

## THE OFFENCE OF INSULTING THE QUR'AN UNDER ISLAMIC AND MALAYSIAN LAW

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### ABSTRACT

The Qur'an, as the divine revelation and ultimate source of guidance for Muslims, holds an unparalleled position of sanctity and reverence in Islamic thought. Any act that desecrates or insults the Qur'an constitutes a profound violation of Islamic faith and moral consciousness. In the modern era, however, such reverence faces serious challenges through acts of desecration, including the burning or defamation of the Qur'an, which have sparked global outrage among Muslim communities. This article examines the offence of insulting the Qur'an from both Islamic and Malaysian legal perspectives. It analyses classical and contemporary scholarly opinions on the gravity of such acts in Islamic jurisprudence (*fiqh*), as well as relevant legal provisions under Syariah Criminal Offences Enactments and other applicable Malaysian statutes. Employing a doctrinal legal research methodology, this study gathers and analyses primary and secondary legal materials—such as statutory provisions, case law, and scholarly writings—pertaining to the protection of the sanctity of Islam and its institutions. The findings highlight that both Muslims and non-Muslims must recognize the seriousness and legal implications of insulting the Qur'an, as such acts threaten not only religious harmony but also public order. The study contributes to the growing body of legal discourse on religious offence regulation in Malaysia, providing insights that may support legislative refinement and the promotion of mutual respect across communities.

## Introduction

Recently, it has appeared in the news and also on social media about cases of insulting the *Quran* that have occurred in Malaysia and abroad. Insulting the *Quran* is a serious offence on the part of the *Islamic* religion because it is an insult to the sanctity of the religion. Insults to the *Quran* should not be taken lightly by *Muslims* and non-*Muslims* alike. This is because this act not only breaks harmony and peace in a country but can also distort the *Islamic* faith if the perpetrator is *Muslim* (Martha et al., 2024; Hashim et al., 2024). In this regard, an analysis needs to be carried out on the existence of *Sharia* laws which have resulted in the error of insulting the *Quran* in order to unravel everything. The purpose contained in it is apart from knowing the opinions of *Muslim* scholars' regarding the issue of insulting the *Quran*. The study carried out only involved the use of *Sharia* laws and other relevant laws in Malaysia.

Furthermore, this paper includes the meaning of insult. Insult has a wide meaning and scope, according to dictionaries in Malay and *Arabic* language that relate to this issue. According to the dictionary definition, insult is a noun that means gross indignity: an instance of insolent or contemptuous speech or conduct. In terms of a transitive verb, insulted; insulting; insult defined as to treat with insolence, indignity, or contempt: Affront also means to affect offensively or damagingly. Insult suggests deliberately causing humiliation, hurt pride, or shame. According to the Malay Dictionary, Insulting is a verb that means offending people, defaming people and the word insulting is synonymous with the words vile, polluted, reprehensible, dirty and bad. In other words, insulting is an ugly and negative act. This insulting nature is actually not a good thing because, by nature, human beings are made to like goodness and beauty instead of ugly and negative things. (Roslizawati Mohd Ramly et al., 2021)

Referring to the *Arabic* language, insulting is known as “*yukhzi*,” which means dishonor or disgrace, as well as “*yuzillu*,” which signifies humiliation. Insulting religion in Arabic is called “*al-istihza*’ bi al-din”. According to Ibn Manzur, the pronunciation of “*istihza*” is derived from the word “*huzu*” which means “*sukhriyyah*” which is mockery or ridicule. Allah mentioned this attitude in Surah Al-Anam, verse 10:

Translation: “And indeed! Several prophets before you were mocked, then those who mocked among them were inflicted (retribution of punishment) for what they had made fun of it”.

(Surah Al-Anam, 10)

Thus, the definition of insulting, or *istihza*’, can be expanded to encompass words like making fun of, ridiculing, reprimanding, cursing, and swearing. (Mohamad Azri, Mohd Al Adib, 2017) In terms of context, al-Juzdani as quoted in al-Qurasyi (2005) defines *istihza*’ as manifesting every belief, action or word that has the meaning or purpose of insulting religion, demeaning it or reproaching Allah SWT and His messenger.

## Objective Research

This paper aims to explain the consequences of insulting the *Quran* in *Islam* from the perspective of *Muslim* scholars. Apart from that, this paper focuses on the analysis of offences and punishments for insulting the *Quran* under the Syariah Criminal Offence Enactment and other relevant laws in Malaysia.

## Methodology

This paper uses doctrinal legal research as the methodology for research. Doctrinal legal research involves a meticulous analysis and interpretation of legal texts to derive insights into legal principles and doctrines (Hart, 1961). It is a methodical examination of statutes, case law, and legal commentaries, aiming to construct a nuanced understanding of the existing legal framework (Posner, 2009). Thus, the methodology that has been used in this research is doctrinal legal research, which focuses on the examination and interpretation of relevant legal texts and serves as a primary source for understanding the legal implications of insulting the *Quran*. Meanwhile, journals, articles, books, and official documents from pertinent authorities were used as secondary sources to discuss relevant *Islamic* jurisprudence, the sanctity of the *Quran*, the legal implications of such actions, and so on.

