



PORTRAYAL OF THE ELEMENTS OF CRIMES IN
MALAY FILMS:
A STUDY FROM *SHARĪ'AH* PERSPECTIVES

BY

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ABSTRACT

The crime scenes in films are like the spices in food. Food will not be tasty and delicious without spices. In the same way, films will not be thrilling without element of crime. Researches have been conducted in the West on the effects of the elements of crime in films and the media on the viewers. However, the positions of Islamic Jurisprudence towards crime elements in films are scarce, which inspired the researcher to conduct this study. Three films, namely; *Semerah Padi* (SP, 1956), *Buai Laju-Laju* (BLL, 2004) and *Remp-It* (RI, 2006) were chosen to analyse the elements of crime contained in them. The researcher tries to identify the crime elements, clarifies them according to Islamic Jurisprudence sources and finally proposes appropriate regulatory measures. The study discovers that there is disparity in the punishment to crime ratio in the selected films. In other words, the films are stuffed with more crime elements without appropriate punishments, thereby leaving the viewers with little or no lessons to learn. It is also observed that some criminals in most of the films were made to get away with the heinous crimes they committed, which is a dangerous signal to the public. Above all, the human 'awrah, which is regarded as sacred and a source of *fitnah* if exposed to a 'wrong person' according to the *Shari'ah* is not respected in some of the scenes. The methodology adopted in this study involves the use of related literature available in libraries, field work and film analysis. The guideline in portraying the elements of crime according to the *Shari'ah* is the main proposal of this study. Some of the overall findings of the study are: First, the punishments and lessons that commensurate with the crimes should be portrayed more than the portrayal of the crimes in a film. Second, crime should not be merely portrayed without explaining its consequences in accordance with *Shari'ah* and Law. Third, *Shari'ah* never allowed any portrayal of action in film which is contrary to its guidelines, such as exposing the 'awrah, let alone showing the clear action of the crime especially when it relates to seductive scenes. As a result of the these findings, the study thereby proposes a number of recommendations to all stakeholders in the film industry which include the film makers, the Malaysian Government and various regulatory bodies responsible for film production, such as Board of Film Censor of Malaysia (LPFM) and FINAS.

ملخص البحث

مشهد الجريمة في الأفلام مثل الملح في الطعام، إذ لا يشعر الإنسان بلذة الطعام دون ملح، كذلك لا نشعر بمتعة الأفلام دون مشهدٍ لجريمة. وقد كتبت كثير من البحوث عند الغرب بينوا من خلالها آثار عرض مشهد الجريمة، لكن البحوث التي تناولت تلك الآثار وفق نظرة الفقه الإسلامي تكاد تكون نادرة وقليلة؛ وهذا هو سبب كتابة هذا البحث، الذي يحلل عناصر الجريمة في ثلاثة أفلام هي: "السميرة بادي" - (1956) و "بواي لاجو- لاجو" - (2004) و "رمفيت" - (2006)، فبين ذلك من منظور الفقه الجنائي الإسلامي والقانون الماليزي. وقد وجد البحث أن هناك تبايناً في نسبة العقاب وعناصر الجريمة في تلك الأفلام، بمعنى أن هذه الأفلام تتكون من عناصر الجريمة بنسبة أكبر من وجود العقاب الذي يناسبها، وهذا ما أدى إلى قلة إعتبار بتلك الأفلام أو انتفائه لدى المشاهدين. كما أظهر البحث أن مشاهد الجريمة الفاضحة في تلك الأفلام تعرض بلا حدود، مما يشكل خطراً على المجتمع، إذ إنّ تلك المشاهد لم تراعى ستر العورات التي طالما دعت الشريعة إلى سترها، وقد استخدم البحث المنهج الاستقرائي والمنهج التحليلي للأفلام، فأسهم ببيان طرق تصوير مشهد الجريمة بما يتناسب مع القواعد الشرعية. ومن أهم نتائج البحث وجوب تصوير العقاب وتمثيله بشكل أبرز وأكثر من تصوير مشهد الجريمة وذلك لاستخلاص العبرة منه، فلا يجوز عرض مشهد الجريمة بدون عرض آثاره الشرعية والقانونية، إذ الشريعة لا توافق على تصوير المشهد الذي تمتد حدوده إلى كشف العورات، وتمنع تصوير هذا المشهد بشكل دقيق ومفصل خصوصاً مشاهد الإغراء والإغواء. وهذه القواعد والأسس مما أوصى البحث بأن يلتزم بتطبيقها السنمائيون وأعضاء الحكومة الماليزية المسؤولون عن عرض الأفلام مثل ل-ب-ف-م (LPFM) وف-ي-ن-س (FINAS).

APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Master of Islamic Revealed Knowledge and Heritage (*Fiqh and Uşūl al-Fiqh*).

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Ahmad Basri Ibrahim
Supervisor

I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Master of Islamic Revealed Knowledge and Heritage (*Fiqh and Uşūl al-Fiqh*).

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Examiner

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Dean, Kulliyah of Islamic
Revealed Knowledge &
Human Sciences

DECLARATION

I hereby declare that this dissertation is the result of my own investigations, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions.

Bahiyah binti Ahmad

Signature.....

Date.....

INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA

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This work is dedicated to:

*My parents, who are my love and happiness of my life
&
The seekers who want to obey Allah in their journey*

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All praises are due to *Allāh*, the One, the Most Glorious and Most Compassionate; there is no god but *Allāh*. Peace and blessings of *Allāh* be upon our messenger, our master, and our delight, Muḥammad, the Lord's chosen. And to his family, companions and those who follow them in righteousness until the Day of Judgment.

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TRANSLITERATION

B	=		=		
T	=	ث	=	Z	=
th	=	ث	=	‘	=
J	=	ج	=	gh	=
H	=	ح	=	F	=
kh	=	خ	=	Q	=
D	=	د	=	K	=
dh	=	ذ	=	L	=
R	=	ر	=	M	=
Z	=	ز	=	N	=
S	=	س	=	H	=
sh	=	ش	=	W	=
Ş	=	ص	=	‘	=
Ḍ	=	ض	=	Y	=

Short vowels:	a = i = u
Long vowels:	ā = ī = ū
Diphthongs:	ay = ا ي aw = و ا
Doubled:	iyy = يّ uww = وّ

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LIST OF ABBREVIATIONS

BLL, 2004	Buai Laju-Laju Film which produced in 2004
DGPPF	Deraf Garis Panduan Penapisan Filem
e.g.	for example
ed./eds.	edition/ editions; editor, edited by
et al.	(et alia): and others
et seq	(et sequers): and the following
etc.	(et cetera): and the following/ and so forth
FINAS	Perbadanan Kemajuan Filem Nasional Malaysia
GPPF	Garis Panduan Penapisan Filem
i.e.	that is
ibid.	(ibidem): in the same place
JAKIM	Jabatan Kemajuan Islam Malaysia
KBSM	Kurikulum Bersepadu Sekolah Menengah
KBSR	Kurikulum Bersepadu Sekolah Rendah
LPFM	Lembaga Penapisan Filem Malaysia
n.d.	no date
n.p	no place: no publisher
P.B.U.H	Peace Be Upon Him
r.a	radhiya Allahu anhu/ anhum
RI, 2006	Remp-It Film which produced in 2006
RTM	Rancangan Televisyen Malaysia
S.W.T	Subḥānahū Wa Ta'ālā (Praise be to Allah and the Most High)
SP, 1956	Semerah Padi Film which produced in 1956
trans.	translator/ translated by
vol./vols.	volume/ volumes

CHAPTER ONE

PREAMBLE

INTRODUCTION

The crime scenes in films are like the pepper spices in food. Food will not be tasty and delicious without spices. In the same way, films will not be thrilling without elements of crimes. Today, crimes in films are scattered and are actively present throughout the country. The majority of viewers love to see them while producers defy to produce and make a lot of money from them.

Crimes are created and inspired in the films aesthetically and as such they are realities of life in the eyes of viewers. The healthy-hearted viewers tend to take lessons from the incidents of crime which are portrayed in films, while the evil-sick hearted viewers tend to take the inspirations from it to commit crimes. This is a reality that needs no further proof. News, reports, cases, incidents, experiences, researches, and theories testify that we are influenced with what we see in reality so much so that films are realities in the eyes of its viewers.

