

**THE APPLICATION OF FORENSIC DOCUMENT
EXAMINATION FROM SYARIAH COURT PERSPECTIVE**

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UNIVERSITI SAINS ISLAM MALAYSIA

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Thesis submitted in fulfillment for the degree of
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AUTHOR DECLARATION

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

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ABSTRAK

Perkembangan sains dan teknologi pada hari ini telah memudahkan sesuatu dokumen dimanfaatkan dan diubahsuai oleh sesiapa sahaja. Dokumen juga terdedah kepada perubahan dan pengubahsuaian sekiranya dikendalikan oleh individu yang tidak bertanggungjawab. Kajian ini bertujuan untuk mengenal pasti aplikasi pemeriksaan dokumen forensik di mahkamah Syariah. Penyelidikan ini bersifat kualitatif di mana kaedah penyelidikan 'armchair' dan analisis kandungan kualitatif (QCA) digunakan sebagai metodologi utama untuk memenuhi objektif penyelidikan. Kajian ini mendapati bahawa terdapat keperluan untuk mengintegrasikan unsur-unsur sains forensik ke dalam perundangan Syariah bagi membuktikan kesahihan dokumen yang dipertikaikan secara saintifik untuk memerangi peningkatan kes-kes pemalsuan dokumen. Penyelidikan ini penting untuk menangani isu pemalsuan dokumen menggunakan kaedah yang tepat dan akhirnya meningkatkan kebolehpercayaan dokumen sebagai keterangan di mahkamah. Kajian ini menunjukkan bahawa penggunaan bukti forensik di Mahkamah Syariah adalah penting bagi memastikan keaslian sesuatu dokumen yang dipertikaikan.

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ABSTRACT

A good deal of science and technology would allow documents to be easily exploited and modified by almost anyone. The fragile nature of documents makes them prone to alteration, modification and even destruction if handled with incorrectly. This study aims to understand the application of forensic document examination in Syariah court. This research is qualitative in nature where the armchair research and qualitative content analysis (QCA) methods are used as the main methodology to fulfill the research objectives. This study found that there is a need to integrate the forensic science elements into Syariah legal system to prove the genuineness of questioned documents scientifically in order to combat the rising cases of falsified documents. This research is significant in order to deal with the document forgery issue using the proper equipments and eventually improve the reliability of documents as the most common form of evidence tendered in court. This study suggests that the use of forensic evidence in Syariah court is essential in determining the genuineness of questioned documents.

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الملخص

بالعلم والتكنولوجيا، أي شخص لديه فرصة لاستغلال المستندات وتعديلها بسهولة. الوثائق لها الطبيعة الهشة الذي ستجعلها عرضة للتغيير والتعديل وحتى الإتلاف إذا تم التعامل بها بشكل غير صحيح. تهدف هذه الدراسة إلى فهم تطبيق فحص الوثائق في المحكمة الشرعية. هذا البحث نوعي في طبيعته ويستخدم الباحثة أساليب البحث المكتبة (armchair research) وتحليل المحتوى النوعي (Qualitative Content Analysis) كمنهجية رئيسية لتحقيق أهداف البحث. هذه الدراسة مهمة لأن هناك حاجة لدخل عناصر العلوم في النظام القانون الشرعي لإثبات صحة الوثائق المشكوك فيها علمياً لمنع تزايد حالات تزوير الوثائق. يعتبر هذا البحث مهمًا للتعامل مع قضية تزوير الوثائق باستخدام الآلات المناسبة وفي النهاية تحسين موثوقية الوثائق لأن هذه الأدلة تستخدم كثيرة في المحكمة. تقترح هذه الدراسة أن استخدام أدلة الطب الشرعي في المحاكم الشرعية ضروري لتحديد صدق الوثائق المشكوك فيها.