## Findings And Discussion

### *Position of the Quran for Islam*

The *Quran* has a very high position as a first source and important reference for the religion of *Islam*. The holy *Quran* is the source of *Islamic* teachings on which all the *Muslim* have no objection. (Muhammad Ali, Yi Liu et al., 2023). In addition, the *Quran* is preferred over other sources that are referred to in order to obtain various laws (*Ahkam*) of *Sharia*. This is because, the meaning of the *Quran* itself is the word of God Almighty, revealed to His Prophet Muhammad, may God bless him and grant him peace by Angel *Jibril*, miraculous in its wording, worshipful in its recitation, beginning with *Surah Al-Fatihah*, and ending with *Surah Al-Nas*, and transmitted gradually. (Mustafa Deeb Al Bagha, 1998). Therefore, we can know that the *Quran* is a revelation sent down from God and not created by humans and what is conveyed from God is the main reference in this life for us as humans and also for *jinn*s. This is proven when the position of the *Quran* as the first source has been mentioned by Allah in the *Surah An-Nisa*: verse 59:

Translation: "O you who believe, obey Allah and obey the Messenger of Allah and the "Ulil-Amri" (those in authority) from among you. Then if you argue (disagree) about something, then you should return it to the (Book) of Allah (Al-Quran) and the (Sunnah) of His Messenger if you truly believe in Allah and the Last Day. That is better (for you) and the end is better".

(*Surah An-Nisa*', 59)

This was also mentioned in what *Muslim* narrated in his *Sahih* on the authority of Jabir, may God be pleased with him, may God's prayers and peace be upon him, that the Messenger of God, may God's prayers and peace be upon him, said in his farewell sermon on the day of Arafat (I have left among you what you will never go astray after that if you hold fast to the Book of God. And you are being asked about What are you saying? They said, "We bear witness that you have conveyed the message, performed, and advised." He said, raising it to the sky with his index finger and spreading it to the people, "O God, bear witness. O God. bear witness."

Thus, we can understand from the both of verse the *Quran* and the *Hadith* that has been mentioned, explained clearly to us as the *Muslim* to always stick to the *Quran* as a guide in life. So, it is not weird if the *Quran* has been the primary source of authority for *Islamic* jurists from the time of the Prophet Muhammad S.A.W to the present day.

The sanctity of the *Quran* has remained unchanged since it was revealed approximately 1,400 years ago. Since the *Al-Quran* was revealed, it has been carefully preserved. There are many memorizers of the *Al-Quran* in every age from the time of Rasullullah S.A.W until today. Dr. Yusuf Al-Qardhawi stated that the verses of the *Quran* were memorized by thousands whether men, women or children. This is special that is not in any other book. The sanctity of *Al-Quran* is also preserved in written form namely "*Mushaf*" in the Companions Era. Then now, with the development of technology, the *Quran* was produced in the form of printing.

Looking at the protection of the sanctity of the *Quran* which is very preserved and does not change even a single letter from the time of the prophet Muhammad until now proves that it is true what the Allah said that he will protect and preserve the *Quran*. This situation has been mentioned by Allah in the *Quran Surah Hijr* verse 9:

Translation: "Surely it is We who sent down al-zikr (Al-Quran), and We are the ones who preserve and protect it".

(*Surah Hijr*, 9)

Thus, the position of *Quran* as a holy book and primary source in *Syariah* Law as well as the guidance for *Muslims* life, must be glorified by *Muslims* with incredible reverence and devotion and must be respected by non-*Muslims*. So, we cannot accept the word or action or any form of insult to the *Quran* regardless of whether Muslim or non- Muslim.

### ***Prohibition to Mock the Quran.***

*Islam* strongly forbids *Muslims* to insult *Islam* and insulting the *Quran* is also included in insulting *Islam* even if it is joking and mocking with its verses. Allah mentioned this matter in surah Taubah verse 65 and 66:

Translation: "And if you ask them (about the taunts) they will surely answer: "Indeed we are only chatting and joking". Say: "Should the name of Allah and His verses and His Messenger be mocked and ridiculed by you? Do not make excuses. You have disbelieved after you believed. If We pardon a party of you, we will punish a party because they Indeed, they are criminals."

(Surah Taubah, 65 & 66)

The reason why this verse of the *Quran* was revealed, has been narrated from Abdullah bin Umar R.A said:

One day someone said in a gathering during the Tabuk war: "we have never seen a person who loves eating more, lies more verbally, and is more cowardly in facing the enemy, than those reciters of the Qur'an". So, someone in the group replied: "You have lied, and you are a hypocrite! Indeed, I will tell the Messenger of Allah". Then he conveyed it to the Rasulluah S.A.W. Then the above verse of the Qur'an was revealed. Abdullah bin Umar continued: then I saw the person hanging on the rope from the Messenger of Allah's camel and the rocks kicked his feet until he bled, while he said: "O Messenger of Allah, we were only joking and playing". The Prophet replied: "Do you always make fun of Allah, His verses and His Messenger?".

