

Preserving the Prohibited Cultural Performances in Kelantan, Malaysia: The Way Forward

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Abstract: Menora, Main Teri and Makyung in Kelantan have been prohibited by the State Government of Kelantan on the ground that these performances violate the basic principles of Islam. The grounds of prohibition are expressed in the Kelantan Entertainment Control Enactment (the State Enactment) of 1998. Wayang Kulit is the only permissible old traditional performance beginning 2003 when it is modified that it no longer contains prohibited rituals and fulfill all the requirements laid down in the State Enactment. The aim of this paper is to highlight the grounds of prohibitions by the Kelantan State Government and the possibility of preserving the prohibited old traditional performances by taking an example from Wayang Kulit. The essential result of the study is that protection of belief is a paramount consideration within the Malaysian Malay community compared to the preservation of old traditional performances. This study uses qualitative research method, where a doctrinal research is conducted. This paper contends that preserving old traditional performances rests with the State Government as a legal guardian of Islam. It can only be made possible when modified and fulfill all the requirements laid down in the State Enactment.

1 INTRODUCTION

After some political changes in the 1990's, the State Legislative Assembly of Kelantan passed a law to control entertainment activities, and it leads to the prohibition of some traditional performances for among the Malay Muslims. This prohibition has become an issue among the performers, the state and the Federal Government since then.

The establishment of the 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (hereinafter referred to as the ICH Convention) had led to the amendment of the Ninth Schedule of the Federal Constitution in 2004 to give Parliament a jurisdiction to make law with regard to heritage. As a result, in 2005, the National Heritage Act [Act 645] (the NHA) was created that gives more power to the Federal Government to preserve intangible cultural heritage. Although a new legal framework was established to assist the preservation of intangible cultural heritage on top of other classifications of heritage, the federal Government faces a challenging task to preserve these traditional performances within local context particularly in Kelantan.

Wayang Kulit is the only permissible old traditional performance beginning 2003 when the performance is modified that it no longer contains prohibited rituals and fulfil all the requirements laid down in the State Enactment. However, others remained prohibited for among the Malays Muslims in Kelantan. The aim of this paper is to highlight the grounds of prohibitions of the prohibited performances by the Kelantan State Government and the possibility of preserving the prohibited old traditional performances by taking an example of the Wayang Kulit. The study proposes that while it appears that the protection of religion is the paramount consideration of the government of State of Kelantan as compared to the preservation of old traditional performances, however, cultural performance can be modified and preserved within the limits of the Islamic teachings especially when it brings socio-economic benefits to the society. This includes latest technology.

2 BELIEF SYSTEM IN MALAY TRADITIONAL PERFORMANCES IN KELANTAN

Malay performing arts went through numerous stages in its evolution, and is largely influenced by Malay-Polynesian belief systems with a strong animistic base. Malay performing arts is described having influences from religions and cultures which entered the Malay Peninsula from Asia and the Middle East at various times from about the 1st century (Ghulam Sarwar, Y., 2004). The earliest forms of Malay music, dance and theatre developed out of the indigenous healing rituals. Even among the Malays in Kelantan, there are still trails of such practices being carried these days particularly for healing purposes. (Aziz, A. S. & Olalere, FE, 2013)

The most popular traditional performance in 1977 onwards was Wayang Kulit (originally was referred to Wayang Siam /Wayang Kulit Kelantan). From then onwards, these performances were allowed to be performed without the possibility of compromise between the pre-Islamic belief and the true Islamic. Wayang Kulit Kelantan has gone through the Islamisation process since after independence. It was until 1991 when the new-ruling government of Kelantan decided to give total ban on these performances in public.

It is primarily because of some Hindu elements inherent in it that was somehow impossible to be translated into a new version of traditional performances that complies with the true Islamic precepts. The present authors are of the view that purging Hindu elements was not a sole matter in the prohibition of these traditional performances because there are other elements that might violate Islamic principles such as believing other supernatural beings (animism). Islamic ways of doing things are totally different from what was practised in pre-Islamic days. The era of change from being indigenous who believe various natural forces to the era of religions from Hindu, and Buddhism to Christianity and Islam altogether make a blend of beliefs among the Malay people.

It is known that Wayang Kulit was also once prohibited in Kelantan for the similar reason of all other prohibitions pertaining to old traditional performances involving Menora, Main Teri, and Makyung. However, the prohibition was already lifted by the State Government of Kelantan after being satisfied that a new version of Wayang Kulit manifesting some Islamic values was created. (Aziz,

A., & Shamsul, A. B., 2004). Wayang Kulit performance was described as involving influence of Hinduism and its close connections with Islamic teachings after Islam came to the Malay land. (Wright, B. S. (1981) With regard to the nature of Islamic character of the Muslim Malays in Kelantan, Barbara highlighted a contention made by a renowned British resident, Maxwell who described the Malays after the British intervention as being more Islamic than before aside from not really Islamic according to the what has been revealed and conveyed by the Prophet Muhammad saw on the basis that the Muslim Malay at that time were still influenced by the pre-Islamic belief.

