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## **HUMAN RIGHTS PERSPECTIVES ON ISSUES IN THE IMPLEMENTATION OF ISLAMIC CRIMINAL LAW IN MALAYSIA**

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**Abstract:** This paper discusses the implementation of Islamic Criminal Law in Malaysia from the human rights perspectives. It looks at Syariah Criminal Offences Enactments and Syariah Criminal Procedure Enactments of States forming the Federation, and deals with the issues of the victimless Syariah offences of khalwat, fornication and drinking intoxicants, determining whether such criminalization is compatible with human rights. Discussion also deals with the issues of sanction and procedures, in finding out the extent to which Malaysia is complying with its International Human Rights Law obligations, if there is any. This paper finds that the Syariah statutory provisions are compatible with the human rights concept. In some extends, Syariah law can explore law uncertainty, because referring to God's law not nature law. Most of human rights concept have come from the philosophy of nature law. Thus, the approach of nature law will always change depending of time period. However, Syariah law need to improve the training of religious enforcement officers on how to carry out their duties.

**Keywords:** Human Rights Perspectives, Islamic Criminal Law, Islamic Human Rights

**Abstrak:** Artikel ini membahas penerapan Hukum Pidana Islam di Malaysia berdasarkan perspektif hak asasi manusia (HAM). Penelitian ini menyelidiki penegakan pelanggaran syariah dan penegakan hukum pidana syariah pada Negara Federasi, yang berkaitan dengan isu-isu pelanggaran syariah khalwat, percabulan dan minum minuman keras, serta menentukan apakah kriminalisasi tersebut sesuai dengan hak asasi manusia. Artikel ini juga membahas masalah sanksi dan prosedur untuk mengetahui sejauh mana Malaysia mematuhi kewajiban hukum hak asasi manusia internasional, jika ada. Penelitian ini menemukan bahwa ketentuan hukum syariah sesuai dengan konsep hak asasi manusia. Dalam beberapa hal, hukum syariah dapat mengeksplorasi keraguan hukum, karena merujuk pada hukum Tuhan, bukan hukum alam. Sebagian besar konsep HAM berasal dari filosofi hukum alam, oleh karena itu, pendekatan hukum alam akan selalu berubah seiring waktu. Namun, hukum Syariah perlu melatih aparat penegak hukumnya berkaitan dengan bagaimana mereka melaksanakan tugas.

**Kata Kunci:** Perspektif Hak Asasi Manusia, Hukum Pidana Islam, Hak Asasi Manusia dalam Islam

### **Introduction**

This paper discusses the implementation of Islamic Criminal Law in Malaysia from the perspective of Islamic law, international law, and human rights.<sup>1</sup> In particular, this article seeks to understand the concept of human rights as envisaged by the laws, as well as the concept of criminalization. The latter concept deals with the issue of criminalizing immoral behaviours, which are perceived as victimless sins, such as fornication and drinking intoxicant. These aspects are looked at from both the Islamic law and the International Human Rights Law (IHRL) perspectives. Thereafter, this paper determines the extent to

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1 Julie Stone Peters, and Andrea Wolper, eds. 'Women's rights', Human Rights: International Feminist Perspectives (Routledge 2018). See also Fernando Teson, A Philosophy Of International Law (Routledge 2018). See also McDougal, Myres S, Harold D. Lasswell, and Lung-chu Chen. Human Friedman, Elisabeth. 'Women's Human Rights: The Emergence Of A Movement', Women's Rights, Human Rights (Routledge 2018) 18-35.

which Malaysia is complying with the IHRL obligations, if there is any. For this purpose, this paper looks into the Syariah Criminal Offences Enactments and the Syariah Criminal Procedure Enactments of States forming the Federation. Author will begin with a brief introduction to the Islamic concept of human rights, and thereafter the Islamic concept of criminalization. Discussion includes the human rights guarantees provided by the *shari'ah*.

