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Enakmen ini yang diluluskan di dalam Dewan Undangan Negeri Kedah Darul Aman pada 27 Ogos 2013 diisytiharkan untuk pengetahuan am:

The following Enactment passed in the Kedah Darul Aman State Legislative Assembly, on the 27 August 2013 is published for general information:

No.	Tajuk Ringkas/Short Title
Enakmen 18	Syariah Criminal Offences (Kedah Darul Aman) Enactment 2014



LAWS OF THE STATE OF KEDAH DARUL AMAN

Enactment 18

**SYARIAH CRIMINAL OFFENCES
(KEDAH DARUL AMAN) ENACTMENT 2014**

Date of Royal Assent 8 April 2014

Date of publication in the *Gazette* 8 May 2014

LAWS OF THE STATE OF KEDAH DARUL AMAN**Enactment 18****SYARIAH CRIMINAL OFFENCES
(KEDAH DARUL AMAN) ENACTMENT 2014**

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LAWS OF THE STATE OF KEDAH DARUL AMAN

Enactment 18

**SYARIAH CRIMINAL OFFENCES
(KEDAH DARUL AMAN) ENACTMENT 2014**

I ASSENT,

(STATE SEAL)

1. YANG TERAMAT MULIA
DATO' SERI UT AMA TAN SRI
TUNKU ANNUAR ALHAJ
IBNI ALMARHUM SULTAN
BADLISHAH, D.K.H., D.M.K., S.P.M.K.,
S.S.D.K., P.S.M., P.S.B.,
Hon. D. (Social Development)
Limkokwing University Malaysia
(*Tunku Bendahara Kedah*)
*A Member of The Council of Regency
cum Chairman*

2. YANG TERAMAT MULIA
DATO' SERI DIRAJA TAN SRI
TUNKU SALLEHUDDIN IBNI
ALMARHUM SULTAN
BADLISHAH, S.H.M.S., S.S.D.K.,
.S.M., P.A.T., B.C.K., K.P.K.P
(*Tunku Temenggong Kedah*)
A Member of The Council of Regency

3. YANG TERAMAT MULIA
DATO' SERI DIRAJA TAN SRI
TUNKU ABDUL HAMID THANI
IBNI ALMARHUM SULTAN
BADLISHAH, S.H.M.S., S.S.D.K.,
.S.M., D.S.D.K.P
(*Tunku Laksamana Kedah*)
A Member of The Council of Regency

4. YANG TERAMAT MULIA
DATO' SERI DIRAJA TAN SRI
TUNKU PUTERI INT AN SAFINAZ
BINTI TUANKU ABDUL HALIM
MU'ADZAM SHAH,
D.K.H., D.K.Y.R., S.H.M.S., S.S.D.K., P.S.M.,
P.A.T., J.P.,
Hon. Ph.D (UUM)., Hon.
Ph.D (KUIN)
(Tunku Panglima Besar Kedah)
A Member of a Council of Regency

8 April 2014
8 Jamadilakhir 1435

An Enactment to provide for Syariah criminal offences and matters relating thereto.

[]

IT IS HEREBY ENACTED by the Legislature of the State of Kedah Darul Aman as follows:

PART I

PRELIMINARY

Short title, commencement and application

1. (1) This Enactment may be cited as the Syariah Criminal Offences (Kedah Darul Aman) Enactment 2014 and shall come into force on a date to be appointed by His Royal Highness the Sultan by notification in the *Gazette*.

(2) This Enactment shall apply only to Muslims.

Interpretation

2. (1) In this Enactment, unless the context otherwise requires—

“*baligh*” means having attained the age of puberty according to *Hukum Syarak*;

“Administration Enactment” means the Administration of Islamic Law (Kedah Darul Aman) Enactment 2008;

“*fatwa*” means any fatwa made under the *Mufti and Fatwa* (Kedah Darul Aman) Enactment 2008;

“Judge” means a judge of the Syariah Appeal Court, the Syariah High Court, and Syariah Subordinate Court appointed under the Syariah Courts (Kedah Darul Aman) Enactment 2008;

“*Hukum Syarak*” means *Hukum Syarak* according to Mazhab Syafie or one of Mazhab Hanafi, Maliki or Hambali;

