the perpetrator of murder, who is to be killed; or a married person who commits adultery; or someone who wages war against Allah and His Messenger and renounces Islam." (al-Bukhari: 6390).

In the analysis of hadith literature pertaining to the punishment for apostasy during the era of Prophet Muhammad (peace be upon him), it becomes apparent that instances where he authorized the death penalty for apostates were not exclusively based on apostasy alone. These rulings were contextualized within broader circumstances. Apostasy was occasionally associated with acts of betrayal, such as aligning with non-Muslim factions subsequent to leaving Islam, as exemplified in the case of Ibn Abî Sarah. In other instances, apostates were disciplined for engaging in espionage or inciting hostility against Islam, as illustrated by figures like Sarah and ‘Abd Allâh ibn Khathal. Moreover, a specific narration preserved by al-Bukhârî recounts Prophet Muhammad's (peace be upon him) refusal of ‘Umar's request to execute ‘Abd Allâh ibn Ubay ibn Salul, a hypocrite who had instigated discord between the Muhajirin and Ansar. The Prophet's rationale was to prevent misconceptions that could arise, stating, "No! Otherwise, people will say that Muhammad kills his own companions." This incident highlights the Prophet's cautious approach towards capital punishment, particularly emphasizing severe crimes such as murder, adultery after marriage, or active hostility against Islam, rather than apostasy in isolation, as grounds for such penalties.

### **Proposals for the Implementation of Laws on the Issue of Apostasy Among Muslims in Malaysia**

The country of Malaysia has legal provisions as a guarantee of religious freedom among people who are made up of various races and denominations. This matter is seen in Article 11(1) of the Federal Constitution of Malaysia which guarantees the right of everyone to profess and practice their religion subject to certain restrictions to develop it. This constitution also guarantees the religious rights of non-Malaysian citizens. However, the prohibition of the expansion of other religions against followers of Islam is through federal or state laws (Ahmad, 2019). Therefore, the freedom to follow other religions through choice is a thing that is restricted in the limits against the followers of Islam. According to Daud (2001), Article 11(1) of the Federal Constitution of Malaysia cannot be used as support by followers of Islam to follow other religions. However, there is an exception from the Sharia court against any Muslim who wants to leave his/her religion. This is supported by an interview conducted with the Officer of the Aqidah Consultation Unit of the Office of the Federal Territories Mufti, Mohamad Razif Mohamad Fuad, who used to manage the issue of Muslims who presented demands to leave Islam. Based on the interviews that have been conducted, it is proven that there is a view of Islamic scholars who do not recommend the death penalty for apostates. This

view is taken based on the argument and the authentic text that in order to impose the death penalty on a person who apostates, it must be accompanied by actions that can threaten the Muslim community. In fact, the factors and causes of a person becoming an apostate also need to be taken into account, and the Muslim community needs to help him to solve the problem so that he can return to the true faith. In addition, the law for the offense of leaving Islam was found to exist in only five states in Malaysia, namely Terengganu, Kelantan, Sabah, Perak and Melaka.

**Table 2:** Offense of Apostasy and Punishments in Different States

State	Enactment	Section	Form of Punishment
Terengganu	Syariah Criminal Offenses (Takzir) (Terengganu) Enactment 2001	Section 7 claims non-Muslims	1. The fine does not exceed RM5000 2. Imprisonment not exceeding three years 3. Both
Kelantan	Enactment of the Council of Islamic Religion and Malay Customs of Kelantan 1994	Section 102 confirmation of a Muslim	1. Detained at the Islamic Guidance Center for a period not exceeding 36 months 2. Asked to repent according to Islamic law
Melaka	Syariah Offenses Enactment (State of Melaka) 1991	Section 66: Attempted Apostasy	1. Detained at the Islamic Guidance Center for a period not exceeding six months 2. Asked to repent according to Islamic law
Sabah	Syariah Criminal Offenses Enactment 1995	Section 63: Attempted Apostasy	1. Detained at the Islamic Guidance Center for a period not exceeding 36 months for educational purposes 2. Asked to repent according to Islamic law
Perak	Criminal Enactment (Sharia) 1992	Section 13: Acts or words of apostasy	1. The fine does not exceed RM3000 2. Imprisonment not exceeding two years

Source: Siti Aisyah & Aisyah (2023)

Table 2 above shows that only five states in Malaysia set the offense of leaving Islam as a syariah criminal offence. Meanwhile, other states do not have specific provisions against the offense of leaving Islam. In addition, the solution to apostate offenders based on the above law is to send them to a guidance and counselling centre. After that, they were sent to their respective families. This shows that the punishment for apostasy offenders is inconsistent in Malaysia and needs to be improved to resolve the issue of increasing apostasy applications among Muslims. This group also needs to be constantly monitored and studied for their reasons for choosing to become apostates so that appropriate help can be given.

Based on the discussion above, it can be concluded that there is no specific provision regarding apostasy enforced in Malaysia. Existing laws implemented do not involve apostasy but rather refer to the act of leaving Islam. The term "apostasy application" is also not used in any state enactments. Instead, the majority employ the term "application for declaration of religious status." Due to the offense of leaving Islam falling under the jurisdiction of Sharia courts, the authority of these courts to adjudicate such matters is explicitly delineated in the majority of state enactments governing Islamic administration in Malaysia. For instance, in Selangor, the Administration of Islamic Law Enactment (State of Selangor) 2003 stipulates under Section 61(3)(b)(x) that the Sharia High Court of Selangor has the authority to hear and decide all actions and proceedings concerning declarations that an individual is no longer a Muslim. Cases adjudicated by the court have underscored that the Sharia High Court holds jurisdiction over apostasy cases, despite the lack of explicit provisions to that effect in most states (Sabree & Sopiee, 2015).

## **Conclusion**

The approach taken by scholars such as Abdul al-Mutaàl al-Soidi, Taha Jabir al-Ulwani and Ahmad al-Raisuni on the issue of religious freedom is not the same as the general view in the Islamic jurisprudence debate. According to Islamic jurisprudence, those who apostate will be executed. This has been a popular view since long ago and has become a consensus of opinion among Islamic scholars (Wahbah al-Zuhaili, 1986). Based on the arguments of the scholars, it is shown that their approach to the issue of apostasy is that the offender is not sentenced to the most severe punishment, which is the death penalty. The death penalty is carried out when it is accompanied by the crime of rebellion against the Islamic state and joining with the enemy to fight the religion and the Muslim community. Meanwhile, freedom of religion, according to the Islamic view, does not mean that followers of Islam have the right to apostatize and freely follow other religions. The meaning of religious freedom is the right given by Islam to followers of other religions to practice their religion without threatening the Muslim community, and there is no compulsion for them to follow Islam. Apostasy is a criminal offense according to Islamic law. Still, the authorities of Islamic countries also need to enact a specific law to deal with the issue of apostasy among the Muslim community. In addition, cooperation with the da'wah movement can also be established to help Muslims who have doubts about their beliefs.

Additionally, the implementation of punishment for Muslims who apostatize has yet to receive adequate attention from the Malaysian government, which is predominantly comprised of the Muslim population. Examining the social implications of apostasy punishment in Islamic

scholarly discourse, with a focus on its application in Malaysia, sheds light on the complexities surrounding this issue. The absence of clear legal provisions and the differing interpretations of Islamic teachings contribute to the controversy surrounding apostasy in the Malaysian context. The diverse perspectives within Islamic scholarly discourse and the clash between religious principles and human rights underscore the need for a nuanced approach to address this sensitive matter. Consequently, the exploration of an Administration of Islamic Law Act and specific enactments could provide a more comprehensive framework for managing apostasy cases in Malaysia, fostering a balance between religious considerations and individual rights.

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