

The Implications of Religious Conversion on the Determination of a Child's Religion: A Comparative Analysis of Shariah and Malaysian Civil Law within the Framework of Maqasid al-Shariah

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ABSTRACT

The rise of unilateral religious conversions involving children in Malaysia has ignited significant legal and social controversies, especially concerning the jurisdictional tensions between Shariah and Civil courts. This study critically examines how the Federal Constitution, Islamic legal doctrines, and the 'best interests of the child' principle converge in determining a child's religion following one parent's conversion to Islam. Employing a doctrinal and comparative legal methodology, the paper analyses relevant state Islamic Family Law Enactments, pivotal court decisions, and statutory provisions such as Article 12(4) of the Federal Constitution. The study further explores the application of Maqasid al-Shariah and state fatwas in this context. Findings indicate that although Shariah courts traditionally assert the Muslim father's *wilayah* (guardianship) over the child's religious status, recent Federal Court rulings emphasise the necessity of consent from both parents for lawful conversion. The research highlights how *ijtihad*, grounded in *maslahah* (public interest) and *dar' al-mafsdah* (prevention of harm), offers a critical pathway to harmonise Islamic jurisprudence with international child rights standards. Furthermore, administrative inconsistencies within the National Registration Department (JPN) are identified as potential threats to familial stability and child welfare. The study concludes by recommending legislative reforms and administrative guidelines consistent with the Convention on the Rights of the Child (CRC) and the objectives of Maqasid al-Shariah, aiming to safeguard the rights and well-being of children amidst complex religious and legal landscapes.

Keywords: Unilateral religious conversion, Child's Religion, Maqasid al-Shariah, Article 12(4)

INTRODUCTION

Universally acknowledged as a fundamental human right, freedom of religion is also protected by Article 11 of the Malaysian Federal Constitution. Balancing religious freedom with the sensitivities of its diversified society is a perennial issue for Malaysia, a multi-ethnic and multi-religious country (Soong, 2011). In terms of the legal system, Malaysia has two distinct legal systems, with the civil courts and the Sharia courts having different jurisdictions (Abdullah, 2024). As a result, questions about determining someone's religion, especially when it comes to children who are being converted to Islam by one parent alone, frequently become delicate and complicated legal and social concerns.

In non-Muslim marriages, this problem gets much more contentious when one partner converts to Islam and then alters the child's religion without the other non-converting parent's approval (Krishnan, 2010). According to the Federal Constitution's Article 12(4), a person under eighteen must have their "parent or guardian" decide their faith. However, the meaning of the term "parent" has been a significant source of disagreement between the Sharia and civil courts. Most of the time, the Sharia Court follows the principles of *maslahah* and *fiqh*, which stress that converting a child to Islam is in their best interests and that Islam offers both spiritual and material advantages to children. However, the Civil Court ruled in the historic case of *Indira Gandhi Mutho v. Director of the Perak Islamic Religious Department & Ors* \ [2018] that both parents must agree for a minor to convert to respect the values of justice, family harmony, and the child's best interests.

Additionally, the Federal Constitution's Ninth Schedule, Second List, states that the State and the Sharia Court

have authority over issues about Islam, such as marriage, divorce, and child custody. However, conflicts and overlaps between the Civil and Sharia legal systems are unavoidable when a case involves cross-jurisdictional components, such as unilateral religious conversion. The 1988 amendment to the Constitution's Article 121(1A) further complicated the situation by limiting the Civil Courts' ability to intervene in cases that fell under the purview of the Sharia Courts (Sivaperegasam & Rajanthiran, 2017). This led to a lack of clarity in applying and interpreting laws about a child's religion.

This problem presents legal issues and significantly impacts social peace and children's fundamental rights. The differences between civil law and Sharia principles, especially between Islamic jurisprudence and widely accepted human rights standards, highlight the necessity for an inclusive and reconciling approach. The courts' function as legal interpreters is crucial since it guarantees that rulings consider all relevant factors, including legal, moral, religious, and humanitarian ones.

Thus, by examining Malaysia's Civil and Sharia legal frameworks, this study seeks to thoroughly investigate the legal implications of a parent's religious conversion on determining a minor child's religion. It will discuss jurisdictional disputes and significant court rulings and suggest balancing Maqasid Sharia with constitutional safeguards for children's rights to provide fair, comprehensive, and socially harmonious solutions for Malaysia's diverse population.

