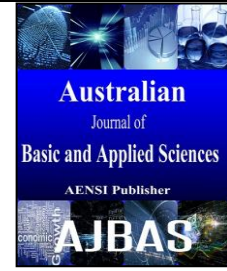




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**Student Perceptions on Islamic Provisions in the Federal Constitution in the Context of Ethnic Relations in Malaysia**

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**ABSTRACT**

This research aims to examine the level of knowledge, understanding, acceptance and perception among public university students towards the Islam in the Federal Constitution within the context of ethnic relations in Malaysia. This research involves 800 respondents selected from four public universities. The data are collected through a survey with the SPSS to analyze the function of descriptive statistics such as frequency, percentage, mean, cross tabulation and correlation coefficient to describe and explain respondents' backgrounds and perceptions of the provisions of Islam in the Constitution. The results show that students' perceptions of Islam in the Federal Constitution are well received by students as Islam has a far better position than any other religion that its religious practices occur in harmony, the fact that Malaysia is an Islamic country and that it does not interfere with the unity of religious differences in the society. The findings also reveal that the ethnic, religious, the flow of primary and secondary education significantly influence students' perceptions of Islam in the Constitution. Based on these findings, a few suggestions are addressed to solve conflicts pertaining Islam in the constitution.

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**INTRODUCTION**

Malaysian citizens comprising of various ethnic groups, are determined towards solidifying the sense of unity and integration among ethnic groups and the territories. This is important to ensure the sustainability of Malaysia as one of the countries of multiple ethnics and with territories separated among the states. From Table 1, clearly it shows that there

are three largest ethnic groups in Malaysia namely Bumiputera, Chinese and Indians respectively covering 65.9%, 25.3% and 7.5% of the total number of the Malaysian population in 2005. This statistics provide evidence of the multi-ethnic societies in Malaysia comprising of three largest ethnic namely the Bumiputera consisting of Malay ethnic dan the Bumiputera of Sabah and Sarawak, Chinese and Indians also other ethnic groups.

**Table 1:** The Composition of Malaysian citizens, 2000-2010 (In Million)

Total Residents (Million)	Year 2000		Year 2005		Year 2010	
	Population	Percentage	Population	Percentage	Population	Percentage
Bumiputera	14.56	66.1%	16.06	65.9%	17.95	67%
Chinese	5.58	25.3%	6.15	25.3%	6.52	24.3%
Indian	1.63	7.4%	1.83	7.5%	1.97	7.4%
Other ethnics	0.27	1.2%	0.32	1.3%	0.35	1.3%
Total population	22.04	100%	24.36	100%	26.79	100%

Resource: Ninth Malaysia Plan 2006-2010. page 30.

This diversity demonstrates that the issues of language, religion, Malays' special position and that of the Malay kings are important factors as to create close ethnic relations among Malaysians. These issues, according to Ratnam (1969), will decide on the state of the ethnic relations in the future by

looking at how issues with regards to the special positions of the Malay, the religion and language are resolved. Thus, discussions on the royal institutions, the positioning of Islam, the Malay language, and the special position of the Malays, suggest that there are close connections between them and that one cannot

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survive without the others. The retaining of an element, as well as of others, is seen to be inextricably linked (Abdul Aziz: 2001).

#### **Ethnic:**

Fundamentally speaking, ethnicity constantly refers to the characteristics of one's socio-culture. Among the characteristics of the concept of ethnicity include culture, language, religion, country of origin and others. Thus, ethnic groups are the groups whose members possess one set of their own socio-cultural characteristics. Ethnic concept relates with cultural practice that is almost uniform as practiced by a group of people. The people who practice an almost similar cultural practice are unified by historical, value system, attitude and behavioral experiences.

According to Schaefer (2002), ethnicity refers to the difference in terms of culture, like language, attitude towards marriage, parenting and eating habit. The same definition is also given by Ting Chew Peh (1987) as it is socially interpreted on the fundamental characteristics of culture like custom, family patterns, sexual behavior, costume, views on beauty, political orientation, economic activities and entertainment patterns. In Malaysia, the concept adopted to define the Malays is the ethnic concept that characterizes on culture, language and religion (Fazilah:2008). This concept has been implemented in the Malay World even before the arrival of the Western colonizers.

#### **The Social Contract:**

The social contract serves to be an important element in the history of the formulation of the race and the country. Before the arrival of the British colonial power, Malaya was identified through its core residents, which is Malay. When the British brought in the Chinese and Indians in great quantity, to serve as labourers to manipulate the economy of the invaders, the demographic situation in this country has automatically changed. On the insistence of the English colonials, the Malays need to accept the conditions of the independence that will only be granted if the immigrants were accepted as citizens. To return the favour, the leaders of these other races have agreed to accept the provision that is related to the needs and requirements of the Malays. The basis of the agreement lies in the position of the Malay kings, the position of the Islam as the federal religion, the Malay Language as the national language and the official language and the exclusive rights of the Malays. These are named the social contract in the context of the formation of this country after obtaining the independence (Awang: 2008).

This demonstrates that while formulating the constitution, both the Malays and the non-Malays have come to a consensus on several aspects: that the non-Malays had been given the flexible citizenship based on the principle of *jus soli*. Meanwhile, the

Malays have their own provisions on Islam as the federal religion, Malay language as the national language and special position of the Malays and the status of the Malay kings or what is called the traditional elements in the constitution.

#### **The Traditional Element In The Federal Constitution:**

The word 'tradition' carries a lot of meanings, but in general, tradition means the transfer and the continuity from one generation to another. This portrays that tradition reflects history, culture and the principles of a nation and the society (Abdul Aziz: 2002). In the political and the constitutional contexts, what is implied as the traditional system refers to the system that exists before the advent of modernity, which is a system which validity depends on the religion and other original values.

From one perspective, a traditional institution appears to have its own strength, or something that seems to be rooted outside the system and the framework of the constitution. This is due to the fact that historical, identity and continuity issues that can be said as functional as the soul and spirit of a community are not included in matters concentrated by democracy. Traditional elements have become important elements to be discussed because they have become primary factors to create the Malaysian identity and to instill an understanding towards unity. It is also a social contract that has been agreed upon in the formulation of the constitution. According to Mohd. Salleh Abas (1984), these traditional elements cover royal sultanate or reign, Islam, the Malay language and the special rights of the Malays.

The traditional elements are thought to be essential as they have existed for hundreds of years before the constitution was created in 1957. They assume the role of stabilizing the national political system and the report prepared by the Reid Commission had stressed on the great importance of the constitution accounting for historical, traditional, economic and social factors before 1957. This shows just how important are the traditional elements that they were protected under the Sedition Act and were regarded as sensitive issues prohibited from being made public discussion issues. For Malaysians, specifically the Malays, these elements are crucial because they have become national identity and that the national stability depends a great deal on this identity.

The traditional elements also serve as pre-requirements and sources of cooperation accepted by the Malays and the non-Malays. This means that the special rights of the Malays the fact that Islam as the federal religion and the Malay language accepted as the national language as the pre-requisite for the acceptance of the rights for citizenship by the non-Malay ethnics to be maintained and consolidated. This pre-requirement shows that the previous leaders had come to accept a formula that resolved the

existing problems then, without causing any inter-racial conflicts in Malaya at the time.

