

Statutory Provisions of Malaysian Law to Subdue Deviant Teachings in the Religion of Islam and its Implication

Zanirah Mustafa @ Busu^{1*}, Intan Nurul ‘Ain Mohd Firdaus Kozako², Abdul Majid Tahir Mohamed³, Noraini Junoh¹, Nor Asmira Jusoh¹ and Mohd Nazri Mat Zin¹

¹Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA, 18500, Kelantan, Malaysia

²Faculty of Business and Management, Universiti Teknologi MARA, 18500, Kelantan, Malaysia

³Department of Law, Faculty of Law and International Relations, Universiti Sultan Zainal Abidin, 21300, Terengganu, Malaysia

ABSTRACT

Deviant teachings that are contrary to the recognised religions often disturb the peace and harmony of society. The aspect of aqidah (faith) is the core of religion for a Muslim. This paper explained the applicable statutory provisions of law in dealing with cases of deviant teachings in Malaysia. This paper attempted to relate instances of deviant teachings and the penalties prescribed by the Shariah Law as well as other general law. The paper also tried to provide exposure to the clauses contained in the existing legal provisions and significant forms of punishment. The methodology adopted in this paper was doctrinal in nature whereby methods of library research were resorted to in collecting data related to the statutory provisions governing deviant teachings and criminal offences relating to aqidah. Statistics showed that the number of cases for deviant teaching is increasing each year.

The findings from this research showed that the current punishment and penalty are not sufficient to curb the offence committed and to create awareness among the public. This paper suggested that the relevant authorities should increase the severity of the punishment and widen the jurisdiction to control cases of deviant teaching in Malaysia. Members of the Muslim community should be given more exposure on its importance.

ARTICLE INFO

Article history:

Received: 2 May 2020

Accepted: 12 March 2021

Published: 17 May 2021

DOI: <https://doi.org/10.47836/pjssh.29.S2.07>

E-mail addresses:

zanir126@uitm.edu.my (Zanirah Mustafa @ Busu)
intan866@uitm.edu.my (Intan Nurul ‘Ain Mohd Firdaus Kozako)
amtmajid@unisza.edu.my (Abdul Majid Tahir Mohamed)
norainijunoh@uitm.edu.my (Noraini Junoh)
norasmira@uitm.edu.my (Nor Asmira Jusoh)
nazri743@uitm.edu.my (Mohd Nazri Mat Zin)

*Corresponding author

Keywords: Aqidah, civil law and punishment, deviant teachings, islamic law

INTRODUCTION

Deviant teachings are any teachings or practices by Muslims or nonMuslims who claim the teachings are Islamic teachings or based on Islamic teachings. Yet, the teachings are not based on the Qur'an and AlSunnah as well as against the teachings of the Ahlus Sunnah Wal Jamaah. The term 'misguided' is a common term used to describe deviant teachings among Malaysians. Furthermore, there are several other terms that are often used in media which have similar meaning as the deviant teachings including false teachings, discordant discourse and *aqidah* deviations. The term *aqidah* distortion is an expression which attempts to illustrate the form of discipline which deviates or is not according to the basis and order outlined in the Qur'an and Al-Sunnah. In addition, it deviates from the collective opinions of the Ahlus Sunnah Wal Jamaah members. One of the reasons for the advent of the teachings is the influence of the emanations that are impregnated with elements which are not in line with the true teachings of the Qur'an and the Sunnah and the formula enumerated by the Ahlus Sunnah Wal Jamaah (Stapa, 2002). Unfortunately, some deviant teachings have been detected in Malaysia, indicating that they are a community disease that exists in almost all states and countries around the world. This issue of deviant teachings is very important as it touches the lives and creeds of all Muslims. This paper attempted to explain the general definition of deviant teachings, the applicable law, problems of deviant teachings and proposed solutions.

METHODS

The methodology adopted in this paper was doctrinal in nature whereby methods of library research were resorted to in collecting data related to the statutory provisions governing deviant teachings and criminal offences relating to *aqidah*. Primary sources referred to were statutory provisions and cases, while secondary sources were books, journal articles and official documents of relevant authorities.

