

【刘哲伟专栏】如何确保政府研拟新法遏制3R不被滥用？



刘哲伟

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作者建议成立一个法定委员会，由国家元首任命，而委员会成员是直接由国家元首和国会负责，任何与宗教、种族和王室有关的课题，这个委员会有最终的决定权。（档案照：透视大马）

首相署部长阿莎丽娜透露政府与相关人士正在研拟新法令来遏制炒作3R（宗教、种族和王室）课题，以便通过民事惩处方式，对付渲染“3R”课题者。吉打州务大臣沙努西近来涉嫌侮辱王室的个案，就是关于个人不应该不负责任侮辱王室的最佳案例。

从法律层面来看，案情很简单也已经很清楚表现，无论是你或我，甚至其他人可以看到他的言论已经冒犯王室，所以才没有多少人敢站出来替他说话。即使雪兰莪的国盟和伊斯兰党的领袖，在雪兰莪王宫发表不原谅的声明，没有领袖敢发言。

试想一下，像他这样的“大人物”（当然不是指他的体型），而是他对雪州大臣阿米鲁丁的所作所为，身为一名州务大臣，伊党选举主任，他在党内绝对是一名人物，却没有多少伊党领袖开口挺他。

抛开王室不谈，我们专注在种族和宗教，在制定相关法令时，我们应该如何界定什么是种族和宗教的敏感字眼，什么可以提，什么是不能说？那一条底线是哪里？谁来决定这些敏感课题的界限呢？其实，制定新法令与煽动法令是有异曲同工之妙，后者是赋予权力机构最终的定义权，而利益多是倾向于政府。

即使作为政治实体的政府打算不插手、不干涉此类案件，并由执法机构，例如皇家警察部队来决定，虽然警队应该是中立，但是又有多少人相信警队是政治中立的呢？我不是说警队不中立，而是警察必须在民众心中建立其中立的信心。就像法院一样，正义不仅要得到伸张，而且是让人民看到正义得到伸张。所以，政府机构的中立，不仅要做到，也让提上公众对这些机构的信任，随之就会相信其中立性。

从表面上来看，我赞同制定法令，但是在执行时，就可能会有所保留。我建议成立一个法定委员会，由国家元首任命，而委员会成员是直接向国家元首和国会负责，任何与宗教、种族和王室有关的课题，这个委员会有最终的决定权。而且这个委员会的成员必须没有任何政治瓜葛，这样就不会受到政治领袖的干预和影响。

唯有这样，才能实现公平和公正。否则，所有王室、种族和宗教的界限和定义都掌握在政府手里，当要发表声明时，仍然需要听命于政府，这不仅会造成政治上的不公平，也会限制言论自由。

其实，要想社会和谐，公开讨论3R课题，更有效的做法是取决于人们的责任感。一名理智和正直的人知道底线在哪里，政治人物也是如此。当良知无法控制他们，就用法律来制裁，但是先决条件是，这些法令不被滥用，而是公平公正，不倾向于政府的利益。

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Taman Rimba Kiar





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[Liu Zhewei Column] How to ensure that the government drafts new laws to curb 3R from being abused?



Liu Zhewei

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The author suggested the establishment of a statutory committee to be appointed by the head of state, and the committee members are directly responsible to the head of state and parliament. This committee has the final say on any issues related to religion, race and the royal family. (File photo: Perspective Malaysia)

Minister in the Prime Minister's Department Azalina revealed that the government and relevant parties are drafting new laws to curb the hype of 3R (religion, race and royal family) issues so that those who exaggerate the "3R" issues can be dealt with through civil penalties. The recent case of Kedah Chief Minister Sanusi allegedly insulting the royal family is the best example of how individuals should not insult the royal family irresponsibly.

From a legal perspective, the case is very simple and clearly shows that whether you or I, or even others can see that his remarks have offended the royal family, so not many people dare to stand up and speak for him. Even when the leaders of the Selangor National Alliance and the Islamic Party issued a statement of no forgiveness in the Selangor Palace, no leader dared to speak.

Just imagine, a "big shot" like him (not referring to his size of course), but what he did to Selangor Menteri Besar Amirudin. As a state minister and PAS election director, he is definitely a big shot in the party, but not many PAS leaders speak out in support of him.

Putting aside the royal family, let's focus on race and religion. When formulating relevant laws, how should we define what are the sensitive words of race and religion? What can be mentioned and what cannot be said? Where is the bottom line? Who will decide the boundaries of these sensitive topics? In fact, the formulation of new laws is similar to the Sedition Act. The latter gives the power agency the final right to define, and the interests are mostly inclined to the government.

Even if the government as a political entity intends not to intervene in such cases and let law enforcement agencies, such as the Royal Police Force, decide, although the police force should be neutral, how many people will believe that the police force is politically neutral? I am not saying that the police force is not neutral, but the police must establish confidence in its neutrality in the hearts of the people. Just like the courts, justice must not only be served, but also let the people see that justice is served. Therefore, the neutrality of government agencies must not only be achieved, but also let the public trust these institutions, and then they will believe in their neutrality.

On the surface, I agree with the enactment of laws, but when it comes to implementation, there may be reservations. I suggest setting up a statutory committee, appointed by the head of state, and the committee members are directly responsible to the head of state and Parliament. This committee has the final say on any issues related to religion, race and the royal family. And the members of this committee must not have any political connections, so that they will not be interfered with and influenced by political leaders.

Only in this way can fairness and justice be achieved. Otherwise, all royal, racial and religious boundaries and definitions are in the hands of the government, and when making statements, one still needs to obey the government, which will not only cause political unfairness, but also restrict freedom of speech.

In fact, if we want social harmony and openly discuss the 3R issues, the more effective approach depends on people's sense of responsibility. A rational and honest person knows where the bottom line is, and so do politicians. When conscience cannot control them, they use the law to punish them, but the prerequisite is that these laws are not abused, but are fair and just, and do not favor the interests of the government.

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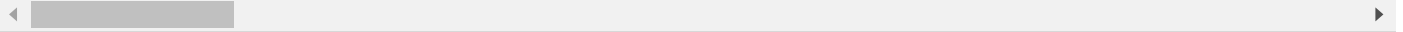
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