#### **Islamic Provision In The Federal Constitution:**

From previous studies, there was no new discovery which reviewed on the provision of Islam according to the Federal Constitution. What seems to be different is the approach and the latest views. This is due to the fact that the provision of law is still lingering in much the same scope, namely Article 3 (1), Article 8, Article 11, Article 12 (4), Article 121 (1A) and Article 160 (2). Cases that have become the center of attention were *Che Omar Bin Che Soh v Public Prosecutor* (1998), *Teoh Eng Huat v Kadhi of Pasir Mas & Majlis Agama Islam dan Adat Istiadat Melayu Kelantan* (1990), *Minister of Home Affairs v Jamaluddin Bin Othman* (1989), *Hjh. Halimatus Saadiah v Public Service Commission* (1992), *Meor Atiqurahman bin Ishak v Fatimah Bte Shihi* (2000), *Lina Joy v Majlis Agama Islam Wilayah Persekutuan* (2004) and others. Therefore, for this paper, the provision of Islam in the constitution is manifested in Articles 3, 8, 11, 12, 121, 150 and the position of the Yang di-Pertuan Agong in Islamic affairs.

Islam in the constitution is a very important issue as it relates closely with the belief and the principle of the majority of Malaysians. It also serves as a sensitive issue as the Malays feel that religion is inseparable from their daily lives. Although matters involving belief and faith are very individualistic, in the Malaysian context, this can leave an impact to public well-being especially those that involve racial tension as manifested in the case of *Natrah* in 1950 and *Nur Aisyah* in 1998. This is agreed by *Syed Muhammad Naqib al-Attas* (1972) who states that Islam has a very important position in Malay history and culture. This explains why Islam is not included in the framework of agreement between Malay royalty and the British that started with the Pangkor Agreement in 1874 that gave the power to British in the administrative system in Malaya at the time. However, it was the aim of the British to undermine the role of Islam in the national administration, causing the position of Islam confined to certain fields only. In this vein, according to *Ahmad Ibrahim* (1997), the word Islam had been given a rather narrow interpretation and that it was made similar to Christianity.

The definition on Islam in the constitution can be referred from two perspectives, from the court's perspective and the scholars' perspective. Firstly, the court's definition, as issued in the case of *Che Omar Bin Che Soh v Public Prosecutor* (1988) as decided by the Chief Justice is that Islam in the constitution only confined to ceremonial issues and others which are similar. Before this case, in the case of *Wong Ah Fook vs. State of Johore* (1937) a definition was given to Article 57 Johor Constitution whereby Islam is the official religion of Johor. However, the court

has refused the claim of the prosecutor that Johor was reigned in adherence with Islamic law.

Meanwhile, in the case of *Meor Atiqurahman bin Ishak v Fatimah Bte Shihi* (2000) the High Court Judge had decided that the position of Islam is high and is superior to other faiths. However, it was declined by the Court of Appeal Judge who disagreed with this verdict. However, the latter did not touch on the role of Islam and it can be argued that the status of Islam as vindicated by the High Court Judge remained as such (*Abdul Aziz: 2005*). In this matter, actually the court had not issued any definition of Islam as dictated in the constitution, but in turn, the court only decided that the Islam implied by the constitution is Islam as a ceremony and not as a complete system of life.

Secondly, the views given by scholars like *L.A Sheridan* dan *H. E Groves* (1979) hold that the provisions concerning Islam aim at giving this country the characteristics and attributes that are generally external in nature and are used for official ceremonies of the country. This is agreed by *Mohamed Suffian Hashim* (1987) which explains that the meaning of this provision is solely for ceremonies like enabling prayers to be read in official events like the pronouncement of the Yang di-Pertuan Agong, Independence Day and others.

There is also a definition that is different from the one given on the status of Islam. The interpretation given by *Hashim Yeop Sani* (1988) explains that Article 3 is very clear and the fact that the official religion of the country is Islam cannot be refuted. Thus, any interpretation that produces a conflict between man-created documents (constitution) and the commands of Allah (al-Quran and as-Sunnah), then the interpretation cannot be adopted. This interpretation is supported by *Ahmad Ibrahim* (1996) who states that anything decided by the Supreme Court on Islam in Article 3 (the Case of *Che Omar Bin Che Soh v Public Prosecutor*) is similar to anything implied by those who formulated the constitution- a direct consequence of the British administration and the creation of the secular institutions.

The provision of Islam in the Federal Constitution is dictated in the following seven aspects. First off, the provision under Article 3 explains that Islam is the federal religion and at the same time, it grants the freedom to the non-Muslims to practice their religions peacefully in Malaysia. Apart from that, Article 3 also explains on the position of the Kings as the heads of the religion in their respective states other than for the states that do not have kings. Meanwhile, for affairs that involve the whole of the federal with regards to Islam, then the Yang di Pertuan Agong will represent the Kings after being endorsed by the Royal Council. Other than the status of the royalties, Article 3 also mentions about the Yang di Pertuan Agong as the Head of Islam for the states of Melaka, Penang,

Sabah and Sarawak. Next, Article 3 states that for Federal Territory, the Parliament has formulated a law in regard of Islamic affairs and has founded an Advisory Council for the Yang di Pertuan Agong concerning Islamic affairs. As contained in this Article 3, all the federal states except for Sarawak has named Islam as the religion of the state.

Secondly, the provision under Article 8 explains that everyone is equal in the eyes of the law and has the right to get equal protection according to the law. However, there is an exemption as allowed clearly in the constitution, whereby there is no difference that can be drawn based on the religion, race, hereditary, place of birth or gender in any of the laws or appointment for any position under the public authority. This exemption is made clear in the appointment that is related to the religion itself.

Thirdly, the provision of Article 11 explains that everyone has the right to embrace and practice their own religions, no one can be forced to pay any tax if provided for means other than their religions, every group has the right to manage their own religious affairs including establishing, administering or possessing the assets or institution and the laws of the state and that of the federal territory can control or impede the development of any religious belief amongst Muslims.

Fourth, the provision of Article 12 explains that every religious group has the right to establish and administer the foundation for children's education in relation to their religions, where the federal law and the state law can provide special financial assistance to establish and administer an Islamic foundation or to teach Islam to the Muslims, where no one is forced to take part in religious ceremonies other than their own religions and the religion for one aged less than 18 is determined by his or her parents or guardians.

Next, the provision of Islam is mentioned in Article 121 (1A). Through this provision, it explains that the Civil High Court does not have any authoritative power regarding any aspect in the jurisdiction of the Syari'a Court. This is because, prior to the amendment, there have been several cases (like reserved lands, child custody, broken promises for marriage and others) where the Civil Court has made the decision on matters including the jurisdiction of the Syari'a Court and sometimes has altered the decisions made in the Syari'a Court.

Sixth, as dictated under Article 150 (6A), Islamic affairs are well-guarded although in the state of emergency, which gives the power to the

Executive body to make the law under normal circumstances, that the laws can only be enacted in the Parliament and the central government can take over the administration of the state government. This shows that although the power of the Emergency is very broad, but it excludes matters related to Islam and Malay customs and ceremonies. It is a further proof that Islam is given a superior place in the constitution.

Seventh, the role of the Yang di-Pertuan Agong can also be included in the scope of Islam in the constitution. Although the constitution does not determine the Majesty as the Head of the religion for the country, the constitution dictates that he has the responsibility to safeguard Islam. This is stated in His sworn-in of this position where the Yang di-Pertuan Agong is made accountable by the institution to protect Islam at all times and to stand firm on fair and just administration in the state. He has the role to ensure that Islam is not offended and insulted in any way. This is relevant, seeing that the federal government does not have led by a Malay and a Muslim, as contained in the Malay states' constitution. He is also the head of Islam for states with no King-namely Melaka, Penang, Sabah, Sarawak and the Federal Territory. This happens as the Governor may be a non-Muslim.

