

STRENGTHENING THE SHARIA COURT

الْحَمْدُ لِلَّهِ نَحْمَدُهُ وَنَسْتَعِينُهُ وَنَسْتَغْفِرُهُ. وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا وَمِنْ سَيِّئَاتِ
أَعْمَالِنَا. مَنْ يَهْدِهِ اللَّهُ فَلَا مُضِلَّ لَهُ وَمَنْ يَضِلَّ فَلَا هَادِيَ لَهُ.

أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَشْهَدُ أَنَّ سَيِّدَنَا مُحَمَّدًا عَبْدُهُ
وَرَسُولُهُ. اللَّهُمَّ صَلِّ وَسَلِّمْ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَأَصْحَابِهِ أَجْمَعِينَ.

أَمَّا بَعْدُ،

فِيَا عِبَادَ اللَّهِ، اتَّقُوا اللَّهَ وَ أَوْصِيكُمْ وَآيَايَ بِتَقْوَى اللَّهِ، فَقَدْ فَازَ الْمُتَّقُونَ.

Let us all increase our obedience towards Allah the Almighty by doing everything that He prescribes and avoiding all that He prohibits. Hopefully we will be blessed in this world and in the Hereafter.

Dear Brothers and Sisters,

Sharia law (Islamic law) is important because it brings justice to all. After Prophet Muhammad (peace be upon him) migrated to Medina, he received many revelations which were related to *Sharia*. Since *Sharia* law is intended to preserve the monotheistic faith (life, intellect, lineage and property), it was implemented immediately in the multiracial communities in Medina. Allah the Almighty said in the Quran in Chapter 4 (Surah al-Nisa'), verse (ayat) 58:

أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ

إِنَّ اللَّهَ نِعْمًا يَعِظُكُمْ بِهِ ۗ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا ﴿٥٨﴾

Which means: *Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing.*

The state of Pahang used *Sharia* law during the reign of Sultan Abdul Ghafur Shah Muhayiddin, between 1592 and 1614. *Sharia* law was followed when appointing government officials and when punishing criminal offenders. According to a study, 42 out of 68 clauses stated in this Pahang Penal Code were based on the opinions of the Shafie school of thought. This manuscript is also the second earliest in Malaysia after the Malacca Penal Code manuscript and it is even more detailed. The original manuscript of the Pahang state *Sharia* law is still kept and exhibited at the Museum of Sultan Abdullah Mosque in Pekan.

However, the Malay Peninsula began to change after the arrival of the colonists. The highlight of the colonial domination in our country occurred when the law that was based on *Sharia* was changed to secular law.

Nevertheless, Muslims in this country are still lucky because in Article 3 of the Federal Constitution, Islam is clearly written as the religion of the Federation. This means that Islam has the highest authority in this country and this fact cannot be denied by anyone including non-Muslims. However, other religious followers are given freedom to adhere to and practice their own religion in peace and harmony.

Since Islam has been declared as the religion of the federation, Muslims must strive to uphold the religion in all aspects: to enhance its reputation, to improve our worship, to improve the economy, to improve education and to elevate the *Sharia* Court.

Dear Brothers and Sisters,

The *Sharia* court has separate provisions in the Federal Constitution through the amendment of Article 121 (1A) of 1988 which separates the *Sharia* court jurisdiction from that of Civil Courts. It means that the *Sharia* Court is free from and at par with other courts. Its power lies in the state enactments. The last time Act 355 was amended was in 1984. That amendment allows the *Sharia* Court to conduct the trial and punishment of Muslims only, but with a maximum fine of RM5,000, a prison sentence of 3 years and whipping of not more than 6 times.

In the past 33 years, Act 355 has never been revised and therefore punishments for *Sharia* criminals are viewed as too lenient. They do not achieve the objectives of Islamic law which are to educate the public, to uphold justice and to maintain prosperity in the society. For example, according to the current Act, a person guilty of drinking alcohol and causing chaos (not only to Muslims, but also to non-Muslims), may receive a maximum punishment of an RM5,000 fine or three years jail and six strokes of the cane. The real punishment according to Islamic law is 40 lashes of the cane. Punishments in civil courts are heavier for comparable offenses committed.

We are grateful to the previous King who urged the acceleration of efforts to strengthen the *Sharia* Court during the First Meeting of the Fourth Session of the Thirteenth Parliament on March 7, 2016.

However, the response to this proposal provoked a heated debate in this country. Surprisingly, some non-Muslims interfered in the debate expressing their opposition to the motion, while this issue only involves criminal offenses of Muslims only. If the amendment of Act 355 is accepted, the non-Muslims will also benefit because the *Sharia* crimes which were involve non-Muslims as victims will be significantly reduced due to the more appropriate punishment prescribed by the *Sharia* law.

In addition, some have criticized the *Sharia* punishment as being inhumane because they are looking at it from the perspective of secular punishment, such as civil caning that is torturous to human body. In Islam, the true nature of caning is to educate, and not to torture. Its implementation is also more humane.

Efforts to amend Act 355 are ongoing to ensure increased compliance with *Sharia* law in this challenging world. Muslims must refrain from politicizing this effort, and not support the non-Muslim protests. Allah the Almighty mentioned in the Quran in Chapter 33 (Surah al-Ahzab), verse (ayat) 36:

أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ

وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ

وَمَنْ يَعِصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُبِينًا ﴿٣٦﴾

Yang bermaksud: Dan tidaklah harus bagi orang-orang yang beriman, lelaki dan perempuan apabila Allah dan RasulNya menetapkan keputusan mengenai sesuatu perkara (tidaklah harus mereka) mempunyai hak memilih ketetapan sendiri mengenai urusan mereka. Dan sesiapa yang tidak taat kepada hukum Allah dan RasulNya maka sesungguhnya ia telah sesat dengan kesesatan yang jelas nyata.

Which means: It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair. And whoever disobeys Allah and His Messenger has certainly strayed into clear error.

بَارَكَ اللَّهُ لِيْ وَلَكُمْ فِي الْقُرْآنِ الْعَظِيمِ، وَنَفَعَنِي وَإِيَّاكُمْ بِمَا فِيهِ مِنَ الْآيَاتِ وَالذِّكْرِ الْحَكِيمِ، وَتَقَبَّلَ

مِنِّي وَمِنْكُمْ تِلَاوَتَهُ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ. أَقُولُ قَوْلِي هَذَا وَأَسْتَغْفِرُ اللَّهَ الْعَظِيمَ لِيْ وَلَكُمْ، وَلِسَائِرِ

الْمُسْلِمِينَ وَالْمُسْلِمَاتِ، وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ، فَاسْتَغْفِرُوهُ إِنَّهُ هُوَ الْغَفُورُ الرَّحِيمُ.