

No. S 35

**CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))**

SYARIAH PENAL CODE (AMENDMENT) ORDER, 2018

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SYARIAH PENAL CODE (AMENDMENT) ORDER, 2018

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation and commencement

1. This Order may be cited as the Syariah Penal Code (Amendment) Order, 2018 and shall commence on such date to be appointed by the Minister of Religious Affairs, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette*.

Amendment of section 2 of S 69/2013

2. Section 2 of the Syariah Penal Code, 2013, in this Order referred to as the principal Order, is amended by inserting the following new definition immediately before the definition of “property” —

“ “practice or ceremony related to the religion of Islam” includes *Maulud Nabi* celebration, the practice of visiting graves, performing *tahlil*, reciting Al-Qur’an before commencing duty or any practice or ceremony related to the religion of Islam as listed in the Sixth Schedule;”.

Amendment of section 220

3. Section 220 of the principal Order is amended by inserting “disputes, questions,” immediately before “insults” in the second line.

Amendment of section 235

4. Section 235 of the principal Order is amended by inserting the following new paragraph immediately after paragraph *(b)* —

“(ba) attending or participating in any practice or ceremony related to the religion of Islam which is commonly practised in Brunei Darussalam;”.

Addition of new Sixth Schedule

5. The principal Order is amended by adding the following new Schedule —

“SIXTH SCHEDULE
(section 2)

PRACTICE OR CEREMONY RELATED TO RELIGION OF ISLAM

- (a) Gifting the *pahala* of recitation of *Al-Fatihah* or *Al-Qur'an* to the deceased
- (b) Performing *doa* and reciting *Al-Qur'an* at graves
- (c) Reciting *doa* for the beginning and end of Hijriah year
- (d) Reciting *surah Yaasin* three times on the night of *Nisfu Sya'ban*
- (e) Reciting *surah Yaasin* on Thursday night
- (f) Celebration to commemorate the New Hijriah Year
- (g) *Israk* and *Mikraj* celebration
- (h) *Nuzul Al-Qur'an* celebration
- (i) Mass performance of *doa* after congregational prayer
- (j) Mass recitation of *wirid* and *zikir* loudly or in *jahr* manner after prayer
- (k) Reciting *basmalah* in the recitation of *Al-Fatihah* loudly or in *jahr* manner in *faridhu* prayers
- (l) To utter the *lafaz niat* of prayer in Arabic before *takbiratul ihram*
- (m) Reciting *qunut* in *faridhu Subuh* prayer
- (n) *Sunat* prayer before *faridhu Maghrib* prayer
- (o) *Sunat qabliyyah* prayer before Friday prayer
- (p) Congregational *sunat hajat* prayer
- (q) Twenty *rakaat* for *sunat Tarawih* prayer
- (r) Reciting *salawat* loudly or in *jahr* manner between the intervals of *sunat Tarawih* prayer
- (s) *Qadha* prayer for those who did not pray *faridhu* prayers intentionally or not
- (t) Wiping the face after giving *salam* at the end of prayer

- (u) Shaking hands after congregational prayer
- (v) Reciting *talqin* during funeral ceremony
- (w) Practice of *tawassul* and *tabarruk*
- (x) Lifting the fore finger without moving it during *tahiyyah*
- (y) Placing the hands below the chest during *qiyam* when praying”.

Made this 10th. day of Jamadilawal, 1439 Hijriah corresponding to the 27th. day of January, 2018 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM