

national aspirations despite being at odds with Russian interests. In response to this question, Ahmad pointed out that historical and geopolitical realities could not be easily discounted, and that being neutral would be in the best interests of both Ukraine and Russia. Other questions included the position of Muslims and Islam in Russia, the potential impact of the war on Malaysia, the question of fake news and misinformation surrounding the conflict, and the ethics of war in general.

Forum: Child Conversion in Malaysia: Issues and The Way Forward (IAIS Facebook Live, 24 March 2022)

Ahmad Badri Abdullah

This online forum featured two prominent personalities in academia. The first was Associate Professor Dr Mohamed Azam Mohamed Adil, Director-General of the Institute of Islamic Understanding Malaysia (IKIM). The second was Dr Faridah Abdul Jalil, a former law professor at the National University of Malaysia (UKM) and a current advisor to the Institute of Political Reform and Democracy (REFORM). The forum aimed to shed light on the pressing issue of unilateral child conversion, especially with regard to the recent case involving a Chinese mother, Mrs Loh Siew Hong, whose children were taken and converted to Islam by her former husband. More importantly, the forum also discussed the way forward in addressing the complex conundrum within the country's legal system.

In his session, Azam narrated the progression of the Loh Siew Hong case and compared it with previous child conversion episodes, such as the Subashini and Susie Teoh cases. Most of these cases, argued Azam, revolved around the word 'parent' in article 12 (4) of the Federal Constitution which states that the religion of a person under the age of 18 shall be decided by his or her parent. In the Indira Gandhi case, the Federal Court decided that the word 'parent' means both father and mother, which added to the complexity between the civil and shariah courts. The decision triggered a conflict between the two courts, as some state enactments do allow either one of the parents to determine their child's religion. In the Islamic legal tradition, according to Azam, there is a dispute regarding religion as a criteria when determining custodial rights. While the Shafi'is and Hanbalis consider religion as the determining factor, the Hanafis and Malikis are of the view that it is not the only criteria (despite putting certain

restrictions). To resolve this complication, Azam proposed that the *Siyasah al-Shari'ah* doctrine be consulted. Hence the government may set up a special court of mixed jurisdictions, where civil and shariah judges can sit together and decide on such cases.

In her analysis regarding the dynamic between the civil and shariah courts, Faridah suggested that such a relationship was not intended when changes were made to article 121A of the Federal Constitution in 1988. The estranged relationship between both courts, argued Faridah, could be detrimental for a country with a multi-ethnic population like Malaysia, particularly with the significant increase in interreligious marriage revealed by the latest statistics. Rampant divorce cases, especially among spouses from different ethnicities and religions, will lead to more legal conflicts. Resolving this issue, Faridah argued, might require the country's executive, legislative, and judiciary bodies to act together in laying down legal-harmonisation policies.