#### **Problem Statement:**

Issues in the ethnic relations in Malaysia have changed a great deal in the period of five decades. The racial controversy in Malaysia can be divided in a few phases. In the 1950s, issues of citizenship and the social contract had dominated racial relations, followed by language issues in the 1960s prior to the implementation of the New Economic Policy (DEB), whereas the quota and urbanization had shaped ethnic relations in the 1970s and the 1980s (Baharum Mahusin: 2006). In the 1990s and in the millennium, there has been great pull from religious issues that influences ethnic relations in this country. He adds that, if we are to compare issues related to ethnic relations for the past 50 years, religious issues that have emerged of late have shown such a critical impact. This view is supported by Syed Husin Ali (2008) who characterizes the ethnic relation sentiment at present to be at a high level, so much so that they can lead to conflict and bloodshed. As an example, in Malaysia, there are 21 racial conflicts that were reported between 1945 and May 1969.

**Table 2:** Social Conflicts Reported From 1996-2002

Type of Conflict/Year	1996	1997	1998	1999	2000	2001	2002	Total
Religion	7	2	25	11	8	9	3	65
Racial Fight	12	4	10	5	8	28	14	81
Public Chaos	0	0	4	2	2	1	1	10
Murder	0	1	0	0	0	0	0	1
Safety	6	0	1	7	6	17	1	38
Racial	2	2	1	1	1	0	0	7
Economy	0	0	4	0	1	2	1	8

Neighborhood	3	3	0	0	0	3	0	9
Slums	0	0	0	0	0	0	3	3
Others	0	0	0	0	0	0	1	1
Total	33	13	67	65	34	75	40	327

Resource: Quoted from Azman Amin Hassan (2005), Solving conflicts in a multicultural society: The case of Kampung Medan. In Muhammad Kamarul Kabilan dan Zaharah Hassan. *Reading on Ethnic Relations in a Multicultural Society*. Serdang: UPM Publisher.

Based on the statistics and the monitoring by the National Unity and National Integrity Department, there were 327 cases reported, related to the social conflict from 1996 until 2002. From Table 2, 81 cases relate with racial dispute (the highest), followed by 76 politics-related cases, 65 religious conflicts and so on. Most racial disputes involve school students and are categorized as disciplinary problem. However, if this is not prevented and monitored, the impact will be even more severe in the future.

Based on Table 2, religion is a sensitive issue to be debated, the way that debates related to the special rights of the Malays and Malay language as the national language are sensitive for debate. Discussions on Islam as found in the Federal Constitution have often been the subject of controversy especially in the 90s and in the millennium, where issues thought of as threatening the position of Islam in Malaysia starts to be raised through the legislative channel. This is evident through several cases that have become the focal points among the public such as Azlina Jailani, Kamariah Ali, Muhammad Abdullah@Moorthy, the urge to amend or abolish Article 121(1A) of the Federal Constitution, the proposal to establish *Interfaith Commission of Malaysia* (IFC), the establishment of the pressure group for freedom of faith known as *Article 11* and others (Zainal Abidin: 2008, Narizan: 2007).

In this matter, Abdul Monir Yaacob (2006) states that religious affairs, especially Islam have been raised openly by other religious followers such as Article 121(1A) which touches on the jurisdiction of the country's Syari'a Court and Civil Court. If this is left to continue, then the implication is that it can dampen the harmony and stability of the country. If not handled wisely, it can also affect racial unity.

The implication from the Islamic provision also raises debate on whether Malaysia constructs itself as an Islamic country or a secular country. One party views that the Federal Constitution, at all times, from its era of independence up until now, has becomes the foreground which dictates that Malaysia is a secular country although Islam is stated in Article 3 as the official religion of the country (Kamaruddin: 2007). Based on both the constitution and the social contract, Malaysia is a secularized democratic country with the official religion Islam and therefore this country cannot be perceived as an Islamic country on any characteristics or declaration. However, at the same time, Malaysia cannot be perceived as a secular country, if the Constitution does not dictate that Malaysia is a secular country,

and instead determines that Islam as the official religion for the country. This implies that Malaysia is not a secular country, but stays to be one country that is built on religious values (Mohh Hisham: 2007).

If we refer to the issue of the social contract, this unrecorded agreement has been well-received by the Bumiputera and the immigrants where they are willing to accept Malays having their special rights and Islam and the Malay Language as returning the favour for the natives' willingness to accept them as citizens that have basic rights such as voting and so on. However, another question is raised, as to how this agreement can be accepted by the younger generation today (Awang: 2008). This is because, at the initial phase, the tradition and the charisma of the leaders are thought of as a strong platform to construct the validity of a law, but modern societies today necessitate rational-based laws that are in line with the changes that take place in the country (Faridah: 2007).

Additionally, the Five-Year Unity Action and National Integration Plan (2005-2010) states that issues such as the challenge of the social contract, religious and language disputes, are often highlighted and can easily provoke ongoing conflicts if they are not handled properly in the context of ethnic relations in Malaysia. The same goes with the perception of some of the non-Malays who assume that the social contract is something linked with citizenship that was then granted to them who, at the time, were immigrants. That is why the non-Malay generation at present sees it as something that has passed. They do not understand why the issue keeps on being raised, as for them citizenship is something that is given to them automatically. They see that this compromise is bound by a certain time frame and is no longer relevant (Zainal: 2008). The Malays see this kind of provision as something good and noble, while for some non-Malays, they question whether the provisions are related and still relevant to them until now (Faaland, Parkinson and Rais: 2002).

This is exacerbated by the attitude of some of the university students who clearly miss the point about the traditional elements that have become the core of unity in Malaysia. Clearly, currently, there has been a growing inclination among the younger generation, to dispute over the social contract that, all this while, has become the core of unity and understanding among ethnics. This group has begun to question again on the special position of the Malays, the role of the Malay Language and the position of Islam as the official religion of the country. This explanation points to the perception that the younger generation of non-Malays have

disagreed with the social contract, whereas the younger Malays have taken a contrasting attitude—this, however, is still inconclusive.

The criticism and objection on this issue resurface during the 1969 General Election, where the position of the Malay kings, Islam, language and Malays' special status were challenged by the non-Malays. This had led to the racial tension and fight and the series of events are named 13 May 1969 Incident. In effect, the country as declared in the state of emergency and the Parliament was suspended for two years and there had been an amendment to the constitution which limited the freedom of expression and the formulation of the 1948 Sedition Act.

This shows that issues involving the social contract or involving the traditional elements in the constitution, especially the provision of Islam often rises as polemic, conflict and controversy in the Malaysian community, since its early formation up until today, especially when the general election approaches. The continuing polemic of this issue demonstrates the importance of the traditional elements to be understood by the present younger generation as a social contract.

The polemic of these issues also goes to show that the level of knowledge and understanding of the Malaysians are still low and less understood and appreciated, unlike the degree of agreement over the Social Contract that had been reached in the formulation of the Malaya Federal Constitution (Awang: 2008). This lack of awareness and understanding over the traditional elements is in line with the opinion held by Tun Dr. Mahathir Mohamed who intends to see that the races are in unison about the social contract, one that has existed in the country before the Independence. He states that the agreement is crucial, as to avoid the friction between races, especially when there emerge racial issues that are embellished and publicized.

His statement is supported by Tun Abdullah Ahmad Badawi who asserts that the failure to implement the social contract among the people is the sole reason behind the conflicts that have been fuelled in several world countries (Firdaus: 2006). The same sentiment is shared by Raja Dr. Nazrin Shah (2008) over the concern towards the tendency of the people of this country to lose their sense of compromise and cooperation, leading to the separation of the community by ethnics and religion whereby there are some, who are not at all happy with the special treatment when others see that the special rights are something that cannot be disputed at all. He also suggests that the younger generation needs to understand the Federal Constitution more, an official document that ensures that every citizen has equal rights, at the same time contributing to the success of the development of the country and to the inter-racial relations.

