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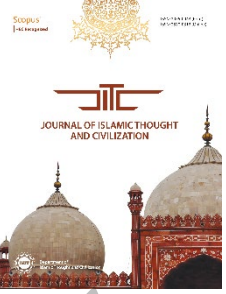
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Title: Peculiarities of Kazakhstan and Malaysia in View of the Relationship between *State and Religion*

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Peculiarities of Kazakhstan and Malaysia in View of the Relationship between *State and Religion*

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Abstract

The current study analyzed the specifics of the Republic of Kazakhstan and the Federation of Malaysia keeping in view the relationship between religion and state. For Kazakhstan, which has a multi-confessional and multi-ethnic specificity, it is extremely important to study and examine the experience of other peer countries. In this context, Malaysia, as a multi-confessional and multi-ethnic state, has its own experience in maintaining the relationship between state and religion. Kazakhstan, which has enshrined itself in its constitution as a secular state, has always focused on improving the state's policy on religion, regulating the activities of religious associations in view of democratic requirements and defining the complex aspects of the relationship between state and religion. For Kazakhstan, it is of particular importance to differentiate its model of a secular country dominated by the representatives of Islam. For this purpose, the country chosen for comparison was Malaysia, which has excellent development indicators. The current study determined the specific features of the two countries in the in terms of ethnic and confessional composition, the structure of public administration, religious education, activities of religious associations, interreligious dialogue and tolerance, the fight against religious extremism, and terrorism via historical and comparative analysis.

Keywords: interreligious dialogue, Kazakhstan, Malaysia, religion, religious associations, religious extremism, secularism

Introduction

The diplomatic relations between Malaysia and Kazakhstan established since 1992. Since then, there has been an increase in cooperation in the intergovernmental, trade and economic, and cultural and humanitarian spheres. Malaysia differs significantly from Kazakhstan in its state-territorial structure. Malaysia, which is a federation, comprises 13 states and two federal territories (Kuala

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Lumpur and Labuan Island). The legal status of the states is governed by the federal constitution and individual state constitutions. The 9 heads of the States, that is, Sultans, Penang, and Malacca are headed by a governor with a government-constitutional monarchy.

Kazakhstan, which is a unitary and autocratic state in Central Asia, has been ranked 9th largest in the world according to its area. It is officially a democratic, secular, unitary, and constitutional republic. Although, the relationship between the two countries is based on small articles in media, there are no such studies in the academic context that analyze the secular system of the two countries and the peculiarities in the relationship between the state and religion. The current study, from this point of view, has its own specifics.

1.1. Materials and Method

The current author used the existing studies and statistical data of the well-known domestic and foreign scientists. The research was carried out through theoretical, historical, and comparative analysis techniques. The methodological foundations of the interpretation of religion as a philosophical and socio-cultural phenomenon have been theoretically worked out in religious field. This method identified and used the assessments and descriptions of the functioning of cultural, social, and religious values.

1.2. Purpose

The purpose of the current study was to focus on the religious features of the relations between the two countries. It analyzed the specifics of the Republic of Kazakhstan and the Federation of Malaysia on the relationship between religion and the state. For Kazakhstan, which has a multi-confessional and multi-ethnic specificity, it is extremely important to study the experience of other analogous countries. In this context, Malaysia, as a multi-confessional and multi-ethnic state, has its own experience of relation between the state and religion.

2. Language Features in the Ethnic Structure of Malaysia and Kazakhstan

Both countries, Malaysia and the Republic of Kazakhstan, share a multi-ethnic and multi-confessional situation. The population of Malaysia is comprised of around 31.8 million people¹ whereas, the population of Kazakhstan in 2020, according to the State Statistics Committee, was 18 million 785.0 thousand.² Since Malacca is at the junction of the influence of ancient Chinese and Indian civilizations, the region was inhabited mainly by ethnic communities, that is, the Malay, Chinese, and Indians. According to these statistics, the Malays own 50% of the population, the Chinese 23.7%, and the Indians 7%.³ The indigenous people of Malaysia (Malays, Dayaks, Oranglouts, Asli, and others) have an official category of *Bumiputeras*. Government policy is aimed to increase the birth rate of *Bumiputera* along with improving the quality of life as well. Indigenous people are provided significant advantages in entering the civil service, enrolling in higher education institutions, and obtaining loans from the state.⁴ For instance, Article 153 of the Constitution protects

¹“Malaysia International Religious Freedom Report,” *United States Department of State. Bureau of Democracy, Human Rights, and Labor*, Retrieved May 05, 2019, <https://www.state.gov/wp-content/uploads/2019/05/Malaysia-2018-international-religious-freedom-report.pdf>.

²“Statistics Committee of the Ministry of National Economy of the Republic of Kazakhstan,” Retrieved July 14, 2022, <https://stat.gov.kz/>.

³I. N. Zolotukhin, “Malaysia in the Mirror of the Ethno-confessional Situation: History and Modernity,” *Oikumena. Regional Researches*, no.1 (2010): 8.

