



# **A STUDY ON THE LAW OF CONTEMPT IN THE SYARIAH COURT**

Abdullah Bin Mukhti  
(Matric No. 1040388)

Academic Project Report submitted in fulfillment for the degree of  
BACHELOR OF SYARIAH AND JUDICIARY

Faculty of Syariah and Law  
ISLAMIC SCIENCE UNIVERSITY OF MALAYSIA  
NILAI

Perpustakaan USIM



1000032313

May 2007

## AUTHOR DECLARATION


بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the work in this academic project is my own except for quotations and summaries which have been duly acknowledged.

Date : 1<sup>st</sup> May 2007

Signature

:



Name

: Abdullah bin Mukhti

Matric No.

: 1040388

Address

: Rumah Guru Asrama,  
SMK Dato' Mahmud Paduka  
Raja (1), 17500 Tanah Merah,  
Kelantan Darul Naim.

## ACKNOWLEDGEMENT

First and foremost, I would like to express my sincere gratitude and all praise to Allah (SWT) the Almighty God. He is the Exalted Sustainer, the Worthy Cherisher, the Great and Tolerant. There is no God but Allah, the Lord of the Heaven and the Earth. Peace and blessings to the Prophet Muhammad Bin Abdullah (SAW) who was the most sublime and the most generous among people; also to all of his companions and followers, from the early day of Islam till the Hereafter.

Meanwhile, my special thanks and appreciation are due to my supervisor Mr. Zulkifli bin Hasan the lecturer of Faculty of Syariah and Law, Islamic Science University of Malaysia (USIM) for his valuable advice, suggestion, guidance and assistance during the preparation of this writing. Special thanks also I express to Dato' Faiza bin Hj. Tamby Chik the Honour-Fellow of Faculty of Syariah and Law, USIM on his willingness to give further information and explanation regarding this topic.

In addition, this acknowledgement also forwarded to the Library of the Islamic Science University of Malaysia (USIM), Law Library and Tun Sri Lanang's Library of the National University of Malaysia (UKM) and Library of the International Islamic University Malaysia (UIAM) for providing valuable sources, references and aid in completing this academic writing.

Moreover, this acknowledgement also expressed to the Public Service Department Malaysia (JPA) for the scholarship which given to the writer as a support for completing the degree study in this university. Hopefully, this honourable effort will be continued in order to help the students for further their study to the higher level and increase the number of professionals and expertise for the benefit of the nation.

Finally, I wish to thanks to all of my friends for their cooperation and help in accomplishing this academic writing. Deep gratitude and thousand of thanks goes to my parent Hj. Mukhti bin H. Hasbullah and Rusna binti Ahmad for their sincere patience, sacrifice, affection and love; and also not forget to my beloved siblings. May Allah bless all of us.

جزاكم الله خيراً وفضلاً كثيراً

ABDULLAH BIN MUKHTI  
Faculty of Syariah and Law  
Islamic Science University of Malaysia (USIM)  
Nilai, Negeri Sembilan,  
Malaysia.

## ABSTRAK

Di dalam projek ilmiah ini, penulis cuba mengkaji kewujudan, konsep dan pelaksanaan Undang-undang Penghinaan Mahkamah serta pentadbirannya terutama di Mahkamah Syariah. Penulis juga telah membuat kajian perbandingan berkaitan tajuk ini di antara Undang-undang Sivil dan juga Undang-undang Islam. Methodologi yang digunakan oleh penulis adalah kajian perpustakaan yang bermaksud bahawa penulis telah melakukan kajian melalui pembacaan buku, artikel, jurnal dan bahan-bahan yang berkaitan dengan projek ilmiah ini serta peruntukan-peruntukan atau statut-statut yang berkenaan sama ada yang telah dinyatakan di dalam Undang-undang Sivil Malaysia ataupun Undang-undang Syariah. Hasil daripada kajian ini, penulis telah mengenalpasti beberapa kelemahan masih wujud di dalam pentadbiran undang-undang mengenai Penghinaan Mahkamah di Mahkamah Syariah walaupun Mahkamah Syariah telah mengambil pakai prinsip undang-undang mengenai Penghinaan Mahkamah daripada Undang-undang Inggeris. Penulis juga telah dapat meghubungkan beberapa konsep penghinaan dari segi perspektif Islam dengan penghinaan dari segi Undang-undang Sivil. Harapan penulis agar pembaca akan dapat memahami dengan jelas konsep penghinaan mahkamah di Mahkamah Sivil dan di Mahkamah Syariah.

