

Legal Study on Applications to Leave Islam in Negeri Sembilan Malaysia: Case Study

Noraini A/P Imara Musa

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Abstract:

Purpose:

The urgency of this research lies in the importance of understanding how the Sharia Court applies locus standi provisions in handling these requests, which directly have implications for access to justice. This research aims to analyze juridically the decision of the Negeri Sembilan Syariah Court in the case of Noraini A/P Imara Musa, which was rejected based on the provisions of the Enakmen for Islamic Religious Administration (Negeri Sembilan) 2003 and the 2009 amendment.

Methodology:

The method used is qualitative research with a juridical-normative and juridical-empirical approach, through document studies, content analysis, and legal interpretation.

Findings:

The research findings indicate that the Court acted within its authority and applicable legal provisions, rejecting the petition because the applicant failed to meet the locus standi requirements stipulated in domestic law. This finding underscores the importance of procedural consistency in maintaining the integrity of Sharia law and preventing the Court's jurisdiction from being undermined.

Implication:

This research contributes to a richer understanding of the boundaries of law and religious protection within the context of an Islamic state. The implications of this research provide opportunities for strengthening the Sharia legal system and harmonizing it across countries. Future research is recommended to explore similar issues comparatively across countries to broaden the perspective of contemporary Islamic law.

INTRODUCTION

The phenomenon of requests to leave Islam, commonly referred to as apostasy, has become a complex legal and social issue in Malaysia, particularly in the context of the Sharia Court. This issue not only touches on the dimensions of religious law but also sparks debates about religious freedom, locus standi, and the boundaries of jurisdiction between the Sharia Court and the Civil Court. This fragmentation is further complicated by the federal structure of Islamic law in Malaysia, with each state having its enactment that autonomously regulates Islamic religious affairs. As noted by Saputra & Hussin (2025), legal decisions for Indonesian citizens are subject to the Compilation of Islamic Law, while in Malaysia, Muslim family law is enforced according to each state's enactment: "The verdict will annul marriages for Indonesian citizens arranged in Indonesian Islamic law, whereas enactment law for Malaysian Muslim families is enforced for Malaysian citizens" (p. 94). It helps explain why the standard of locus standi in one state does not necessarily apply in another.

In Negeri Sembilan, the 2003 Islamic Religious Administration Enactment and the 2009 amendment stipulate that someone who wants to leave Islam must obtain a declaration order from the Sharia High Court. This procedure is in line with the legal structure that applies nationally, where the Sharia Court is the only official channel for Muslims who wish to make a religious transition. However, according to Saputra (2025), this process is often complex, leads to rejection, and even requires the applicant to attend a faith rehabilitation session. Failure to comply with these provisions can result in administrative sanctions or deep social stigma.

However, the locus standi requirement in the enactment, such as birthplace and domicile in the same country, is one of the main obstacles faced by applicants, as was the case with Noraini A/P Imara Musa. This case demonstrates that administrative and procedural obstacles can be a major determinant in whether an application is accepted or rejected, regardless of the applicant's substantive reasons.

Requests to leave Islam often clash with the principle of *maqasid sharia*, which prioritizes the protection of religion (*hifz al-din*). However, conflicts arise when this principle is implemented normatively without considering the social, psychological, and personal backgrounds of the individuals making the request. A study by Samudin & Chabidi (2023) noted that the issue of apostasy in Malaysia has shifted from a purely legal issue to a multidimensional conflict requiring a more holistic and humane approach.

In practice, Sharia Courts often face a dilemma between strictly applying legal provisions and considering substantive justice for the applicant. Research by Musa & Ismail (2015) shows that some courts tend to reject applications to convert from Islam on technical grounds, such as lack of locus standi, without considering the potential psychological and social impacts on the applicant and their family. However, a narrow legal approach can lead to injustice and diminish the meaning of legal protection.

A clear gap is evident in the absence of guidelines or standard procedures for Sharia Courts in handling apostasy petitions consistently across the country. This situation is exacerbated by the absence of efforts to harmonize national laws and constitutional principles guaranteeing religious freedom. This research is crucial in addressing this gap by examining a concrete case study and analyzing the legal aspects used in decision-making.

This article focuses on the legal analysis of Noraini A/P Imara Musa's petition to leave Islam, which was rejected by the Negeri Sembilan Sharia High Court and then upheld by the Syariah Court of Appeal. The main focus is on the application of the principle of locus standi and how the Court interprets its authority based on applicable Enactments. This study also raises a fundamental question: Does the current legal approach reflect substantive principles of justice for individuals with conflicting religious identities?

The primary objective of this article is to critically analyze how the Sharia Court applies the element of locus standi in applications to renounce Islam and examine its implications for access to justice and individual rights. Theoretically, this article is expected to enrich contemporary Islamic legal discourse, particularly in the context of religious freedom. The results of this study can serve as a reference for policymakers, academics, and legal practitioners in developing regulations that are more responsive and equitable to the issue of apostasy.

METHODS

This study uses a qualitative approach with both juridical-normative and juridical-empirical research types. The juridical-normative approach is used to analyze applicable legal provisions, particularly the 2003 Enakmen Pentadbiran Agama Islam Negeri Sembilan and its 2009 amendments, as well as Islamic legal principles related to requests to leave the religion. Meanwhile, the juridical-empirical approach is used to examine how these provisions are applied by the Sharia Court in practice, specifically through an analysis of the case of Noraini A/P Imara Musa. The combination of these two approaches aims to provide a comprehensive picture of the legal text and its implementation in the field (Marzuki, 2020).

