

## **Islamic movement and human rights: Pertubuhan Jamaah Islah Malaysia's involvement in the "Abolish Internal Security Act Movement," 2000-2012**

**Maszlee Malik\***

**Abstract:** Human rights has been acknowledged as one of the essential characteristics of good governance. Abuse of human rights is strongly associated with bad governance, which is believed by many to be a serious impediment to development and sustainable growth. Despite the active participations of Islamic movements in many parts of the political world, very little is known of their involvement in advocating human rights issues as part of their struggle for power. Nevertheless, as an Islamic movement and an Islamic revivalism actor in Malaysia, Pertubuhan Jamaah Islah Malaysia (JIM) has shown otherwise. JIM has resembled a different attitude towards the issue of human rights that they believe as an integrated and pertinent composition of good governance. By scrutinising their political activities and discourse since 2000, it becomes clear that JIM has been actively engaged in good governance and human rights issues, especially those that relate to the political rights of citizens through its involvement in the Abolish Internal Security Act (ISA) Movement (Gerakan Mansuhkan ISA). This paper examines JIM's involvement in human rights issues with a special focus on its active and leading role in calling for the abolishment of the Internal Security Act (ISA).

**Keywords:** Abolish ISA movement; human rights; Internal Security Act; Islamic reform movement; reform movements in Malaysia.

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\* Maszlee Malik is an Assistant Professor in the Department of Fiqh and Usul al-Fiqh, Kulliyah of Islamic Revealed Knowledge and Human Sciences, International Islamic University Malaysia (IIUM), Malaysia, and a member of the International Institute for Halal Research and Training, IIUM.  
Email: [maszlee@iium.edu.my](mailto:maszlee@iium.edu.my).

**Abstrak:** Hak Asasi Manusia telah diakui sebagai satu daripada ciri-ciri penting dalam tadbir urus yang baik. Penyalahgunaan hak asasi manusia berkait rapat dengan pentadbiran yang tidak kemas, yang mana hal ini merupakan penghalang terhadap pembangunan dan pertumbuhan lestari. Walaupun terdapat penglibatan aktif pergerakan Islam di beberapa tempat di dunia politik, namun hanya sedikit sahaja yang diketahui tentang penglibatannya dalam isu-isu untuk menyokong pergerakan hak asasi manusia sebagai sebahagian daripada perjuangan mereka untuk mendapatkan kuasa. Walau bagaimanapun, Pertubuhan Jamaah Islah Malaysia (JIM), sebagai pergerakan Islam dan sebagai sebahagian daripada pergerakan kebangkitan semula Islam di Malaysia, telah menunjukkan sebaliknya. JIM mempunyai sikap yang berbeza terhadap isu hak asasi manusia yang mana mereka percaya bahawa pergabungan dan campurannya penting dalam tadbir urus yang baik. Dengan meneliti aktiviti-aktiviti politik dan perbincangan sejak tahun 2000, ia akan memperlihatkan bahawa JIM telah melibatkan diri secara aktif dalam tadbir urus yang baik dan isu-isu hak asasi manusia yang baik, terutamanya yang berkaitan dengan hak-hak rakyat dalam politik melalui penglibatan dalam memansuhkan Akta Keselamatan Dalam Negeri (ISA). Hasil kajian mengambil kira penglibatan JIM dalam hak asasi manusia dengan tumpuan khas kepada peranan aktif dan utamanya dalam menyeru terhadap pemansuhan Akta Keselamatan Dalam Negeri (ISA).

**Kata Kunci:** Gerakan Mansuhkan ISA; Hak Asasi Manusia; Akta Keselamatan Dalam Negeri; Pergerakan Islam; Pergerakan Kebangkitan Semula di Malaysia.

Sustainable economic growth through the term “development”, popular political participation through the buzz word “democracy”, and the respect for citizen’s rights under the banner “human rights” have been a three fold-landmark for any regime to profess their legitimacy at the national and international levels (Donnelly, 1999). Economic failure relates strongly to the violation of human rights in these nations as noted by the 1989 International Conference on the Relation between Disarmament and Development which reported that, “Gross and systematic violations of human rights retard genuine socio-economic development” (cited in Smith, 2003, p. 48). Similarly, the United Nations Development Programme (UNDP) in its policy statement asserts, “human rights and sustainable human development are interdependent and mutually reinforcing” (1998).

At the same time, the realisation of human rights, especially those that relate to economic and social rights, depends on appropriate

conditions, or else the country has nothing to offer to its citizens. This strong relation paves the way for a strong emphasis among international bodies and scholars to include the topic of human rights into the main characteristics of good governance. Hence, the issue of human rights and its preservation cannot be separated from the discourse of good governance, despite few arguments from certain parties that dispute this relationship. These arguments will be discussed further in this section. The very first operative paragraph of the 1993 Vienna Declaration may enshrine the realisation of human rights by pointing out that, “human rights and fundamental freedoms are a birthright of all human beings; their protection and promotion is the first responsibility of Governments” (“Vienna Declaration,” 1993, part 1).

Conceivably, the preservation of human rights and the application of human rights laws will also lead to development (Ghai, 1994, p. 4; Sen, 1999; Donnelly, 1999). Hence, any rules or laws enforced in one country must avoid any infringement on the rights of its citizens to ensure the nation’s real participation in good governance. However, it is regrettable that a significant number of developing countries, especially Muslim countries are still lacking in the practice of good governance due to malpractice on certain human rights-related issues. Some countries are known for their autocratic nature, some are ruled by dictators, while others have draconian laws to preserve the power of elite groups dominating the state (Chapra, 2008, pp. 156-162).

