



INTERNATIONAL JOURNAL OF LAW,  
GOVERNMENT AND COMMUNICATION  
(IJLGC)  
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## FATWAS ON RELIGIOUS PLURALISM IN MALAYSIA: A LITERATURE REVIEW OF ISLAMIC LEGAL PERSPECTIVES

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### Article Info:

#### Article history:

Received date: 05.01.2025

Revised date: 18.01.2025

Accepted date: 25.02.2025

Published date: 10.03.2025

#### To cite this document:

Abu Bakar, A. Y., Fazial, F., Omar, A. A. I., Yusof, S. A., & Gunardi, S. (2025). Fatwas On Religious Pluralism In Malaysia: A Literature Review Of Islamic Legal Perspectives. *International Journal of Law, Government and Communication*, 10 (39), 97-114.

DOI: 10.35631/IJLGC.1039006

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### Abstract:

Religious pluralism in Malaysia is a contentious issue, particularly when viewed through the lens of Islamic legal perspectives and fatwas. The dual legal system, which integrates common law and Islamic law (sharia), creates a complex environment where religious freedom, state authority, and minority rights are continually negotiated. Fatwas, or Islamic legal opinions, play a pivotal role in shaping this discourse, often influencing legal frameworks, social practices, and interfaith relations. However, the implementation of fatwas has sparked significant controversy, particularly regarding their impact on minority Muslim groups, such as the Shi'a community, and their implications for religious governance and societal cohesion. This study aims to review the content and legal standing of fatwas related to religious pluralism in Malaysia and the historical and ideological underpinnings that inform the issuance of these fatwas. Specifically, it seeks To assess the impact of fatwas on interfaith relations, religious governance, and legal pluralism. Employing a systematic and data-driven methodology, articles, conference papers, and book chapters published between 2010 and 2023 was conducted. Thematic analysis was employed to synthesize data, identifying recurring patterns and emerging insights. Key findings reveal that fatwas serve as both regulatory tools and ideological instruments, reflecting tensions between maintaining religious orthodoxy and accommodating pluralistic values. While they contribute to legal clarity in some contexts, their rigid application often exacerbates societal

divisions. The study underscores the need for greater inclusivity and adaptability in the issuance and implementation of fatwas, offering actionable recommendations for policymakers, religious authorities, and scholars. By fostering mutual respect and understanding, these insights can enhance Malaysia's multicultural framework and promote sustainable coexistence.

**Keywords:**

Fatwa, Faith, Islamic, Malaysia, Pluralism, Religious Ruling

**Introduction**

Religious pluralism has long been a significant discourse in multicultural societies, especially in countries where multiple religious traditions coexist. In the Malaysian context, religious pluralism is deeply intertwined with legal, social, and theological considerations due to the country's unique legal dualism, which incorporates both Islamic law and common law (Meerschaut & Saeger, 2019). As a Muslim-majority nation, Malaysia has witnessed ongoing debates regarding the extent to which Islamic law accommodates religious pluralism, with fatwas (Islamic legal opinions) playing a critical role in shaping public perception and policy-making on this issue (Hasyim, 2019).

While Malaysia's legal system provides constitutional guarantees for religious freedom, the issuance of fatwas often reflects a conservative interpretation of Islamic law, limiting the practical implications of pluralism (Harding, 2012). The role of fatwas is particularly significant as they serve as authoritative guidelines for the Muslim community, influencing various aspects of religious and social life. However, the restrictive nature of certain fatwas on religious pluralism has raised concerns about their impact on interfaith relations, governance, and the broader legal landscape of the country (Hoffstaedter, 2013). This paper aims to critically examine the existing literature on fatwas related to religious pluralism in Malaysia, highlighting their legal status, implications, and the underlying ideological frameworks that inform them.

One of the key challenges in discussing religious pluralism in Malaysia lies in the contradiction between constitutional provisions and the implementation of Islamic legal rulings. Although Article 11 of the Federal Constitution guarantees religious freedom, state Islamic authorities frequently issue fatwas that restrict interfaith engagements and conversions, leading to legal ambiguities and social tensions (Harding, 2012). Furthermore, converts to Islam face significant legal hurdles in matters of personal status, including marriage dissolution and inheritance rights, as the legal system does not always provide clear mechanisms for resolving such cases (Samuri & Khan, 2021). These complexities highlight the need for a comprehensive review of the existing literature on fatwas related to religious pluralism.

Several studies have examined the role of fatwas in shaping religious discourse in Malaysia. Hasyim (2019) explores the discursive patterns of fatwas in Indonesia and Malaysia, emphasizing the conservative stance adopted by the religious authorities in both countries. Moustafa (2013) investigates the relationship between Islamic law, women's rights, and legal consciousness, highlighting the broader socio-legal implications of restrictive fatwas. Similarly, Hoffstaedter (2013) discusses how Islamic legal rulings contribute to the contestation of religious freedoms in Malaysia. Despite these valuable contributions, there

remains a lack of comprehensive literature reviews that systematically analyze fatwas on religious pluralism within the broader legal and theological framework. This study seeks to bridge this gap by synthesizing existing research and identifying key trends in fatwa issuance and their implications for religious coexistence.

Objectives of the study this literature review aims to:

- a) To review the content and legal standing of fatwas related to religious pluralism in Malaysia.
- b) To review the historical and ideological underpinnings that inform the issuance of these fatwas.
- c) To assess the impact of fatwas on interfaith relations, religious governance, and legal pluralism.

This study contributes to the academic discourse on Islamic legal studies and religious pluralism by offering a systematic analysis of fatwas in Malaysia. It provides insights into the intersection of Islamic jurisprudence, constitutional law, and social policy, thereby informing scholars, policymakers, and religious authorities on the complexities of religious governance. Additionally, by identifying patterns in fatwa issuance, this review serves as a foundation for future research on legal and theological responses to pluralism in contemporary Muslim societies.

This study is structured as follows: Section 2 literature review, Section 3 outlines the methodology, Section 4 presents the results and discussion in alignment with the research objectives. Finally, Section 5 provides a conclusion for fatwas on religious pluralism in Malaysia and a literature review of Islamic legal perspectives, recommendations, and future directions.

