



INTERNATIONAL JOURNAL OF ACADEMIC RESEARCH IN BUSINESS & SOCIAL SCIENCES



Theory and Application of *Sadd al-Dhara'i'* (Blocking the Means) in Curbing Crime in Malaysia

Wan Zulkifli Wan Hassan, Laizatunorhasikin Mohd Adom

To Link this Article: <http://dx.doi.org/10.6007/IJARBSS/v12-i4/13084>

DOI:10.6007/IJARBSS/v12-i4/13084

Received: 08 February 2022, **Revised:** 12 March 2022, **Accepted:** 27 March 2022

Published Online: 05 April 2022

In-Text Citation: (Hassan & Adom, 2022)

To Cite this Article: Hassan, W. Z. W., & Adom, L. M. (2022). Theory and Application of *Sadd al-Dhara'i'* (Blocking the Means) in Curbing Crime in Malaysia. *International Journal of Academic Research in Business and Social Sciences*, 12(4), 489–503.

Copyright: © 2022 The Author(s)

Published by Human Resource Management Academic Research Society (www.hrmars.com)

This article is published under the Creative Commons Attribution (CC BY 4.0) license. Anyone may reproduce, distribute, translate and create derivative works of this article (for both commercial and non-commercial purposes), subject to full attribution to the original publication and authors. The full terms of this license may be seen at: <http://creativecommons.org/licences/by/4.0/legalcode>

Vol. 12, No. 4, 2022, Pg. 489 – 503

<http://hrmars.com/index.php/pages/detail/IJARBSS>

JOURNAL HOMEPAGE

Full Terms & Conditions of access and use can be found at
<http://hrmars.com/index.php/pages/detail/publication-ethics>



INTERNATIONAL JOURNAL OF ACADEMIC RESEARCH IN BUSINESS & SOCIAL SCIENCES



www.hrmars.com

ISSN: 2222-6990

Theory and Application of *Sadd al-Dhara'i'* (Blocking the Means) in Curbing Crime in Malaysia

Wan Zulkifli Wan Hassan^{1,2}, Laizatunorhasikin Mohd Adom³

¹School of Liberal Studies (Citra UKM), Universiti Kebangsaan Malaysia, ²Institute of Islam Hadhari (HADHARI), Universiti Kebangsaan Malaysia, ³Criminal Investigation Department, Contingent Police Headquarters (IPK) in Negeri Sembilan, Royal Malaysia Police

Abstract

The issues of crime have never been foreign in headlines, not only the ones involving the lives of the victims but also those not involving any fatality at all. This can become socially, economically and politically detrimental to the peace and harmony of the society and the country. However, does it occur to Malaysians that the Malaysian government through several government agencies have its own initiatives in curbing all forms of crime that can become detrimental to the society? This issue has to be resolved through some mechanisms laid out and enforced by the government as an effort to preserve the peace and stability in the society. Thus, the preventive steps be it at the federal level or state level play a highly significant role to ensure that healthy lifestyle can be fully realised. A wholesome study on the existing crime prevention steps must be given proper attention to ensure that the aim of the practice is fulfilled. The steps will not be issued mindlessly, or without aim and necessity. This is at par with the syara' law known as "*Sadd al-Dharai'*" through its resource. In this article, the writer only looks into the extent of which the concept of *Sadd al-Dharai'* is applied and considered in determining any step of prevention of crime issued by the Malaysian authorities in crime issues. It is found that all the steps taken have taken into account the application of *sadd al-dharai'* at the expense of preserving lives, minds, dignity and assets of every member of the society in Malaysia.

Keywords: *Sadd al-Dhara'i'*, Crime, Preventive Steps, Malaysia

Introduction

Of late, the crimes that happen in this country have been on the rise and even are mushrooming. Cases like gangsterism, vandalism, murder, rape, snatch theft, drugs, bribery, prostitution and many more have been in the news, in newspapers and magazines and others. The bottom line is that crime represents all the actions that can harm both humans and properties. It has to be stated that the approach in handling crime needs to be consistently revised and improved. The crimes in Malaysia can be divided into six categories namely heavy crimes involving severe punishments such as murder, or those using weapons, then light crimes such as gangsterism and vandalism, narcotics crimes involving drug dealing and

trafficking, commercial crimes like fraud, trade crimes covering bribery and corruption also white-collar crimes involving crimes committed by professionals.

The government, through its agencies, has come up with a more effective mechanism in curbing crimes that have become rampant in the society today, but the number of crime cases has risen, especially the serious crimes- as if the policies or measures taken by the government are ineffective. Thus, some drastic measures need to be taken to prevent the crimes from spreading even more, nationwide.

For this purpose, this article discusses how the government considers the *sadd al-Dharai* in deciding upon some reasonable steps in curbing various crimes in Malaysia. The purpose is to answer several questions raised by the society with regard to the issue. It is hoped that with this measure, the social stability and peace can be created among the Malaysians at the same time it does not deviate from the laws of Shara'.

Study Methodology

In this study, the method used is library study. Through this method, relevant studies have been chosen to support the title of the study and to serve as useful reference. Having selected past studies, information related to the title is referred to and gathered. Some of the pieces of information include those related to important concepts like curbing crimes in Malaysia, relevant issues, and the application of *Sadd al-Dharai'* in the effort to curb crimes.

