

**A STUDY OF THE UNEQUAL TREATMENT UNDER THE LAW IN THE MATTER  
OF FORNICATION BETWEEN A MUSLIM AND A NON-MUSLIM IN MALAYSIA**

By

Nik Nadia Nik Ahmad Ariff	: 2007294472
Brenda Viola M Junim	: 2007294444
Muhamad Faizee Ab Rahman	: 2007291134
Ahmad Maliki Ahmad Marzulai	: 2007294126
Farah Lydia Abdul Gaffoor	: 2007283108

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## **ABSTRACT**

This study discusses the inequality before the law in matter of fornication between a Muslim and a non-Muslim in Malaysia, whereby when a Muslim and a non-Muslim couple get caught red-handed in the act of fornication, usually only the Muslim will be punished while the non-Muslim will not. The project analyzes various views including the religious, legal, philosophical and moral aspects regarding the concerned issue. Apart from that, effects of fornication which consist of medical, psychological and also societal implications are also discussed. At the end of this project, it is suggested that fornicators, Muslim or non-Muslim to be equally treated or punished under the law.

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## CHAPTER 1: INTRODUCTION

“*Kesopanan dan Kesusilaan*” is the fifth principle of *Rukun Negara*. It calls for decency and high moral value of ethics for every citizen of Malaysia. “*Kesopanan dan Kesusilaan*” itself means decency and ethics.

The purpose of the study is basically on the issue of equality. In the vein of the research title which is “*A study of the unequal treatment under the law in the matter of fornication between a Muslim and a non-Muslim in Malaysia*”, the major focus is on the equality before the law in terms of punishment in the matter of fornication.

To discuss this issue thoroughly, it is important to understand the meaning of “fornication” and “equality”. Fornication is a term which typically refers to consensual sexual intercourse between unmarried persons. However, fornication is commonly defined as sex before marriage or premarital sex.<sup>1</sup>

This premarital sex is regarded differently by various religions, societies and cultures. But it is seen as an immoral act and unacceptable by most cultures, especially the Eastern cultures. Our study accepts and adapts the moral judgment that fornication is a sin. We wish to submit that in this area the moral rule must apply equally to all persons irrespective of religion.

Equality can be defined as the condition or quality of being equal; agreement in quantity or degree as compared; likeness in bulk, value, rank, properties, etc.; as, the equality of two bodies in length or thickness; an equality of rights or even sameness in state or continued course; evenness; uniformity; as, an equality of temper or constitution.<sup>2</sup>

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<sup>1</sup> <http://en.wikipedia.org/wiki/Fornication>, accessed on 23 August 2009.

<sup>2</sup> [http://www.brainyquote.com/words/eq/equality/Definition\\_of\\_Equality](http://www.brainyquote.com/words/eq/equality/Definition_of_Equality), accessed on 2 February 2010.