

## UNDERSTANDING OF SYARIAH PRACTITIONERS IN MALAYSIA ON DOCUMENT FORGERY

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### Abstract

**Purpose of the study:** This article focuses on a few issues namely the most common form of forgery that occurred especially in Syariah Court Islamic judicial institutions (or better known as Syariah courts) in Malaysia and the extent of respondents' knowledge on the method used in verifying the authenticity of document that meets the Syariah requirement.

**Methodology:** Research information has been obtained through the quantitative method and from respondents consists of 78 lecturers of Syariah law and 103 practitioners who involve directly in the legislation of Syariah Court in Federal Territories (Putrajaya, Kuala Lumpur and Labuan), Selangor and Negeri Sembilan.

**Main Findings:** The result shows that the forms of forgery are changing in accordance with time and facilities. Based on the respondents' perception, the most common form of document falsification is a forgery of a medical certificate and the least is a forgery of the grant of ownership (property/transportation). Besides, the knowledge of Syariah law practitioners on fraud in a document is at a moderate level.

**Applications of this study:** This study is significant to understand the issue of fraud in documents and eventually suggests the relevant ways to counter the matters in the future. The ability of Islamic judicial institutions to be adaptive for such challenges is essential to reduce the disorderly pile of cases involving fraud, especially in the Syariah courts.

**Novelty/Originality of this study:** The research found that it is crucial for the Syariah law practitioners to raise and upgrade their ability to deal with fraud cases in the document to increase the public confidence towards the Syariah judiciary.

**Keywords:** *Fraud, Forgery, Falsification, Deceit, Document, Laws, Syariah.*

### INTRODUCTION

Cases of fraud in the document have never been recorded in the time of Prophet Muhammad (p.b.u.h.), Caliph Sayidina Abu Bakar and Sayidina Umar r.a. However, the first act of falsifying documents happened in the era of Caliph Sayidina Uthman r.a which has led to the murder of him. Resulting from this bloody event, the old scholars have been handling documents meticulously and many of them rejected the documents as one of the verification methods ([Arbouna, 1999](#)). Due to this rejection, there was not much writing from the previous *fiqh* scholars related to forgery law and fraud in documents compared to civil law.

Document or "*kitābah*" refers to writing (*khat*) which is a copy of someone's oral speech with the use of certain letters. Scholars are divided in opinions when it comes to the definition of the document itself. However, based on the current facilities and situation, document is defined as: "*Explaining or describing something with writing or sketching or the copy either in classical forms such as paper, wood, and others or in modern forms such as a diskette, compact disc, internet, and others*" ([al-Qarrāfi, 1994](#)below, [al- Jauziyyah, 2000](#), [al-Jurjāni, 1983](#)).

In Malaysia, the legal system was modeled after the English legal system as a result of the colonization of the country by the British in the 19<sup>th</sup> century. As a federation of 13 states, the separation of powers occurs both at federal and state levels. Islamic law was enacted by the State Legislative Assembly which applies in the particular states and these laws only apply to Muslims in which they have their own courts and sentencing guidelines ([Hamzah, 2009](#)). Thus, the Malaysian judiciary is dual in nature as it separates the criminal and civil courts from the Syariah courts. Under section 3, [Syariah Court \(Federal Territories\) Evidence Act 1997](#) and [Evidence Act 1950](#), document is defined as: Any letters, marks, numbers, symbols or signs or other forms of expression, description or representation whatsoever upon any substance, material, thing or article, including any matter embodied in a disc, tape, film, soundtrack or devices (tools or equipment) whatsoever. In the abovementioned provision, the document is defined in a broader sense and not only bound to hand-writing. A document must be seen in a larger scope which includes the function of the document itself and not only limited to the form of document and the tools used. As a result, the document is not limited to methods or specific forms but more importantly, the message delivered can be understood ([Markus, 1981](#)).

The authority on the legality of the document as a method of proof is mentioned in the Quran. Allah said: *O you who believe! When you contract a debt for a fixed period, write it (debt and time of repayment) down.* (al- Baqarah, 2: 282).

