

# The Necessity of a Religious Freedom Policy Within the Christian Demographic Context of Terengganu, Malaysia: Issues and Challenges

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## ABSTRACT

This article examines the need for a religious freedom policy within the context of Terengganu, a Malaysian state with a Muslim majority population but also a minority Christian community. The primary objective of this study is to assess the extent to which such a policy is necessary, considering demographic factors, the existing legal framework, as well as the issues and challenges surrounding the governance of religious freedom particularly those related to apostasy cases and the construction of non-Muslim places of worship. This study adopts a qualitative approach through document analysis, including the Federal Constitution, State Enactment, government agency reports, and relevant scholarly literature. The findings indicate that although religious freedom is guaranteed under the Federal Constitution, broad interpretations and legal inconsistencies between federal and state laws pose challenges in effectively managing apostasy cases. In the context of Terengganu, the issue of religious freedom remains relatively well-managed, with no recorded applications for apostasy among Malay Muslims. Therefore, in the short term, implementing a religious freedom policy is not deemed a pressing priority for the state. However, the study recommends that such a policy could be formulated as a complementary framework to the existing legal structure, serving as a strategic guideline for long-term governance without undermining the position of Islam as the official religion of the state.

**Keywords:** Policy, religious freedom, Federal Constitution, Enactment, Christianity

## INTRODUCTION

Malaysia is a nation characterised by its multi-ethnic and multi-religious society. To preserve social harmony and stability, one of the crucial issues that warrants attention is the issue of religious freedom. Throughout Malaysia's historical development, matters related to religion and ethnicity particularly apostasy have frequently provoked discomfort and tensions within society. Although Islam is recognised as the religion of the Federation, as enshrined in Article 3(1) of the Federal Constitution, the right to profess and practise one's religion is also guaranteed under Article 11, which affirms the freedom of religion.

In the context of the state of Terengganu, where most of the population is Muslim and where a distinct religious administrative structure is in place, discussions surrounding religious freedom are often viewed as sensitive and require a cautious and nuanced approach. Nevertheless, the need to formulate a state-level religious freedom policy should be examined, particularly considering the challenges posed by a modern and increasingly open society. Such challenges include issues related to religious propagation, the establishment of houses of worship, and the provision of religious education for minority communities. This article seeks to evaluate the necessity of a religious freedom policy in Terengganu by examining the Christian demographic profile, the existing legal and administrative frameworks, the prevailing issues and challenges, as well as the potential for establishing a balanced and inclusive policy that does not compromise the status of Islam as the official religion of the state of Terengganu.

## Religious Freedom in the Federal Constitution

The right to religious freedom is a fundamental element within the framework of universal human rights, as

recognised by the Universal Declaration of Human Rights (UDHR) 1948. The UDHR stands as a monument of modern human rights, acknowledging the existence of individual rights in societies that are often exposed to denial or violations (Musa, 2015). In Malaysia, the Human Rights Commission (SUHAKAM) is tasked with safeguarding the rights of citizens as outlined in Part II of the Federal Constitution, which includes fundamental liberties and the principle of equality without discrimination based on race, religion, or gender (Meerangani, K.A & Ramli, R. 2016). These rights are enshrined in Article 11(1) of the Federal Constitution, which provides that every person has the right to profess, practise, and propagate his or her religion subject to legal restrictions permitted under Clause (4). This clause prohibits the propagation of non-Islamic religions to Muslims, in line with the recognition of Islam as the religion of the Federation under Article 3(1) (Najib, N.A.M & Ismail, A.M., 2018).

