

Kelantan State Assembly Passes Hudud Bill

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KOTA BAHARU, March 19 (Bernama) -- The Kelantan Legislative Assembly on Thursday passed a bill that provides for the application of the hudud laws on Muslims upon its implementation.

All the 44 members of the assembly voted in favour of the Syariah Criminal Code (II) 1993 (Amendment 2015) Bill.

The assembly saw history when all the 12 Barisan Nasional (BN) assemblymen from UMNO supported the bill, tabled by Menteri Besar Datuk Ahmad Yakob of the PAS-led state government.

The 12 are Datuk Seri Mustapa Mohamed (Ayer Lanas); Datuk Nozula Mat Diah (Paloh); Datuk Md Alwi Che Ahmad (Kok Lanas); Mat Razi Mat Ail (Pengkalan Kubor); Mat Yusoff Abd Ghani (Nenggiri); Ab Aziz Yusof (Galas); Datuk Ramzi Abd Rahman (Dabong); Datuk Abdul Aziz Derashid (Kuala Balah); Datuk Mohd Adhan Kechik (Bukit Bunga); Zawawi Othman (Semerak); Zulkefli Ali (Selising) and Bakri alias Mohamad Bakri Mustapha (Gual Ipoh).

The other assemblymen in the house comprise 31 from PAS and one from PKR, namely Mohamad Roslan Puteh who represents Guchil.

The Chempaka seat is vacant following the death of PAS spiritual leader and former Kelantan menteri besar Datuk Nik Abdul Aziz Nik Mat on Feb 12. A by-election has been called and polling is on Sunday.

The bill was passed after a debate during which four assemblymen spoke. They were Datuk Hassan Mohamood (PAS-Tawang); Datuk Md Alwi Che Ahmad (BN-Kok Lanas); Dr Yusnan Yusof (PAS-Melor) and Datuk Husam Musa (PAS-Salor).

The Syariah Criminal Code II 1993, better known as the hudud, qisas and takzir laws, was not implemented for more than 20 years due to legal constraints.

The initiative of the state government to enforce the laws ran into various controversies, particularly opposition from non-Muslims and the DAP, a partner of PAS in the three-party Pakatan Rakyat opposition pact. The third partner is PKR.

Yesterday, Gerakan filed an originating summons in the High Court here seeking a declaration of revocation of the 1993 enactment.

Several amendments have been made to the enactment, which is now applicable only to Muslims. The previous enactment offered non-Muslims a choice of trial under the Syariah law or civil law.

An amendment was also made to Section 15(2) of the code with the addition of a provision for the penalty for takzir for sodomy against the wife.

The other amendments concerned the qualification for judges, salary and allowances for judges and the structure of the courts from the Supreme Court to the Federal Court and the shift from the State Services Commission which had existed to the State Judicial Commission which had yet to exist.

Amendments were also made to the structure of the sentences to suit the existing law.

The code also had provisions for hudud offences and penalties for seven offences namely 'sariqah' (theft), 'hirabah' (robbery), adultery, sodomy, 'qazaf', 'syurb' (liquor consumption) and 'irtidad' (apostasy).

Among the penalties provided under the code were those for theft (first offence) whereby the convicted person's right hand would be amputated, for the second offence, the left hand would be amputated, and for the third offence the offender would be imprisoned for not more than 15 years.

For a robbery offence, the offender could be sentenced to death or crucified, sentenced to death if the victim was killed but the property was not taken, and amputation of the right hand and left foot if only the property was taken.

As for committing qazaf, the offender could be whipped up to 80 lashes while for liquor consumption, the whipping should not exceed 80 lashes and not less than 40 lashes.

As for adultery, married offenders could be stoned to death while unmarried offenders could be whipped 100 lashes and jailed for one year.

As for apostasy, the offenders must repent within three days and if they refused, they could be sentenced to death.

The bill, which should have been tabled at the State Legislative Assembly last December had to be postponed due to the extraordinary floods which hit Kelantan.

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