Istitabah Model for Malaysia: A Preliminary Exposition

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Abstract

Increasing number of apostasy cases in Malaysia by year have been reported by many authorities. In this sense, istitabah (الاستتابة), literally means asking or calling for repentance (التوبة), has to be enforced as a national educational and rehabilitation measure. The application of istitabah is considered as obligatory (واجب) and supererogatory (مندوب) by the majority of scholars of Ahl Al-Sunnah Wa Al-Jamaah. This article aims to highlight some findings on the model and approaches of istitabah within the climate of Malaysian religious administration and societal needs. Through the use of qualitative research strategies, it was found that there were only glimpses of istitabah exposition in the classical and modern texts of Islamic scholarship. This has called for present ijtihad to fill in the gaps towards a living practice of istitabah. This article will elucidate a preliminary exposition of M-Istitabah (Malaysia Istitabah), which will become a model for Malaysian Istitabah that applies integrated approach of the principle understanding of akidah, shariah, da'wah, comparative religion and crisis intervention towards rehabilitation of apostasy crimes in Malaysia.

Keywords: istitabah, apostasy, integrated approach, crisis intervention, akidah counselling

INTRODUCTION

Malaysia is a multireligious Islamic country. This rich religious pluralistic feature of the country, which at the same time upholds Islam as the religion of the federation, signifies its uniqueness and strength in confronting challenges coming from many sides including in the administration of the society, maintaining religious harmony, propagation of Islamic Da'wah and maintaining Muslims identity. (Ammar Fadzil, 2011, 354-360; Means, G.P., 1969, 279-282) Increasing number of apostasy cases in Malaysia by year, have been reported by many authorities. (Azman Ab Rahman et. al., 2006, 24-29) Apostasy is equated to *al-Riddah* or *al-Irtidad* in the context of Islamic law, which means leaving or denouncing Islam as one's religion. (Abd al-Qadir Awdah, 1994, Vol. 2, 706; Al-Zuhaili, 1985, Vol. 6, 183) These apostasy cases include one's involvement in issues of religious conversion, deviant teachings, anti-Muhammad, anti-Hadith or anti-Quran statement etc. (Lee, R.; Ackerman, S.E., 1997, 134-141)

In Malaysia, apostasy cases are regarded as amongst the sensitive issues to the multireligious society, which require cautious and thoughtful actions taken by the whole people especially the main parties involved, namely: political leaders, courts, academics and social media. Examples of Malaysian apostasy cases are the Natrah, Lina Joy, Noraishah Bukhari and Hartina Kamarudin. This also includes the total of 220 approvals given by the *Jabatan Pendaftaran Negara* from 750 applications for change to non-Muslim name by the newly converts between the year 1999-2003. (Farahwahida, 2006, 4-6) Management of apostasy cases by the state religious offices then, needs fresh remedy and renewed efforts towards curbing this problem from its many dimensions: law, education and altogether social awareness and involvement. (Ahmad Mohamed Ibrahim, 2000, 585-620; Mahbubul Islam, 2005, 250-274 and Abdul Aziz Bari, 2005, 113-133) For this cause, this present article aims to highlight some findings on the model and approaches of Istitabah within the climate of Malaysian religious administration and societal needs.

THE CONCEPT OF ISTITABAH IN ISLAM

Al-Istitabah (الاستتابة), literally means asking or calling for repentance (التوبة). In the words of Ibn Manzur (630-711H):

التَوبَةُ: الرجوع من الذنب. وفي الحديث: الندم توبةٌ. والتَوبُ مثلُهُ. وقال الأخفش: التَوبُ جمعُ توبةٍ مثلُ عزمة عزمٌ. وتاب إلى الله يتوب توباً وتوبةً ومتاباً: "أناب ورجع عنِّ المعصية إلَى الطاعة، فأما قوله: "تُبتُ إليك، فتقبل تابَتي، وصُمتُ ربي، فتقبل صامتي." إنما أراد توبتي وصومتي فأبدل الوَاوَ ألفاً لضرب من الخفة... وقال أبو منصور: أصل تاب عاد إلى الله ورجع وأناب. وتَاب الله عَليه أي عاد عليه بالمغفرة. وقوله تعالى: ﴿ وتوبوا إلى الله جميعا ﴾ ، أي عودوا إلى طاعته وأنيبوا إليه. واللهِ التواب: يتوب على عبده بفضله إذا تاب إليه من ذنبه. واستتبتُ فلاناً: عرضت عليه التوبة مما اقترف أي الرجوع والندم على ما فرط منه. واستتابه: سأله أن يتوب. وفي كتاب سيبويه: والتَتْوِبَةُ على تَفْعِلةٍ: من ذلك. (1300H, Vol. 1, 232).

