

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

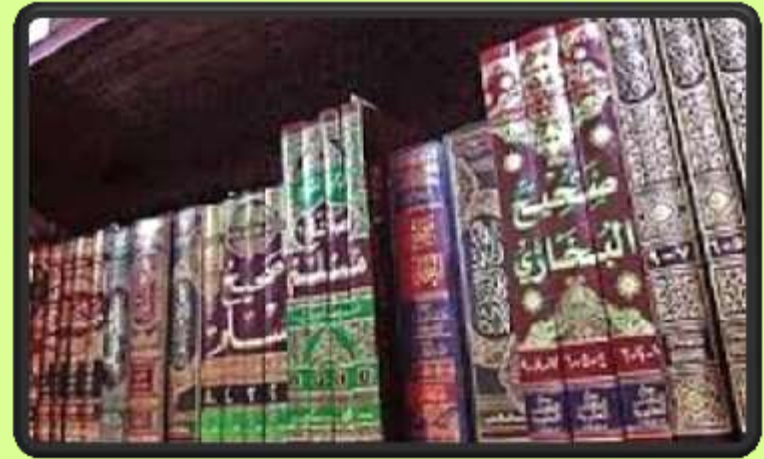
**SYARIAH PENAL CODE
ORDER, 2013
A BRIEF INTRODUCTION**

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OBLIGATION TO IMPLEMENT LAWS



**According to
al-Quran and as-Sunnah**

AL-QURAN

وَأَنِ احْكُم بَيْنَهُم بِمَا أَنْزَلَ اللَّهُ وَلَا
تَتَّبِعْ أَهْوَاءَهُمْ وَاحْذَرْهُمْ أَنْ يَفْتِنُوكَ
عَنْ بَعْضِ مَا أَنْزَلَ اللَّهُ إِلَيْكَ...

al-Maidah: verse 49

AL-QURAN

“...And judge, [O Muhammad], between them **by what Allah has revealed and do not follow their inclinations and beware of them, lest they tempt you away from some of what Allah has revealed to you ...”**

ESSENCE OF THE VERSE

- It is obligatory upon head of the state to implement laws **in accordance with what has been revealed by Allah.**
- We are reminded not to be influenced by any form of inclination that are tempting away from what has been revealed by Allah.

HADITH

عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ مَنْ
أَطَاعَنِي فَقَدْ أَطَاعَ اللَّهَ وَمَنْ عَصَانِي فَقَدْ عَصَى اللَّهَ وَمَنْ
أَطَاعَ الْأَمِيرَ فَقَدْ أَطَاعَنِي وَمَنْ عَصَى الْأَمِيرَ فَقَدْ عَصَانِي.

(البخاري ومسلم)

MEANING OF HADITH

Narrated by Abu Hurairah, Nabi *Sallallahu A'laihi Wasallam* says:-

"Whoever obeys me he indeed obeys Allah, and whoever disobeys me then he was disobedient to Allah, and (besides) whoever obeys the ruler then he has obeyed me and whoever disobeys the ruler then surely he is disobedient to me. "

ESSENCE OF HADITH

- **Obedience to the ruler is the same as obedience to Allah and His Messenger.**
- **Disobedience to the ruler is equal to disobedience to Allah and His Messenger.**

PROCLAMATION OF SYARIAH PENAL CODE, 2013

“...With the blessings of Allah, this legislation will be gazetted today, the 22nd of October, 2013, and will come into force six months hereafter in phases. By the Grace of Allah, with the coming into effect of this legislation, our duty to Allah is therefore being fulfilled...”

Titah in conjunction with Knowledge Convention on
17th Zulhijjah 1434 / 22nd October, 2013

THE POSITION OF ISLAMIC RELIGION IN BRUNEI CONSTITUTION

Article 3(1)

Official Religion for Brunei Darussalam is Islamic Religion but other religions may be practised in peace and harmony

“Islamic Religion” means the Islamic Religion according to the Shafeite sect of Ahlis Sunnah Waljamaah.

POWERS OF HIS MAJESTY TO MAKE LAWS IN BRUNEI CONSTITUTION

Article 39 & Article 83(3)

“...Powers of His Majesty to make laws for the peace, order, security and good government of Brunei Darussalam and to prescribe penalties...”

ENFORCEMENT PHASES

FIRST PHASE

**Enforced on
1st May 2014**



PART I

PART II

PART III

PART IV –

- **Chapter I [Section 94]**
- **Chapter III [Section 184 , 185, 189, 190 and 191]**
 - **Chapter IV – [Offences punishable with
FINE or **IMPRISONMENT** only]**

PART V

SECOND PHASE

12 months after the Syariah Courts Criminal **PROCEDURE** Code (**SYARIAH COURTS CPC**) is gazetted



All offences under Part IV Chapter I, II and III that are punishable by **HADD, QISAS, DIYAT, BADAL-AL-SULH OR ARSY** EXCEPT offences punishable by **DEATH**

THIRD PHASE

24 months after
the Syariah Courts Criminal
**PROCEDURE Code (SYARIAH
COURTS CPC)** is gazetted



The Order will be **FULLY**
enforced including offences
punishable by death

TO WHOM DOES THIS ORDER APPLY?

