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***“SHAREE‘AH CRIMINAL OFFENSES
ENACTMENT: LAWS THAT EDUCATE”***

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Bahagian Pengurusan Masjid

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“SHAREE’AH CRIMINAL OFFENSES ENACTMENT: LAWS THAT EDUCATE”

الْحَمْدُ لِلَّهِ الْقَائِلِ : إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ
النَّاسِ بِمَا أَرْنَاكَ اللَّهُ وَلَا تَكُنَ لِلْخَائِنِينَ خَصِيمًا.¹

أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَأَشْهَدُ أَنَّ مُحَمَّدًا
عَبْدُهُ وَرَسُولُهُ. اللَّهُمَّ صَلِّ وَسَلِّمْ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى
آلِهِ وَصَحْبِهِ أَجْمَعِينَ.

أَمَّا بَعْدُ، فَيَا أَيُّهَا الْمُسْلِمُونَ اتَّقُوا اللَّهَ، أَوْصِيكُمْ وَإِيَّايَ بِتَقْوَى
اللَّهِ فَقَدْ فَازَ الْمُتَّقُونَ.

قَالَ اللَّهُ تَعَالَى : يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ وَلَا
تَمُوتُنَّ إِلَّا وَأَنْتُمْ مُسْلِمُونَ.²

Dear blessed Muslims,

**I sincerely implore all of us to altogether strive in increasing our
taqwa of Allah Subhaanahu Wa Ta'aala by performing all His Commands
and leaving out all matters that He forbade. May we all be bestowed with
happiness and success in this world and the Hereafter. Respected**

¹ an-Nisaa' 4:105.

² Aal 'Imraan 3:102.

congregants are reminded to not use the cellular phone while the *khutbah* is being delivered.

On this glorious day, I will discuss upon a *khutbah* titled **"SHAREE'AH CRIMINAL OFFENSES ENACTMENT: LAWS THAT EDUCATE."**

Dear blessed Friday audience,

Sharee'ah law refers to one branch of Islamic law that deals with criminal conduct and punishment for certain offense. As expounded in books of *fiqh al-Jinaayaat* (jurisprudence of criminal law), among the type of punishment that has been determined by the *sharee'ah* is the punishment of *hudood* that involves criminal cases such as *zinaa* (adultery), theft, alcohol consumption, *qazaf* which is accusation of *zinaa* without the presence of four male witnesses, *murtad* (apostasy) and *hiraabah* which is seizing the wealth of others through coercion or threat, done individually or in a group.

Aside from the punishment of *hudood*, there is also the punishment of *qisaas*, which is retribution for criminal acts involving loss of life and bodily harm. In cases where forgiveness is granted by the victim's heirs, then the perpetrator will be subjected to *diyat* (blood money), which is financial compensation that has been pre-determined. In addition, there is the punishment of *ta'zeer* which is punishment stipulated by the authorities upon offenses that are not included in the *hudood* and *qisaas* categories. This punishment has not been specifically determined in the religious texts, but it is left to the discretion of the authorities based on the severity of the offense and general *maslahah* (benefit) of the masses.

Esteemed audience,

In Malaysia, *Sharee'ah* Laws are practiced in the form of *Sharee'ah* Criminal Offenses Enactment at the state level. It is a form of *ta'zeer* punishment that has been legislated by the authorities (*ulil amri*) based on *sharee'ah* principles and within the scope of jurisdiction allowed by the Federal Constitution.

Unlike *hudood* and *qisaas*, which have limitations and specified form of punishments laid out by the religious scripture, the *sharee'ah* laws practiced today focuses more on the implementation of *ta'zeer* punishment.

These laws are flexible in nature in determining the type and severity of the punishment for a particular offense, without violating any basic principles of the *sharee'ah*. Among the examples of *ta'zeer* offense stipulated in the *Sharee'ah* Criminal Offenses Enactment is claiming oneself or others as Prophet, Rasool, Imaam Mahdi, or *wali* (saint), insulting the religion of Islam or desecrating the sanctity of the religion, consuming intoxicants, committing adultery, *khalwat* (close proximity between unmarried individuals of opposite gender), and other wrongdoings related to the violation of *akhlaaq* and *adab* according to the *sharee'ah*.