From the previous studies obtained, the outcome of the studies has been analysed to acquire some new information related to the study title. The studies were selected from books, academic journals and government reports. The books used include academic books written by academicians and the books published by government agencies associated with crime issues in Malaysia and the application of *sadd al-dhara'i'* on the issues. Academic journals have also been selected based on the titles related to the topic of the study, while government reports have also been used specifically to obtain specific data concerning the issue of human trade in Malaysia.

The Theory of Crime

The word 'crime' originates from Arabic, pronounced *jinayah* or *jarimah* meaning sinned, acquiring something or to cut (Ibn M. no date). In terms of the terminology, it means violating the boundaries set by the syaria' of Islam and Allah imposes the punishment of *hadd* or *ta'dhir* (Audah, no date).

Crime in Islam is also interpreted as forbidden actions, involving one's soul, assets and physicality. It indicates that for all the sins and ill-behaviours committed, big or small, punished by qisas, hudud or tadhir- they are all classified as criminal offences.

Other than that, Islam places great importance on the issue of crime. This is evident in Islam as there are issues raised on the, muamalat and munakahat, Fiqh Islam discussing a specific part on crime. Simultaneously, it reflects on the fact that Islam is truly comprehensive and holistic on issues concerning human life (Audah, no date)

There are several theories that have been put forth in comprehending crime and its prevention in the world today, some associated ones include the Rational Choice Theory

introduced by Cesare (1775). The main aim of this theory is to believe that humans naturally have egoistic attitude and they are selfish, this this kind of individuals must be intimidated by punishments that can make them obey and succumb to the law (Bicchieri, 2003) .

Not only that, the Rational Choice Theory also states that the skills and knowledge about crime also play an important role in influencing one to commit crime. Siegel (2006) points out that both the skills and knowledge are vital to ensure that their illegal activities are not known or detected by the police. This is very much connected to the criminal's planning and strategy to commit crime. For instance, in the case of break-in, criminals will normally be very skilled at unlocking padlocks and sneaking through narrow or small spaces.

Apart from that, house break-ins often happen due to the fact that there is often an opportunity to do so and this enables criminals to jump at the chance. According to Ekblom (1995), it involves three main factors namely targeted victim, opportunity and the motivation to commit crime. The existence of the target is someone who has a home equipped with luxurious items like fancy cars. This is also helped by the fact that there is no one to act and prevent the crime, to ensure that there is no witness at the crime scene. For instance, crime happens on a working day or when occupants have gone out shopping as normally it will take time for them to reach home. To add, with the conducive physical and social environments, it invites such criminal acts. The combination of all three factors in the residential areas has given a great opportunity for criminals to act. (Jensen & Anderson, 2004).

Other than the rational choice theory, there is a theory that can be related to current crime which is the *trait theory* introduced by Lambroso (1876) which sees the physical traits of the criminal as one of the factors that causes crime. It was put forth in 1876 from Lambrosso's observation on the physical traits of the inmates and comparison with the traits of the Italian soldiers at the time. At the end of his observation, Lambroso finds that there are several traits that were different between the inmates and the soldiers, and this led him to conclude that biological factor is the root of criminal behaviour. Lambrosso believed that through detection and the physical traits of the inmates, there is enough evidence that the individual is born criminal (Lombroso 1876)

The next theory is the Labeling Theory which is a form of explanation on the crime phenomena and deviant behaviour expanding from the symbolic interaction theory in the field of sociology. Deviant behaviour (Jerry, 1983) can be understood as an act that violates the readily dictated norms of the society. Deviant behaviour introduced by Jerry Jacobs began with the assumption that an individual or member of the society has a choice, whether to do good or bad. At the same time, there exists a set of laws created to be followed by the society. The longer an individual can follow the laws of the norm created by the society, he or she would be able to get rid off any condemnation, anger or boycotting, or the punishment imposed.

The final theory that can be linked with crime is the Psychodynamic Theory. According to Weston, Drew (1998), this theory was first introduced by Sigmund Freud a psychologist from Austria. Other than psychodynamic, this theory is also known as the psychoanalyst theory by several scholars in the field of Psychology. Fundamentally, this theory analyses the structure of the human mind through a number of aspects- one of which involves human's level of

awareness and also the division of the mind structure. From the analysis done, human behaviour can generally be explained. In this theory, Freud states that there is an innate force that can provide energy to our psyche. Freud emphasizes that the force is instinctive and he divides the instinct into two more forms, life instinct and death instinct (*Weston & Drew, 1998*)

The Statistics and The State of Crime in Malaysia

People's anxiety and restlessness have increased due to the frequent occurrences of crime incidents involving murder and weapons. In a period of less than a year, not less than 2 or 3 cases have happened. The security issue appears to be ignored by the government. Up until today, there is no one effort or drastic measure, or the government seems to wait for the next victims of crime. Referring to the government's initiative in introducing the *Bidang Keberhasilan Utama Negara* or National Key Results Areas (NKRA) one of them is to place a target on reducing the crime rate. That said, as of writing, it has not given any impact to the increasingly alarming national crime index. NKRA should be replaced with the restructuring plan of institutions placed under the Ministry of Domestic Affairs or *Kementerian Dalam Negeri* (KDN).