This leads to the point why this study is being conducted. Literatures are replete with studies conducted in the West on the effects of crime elements in films and the media on the viewers. What is the position of Islamic Jurisprudence (*Fiqh*) towards those elements in films? This study is crucial and vital to contribute to the *Sharī'ah* perspective on this subject matter.

PROBLEM STATEMENT

There are lots of criminal elements in some Malaysian films which are either locally or internationally produced. These elements can have negative impact on the viewers, specifically Muslim viewers. The West has its own theories towards criminal films such as the Catharsis theory¹ and its opponent through the Social Cognitive theory of Bandura.² Empirical studies, however, on the position of Islamic Jurisprudence towards crime elements in films are scarce, and therefore, this study would fill such void.

RESEARCH QUESTIONS

1. What are the elements of crimes in *Semerah Padi* (SP, 1956), *Buai Laju-Laju* (BLL, 2004) and *Remp-It* (RI, 2006) according to Islamic Criminal Law?
2. What are the positions of Islamic Jurisprudence towards those elements?
3. What are suitable regulations which can be proposed by this study?

OBJECTIVES OF THE RESEARCH

1. To identify the elements of crimes in films according to principle of Islamic Criminal Law.
2. To clarify the position of Islamic Jurisprudence towards those elements.
3. To propose appropriate regulatory measures as a result of the study.

¹ Catharsis theory traces its origin to Greek philosophy of the 4th century B.C. Aristotle saw the relationship between the emotional experience of an audience and the need to reduce emotional tension. Applied to televised violence, Catharsis Theory predicts that viewers will purge some of the aggressive feelings that are generated by the ordinary conflicts and frustration through vicarious participation in the violent fantasies that abound on television in James Walker & Douglas Ferguson, *The broadcast television industry*, (United States: Allyn & Bacon, 1997), 172.

² Bandura who developed social cognitive or modeling theory, says that, under the right circumstances, televised violence will increase level of aggressive behavior, *ibid.*, 171-172.

JUSTIFICATION OF THE PROBLEM

A film which is believed to be full of experiences, emotions, expressions, propaganda and influences is thrilling and exciting in the eyes of viewers. Its impacts on viewers are multidimensional and its profound influence is reflected in their behaviors, attitudes, motivations, interests etc. There have been some cases where viewers turned violent, acted aggressively or tend to commit crimes due to the influences of films. While on the positive side, viewers are more aware of their safety towards the elements of crime present in films they watch and some film producers instill inspirational and morally bound elements into the films they produce. These multidimensional impacts on viewers call for answers from regulations stipulated in Islamic Jurisprudence. It is in this context that the present study is proposed to be investigated.

METHODOLOGY OF THE RESEARCH

This research will be Qualitative Descriptive. It attempts to interpret, verify and evaluate the elements of crime in three Malaysian Malay films; *Semerah Padi* (SP, 1956), *Buai Laju-Laju* (BLL, 2004) and *Remp-It* (RI, 2006) based on Islamic Jurisprudence sources and principles.

In general, the methodologies involved are library research as well as film research or film analysis. The library research will absorb all the findings in Islamic literatures regarding *Fiqh al-Jināyāt*, Islamic Jurisprudence sources and principles and films from the Islamic perspective.

The film analysis will involve the 'CAVDI x pro' film analysis method. CAVDI x pro which stands for Computer Assisted for Video Data Index using x program, where 'x' is any computer software which could be used in scattering the

film scenes according to its time codes. The code time of each scene is important to ensure the validity of the film analysis. This method was introduced by Naim Hj. Ahmad in 2006. He adopted the method from “Time Code Recorder” (TCR) a program of analyzing film updated by Paul Ekman (1960).³ Through CAVDI x pro, a film will put thoroughly into software and every scene of the film will be divided into its time codes. By performing this, each scene or dialog which carries the elements of crime can be taken out to be analysed.⁴

In this study, the ‘x’ in CAVDI film analysis represents Microsoft Windows Movie Maker program, version 5.1 Through this analysis, the films in this study will be divided into clips and each clips will has its own duration of time the film had been shot.

SCOPE OF THE RESEARCH

This is an Islamic perspective research on films. It focuses on analyzing the elements of crimes contained in the films based on the sources and principles of Islamic Jurisprudence which exception of the crimes related to tenet of Islam. Other aspects outside of the discussion, such as film as an art that cannot be interpreted by any explanation, or film as totally forbidden in the view of some representatives of the Muslims, or film in the view of other study such as psychology or sociology, are not the main concern of this study except if the inclusion will assist the understanding of this study.