All these offenses are given attention in the *sharee'ah* law as social preventive measures and in building a Muslim society that is dignified and having virtuous *akhlaaq* (character). Hence, it is clear that the implementation of this law is not solely intended to punish, but it is part of the responsibility of *ulil amri* in preserving the five main elements upheld by the *sharee'ah*, namely religion, life, intellect, lineage, and wealth.

It is hoped that the existence of the *Sharee'ah* Criminal Offenses Enactment coincides with the *hikmah* (wisdom) of the messengership of Rasulullah ﷺ, which is to perfect mankind's *akhlaaq* and taking them out of the darkness of *jaahiliyyah* (ignorance) that is filled with oppression and torment.

In the *hadeeth* of Abu Hurayrah *radiyAllaahu 'anh*, Rasulullah ﷺ said:

إِنَّمَا بُعِثْتُ لِأَتَمِّمَ صَالِحَ الْأَخْلَاقِ

"Verily, I have only been sent to perfect righteous character."

(Ahmad)

Beloved Friday congregants,

In the state of Selangor, the drafted *Sharee'ah* Criminal Offenses Enactment 1995 serves as proof of the commitment in implementing Islamic *Sharee'ah* that are founded upon the five principles of *maqasid sharee'ah* (higher objectives of Islamic law) that was mentioned earlier. These five principles are not only pillars of the legislation, but they also serve as an important framework in ensuring that Islamic *sharee'ah* functions in preserving the rights, dignity, and honor of the human being, which is also stated as *karaamah insaaniyyah*. Let us see how these principles are applied in the provisions of *Sharee'ah* Criminal Offenses Enactment that was drafted.

First, in the effort to preserve religion, Section 8 of the enactment stipulates punishment upon those claiming themselves or others to be a prophet, messenger, Imaam Mahdi, or *wali*. This is no trivial matter! It opens

the door for deviant teachings, misguiding the '*aqeedah* of the *ummah*, and misleads the public.

Second, in preserving the honor of the religion and dignity of the Muslim *ummah*, Section 10 provides punishment upon actions that insults Islam or degrade its sanctity. Committing blasphemy upon religion, whether openly or through subtle satire, is poison that can threaten harmony and cause public unrest. Therefore, this enforcement measure is vital in curbing fitnah and preserving the unity of the *ummah*.

Third, in the effort of preserving the intellect, Section 18 stipulates the prohibition of alcohol consumption and intoxicants. Fellow congregation, these things not only take away the sanity of the individual, but it can lead to the destruction of the family institution and serve as the cause of various crimes that threaten public order.

Fourth, for the sake of protecting the lineage and upholding the family institution, Sections 25 and 29 of this enactment provides punishment for *zinaa* and *khalwat*. Nowadays, social ills are becoming more worrying, with an increase in cases of illegitimate children and marriage conflicts. This is the adverse effect when the limits for social interactions between opposite genders are not observed, as Allah *Subhaanahu Wa Ta'aala* mentions in verse 32 of Soorah al-Israa':

"And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way."

Fifth, in safeguarding the wealth, Section 17 of this enactment provides the prohibition of gambling. We are all well informed that gambling is not just a game of luck, but it is a game that cultivates greed and leads to addiction and criminal acts. In Islam, wealth is an *amaanah* (trust) that must be managed

with full responsibility, not to be made as a tool in fulfilling the lustful desire and enjoyment that contradicts the *sharee'ah*.

Allah *Subhaanahu Wa Ta'aala* mentions in verse 90 of Soorah al-Maa'idah:

"O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful."

Respected Friday audience,

The Islamic *Sharee'ah* is not only a discussion on *hudood*, *qisaas*, and *ta'zeer* in theory, but they are translated through continuous *tarbiyyah* (education) and supported with the implementation of laws that are enforced within its respective states today.

Even though the implementation of *hudood* and *qisaas* cannot be implemented fully due to legal constraints and other factors with higher priority to be given due attention, let us not remain heedless in implementing those that we can execute to our level best. There is one legal maxim that states:

مَا لَا يُدْرِكُ كُلُّهُ، لَا يُتْرَكُ كُلُّهُ، أَوْ لَا يُتْرَكُ جُلُّهُ

"What cannot be attained fully, should not be abandoned entirely, or most of it should not be left."