This is consistent with the speech dictated by the Yang di Pertuan Agong while officiating the 12<sup>th</sup>

Parliament Second-Term First Meeting in the People's Assembly where it explained about the history of the independence and that the Constitution needs to be explained to the younger generation so that they can better understand the basis of the formation of this country. Does this issue demonstrate our young's lack of knowledge, understanding and empathy towards the social contract that has been agreed upon during the constitution's formulation? Awang Sariyan (2008) also opines that there is yet to be a study done on whether our present citizens, especially the younger citizens, understand fully the issues pertinent to the social contract, or even more fundamental, if the general public really understands the content of the social contract. From the discussion above, it provides evidence that there have been some occasional attempts to challenge the social contract including the position of Islam in the constitution. This issue, as the subject of discussion has never waned from being debated (Mohd Yazid: 2009, Osman: 2009).

#### ***Previous Studies:***

Studies on Federal Constitution can be divided into two. The first follows the historical approach, as has been done by Ratnam (1969), Means (1991), Karl von Vorys (1975) also Heng Pek Khoo (1988). Ratnam (1969) and Karl von Vorys (1975), evaluates the development and the progress made by the Malay politics while Heng Pek Khoo (1988) detects the development of the political awareness among the Chinese. Means (1991) concentrates on several important aspects in the constitution based on the Reid Commission report, the memorandums from various organizations and individuals and paper reports. Secondly, following the approaches of the legislation as in Hickling (1960), Mohamed Suffian Hashim (1987), Sheriden and Groves (1979), Mohamed Suffian Hashim, Trindade and H.P Lee (1983) and Abdul Aziz Bari (2005). Nonetheless the discussion from the perspective of the ethnic relation is still insufficient and the concentration is more on the issues revolving on the administration of the country.

Meanwhile, the review on the provision of Islam in the Federal Constitution has also been broached and studied. It can be said that the constitutional researchers have directly, or indirectly touched on the provision of Islam in this official document. One of the earliest to have been mentioned is the one by Ratnam (1969) who explains that the endorsement of Islam as the official religion for every state in Malaysia is allowed without objection by the non-Malays and has not been the subject of argument until 1957 when the Constitution for Malaya was to be formulated. His discussion on Islam as a provision only covers the religion seen from the angle of the political science and not from the eyes of the law. This shows that before 1957, the provision of Islam

as the official religion for the states in Malaya were not protested by the non-Malays.

In the meantime, Mohamed Suffian Hashim, Lee and Trindade (1983) explains that there is no surprise that the constitution establishes that Islam is the federal religion as it has long existed for hundreds of years and has been left undisturbed by the British through their period of occupation and that the meaning of the provision of Article 3 is for Islam to be used in events and ceremonies, such as enabling prayers to be recited in official events like the coronation of the Yang di Pertuan Agong, Independence Day and others. He also has the view that although Islam remains to be the Federal religion, at the same time the constitution assures the freedom of faiths for everyone to practice their own religions in peace and harmony.

Specifically, the provision of Islam has been mentioned by Ahmad Ibrahim (1987) dwelling on the jurisdiction of the Malay rulers and the Yang di Pertuan Agong on Islam, as contained in Articles 11 and 12. Furthermore, according to him, what needs to be considered is how we make the constitution able to defend the principles of the Islamic government and accounting for the rights and interests of all races in Malaysia, simultaneously. This is because the Federal Constitution in Malaysia is the outcome from the consensus reached by the residents in Malaysia comprising of the Malays, Chinese and Indians, and that the constitution is formulated based on the consensus. The Malaysian Constitution not only documents the legislation but it also serves as a social contract and a peace agreement.

The statement of Sheriden and Groves (1979) clearly outlines that Article 3 only determines that all ceremony and federal events must be carried out according to the Islamic ceremony and it is not included and does not have any influence in terms of the law. However, by contrast, Hashim Yeop Sani (1973) assumes that Article 3 shows that the constitution is very clear and cannot be disputed where the religion of the country is Islam, thus any interpretation which creates a conflict between man-made documents (constitution) and the commands of Allah (al-Quran and al-Sunnah), then the interpretation cannot be deemed as valid. It automatically validates the special position of Islam if compared to other religions in this country. Article 3 also ensures the freedom of faith for everyone. He has also explained that in Article 152, Article 3 is also often misunderstood.

Harding (1996) states that in Malaysia, religious issues are of utmost importance for the stability of the society. The issue of the relationship between civil laws and Islamic legislation are very crucial for the sustainability of law development in Malaysia. He adds further that the most important aspect in the issue of the right of religion is that all religious groups must be given freedom to organize and practice their religion without disturbance of others.

The special place of Islam as the federal religion is more towards safeguarding public peace and not to prioritise any particular religion.

In the study by Mahmood Zuhdi (1997) on Islam in the constitution, it concentrates on Islam as accepted as the federal religion by referring to the statement of Hakim Abdul Hamid which gives an excuse that the acceptance of Islam in the constitutions of Iran, Iraq, and even Christianity is also accepted in the constitution of the countries like Ireland, Norway, Denmark and so on. Mahmood Zuhdi (1997) also tries to explain the meaning of the provision as contained in Article 3 as divided into two views whereby Islam is only the federal religion for the purpose of customs in a ceremony carrying legislative outcomes and that Islam is not only federal religion, but it also covers other aspects like law.

Muhamad Arifin (1999) in the Development of the Federal Constitutional Law explains that although the federal constitution does not dictate that the highest law of the country is the Islamic Law, the status of the Islamic law is already at its impressive stage. Thus, positive efforts towards upholding the principles of the Islamic government can be executed by taking into account the needs and interests of all the races in Malaysia. This is caused by the creation of the constitution as the outcome of the negotiations and compromise between the races in Malaya and then in Malaysia.

Abdul Aziz Bari (2005) in an Islamic article in the Malaysian Constitution Framework tries to look into the constitutional provisions related to the provision of Islam and explains that Article 3 (1) should not be used to assess the position of Islam in the framework as a whole because this provision is not strong to become the platform for the implementation of Islam and for that, the constitution needs to be amended and modified. It is quite clear that the status of Islam available at present is still vague and full of ambiguity. Article 3(1) has been given a lot of interpretations and implications. This is because part of it stems from the Reid Commission Report and the White Paper themselves. For court cases that have a role in explaining the meaning of provision, peranan menjelaskan makna peruntukan, not all of them have facilitated in explaining the scope of the Islamic allocations in the constitution. Touching on the debate whether Malaysia is an Islamic or a secular country, Abdul Aziz (2005) has the view that although there is a provision which places Islam as the Federal's official religion, it does not mean that Malaysia is an Islamic country, because there have been a lot of things that have shown this, but he also does not accept Malaysia as a secular country, due to the fact that there are provisions, journeys and practices that have come to solidify Islam.

Abdul Aziz Bari (2005) also tries to link history with the provision of Islam in the constitution. He

opines that although the position of Islam cannot be defended through democracy, it can be secured by making reference to history, especially with regards to the agreement sealed by the ethnic groups before the independence. Irrespective of the position of Islam, which is part of the characteristics of the natives of the Federal Constitutions, it often provokes much controversy especially when the constitution is discussed in the context of the pluralistic society. The non-Malays were obviously upset by the emphasis on the history and past civilization of this country.

Based on the previous studies, there is still gap that needs to be filled in relation to the perception of the society, especially the younger generation on the Islamic provision that has often become the polemic and issue in the Malaysian society, from the perspective of ethnic relations. This is because previous studies have adopted qualitative approaches by referring to the existing documents.

#### **Objectives Of The Study:**

The objectives of this study are:

1. To identify students' perception towards Islamic provisions in the constitution.
2. To identify students' perception towards Islamic provisions in the constitution demographically.
3. To analyze the students' perception towards Islamic provisions in the constitution within the context of ethnic relations in Malaysia.