Further, He said in His verses: *“(When read that letter) Queen of Sheba said: ‘O chiefs! Verily there has been thrown unto me a noble letter. Verily, it is from Solomon; and verily it is (as follows): ‘In the Name of Allah. The Beneficent. The Merciful’. Exalt not yourselves against me, and come to me in submission (believe in and obey the religion from God)”*. (al-Naml: 29-31). Both of these verses illustrate the document as one of the methods of proof. If not, there is no need for Allah SWT to command us to apply it in a debit transaction and also to use it as a method of preaching (Wan Ismail et al., 2015) Prophet Muhammad (pbuh) also said that: *“It is the duty of a Muslim who has something which is to be given as a bequest not to have it for two nights without having his will written down regarding it.”* (Muslim 1997, 13: Hadith no. 3987).

However, falsification in the Arabic language is known as *tazwir* which means lies and falsehood or in other words, the words and actions that deviate from the truth (al-Razi, 1999, Al-'Abbudiyy). Word *tazwir* was mentioned in the Quran as God said: *“Avoid the word that is false”*. (Surah al-Hajj, 22:30). Imam Syafie who, one of the prominent Muslim scholars who is also the founder of Syafie sect gives the meaning of *tazwir* as the: *“Plagiarism or copywriting”* (al-Jamal, 1996). *Tazwir* can be said as changing the original document and is done by imitating others' handwriting, forging a signature, stamp, adding or reducing from the actual content like substituting the name of a father's child to another person in a birth certificate (Ahmad Ibrahim, 1928).

According to law practitioners, *tazwir* is the act of intentionally modifying the original state of a document to deceive either the act of falsifying has obviously been done such as deleting some words or changing the meaning of the content where the changing can lead to *'dharar'* destruction or injury to the certain public or individual person. The most explicit definition of falsification is when it fulfills the following five elements which are changes occurred towards the original content, the changes alter the original meaning of the related documents, in the form that has been enforced by law, these changes will cause harm to the parties and falsification is committed with the intention to deceive and defraud (al-'Abbudy, 1999, al-Syawaribiyy, n. d., al-Sattar, 1998, Wan Ismail and Ramlee, 2013). From all of the definitions stated above, forgery can be defined as: *“Changing the original meaning of a document with the intention to deceive by adhering to the guidelines by law and the amendment can cause destruction to others”*. From the moment the genuineness or authenticity of a document is questioned, it should be handled and cared for in order to prevent the impairment of the document's evidential value (Osborn, 1943). Most studies agree that the perpetrators committing fraudulent activities due to various grounds such as financial, personal, and work pressures. In fact, several pressures such as society, industry, and organizational pressures can also influence a person and encourage their fraudulent behaviors (Said, Alam, Karim, & Johari, 2018).

In Syariah Courts, there is no special provision related to document forgery. In the Evidence Act of Shariah Courts (Federal Territories) 1997 Act, forgery is only mentioned in general under Section 15 which is about *qarinah* or circumstantial evidence. Section 106 of the same Act stated on the question to examine the truth and the description of Section 108 is related to challenging the credibility of the witness. However, in Civil Courts, forgery issues have been stated quite distinctly especially the punishment of document forgery as stated in the Penal Code (Act 574). In section 463 Penal Code (Act 574): *“Whoever makes any false document or part of a document with intent to cause damage or injury to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery”*. This study was conducted to explore the respondents' perception of the forms of forgery that most likely happened during trials. Besides, this study would trigger a deeper discussion on the ways to curb the forgery issues.

## LITERATURE REVIEW

There is a few research related to this topic. However, there is no proper research discuss on the form of forgery which occurs nowadays especially in analyzing the level of understanding between law practitioners as stated by Bourhan Arbouna (1999) in *“Islamic Law of Evidence: The Function of Official Document in Evidence”*. Mohamad Bourhan Arbouna distinctly stated that the document is one of the methods of verifications in the Islamic judiciary; however, he did not mention the issues regarding document forgery. In the article entitled *“Validation of the Genuineness of Electronic Transaction Documents Pursuant to Fiqh and Islamic Law of Evidence in Malaysia”* (Wan Ismail, 2013) stressed the importance of verifying the legalization of electronic documents within transactions. The authors describe the usual means of proof used such as the pledge, witness, and forensic expert's opinion and swear. This article only mentions generally about the methods that can be used if there is any arising accusation on the authenticity of a document. This article does not mention the level of understanding among law practitioners of Syariah Courts in relation to document forgery.