⁴N. V. Mazein, N. O. Telnova et al., “Malaysia,” *Great Russian Encyclopedia*, Volume 18. Moscow, (2011), 604-624.

the privileges and rights of ethnic Malay and *Bumiputera* as indigenous people, while Article 160 defines a “Malay” nation as follows: they are Muslims, their language is Malay, they follow Malay traditions, and they were born in Malaya or Singapore before independence. Additionally, there are aboriginal ethnic groups known as “*orang asli*” (real people in Malay). The *Orang Asli* are socially divided into three groups, that is, Semangi (Negrito), Senoi, and Protomalai. They also, in turn, include 18 subethnic groups. Aboriginal language belongs to the Austro-Asiatic and Austronesian language groups.⁵

In Kazakhstan, according to 2020 data, the dominant nationality in the country were Kazakhs - 68.51%, Russians - 18.85%, Uzbeks - 3.25%, Uighurs - 1.47%, Uyghurs - 1.42%, Tatars - 1.08%, and others - another nationalities. Nevertheless, in comparison with Malaysia, it is stated that there is no special status or any legal advantage of the Kazakhs as an indigenous and dominant nation in Kazakhstan. The formation of the ethnic situation in Malaysia contributed to the policies of Western colonizers, migration, the influx of workers, and trade trends. While a number of minorities in Kazakhstan, such as Ukrainians, Koreans, Germans, Chechens, Meskhetian Turks, and political opponents were deported to Kazakhstan in the 1930s and 1940s. The resettlement of other nationalities to Kazakhstan was due to other conditions, such as the development of virgin lands. In Malaysia, the state language is Malay -Malaysian, while International English operates at second level. In Kazakhstan, the state language is Kazakh, while the Russian language has been given an official status.

2.1. Problem of Faith: Leading Position in the Relationship between State and Religion

Regarding the religious situation, religions from India, such as Brahmanism, Hinduism, and Buddhism have been spreading in Malaysia since early times. Today, however, the country is dominated by followers of Islam. According to the 2010 census, 61.3 percent of the population practices Islam, 19.8 percent practice Buddhism, 9.2 percent practice Christianity, 6.3 percent practice Hinduism, and 1.3 percent practice Confucianism, Taoism or other traditional Chinese beliefs. Christianity is dominated by Catholicism (3 metropolitanates, 6 dioceses), however, there are also other communities, such as Anglican, Baptist, Quaker, Lutheran, Methodist, Presbyterian, and Pentecostal. In August 2007, there were 41,528 registered organizations in the Malaysian society registry. Of the thirteen categories of organizations, the largest number of organizations belong to the religion, estimated to be 7,228. According to the Registry of Society Classification Systems, religions include Islam, Christianity, Buddhism, Hinduism, Sikhism, and Chinese temple.⁶ The predominance of the followers of Islam is similar to that of Kazakhstan. However, the number of officially registered religious associations in Malaysia is twice that. In Kazakhstan, necessary conditions have been created to ensure the activities of their branches. Almost, 3658 religious associations are representing 18 officially registered denominations as of January 1, 2017. Among these, the religion of Islam and its Hanafi *madhhab* are the most dominant. Moreover, there are Catholics and Protestants, Jews, Buddhists, and other communities too. There are 3,464 registered places of worship in the republic including 2,550 mosques, 294 Orthodox and 109 Catholic churches, 495 Protestant churches and monasteries, 7 Jewish synagogues, 2 Buddhist temples, 7 “Krishna Consciousness Societies,” and the temple of the Bahai community. In Kazakhstan, the traditional and dominant religion is the Sunni branch of Islam including the Hanafi *madhhab*, that is, Muslims in Malaysia adhere to the Sunni Shafiq *madhhab*. As published in 1996 and confirmed by government

⁵I. N. Zolotukhin, “Malaysia in the Mirror of the Ethno-confessional Situation: History and Modernity,” *Oikumena. Regional Researches*, no.1 (2010): 8.

⁶T. Ooi, “The Politics of Buddhist Organizations in Malaysia,” In B. Platzdasch and J. Saravanamuttu (eds.), *Religious Diversity in Muslim-majority States in Southeast Asia: Areas of Toleration and Conflict* (ISEAS–Yusof Ishak Institute, 2014), 321-340.

laws, Muslims in the country are only required to stay in this *madhhab* which prevents the spread of religious views against the *madhhab*. Muslims in Malaysia are mostly Hanafi Muslims who are less Hindu and they also follow the Shafii *madhhab*. In Islamic law, the state *madhhab* of Shafii is regarded as the basis. Although, in most cases the interests of society as a whole are taken into account rather than the rigid *madhhab*.