The constitutional position of Islam is a crucial issue, as it is closely linked to the beliefs and identity of most of the Malaysia's population. It is also a sensitive matter, as many Malays perceive Islam to be inseparable from their daily lives (Muslim, N. & Buang, A.H., 2012). Although Islam is accorded a special status, the Constitution also guarantees the right to religious freedom for adherents of other religions, if the exercise of such rights does not disrupt public order. This freedom is also interrelated with Article 8 (equality before the law) and Article 12 (rights in education). At the same time, state governments are empowered to enact laws concerning Islamic affairs, provided such laws remain consistent with the provisions of the Federal Constitution. However, religious freedom in Malaysia is not absolute; it is subject to certain limitations. These include restrictions on religious propagation and the construction of houses of worship, aimed at ensuring social harmony and public order. Overall, constitutional provisions demonstrate that while Malaysia retains Islam as the official religion, the rights of adherents of other religions are respected and protected, so long as they do not contravene constitutional principles or national laws (Najib N.A.M & Ismail, A.M., 2018).

## The Contemporary Context of Religious Freedom in Terengganu

This article's discussion of religious freedom in the current context of Terengganu focuses on three main aspects: demographics, the presence of churches, and historical interactions between Islam and Christianity within local society. From a demographic standpoint, accurate data is relatively difficult to obtain, as Christianity remains a small minority religion in comparison to the overwhelming Muslim Malay majority. According to the Department of Statistics Malaysia (2020), religious affiliation in Terengganu comprises six categories: Islam (97.3%), Buddhism (2.0%), Christianity (0.3%), Hinduism (0.2%), other religions (0.0%), and those with no religion or unknown (0.1%).

Regarding the number and percentage of Christian adherents in Terengganu over a 50-year period (1970–2020), two distinct phases can be identified. In the first phase, spanning 21 years (1970–1991), the number of Christians increased significantly, peaking in 1991 with 4,528 individuals or 3.4% of the population. However, in the second phase covering the subsequent 29 years (1991–2020) the Christian population showed inconsistent patterns of increase and decline. Contributing factors include the migration of youth to the west coast of Peninsular Malaysia, the shortage of pastors, and the influence of local sociopolitical issues (Zain, A.D.M., et al., 2025). These statistics are illustrated in Figure 1 below.

	1970	1980	1991	2000	2010	2020
<b>Agama/ Religion</b>						
Islam	380,042	493,511	728,469	852,591	980,190	1,118,764
Kristian/ Christianity	1,283	1,531	4,528	2,483	2,206	2,928
Buddha/ Buddhism	13,998	17,619	25,811	21,593	25,132	23,382
Hindul/ Hinduism	1,351	1,496	2,055	1,554	2,461	2,803
Lain-lain/ Others	5,064	6,850	2,627	1,411	648	421
Tiada Agama/ Tidak diketahui No Religion/ Unknown	3,186	1,364	882	602	726	1,142
<b>Peratus agama/ Percentage of religion (%)</b>						
Islam	93.9	94.5	95.3	96.9	96.9	97.3
Kristian/ Christianity	0.3	0.3	0.6	0.3	0.2	0.3
Buddha/ Buddhism	3.5	3.4	3.4	2.5	2.5	2.0
Hindul/ Hinduism	0.3	0.3	0.3	0.2	0.2	0.2
Lain-lain/ Others	1.3	1.3	0.3	0.2	0.1	0.0
Tiada Agama/ Tidak diketahui No Religion/ Unknown	0.8	0.3	0.1	0.1	0.1	0.1

Figure 1. Religious Statistics in Terengganu (1970–2020)

Source: Department of Statistics Malaysia (2020)

In terms of the construction of houses of worship, every religious adherent has the right to build their respective places of worship. However, the construction of such premises is subject to specific regulations, which differ between Muslims and non-Muslims. For Muslims, the authority to manage the construction of mosques falls under the state Islamic administration enactments, including in Terengganu, as outlined in the Ninth Schedule, List II of the Federal Constitution, which governs Islamic affairs. Conversely, the construction of non-Muslim houses of worship such as temples and churches is regulated under the Town and Country Planning Act 1976 and the Street, Drainage and Building Act 1974. These controls fall under the Ninth Schedule, List III, where such constructions are classified as services to the community (Ahair, N.F.M. & Kusrin, Z.M.,2020).