(Abdul Rahman, 1419 H)

By observing the *Quran* and *hadith*, we can know that Allah and the Messenger are very furious with anyone who plays, jokes or mocks the verses of the *Quran*. This is because the verses of the *Quran* are the words of God revealed to Prophet Muhammad and to us. Because of that, the act of insulting the *Quran* by *Muslims* is a very unreasonable act and should be given a strict punishment.

### ***The Issues Related to Insulting the Quran***

The destruction of religious texts, desecration and burning are sensitive and divisive topics that have drawn attention in many societies around the world. Therefore, Muslims consider the act of insulting the *Al-Quran* and burning it to be an unacceptable act and action must be taken so that such incidents no longer occur and are seen as an important issue. The controversial issue of insulting and burning the *Al-Quran* has long existed in western countries, including the United States, where it was raised by Pastor Terry Jones in 2010 on the occasion of the ninth anniversary of the September 11 attacks. The occurrence is called International *Al-Quran* Burning Day. Then, according to his claims, he mobilized support to bring to awareness to the dangers of *Islam* and that the *Quran* is leading people to hell. The planned controversial occurrence was condemned in the strongest terms by leaders, political experts and religious leaders around the world. Jones later announced the cancellation of the ceremony and announced his intention to fly to New York to meet with Imam Park. (Athonio, 2010). But nowadays, the *Islamic* community worldwide has turned its attention to Sweden and Denmark due to incidents of burning the *Al-Quran* in these two nations. Most recently, the act of burning the *Islamic* holy book was carried out again on 28 June, 2023, the first day of *Idul Adha* by an immigrant from Iraq, Salwan Momika, in front of the Stockholm's largest mosque in Sweeden. This action was the third time Momika burned and insulted the *Al-Quran*. Meanwhile, the action of burning the *Al-Quran* was carried out for three consecutive days by the anti-*Islam* group, Danske Patriotet and he carried out this action in front of the Turkish Embassy in Copenhagen, Denmark. The action drew global condemnation, with *Muslim* countries calling for a ban on burning the holy *Al-Quran*. (CBNC INDONESIA, 2023).

In addition, Malaysia is also not an exception in the occurrence of the issue of insulting the *Al-Quran*. There was a report in *Berita Harian* dated 19 July 2019 which reported that four teenage girls aged 17 to 18 years were arrested by the police in connection with a viral video of one of them stepping on the *Quran*. The incident is believed to have happened in Kusial, Tanah Merah. The three-minute and 13-second video that went viral on Facebook shows the act of a teenage girl who steps on the *Quran* while being recorded using a mobile phone.

Subsequently, there was also a report based on a *Berita Harian* dated February 16, 2020, a 35-year-old man was remanded due to his act of stepping on the *Quran* and making a recording of insulting *Islam* in an incident that was broadcast live on a Facebook account. The footage shows the man deliberately stepping on the *Quran* on the bed and also making a voice recording insulting *Islam*. The video of the suspect trampling on the *Quran* and insulting *Islam* that was made live on Facebook angered many *Muslims*. The video recording also went viral, causing the suspect to be reported as being beaten up by members of the public. The remand order is to assist the investigation by Sections 295 and 298 of the Penal Code as well as Section 233 of the Communications and Multimedia Act 1998. Apart from that, On June 13, 2023, an unemployed man was arrested after being suspected of burning the *Quran* and prayer rugs in Batu Rakit, Kuala Nerus, Terengganu. Following the incident, the suspect was remanded for four days and the case was investigated according to Section 298 of the penal code (Astro Aswani, 2023).

### *The Consequences of Insulting the Quran in Islam from the Perspective of Muslim Scholars*

After researching the issues above, the author found that the issue of insulting the *Quran* is also done by a few *Muslims* and not only non-*Muslims*. Therefore, it is very important to explain the consequences of their actions to avoid them taking this issue lightly as a joke or fun. Thus, there are some views of *Muslim* scholars who talk about the actions or words that are insulting to the *Quran* and the consequences of their actions. According to the Sheikh Al-Islam Ibn Taymiyyah (1980), may God have mercy on him, that said in the book name's *Majmuk Al Fatawa*: "*Muslims* have agreed that whoever disdains the *Qur'an*, such as throwing it in the grass or running it with his foot as an insult to it, is an unbeliever, and blood is permissible." As we can see, the view expressed by Ibnu Taymiyyah about the act of insulting the *Quran* can not only cause a person to become an apostate but can also be sentenced to death for the perpetrator.