#### **Research Methodology:**

This study is based upon a descriptive study on the perceptions of IPTA students. According to Wiersma (1995) this is a good method if the research revolves around a study to measure or assess the attitudes, perceptions and achievement of certain program. Descriptive study was also used in accordance with the requirements of the study, which

is to look at the phenomenon currently taking place (Mohd Majid: 1990). Thus, a set of questionnaire was prepared for this purpose which was solely constructed by the researcher to achieve the objectives of the study. According to Tuckman (1999), questionnaire is an effective way to obtain information from respondents.

The population chosen for this study comprises of all third year students at four selected IPTA namely UM, USM, UKM and UPM. Financial and time constraints prevented researchers to conduct this study in all IPTAs. The selection of UM, UKM and UPM students was made because they are exposed to ethnic diversity since all these three IPTA are located in Klang Valley and that Klang Valley reflects Malaysian population. Furthermore, this is due to the ethnic diversity of the students involved. Even though USM is not located in Klang Valley, the university has features similar to UM, UKM and UPM where all these four universities are the earliest universities to be established in the country and currently attained Research University status. This impact on the enhancement of student associations in the said universities as compared to new universities and that these universities had always been the preferred choice among students applying to enter IPTAs. This situation is both very significant and realistic in studying students' perceptions in a particular issue which involves ethnic relations.

Sample selection was made by means of cluster sampling. Cluster sampling can be used to determine the number of clusters such as by state, county or district. This selection may be appropriate if the population is large and scattered. It can also save time and reduce various anticipated problems since researcher classifies the samples in a batch prior to implementing the random selection. Therefore, in order to determine the number of respondents, Krejcie and Morgan Sample Size Determination Table (1970) was used.

**Table 3:** Number of Third Year Students in Four IPTA for 2009/2010 Session

IPTA	Number of Third Year Students
UM	2595
USM	3157
UKM	4814
UPM	3894
Total	14460

Source: corresponding IPTAs

Based on student population in the four IPTAs presented in Table 3, sample size for this study is set to be 800. According to Sidek Mohd Noah (2002), the larger the sample size would contribute to smaller sampling error. To ensure representation from every community, strata random sampling was employed terms of ratio between ethnic Malays, Chinese and Indians which was set to be 60:30:10 and a total of 800 students will be chosen as respondent based on Krejcie and Morgan Sample Size Determination Table (1970).

Research instrument used for data collection in this study is a set of questionnaire. According to Oppenheim (2004) and Tuckman (1999), questionnaires and interviews are two forms of instrument considered effective enough in obtaining information from respondents as well as making observations. All questions are in positive forms and respondents are required to indicate their perceptions based on a Likert scale. The questionnaire consists of two parts, namely Part A and B. Section A deals with respondents' demographic. Part B focuses on

students' perception towards Islamic provisions in the constitution.

In this study, the validity of the questionnaire is determined by expert. A sum of four experts reviewed the questionnaire, consisting of two experts in constitutional matters, while the other two comprise of an expert in ethnic relations and an expert in constructing the questionnaire. Reliability refers to the stability and consistency of the instrument in measuring a certain concept. A popular and often used test in measuring the consistency of a given concept is Cronbach Alpha. Reliability value for the Cronbach Alpha is between 0.0 and 1.0. According to Mohd Majid [75], Alpha value exceeding 0.60 is often used as an index of reliability in a research. Therefore, in this study, the researcher has set alpha value to be exceeding 0.60 as the reliability for each part of the questionnaire being tested. Next, in order to determine the reliability of the prepared questionnaire, a pilot study was conducted beforehand.

Pilot study was conducted with the aim to identify the weaknesses and advantages of the prepared questionnaire. Therefore, prior to distributing the questionnaire to measure the actual response, 50 students were selected to answer the questionnaire in advance. Result obtained in this stage shows that those 50 students have no problem in understanding the question without the need to ask what is required by the question. Next, the reliability and the Cronbach Alpha were calculated by using the SPSS program. It was found that the value of Cronbach Alpha obtained for all items in the questionnaire exceeds 0.6. Hence implying that the questionnaire constructed for this study is suitable for use.

The data were analyzed using *Statistical Package for the Social Science* (SPSS) version 16

through mean, standard deviation, *Chi square* and *cross-tabulation*. Descriptive statistics such as frequency, percentage, average scores or mean, cross tabulation statistics and correlation coefficient is used to describe respondents' background as well as analyzing their perceptions towards Islam in the Federal Constitution.

#### **Data Analysis and Discussion: Respondents' Background:**

Respondents chosen for this study comprise of third year students from four universities namely UM, USM, UKM and UPM. A total of 800 students responded to questionnaires. Questions regarding respondents' background were asked in Section A of the questionnaire. Discussion on respondents' background will be divided into three parts namely profiles, academic background and respondents' place of residence. Table 4 displays respondents' information who participated in this study. Out of 800 respondents, a total of 552 persons (69%) were females, while male students make up a total of 248 persons (31%). A large number of respondents or a total of 484 persons (60.5%) were of ethnic Malay, followed by a total of 242 (30.3%) Chinese, while Indian respondents make up a total of 74 persons (9.3%). This is in accordance to what was set out in the determination of respondents' ratio by ethnic, namely 60% Malay, 30% Chinese and 10% Indians to reflect the statistics of Malaysian population. The composition of the respondents obtained also shows that a large number of Muslim respondents totaling of 485 persons (60.6%), followed by 187 Buddhist respondents (23.4%). However, there are a total of 68 Hindu (8.5%) respondents, 52 Christians (6.5%) and 8 persons that has no religion (1%).

**Table 4:** Respondents' Profile

<i>n</i> = 800	Number	Percentage
Gender		
Male	248	31.0
Female	552	69.0
Race		
Malay	484	60.5
Chinese	242	30.3
Indian	74	9.3
Religion		
Islam	485	60.6
Buddhism	187	23.4
Hinduism	68	8.5
Christian	52	6.5
No Religion	8	1.0

Table 5 displays information about respondents' background related to their level of education. It was found that most respondents, namely 564 persons (70.5%) enrolled in national primary schools during their primary education and a majority of 691

persons (86.4%) further their studies in national secondary schools across the country. In vernacular schools, there are 236 persons (29.5%) whilst in vernacular secondary schools the number stood at 109 (13.6%).

**Table 5:** Respondents' Academic Background

<i>n</i> = 800	Number	Percentage
Primary Education		
National Primary School	564	70.5
Vernacular Primary School	236	29.5
Secondary Education		
National Secondary School	691	86.4
Vernacular Secondary School	109	13.6

### **Students' Perception Towards Islamic Provisions In The Constitution:**

Table 6 shows that majority of the students (60%) agreed on statements related to Islamic provisions in the constitution such as *Islam has a better position than any other religion in the constitution, religious practices occur harmoniously in Malaysia and Malaysia is an Islamic country*. However less than 50% of the students agreed on the

statement that *other religions should be given the same position as Islam*. The same was found to be true (43.7%) for students who agreed on statement that *Islam as the official religion is merely for the purpose of rituals like reciting prayer in a ceremony, celebration of religious events and has no legal implications*. On the other hand, only 29.2% agreed that *religious differences disrupt the unity within the society*.

**Table 6:** Overall Students' Perceptions on the Islamic Provisions

Item	Do not Agree	Moderately Agree	Agree
Islam has a better position than any other religion in the Constitution	56 (7.0)	109 (13.6)	635 (79.4)
Other religions should be given the same position as Islam.	240 (30.0)	175 (21.9)	385 (48.1)
Religious practices occur harmoniously in Malaysia	30 (3.8)	108 (13.5)	662 (82.7)
Malaysia is an Islamic country.	145 (18.1)	151 (18.9)	504 (63.0)
Religious differences disrupt the unity in community	325 (40.6)	241 (30.1)	234 (29.2)
Islam as the official religion is merely for the purpose of rituals like reciting prayer in a ceremony, celebration of religious events and has no legal implications	231 (28.9)	220 (27.5)	349 (43.7)

Analysis of Table 6 shows that overall, or regardless of any ethnic groups, students' perception towards constitutional matters relating to Islam, namely Islam as the religion of the federation is found to be good. Students accept that the practice of religion in Malaysia occurs in harmony and religious differences do not interfere with the religious harmony in Malaysia and they accept that the position of Islam in Malaysia is better compared to other religions. Religious harmony is also clearly written in the constitution; even though Islam is regarded as the federal religion, other religions can be freely embraced and practiced for as long as it does not disrupt public order.