Besides, in the article Journal of the Malaysian Bar (INSAF) entitled *“Electronic and Digital Exhibit Position in Evidence: Current Issues and Challenges”* (Mohamad Yunus, 2006) the author explains in detail the electronic document and its strength as a shred of evidence. The author also expresses his concern on document forgery issue and how important it is for law practitioners to collaborate with the forensic experts to verify the authentication of a document. The forensic expert may be called to analyze the suspected forged documents. Later, the results of the analysis may serve as corroborative evidence in court (Ahmad Syukran, 2015). Expert opinion of digital forensic analysis can also be considered as *ra'y al-khabir* (expert opinion) in proving cases (Ahmad Syukran, 2017). The work of Ahmad Syukran (2017) found that there is a need to integrate the forensic science principles into Syariah legal system to achieve *Maqasid al-Shariah* or Shariah's objectives. However, the author did not emphasize the importance of Syariah law practitioners to understand the issues in

the document forgery. This situation is similar to the renowned book “*al-Tazwir wa al- Tazzyif Madaniyan wa jina 'iyyan fii Dhau' al- Fiqh wa al-Qadha*” written by al- Syawaribiyy which explains the basis of falsified documents and their types in civil and criminal cases according to *fiqh* and legislation ([al-Syawaribiyy, n. d.](#)).

In the article *Jurnal Hukum* by ([Wan Ismail, 2011](#)) “Methods of Proof through Electronic *Kitabah* in Syariah Courts”, a document will only be accepted as one of the methods of proof after adhering to the verification process. This article does not mention specifically the theory and practical aspect of document forgery. [Bourhan and Mahmoud \(2010\)](#) in their research discussed the concept of forgery and forms of document forgery that usually happens. The author also discusses the punishment for those who convicted of document forgery. However, in their writing entitled “*Ahkam Jara'im al-Tazwiir fii al-Fiqh al-Islamiyy*”, there is no discussion in regards to the level of understanding of the law practitioners about the fraud in the document.

The above studies show that very few researches have been done to study the level of understanding of the law practitioners about the document forgery. This article will explore the respondents' perception of the forms of forgery and also the respondents' understanding of the methods of proof. Respondents are varied in age, gender, education level, occupation, educational background, and working experience. This article indirectly will answer the questions especially about the forms of forgery that usually occurs especially in Syariah Court. Besides, this article will identify the extent of respondents' understanding of the methods used to verify the authentication of a document. Lastly, this article aims to observe the respondents' understanding of the methods of verification of a document according to a sermon.

## METHODOLOGY

In order to achieve the objectives, quantitative methods have been used in this study. Respondents' surveys are among the lecturers in law and the Syariah course and also to those who directly involved with the legislation in Syariah Court. The method of respondents' selection is made randomly (*random sampling*) and quantitative data will be analyzed using computer software which is Statistical Package for Social Sciences (SPSS). This study will be carried out in Federal Territories (Putrajaya, Kuala Lumpur and Labuan), Selangor and Negeri Sembilan due to their high accessibility as well as the concentrated area of practicing professionals. This study is expected to give a significant impact on the legal system in Malaysia by forming suggestions in order to improve the legislation procedure in investigating and solving the cases related to forgery and falsification of documents. Besides, this study might lead to the amendment of the provision on the admissibility of the document as a method of proof in the Malaysian Syariah Court.

## FINDINGS

This study involved a total of 78 academicians and also 103 law practitioners in Malaysia Syariah Courts with a variety of demography such as gender, race, education level, education background, profession and working period. The research demographic profile represents the following Table 1.