In Terengganu, the construction of non-Muslim houses of worship typically requires approval from the respective local authorities, such as the City Council, District Council, or Municipal Council. The approval process considers building plans, parking facilities, and safety, especially in emergencies like fires. For instance, in Kuala Terengganu, which has the highest number of Christian adherents, any church construction must be approved by the Kuala Terengganu City Council (MBKT). However, there are churches that have long operated without official records in MBKT and remain outside the purview of the local authorities. Most of these churches function in shop lots, as their initial applications were submitted under general building plans, while their activities are registered with the Registry of Societies Malaysia (Zain, A.D.M., et al., 2025).

As of 2024, the Kuala Terengganu City Council (MBKT) and other district councils do not have official data on the number of Christian churches in the state. However, based on internet searches, there are 14 Christian churches in Terengganu; seven (7) in Kuala Terengganu, four (4) in Dungun, two (2) in Kemaman, and one (1) in Besut. These sources clearly provide the church names, denominations, contact numbers, and locations. As such, this online information can be considered reliable and used as a reference in this article.

In terms of inter-religious relations between Islam and Christianity in Terengganu, historical records indicate that the presence of Christianity began as early as 1828 through missionary efforts led by W. Medhurst. Fluent in the Chinese language, he engaged in religious discussions with the local Chinese community and once held direct dialogue with Sultan Abdul Rahman Shah (1826–1831). The presence of Christian missionary movements is seen as the initial point of Christianisation efforts in Terengganu. This development continued during the reign of Sultan Zainal Abidin III (1881–1918), when the British and Foreign Bible Society submitted a request to distribute the Bible in Jawi script to the locals. Although the Sultan did not officially prohibit missionary activities, he took firm and wise measures by enforcing state laws to curb the spread of Christianity. This ensured the protection of Islamic faith in Terengganu. In 1924, the British requested permission from the then Chief Minister, Haji Ngah Mohamed bin Yusof, to build a church in Terengganu. The application was rejected on the grounds that the construction of a non-Islamic house of worship was deemed contrary to Shariah principles (Ali, M.S. & Hamat, M.F., 2011; Zain et al., 2023).

After the formation of the Federation in 1948, the Constitution of the State of Terengganu was replaced by the Terengganu State Constitution Act. Although the new Act empowered the Sultan to control or restrict the propagation of non-Islamic teachings among Muslims, the Federal Constitution guarantees freedom for adherents of other religions, including Christians, to practice their beliefs and build places of worship. As a result, despite Christians being a small minority compared to Muslims, they have successfully established 14 churches in the state of Terengganu (Zain, A.D.M., et al., 2023).

## Legal Foundations Related to Freedom of Religion

As a state that upholds Islam as the official religion, Terengganu remains subject to the principles of the Federal Constitution, which guarantees individuals the right to profess, practise, and propagate their religion, provided it does not contravene the laws in place. In this context, the legal foundation for religious freedom in Terengganu involves a combination of provisions from the Federal Constitution, the Control and Restriction of the Propagation of Non-Islamic Religions Enactment 1980 (Amendment 2013), and the roles of the Terengganu Islamic Religious and Malay Customs Council (MAIDAM) and the Terengganu Department of Religious Affairs (JHEAT) in ensuring the proper administration of Islam in the state.

## Provisions In the Federal Constitution (Articles 3, 8, 11, And 12)

The Federal Constitution of Malaysia is the supreme legal document that outlines the fundamental principles

of the nation, including aspects of religious freedom. These provisions are embedded in Articles 3, 8, 11, and 12, which serve as guidelines to ensure that religious freedom is respected without compromising public harmony and security within Malaysia's multi-religious society.

