

**THE RIGHTS AND LIABILITIES OF THE RELIGIOUS ENFORCEMENT
OFFICER IN KHALWAT CASES WITH REGARDS TO THE POSITION IN
SELANGOR.**

By

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ABSTRACT

Khalwat is a criminal offence under the Syariah law, which has increasingly affected the Muslims community. *Khalwat* involves cohabitation by two persons of different sex, which could raise suspicion of the commission of an indecent act. The Religious Enforcement Officer is the person who will actively involved in the arrest and investigation of the persons caught for *khalwat* offence. It is undeniable that Islam encourages the performing of good deeds and abhorring evil among the Muslims. However, this may sometimes generate predicaments as to the manner in which the persons so authorized to perform their duties accordingly. This is because the Religious Enforcement Officers are now seems to appear assertively in exercising their powers when dealing with *khalwat* cases and on certain occasions, their acts are deemed to amount to trespass to people's privacy. Conversely, each state in Malaysia possess the administration and the criminal procedure enactment that accentuating on the roles of the Religious Enforcement Officer and the manner they should deal with *khalwat* cases. Most of the state enactments encompass similar general provisions in relation to the Religious Enforcement Officer except that the provisions are arranged differently. This paper, therefore, limit itself to the rights and liabilities of the Religious Enforcement Officer in exercising their powers particularly in *khalwat* cases and it will be discussed and compared in the light of the various state enactments in Malaysia and decided cases, predominantly in the Federal Territories, Kelantan and Perlis, giving emphasize to the state of Selangor.

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CHAPTER ONE

INTRODUCTION

1.0 Introduction

This chapter will give an overview of our research paper as a whole. The first part will start with the basis of our research, which is the background of our project paper followed by the problem statement where we will determine the problem of the research in order to identify the purpose of our research. We will then determine the objectives of the study and significance of this project paper. Limitations and methodologies are also discussed under this chapter followed by the outline of our research.

1.1 Background

In reaching towards a modern country, Malaysia has been through a lot of changes. The society itself has changes from time to time especially in our mindset. One of the problems that have increased among Muslim society is the cases of *khalwat*. *Khalwat* gave meaning to an instance that occurs between a man and a woman being together in a secluded or isolated place, which can raise suspicion that they are committing an indecent act. Generally, the term *khalwat* is defined correspondingly in the various Syariah criminal offences enactments in Malaysia, nevertheless the difference lies within the section that defined the said term. *Khalwat* is apparently prohibited and sinful in Islam as it could lead to adultery, which is known as *wasitah* or cause of an