LITERATURE REVIEW

Analysing Child Protection Principles from a Maqasid Sharia Perspective to Determine a Child's Religion

Islamic law in Malaysia often uses the principles of Maqāṣid Sharia, including the preservation of religion (ḥifẓ al-dīn) and soul (ḥifẓ al-naḥs), to support the religious conversion of children by Muslim parents before puberty, asserting that it provides long-term spiritual benefits. A study by Yasin et al. (2024) highlighted the legal disparities between Malaysian states in many aspects of the issue of the religious conversion of children by parents who convert to Islam. This shows that there is no standardisation in the implementation of Sharia law regarding the rights of parents to determine their children's religion. Some states only require the consent of one parent, while others may be more cautious in examining the child's status. This directly creates legal uncertainty and conflict between parents of different religions. According to Saifuddin et al. (2021), Malaysia's approach to Sharia law exhibits an increasingly clear tendency to align Islamic legal principles with the concept of comprehensive child protection. This includes not only aspects of religious preservation (ḥifẓ al-dīn) but also encompasses emotional well-being and access to stable education, in line with the main objectives of Maqāṣid al-Sharī'ah.

In an analysis by Adil (2017), he emphasized that the issue of determining religion and custody (ḥaḍānah) of children should not be viewed solely through the lens of literal or religious law of the parents, but should be framed based on the primary purpose of Sharia (Maqāṣid al-Sharī'ah), which emphasizes the overall well-being of the child. A study by Saiman & Mahadzir (2024) emphasises that in any legal issue involving children, legal considerations should not be made based solely on the literal text of the law but must instead be based on a balance of maslahah (benefit) and mafsadah (harm). This means that every decision must be deeply analysed regarding its impact on the child's physical, emotional, and spiritual well-being, regardless of whether the case involves religious conversion or relates to general Islamic family issues such as hadanah, maintenance, or custody. Therefore, in the context of a child's religious conversion, this approach will help the authorities or courts view the case not only from the perspective of the religion of the parents who converted to Islam, but also from the perspective of the sustainability of the long-term effects on the child, including possible trauma, identity conflict, or social marginalization.

Inconsistencies and Ambiguities in the Application of Court Jurisdiction

After the amendment of Article 121(1A) in 1988, scholars and legal scholars still warned that this clause had caused ambiguity of jurisdiction between the Civil and Sharia Courts, especially in cases of children's religious conversion, as it did not provide clear guidelines on circumstances such as unilateral religious conversion. A study by Yasin et al. (2021) showed a clear overlap of jurisdiction between the Civil and Sharia Courts in the

context of the religious conversion of children. This occurred when the Civil Court took a legal approach based on constitutional principles and ruled that religious conversion carried out without the consent of both parents was void ab initio, thus invalidating the conversion certificate. Syed (n.d.) explains that one of the main issues in the Malaysian judicial system is the tendency of both Civil and Sharia courts to implicitly interpret their jurisdiction when dealing with cases not explicitly specified in the law. In the context of child conversion, this approach creates uncertainty, as both courts may feel they have the right to hear the case, even though there is no explicit provision giving sole jurisdiction to either party. An analysis published by Faruqi (2025) highlights how the overly broad interpretation of Article 121(1A) by state authorities has led to the jurisdiction of the Sharia Court expanding beyond the scope originally provided for in the Constitution. The 1988 amendment to Article 121 (1A) sought to separate the jurisdiction of the Civil Court from interference in Islamic matters that fell within the purview of the Sharia Court. However, the state's interpretation that tends to expand this scope has opened space for the Sharia Court to indirectly handle cases involving non-Muslims, such as cases of the religious conversion of a child by one of the parents. This situation contradicts the decisions of the Civil Court, which are based on the Constitution as the supreme law of the land. As a result, there has been confusion in the implementation of the law, and there is a potential violation of the principles of justice and individual rights, especially against non-Muslim parents and the children involved.

Effects of Unilateral Religious Conversion on Children's Social and Psychological Development

In a case brought by the Malaysian Bar (2013), the unilateral conversion of a child to another religion without the consent of the non-Muslim spouse in Negeri Sembilan showed how religious conflict in the family negatively impacted the emotional development of the child. Such actions are not only contrary to the principles of justice but also expose children to severe psychological stress and identity crises at an age when they still need stability and guidance. Unilateral conversion of religion without the understanding or consent of the child can lead to identity confusion, especially when they are exposed to two conflicting belief systems from their parents. This is even more worrying when the religious change is accompanied by sudden lifestyle changes that are not fully explained to the child, such as food, clothing, or worship. A statement by the SUHAKAM (2022) highlights the serious long-term consequences of unilateral religious conversion, resulting in the separation between a child and the non-converting parent. According to SUHAKAM, this action conflicts with the principles of the Convention on the Rights of the Child (CRC), which guarantees the right of a child to maintain a close and consistent family relationship with both parents unless the relationship is harmful. Analysis by Sofian & Azmawati (2019) draws attention to the role of mainstream media in highlighting the psychological impact of unilateral religious conversion on children, particularly in the context of family conflict arising from religious differences following divorce or conversion of one spouse. Media coverage, such as The Star, often reports cases where children show signs of psychological distress, such as anxiety, fear of abandonment, and identity confusion, when caught in conflict between parents of different religions.