### **Human Rights in Islam**

The Creator who knows best<sup>2</sup> creates human beings for the purpose of worshipping Him alone.<sup>3</sup> Allah provides the law and system to govern human lives, and His law and system are meant only for human benefits. Allah's law suits human nature, and provides for human rights as well. The human rights injunctions in the Qur'an and the *Sunnah* are as sacrosanct as other rules of Islam and must therefore be observed. The human rights granted by Allah cannot be denied, changed, limited or withdrawn by States. The only thing States may do is to prescribe detailed rules and regulations where the divine injunctions on human rights are in broad or general terms.<sup>4</sup>

Worshipping Allah means performing all His commandments and avoiding all His prohibitions. Allah's commandments and prohibitions are as contained in the Qur'an and the *Sunnah* of His Prophet. It follows that human have no right to do an act or say a word that is contrary to Allah's commandments or prohibitions. In other words, human have no right to commit sin. Human only have right to do a proper act or say a proper word.

The *shari'ah* is backed by sanctions, positive and negative, in this world and in the hereafter. Negative sanctions in this world are provided in the Qur'an and in the *Sunnah*, and may be provided at the discretion of the Muslim rulers. Not only the Qur'an provides punishments for crimes such as theft and robbery which affect victims, the Qur'an also prescribes punishments for victimless offences such as fornication. In addition, Prophet Muhammad also prescribed punishment for offences such as apostasy, adultery and drinking intoxicant. As the Qur'an and the *Sunnah* are not codes of law, Muslim rulers may prescribe punishments for any deed which is contrary to the Islamic teaching although the two divine and primary sources of Islamic law are silent on the punishment. For example, Caliph 'Umar ibn al-Khattab burnt the house of Rashid al-Thaqafi for selling intoxicants therein.<sup>5</sup> There is no verse in the Qur'an and there is no *Sunnah* on the punishment for selling intoxicants, but as the ruler, Caliph 'Umar had the power to prescribe and execute the punishment. Thus, it is submitted that Muslim governments may criminalize certain acts and omissions which are contrary to the teaching of Islam.

The Qur'an and the *Sunnah* prescribe deterrent punishments for certain offences, such as amputation of hand for the crime of theft.<sup>6</sup> By prescribing deterrent punishments, the *shari'ah* protects the rights of the public and, in particular, the rights of the victims. For example, when a potential thief is deterred from stealing, the right of members of the public to their respective property is protected.

Another aspect of the human rights protection by the *shari'ah* is the rights accorded to a suspect, an accused and a convict. This can be deduced from the practice of Prophet Muhammad as a judge. For example, there is a right for everyone for protection from arbitrary arrest or imprisonment. During the era of the Prophet in Medina, several

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2 Qur'an, 67:14: Should He not know – He that created, while He is the Subtle, the Acquainted?

3 Qur'an, 51:56: I have only created jinns and men, that they may serve Me.

4 Shaikh Shaukat Hussain, *Human Rights in Islam*, 3<sup>rd</sup> Edition (New Delhi: Kitab Bhavan 2001) 76.

5 Mahmud Saedon, *Institusi Pentadbiran Undang-undang & Kehakiman Islam*. 189.

6 Qur'an, 5:38: And [as for] the thief, the male and the female, amputate their hands in recompense for what they committed as a deterrent [punishment] from Allah. And Allah is Exalted in Might and Wise.

individuals were arrested. The Prophet was delivering a sermon in the mosque when a man rose and asked, "O Messenger of Allah! For what crime were my neighbours arrested?" The Prophet heard the question but did not respond, because he (s.a.w.) expected the arresting officer who was also present in the mosque to give an explanation. The man repeated his question until the third time. As there was no explanation from the arresting officer, the Prophet ordered the arrested men to be released.<sup>7</sup> This *Sunnah* shows that a person who has been arrested arbitrarily must be released immediately. For this purpose, such person has a right to challenge the legality of his/her arrest. In fact, his/her family members, neighbours or any other concerned individual may bring such action on his/her behalf against the State. Today writ of *habeas corpus* is embodied in the International Covenant on Civil and Political Rights (ICCPR)<sup>8</sup>, in addition to being part of the common law system.

In the *shari'ah*, no one should be punished for committing no wrong. An accused is presumed innocent until proven guilty<sup>9</sup>. It is only with proof that a person may be prosecuted and it is only after he/she is found guilty that the person may be punished. When Hilal ibn Umayyah came to the Prophet and accused his wife of committing adultery with Sharik ibn Sahma', the Prophet demanded, "Either you bring evidence (of 4 witnesses) or the (*qazf*) *hadd* punishment (of 80 lashes) will be imposed on your back."<sup>10</sup> It follows from the *hadith* that the burden of proof is on the prosecutor,<sup>11</sup> not the accused. The standard of proof for *hadd* cases is certainty,<sup>12</sup> while for *ta'zir* cases is beyond reasonable doubt.<sup>13</sup> Among the methods of proof are confession, testimony and circumstantial evidence.