Library research was performed to accumulate data in the form of documents that are related to the topic of the study. It was conducted to collect data and information from the reading of related documents, such as books, journals, scientific research, dissertations, theses, paperwork, written reports, bulletin, newspapers, and other related sources by utilising libraries. Fieldwork utilised three procedures to collect information and data, which are interviews, observations, and surveys. The interview was the main procedure to collect data, while observation was used to strengthen the study's findings. Fieldwork utilised three procedures to collect information and data, which are interviews, observations, and surveys. The interview was the main procedure to collect data, while observation was used to strengthen the study's findings. The fieldwork employed to obtain the latest information about State Islamic Religious Department that preside over deviant teaching cases. The methodology used was through an interview with the head of the department to obtain information starting from the process of the receipt of

the complaint, enforcement, establishing evidence, and prosecution. Interviews are considered important data sources in this study. An interview is a question and answer session using oral to obtain information, evidence and views orally. Before this method was implemented, the respondents to be interviewed had been identified in advance and consisted of authoritative and experienced parties, especially those in the research, enforcement and prosecution of cases of criminal offenses of faith, namely in the State Islamic Religious Department, District Religious Office, Subordinate Court and State *Shariah* High Court as well as other parties involved in the process of dealing with such offenses.

RESULTS

The findings from this study showed that the number of cases for deviant teaching was increasing each year. It was also shown that the current punishment and penalties were not sufficient to curb the offence committed. Also, there was a lack of fundamental knowledge on Islamic religion among Muslims, making them involved in deviant teachings. This information provided by Aqidah Division, of the Islamic Development Department of Malaysia (JAKIM), in Malaysia, there are 127 organizations or teachings that have been identified as deviating from the teachings of Islam. From that number, 22 teachings have been proven astray but are still active, 51 teachings are no longer active (dead), 15 teachings are found to be weak and less active, while 3 teachings in the fatwa

(determined by law) are out of Islam and 36 are still under investigation. Based on interviews and reports from the Head of Research Division, State Islamic Religious Department, namely Mr. Sabaruddin Isnin and the officer handling the case of deviant teaching, Mr. Shahrul Bazli, there are an increase in cases of deviant teachings. Based on the research of M.As'ari Tiba, related to deviant teachings and its influence in Johor. Johor Religious Department. There are 21 dubious heretical teachings detected in the state of Johor.

DISCUSSIONS

Definition of Deviant Teachings based on Language and Terms

Deviant teachings are derived from the basic word, “teaching” which means guidance (Kamus Dewan, 2002). Whereas the teachings are meant for everything that is taught, whether in the form of advice or guidance. ‘Deviant’ in terms of language means ‘not following the correct way, mistaken, and wrong way either regarding deeds or beliefs, confused (deeds, beliefs) and deviate from the right path (Kamus Dewan, 2002). Therefore, the meaning of deviant teachings based on language is an act or practice that is contrary to the *aqidah* and the Islamic law, either openly or in secret either in ‘*iktiqad*’(belief) or practice. Whenever a teaching is accepted and practised, then it will implicate himself as an apostate, imperfect to his or her religion and the worships are unaccepted.

According to Aqidah Division, of the Islamic Development Department of

Malaysia (JAKIM) in which presented by Rahman (2001) and Bahagian Hal Ehwal Agama Islam (1994), deviant teaching is defined as any teaching or practice brought by Muslims or non-Muslims who claim that the teachings and practices are based on Islamic teachings. But in fact, the teachings and practices are contrary to the Islamic faith, Qur'an and the Sunnah, noble madhhab and to the Ahlus Sunnah Wal Jamaah. In Islam, those who are astray, are not well-equipped with religious knowledge because the deviant teaching is against Islamic jurisprudence and far from the truth (Basmeih, 2010). Further, it is stated that the deviant people are the ones who are not properly informed of the religion as learned by the rules and the real path (Basmeih, 2010). Thus, a misguided person is a non-religious person who does not seek to learn the religion.

Features of Deviant Teachings

Deviant teaching is a phenomenon that has, is and will hit the Muslim community. Malaysia is also affected by this phenomenon. Deviant teaching is a deviation in religion, and it is very dangerous to the religion, family institution, ummah, and country. It can be likened as cancer that needs to be addressed and prevented early because precautionary measures are always better than treatment and rehabilitation efforts (Gadot, 2001). The Islamic Research Centre of JAKIM lists the characteristics of deviants in a teaching or discipline that can cause its practitioners to have abandoned their faith and become deviates. Among the features

of such teachings is their contrariness to the Qur'an, AlSunnah, alIjma' (the agreement of the religious scholars of the period) and Qiyyas (analogy). It must be noted that when a practitioner of such teachings or practices contradicts with the Qur'an, the Sunnah and Ijma', he becomes an apostate of Islam (Othman & Zainal, 2006).