As for the case of Malaysia, in spite of its growth and relatively successful economic development, the country was criticised for its alleged misuse of laws to curb the opposition. Since independence, the ruling party, Barisan Nasional (National Front), has been accused of infringing and abusing human rights through the detention of political prisoners with dissenting voices under the Internal Security Act (ISA) (Amnesty International, 1999; Fritz & Flaherty, 2002; Koh, 1999; Kia, 2002; Trowell, 2005). Many perceive the Act as a tool used to delegitimise generations of political opposition and silence those considered “subversive” by the government (Amnesty International, 1999). The Act provides the indefinite detention without trial of the detainee. The first sixty days of this detention is typically at the initiation of police authorities, and subsequent two-year periods occur at the authorisation and renewal of the Minister of Home Affairs (see: Internal Security Act, Sec. 8). The Act has long attracted significant opposition

from human rights groups at both local and international levels calling for its abolishment.

On a different note, as part of the Islamic revivalism over the past century, Islamism and Islamists alike have been generally portrayed as being opposed to human rights (Hefner, 2011, pp. 162-163). However, Pertubuhan Jamaah Islah Malaysia (JIM) has demonstrated otherwise and reflected a different attitude towards the issue of human rights, which they believe is an integrated part of good governance (Syed Ibrahim, personal communication, March 10, 2013). Established in 1990, JIM was an extension of the Malaysian Islamic student movement which started in the UK in the 70's, and with other graduates of many overseas universities who believed that change in the community must embark from Islamic ideals of reform (*işlāh*), Islamic propagation (*da'wah*), and education (*tarbiyyah*).

Although initially an Islamic propagation movement dealing with primordial Islamic issues, JIM in 1998 became directly involved in the political life of Malaysians. This is due to its involvement with the Reformasi (reformation) movement initiated by the former Deputy Prime Minister and the current opposition leader, Anwar Ibrahim, in calling the then Malaysian Prime Minister, Dr Mahathir Muhammad, to step down, akin to the Reformasi movement in Indonesia. Consequently, this Reformasi phenomenon had significantly pushed JIM to initiate an essential strategic paradigm shift in maximising their activism towards the nation's political discourse. Thus, it had become a new pro-active "Islamic" civil society actor involved directly with politics, which demanded good governance (Mazlee, 2012).

This study attempts to explain JIM's involvement in politics through its participation with the "Abolish ISA Movement" or widely known as GMI, an acronym for Bahasa Melayu "Gerakan Mansuhkan ISA". It should be noted that this study does not attempt to delve into the principles of Islamic jurisprudence (*fiqh*) with regard to JIM's position on the ISA, but rather to reach a general definition of the doctrinal affiliations of JIM and how they are perceived and exemplified in the issue of human rights and the ISA through their involvement in GMI. The most pertinent element in this paper is to shed light on the political, intellectual, and social positions of JIM on the ISA and human rights issues relating to the Act from 1998 to 2012, and to ascertain its opinions regarding civil society and its views on the political regime and the state.

The paper will analytically deal with JIM's involvement in the Abolish Internal Security Act (ISA) Movement (Gerakan Mansuhkan ISA) by empirically examining its discourse and activities since 2000. Literature produced by both JIM and GMI leaders related to the issue are used in this research as part of the primary sources based on the inductive method applied to understanding and analysing JIM's position on ISA and its involvement in GMI. Furthermore, interviews and other personal communication with JIM leaders were conducted and analysed throughout the research to better understand the historical development of JIM and its involvement in GMI.

### **Internal Security Act (ISA)**

During the final years of the British colonial rule in what was then called Malaya, a communist insurgency arose to fight for a more egalitarian independence from the British with a more radical and aggressive approach than other nationalist forces that existed in the country. The British colonial authorities responded to this insurgency with the promulgation of "Emergency Regulations" that similarly provided an excuse for detention without trial. Malaysia retained the Regulations at independence in 1957 and it continued until 1960, when the Parliament enacted the ISA as Act No. 18 of 1960 (Rais, 1995, p. 255). This is similar to its precursor, which aimed at suppressing the communist insurgent militants who continued to operate to gain what they believed as "real" independence (Gomez & Jomo, 1997, pp. 10-23; Zahari, 2001).

Initially, ISA was used throughout the 1960s to arrest those ostensibly involved in communist activities of the then Labour Party that formed part of the Socialist Front (Comber, 2012, pp. 63-72). Nonetheless, after the 13<sup>th</sup> May 1969 riot that erupted after the ruling alliance, Perikatan, lost its two-thirds parliamentary majority for the very first time since the election was introduced in Malaya, over 200 people were killed according to official figures, while large sections of Kuala Lumpur were left devastated (Comber, 2012, pp. 63-72). A state of emergency was declared by the Yang di-Pertuan Agong (the King), and the Parliament was suspended, and the Emergency (Public Order and Prevention of Crime) Ordinance 1969 (EPOPCO) was enacted. Its provisions were substantially similar to those of the ISA, but in the case of EPOPCO, police officers must have reason to believe when effecting arrest and the Minister must be satisfied when issuing a detention order that such an arrest or detention was necessary to prevent the individual

from acting in a “manner prejudicial to public order,” or that it was necessary for the “suppression of violence or the prevention of crimes involving violence” (EPOPCO, Ordinance 5 of 1969). Simultaneously, ISA was then upheld and justified as prevention of any possible racial hostility that might reignite the race riot (Lee, 2003, pp. 197-204).

The end of the 1960s, however, did not only usher in a new justification for the use of the ISA, loss of political support for the ruling Alliance’s dominant party, the United Malays’ National Organisation (UMNO), and the violence of the riots, signalled an increasing discontent on the part of many ethnic Malays with the prevailing status quo. The New Economic Policy (NEP), unveiled in 1970, was intended to address these grievances. The NEP generally aimed to stimulate growth, reduce poverty and achieve an “inter-ethnic economic parity between the predominantly Malay Bumiputeras and the predominantly Chinese non-Bumiputeras, and consequently, entailed a much greater emphasis on government policy on economic well-being” (Fritz & Flaherty, 2002, p. 1356). Alongside this government-led empowerment project, more organic grass-roots initiatives aimed at political and economic advancement also became more pronounced. At this moment, as a result of more empowerment of the Malays who are Muslims, Islamic groups, in specific the Angkatan Belia Islam Malaysia (ABIM), promoting the Islamic propagation and renewal ideals of embracing the “authentic” Islamic identity, enjoyed widespread popularity (Chandra, 1988, p. 48; Zainah Anwar, 1987, p. 2; Mohd Nor, 1989, p. 32).

