

**A CRITICAL STUDY OF FALSE DOCTRINE, LOOKING INTO THE
CONCEPT AND ITS PUNISHMENTS UNDER THE SYARIAH
CRIMINAL OFFENCES ENACTMENTS IN MALAYSIA**

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The students/ authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

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ABSTRACT

This research is a critical study on the concept of false doctrine and its punishment under the Syariah Criminal offences Enactments in Malaysia. The research which has been conducted is to show that the punishment for a person committing a deviant teaching or in law which has been defined as a false doctrine is inadequate enough since the act committed can be categorized as one of the big sin in the Quran. In addition, this research is more focusing on the punishment of false doctrine and we have set out the provisions which relating to the punishment of false doctrine from different states in Malaysia in order to compare whether the punishment for false doctrine is adequate enough or otherwise in term of it substantive law, wording, uniformity and workability. This study also concerns on how effectiveness the punishment of false doctrine provided by the Syariah law criminal offences enactment. hence, we found that the punishment that were imposed is to be said inadequate and a person who commits a false doctrine should not be worried about the punishment as he can afford to pay and bear the burden by all means which they only take for granted towards the punishment and in future they will do the same thing and it goes over and over again. Therefore, this study seek to discover the concept of false doctrine in Malaysia and also the punishment that have been imposed to it.

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CHAPTER ONE

INTRODUCTION

1.0 Introduction

Generally when something is found in an ideology that is clearly contrary to the Quran and the Sunnah and the practices of Ahli Sunnah wal Jamaah, it can be regarded as part of deviant teachings.¹ Deviant teachings are any form of teachings or practices which have been carried out by Muslims or non-Muslims with the contention that those teachings and practices are Islamic practices or based on the Islamic practices itself which in fact those teachings and practices are clearly contrary to Islamic practices which it is based on the Quran and the Sunnah thus also contrary to the Sunni practice (Ahli Sunnah wal Jamaah).² In a simple literally meaning, deviant teachings can be concluded as something in practices or teachings which are not fulfill the truth of Islamic teaching which is based on the Quran and the Sunnah.³

According to legal term, deviant teaching is called false doctrine. This can be seen in the case of Abdul Kahar Ahmad, 59 who was sentenced to 10 years imprisonment, a fine of RM16,500 and six strokes of whipping by the Shah Alam Syariah High Court on 21st October 2009 in accordance with Syariah Criminal Offences Enactment of Selangor 1995 under sections 7, 8(a), 10(b), 12 and 13 for the offences of spreading the false doctrine, allegation of himself as a prophet, insulting the religion of Islam, disobeys the order of the Mufti and spreading opinions contrary to fatwa respectively.⁴

Deviant teaching is not a new thing in Malaysia, instead it has exists since the early coming of religion of Islam in this Malay Archipelago.⁵ It has been established

¹ Rafli Sabirin, "Ubati Penyakit Akidah," (Februari 2010) *Milenia Muslim* Thn. 8 Bil 90, p 10.

² Siti Norbaya Abd. Kadir, *Ajaran Sesat, Sejarah Kemunculan dan Ciri-cirinya*, (Al-Hidayah: Kuala Lumpur 2002).

³ *Ibid.*

⁴ <http://peguamsyarie.org/?p=1245>, accessed on 8 February 2010.

⁵ <http://www.islam.gov.my>, accessed on 8 Disember 2006.