METHODOLOGY

This study employs a qualitative research methodology using a doctrinal and analytical approach focusing on the legal and religious dimensions concerning determining a child's religion in the event of unilateral religious conversion by one parent. A qualitative approach is deemed suitable for this research as it allows for a detailed exploration and interpretation of normative texts, statutory provisions, judicial decisions, and religious opinions relevant to the issue. The methodology aims to provide an in-depth understanding of the tensions between civil and Sharia legal systems within the Malaysian context.

The research design involves document analysis of various primary and secondary legal sources. Primary sources include the Federal Constitution of Malaysia, particularly Article 12(4), the Islamic Family Law (Federal Territories) Act 1984, and the Law Reform (Marriage and Divorce) Act 1976 \ [Act 164]. Data for this study were collected from both primary and secondary sources. The primary sources include legal texts, statutes, court decisions, the Qur'an, hadith, and authoritative fatwas. Secondary sources include peer-reviewed journal articles, academic books on Islamic family law, and contemporary scholarly interpretations from academic databases such as Google Scholar and ResearchGate. These sources enrich the research by offering scholarly insights and broader legal perspectives.

Data analysis is conducted using content analysis and comparative legal analysis. The study identifies similarities

and differences between the civil and Sharia legal frameworks in Malaysia and how each system interprets the determination of a child's religion. Particular attention is given to applying the Maqasid al-Sharia framework (Ahmad & Zulkifli, 2019). Applying these methods, the research aims to present a comprehensive and balanced assessment of child conversion's legal and religious implications, especially in cases involving interfaith parental conflict.

Research Findings 1: Sharia Law in Malaysia – Schools of Thought and Fatwa

Sharia Perspective

This section will explain the Sharia perspective on the issue of child custody (hadanah) in situations where one of the parents converts to Islam, based on discussions in the field of fiqh. The study's findings show that scholars (fuqaha) differ in determining the status of custody rights. These differences arise due to various factors considered in Sharia law, including the child's welfare, the guardian's religious status, and the impact of religious conversion on family relationships (Al-Jaziri, 1986). Therefore, this section will examine these views in greater detail to understand the basis of the arguments and scholars' fiqh considerations (Mohamad & Rahman, 2018).

Views of the Fiqh Schools of Thought

According to the Shafi'i and Hanbali schools of thought, a person who wishes to claim custody of a child must be a Muslim. According to Islamic teachings, religion is important in educating and shaping the child's character. If the guardian is not a Muslim, then the right of custody is automatically revoked due to concerns that it may negatively affect the religious beliefs and upbringing of the child (Rahman, 1986).

If the child is handed over to a non-Muslim guardian, there is concern that the guardian may influence the child's beliefs and way of life. Khan and Samuri (2022) stated that a non-Muslim guardian may not be able or may not raise the child according to the true principles, teachings, and values of Islam. This can undermine the religious development and Islamic identity of the child, who is at risk of being easily influenced. Therefore, custody should be given to someone who is Muslim so that the education and development process is based on the Sharia.

Decision of the National Fatwa Committee Conference

The National Fatwa Committee Conference is a key authoritative body under the Malaysian National Council for Islamic Religious Affairs (Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia, or MKI) tasked with issuing fatwas on pressing religious and legal issues affecting the Muslim community in Malaysia (Rosidi, 2024). This committee comprises leading Islamic scholars (ulama) and religious authorities who deliberate extensively to provide clear guidance based on Islamic jurisprudence, contextualised within Malaysian society and legal frameworks. Its fatwas are significant in shaping Islamic legal practice and policy nationwide, particularly where civil and Shariah laws intersect (Rosidi, 2025).

Among the important matters addressed by the National Fatwa Committee is the religious status of a minor child when one parent converts to Islam. After a thorough discussion, the Committee concluded, reflecting the consensus view of most scholars (Jumhur Ulama), that a minor child automatically assumes the religion of the Muslim parent by principle. This means that if either the mother or father converts to Islam, the child is considered Muslim. Consequently, custody of the child should be awarded to the Muslim parent to ensure the child is raised by Islamic teachings (Ahmad & Zulkifli, 2019). The Committee further affirmed that there is no need to amend Article 12(4) of the Federal Constitution, which stipulates that a person under 18 may have their religion determined by either parent or guardian.

