

鄙弃宗教政治

(摘自《马来西亚佛教青年总会会讯》VOL 105/106)

我有话说

刑事法是维护国家及民众安全与安定的法律。它的立法权限属于国会，处理及执行权限则赋予律政司。而审判权属于刑事法庭。在这样的刑事法律结构及大马的多元种族、宗教与文化背景之下，我国是不能拥有以宗教作为区分的两种刑事法律并存。刑事法律涉及国家及全民，它必须是全民接受的单一刑事法。我国的现有刑事法的制定是参考印度的刑事法，再根据马来亚的国情而作出调整。与马来亚一样，印度是多元种族、宗教与文化的国家。简而言之，我国现有的刑事法是以多元种族、宗教与文化背景而制定的刑事法。因此，马佛青总会认为再重新制定以回教作为依据的回教刑事法是没有必要的。这种作法不符合大马多元种族、宗教与文化的国情，也不会被所有族群、宗教与文化所接受。

从目标去看，刑事法的执行是维护国家及民众安全与安定。以单一宗教作为依据而制定的回教刑事法，肯定在凸显宗教分别。这种宗教分别，会牵动宗教对立与竞争，并能够导致宗教偏差，尤其在国家行政措施方面。这将导致不满与动乱，危害国家及民众安全与安定。这样的结果是与刑事法的目标背道而驰。这是马佛青总会反对回教刑事法的第二个要点，也是为什么刑事法需要全民接纳的理由。

马佛青总会的反对不只针对回教刑事法，而且更针对回教党的以建立『回教国』为终极目标的政治策略。在回教党的『回教国』幌子下，执政党在政治压力下逐步作出妥协，从设立国际回教大学、回教银行、回教保险制定，到回教国的宣布。回教刑事法在吉兰丹及丁加奴州的通过，是在增加这方面的政治压力。马佛青总会认为这种趋势是不利于多元种族、宗教及文化的大马社会。我们需要的是合作与和谐，不是宗教分别与对立。『回教国』或作为回教党之『回教国』之组成部份的『回教刑事法』是违反立国先贤志明在联邦宪法，即大马是世俗国家的社会契约—『回教是官方宗教，但是其他宗教可以自由被信仰，及管理其事务』。大马社会必须重新加强以合作及和谐作为议程的政治文化，而须鄙弃以宗教分别及对立作为议程的政治文化。



Dump the Religious Politics

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[Chinese Version](#)



Criminal law is the law that safeguards national security and stability. The power of legislation for criminal law vest in the Parliament while the power of execution looking to the Attorney General. The Criminal Courts are responsible to exercise the adjudicative power relating to criminal law. In the light of the such criminal law structure and the multi-racial, multi-religious and multi-cultural background of Malaysian society, it is impossible to have 2 sets of criminal laws demarcated by mean of religion. As criminal law encompasses national security and public stability, all people must be subject to a similar set of criminal law. Our existing Criminal Code was then enacted by making references to the India Criminal Code with necessary adjustment made to suit the local circumstances as both countries are multi-racial, multi-religious and multi-cultural. In view of this, YBAM is of the opinion that it is unnecessary to enact another Islamic-based criminal law as this contradicts the reality of the our multi-racial and multi-religious society. It will definitely be rejected by all quarters.

To enact a criminal law based on a particular religion is to highlight the religious differences of the people. Such emphasis on the differences will lead to religious confrontation and unhealthy religious competition and will eventually cause religious bias in national policy implementation. This in turn will stir discontent and chaos, thus endangering national security and stability. This greatly contradicts the objective and spirit of the criminal law to secure national security and stability. This is the second reason why YBAM objects strongly to the Islamic Criminal Law (Hudud). It also explain why criminal law shall be accepted by people of all faiths.

YBAM does not only object the enactment and implementation of the Islamic Criminal Law (Hudud) but also the establishment of an Islamic State as advocated by PAS. Under the intense pressure to out-Islamise PAS, the ruling coalition has gradually compromised in many aspects such as the establishment of the International Islamic University, Islamic banking, Islamic insurance and ultimately the declaration of Malaysia as an Islamic State. The enactment of the Islamic criminal law in Terengganu and Kelantan is to increase the political pressure on the ruling Barisan coalition. We strongly feel such trend will be harmful and detrimental to the harmony and tolerance of our multi-religious and multi-racial Malaysian society.

What we need is cooperation and harmony not religious bias and confrontation. Islamic Criminal Law is in fact part of the Islamic State advocated by PAS and is against our Federal Constitution which is secular in nature. The 'social contract' as agreed upon by our forefathers at Independence has clearly stated that while Islam is the official religion, other religions shall be practised freely. The Malaysian society of different faiths must reinforce a political culture that is based on mutual cooperation and mutual respect and firmly rejects religious confrontation and religious prejudice.