

Pertanika Journal of
**SOCIAL SCIENCES
& HUMANITIES**

JSSH

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A special edition devoted to issues in
Criminal Justice in the 21st Century: Spirit, Form & Challenges

Guest Editors
Ida Madieha, A., Majdah, Z. & Sonny, Z.



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Journal of Social Sciences & Humanities

About the Journal

Overview

Pertanika Journal of Social Sciences & Humanities (JSSH) is the official journal of Universiti Putra Malaysia published by UPM Press. It is an open-access online scientific journal which is free of charge. It publishes the scientific outputs. It neither accepts nor commissions third party content.

Recognized internationally as the leading peer-reviewed interdisciplinary journal devoted to the publication of original papers, it serves as a forum for practical approaches to improving quality in issues pertaining to social and behavioural sciences as well as the humanities.

JSSH is a **quarterly** (*March, June, September and December*) periodical that considers for publication original articles as per its scope. The journal publishes in **English** and it is open to authors around the world regardless of the nationality.

The Journal is available world-wide.

Aims and scope

Pertanika Journal of Social Sciences & Humanities aims to develop as a pioneer journal for the social sciences with a focus on emerging issues pertaining to the social and behavioural sciences as well as the humanities.

Areas relevant to the scope of the journal include Social Sciences—Accounting, anthropology, Archaeology and history, Architecture and habitat, Consumer and family economics, Economics, Education, Finance, Geography, Law, Management studies, Media and communication studies, Political sciences and public policy, Population studies, Psychology, Sociology, Technology management, Tourism; Humanities—Arts and culture, Dance, Historical and civilisation studies, Language and Linguistics, Literature, Music, Philosophy, Religious studies, Sports.

History

Pertanika was founded in 1978. A decision was made in 1992 to streamline Pertanika into three journals as Journal of Tropical Agricultural Science, Journal of Science & Technology, and **Journal of Social Sciences & Humanities** to meet the need for specialised journals in areas of study aligned with the interdisciplinary strengths of the university.

After almost 25 years, as an interdisciplinary Journal of Social Sciences & Humanities, the revamped journal focuses on research in social and behavioural sciences as well as the humanities, particularly in the Asia Pacific region.

Goal of *Pertanika*

Our goal is to bring the highest quality research to the widest possible audience.

Quality

We aim for excellence, sustained by a responsible and professional approach to journal publishing. Submissions are guaranteed to receive a decision within 14 weeks. The elapsed time from submission to publication for the articles averages 5-6 months.

Abstracting and indexing of *Pertanika*

Pertanika is almost 40 years old; this accumulated knowledge has resulted in Pertanika JSSH being abstracted and indexed in SCOPUS (Elsevier), Thomson (ISI) Web of Knowledge [BIOSIS & CAB Abstracts], EBSCO & EBSCOhost, DOAJ, Cabell's Directories, Google Scholar, MyAIS, ISC & Rubriq (Journal Guide).

Future vision

We are continuously improving access to our journal archives, content, and research services. We have the drive to realise exciting new horizons that will benefit not only the academic community, but society itself.

Citing journal articles

The abbreviation for *Pertanika* Journal of Social Sciences & Humanities is *Pertanika J. Soc. Sci. Hum.*

Publication policy

Pertanika policy prohibits an author from submitting the same manuscript for concurrent consideration by two or more publications. It prohibits as well publication of any manuscript that has already been published either in whole or substantial part elsewhere. It also does not permit publication of manuscript that has been published in full in Proceedings.

Code of Ethics

The *Pertanika* Journals and Universiti Putra Malaysia takes seriously the responsibility of all of its journal publications to reflect the highest in publication ethics. Thus all journals and journal editors are expected to abide by the Journal's codes of ethics. Refer to *Pertanika's* **Code of Ethics** for full details, or visit the Journal's web link at http://www.pertanika.upm.edu.my/code_of_ethics.php

International Standard Serial Number (ISSN)

An ISSN is an 8-digit code used to identify periodicals such as journals of all kinds and on all media—print and electronic. All *Pertanika* journals have ISSN as well as an e-ISSN.

Journal of Social Sciences & Humanities: ISSN 0128-7702 (*Print*); ISSN 2231-8534 (*Online*).

Lag time

A decision on acceptance or rejection of a manuscript is reached in 3 to 4 months (average 14 weeks). The elapsed time from submission to publication for the articles averages 5-6 months.

Authorship

Authors are not permitted to add or remove any names from the authorship provided at the time of initial submission without the consent of the Journal's Chief Executive Editor.

Manuscript preparation

Refer to *Pertanika's* **INSTRUCTIONS TO AUTHORS** at the back of this journal.

Most scientific papers are prepared according to a format called IMRAD. The term represents the first letters of the words **I**ntroduction, **M**aterials and **M**ethods, **R**esults, **A**nd, **D**iscussion. IMRAD is simply a more 'defined' version of the "IBC" [Introduction, Body, Conclusion] format used for all academic writing. IMRAD indicates a pattern or format rather than a complete list of headings or components of research papers; the missing parts of a paper are: *Title, Authors, Keywords, Abstract, Conclusions, and References*. Additionally, some papers include Acknowledgments and Appendices.

The *Introduction* explains the scope and objective of the study in the light of current knowledge on the subject; the *Materials and Methods* describes how the study was conducted; the *Results* section reports what was found in the study; and the *Discussion* section explains meaning and significance of the results and provides suggestions for future directions of research. The manuscript must be prepared according to the Journal's **INSTRUCTIONS TO AUTHORS**.

Editorial process

Authors are notified with an acknowledgement containing a *Manuscript ID* on receipt of a manuscript, and upon the editorial decision regarding publication.

Pertanika follows a **double-blind peer-review** process. Manuscripts deemed suitable for publication are usually sent to reviewers. Authors are encouraged to suggest names of at least three potential reviewers at the time of submission of their manuscript to Pertanika, but the editors will make the final choice. The editors are not, however, bound by these suggestions.

Notification of the editorial decision is usually provided within ten to fourteen weeks from the receipt of manuscript. Publication of solicited manuscripts is not guaranteed. In most cases, manuscripts are accepted conditionally, pending an author's revision of the material.

As articles are double-blind reviewed, material that might identify authorship of the paper should be placed only on page 2 as described in the first-4 page format in Pertanika's **INSTRUCTIONS TO AUTHORS** given at the back of this journal.

The Journal's peer-review

In the peer-review process, three referees independently evaluate the scientific quality of the submitted manuscripts.

Peer reviewers are experts chosen by journal editors to provide written assessment of the **strengths** and **weaknesses** of written research, with the aim of improving the reporting of research and identifying the most appropriate and highest quality material for the journal.

Operating and review process

What happens to a manuscript once it is submitted to *Pertanika*? Typically, there are seven steps to the editorial review process:

1. The Journal's chief executive editor and the editorial board examine the paper to determine whether it is appropriate for the journal and should be reviewed. If not appropriate, the manuscript is rejected outright and the author is informed.
2. The chief executive editor sends the article-identifying information having been removed, to three reviewers. Typically, one of these is from the Journal's editorial board. Others are specialists in the subject matter represented by the article. The chief executive editor asks them to complete the review in three weeks.

Comments to authors are about the appropriateness and adequacy of the theoretical or conceptual framework, literature review, method, results and discussion, and conclusions. Reviewers often include suggestions for strengthening of the manuscript. Comments to the editor are in the nature of the significance of the work and its potential contribution to the literature.

3. The chief executive editor, in consultation with the editor-in-chief, examines the reviews and decides whether to reject the manuscript, invite the author(s) to revise and resubmit the manuscript, or seek additional reviews. Final acceptance or rejection rests with the Editor-in-Chief, who reserves the right to refuse any material for publication. In rare instances, the manuscript is accepted with almost no revision. Almost without exception, reviewers' comments (to the author) are forwarded to the author. If a revision is indicated, the editor provides guidelines for attending to the reviewers' suggestions and perhaps additional advice about revising the manuscript.
4. The authors decide whether and how to address the reviewers' comments and criticisms and the editor's concerns. The authors return a revised version of the paper to the chief executive editor along with specific information describing how they have answered the concerns of the reviewers and the editor, usually in a tabular form. The author(s) may also submit a rebuttal if there is a need especially when the author disagrees with certain comments provided by reviewer(s).