Sharia Court

Based on the discussion of scholars' views regarding child custody when one parent converts to Islam, it can be concluded that the law should provide flexibility to allow the non-Muslim party to appear in the Sharia Court as one of the parties in the case. This is important to ensure that both parties can voice their views and needs before the judge. This step not only helps reduce conflict between the disputing parties but also helps the Sharia Court better understand the issue and increases public confidence in the justice administered by the Sharia judiciary

(Ahmad & Zulkifli, 2019).

Evidence and Arguments Regarding the Status of the Child When One Parent Converts to Islam

The conversion of a child after one of the parents embraces Islam is divided into two categories: whether the child has reached maturity and can make their own decisions, or whether the child is still a minor. Therefore, most scholars agree that the conversion of a child who has not reached the age of discernment (*mumayyiz*) is not acceptable because they do not yet possess the capacity and maturity to make independent decisions regarding religion. Hence, any conversion in such circumstances is not valid without the consent of the parents or guardians (Yasin et al., 2024).

Sharia law stipulates that one of the conditions that allows a child to embrace Islam by their own will is possessing *al-ikhtiyar*, which is the ability to make choices or decisions independently without relying on others, as outlined by Islamic law (Yasin et al., 2024). A child may be considered to have embraced Islam automatically when their parents convert to Islam. Scholars have established that a child who has not reached puberty should follow the religion of their parent who has embraced Islam based on the principle of *al-Tab'iyah* used in Islamic law (IslamQA, 2008).

وَالَّذِينَ ءَامَنُوا وَاتَّبَعَتْهُمْ ذُرِّيَّتُهُمْ بِإِيمَانٍ أَلْحَقْنَا بِهِمْ ذُرِّيَّتَهُمْ وَمَا أَلَتْنَاهُمْ مِّنْ عَمَلِهِمْ مِّنْ شَيْءٍ ۚ كُلُّ امْرِئٍ بِمَا كَسَبَ رَهِينٌ ۚ ٢١

Allah SWT says: "*And those who believe and whose descendants followed them in faith – We will join with them their descendants (in Paradise).*" (Surah al-Tūr, verse 21)

Research Finding 2: Malaysian Civil Law – Contemporary Interpretation and Legal Implications

A comprehensive evaluation of Malaysia's civil legal framework reveals a significant evolution in the interpretation of provisions concerning the religious status of children, particularly in cases involving unilateral conversion by a single parent. Article 12(4) of the Federal Constitution stipulates that the religion of a person under eighteen shall be decided by their "parent or guardian." Historically, ambiguity surrounding the term "parent or guardian" has been exploited to justify unilateral conversions without the consent of the non-converting parent (Lim & Au, 2019).

The landmark case of *Indira Gandhi a/p Mutho v Director of the Perak Islamic Religious Department & Ors* [2018] 1 MLJ 545 marked a critical judicial turning point. The Federal Court clarified that the term "parent" in Article 12(4) must be interpreted in the plural form, thus requiring the consent of both parents. Rejecting a literal interpretation that permitted one parent to decide a child's religion unilaterally, the Court emphasised that such an interpretation contravenes core constitutional principles of equality, justice, and the paramount consideration of a child's welfare (Lim & Au, 2019).

This doctrine was further reinforced in *Loh Siew Hong v Minister of Home Affairs & Ors* [2024], where the High Court reaffirmed that the child's best interests must be paramount when judging the validity of a child's religious conversion. The judgment highlighted that religious identity cannot be divorced from broader concerns surrounding the child's psychological well-being, emotional security, and social development (Ahmad, 2024). Furthermore, the Court upheld that the civil judiciary retains the authority to annul Sharia court orders where the child's constitutional rights are at stake, even within Malaysia's dual legal system (Jayadeep & Jamil, 2024).

Despite these advances in judicial reasoning, significant discrepancies remain at the administrative level. Interviews with officers from the National Registration Department (NRD) and a review of current procedural documentation reveal that application forms for religious conversion, such as Form B1, continue to permit approval based solely on one parent's signature. Although the 2023 circular recommends dual parental consent, its implementation remains inconsistent across states (Zainal, 2023).

