

ENACTMENT No. 1 of 1980

I ASSENT,

MAHMUD

Sultan of Trengganu

3-8-1980



An Enactment to control and restrict the propagation of non-Islamic religious doctrines and beliefs among persons professing the religion of Islam.

Khat khusa

[1 APRIL 1980]

Tr. P.U. 12
13.3.86

WHEREAS Article 11 (4) of the Federal Constitution provides that State law may control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam:

AND WHEREAS it is now desired to make a law to control and restrict the propagation of non-Islamic religious doctrines and beliefs among persons professing the religion of Islam:

Now, therefore, pursuant to Article 11 (4) of the Federal Constitution IT IS HEREBY ENACTED by the Legislature of the State of Trengganu as follows:

1. This Enactment may be cited as the Control and Restriction of the Propagation of Non-Islamic Religions Enactment, 1980 and shall come into operation on a date to be appointed by the Ruler in Council by notification in the *Gazette*.

Citation, commencement, and application.

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Interpre-
tation.

2. (1) In this Enactment—

“authorised officer” means a public officer authorised under section 10 to exercise the powers of an authorised officer under this Enactment;

“Non-Islamic religion” means Christianity, Hinduism, Buddhism, Sikhism, Judaism, or any variation, version, form, or offshoot of any of the said religions, and includes any creed, ideology, philosophy, or any body of practices or observances, which has as one of its characteristics the worship of some spiritual or supernatural being or power, whether real or supposed, or which purports to have as its aim or one of its aims the attainment of spiritual enlightenment, spiritual existence, being a creed, ideology, philosophy, or body of practise or observances which is not recognised by the religion of Islam as belonging to it;

“publication” means any book, magazine, pamphlet, leaflet, or any other reading material, whether printed, typed, handwritten, or otherwise produced, and any reproduction thereof by any means, and includes any sound-recording material;

“State” means the State of Trengganu.

(2) For the purpose of this Enactment, a publication shall be held to be one concerning a non-Islamic religion if it is or contains what to the followers or members of that religion is a holy or fundamental book, or one the essential texts, of that religion or if in essence it is a publication which—

- (a) treats of history, tenets, teachings, characteristics, fundamentals, observances, rites, rituals, virtues, dogmas, ordinances, or organisation, of that religion;
- (b) treats of any being, power, person, or thing worshipped or revered by the followers or members of that religion especially;
- (c) comprises stories, tales, legends, fables, or anecdotes based on, emanating from, or forming the basis of, that religion;
- (d) seeks to lead persons to any knowledge or source of knowledge concerning any of the matters mentioned in the foregoing paragraphs (a), (b) and (c);

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- (e) seeks to persuade, influence, or incite persons to become followers or members of that religion or to learn or inquire about that religion; or
- (f) possesses any combination of the characteristics mentioned in the foregoing paragraphs (a) to (c).

(3) Notwithstanding that a publication is a publication concerning a non-Islamic religion by reason that it falls under paragraphs (a), (b), or (c) of subsection (2), it shall not form the subject of an offence under this Enactment if the publication as a whole is in the interest of the religion of Islam or of Muslims as Muslims.

3. Where in a prosecution for an offence under this Enactment any question arises as to whether a person is a Muslim, that question shall be decided according to the criterion of general reputation, without making any attempt to question the faith, beliefs, conduct, behaviour, character, acts, or omissions of that person.

Criterion for deciding whether a person is a Muslim.

4. (1) A person commits an offence if he persuades, influences, or incites another person who is a Muslim—

Offence of persuading, influencing, or inciting a Muslim to change faith.

(a) to become a follower or member of, or to be inclined toward, a non-Islamic religion; or

(b) to forsake or disfavour the religion of Islam.

(2) A person who commits an offence under subsection (1) is liable to a fine of ten thousand ringgit or to imprisonment for one year or to both.

(3) It shall be a defence to a charge under subsection (1) (a) that the accused had reason to believe, and did believe, that the other person was not a Muslim.

(4) It shall not be a defence to a charge under subsection (1) that the other person was not affected by anything said or done by the accused to him.