Again, in the ABIM-led student mass demonstration in 1974 that was spearheaded by Anwar Ibrahim, the then president of ABIM and other student leaders and activists instigated the usage of ISA by the government. Scores of student leaders and ABIM activists were detained under the act.<sup>1</sup> However, during the early 1980s, the then new Prime Minister, Mahathir Mohamad, had himself expressed criticism for the ISA early in his career, and a diminished resort to the ISA in the early years of the 1980s fuelled the expectations that the government’s use of repressive legislation would abate (Amnesty International, 1999). Nevertheless, the perceived massive-abuse of the ISA happened a few years after the false hope. During 1987, the Act was deployed to reinstate the ruling-party power and specifically the then Prime Minister Mahathir Mohammad’s power and domination in the country (Wain, 2012, pp. 61-64). Over one hundred opposition leaders, trade unionists,

academics, missionaries, public academicians, and NGO activists were arrested and detained without fair trial under what was known as “Operasi Lalang” (The Grass Operation)<sup>2</sup> (Khoo Boo Teik, 2001, p. 287).

However, Mahathir was lucky since the economic prosperity resumed in the late 1980s and early 1990s, which resulted in Malaysia being heralded as an Southeast Asian economic miracle. Hence, the political turmoil and the abuse of the ISA did not directly affect the political landscape of Malaysia. Mahathir justified his aggressive abuse of the ISA with the impressive economic performance of the country, which he credited to the apparent East Asian aptitude for economic growth, which emphasised community and public order or what he coined as “the Asian value”, and not “Western-orientated” human rights (Mahathir Muhammad, 1998).

Nonetheless, the perceived “abuse” of the ISA with the justifications of economic growth did not last long. In 1998, the economic crisis led to another leadership struggle within UMNO, this time between Mahathir and his deputy, Anwar Ibrahim. This resulted in Anwar’s dismissal from his posts as Deputy Prime Minister and Finance Minister and his suspension from UMNO (Derichs, 2003). Unlike other deputies before him who were replaced by Mahathir without much hesitation, days following his departure, Anwar demanded the resignation of Mahathir throughout the country. Anwar’s history of activism with ABIM before he joined UMNO allowed Anwar to enjoy popular appeal and enabled him to bring about a broad-based alliance of opposition groups from various backgrounds. He formed the Reformasi movement, which comprised opposition parties and NGOs to challenge the leadership of Mahathir and his party (Weiss, 2003, pp. 88-95).

As a result of his Reformasi movement, on September 20, 1998, Anwar was detained under the ISA and a few days later was held on criminal charges. In 1998, he was tried for four counts of corruption - allegedly having instructed police officials to conceal evidence of his sexual misconduct and in 1999 for sodomy. Both trials resulted in conviction and prison sentences. Each was widely criticised for failing to conform to fair trial standards (Trowell, 2005). The physical abuse he suffered during detention was disclosed when he appeared in court, after intense domestic and international pressures, spurred the Reformasi

movement and its call for justice for Anwar. This resulted in huge public protests unparalleled in the country's history. The violent repression these protests occasioned and, in part, signs of economic recovery served to subdue the unrest. The Reformasi movement, however, remained active and became the subject of yet more high-profile ISA arrests and detentions - notably the "KeADILan 10" (where 10 activists and leaders of the KeADILan party were placed in ISA detention due to their Reformasi engagement).

Essentially, the ISA was not the only law that served to severely curtail and undermine civil liberties and human rights, despite often being considered the most ferocious one. The ISA was merely one of a number of other laws of its kind. The Memorandum from the Malaysian Bar Council on the Repeal of Laws Relating to Detention Without Trial (1998) identifies two other major laws in force in Malaysia that provide for detention without trial apart from the Internal Security Act (1960), namely, the Emergency (Public Order and Prevention of Crime) Ordinance 1969 and the Dangerous Drugs (Special Prevention Measures) Act 1985. Similarly, it further identifies "eleven other pieces of legislation that curtail and/or marginalise civil rights": the Restricted Residence Act 1933, the Sedition Act 1948, the Public Order (Preservation) Act 1958, the Prevention of Crimes Act 1959, the Trade Unions Act 1959, the Police Act 1967, the Societies Act 1966, the Universities and University Colleges Act 1971, the Official Secrets Act 1972, the Essential (Security Cases) Regulations 1975, and the Printing Presses and Publications Act 1984. Together, these laws contribute to the creation of a deeply authoritarian political environment that legitimise frequent attacks on independent voices - whether they emanate from the media, academia, or the opposition (Fritz & Flaherty, 2002).

Critics of the ISA believe that throughout the 40 years of its existence, the arrests and detentions under the Act were done with various motivations. However, the experience of ISA detainees who suffered excessive investigations and humiliation and other abuses of human rights while in the detention camp, have gone almost unchanged (Kia, 2002, p. 7). The detainees went through a similar procedure of arrest for their alleged "acting in a manner prejudicial to the security of Malaysia or any part thereof or to the maintenance of essential services therein or to the economic life thereof", and were kept in police custody for the maximum period of sixty days (Internal Security Act, Section 73 (1) & (3)).<sup>3</sup>



During the “interrogation” period under police custody, in most cases, detainees would be kept in a small unventilated cell with few amenities, denied access to counsel and more often than not to his family, and subjected to prolonged periods of interrogation during which mental and often physical stress are applied. At the end of the sixty-day period, the detainee is typically transferred to the specific allocated ISA detention camp, the Kamunting Detention Camp, in Perak, under orders of the Minister of Home Affairs (Internal Security Act, Section 8). There, the detainees would be kept for an indefinite detention period, from a minimum of two-year detention. Despite a much better condition from the police custody, the continuous series of rigorous interrogations, brainwashing, mental torture, and humiliation render the experience intolerably bleak (Saari Sungib, 2002, pp. 1-14; 2003a, pp. 1-32, 2011).

