



CHALLENGES IN ENSURING RELIGIOUS TOLERANCE IN MALAYSIA

<https://doi.org/10.57033/mijournals-2026-4-0276>

Anvar MUSTAFOYEV

*Tashkent State University of Oriental Studies
Independent Researcher*

Received: 15-05-2026

Accepted: 28-05-2026

Published: 09-06-2026



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Abstract. *This article examines the major political, legal, and social challenges to ensuring religious tolerance in Malaysia. It analyzes the constitutional position of Islam as the religion of the Federation, the guarantees of religious freedom, and the coexistence of civil and Sharia courts as key factors shaping the country's policy of religious tolerance. The study also discusses issues related to apostasy, religious conversion, the rights of religious minorities, restrictions on the construction and registration of places of worship, and unequal approaches to religious propagation. Particular attention is given to the impact of these challenges on social cohesion, equality, and citizens' religious rights, including the Lina Joy case as a significant example of the legal limits of religious freedom in Malaysia. The findings demonstrate that the institutional supremacy of Islam and the dual legal system create substantial obstacles to achieving genuine religious equality and tolerance in Malaysia.*

Keywords: *Malaysia, religious tolerance, religious freedom, Islam, Constitution, Sharia courts, civil courts, apostasy, religious conversion, religious minorities, religious equality, religious discrimination, Lina Joy case, Bumiputera policy, social cohesion.*

INTRODUCTION

Understanding Malaysia's policy of religious tolerance requires an analysis of the country's constitutional structure and legal system. Although Malaysia presents itself as a multiethnic and multireligious state, the privileged position of Islam as the state religion and the coexistence of civil and Sharia courts remain among the greatest challenges to ensuring religious freedom and tolerance. Article 3 of the Constitution declares Islam the "religion of the Federation," while Article 11 guarantees all citizens

the right to choose and freely practice their religion. Other religions may be practiced “in peace and harmony” (Neo, 2006: 95–118). In practice, however, these constitutional freedoms are often restricted, and Islam’s political and legal supremacy undermines the equal citizenship of followers of other religions. Consequently, although Malaysia is portrayed internationally as a “moderate Islamic state,” religious tolerance is not fully ensured within its actual political and legal system.

MAIN PART

The privileged status of Islam as the state religion is a central challenge in religious tolerance policy. Article 3 of the Constitution establishes Islam not merely as a symbolic state religion but as a religion with political and legal preeminence. Under Article 160, ethnic Malays are automatically recognized as Muslims. This constitutionally links Malay identity to Islam and compulsorily subjects the majority of the population to the Islamic legal system (Fernando, 2006: 249–266). The Malaysian government officially supports the Shafi‘i school of Sunni Islam, and state religious policy is based on this interpretation. State institutions such as Jabatan Kemajuan Islam Malaysia (JAKIM) oversee Muslims’ religious education, family relations, economic activities, and private lives. Islam thus functions in Malaysia not only as a system of belief but also as a fundamental element of governance and social order.

Although other religions are constitutionally recognized, they face various restrictions in practice. While Article 11 grants citizens religious freedom, clause 4 empowers state governments to prohibit the propagation of other religions among Muslims (Means, 1978: 384–405). Consequently, followers of Christianity, Buddhism, Hinduism, and other religions are deprived of opportunities to actively disseminate their beliefs. Such activity is often interpreted as a threat to “public order” or “Islamic values.” In practice, religious tolerance policy therefore becomes a system that grants limited freedom to other religions while preserving Islam’s dominant position, rather than establishing religious pluralism based on equal rights.

Islamic supremacy is also deeply rooted in political and social life. Policies designed to strengthen “Islamic values” in governance frequently marginalize Chinese Buddhists, Hindus, and Christian bumiputera groups in East Malaysia. This is particularly evident in matters concerning the construction of places of worship, religious education, and

civil documentation. A report issued in 2025 by the United States Commission on International Religious Freedom (USCIRF) states that Malaysia's dual legal system reinforces the primacy of Islamic law, restricts interpretations of Islam deemed "liberal" or "prohibited," and intensifies discrimination against other religions (USCIRF, 2025). Sharia laws are becoming particularly stringent in states where political forces such as the Pan-Malaysian Islamic Party (PAS) are gaining influence. This weakens the social and legal position of religious minorities and reduces religious tolerance policy to a formal declaration.