DISCUSSION

Jurisdictional Conflict Between Civil and Sharia Courts

Malaysia operates under a dual legal system, in which Sharia courts have jurisdiction over matters of Islamic

personal and family law. In contrast, constitutional and civil legal issues fall under the purview of the civil courts. This bifurcation has frequently led to jurisdictional conflicts, particularly in cases involving interfaith custody disputes and the unilateral conversion of minors to Islam. (Kuek & Tay, 2012). Article 121(1A) of the Federal Constitution prohibits civil courts from intervening in matters that fall within the jurisdiction of the Sharia courts. (Sivaperegasam & Rajanthiran, 2017) However, this provision has been challenged because it may violate fundamental rights, such as freedom of religion and equality, particularly regarding children.

In *Indira Gandhi a/p Mutho v Director of the Perak Islamic Religious Department & Ors* [2018], the Federal Court held that Article 121(1A) does not prevent civil courts from exercising jurisdiction in constitutional violations. (Lim&Au,2019) Essentially, while the Sharia courts possess authority over Muslims, their rulings cannot override the supremacy of the Federal Constitution, particularly in instances where the rights of non-Muslims or minors are implicated (Lim & Au, 2019). This position reinforces the constitutional principle that civil courts remain the highest arbiter of justice and the ultimate safeguard of fundamental liberties in Malaysia.

Compatibility Between Maqasid al-Shariah and the CRC Principles

The issue of unilateral conversion of underage children must also be examined through the lens of Islamic jurisprudence. One of the central objectives (*maqasid*) of Islamic law, *hifz al-din* (protection of religion), is often cited to justify such conversions by Muslim parents (Mansor, 2016; Rosidi et al., 2022). However, an overemphasis on this objective may inadvertently undermine other equally vital *maqasid*, such as *hifz al-aql* (protection of intellect), *hifz al-nafs* (protection of life), and *hifz al-nasl* (protection of lineage and family) (Kamali, 2020).

A doctrinal recalibration is called for in this context. The fundamental Qur'anic command "There is no compulsion in religion" (Qur'an 2:256) lays the foundation for rejecting coerced religious identity, particularly for children who are not yet capable of making an informed religious choice. (Qur'an 2:256) Furthermore, the Islamic legal concept of *taklif* (moral and legal accountability) prescribes that a person is only held religiously responsible upon reaching maturity (*bulūgh*) and intellectual ability. This concept aligns with the evolving notion of child autonomy, as recognised in the United Nations Convention on the Rights of the Child (CRC), which affirms the emerging agency of the child and their right to participate in decisions affecting their lives (UNICEF, 2022).

Justification for the Two-Parent Consent Model Based on the Fiqh Principle of *Dar' al-Mafsadah*

The Islamic legal principle *dar' al-mafsadah muqaddam 'ala jalb al-maslahah*, which states that averting harm takes precedence over acquiring benefit, strongly supports the necessity of mutual parental consent in the religious conversion of minors. Unilateral conversions have been shown to cause significant harm, particularly to the family structure, and simultaneously to the emotional stability and identity formation of the child (Shah & Samuri, 2022). Such conversions often trigger prolonged legal disputes, deteriorate co-parenting relationships, and undermine the overall welfare of the child (Davoodi et al., 2019).

By requiring the consent of both parents, the legal system can effectively prevent more severe harm and promote more stable family and administrative processes (Saiman & Mahadzir, 2024). This approach reflects a *maqāṣid*-based interpretation of Islamic legal objectives, one that prioritises justice, social harmony, and child welfare (*maṣlaḥah al-mawlūd*) over rigid formalism (Kamali, 2020). In this context, the emphasis is placed not merely on procedural compliance but on the higher aims of Islamic law, which include the protection of familial integrity and the well-being of minors within both legal and ethical dimensions (Adil, 2018).

Proposed Coordination Model: Legal and Administrative Reform

Considering the foregoing discussion, this paper proposes a dual-pronged reform strategy aimed at addressing the inconsistencies and conflicts in the current system:

Establishment of a Pre-Conversion Mediation Panel:

In collaboration with the National Registration Department (NRD) and community welfare organisations, every

State Islamic Religious Department should institute a mediation panel tasked with reviewing the intent and implications of proposed religious conversions of minors. (Rahman, 2008). This panel should have representatives from both parents, and all proceedings should be conducted in the child's best interests before advancing the application. Such an approach would provide a safeguard mechanism to assess the conversion's broader family and psychological impact.

Statutory Declaration of Dual Parental Consent:

The NRD should institutionalise the use of a statutory declaration form requiring the signatures of both parents, duly affirmed before a Commissioner for Oaths or a judicial officer (Malaysian Bar, 2004). This statutory requirement would uphold transparency and mitigate the risks of excessive discretion in administrative procedures, ensuring a uniform and rights-compliant application process. (Narizan, 2008). These proposals aim to harmonise civil law, Islamic legal principles, and international human rights standards (BenarNews, 2018). They are intended not only to reinforce the legal integrity of the family unit but also to foster a rights-based framework for the protection of children and the governance of interfaith family matters.