There are increasing reports of torture cases committed by the officers to the detainees between 1974 and 2000. The officers mentally, physically, and emotionally abused the detainees during the detention period. Most of them were stripped naked during what they called “interrogation”, and severely beaten by soft and hard objects. Some were forced to drink their own urine, while others were embarrassed by the interrogators and were forced to do things that no civilised human being could ever imagine (Please see: Report by International Mission of Lawyers, 1983; Kia, 1999, 2002, pp. 8-9, 2005, pp. 21-34; Koh, 2001; Syed Husin, 1996, p. 107; Zakiah Koya: 2001; SUARAM, 1998). At no point in this process was the detainee given the opportunity of contesting and disproving the government’s allegations before the court through a trial.

Despite the disincentives for political activism, Malaysia boasts a large number of courageous opposition activists. Opposition political parties continue to mobilise and critique the government. Outside of the strictly party-political sphere, groups like Suaram, Aliran, Hakam, and Chandra Muzaffar’s Movement for a Just World, draw attention to the government’s pervasive failure to respect the fundamental human rights, notwithstanding their own members’ susceptibility to ISA arrest and detention. The ISA itself has become the subject of a mass-based campaign with the Gerakan Mansuhkan ISA (GMI) or Abolish ISA Movement (AIM) and other groups such as the Malaysian Bar Council calling for its repeal. Sectors within Malaysia’s civil society have thus consistently acted to protect and promote human rights. The state sector

too has evidenced, at least in some respects, a more serious treatment of human rights and civil liberties. In July 1999, the National Human Rights Commission (SUHAKAM) was established, and expressly mandated to have regard in the performance of its functions to the Universal Declaration of Human Rights (UDHR). Notwithstanding many limitations it endures, SUHAKAM has managed to call for Parliament to review several oppressive laws, including the ISA, and urged the Parliament to ratify the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (SUARAM, 2001).

It was due to the relentless efforts of all parties, which in such a case, GMI as part of those, the ISA was finally declared to be abolished through the PM speech during the celebration of Malaysian day in 2012. However, this draconian law has been replaced by the “Security Offences (Special Measures) Act 2012” (*Akta Kesalahan Keselamatan (Langkah-Langkah Khas)* 2012) that was passed by the parliament on April 17, 2012. The Act was proposed with the justification to provide special measures relating to security offences for the purpose of maintaining public order and security and relevant matters. The Act was given the Royal Assent on June 18, 2012 and Gazetted on June 22, 2012. This Act claimed to ensure order and harmony in society from unnecessary threats.<sup>4</sup>

### **Pertubuhan Jamaah Islah Malaysia (JIM)**

The historic May 13, 1969 riot was a truly traumatic experience for Malaysians. The poor economic condition of Malays was identified by the government as an essential cause that led to the riot (Chandra, 1988). In response to that, the government introduced the Dasar Ekonomi Baru (New Economic Policy) in 1971, which heralded a new phase to stimulate human capital and socio-economic development agenda. In the meantime, after the New Economic Plan (NEP) or Dasar Ekonomi Baru (DEB) was implemented, the Malaysian government decided to send Malay students to study abroad as part of its attempt to fortify the socio-economic conditions of Malays who were mostly economically deprived compared to other races. Essentially, Malay students were given greater opportunities to further their studies at higher learning

institutions. Similarly, many Malay Muslim students were also sent to further their studies mainly in the United Kingdom (Siti Hamisah, 2009: 173).

Consequently, most of these Malay Muslim students rediscovered their religion as a reaction towards modern western UK society and lifestyle (Chandra, 1988, pp. 36-74). They were actively involved in Islamic activities, or what was known “*da‘wah*”. According to Zaid Kamaruddin (personal communication, December 26, 2012), Malaysian students, who adhered to the Islamic activities and *da‘wah*, were mainly influenced by the ideologies and visions of the three most influential Islamic movements in the United Kingdom, the Muslim Brotherhood (Egypt and Iraq), Jamaat-i-Islami (Pakistan), and the Nursi movement (Turkey). These movements inspired them to establish what they called “the Islamic Representative Council” (or IRC) in 1975 to unite all the Islamic *da‘wah* organisations initiated by Malaysians in the UK. IRC adopted a more “*al-Ikhwān al-Muslimun*” (Muslim Brotherhood) style of approach in their identity, organisational structure, and the way they operated, especially in their regimentation activities (Ahmed Termizi Ramli, personal communication, December 12, 2012).

Upon the return of IRC activists to Malaysia, beginning from 1975 onwards, they managed to create a kind of fraternity network with other Malaysian graduates who had studied in other parts of the world and who shared the same aspirations for Islam (Ahmed Termizi Ramli, personal communication, December 12, 2012). They firstly emerged as an unofficial Islamic *da‘wah* movement, which initially strongly inspired by the extended vision of the Egyptian Muslim Brotherhood (MB) ideals, and the South Asian based Jamaat-i-Islami, who envisaged the establishment of an Islamic State and Islamic Caliphate commonwealth to implement Islamic *Sharī‘ah* law (Roald, 1994, p. 279; Ahmad Fauzi, 2009, p. 217). Ultimately, on July 27, 1990 Pertubuhan Jamaah Islah Malaysia or JIM was established and duly registered. Since then, JIM had been seen as a continuation of the IRC’s aspiration (Saari Sungib, personal communication, December 11, 2012). JIM formulated their activism framework since it was officially registered to implicitly and explicitly aim at developing “Islamic individuals” who possessed the quality of *salih* (pious) and *muslih* (reformist), then turned to “virtuous families”, which later evolved to “communities of the pious” (Saari Sungib, 1996).

According to Zaid Kamaruddin, JIM's first secretary, the establishment of the organisation was also based on the concept of *jamā'ah* (congregation or group of people) as well as the interest of the society who desired to live in conformity with the guides of al-Qur'ān and al-Sunnah (Pertubuhan Jamaah Islah Malaysia, 1993). Zaid Kamaruddin (1993, p. 8) states that, "JIM was established as it was confident that it would benefit and contribute to Islam and to the development of the society. The establishment of JIM also was an effort to broaden the range to call people to Islam."