Other important guarantees include the principle that no one should be punished for the wrongdoing of another,<sup>14</sup> and that criminal rules must not cover acts performed prior to their enactment.<sup>15</sup> An accused has the right to be represented by an attorney of his/her choice. This can be seen from the practice of the Rightly Guided Caliphs. One of the examples from their era was concerning a woman who came to Caliph 'Umar ibn al-Khattab and confessed to have committed *zina*. 'Ali ibn Abi Talib represented her and

7 Abul A'la Mawdudi, *Human Rights in Islam*, 2nd Edition (United Kingdom: The Islamic Foundation 1980) 26. See also Shaikh Shaukat Hussain, *Human Rights in Islam*, 3rd Edition (New Delhi: Kitab Bhavan 2001) 47-48.

8 ICCPR, Article 9(4).

9 Qur'an, 49:6: O you who believe! If a wicked person comes to you with any news, ascertain the truth, lest you harm people unwittingly, and afterwards become full of repentance for what you have done. See also Qur'an, 17:36: And pursue not that of which you have no knowledge; for every act of hearing, or of seeing, or of (feeling in) the heart will be enquired into (on the Day of Reckoning).

10 Mohamad Akram Laldin, *Introduction to Shariah and Islamic Jurisprudence* (Kuala Lumpur: CERT Publications 2006) 166. See also Abu Ameenah Bilal Philips, *The Evolution of Fiqh* (Kuala Lumpur: A.S. Noordeen 1989) 6.

11 Zulfakar Ramlee & Mohd Hisham Mohd Kamal, 'Kesalahan Rogol dan Sumbang Mahram dari Sudut Pembuktian dan Hukumannya Menurut Undang-Undang Islam' (2005) 9(1) *IKIM Law Journal* 217-241, 222. See also Mahmud Saedon A. Othman, *Undang-undang Keterangan Islam* (Kuala Lumpur: Dewan Bahasa dan Pustaka 1990) 20. See also Siti Zubaidah Ismail, *Undang-undang Tatacara Jenayah Syariah* (Kuala Lumpur: Dewan Bahasa dan Pustaka, 2016) 109.

12 Zulfakar & Mohd Hisham, *Kesalahan Rogol dan Sumbang Mahram*, 222-223. See also Shamrahayu A Aziz, *Criminal Procedure in the Syariah Courts* (Selangor Malaysia: Sweet & Maxwell Asia 2011) 115.

13 Zulfakar & Mohd Hisham, *Kesalahan Rogol...* 224; Shamrahayu, *Criminal Procedure in the Syariah Courts...* 115.

14 Qur'an, 4:112: But if anyone earns a fault or a sin and throws it on to one that is innocent, he carries (on himself) (both) a falsehood and a flagrant sin. Qur'an, 6:164 (in part): ... Every soul draws the meed of its acts on none but itself: no bearer of burdens can bear the burden of another... See also Qur'an, 35:18.

15 Qur'an, 28:59: Your Lord was not the one to destroy a population until He had sent to its centre a messenger, rehearsing to them Our signs: nor are We going to destroy a population except when its members practise iniquity. See also Qur'an, 17:15-16.

acted as her defence counsel.<sup>16</sup>

### **International Human Rights Law (IHRL)**

IHRL provides legal protection for every individual. The human rights are accorded on the basis that the recipient is a human being, not because the recipient is a national or belongs to a particular class of people. These rights cannot be denied by States or societies. The aim of the law is to protect human rights from violation by the governments.

The IHRL is codified in several treaties and may be manifest in State practice. Among the relevant IHRL treaties to our discussion is the International Covenant on Civil and Political Rights (ICCPR).<sup>17</sup> The ICCPR provides for, among other things, right to life; freedom of thought, conscience and religion; freedom of expression; freedom of peaceful assembly; freedom from arbitrary arrest and detention; freedom from torture; and right to a fair trial.