## ABSTRACT

In this academic writing, the writer tries to explore the existence, concept and implementation of Law of Contempt and also its administration especially in the *Syariah* Court. The writer has made a comparative study regarding this topic between Civil Law and Islamic Law. The methodology of this project is library research which means that writer has made research through the reading of books, articles, journals and materials which related to this academic project; and also provisions or relevant statutes which found in Malaysian Civil Law and *Syariah* Law. As result of this academic project, the writer notice that even the *Syariah* Court has adopted the Law of Contempt from the English Common Law principle, there were several weaknesses exist in the administration of Law of Contempt in the *Syariah* Court. The writer also relates the concept of contempt based on Islamic perspective with the civil law of contempt. Lastly, the writer hopes that the reader will have clear understanding on the concept of Contempt of Court in both Civil and *Syariah* Court.

## ملخص البحث

في هذه الكتابة الأكاديمية أو الإستكشاف، أن المؤلف يحاول أن يبحث عن الوجود ومفهوم وتطبيق قانون عن الإحتقار أيضاً إدارته خصوصاً في محكمة الشريعة. أن المؤلف قد جعل دراسة مقارنة بخصوص هذا الموضوع بين القانون الوضعي الماليزي والقانون الإسلامي. جعل المؤلف بحثاً باستخدام طريقة المنهج المكتبي بجمع المعلومات من خلال قراءة الكتب والمقالات والمجلات والمواد التي تتعلق بهذا المشروع الأكاديمي وأيضاً قوانين ذات العلاقة التي وجدنا في القانون الوضعي الماليزي وقانون الشريعة الإسلامية. والنتيجة هذا البحث الأكاديمي، يلاحظ المؤلف أن هناك عدة ضعف ما زال يجد في إدارة قانون عن الإحتقار في محكمة الشريعة ولو المحكمة الشريعة قد تبنت قانون عن الإحتقار من مبدأ القانون العام الإنجليزي. أن المؤلف أيضاً يمكن أن يتعلق بمفهوم الإحتقار مستند على المنظر الإسلامي بالقانون المدني الوضعي للإحتقار. وأخيراً، يتمنى المؤلف بأن القارئ سيكون عنده فهماً واضحاً على مفهوم الإستهانة بالقضاء في كلاهما محكمة المدنية العامة ومحكمة الشريعة.

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## GLOSSARY

<i>Al-Aql</i>	Mind.
<i>Al-Dharuriyyat</i>	Necessary.
<i>Al-Din</i>	Religion of Islam.
<i>Al-Hadith</i>	The saying of Prophet Muhammad, his action whether clear or silent. It is the second source of Islam after the Holy <i>Quran</i> .
<i>Al-Haajiyat</i>	Needs.
<i>Al-Ijmak</i>	A unanimous view from Prophet Muhammad's companions.
<i>Al-Mal</i>	Property.
<i>Al-Maslahah</i>	<i>Al-Masoleh</i> or <i>Maslahah 'Ammah</i> is the goodness of such person or things.
<i>Al-Maqasid Al-Syariah</i>	The objectives of <i>Syariah</i> .
<i>Al-Mukjizat</i>	Miracles.
<i>Al-Nafsi</i>	Soul.
<i>Al-Tahsiniyyat</i>	Ornament.
<i>Al-Qiyas</i>	A way in produce the hokum after there is no source from Holy <i>Quran</i> , <i>Al-Hadith</i> and <i>Al-Ijmak</i> .
<i>Diyat</i>	Islamic punishment by fine for unintentional murder offence.
<i>Fardhu Kifayah</i>	Compulsory to be done; enough if only a person from a group done.
<i>Fiqh</i>	Islamic Jurisprudence.
<i>Faqih</i>	Islamic theologian or jurist.
<i>Hudud</i>	Islamic criminal punishment for offences which have particular punishment and already stated in the Holy <i>Quran</i> such as stealing, robbing, drinking liquor, adultery and etc.
Holy <i>Quran</i>	<i>Al-Quran</i> - The main source of Islam which revealed to the Prophet Muhammad (SAW).
<i>Ijtihad</i>	View or opinion of jurist based on the Islamic reveal knowledge.
<i>Khulafa' Al Rasyidin</i>	The Four Caliphs of Islam after the Prophet Muhammad (SAW).
<i>Mens Rea</i>	Intention.
<i>Merdeka Day</i>	Malaysian Independence Day.
<i>Sya 'ban</i>	The 8 <sup>th</sup> month of Islamic Calendar of Hijrah.
<i>Ta'zir</i>	Islamic punishment for other offences excluding Hudud and Qisas offences. The punishment given based on the wisdom of the judge.
<i>Tauhid</i>	Action of oneness the God.
<i>Qisas</i>	Islamic criminal punishment for deliberate murder offence.
<i>Wakalah bil-khusumah</i>	Memorandum of Retainer.