JIM remained apolitical during its early years of establishment and maintained the *da'wah* and *tarbiyyah* (Islamic propagation and educational) methods in crystallising the ideal of '*iṣlāḥ*' (reform). However, the neutral political stance it stood by came to its end due to the 1998 Reformasi. The insurgence diverted the organisation to a new horizon in the landscape of JIM's reform agenda (Hassan, 2003, p. 104; Kaneko, 2002, p. 196). It was during the Reformasi that the pro-Reformasi groups aggressively demanded government reforms by eradicating corruption in governance processes, the abolishment of the detention without trial, and the end of the cronyism, nepotism and patronage cultures in the state administration (Hassan, 2003, p. 104; Weiss, 2003, pp. 162-191). Consequently, this Reformasi phenomenon significantly pushed JIM to initiate an essential strategic paradigm shift in maximising their activism towards the political discourse in the country (Maszlee, 2012, pp. 10-11).

During this time, JIM believed that it had to fully capitalise on the democratic structure and space in the country to fully pursue its *iṣlāḥ* agenda in prescriptive and preventive ways, along with its agenda for nation development (Saari Sungib, 1998). JIM also believed that a better Malaysia for all Malaysians in the field of social distributions and economy could only be achieved with a corruption-free Malaysia (Mohammed Hatta Sharom, personal communication, December 19, 2012). JIM's participation in the Reformasi enshrines the modern notion of participation that has been promoted by many parties as another element of good governance. Upon such a discourse, JIM embraced a wider engagement with other non-Islamist and non-Muslim organisations with similar aspirations. Since then, JIM began to speak with a more universally accepted political language by dealing with the issues of freedom, human rights, rule of law, accountability, good governance, and civil society.

This, however, did not divert JIM from its initial identity as a *da'wah* organisation that thrived on the *işlāh* endeavour through its *da'wah* and *tarbiyyah* activities (Mohamed Hatta, Ahmad Sodikin, & Mohd. Radzi, 2000, p. 5). Equally, JIM also believed that *da'wah* and *işlāh* should be expanded beyond their conventional narrow understanding of merely preaching and propagating Islamic teachings, to the struggle for the sake of humanity, freedom and the very path of the well-being and the betterment of human society. Hence, political participation from JIM's point of view were part of the manifestation of the Islamic worldview reflected under the shade of the "enjoining the righteous and forbidding the evil" (Saari Sungib, 2011, p. iii-v). JIM was officially dissolved on December 29, 2012, and the organisation's leadership and members unanimously joined a new organisation called IKRAM as their new platform to continue the vision, mission, and the spirit of JIM for reasons they strategically subscribed to (Ismail, 2013).

### **ISA, Islam, and human rights from JIM's perspective**

Saari Sungib (2003c, p. 184), the first president of JIM draws four principles underlying JIM's involvement in politics: 1) Fighting against dirty politics; 2) Upholding justice based on the principle of "innocent until proven guilty;" 3) Preventing the monopoly and misuse of state institutions by a certain ruling elite group; and 4) Fighting against any attempt to bury democracy and mutual consultation amongst the people. It was from this preposition that JIM viewed its involvement in politics as mainly to implement justice and mercy in human life through upholding the concept of the rule of law. The rule of law is a cardinal principle in Islam to ensure that Muslims will not commit injustice. This is what JIM perceived as the most fundamental of Islamic ideals on human rights issues (Syed Ibrahim, personal communication, March 10, 2013).

Furthermore, JIM believed that the principle of justice that is the fruits of a salient understanding of the Islamic worldview implies a few principles, which are, among others, the equality of individuals, the innocence of individuals until proven guilty by fair judgment, the prohibition of imposing a penalty without a firm judgment sentence, and the prohibition of torture by any parties upon the others (Saari Sungib, 2003b, pp. 146-154). It was based on these principles that JIM viewed the ISA as, not only against human rights, but also against the true

teachings and tenets of Islam, and thus necessitated the organisation to actively participate in its abolishment effort (Saari Sungib, 2003a, p. 104).

In addition, Islam also strongly advocates that individuals are innocent before the law until proven guilty through a fair judgment. This includes every person in a society. The conviction of innocent people is obviously unjust and against the notion of the perfection of human action. The principle of “*karāmah insāniyyah*” (the honour of an individual), which implies that God has honoured and dignified man and must be fully respected and observed by every other human being, applies to every citizen within the Islamic jurisdiction. In such a situation, JIM firmly believed the ISA clearly contradicted this cardinal principle, as detainees of ISA were arrested and detained prior to conviction in a just trial. Moreover, any person who was detained by the ISA was considered guilty under the Act until they are proven otherwise, according to the mercy of the Minister of Home Affairs (Saari Sungib, 2003a, pp. 149-152). Accordingly, Islam also emphasises that penalty should not be imposed on any individual without fair judgment. Any penalty is meaningless without a fair trial to ensure that nobody will be treated unjustly. According to JIM, Islam ensures that the entire society is safe from unjust treatment. In other words, any draconian acts and rules such as the ISA that allow the detention without trial contradicts the higher objectives of the true teachings of Islam and universal justice (Saari Sungib, 2003a, p. 146).

Similarly, Islam prohibits the act of torture. The aforementioned principles of innocence of the individual and prohibition of penalty without fair trial, also entails that no punishment or torture should be inflicted upon accused individuals before any clear verdict resulting from a fair trial is delivered. This has been the opinion of the majority contemporary Muslim scholars due to the pristine teaching of Islam that adheres to justice, fairness, and mercy. According to JIM, the use of torture on the ISA detainees during their detention period with the pretext of investigation strongly contradicted such virtues. It was based on this fact that Saari Sungib (2003a, pp. 145-178) insisted that the ISA, which allowed torture to be committed freely (and was legally protected by the law) by the police officers in-charge of interrogation, was clearly against the Islamic teaching that emphasised humanity, dignity, and rule of law.