The consequences of insulting the *Quran* can cause a *Muslim* to become an apostate, reinforced by the words of Imam Al-Nawawi who said in the book of Al-Majmu' *Syarah Al-Muhadzab*: "The ummah has agreed that it is obligatory to honor the *Al-Quran*, glorify it and preserve it. They agree that anyone who belittles the *Al-Quran*, or any part of it, or throws the *Al-Quran* into impurity, or denies any of the wisdom or information it brings, or denies what the *Al-Quran* confirms, or validates what the *Al-Quran* denies, or doubts anything about it, while he knows it, then he has disbelieved." According to Imam Nawawi's perspective, we could know that insulting the *Quran* encompasses not only committing immoral acts against it or allowing what the prohibited in the *Quran* or instead of it but also extending to doubting its verses, especially when one is already aware of them.

In this issue, Ibn Qudamah Al-Maqdisi explained further that insulting the *Quran* can extend to taking its verses as a joke and making light of them. Ibn Qudamah Al-Maqdisi said in his book *Al Mughni*, May God Almighty have mercy on him: "Whoever insults God Almighty has disbelieved, whether he is joking or serious, and likewise whoever mocks God Almighty, His verses, His messengers, or His book. Ibnu Qudamah stated his argument based on *Surah Al-Tawbah* verses 65 and 66, where God Almighty said, "And if you asked them, they would certainly say, "We were only chatting and playing." Say, "Should the name of *Allah*, His verses, and His Messenger be mocked and ridiculed by you? Do not make excuses. You have disbelieved after you believed. If we pardon a party of you, we will punish a party because they indeed are criminals." In this case, Ibnu Qudamah stated that the one who mocks *Islam* should not be satisfied with that until he is disciplined in a way that discourages him from doing so. Therefore, we can understand that his argument conveys to us the seriousness of insulting the *Quran*, even in joking.

### ***The Contemporary Muslim Scholar's Opinion About the Issue of Insulting the Quran***

Muslim scholars agree that insulting the *Al-Quran* is one of the insults against *Islam* and is one of the major sins. Thus, Sheikh 'Abd al-'Aziz bin Baz (2023), Former Grand Mufti of Saudi Arabia has said insulting religion is one of the greatest sins. Insulting religion and Allah are one of the biggest things that invalidates *Islam* and is the cause of a person's apostasy from *Islam* and he should be asked to repent. If he does not repent, then he can be executed by the government through the *syar'iyyah* court in the country where he is, due to his apostasy. Even some scholars think, he should not be asked to repent, he should even be executed. This is because the fault is greatest sin. But the stronger opinion is that he should be asked to repent. Even if he has been asked to repent and he repents, he will still be punished because of his great crime. He can be punished by whipping and imprisonment so that he does not repeat the insulting act again. If he refuses to repent then he will be put to death for insulting religion. Similarly, mocking or belittling Allah, His Messenger, verses of the *Qur'an*, His *heaven*, His *hell* or the commands of Allah SWT such as *prayer* and *zakat*. Acts of mocking and belittling things like this are among the things that can invalidate a person's *Islam*. In the issue of burning the *Quran*, it is okay if he burns it on purpose while still maintaining the purity of the *Quran* such as the verses of the *Quran* can no longer be read but should be burned or buried in a good place. If a person burns the *Qur'an* accidentally because he does not realize it is the *Qur'an*, then there is no sin on him for that. But if he burns the *Al-Quran* in order to insult and express hatred towards the *Al-Qur'an*, then he has *apostatized* from *Islam*. The same is true if a *Muslim* is found to have committed an obvious insult such as stepping on it with his foot or sitting on it with his seat or defiling it with dirt or cursing it.

In this issue as well, Sheikh Nuh Ali Salman Al-Qudhah (2022), the former Grand Mufti of Jordan explained that anyone who insults *Islam*, then he has committed blasphemy. He should say two words of shahadah and ask for forgiveness from Allah SWT for what he did, be honest in his repentance, and multiply righteous deeds to eliminate this mistake. If he is married, then know that apostasy will cause his marriage contract to be void, if he returns to *Islam* and his wife during the *iddah* period, then he has referred to her without the need for a new contract, and if he does not return until the end of his *iddah*,

then he is not can refer back to his wife except with a new contract, and this does not reduce the amount of divorce. Likewise, the law is that if the woman insults *Islam*, then the marriage contract with her husband is void if she is already married. If she returns to *Islam* and at that time, she is still in *iddah*, then her marriage can continue, but if she does not return to *Islam* until the end of her *iddah* period, then she cannot return to her husband except with a new contract. If one of the two criticizes the religion and has not had intercourse, then there is no *iddah* for his wife and they cannot return together as husband and wife except with a new contract. If they are together even without a new contract, then it is not according to *Sharia*, which is considered included in adultery.