Only three Malay films namely *Semerah Padi* (SP, 1956), *Buai Laju-Laju* (BLL, 2004) and *Remp-It* (RI, 2006) will be examined. These three films are chosen on the criteria that the films are directed by three different directors from three

³ Naim Hj. Ahmad, Interview by researcher, Nilai, Negeri Sembilan, 12 January 2009.

⁴ Ibid.

different generations. SP (1956) was directed by the legend star and director; P.Ramlee –*rahimahullah*-⁵, BLL (2004) was directed by U-Wei bin Haji Saari⁶, and RI (2006) was directed by Ahmad Idham⁷ from the latest generation of Malaysian film directors.

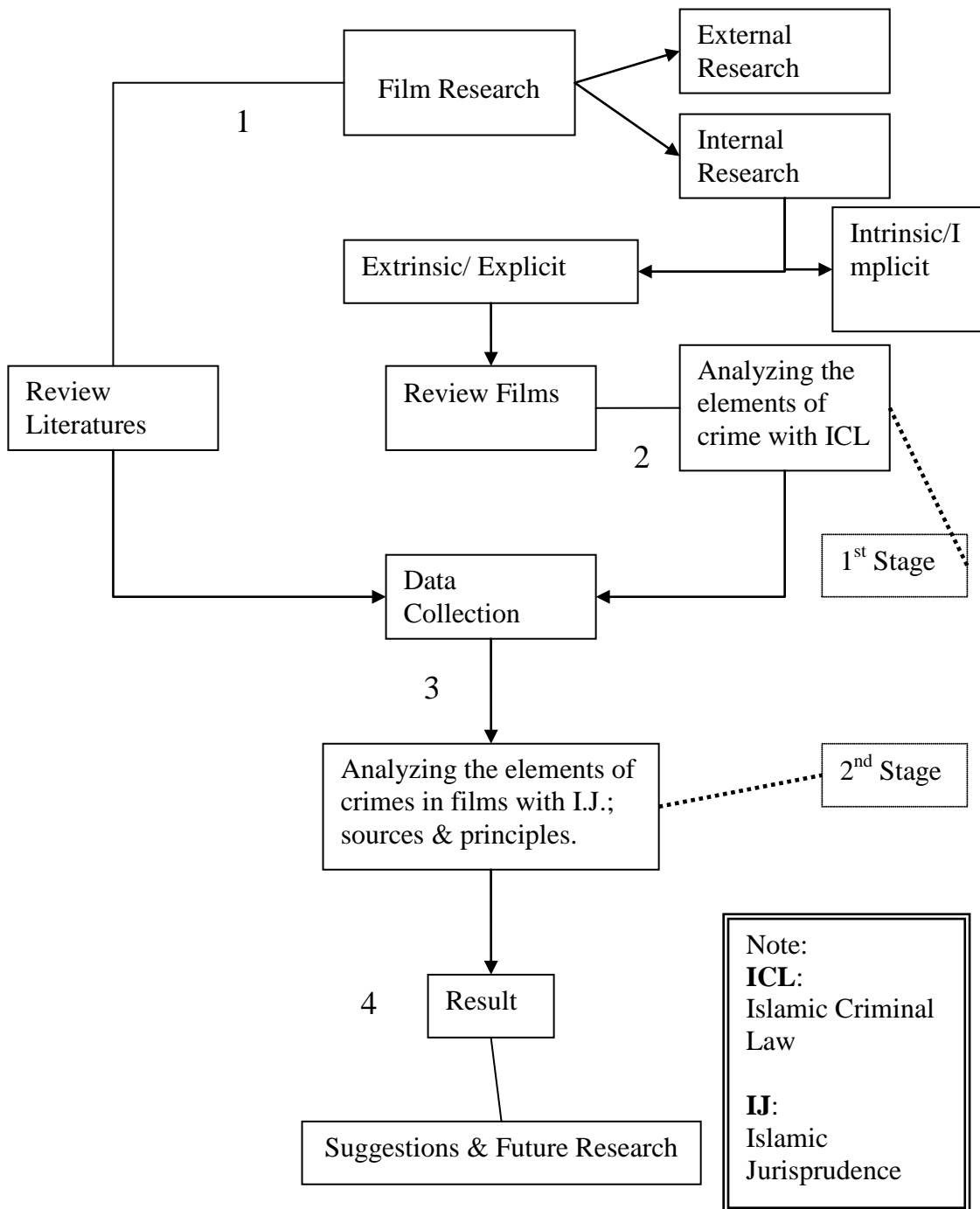
These films were also chosen considering that the elements of crime in them are high, so that the analyses could be done effectively. The high elements of crime in a film would make it satisfactory in discussing the elements of crime present based on Islamic Jurisprudence.