TABLE OF CONTENTS

CONTENT	PAGE
AUTHOR DECLARATION	ii
ACKNOWLEDGEMENTS	iii
ABSTRAK	iv
ABSTRACT	v
AL-MULAKHKHAS	vi
TABLE OF CONTENTS	vii
LIST OF TABLES	ix
LIST OF FIGURES	x
LIST OF CASES	xi
LIST OF STATUTES	xiv
LIST OF TRANSLITERATION	xv
CHAPTER 1 INTRODUCTION	1
1.1 Introduction	1
1.2 Background of the study	1
1.2.1 The Need to Authenticate Vulnerable Documents as Evidence	2
1.2.2 Absence of Guideline on the Admissibility of Documentary Evidence	5
1.2.3 Misjudgment Risk Due to the Failure in Understanding the Principles of Forensic Document Examination	6
1.2.4 Lacunae in the Research Field Due to Lack of Literatures on Forensic Document Examination within Syariah Legal System	10
1.3 Problem Statement	11
1.4 Objectives of the Study	13
1.5 Research Questions	13
1.6 Significance of the Study	14
1.7 Scope of Study	14
1.8 Operational Definitions	15
1.8.1 Forensic Document Examination	15
1.8.2 Questioned Document	16
1.8.3 Syariah Courts	16
1.9 Summary	17
CHAPTER 2 LITERATURE REVIEW	18
2.1 Introduction	18
2.2 Islamic Law of Evidence	18
2.2.1 Introduction to evidence	18
2.2.2 Principles and types of evidence	21
2.2.3 Partial focus on documentary evidence in Islamic law	22
2.3 Documentary Evidence (<i>Kitābah</i>)	24
2.3.1 Document as evidence and <i>kitābah</i>	24
2.3.2 Documentary evidence under statutes	26
2.3.3 The admissibility of documentary evidence	29
2.4 Forensic Document Examination/ Questioned Document	31
2.4.1 Forensic Document Examination and its background	31

2.4.2 Increasing number of cases relating to forgery of documents	34
2.5 Summary	36
CHAPTER 3 METHODOLOGY	38
3.1 Introduction	38
3.2 Research Design	38
3.2.1 Qualitative Research Design	39
3.2.2 Conceptual Research Framework	42
3.3 Data Collection and Its Sources	43
3.3.1 Data Collection for Armchair Research (AR) Method	43
3.3.2 Data Collection for Qualitative Content Analysis (QCA) Method	44
3.3.3 Data Collection according to Research Objectives	45
3.4 Data Analysis	48
3.4.1 AR Analysis Approach	48
3.4.2 QCA Method of Analysis	49
3.4.3 Data Analysis according to Research Objectives	54
3.5 Ensuring Trustworthiness of Study	56
3.5.1 Strategies to Improve Reliability of Research Results	56
3.6 Summary	57
CHAPTER 4 RESEARCH FINDINGS	58
4.1 Introduction	58
4.2 Forms of document forgery in Syariah court cases	58
4.3 Principles involved in forensic document examination	71
4.3.1 Handwriting/Signature Examination	75
4.3.2 Identification of Printing Process	82
4.3.3 Ink Analysis	86
4.3.4 Paper Analysis	91
4.3.5 Other Examinations Performed By Forensic Document Examiner	94
4.3.6 Guideline for the Submission of Document Examination Cases	96
4.4 Forensic Document Examination from Syariah Courts Perspective	98
4.4.1 The Islamic Legal Position of Expert Opinion (<i>ra'y al-khabir</i>)	100
4.4.2 Legal Provisions and Other Rules	106
4.4.3 Expert opinion in civil court perspectives	109
4.5 Summary	116
CHAPTER 5 DISCUSSION AND CONCLUSION	117
5.1 Introduction	117
5.2 Summary and Discussion of Findings	117
5.2.1 Summary and Discussion (Research Objective 1)	117
5.2.2 Summary and Discussion (Research Objective 2)	124
5.2.3 Summary and Discussion (Research Objective 3)	131
5.3 Implications of Study	141
5.4 Suggestion for Future Research	142
5.5 Conclusions	143
LIST OF PUBLICATIONS	145
REFERENCES	148