Table 1: Articles 3, 8, 11 and 12 of the Federal Constitution

Article		Notes
Article 3	Religion of the Federation	(1) Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation.
Article 8	Equality	(1) All persons are equal before the law and entitled to the equal protection of the law.
Article 11	Freedom of religion	(1) Every person has the right to profess and practise his religion and, subject to Clause (4), to propagate it.
Article 12	Rights in respect of education	(2) Every religious group has the right to establish and maintain institutions for the education of children in its own religion, and there shall be no discrimination on the ground only of religion in any law relating to such institutions or in the administration of any such law; but it shall be lawful for the Federation or a State to establish or maintain or assist in establishing or maintaining Islamic institutions or provide or assist in providing instruction in the religion of Islam and incur such expenditure as may be necessary for the purpose.

Source: Federal Constitution of Malaysia

Referring to Table 1 above, Article 3(1) of the Constitution affirms that Islam is the religion of the Federation, while simultaneously safeguarding the rights of non-Muslims to practise their religions in peace and harmony. This provision places a responsibility on the government to uphold and protect the sanctity of Islam, including by prohibiting the propagation of other religions to Muslims, as stated in Article 11(4) (Khasasi, M.Z.A. et al., 2019). A pertinent question arises: why was Islam included in the Constitution? Three primary arguments justify this inclusion. First, at the time, more than 15 countries around the world had already enshrined religion within their constitutions, including Christian, Islamic, and Buddhist nations. Second, having religion stipulated in a constitution did not cause hardship or complications for citizens in those countries. Third, the official status of Islam had already been established in various state constitutions, such as those of Johor and Terengganu. Therefore, its inclusion in the Federal Constitution was a matter of consolidation (Muslim, N. & Buang, A.H., 2012).

In the context of Terengganu, Islam's status as the state religion has been firmly entrenched since 1911, with the formation of the state constitution known as *Itqan al-Muluk bi Ta'dil al-Suluk*. This illustrates the deep-rooted influence of Islam within the constitutional framework and governance structure of Terengganu at the time. Consequently, Islam's position could be safeguarded against potential threats (Shariff, T.R.T., 1985).

The Federal Constitution of Malaysia also outlines several rights related to religious freedom and equality. Article 8 guarantees that all persons are equal before the law and entitled to equal protection without discrimination on the grounds of religion, race, descent, place of birth, or gender. Article 11 guarantees the freedom of religion, including the right to profess and practise one's religion, the freedom from being compelled to pay taxes for the benefit of another religion, and the right of religious groups to manage their own affairs. However, the propagation of non-Islamic religions to Muslims is subject to legal restrictions. Meanwhile, Article 12 grants religious groups the right to establish and maintain religious educational institutions, allows government aid for Islamic education, protects individuals from being coerced into religious ceremonies of other faiths, and provides that the religion of a child under 18 is determined by the parent or guardian.

## b) Control and Restriction of the Propagation of Non-Islamic Religions Enactment

In Malaysia, various forms of restrictions are imposed on the religious freedom of non-Muslims, particularly concerning the practice and propagation of their faiths. Under List II of the Ninth Schedule of the Federal



Constitution, state governments are empowered to legislate and enforce laws related to the control of the propagation of non-Islamic religions to Muslims. This means the right to propagate religion is a qualified right that can be restricted by state governments in the interest of public welfare. This authority is intended to prevent religious tension or conflict that may disrupt local social harmony. Accordingly, several states including Kelantan, Terengganu, Negeri Sembilan, Kedah, Pahang, Melaka, Johor, and Perak have enacted the Control and Restriction of the Propagation of Non-Islamic Religions Enactment as a preventive measure against sensitive religious issues (Musa, N.H., 2007).

In Terengganu, the enactment was introduced to preserve social harmony and public order, while also maintaining the status of Islam as the official religion of the state. Although religious freedom is recognised under the Federal Constitution, the enactment provides specific guidelines and restrictions to ensure that the propagation of non-Islamic religions does not offend Muslim sensitivities or disrupt interreligious harmony. Figure 2 below outlines 14 sections within this enactment pertaining to the control and restriction of religious propagation other than Islam.