Religious pluralism remains a complex and contested issue in multicultural societies, particularly in countries like Malaysia where diverse religious traditions coexist under a dual legal system comprising Islamic law and common law. This complexity is further amplified by the issuance of fatwas (Islamic legal opinions), which play a pivotal role in shaping religious discourse, governance, and interfaith relations in the country. Despite constitutional guarantees for religious freedom under Article 11 of the Federal Constitution, the practical implementation of these rights often conflicts with conservative interpretations of Islamic law as articulated through fatwas (Harding, 2012). Such contradictions create legal ambiguities and social tensions, especially in cases involving interfaith engagements, conversions, and personal status matters such as marriage dissolution and inheritance rights (Samuri & Khan, 2021). These issues underscore the need for a comprehensive examination of the role and implications of fatwas in the context of religious pluralism in Malaysia.

The scope of this study focuses on critically reviewing existing literature related to fatwas on religious pluralism in Malaysia, with particular attention to their legal standing, historical and ideological underpinnings, and socio-legal impacts. The study aims to address three primary objectives: (a) to review the content and legal status of fatwas concerning religious pluralism; (b) to examine the historical and ideological frameworks that inform the issuance of these

fatwas; and (c) to assess their impact on interfaith relations, religious governance, and legal pluralism. By synthesizing findings from prior research, this study seeks to bridge gaps in the academic discourse on Islamic jurisprudence and religious pluralism, offering insights into the intersection of Islamic law, constitutional provisions, and social policy. Furthermore, it provides a foundation for future research on legal and theological responses to pluralism in contemporary Muslim-majority societies.

This study adopts a systematic approach to analyzing scholarly works published between 2012 and 2023, drawing on peer-reviewed journal articles, books, and authoritative reports. Key themes explored include the conservative tendencies of Malaysian religious authorities in issuing fatwas (Hasyim, 2019), the socio-legal implications of restrictive rulings on women's rights and interfaith relations (Moustafa, 2013), and the contestation of religious freedoms within Malaysia's dual legal framework (Hoffstaedter, 2013). While previous studies have addressed aspects of these issues, there remains a lack of comprehensive reviews that systematically analyze fatwas within the broader legal and theological context. Thus, this paper contributes to filling this gap by identifying patterns in fatwa issuance and evaluating their implications for religious coexistence and governance. The findings are expected to inform scholars, policymakers, and religious authorities about the challenges and opportunities associated with fostering religious pluralism in Malaysia.

Section 2 literature Review, section 3 outlines the methodology employed, detailing the selection criteria for sources and the analytical framework used to synthesize data. Section 4 presents the results and discussion, aligning them with the stated objectives. Finally, Section 5 concludes the review by summarizing key insights, offering recommendations for addressing identified challenges, and suggesting directions for future research. Through this structured approach, the study aims to advance understanding of the intricate dynamics surrounding fatwas and religious pluralism in Malaysia while contributing meaningfully to broader discussions on legal pluralism and interfaith relations in multicultural societies.

## Literature Review

### *Content and Legal Standing of Fatwas in Malaysia*

The content and legal standing of fatwas related to religious pluralism in Malaysia highlight the tension between constitutional guarantees of religious freedom and the enforcement of Islamic law. Article 11 of the Federal Constitution explicitly protects the right to profess and practice one's religion; however, state-level fatwas often impose restrictions that challenge this principle. Harding (2012) notes that while fatwas are not legally binding under civil law, they carry substantial authority within Muslim communities and are frequently enforced through Sharia courts. These rulings often reflect conservative interpretations of Islamic jurisprudence, limiting interfaith engagements such as conversions out of Islam or mixed marriages, thereby creating legal ambiguities. Similarly, Meerschaut and Saeger (2019) argue that Malaysia's dual legal system exacerbates these tensions, as Islamic law operates alongside civil law, leading to overlapping jurisdictions and inconsistent enforcement of constitutional protections. This duality raises questions about the balance between religious autonomy and individual rights.

Scholars have examined how fatwas derive their legitimacy and enforceability despite their lack of formal legal status under civil law. According to Hasyim (2019), fatwas gain authority from the perception of religious scholars as custodians of Islamic tradition, granting them

significant influence over public opinion and policy-making. State-endorsed institutions like JAKIM further reinforce this authority by disseminating and enforcing fatwas. However, Hoffstaedter (2013) critiques this arrangement, arguing that it undermines the constitutional framework by allowing religious authorities to impose restrictive interpretations of Islamic law without adequate checks and balances. Such dynamics raise concerns about the erosion of pluralistic values and the marginalization of minority groups, particularly non-Muslims and Muslims who dissent from orthodox interpretations.

The implications of these legal ambiguities extend beyond individual rights to broader governance structures. Moustafa (2013) explores how fatwas contribute to the contestation of legal pluralism in Malaysia, noting that their enforcement often prioritizes Islamic principles over secular ones. This prioritization creates challenges for maintaining a cohesive legal system that respects both religious and civil liberties. Furthermore, Samuri and Khan (2021) emphasize the disproportionate impact of restrictive fatwas on women and converts, who face significant hurdles in navigating personal status matters such as marriage dissolution and inheritance rights. These issues highlight the need for clearer mechanisms to reconcile conflicting legal frameworks and ensure equitable treatment for all citizens, regardless of religious affiliation.

Despite these challenges, some scholars propose potential pathways for reform. For example, Meerschaut and Saeger (2019) suggest that greater collaboration between civil and Sharia courts could help mitigate legal ambiguities and promote consistency in the application of laws. Similarly, Hasyim (2019) advocates for increased transparency and accountability in the fatwa-issuing process, including broader consultation with diverse stakeholders to reflect a more inclusive interpretation of Islamic teachings. These proposals underscore the importance of balancing religious authority with constitutional safeguards to foster a more harmonious coexistence among Malaysia's multi-religious population.