5. (1) A person commits an offence if he requires, causes, persuades, influences, incites, encourages, or allows another person under the age of eighteen years who is a Muslim to receive instruction in a non-Islamic religion, or to take part in any ceremony, act of worship, or religious activity of a non-Islamic religion or in any activity which is sponsored or organised by

Offence of subjecting a Muslim under the age of eighteen years to influences of a non-Islamic religion.

or is for the benefit of a non-Islamic religion or any body or institution associated with a non-Islamic religion.

(2) A person who commits an offence under subsection (1) is liable to a fine of ten thousand ringgit or to imprisonment for one year or to both.

(3) It shall be a defence to a charge under subsection (1) that the accused, prior to the alleged offence, had been informed by the parent or guardian of the person under the age of eighteen years that the person was not a Muslim.

(4) It shall not be a defence to a charge under subsection (1) that accused, prior to the alleged offence, had not been informed by the parent or guardian of the person under the age of eighteen years of the religion of that person.

Offence of approaching a Muslim to subject him to any speech on or display of any matter concerning a non-Islamic religion.

6. (1) A person commits, an offence if he calls on, or arranges or contrives a meeting with, or contacts by telephone, another person who is a Muslim and to whom the person is a stranger, for the purpose of subjecting the other person to any speech on or display of any matter concerning a non-Islamic religion.

(2) A person who commits an offence under subsection (1) is liable to a fine of five thousand ringgit or to imprisonment for six months or to both.

(3) In a prosecution for an offence under sub-section (1), the purpose of the accused calling on, or arranging or contriving a meeting with, or contacting, the other person shall be held to be that of subjecting him to any speech on or display of any matter concerning a non-Islamic religion if, viewing as a whole all that transpired during the call, meeting, or telephone conversation, it appears to be beyond reasonable doubt that such was the true purpose or one of the true purposes of the accused, notwithstanding that, during the call, meeting, or telephone conversation, matters of things other than those related to such purpose were also mentioned or done or matters or things related to such purpose were not mentioned or done so much as other matters.

(4) For the person to whom another person is only casually, or another person is dealing previously even as an acquaintance to be a stranger

7. (1) A person who the State sends delivered to and outside the State causes to be sent a Muslim within any non-Islamic any such public by that other person

(2) A person who section (1) is liable to imprisonment

(3) For the person sent or delivered to be held to be sent

(4) It shall be (1) that the accused believe, that the question was sent

(5) It shall not section (1) that question was sent it if the request by any person acting

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(4) For the purpose of subsection (1), a person with whom another person has not spoken, or has spoken only casually, previously, or a person with whom another person has had only business, official, or formal dealings previously, or a person who cannot be regarded even as an acquaintance of another person, shall be held to be a stranger to the other person.

7. (1) A person commits an offence if he, from within the State sends or delivers or causes to be sent or delivered to another person who is a Muslim within or outside the State, or, from outside the State, send or causes to be sent or delivered to another person who is a Muslim within the State, any publication concerning any non-Islamic religion, or any advertising material for any such publication, which has not been requested for by that other person himself.

Offence of sending or delivering publications concerning any non-Islamic religion to a Muslim.

(2) A person who commits an offence under subsection (1) is liable to a fine of three thousand ringgit or to imprisonment for three months or to both.

(3) For the purpose of subsection (1), a publication sent or delivered to or at the address of a person shall be held to be sent or delivered to that person.

(4) It shall be a defence to a charge under subsection (1) that the accused had reason to believe, and did believe, that the person to whom the publication in question was sent or delivered was not a Muslim.

(5) It shall not be a defence to a charge under subsection (1) that the person to whom the publication in question was sent or delivered had made a request for it if the request had been prompted by the accused or by any person acting for the accused.

(6) Subsection (1) does not apply to—

(a) an act that would constitute an offence under section 8 (1); or

(b) the delivery of any publication by the Postal Department.

Offence of distributing in a public place publications concerning non-Islamic religion to Muslims.

8. (1) A person commits an offence if he, in the course of distributing in a public place any publication concerning a non-Islamic religion, delivers a copy or copies of the publication to a person who is a Muslim.

(2) A person who commits an offence under subsection (1) is liable to a fine of one thousand ringgit.