**Table 1:** Research Demographic Profile

Demography	Frequency	Percentage
<i>Age</i>		
Below than 25 years	78	43.1%
26 to 35 years	65	35.9%
36 to 45 years	27	14.9%
More than 46 years	11	6.1%
<i>Gender</i>		
Male	58	32.0%
Female	123	68.0%
<i>Race</i>		
Malay	176	97.2%
Chinese	4	2.2%
Others	1	0.6%
<i>Education Level</i>		
Ph.D	9	5.0%
Masters	24	13.3%
Bachelor Degree	119	65.7%
Diploma, Certificate, and others	29	16.0%
<i>Education Background</i>		
Law	98	54.1%
Islamic Study	67	37.0%
Science	1	0.6%
Others	15	8.3%
<i>Profession</i>		

Academician	78	43.1%
Law Practitioner (Syariah)	103	56.9%
<i>Working Period</i>		
1 to 5 years	107	59.1%
6 to 10 years	40	22.1%
11 to 15 years	16	8.8%

Table 1 shows that based on age, 78 respondents (43.2%) aged below 25 years, 65 respondents (35.9%) aged 26 to 35 years, 27 respondents (14.9%) aged 36 to 45 years and 11 respondents (6.1%) aged more than 46 years. Based on gender, there are 58 male respondents (32.0%) and 123 female respondents (68.0%). Based on race, 176 respondents (97.2%) are Malay, 4 respondents (2.2%) are Chinese and 1 respondent (0.6%) is from other races.

Next, based on education level, 9 respondents (5.0%) with the background of Ph.D., 24 respondents (13.3%) have a Master's degree, 119 respondents (65.7%) with Bachelor's Degree, 29 respondents (16.0%) with Diploma, Certificate, and others. Based on the profession, 78 respondents (43.1%) are among the law practitioners (Syariah) and 103 respondents (56.9%) were academicians. Next, based on working period, 107 respondents (59.1%) with working period of 1 to 5 years, 40 respondents (22.1%) with working period of 6 to 10 years, 16 respondents (8.8%) with working period of 11 to 15 years and 18 respondents (9.9%) with working period of 16 years and above. Understanding the respondents' demographic profile is crucial to show that the respondents are among those who directly associated with Syariah law.

### Respondents' Perception towards the Forms Fraud and Forgery

The descriptive analysis that involves a mean and standard deviation used to determine the respondents' perception towards forms of fraud and forgery as shown in Table 2.

**Table 2:** Respondents' perception of the forms of falsification and forgery

No	Statement	Mean	Standard Deviation	Interpretation
1.	Forgery of identity card	2.34	1.18	Moderate
2.	Forgery of marriage certificate	2.46	1.21	Moderate
3.	Forgery of birth certificate	2.33	1.12	Moderate
4.	Forgery of degree (Bachelor, Master, and Ph.D.)	2.36	1.13	Moderate
5.	Forgery of international passport	2.42	1.17	Moderate
6.	Forgery of individual travel document	2.42	1.16	Moderate
7.	Forgery of testimony	2.54	1.19	Moderate
8.	Forgery of an official letter	2.52	1.13	Moderate
9.	Forgery of signature of an official letter	2.61	1.19	Moderate
10.	Forgery by adding the false statement	2.57	1.20	Moderate
11.	Forgery by changing facts in the document	2.57	1.19	Moderate
12.	Forgery of medical opinion letter	2.49	1.13	Moderate
13.	Forgery of medical certificate	2.68	1.16	Moderate
14.	Forgery of grant ownership (property/transport)	2.19	1.07	Moderate
15.	Forgery of registration letter (etc. PATI)	2.35	1.11	Moderate
16.	Forgery of Islamic entrustment document, a gift during a lifetime, religious endowment and others	2.31	1.12	Moderate
Total		2.45	1.07	Moderate

Table 2 shows that the highest statistic of the form of fraud and forgery according to respondents' perception is forgery of medical certificate (M= 2.68, SD= 1.16), forge of signature of official letter (M= 2.61, SD= 1.19), forgery in giving false statements (M= 2.57, SD= 1.20), and forgery by changing the facts in documents (M= 2.57, SD= 1.19). Whereas, among the lowest statistic of the forms are forgery of grant of ownership (property/vehicle) (M= 2.19, SD= 1.07), forgery of Islamic entrustment document, gift during lifetime, religious endowment and others (M= 2.31, SD= 1.12), forgery of birth certificate (M= 2.33, SD= 1.12), forgery of identity card (M= 2.34, SD= 1.18) and forgery of registration letter (etc. PATI) (M= 2.36, SD= 1.13). Overall, respondents' perception show that forms of fraud and forgery are at moderate level (M= 2.45, SD= 1.07).