Further cause for religious displeasure with Wayang Kulit (Wayang Siam) at that time was the presumed immorality of its performers. This objection was not specific to Wayang Kulit, and includes all actors, actresses, singers, dancers, musicians, and puppeteers in Kelantan. Dalangs were rumored to be irresistible to some women, and to take advantage of it. The Religious Council of Kelantan was also worried about the morality of the audience, and in 1922 issued an ordinance to separate the sexes at all public entertainments (Sweeney, 1972: 14). This was never obeyed. The Imam of Kota Bharu expressed his displeasure with Wayang Kulit in the same terms. He objected to men and women mingling both in the audience and on the screen. If male and female puppets on screen, and male and female people in the audience were separated, then he thought there would be no objection to Wayang Kulit from the religious quarter. (Sweeney, P. L. Amin, 1972)

3 LEGAL FRAMEWORK FOR THE SAFEGUARDING OF THE TRADITIONAL PERFORMANCES IN KELANTAN

The conceptual definition of intangible cultural heritage does includes traditional performances in Kelantan as they were discussed by available literatures as well as the ICH Convention. (Sani, N. A., & Ahmad, Y.) Preservation of intangible cultural heritage is one of the goals of protecting human rights and cultural rights as evident in a number of scholarly works on the basis of Western Jurisprudence. Malaysia is one of the State Parties to this Convention where the federal government of Malaysia makes a stand to preserve intangible

cultural heritage including Malay traditional performances via the NHA in line with measures provided by the ICH Convention. (Mustafa, N. A., & Abdullah, N. C., 2013).

The philosophy behind the establishment of the ICH Convention is to safeguard the intangibles of community. This line of philosophy that gives community the right to preserve their cultural heritage does extend the human right dimension of giving rights to individuals as per Article 27 of the Universal Declarations of Human Rights (UDHR), the International Covenant for Civil and Political Rights (ICCPR) and International Covenant for Economic, Social and Cultural Rights (ICESCR). (Lenzerini, F., 2011) (Lixinski, L., 2013). These international documents are similar in a way that they were constructed outside the scope of Islamic principles that have become a sole ground for prohibitions in the State of Kelantan which are somehow referred to by the Federal Government of Malaysia to preserve its intangible cultural heritage.

The ICH Convention aims to provide measures for state parties to provide inter alia a better legal framework for the protection of individuals, groups and communities rights to preserve their intangible cultural heritage. The ICH Convention, as the Western-African-Asian norm for the preservation of intangible cultural heritage is a tool for empowerment of local communities. (Manyanga Munyaradzi, 2005)

Taking this idea to the need of preserving some traditional performances in Kelantan has been a challenging task. This, undeniably in line with Article 160 of the Federal Constitution that define 'Malay' as one professing the religion of Islam. The existing legal framework in Kelantan is rightly put for the Muslim Kelantanese if Islamic narrative is taken into account. It is a matter of looking from different perspectives but modifications can be done, for the purpose of harmonizing the various jurisprudential narratives within Malaysia context.

In Malaysia, particularly in Kelantan, Islamic narrative has to be analysed together with the Western-Asian-African jurisprudence. It was recommended that provisions in Cairo Declarations of Human Rights in Islam (CDHRI) and Universal Islamic Declarations of Human Rights (UIDHR) are adopted alongside the existing provisions within the UDHR and other Western-Asian based conventions in order to effectively bridge the lacuna and deficiency in the latter with regard to providing laws on human rights as understood in Islam. (Olayemi, A. A. M., Hamzah Alabi, A., & Hidayah Buang, A., 2015). These two documents need to be analysed

together with other international documents with regard to the preservation of intangible cultural heritage in Malaysia, particularly in Kelantan.

4 RESULTS AND DISCUSSIONS

4.1 International Participation by the Federal Government to Preserve Malay Traditional Performances

The preservation efforts are in line with the international norm for the preservation of intangible cultural heritage pursuant to the ICH Convention. Malaysia ratified the ICH Convention on the 27th July 2013 and also become a member of the International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region (ICHCAP) (Republic of Korea).

Malaysia should continuously proactive in participating in international and regional programmes on the basis of promoting Malaysian identity via intangible cultural heritage on the basis that Malay traditional performances are part of the intangible cultural heritage worth of preservation. It has become a mechanism to revitalise some old traditional performances in many countries. An example is when the government nominated Makyung as part of the national heritage as well as nominated it to be inscribed on the UNESCO Representative List of the Intangible Cultural Heritage of Humanity (originally proclaimed in 2005). This is a great approach to at least acknowledge the historical and cultural aspect of the Malay identity in Malaysia via traditional performance.