2.2. The Problem of Secularism

Although, the word «secular» was not mentioned when the Constitution of Malaysia was adopted in 1957, however, the secular principle was adopted as the guiding principle in the relationship between the state and religion.⁷ According to Georgetown University professor Yvonne Tew, secularists advocate that Islam's position is merely ceremonial and the basis of Malaysia's constitution is secular. The recognition of Malaysia as an Islamic State, according to Article 3 (1) provides the high role of Islam in the public sphere. In 1988, the Supreme Court stated that under Article 3 (1), the position of Islam is limited to rituals, ceremonies, and the law in the country is based on secular law. Two years later, the Supreme Court reaffirmed that the Constitution is inherently secular and stated that recognizing Islam as the state religion does not limit the civil rights of people of other faiths.⁸ However, there are disputes, such as, “Is Malaysia a secular country or an Islamic State?” The secular system of Kazakhstan differs significantly from Malaysia. The paragraph 1 of Article 1 of the Constitution of the Republic of Kazakhstan states that, “the Republic of Kazakhstan asserts itself as a secular, open, and legal state.” The secular character of the Republic of Kazakhstan is clearly reflected in the law, “on religious activities and religious associations.” Paragraph 1 of Article 3 of this law states that the state is separated from religion and religious associations. On the basis of a secular position, Kazakhstan treats all religious associations equally and does not prioritize any of them. That is, although Islam is recognized as a traditional religion, it does not have a legal priority, despite the fact that the country is dominated by representatives of the Muslim religion. It has no influence on the legislative or administrative sphere. Work with religious associations is controlled by the Ministry of information and public development of the Republic of Kazakhstan. Since it regulates the activities of religious associations within the framework of the law, it requires religious entities to strictly comply with laws and legal norms and carry out their activities within the framework of the law. State bodies do not interfere in the internal affairs of religious associations (unless the law is violated), nor do religious associations perform state duties. Confessional characteristics are not the grounds for providing assistance or support by the state. The framework of these norms follow the principles of neutrality of state to religious associations (neutrality), equality of religious associations before the law (parity), and the establishment of the same attitude and attitude to all religions (tolerance), without prioritizing any religion.

Freedom of religion in Malaysia is guaranteed by the Federal Constitution. According to article 3 (1) of the Federal Constitution, the official religion of the Federation is Islam. Other religions are granted freedom on the territory of the Federation, provided that tolerance and consent are preserved. Article 11 (1) of the Federal Constitution states that, “everyone has the right to profess his/her faith.”

⁷E. I. J. Rosenthal, *Islam in the Modern National State* (Cambridge: Cambridge University Press., 1965), 288.

⁸Yvonne Tew, “Constitutionalizing and Politicizing Religion in Contemporary Malaysia,” *Kyoto Review of Southeast Asia*, no. 23 (2018) (<https://kyotoreview.org/issue-23/constitutionalizing-and-politicizing-religion-in-contemporary-malaysia/>) (2018/5/1)

That is, everyone has the right to follow their faith, worship, and spread their faith according to article 11.⁹

Religious associations have the right to engage in their religious activities, property rights, and any affairs related to the establishment of a religious institution. In Malaysia, all religious associations work directly with the society's government registrar (RoS) and are required to report on their work annually. This institution ensures that religious associations do not violate the order, ethics of society, and do not harm the country by any means. The main requirements include the purpose of the organization, the rules of organization, the implementation of documents related to the management, and the payment of the corresponding fee. Although, there is no legal requirement for registration from religious associations outside of Islam since they voluntarily register to operate as an approved non-profit organization. Tax laws may exempt registered religious organizations from donations, tax deductions, and taxes for individual donors. Donors who pay *zakāt* to Muslim religious organizations receive tax benefits. Government charities, approved as donors (including some non-Muslim religious associations), may pay less taxes on contributions, even if they are not exempted from taxes. Since each state has its own control over the operation of *Shari'ah*-compliant law, both parties have entered into an agreement that fixes prison sentences for crimes, such as same-sex mating, prostitution, kidnapping, rape, and robbery. The law does not restrict the change of religious beliefs of representatives of other religions. If a representative of another religion wants to marry a Muslim, it is obligatory for him/her to convert to Islam in order for the marriage to be officially accepted. There is no prohibition for Muslims to promote religion within themselves. In Malaysia, religion cannot be the basis for employment in non-religious fields. For instance, a Muslim, Christian, Buddhist, and Hindu can only perform duties in their temple. According to the article 8 (2) of the Federal Constitution of Malaysia: "Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment."¹⁰

The Republic of Kazakhstan is a democratic and secular state that respects the right of everyone to freedom of religion and the equal rights of citizens regardless of their religious beliefs. Moreover, it has respect for the cultural and historical value of religions, is compatible with the spiritual heritage of the people of Kazakhstan, and promotes interfaith harmony, religious tolerance, and religious beliefs of citizens.

Freedom of religion is one of the fundamental personal freedoms of the individual. An individual has the right to profess or not to profess any religion individually or in association with others, to freely choose, hold and disseminate religious beliefs and to act accordingly. Freedom of religion is a necessary condition for the functioning of a democratic society and one of the basic elements of the system of human rights and freedoms. Citizens of the Republic of Kazakhstan are equal in all spheres of economic, political, social, and cultural life. The country observes equality of rights of all the citizens regardless of their religious views. Directly or indirectly restricting the rights of citizens on the basis of their religious views, establishing any privileges, inciting hatred and insulting the feelings of citizens along with insulting the objects, buildings, and places respected by adherents of a particular religion, shall be subject to liability as established by the laws of the Republic of Kazakhstan. Additionally, citizens of the Republic of Kazakhstan are equally responsible before the law, regardless of their attitude to religion. Except in cases provided for by law, no one

⁹"Freedom of Religion and Belief in the Southeast Asia: Legal Framework, Practices and International Concern," <https://herlambangperdana.files.wordpress.com/2008/06/religious-freedom-and-belief-in-southeast-asia-1.pdf>

¹⁰"Constitution of Malaysia 1957," <http://www.commonlii.org/my/legis/const/1957/2.html>

has the right to refuse to perform their civil duties because of their religious beliefs. Replacement of one obligation by another in connection with religious beliefs is allowed only in accordance with the laws of the Republic of Kazakhstan.¹¹

In Kazakhstan, religious associations are exempted from additional taxes since they are considered non-profit organizations. According to paragraph 7 of Paragraph 3 of Article 498 of the tax law of the Republic of Kazakhstan, religious associations are exempted from land tax. However, according to Paragraph 4 of Article 498 of this law, religious associations are obliged to pay tax for the land plot if it is leased or transferred to a trusted person for use. According to Paragraph 4 of Paragraph 3 of Article 517 of the tax law of the Republic of Kazakhstan, religious associations do not pay property tax. However, they are obliged to pay taxes on their existing property if they lease or entrust the property to another person for which they are obliged to pay taxes.