“*Fatwa Committee*” means *Fatwa Committee* established under the *Mufti and Fatwa* (Kedah Darul Aman) Enactment 2008;

“*li’an*” means an allegation made by a man under oath in accordance with *Hukum Syarak* that his wife has committed *zina*;

“*liwat*” means an unusual sexual intercourse between a man and a man or between a man and a woman;

“Court” means the Syariah Subordinate Court, the Syariah High Court or the Syariah Appeal Court as the case may be, constituted under the Syariah Courts (Kedah Darul Aman) Enactment 2008;

“Majlis” means the Majlis Agama Islam Negeri Kedah Darul Aman established under subsection 4(1) of the Administration Enactment;

“*Mufti*” means the person appointed to be the *Mufti* for the Kedah Darul Aman under subsection 5(1) the *Mufti and Fatwa* (Kedah Darul Aman) Enactment 2008 and includes the Deputy *Mufti*;

“*munsyikari*” means a person who acts as a procurer between a female and male person for any purpose which is contrary to *Hukum Syarak*;

“*musahaqah*” means sexual relation between female persons;

“approved rehabilitation centre” means any place or institution appointed as such under section 50;

“*qazaf*” means making false allegation on any person as such under section 37;

“approved home” means any place or institution appointed as such under section 50;

“incest” means an act or a series of act which is contrary to *Hukum Syarak* between a man and a woman who are prohibited from marrying each other under *Hukum Syarak*;

“*takfir*” means to turn a Muslim into a non-believer of Islam;

“*zina*” means sexual intercourse between a man and a woman out of wedlock.

(2) All words and expressions used in this Enactment not herein defined but defined in the Interpretation Acts 1948 and 1967 [Act 388] shall have the meanings thereby assigned to them respectively to the extent that such meanings do not conflict with *Hukum Syarak*.

(3) For the avoidance of doubt as to the identity or interpretation of the words and expressions used in this Enactment that are listed in the Schedule, reference may be made to the Arabic script for those words and expressions as shown against them therein.

PART II

OFFENCES RELATING TO ‘AQIDAH

Wrongful worship

3. (1) Any person who worships nature or does any act which shows worship or reverence of any person, animal, place or thing in any manner contrary to *Hukum Syarak* shall be guilty of an

offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(2) The Court may order that any device, object or thing used in the commission of or related to the offence referred to in subsection (1) be forfeited and destroyed, notwithstanding that no person may have been convicted of such offence.

False doctrine

4. (1) Any person who teaches or expounds in any place, whether private or public, any doctrine or performs any ceremony or act relating to the religion of Islam shall, if such doctrine or ceremony or act is contrary to *Hukum Syarak* or any *fatwa* for the time being in force in the Kedah Darul Aman, be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to whipping not exceeding six strokes or to any combination thereof.

(2) The Court may order that any document or thing used in the commission or related to the offence referred to in subsection (1) be forfeited and destroyed, notwithstanding that no person may have been convicted of such offence.

Propagation of religious doctrines, etc.

5. Any person who propagates religious doctrines or beliefs other than the religious doctrines or beliefs of the religion of Islam among persons professing the Islamic faith shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

False claim

6. Any person who—

- (a) declares himself or any other person a prophet, *Imam Mahdi* or *wali*; or

(b) states or claims that he or some other person knows of unnatural happenings,

such declaration, statement or claim being false and contrary to the teachings of Islam, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both.

PART III

OFFENCES RELATING TO THE SANCTITY OF THE RELIGION OF ISLAM AND ITS INSTITUTION

Insulting, or bringing into contempt, etc. the religion of Islam

7. Any person who orally or in writing or by visible representation or in any other manner—

- (a) insults or brings into contempt the religion of Islam;
- (b) derides, apes or ridicules the practices or ceremonies relating to the religion of Islam; or
- (c) degrades or brings into contempt any law relating to the religion of Islam for the time being in force in the State of Kedah Darul Aman,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Deriding, etc. Quranic verses or *Hadith*

8. Any person who, by his words or acts, derides, insults, ridicules or bring into contempt the verses of *Al-Quran* or *Hadith* shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Contempt or defiance of religious authorities

9. Any person who acts in contempt of religious authority or defies, disobeys or disputes the orders or directions of His Royal Highness the Sultan as the Head of the religion of Islam, the Majlis or the *Mufti*, expressed or given by way of *fatwa*, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Defiance of Court order

