

# MB: Hudud better against crime

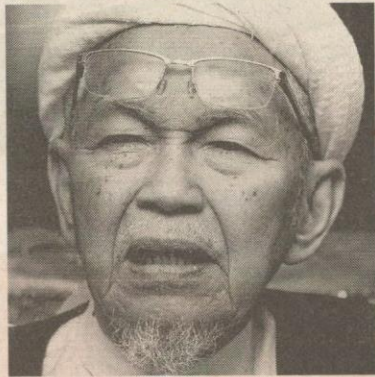
NST 14/8/12 MS 11

## CHOPPING OF HANDS:

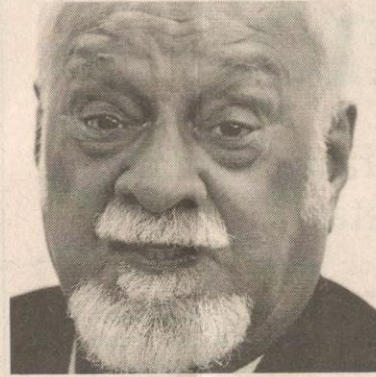
Law allowing death by hanging more cruel, says Nik Aziz

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**Datuk Nik Abdul Aziz Nik Mat** says hudud must be discussed rationally



**Karpal Singh** has been critical of renewed calls by Pas for an Islamic state to be established



**Prof Emeritus Datuk Dr Shad Saleem Faruqi** says that criminal law applies to everyone

you applied hudud to non-Muslims, it would be a violation of constitutional rights.

He explained that amendments must be made to the Federal Constitution to pave way for hudud, as criminal law is in its hands.

This, he said, was because the Syariah Courts Criminal Jurisdiction Act 1965 permitted syariah courts to punish religious offences such as drinking of alcoholic beverages and failure to pay alimony with the maximum penalty of six strokes of the rotan (implemented in the Islamic way), RM3,000 fine or two years' jail.

"Death penalty, severing of limbs, life sentences are all outside of syariah courts' jurisdiction."

Sharing the same sentiments, former Bar Council president Ragu nath Kesavan said that having two sets of criminal justice systems were "impractical and not workable".

"If the civil court sentences a non-Muslim criminal to jail for robbery, the other Muslim criminal who committed the same crime will have his hand chopped off in a syariah court. How is that fair?" he said.

"Even a Muslim country like Pakistan does not actually practise hudud. It is not a simple system"

**D**ATUK Nik Abdul Aziz Nik Mat reiterated yesterday that the law allowing death by hanging was more cruel than hudud, which prescribed the chopping of hands for thieves.

"Hudud is also better as it creates a sense of fear against committing crime."

"Whenever people see someone without a hand, they are reminded that the person has been caught for stealing and it will deter them from committing the offence.

"However, a person who is hanged will be forgotten after being buried," said the Pas spiritual adviser, who is also Kelantan menteri besar.

Nik Aziz said DAP national chair-

man Karpal Singh's efforts in prolonging the debate on the Islamic state and hudud would make people understand the issue better.

He said the matter, however, must be discussed rationally and there should not be any insult or abuse.

Karpal has been very critical in responding to renewed calls by Pas for an Islamic state to be established.

Upset over Pas' insistence on pursuing its agenda, Karpal had also said the opposition pact must resolve their differences on the issue.

Meanwhile, law experts said that

enforcing hudud in a multi-racial country would not be fair to both Muslims and non-Muslims.

Prof Emeritus Datuk Dr Shad Saleem Faruqi told the *New Straits Times* that "equality before the law" could not be served if hudud and the current law co-exist.

"A problem will occur because if a crime is committed by two different people, one is a Muslim and another a non-Muslim, two different sets of law need to be applied to them. That would not be fair."

He explained that in current situations, Muslims refer to syariah

courts on family matters and non-Muslim to family courts, but not when it comes to crime.

"However, they have to remember that criminal law applies to everyone. That is why we have the Penal Code.

"If you say hudud will only be applied to Muslims, under what authority do you make that distinction?"

Shad Saleem said that since a criminal law must be applied to everyone, it was the same for hudud.

"But that would be impossible. If