5. The chief executive editor sends the revised paper out for re-review. Typically, at least one of the original reviewers will be asked to examine the article.
6. When the reviewers have completed their work, the chief executive editor in consultation with the editorial board and the editor-in-chief examine their comments and decide whether the paper is ready to be published, needs another round of revisions, or should be rejected.
7. If the decision is to accept, an acceptance letter is sent to all the author(s), the paper is sent to the Press. The article should appear in print in approximately three months.

The Publisher ensures that the paper adheres to the correct style (in-text citations, the reference list, and tables are typical areas of concern, clarity, and grammar). The authors are asked to respond to any minor queries by the Publisher. Following these corrections, page proofs are mailed to the corresponding authors for their final approval. At this point, **only essential changes are accepted**. Finally, the article appears in the pages of the Journal and is posted on-line.



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A special edition devoted to issues in
Criminal Justice in the 21st Century: Spirit, Form & Challenges

Vol. 23 (S) Oct. 2015
(Special Edition)

Guest Editors
Ida Madieha, A., Majdah, Z., & Sonny, Z.

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Preface

Alhamdulillah, with the grace of Allah s.w.t., this Special Edition of the *Pertanika Journal of Social Sciences and Humanities* is finally complete. This Issue comprises of selected papers from the International Conference on Law, Order and Criminal Justice, which took place on 19th and 20th November 2014, at the beautiful ISTAC Campus. The Conference was hosted by the Ahmad Ibrahim Kulliyah of Laws, IIUM, in collaboration with the Malaysian Judiciary, the Royal Malaysian Police, the Institute of Public Security Malaysia (IPSOM) and the National Council of Professors. The Conference focused on the modern criminal justice system with the aim of looking at the effectiveness of this existing system as a comprehensive system of controlling crimes and ensuring the safety of the public through various institutions, which are directed at maintaining social order and minimising crimes. In lieu of the challenges of the current criminal justice system, this Conference adopted the term “**Law, Order and Criminal Justice**” to cover all the different agencies and organisations involved in enforcing law and order, preventing crimes and meting out punishments, as well as how they work together in establishing the principles of equity, fairness and justice.

In this fast-changing world, these practices and institutions cannot remain static. They must change and evolve as criminals and syndicates also adopt sophisticated tactics to commit various types of crimes. On top of that, new technologies such as ICT and biotechnology further challenge the traditional notions and “forms” of crimes. As such, these have an impact to the collection of evidence as well as the need to revisit the appropriateness of the existing punishments. The forces of globalisation and international trade have also given rise to new commercial crimes across borders that require rethinking of traditional concepts such as criminality, evidence gathering and punishment.

The theme of the Conference, “Criminal Justice Systems in the 21st Century: Spirit, Forms and Challenges”, reflects all the various tensions faced by the modern criminal justice system in all its five pillars, namely, the community, the law enforcement agencies and mechanisms, the prosecution, the court and the correctional system. Should we strive to achieve the main spirit behind criminal punishments alone? Do the forms of punishments matter? If so, what are the main challenges in meting out punishments?

In order to unearth the various issues surrounding criminal justice, the Conference organisers accepted papers based on eight broad themes, namely; crimes against the state; commerce and new forms of crimes; new technologies and the criminal justice system; punishment and reform; law enforcement; judiciary and administration of justice; criminal evidence and other related issues on criminal justice. The Conference also encouraged papers which offered Islamic perspectives on issues surrounding these themes.

During the Conference, a total of 51 papers were presented by participating speakers from Brunei, Maldives, Nigeria, Iran, Palestine, Singapore and Indonesia. On the local front, Malaysian law schools also participated with the presenters from the University of Malaya, National University of Malaysia, MARA University of Technology, Universiti Sains Islam Malaysia, Universiti Utara Malaysia, as well as the host institution, the International Islamic University Malaysia. A total of 18 papers were carefully chosen for this Special edition. In these papers, the authors have

rigorously examined and discussed recent developments on criminal justice in their national legal system. It is hoped that their academic endeavour will serve to initiate broader discussions on the effectiveness of the criminal justice system not only at the domestic front but also regionally and internationally.