The discussion on *Al-Istitabah* in the classical and modern texts of Islamic scholarship is evident in the opuses of *Al-Tafasir* (Quranic exegeses), *Shuruh Al-Ahadith* (Hadith commentary), *Al-Aqidah* (Islamic creed) and *Al-Fiqh* (Islamic Law). For instance, such intensive and extensive discussions on Istitabah could be found in the fiqh chapter on apostasy crime (*jarimah al-riddah*). In the same manner, this discussion could also be found in the aqidah topics on the false aqidah. (*Al-Aqidah Al-Fasidah aw Al-Batilah*) Interestingly, this discussion is also found on the problem of reading the

Quran from the weak narrations (*riwayat shadhdhah*). In brief, more than 30 texts have been referred to and reviewed for the purpose of this research, which include the views of more than 40 prominent Muslim scholars. **(**Al-Shafi'i, 2001, Vol. 7, 399-400; Al-Maqdisi, 1997, Vol. 12, 264-271; Al-Abbadi, 1995, Vol. 4, 2289-2290; Al-Nawawi, Vol. 21. 62-71; Al-Jaziri, 2003, Vol. 5. 373-374; Al-Zuhayli, 1985, Vol. 6. 186-188; Al-Nawawi, 1996, 96) This is due to the special nature of this discussion, which is firmly rooted to the Quranic and Sunnah groundings. **(**Al-Quran Al-Karim. Surah Ali 'Imran 3: Verses 86 – 90; Ibn Kathir, 2000, Vol 3, 104; Al-Tabari, 2001, Vol. 5, 557; Al-Andalusi, 1993, Vol. 2, 540; Al-Khazin, 1317H, Vol. 1, 283; Al-Bukhari, 1407H, Hadith no. 5948, Vol. 5, 2324; Al-Tirmidhi, Hadith no. 3259, Vol. 5, 383; Al-Nasa'i. 1991, Hadith no. 10267 & 10268, Vol. 6, 114; Ahmad Ibn Hanbal, 1999, Hadith no. 8493 & 9807, Vol. 14, 191 & 501; Al-Asqalani, 2000, Vol. 12, 338.)

In the scope of apostasy cases, the application of istitabah is considered as obligatory (واجب) and supererogatory (مستحب) by the majority of scholars of *Ahl Al-Sunnah Wa Al-Jamaah,* as it is said in a consensus: وأجمع أهل العلم بأن العبد إذا ارتد فاستتيب فلم يتب قتل ولا أحفظ فيه خلافا (Ibn Al-Munzir, 1999, 174.) Figure 1 below, appropriated from the academic research finding by Dr Akram Rida Musa (2006, 161), illustrates clearly the views of prominent Muslim scholars on the Islamic legal rulings of Istitabah.

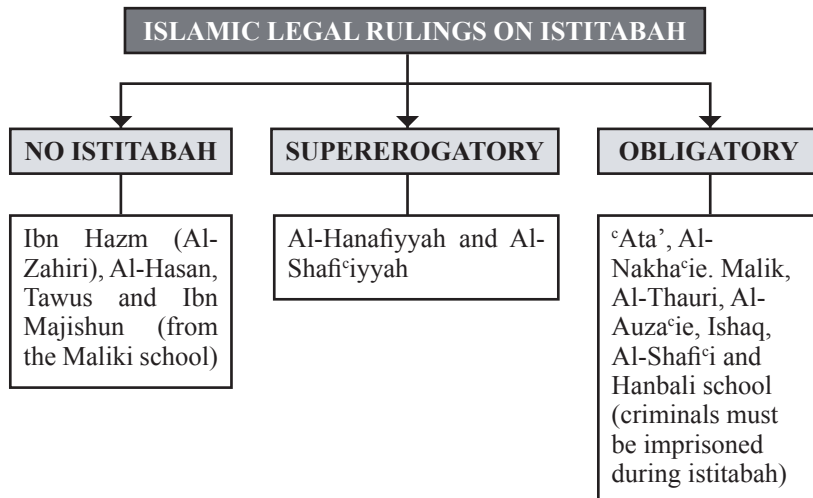| ISLAMIC LEGAL RULINGS ON ISTITABAH		
NO ISTITABAH	**SUPEREROGATORY**	**OBLIGATORY**
Ibn Hazm (Al-Zahiri), Al-Hasan, Tawus and Ibn Majishun (from the Maliki school)	Al-Hanafiyyah and Al-Shafiʿiyyah	ʿAta', Al-Nakhaʿie. Malik, Al-Thauri, Al-Auzaʿie, Ishaq, Al-Shafiʿi and Hanbali school (criminals must be imprisoned during istitabah)