According to the Royal Malaysia Police, crime can be categorised into two major sections, (<https://www.malaysia.gov.my/portal/content/30469?language=my>) cited on 5 August 2021):

a. Index Crime

Index Crime is the crimes that are often reported and have a significant level sufficient to be regarded as important as an indicator to the state of crime. (PTKPN – D203).

Types of index crimes are murder, rape, sexual assault, riot, extortion, group armed robbery, group robbery without weapons, armed robbery, crime threat, break-in, stealing, car theft, snatch theft, van/lorry/heavy machinery theft and causing injury.

b. Commercial Crime

commercial crimes encompass crimes such as fraud or deceit over someone or a company to get goods or money through forgery. This is because of greed, common crime and unstable occupations. The types of commercial crime are credit card fraud, e-banking fraud, will and insurance fraud, international fraud, love scam, parcel scam and cyber crime.

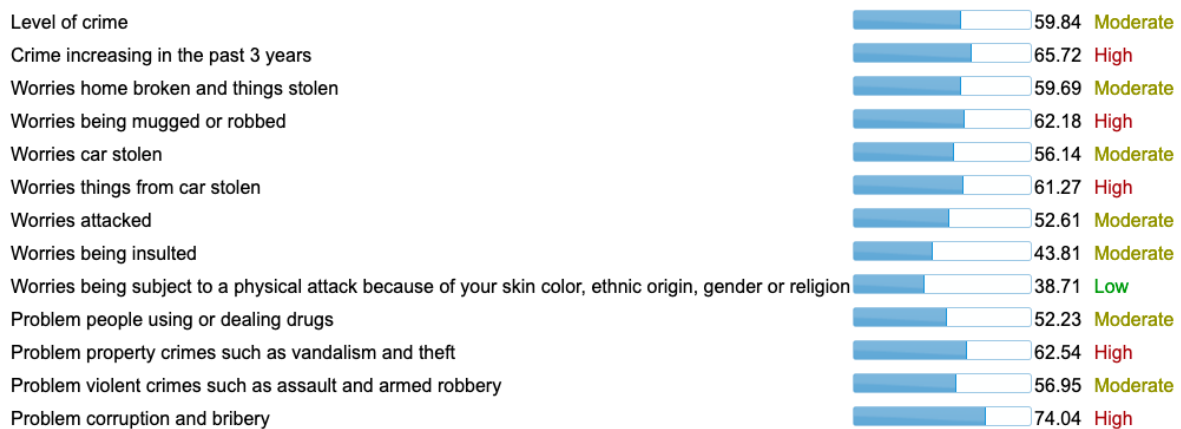
Malaysia is ranked fourth in the crime index rate in the Asian region, as reported by the global database *Numbeo* (<https://www.numbeo.com/crime/rankings.jsp>, 2021). However, the index issued in the middle of 2020 shows a reduction to 58.55 percent compared to 60.66 percent in the same period last year. It automatically sees that the safety in this country to increase from 39.34 percent in the middle of 2019 to 41.45 percent (mid-2020). Nonetheless, if we refer to the middle of 2021, the crime index in Malaysia especially in Kuala Lumpur increased to 64.61 and stayed at the 7th position from 97 countries in Asia. It also indicates that the security rate in Malaysia especially Kuala Lumpur had dropped to 35.39 percent and it was ranked at the 91st place from 97 countries in Asia.

Based on the comparison of the countries all over the world, Malaysia is at the 26th place from 133 countries. This is a better place compared to the middle of the year 2019, which was at the 20th place. However, in the middle of 2021, the security rate in Malaysia

especially Kuala Lumpur had dropped to 35.39 percent and it went to the 384th place from 427 countries.

Crime Index By State

Crime rates in Malaysia



Safety in Malaysia



The fraction according to the crime rate, where the issue of bribery in this country records the highest percentage which is 74.04 percent.

Source : (<https://www.numbeo.com/crime/rankings.jsp>, cited on 24 August 2021)

The report also discloses the safety index when one walks alone during the day at this country, where it is at moderate level which is 58.55 percent, whereas during the evening it stays at low level (32.59 percent).

Based on the fraction according to the crime rate, bribery records the highest percentage which is 74.04 percent. The second and the third places concerning property crime are vandalism and theft with 62.54 percent, and the fear of being robbed (62.18 percent).

Some of the other crime rates emphasized include the fear of having things stolen in the car (61.27 percent); the fear of having homes broken into (59.69), the fear of car theft (56.14 percent) and drug abuse (52.23 percent).

| Rank | City | Crime Index | Safety Index |
|------|---------------|-------------|--------------|
| 1 | Klang | 68.24 | 31.76 |
| 2 | Kuala Lumpur | 64.57 | 35.43 |
| 3 | Johor Bahru | 56.43 | 43.57 |
| 4 | Petaling Jaya | 56.30 | 43.70 |
| 5 | Kuching | 47.61 | 52.39 |
| 6 | Penang | 36.28 | 63.72 |

The website discloses six areas in this country that show the highest crime index, with Klang being at the first place with 68.24 percent.

Source: (<https://www.numbeo.com/crime/rankings.jsp>, cited on 24 August 2021)

The website also exposes that the six areas in the country record the highest crime index with Klang, being at the first place with 68.24 percent. The second and the third place are

respectively in Kuala Lumpur with 64.57 percent; and Johor Bharu with 56.43 percent. Meanwhile, Petaling Jaya stays at the fourth place with 56.30 percent; Kuching at the fifth place (47.61 percent); and Penang in the sixth place (36.28 percent).