### **Students' Perception Towards Islamic Provisions In The Constitution By Ethnicity and Religion,**

### **Qualification For University Entrance, Primary And Secondary School Education Attended:**

Students' perception towards Islamic provisions in the constitution was also examined based on demographic factors such as ethnicity, religion, qualification for university entrance, primary and secondary education attended and place of residence. Table 7 found that the Malays (94.8%) agreed with the statement that Islam have a better position than any other religion in the constitution compared to Chinese students (53.7%) and India (62.2%). A similar pattern was also observed according to religion and no significant difference was found for qualification for university entrance and current place of residence. However, for other factors such as the primary and secondary education, the difference observed was quite significant.

**Table 7:** Perceptions of Students towards Islamic provisions in the Constitution by Demographic Factors

	Islam has a better position than any other religion in the Constitution		
	Do not Agree	Moderately Agree	Agree
Ethnic			
Malay	4 (0.8)	21 (4.3)	459(94.8)
Chinese	40(16.5)	72(29.8)	130(53.7)
Indian	12(16.3)	16(21.6)	46(62.2)
Religion			
Islam	4 (0.8)	21 (4.3)	460(94.8)
Buddhism	19(15.5)	64(34.2)	94(50.2)
Hinduism	12(27.7)	16(23.5)	40(58.8)
Christian	9(17.3)	6(11.5)	37(71.2)
No Religion	2(25.0)	2(25.0)	4(50.0)
Qualification for University entrance			
Diploma	2 (2.6)	6 (7.8)	69(89.6)
Matriculation	15(5.4)	34(12.4)	226(82.2)
STPM	39(9.1)	68(15.8)	322(75.1)
Others	0(0.0)	1(5.6)	17(94.4)

Type of Primary Education			
National Primary School	18(3.2)	38(6.7)	508(90.1)
Vernacular Primary school	38(16.1)	71(30.1)	127(53.8)
Secondary Education			
National Secondary School	44(6.5)	78(11.3)	568(82.2)
Vernacular Secondary School.	11(10.1)	31(28.4)	67(61.5)
Current Place of Residence			
University's Hostel	39(6.5)	76 (12.8)	478 (80.6)
Rent House	12 (7.6)	22 (13.9)	124 (78.4)
Parent's House	5 (10.2)	11 (22.4)	33 (67.3)

Table above clearly indicates that Malay accept well the statement that Islam has a better position than any other religion as enshrined in the Federal Constitution, in which other religions cannot be spread among the Muslims, there is separation jurisdiction for the sharia courts and it is legal for the government to allocate funds to increase the spread of Islamic teachings and maintaining Islamic institutions. On the other hand, the percentage of Chinese and Indian students accepting and agreeing with this statement is relatively high, exceeding 50 per cent and this showed that they also accept the position of Islam as enshrined in the constitution.

Table 8 records students' perceptions towards Islamic provisions, that is, other religions should be given the same position as Islam. However, we found a significant difference in terms of agreement between Malay (23.4%), Chinese (85.9%) and Indian (86.4%) and the same pattern was observed in respondents' religion factor. From academic

background perspective, for STPM students, (59.7%) showed greater acceptance compared to those possessing diplomas, matriculation and others. The same is true when we consider residents' current residence where those staying with parents showed higher acceptance (69.4%). For the type of primary and secondary school attended by respondents, there was significant difference. This significant difference between Malay and non-Malay students indicates that Malay students are yet to accept that other religions should be given equal position as Islam due to the fact that Islam is regarded as the religion of the federation, previously agreed upon drafting the constitution through social contract. Thus, any effort to give other religion the same position as Islam will evoke dissatisfaction among the Malays due to the tight-knit tie between the Malays and Islam as defined by the constitution whereby for someone to be a Malay, that person must be a Muslim.

**Table 8:** Students Perceptions towards Islamic provisions in the Constitution by Demographic Factors

	Other religions should be given the same position as Islam		
	Do not Agree	Moderately Agree	Agree
<b>Ethnic</b>			
Malay	226 (46.7)	145 (30.0)	113(23.4)
Chinese	10(4.1)	24(9.9)	208(85.9)
Indian	4(5.4)	6(8.1)	64(86.4)
<b>Religion</b>			
Islam	227 (46.8)	145 (29.9)	113(23.3)
Buddhism	6(3.2)	17(9.1)	164(87.7)
Hinduism	4(5.9)	6(8.8)	58(85.3)
Christian	3(5.8)	5(9.6)	44(84.6)
No Religion	0(0.0)	2(25.0)	6(75.0)
<b>Qualification for University entrance</b>			
Diploma	35 (45.5)	20 (26.0)	22(28.6)
Matriculation	98(35.6)	78(28.4)	99(36.0)
STPM	100(23.3)	73(17.0)	257(59.7)
Others	7(38.9)	4(22.2)	7(38.9)
<b>Type of Primary Education</b>			
National Primary School	230(40.8)	147(26.1)	187(33.1)
Vernacular Primary school	10(4.2)	28(11.9)	198(83.9)
<b>Secondary Education</b>			
National Secondary School	230(33.3)	158(22.9)	303(43.9)
Vernacular Secondary School.	10(9.2)	17(15.6)	82(75.3)
<b>Current Place of Residence</b>			
University's Hostel	188(31.7)	137 (23.1)	268 (45.1)
Rent House	44 (27.8)	31 (19.6)	83 (52.5)
Parent's House	8 (16.3)	7 (14.1)	34 (69.4)

Overall, students' perceived acceptance towards Islamic provisions, or specifically to the statement that Islamic religious practices occur harmoniously

in Malaysia is found to be high, exceeding 70% for all demographic factors and was well received by students as shown in Table 9. This finding clearly

demonstrates that the practice of religion occurs in harmony in Malaysia. This is because every religion of Malaysia is given the freedom to practice their religious tenets such as celebrating religious festive, set up their own houses of worship, in fact, no person shall be obligated to pay any form of taxes provisioned upon them for the purpose other than his own religion, each group has the right to manage

their own religious affairs, including establishing, maintaining or owning property or institutions, each religious group has the right to form and maintain a foundation for the education of their children according to their own religion, and no one is forced to participate in religious ceremonies other than his or her own religion.