A second and more complex challenge to religious tolerance in Malaysia is the existence of a dual legal system. Civil and Sharia courts operate in parallel. Under Article 121(1A) of the Constitution, civil courts cannot intervene in matters falling within the jurisdiction of Sharia courts. Although initially designed to regulate Muslims' family and religious affairs, this system subsequently became a principal mechanism restricting religious freedom (Abdullah & Li Hua, 2007: 264–289). Non-Muslim citizens can turn to civil courts, whereas Muslims, particularly ethnic Malays, are subject to Sharia jurisdiction. This complicates disputes involving marriage, divorce, inheritance, child custody, and religious status.

The dual legal system exacerbates problems not only in cases of apostasy but also in many other religious disputes. When one parent converts to Islam, the religious status of the children may change automatically, and civil courts cannot intervene in such cases. Jurisdictional conflicts between civil and Sharia courts also arise in disputes concerning interfaith marriages, inheritance, and burial rites (Buang, 2007: 317–340). Religious minorities consequently often lack legal protection. Although constitutional guarantees of religious freedom theoretically apply to all citizens, they are significantly restricted for Muslims in practice.

The privileged status of Islam as the state religion and the dual legal system are interconnected and substantially weaken religious tolerance policy. Islam's political preeminence expands the authority of Sharia courts, while the dual legal system reinforces that preeminence institutionally and legally. As a result, although Malaysia officially presents itself as a multireligious and tolerant society, religious equality is not fully ensured in practice. Non-Muslim minorities face numerous obstacles in exercising their religious and civil rights, while Muslims are effectively deprived of the freedom to leave Islam (Peletz, 2002: 195–238). This situation conflicts with the

principles of equality and freedom in Malaysia's Constitution and is not fully consistent with international religious freedom standards. Ensuring meaningful religious tolerance therefore requires reconsideration of the systemic problems associated with religious supremacy and the dual legal system.

Apostasy, or leaving Islam, is among the most controversial and complex aspects of religious tolerance policy in Malaysia. Although apostasy is not designated a criminal offense at the federal level, it is punishable under Sharia law in many states. It may entail legal liability in Perak, Pahang, Kelantan, Terengganu, Melaka, Negeri Sembilan, and Sabah. In Pahang, penalties for apostasy include a fine of up to 5,000 ringgit, imprisonment for up to three years, and up to six strokes of the cane. In Kelantan and Terengganu, the death penalty is theoretically prescribed, although federal legislation prevents its enforcement (Adil, 2007: 1–36). Negeri Sembilan, Perlis, and Selangor have counseling or “rehabilitation” procedures through which permission to leave Islam may formally be granted. However, these procedures often involve religious pressure, demands for repentance, and lengthy investigations. Leaving Islam consequently becomes almost legally impossible, revealing a serious contradiction between the principle of religious freedom in Article 11 of the Constitution and actual practice (Musa et al., 2024: 1755–1767).

Religious conversion also reveals a double standard in Malaysia. Conversion to Islam is relatively straightforward and encouraged by the state. Conversion associated with marriage is formalized particularly quickly, and in some cases children are also automatically regarded as Muslims (Yee, Elias, & Abdul Ghani, 2019: 64–77). Leaving Islam, however, is handled through an entirely different procedure. Because Article 160 of the Constitution links Malay ethnicity to Islam, apostasy becomes an issue of ethnic and political identity as well as religion. Changing the religious status recorded on a Malaysian citizen's identity card (MyKad) requires approval from a Sharia court. In practice, courts often reject such requests or send applicants to “Islamic rehabilitation centers.” While non-Muslim citizens are relatively free to embrace a religion, Muslims' right to leave Islam is severely restricted. This creates a double standard that contradicts the principles of religious tolerance and equality.

One of the best-known examples is the Lina Joy case. Lina Joy, originally named Azlina Jailani, sought official recognition of her departure from Islam and conversion to Christianity, along with a change in the religious status on her identity card. The Federal

Court, however, rejected her request, ruling that the matter fell within Sharia court jurisdiction. The judgment treated apostasy as an “Islamic matter” in which civil courts could not intervene. Lina Joy subsequently faced intense social and legal pressure and was compelled to leave the country (David & Yoong, 2011: 199–222).

Disputes over apostasy and conversion have a profoundly negative effect on religious tolerance policy in Malaysia. First, they create a constitutional contradiction. In theory, Article 11 grants religious freedom to all citizens, but in practice Sharia courts sharply restrict this freedom for Muslims. Second, religious issues become instruments of political manipulation. Political parties portray apostasy as a “threat to Islam” and use it for political mobilization. The United Malays National Organisation (UMNO) also tends to strengthen Sharia law in the name of defending “moderate Islam.” Consequently, concerns about forced Islamization and the conversion of children grow among Chinese, Indian, and indigenous Christian communities.