In explaining the Islamic position on the ISA, as understood by JIM, Saari Sungib (2003a, pp. 145-178) enlisted 20 reasons in his book, *ISA, Undang-Undang Haram...Wajib Mansuhkan: Apa Pendirian Majlis Fatwa Kebangsaan?* (translated as: "ISA, a Prohibited law... Should be abolished imperatively: What is the Opinion of the National Fatwa Council?"). It covered why the ISA was extremely against Islam and should be abolished. It is due to this rationale that JIM viewed any effort to restore justice and rule of law should be viewed from their ontological conviction. The spirit of *al-amr bi-al-ma'rūf wa-al-nahy 'an al-munkar* (enjoining good and forbidding evil) must be expanded from the exclusivity of the spiritual-ritual dimension towards a broader horizon of moral, ethical and social responsibilities (Saari Sungib, 2003a, pp. iii-v).

### **JIM and Gerakan Mansuhkan ISA (Abolish ISA Movement)**

The aforementioned Reformasi phenomenon had led to a strategic paradigm shift by JIM. The organisation started its official overture into political life with its affiliation with the coalition of civil society movements and opposition parties that demanded for a more democratic Malaysia, in a loose coalition called GERAK on September 27, 1998 (Maszlee, 2012, p. 11). It was GERAK that primarily brought JIM to the mutual engagement with other political parties and non-Muslim NGOs to fight against the abuse of the ISA (Saari Sungib, personal communication, December 11, 2012). GERAK, which consisted of the presidents of various opposition parties later decided that they had to deal with the mass-detention of many pro-Anwar UMNO politicians, as well as other opposition politicians, NGO activists and few individuals being held under the ISA. GERAK then decided to create a special team or coalition to embrace a wider range of society to call for the release of all the ISA detainees and call for its abolishment. Therefore, Gerakan Mansuhkan ISA (Abolish ISA Movement) or its acronym GMI, which gained its inspiration from the dynamism of GERAK was officially established (Syed Ibrahim, 2004).

Gerakan Mansuhkan ISA (GMI), formed on April 30, 2001, was essentially initiated as a coalition of more than 80 NGOs that agreed to fight for the abolishment of the ISA and the release of all ISA detainees from Kamunting detention camp (Syed Ibrahim, 2006, p. 160). According to Syed Ibrahim (personal communication, March 10, 2013), the decision

to appoint a representative from JIM to head the GMI coalition was due to the sensitivity of the issue that could be manipulated by the ruling UMNO party if the coalition was chaired by a non-Muslim or even worse by the Chinese. This was due to the long history of the Act, which was enacted and promulgated to curb Communism (whose proponents were mainly Chinese) in Malaya by the British. Furthermore, the protem committee agreed to appoint an Islamic face to lead the coalition to woo Malay support for the cause, which in those days seemed to fear or to forcedly agree to the implementation of the ISA (Zaid Kamarudin, personal communication, December 26, 2012). The ISA in many ways had succeeded in creating a relatively “under-siege” mentality among the Malays that managed to maintain the culture of fear when dealing with the UMNO-led government (Saari Sungib, 2003a, pp. 1-6).

However, JIM’s serious engagement with GMI only started by taking care of the welfare of the ISA detainees upon the arrest of its president, Saari Sungib, due to his active participation with the Reformasi movement. Sungib was detained twice, the first arrest was in 1998, and the second in 2000 (Syed Ibrahim, 2004). Whilst in the detention camp during his second detention in the years 2001-2002 in Kamunting, Perak, Sungib authored a ten-volume memoir of his days in the camp called “Suara Dari Kemunting” (Voice from Kamunting). In the series, he exposed all the torture, investigation, and intimidation committed by the interrogators of the camp, which he personally suffered. During his confinement, Sungib’s family launched a constant campaign against the ISA by creating public awareness to stand up against it with other GMI activists (Aliza Jaafar, 2002). Several talks, forums, and exhibitions were organised by GMI to spread awareness about the injustice of the act, and the fate of the detainees that were kept without trial. This, according to GMI, was against the civil rights of Malaysian citizens as guaranteed by the constitution (Syed Ibrahim, 2004).

However, GMI’s significant and robust role multiplied after the detention of ten Reformasi (KeADILan) activists, which included Saari Sungib. It was during those years that GMI doubled its effort in lobbying and campaigning for the release of the detainees due to what they perceived as gross abuse of the law by the authority. The campaign managed to influence many parties to show concern about the state of abuse of power by the authority through the ISA. This was achieved through various means including road show tours, theatre shows and



lobbies to different stakeholders all around the nation through their “*Malaysia Bebas dari ISA*” (MBDISA) or the “Free Malaysia from ISA” that was officiated by Anwar Ibrahim on December 11, 2004 (Syed Ibrahim, 2004). Through JIM, the GMI tried to approach the religious authority in order to get their opinion on the abuse of power by the authorities through the ISA. As part of the campaign, Sungib produced a set of monographs on the injustice of the ISA he experienced as an inmate, and a book explaining the Islamic position on the Act and the detention (Saari Sungib, 2003a). However, JIM failed to convince the religious authority, mainly the muftis of Kedah, Terengganu, Pulau Pinang and Wilayah Persekutuan States in Malaysia to issue a *fatwā* (religious decree) against the abuse of power by the authority and the unjust nature of the ISA, which JIM argued was against the principle of Islam (Syed Ibrahim, 2004).

GMI was initially involved in campaigns against the ISA, but later moved on to the welfare of the political ISA detainees and their family members. GMI found its motivation to lead a further aggressive campaign against the ISA after the family members of the detainees decided to join-hands in demanding for the release of their loved-ones and the abolishment of the “draconian act” (Syed Ibrahim, 2004). Apart from its struggle to demand the release of political detainees related to the Reformasi movement, GMI was also pushed to work for the rights of a new wave of detainees who were detained under the accusation of their alleged association with the Islamic terrorist movements, Kumpulan Militan Malaysia (KMM) and Jamaah Islamiyah (JI) (Syed Ibrahim, 2004). GMI believed then that the detention of the KMM and JI associates were merely politically motivated, “scapegoats” in conjunction with the American global campaign against terrorism after the 9/11 incident (Syed Ibrahim, 2004, p. 25). Syed Ibrahim Syed Noh (2006, p. 31) points out that most of the alleged terrorist detainees were members of the Islamic party of Malaysia (PAS), and it was part of the ruling party’s campaign to demonise PAS by associating the party with terrorism.