### Respondents' Knowledge towards Methods of Document Verification

**Table 3:** Respondents' Knowledge towards Methods of Document Verification

No	Statement	Mean	Standard Deviation	Interpretation
1.	Handwriting Expert (if a hand-written document)	3.56	0.91	Moderate
2.	Official Stamp/ Stamp Seal	3.68	0.89	High
3.	Digital Signature	3.55	1.00	Moderate
4.	Letterhead of a department	3.70	0.92	High
5.	Barcode	3.61	0.93	Moderate
6.	Fingerprint Identification	3.85	0.87	High
7.	DNA Profile (Deoxyribonucleic Acid)	3.84	0.82	High
8.	Internet Protocol Address	3.46	0.92	Moderate
9.	Personal Pin No (ATM)	3.58	0.94	Moderate
10.	Computer Printout Receipt	3.54	0.82	Moderate
11.	Typewritten Evidence	3.49	0.79	Moderate
12.	Identification using radio frequency (RFID) e.g: Identify the electronic signature at passport/ bank account book)	3.20	0.99	Moderate
	Total	3.59	0.63	Moderate

Table 3 indicated that the respondents have the highest information on Fingerprint Identification as a form of document verification (M= 3.85 and SD= 0.87). The second highest information on document verification methods is through DNA Profile (Deoxyribonucleic Acid) (M= 3.84 and SD= 0.82), followed by Letterhead of a department (M= 3.70 and SD= 0.92) and Official Stamp (M= 3.68 and SD= 0.89). The respondents' knowledge towards the identification using radio frequency (RFID) eg: Identify the electronic signature at passport/ bank account book) (M= 3.20 and SD= 0.99) is the least, while the Internet Protocol Address (M= 3.46 and SD= 0.92), Typewritten Evidence (M= 3.49 and SD= 0.79), Computer Printout Receipt (M= 3.54 and SD= 0.82) and Digital Signature (M= 3.55 and SD= 1.00) are among the methods of documents verification where the respondents have low level of knowledge in. As a whole, the respondents' knowledge towards forms of document verification is at a moderate level (min= 3.59 and SD= 0.63).

**Table 4:** Respondents' knowledge towards forms of document verification that meets the Syariah requirement

No	Statement	Mean	Standard Deviation	Interpretation
1.	Handwriting Expert (if a hand-written document)	3.33	0.96	Moderate
2.	Official Stamp/ Stamp Seal	3.34	0.90	Moderate
3.	Signature	3.43	0.90	Moderate
4.	Digital Signature	3.27	0.92	Moderate
5.	Letterhead of a department	3.38	0.89	Moderate
6.	Barcode	3.31	0.90	Moderate
7.	Fingerprint Identification	3.51	0.92	Moderate
8.	DNA Profile (Deoxyribonucleic Acid)	3.50	0.89	Moderate
9.	Internet Protocol Address	3.14	0.97	Moderate
10.	Personal Pin No (ATM)	3.25	0.94	Moderate
11.	Computer Printout Receipt	3.20	0.95	Moderate
12.	Typewritten Evidence	3.15	0.89	Moderate
13.	Identification using radio frequency (RFID) e.g: Identify the electronic signature at passport/ bank account book)	3.06	0.93	Moderate
	Total	3.30	0.76	Moderate

Table 4 shows the highest level of respondents' knowledge towards forms of document verification that meets the Syariah requirement is Fingerprint Identification (M= 3.51 and SD= 0.92), DNA Profile (Deoxyribonucleic Acid) (M= 3.50 and SD= 0.89), and Signature (M= 3.43 and SD= 0.90).

SD= 0.89), Signature (M= 3.43 and SD= 0.90), Letterhead of a department (M= 3.38 and SD= 0.89) and Official Stamp (M= 3.34 and SD= 0.90). While the least level of respondents' knowledge towards forms of document verification that meets the Syariah requirement is Internet Protocol Address (M= 3.14 and SD= 0.97), Typewritten Evidence (M= 3.15 and SD= 0.89), Computer Printout Receipt (M= 3.20 and SD= 0.95), Personal Pin No (ATM) (M= 3.25 and SD= 0.94) and Digital Signature (M= 3.27 and SD=0.92). As a whole, the result shows that the respondents' knowledge towards forms of document verification that meets the Syariah requirement is at a moderate level (M= 3.30 and SD= 0.76).

