

OFFENCE OF ZINA : THE DIFFICULTIES IN ITS ENFORCEMENT AND THE PROCEDURES

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ABSTRACT

For the purpose of this study, we are focusing on the nature of *zina* offence whereby we are going to discuss on the procedures and methods to prove *zina* offence. This research will be looking into two different perspectives that is the perspective from the Islamic *Hudud* law and the present *Syariah* criminal law. Here, we have selected certain state enactments that is *Syariah* Criminal Offences (State of Selangor) Enactment 1995, *Syariah* Court Evidence (State of Selangor) Enactment 2003 and *Syariah* Criminal Offence (State of Kedah) Enactment 1988 as a comparison to the Islamic *Hudud* law.

Besides, we will discuss a little bit on the punishment for *zina* offender if they are convicted for the charge of *zina* offences.

There will be the statistics on *zina* cases from two states as an outcome from the law imposed that are the statistics in Selangor and statistics in Kedah on *zina* offence as well as attempted *zina*. These statistics are to show the number of *zina* cases been dealt by the court in the respective states which is contradict to the real numbers of *zina* offence committed.

This is due to the said rigidity of procedures and methods as laid down in the Holy *Quran* and *Hadith*, as well as adopted by the present *Syariah* law. As a conclusion, we have the answer on why there is not much effort put in convicting *zina* offender because the procedures is too rigid and many cases have been dismissed by the courts as the evidence cannot be established.

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