Figure 1: Islamic Legal Rulings on Istitabah from The Views of The Scholars

The scholars were not only in dispute with regards to the Islamic legal rulings on istitabah, but they also dispute on the time duration of istitabah. Figure 2 below, appropriated from the academic research finding by Dr Al-Samira'i (1984, 172) and Dr Akram Rida Musa (2006, 156-161), illustrates vividly the views of prominent Muslim scholars on the time duration of Istitabah. With such dispute among the scholars, Dr Al-Samira'i suggests that the present Muslim communities, especially the officers in charge (*ulu al-amri*) to wisely decide on the most applicable and proper time duration to execute Akidah rehabilitation on the criminals caught for apostasy (*al-mustatab*). In his own words, it reads:

مما تقدم يمكننا القول بأن الاستتابة موضع خلاف بين الفقهاء، في عددها ومدتها، ولكنها تبدو ضرورية، لأن من آمن، يبعد أن يعود للكفر مرة ثانية، وكذلك من ولد على الإسلام، ولا يحصل ذلك إلا لأمر عرض له، فإذا أمهل، وكشفت شبهاته، فمن المرجح توبته، وهذا يقتضي إمهاله مدة كافية، لعل من الأفضل تركها لولي الأمر على أن لا تقل عن ثلاثة أيام أخذاً بالآثار الواردة.
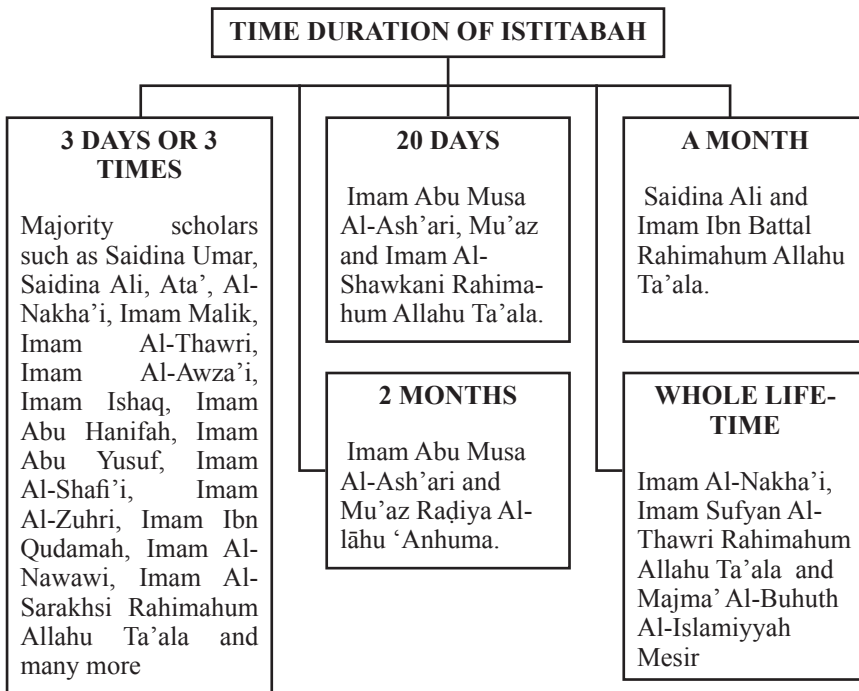
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                    ┌─────────────────────────────────┐
                    │   TIME DURATION OF ISTITABAH    │
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3 DAYS OR 3 TIMES	20 DAYS	A MONTH
Majority scholars such as Saidina Umar, Saidina Ali, Ata', Al-Nakha'i, Imam Malik, Imam Al-Thawri, Imam Al-Awza'i, Imam Ishaq, Imam Abu Hanifah, Imam Abu Yusuf, Imam Al-Shafi'i, Imam Al-Zuhri, Imam Ibn Qudamah, Imam Al-Nawawi, Imam Al-Sarakhsi Rahimahum Allahu Ta'ala and many more	Imam Abu Musa Al-Ash'ari, Mu'az and Imam Al-Shawkani Rahima-hum Allahu Ta'ala.	Saidina Ali and Imam Ibn Battal Rahimahum Allahu Ta'ala.
	2 MONTHS	**WHOLE LIFE-TIME**
	Imam Abu Musa Al-Ash'ari and Mu'az Raḍiya Al-lāhu 'Anhuma.	Imam Al-Nakha'i, Imam Sufyan Al-Thawri Rahimahum Allahu Ta'ala and Majma' Al-Buhuth Al-Islamiyyah Mesir