## TRANSLITERATION

### 1. Alphabet

<u>Arabic</u>	<u>Latin</u>	<u>Example</u>	<u>Transliteration</u>
ء	'	النساء	An-Nisā'
ب	b	بدري	Badri
ت	t	تفكّر	Tafakkur
ث	th	مباحث	Mabāhith
ج	j	جيلاني	Jālānī
ح	ḥ	حديد	Ḥadīd
خ	kh	خليل	Khalīl
د	d	داعي	Dā'i
ذ	dz	ذكر	Dzikh
ر	r	رابطة	Rābiṭah
ز	z	زكّير	Zakīr
س	s	سيد	Said
ش	sy	شيخ	Syeikh
ص	ṣ	صبر	Ṣabr
ض	ḍ	ضعيف	Dai'f
ط	ṭ	الطور	At-Ṭur
ظ	ẓ	عظيم	'Aẓīm
ع	'	عمّان	'Ammān
غ	gh	غافر	Ghāfir
ف	f	فتح الله	Fethullah
ق	q	القسطون	Al-Qāsiṭūn
ك	k	كثير	Kathīr
ل	l	لم	Lam
م	m	مسلم	Muslim
ن	n	نطفة	Nuṭfah
و	w	وجودية	Wujūdiah

هـ	h	هريرة	Hurayrah
ي	y	يوسف	Yūsuf

## 2. Short Vowel

<u>Arabic Vocal</u>	<u>Latin Vocal</u>	<u>Example</u>	<u>Transliteration</u>
----- َ	a	أمر	Amr
----- ِ	i	عاصم	‘Aṣim
----- ُ	u	صبر	Ṣabr

## 3. Long Vowel

<u>Arabic Vocal</u>	<u>Latin Vocal</u>	<u>Example</u>	<u>Transliteration</u>
ا	ā	مذاكرة	Muzākarah
و	ū	المتقون	Al-Muttaqūn
ي	ī	علمين	‘Ālamīn

## 4. Diphthong

<u>Arabic Vocal</u>	<u>Latin Vocal</u>	<u>Example</u>	<u>Transliteration</u>
و	ww	منورة	Munawwarah
ي	yy	تيمية	Taimiyyah
ي	iyy	البخاري	Al-Bukhāriyy

## 5. Exemption

5.1. Arabic letter ء (hamzah) found at the beginning of a word is transliterated to the letter “a” not to ‘, example:

<u>Example</u>	<u>Transliterated</u>
أحمد	Ahmad

## ABBREVIATION

All ER	All England Report.
CLJ	Current Law Journal.
CLR	Criminal Law Review
ER	England Report.
etc.	Et cetera / and so on.
Ibid	Ibidem / in the same place.
inc.	Incorporated.
IKIM	Institute of Islamic Understanding Malaysia (Institut Kefahaman Islam Malaysia).
IIUM	International Islamic University Malaysia / Universiti Islam Antarabangsa Malaysia.
JKSM	Department of Syariah and Judiciary Malaysia (Jabatan Kehakiman Syariah Malaysia).
Ltd.	Limited.
MLJ	Malayan Law Journal.
n.a.	No author.
n.d.	No date / year.
n.pb.	No publisher.
n.pl.	No place.
No.	Number.
p.	Page.
pp.	Pages.
PGSM	Malaysian Syarie Lawyer Association (Persatuan Peguam Syarie Malaysia).
RA	Raḍiallahu ‘Anhu / ha / huma / hum.
RM	Ringgit Malaysia.
SAW	Ṣallallahu Alaihi Wa Sallam (peace be upon him).
SWT	Subhanahu Wa Ta’ala (The Most Gracious and Exalted).
Sdn. Bhd.	Enterprise or Limited (Sendirian Berhad)
trans.	Translator / translated by.
UDHR	Universal Declaration of Human Rights.
v.	Versus / and (civil case) / against (criminal case).
vers.	Version.
Vol.	Volume.