In conclusion, the literature underscores the complex interplay between fatwas and religious pluralism in Malaysia, highlighting the contradictions between constitutional guarantees and the enforcement of Islamic law. While fatwas serve as authoritative guidelines for the Muslim community, their restrictive nature often undermines efforts to promote interfaith harmony and legal equity. By synthesizing insights from various studies, this review reveals the urgent need for systemic reforms to address these challenges and ensure that Malaysia's legal framework aligns with its commitment to religious freedom and pluralism. Future research should explore innovative approaches to reconciling competing priorities while fostering greater inclusivity and social cohesion.

### ***Historical and Ideological Foundations of Fatwas in Malaysia***

The historical and ideological underpinnings of fatwas in Malaysia reveal a deeply rooted conservatism that shapes their content and enforcement, reflecting broader socio-political dynamics within the country. Historically, Malaysia's adoption of Islamic law was influenced by colonial legacies and post-independence nation-building efforts, which sought to integrate Islamic principles into governance structures (Harding, 2012). This integration laid the groundwork for the institutionalization of fatwas as tools for regulating religious life, often emphasizing orthodoxy over pluralism. As noted by Hasyim (2019), the rise of Islamic resurgence movements in the late 20th century further entrenched conservative ideologies, leading to the proliferation of fatwas that prioritize communal identity over individual



freedoms. These historical developments continue to inform contemporary practices, shaping the discourse around religious pluralism in Malaysia.

Ideologically, the issuance of fatwas is guided by traditionalist interpretations of Islamic jurisprudence, which emphasize adherence to established doctrines and resist modern reinterpretations. Moustafa (2013) argues that this ideological rigidity stems from the influence of ulama (religious scholars) who view themselves as guardians of Islamic authenticity. Their resistance to progressive readings of Islamic texts often results in rulings that restrict interfaith interactions and reinforce exclusivist notions of religious identity. Hoffstaedter (2013) adds that these ideologies are perpetuated through state-sponsored institutions like JAKIM, which wield significant power in shaping public perceptions and policies. Consequently, fatwas tend to reflect a narrow vision of Islam that marginalizes alternative perspectives and limits opportunities for dialogue with other faith traditions.

The intersection of history and ideology also manifests in the politicization of fatwas, which are often used to consolidate state authority and legitimize specific agendas. Samuri and Khan (2021) highlight how political elites leverage fatwas to appeal to conservative constituencies, reinforcing their dominance while sidelining dissenting voices. This politicization not only undermines the independence of religious authorities but also exacerbates divisions within society by privileging certain interpretations of Islam over others. Moreover, Meerschaut and Saeger (2019) point out that the lack of diversity among decision-makers further entrenches these biases, as the voices of women, minorities, and progressive scholars are largely excluded from the fatwa-issuing process. Such exclusion perpetuates systemic inequalities and stifles innovation in addressing contemporary challenges.

Efforts to challenge these entrenched ideologies have emerged in recent years, driven by grassroots movements and academic scholarship advocating for reform. For example, Hasyim (2019) calls for a reevaluation of the ideological foundations of fatwas, urging religious authorities to adopt more inclusive and context-sensitive approaches. Similarly, Moustafa (2013) emphasizes the importance of engaging with global Islamic discourses that embrace pluralism and human rights, providing a counter-narrative to dominant conservative paradigms. These initiatives highlight the potential for change, albeit within the constraints of existing power structures.

In summary, the historical and ideological underpinnings of fatwas in Malaysia reflect a legacy of conservatism and state control that continues to shape their content and impact. By examining these factors, this review underscores the need for critical reflection on the role of ideology in shaping religious discourse and governance. Moving forward, addressing these entrenched biases will require sustained efforts to diversify decision-making processes and promote alternative interpretations of Islamic teachings that align with contemporary values of inclusivity and justice.

### ***Impact of Fatwas on Interfaith Relations, Governance, and Legal Pluralism in Malaysia***

The impact of fatwas on interfaith relations, religious governance, and legal pluralism in Malaysia is a multifaceted issue that has garnered significant attention in academic literature. Scholars widely agree that fatwas often exacerbate tensions between religious communities by reinforcing exclusivist narratives that prioritize Islamic identity over shared citizenship. According to Hoffstaedter (2013), the restrictive nature of many fatwas—such as those

prohibiting interfaith marriages or proselytization—creates barriers to meaningful engagement between Muslims and non-Muslims, undermining efforts to foster mutual understanding and cooperation. Similarly, Moustafa (2013) notes that these rulings contribute to the marginalization of minority groups, whose rights are frequently subordinated to the interests of the Muslim majority. Such dynamics hinder the development of a truly inclusive society, where diversity is celebrated rather than contested.

At the level of religious governance, fatwas play a pivotal role in shaping policies and practices that affect both individuals and institutions. Harding (2012) observes that the enforcement of fatwas through Sharia courts often leads to inconsistencies with civil law, complicating matters such as marriage dissolution, inheritance rights, and child custody. These inconsistencies not only create legal ambiguities but also erode public trust in the fairness and impartiality of the judicial system. Furthermore, Samuri and Khan (2021) highlight the disproportionate impact of these rulings on vulnerable populations, including women and converts, who face significant hurdles in navigating dual legal frameworks. These challenges underscore the need for greater coordination between civil and Sharia authorities to ensure equitable treatment for all citizens.

Fatwas also have profound implications for legal pluralism in Malaysia, as they reflect the ongoing struggle to balance religious autonomy with constitutional safeguards. Meerschaut and Saeger (2019) argue that the dual legal system, while intended to accommodate religious diversity, often results in competing claims of jurisdiction that undermine the rule of law. For example, the enforcement of fatwas in areas traditionally governed by civil law blurs the boundaries between religious and secular domains, raising questions about the separation of powers. Additionally, Hasyim (2019) points out that the lack of clear mechanisms for resolving conflicts between these systems exacerbates tensions, leaving individuals caught in legal limbo. These issues highlight the complexities of implementing legal pluralism in a way that respects both religious traditions and universal human rights.