Therefore, the existence of *Sharee'ah* Criminal Offenses Enactment signifies a serious effort from religious institutions such as the Islamic Religious Department, the Mufti Department, the *Sharee'ah* Prosecution Department, and the *Sharee'ah* Court in preserving the *akhlaaq*, 'aqeedah,

and well-being of the society. It is not laws that shackle, but in truth it is laws that protect.

Beloved Friday attendees,

To conclude the *khutbah* today, let us derive several lessons as guide and guidelines for our lives, namely:

1. The Muslim *ummah* must comprehend the provisions laid out in the *Sharee'ah* Criminal Offenses Enactment as an honest effort to empower the *sharee'ah* gradually within the context of federal legislation.
2. The Muslim *ummah* must have certainty that continuous *tarbiyyah*, supported by the implementation of laws, can raise an *ummah* that is disciplined, having noble *akhlaaq*, and safeguarded from social harm.
3. The Muslim *ummah* must strive to protect ourselves, our family members, and communities from committing matters that contradicts the *sharee'ah*.

أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ
يَدَاوُدُ إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ
وَلَا تَتَّبِعِ الْهَوَىٰ فَيُضِلَّكَ عَنْ سَبِيلِ اللَّهِ إِنَّ الَّذِينَ يَضِلُّونَ عَنْ سَبِيلِ
اللَّهِ لَهُمْ عَذَابٌ شَدِيدٌ بِمَا نَسُوا يَوْمَ الْحِسَابِ.

“[We said], “O David, indeed We have made you a successor upon the earth, so judge between the people in truth and do not follow [your own] desire, as it will lead you astray from the way of Allah.” Indeed, those who go astray from the way of Allah will have a severe punishment for having forgotten the Day of Account.”

(Soorah Sad 38:26)

بَارَكَ اللَّهُ لِي وَلَكُمْ فِي الْقُرْآنِ الْعَظِيمِ وَنَفَعَنِي وَإِيَّاكُمْ بِمَا فِيهِ
مِنَ الْآيَاتِ وَالذِّكْرِ الْحَكِيمِ وَتَقَبَّلَ مِنِّي وَمِنْكُمْ تِلَاوَتَهُ إِنَّهُ هُوَ
السَّمِيعُ الْعَلِيمُ.

أَقُولُ قَوْلِي هَذَا وَأَسْتَغْفِرُ اللَّهَ الْعَظِيمَ لِي وَلَكُمْ وَلِسَائِرِ
الْمُسْلِمِينَ وَالْمُسْلِمَاتِ فَاسْتَغْفِرُوهُ إِنَّهُ هُوَ الْغَفُورُ الرَّحِيمُ.

THE SECOND KHUTBAH

الْحَمْدُ لِلَّهِ الَّذِي جَعَلَنَا مِنَ الْمُسْلِمِينَ، وَرَزَقَنَا مِنَ الطَّيِّبَاتِ.
أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَشْهَدُ أَنَّ مُحَمَّدًا
عَبْدُهُ وَرَسُولُهُ. اللَّهُمَّ صَلِّ وَسَلِّمْ وَبَارِكْ عَلَى سَيِّدِنَا مُحَمَّدٍ
وَعَلَى آلِهِ وَصَحْبِهِ وَمَنْ تَبِعَهُمْ بِإِحْسَانٍ إِلَى يَوْمِ الدِّينِ. أَمَّا

بَعْدُ، فَيَا عِبَادَ اللَّهِ اتَّقُوا اللَّهَ أَوْصِيكُمْ وَإِيَّايَ بِتَقْوَى اللَّهِ فَقَدْ
فَازَ الْمُتَّقُونَ.

إِنَّ اللَّهَ وَمَلَائِكَتَهُ يُصَلُّونَ عَلَى النَّبِيِّ يَا أَيُّهَا الَّذِينَ ءَامَنُوا صَلُّوا عَلَيْهِ
وَسَلِّمُوا تَسْلِيمًا.³

اللَّهُمَّ صَلِّ وَسَلِّمْ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَأَصْحَابِهِ
أَجْمَعِينَ.

اللَّهُمَّ اغْفِرْ لِلْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ
الْأَحْيَاءِ مِنْهُمْ وَالْأَمْوَاتِ، إِنَّكَ سَمِيعٌ قَرِيبٌ مُجِيبُ الدَّعَوَاتِ
وَيَا قَاضِيَ الْحَاجَاتِ.