**MUSLIMS
AND
NON-MUSLIMS**

AMONG OF OFFENCES APPLICABLE TO BOTH MUSLIMS AND NON-MUSLIMS

- *Sariqah* (Theft)
- *Hirabah* (Robbery)
- *Qatl* (Causing death)
- Causing hurt
- Contempt of Prophet Muhammad
- Deriding etc. verses of Al-Qur'an or hadith
- Indecent behaviour
- Disrespecting *Ramadhan* (fasting month)

AMONG OF OFFENCES APPLICABLE TO MUSLIMS ONLY

- *Irtidad* (**apostasy**)
- **Worship**
- **Non-payment of *zakat* or *fitrah***
- **Failure to perform Friday prayer**

AMONG OF OFFENCES THAT APPLY TO NON MUSLIMS SUBJECT TO CIRCUMSTANCES

- *Zina* (adultery) if **committed with a Muslim**
- Drinking intoxicating liquor **in public places**
- *Khalwat* (close proximity) if **committed with a Muslim**

OFFENCES COMMITTED OUTSIDE BRUNEI DARUSSALAM

**Offences committed abroad by a
citizen or permanent resident
may be prosecuted in Brunei.**

**Section 6(3) Syariah Courts Act
Cap.184**

TYPES OF PUNISHMENTS

TYPES OF PUNISHMENTS

Punishments as specified in the Quran and Hadith

Hadd

Punishment for the offence of *sariqah*, *hirabah*, *zina*, *zina bil-jabar*, *liwat*, *qazaf*, drinking intoxicating liquor and *irtidad*.

Qisas

Retaliation or similar punishment

Diyat

Specified amount payable to heirs of victim of *qatl* (restitution)

Arsy

Compensation payable to the victim of hurt

Badal – al-sulh

Mutually agreed compensation to be paid to a *wali-ad-dam* / victim

JENIS-JENIS HUKUMAN

Punishments fixed by the Head of State (*Ta'zir* Punishment)



METHODS OF PROOF

METHODS OF PROOF

OFFENCES PUNISHABLE WITH
HADD, QISAS OR DIYAT



IKRAR
(Confession)

SYAHADAH SHAHID
(Testimony of witnesses)

STANDARD OF PROOF: 100% YAKIN
(NO DOUBT AT ALL)

IKRAR **(CONFESSION)**

A statement made by a person orally, in writing or by gesture, that he is under some obligation to another person in respect of some right

AMONGST THE REQUIREMENTS OF *IKRAR*

- **SOUND MIND**
- **ATTAINED PUBERTY**
- **VOLUNTARILY**
- **ABLE TO HEAR AND SPEAK**

SYAHADAH SHAHID **(TESTIMONY OF WITNESSES)**

True statement in Court by applying the word “*asyhadu*” to conclude a person the case or interest upon another person, and on conviction it shall be binding on the Judge

REQUIREMENTS OF A *SYAHID* WITNESS

- **SOUND MIND**
- **ATTAINED PUBERTY**
 - ***ADIL***
- **POSSESS GOOD MEMORY**
- **ABLE TO SEE, HEAR AND SPEAK**
(HADD AND QISAS CASES)

***SYAHADAH SHAHID* (TESTIMONY OF WITNESSES)**

'ADIL

A Muslim who performs the prescribed religious duties, abstains from committing capital sins and is not perpetually committing minor sins



***TAZKIYYAH AL-SYUHUD*
(EXAMINATION OF WITNESS)**

Inquiry conducted by the Court upon witnesses to determine whether those witnesses are *'adil* or not; may be conducted secretly or openly

NUMBER OF *SYAHID* (WITNESSES) REQUIRED FOR *HADD* PUNISHMENTS

Sariqah (Theft)

Hirabah (Robbery)

Qazaf (Accusation of *Zina*
(Adultery), *Zina bil-jabar* (Rape)
and *Liwat* (Sodomy))

Drinking Intoxicating Drinks

Irtidad (Apostasy)

**2 male *syahid*
(witnesses)**

NUMBER OF *SYAHID* (WITNESSES) REQUIRED FOR *HADD* PUNISHMENTS

Zina (Adultery),
Zina bil-jabar (Rape),
Liwat (Sodomy)

4 male *syahid*
(witnesses)

NUMBER OF *SYAHID* (WITNESSES) REQUIRED FOR *QISAS* AND *DIYAT* PUNISHMENTS

***Qatlul-'Amd*
(Intentional Murder)**

- 2 male *syahid* (witnesses)