The data sources used in this research consist of primary and secondary data. Primary data was obtained from official court documents, namely copies of the decisions of the High Sharia Court and the Negeri Sembilan Syariah Court of Appeal in the case of Noraini A/P Imara Musa. Meanwhile, secondary data was obtained from legal materials such as laws, state regulations, Islamic law textbooks, academic journals and relevant scientific articles. Apart from that, literature searches through online journals such as Jurnal Syariah, LexForensica, and Journal of Islamic Studies are also part of the main supporting sources.

Data collection techniques were carried out through document study and literature review. A document study was carried out on court decisions, sharia provisions, and academic texts, while a literature review was carried out on previous research discussing similar topics, such as studies on apostasy petitions, locus standi, and the

jurisdiction of the Syariah Court in Malaysia. All documents are analyzed systematically by recording the legal substance, decision logic, and interpretation of norms used by the judge.

The data analysis procedure was conducted using content analysis and legal interpretation methods. Content analysis was used to identify the patterns, principles, and reasons used by the Court in rejecting Noraini's petition. Meanwhile, legal interpretation was used to evaluate the compatibility between the application of positive law and the principles of substantive justice based on the *maqasid sharia*. The findings from these two methods were then compiled into an analytical narrative, describing both the formal legal position and the moral and juridical considerations.

Because this research is qualitative and uses a single case study, it does not involve direct human respondents. However, the case of Noraini A/P Imara Musa was selected purposively, as it represents a significant legal conflict between individual rights and religious norms in Malaysia's dualistic legal system. With this method, the results are expected to provide an in-depth description of legal dynamics and serve as a basis for fairer and more applicable policy recommendations (Creswell & Poth, 2018).

RESULTS AND DISCUSSION

This research revealed that the Negeri Sembilan Syariah Court of Appeal rejected Noraini A/P Imara Musa's application to leave Islam based on legal reasons, referring to *locus standi*. Based on an analysis of official court documents, it was found that Noraini's application was rejected because it did not meet the requirements in accordance with Subsection 119(2A)(i) of the 2009 Islamic Religious Administration Enakmen Negeri Sembilan (Pindaan), namely that the applicant must be born and domiciled in Negeri Sembilan. The fact that Noraini was born in Melaka was the main legal basis for the rejection, without considering the substantial reasons for the request.

The data in this case also shows that Noraini has attended 10 counseling sessions at the direction of the Sharia High Court, although in the end the Court stated that she did not have the legal standing to file the petition. It led to criticism from the Court of Appeal itself, which stated that counseling sessions should not have been carried out if the *locus standi* had been declared ineligible from the start. Thus, the main findings show the dominance of procedural aspects over the legal and psychosocial substance of the applicant.

Table 1. Procedural aspects of the legal and psychosocial substance of the applicant

Aspects Studied	Key Findings
Place of birth and domicile	The applicant was born in Melaka → does not meet the requirements for <i>locus standi</i> in Negeri Sembilan.
Legal process	He underwent 10 counseling sessions, even though the application was ultimately rejected.
Reason for requesting to leave Islam	Never taught Islam, raised with Hinduism
Sources of law used by judges	Subsection 119(2A)(i) Enakments of Negeri Sembilan

These findings confirm the view that the Sharia legal system in Malaysia places greater emphasis on procedural formalism than on the substance of personal justice in apostasy petitions (Samudin & Chabidi, 2023). When linked to the principles of *maqasid sharia*, particularly *hifz al-din*, the Court tends to understand this principle in terms of formally maintaining Islamic identity. This finding aligns with Ismail's (2024) findings regarding a strict normative approach in similar petitions.

CONCLUSION

This study reveals that the formalistic approach used by the Negeri Sembilan Syariah Court in handling applications for leaving Islam, as seen in the case of Noraini A/P Imara Musa, demonstrates the dominance of procedural aspects such as locus standi over substantive considerations regarding the applicant's personal beliefs. The analysis shows that the rigid application of the Enakmen Pentadbiran Agama Islam can hinder access to justice for individuals experiencing religious identity conflicts, while simultaneously reinforcing the boundaries of territorial jurisdiction within the Malaysian Syariah legal system. These findings provide a deeper understanding of the dynamics between religious law, state administration, and individual freedom, and enrich contemporary Islamic legal discourse that focuses on the protection of rights and the principles of maqasid sharia. The implications of this study not only touch on the legal aspects but also contribute to socio-cultural reflections on plurality and religious freedom in the context of Islamic rule of law. Although this research is limited to a single case study, it opens up important space for cross-national studies and broader comparative approaches in the future.

Recommendations. Based on the research findings, it is recommended that Sharia Courts and policymakers consider a more inclusive and substantive approach to addressing requests to renounce Islam, including revisiting the locus standi requirement to prevent it from becoming an administrative obstacle that undermines personal justice. For academics, these findings can serve as a basis for developing more humanistic and contextually based Islamic legal studies. Further research is recommended to explore more cases from various states in Malaysia using data triangulation methods (documents, interviews, and observations) to enhance the validity and depth of analysis. Furthermore, integrating interdisciplinary approaches involving psychology, sociology, and theology can provide a more comprehensive understanding of the phenomenon of requests to renounce Islam in a Sharia-based legal state.

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