The Concept of Crime Prevention

The concept of crime prevention in general means the technique used to prevent crime or the potential of crime. Crime can be prevented through multiple ways or techniques, some include having a sense of wariness and vigilant, improving social life, other than the tasks and duties carried out by the police.

That said, if a member of the society violates the law, the authoritative party (Social Control Institution) will take action and if he is found guilty, he must then be punished. The punishment imposed even for a brief period of time, will continue to influence the deviant all his life. Those punished, even after they have undergone the period of punishment and social rehabilitation will continue to be discriminated against by the society. This is due to the fact that the individual is still seen as 'sinned'. Here, those committing such criminal acts are still regarded as 'indebted to the community' although they have completed the punishment and the restraining order period, stemming from the deviant acts they have committed.

Academically, crime is interpreted in various definitions by legal experts. According to Card (1998), it is a violation of the law. Someone caught to have committed a crime can be charged by the prosecutor, and can be punished if the charge has proven that he or she is guilty. Simester et. al (2000) have the view that crime is an act forbidden by law, thus offenders can be charged under crime proceedings, and can be punished. In this matter, the law has the role of preventing some crimes from being committed. Also, crime can also be seen as the outcome of one's behaviour or action, be it active or passive, that has become the responsibility of the country's authority to prevent it. For Smith (1999), crime is one of the ill-behaviours that can directly, and seriously, threaten the peace and wellbeing of the society, and it is not safe for the offenders to be on the loose and to simply be assumed to be able to recover just by giving incentives or rewards to the victims. The court also sees crime as a form of moral offence that necessitates some kind of return or punishment.

In the Law Dictionary (1995), crime is interpreted as an act (or sometimes the failure to act) dictated by a statute or common law, as public offence and can be imposed punishment by the state government in crime proceedings. Every crime act must contain *actus reus* accompanied by *mens rea*, and this second element must be proven without any doubt (Reid, S., 1999). Here, the attitude of a criminal can be controlled with the existence of this comprehensive law where it can help preserve the interest and welfare of a society. Some of the offences are serious moral offences like murder and rape, disturbing public peace like sexual assaults and public offences like stealing.

Healey (1995) also claims that crime activities have made towns now very risky places to live. In other studies, there are mentions of the unsafe conditions influenced greatly by the globalization process, causing social and spatial imbalance and leading to the existence of "dead areas" in the towns, thereby inducing the feeling of unsafe among the people in the society (Oncu & Weyland, 1997; Yuen, 2004). Cummins (2000) also stresses that safety is also one of the yardsticks in achieving quality life. The importance of this aspect has been verified by the Needs Hierarchical Theory by Maslow (1968) who places it as the second most important measurement after psychological needs, towards achieving a better life.

We also have crimes involving social products. The characteristics simply reflect on the state of the society. In addressing crime, we are able to see how a country enact its policy and laws based on the current needs. For example, in Malaysia, we take note of the Penal Code that has been revised more than 20 times after the Independence. The same goes with the enactment of the new laws that combat specific crimes such as Human Anti-Trafficking Act and Migrant Anti-Smuggling Act 2007 also Sexual Offences on Children Acr 2017. The core characteristics of crime remain through time. Fundamentally speaking, crime denotes all the actions that are detrimental to humans and properties. On that note, however, the approach in curbing crime has to be consistently revised and improved.

Crime Prevention Steps in Malaysia

In Malaysia, Polis Diraja Malaysia (PDRM) suggests to the society several tips and steps of preventing crimes especially those involving lives, dignity and property. In Malaysia, crime prevention has already been dictated under the role and function of the police force. This is stated under Section 3(3) 1967 Police Act, which is the Detection and Prevention of Crime. The role can be implemented in two approaches; reactive and proactive approaches. The first one is the action taken after the crime. The reactive action includes investigation, arrest, indictment and special operations to keep track of the criminals also the form of punishment and rehabilitation imposed on the criminals or prisoners. The proactive approach is the action taken prior to the crime being committed.

Some of the proactive approaches include the fact that individuals have to be very careful when they are outdoor. Avoid from walking alone when they are going out. For women, they are advised to avoid from carrying long-strapped bags as this will make it easier for the criminals to snatch the bags compared to short-strapped ones. One's life and asset can be spared this way. Other than that, if someone is walking at the kerb, make sure he or she walks on the side not immediately next to the main road.

Yayasan Pencegahan Jenayah Malaysia or Malaysian Crime Prevention Foundation (MCPF) states that there are several steps that need to be taken by the society to address also said there are a number of steps that are being taken by the community in an effort to deal with cases involving dignity and honor (<http://www.mcpf.org.my/>):

1. Do not ever go into the lift with a stranger. Let the stranger take the lift and wait for the next one.
2. If you are alone in the lift, stand next to the 'Up' button. Press "Open Door" and get out if a stranger rushes in as the door is about to close.
3. Always be on alert, do not sleep during the day or sleep when you are in a journey.
4. Do not try to take the shortcut and follow dark and remote places. Go straight to the light area where there are people and busy roads.
5. Do not jog in a remote area.
6. Do not accept gifts, from a stranger who approaches you on the pretext of asking for direction, help, etc.
7. Never agree to meet with someone you think you know through IRC or phone in person. If you feel the need to meet up this way, do it in a group and in a crowded place.
8. Do not ever expose information about yourself and your family online.

