



Majlis Perundingan Malaysia Agama Buddha, Kristian, Hindu, Sikh dan Tao

Malaysian Consultative Council of Buddhism
Christianity, Hinduism, Sikhism and Taoism

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PRESS STATEMENT

MCCBCHST- Introduction of ‘Imam Al-Nawawi’s 40 Hadith’ module in National Schools may be unconstitutional”.

The Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism (MCCBCHST) is deeply concerned with the launching of ‘Imam Al-Nawawi 40 Hadith’ appreciation module aimed at bringing the values of Prophet Muhammad’s sayings or hadith at the school level. The education minister had added that it would first be implemented at National Religious secondary schools before being distributed to schools under the Ministry of Education. Thus, it will include National type schools which include students from different religions. [Source: <https://www.malaymail.com/article> dated August 19, 2023]

2. The ‘Hadith’ are clearly part of the Religion of Islam. There appears to be no provision in our Federal Constitution (FC) which allows such Islamic teachings in National type schools. This may be carried out in Islamic Religious Schools. At the same launch of the Islamic “40 Hadith” module, the Ministry of Education Islamic Division Senior Deputy Director Omar Salleh stated that “.....the 40 Hadith covered all aspects of life, including faith, morals, advice and communications.... It could instil the fundamentals of religious understanding.....in addition to instilling pure values of Islamic teachings.” Thus, it is clear that the 40 hadith espouse the complete Islamic system of life.

3. It is settled law that Article 3(1) of the FC which says “Islam is the religion of the Federation...” only refers to Islamic rituals and ceremonies. It does not include Islam as an all-embracing concept as it is normally understood as a comprehensive system of life [see *Che Omar bin Che Soh v P.D (1988)2MCJ55*]. Thus, as far as Islam’s public sphere is concerned it is limited to Schedule 9 List II, State List.

4. Article 12(2) FC provides that “Every religious group has the right to establish and maintain institutions for the education of children in its own religion”. Thus, the 40 Hadith can be taught in Islamic religious schools but in National schools it may be unconstitutional to do so.

5. Further Article 12(3) FC provides that “No person shall be required to receive instruction in or take part in any ceremony or act of worship of a religion other than his own”. Thus, constitutional provision protects persons including students from taking instruction in any religion other than their own.

6. The MCCBCHST therefore appeals to the Government and the education minister to be guided by the Federal Constitution which does not allow Islamic religion as a way life to be introduced in National type schools. Malaysians were already clamouring in the past for the standard of education in schools to be improved. Instead of looking into this aspect the Ministry appears to want to embark on introducing “40 Hadith” teaching into National Schools, amongst others. Thus, before any further steps are taken in the matter the Ministry of Education should consult the MCCBCHST as stakeholders in this matter. The National school must be a place where unity is promoted and not divisive policies introduced. The MCCBCHST believes in consultations and amicable settlement and hopes that the Ministry of Education will engage all stakeholders and put its plan to introduce “40 Hadith” module on hold. Any unilateral enforcement of this Module may invite legal challenges.

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