LIST OF TABLES

Tables	Page
Table 3.1: Overview of Research Methodology	41
Table 3.2: Cases of forgery and their fields	54
Table 4.1: Cases involving forgery in Syariah court	59
Table 4.2: Findings of Analysis on the Principles in Handwriting Examination	77

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ISLAMIC SCIENCE UNIVERSITY OF MALAYSIA

LIST OF FIGURES

Figures	Page
Figure 1.1: A Simplified Model of Forensic Science and Judicial Error by Schiffer (2009)	9
Figure 3.1: Conceptual Research Framework	42
Figure 3.2: Data Analysis Steps in Armchair Research Analysis Approach	49
Figure 3.3: Procedure for A Qualitative Descriptive Approach of Content Analysis Adapted from Elliott and Timulak (2005)	51
Figure 3.4: Procedure for A Deductive Approach of Qualitative Content Analysis Adapted from Cho and Lee (2014)	52
Figure 3.5: Procedure for An Inductive Approach of Qualitative Content Analysis Adapted from Cho and Lee (2014)	53
Figure 4.1: Forms of document forgery	68
Figure 4.2: Overview of the Types of Examinations Conducted by Forensic Document Examiners	75
Figure 4.3: General Procedure of Handwriting Examination (Adapted from Taylor et al. (2020))	79
Figure 5.1: Cases of Forgery in Documents in Syariah court cases	118

LIST OF CASES

Cases	Page
Abd Halim bin Md Hashim v Azila bt Ramli @ Ismail [2017] 2 ShLR 57	55, 59, 65, 69, 119
Ahmad bin Abd Majeed <i>lwn.</i> Habibah bte Abdul Majid dan satu lagi [2007] 3 MLJ 418	54, 59, 63, 70, 122
AHMG v AGMG & Ors [2019] 3 ShLR 1	54, 59, 61, 69, 121
Chu Choon Moi v Ngan Sew Tin [1986] 1 MLJ 34	118
Dato Mokhtar bin Hashim v PP [1983] 2 MLJ	114, 138
Daubert v Merrell Dow Pharmaceuticals, Inc. [1993] U.S. 579	111, 137
Dr Shanmuganathan v Periasamy s/o Sithambaram Pillai [1997] 3 MLJ 61	113, 138
Fathul Bari Mat Jahya & Anor v. Majlis Agama Islam Negeri Sembilan & Ors [2012] 4 CLJ 717	107, 135
Grant v. Southwestern & County Properties [1974] 3 WLR 221	27
Hill v R [1945] KB 329	27
Indastri bin Saion v Sharifalaili bt Hussin @ Mukhtar [2018] 2 ShLR 70	108, 136
Junaidi bin Abdullah v PP [1993] 3 MLJ 217	114, 138
Kholed bin Dinyati <i>lwn.</i> Ketua Pendakwa Syarie Melaka [2009] JH 29 Bhg. 2 275	54, 59, 60, 69, 119
Letchumanan Chettiar Alagappan (as executor to SI Alameloo Achi Alias Sona Lena Alameloo Acho, deceased) & Anor v Secure Plantation Sdn Bhd [2017] 4 MLJ 697	121
Majlis Agama Islam Negeri Pulau Pinang v Abdul Latiff bin Hassan (as executor of the estate of Hj Mohammad bin Hj Abdul Rashid, deceased) & Anor [2018] 2 ShLR 15	55, 59, 67, 123
Mohamed Nor v PP [1949] MLJ 231	115, 139
Mohd Alias bin Ibrahim v RHB Bank Bhd & Anor [2012] 1 ShLR 23	106, 135