In addition to their effort for the Reformasi detainees and their families, GMI was also actively taking care of the KMM and JI detainees and their families. Unlike the political activists’ families who were more vocal in fighting for their spouses or family members’ rights that had been trampled by the ISA, the KMM and JI families were fearful to

take any legal action due to the relentless intimidation received from the police force. Most of the families chose to be out of the limelight and kept a low profile as they feared for their family member's fate inside the detention camp. In such a situation, GMI shifted into another territory of educating the detainees' families on their legal rights and the need for them to co-operate with others to demand the release of their beloved ones. Here, JIM members who were part of GMI found their forte in engaging with those "suspected terrorist" families for their welfare (Syed Ibrahim, 2004).

In the meantime, JIM's former vice president, Syed Ibrahim Syed Noh, was appointed as GMI's official spokesperson before the media along with JIM's president, Zaid Kamaruddin. It was through such an involvement that JIM, as an Islamic organisation, managed to leave its comfort zone and engage with other human rights organisations and activists to fight for a cause they mutually believed in (Syed Ibrahim, 2004). JIM was confident that its involvement in GMI was strictly due to their principle-centred position, and their solid adherence to the principles of justice, humanity, and truth as advocated by Saari Sungib when he was the president (Syed Ibrahim, 2004).

To objectively understand the involvement of JIM in GMI, one could comprehend JIM's engagement with the issue as just another reaction to a certain context and situation. It is clearly seen that throughout its involvement with GMI, until the day the ISA was abolished, JIM did not provide any new Islamic discourse based on substantive arguments that were derived from a certain Islamic philosophical and moral ground when asserting their position. JIM's position, which could be well seen in the statements and articles produced by its ex-president, Saari Sungib (2003a, 2003b, 2003c, 2011), its third president, Zaid Kamarudin (2006, 2007), and its deputy president, Syed Ibrahim Syed Noh (2004, 2005, 2006, 2009a, 2009b), is mostly built-up by two major arguments: the unjust nature of the laws, which led to bad faith motivation (*mala fide*), and its practice, especially the detention and torture of detainees; and how these contradicted the Islamic principle of justice and truth (Sungib, 2003b ; Syed Ibrahim, personal communication, March 10, 2013; Zaid Kamarudin, personal communication, December 26, 2012).

There is also a lack of literature produced by JIM or its members in explaining their arguments regarding the issue of human rights. JIM,

in many cases, tended to rely on the Islamic legalistic positions based on *maṣlahah* (policy making based on public interest), *sadd dharā'i'* (blocking the means to destruction) and *al-amr bi-al-ma'rūf wa-al-nahy 'an al-munkar* (enjoining good and forbidding evil) in explaining the non-Islamic nature of the ISA. JIM also justified its argument against the accused “draconian act,” by stressing a lot of its principled-centric position and their adherence to the principle of truth (*kebenaran*) and justice (*keadilan*) (Saari Sungib, 2003c, p. 184; Syed Ibrahim, personal communication, March 10, 2013; Zaid Kamarudin, personal communication, December 26, 2012). In a way, JIM’s engagement in GMI and its position against the ISA embarked from the *status-quo* of the liberal democracy position with regards to human rights with some Islamic-compliance elements.

### **The limits of JIM’s human rights activities**

Saari Sungib (2005, p. 100) points out that the acceptance of human rights by Muslims is solely based on their adherence to Islam and its teachings, which according to him, is divine. He further quotes Mayer (1999) as saying that:

The concept of human rights in Islam is rooted in the concept of divinity. Muslims believe that man was created by a transcendental God who favours no human over another except in term of piety and good conduct. In a bid to defend Islam or to promote it, several contemporary Islamic scholars and thinkers have sought to show that Islam has from the outset laid the foundations for human rights by asserting the supremacy of the value of justice and of the principle of human dignity.

In a way, JIM might be the proponent of human rights in terms of basic rights, political rights, civil liberties, freedom of expression, freedom of choice, but in the same time it was impossible for JIM to accept, for instance, apostasy, free-sex, politserisation, same-sex marriage, LGBT and other actions that are considered unlawful according to Islamic teaching, but yet are part of what the human rights activists consider as “rights” (Abu Urwah, 2005, pp. 101-104; 2006, pp. 37-40). Furthermore, Saari Sungib also insists that the Universal Declaration of Human Rights (UDHR 1948) as a normative framework to be imposed unto people is secular in nature, and could be also understood as another tool of Western-hegemony upon the rest of the world (Abu Urwah,

2005, pp. 103-104). This position taken by JIM, nevertheless, did not prevent the organisation from working together with other human rights organisations on certain similar and common interests. That was how, GMI was effectively formed, and JIM was pushed forward to spearhead the initiative.

Accordingly, JIM's involvement with human rights issues, and specifically with the ISA, was mainly dealing with its operational and mechanistic elements. JIM unfortunately had been unsuccessful in establishing a new paradigm for Islamic discourse in dealing with human rights issues with a more holistic and inclusive approach. Apart from writings produced by JIM members, which are mainly produced by Syed Ibrahim as reports and anecdotes (see for example: Syed Ibrahim, 2005, pp. 24-41; 2006, pp. 30-36), or Zaid Kamarudin's comments on the issue in some of his presidential speeches and writings, JIM had not come out with a more substantive argument with regards to the issue.<sup>5</sup> JIM was also unable to inaugurate non-legalistic (*fiqhi*) philosophical and moral-based principles to oppose the ISA. Saari Sungib pointed out this significant shortcoming of JIM when he proposed that it should be spearheading the effort to develop a new paradigm of "human rights", which is more Islamic and universal, along with other Islamic movements and NGOs (Abu Urwah, 2005, p. 105).