Insulting the *Quran* also received the attention of the Malaysian mufti. According to the former Religion Minister, Dr Zulkifli Mohd Bakri (2022) stated that the degrading or demeaning of the *Quran* is a serious offense that should not be tolerated since it may lead to the accusation of disbelief and be a requirement to repent. Furthermore, The Mufti of Penang, Datuk Seri Dr. Wan Salim Wan Mohd Noor commented that the authorities can implement strict punishments against perpetrators according to *Islamic* law as a lesson to the public. He explained, that insulting the *Quran* can happen in many ways including tearing it, scratching it, stepping on it, throwing it on the ground (especially in a dirty place), burning it with hatred, or making the verses of the *Quran* a joke and mockery. (Sinar Harian, 2023)

Not only that, but the method of sending the *Quran* by post is also not recommended, if anyone wants to deliver the *Quran* by post, he needs to make sure the *Quran* is posted in good delivery condition. According to the Perak Department of Islamic Religion, *al-Quran* that is to be sent by post must be registered and packed perfectly, and a notification note must be placed so that the delivery party knows the contents of the post. This actions to ensure the *Quran's* respectful handling during delivery and to prevent its indiscriminate placement.

### *The Analysis of Offences and Punishments for Insulting the Quran Under the Syariah Criminal Offence Enactment*

As we know, all states have allocated forms of offense that insulted the *Al-Quran* in their respective *Syariah* Criminal Enactments in Malaysia. This offense under the offenses related to the purity of *Islam* and its institutions. In addition, it's just that there are states that use the same form for this and there are also states that use quite different forms from another state. Here, Selangor and other states such as Johor, Sarawak, Pulau Pinang, and others use similar content in offense of insulting The *Quran* in their enactment. For examples, referring to Section 8 of the Federal Territorial *Syariah* Criminal Offences Act 1997, Section 9 of the Selangor State *Syariah* Criminal Enactment 1995, Section 9 of the *Syariah* Criminal Offences (*Takzir*) Terengganu 2001, Section 8 of the *Syariah* Criminal Offences Enactment Kedah 2014, Section 8 of the *Syariah* Criminal Offences Enactment Pulau Pinang 1996, Section 8 of the Sarawak *Syariah* Criminal Offences Ordinance 2001 and Section 8 of the *Syariah* Criminal Offences Enactment Johor 1997 stated that *“any person who, by his words or actions, ridicules, insults, mocks, or causes the verses of the Quran or Hadith to be looked down upon is committing an offense, and upon conviction, he may be fined not exceeding five thousand ringgits, imprisoned for a period not exceeding three years, or both”*.

Apart from that, the Pahang state has its uniqueness as there are differences in their enactments compared to others states regarding the punishment imposed for the offense of insulting the *Quran*. According to the Section 12 of the *Syariah* Criminal Offences Enactment Pahang 2013 stated that *“any person who, by his words or deeds, making fun of, insulting, mocking or causing contempt for verses of the Quran or Hadith commits an offense and may, upon conviction, be fined not exceeding five thousand ringgit or imprisoned for a period not exceeding three years or whipped not exceeding six lashes or punished with any combination of punishments that”*. As enshrined in the enactment of the state of Pahang, it can be analysed that only the state of Pahang has the punishment of whipping, which is six times in their enactment for the offence of making fun of verses of the *Qur'an* or *hadith*. Based on this enactment, he could be punished with any combination of the following penalties: whipping, imprisonment, and fines.

In addition, only the state of Perlis that uses the phrase 'by verbal' in their enactment to refer to the act of insulting the *Qur'an* or *hadith* with words. Based on the Section 37 of the Criminal Offences in the *Syarak* Enactment 1993 in Perlis stated that *“anyone who, whether verbally or in writing or in any way, insults or causes to be insulted the Qur'an, any verse of the Qur'an and its law, hadith, any word or verse that is considered sacred according to Islamic law, whatever acts or ceremonies related to the Islamic religion are guilty of an offense and may, upon conviction, be subject to a fine not exceeding five thousand ringgit or imprisonment for a period not exceeding three years or both”*. Besides that, Perlis is the only state that provides for insulting actions through writing. This is not a problem for states that do not allocate it because, as has been explained before, insults through words can occur either verbally or in writing, and only the state of Perlis provides for the offense of insulting the *Qur'an* or *hadith* by any means. This form of action is general and covers all actions that aim to insult the *Qur'an* or *hadith*. Moreover, the state of Perak also imposes the same punishment as the state of Perlis for the offense of insulting the *Quran* but slightly different in the type of offense of it, based on the Section 15 of the 1992 *Shariah* criminal enactment of Perak explicated also that *“anyone who ridicules, reproaches, mocks or insults by word or deed the verses of the Quran or Hadith is guilty of an offense and shall, upon conviction, be subject to a fine not exceeding five thousand ringgit or imprisonment for a period not exceeding three years or both”*. As result, we can be understood that the state of Perlis is more detail in determining the offense of insulting the *Quran* than Perak.