For matters involving assets of the Malaysian Crime Prevention Foundation, it is recommended that several steps are taken by the society so that the crime cases involving

property can be prevented. Some included the following (<http://www.mcpf.org.my/>, cited on 2 September 2021):

1. Lock all the doors and windows when leaving the home without supervision, even though it is temporary.
2. Do not hide the keys under the cassette, in the plant pots or above the electric box outside the house.
3. Do not leave any note outside the house announcing that you are not home.
4. Leave the lights and radio on at night to indicate that there is someone in the house.
5. Cancel all deliveries (for example newspapers, magazines and others) when you are not at home for a few days.
6. Change all the lock when your house keys are lost or happen to be stolen.
7. Ask your closest neighbours to keep watch over your house when you are away.
8. Do not leave your handphone away from you so that it is easy for you to call in times of emergency.

In general, through the short-term prevention strategy, the approaches used are by operations, patrol, roadblocks and so on. Such tasks would definitely require a large number of members in a team to man or observe every corner and place throughout the country. Supervision does not necessarily mean doing rounds but members must always observe their areas and report anything strange or abnormal or suspicious to the officers in charge immediately, and enforce programs or/and pro-social activities.

Some of the preventive methods that need to be taken by the society is to be wary of cyber crime. Thus, PDRM has offered several tips in confronting cyber crime as follows ([https://www.rmp.gov.my/infor-korporate/jabatan---jabatan/jabatan-pencegahan-jenayah-dan-keselamatan-komuniti-\(jjjkk\)](https://www.rmp.gov.my/infor-korporate/jabatan---jabatan/jabatan-pencegahan-jenayah-dan-keselamatan-komuniti-(jjjkk))) :

1. Be careful with any unwritten opportunities for profit
2. Do not easily be deceived with dealings that promise short-term lucrative profits
3. Always sensitive with the awareness campaigns organized by the authority.
4. Make revision with the authorities concerned.
5. Do not share personal information with someone we recently meet.
6. Make sure you have the knowledge about technology (the Internet)
7. Protect your account information.
8. Check the address of someone you recently met from abroad, through the Internet.
9. Not be fooled by sweet promises

The Concept of *Sadd Al-Dhara'i'*

There are several interpretations raised by the scholars in interpreting *Sadd al-Dhara'i'*. According to al-Qurtubi (no date), *Sadd al-Dhara'i'* was originally something that was not forbidden, but if it carries destruction, it became forbidden to do. Al-Syatibi opined that *Sadd al-Dhara'i'* uses kindness as a way to prevent destruction or *mafsadah* (al-Syatibi, no date)

Apart from that, according to al-Burhani (1985), *Sadd al-Dhara'i'* was originally not forbidden, but it will be if there is an element of slander or those that have detrimental effects. On the same token, al-Qarrafi (no date), has asserted that *Sadd al-Dhara'i'* is a compulsory preventive

step done on *al-Dhara'i'* that leads to damage and destruction. This is different if *al-Dhara'i'* encourages people to do good and be kind, where it will be called *fath al-Dhara'i'* which indicates that one must be given the chance.

Sadd al-Dhara'i' is an important basis in enforcing *fiqh* law among al-Malikiyyah (Al-Syatibi, no date). This is due to the fact that al-Malikiyyah is a *mazhab* (school of thought) that holds to the *ijtihadiyyah* based on the general benefits to humankind. Therefore, some scholars are of the opinion that *Sadd al-Dhara'i'* is one of the most crucial characteristics of the Imam Dar Al-Hijrah (Imam Malik) *mazhab* (Al-Qarrafi, no date; Abu, 1996).

Other than Imam Malik, Imam Ahmad also made *Sadd al-Dhara'i'* as a *fiqh* basis (Abu Z. 1996; Ibn Badran, no date). Ibn al-Qayyim (no date), who was a staunch believer in the Hanbali *mazhab* reiterated that *Sadd al-Dhara'i'* is one-fourths ($\frac{1}{4}$) of religion. Other than that, he also debated on the 99 problems related to the doctrine in his book "*I'lam al-Muwaqqi'in*".

On the other hand, al-Syafi'iyah and al-Hanafiyyah do not list the doctrines in their law methodology. However, they have indirectly incorporated the *Sadd al-Dhara'i'* doctrine in several problems and solutions brought forward by their *ijtihad* (Al-Kasani, 1997). The Syiah *mazhab*, too, uses it as the source of their law. This differs from the views of Ibn Hazm who wholeheartedly opposed to the usage of the doctrine (al-Hakim, no date).

***Sadd al-Dhara'i'* in Curbing Criminal Cases in Malaysia**

Islam places heavy emphasis on a person's life. Not only on matters regarding religious beliefs, it also involves life, mind, lineage, and property. Therefore, between the sources of law introduced to the Syariah are *Sadd al-Dhara'i'* in curbing criminal cases, several crime prevention steps can be seen implemented by the Malaysian authorities, especially by the Royal Malaysian Police, can be linked to the application of *Sadd al-Dharai'*.