**Table 9:** Students Perceptions towards Islamic provisions in the Constitution by Demographic Factors

	Religious practices occur harmoniously in Malaysia		
	Do not Agree	Moderately Agree	Agree
Ethnic			
Malay	11 (2.3)	53 (11.0)	420(86.8)
Chinese	14(5.8)	41(16.9)	187(77.2)
Indian	5(6.8)	14(18.9)	55(74.3)
Religion			
Islam	11 (2.2)	53 (10.9)	421(86.8)
Buddhism	9(4.8)	28(15.0)	150(80.3)
Hinduism	5(7.4)	13(19.1)	48(73.5)
Christian	4(7.7)	11(21.2)	37(71.1)
No Religion	1(12.5)	3(37.5)	4(50.0)
Qualification for University entrance			
Diploma	3 (3.9)	9 (11.7)	65(84.5)
Matriculation	12(4.4)	34(12.4)	229(83.3)
STPM	15(3.5)	61(14.2)	354(82.3)
Others	0(0.0)	4(22.2)	14(72.8)
Type of Primary Education			
National Primary School	17(3.0)	67(11.9)	480(85.1)
Vernacular Primary school	13(5.5)	41(17.4)	182(77.1)
Secondary Education			
National Secondary School	25(3.6)	91(13.2)	575(83.6)
Vernacular Secondary School.	5(4.6)	17(15.6)	87(79.8)
Current Place of Residence			
University's Hostel	21(3.6)	77 (13.0)	495 (83.5)
Rent House	7 (4.5)	26 (16.5)	125 (79.1)
Parent's House	2 (4.1)	5 (10.2)	42 (85.8)

Students' perception towards Islamic provisions, namely Malaysia is an Islamic state in terms of demographic factors is shown in Table 10. Analyzing on ethnic factor, it was found that the Malay students (73.4%) agreed that Malaysia is an Islamic country compared to Chinese (46.3%) and Indian (50%) and the same pattern can be observed for the religion factor. For the factor of qualification for university entrance, students with diploma recorded higher levels of agreement of 80% compared to other qualifications which show the same pattern. While for the factor of primary and secondary education attended and current residence, it was found that those attending national schools and students who

live in university hostels showed higher level of approval. This finding is consistent with a study conducted by Mansor Mohd Noor (2005) who finds that 82% of Malay students agreed that Malaysia is an Islamic state, as compared to Chinese (42%) and Indian students (59%). Most student accept that Malaysia is an Islamic state based on the provision which states that Islam is the religion of the federation, the establishment of Islamic institutions by the government such as the Department of Islamic Development Malaysia, the existence of the Islamic banking system, the Yang di Pertuan Agong as the head of the Islamic religion, the strengthening of Islamic education in schools and et. cetera.

**Table 10:** Students Perceptions towards Islamic provisions in the Constitution by Demographic Factors

	Malaysia is an Islamic country		
	Do not Agree	Moderately Agree	Agree
Ethnic			
Malay	53 (11.0)	76 (15.7)	355(73.4)
Chinese	64(26.5)	66(27.3)	112(46.3)
Indian	28(37.9)	9(12.2)	37(50.0)
Religion			
Islam	53 (10.9)	76 (15.7)	356(73.4)
Buddhism	47(25.1)	54(28.9)	86(45.9)
Hinduism	26(38.2)	8(11.8)	34(50.0)
Christian	15(28.8)	11(21.2)	26(50.0)
No Religion	4(50.0)	2(25.0)	2(25.0)

Qualification for University entrance			
Diploma	8 (10.4)	7 (9.1)	62(80.5)
Matriculation	45(16.3)	49(17.8)	181(65.9)
STPM	90(20.9)	90(20.9)	250(58.2)
Others	2(11.2)	5(27.8)	11(61.1)
Type of Primary Education			
National Primary School	82(14.6)	49(15.8)	393(69.7)
Vernacular Primary school	63(26.7)	62(26.3)	111(47.0)
Secondary Education			
National Secondary School	123(17.8)	126(18.2)	442(63.9)
Vernacular Secondary School.	22(20.2)	25(22.9)	62(56.9)
Current Place of Residence			
University's Hostel	90(15.2)	94 (15.9)	409 (69.0)
Rent House	39 (24.7)	49 (31.0)	70 (44.3)
Parent's House	16 (32.7)	8 (16.3)	25 (51.0)

Overall, all students agreed that religious differences do not interfere with the unity of the society, where their level of agreement towards the statement which states that religious differences disrupt the unity of the community is low, that is below 30%, except for the Indian and Hindu students which stood higher than 50% as shown in Table 11. Data obtained shows that for Malay and Chinese students, religious differences do not interfere with the unity of the society and this outcome is in line

with the finding reported for previous item, that is, the practice of religion occurs harmoniously in Malaysia. There is a slight difference for Indian students because there is a conflict of a religion in Malaysia which centered on the Indian community such as the issue of building and demolition of the temple. At the same time however, religious festivals such as Thaipusam is celebrated without any problem in Malaysia.

**Table 11:** Students' Perceptions towards Islamic provisions in the Constitution by Demographic Factors

	Religious differences disrupt the unity in community		
	Do not Agree	Moderately Agree	Agree
Ethnic			
Malay	205 (42.3)	150 (31.0)	129(26.4)
Chinese	99(40.9)	77(31.8)	66(27.2)
Indian	21(28.4)	14(18.9)	39(52.7)
Religion			
Islam	205 (42.3)	151 (31.1)	129(26.5)
Buddhism	80(42.8)	56(29.9)	51(27.3)
Hinduism	19(28.0)	13(19.1)	36(52.9)
Christian	21(40.4)	17(32.7)	14(26.9)
No Religion	0(0.0)	4(50.0)	4(50.0)
Qualification for University entrance			
Diploma	32 (41.6)	26 (33.8)	19(24.7)
Matriculation	117(42.6)	92(33.5)	66(24.0)
STPM	172(40.0)	116(27.0)	142(33.0)
Others	4(22.2)	7(38.9)	7(38.9)
Type of Primary Education			
National Primary School	231(41.0)	169(30.0)	74(29.1)
Vernacular Primary school	94(39.8)	72(30.5)	70(29.7)
Secondary Education			
National Secondary School	270(39.0)	215(31.1)	206(29.8)
Vernacular Secondary School.	55(50.5)	26(23.9)	28(25.7)
Current Place of Residence			
University's Hostel	247(41.6)	174 (29.3)	172 (29.0)
Rent House	61 (38.7)	32 (32.9)	45 (28.5)
Parent's House	17 (34.7)	15 (30.6)	17 (34.7)

Table 12 found that students' perception towards Islamic provisions, namely Islam as the official religion is merely for the purpose of rituals like reciting prayer in a ceremony, celebration of religious events and has no legal implications based on ethnicity did not show significant difference between the Malays (42.3%), Chinese (48.3%) and Indian (36.5%). Similar pattern is also observed in other demographic factors. This shows that extent for

those who did not agree and moderately agree with this statement is quite high where Malay students recorded the highest percentage (77.7%), followed by the Chinese (51.7%) and Indian (63.6%). The pattern for approval among Malay students, Chinese and Indian towards the statement which states that Islam as the federal religion is merely ritualistic and have no legal implications are very similar. This indicates their perception towards Islamic provisions

in the constitution does not lead to a definition that Islam is a way of life in terms of economic, political and legal perspective. This perception is reinforced by events that occur in their daily life, for instant

starting a ceremony or event by reciting a prayer, celebrations of festive days or other Islamic commemorative days such as *Maulidur Rasul*, *tilawah al-Quran*, Islamic New Year and many more.

**Table 12:** Students' Perceptions towards Islamic provisions in the Constitution by Demographic Factors

	Islam as the official religion is merely for ritual purposes such as reciting prayer in a ceremony, and celebration of religious events and has no legal implications		
	Do not Agree	Moderately Agree	Agree
<b>Ethnic</b>			
Malay	170 (35.2)	109 (22.5)	205(42.3)
Chinese	37(15.3)	88(36.4)	117(48.3)
Indian	24(32.5)	23(31.1)	27(36.5)
<b>Religion</b>			
Islam	170 (35.0)	110 (22.7)	202(42.3)
Buddhism	25(13.4)	65(34.8)	97(51.9)
Hinduism	22(32.3)	22(32.4)	24(38.7)
Christian	13(25.0)	19(36.5)	20(38.4)
No Religion	1(12.5)	4(50.0)	3(37.5)
<b>Qualification for University entrance</b>			
Diploma	20 (39.0)	17 (22.1)	30(39.0)
Matriculation	89(32.3)	75(27.3)	111(50.6)
STPM	108(25.1)	125(29.1)	197(45.8)
Others	4(22.2)	3(16.7)	11(61.1)
<b>Type of Primary Education</b>			
National Primary School	193(34.2)	128(22.7)	243(43.1)
Vernacular Primary school	38(16.1)	92(39.0)	106(44.9)
<b>Secondary Education</b>			
National Secondary School	209(30.3)	182(26.3)	300(43.4)
Vernacular Secondary School.	22(20.2)	38(34.9)	49(44.9)
<b>Current Place of Residence</b>			
University's Hostel	185(13.2)	163 (27.5)	245 (41.3)
Rent House	32 (20.2)	46 (29.1)	80 (50.6)
Parent's House	14 (28.5)	11 (22.4)	24 (49.0)

### Conclusion and Recommendations:

From previous discussions, it is clear that the provisions of Islam in the Federal Constitution is not only confined to Article 3, but also embodied in Article 11, Article 12, Article 121 (1A) of Article 150 and the position of the Yang Dipertuan Agong.