***Qatlu Syibhil-'Amd*
(Intention To Cause Harm
Which Causes Death)**

- 2 male *syahid* witnesses
- 1 male *syahid* witness and 2 female *syahid* witnesses;
- 1 male *syahid* witnesses and oath of the complainant

***Qatlul Khata'*
(Unintentional Murder)**

Causing Hurt

- 2 male *syahid* witnesses

METHODS OF PROOF

IF PROOF FAILS TO MEET ALL CONDITIONS TO
CONVICT OFFENCES PUNISHABLE WITH
HADD, QISAS OR DIYAT



THERE IS **OTHER CREDIBLE EVIDENCE**
THAT IS ADMISSIBLE BY COURT SUCH AS *BAYYINAH*,
QARINAH i.e FORENSIC EVIDENCE (CCTV, DNA, ETC)

STANDARD: BEYOND REASONABLE DOUBT)



PUNISHMENT OTHER THAN *HADD, QISAS AND DIYAT*

DEFINITIONS

“*Bayyinah*” means evidence which proves a right or interest including *qarinah*;

“*Qarinah*” is fact connected with the other in any of the ways referred to in *Hukum Syara’* or in the Provision of Syariah Courts Evidence Order, 2001.

METHODS OF PROOF

GENERAL OFFENCES

- **CONFESSION OR**
- **TESTIMONY OF WITNESSES ; OR**
- **ANY OTHER EVIDENCE ADMISSIBLE BY COURT SUCH AS: *BAYYINAH, QARINAH* i.e FORENSIC EVIDENCE (CCTV, DNA, ETC)**

STANDARD: BEYOND REASONABLE DOUBT)

FINE, IMPRISONMENT, REHABILITATION, SUPERVISION, WHIPPING AND DEATH

OFFENCES & PUNISHMENTS

(HADD)

HADD

Offences	<i>Hadd</i> Punishments (if fulfils the requirements)	Punishments Other Than <i>Hadd</i> (<i>Ta'zir</i>)
<i>Sariqah</i> (Theft)	<ul style="list-style-type: none">▪ Amputation of the right hand - <u>first offence</u>;▪ Amputation of the left foot - second Offence	Fine, imprisonment or both
<i>Hirabah</i> (Robbery)	<ul style="list-style-type: none">▪ Death – If <i>qatl</i> (murder) has been committed▪ Amputation of the right hand and the left foot – If the value of property taken amounts to or exceeds <i>nisab</i>▪ <i>Qisas / arsy</i> – if hurt has been committed	Imprisonment and whipping

HADD

Offences	<i>Hadd</i> Punishments (if fulfils the requirements)	Punishments Other Than <i>Hadd</i> (<i>Ta'zir</i>)
<i>Zina</i> (Adultery)	Stoning to death – if <i>muhshan</i>	
<i>Zina bil-jabar</i> (Rape)	OR Whipping 100 strokes & 1 year imprisonment – if	Whipping and imprisonment
<i>Liwat</i> (Sodomy)	<i>ghairu muhshan</i>	

Muhshan

A legally married person and had sexual intercourse in the marriage.

Ghairu Muhshan

A person who is not married or married but never had sexual intercourse in the marriage.

HADD

Offences	<i>Hadd</i> Punishments (if fulfils the requirements)	Punishments Other Than <i>Hadd</i> (<i>Ta'zir</i>)
<i>Qazaf</i> (Accusation Of <i>Zina</i>, <i>Zina Bil-jabar</i> Or <i>Liwat</i>)	80 strokes	Fine, imprisonment, whipping or combination of any two punishments
Drinking Intoxicating Drinks (For Muslims Only)	40 strokes	Fine, imprisonment or both
<i>Irtidad</i> (Apostasy) (For Muslims Only)	Death - If refuses to repent	Imprisonment and whipping

OFFENCES & PUNISHMENTS
(*QISAS, DIYAT, ARSY*
***OR BADAL AL-SULH*)**

QISAS (RETALIATION), *DIYAT* (RESTITUTION), ARSY (COMPENSATION) OR *BADAL AL-SULH*

Offences	<i>Qisas, Diyat, Arsy</i> Or <i>Badal Al-Sulh</i> Punishments (if fulfils the requirements)	Punishments Other Than <i>Qisas, Diyat, Arsy</i> Or <i>Badal Al-Sulh</i> (<i>Ta'zir</i>)
<i>Qatlul-'Amd</i> (Intentional Murder)	<ul style="list-style-type: none"> • Death • <u><i>Diyat</i></u> / Without <i>Diyat</i> - if the offender was pardoned by the heirs of the victim • <i>Badal-al-sulh</i> - if <i>qisas</i> was compounded by the victim 	Fine, Imprisonment or both