Figure 2: Time Duration of Istitabah From The Views of The Scholars

Hence, Istitabah or calling for repentance is stressed in the Islamic apostasy cases. Despite there are many views among the prominent scholars of *Ahl Al-Sunnah Wa Al-Jamaᶜah*, most of the scholars resort to the application of Istitabah, either as obligatory or supererogatory acts in Islam. Ibn Al-Munzir (d. 318H) Rahimahu Allahu Taᶜala in his *Al-Ijmaᶜ* states (1999, 174):

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وأجمع أهل العلم بأن العبد إذا ارتد فاستتيب فلم يتب قتل ولا أحفظ فيه خلافا

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In reality, there were only glimpses of *istitabah* exposition in the classical and modern texts of Islamic scholarship, which calls for present *ijtihad* to fill in the gaps towards a living practice of this effort. After a thorough review on these classical and modern texts, altogether with some expert interviews with the General Mufti of Egypt, Officials of Religious Ministry of the Republic of Indonesia (Kementerian Agama Republik Indonesia or KEMENAG), Officials of Selangor and Negeri Sembilan State Religious Offices, the gaps found are listed as follows: model, time duration, syllabi, approaches, modules and training of the trainers.

This article will elucidate a preliminary exposition of M-Istitabah (Malaysia Istitabah), which will become a model for Malaysian Istitabah that includes a brief introduction of the model and its approaches. This article is one of the outcomes of FRGS Research titled *Model Istitabah Murtad Di Malaysia*.

DYNAMISM IN APOSTASY: A MALAYSIAN CASE

Many scholars who have studied Malaysia have found that Malaysia is as heterogeneous as any other religious and non-religious communities in this world, namely divided by doctrines, cultural practices and a host of other factors. According to Azmi Aziz and Shamsul Amri Baharuddin: "The heterogeneity has been, partly, the result of the meeting and fusion of at least three major civilizations and two colonial systems in the last 2000 years." (2004, 353)

As we have shown earlier in the years of Rasulullah PBUH and his Companions, it is important that in any cases of religious matters to be properly handled with meticulous care, objectivity, transparency, just and truthfully. For Allah SWT says in Surah Al-Nisaa' 4, verse 58 and 59: "Surely Allah commands you to make over trusts to their owners and that when you judge between people you judge with justice; surely Allah admonishes you with what is excellent; surely Allah is Seeing, Hearing. (58) O you who believe! Obey Allah and obey the Messenger and those in authority from among you; then if you quarrel about anything, refer it to Allah and the Messenger, if you believe in Allah and the last day; this is better and very good in the end.

(59)" The same spirit was also heralded through Surah Al-Maidah 5, verse 8, for Allah says: "O you who believe! Be upright for Allah, bearers of witness with justice, and let not hatred of a people incite you not to act equitably; act equitably, that is nearer to piety, and he careful of (your duty to) Allah; surely Allah is Aware of what you do."