## DISCUSSION

Even though scholars have different opinions about the strength of a document as a method of proof, however, the document has been accepted in any circumstances, place and in any matters either through manual or electronic. Document as a verification method is not empty diligence but has been confirmed with the verses from the Quran, hadith and the practice of the companions' r.a. Because of the reliability of a document in verification, there are some individuals who try to manipulate or falsify the document with various methods either by adding words or reducing them in order to change the original meaning of a document. This form of forgery can cause someone to infringe on the rights of others and abuse them. Therefore, Islam is very firm about the act of falsification either in the form of oral or document.

Forgery can occur in many forms. In today's reality, the falsification of document that frequently happens is forgery of medical certificate, signature, false statement, changing facts, grant of ownership, will, gift during lifetime and others yet the highest forgery is forgery of medical certificate (M= 2.68 and SD= 1.16), forgery of signature in official letter, forgery in giving false statement and forgery by changing facts in a document. The highest amount of forgery that happened which is the forged medical certificate often associated with the lack of integrity shown by the employees who sometimes forged such documents to gain their personal needs. Based on the survey conducted about respondents' perceptions towards forms of deception and forgery are at a moderate level (M= 2.45 and SD= 1.07). While the highest level of respondents' knowledge towards the method of verification document is Fingerprint Identification (M= 3.85 and SD= 0.87) and followed by DNA Profile (Deoxyribonucleic Acid), Letterhead of a department and Stamp. However, the least level of respondents' knowledge towards the method of verification document is Identification using frequency radio (RFID) eg: Identify the electronic signature at passport/ bank account book (M= 3.20 and SD= 0.99) followed by Internet Protocol Address, Typewritten Evidence, Computer Printout Receipt, and Digital Signature. As a whole, respondents' knowledge towards the method of verification document is at a moderate level (M= 3.59 and SD= 0.63).

Lastly, the highest level of respondents' knowledge towards the method of document verification that meets the requirement of Syariah is Fingerprint Identification (M=3.51 and SD= 0.92), DNA Profile (Deoxyribonucleic Acid), followed by Signature, Letterhead of a department and Official Stamp. While, the least level of respondents' knowledge towards the method of document verification that meets the Syariah requirements are Internet Protocol Address, Typewritten Evidence, Computer Printout Receipt, and Digital Signature. As a whole, the respondents' knowledge towards the method of document verification that meets the Syariah requirement is at a moderate level (M= 3.30 and SD= 0.76).

## CONCLUSION

Syariah law practitioners need to be disclosed critically about the document forgery and the forms of falsification. The Syariah Court needs to have continuous collaboration with the Civil Court, chemical department and others in order to handle the issues arise on the document forgery as these agencies have their own experts in dealing with such matters. Syariah law practitioners need to conduct research about the existing provisions at the Civil Court like Section 90A Evidence Act 1950; Electronic Commerce Act 2006 and other related acts. Using the expertise of Syariah law practitioners, they can make a precise decision in judgment and boost the confidence of the public community on the credibility of the Syariah Court in making decisions.

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## REFERENCES

1. Ahmad Ibrahim, I. (1928). *Turuq al-Qadha' fii al-Syariah Islamiyyah*. al-Qaherah: Matba'ah al-Salafiyah.
2. Ahmad Syukran, B. (2015). *Fiqh Forensik: Metode Pembuktian Dengan Dokumen*. Majalah Al-Ustaz, 44, 84-85.
3. Ahmad Syukran, B. (2017). *Fiqh Forensik: Jenayar Siber*. In Majalah al-Ustaz. Kuala Lumpur: Telaga Biru Publications Sdn. Bhd.
4. Ahmad Syukran, B. (2017). *The Integration of Forensic Science Fundamentals and Al-Qarinah towards Achieving Maqasid al-Shari'ah*. (Doctoral), Universiti Teknologi Malaysia, Skudai.
5. Arbouna, M. B. (1999). *Islamic Law of Evidence: The Function of Official Documents in Evidence : a Comparative Study with Common Law*: Syarikat Nurulhas.
6. Al-'Abbudiyy. (1999). *Syarh Ahkam Qanun al-Ithbat al-Madaniyy*. Amman: Maktabah Dar al-Thaqafah.