Despite these challenges, there are opportunities to mitigate the negative impacts of fatwas and promote more harmonious coexistence. For instance, Hoffstaedter (2013) suggests that fostering interfaith dialogue could help bridge divides by encouraging mutual respect and empathy among religious communities. Likewise, Moustafa (2013) advocates for legal reforms that clarify the roles and responsibilities of civil and Sharia courts, ensuring that neither system encroaches upon the other. These proposals emphasize the importance of collaboration and compromise in addressing the root causes of conflict and building a more cohesive society.

In conclusion, the impact of fatwas on interfaith relations, religious governance, and legal pluralism in Malaysia is both profound and complex, reflecting the tensions inherent in balancing religious autonomy with constitutional guarantees. By synthesizing insights from various studies, this review highlights the urgent need for systemic reforms to address these challenges and promote greater inclusivity and equity. Future research should focus on identifying practical solutions that align with Malaysia's unique socio-cultural context while upholding the principles of justice and pluralism for all citizens.

## Methodology

This study employed a systematic and data-driven approach, utilizing Scopus AI as a key tool to identify, analyze, and synthesize academic sources relevant to the research objectives. The methodology is designed to address three primary objectives: (a) reviewing the content and

legal standing of fatwas related to religious pluralism in Malaysia, (b) examining the historical and ideological underpinnings that inform the issuance of these fatwas, and (c) assessing their impact on interfaith relations, religious governance, and legal pluralism. To achieve these objectives, the research adopted a qualitative method, focusing on the critical analysis of scholarly articles, books, and legal documents to provide an in-depth understanding of the complexities surrounding fatwas in Malaysia. This qualitative approach allows for a nuanced exploration of the socio-legal, historical, and ideological dimensions of the topic, ensuring a comprehensive review that aligns with the study's aims.

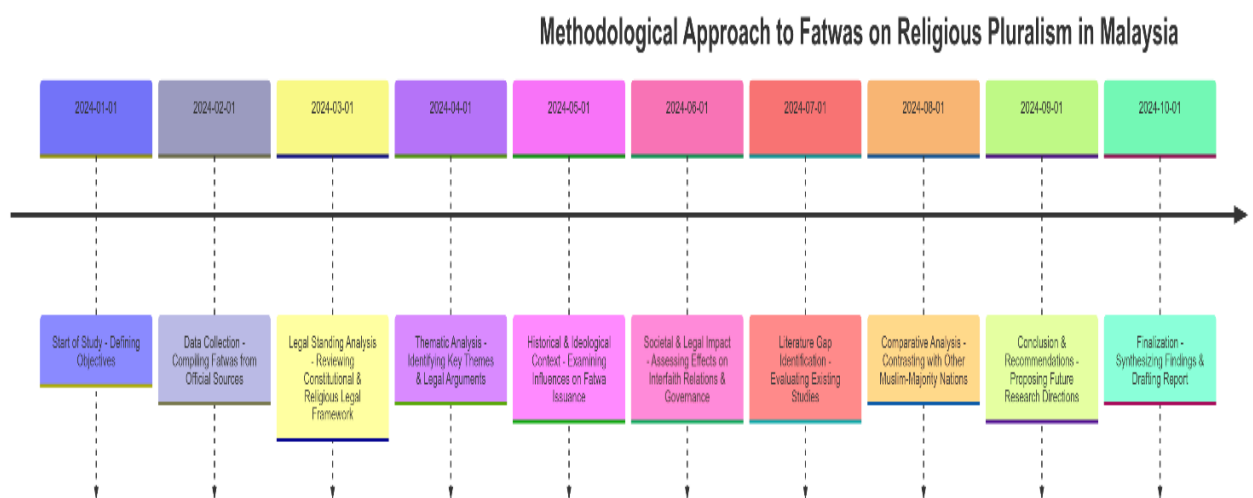
To achieve these objectives, the study leverages Scopus AI's advanced search capabilities to extract peer-reviewed journal articles, conference papers, and book chapters published between 2010 and 2023. The natural language query-What are the Islamic legal perspectives on religious pluralism in Malaysia as reflected in fatwas? Keywords such as "fatwa," ("fatwa" OR "religious ruling" OR "edict") AND ("pluralism" OR "diversity" OR "multiculturalism" OR "inclusivity") AND ("religion" OR "faith" OR "belief" OR "spirituality") AND ("Malaysia" OR "Malaysian" OR "Southeast Asia" OR "ASEAN") AND ("Islam" OR "Muslim" OR "Islamic" OR "Sharia") AND ("tolerance" OR "acceptance" OR "coexistence" OR "understanding")

Inclusion criteria for this study focused on peer-reviewed articles published within the last five years to ensure the relevance and currency of findings. Articles that specifically addressed the legal standing, historical religious ruling, fatwas, faith, Muslim and belief were prioritized. The abstracts, methodologies, and key findings of the articles were reviewed to determine their relevance. Special emphasis was placed on studies analyzing the the impact of pluralism.

Additionally, articles that presented case studies or empirical evidence of the application and implications of fatwas in diverse socio-religious contexts were given particular attention. For example, studies highlighting the role of fatwas in addressing interfaith relations, regulating minority religious practices such as those of the Shi'a community, and fostering community cohesion in multicultural settings were extensively reviewed. These articles provided insights into the adaptability of fatwas to contemporary societal challenges, as well as the tensions and opportunities encountered in their implementation across varying legal and social environments. The inclusion of such practical examples further enriches the thematic synthesis, offering nuanced perspectives on how fatwas influence religious pluralism and governance in Malaysia.

Data extracted from the selected articles were synthesized using thematic analysis, enabling the identification of recurring patterns and emerging insights. Key themes included the legal standing and institutional framework of fatwas, their ideological underpinnings rooted in classical Islamic jurisprudence, and their impact on interfaith relations and legal pluralism. This structured approach ensured a comprehensive understanding of how fatwas contribute to shaping Malaysia's religious landscape, addressing societal challenges, and navigating the complexities of governance in a multicultural society. The use of Scopus AI and a rigorous methodology underscores the reliability and validity of this study in uncovering actionable insights for policymakers, religious authorities, and scholars engaged in promoting inclusive and harmonious coexistence in Malaysia. By synthesizing these findings, the study provides a robust foundation for future research and practice aimed at fostering mutual respect and understanding in diverse religious contexts.