## NEGERI TERENGGANU

### ENAKMEN 1 TAHUN 1980 ENAKMEN KAWALAN DAN SEKATAN PENGEMBANGAN AGAMA BUKAN ISLAM 1980

Tarikh Persetujuan DiRaja :	3 Mac 1986
Tarikh disiarkan dalam <i>Warta</i> :	28 Ogos 1980
Tarikh mula berkuatkuasa :	1 April 1986 [Tr. P.U. 12/86]

#### SUSUNAN SEKSYEN

##### Mukadimah

- Seksyen 1. [Nama, mula berkuatkuasa, dan pemakaian.](#)  
 Seksyen 2. [Tafsiran.](#)  
 Seksyen 3. [Kriteria bagi memutuskan samada seseorang itu orang Islam.](#)  
 Seksyen 4. [Kesalahan memujuk, mempengaruhi, atau menghasut orang Islam supaya mengubah kepercayaan.](#)  
 Seksyen 5. [Kesalahan mendedahkan orang Islam berumur di bawah lapan belas tahun kepada pengaruh-pengaruh agama bukan Islam.](#)  
 Seksyen 6. [Kesalahan mendekati orang Islam untuk mendedahkannya kepada apa-apa ucapan, atau pertunjukkan sesuatu mengenai agama bukan Islam.](#)  
 Seksyen 7. [Kesalahan menghantar atau menyerahkan terbitan-terbitan mengenai apa-apa agama bukan Islam kepada orang Islam.](#)  
 Seksyen 8. [Kesalahan membahagikan di tempat awam terbitan-terbitan mengenai agama bukan Islam kepada orang Islam.](#)  
 Seksyen 9. [Kesalahan berhubung dengan penggunaan perkataan-perkataan dan perbasaan-perbasaan tertentu yang bersumber Islam.](#)  
 Seksyen 10. [Tauliah untuk menjalankan kuasa-kuasa pegawai bertauliah.](#)  
 Seksyen 11. [Kesalahan-kesalahan boleh tangkap dan kes-kes boleh tangkap. F.M.S. Bab 6.](#)  
 Seksyen 12. [Kuasa untuk menyasat dan menangkap.](#)  
 Seksyen 13. [Kuasa untuk memerintah saksi-saksi hadir.](#)  
 Seksyen 14. [Pemeriksaan saksi-saksi.](#)

Figure 2: Control and Restriction of the Propagation of Non-Islamic Religions Enactment

Source: Majlis Agama Islam dan Adat Melayu Terengganu

Based on this Enactment, the state authorities are empowered to impose control and restrictions on any attempts to propagate non-Islamic religions by imposing fines for offences committed under Sections 4 to 9. However, the fines imposed differ between the 1980 Enactment and the amendment made in 2013. The differences in penalties are shown in **Table 2** below.

Table 2: Fines under the Control and Restriction of the Propagation of Non-Islamic Religions Enactment 1980 (Amendment 2013)

Section	Offence	Penalty	Amendment (2013)
Section 4	The offence of persuading, influencing, or inciting a Muslim to change his or her faith	A fine of RM10,000 or imprisonment for one year, or both	Imprisonment for not less than 1 year and not more than 6 years, or a fine not exceeding RM50,000, or both.
Section 5	Offence of exposing a Muslim under the age of 18 to the influence of non-Islamic religions	RM10,000 or 1 year imprisonment or both	Imprisonment of not less than 1 year and not more than 8 years, or a fine not exceeding RM50,000, or both
Section 6	The offence of approaching a Muslim to expose him or her to any speech or display relating to a non-Islamic religion	RM5,000 or 6 months' imprisonment or both	Imprisonment of not less than 1 year and not more than 3 years or a fine not exceeding RM20,000 or both
Section 7	Offence of sending or delivering publications concerning any non-Islamic religion to a Muslim	RM3,000 or 3 months' imprisonment or both	Imprisonment of not less than 1 year and not more than 3 years or a fine not exceeding RM15,000 or both
Section 8	Offence of distributing in public places publications concerning non-Islamic religions to Muslims	RM1,000	Imprisonment not exceeding 3 years or a fine not exceeding RM15,000 or both
Section 9	Offence relating to the use of certain words and expressions derived from Islam (Allah, Firman Allah, Ulamak, Hadis, Ibadat, Kaabah, Qadi, Ilahi, Wahyu, Mubalilgh, Syariat, Kiblat, Haji, Mufti, Rasul, Iman, Dakwah, Injil, Solat, Khalifah, Wali, Fatwa)	RM1,000	Imprisonment not exceeding 3 years or a fine not exceeding RM15,000 or both.