7. Al-Jamal, S. b. U. b. M. a.-U. (1996). *Hasyiah al-Jamal 'ala Syarh Minhaj*. Beirut: Dar al-Kutub al-Ilmiyyah.
8. Al-Jauziyyah, I. Q. (2000). *Jami' al-Fiqh*. Al-Mansurah: Dar al-Wafa'.
9. Al-Jurjāni, A. b. M. (1983). *al-Ta'rīfāt*. Beirut: Dār al-Kutub al-'Ilmiyyah.
10. Al-Qarrāfi, A. b. I. b. A. a.-R. S. a.-D. (1994). *Al-Dhakhīrah*. Beirut: Dar al-'Arab al-Islamiyy.
11. Al-Razi, M. b. A. B. (1999). Mukhtar al-Sihhah (Y. S. Muhammad Ed.). Beirut: Maktabah al-'Asriyyah
12. Al-Sattar, F. A. (1988). *Syarh Qanun al-Uqubat*. Qaherah: Dar al-Nahdhah al-Arabiyyah.
13. Al-Syawaribiyy, A. H. (n. d.). *Al-Tazwiir wa al-Tazyiif Madaniyyan wa Jina'iyyan fii Dhau' al-Fiqh wa al-Qadha'*. Al-Iskandariyyah: Mansya'ah al-Ma'arif.
14. Bourhan, S., & Mahmoud, H. (2010). *Ahkam al-Jara'im al-Tazwiir fii al-Fiqh al-Islamiyy*. An-Najah National University, Nablus.
15. Hamzah, W. A. (2009). *A First Look At The Malaysian Legal System*. Selangor: Oxford Fajar Sdn. Bhd.
16. Malaysia. 2017. *Evidence Act 1950*. (Act 56).
17. Malaysia. 2018. *Penal Code*. (Act 574).
18. Malaysia. 2005. *Shariah Court (Federal Territories) Evidence Act 1997*. (Act 561)
19. Markus, S. (1981). *Usul al-Ithbat wa Ijratuhu fii al-Madaniyyah fii al-Qanun al-Misriyy*. Al-Qaherah: Alam al-Kitab.
20. Mohamad Yunus, M. I. (2006). Kedudukan bahan bukti (exhibit) elektronik dan digital dalam keterangan: masalah dan cabaran masa kini. *The Journal of the Malaysian Bar*, 35(1), 1-14.
21. Osborn, A. S. (1943). *Questioned Document* (Vol. 2nd Edition). New York. USA: Boyd Printing Co Albany.
22. Said, J., Alam, M. M., Karim, Z. A., & Johari, R. J. (2018). Integrating religiosity into fraud triangle theory: findings on Malaysian police officers. *Journal of Criminological Research, Policy and Practice*, 4(2), 111-123. <https://doi.org/10.1108/JCRPP-09-2017-0027>
23. Wan Ismail, W. A. F. (2011). Kaedah Pembuktian Melalui Kitabah Elektronik di Mahkamah Syariah. In *Jurnal Hukum* (Vol. 33(2)). Kuala Lumpur: Percetakan Nasional Berhad (PNMB).
24. Wan Ismail, W. A. F., & Ramlee, H. Z. (2013). Keterangan Melalui Kitābah: Menurut *Fiqh* dan Undang-Undang Semasa di Malaysia. *Jurnal Undang-undang & Masyarakat (Journal of Law & Society)*, 17, 1-11.
25. Wan Ismail, W. A. F., Abdullah, I. Z., Abd Murad, A. H., Che Amani, N., Abdul Mutalib, L., Hanafi, L. H., & Mohammad Khair, M. (2015). Bentuk-Bentuk Pemalsuan Dokumen Menurut Fiqh Dan Perundangan Islam Di Malaysia: Satu Analisa. *The e-Journal of Sultan Alauddin Sulaiman Shah*, 2(1).