4.2 Moving Forward

While cherishing the various jurisprudential narratives within Malaysia context, there is a need for Malaysia to see examples from countries that has successfully establish a strong legal framework for the preservation of their intangible cultural heritage. Japan and Korea are leading the other developing countries with the establishment of Asia/Pacific Cultural Centre for UNESCO (ACCU) and International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region (ICHCAP) respectively in providing mediums of sharing and training for the purpose of realizing the intention of the ICH Convention.

Besides international and regional cooperation, modification is one way to revitalise the Malay traditional performances. Taking Wayang Kulit as an example, these traditional performances can be reformed into a somewhat Islamic kind of performance. The ban was lifted in 2003 when the state government was satisfied that the new version of Wayang Kulit did not incorporate what it had deemed as unIslamic. (Jane Ritikos, Friday, May 09, 2003) The authors agree with the view that both Federal and State Government can take a 'middle path' to preserve other traditional performances in Kelantan with some modifications and innovations with the aim to safeguard Malay identity to them. (Ab. Aziz Shuaib, and Raja Iskandar Raja Halid, 2011) This suggestion is made for the preservation of Makyung by allowing its public performance locally and may also be applied to other traditional performances.

As for Makyung, legal measure may still be possible by taking Wayang Kulit as an example. Makyung performance may only be performed by men, in a shortened period of time, cut off unacceptable rituals and adjustments to the stories. It may take sometimes to actually modify this performance because it needs cooperation from various interested parties. However, it is still possible with some concerted efforts from all stakeholders. The present authors are of the view that, legalisation of a modified version of Wayang Kulit in Kelantan has led the art industry to bloom via latest technology and this has also contributed to the development of scholarly literatures across various disciplines.

Aside from modifications in order for the traditional performances to be allowed in the State of Kelantan. One of the approaches that the authors think appropriate is a newer version of normative approach involving a legislation that allows the manifestations of old traditional performances among the Siamese people in Kelantan who are not Muslims. (Sooi-Beng, T., 1988).

As a minority in Kelantan, the Siam-Kelantanese deserve rights to practise Menora as it directly influenced by Buddhism and the Thai-Kelantanese have a very close connection with the performance as it also relates to their origin. (Johnson, I. C., 1999). It may also be allowed to survive among the Chinese community because they are also basically Buddhist who may have interest in the preservation of those prohibited performances on the ground of Islamic principles. (Sooi-Beng, T., 1988). If preserving original characters of old traditional performances really matters, this is the best option

for state government to allow its survival within the non-Muslim community that exist in Kelantan. (Johnson, I. C., 2013). This is also in line with Article 3 of the Federal Constitution that allow the practices of other religion in peace and harmony and a great application of the NHA for the safeguarding of intangible cultural heritage.

On the other hands, if legal protection to preserve the old traditional heritage find no better solution, technology may allow for their survivals. This is already evidenced in the evolution of a new version of Wayang Kulit in the form of animation. (Ghani, D. A., & Ishak, S. B. A., 2012) This may also be applicable to other traditional performances.

A study had reviewed the critical situation of Wayang Kulit Kelantan in Malaysia and giving solutions via arts. This is followed by the study of the use of modern technology including Computer Graphics (CG) to capture the traditional Wayang Kulit play. (Kia, K. K., & Chan, Y. M., 2009, August). It may also best apply it to other performances such as Makyung, Menora and Main teri. It is also found that Wayang Kulit preservation is moving forward via electronic games. (Ghani, D. B. A. (2015, January). This latest technology would attract more youth enthusiasts in traditional heritage. (Azman, F. Z. R., & Kamaruzaman, M. F., 2016, December). Animation and engineering style of preservation is another new preservation style in this era. Animation character design of wayang kulit would beat the popular anime of Japan. (Ahmad, J., & Jamaludin, Z., 2014, September). The art industry had already into creating animation related to traditional performances for an example the Disney style of animation and wayang kulit. (Ghani, D. A., & Ishak, S. B. A., 2012); (Jernigan, D. K., Chansavang, A., Martin-Rall, H., Hock-Soon, S., Lim, D., & Johan, H., 2013). This idea is regarded as one of the modern approach in the preservation of intangible cultural heritage. (Cohen, M. I. (2016). It is also becoming one of the recommendations to safeguard the heritage using latest technology and digitalising Wayang Kulit. (Mahmoud, D., 2017).

5 CONCLUSIONS

The authors suggest that while it appears that the protection of religion is the paramount consideration of the government of State of Kelantan as compared to the preservation of old traditional performances, cultural performance which can be modified and preserved within the limits of the Islamic teachings should be preserved especially when it brings socio-

economic benefits to the society. This includes some technological influence in the modifications of these traditional performances such as animation which might be a legal way to revitalise some traditional performances in Kelantan. Some modifications to these traditional performances gives opportunity for the local community to share their outstanding uniqueness while attracting more tourists.

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