In addition to providing for human rights guarantees, the ICCPR also accepts the fact the national legal system must be backed by sanctions to ensure order. For example, the right to life guaranteed in Article 6 of the ICCPR provides protection against arbitrary deprivation of life by criminal acts and by States parties' own police or security forces. Protection against arbitrary deprivation of life by criminal acts implies that States may prohibit and punish the crimes of homicide and of causing hurt. Nevertheless, Article 6(2) of the ICCPR limits the application of death sentence to most serious crimes only. This shows that the IHRL recognizes the importance of sanctions in backing the legal norms.

There is a misunderstanding that the IHRL gives freedom to individuals to behave immorally, for example, to sing inappropriate songs or wear indecent clothes. Actually, under Article 19(3) of the ICCPR, the right to freedom of expression can be restricted, and the restriction must be prescribed by law on the grounds of respecting the rights or reputations of others (including the right of religious persons not to be offended in their religious belief)<sup>18</sup>, and of protecting national security or public order, or public health or morals. It should be noted that public morals are one of the grounds to restrict the right to freedom of expression. Examples of offences against public morals are promoting prostitution and public display of obscene materials. Restricting expression is in terms of the collective good that such restriction promotes or the rights of individuals that such restriction protects.<sup>19</sup> It is submitted that the law that may be prescribed to restrict the right to freedom of expression would definitely be backed by sanctions. This shows that the IHRL recognizes the importance of sanctions in backing, among other things, public morals.

The ICCPR also provides for protection for a suspect and an accused person. Article 9 provides for the right to liberty, and Article 14 provides for the right to a fair trial. It can be implied that certain acts and omissions may be criminalized; however, suspects and accused persons have certain rights to ensure that no innocent person is punished. This shows that the IHRL does not deny the importance of sanction to ensure law and order in a society.

Another relevant IHRL treaty is the Convention against Torture and Other Cruel, Inhuman

16 Mahmud Saedon A. Othman, *Institusi Pentadbiran Undang-undang & Kehakiman Islam* (Kuala Lumpur: Dewan Bahasa dan Pustaka 1997) 108-117.

17 Danieli, Yael, Elsa Stamatopoulou, and Clarence Dias. 'Interface Between Global and Regional Protection and Promotion of Human Rights: An African Perspective: M. Adam A Dieng' *The Universal Declaration of Human Rights*(Routledge 2018) 293-304.

18 Howard Davis, *Human Rights Law Directions* (Oxford: Oxford University Press 2007) 344.

19 *Ibid*, 334.

or Degrading Treatment or Punishment (CAT). The CAT protects individuals from, among other things, torture and cruel, inhuman and degrading punishments. Cruel punishments are punishments which cause pain, such as whipping until the skin breaks. Inhuman punishments are punishments which are not appropriate for human beings such as solitary confinement. Solitary confinement is inhuman because humans are a social being. Degrading punishments have the effect of humiliating the criminals such as public humiliation and parade. It means that States may prescribe punishment to back the law with a condition that it is not torture and not cruel, inhuman or degrading.

### Malaysia's IHRL Obligations

Malaysia is not a party to both the CAT and the ICCPR. Thus, Malaysia has no CAT or ICCPR obligation, except norms that have formed part of customary international law. One human rights norm that has formed part of customary international law is freedom from torture, including *Syariah* whipping. However, freedom from cruel, inhuman and degrading punishment has not formed part of customary international law, because State practices relating to punishments differ from one State to another and are inconsistent. For example, there are States that provide for death sentence and there are others who have abolished it. There are also Muslim States that provide for stoning to death and amputation of limbs, while most States do not prescribe such punishments.

With regard to the Islamic Criminal Law in Malaysia, the *Syariah* courts are conferred with sentencing power of imprisonment, fine and whipping. While imprisonment and fine are clearly not cruel, inhuman or degrading punishment, there may be an issue with regard to the *syariah* whipping.<sup>20</sup> The *syariah* whipping is not cruel because it is not painful. Its implementation will not break the convict's skin. In the words of Datuk Jasri @ Nasip Matjakir, the *Syariah* Chief Justice of Sabah, "*syariah* whipping sentence is not meant to hurt or cause death."<sup>21</sup> On the same ground, the *syariah* whipping is not inhuman. However, there are issues with regard to the fact that the *syariah* whipping is carried out openly and when it is implemented on a female offender.

