

16/08/2002

Rais: Court will block Terengganu Enactment

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JOHOR BARU, Thurs. - The implementation of the Syariah Criminal Offence Enactment (Takzir) (Terengganu) 2001 will be ultimately blocked by the court as it contravenes the Federal Constitution.

Minister in the Prime Minister's Department Datuk Seri Dr Rais Yatim said the Pas-led Terengganu Government's implementation of the controversial law would be opposed by the court.

This, he said, was because the implementation machinery did not lie with the State Government but with the court which was a part of the Federal judicial system.

Saying that the Takzir was a ploy to undermine the country's judicial system, Dr Rais added that the enactment would eventually become redundant since the court would not allow its enforcement.

He said it contravened Article 74 of the Federal Constitution apart from being grossly unfair to the multi-racial community in the country.

"There will come a time when the definitions under the Takzir will be disputed by the court. We will leave it to the court to decide when this happens.

"It is clear that Pas cannot do as it pleases in enforcing the Takzir because the implementation machinery is not with the State. Laws which cannot be implemented will then become redundant. The public will not be protected by those laws," he said.

Rais was speaking to reporters at a meeting with the panel of lawyers from the Southern Zone Legal Aid Bureau at the Pan Pacific Hotel, here, today.

Takzir covers offences where the punishment is not described in the Quran and which is up to the judges' discretion.

He reiterated Prime Minister Datuk Seri Dr Mahathir Mohamad's statement that Pas' hudud was not genuine but created by the Terengganu Government and did not reflect the teachings of the Quran.

"In my opinion, the Terengganu hudud is created by Pas. It has to be analysed by experts who are able to discern its validity.

"On the need for Takzir, we already have adequate provisions under our Penal Code and vernacular laws for such offences. Pas does not have to adapt from the Takzir and make it part of the State's laws," Rais said.

In Marang, Terengganu Menteri Besar Datuk Seri Abdul Hadi Awang suggested that all those who opposed the syariah laws unite and form an association to protect those found guilty under the laws.

Hadi said this was necessary as at present there were many quarters who were making confusing statements regarding the hudud, qisas and Takzir.

"We pity these people as they are searching in the dark. Maybe they should unite and form an association.

"Through the association, they can protect those who are punished and air their views collectively. This will also make it easier for us to organise intellectual discussions on syariah laws with them to clear their doubts."

Hadi said these people should also elect a president for the association so that he could head the talks.

"I am sure that it would not be hard for them to elect a president from among themselves," said Hadi, who is also Pas acting president, in his speech while officiating at an e-community project in Masjid Rusila today.