⁵ Filemkita.Com, “Semerah Padi,” <http://www.filemkita.com/filem/s/semerah_padi_01.html> (accessed 18 December, 2008).

⁶ Filemkita.Com, “Buai Laju-Laju,” <http://www.filemkita.com/filem/b/buai_laju-laju_01.html> (accessed 18 December, 2008).

⁷ Filemkita.Com, “Remp-it,” <http://www.filemkita.com/filem/r/remp-it_01.html> (accessed 18 December, 2008).

THEORETICAL FRAMEWORK



PROCEDURES OF RESEARCH

The procedures of research are as follows:

- First: In film research, the focus will be the internal research from the extrinsic or explicit angle. This means that the film would be analysed scene by scene, shot by shot, on what can be seen on the screen. Before this, the literature review or library research will be done to find the Islamic position towards crime and films.
- Second: The films would then be reviewed based on Islamic Criminal Law in analyzing the elements of crimes. This would be the first stage of analysis.
- Third: From the data collection, the elements of crime in the films would be discussed in detail depending on the sources and principles of Islamic Jurisprudence, where this would constitute the second stage of analysis.
- Fourth: From the results derived, some regulations and guidelines would be suggested in response to the study and also for future researches.

LITERATURE REVIEW

Introduction

Film research or film analysis might turn out to be a huge subject to explore. It could be done from the external or internal angle. In the internal angle of research, it could be looked at from the explicit or implicit aspect.⁸ This study would exclusively discuss about the internal research from the explicit angle of film analysis in the first strata, which would be in line with the researcher's major of study; *Fiqh al-Jināyāt*, with Islamic Jurisprudence sources and principles as the measurements and scales of

⁸ Naim Hj. Ahmad, *Filem Sebagai Alat dan Bahan Kajian*, (Selangor: Universiti Pertanian Malaysia, 1995), 7-9.

the film analysis. The literatures devoted here are all related to **film analysis studies, film analysis from an Islamic perspective, relationship between films and crimes, the position of the *Shari'ah* on films and the impact of films or media on society,** which have been reviewed through books, dissertations, articles, surveys, reports and news presented by Muslim scholars and researchers.

Film Analysis Studies and Film Analysis from an Islamic Perspective

Although film analyses and film analyses from an Islamic perspective in some aspects have been studied and researched, not many attempts have been made to study and analyse essential issues such as the elements of crime in films from the Islamic Jurisprudence perspective. There are some works, which the researcher found, analyzing films from an Islamic perspective based on the Islamic tenet or '*aqidah*'. These works are in the form of dissertations submitted at the institutions of higher learning in Malaysia.

The early researches in this study are '*Isi Neraka: Its Application on the Belief of Malay Society*' by Mohd Zahir Abd Rahman⁹ and '*Batu Belah Batu Bertangkup: An Overview from the 'aqidah perspective*' by Azhar Hamzah.¹⁰ Both or the writers have examined the films to prove that there was a reasonable relation between the narratives of the film produced with the Malaysian society's beliefs at that time. However, both writers only focused their researches on some selected elements which distort the '*aqidah*' such as *khurafāt*, forecasting and the beliefs in natural power.

The work which is closest to the researcher's study mostly in methodology was done by Faridah Mat in her master's dissertation. Like Zahir and Azhar, Faridah

⁹ Mohd Zahir Abd Rahman, "Filem Isi Neraka: Aplikasinya Terhadap Kepercayaan Masyarakat Melayu," (Bachelor dissertation, Malaya University, 1995).