On 12 July 2017, the State Legislative Assembly of Kelantan passed the *Syariah Criminal Procedure Enactment 2002 (Amendment 2017)* Bill to provide for, among other things, the whipping punishment to be executed openly.<sup>22</sup> Kelantan is not the first State in Malaysia to implement *syariah* whipping of *Syariah* offenders openly. Sabah has meted out 3 *syariah* whipping sentences openly since 2014, all for the *Syariah* offence of *zina*. The first time was in 2014 when the sentence was imposed on a female offender in a *Syariah* courtroom following her own request. The offender was only punished with whipping. So, it was not done in the prison area. The next two times were in 2016 when a couple were whipped in a civil court in the presence of a group of seminar participants who wanted to understand

20 Tajuddin, Hanifah Haydar Ali, Nasimah Hussin, and Majdah Zawawi, 'Restorative Justice in Islamic Law: Application in Malaysian Legal History and The Criminal Justice System' (Edward Elgar Publishing 2018) Research Handbook on Islamic Law and Society. See Also Moustafa, Tamir. Constituting Religion: Islam, Liberal Rights, and the Malaysian State (Cambridge University Press 2018). See also Muhammad Siddiq Armia, 'Ultra Petita and the Threat to Constitutional Justice: The Indonesian Experience' (2018) 26(2) Intellectual Discourse 903-930. See also Muhammad Siddiq Armia, 'Implementing Islamic Constitutionalism: How Islamic Is Indonesia Constitution?' (2018) 15(2) Al 'Adalah Journal 437-450.

21 'Sabah *Syariah* Court records 3 open whipping sentences', July 15, 2017, accessed on August 5, 2017, <<http://www.theborneopost.com/2017/07/15/sabah-syariah-court-records-3-open-whipping-sentences/>>

22 'Kelantan passes *Syariah* bill allowing whipping in public', July 12, 2017, accessed on August 5, 2017, <<http://english.astroawani.com/malaysia-news/kelantan-passes-syariah-bill-allowing-whipping-public-149069>>

the nature of *syariah* whipping.<sup>23</sup> There were also cases in Sabah where *syariah* whipping were carried out in prison as the offenders were sentenced to both imprisonment and whipping.<sup>24</sup>

A human rights non-governmental organization, the Sisters in Islam, opposes the Kelantan's decision as a deplorable form of humiliation.<sup>25</sup> It has been explained subsequently that open *syariah* whipping does not mean that it will be carried out in the market, football fields or by the road sides,<sup>26</sup> and that open *syariah* whipping will be carried out at a place determined by the Syariah court.<sup>27</sup> Even if the offenders may feel humiliated when imposed with the *syariah* whipping openly, it is submitted that the punishment does not fall under the category of degrading punishment. The Kelantan government and the Syariah court of Sabah have so far never stated that the purpose of open *syariah* whipping is to humiliate the offender. Moreover, *syariah* whipping is done on an offender who will be properly dressed. This shows that even when Malaysia has no obligation under the CAT, the Malaysian Syariah legal system does not provide for cruel, inhuman or degrading punishment.

Another issue with regard to *syariah* whipping is its implementation on female offender. In 2009, in the State of Pahang, controversies arose when a Muslim woman who pleaded guilty to drinking intoxicant was sentenced to *syariah* whipping and fine. Even though she was pressured by certain human rights NGOs to appeal, she did not, but was willing to undergo the sentence instead. It has been explained above that the *shariah* whipping is not a cruel, inhuman or degrading punishment. I am now submitting that the *syariah* whipping on a woman will not violate Malaysia's obligation under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), because the Syariah Criminal Offences Enactment does not discriminate against women when it subjects both men and women to the same punishment. In fact, female offender is specially treated. According to Datuk Jasri, the Syariah Chief Justice of Sabah, a female offender must definitely not be pregnant during the implementation of *syariah* whipping, and that if the offender is pregnant, the implementation would be postponed. He explained that medical officers would be in the court in order to verify the health condition of the offender before the *syariah* whipping is implemented.<sup>28</sup> When Datuk Jasri informed the media that Sabah Syariah court had implemented the *syariah* whipping even on female offenders, so far there has not been any criticism from any human rights group or activist.