10. Any person who defies, disobeys, disputes, degrades, brings into contempt any order of a Judge or Court shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Opinion contrary to *fatwa*

11. Any person who gives, propagates or disseminates any opinion concerning Islamic teachings, *Hukum Syarak* or any issue, contrary to any fatwa for the time being in force in the Kedah Darul Aman shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Religious publication contrary to *Hukum Syarak*

12. (1) Any person who—

(a) prints, publishes, produces, records, distributes or in any other manner disseminates any book, pamphlet, document or any form of recording containing anything which is contrary to *Hukum Syarak*; or

(b) has in his possession any such book, pamphlet, document or recording,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(2) The Court may order that any book, pamphlet, document or recording referred to in subsection (1) be forfeited and destroyed, notwithstanding that no person may have been convicted of an offence connected therewith.

Failure to perform Friday prayers

13. Any male person, being baligh, who fails to perform the Friday prayers in a mosque within his kariah for three consecutive week without ‘uzur syarie or without any reasonable cause shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Disrespect for month of Ramadan

14. Any person who during the hours of fasting in the month of Ramadan—

(a) sells to any Muslim any food, drink, cigarette or other form of tobacco for immediate consumption during such hours; or

(b) openly or in a public place is found to be eating, drinking or smoking,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both, and for a second or subsequent offence to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Instigating neglect of religious duty

15. (1) Any person who instigates or induces any Muslim not to attend mosque or religious teachings or any religious ceremony shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(2) Any person who in any manner prevents another person from paying zakat or fitrah shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Gambling

16. (1) Any person who gambles, or is found in a gaming house, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(2) In this section, “gaming house” means any premises, including a room, an office or a stall, whether open or enclosed, used or kept for the purpose of any game of chance or a combination of skill and chance, whether permitted by any other law or otherwise, for money or money’s worth.

Intoxicating drinks

17. (1) Any person who in any shop or other public place, consumes any intoxicating drink shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(2) Any person who makes, sells, offers or exhibits for sale, keeps or buys any intoxicating drink shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both.

PART IV

OFFENCES RELATING TO DECENCY

Incest

18. Any person who commits incest shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to whipping not exceeding six strokes or to any combination thereof.

Prostitution

19. (1) Any woman who prostitutes herself shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to whipping not exceeding six strokes or to any combination thereof.

(2) Any person who—

- (a) prostitutes his wife or a female child under his care; or
- (b) causes or allows his wife or a female child under his care to prostitute herself,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to whipping not exceeding six strokes or to any combination thereof.

Munsyikari

20. Any person who acts as a *munsyikari* shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to whipping not exceeding six strokes or to any combination thereof.

Sexual intercourse out of wedlock

21. (1) Any man who performs sexual intercourse with a woman who is not his lawful wife shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to whipping not exceeding six strokes or to any combination thereof.

(2) Any woman who performs sexual intercourse with a man who is not her lawful husband shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to whipping not exceeding six strokes or to any combination thereof.

(3) The fact that a woman is pregnant out of wedlock as a result of sexual intercourse performed with her consent shall be *prima facie* evidence of the commission of an offence under subsection (2) by that woman.

(4) For the purpose of subsection (3), any woman who gives birth to a fully developed child within a period of six *qamariah* months from the date of her marriage shall be deemed to have been pregnant out of wedlock.

An act preparatory to sexual intercourse out of wedlock

22. Any person who does an act preparatory to sexual intercourse out of wedlock shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Liwat

23. Any male person who commits *liwat* shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to whipping not exceeding six strokes or to any combination thereof.

Musahaqah

24. Any female person who commits *musahaqah* shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to whipping not exceeding six strokes or to any combination thereof.