Source: Majlis Agama Islam dan Adat Melayu Terengganu

### c) The Role of the Terengganu Islamic Religious Council and the Department of Islamic Affairs

Beyond memorization, the study also showed a marked increase in children's motivation. Visual elements like Islamic cartoons, interactive role-playing, and games transformed memorization from a tedious task into an enjoyable experience. Most children eagerly attended weekly sessions, indicating that learning infused with positive emotions and social engagement strengthens interest and commitment, consistent with Vygotsky's (1978) findings on the importance of social contexts in education.

### Enhanced Sosial Interaction and Collaboration

In addition to the Enactment on the Control and Restriction of the Propagation of Non-Islamic Religions, the Terengganu Islamic Religious and Malay Customs Council (MAIDAM) and the Department of Islamic Affairs of Terengganu (JHEAT) also play important roles in strengthening the position of Islam in Terengganu. MAIDAM functions as the advisor to the Sultan on matters related to Islam and Malay customs. It is responsible for ensuring that the administration of Islam is on the right path, including matters involving *muallaf* (new converts). According to data from 1990 to 2011, a total of 2,043 individuals converted to Islam in Terengganu. The majority were from the Chinese community, mainly concentrated in Kuala Terengganu due to its role as the administrative, educational, and tourism centre of the state.

In this regard, MAIDAM, in collaboration with NGOs such as MACMA, PERKIM, and the Darul Fitrah Association, has played a role in fostering interfaith relations through dialogue-based approaches. Among the initiatives are the Interfaith Harmony Dialogue with MACMA and the Terengganu Buddhist Association on 24

December 2011, and the “Malam Tautan Kasih” (Evening of Bonding) in conjunction with Chinese New Year on 29 January 2012, attended by non-Muslim communities and representatives from the Terengganu Christian Association (Awang, A., Hambali, K.M. 2016).

The Department of Islamic Affairs of Terengganu (JHEAT), one of the oldest departments in the state, has played a crucial role in managing Islamic affairs since the early 18th century. Before its official establishment, religious matters were handled by knowledgeable individuals appointed by the Sultan, such as *kadi* and *mufti*. Previously known as the Office of Religion and Justice, JHEAT was formally established on 8 May 1920, following a proposal by Dato’ Seri Amar Di Raja Hj Ngah @ Muhammad bin Yusof, with Tengku Seri Utama Raja appointed as the first Religious Commissioner. He organized the department into six main sections: fatwa, marriage and divorce and guardian judge, judiciary, mosques, and the kadi court. Thus, JHEAT plays a key role in ensuring the implementation of Islamic laws, managing institutions of marriage and the Syariah judiciary, and serving as the main advisor on Islamic matters in Terengganu (<https://jheat.terengganu.gov.my/sejarah-jheat/>).

## Religious Freedom Policy and Its Challenges

Religious freedom issues in Malaysia often involve the overlap between individual rights guaranteed under the Federal Constitution and the primacy of Islam as the religion of the Federation. In the context of minority communities such as Christians in Terengganu, religious freedom has not been as controversial as in Selangor, Kuala Lumpur, or other West Coast states. This is largely due to the near absence of apostasy applications and the fact that Christians in Terengganu generally have no issues with Muslim Malays in terms of religion, social relations, or otherwise.

However, religious freedom issues such as apostasy or disputes over places of worship occurring in the West Coast if not well-managed and left unchecked could potentially influence Terengganu society in the future. Therefore, from a legal perspective, there are generally two main issues that significantly affect the management of apostasy cases. First is the issue of constitutional interpretation and its implications for apostasy. Second is the issue of inconsistencies in state-level laws, particularly in terms of approaches taken in handling apostasy cases.

