

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

By

Amirul Syafiq bin Mahadi (2008408646)  
Mohd Adam bin Bohari (2008408718)  
Mohd Efendi bin Mohd Razali (2008408724)  
Mohd Faiz bin Mat Zin (2008408726)  
Nik Mohd Faris Syazwan bin Zainuzzaman (2008408774)

Submitted in Partial Fulfillment of the Requirements  
for the Bachelor in Legal Studies (Hons)

**Universiti Teknologi MARA  
Faculty of Law**

October 2010

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.

## **ACKNOWLEDGEMENT**

This research project has been carried out by a team which consists of Amirul Syafiq Mahadi, Mohd Adam Bohari, Mohd Efendi Mohd Razali, Mohd Faiz Mat Zin and Nik Mohd Faris Syazwan Zainuzzaman. First and foremost, we would like to extend our sincerest gratitude to our supervisor, Professor Dr. Md. Amin, whose had given us encouragement, guidance and supports from the initial to the final level of this research project. Next, we would like to offer our appreciation to the representative of the Jabatan Kehakiman Syariah Selangor for the cooperation for helping us to do our research based on the Syariah Law and also not forgotten to Tuan Haji Abu Zaky bin Mohammad, the judge of Syariah High Court, Shah Alam, Selangor for his willingness in giving us with a valuable information regarding our research. Lastly, we would like to thank to all the members who have given full supports in any respect during the completion of the project.

## **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.

## TABLE OF CONTENTS

Acknowledgment	ii
Abstract	iii
Contents	iv

### CHAPTER ONE: INTRODUCTION

1.0	Introduction	1
1.1	Problem Statement	4
1.2	Objective of Study	5
1.3	Methodology	6
1.4	Scope and Limitation	6
1.5	Contribution of the Study	7
1.6	Conclusion	8

### CHAPTER TWO: LITERATURE REVIEW

2.0	Introduction	9
2.1	Literature Review	9
	2.1.1 Several Characteristics of Deviant Teachings in Malaysia	9
	2.1.2 Deviant Teaching as a Threat to Islamic Faith	10
	2.1.3 Relevancy of 'Penalty 356'	10
	2.1.4 Stiffer Punishments of False Doctrine Offence should be Imposed	11
	2.1.5 The Deviant Teaching of Al-Arqam	12
	2.1.6 Deviant Teaching, the History and its Characteristics	20
	2.1.7 Reasons for the Existence of False Doctrine	23
2.2	Conclusion	24

### CHAPTER THREE: CONCEPT OF FALSE DOCTRINE

3.0	Introduction	25
3.1	Definition of False Doctrine	25
3.2	The Nature of False Doctrine	26
	3.2.1 Common Characteristics of False Doctrine	29
	3.2.2 Specific Characteristics: An Example of False Doctrine	30
3.3	Reasons for the Existing of False Doctrine	31
3.4	Spreading of False Doctrine	35
3.5	Negative Effects of False Doctrine	38
3.6	Comparison of the Practice of False Doctrine between Malaysia and Iran and India	46
	3.6.1 Iran	46
	3.6.2 India	48
	3.6.3 Malaysia	50

# 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.<sup>1</sup> 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).<sup>2</sup> 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.<sup>3</sup>

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 21<sup>st</sup> 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.<sup>4</sup>

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.<sup>5</sup> It has been established

---

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

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

<sup>3</sup> *Ibid.*

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

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