The next major feature is the teachings which contradict the fundamentals of Islam, like *Aqidah*, *Shariah*, and morality. False, misguided, and manipulation may occur regarding *aqidah*, *syariah* or morality. For example, abolishment of certain obligations in the Islamic law such as abandoning the obligation to perform obligatory prayers five times a day, to fast in Ramadan and to pay zakat (tithes). These obligations are then replaced with new obligations instead (Alwi, 2007). In addition, the new obligations are contrary to the beliefs of Ahlus Sunnah Wal Jamaah members. Deviant teaching involves believing in the existence of another book that rivals or abolishes the Holy Qur'an, there is another Qibla other than the Kaabah, and more (Otham & Zainal, 2006). Deviant teaching can be eliminated if Muslims return to the Qur'an, the hadiths and the Ijma'. The Muslim community is urged to refer any doubts and uncertainties relating to religious affairs, ceremonies and so on to the respective State's Mufti Department, Religious Departments, JAKIM and Institute of Islamic Understanding (IKIM).

Provisions of Related Law for Deviant Teachings in Johore

Each state in Malaysia has its own law

governing the affairs of Muslims. Although there is no specific provision for deviant teaching, there are several provisions that can be applied to deviant teachings. According to study by Jamal (2008) and Alwi (2007), the provisions of the law for offenses relating to deviant teachings in Johor are based on:

- (a) *Syariah Criminal Offences Enactment 1997* (In this paper the enactment of Johore was referred to represent)
- (b) *The Federal Constitution*
- (c) *Penal Code*
- (d) *Sedition Act 1948* (Amendment 1970)
- (e) *Police Act 1967*

Syariah Criminal Offences Enactment 1997

This enactment involves the forms of offenses under Part II which is offense relating to Aqidah; Part III is the offense connected with the Sacred Religion of Islam and its Institutions; Part V is misconduct; and Part VI is abetment and trial.

Analysis of the Category of Punishment Related to Deviant Teachings

Based on Table 1, it is shown that the majority penalties are in the category of a fine not exceeding RM3000 or imprisonment not exceeding two years or both. The offences relate to perform false worship, develop false doctrine, insult or cause the religion of Islam to be despised, insult or deny religious authority, deny court order, have opinion contrary to fatwa, publish or issue

religious publication contrary to Islamic law, give false information or statements, and destroy or defame mosques, surau and so on (Sections 3, 5, 7, 9, 10, 12, 13, 30 and 32).

The second category is the penalties ranges from a fine not exceeding RM5000 or imprisonment not exceeding three years or both. This category relate to false doctrine, false allegations, derogatory verses of the Qur'an or hadith, teaching religion without permit and takfir (Sections 4, 6, 8, 11 and 31).

The heaviest penalty is for the offence relating to false doctrine. The punishment includes a fine not exceeding RM5000 or imprisonment not exceeding two years or strokes not exceeding six strokes or punishable with any combination thereof (Section 4).

On the other hand, the lightest sentences are for offences relating to the incitement of offence to disregard religious duties. The penalties include a fine not exceeding RM1000 or imprisonment for a term not exceeding 6 months or both (Section 17 (1)); and a fine not exceeding RM2000 or imprisonment for a term not exceeding one year or both (Section 17 (2)).

In general, the category for a fine of not more than RM3000 or imprisonment not exceeding two years or both, is the highest type of penalties (56.25%) which are for nine misconducts related to deviation. For category of penalty of not more than RM5000 or imprisonment not exceeding three years or both, there are five forms of offences (31.25%) of the total offences related to misguided teachings. While part

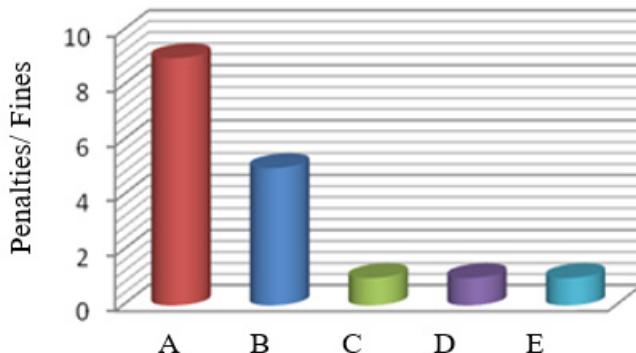
C, D and E only involve one form of offence (6.25%). In conclusion, each category of punishment for an offence is dependent on the discretion of the court to decide whether

it has been determined or reduced from the maximum limit of punishment decided for the offence.