Islamic Syariah law sources paint a picture on the importance of taking care of spiritual, dignity, and wealth matters. Islam's thoroughness is to bring about peace and harmony to mankind as the issues of national and social security cannot be taken lightly by the government.

Crime prevention in Islam is linked to the *Sadd al-Dharai'* concept. According to al-Burhani (1995), understanding *Sadd al-Dhara'i'* is crucial when delving into the *nas-nas syarak* correctly and to ensure that the laws that develop from it may be accepted. Therefore, when deciding a law, *nas syarak* must be scrutinized and thoroughly understood to ensure that the ensuing law is in line with the reason behind its enactment.

As pillars of society, the RPM made recommendations to the citizens to avoid walking alone when leaving the house. While walking alone is not against the law, however this could be potentially harmful for their lives, dignity, and wealth. The RPM also made recommendations for women to avoid using handbags with long straps as it may make it easier for a criminal to snatch their bags when compared to shorter straps. However, while using a handbag with long straps is not against the law, it could help prevent loss of life and property.

Among other approaches by the RPM which can be linked to *sadd al-Dhara'i'* is that it is recommended to not carry handbags on the side that faces the road for anyone who intends

to walk along the road. This may help avoid any snatch theft or similar crimes that may occur. Again, while carrying bags on the side that faces the road is not an offence, it could help prevent someone from being a victim of a snatch theft or similar crime.

In the meantime, among the preventative steps as suggested by the Malaysian Crime Prevention Foundation (MCPF), which are in line with the *sadd al-Dhara'i'* doctrine, is that if a person wishes to take the elevator should not get into the elevator with a stranger. It would be best to allow the stranger to enter the elevator alone and wait for the next one. As before, even though taking the elevator with a stranger is not an offence, however if it may lead to a crime, it should be prevented. These steps would help to save someone's life, dignity, and property.

MCPF has also issued advice to the public to never take shortcuts through dark and deserted areas or go for jogs in secluded areas. Instead, be in a well-lit area with plenty of pedestrians. These steps are in line with the *Sadd al-Dhara'i'* doctrine as a preventative step in Islamic Syariah context.

Other than that, among the efforts taken by the MCPF which is seen to be as parallel with the *Sadd al-Dhara'i'* doctrine are the suggestions to the citizens to not accept any offers of gifts from any strangers who approach under the guise of asking for directions, help, or something to that effect, as this could turn out to be a scam by irresponsible individuals out for unsuspecting victims. While accepting gifts is *harus* in essence, however when it is given by strangers, it should be avoided so that the community does not fall into the traps of scams by irresponsible individuals that could be harmful to the citizens' life, dignity, and property.

MCPF also issued advice to the citizens to never agree to meet with individuals that you initially met through IRC or direct phone calls. If there is a need to meet with such characters, ensure that it is done in a group setting in a public area.

For cases involving cybercrimes, among the steps taken by the government is that the individual has the rights to deny their personal data be used for commercial or marketing purposes by providing written notice to the data user, and this has been proven under the Section 43(1) provision. Even though sharing personal data is allowed and is not an offence, however when there arise elements that may bring peril to the owner of the personal data specifically on money fraud, therefore such ban on personal data sharing is highly justified. This matter is parallel with the *Sadd al-Dhara'i'* concept introduced by Islam.

Among the approaches recommended by the MCPF that are in line with the *Sadd al-Dhara'i'* concept is to prohibit the citizens to expose personal information as well as information pertaining to their family in online places such as Facebook, Instagram, as well as other platforms that may be easily accessed by criminals. If not kept at bay, these pieces of details and information will be exposed to individuals who would take advantage on these exposed information to lie and steal online personal information from the citizens.

Among the steps based on the *Sadd al-Dhara'i'* concept that RPM have taken to curb crime in Malaysia are by taking on short-term prevention strategies. This approach is used operationally, such as through patrols, roadblocks, and others. Even though roads are for

public use and it is prohibited for Muslims and humans to obstruct and restrict travel, however it may be used by criminals to escape, which is why roadblocks are sometimes necessary to prevent criminal activity from continuing. Therefore, it is appropriate that matters that may be exposed to harm such as non-compliance in situations that threaten life, dignity, and property must be curbed and closed off through specific blocks based on the *sadd al-dharī'ah* method which is to “close the doors of destruction” (Al-Burhani, 1995).

The steps as recommended by RPM and MCPF are in sync with the *sadd al-Dharai'* in preserving lives and minds so that people may avoid any and all forms of matter that may cause harm and loss of life and mind (al-Burhani, 1995). In addition, this is in accordance with a decree by Allah SWT in Surah Al-Baqarah, ayah 195 which means “And do not let your own hands throw you into destruction”. A hadith from Prophet Muhammad SAW also clarifies the same matter just as follows: “Do not harm (yourself) and do not harm (others) (Riwayat by Ahmad, Malik, Ibn Majah and al- Daraqutni).

This may also cause economic burden on the community due to the crimes or robbery and theft. Therefore, the proposal by the RPM is that the property or economy of the community not be robbed and stolen by criminals. This is parallel with the *sadd al-Dharai'* in preserving property in order to not obtain property through unlawful means and deceit towards the community (Al-Burhani, 1995).