## **RESEARCH PROPOSAL ON THE LAW OF CONTEMPT**

### **BACKGROUND OF THE RESEARCH**

Contempt of Court defined as any willful disobedience to, or disregard of, a court order or any misconduct in the presence of a court; action that interferes with a judge's ability to administer justice or that insults the dignity of the court; punishable by fine or imprisonment or both. There are both civil and criminal contempt.

A judge who feels someone is improperly challenging or ignoring the court's authority has the power to declare the defiant person (called the contemnor) in contempt of court. There are two types of contempt; criminal and civil. Criminal contempt occurs when the contemnor actually interferes with the ability of the court to function properly; for example by yelling at the judge. This is also called the contempt in the face of court or direct contempt because it occurs directly in front of the judge. A criminal contemnor may be fined, jailed or both as punishment for his act.

Civil contempt occurs when the contemnor willfully disobeys a court order. This is also called indirect contempt because it occurs outside the judge's immediate realm and evidence must be presented to the judge to prove the contempt. A civil contemnor, too, may be fined, jailed or both. The fine or jailing is meant to coerce the contemnor into obeying the court, not to punish him, and the contemnor will be released from jail just as soon as he complies with the court order. In family law, civil contempt is one way a court enforces alimony, child support, custody and visitation orders which have been violated.

Since the Civil Courts in Malaysia applies the Common Law Principle had already applied the Law of Contempt under its' jurisdiction, the court have power to secure the administration of justice from any interference. Meanwhile, the court also has the authority to be respected for each judgment and order decided. This concept of law

has been implemented in the *Syariah* Court as provided under the respective of state enactments.

## SIGNIFICANCE OF THE STUDY

In Malaysia nowadays there are many cases of Contempt of Court happen especially in the Civil Courts because the factor of disrespectful and dissatisfaction people to the judgment and also not obey or refuse to fulfill the order by the court. This situation also happens to the *Syariah* Court.

Nowadays a lot of tendency to be listing in *Syariah* Court existed which there some practitioners were doing the Contempt of Court without knowing it. People lack of information and knowledge about the Law of Contempt in the court on how far the law protects the sovereignty power of court in administer the justice and avoiding any interference.

Although the Contempt of Court cases not much appear in *Syariah* Court, it is important to us to know about the Law of Contempt under the context of *Syariah* Court as a preparation in facing and solving Contempt of Court cases in the future if it will happen in *Syariah* Court.

It is essential to understand the concept of Law of Contempt and the form of Contempt of Court specifically in the *Syariah* Court. Through this research, it will gave information to the people in Malaysia as well as change their mind and teach their attitude to have a good manner, contribute the Islamic law student on their studies and helping government body such as Department of *Syariah* Judiciary Malaysia (JKSM) in order to increase the level of Islamic Law and *Syariah* Court to be respected.

This research will provide a clear picture on the Law of Contempt applicable in the *Syariah* Court.

## AIM OF THE RESEARCH

The first aim is to study the Law of Contempt in the *Syariah* Court by identifying what kind of form or action that can be declared as the Contempt of Court cases. The second aim of this research also to provide a clear guideline or procedure in handling the Contempt of Court cases and administer the Law of Contempt in the *Syariah* Court.

## OBJECTIVE OF THE RESEARCH

Several objective of the research has been identified. Among the objective is to discuss about the concept of Contempt of Court in accordance to the Islamic Law and its implementation nowadays in the *Syariah* Court. This research also will identify form and actions which can constitute the Contempt of Court offences and can be charged.

The other objective is to make a comparative study on Law of Contempt as practiced in the *Syariah* Court and Civil Court with exposing the verses from *Al-Quran* and *Al-Sunnah* which related to this topic, practiced by the Companions; the opinions from Muslim scholars, academic philosophers, and the law's scholars which very valuable and tough to be the proof in discuss this matter.

## SCOPE OF THE RESEARCH

This research on the Law of Contempt by comparative study between Civil and *Syariah* Court focusing the *Syariah* Court in Malaysia as the place and body of implementation this law; by adoptive principles which had been practiced in the Civil Court for the same purpose in avoiding any interference to the administration of justice and to protect or defend the right of court to be respected and obeyed of all its orders.