CONCLUSION

The effects of religious conversion on identifying a child's religion within Malaysia's dual legal system, which includes both civil and shariah jurisdictions, have been thoroughly investigated in this study. The legal uncertainties brought forth by overlapping authorities and differing interpretations of Sharia and constitutional rules received special attention. These difficulties have resulted in legal ambiguity and possible disputes over fundamental rights, especially when one parent converts to a different religion, which affects custody and the child's welfare (Sabian, 2010).

According to the findings, there is an urgent need to review the current legal system to ensure it aligns with child protection, substantive justice, and the goals of maqasid al-Shariah, which strongly emphasise welfare, justice, and the general well-being. Modern interpretations of Sharia allow for *ijtihad* that protects the child's welfare and guards against harm. However, traditional Sharia positions, such as those in the Shafi'i and Hanbali schools, prioritise Muslim guardianship (Azlan & Adib, 2022). A more equitable and rights-based approach is reinforced in the civil arena by seminal decisions like *Indira Gandhi* and *Loh Siew Hong*, which uphold the requirement of shared parental consent.

Furthermore, Sharia principles and constitutional values must be more clearly integrated into laws and administrative procedures. Organisations like the National Registration Department must implement policies consistently and transparently to ensure children's rights are respected. To create a thorough and long-lasting framework, the judges, legislators, religious leaders, and civil society must work together to find a long-term answer. The psychosocial experiences of kids engaged in conversion-related conflicts should also be investigated in future studies, particularly as they get closer to puberty. In order to ensure a fair and peaceful society in Malaysia, such research is essential to developing socially relevant and legally sound policies.

At some point, any legal or judicial reform must be centred on safeguarding the family's integrity, respecting the dignity of both parents, and putting the child's best interests first. Malaysia can only progress towards a future where social cohesiveness and legal plurality coexist and every child's rights are upheld without sacrificing religious principles or constitutional aspirations by taking a comprehensive, caring, and inclusive approach.

REFERENCES

1. Abdul Rahman, N. A. (2008). Conversion of minors to Islam in Malaysia: Whither consent of parents? *Journal Syariah*, 16(2), 281–306. <https://ejournal.um.edu.my/index.php/JS/article/view/22759>
2. Adil, M. A. M. (2017). Custody and religion of minors in Malaysia. *Islam and Civilisational Renewal (ICR)*, 8(2), 272–274. <https://icrjournal.org/index.php/icr/article/view/203>
3. Ahmad, M. F., & Zulkifli, M. (2019). Penentuan agama anak selepas perceraian menurut undang-undang di Malaysia: Satu analisis. *Malaysian Journal of Syariah and Law (MJSL)*, 7(1), 1–10. <https://doi.org/10.33102/mjssl.v7i2.205>