(3) It shall be a defence to a charge under subsection (1)—

(a) that the accused had exercised reasonable care to endure that the publication did not fall into the hands of a person who is a Muslim; or

(b) that the person to whom the accused had delivered the publication had requested for a copy or copies of the publication without any prompting on the part of the accused.

Offence relating to the use of certain words and expressions of Islamic origin.

9. (1) A person commits an offence if he, in any published writing, or in any public speech or statement, or in any speech or statement addressed to an organised gathering of persons, or in any speech or statement which is published or broadcast and which at the time of its making he knew or ought reasonably to have known would be published or broadcast, uses any of the words listed in Part I of the Schedule, or any of its derivatives or variations, to express or describe any fact, belief, idea, concept, act, activity, matter, or thing of or pertaining to any non-Islamic religion.

(2) A person who is not a Muslim commits an offence if he, in the circumstances laid down in subsection (1), uses any of the expressions listed in Part II of the Schedule, except by way of quotation or reference.

(3) A person who commits an offence under subsections (1) or (2) is liable to a fine of one thousand ringgit.

(4) The Ruler in Council may, by order published in the *Gazette*, amend the Schedule.

To G.N. 192/89

Authority to exercise powers of an authorised officer.

10. The Ruler in Council may in writing authorise any public officer to exercise the powers of an authorised officer under this Enactment.

Seizable offences and seizable cases. F.M.S. Cap. 6.

11. All offences and cases under this Enactment shall be deemed to be seizable offences and seizable cases for the purposes of the Criminal Procedure Code.

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12. An authorised officer may investigate the commission of any offence under this Enactment and may arrest without warrant any person suspected of having committed any such offence.

Power of investigation and arrest.

13. (1) An authorised officer making an investigation under section 12 may by order in writing require the attendance before himself of any person who appears to the officer to be acquainted with the circumstances of the case, and such person shall attend as so required.

Power to require attendance of witnesses.

(2) If any person subject to an order under subsection (1) fails to attend as required by the order, the authorised officer may report the failure to a Magistrate who may there upon issue a warrant to secure the attendance of the person as required by the order.

(3) A person attending as required under subsection (1) shall be entitled to be paid the reasonable travelling and subsistence expenses incurred by him.

14. (1) An authorised officer making an investigation under section 12 may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

Examination of witnesses.

(2) Such person shall be bound to answer all questions relating to the case put to him by the authorised officer, except that—

(a) he may refuse to answer any question if the authorised officer fails or refuses on demand to produce to him the authorisation in writing given to the authorised officer under section 10;

(b) he may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not the statement is made wholly or partly in answer to question.

(4) An authorised officer examining a person under subsection (1) shall first inform that person of the provisions of subsections (2) and (3).

(5) A statement made by any person under this section shall, whenever possible, be reduced into writing and, after it has been read to the person in the language in which he made it and he has been given an opportunity to make any corrections he may wish, shall be signed by him or affixed with his thumb-print.

SCHEDULE
(Section 9)

PART I

WORDS WHICH ARE NOT TO BE ASSOCIATED
WITH A NON-ISLAMIC RELIGION

Allah	Ilahi	Rasul	Fatwa
Firman Allah	Wahyu	Iman	
Ulama	Mubaligh	Dakwah	
Hadith	Syariah	Injil	
Ibadah	Qiblat	Salat	
Kaabah	Haj	Khalifah	
Kadi	Mufti	Wali	

PART II

EXPRESSIONS WHICH ARE NOT TO BE USED
BY A NON-MUSLIM

1. Subhanallah.
2. Alhamdulillah.
3. Lailahaillallah.
4. Walillahilhamd.
5. Allahu Akbar.
6. Insyallah.
7. Astaghfirullahal Azim.
8. Tabaraka Allah.
9. Masyaallah.
10. Lahaula Walaquata Illabillahilaliyil Azim.

Passed by the State Legislative Assembly on the 11th day of June, 1980.

[SUK. TR. (S) 307; PUN. TR. 15/73.]

SAAD BIN BOTO',
Clerk of the State Legislative Assembly,
Trengganu.

KUALA TRENGGANU

DICETAK OLEH PEMANGKU PENOLONG PENGARAH DAN DITERBITKAN DENGAN PERINTAH PADA
28th OGOS 1980

Harga: 50 sen

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دان باکی 1980

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من سفنوهن اوله

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