This research also will involve the Civil Court's Contempt of Court administration system, procedure, trial cases, punishment or sentence, enactments or act

to be as the references and compare. All of these references will find the distinction, similarity and the suitability of implementation of this law in the *Syariah* Court.

## RESEARCH METHODOLOGY

This research can be done in two ways of methodologies that is to say field-work based research and library based research. The writer prefers to do the library research based on my title and other aspects.

The library based research is requires the researcher to survey the related information in library whether in Library of the Islamic Science University of Malaysia (USIM) and other libraries outside. The source that can I get the related information with my academic writing are the books, journal, newspaper, magazine, internet and others. In completing this research, many sources are needed. I must refer to other library such as National University of Malaysia (UKM) Library, and Library of the International Islamic University Malaysia (UIAM) and the other library or place to find out the related sources.

The writer also tends to make some interviews with the judge of *Syariah* Court and Research Officer from Research Division, Department of *Syariah* Judiciary Malaysia or other law's scholar. It is hoped that they will be provide good cooperation and the necessary or essential information; and also will help a lot to complete this research.

## LITERATURE REVIEWS

- i. The book entitle "*Contempt of Court*"<sup>1</sup> which wrote by C.J. Miller<sup>2</sup> discussed about the nature of Contempt of Court which is based on broadest of principle, namely that the courts cannot and will not permit interference with the due administration of justice. In this book, the author had explained about the type of Contempt of Court which is divided into two categories; Criminal and Civil Contempt of Court. The author also cited about Procedure and Jurisdiction in handling Contempt of Court cases, form of Contempt outside the court and in the face of court (contempt inside the court), and also the Civil Contempt and Criminal Offences with it elaboration. In conclusion, this book describe about Contempt of Court in the Civil Court under the rules of Common Law.
- ii. The second book is "*Arlidge , Eady & Smith on Contempt*"<sup>3</sup> which wrote by combination of two legal scholar; the first is Sir David Eady<sup>4</sup>, and second is Prof. A.T.H. Smith<sup>5</sup>. This book expose the history of Contempt of Court from the perspective of Common Law Courts, the Contempt of Court under the dimension of constitutional, the distinction between criminal and civil contempt, contempt by publication at common law, court orders affecting the media, direct interference with the administration of justice and many more. The contents of this book is much valuable in complete this research.
- iii. The third book is "*Law of Contempt of Court, Legislatures and Public Servants*"<sup>6</sup> was written by K.J. Aiyar, revised by Justice V.R. Krishna Iyer<sup>7</sup>, and R.P. Srivastava who is a District Judge. In the first part of this book, it giving introduction of Law of

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<sup>1</sup> C. J. Miller. 2000. *Contempt of Court*. New York, USA: Oxford University Press Inc. 3<sup>rd</sup> Edition.

<sup>2</sup> University of Birmingham, April 2000.

<sup>3</sup> Arlidge and Smith. 1999. *Arlidge , Eady & Smith on Contempt*. London: Sweet & Maxwell. 2<sup>nd</sup> Edition.

<sup>4</sup> Judge of the High Court.

<sup>5</sup> Professor of Criminal and Public Law in University of Cambridge.

<sup>6</sup> K.J. Aiyar. 1997. *Law of Contempt of Courts, Legislatures and Public Servants*. Allahabad, India: The Law Book Company (P) Ltd. 9<sup>th</sup> Edition.

<sup>7</sup> Former Judge of the Supreme Court in India.

Contempt of Court in India by explain the concept of Contempt through the meanings of terms and also touch context of Defamation and Contempt. In the next chapter, this book listed the Statutory Law of Contempt of Court in India and then the punishment of Contempt to the public servants that stated under Indian Penal Code. Insult or interruption to public servants sitting in judicial proceeding also discussed with the Indian Constitutional provisions relating to the Contempt of Court. Through this book, I can clarify the distinction and similarity of the implementation of Law of Contempt with the other country.