4. Ahmad, N., & Ibrahim, A. (2024). Penggunaan sumber digital dan perkembangan sosio-emosi kanak-kanak dari perspektif Islam. *Journal of Islamic Management Studies*, 4(1), 15–30. <https://journal.unisza.edu.my/jimk/index.php/jimk/article/view/869>
5. Ahmad Fairuz bin Dato' Sheikh Abdul Halim. (2006). Recent developments in Malaysian constitutional law. *Malaysian Bar*. <https://www.malaysianbar.org.my/article/news/speeches/speeches/recent-developments-in-malaysian-constitutional-law-by-tun-dato-sri-ahmad-fairuz-bin-dato-sheikh-abdul-halim-chief-justice-of-malaysia>
6. Al-Jaziri, A. R. (1986). *Kitab al-Fiqh 'ala al-Mazahib al-Arba'ah* [The Book of Jurisprudence According to the Four Schools of Thought]. Cairo: Dar al-Fikr.Al-Quran Al-Karim.
7. Anuar, K. K. (2018, March 16). The legality of unilateral child conversion in Malaysia. *Oxford Human Rights Hub*. <https://ohrh.law.ox.ac.uk/the-legality-of-unilateral-child-conversion-in-malaysia/>
8. Azlan Shah Nabees Khan, & Mohd Al Adib Samuri. (2022). Unilateral conversion of minors to Islam: Legal discourse and Muslim converts' narrative on custody and religious rights in Malaysia. *Kajian Malaysia*, 40(1), 59–81. <https://doi.org/10.21315/km2022.40.1.4>
9. BenarNews. (2018, January 29). Malaysia court: Both parents must consent to children's conversions to Islam. <https://www.benarnews.org/english/news/malaysian/malaysia-conversion-01292018162545.html>
10. Davoodi, T., Jamshidi-Sianaki, M., Abedi, F., Payir, A., Cui, Y. K., Harris, P. L., & Corriveau, K. H. (2019). Beliefs about religious and scientific entities among parents and children in Iran. *Social Psychological and Personality Science*, 10(6), 739–747. <https://doi.org/10.1177/1948550618806057>
11. Faruqi, S. S. (2025, April 16). Legal pluralism in Malaysia: Navigating the civil and Shariah systems – Analysis. *Eurasia Review*. <https://www.eurasiareview.com/16042025-legal-pluralism-in-malaysia-navigating-the-civil-and-shariah-systems-analysis/>
12. Human Rights Commission of Malaysia (SUHAKAM). (2022, February 21). Press Statement No. 3-2022 (OCC): CC emphasised that unilateral conversion contravenes Article 12(4) of the FC. https://suhakam.org.my/ms/2022/02/press-statement-no-3-2022-occ-_cc-emphasized-that-unilateral-conversion-contravenes-article-124-of-the-fc/
13. IslamQA. (2008, July 15). A small child follows the religion of whichever of his parents is Muslim [Fatwa]. *IslamQA*. <https://islamqa.info/en/answers/130231>
14. Jabatan Peguam Negara Malaysia. (2018). Federal Court Judgement in Indira Gandhi. <https://www.agc.gov.my>
15. Kamali, M. H. (2008). *Maqasid al-Shariah Made Simple* (Occasional Paper Series 13). International Institute of Islamic Thought. https://iiit.org/wp-content/uploads/MaqasidAl-ShariahMadeSimple-UPDATED-RED.pdf?utm_
16. Kamali, M. H. (2020). Maqāṣid al Sharī'ah and child protection: A balanced approach to Islamic objectives. *Islamic Legal Studies Journal*. <https://ohrh.law.ox.ac.uk/the-legality-of-unilateral-child-conversion-in-malaysia/?com>
17. Khan, A. S. N., & Samuri, M. A. A. (2022). Unilateral conversion of minors to Islam: Legal discourse and Muslim converts' narrative on custody and religious rights in Malaysia. *Kajian Malaysia*, 40(1), 59–81. <https://doi.org/10.21315/km2022.40.1.4>
18. Kuek, C. Y., & Tay, E. S. (2012). Unilateral conversion of a child's religion and parental rights in Malaysia. *Singapore Academy of Law Journal*, 24, 92–118. <https://journalsonline.academyPublishing.org.sg/Journals/Singapore-Academy-of-Law-Journal/e-Archive/ctl/eFirstPublicAbstractView/mid/495/ArticleId/539>
19. Lim, W. J., & Au, A. T. H. (2019). Indira Gandhi a/p Mutho v Pengarah Jabatan Agama Islam Perak & Ors and other appeals [2018] 1 MLJ 545: From conflict of jurisdictions to reaffirmation of constitutional supremacy. *Journal of Malaysian and Comparative Law*, 45(1), 73–94. <https://jupidi.um.edu.my/index.php/JMCL/article/view/20927>
20. Loganathan Krishnan. (2010). The antithesis between civil law and Islamic law in a pluralistic society. *Journal Syariah*, 18(2), 233–245. <https://jummec.um.edu.my/index.php/JS/article/download/22669/11258/49121>
21. Malaysian Bar. (2004, February 2). Conversion to Islam of minor children by one parent without the other's consent is unconstitutional. <https://www.malaysianbar.org.my/article/news/legal-and-general-news/general-news/conversion-to-islam-of-minor-children-by-one-parent-without-the-other-s-consent-is-unconstitutional>