2.3. Right to Religious Education

The early religious education in Malaysia is characterized by an informal system, known as the School of the Koran which began to be adopted in royal palaces, mosques, prayer halls, and houses of religious teachers. The next stage of its development is the Pondok system which represents the evolution of Islamic education to the home or mosque, the transformation of traditional education into a formality. The educational system in madrasas or Islamic colleges, as a new development of religious schools, provides a comprehensive system of education with parallel coverage of religious and traditional disciplines. The government has opened Islamic faculties in many local universities and established several Islamic universities and Islamic University colleges to ensure that religious students receive education at international level. For instance, the Islamic Faculty of the National University of Malaysia, the Academy of Islamic studies of the University of Malay, the International Islamic University of Malaysia, the Malaysian scientific university, and the University College of Insania. That is, in Malaysia, along with secular education, the subject of Islamic Studies is also taught in schools. In 2004, the government announced that students in schools would learn the Qur'ān in Arabic language which would be implemented as a part of the promotion of modern progressive Islam. This is done from the point of view of the fact that in case of Islamic literacy, students would not be drawn to extremist ideologies. In 2002, the government withdrew the provision of funds for private religious schools since most of those schools were run by the opposition Islamic Party (PAS). In the early 2000s, there were about 520 private religious schools with 74,000 students. These schools were strictly controlled by the government. A number of Malay districts in the northeast have religious boarding schools, called pondokas, run by scholars called "tok guri."¹²

With regard to religious education, in Malaysia, article 12 of the Constitution of the Federation deals with the right to education and allows religious communities to educate their children too. Article 12, paragraph (3) prohibits the direction and requirement of participation in the rites of a religion. The faith of children under the age of 18 is determined by their parents. Article 8 provides equal protection of all citizens by law. If the Constitution does not allow this, none of the citizens of Malaysia including religion, would be subjected to discrimination for various reasons. Pertaining to the matters of religious education, the government requires that all Muslim workers in the country must attend religious classes approved by the state. Moreover, Muslim students are also required to

¹¹Ye Ye. Ibraeev, "State and Confessional Relations in the Republic of Kazakhstan," *Practical aid for teachers of Fundamentals of Religion*, comp., Ibraeev Ye.Ye (Astana: Research Center, 2014), 140.

¹²"Education in Malaysia," Retrieved June 10, 2015. http://factsanddetails.com/southeast-asia/Malaysia/sub5_4d/entry-3684.html.

attend religious classes. Children of other religions and civil servants are not required to attend religious classes, however, their children are required to learn ethics.¹³

State authorities have special rights in allocating burial sites for religious cults and houses of worship. All Muslim mosques including surahs (houses of worship), belong to the JAKIM institution. The permission to build mosques was received from this institution. Islamic education is compulsory for Muslim children studying in public schools. Students of other faiths must undertake a moral and ethical courses with non-religious content. Private schools may offer non-Islamic religious programs to members of other faiths. An additional restriction on religious freedom applies to Muslims in the event of a breach of public order (Article 1, List II, Case 9 of the Constitution). It provides government assemblies with the opportunity to punish those who violate the rules of Islam, such as adultery, renouncing religion, gambling, drinking vodka, and evasion. It has been observed that the freedom of belief also depends on the state of the laws governing religious issues in each state. From 1952 to 1962, almost all states revised their Islamic laws to unify which tightened Muslim obligations and somewhat restricted religious freedom for representatives of other religions.¹⁴

While talking about religion and religious education in Kazakhstan, the most original document is the law of the Republic of Kazakhstan on education. The law on religious education states that the spiritual (religious) educational organizations - educational institutions must implement educational programs for the training of clergy (Article 1: Basic concepts used in this Law) and enrollment in spiritual (religious) educational organizations. It ought to be carried out from among persons with secondary education in accordance with the procedure established by the founder (Article 26. General requirements for admission of students and pupils to educational organizations). This is a reflection of general religious knowledge in law. Moreover, there is no separate explanation for religious education, since religious education is secular education, therefore it is not defined specifically. In order to impart religious education in the Republic of Kazakhstan, under the spiritual administration of Muslims of Kazakhstan, there is an Institute for advanced training of imams, 9 madrasas, and 2 centers for the preparation of the Qur'an. It is beneficial for the society to assign the status of a college to madrasa, on the one hand, with the beginning of the teaching of secular disciplines. On the other hand, the madrasa also provides graduates the opportunity to continue their studies not only in religious, however, in secular educational institutions too. Moreover, religious education is also provided in secondary educational institutions and higher educational institutions. The school was assigned the name, "fundamentals of Religious Studies" at first, afterwards, "fundamentals of secularism and religious studies." Disciplines on religious studies were introduced as a subject of choice in higher educational institutions and students were trained in 6 higher educational institutions namely, Al-Farabi Kazakh National University, L.N. Gumilyov Eurasian National University, Karaganda State University named after E. A. Buketov, Khoja Akhmet Yassawi International Kazakh-Turkish University, Nur-Mubarak University of Islamic Culture of Egypt, University of foreign languages, and business career.