Table 1

List of offences and penalties relating to misguided teachings under the State Syariah Criminal Offences Enactment 1997

SECTION	ITEMS/WRONGDOINGS& FINE/PUNISHMENT
3	False worship: A fine of not more than RM3000 or prison of not more than two years or both
4	False doctrine: A fine of not more than RM5000 or prison of not more than three years or whipped of not more than six strokes or with any combination of penalties.
5	Developing Religious Doctrine: A fine of not more than RM3000 or prison of not more than two years or both
6	False Indictments: A fine of not more than RM5000 or prison of not more than three years or both
7	Insulting or leading to disdain of Islam: A fine of not more than RM3000 or prison of not more than two years or both
8	Insulting, ridiculing verses of the Qur'an and Hadith: A fine of not more than RM5000 or prison of not more than three years or both
9	Humiliating or deny religious authorities: A fine of not more than RM3000 or prison of not more than two years or both
10	Denying the court order: A fine of not more than RM3000 or prison of not more than two years or both
11	Teaching without credentials: A fine of not more than RM5000 or prison of not more than three years or both
12	An Opinion Contrary to a fatwa: A fine of not more than RM3000 or prison of not more than two years or both
13	Religious Issues Contrary to Hukum Syarak: A fine of not more than RM3000 or prison of not more than two years or both
17(1) & (2)	Inciting to ignore religious obligations: A fine of not more than RM1000 or prison of not more than six months or both/ A fine of not more than RM2000 or prison of not more than one year or both
30(1) & (2)	Providing false information, declaration or statements: A fine of not more than RM3000 or prison of not more than two years or both
31	Takfir: A fine of not more than RM5000 or prison of not more than three years or both
32	Destroying or tainting mosque,surau,etc:A fine of not more than RM3000 or prison of not more than two years or both



SECTION	A	B	C	D	E
3, 5, 7, 9, 10, 12, 13, 30, 32	9				
4, 6, 8, 11, 31		5			
4			1		
17(1)				1	
17(2)					1

Figure 1. Penalties and fines related to offences of deviant teachings. Source: *Syariah Criminal Offences Enactment 1997 of Johore*

Evidences of the Forms of Offences and Penalties Related to Deviant Teachings under the Syariah Criminal Enactment of the State of Johore 1997

(a) Offences relating to Aqidah
(i) False worship

This offence is under the provisions of Section 3. Section 3 (1) explains that any person who worships nature or performs any act which shows worship or respect to any person, animal, place or thing in anyway in violation of Hukum Syarak shall be guilty, and shall on conviction be liable to a fine not exceeding RM 3000 or imprisonment for a term not exceeding two years or both. Under Section 3 (2), it clarifies that the Court may

order any device, thing or material used in the commission or incidental to the offences referred to in subsection (1) is defamatory and destroyed, although no one has been convicted of such offence.

(ii) False Doctrine

This offence refers to any person who teaches or clarifies any doctrine or performs any illegal ritual or act relating to the religion of Islam in any place, whether at private or public place (Section 4 (1)). Upon conviction he shall be fined with not more than RM5000 or a period not exceeding three years of imprisonment or whipping not exceeding six strokes or in any combination.

Also, the court may order any document or thing used in the commission or connection with the offence in subsection (1) is defamed and destroyed, although no one has been convicted of such offence (Section 4 (2)).

(iii) Developing religious doctrine and other wrongdoings

This offence relates to any person who develops doctrines or religious beliefs other than the doctrine or belief of Islam among Muslims. Upon conviction, he is subject to a fine not exceeding RM3000 or imprisonment of not exceeding two years or both (Section 5).

(iv) False allegations

This offence arises when any person declares himself or any other person as apostle or prophet, Imam Mahadi or saints (Wali) (Section 6 (a)). This offence also refers to whoever claims that he or any other person who knows any event or matter which is beyond human' understanding or knowledge, while the declaration, statement or allegation is false and contrary to the teachings of Islam. These offences are subject to a fine not exceeding RM5000 or to a maximum of not more than three years or both (Section 6 (b)).

(b) Offences relating to the sanctity of Islam and its Institutions

(i) Insulting or leading to disdain of Islam

This offence involves any person who orally or in writing or with a visual appearance or any other means insult or lead to disdain of

Islam (Section 7). In details, Section 7 (a) refers to insulting the religion of Islam or causing the religion to be despised, Section 7 (b) refers to contempt, propagation or reproach of the practices or rituals relating to the religion of Islam, and Section 7 (c) refers to taunting or leading to disdain of Islam in any law as enforced in the State of Johore relating to the religion of Islam. Under this section, a person shall on conviction be liable to a fine not exceeding RM3000 or to imprisonment for a term not exceeding two years or both.

(ii) Insulting/ ridiculing verses of the Qur'an or Hadith

This offence refers to any person who by his words or deeds, contempt, scorn, reproach or lead to disdain of the Qur'anic verses or Hadith. Upon conviction he shall be liable to a fine not exceeding RM5000 or to imprisonment for a term not exceeding three years or both (Section 8).

(iii) Humiliating or denying religious authorities

This offence refers to any person who is acting in a manner that insults a religious authority or denies, violates or disputes the order or direction of the Sultan as the Head of the Islamic Religion, the Majlis or the Mufti as mentioned or given through a fatwa. Upon conviction he shall be liable to a fine not exceeding RM3000 or to imprisonment for a term not exceeding two years or both (Section 9).