In this light, this research has found that there are many reasons involved as the determining factors for an apostasy case, namely internal and external factors. Many previous researches have been done by a number of international and Malaysian scholars in identifying reasons for apostasy. For the purpose of this article, analyses and references have been made to three Malaysian academic researches done by a number of academicians, namely *Punca Gejala Murtad: Kajian Di Malaysia* (2006), *Kaedah Penyelesaian Dalam Menangani Pertukaran Agama Dalam Kalangan Masyarakat Melayu-Islam Di Johor, Selangor Dan Wilayah Persekutuan Kuala Lumpur* (2006) and *Punca-Punca Murtad: Kajian Di Malaysia* (2007). Methodologies such as case studies, questionnaires and interviews have been used in these aforementioned researches to identify any main factors involved, both internal and external, in apostasy cases among the Malaysian Muslims. (Farahwhida, 2006, 72; Azman Ab Rahman et. al., 2007, 14-15 & 58-59) Evidently, the dynamism in Malaysian apostasy cases requires a holistic Istitabah model that can meet the needs of the *mustatab* or the trainee.

Internal Factors
Internal factors that cause apostasy among the Muslims in Malaysia consist of lack of Islamic knowledge; Love/Marriage/divorce; parents and lastly economic.

Lack of Islamic knowledge / Lack of internalization of Islamic knowledge
Muslim society in Malaysia has more than enough space to seek and gain Islamic knowledge. This includes religious classes at schools, mosques, colleges, universities, religious offices, from authorized Islamic websites, religious programmes at television channels and radio stations. However, these chances are not grasped in the best way among the people especially in learning Islamic knowledge for the purpose of understanding and internalizing the whole teachings of Islam. Nowadays the educational system tend to pay high attention on science and technology by hitting Islamic knowledge to the second-class standard or lower. Ignorance and lack of internalization of Islamic knowledge cause the collapse of life value among the people and force for the search of other alternatives to fulfill empty space in their faith.

Love/Marriage/divorce

There are also teenagers involve in unlawful love relationship although possess sufficient Islamic education. Some apostasy cases occurred among the newly converts, which rooted from early marriage failure. The problem emerge when one fails to perform their role and responsibility. Islamic religion never recognizes any marriage, which only concern on the element of love without considering the sensitivity of Islamic teachings. Anything derived from other religions or philosophical teachings cannot be compromised because Islam is a perfect religion and has no additional need from the others.

Parents

Career or working parents who do not give their children adequate education and attention can also contribute to apostasy crimes. In other words, less parent-children attention and education is able to deteriorate familial relationship. This factor also includes the case of abandoned child from a mixed marriage. The repetition of apostasy among the parents can also affect their children and cause internal crisis in determining one's religion status.

Economic

Hardship confronted for daily life survival can also cause apostasy. In this age of materialistic life, many Muslims are encouraged to leave their religious teachings and obligations. This factor will influence them to behave beyond the Islamic guidelines and finally feel comfortable with the modern and luxurious life. Some Muslims were also influenced by the kindness performed by religious person from other religions that came and help them during their hard time.

External factors

While, main external factors consist of surrounding, peers, Christianity movement, modernization, leniency in legislation, administration and government, educational system, the role of Da'wah and discrimination among the newly convert.

Peer Influence

Some Muslim adolescents, they are easily influenced by negative elements in the society. In present Malaysian context, adolescents are found to spend more time with their peers in schools rather than at home.

Modernization

Modernization that occurred nowadays cause Muslim society to be exposed with the problems of pluralism and liberalism ideas, which are wide spread through various medium and can be accessed by all.

Low level of Enforcement of Syariah Enactments
Some states, through the Syariah Enactments in Malaysia still do not have a preventive law or enforcement against apostasy. For example, some states in Malaysia already have Enactment for Religions other than Islam (Control of Propagation Amongst Muslims) but only Pahang had enforced this enactment. (NurHafilah Musa, 2007, 9)

National Administrative System
Malaysia as an Islamic state is supposed to address apostasy as the enemy of the nation. Supports through the educational system, materials and human resources are of paramount in curbing this issue from further worsening. To prevent is better than cure.

Educational system
The present educational system should be reviewed to strengthen Islamic identity in every Malaysian Muslim. This action is further supported when the apostasy cases also occurred among the Malays, which are supposed to have already mastered and learned Islamic teachings from their birth. Education is also supposed to focus on the efforts of internalizing Islam in one's daily life, rather than just memorizing notes for examination purpose.

Discrimination among the newly convert
Some newly converts were discriminated in the society. This is different from what they have learned about Islam, where all Muslims are brothers.