The publication of these papers would not have been possible without the support of the Kulliyah, and the Dean, Prof. Dr. Hunud Abia Kadouf, as well as the team of reviewers who carried out the review within such a short time frame. Without their tireless and selfless assistance, this edition would not have been a reality. For them and the Kulliyah, we wish to express our sincerest gratitude and heartfelt appreciation.

Last but not least, this issue is a concerted effort made possible with the help of Dr. Nayan Kanwal, the Chief Executive Editor, and his dedicated Pertanika team at the Journal Division, UPM, who rendered us their generous guidance and commitment in bringing this edition to print.

It is our deepest hope and prayers that all these efforts will be rewarded with the choicest blessings from Allah s.w.t.

Jazakamullahu khairan kathira.

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Vol. 23 (S) Oct. 2015

Contents

Criminal Justice in the 21st Century: Spirit, Form & Challenges	
Revisiting the Role of a <i>Mufti</i> in the Criminal Justice System in Africa: A Critical Appraisal of the Apostasy Case of <i>Mariam Yahia Ibrahim</i> <i>Humud Abia Kadouf, Umar A. Oseni and Magaji Chiroma</i>	1
Alternatives to Custodial Sentences: A <i>Maqasidi</i> Approach <i>Halima Boukerroucha</i>	19
Challenges in the Enforcement of Shari'ah Criminal Offences in Selangor: between Perception and Reality <i>Ramizah Wan Muhammad, Abdul Shukor Abdul Hamid,</i> <i>Abdul Rahman Tobhoroni and Nasimah Husin</i>	31
Forgiving the Enemy: A Comparative Analysis of The Concept of Forgiveness in Shari'ah and Malaysian Law <i>Majdah Zawawi and Nasimah Hussin</i>	43
Shari'ah Court and the Role of <i>Muftis</i> in the Nigerian Judiciary: Mission on Reviving the Lost Glory of Its Past <i>Magaji Chiroma, Mahamad Bin Arifin, Abdul Haseeb Ansari and</i> <i>Mohammad Asmadi Abdullah</i>	55
Crime of Baby Dumping: A Review of Islamic, Malaysian and Nigerian Laws <i>Azizah Mohd and Alhaji Umar Alkali</i>	67
War Crimes and the Downing of Malaysian Airliner MH-17 <i>Mohammad Naqib Ishan Jan and Abdulrashin Lawan Haruna</i>	83
Admissibility and Jurisdiction before the International Criminal Court Regarding the Boko Haram Situation in Nigeria <i>Kafayat Motilewa Quadri, Mohammad Naqib Ishan Jan,</i> <i>Mohd. Iqbal Abdul Wahab and Haniff Ahamat</i>	97
Disclosure of Wrongdoings and Protection of Employee Whistleblower under the Malaysian and Nigerian Law <i>Ashgar Ali Ali Mohamed, Abubakar Aminu Ahmad and</i> <i>Farheen Baig Sardar Baig</i>	109

Criminal Liability for Breach of Fiduciary Duty: A Case of Criminal Breach of Trust by the Personal Representative of the Deceased's Estate <i>Akmal Hidayah Halim and Nor Azlina Mohd Noor</i>	125
Combating Child Pornography in Digital Era: Is Malaysian Law Adequate to Meet the Digital Challenge? <i>Juriah Abd Jalil</i>	137
Authentication of Electronic Evidence in Cybercrime Cases Based on Malaysian Laws <i>Mursilaili Mustapa Sa'di, Abdul Rani Kamarudin, Duryana Mohamed and Zulfakar Ramlee</i>	153
The Shari'ah Approach to Criminalise Identity Theft <i>Sonny Zuhuda and Sidi Mohamed Ould Mohamed</i>	169
Criminalisation of Misappropriation of Traditional Cultural Expression (TCE) <i>Suzi Fadhilah Ismail and Ida Madieha Abdul Ghani Azmi</i>	183