3. Legal System in Regulating the Issue of Freedom of Belief

In Malaysia, freedom of belief is violated, especially in cases of Muslim renunciation of Islam and this contradicts the freedom of belief enshrined in Paragraph 1 of Article 11 of the Federal Constitution. Such cases of conflict have been observed in the laws of the states and in the punishments established for religious abstinence, such as taking such a person under control and sending him to a rehabilitation center. It is a pity that, on the one hand, the Federal Constitution

¹³Mohamed Azam, Mohamed Adil, "Law of Apostasy and Freedom of Religion in Malaysia," *Asian Journal of Comparative Law* (2007): 4.

¹⁴Gordon, P. Means, "Public Policy Toward Religion in Malaysia," *Pacific Affairs* 51, no. 3 (Autumn, 1978): 390.

guarantees freedom of belief whereas, on the other hand punishes those who violate the Islamic requirement. The punishment of a religious abolitionist is considered in accordance with the Federal Constitution which scientists considered in the later adopted studies. They believe that such punishment would never be subject to a violation of freedom of belief in the Federal Constitution. However, now a number of scientists believe that freedom of belief must not be ambiguous. Punishing a person who wants to renounce Islam and obliging him to be sent to a rehabilitation center is a violation of the rights of an individual. In many of their decisions, federal courts have established that Muslims can freely renounce Islam. The only requirement is that they must submit their applications to the *Sharī'ah* courts. Until the *Sharī'ah* courts determine whether a person is of Islamic origin, he is considered as a Muslim and all Muslim laws apply to him. However, not everyone has the courage to apply for renunciation of Islam. There is a penalty that has to be provided when one intends to renounce Islam. In particular, in the states of Perak, Terengganu, and Kelantan, a fine of three thousand ringgit or imprisonment for three years with stay in a rehabilitation center for three years is imposed upon such a practice. M. Adil has advocated changes in the penalties for renunciation of religion with regard to other governments. He says that it is necessary to abolish the obligation in order to keep a person who wants to convert to Islam in a rehabilitation center and instead introduce a chain of consultations. In this context, Negri believes that the Sembilan experience is somewhat correct. In this state, the will to renounce Islam is granted only with small restrictions. The advice given for repentance is based on positive results.¹⁵ From the point of view of the legal system, it can be said that Malaysia has a dual system. Malaysia, as a former British colony and as a member of the co-operation, is guided by the norms of English common law and the right to justice. However, there are other legal systems that regulate the individual status of individual groups, that is, Malay, Indian, and Chinese (for instance, Muslim Law, Indian law, and traditional Confucian norms). The Federal Government of Malaysia entrusted Malay rulers in the states to manage Muslim Affairs. *Sharī'ah* courts are authorized to consider cases related to Islam and bring offenders to justice by *Sharī'ah* law. According to Mohammed Azam, all citizens in the country are subject to civil laws. Non-Muslims must be guided by civil law. Muslims often resort to *Sharī'ah* courts in matters, such as family rights (marriage, divorce) and the right to own property (inheritance). *Sharī'ah* courts have limited jurisdiction in these areas. For instance, in Malaysia, this limited right of *Sharī'ah* applies only to Muslims. *Sharī'ah* laws issued by *Sharī'ah* courts vary, depending on the statutory structure of each state. In Kazakhstan, the activities of religious associations are regulated by a number of legislative and regulatory acts, as well as the Constitution, the Civil Code, and the law "On religious activities and religious associations." A state governed by the rule of law, the issue of beliefs of any religious representative is regulated by a common law.

3.1. Religious Holidays

Religious holidays, religious financial assistance, rejection of religious extremism, and terrorism along with the national foundations, contribute to the maintenance of religious tolerance and harmony by the Malaysian government. In this context, the Malaysian government has given official status to Muslim, Christian, Hindu, and Buddhist holidays. While religious holidays (*Eid al-Fitr*, *Eid al-Adha*, and *Mawlid*) have been established for Muslims according to the lunar calendar and the Buddhist religious holiday is called Vesak Day and is designated as May 1 of each year.¹⁶ In Kazakhstan, mainly Muslim and Orthodox Christian religious holidays are official religious holidays, established since 2006 on the first days of Christmas and Eid al-Adha. Muslims of Kazakhstan

¹⁵M. A. Mohamed Adil, "Restrictions in Freedom of Religion in Malaysia: A Conceptual Analysis with Special Reference to the Law of Apostasy," *Muslim World Journal of Human Rights*, no 4 (2007): 24, doi:10.2202/1554-4419.1092.

¹⁶D. M. Turdieva, "The Religious Tolerance in Malaysia," *ISJ Theoretical and Applied Science*, 12 (80), (2019): 414.

celebrate Eid al-Fitr and Maulit on a large scale. Unlike Malaysia, official religious holidays are not organized by the government, they are carried out by such large religious organizations as the spiritual administration of Muslims of Kazakhstan and the Russian Orthodox Church.