QISAS (RETALIATION), *DIYAT* (RESTITUTION), ARSY (COMPENSATION) OR *BADAL AL-SULH*

Offences	<i>Qisas, Diyat, Arsy</i> Or <i>Badal Al-Sulh</i> Punishments (if fulfils the requirements)	Punishments Other Than <i>Qisas, Diyat,</i> <i>Arsy</i> Or <i>Badal Al-Sulh</i> (<i>Ta'zir</i>)
<i>Qatlu Syibhil – 'Amd</i> (Intention To Cause Harm Which Causes Death)	<i>Diyat</i> , fine or	Fine, imprisonment or both
<i>Qatlul-Khata'</i> (Unintentional Murder)	imprisonment	

QISAS (RETALIATION), *DIYAT* (RESTITUTION), ARSY (COMPENSATION) OR *BADAL AL-SULH*

Offences	<i>Qisas, Arsy Or Badal Al-Sulh</i> Punishments (if fulfils the requirements)	Punishment Than <i>Qisas (Ta'zir)</i>
Causing Hurt	<ul style="list-style-type: none">• <i>Qisas</i>• <u><i>Arsy</i></u> / Without <i>arsy</i> - if the offender was pardoned by the victim or• <i>Badal al-sulh</i> - if <i>qisas</i> was compounded by the victim.	<i>Arsy</i> Or imprisonment

SOME EXAMPLES OF GENERAL OFFENCES

S.94(1)

PREGNANT OUT OF WEDLOCK

[APPLICABLE TO MUSLIM WOMEN UNLESS PREGNANCY IS A RESULT OF RAPE]

Punishments:

Muhshan

(Married and has had sexual intercourse in the marriage)



Fine \leq \$8,000;

Imprisonment \leq 2 years

or both

Ghairu Muhshan

(Not married / married but never had sexual intercourse in the marriage)



Fine \leq \$4,000;

Imprisonment \leq 1 year

or both

S.94(5)

**MAN IMPREGNATES A MUSLIM WOMAN
OUT OF WEDLOCK**

[APPLICABLE TO MUSLIMS & NON-MUSLIM MANS]

Punishment:

Fine \leq \$8,000;

**Imprisonment \leq 2 years
or both**

S.194

FAILURE TO PERFORM FRIDAY PRAYER

Male of 15 years and of sound mind

Without *uzur syar'ie*

Without any reasonable excuse



Fine \leq \$200 for first offence

Fine \leq \$300 for second offence

Fine \leq \$1,000 for third or subsequent offence

S.195

DISRESPECTING MONTH OF *RAMADHAN*

(APPLICABLE TO MUSLIMS & NON-MUSLIMS)

- (1) Consumes any food, drink or tobacco in a **public place**
- (2) sells/serves any food, drink or tobacco for **immediate consumption** at that spot (in a public place)
- (4) An employer **abetting** the offence committed by his employee under subsection (2)

Fine \leq \$4,000,
Imprisonment \leq 1 year
or both

EXCEPTION

Medical Practitioner

Or

Any person

Who serves any food / drink / medicine to any patient during the fasting hours in the month of *Ramadhan* without which such patient will be affected.

S.196 *KHALWAT*

(APPLICABLE TO

1. MUSLIM WITH MUSLIM; AND
2. MUSLIM WITH NON MUSLIM)

Between one man and one woman
(or more) who is not his / her *mahram*

➤ Living together,
cohabiting, in
confinement; OR



Fine ≤ \$4,000
Imprisonment
≤ 1 year or
both

➤ Isolating oneself in close
proximity that can lead to
suspicion that they are
committing an **immoral act**

S.197

INDECENT BEHAVIOUR

(APPLICABLE TO MUSLIMS & NON-MUSLIMS)

- **Tarnishes the image of Islam;**
- **Depraves a person;**
- **Brings bad influence; or**
- **Causes anger to the person who is likely to have seen the act.**



**Fine \leq \$2,000
Imprisonment
 \leq 6 months or
both**

S.198

MAN POSING AS WOMAN OR VICE VERSA

[APPLICABLE TO MUSLIMS & NON-MUSLIMS]

Without reasonable excuse:

Fine \leq \$1,000, imprisonment \leq 3 months or both

For immoral purposes:

Fine \leq \$4,000, imprisonment \leq 1 year or both

S.199

**INSTIGATING MARRIED MAN OR MARRIED WOMAN TO
DIVORCE OR NEGLECT DUTIES TO HIS WIFE OR
HUSBAND OR CHILDREN**

S.200

**PREVENTING LEGALLY MUSLIM MARRIED COUPLE
FROM COHABITING**
[APPLICABLE TO MUSLIMS & NON-MUSLIMS]

**Fine \leq \$4,000
Imprisonment \leq 1 year
or both**

S.201

**ENTICING OR CAUSING MUSLIM MARRIED WOMAN TO
LEAVE MATRIMONIAL HOME**

S.202

**ENTICING, INDUCING OR PERSUADING FEMALE
MUSLIM TO LEAVE CUSTODY OF HER PARENTS OR
GUARDIAN OR ANY PERSON HAVING THE LEGAL
CUSTODY**

[APPLICABLE TO MUSLIMS & NON-MUSLIMS]