The act of imitating verses of the *Qur'an* is also categorized as insulting the *Qur'an*. Refer to the Section 136 of the Kelantan Council of Islamic Religion and Malay Customs Enactment 1994 which is: *“a person who uses, plays with, imitates, reproaches or mocks with words or actions or insults the holy verses of the Quran or hadith or any word that is considered sacred by Muslims is guilty of an offense and may, upon conviction, be fined not exceeding four thousand ringgit or imprisonment for a period not exceeding two years or both”*. The analysis also found that only the state of Kelantan stated that the pronunciation of using is an offense of insulting the *Quran* in the provisions of their state enactment. The meaning of using in this provision can be seen in the title of the offense which is 'Misusing holy verses'. Therefore, it can be understood that the act of using which becomes an offense is when the verses of the *Qur'an* or

*hadith* are misused or distorted. (Mohamad Azri, Mohd Al Adib, 2017). One instance of misusing *Qur'anic* verses is in product sales, where *Qur'anic* verses are used to promote products to increase sales revenue. Furthermore, it's getting worse since businesses and dealers are misusing *Qur'anic* verses for commercial purposes. Examples of this include quoting passages on products that are meant to be talismans or charms, love cures for unhappy couples, and spells performed by shamans. (Arrahmah, 2014).

As stated in the enactment in the State of Kelantan, the act of copying is also one of the offenses of insulting the *Qur'an*. According to the Malay Dictionary to imitate is to make something that is not original (authentic) or fake. The act of imitating the verses of the *Qur'an* already happened in the time of *Rasulluah S.A.W* where a person claimed to be a prophet. His name is Musailamah bin Thumamah bin Kabir bin Habib. Imam At-Tabari recounted the beginning of Musailamah acknowledging himself as a prophet when the *Rasulluah S.A.W* was in Medina, then Musailamah sent the Bani Hanifah there to listen to the recitation of the *Qur'an*. Then, he altered it to fit the surah's structure after obtaining the desired surah from the *Quran*, yet the meaning and tone were quite strange. Allah mentioned this matter in *Surah Al-An'am* verse 93: *"And who is more unjust than the one who invents false things against Allah, or the one who says: 'I have been given revelation', when no revelation has been given to him; and those who say: 'I will send down what God has sent down'. And (it is horrifying) if you see when the oppressors are in the agony of 'sakratul-maut' (when they are about to die), while the angels stretch out their hands (to beat and torture those people) while saying (with screeching and mocking): 'Take out your life (from your own body); today you will be repaid with a punishment that insults (you) in the most contemptible way, because of what you have said against God untruthfully, and you (reject with) arrogant pride in the verses of His explanation'".* Al-Wahidi (2009) quoting the narration of Ibn Jarir from Ikrimah explained that the verse was revealed to deny the claim of Musailamah al-Kazzab who claimed to be a prophet and claimed that Allah SWT had revealed revelations to him. Therefore, we can understand that the act of copying and changing the verses of the *Quran* is strictly forbidden in *Islam*.

The state of Sabah also establishes the offense of making fun of verses from the *Quran* or *hadiths* in their state. Based on Section 53 of Sabah's Sharia Criminal Offense Enactment 1995, explains that *"anyone who plays, reproaches, or mocks with words or actions or insults or does actions that cause verses of the Quran or hadiths to be placed in a situation or place that can defile the sanctity of the verses of the Quran or hadiths or words related to religion Islam is guilty of an offense and may, upon conviction, be punished with a fine not exceeding two thousand ringgit or imprisonment for a period not exceeding one year or both"*. Through the observation of this Section 53, it can be stated that only the state of Sabah provides an offense for anyone who commits an act that causes verses of the *Qur'an* or *hadith* to be placed in a situation or place that can pollute the sanctity of both or words related to the religion of *Islam*. Therefore, the act of taking the *Quran* to a disgusting and polluted place on purpose, such as a restroom, or placing the *Al-Quran* on the floor because it is likely that the *Al-Quran* will be stepped on or a place exposed to weather that can damage the verses of the *Qur'an*, such as rain is also prohibited. According to the Department of Islamic Development Malaysia (JAKIM, 2007) sales activities related to the verses of the *Al-Quran* must not be displayed near materials for sale that are prohibited in *Islamic* teachings, such as statues, immoral materials, or materials that are outrageous and considered to be able to degrade the glory of the holy verses of the *Quran*.

In addition, the state of Melaka also added the offense of insulting words related to *Islamic* Religion and uses different words in their enactment referring to the prison term that is sentenced to offenders who insult the *Quran*. Referring to Section 63, from the Melaka State *Syariah* Offenses Enactment 1991, explains that *"anyone who plays off, reproaches, or mocks, with words or actions or insults the Quran or the hadith of the Prophet or words related to the Islamic Religion is an offense and upon conviction can be charged a fine not exceeding five thousand ringgit or imprisonment for a period not exceeding thirty-six months or both"*. Through observation of the enactment of the state of Melaka, it can be seen that the enactment of the state of Melaka uses the wording of the month which is 36 months for the prison term while other states use the wording of the year for the prison term in their enactment. However, the count of 36 months is equivalent to 3 years, which means that the enactment of the state of Melaka remains the same as some states that impose the punishment period, only the wording used in their enactment is different.