(iv) Denying the court order

This offence refers to any person who denies, violates, argues, damages or induces any order of the Judge or Court. Upon conviction he shall be liable to a fine not exceeding RM3000 or imprisonment for a term not exceeding two years or both (Section 10).

(v) Teaching religion without credentials

This offence is under the provisions of Section 11. Section 11 (1) specifies any person who teaches or claims to teach any matter relating to the religion of Islam without the credentials granted under Rule 9 of the Rules of Teaching and Religious Lecture 1991, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding RM5000 or imprisonment for a term not exceeding three years or to both. Whereas section 11 (2) of subsection (1) should not be applicable to section 11 (2) (a) which any person or class of persons exempted by the Council under the Rules of Teaching and Religious Lecture 1991, or to section 11 (2) (b) for any person who teaches or claims to teach any matter relating to the religion of Islam in his own home to his family members only.

(vi) Opinion contrary to fatwa

This offence occurs when any person who gives, develops or disseminates any opinion on the teaching of Islam, *Hukum Syarak* or any issues contrary to any fatwa as enforced in the State of Johore. Upon conviction he shall be guilty of an offence and shall be

liable to a fine not exceeding RM3000 or to imprisonment for a term not exceeding two years or both (Section 12).

(vii) Publication of religion contrary to *Hukum Syarak*

Section 13 (1) (a) stipulates that any person who prints, publishes, records, distributes or otherwise disseminates any book, leaflet, document or anything - any form of recording that contains anything that is contrary to *Hukum Syarak*, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding RM3000 or to imprisonment for a term not exceeding two years or both. Section 13 (1) (b) further specifies any person in his possession contains anything that is contrary to *Hukum Syarak*, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding RM3000 or to imprisonment for a term not exceeding two years or both. Whereas Section 13 (2) states that the court may order any book, leaflet, document or recording referred in subsection (1) to be withdrawn and destroyed, although no person has been convicted of any offence relating to the book, pamphlet, document or recording.

(viii) Incitement to ignore religious obligations

When any person incites or induces any Muslim not to attend a mosque or religious teaching or any religious ceremony, he has committed this offence. Upon conviction he shall be liable to a fine not exceeding RM1000 or to imprisonment for a term not

exceeding six months or to both (Section 17 (1)). Another offence is when any person who by any means may prevent others from paying zakat or fitrah> He shall upon conviction be liable to a fine not exceeding RM2000 or to imprisonment for a term not exceeding one year or both (Section 17 (2)).

(c) Multiple Offences

(i) Providing false information, declaration or statements

Section 30 (1) stipulates that any person who gives false evidence or falsifies evidence for it to be used at any stage in a judicial proceeding in Court shall be guilty of an offence and shall on conviction be liable to a fine not exceeding RM3000 or imprisonment for a term not exceeding two years or both. Whereas Section 30 (2) states that any person who knows or has reason to believe that an offence has been committed under this enactment or any law, any other written law relating to the religion of Islam, who furnishes any information relating to the offence known or believed to be false shall be guilty of an offence and shall on conviction be liable to a fine not exceeding RM3000 or to imprisonment for a term not exceeding two years or both.

(ii) Takfir

Section 31 (1) stipulates that subjected to subsection (2), any person who speaks or slurs, either verbally or in writing or with visible gestures or images, any act, activity or conduct, or by organising, sponsoring or arranging any activity or otherwise in

any way, that any person who professes the religion of Islam or people belonging to any group, class or description of those who profess the religion of Islam are infidels or no longer embrace Islam or should not be accepted or unaccepted as someone who professes Islam, or does not believe, follow, profess or belong to the religion of Islam, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding RM5000 or to imprisonment for a term not exceeding three years or both.

Whereas section 31 (2) states that subsection (1) shall not be applicable to:

(a) anything done by any Court or established religious authority, which is formed or appointed by or under any written law and is empowered to make or remove any decision on any matter relating to the religion of Islam; and

(b) anything done by any person pursuant to or in accordance with any decision made or issued by Court or authority, whether the decision is in writing or, if in writing, whether it is published in the news.

(iii) Destroying or tainting the mosque, surau or any place worship

This offence refers to any person who destroys, damages or taints any mosque, surau or another place of worship or any equipment with the intent to insult or degrade Islam. He shall on conviction be liable to a fine not exceeding RM3000 or to imprisonment for a term not exceeding two years or both (Section 32).