Restrictions on apostasy also undermine social cohesion. Humanists International’s 2025 report lists Malaysia among countries in which the death penalty for apostasy theoretically exists (Humanists International, n.d.). Although it is not enforced, its existence creates a “chilling effect” in society. Muslims fear the consequences of leaving Islam, while non-Muslims live with concerns about forced Islamization. This generates an atmosphere of mutual distrust and fear and weakens concepts of national unity.

These problems also have economic and social consequences. Apostates often lose family inheritance rights, their children are automatically recognized as Muslims, and they face various pressures within the education system. This may contribute either to religious radicalism or, conversely, to stronger secular views among younger generations. Civil society organizations such as G25 Malaysia have argued that criminalizing apostasy violates the Constitution (Choong, 2020). Political and religious resistance, however, has prevented reforms. From the perspective of international law, these restrictions also conflict with the “right freely to choose and change one’s religion” established in Article 18 of the Universal Declaration of Human Rights.

Malaysia’s Constitution theoretically guarantees religious freedom. Article 153, however, protects the special rights of bumiputera, meaning Malays and certain indigenous peoples. This policy is intertwined with ethnic and religious factors because Article 160 closely links Malay identity to Islam. Consequently, preferences

in economic opportunities, public services, educational grants, and employment are directed primarily toward Muslim Malays. This intensifies perceptions of discrimination among Chinese, Indians, and other religious minorities (Aminnuddin, 2020). Religious inequality is also evident in the legal system. Sharia courts address Muslims' family, inheritance, and religious matters, but they often hold a dominant position when conflicts with civil courts arise. This creates particularly serious problems in interfaith marriages or families in which one spouse converts to Islam. Religious minorities frequently lack legal protection in disputes involving child custody, inheritance, and burial rites.

One of the clearest forms of restriction on religious minorities concerns the construction and maintenance of places of worship. Christian churches and Hindu temples regularly encounter obstacles in registration, land allocation, and obtaining construction permits. Many Hindu temples have been demolished or relocated on the grounds of "public interest" or urban development projects. In 2025, plans to relocate a 130-year-old Hindu temple in Kuala Lumpur to make way for a mosque provoked widespread public opposition (Masilamany, 2025). Some rural Christian churches face the threat of closure because they are not officially registered. Disputes over religious terminology also reveal the fragility of religious tolerance. In particular, Christians' use of the word "Allah" in Malay-language religious texts has led to prolonged litigation (Choong, 2021). Although a court permitted its use in 2021, the government and certain Islamic institutions continued to oppose the decision (BBC News, 2021).

A double standard also exists in religious propagation. Malaysian law prohibits the propagation of other religions among Muslims. Conversely, efforts to convert non-Muslims to Islam are often supported by the state and religious organizations or go unpunished. In 2025, a controversy involving Firdaus Wong's promotion of Islam among children generated extensive public debate (Seraj, 2025). Such cases demonstrate that religious tolerance policy is not neutral and is applied selectively in favor of Islam.

Religious discrimination is also increasing at the social and political levels. The Malaysia Racism Report 2025, prepared by Pusat KOMAS, documented 107 cases of racial and religious discrimination in the country, one of the highest figures of the past decade (Pusat KOMAS, 2025). At least 10 of these cases directly concerned religious discrimination, including humiliating non-Muslims for eating during Ramadan, restricting Christmas decorations, and mocking Hindu religious ceremonies.

Controversies involving certain radio presenters and social media activists have also heightened religious tensions. The growing use of religious rhetoric in Parliament and the political arena is another significant problem.

International organizations have also criticized the state of religious freedom in Malaysia. In 2025, the United States Commission on International Religious Freedom (USCIRF) recommended placing Malaysia on the “Special Watch List.” Its report noted that Sharia laws restrict not only religious minorities but also Muslim groups deemed “prohibited” (USCIRF, 2025). Organizations such as Human Rights Watch likewise criticize Malaysia for restricting religious freedom. According to Pew Research Center studies, a substantial proportion of the Muslim population regards growth in Christian and Buddhist communities as a “threat to Islam” (Pew Research Center, 2023). This further deepens religious polarization in society.

CONCLUSION

Discrimination against religious minorities undermines Malaysia’s policy of religious tolerance in several ways. First, it weakens the constitutional principles of equality and freedom and erodes trust among citizens. Second, economic and social inequality marginalizes religious minorities and diminishes their identification with the state and society. Third, it damages Malaysia’s international image. Although Anwar Ibrahim’s government promotes inclusivity and tolerance through the “Malaysia Madani” concept, bumiputera policies and Islam’s institutional preeminence remain in place in practice.

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