Volume 10 Issue 39 (March 2025) PP. 97-114  
DOI 10.35631/IJLGC.1039006


## Result and Discussion

This section presents the findings of the study in alignment with the research objectives and explores their broader implications. Employing a systematic and data-driven approach, the results integrate both quantitative analysis and qualitative insights, ensuring a comprehensive understanding of the subject. The discussion contextualizes these findings within the existing body of literature, shedding light on key themes, emerging trends, persistent challenges, and viable strategies for improvement. Through this analysis, the study offers a deeper perspective on the Fatwas on Religious Pluralism in Malaysia which provides a nuanced exploration of how Islamic legal perspectives shape and influence the discourse on religious pluralism in Malaysia.

### *To Review The Content And Legal Standing Of Fatwas Related To Religious Pluralism In Malaysia.*

The content and legal standing of fatwas related to religious pluralism in Malaysia reflect the intricate relationship between Islamic jurisprudence and the country's pluralistic legal framework. Malaysia's dual legal system, which accommodates both Islamic and common law, creates a complex environment where fatwas influence governance, interfaith relations, and legal interpretations (Meerschaut & Saeger, 2019). Fatwas issued by the National Fatwa Council and state religious authorities hold advisory status but are often enforced through religious laws, impacting societal attitudes and legal policies on religious pluralism (Harding, 2012). These fatwas typically emphasize the supremacy of Islam in Malaysia while addressing concerns about religious interactions, conversion, and interfaith dialogue.

A critical review of fatwas on religious pluralism reveals a dynamic and evolving discourse shaped by theological interpretations and political considerations. Islamic legal perspectives on pluralism have historically accommodated diverse religious communities, yet contemporary fatwas often reflect conservative interpretations that challenge religious pluralism (Hasyim, 2019). The tension between traditional Islamic legal theory, which acknowledges multiple interpretations, and the more rigid contemporary view is evident in the discourse surrounding

fatwas. This rigidity is reinforced by public perception and institutional authority, where fatwas are increasingly seen as binding legal instruments rather than advisory opinions (Moustafa, 2013). This shift has led to a restrictive stance on religious pluralism, particularly concerning interfaith marriages, apostasy, and religious freedom.

The impact of these fatwas on legal and social practices is significant, particularly in regulating religious expression and interfaith interactions. For instance, fatwas that prohibit participation in non-Muslim religious ceremonies or restrict interfaith dialogue reinforce social divisions and legal barriers (Hoffstaedter, 2013). Additionally, the legal treatment of religious minorities, such as Shi'a Muslims, demonstrates how fatwas serve as a mechanism for state control over religious expression (Samuri & Quraishi, 2016). These rulings contribute to the criminalization of religious pluralism, restricting the rights of minority Muslim groups and non-Muslims in legal disputes and religious practices. The case of Muslim converts further illustrates the impact of fatwas, as they often face legal challenges regarding personal status laws and family disputes due to inconsistencies between civil and Shariah legal interpretations (Samuri & Khan, 2021).

Legal controversies surrounding fatwas highlight the broader debate over religious governance in Malaysia. Cases where fatwas have been challenged in court, such as the 2022 Court of Appeal decision upholding a fatwa declaring a company deviant from Islamic teachings, underscore the judicial system's role in shaping religious policies. The enforceability of fatwas remains a contentious issue, as they intersect with constitutional provisions on religious freedom and legal pluralism. Despite their non-binding nature, fatwas influence state policies and are often incorporated into laws, blurring the distinction between religious opinion and state authority (Harding, 2012). The government's approach to regulating religious pluralism through fatwas aligns with broader efforts to consolidate religious authority and prevent alternative Islamic interpretations from gaining traction.

Overall, fatwas on religious pluralism in Malaysia reflect a broader struggle between legal pluralism, state religious control, and the evolving interpretation of Islamic law. While fatwas provide authoritative guidance on religious matters, their increasing influence on governance raises concerns about religious freedom and interfaith relations. The restrictive stance adopted in many fatwas challenges Malaysia's pluralistic social fabric and reinforces conservative legal interpretations, affecting both Muslim and non-Muslim communities. Future research should focus on exploring alternative Islamic legal perspectives that accommodate religious diversity and examining the socio-political factors that influence the issuance and enforcement of fatwas in Malaysia.

### ***To Review The Historical And Ideological Underpinnings That Inform The Issuance Of These Fatwas.***

The historical and ideological foundations of fatwas on religious pluralism in Malaysia are deeply rooted in the country's Islamic jurisprudential traditions and socio-political landscape. Historically, Malaysia's Islamic legal framework has evolved in response to colonial legacies and post-independence state-building efforts, shaping the way fatwas address religious pluralism (Harding, 2012). During British rule, Islamic law was relegated to matters of personal and family law, which led to the compartmentalization of religious rulings. However, in the post-independence era, the strengthening of Islamic institutions and the formalization of fatwa councils at the national and state levels reinforced the authoritative role of fatwas in shaping

religious discourse (Meerschaut & Saeger, 2019). This historical trajectory underscores the role of the state in mediating religious pluralism through legal instruments, including fatwas.

The ideological underpinnings of fatwas on religious pluralism in Malaysia are influenced by both classical Islamic jurisprudence and contemporary socio-political considerations. The dominant Shafi'i school of thought, which has historically informed Malaysian Islamic legal interpretations, traditionally acknowledges the rights of non-Muslims within a pluralistic society while maintaining the supremacy of Islamic law (Hasyim, 2019). However, in contemporary Malaysia, interpretations of religious pluralism have been shaped by conservative Islamic revivalist movements, leading to stricter positions on interfaith relations. The influence of Salafist and Wahhabi ideologies has further reinforced exclusivist interpretations, often rejecting pluralistic coexistence as incompatible with Islamic doctrine (Hoffstaedter, 2013). These ideological shifts have led to the issuance of fatwas that restrict interfaith engagement and limit the participation of Muslims in religious ceremonies of other faiths.