3.2. Spiritual Harmony and Interreligious Dialogue

In Malaysia, interreligious dialogue began in 1981 when the Muslim authorities began to introduce Islamic values through power. The domestic resistance to this policy has paved the way for the development of Interreligious Dialogue in Malaysia since 1980s to the present day. The views of Muslim and non-Muslim religious leaders at this time were perceived as the official starting point for Interreligious Dialogue.¹⁷ Mahathir Mohamed's Islamization policy was particularly opposed by non-Muslim religious organizations. The introduction of *Shari'ah* as Islamic values, the introduction of the word "*Al Kitāb*" instead of the word "Bible," the provision of land for religious buildings, the right to broadcast electronic media, and the government's policy in educational field were all considered as a strategic formation of Malaysia as an Islamic State. From this point of view, the demand for answers from non-Muslims has laid the foundation for the revival of interreligious dialogue. In 1983, non-Muslim religious leaders established an advisory council for Buddhism, Christianity, Hinduism, and Sikhism known as the Advisory Council for Malazian religions. In 1992, Muslims also gave an impetus to interreligious dialogue by establishing the Malaysian Institute of Islamic understanding (IKIM). The government plays a special role in building interreligious harmony. Many different programs and measures have been introduced by Malaysian government to maintain stability in the multi-ethnic and multi-confessional environment in Malaysia. However, there are conflicts between religions. S.M. Yasin analyzed external factors influencing interreligious dialogue. It is said that the conflicts arise from the shallow and dark judgments of religions about each other. He has presented the following facts in the field of religion. On September 11, 1950, in Natrah, about a thousand Muslims broke the police guard and invaded the court. The second uprising took place in the Sultan's mosque and in some places near Singapore. Approximately, 18 people were killed and 173 were injured in a clash with the British Army and police. British citizens, living in Singapore, were attacked and their buildings and cars were set on fire. Due to two days and two nights, curfew was introduced in Singapore. On May 13, 1969, a tragedy occurred in Kuala Lumpur, causing the death of many Malaysians. In the riots that followed the elections, political opponents fought bloody battles. Resultantly, 196 people were killed, 180 people were injured, and many buildings were damaged. Another incident occurred on May 13, 1998. Rava, in Penang, took a place in Kampung Jawa among Muslims and Indians. There were temples and mosques built in Kampung Java. Representatives of the two religions caused significant damage to each other for the adhan and the bell in the temple. Changing your religion is not only a religious issue, however, it also becomes a political one. In 2005, 840 people applied to renounce their faith and 62 people returned from religion. The government was forced to impose the barrier that, "If a person who wants to renounce the religion of Islam or at the same time leaves the religion, he would not be punished if he does not join or join any actions that defame the religion of Islam."¹⁸ It means that such sensitive interfaith issues are always resolved with the intervention of the government.

S. M. Yasin also cited internal factors that contribute to the Interreligious Dialogue in Malaysia. As the first factor, it promotes a distorted understanding of any religion. For instance, there were various troubles in Malaysia around the understanding of *Tawhīd* by Muslims. Additionally, pseudo-religious teachings have also opened the way for religious integration. Moreover, domestic problems

¹⁷S. M. Yasin, "Existing Framework of Inter-Religious Dialogue in Malaysia," *Al-Itqān Journal of Islamic Sciences and Comparative Studies* 3, No. 2 (December 2019): 116.

¹⁸S. Kayadibi, "Dini ve Kültürel Çoğulculukta Varoluş Mücadelesine Bir Bakış: Malezya Tecrübesi" [A Look at the Struggle for Existence in Religious and Cultural Pluralism: the Experience of Malaysia] *Tarih Kültür ve Sanat Araştırmaları Dergisi* 5, No. 3 (September 2016): 110.

include competition for seats in Parliament and partisan politics. There are 28 hot spots in the country where religious and racial conflicts often flare up. These hot spots are mostly in the vicinity of Selangor, Kuala Lumpur, Penang, Kedah, and Johor. According to statistics, from January to December 2006, 909 cases were registered in these hot spots with the participation of 306 people. In October 2007, 44 fights took place between Malians and Indians.¹⁹ These facts made Malaysia feel the need for a dialogue that brings citizens closer to each other on a racial and religious basis and increases their common understanding. For this reason, the theme of religious tolerance has been considered in the works of many modern authors, such as Sayed Osman and Faisal, Mahathir, and Mohd Nor Manuti.

Due to the multiethnic and multi-confessional situation, it can be said that there are common features with the Republic of Kazakhstan in promoting spiritual harmony, unity, interreligious dialogue, and tolerance within the country. On March 1, 1995, the Assembly of people of Kazakhstan was established for the purpose of sustainable development of the multiethnic, multi-confessional state, and high resolution of interethnic relations, establishing a model of trust and mutual understanding. This organization contributes to the formation of Kazakhstan's model of interethnic tolerance and social harmony. The assembly of people of Kazakhstan was created to implement certain tasks. For instance, cultural and educational (modernization and popularization of national culture, languages and traditions); educational (formation of Kazakh and national patriotism); communicative (strengthening interethnic relations); and advisory (development of proposals for the development of friendly relations between different ethnic groups living in Kazakhstan). In his speech, «The strength of the country is in the unity of the people» at the XIV session of the assembly of people of Kazakhstan, the first President Nursultan Nazarbayev outlined certain principles that form the basis of the model of interethnic tolerance. These principles include ethnic, confessional, cultural, and linguistic diversity, creating all conditions for the development of culture and language of ethnic groups in Kazakhstan, that is, tolerance and responsibility; - the consolidating role of the Kazakh nation; - and unity of the people of Kazakhstan.²⁰