Fine \leq \$8,000

**Imprisonment \leq 2 years
or both**

S.203

**UNMARRIED FEMALE MUSLIM WHO LEAVES
CUSTODY OF PARENTS OR GUARDIAN OR ANY
PERSON HAVING LEGAL CUSTODY
WITHOUT REASONABLE EXCUSE**

**Fine \leq \$1,000
Imprisonment \leq 3 months
or both**

S.204

**GIVE AWAY OR SURRENDER OF MUSLIM
TO NON-MUSLIM**

(APPLICABLE TO MUSLIM PARENTS/GUARDIANS)

Fine \leq \$20,000

Imprisonment \leq 5 years

or both

S.205

**ACTING AS PROCURER FOR ANY PURPOSE
WHICH IS CONTRARY TO *HUKUM SYARA*'
[APPLICABLE TO MUSLIMS & NON-MUSLIMS]**

**Fine \leq \$12,000
Imprisonment \leq 3 years
or both**

S. 206

FALSE CLAIM

[APPLICABLE TO MUSLIMS]

Declaring, stating or claiming himself or any other person

(a) as Imam Mahdi;

(b) knows an event or a matter that is beyond human understanding or knowledge

whilst such declaration, statement or claim is false and contrary to *Hukum Syara'*

**imprisonment \leq 10 years,
whipping 40 strokes and
order to repent**

S.207

DOCTRINES OR PRACTICES CONTRARY TO *HUKUM SYARA'*

S 207(1)
Muslim

207(1)(a)
Teaches /expounds
any doctrine **relating**
to Islam in a
manner contrary to
Hukum Syara'

207(1)(b)
**Teaches/expounds/
carries out/
performs/practices** any
doctrine/ceremony/act
contrary to
Hukum Syara'

**Non-Muslim
S. 207(2)**

207(2)(a)

**Teaches/ expounds
to Muslim a
ceremony/act
contrary to
*Hukum Syara'***

Bab (2)(b)

**carries out/performs
on Muslim a
ceremony/act
contrary to
*Hukum Syara'***

Fine \leq \$20,000

**Imprisonment \leq 5 years
or both**

S. 208

PRACTISING ETC. BLACK MAGIC

[APPLICABLE TO MUSLIMS & NON-MUSLIMS]

**(1) Practises /
advertises black
magic**



**Fine \leq \$20,000
Imprisonment \leq 5 years
or both**

**(2) Seeks help from
a person who
practices black
magic for the
fulfillment of any
wish**



**Fine \leq \$12,000;
Imprisonment \leq 3
years or both**

BLACK MAGIC

Knot, spell, chants, words, or specific expression or special names spoken or written or doing any **act with evil purposes**



Which has the implication and the effect, in the ordinary course of nature, to cause **harm** to the body, heart or mind of the person affected by black magic



Usually the person who practices black magic befriends, or asks for or seeks help from, **iblis, satan, jinn, evil spirits, spirits, ghosts** and the like

S.209

**PROPAGATION OF RELIGION OTHER THAN
RELIGION OF ISLAM TO A MUSLIM OR A
PERSON HAVING NO RELIGION
[APPLICABLE TO MUSLIMS & NON-MUSLIMS]**



**Fine \leq \$20,000
Imprisonment \leq 5 years
or both**

S.216 WORSHIPPING

[APPLICABLE TO MUSLIMS]

Worships:

- **Person**
- **Place**
- **Nature**
- **Any object**
- **Thing**
- **Anything**



**Fine \leq \$8,000,
imprisonment
 \leq 2 years
or both**

Which is believed to have power to bring good luck, increases wealth, grants wishes, heals diseases etc.

S.217

OFFENCES IN RELATION TO USE OF CERTAIN WORDS IN RESPECT OF RELIGION OF ISLAM [APPLICABLE TO MUSLIMS & NON-MUSLIMS]

Usage **in publication, speech or public statement**, any word to state or express any fact, belief, idea, concept, act, activity, matter or instances of or relating to a **religion other than the religion of Islam**

Fine \leq \$12,000;

Imprisonment \leq 3 ; or both

**WORDS WHICH SHALL NOT BE USED IN RESPECT
OF RELIGION OTHER THAN RELIGION OF ISLAM
[APPLICABLE TO MUSLIMS AND NON-MUSLIMS]**

- 1. Azan**
- 2. Baitullah**
- 3. Al-Qur'an**
- 4. Allah**
- 5. Fatwa**
- 6. Firman Allah**
- 7. Hadith**
- 8. Haji**
- 9. Hukum Syara'**
- 10. Ilahi**

- 11. Ka'bah**
- 12. Kalimah al-syahadah**
- 13. Kiblat**
- 14. Masjid**
- 15. Imam**
- 16. Mufti**
- 17. Mu'min**
- 18. Solat**
- 19. Wali**