Based on the general *maslahah*, a ruler who had the power to ban matters potentially detrimental to the society in order to preserve the public interest (*maslahah umum*) based on the *fiqh* method (Al-Sayuti, 1990):

“The act of the ruler towards the people depends on the *maslahah*”

Therefore, decisions made by the authorities especially the RPM and MCPF are on point as Islam is a religion that is complete in keeping the welfare of humanity universally based on the *sadd al-Dharai'* principles to ensure the safety of religion, lives, minds, dignity, and property. Crime may happen among the community if it is not kept in check, and may be the downfall of the five basic necessities in life. Everything that encompasses the preserving of these five basic life necessities are *maslahah* (goodness) and everything that destroys it is *mafsadah* (destruction), defending it is *maslahah* (Yusuf, no date; al-Burhani, 1995; Siti J., 2012).

The banning of crime is based on the *nas-nas syarak* of the al-Quran and Hadith as well as the *fihiyyah* approached to ensure the five basic necessities for human beings as inscribed in the *maqasid Syariah* as guarding the religion, soul, mind, lineage, and property so that it may be reserved as demanded by *syarak*. This is as crime clearly is the downfall of the human civilization, causing deaths and disruption to the human mind, neglecting the family and descendants, wasting and squandering time and wealth- all of which are regarded as despicable.

This clearly shows that the crime preventions steps as proposed by the RPM and MCPF on the prohibition on committing any acts of crime is parallel with the *Sadd al-Dharai'* concept in curbing harm from a person's life, dignity, and property point as well as increasing a life of religion among humans.

Conclusion

What can be concluded from the above discussion is that all steps as decided by the RPM in Malaysia on crime prevention is in line with the *Sadd al-Dhara'i'* concept which aims at protecting the *maslahat* and rejecting all forms of harm whether it be towards life, mind, self-honour, and property. Only what is now needed and highly significant is the research and consideration towards several of the following aspects to ensure the effectiveness in enforcing prevention when reaching for the objective to create an environment and community that hold on to the importance of preserving life, mind, family, and property so that it may be parallel with the *maqasid al-syari'ah*:

- i. A systematic Islamic-based application of punishment from aspects of types of punishment, and a need for enhancement to fulfil the Islamic punishment philosophy
- ii. Explanation on criminal offences such as murder, robbery, theft, and damage of reputation must be equipped from an enforcement view so that it may be more consistent and clear so that the Muslim community may not oppose to the Muslim values and *syara'* laws.
- iii. Usage of clear and concise terminology to avoid confusion and controversies in the process of implementation and execution towards those who commit offences related to crimes and *syara'* laws
- iv. Recommendations for the public to support efforts towards the implementation of enforcing Islamic laws that involves crimes pertaining to murder, dignity, mind, and property among the public so that Islamic law is not looked down upon and trivialized.
- v. Explanations should be widely and continuously made on the matters that may corrupt religious, life, mind, descendants, and human property matters so that they will not be involved in the destruction of the world and the Hereafter.

Even though preventive steps practiced in Malaysia do not clearly outline their link with the focus of the writing of *sadd al-Dhara'i'*, the author is highly optimistic that the proposals and suggestions offer sound tips and information. Yet, it still has the same preventive aims and objectives of its own to protect the Islamic, life, mind, lineage, and human property values.

Therefore, the concept of *sadd al-dhara'i'* will only be achieved when humans perform Allah's commands and abandon His prohibitions. Even if they did not know of *sadd al-dhara'i'* at all, they still have a duty in Islamic Shari'a to preserve life and to restrain from killing themselves and others.

The doctrine of *sadd al-dhara'i'* is very important in creating a prosperous life in society. It also has a huge impact on development in a country. This is said so because when a person especially the government understands and comprehends about the doctrine of *sadd al-dhara'i'* and its application, they are able to deal with many problems that arise in today's society. It not only involves crime-related matters, but in all matters that can lead to damage and destruction.

Nowadays there are various criminal offenses committed by a person due to changes from time and circumstances that affect the flow and pattern of a person's behavior. Thus sometimes a thing at first it is not seen to do wrong, but because it is seen to lead to damage and destruction, whether in terms of religion, life, intellect, dignity and property, then it must be prevented.