Fatwas on religious pluralism often serve as mechanisms for regulating Muslim identity and religious boundaries within a multicultural society. The National Fatwa Council and state-level muftis have issued numerous fatwas that prohibit interfaith prayers, participation in non-Muslim religious festivals, and the use of Islamic terminologies by non-Muslims (Moustafa, 2013). Such rulings are framed within the ideological concern of preserving the sanctity of Islamic beliefs and preventing religious syncretism. However, these restrictive fatwas have also contributed to interfaith tensions, particularly when they are perceived as undermining Malaysia's pluralistic heritage (Samuri & Quraishi, 2016). The legal standing of these fatwas varies, as they are generally non-binding but can be enforced when incorporated into state Islamic laws, creating a complex legal landscape for religious governance.

The historical evolution and ideological justifications of these fatwas also reflect broader contestations between progressive and conservative Islamic interpretations in Malaysia. Progressive Islamic scholars and civil society organizations argue that certain fatwas on religious pluralism contradict Malaysia's constitutional guarantees of religious freedom (Harding, 2012). For instance, legal challenges against fatwas declaring groups like Sisters in Islam as deviant highlight the ongoing debates over religious authority and pluralism (Samuri & Khan, 2021). The intersection of state power and Islamic jurisprudence further complicates these discussions, as fatwa councils often align with governmental policies that emphasize religious exclusivity over pluralistic accommodation.

In conclusion, the issuance of fatwas on religious pluralism in Malaysia is deeply influenced by historical legacies, ideological currents, and state-religion dynamics. While classical Islamic jurisprudence offers diverse perspectives on religious coexistence, contemporary fatwas tend to reflect more conservative interpretations, reinforcing exclusivist tendencies. The interplay between legal, theological, and political factors continues to shape the discourse on religious pluralism, highlighting the need for further research on how fatwas can evolve to balance Islamic doctrinal integrity with Malaysia's multicultural reality.

***To Analyse The Impact Of Fatwas On Interfaith Relations, Religious Governance, And Legal Pluralism.***

Fatwas play a crucial role in shaping interfaith relations in Malaysia, often reinforcing boundaries between religious communities. The National Fatwa Council and state-level fatwa committees have consistently issued rulings that restrict interfaith interactions, particularly in areas such as religious conversions, interfaith marriages, and the use of Islamic terminologies by non-Muslims (Hasyim, 2019). These fatwas contribute to an exclusivist interpretation of Islam that can hinder social cohesion and mutual understanding among religious communities. For example, the 2008 fatwa prohibiting Muslims from practicing yoga due to alleged Hindu elements exemplifies how fatwas can limit cross-cultural engagement and deepen religious divides (Hoffstaedter, 2013).

In the context of religious governance, fatwas significantly influence the administration of Islamic affairs and legal structures in Malaysia. As Islamic law is a state matter, the issuance of fatwas varies across different states, creating inconsistencies in their implementation (Harding, 2012). While fatwas are not legally binding unless enacted into state law, they still carry moral and social authority, often leading to self-regulation among Muslims and shaping state policies. Fatwas on religious pluralism have reinforced governmental control over religious expression, as seen in restrictions against the spread of non-Sunni teachings, particularly targeting the Shi'a community (Samuri & Quraishi, 2016). These rulings have led to the surveillance and criminalization of certain religious practices, affecting the religious freedom of minority Muslim groups.

Legal pluralism in Malaysia is profoundly affected by fatwas, particularly in matters of family law and religious identity. Fatwas on apostasy and conversion pose significant legal and social challenges, especially for individuals seeking to leave Islam. The case of Lina Joy, a woman denied the right to change her religious status in official documents due to Islamic legal restrictions, highlights the legal barriers imposed by fatwas (Meerschaut & Saeger, 2019). Such rulings complicate legal proceedings related to marriage, inheritance, and child custody, often placing converts and interfaith families in precarious legal situations (Samuri & Khan, 2021). This demonstrates how fatwas intersect with civil law, reinforcing an Islamic legal framework that prioritizes religious conformity over individual rights.

The impact of fatwas on interfaith relations and legal pluralism is further evident in the contested space of religious education and proselytization. Fatwas restricting the exposure of Muslims to non-Islamic religious teachings and prohibiting participation in interfaith dialogues reinforce an exclusivist approach to religious discourse (Moustafa, 2013). Such limitations discourage open discussions on religious pluralism and hinder efforts to foster mutual respect among diverse religious communities. Additionally, the banning of certain books and religious materials through fatwas contributes to a controlled intellectual environment, restricting critical engagement with theological and philosophical diversity (Hoffstaedter, 2013).

In conclusion, fatwas in Malaysia have far-reaching consequences on interfaith relations, religious governance, and legal pluralism. They reinforce religious boundaries, shape state policies on religious expression, and create legal barriers for minority groups and converts. While fatwas serve as important tools for Islamic legal guidance, their restrictive interpretations often challenge the principles of religious freedom and social inclusion. Addressing these

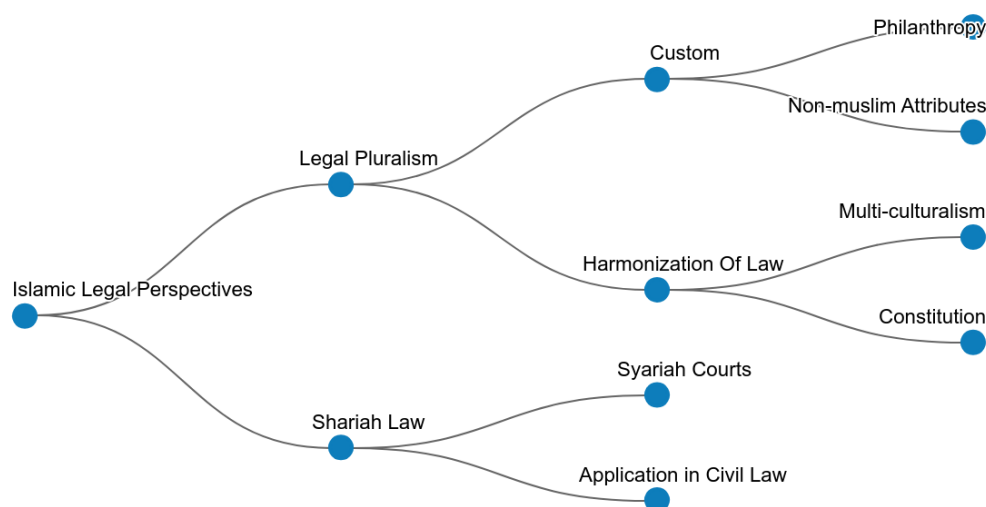
challenges requires a more inclusive approach to Islamic legal discourse that considers Malaysia's multicultural landscape while upholding fundamental human rights.