**EXPRESSIONS WHICH SHALL NOT BE USED BY NON-MUSLIMS IN
RESPECT OF RELIGION OTHER THAN RELIGION OF ISLAM
(EXCEPT AS REFERENCE OR CITATION)**

- 1. *Alhamdu lillah***
- 2. *Allahu akbar***
- 3. *Assalamu 'alaikum***
- 4. *Astaghfirullah al 'azim***
- 5. *A'udzubillahi minasy
syaitanirrajim***
- 6. *Bismillahirrahmanir
rahim***
- 7. *Insya Allah***
- 8. *La ilaha illallah***

- 9. *La haula wala
quwwata illa billahil
'aliyil 'azim***
- 10. *Masya Allah***
- 11. *Rabbul 'alamin***
- 12. *Subhanallah***
- 13. *Tabarakallah***
- 14. *Wa'alaikumussalam***
- 15. *Walillahilhamd***
- 16. *Wallaahu 'a 'alam***

S.219

**ACCUSING ETC MUSLIM AS KAFIR; OR IS NO
LONGER PROFESSING THE RELIGION OF ISLAM**

[APPLICABLE TO MUSLIMS & NON-MUSLIMS]



**Fine \leq \$8,000
Imprisonment \leq 2 years
or both**

S.220

[APPLICABLE TO MUSLIMS & NON-MUSLIMS]

Contempts or brings into contempt, insults, makes fun of, mocks, mimics or ridicules

Teaching of Islam

Words regarded as holy by Muslims

Law in force related to Islam

Tenets of recognised sect

Practice or ceremony related to Islam

Sahabat

Fatwa published in the Gazette

Fine ≤ \$12,000, imprisonment ≤ 3 years or both

S. 222

DERIDING ETC. VERSES OF AL-QUR'AN OR *HADITH* BY NON-MUSLIM

proved by *ikrar* or
syahadah of 2 *syahid*

proved by evidence other
than *ikrar* or *syahadah* of
2 *syahid*



***Death**



***Imprisonment
≤ 30 year
and whipping ≤ 40 strokes**

*** Release if repents**

S. 229

RELIGIOUS TEACHING WITHOUT WRITTEN APPROVAL

[APPLICABLE TO MUSLIMS & NON-MUSLIMS]

(1)

Any person who teaches any matter relating to the religion of Islam without written approval from the Majlis is guilty

Penalty:

Fine \$8,000, imprisonment \leq 2 years or both

(2)

Exception:

Subsection (1) does not apply to -

a) Any -

- Member of the Majlis or committee of the Majlis or Secretary to the Majlis; or**
- Any officer of the court; or**
- Religious officer, religious teacher, Imam, Bilal, Religious Enforcement Officer; or**
- Person legally appointed under any written law or rules for the purpose of religious teaching; or**
- Office as may be determined by the Majlis; and**

(2)

(b) Any person who teaches or professes to teach any matter relating to the religion of Islam to his family members in his own residence only.

APPLICATION FORM TO CONDUCT RELIGIOUS TEACHING (FOR LOCALS)

MAJLIS UGAMA ISLAM
NEGARA BRUNEI DARUSSALAM



مجلس اڪام اسلام
نكارا بروني دارالسلام

BORANG PERMOHONAN TAULIAH MENGAJAR / BERCERAMAH UGAMA

BAGI WARGANEGARA BRUNEI DARUSSALAM

Nama Pemohon: _____

Bilangan Kad Pengenalan: _____

1 keping gambar
berukuran pasport

Dokumen-Dokumen berikut hendaklah disertakan:

- (i) Surat permohonan pemohon / Penganjur / Majikan bagi mendapatkan Tauliah Mengajar Ugama ditujukan kepada Setiausaha Majlis Ugama Islam Brunei.
- (ii) 1 keping gambar berukuran pasport (gambar berwarna).
- (iii) Salinan siji-siji kelulusan / kelayakan akademik.
- (iv) Salinan pasport / kad pengenalan.
- (v) Pemohon bukan dikalangan pegawai-pegawai Kerajaan yang memegang jawatan; Pegawai Ugama, Guru-Guru Ugama Terlatih, Imam, Bilal dan yang berkaitan dengannya, pensyarah-pensyarah di Institusi Pengajian Tinggi di Negara Brunei Darussalam.

Borang Permohonan yang telah lengkap dilakikan hendaklah dihantar kepada:

Jabatan Majlis Ugama Islam, Tingkat 1, Kementerian Hal Ehwal Ugama, Jalan Menteri Besar, Bandar Seri Begawan, BB 3910, Negara Brunei Darussalam

No. Telefon: 2382525 Smb 106, 113, 112.