It should be noted, too, that JIM's involvement in GMI did not mean that JIM was ready for the whole framework of modernity and the comprehensive understanding of UDHR. As mentioned repeatedly by Saari (Abu Urwah, 2005, pp. 103-104), JIM's acceptance of Human Rights was bounded by the teaching of Islam itself, or within the parameter of Islamic *Sharī'ah* rulings. This position was echoed by Syed Ibrahim (2005, pp. 24-41; 2006, pp. 30-36) and Zaid Kamarudin (2006, 2007) in their writings. However, in light of the normative and universalist nature of the human rights discourse, this might sound more like an apologia. This, too, would possibly imply that JIM's activities related to GMI could be seen or interpreted as just an instance of Islamist identity politics rather than a human rights struggle. This dilemma would lead to another question, "is it human rights, or is it ideology that is guiding its activities?" One would also wonder if JIM could not stand for struggles that it considered normatively wrong, would it stand in the way of those struggles, or would it allow them to flourish, just without JIM taking part ?

## Conclusion

By scrutinising their discourse since 2000, JIM can be seen as actively engaged with good governance and human rights issues, especially those that were related to citizens' rights in politics. Similarly, it was successful in opposing the Internal Security Act (ISA) until it was abolished in 2012. JIM continued to promote political awareness among the public through their activities, participation in political lobbying and campaigns, press statements, and the continuous educational process to the public. As a political pressure group, JIM was relentlessly involved in the Abolish Internal Security Act Movement (Gerakan Mansuhkan ISA), and spreading awareness among members of the public on how the draconian act became a tool of the executive power to curb people's freedom and its implication to people's rights as a whole. GMI was established with the inspiration of GERAK, a multi-ethnic and multi-party loose coalition aimed at fighting injustice committed by the ruling BN party under Mahathir's administration as part of the Reformasi phenomenon.

Throughout its involvement in politics, and specifically in GMI, JIM exemplified the dynamic understanding of civil society-oriented approach for an Islamic organisation or movement. JIM has managed to exemplify how an expansion of their Islamic ideals proved useful in addressing more "worldly" issues, especially those involving the issue of justice, human rights, rule of law and governance. With such an engagement, JIM proved that there is room for Islamic organisations to co-operate with other human rights, liberal and secular organisations championing human rights and good governance. However, JIM's involvement in GMI did not mean that JIM was ready for the framework of modernity and the comprehensive understanding of UDHR. As mentioned earlier, JIM's acceptance of human rights was bound by the teachings of Islam, or within the parameter of Islamic rulings.

One would wonder why JIM was silent on the ISA issues before its own president was detained, since the Act had already been abused since JIM's inception. Furthermore, when JIM enjoyed a close relationship to the government during Anwar Ibrahim's tenure as the Deputy Prime Minister of Malaysia, the organisation never had any issue with the ISA though it was abused by the ruling regime for their political interest and also against the accused deviant group called "Darul Arqam"

members and Shiite's followers. One would wonder what would be JIM's position on the ISA if its former president, Saari Sungip was not detained? Or what its position would be if there was no Reformasi in 1998? One would also question how would the organisation's vision for the "comprehensive implementation of Shari'ah" by 2020 deal with human rights issues.

## Endnotes

1. The 1974 is regarded as the peak year for Malaysian university student activism during the 1970s as students were increasingly involved in public issue. Students were able to draw the attention and gain the support of the population at large due to their non-partisan approach towards issues concerning the public. The culmination of the student activism in that specific year was the demonstration of Baling (Saifuddin, 2009, pp. 15-17; Md. Salleh, Mohammad Agus, & Leo 2012, p. 31). Baling events began on November 19, 1974 with the demonstration of more than 1,000 peasants and later escalated to 30,000 peasants on December 1, 1974. It was due to the misery and suffering they were facing as a result of inflation from 1973 that had caused the prices of food and other basic necessities to soar. Concurrently, 5,000 university students along with ABIM activists held a big demonstration on December 3, 1974 at a rally held on the same day in Kuala Lumpur. As a response, the government used ISA to crack down on the demonstrators and others associated with them. During the event, 1128 people who directly or indirectly participated in the demonstration were arrested, including student leaders along with some university lecturers who had been suspected of supporting the students' campaign (Saifuddin, 2009, p. 17).

2. The mass-detention was done amid the bad economic situation that led to unemployment and poor growth of the state. In the same manner, the backbone of the ruling alliance, the UMNO party, was in a divisive leadership struggle which eventually lead to the emergence of a splinter group from the party. The heightened tension between two major ethnicities, Malay and Chinese, has been used as a pretext for the abuse of ISA, and further restrictions on the media (Loh, 2009, pp. 208-216). It was during this period that Federal Court President, Tun Salleh Abbas, was dismissed through the order of Dr. Mahathir Muhammad, the then Prime Minister of Malaysia, a day before the Supreme Court was to oversee a challenge to Mahathir's UMNO leadership (Wain, 2012, pp. 68-69).

3. The power given to the police officers in-charge to arrest and detain those arrested in their custody is mentioned clearly in Section 73 of the ISA.

4. In contrast to the ISA, this new Act provided the police the authority, without warrant, to arrest and detain any person whom they had reason to believe to be involved in security offences and that person may be detained for a period of 24 hours for the purpose of investigation. However, the police officer must immediately notify the detainee's next-of-kin of his or her arrest and detention, and conditionally allow the detainee to consult a lawyer of his or her choice. Consequently, the police officer may extend the period of detention for a period of not more than 28 days, for the purpose of investigation. A pro-government lawyer, Mohd Hafarizam, defends the new act by insisting that it is fairer in comparison to the ISA that was far stricter due to the fact that the timeframe for detention was longer and the detainee could be held without trial (NST, 2013, May 26.).

5. Saari Sungib, the ex-president of JIM, produced the only book dealing with ISA that could be related to JIM. However, the book was authored after he had already left JIM to become involved in politics. Akin to JIM's position, the book also deals with *fiqhī* or legal positivistic-oriented arguments, which can hardly bring a new moral-philosophical framework to the issue (See: Saari Sunguib, 2003a).

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