(d) Abetment and Attempt

(i) Abetment

This offence is under the provisions of Section 43 which states that a person abets the conduct of a deed if he:

- a. incites other person to do the deed
- b. is involved with one or more persons in any misconduct or performing the deed, if any unlawful act or omission takes place because of the infraction, and with the intention of doing so; or
- c. deliberately assists, with any unlawful act or omission, the commission of the deed.

(ii) Penalties for abetment

Any person who abets any offence shall, if the act of abetment is committed, shall be punished with the punishment decided for the offence (Section 45).

(iii) Attempt

Section 47 (1) stipulates that any person who attempts;

- (a) to commit an offence punishable under this enactment or under any other written law relating to *Hukum Syarak*; or
- (b) to cause the offence to be committed, and in the attempt to do the act towards the commission of offences shall, if no clear provision is made by this enactment or such other written law, whichever applicable for the sentence of the offence, be sentenced with any punishment decided for the offence.

It must be noted that any period of imprisonment implicated for an attempt to commit an offence or to cause an offence to be committed shall not exceed one-half of the maximum period of imprisonment as decided for the offence (Section 47 (2)).

Federal Constitution

The *Federal Constitution* states that state law and the Federal Territories of Kuala Lumpur, the federal law could control the expansion of any iktikad or religious beliefs among individuals professing Islam (Article 11 (4)). This provision when read together with Clause (5) connotes that the law does not permit any act contrary to the general law of public order, public health or morals.

Penal Code

Chapter XV of the Penal Code describes offences relating to religion. Section 295 to Section 298A described in the Penal Code as punishment to any party practicing deviant teaching or not, with the interests of interfering with the freedom to practice religion in Malaysia. Section 295 for the offence of destruction, damage or contaminating any place of worship or anything used for worship with the intent of insulting the religion or with his knowledge that his actions may have caused any group of human to regard the act of the accused to be an insult to their religion. If convicted, the accused will be sentenced to jail for up to two years or fine or both (Harun & Ahmad, 1993).

Section 296 is for the offence of disturbing a religious assembly, which upon

conviction of his offence shall be sentenced to imprisonment for a term of up to one year or fine or both. Section 297 states that anyone who enters the cemetery is guilty of an offence if it is intended to disturb the funeral customs or to disturb the people who assemble there or to insult the deceased. For example, grave worship activities are done to obtain lottery number.

Section 298 is for misleading words and so forth with the intention to offend any religious belief. A person who, if convicted, will be sentenced to imprisonment or fine or both.

Section 298A describes the offence which causes disharmony, disunity, frustration, or hostility, hatred or envy or prejudice and so on in preserving harmony and unity on religious basis. If convicted, he shall be sentenced to imprisonment for a term not less than two years and not more than five years (Harun & Ahmad, 1993).

The offence under section 298A also includes prejudice or attempt to induce such feelings or likely to induce prejudice in the effort of preserving harmony and unity from religious intention, performed on oneself, a group of people of the same religion or vice versa. In addition, it shall also be an offence when the accused does so by word, whether by speech or writing or by means of a signal or representation or by any act, activity or conduct or by establishing, organizing or assisting the activities of establishing or arranging any activity or otherwise through any means (Harun & Ahmad, 1993).

Sedition Act 1948 (Amendment 1970)

Section 2 of this Act provides the interpretation of the word “incitement” which is involving any act, speech, word, publication, or other thing with the tendency to incite. Section 3 of the Act, for example, defines the seditious tendency among others to arouse dissatisfaction or dislike among Malaysians or to induce anger and dissatisfaction among Malaysians. Section 4 of the same Act defines it is an offence to commit, prepare or conspire to commit seditious acts, pronounce seditious words, and organise and promote or bring in any seditious publication. Commonly, deviant teachings tend to incite and cause propaganda to their followers regarding an issue especially when it involves public order.

Police Act 1967

This Act empowers any police in controlling and supervising assemblies, marches, and gatherings. Permits must be obtained before holding any gathering. Section 27 of the Police Act 1967 is in line with Article 10 (2) (a) of the Constitution of Jurisdiction which limits the rights of Malaysians. The police have authority to approve the applicant's permit applying for a permit to make an open-air meeting provided his speeches do not touch sensitive issues. Nonetheless, most gatherings of deviant teachings do not have permits. Therefore, the police have full power to curb their activities by preventing rallies of more than 20 persons to be subjected to action against if they do not have a permit.