APPLICATION FORM TO CONDUCT RELIGIOUS TEACHING (FOR FOREIGNERS)

MAJLIS UGAMA ISLAM
NEGARA BRUNEI DARUSSALAM



مجلس ائمام اسلام
نكارا بروني دارالسلام

BORANG PERMOHONAN TAULIAH MENGAJAR UGAMA BAGI BUKAN WARGANEGARA

Nama Pemohon: _____
Bilangan Kad Pengenalan: _____
Bilangan Pasport: _____

1 keping gambar
berukuran pasport

Dokumen-Dokumen berikut hendaklah disertakan:

- (i) Surat permohonan Penganjur / Majikan bagi mendapatkan Tauliah Mengajar Ugama ditujukan kepada Setiausaha Majlis Ugama Islam Brunei.
- (ii) 1 keping gambar berukuran pasport (gambar berwarna).
- (iii) Salinan sijil-sijil kelulusan / kelayakan akademik.
- (iv) Salinan pasport / kad pengenalan.
- (v) Salinan Lesen Pengambilan Pekerja Asing / Salinan BUR 500 / Salinan BUR 555 yang dikeluarkan oleh Jabatan Buruh.

Borang Permohonan yang telah lengkap diisi hendaklah dihantar kepada:

Jabatan Majlis Ugama Islam, Tingkat 1, Kementerian Hal Ehwal Ugama, Jalan Menteri Besar, Bandar Seri Begawan, BB 3910, Negara Brunei Darussalam
No. Telefon: 2382525 Smb 106, 113, 112.

WRITTEN APPROVAL TO CONDUCT RELIGIOUS TEACHING

MAJLIS UGAMA ISLAM
THE ISLAMIC RELIGIOUS COUNCIL
NEGARA BRUNEI DARUSSALAM



مجلس علماء الإسلام
البروناي دارالسلام

Bil: 3/MU/JUB/4/1970 PT. 31(7) [H2]

06hb Rejab 1435H
06hb Mei 2014M

KEBENARAN SURAT TULIAH MENGAJAR UGAMA DI NEGARA BRUNEI DARUSSALAM

[MENGAJAR AL-QURAN]

Dengan ini dimaklumkan

bil. Kad Pengenalan:

dan No. Pasport:

beralamat

Negara Brunei Darussalam dengan ini diberikan kebenaran
MENGAJAR AL-QURAN bagi tempoh satu tahun mulai 01hb Mac 2014M hingga 28hb Februari
2015M.

Kebeneran ini tertakluk kepada "PANDUAN UNTUK PENSYARAH-PENSYARAH UGAMA
(1988)" seperti yang disertakan dan syarat-syarat berikut:-



- (1) Kebeneran Mengajar Al-Quran hanya diberikan bagi rumah kediaman orang perseorangan di Negara Brunei Darussalam sebagaimana dalam Lampiran '1'.
- (2) Kebeneran ini hanya diberikan selama (01) tahun sahaja dan permohonan hendaklah diperbaharui (03) minggu sebelum tarikh kebenaran ini mansuh.

Dengan Hormat

[
Pemangku Setiausaha Majlis Ugama Islam,
Negara Brunei Darussalam.

PEMBINGATAN: Surat Kebeneran Tauliah Mengajar Ugama dan Kad Kebeneran Mengajar Ugama ini hendaklah dibawa bersama apabila mengadakan pengajaran.

APPROVAL CARD TO CONDUCT RELIGIOUS TEACHING

TAULIAH KEBENARAN
MENGAJAR UGAMA ISLAM



مجلس اكام اسلام
نكارا بروني دارالسلام



NAMA :

[REDACTED]

NO. KAD PENGENALAN :

[REDACTED]

NO. PASPORT :

[REDACTED]

TAULIAH KEBENARAN : MENGAJAR AL-QURAN

[REDACTED]

TEMPOH TAULIAH:

MULAI 23HB MEI 2014H - 22HB MEI 2015M

APPROVAL CARD TO CONDUCT RELIGIOUS TEACHING

PERINTAH KANUN HUKUMAN JENAYAH SYARIAH, 2013 (SYARIAH PENAL CODE ORDER, 2013)

"229. (1) Mana-mana orang yang mengajar sesuatu perkara yang berkaitan dengan ugama Islam tanpa kebenaran bertulis daripada Majlis adalah melakukan suatu kesalahan dan hendaklah jika sabit kesalahan dikenakan suatu denda tidak melebihi \$8,000, dihukum penjara selama suatu tempoh tidak melebihi 2 tahun atau kedua-duanya sekali."