### ***Connections To Key Themes (Legal Pluralism And Shariah Law)***

The graph provides a conceptual framework illustrating the intricate relationships between Islamic legal perspectives, legal pluralism, and Shariah law in a multicultural context. It highlights the dynamic interplay between traditional Islamic jurisprudence and modern legal frameworks, showcasing how various elements influence the governance and interpretation of Islamic law, particularly in Malaysia. The diagram branches into two primary themes: Legal Pluralism and Shariah Law, each encompassing distinct yet interconnected components.

Under Legal Pluralism, the graph explores the integration of multiple legal traditions, including custom, which plays a crucial role in shaping Islamic rulings. Customary practices further link to themes such as philanthropy and non-Muslim attributes, reflecting the interaction between Islamic jurisprudence and diverse cultural values. Additionally, the harmonization of law emerges as a key factor in aligning Islamic legal principles with broader governance structures, leading to considerations of multi-culturalism and constitutional frameworks that regulate religious coexistence.

Similarly, Shariah Law is analyzed through its institutional application, particularly within Syariah courts, which adjudicate matters related to Islamic jurisprudence. Furthermore, the application of Shariah in civil law demonstrates the extent to which Islamic principles are integrated into national legal systems, influencing governance and policy-making. The interconnected themes in the graph provide a comprehensive overview of the legal and social dimensions of Islamic rulings, emphasizing their impact on religious pluralism, governance, and societal norms. By mapping these relationships, the graph serves as a valuable tool for understanding the complexities of Islamic legal perspectives in contemporary pluralistic societies.





### ***Linkages Between Islamic Legal Perspectives And Legal Pluralism***

The relationship between Islamic legal perspectives and legal pluralism is a crucial area of study in understanding how Islamic law operates within diverse legal environments. Legal pluralism, which refers to the coexistence of multiple legal systems within a single society, has been widely explored in relation to Shariah law and its interaction with state law, customary law, and international legal frameworks (Shahar, 2008). In the Malaysian context, legal pluralism manifests in the dual legal system, where Islamic law governs personal and religious matters for Muslims, while civil law applies to broader legal issues. Fatwas, as non-binding yet influential Islamic legal opinions, contribute to the pluralistic legal landscape by providing religious rulings that coexist alongside statutory laws, creating a complex interaction between state authority and religious governance.

One of the key features of Islamic legal pluralism is the acceptance of multiple interpretations of Shariah law, particularly within the Sunni tradition, which recognizes legal disagreements as valid articulations of the law (Ibrahim, 2019). This internal pluralism within Islamic jurisprudence is evident in the coexistence of various madhabs (schools of thought), each offering different yet legitimate legal interpretations. In Malaysia, fatwas issued by different state religious authorities can sometimes diverge, reflecting a pluralistic approach within the Islamic legal framework. However, challenges arise when certain fatwas contradict constitutional provisions on religious freedom or civil liberties, creating legal tensions between religious and state authorities. This highlights the necessity of harmonizing Islamic and civil legal principles within the broader scope of legal pluralism.

In some jurisdictions, the application of Islamic law within a pluralistic legal system has led to a model of legal harmonization, as seen in Aceh, Indonesia, where Islamic law is integrated with customary law and state law (Djawas et al., 2024). This model demonstrates that legal pluralism does not necessarily lead to conflict but can instead facilitate a balanced approach to governance by accommodating diverse legal traditions. Similarly, in Malaysia, the administration of Islamic law through Shariah courts coexists with the civil legal system, albeit with jurisdictional disputes arising in cases involving interfaith marriage, conversion, and religious freedom. This situation underscores the importance of developing legal frameworks that ensure cooperation between Shariah and civil courts while maintaining constitutional rights.

A "new legal pluralism" has been proposed to address the limitations of traditional legal classifications, arguing that Islamic law should not be viewed solely as a religious system but as a dynamic legal tradition that interacts with political, social, and economic forces (Amor, 2011). This approach challenges the rigid separation between religious and secular legal domains, advocating for a more nuanced understanding of Islamic law's role in contemporary governance. In Malaysia, the evolution of fatwas on religious pluralism reflects this tension, as state-sanctioned religious rulings seek to regulate interfaith relations while simultaneously being subject to constitutional scrutiny. This redefinition of legal pluralism in Islamic contexts can offer new pathways for accommodating religious diversity within modern nation-states.

Ultimately, the linkage between Islamic legal perspectives and legal pluralism illustrates the dynamic and evolving nature of Islamic law in multicultural societies. The Malaysian experience highlights both the opportunities and challenges of integrating Islamic jurisprudence within a broader legal framework. While fatwas contribute to shaping religious

and legal norms, their implications on pluralism require careful assessment to ensure they align with constitutional principles and international human rights standards. Future research should explore models of legal reconciliation that respect religious authority while promoting inclusivity and social cohesion in legally pluralistic societies.

### ***Linkages Between Islamic Legal Perspectives And Shariah Law***

Islamic legal perspectives and Shariah law are deeply interconnected, as Shariah represents the core framework through which Islamic jurisprudence operates. Derived from divine sources—the Qur'an and Hadith—Shariah law governs various aspects of life, including religious duties, ethical conduct, and legal obligations (Azeez, 2012). Unlike conventional legal systems, which are often codified by the state, Islamic law is developed through scholarly interpretations and juristic reasoning, making it a fluid and adaptive system (Yilmaz, 2021). This characteristic allows Shariah to remain relevant across different historical and cultural contexts while maintaining its foundational principles. The non-centralized nature of Islamic law has contributed to the existence of multiple schools of thought (madhhabs), reflecting the diversity within Islamic legal traditions.

