

'Zahid deserves a slap in his face'
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YOURSAY 'Zahid, do not give an illogical reason that is not founded on law.'

Minister: Threat to slap not a criminal offence

Quigonbond: Home Minister Ahmad Zahid Hamidi will surely fail as a law student. Imagine there is a contract between A and B where A will pay B money for slapping C. Does Zahid think that contract is enforceable?

No one in their right mind will, by any stretch of imagination, say that slapping someone for a fee would be a lawful enterprise! The reason is because there is bound to be some offence in Penal Code that will apply, and if not, then tort will also apply.

Hence a contract to carry out an illegal act is also illegal and hence unenforceable. The shameful thing is that not only is Zahid encouraging civilians to threaten politicians not to his liking, he is also encouraging civilians to enter into illegal contracts.

What kind of home minister is that?

CQ Muar: Zahid, with all the comments made here, I really think you deserve a tight slap for making that idiotic response.

The home minister's definition is simple: no physical involvement or contact, therefore it does not constitute a crime.

Hplooi: We are talking about criminal intimidation and incitement. Mens rea is the intention (exist and publicly declared). Actus reus is complete when a suggestion to commit a crime has been communicated.

It doesn't matter whether the crime has been actually committed; R v Goldman [2001] Crim LR 822 the defendant wrote to a Dutch firm (ESV) which had advertised pornography for sale, requesting pornographic material.

He was convicted of an attempt to incite another (ESV) to distribute indecent photographs because the offer to buy amounted to an inducement to ESV to commit a crime. So the pay-to-slap offer is sufficient to consummate actus reus.

But in Bolehland, natural justice is turned on its head. Will the last person to leave please turn off the lights?

Anonymous #45527285: Zahid, do not give an illogical reason that is not founded on law. No doubt a crime needs to have both elements - actus reus and mens rea.

Criminal intimidation is whoever threatens another with any injury to his person, reputation, or property, or to the reputation of any one in whom that person is interested, with an intent to cause alarm.

The actus reus for this offence under Section 503 Penal Code is the act of uttering the words of intimidation i.e. to slap the person and offering a reward for that. The mens rea is the intention to cause alarm to that person.

The punishment for this offence is in Section 506 of the Penal Code which carries a fine or two years' imprisonment, or both.

As a home minister, you should not dwell in legal matters in which you have no expertise, such as arguing that threatening to slap a person is not an offence.

Zahid, another area to look into in this matter is Section 504 of the Penal Code i.e. "intentional insult with intent to provoke a breach of the peace".

This section says that whoever intentionally insults and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence.

The act of inviting the public to slap Seputeh MP Teresa Kok is an insult and the offer of reward is a provocation. This is actus reus. The intention or mens rea is to provoke any person to commit the offence of slapping Teresa Kok.

Both the ingredients are fulfilled and the punishment for this offence is also imprisonment up to two years or a fine, or both.

Again, we are politicising everything for self gain to the extent we abdicate our solemn duty to uphold the rule of law. A dangerous trend indeed, and now the IGP (inspector-general of police) even refuses to comply with a court order.

Moonraker: So, it is okay to offer a reward to anyone who can slap him for his idiotic answer? It is a crime to actually slap someone. It is also a crime to instigate someone, especially with a reward, to do the slapping.

Only in Malaysia will such an answer be given.

Peacemaker: Forgive the home minister for he does not know what he is talking about, being completely illiterate of the law.

Anonymous_3e86: So it isn't a crime if a person sends a bullet to the PM and threatens to kill him as long as the crime is not carried out?

Turvy: And the stupidity does not end there. It would appear that about 5,000 members of a registered society called a political party can redefine the laws of the land, deny protection of those criminally threatened and mutilate every decent principle upon which a democratic society is built.

CiViC: This is the same twisted logic we can expect from BN and their goons. A satire is deemed criminal in nature, but a threat is not.

A description (the word 'celaka') upon Umno is deemed criminal, but trespassing and disturbing a state assembly is not.

Commenting against PM Najib Razak can be brought to court, but Najib can say anything he wants on anyone he likes. The list goes on.

Casey: "The difference between stupidity and genius is that genius has its limits," said Albert Einstein. What else can we say?

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