4. Opposition of Malaysia and Kazakhstan against Non-Traditional Religious Movements

Regarding Malaysia's fight against religious extremism and terrorism, it must be noted that it has links with the global phenomena. The escalation of ethnic pressure between Malays and Chinese occurred in Johar Baru in 1945. The Malians called the red-belted holy army (Gerakan Tentara Sabil Selendang Merah) and the Chinese, who received strength from the Malay people's Army (Bintang Tiga) against Japanese, clashed violently among themselves. The extremist activities of Malay Muslims caused an aggravation of religious feelings, that is, Chinese insulting the mosques, restrictions on freedom of religious practices, and restrictions on Muslims worshipping in the mosques.²¹ Moreover, another serious case occurred in Malaysia on May 13, 1969. This incident occurred on the eve of this year's elections which has been described as the bloodiest clash between Malays and Chinese, the two largest ethnic groups in Malaysia. The areas affected mostly did not exceed the limits of Kuala Lumpur. This was due to the deterioration of relations between Malays and Chinese after the general elections and also due to the anger of Malays, born of the limitation of

¹⁹S. M. Yasin, "Existing Framework of Inter-Religious Dialogue in Malaysia," *Al-Itqān Journal of Islamic Sciences and Comparative Studies* 3, No. 2 (December 2019): 121.

²⁰N. R. Musaeva, "Assembly of the People of Kazakhstan - An Important Factor in the Formation of Tolerance of Personality," *Moscow Psychological and Social Review* no.4 (48), (2012): 93-94.

²¹M. I. Jaafar, Elmira Ahmetova, "Religious Extremism and Radicalisation of Muslims in Malaysia: the Malay ties with the Mujahidīn, al Qaeda and ISIS," *Journal of Nusantara Studies* 5, no.1 (2020): 104-123.

economic opportunities. Around two hundred people died as a result of this conflict. However, it is said that the number reached in thousands. The National Security Committee of Malaysia regarded this event as extremism which led to ethnic, ideological, religious, and political conflict. According to M. I. Zhafar and E. Akhmetova, the subsequent development of extremism in Malaysia was influenced by the global movements of the twentieth century. The world has witnessed the growth of various extremist movements which were fueled by the Cold War, the Israeli occupation of Palestine, foreign invasions of Muslim countries, and regional conflicts. Such events in international politics led to the hatred of third world countries towards the Western invaders. Many Muslims around the world are eager to join the armed struggle against such injustice. Subsequently, the anti-Western State laid the groundwork for the resistance of extremist groups against the civilian population. In Malaysia, the Cold War increased hatred of the West and the Soviet Union. For instance, a Malay, named Nasir Abas, joined the ranks of Taliban fighters in Afghanistan against the Soviet Union. Many Afghan fighters who witnessed the war, later took their country to the extremist understanding of Islam.²²

To date, many religious groups have been formed in Malaysia under the influence of jihadist, Salafism, and Wahhabism among extremist religious groups. These groups include Tentera Sabiullah, Darul Dakwah (Home of the Call to Islam), Kumpulan Crypto (Crypto group), Kumpulan Mohd Nasir Ismail (Mohd Nasir Ismail group), Kumpulan Jundullah (God Army Group), Kumpulan Revolusi Islam Ibrahim Libya (Ibrahim Libya Islamic Revolution group). Moreover, Kumpulan Mujahidin Kedah (Kedah Mujahidin group - KMK), Kumpulan Perjuangan Islam Perak (Perak Islamic Movement group - KPIP), Al-Maunah, Kumpulan Mujahidin Malaysia (Malaysian Mujahidin group), and Jemaah Islamiyah (Islamic Jamaat) are also among the many such religious groups. There are also such currents as *Shia* and Ahmadiyya in the country. According to a 2005 report, there were about 281 thousand *Shia* in Malaysia, about 2%. Negative currents, such as Kadiyanya and Ahmadiyya are in minority in Malaysia.

The above-mentioned religious groups tried to impose their views on society, provoking religious extremism in Malaysia. It was noted that the common goal of these groups was to revolutionize the government and create a governing body that corresponds to Islam in their understanding. Tan believed that extremist religious groups, such as AlMaunah and KMM could use force to achieve their goals.²³ According to the report of the US Agency for International Development (2016), in 10 years (1985-1995), in Afghanistan and Pakistan, about 300-400 Malays and Indonesians were specially trained who returned to the country as anti-Soviet soldiers. In 1986, Malaysian jihadists, Halaku Pakindo (Persatuan Bekas Mahasiswa Pakistan, India, and Indonesia) or founded the Malaysian Association of graduates of Pakistan, India and Indonesia) was later known as Malaysia Mujahidin Group (KMM) and was led by Zainon Ismail in 1995. Since 1999, KMM has attacked many civilians, committed crimes related to religious extremism, set off explosions in churches and Hindu temples, killed a local politician, attempted to kill two ethnic Indians, and even committed armed robberies.²⁴

In 2016, the first terrorist attack occurred in Malaysia. ISIS and another organization were identified to be involved in a grenade attack on a club in Puchong, a separate area from Kuala Lumpur. According to the US Agency for International Development in 2016, 300-450 Malays and Indonesians joined ISIS in Iraq and Syria. A 2015 study by the American Pew Research Center found that 11 percent of Malay Muslims were positive for ISIS, while only 4 percent of Indonesians were

²²Ibid., 109.