Implication of Deviant Teachings

Muslims must realise with full conviction that the deviation of Aqidah has a very serious and significant risk in the life of a Muslim (Manzur, 1955). Question arises whether actions to deter such teachings are not sufficient. This is because, although preventive measures are taken by the state authorities against deviant groups, they are still spreading from one state to another. Therefore, integrated action is needed from all parties to handle and control the groups. A plan to eradicate deviant teachings requires a uniform process to produce more effective measures. It is evident in the general view that these deviant teachings have negative impacts not only on Islam, individuals and society but also a threat to the national security. Among the consequences of the spreading of these deviant teachings are:

Shirk, Kufur and Apostasy. Shirk is taken from the Arabic word which means sharing or agreeing. Shirk to Allah s.w.t. means to associate Allah, in term of His Power and Attributes, with another thing or being. In other words, shirk is seen from the standpoint and position between Allah s.w.t. with other creatures. In the event of equality and association, then shirk occurs. The worship of grave that is considered sacred and the belief of the magic of the saints and the shaman, are considered superstitious which often practiced in the belief or teaching which will drag its followers to associate Allah with other being. *Kufur* (infidelity) is opposed to faith which is turning away from the truth and committing

vices after showing obedience and faith (Ma'luf, 1987). *Kufur* can also be defined as refusing and denying anything that comes from Allah s.w.t through His apostle without any doubt (al-Maydani, 2002). Similarly, a person will become apostate if he returns to disbelief after he accepts Islam as his *Deen*.

Disunity in Society. Widening of disunity in Islamic society is observed. This is because every misguided teaching has its ‘Master Teacher’ and its followers. Through the teachings, they cultivate the understanding of life and try to create and form a distinct group or society. Hence, creating specific rules that are exclusively made for members of their group, such as not to be married to non-members. In fact, every group or tribe feels they are on the right path to be able to persuade others to shirk resulting in the feelings of hatred among various groups of people. This has caused terrible consequences, not only to the religion but also to social stability (Yusof, 2007).

Emergence of Violence in Society. Often these misguided groups isolate themselves from the majority groups in society. They do not participate in programmes held by the local community and isolate themselves from the current physical and spiritual activities that the government have implemented. They also boycott, and initiate dispute to induce feeling of hatred between one group and another.

Misguided Religion. In misguided religion, it is inclined to practice a doctrine which is

contrary to Islam. Among the things that can bring Muslims astray away from the religion of Islam include believing and practicing deviant teaching. It happens when the followers overwhelmingly worship the leader by giving total obedience to him blindly without any questions, comments, or criticisms. This indirectly opens opportunities for certain groups to gain self-interest in this world (Shafii, 2004). Frequently the involved groups in misguided teachings do not only deviate from the Shariah (religious law) but also Aqidah.

Threat to National Security. If these deviant teachings are left to operate without any action taken against them, they are capable of jeopardising public safety and order. These are some of the negative consequences of deviant teachings, but there are many more bad consequences and disasters resulting from these deviant teachings. Therefore, preventive and corrective measures need to be continued so that the negative events do not occur again.

CONCLUSION

Deviant teaching is one of the weapons used by enemies of Islam to destroy Muslims and Islam.

Hence, in order to prevent Muslims from being trapped by deviant teachings, continuous efforts, especially in education, must be done to complement and enhance Islamic religious knowledge among Muslims so that such knowledge can shield themselves from the spread and influence of

deviant teachings. Many factors are involved in the formation of misguided belief or teaching including trust, knowledge, faith, economic, sexual, social, psychological, spiritual factors, Western thinking factors and so on (Tiba, 2000). Various efforts have been made by the government in addressing the issue of deviant teachings, among others, to enact law under the state's Syariah Criminal Offences Enactment. The fatwa institution also plays an active role by issuing the fatwa on the activities of group identified to spread deviant teachings. Efforts by religious enforcement authorities have been enhanced to curb the spread of these deviant teachings. Nonetheless, more efforts are still needed to identify any groups which have been recognised as deviant and list them as forbidden groups. Despite efforts by the government to control their activities yet they are still active by altering the shape, name, and appearance of their groups. Some even have declared apostates (of Islam) but are still active. Indeed in the world without border, the complex and diverse human life has created a huge space for the development and spread of misguided teachings in line with the rapidity of the Islamic preaching done by both government and private agencies in Malaysia. Thus, a concerted effort from all Islamic authorities, as well as all walks of Muslims, should be executed to properly address the issues of deviant teachings in Malaysia. Therefore, the government and legislators need to play a role in improving in terms of punishment and control of the movement of heretical teachings in Malaysia.

ACKNOWLEDGEMENT

The authors would like to express greatest appreciation to the Universiti Teknologi MARA Kelantan Branch for providing financial support on publication of this study. Special thanks as well to the reviewers for the comments and helpful ideas.