Khalwat

25. Any—

- (a) man who is found together with one or more women, not being his wife or *mahram*; or

(b) woman who is found together with one or more men, not being her husband or *mahram*,

in any secluded place or in a house or room under circumstances which may give rise to suspicion that they commit *maksiat* shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Male person posing as woman

26. Any male person who, in any public place, wears a woman's attire and poses as a woman shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Indecent acts in public place

27. Any person who, contrary to *Hukum Syarak*, acts or behaves in an indecent manner in any public place shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

PART V

MISCELLANEOUS OFFENCES

Giving false evidence, information or statement

28. (1) Any person who gives false evidence or fabricates evidence for the purpose of being used in any stage of a judicial proceedings in the Court shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(2) Any person who knowing or having reason to believe that an offence has been committed under this Enactment or under any other written law relating to the religion of Islam, gives any information relating to such offence which he knows or believes

to be false shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Takfir

29. (1) Subject to subsection (2), any person who alleges or imputes by words, either spoken or written, or by sign or visible representation, or by any act, activity or conduct, or by organising, promoting or arranging any activity or otherwise in any manner, that any person professing the religion of Islam or person belonging to any group, class or description of persons professing the religion of Islam—

- (a) is or are *kafir*;
- (b) has or have ceased to profess the religion of Islam;
- (c) should not be accepted or cannot be accepted, as professing the religion of Islam; or
- (d) does not or do not believe in, follow, profess or belong to, the religion of Islam,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(2) Subsection (1) shall not apply to—

- (a) anything done by any Court or religious authority established, constituted or appointed by or under any written law and empowered to give or issue any ruling or decision on any matter relating to the religion of Islam; and
- (b) anything done by any person pursuant to or in accordance with any ruling or decision given or issued by such Court or religious authority, whether or not such ruling or decision is in writing or, if in writing, whether or not it is published in the *Gazette*.

Destroying or defiling mosque, *surau*, etc.

30. Any person who destroys, damages or defiles any mosque or *surau* or other place of worship or any of its equipment with the intention of thereby insulting or degrading the religion of Islam shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Encouraging vice

31. Any person who promotes, induces or encourages another person to indulge in any vice shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Enticing a married woman

32. Any person who entices a married woman or takes her away from or in any manner influences her to leave the matrimonial home determined by her husband shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both, and the Court shall order the said woman to return to her husband.

Preventing married couple from cohabiting

33. Any person who prevents a married couple from cohabiting as a legally married couple shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding one year or to both, and the Court shall order the couple to cohabit as a legally married couple.

Instigating husband or wife to divorce or to neglect duties

34. Any person who instigates, forces or persuades any man or woman to be divorced or to neglect his or her duties and responsibilities as a husband or a wife shall be guilty of an offence

and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Enticing a female person

35. Any person who entices or induces or persuades any female person to run away from the custody of her parents or guardian shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both, and the Court may make such order as it deems appropriate in respect of the female person.

Selling or giving away child to non-Muslim

36. Any person who sells, gives away or delivers his child or a child under his care to any person who is not a Muslim shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or to both, and the Court may make such order as it deems appropriate in respect of the child.

Qazaf

37. Except in cases of *li'an*, any person who accuses another person of committing *zina* or *liwat* without procuring four male witnesses or an *iqrar* of the accused person in accordance with *Hukum Syarak* shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Abuses of *halal* sign

38. Any person who displays on or in respect of any food or drink or goods which is not *halal*, any sign which indicates that such food or drink or goods is *halal* shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both.

PART VI

ABETMENT AND ATTEMPT

Abetment

39. A person abets the doing of a thing who—

- (a) instigates any person to do that thing;
- (b) engages with one other person or more in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or
- (c) intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1 – A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done is said to instigate the doing of that thing.

Explanation 2 – Any person, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Abetment in the State of Kedah Darul Aman of offences outside the State of Kedah Darul Aman

40. A person abets an offence within the meaning of this Enactment who, in the State of Kedah Darul Aman, abets the commission of an act outside the State of Kedah Darul Aman which would constitute an offence if committed in the State of Kedah Darul Aman.

Punishment of abetment

41. Any person who abets any offence shall, if the act abetted is committed in consequence of the abetment, be punished with the punishment provided for the offence.

Liability of abettor when a different act is done

42. Where an act is abetted and a different act is done, the abettor is liable for the act done in the same manner and to the same extent as if he had abetted the act done if the act done—

- (a) was a probable consequence of the abetment; and
- (b) was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Attempt

43. (1) Any person who attempts—

- (a) to commit an offence punishable under this Enactment or under any other written law relating to *Hukum Syarak*; or
- (b) to cause such an offence to be committed,

and in such attempt does any act towards the commission of such offence, shall, where no express provision is made by this Enactment or by such other written law, as the case may be, for the punishment of such attempt, be punished with such punishment as is provided for the offence.