In the Malaysian context, those convicted with the apostasy crime will be lawfully forced to undergo compulsory rehabilitation program at a special center. (Liow, J.C., 2009, 64-68) This rehabilitation program will enforce and apply its specific model and approaches of rehabilitation on the *mustatab* or the trainee until further notice received from the religious Rulers of the state, i.e. the Sultans or the Yang Dipertuan Agong or their representatives e.g. Directors of Religious Office, Judges of Shariah or Civil Courts etc.

M-ISTITABAH: AN INTEGRATED APPROACH

The *mustatab* or trainee for the *Istitabah* process will be following the M-Istitabah model that has been designed to diagnose, explore, rehabilitate and give Akidah, crisis intervention and counseling to them. The process of Akidah Rehabilitation and Counseling will be further elaborated.

M-Istitabah is developed based on a FRGS research titled *Model Istitabah Murtad Di Malaysia*. The research has explored all methods of Istitabah within the literature that has been mentioned earlier. We have also explored the previous practices and experience by some rehabilitation centres in Malaysia.

Mustatib or trainer for the rehabilitation centre has been interviewed and the findings were analyzed to develop this M-Istitabah Model.

The model contains steps on providing Akidah rehabilitation and counseling. The process will begin by working through a comprehensive diagnosis of the trainee within his worldview on a) Akidah matters, b) the mental health status, and c) the spiritual situation. These diagnosis phases will later determine the next phase for the trainee. If the trainee is facing a great difficulty within his spiritual issues, the trainee will be moved to the Spiritual Rehabilitation phase first.

The conceptual framework of spiritual issues within the istitabah concerns includes a) personal spirituality issues, b) spiritual possession (demon and jinn), c) witchcraft issues and other issues related to spiritual matters that cannot be explained by physical and mental health frame. At the end of these processes, it is anticipated that the trainee will either move to the second phase (Akidah Rehabilitation) or they will end their rehabilitation process. The process is ended due to no more istitabah process are needed after the spiritual issues of the trainee has been solved.

It is anticipated that some of the trainee has no issues on their Akidah due to proper education and knowledge in the Islam practices; they need istitabah only due to their spiritual wellbeing. The Akidah rehabilitation phase will be done within the intra-religion phase or the inter-religion phase. The intra-religion phase contains syllabus that focuses within the fundamental religious issues with minimal references from the perspective of cross-religion or comparative religion. Intra religion phase will give focus on the three (3) fundamentals of Islamic teaching of *Akidah, Shariah* and *Akhlak*.

Meanwhile, the inter-religion syllabus focuses on religious issues that focus on a higher need from the inter-faith perspective or comparative religion. Focus of this phase will be covered around the validity and credibility of Islamic teaching compared to other religion.

Within the diagnosis period also, the trainee will be examine on their Akidah issues either it is within the intra-religion or the inter-religion perspective. The focuses of either they need the inter-religion or intra-religion rehabilitation is determine during that phase

The focus on the next phase of helping relationship is akidah counseling. Aqidah counseling is an integrated approach within the akidah and comparative religious knowledge with the crisis intervention and crisis-counseling framework. The istitabah trainer will embark the trainee on

a journey to understand their own self within the religious perspectives together with the issues that they are facing; which are the reason they are in the istitabah program.

In order to be successfully gaining the true meaning of their issues during the akidah counseling session, the trainee will first understand the provoking stress event that started it. According to Lisa and Bradley (2014), stressor events are those occurrences that provoke change in the functioning of an individual or system. Stressor events may be categorized as either normative crisis (developmental) or non-normative crisis (situational). It can also be an existential crisis. The istitabah trainee can have any of the either one of crisis as a provoking event that leads them towards having difficulty within their cognitive and behavioral perspectives.

These difficulties are developing due to lack of resources within the trainee self-coping ability. According to McCubbin and Patterson (1982), resources may be defined as traits, characteristics, or abilities that can be used to meet the demands of stressor events. Resources may be tangible or intangible. When resources are adequate to meet the demands created by a stressor situation, the situation is less likely to be perceived as problematic and less likely to lead to crisis situations. Resources can be reached by the individual or it can also come from the family and community. The trainee resources are explored during this phase and they will be educated to be able to increase their resources.