### *Provision of An Insult to The Religion Related to the Quran Under Civil Law in Malaysia*

In Malaysia, legal provisions relating to the offense of insulting religion are found in both legal systems, namely civil law and *Shariah* law. Civil law binds everyone regardless of religion and includes insults to *Islam* and other religions, while *Sharia* law only covers insults to *Islam* by *Muslims*. (Nisar Mohammad, 2022). As we know, Malaysia is an *Islamic* country where several legal provisions restrict or otherwise criminalize alleged blasphemy to religion or religious figures, beliefs such as Section 298 and 298A (1) of the penal code, Section 3(1) and 4(1) of the Sedition Act 1948, Section 233 of the Communication and Multimedia Act (CMA), and the Printing Presses and Publications Act 1984. (Umair Munir, Radzuwan, et al., 2021).

#### *Penal Code*

Chapter XV of the Penal Code describes offenses relating to religion. Sections 298 and 298A (1) of the Penal Code make the insult of any religion a criminal offense, though these provisions mostly apply to individuals who are deemed to have wounded *Islam*. Referring to Section 295, it is stated that “whoever, with deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment for a term which may extend to one year or with a fine or with both.”

Section 298 of the Penal Code mentions that anyone who intentionally hurts another person's religious sentiments by speaking, making noise, gesturing in the sight of that person, or placing any object in the sight of that person shall be punished with imprisonment for a term that may extend to one year, with a fine, or with both. So, if there is anyone who has been convicted of insulting the *Quran*, which is well known as the holy book for *Muslims*, they could be punished under this section because they intentionally hurt another person's religious sentiments.

Section 298A explained that if anyone is convicted of an offense that causes disharmony, disunity, frustration, hostility, hatred, envy, prejudice, and so on in preserving harmony and unity on a religious basis, he shall be punished with imprisonment for a term of not less than two years and not more than five years. Furthermore, it will also be considered an offense if the defendant uses words, whether in writing or speech, a signal or representation, an act, activity, or conduct, or any other method to establish, organize, or assist in the establishment or arrangement of any activity in this matter.

In conclusion, Penal Code Sections 298 and 298A in Malaysia criminalize religious insults, with Section 298 emphasizing intentional acts causing hurt to religious feelings, punishable by imprisonment not extend to one year, a fine, or both. Section 298A extends the penalties for offenses causing religious disharmony, disunity, or hostility, with imprisonment of not less than two years and not more than five years. Both sections collectively form a comprehensive legal framework to preserve religious harmony and unity, particularly addressing offenses relating to religion such as insulting the *Quran*, and play a vital role in upholding the sanctity of religious beliefs within the Malaysian legal context.

#### *The Communication and Multimedia Act, 1998*

These days, technology is developing at a faster rate and permeating more aspects of our daily life, particularly social media use. Nevertheless, half of the parties have abused social media's resources by showing or displaying hostility toward the religions, particularly *Islam*. Looking at the recent trend of insulting religion on social media, this kind of offense can also be blocked through provisions under the Communications and Multimedia Act 1998 (Act 588). (Nisar Mohammad, 2022). The Malaysian government has demonstrated its resolve to protect the integrity of religion on the internet, acknowledging the necessity of addressing this matter. Therefore, the Malaysian government has emphasized its commitment to purging the internet of harmful content including pornography, gambling, and offensive teachings about *Islam* in the name of safeguarding the religion and its adherents. (Syaza Sukri, 2023). False statements, the dissemination of offensive material, and offensive content are among the offenses of improper online communication, that stated by the Section 233 of the Communications and Multimedia Act 1998 (Act 588).

According to the Section 233 stated that:

1) A person who -

(a) by means of any network facilities or network service or applications service knowingly

(i) makes, creates or solicits; and

(ii) initiates the transmission of, any comment, request, suggestion or other communication which is obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person; or

(b) initiates a communication using any applications service, whether continuously, repeatedly, or otherwise, during which communication may or may not ensue, with or without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at any number or electronic address, commits an offense.

(2) A person who knowingly -

(a) by means of a network service or applications service provides any obscene communication for commercial purposes to any person; or

(b) permits a network service or applications service under the person's control to be used for an activity described in paragraph (a), commits an offence.

(3) A person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Referring to the section above, we can see that the Communications and Multimedia Act's Section 233 lists the punishments for improper use of network resources, services, or applications. It is forbidden to create or disseminate unpleasant, menacing, obscene, or fraudulent communications to upset, abuse, threaten, or harass others. In addition, it is illegal to send pornographic messages for profit or to allow the use of network resources for these kinds of operations. Anyone who commits an offense under this section on conviction may be punished with a fine not exceeding fifty thousand ringgit or imprisonment for a term not exceeding one year or both. Consequently, anyone who uses network facilities or application services for example in social media to deliberately insult the *Quran* which potentially offend the feelings of *Muslims* may be subject to the punishment that has been explained above if he is found guilty by the court. In conclusion, the proactive steps laid out by the Communications and Multimedia Act demonstrate the government's resolve to prevent misuse of technology and maintain religious peace and harmony in the digital zone."