REFERENCES

- al-Maydani, A. A. H. H. (2002). *al-'Aqidah al-Islamiyah Wa Ususuhah*. Dimasyq, UAE: Dar al-Qalam.
- Alwi, E. A. Z. E. (2007). *Ajaran sesat: Mengenali jalan yang terpesong*. [Heresy: Recognizing Deviant Paths]. Batu Caves, Malaysia: PTS Islamika.
- Bahagian Hal Ehwal Islam. Jabatan Perdana Menteri. (1994). *Kriteria dalam ajaran sesat*. [Criteria in Heresy]. Kuala Lumpur, Malaysia: Percetakan Nasional Malaysia.
- Basmeih, A. (2010). *Tafsir Pimpinan Ar-Rahman Kepada Pengertian al-Qur'an*. Kuala Lumpur, Malaysia: Darul Fikir.
- Federal Constitution*, Article 11(4) (2002) (Malaysia).
- Gadot, N. (2001). Ciri-ciri ajaran sesat. [Characteristics of heresy]. *Visi Majalah Kefahaman Islam, Januari-Mac*, 6-8.
- Harun, M. F., & Ahmad, R. (1993). *Intisari kanun keseksaan*. [The essence of the Penal Code]. Kuala Lumpur, Malaysia: Dewan Bahasa dan Pustaka.
- Jamal, J. (2008). Peruntukan undang-undang bagi menangani ajaran sesat di Malaysia. [Legal provisions to address heretical teachings in Malaysia]. In A. G. Don (Ed.), *Isu-isu dalam Dakwah, Tarekat Tasawuf Ajaran Sesat di Malaysia*, (pp. 225-240). Bangi, Malaysia: Jabatan Pengajian Dakwah & Kepimpinan UKM.
- Kamus Dewan. (2002). 4th Ed. Kuala Lumpur, Malaysia: Dewan Bahasa dan Pustaka.
- Ma'luf, L. (1987). *Al-Munjid fi al-Lughah wa al-'Alam*. Beirut, Lebanon: Dar al-Mashriq.
- Manzur, I. (1955). *Lisan al-'Arab*. Cairo, Egypt: al-Dar al-Misriyyah.
- Othman, M. S., & Zainal, N. (2006). *Ajaran sesat di Negara Brunei Darussalam: Satu tinjauan*. [Heresy in Brunei Darussalam: A Survey]. Brunei: Pusat Dakwah Islamiah Kementerian Hal Ehwal Ugama.
- Penal Code (1997) (Amendment 2017)* s. 295, s. 296, s. 297, s. 298, s. 298(a) (Malaysia).
- Police Act 1967* s. 27 Article 10 (2)(a) (Malaysia).
- Rahman, M. A. (2001). *Maklumat Terkini Ajaran Sesat: Punca dan Cara Mengatasinya*. [Latest Information on Heresy: Causes and Ways to Overcome It]. *Kertas Kerja Ijtimak Guru-guru Takmir Masjid atau Surau Peringkat Kebangsaan 2001*, 86.
- Sedition Act 1984 (Amendment 1970)* s. 2, s. 3, and s. (Malaysia).
- Shafii, M. M. (2004). *Ciri-ciri kesalahan dalam ajaran salah/sesat*. [Characteristics of errors in false / heretical teachings]. Jabatan Mufti Negeri Selangor, Selangor.
- Stapa, Z. (2002). *Islam: Pemikiran dan penghayatan*. [Islam: Thought and Appreciation]. Bangi, Malaysia: Fakulti Pengajian Islam UKM.
- Syariah Criminal Offences (Federal Territories) Act 1997* s. 3, s. 4, s. 5, s. 6, s. 7, s. 8, s. 9, s. 10, s. 11, s. 12, s. 13, s. 17(1)&(2), s. 30(1)&(2), s. 31, and s. 32 (Malaysia).
- Syariah Criminal Offences (Johore) Enactment 1997* Section 3(1),(2); s. 4(1),(2); s. 5; s. 6(a),(b); s. 7(a)(b)(c); s.8; s.9; s.10; s.11(1),(2); s.12; s.13(1)(a),(b), 13(2); s.17(1),(2); s.30(1),(2); s.31(1)(2),(31)(2)(1); s.32; s.43; s.45; s.47(1),(2) (Malaysia).

Zanirah Mustafa @ Busu, Intan Nurul 'Ain Mohd Firdaus Kozako, Abdul Majid Tahir Mohamed,
Noraini Junoh, Nor Asmira Jusoh and Mohd Nazri Mat Zin

Tiba, M. A. (2000). *Ajaran sesat dan pengaruhnya di Johor*. [Heresy and Its Influence in Johor]. Johor:
Bahagian Penyelidikan Jabatan Agama Johor.

Yusof, F. M. (2007). *Aliran kepercayaan: Sejarah perkembangannya di Malaysia*. [Beliefs: A History of its Development in Malaysia]. Skudai, Malaysia: UTM Skudai.