²³M. I. Jaafar, Elmira Ahmetova, "Religious Extremism and Radicalisation of Muslims in Malaysia: the Malay ties with the Mujahidin, al Qaeda and ISIS," *Journal of Nusantara Studies* 5, no.1 (2020): 111.

²⁴Ibid., 110-111 .

positive. These figures reflect the threat of religious extremism in Malaysia. The Assistant Director of the special department for combating terrorism, M. Pitchchai said that in 2016, 98 percent of Malaysians who wanted to join ISIS were online through social networks.²⁵

In Kazakhstan, Islamic extremism began in 2011 as a weapon against the authorities, when the actions of extremists turned into a fight against terrorism. Mainly young people participated in the terrorist attack in Aktobe in 2016. In Kazakhstan, terrorist attacks were mainly directed against representatives of law enforcement agencies and were marked by attempts to organize an explosion. According to experts, such as A. Izbaïrov, new terrorist structures, such as “*Zhundal caliphate*” (soldiers of the Caliphate), “*Ansarud din*” (supporters of religion), “*Beybarys Battalion*,” derive their ideological basis from the direction of Islamic taqfirism.²⁶ After the above-mentioned terrorist attack in Aktobe, the state paid special attention to the fight against extremism and terrorism and took a number of measures in this regard. State Program on Countering Religious Extremism and Terrorism in the Republic of Kazakhstan for 2013-2017, work has been done on and “The concept of the state policy of the Republic of Kazakhstan in the religious sphere for 2017-2020,” was adopted and amendments were made to the law on the basis of the concept. In 2018, the National Security Committee reported that 800 citizens of Kazakhstan went to Syria and Iraq in the Middle East including about 120 Kazakhstani men, 250 women, and 500 minor children. As a result of the repeated operation “*Zhusan*,” (Wormwood) 595 people returned to Kazakhstan from Syria including 406 children. Today, the following religious organizations are prohibited by law on the territory of Kazakhstan, which are considered extremist: Al-Qaeda, The East Turkestan Islamic Movement, The Islamic Movement of Uzbekistan, The Kurdish People's Congress (*Congra-Gel*), *Asbāt al-Ansar*, The Muslim Brotherhood, The Taliban Movement, *Boz Gurd* (*Gray Wolf*), Jamaat Mujahideen in Central Asia, Lashkar-e-Toiba, The Social Reform Society, Hizb-ut-Tahrir organization, AUM Shinrikyo, The East Turkestan Liberation Organization, The Islamic Party of Turkestan, Jund-al-Khalifat, RKB Faith. Education. Life, Tablighi Jamaat, *Al-takfir wal-hijra*, Islamic State (*Daesh*), Front of Al-Nusra, *Yakyn Inkar* (*Close Denial*). Both countries share the fact that social networks are the cause of religious extremism and terrorism.

5. Conclusion

The specific features of Malaysia and Kazakhstan in view of the issue of the relationship between state and religion have been identified in this study. The formation of the ethnic situation in Malaysia was influenced by the policy of Western colonialists, migration, influx of workers, trade trends. At the same time, the migration of the representatives of other nationalities to Kazakhstan was associated with other conditions, such as the development of virgin lands. In Malaysia, the official language is Malay and at the second level, the current language is International English. In Kazakhstan, the official language is Kazakh. However, Russian language has been given an official status and interethnic communication is conducted in Russian.

Despite the high role of Islam in the Islamic State of Malaysia, it is secular and the recognition of Islam as a state religion does not restrict the civil rights of other kinds of believers. At the same time, Kazakhstan, on the basis of a secular position, treats all religious associations equally and does not prioritize any one of them. Although Islam is recognized as a traditional religion, it does not have a legal priority, despite the fact that the country is dominated by the representatives of the Muslim religion. It has no influence in the legislative or administrative spheres.

²⁵Ibid., 111-112 .

²⁶Religious extremism in Kazakhstan: the threat of intrusion? // <https://ia-centr.ru/experts/asylbek-izbaïrov-askar-battalov-/religioznyy-ekstremizm-v-kazakhstane-ugroza-iznutri/>.

From the perspective of the legal system, Malaysia has a dual system. Malaysia, as a former British colony and as a member of the co-operation, is guided by the norms of English common law and the right to justice. However, there are other legal systems that regulate the individual status of individual groups, that is, Malay, Indian, Chinese (for example, Muslim Law, Indian law, and traditional Confucian norms). The Federal Government of Malaysia entrusts Malay rulers in the states to manage Muslim affairs. Sharia courts are authorized to consider cases related to Islam and bring offenders to justice according to Sharia law. Malaysians, including all citizens, are subject to civil laws. Non-Muslims are guided by civil law. Muslims often resort to Sharia courts in matters, such as family rights (marriage, divorce) and the right to own property (inheritance). *Sharī'ah* courts have limited jurisdiction in these areas. In other words, in Malaysia, this limited right of *Sharī'ah* applies only to Muslims. *Sharī'ah* laws issued by *Sharī'ah* courts vary depending on the statutory structure of each state.

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