### a) Constitutional Interpretation Issue

The provision under Article 3(1) clearly states that *Islam is the religion of the Federation*. This phrase places Islam as a value of utmost importance that must be prioritized and cannot be excluded under any circumstance (Wahab, M.A. et al., 2022). In addition to Article 3(1), there are five other provisions in the Federal Constitution related to Islam, namely: Article 8(2), Article 11(4), Article 12(2), Article 12(4) and Article 121(1A).

Table 3: Articles 8(2), 11(4), 12(2), 12(4) and 121(1A) in the Federal Constitution

Notes	
Article 8(2)	Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or gender in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.
Article 11(4)	State law and in respect of the Federal Territories of Kuala Lumpur, Labuan and Putrajaya, federal law may control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam.
Article 12(2)	Every religious group has the right to establish and maintain institutions. for the education of children in its own religion, and there shall be no discrimination on the ground only of religion in any law relating to such institutions or in the administration of any such law; but it shall be lawful for the Federation or a State to establish or maintain or assist in establishing or maintaining Islamic institutions or provide or assist in providing instruction in the religion of Islam and incur such expenditure as may be necessary for the purpose.

Article 12(4)	The religion of a person under the age of eighteen years shall be decided by his parent or guardian.
Article 121(1A)	The courts referred to in Clause (1) shall have no jurisdiction in respect of any matter within the jurisdiction of the Syariah courts.

Source: Federal Constitution of Malaysia

All five provisions in the Federal Constitution, as shown in Table 3 above, have their own significance. The most important thing that Malaysians must understand is that the position of Islam in the Federal Constitution is one of the traditional elements in Malaysia's social contract. This was the result of consensus and negotiation among representatives of the Alliance Party UMNO, MCA, and MIC who finalised the terms of the 1957 Federal Constitution of Malaya with the British authorities (Wahab, M.A., et al., 2022). However, in practice, apostasy cases involving Islam and other religions often portray Islam as the guilty party. In fact, such cases can still be challenged in court. This situation arises because the Federal Constitution can be interpreted loosely, leading to legal conflicts. This means that constitutional provisions are not always interpreted strictly or literally, but can be interpreted flexibly, contextually, and according to current circumstances.

The phrase "Islam as the religion of the Federation" confers a very high status on Islam. This is evident in the study by Shiddeq, M.S. (2015), which discusses the diversity of judicial interpretations in deciding apostasy-related cases. For example, in the case of *Che Omar bin Che Soh v Public Prosecutor*, Islam was interpreted as a religion practiced only in official ceremonies. This interpretation has often been used by lawyers to challenge the primacy of Islam in the Malaysian Constitution. In the case of *Lina Joy v Federal Territory Religious Council*, the same interpretation was used to reject Islam's privileged position and to invoke the principle of equality among Malaysians as guaranteed by Article 8(1) of the Federal Constitution. Thus, the issue of constitutional interpretation significantly affects the management of apostasy cases in court.

## b) Inconsistency in State Laws

The second issue is the inconsistency in state laws and the lack of specific provisions, which leads to weaknesses in the management system of apostasy cases. This inconsistency exists because six states still do not have specific legal provisions on this matter. These states are Selangor, the Federal Territories, Kedah, Perlis, Sarawak, and Johor. Generally, two approaches have been adopted by different states in dealing with this issue. The first approach is to treat apostasy as a Shariah criminal offense, with various labels such as attempted apostasy or insulting the religion. This approach is practiced in Perak, Pahang, Sabah, Melaka, and Terengganu.

The second approach is through a court application process, in which the court with jurisdiction is petitioned to declare that an individual is no longer a Muslim. Negeri Sembilan is the only state that provides a procedural legal provision for Muslims seeking to leave the religion. Because laws related to apostasy are not uniform across states, this affects the optimal approach to clarify procedures and governance in apostasy applications, which are increasingly being brought to the Shariah courts (Nasir, N.A.M & Ismail, S.Z., 2016).