One of the key aspects of Shariah law within Islamic legal perspectives is its ability to regulate both public and private behavior, encompassing areas such as criminal law, civil transactions, family law, and religious practices (Alarefi, 2009). In many Muslim-majority countries, fatwas—non-binding legal opinions issued by Islamic scholars—play a crucial role in interpreting Shariah principles in contemporary contexts. In Malaysia, for instance, fatwas are issued at the state level and influence legal rulings on issues such as religious pluralism, interfaith relations, and personal status laws. However, since fatwas are not legally binding, their enforcement depends on whether they are incorporated into state legislation or judicial decisions, illustrating the intersection between Shariah law and the broader legal system.

Despite its adaptability, Shariah law operates within legally pluralistic societies, where it interacts with state law, customary practices, and international legal frameworks (Djawas et al., 2024). This interaction often necessitates legal harmonization to resolve conflicts between Islamic legal norms and national legislation. In Malaysia, for example, Shariah courts function alongside civil courts, each having jurisdiction over different matters. However, jurisdictional conflicts arise in cases involving conversion, marriage, and inheritance, particularly when non-Muslims are affected. The need for harmonization has led to debates on whether Shariah should be reformed to align with constitutional principles while preserving its religious authenticity.

A major challenge in integrating Shariah law within modern legal frameworks is its perceived clash with international human rights norms, particularly in areas such as gender equality, freedom of expression, and religious rights (Nabeel, 2023). Some Muslim-majority states have expressed reservations about international human rights conventions, arguing that certain provisions contradict Islamic principles. However, scholars argue that this conflict should not be seen as irreconcilable but rather as an opportunity to foster dialogue between Islamic and international legal perspectives. Progressive interpretations of Shariah have sought to bridge this gap by advocating for rights-based approaches that uphold Islamic values while accommodating universal human rights principles.

Ultimately, the linkage between Islamic legal perspectives and Shariah law reflects a complex yet dynamic legal tradition that continues to evolve in response to contemporary challenges. While Shariah remains a fundamental source of legal and ethical guidance for Muslims, its interaction with state law and international legal frameworks necessitates ongoing interpretation, adaptation, and harmonization. The role of fatwas and legal scholars remains critical in navigating these complexities, ensuring that Islamic legal principles remain relevant in modern governance. Future research should explore innovative models of legal integration that uphold religious values while promoting inclusivity, justice, and legal coherence in diverse societies.

## Conclusion

This study has critically examined the role of fatwas on religious pluralism in Malaysia, focusing on their legal standing, historical and ideological underpinnings, and societal impact. Through a systematic literature review using Scopus AI, the study identified key trends in fatwa issuance and their implications for interfaith relations, religious governance, and legal pluralism. The findings reveal that fatwas on religious pluralism in Malaysia generally adopt a conservative stance, reinforcing the exclusivist interpretation of Islamic law and limiting interfaith engagement. While some fatwas emphasize moderation, the dominant discourse remains restrictive, often contradicting constitutional guarantees of religious freedom. These legal and theological positions have contributed to legal ambiguities, social tensions, and challenges in religious governance. Theoretically, this study contributes to the growing body of literature on Islamic jurisprudence and religious pluralism by situating Malaysian fatwas within the broader context of legal pluralism and theological discourse. It highlights the intersection between Islamic law and constitutional law, demonstrating how religious rulings influence legal interpretations and social policies.

The study also sheds light on the ideological frameworks that inform fatwa issuance, providing insights into how religious authorities navigate contemporary issues of pluralism and governance. From a practical standpoint, the study underscores the significant influence of fatwas on religious and legal practices in Malaysia. Policymakers and legal practitioners must consider the broader impact of fatwas on interfaith relations and religious governance, particularly in addressing legal inconsistencies related to religious conversion, family law, and freedom of belief. Additionally, religious authorities may benefit from engaging in more inclusive and dialogical approaches when issuing fatwas, ensuring that Islamic legal interpretations align with Malaysia's multicultural realities. This study also provides valuable insights for interfaith organizations and civil society groups advocating for religious coexistence and legal reforms. Despite its contributions, this study has several limitations. Firstly, the reliance on secondary sources means that the findings are dependent on existing literature, which may not fully capture the nuanced perspectives of religious authorities or affected individuals. Future research could incorporate interviews with Islamic scholars, legal experts, and interfaith practitioners to provide a more comprehensive understanding of the lived experiences related to fatwas on religious pluralism. Secondly, the study primarily focuses on Malaysia, limiting the generalizability of its findings to other Muslim-majority countries. A comparative analysis with fatwa issuance in other multicultural societies would provide deeper insights into the global trends of Islamic legal thought on pluralism.

Future research should explore the practical implementation of fatwas on religious pluralism, assessing their enforcement mechanisms and real-world impact on Muslim and non-Muslim communities. Empirical studies involving qualitative data collection, such as ethnographic research or legal case studies, could offer richer insights into how fatwas shape public attitudes and state policies. Additionally, comparative studies examining fatwas on pluralism in countries with similar legal frameworks, such as Indonesia or Brunei, could highlight regional patterns and best practices. Finally, interdisciplinary research integrating perspectives from Islamic studies, legal studies, sociology, and political science would provide a more holistic understanding of religious pluralism in Malaysia and beyond. In conclusion, fatwas on religious pluralism in Malaysia continue to shape the country's legal and social landscape, reflecting broader tensions between religious authority, constitutional law, and multiculturalism. While these rulings provide guidance to the Muslim community, their restrictive interpretations pose challenges for interfaith harmony and legal coherence. Moving forward, a more balanced and ideological approach in fatwa issuance, alongside comprehensive legal and social reforms, could pave the way for a more inclusive understanding of religious pluralism in Malaysia.

### Acknowledgment

The authors would like to express their sincere gratitude to the Kedah State Research Committee, UiTM Kedah Branch, for the generous funding provided under the Tabung Penyelidikan Am. This support was crucial in facilitating the research and ensuring the successful publication of this article.

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