- iv. The next reference is the law book entitled "*The Law of Contempt*"<sup>8</sup> which is written by Gordon Borrie and Nigel Iowe. This book explain the principle of law of contempt and the concept of contempt of court more arrange and easy to understand. Most of the explanation stated with examples and law case which happened in the European court. The writer will refer to this book for further information regarding the contempt of court under the Civil Court.
- v. "*Jurnal Hukum*" also be as the reference and source in identify the Syariah Court cases relating to the Contempt of Court law. This journal record all proceeding, trial, judgment and order by *Syariah* Court in whole state in Malaysia. It also provides articles relating to the judiciary and legal matters especially in accordance of *Syariah* Law. It was published by Islamic Affairs Division, Department of Prime Minister Malaysia.
- vi. The writer also refers to the "*International Islamic University Malaysia (IIUM) Journal*" which is published by IIUM Press. This journal provides several articles, journals and research which have been written by a number of legal scholars. The writer has found a research regarding the Law of Contempt in this journal. The journal entitled "*The Development of the Law of Contempt of Court and Freedom of*

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<sup>8</sup> Gordon Borrie & Nigel Lowe. 1973. *The Law of Contempt*. England: Butterworth and Co. (Publishers) Ltd.

*Expression in English Law*<sup>9</sup> was written by Prof. Dr. Hj. Abdul Samat bin Musa<sup>10</sup> which that research is partly based on his doctoral thesis. The writer will use this journal as reference in completely this academic project.

vii. The other journal which referred by the writer is Law Journal of Institute of Islamic Understanding Malaysia (IKIM). The journal that referred by the writer entitled "*Penghinaan Mahkamah Syariah: Kesan Terhadap Profession Kewartawanan*"<sup>11</sup> which written by Noor Inayah Yaakub<sup>12</sup>. This journal focus more on the contempt which made by journalist and reporters through publication in writing or mass-media. In the same time, this journal explain the form or action which have to avoid and be aware by the journalist and reporter if they make a report of broadcast the news which involved the *Syariah* Court. This journal provides some guide to the writer in completing this academic writing.

viii. States Enactment or Federal Territories Act that cited Contempt of Court provisions for the *Syariah* Court such as "*Section 229, 230 and 231 of Syariah Civil Procedure (State of Selangor) Enactment 2003*" and "*Section 210 of Syariah Criminal Procedure (State of Selangor) Enactment 2003 / Section 210 of Syariah Criminal Procedure (Federal Territories) Act 1997*" could be refer as the implementation of Law of Contempt in the *Syariah* Court.

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<sup>9</sup> Abdul Samat Musa. 1993. "The Development of the Law of Contempt of Court and Freedom of Expression in English Law". *IUM Law Journal*. Selangor: IUM Press. Vol. 3. No. 2.

<sup>10</sup> Dean of Faculty of Syariah and Law, Islamic Science University of Malaysia (USIM).

<sup>11</sup> Noor Inayah Yaakub. 2000. "Penghinaan Mahkamah Syariah: Kesan Terhadap Profesion Kewartawanan". *IKIM Law Journal*. Kuala Lumpur: IKIM Publication & Documentation Unit. Vol. 4. No. 2. December.

<sup>12</sup> Lecturer of Faculty of Law, National University of Malaysia (UKM).

## CONCLUSION

In conclusion, the result of this research will give lots of benefit to the reader through further explanation and elaboration regarding the principles of Contempt of Court and the administration of Law of Contempt in both Civil Court and *Syariah* Court in detail. This research becomes valuable to the legal students and the legal practitioners whether in the Civil or *Syariah* Court because this research provide and describe the forms and actions that considered as the contempt of court offences, authority and related provisions, reported cases regarding the contempt and further important information regarding the contempt of court itself which will become a reference and guideline to them for their study or practice.

It is also suitable to the members of the public to read this research because they can obtain the legal information which not often to be heard by the layman and also gain their knowledge in order to avoid from any conduct which can bring the court in contempt directly or indirectly; or deliberately or unintentionally. This research become a way to expose the legal knowledge to the society and in the same time contributes to educate them to be always in good manners in generally.

## CHAPTER ONE: LAW OF CONTEMPT UNDER THE CIVIL COURT

### 1.1 DEFINITION OF TERMS

#### i. Contempt:

- The act or statement of despising, the condition of being despised. Contemn also a conduct that despised the authority or dignity of a court or legislature.<sup>13</sup>

#### ii. Contempt of Court:

- Contempt of Court means actions that interfere with the administration of justice by the various courts of law.<sup>14</sup> The other similar meanings for the contempt are insult, despise and slander the court. Defamation and libels against the court also considered as contempt of court.