References

- Abu Z. (1996). *Tarikh al-Madhahib al-Islamiyyah*. Cairo: Dar al-Fikr al-'Arabi.
- Al-Burhani. (1995). *Sadd al- Dhara' I' fi al-Syari'ah al-Islamiyyah*, Damascus: Dar al-Fikr.
- Al-Hakim. (no date.). *al-Usul al-'Ammah li al-Fiqh al-Muqarin*. (t.t.p.): Dar al-Andalusi.
- Al-Kailani. (2000). *Qawa'id al- Maqasid 'Inda al- Imam Al-Syatibi*, Damascus: Dar al-Fikr.
- Al-Kasani. (1997). *Bada'i al-Sana'i' fi Tartib al-Syara'i'*, v. 3. Beirut: Dar al-Kutub al-'Ilmiyyah
- Al-Qarrafi. (no date). *al-Furuq*, Beirut: Dar al-Ma'rifah.
- Al-Qurtubi. (no date). *al-Jami' li Ahkam al-Quran*, v. 2, Cairo: al-Hai'ah al-Misriyyah al-'Ammah li al-Kitab.
- Al-Suyuti. (1990). *Al-Asybah wa al-Naza'ir*, Beirut: Dar al-Kutub al-'Ilmiyyah.
- Al-Syatibi. (no date). *al-Muwafaqat fi Usul al-Syari'ah*, v. 4. Beirut: Dar al-Kutub al-'Ilmiyyah.
- Audah. (no date). *At-Tasyri' Al-Jinaiy Al-Islamiy* v. II, Beirut: Dar Al Kitab Al-Arabi.
- Badran. (1969). *Usul al-Fiqh*, Egypt: Dar al-Ma'arif.
- Beccaria, C. B. (1775). *An Essay on Crimes and Punishment (with a commentary by M. de Voltaire)*. Edinburgh: F. Newberry.
- Bicchieri, C. (2003). "Rationality and Game Theory", in *The Handbook of Rationality*, The Oxford Reference Library of Philosophy, Oxford University Press
- Card, R. (1998). *Criminal Law*, London: Butterworth.
- Crime Seminar in Malaysia. (1998) Organized by the Department of Anthropology & Sociology, University of Malay.
- Cummins, R. A. (2000). *Objective and Subjective Quality of Life: An Interactive Model*. *Social Indicators Research* 52 (1), 55-72.
- Eklom, P. (1995). *Less Crime, by Design*. *The ANNALS of The American Academy of Political and Social Science*.
- Global Numbeo. (2022). (<https://www.numbeo.com/crime/rankings.jsp>).
- Hasan. (1999). *Maqasid Syariah: Konsep dan Pengaruhnya Dalam Pembentukan Hukum, dalam Abdul Karim Ali dan Raihanah Azahari, Hukum Islam Semasa Bagi Masyarakat Malaysia Yang Membangun*, Kuala Lumpur: Akademi Pengajian Islam, Universiti Malaya.
- Healey K. M. (1995). *Victim and Witness Intimidation: New Developments and Emerging Responses* U.S. Department of Justice.
- Ibn, B. (no dated). *al-Madkhal ila Madhhab Ahmad*. Egypt: Idarah al-Taba'ah al-Muniriyyah.
- Ibn, M. (no date). *Lisan al-'Arab*. v. 3, Egypt: Dar al-Ma'arif.
- Jacobs, J. (1983). *Social Problem Through Social Theory*. Houston: Cap and Gown Press
- Jensen, J., & Anderson, J. (2004). *Crime prevention through environmental design criminology*, 420-Term Paper.
- Kamus Undang-Undang. (1995). Shah Alam: Penerbit Fajar Bakti Sdn. Bhd.
- Lombroso, C. (1876). *L'Uomo Delinquente*. Milano: Hoepli.
- Maslow A. (1968). *Motivation and Personality*. Harper and Brother, New York.
- Mohd A. S. (2013). *Teori Pencegahan Sebagai Justifikasi Hukuman: Analisis perbandingan antara Perundangan Sivil dan Islam*, *Prevention Theory as a Justification punishment: A Comparative Analysis Between Civil and Islamic Legislation*.
- Muhammad, T. (no date). *al-Usul al-'Ammah li al-Fiqh al-Muqarin*. (t.t.p.): Dar al-Andalusi
- Oncu, A., Weyland, P. (1997). *Culture And Power: New Identities In Globalizing Cities*. Zed Books.
- Polis DiRaja Malaysia. (2022). (<https://www.rmp.gov.my/infor-korporate/jabatan---jabatan/jabatan-siasatan-jenayah>)

- Shukeri M. (1996). *Maqasid al-Syariah* dalam Pengurusan Harta, in Abdul Kadir et. al, *Monograf Syariah*, Kuala Lumpur: Akademik Pengajian Islam, Universiti Malaya
- Siegel, L., & McCormack, C. (2006). *Criminology in Canada: Theories, patterns, and typologies*. Third edition. Ontario: Nelson/Thomson Learning
- Simester, A. P., & Sullivan, G. R. (2000), *Criminal Law*, Oxford:-Portland Oregon: Hart Publishing.
- Siti J. (2012). *Sadd al-Dhara' l' Wa Atharuha fi al-Muhafazah 'Ala al-Daruriyyah al-Khams*, Brunei: Universiti Islam Sultan Sharif Ali.
- Smith, J. C. (1999), *Smith & Hogan –Criminal Law*, London: Butterworth.
- Weston and Drew. (1998). "Warisan Ilmiah Sigmund Freud: Ke Arah Ilmu Psikologi yang Berinformasi secara Psikodinamik *Buletin Psikologi*, jilid. 124, 1998, page 333-371. <http://dx.doi.org/10.1037/0033-2909.124.3.333>.
- Malaysian Crime Prevention Foundation (MCPF). (2021), <http://www.mcpf.org.my/>, cited on 2 September 2021.
- Yusuf H. (no date). *al-Maqasid al-'Ammah li al-Syaria'ah al- Islamiyyah*, Cairo: Dar al-Hadith
- Zaiton A. (2020), *Pengawasan Komuniti Dan Pencegahan Jenayah Di Malaysia: Sejarah Perkembangannya* (Community Policing and Crime Prevention in Malaysia: Its History), *The Malaysian Journal of Social Administration*, 14(2), 39-61.