Mohd Salim bin Said & Ors v Tang Pheng Kee & Anor and another appeal [2014] 3 MLJ 504	54, 59, 61, 69, 121
Mst Kulsoom Bibi and Anor. v. Muhammad Arif & Ors [2006] 1 CLJ (Sya) 262	55, 59, 65, 70, 123
Nadimuthu v Public Prosecutor [1974] 1 MLJ 20	27
National Justice Compania Naviera SA v Prudential Assurance Company Limited (No.1) [1993] F.S.R. 563	112, 137
Norazimah bt Man v Mohd Hamdan bin Ismail [2013] 3 ShLR 45	55, 59, 66, 69, 119
Ong Chan Tow v R [1963] MLJ 160	139
Pendakwa Syarie Kelantan <i>lwn.</i> Mat Rahim Saman dan satu lagi [2004] CLJ (Sya) 2004 513	54, 59, 64, 69, 70, 119
Pendakwa Syarie Negeri Sabah <i>lwn.</i> Rosli bin Abdul Japar [2007] JH 23/2 237	8, 108, 135
Pendakwa Syarie v Badiuzzaman B. Abd Rajak	36
PP v Dato' Sri Mohd Najib Hj Abd Razak [2020] 8 CLJ 319	114, 139
PP v Muhamed bin Sulaiman [1982] 2 MLJ 320	114, 138
Public Prosecutor v Mohamed Kasim bin Yatim [1997] 1 MLJ 64	113, 138
R v Daye [1908] 2 KB 333	27
R. Thangaratnam d/o Vythilingam v Vinayagamoorthy a/l Rajaratnam and Others [2008] 3 MLJ 61	122
Rosniza bt Mustaffa v Abu Bakar bin Dawam [2013] 4 ShLR 28	55, 59, 66, 69, 119
Shahnaz bt Majid v Dato' Seri Mahmud Abu Bekir Taib [2018] 3 ShLR	108, 135
Shariffa Zainab bt Syed Wadzid Ali v Ismail Fekri bin Ishak [2009] 2 ShLR 101	54, 59, 63, 70, 122
State (Delhi Administration) v Pali Ram AIR 1979 SC 14	113, 137
Sulaiman bin Ahmad & Ors (beneficiaries for the estate of the deceased, Jemain bin Mohamed ½ portion and beneficiaries for the estate of the deceased, Kechot bin Mohamed ½ portion held by Zabidah bt Sembob as administratrix and trustee) v Jemain bin Mohamed & Ors [2020] 11 MLJ 616	54, 59, 62, 70, 121

Sulaiman bin Takrib v Kerajaan Negeri Terengganu (Kerajaan Malaysia, intervener) and other applications [2010] 2 ShLR	107, 135
Syarie Prosecutor v Azlan Daniels bin Abdullah [2008] 2 ShLR 158	54, 59, 60, 69, 119
Syed Abu Bakar Bin Ahmad v PP [1948] 2 MLJ 19	110, 113, 137
Tan Ying Hong v Tan Sian San & Ors [2010] 2 MLJ 1	122
United Asian Bank Bhd v Tai Soon Heng Construction Sdn Bhd [1993] 1 MLJ 182	113, 138
Zainuddin bin Annuar v. Khadijah bte A Hijazi [2012] MLJU 101	54, 59, 64, 70, 122

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 ISLAMIC SCIENCE UNIVERSITY OF MALAYSIA

LIST OF STATUTES

Statutes	Page
Evidence Act 1950 [Act 56]	15
Interpretation Act 1948 and 1967 [Act 388]	27
Penal Code [Act 574]	27
Syariah Court Evidence (Federal Territories) Act 1997 [Act 561]	5, 14, 15, 26, 30, 106, 131, 134

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LIST OF TRANSLITERATION

'a, a	اء
b	ب
t	ت
th	ث
j	ج
h	ح
kh	خ
d	د
dh	ذ
r	ر
z	ز
s	س
sh	ش
s	ص
d	ض
t	ط
z	ظ
'	ع
gh	غ
f	ف
q	ق
k	ك
l	ل
m	م
n	ن
w	و
h	ه
y	ي