#### iii. Civil Contempt:

- The failure to obey a court order that was issued for another party's benefit. A civil contempt proceeding is coercive or remedial in nature. The usual sanction is to confine the contemnor until he or she complies with the court order.<sup>15</sup>
- Civil contempt normally regarding the contempt that is committed outside of court or called as constructive contempt, as when a party disobeys to comply the court order.

#### iv. Criminal Contempt:

- An act that obstructs justice or attacks the integrity of the court. A criminal contempt proceeding is punitive in nature.<sup>16</sup>

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<sup>13</sup> Bryan A. Garner. 1999. *Black's Law Dictionary*. St. Paul Minn. n.pb. 7<sup>th</sup> Edition. p. 313.

<sup>14</sup> Bryan A. Garner. 1995. *A Dictionary of Modern Legal Usage*. United Kingdom: Oxford University Press. 2<sup>nd</sup> Edition. p. 211.

<sup>15</sup> Bryan A. Garner. 1999. *Black's Law Dictionary*. p. 313.

<sup>16</sup> *Ibid.* p. 313.

- Criminal contempt normally regarding the contempt in the face of the court or direct contempt which committed in open court, for example as when a lawyer insults a judge on the bench during the proceeding.
- v. Contempt Power:
- The power to punish someone who shows contempt or insulting the process, orders and proceedings of court.
- vi. Contemnor:
- Person who is guilty and has committed any contempt of court offence. The contemnor may be as individual of person or organization or corporate body.
  - Anybody can become a contemnor such as members of the public, dispute parties, witness, lawyer, prosecutor, court's officer, and also the judge if they insult the court in any form or action.
- vii. Prejudice:
- Prejudice is a preconceived judgment formed without a factual basis or strong bias. It also considered as damage or detriment to one's legal rights or claims. Actions of prejudice also influence somebody to have an unfair or unreasonable opinion about somebody or something; or to have a harmful effect on something.
- viii. Scurrilous abuse:
- Scurrilous abuse is the actions which considered as very rude in insulting the court and intended to damage somebody or court's reputation.<sup>17</sup> A court may strike out statement of case if it is vexatious scurrilous or obviously ill-founded.<sup>18</sup>

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<sup>17</sup> A.S. Hornby. 2000. *Oxford Advanced Learner's Dictionary of Current English*. United Kingdom: Oxford University Press. 6<sup>th</sup> Edition. p. 1058.

<sup>18</sup> Sheila Bone. 2001. *Osborn's Concise Law Dictionary*. London: Sweet & Maxwell. 9<sup>th</sup> Edition. p. 344.

ix. Strict Liability Rule:

- The 'strict liability rule' means the rules of law whereby conduct may be treated as a Contempt of Court as tending to interfere with the course of justice in legal proceedings, regardless of intends to do so. It applies only to publication for instance by speech, writing or broadcasts addressed to the public at large; if it creates a substantial risk that the course of justice will be seriously impeded or prejudiced.<sup>19</sup> The rule also protects sources of information against disclosure in court.

x. *Sub judice*:

- A Latin word means 'under a judge'. It is before the court or judge for the determination.<sup>20</sup> If a legal case is *sub judice*, it is still being discussed in a court of law and it is therefore illegal for anyone to talk about in the television or in newspapers or etc.

xi. *Sui juris / sui generis*:

- A phrase used to denote a person who is under no disability affecting his legal power to make conveyances of his property, to bind himself by contracts and to sue and be sued; as opposed to persons wholly or partially under disability. For example: infants, mentally disordered, persons, prisoner and etc.<sup>21</sup>
- The other meanings are full age and capacity, having full social and civil rights.<sup>22</sup>

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<sup>19</sup> L.B. Curzon. 1995. *Dictionary of Law*. Kuala Lumpur. n.pb. 4<sup>th</sup> Edition. p. 83.

<sup>20</sup> Bryan A. Garner. 1999. *Black's Law Dictionary*. p. 1466.

<sup>21</sup> J.E. Penner. 2001. *Mozley's & Whiteley's Law Dictionary*. London: Butterworths Ltd. p. 350.

<sup>22</sup> Bryan A. Garner. 1995. *A Dictionary of Modern Legal Usage*. United Kingdom: Oxford University Press. 2<sup>nd</sup> Edition. p. 851.