اللَّهُمَّ أَصْلِحْ أَيْمَةَ الْمُسْلِمِينَ وَوُلَاةَ أُمُورِهِمْ وَجَمِيعَ الْمُسْلِمِينَ.
اللَّهُمَّ إِنَّا نَسْأَلُكَ وَنَتَوَسَّلُ إِلَيْكَ بِنَبِيِّكَ الْأَمِينِ، وَنَسْأَلُكَ
بِأَسْمَائِكَ الْحُسْنَى، وَصِفَاتِكَ الْعُظْمَى، أَنْ تَحْفَظَ بَعِيْنَ
عِنَايَتِكَ الرَّبَّانِيَّةَ، وَبِحِفْظِ وَقَايَتِكَ الصِّمْدَانِيَّةَ، جَلَالَةَ مَلِكِنَا
الْمُعَظَّمِ، سُلْطَانَ سَلَاطُور، سُلْطَانَ شَرَفِ الدِّينِ اَدْرِيسِ شَاهِ
الْحَاجِ ابْنِ الْمَرْحُومِ سُلْطَانَ صَلَاحِ الدِّينِ عَبْدِ الْعَزِيزِ شَاهِ

³ al-Ahzaab 33:56.

الحاج. اَللّٰهُمَّ اَدِمِ الْعَوْنَ وَالْهِدَايَةَ وَالتَّوْفِيقَ، وَالصِّحَّةَ
وَالسَّلَامَةَ مِنْكَ، لَوْلِيَّ عَهْدٍ سَلَاطُور، تَغْكُو اَمِيرَ شَاهِ ابْنِ
السُّلْطَانِ شَرْفُ الدِّينِ اَدْرِيسِ شَاهِ الْحَاجِ، فِي اَمْنٍ وَصَلَاحٍ
وَعَافِيَةٍ بِمَنِّكَ وَكَرَمِكَ يَا ذَا الْجَلَالِ وَالْاِكْرَامِ. اَللّٰهُمَّ اَطْلُ
عُمْرَهُمَا مُصْلِحَيْنِ لِلْمَوْظَفَيْنِ وَالرَّعِيَّةِ وَالْبِلَادِ، وَبَلِّغْ
مَقَاصِدَهُمَا لِطَرِيقِ الْهُدَى وَالرَّشَادِ.

O Allah! Make us among Your slaves that preserves the *amaanah*. Protect our state and nation from destruction due to acts of disobedience, bribery, embezzlement, and power abuse. Bestow upon us a leader that is trustworthy, honest, and firm in upholding the truth and executing justice according to the *Sharee'ah*. O Allah, make the *masaajid* and *suraus* in the state of Selangor as Your peaceful homes, uniting everyone, and serve as the heart of the *ummah*'s strength.

O Allah! Protect the Muslims and Masjid al-Aqsa in Palestine. Safeguard them from oppression and evil, and bestow upon them determination, courage, and victory.

O Allah! Strengthen the '*aqeedah* of the Muslims in this state, '*aqeedah* that is upon the creed of *Ahl as-Sunnah wal-Jamaa'ah*, which is upon the path of Prophet Muhammad ﷺ and his Companions *radiyAllaahu 'anhum*, and

spare us from all of the *fitan* that can harm the union and unity of the Muslim *ummah*.

رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّتِنَا قُرَّةَ أَعْيُنٍ وَاجْعَلْنَا لِلْمُتَّقِينَ إِمَامًا.⁴

رَبَّنَا آتِنَا فِي الدُّنْيَا حَسَنَةً وَفِي الْآخِرَةِ حَسَنَةً وَقِنَا عَذَابَ النَّارِ.⁵
عِبَادَ اللَّهِ، إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَايَ ذِي الْقُرْبَى وَيَنْهَى عَنِ
الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ.⁶

فَاذْكُرُوا اللَّهَ الْعَظِيمَ يَذْكُرْكُمْ وَاشْكُرُواهُ عَلَى نِعَمِهِ يَزِدْكُمْ،
وَاسْأَلُوهُ مِنْ فَضْلِهِ يُعْطِيكُمْ وَلَذِكْرُ اللَّهِ أَكْبَرُ وَاللَّهُ يَعْلَمُ مَا
تَصْنَعُونَ.

⁴ al-Furqaan 25:74.

⁵ al-Baqarah 2:201.

⁶ an-Nahl 16:90.