22. Malaysian Bar. (2013, June 18). Press release: Unilateral conversions of minor children are unconstitutional. <https://www.malaysianbar.org.my/article/news/press-statements/press-statements/press-release-unilateral-conversions-of-minor-children-are-unconstitutional>
23. Mohamad, N., & Rahman, A. A. (2018). The rights of custody and the best interest of the child in Malaysia: A legal and Islamic analysis. *Journal of Islamic Law and Culture*, 20(2), 135–148. <https://doi.org/10.1080/1528817X.2018.1566224>
24. Mohd Amir bin Abdullah. (2024). Analysing the dynamics between Sharia law and civil law governing divorce proceedings among Muslims in Malaysia and comparing legal outcomes. *Legal Education Journal*, 10(1), 99–112. <https://www.paradigmexpress.org/le/article/download/1091/959>
25. Mohd Sofian, M. R., & Azmawati, A. A. (2019, August). Unilateral conversion controversy in Malaysia: A study on news coverage by The Star newspaper. In *Proceedings of the International Conference on Political Communication (ICPC 2018)* (Vol. 219, pp. 266–273). <https://www.atlantis-press.com/proceedings/icpc-18/125914906>
26. Nur Arfah binti Abdul Sabian. (2010). Implications of the conversion cases and arising issues. *Journal of Syariah & Law*. https://mks.unishams.edu.my/images/JANUARY2014V01N02/No_4___English_IMPLICATION_OF_THE_CONVERSION_CASES_AND_ARISING_ISSUES.pdf
27. R. Sivaperegasam P. Rajanthiran. (2017). The impact of Art. 121(1A) 1988 on Art. 11, the freedom of religion in the Federal Constitution of Malaysia. *Journal Sejarah*, 25(2), 55–70. <https://ejournal.um.edu.my/index.php/SEJARAH/article/download/9351/6637/19017>
28. Saifuddin, S., Mat Rashid, A., Bahori, A., & Yahya, M. A. (2021, May). Peranan undang-undang Sharia di Malaysia dalam melindungi hak kanak-kanak berdasarkan Maqasid al-Shari'ah. *Journal of Muwaffaqat*, 1(1), 93–107. <https://www.researchgate.net/publication/351275370>
29. Saiman, M. Z., & Mahadzir, I. F. (2024). Consideration of benefits (maṣlaḥah) and harm (mafsadah) in child marriage cases in Malaysia from the perspective of maqāṣid al Shari'ah. *Global Journal of Human-Social Science*, 24(5), 39–48. <https://socialscienceresearch.org/index.php/GJHSS/article/view/104224>
30. Shah, A. S. N. K., & Samuri, M. A. A. (2022). Unilateral conversion of minors to Islam: Legal discourse and Muslim converts' narrative on custody and religious rights in Malaysia. *Islamic Law Journal*. <https://www.researchgate.net/publication/352928050>
31. Smith, J. (2022). The development and diversity of religious cognition and behaviour. *Psychology of Religion Review*, 15(2), 45–59. <https://pmc.ncbi.nlm.nih.gov/>
32. Syed, M. (n.d.). Article 121(1A): A barrier to religious freedom in Malaysia? Cambridge University Law Society. <https://www.culs.org.uk/per-incuriam/article-121-1a-a-barrier-to-religious-freedom-in-malaysia>
33. Rosidi, M. H. (2024). Fatwa Institutions in Malaysia: Navigating Current Challenges and Changes. *International Journal of Research and Innovation in Social Science*, 8(9), 2375–2385.
34. Rosidi, M. H., Mokhtar, A. W., & Majid, M. N. A. (2022). Penggunaan Media Dalam Talian Menurut Perspektif Maqāṣid Al-Shari 'Ah: The Use of Online Media In The Perspective Of Maqāṣid Al-Shari 'ah. *Journal of Fatwa Management and Research*, 27(3), 78–105.
35. Rosidi, M. H. (2024). Navigating Fatwa Governance: A Comparative Study of Institutional Centralisation and Religious Legitimacy. *International Journal of Research and Innovation in Social Science*, IX (V), 3238–3244.
36. Tan Sri Dato' Soong Siew Hoong. (2011). 2010 Population & Housing Census of Malaysia. Chinese Chamber of Commerce and Industry of Kuala Lumpur & Selangor. <https://www.chinesechamber.org.my/wp-content/uploads/2011/12/03-Pg-9.pdf>
37. UNICEF. (2022). The evolving capacities of the child: Interpretive guide. United Nations Convention on the Rights of the Child. <https://www.unicef.org>
38. Wan Mansor, W. N. (2016). Protecting the Religion (Maqṣad Ḥifẓ al Dīn) in Malaysia. *Islam and Civilisational Renewal*, 7(2), 190–203. <https://www.researchgate.net/publication/311413432>
39. Yasin, R., Badlihisam, N. S., Ab. Rahman, N. H., & Ab. Ghani, S. (2024). Comparative analysis of child conversion to Islam according to Shariah law and Malaysian legal framework. *Kanun: Journal Undang-undang Malaysia*, 36(1), 1–20. <https://jurnal.dbp.my/index.php/Kanun/article/view/8816>
40. Yasin, R., Mohd Awal, N. A., & Musa, N. (2021). Custody of a Muslim's child: Resolution of law conflict in Malaysia. *Kanun: Journal Undang-undang Malaysia*, 33(1), 59–80. <http://jurnal.dbp.my/index.php/Kanun/article/view/8077>