The lack of clear legal provisions on the freedom to choose religion, and the absence of such provisions in existing laws such as the Administration of Islamic Law (Federal Territories) Act 1993, also contribute to conflicts between the Civil and Shariah Courts. This inconsistency has caused prolonged legal disputes, such as in the cases of *Lina Joy*, *Subashini*, and *Shamala*, with jurisdictional issues being repeatedly debated, thus creating injustice for those involved. This situation highlights the need for a clear affirmation of the right to choose one's religion in Malaysia (Halim, R. et al., 2018). In this regard, a key question arises: can the inconsistency in apostasy-related laws across states be resolved through the introduction of a religious freedom policy? Is such a policy, particularly in Terengganu, a strategic necessity for managing apostasy cases? To what extent is a religious freedom policy necessary as an administrative mechanism to support the implementation of religious provisions in the Federal Constitution?

## The Need for A Religious Freedom Policy

Before deciding on the necessity of a religious freedom policy in Terengganu, two aspects must be considered: the short-term and long-term perspectives. In the short term, such a policy is not an urgent necessity currently. According to Awang, M.B (2025), a policy is not a substitute for existing law, but rather a complement and



support for existing efforts. This is because policies hold a lower position than laws. Policies are more administrative in nature and can change based on the current discretion of the authorities. Furthermore, the role of policies is to detail existing laws and constitutional provisions, but they cannot override or fall outside the scope of the existing legal framework. In terms of approval, policies are not passed by the State Legislative Assembly (DUN) but are drafted and approved through meetings of the State Executive Council (EXCO). Typically, a specific committee is appointed to monitor policy implementation, but it does not have enforcement powers like laws do. Therefore, in terms of strength, drafting process, and implementation effectiveness, policies are not equivalent to laws. Moreover, the Christian demographic in Terengganu currently does not pose a threat to the sustainability of Islam and its practices among the Muslim community.

However, in the long term, a religious freedom policy can be considered a necessary measure to safeguard the faith of Muslims alongside existing legal provisions. This is because Muslims increasingly face the challenge of diverse religious proselytization efforts, including Christianity, which are disseminated in various subtle forms. For instance, the issue of open Christian evangelical efforts targeting Malays in Kuala Lumpur (Firdaus Wong's Facebook, 20 February 2020) and the case involving three foreign individuals distributing Christian pamphlets in public areas in Desa Setapak (Sinar Harian, 4 January 2025).

Considering the challenges posed by borderless social media, Muslims require a form of policy that serves as a safeguard to protect them from such influences. Therefore, if such a policy is to be drafted and implemented, it must be closely monitored by the government, and periodic evaluations must be conducted to ensure its effectiveness and that it achieves its intended goals. However, in terms of effectiveness, such a policy will not function well unless every Muslim individual strengthens a key internal aspect: their faith in God. Faith and confidence in one's religion are the strongest fortresses against any form of threat or religious proselytization efforts.

## CONCLUSION

In conclusion, the constitutional and state legal provisions on religious freedom, such as those in Terengganu, are indeed aimed at protecting the faith of Muslims from apostasy. However, the legal reality indicates that loose interpretations of the Constitution and the inconsistency among state laws have created serious challenges in managing apostasy cases. The variety of state-level approaches and differing court decisions show that weaknesses remain in the current system, highlighting the need for an additional mechanism to more comprehensively support efforts to curb apostasy.

In the context of the Christian demographic in Terengganu, the establishment of a long-term religious freedom policy can serve as a strategic and complementary step. Although policies do not have the same enforcement power as laws, they function as administrative guidelines that can coordinate state government actions and provide direction in addressing contemporary challenges, especially external influences through social media and other religions' missionary activities targeting Muslims. Hence, such a policy can be seen as a crucial supplementary protection, provided it is implemented consistently and backed by the inner strength of the Muslim community.

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