#### *Sedition Act 1948*

In the Sedition Act 1948 (Act 574) there are some comprehensive general provisions to deal with offenses defined as insulting religion, which can be used for offenses of insulting the Quran. Section 3(1)(c) of the Sedition Act 1948 prohibits and prevents any action that can be defined as causing hatred or insult to any party, including matters related to religion. (Nisar Mohammad, 2022). Section 2 of the same Act describes the interpretation of seditious as follows: "seditious" when applied to or used in respect of any act, speech, words, publication, or other thing qualifies the act, speech, words, publication, or other thing as one having a seditious tendency; "words" includes any phrase, sentence or other consecutive number or combination of words, oral or written.

Sedition is further explained under Section 3(1) of the same Act. (Hasnizam et al, 2021). Section 3(1)(c) of the Sedition Act 1948 stated that "seditious tendency to bring into hatred or contempt or to excite disaffection against the administration of justice in Malaysia or in any State." Subsequently, Section 3(1)(e) further mentioned that "seditious tendency to promote feelings of ill will and hostility between different races or classes of the population of Malaysia." Section 3(1)(e) includes as well that insulting religion and promoting hostility between persons or groups on the grounds of religion is an offense (Tan,

9 April 2015). Thus, this Act is important to prevent public disorder and disharmony among races professing different religions living within Malaysia. (Ainun, Adzidah, 2017). As a result, we can relate that having a seditious tendency to bring into hatred insulting the *Quran* by act, speech, words, or publication is an offense explained by Section 2 and Section 3(1) (c) because it is potentially promoting hostility to Muslim that whose majority believers in Malaysia are Malaysia

#### *Printing Presses and Publications Act 1984*

The Printing Presses and Publications Act 1984 was enacted to control the issuance of printing press licenses as well as publication permits for various print media including newspapers. This act also contains guidelines for the purpose of controlling all publication content so that it does not contain negative elements such as offending others, misleading the public (through untrue statements), harming national security and threatening national harmony (touching on racial issues). (Rositah Kambol, 2023). Furthermore, the Printing and Publishing Act of 1984's provisions can be used to take action against the offence of insulting religion, particularly in writing and printed materials. The Section indicated that “*any person who prints or produces, or causes or permits to be printed or produced by his printing press or machine any publication or document-- (a) which is obscene or otherwise against public decency; or (b) which contains an incitement to violence against persons or property, counsels disobedience to the law or to any lawful order or which is or is likely to lead to a breach of the peace or to promote feelings of ill-will, hostility, enmity, hatred, disharmony or disunity, shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding three years or to a fine not exceeding twenty thousand ringgit or to both,*”

Therefore, individuals who print or produce by printing press or machine any publication or document to insult the *Quran* and potentially promote hatred and disharmony that offend the feelings of *Muslims* may face legal consequences if found guilty in court. This is because *Quran* is the holy book and the main source for the *Muslims*.

#### **Significance Research**

The significance of this research is to contribute to the discussion and knowledge about the offense of insulting the *Quran* under Malaysian law. Through an analysis of the legal provisions found in both the civil and *Shariah* legal frameworks, it is important in this research to offer a comprehensive understanding of the consequences and the offense of insulting the *Quran* because it relates to insulting the *Islamic* religion.

#### **Conclusion**

In conclusion, *Muslim* scholars agree without any objection that the *Quran* is not just only the holy book but also the primary source of *Islamic* religion that holds profound significance in the *Muslim* faith. Thus, insulting the *Quran* is a serious offence and the majority of *Muslims* scholars believe that anyone who insults the *Quran* should be considered an apostate. In addition, many types of laws addressing the offence of insulting the *Al-Quran* have been entrenched by Malaysian states in their individual *Syariah* Criminal Enactments. Although the forms used in different states are somewhat similar, but the offence and the severity of the penalties varies. The enactment of the state that has the heaviest punishment for the offence of making fun of verses of the *Quran* is the *Syariah* Criminal Offence Enactment Pahang, which is a fine not exceeding RM5000, imprisonment not exceeding 3 years, being whipped six lashes, or being punished with any combination of these punishments. Meanwhile, the lightest punishment for this offence is the Sabah *Syariah* Criminal Offence Enactment, which is imprisonment not exceeding 1 year or a fine not exceeding RM2000, or both. Apart from that, Muslims and non-Muslims may also be subject to punishment under the Penal Code, Sedition Act 1948, Communication and Multimedia Act (CMA), and the Printing Presses and Publications Act 1984 if found guilty of insulting the *Quran* because it is considered sacred by the *Islam* religion. Thus, insults to the *Quran* should not be taken lightly by *Muslims* and non-*Muslims* alike. This emphasizes how seriously offenses against religious sanctity are handled by the Malaysian legal system. As such, *Muslims* and non-*Muslims* alike must acknowledge the seriousness of insults aimed against the *Quran*. The obvious legal ramifications explained above show the need for Malaysians to carry out and uphold the commitment to maintaining religious integrity and harmony in the country while showing respect without insulting each other faiths."

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