**PEMANGKU
SETIAUSAHA MAJLIS UGAMA ISLAM**

BERTARIKH :

MUIB/KMUI/120/2014

06HB REJAB 1435H / 06HB MEI 2014M

SECTION 230 : CONTEMPT ETC. OF RELIGIOUS AUTHORITY

[APPLICABLE TO MUSLIMS & NON-MUSLIMS]

(1) contempts, neglects, contravenes, opposes or insults in any manner any titah with respect to religion



**Imprisonment
≤ 5 years**

(2) Contempts in any manner the Religious Council/its members, its committee/ members of that committee, the Syariah Courts or the administration of the Syariah justice



**Fine ≤ \$8,000
Imprisonment ≤ 2 years
or both**

S.231

**OBSTRUCTING A RELIGIOUS
ENFORCEMENT OFFICER
(FROM CARRYING OUT HIS DUTIES)
[APPLICABLE TO MUSLIMS & NON-MUSLIMS]**



**Fine \leq \$2,000;
Imprisonment \leq 6 months;
or both**

WARRANT CARD



WARRANT CARD



WARRANT CARD



**PICTURE &
IDENTIFICATION OF
RELIGIOUS ENFORCEMENT
OFFICER**

**APPOINTMENT
(in malay & english)**

WARRANT CARD



SECTION 26 – SYARIAH COURTS ACT, CHAPTER 184

Power to conduct investigation into offences under this Act or under any other written law which provides for offences against *Hukum Syara'*

CONCLUSION

“Beta berharap, sesiapa juga yang berstatus rakyat dan penduduk negara ini, akan sama-sama berdiri teguh dan berganding bahu dalam mendukung dan mengalu-alukan kelahiran Akta yang bersejarah ini. Tidak diragukan lagi, ia adalah sebahagian dari 'sejarah besar' kita dan negara.”

As citizens and residents of this country, we are obliged to have faith and to stand together in supporting the enforcement of the law stipulated by Allah Subhanahu Wata'ala.

**Titah in conjunction with Majlis Ilmu on
17th Zulhijjah 1434 / 22nd October, 2013**

“...We have never perceived other parties negatively for they are entitled to their rights and choices. Additionally, we do not expect other nations to agree or accept us but suffice that they do respect us just as we respect them...”

**Titah in conjunction with the
Enforcement of Syariah Penal Code Order , 2013
on 30th. Rejab 1435 / 30th. April 2014**

*“...Sincerely we emphasise that the decision to implement this Syariaah Penal Code Order 2013 is **not for the fun of it but rather to abide by Allah’s command that has been ordained in Al-Quran and Al-Hadith...**”*

**Titah in conjunction with the
Enforcement of Syariaah Penal Code Order , 2013
on 30th. Rejab 1435 / 30th. April 2014**



www.kanunsyariah.gov.bn

VALUE OF *DIYAT* (RESTITUTION)

1000 dinars (4250 grams of gold) or its equivalent in local currency at the time when *qatl* is committed.

Illustration




1 gramme of gold = \$80.00

4250 gramme of gold x \$80.00 = \$340,000



AMONG AMOUNT OF ARSY

TYPE OF HURT	AMOUNT OF ARSY	TERM OF IMPRISONMENT
Loss of single organ such as nose or tongue	Full Diyat	Not exceeding 10 years
A finger or a toe	1/10 of diyat	Not exceeding 10 years
A tooth other than milk teeth	1/20 of diyat	Not exceeding 10 years
Broken bone which dislocates joint	As may be specified by Court	Not exceeding 7 years 

**CIRCUMSTANCES WHEN *HADD*
PUNISHMENT WILL NOT
BE IMPOSED
(FOR *SARIQAH* or THEFT)**

Among the 16 circumstances are –

- **Value of the stolen property is less than *nisab*;**
- **Offender is not *mukallaf** (*15 years & of sound mind);**
- **No *hirz* (No sufficient precaution to guard the property);**
- **The stolen property is a common property (provided for the benefit of the general public);**
- **Stolen property is of no value according to *Hukum Syara'*;**
- **Offender's right or left hand is not functional, maimed or cut.**

- **stolen property is of trifling in nature and can be found in abundance anywhere or is of **perishable nature**;**
- **when the offender **has not obtained full possession of the stolen property**, although its owner has already been deprived of its custody or possession;**
- **when the offence is committed by a **creditor** in respect of the property of his debtor who refuses to pay the debt;**

- when the offence is **committed within a family** such as a wife stealing from her husband and *vice versa*;
- when the offence is committed in circumstances of **extreme difficulties** such as war, famine, disease and natural disaster;
- when the offender makes an **objection acceptable by *Hukum Syara'*** against the *syahid* (witness);
- when the offender **returns the stolen property or its value** before the execution of *hadd* punishment;

- when the offence is committed by a **group** of persons, the share of each offender after dividing the stolen property or the proceeds thereof is **less than the *nisab***;
- when **the owner of the stolen property denies** that his property has been stolen, notwithstanding the offender made an *ikrar* that he stole it;
- when the stolen property is, or the **circumstances** in which the offence is committed are, such that there is **no *hadd* punishment liable according to *Hukum Syara'***;

NOTE: Above circumstances are also applicable for the offence of *hirabah* (robbery)

VALUE OF *NISAB* FOR *SARIQAH* (THEFT) WHICH CAN BE IMPOSED WITH *HADD* PUNISHMENT

1 dinar (4.25 grammes of gold) or its value in the local currency at the time the theft was committed.



Illustration

1 gramme of gold \$80.00

\$80.00 X 4.25 grammes of gold = \$340.00