The trainee will also be brought to understand whether a stressor events results in crisis depends not only on available resources but also on the meaning attached to the event. The meaning attributed to a stressor event is subjective and comes from the way it is appraised through both cognitive and affective processes. Ambiguity can occurs when fact cannot be obtained. Most of istitabah trainee fell into this trap. The trainer will help to clear out their cognitive and affective ability in giving meanings.

When the trainee are being able to identify and cope with their stressor/s events due to the ability to enhance their resource and gives a positive meaning towards their perception; it means that the trainee has reached the equilibrium level in their crisis situation. The ability to reach this equilibrium level means that the trainee are able to act normally and they have changed.

The changes that occur after the akidah counseling process will bring the trainee to the level of having positive holistic change. With this changes, it means that the trainee has come to understand themselves, upgraded their resources, have a more positive cognitive, affective and behavioral attitudes,

respect themselves and others. They are in their total wellness. This model can be viewed in Figure 3 below.

CONCLUSION

M-Istitabah is developed based on a FRGS research titled *Model Istitabah Murtad Di Malaysia*. This research has explored all methods of Istitabah within the major literatures of Ahl Al-Sunnah Wa Al-Jamaah, including the previous practices and experience by some rehabilitation centres in Malaysia. Some *mustatib* or trainers for the rehabilitation centre has also been interviewed and the findings were analyzed to develop this M-Istitabah Model.

The model contains steps on providing Akidah rehabilitation and counseling. The process will begin by working through a comprehensive diagnosis of the trainee within his world view on a) Akidah matters, b) the mental health status, and c) the spiritual situation.

The effort to combat apostasy requires supports and input from all parties. Internal values such as commitment to the teachings of Islam, fear of Allah and hate of evil are among the effective factors that can prevent apostasy crime. Evidently, M-Istitabah is an educational and rehabilitation model that can be used to fulfill this need.
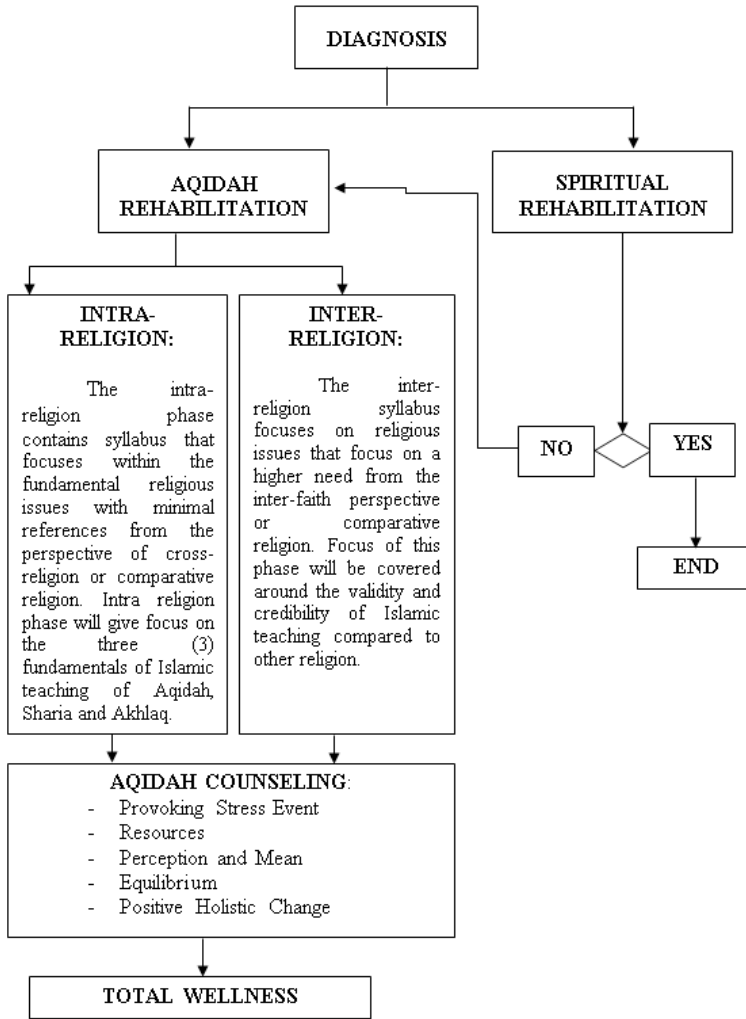
Figure 3: M-Istitabah Model

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