¹⁰ Azhar Hamzah, "Filem Batu Belah Batu Bertangkup: Satu Tinjauan daripada Perspektif 'Aqidah,'" (Bachelor dissertation, Malaya University, 1996).

analyses the elements which contradicted the tenet of Islam or *‘aqīdah* but in selected Bollywood films.¹¹ She discusses the elements in five films, namely, *Gadaar*, *Shakti*, *Asoka*, *Devdas* and *Kuch Kuch Hota Hai*. The film analysis was carried out through reasoning focusing on its original film synopses. The manual analysis which was performed exposed the analytic style which could still be improved. Despite that, she managed to arrange the discussion systematically by presenting the evidences from the *Qur’ān*, *al-Sunnah*, *al-Ijmā’*, *al-Qiyās*, *al-Qawā’id al-Fiqhiyyah*, scholars’ opinions and other Islamic Jurisprudence sources. The writer however, leaves a huge gap of detailed analyses in other area of crimes such as adultery, thief, robbery and others which overwhelming the films. This might be they are not the concern of her study which focusing the contradicting elements to Islamic tenet. Therefore, this study shall fulfill this vacuum on the subject. Zahir, Azhar as well as Faridah did not concern their discussion on the elements of crime in their films in a comprehensive outlook such as murder, robbery, adultery, theft, corruption etc. Consequently, this study would concentrate on the other forms of crimes which were not highlighted by them.

Three other latest analyses of films completed in 2008 employed good and systematic film analyses methodology through CAVDI x pro system and also through survey. Siti Zubaidah Ingsa in *‘Jangan Pandang Belakang film: An Overview from Islamic Values’*¹² and Rashidah Kamarulzaman in *‘The Element of Dakwah in Syukur 21’*,¹³ both use 17 good values from the KBSR and KBSM (Integrated Curriculum of Primary and Secondary School of Malaysia) as their scale in weighing good values

¹¹ Faridah Mat, “Unsur-unsur yang Bertentangan dengan ‘Aqīdah Islam dalam Filem Bollywood,” (Master dissertation, Malaya University, 2006).

¹² Siti Zubaidah Ingsa, “Jangan Pandang Belakang Film: An Overview from Islamic Values,” (Bachelor dissertation, Islamic Science University of Malaysia (USIM), 2008).

¹³ Rashidah Kamarulzaman, “Element of Dakwah in Syukur 21,” (Bachelor dissertation, Islamic Science University of Malaysia, 2008).

present in the films. While Hazwani Hassan in ‘*Sepet* Film; Narrative Aspects and Malay Custom’¹⁴ uses the scale of interpreting custom from the sociological aspect. Although the scale used by Hazwani in interpreting the Malay custom is not clearly defined, her study is firmly supported by opinions of respondents towards custom’s value of Malays in the film.

Although Siti Zubaidah as well as Rashidah and Hazwani manage to adopt up-to date and systematic methodologies in analyzing films, they do not really discuss the films based on Islamic Jurisprudence sources and its principles. The measurements which they depend on in analyzing films using 17 good values from KBSR and KBSM and Malay custom studies, though in line with Islamic values and teaching, are totally different from the measurement that the researcher intends to use, which are the Islamic Jurisprudence sources and principles. Therefore, this study would provide other options in film measurements analysis along with objectives and research questions which lead to significantly different conclusions.

The last film analysis from the dissertations’ list is a master’s dissertation; ‘A Comparative Study of Race Relation in Lloyd Fernando’s *Green is the Colour* & Yasmin Ahmad’s *Sepet* by Nik Nasrah Mohd Nasir.’¹⁵ She focuses the study of race relations between the Malays and Chinese in her study. The writer depends on linguistic and historic perspectives in most of her discussion, but puts aside the firm discussion of race relations according to the Islamic perspective particularly in the film *Sepet* although it is mentioned in one of the objectives of her study. Though some *Qur’ānic* verses and the opinions of Muslim scholars are included in various parts of

¹⁴ Hazwani Hassan, “*Sepet* Film: Narrative Aspects and Malay Custom,” (Bachelor dissertation, Islamic Science University of Malaysia, 2008).

¹⁵ Nik Nasrah Mohd Nasir, “A Comparative Study of Race Relation in Lloyd Fernando’s *Green is the Colour* & Yasmin Ahmad’s *Sepet*,” (Master dissertation, International Islamic University of Malaysia, 2008).