Overall, students' perception towards Islam is positive. They showed good level of agreement to the statements such as Islam has a better position compared to other religion, religious practice takes place in harmony, Malaysia is an Islamic country and religious differences do not interfere with the unity of the society. Nevertheless, students do not quite agree with the statement that other religions should be given the same position as Islam, and Islam as the federal religion is merely used for ritual purposes.

The results also show that students' perceptions towards Islamic provisions according to demographic factors reflect quite significant differences which could be observed in terms of ethnicity, religion, primary and secondary education attended, qualification for university entrance and current place of residence. Qualification for university entrance and current place of residence do not show significant different and possess the same pattern. It is clear that data analysis provide the evident that overall perception of Islam is well received by students namely for statements such as Islam has a better position compared to other religion, religious

practice takes place in harmony, Malaysia is an Islamic country and religious differences do not interfere with the unity of the society. However, students do not quite agree with the statement which state that other religions should be given the same position as Islam and Islam as the federal religion is merely used for ritual purposes.

This indicates that factors such as ethnicity, religion, primary and secondary education attended greatly affects students' perception towards Islamic provision in the constitution and this is found to be in line with the study conducted by Adnan Kamis (1994), Amir Dawi Hasan (2004), Fazilah Idris (2008), Mansor Mohd Noor (2005)] and Zaharah Hassan, Bahaman Abu Samah and Abu Daud (2006). Clearly, issues relating to Islam in the constitution are still a problem among IPTA students of diverse ethnic backgrounds. Hence, these factors were significant and predominates ethnic relations in Malaysia because it evokes orientation, values, attitudes and cultural sociology for any given ethnic. Significant differences from these factors make ethnic relations in campus as an important agenda that should be given priority.

Since there are significant differences by ethnicity, religion, relationship between primary and secondary education attended and level of knowledge acquired, understanding, students' acceptance and perception towards Islam in the constitution, this

proves that these particular demographic factors are relevant in influencing the issues raised. This is because a study by Amir Dawi Hasan (2004) and Mansor Mohd Noor (2005) showed that through regular interactions between various ethnic groups could narrow the gap between ethnic, their prejudice, racism and ethnocentrism. It is recommended that *Sekolah Wawasan* program to be expanded across the country so that students from different ethnic groups can interact right from the primary school level. In addition, the program Student Integration Plan for Unity or RIMUP needs to be actively driven by the Ministry of Education. This exposes them to other ethnic groups and creates greater openness towards other religions and ethnic cultures in them. Secondary education stream should consist of only one type namely national secondary where vernacular schools being absorbed into national secondary school.

Since policies related to the unity and ethnic relations is usually clearer in primary and secondary education and there are no further measures are applied in the IPT level, and that the IPT management has complete freedom whether to implement it or not, the following steps need to be taken into account:

- Create awareness among the students on the importance of the interaction between ethnicity by incorporating elements of interaction as the university agenda such as explaining the matter in students' handbook and during orientation week.
- Ensure curricular activities such making compulsory for tutorials and assignments to include students of various ethnic, cultural and religious understanding across the curriculum.
- Implement various co-curricular activities involving multi-ethnic such as student projects, student associations and others through the Department of Student Affairs at each university.
- Establish Campus Accommodation Policy in which through this policy, students are required to stay for a minimum of one academic session with students of different ethnicities and religions.
- Ensure that IPT trend which tends to focus towards a particular ethnic group should be avoided in IPTS.

According to studies conducted outside of education institutions the outcomes revealed that family, religion, place of residence, employment and local communities influence heavily patterns of thought regarding this issue. This is in line with the findings obtained via this study in which religious and ethnic factors influence the perception towards Islamic provision in the constitution quite heavily. Thus, the Ministry of Housing and Local Government should consider preventing the residential location in the new housing parks from belonging to sole ethnicity, and ensuring that residential committee which comprises of various ethnic groups, especially via the Neighborhood

Watch and interactions in the workplace. Multicultural society management courses should be organized and provided to community leaders such as politicians, media practitioners and associations by the Department of National Unity and National Integration (Nazri: 2011).

In an effort to educate on Islamic provisions in the constitution, emphasis should be made on compliance with the principle of religious freedom, where there should be no compulsion in religion as well as the differences do exist in any particular religion. This is clearly advocated in Islam, where in the Holy Quran or precisely inscribed in *surah al-Baqarah* 2:256, *surah al-Kaafiruun* 109:2-6, *surah al-Hujurat* 49:13 and *surah al-Maaidah* 5:48. These verses of Quran clearly described that there is no compulsion in religion, and differences that exist between religions and ethnics is the provision of God. This recommendation is also evident in the Constitution of Medina Clause 1, 2 and 25:

Clause 1: This is a document from Muhammad the prophet (governing the relations) between the believers and Muslims of Quraysh and Yathrib, and those who followed them and joined them and labored with them.

Clause 2: They are one community (umma) to the exclusion of all men.

Clause 25: The Jews of the B. 'Auf are one community with the believers (the Jews have their religion and the Muslims have theirs), their freedmen and their persons except those who behave unjustly and sinfully, for they hurt but themselves and their families.

Next, we stick to the principle of understanding to avoid extremism, chauvinism, intolerance, ethnocentrism, prejudice, stereotypes and racism. This is described in the Holy Quran in *Surah al-Maaidah* 5:32, *Surah al-Maaidah* 5:2, *Surah an-Nisaa'* 4:135 and *Surah al-Furqaan* 25:63. These verses advocate mankind not to kill one another, to be fair in carrying out sentences regardless of ethnicity, do not invade the rights of others and respect the rights between human beings.

In addition, adhering to the principle of peaceful dialogue and wisdom to accept the differences in religion and ethnicity as a norm in human as mentioned in *Surah al-Baqarah* 49:13, avoid the ridicule of cultural, ethnic and religious, polite and courteous in the dialogue as mentioned in *Surah an-Nahl* 16:125, *Surah Thaaha* 20:44 and *Surah al-Hujurat* 49:11.

Finally, adhering to the principle of emphasizing common points and universal equality in religion and ethnicity in terms of morality, ethics, familism, welfare, human development, economy, science, technology and infrastructure, such as:

1. Common ancestors namely Adam and Eve
2. Single universal humanity
3. Benefits of a universal creation of mankind

4. Universal value is a gift from God to all mankind
5. Wisdom in the diversity of race and cultures
6. Intercultural cooperation to fulfill the common interest of all mankind
7. Universal justice for all people
8. Moral values that are noble and universal such as good-hearted, self-reliance, respect, justice, truth, cooperative and rational.

This concurs with what summarized by Abdul Rahman Embong (2006) where the conflict in Malaysia could be avoided as well established principle of maintaining and respecting the diversity of race, culture, language and religion, as enshrined in the Federal Constitution and the people should also be aware of the need to comply with the provisions of the constitution.

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