(2) Any term of imprisonment imposed as a punishment for an attempt to commit an offence or to cause an offence to be committed shall not exceed one half of the maximum term provided for the offence.

PART VII

GENERAL EXCEPTIONS

Act of Judge when acting judicially

44. Nothing is an offence which is done by a Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

Act done pursuant to the judgement or order of a Court

45. Nothing is an offence which is done in pursuance of, or which is warranted by the judgement or order of, a Court if done whilst such judgement or order remains in force, notwithstanding that the Court may have no jurisdiction to pass such judgement or order, if the person doing the act in good faith believes that the Court had such jurisdiction.

Act done by a person justified by law

46. Nothing is an offence which is done by a person who is justified by law, or who by reason of a mistake of fact and not by reason of mistake of law in good faith believes himself to be justified by law, in doing.

Act of child who is not *baligh*

47. Nothing is an offence which is done by a child who is not *baligh*.

Act of person of unsound mind

48. (1) Nothing is an offence which is done by a person who at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act or that what he is doing is wrong and contrary to law.

(2) For the purpose of this section, if a person was in a state of intoxication at the time of the act or omission complained of and—

- (a) the state of intoxication was such that he did not know that the act or omission was wrong or he did not know what he was doing; and
- (b) the state of intoxication was caused without his consent by the malicious or negligent act of another person,

he shall be deemed to be a person of unsound mind.

(3) In this section, “intoxication” shall be deemed to include a state produced by drugs.

Act which a person is compelled to do by threats

49. (1) Nothing is an offence which is done by a person who is compelled to do it by threats, which at the time of doing it reasonably caused the apprehension that instant death to the person will otherwise be the consequence.

(2) The exception under subsection (1) shall not apply if the person doing the act placed himself, of his own accord, in the situation by which he became subject to such constraint.

PART VIII

GENERAL MATTERS

Appointment of rehabilitation centre or approved home

50. The Majlis may, by notification in the *Gazette*, appoint any place or institution to be an approved rehabilitation centre or an approved home for the purposes of this Enactment.

Power of Court to commit convicted person to an approved rehabilitation centre

51. Where the Court has convicted any person of an offence under Part II or under section 7, 8, 9 or 30, such Court may, in lieu of or in addition to any punishment specified for such offence,

order any such person to be committed to an approved rehabilitation centre to undergo such counselling or rehabilitation for any period not exceeding six months as may be specified in the order; but where any sentence of imprisonment is imposed together with the counselling or rehabilitation the period thereof shall not in the aggregate exceed three years.

Power of Court to commit female offender to an approved home

52. Where the Court has convicted any female person of an offence under Part IV, such Court may, in lieu of or in addition to any punishment specified for such offence, order any such person to be committed to an approved home for such period not exceeding six months as may be specified in such order; but where any sentence of imprisonment is imposed together which such committal the period thereof shall not in the aggregate exceed three years.

General Power to make regulations

53. The Majlis, with the approval of His Royal Highness the Sultan, may make regulations, which shall be published in the *Gazette*, for carrying into effect the provision of this Enactment.

Repeal

54. (1) Syariah Criminal Code Enactment 1988 [*Enactment No. 9 of 1988*] is repealed.

(2) Notwithstanding under subsection (1), all proceedings under that repealed Enactment, including any appeal from any Court under the repealed Enactment, shall be continued as if this Enactment had not been passed.

SCHEDULE

(Subsection 2(3))

ARABIC SCRIPT FOR CERTAIN WORDS AND EXPRESSIONS

<i>'aqidah</i>	—
<i>baligh</i>	—
<i>Hadith</i>	—
<i>iqrar</i>	—
<i>li'an</i>	—
<i>mahram</i>	—
<i>musahaqah</i>	—
<i>qamariah</i>	—
<i>qazaf</i>	—
<i>takfir</i>	—
<i>zina</i>	—

Passed in the State Legislative Assembly this 27 August 2013
corresponding to the 20 Syawal 1434.

[PUUN(K) 4/61/4; MAIK/KHP/114 Jil. 3]

Haji Syed Isa Bin Syed Ibrahim
Clerk of the State Legislative Assembly
Kedah Darul Aman