### Right to Privacy

All States in Malaysia have the Syariah Criminal Procedure Enactments (SCPEs), providing the methods of investigation, arrest, search, seizure, trial, judgment, sentencing, appeal and revision. While the issue of sentencing has been dealt with above, another issue is regarding investigation into alleged Syariah offences committed privately. The Enactments

23 'Sabah Syariah Court records 3 open whipping sentences'; "Sabah precedes Kelantan with three open caning for Shariah offenders", July 15, 2017, accessed on August 5, 2017, <<http://www.themalaymailonline.com/malaysia/article/sabah-precedes-kelantan-with-three-open-caning-for-shariah-offenders>>

24 'Sabah Syariah Court records 3 open whipping sentences'.

25 SIS: Kelantan decision to allow public caning 'a deplorable form of humiliation' July 13, 2017, accessed on August 5, 2017, <<http://www.thestar.com.my/news/nation/2017/07/13/sis-kelantan-decision-to-allow-public-caning-a-deplorable-form-of-humiliation>>

26 'Bukan sebat di Pasar Siti Khadijah, padang atau tepi jalan, kata Zainul Rijal', July 16, 2017 accessed on August 5, 2017, <<http://www.1media.my/2017/07/bukan-sebat-di-pasar-siti-khadijah.html>>. See also 'Mahkamah tentukan lokasi sebat', July 19, 2017, accessed on August 7, 2017, <<http://www.utusan.com.my/berita/nasional/mahkamah-tentukan-lokasi-sebat-1.504774>>

27 'Mahkamah tentukan lokasi sebat'.

28 'Sabah Syariah Court records 3 open whipping sentences'.



allow investigation to commence when there is information conveyed to religious enforcement officers and when there is a complaint made directly to a Syariah judge.<sup>29</sup> The process of investigation differs from one type of offences alleged to another.<sup>30</sup> According to Shamrahayu Ab. Aziz, in the event there is no information, religious enforcement officer may still proceed with investigation if there is reasonable cause to commence the investigation. This is based on the SCPEs and the concept of *hisbah*, which is enjoining good and forbidding evil.<sup>31</sup> Thus, even if the alleged Syariah offence is committed in a private place, when there is information or a complaint, the religious enforcement officers may investigate the alleged offence. This is compatible with the Islamic principle of enjoining good and forbidding evil. As long as the procedure is strictly followed, there will be no violation of human rights.<sup>32</sup>

The Malaysian Syariah legal system also allows the practice of *syariah* lawyer who may represent an accused in the Syariah court. This provision is in line with the right of an accused to have legal representation. Human rights principles in Islam with regard to the freedom from arbitrary arrest and detention and the right to a fair trial are embodied in the SCPEs. These Islamic principles are actually compatible with the human rights principles in the ICCPR.<sup>33</sup> Despite the human rights guarantees in the SCPEs, it is important that the religious enforcement officers are provided with adequate trainings on how to carry out their duties. There have been several cases where investigation, arrest, search and seizure were not done properly. Among examples of violation of human rights are denial of the right to counsel, prolonged detention, and denial to manifest religion in worship while in detention.

### Conclusion

Although Malaysia is not a party to the CAT and to the ICCPR, the Syariah Criminal Offences Enactments and the SCPEs are compatible with the Islamic concept of human rights and the two IHRL treaties. What is important is to ensure that the religious enforcement officers are provided with adequate trainings. So that, the human rights of suspects and accused persons will be protected. Well-understanding of human rights principles for law-enforcer can influence the way of thinking, and also can create law certainty amongst government officer.

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Hisham Mohd, *Prinsip Hak Asasi Manusia Menurut Perspektif Undang-Undang*

29 Shamrahayu, *Criminal Procedure* 46.

30 Shamrahayu, *Criminal Procedure* 46. See also Siti Zubaidah, *Undang-undang Tatacara Jenayah Syariah* 41-42.

31 Shamrahayu, *Criminal Procedure* 47.

32 Moseley, Alexander, and Richard Norman. *Human Rights and Military Intervention* (Routledge, 2018). See Also Nowak, Manfred, 'A World Court of Human Rights' (2018) *International Human Rights Institutions, Tribunals, and Courts* 271-290.

33 Mohd Hisham Mohd Kamal, *Prinsip Hak Asasi Manusia Menurut Perspektif Undang-Undang Antarabangsa dan Hukum Syarak: Suatu Perbandingan*, (2017) 29 *Kanun* (1) 72-99, pp. 79 & 97.

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