

2011- THE SALE OF WITCHCRAFT ITEMS ON ONLINE PLATFORMS IN MALAYSIA: AN OVERVIEW FROM THE MALAYSIAN AND ISLAMIC LAW PERSPECTIVES

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ABSTRACT

*The manner in which commercial transactions are conducted has indubitably undergone a monumental change as the world begins its transition into the Fifth Industrial Revolution. The proliferation of sale and trading platforms on the internet has shifted industry boundaries and created markets without boundaries. This has in turn facilitated the commercialisation of new and questionable products such as witchcraft items, which are now easily accessible online in Malaysia and have become increasingly popular among consumers. Such activity has raised serious concerns, particularly in view of Islam being the official religion of the country, which prohibits the practice of witchcraft or *sihir* in any form. This paper seeks to provide a preliminary analysis on the legitimacy of the sale of witchcraft items on online platforms from the standpoint of both Malaysian and Islamic law, as well as the adequacy of the current legal instruments to curb the same. To this end, the qualitative method of content analysis is applied, by examining both primary and secondary sources relating to the issue of witchcraft and the legal governance on commercial transactions in Malaysia, including the Contracts Act 1950, the Sale of Goods Act 1957, and the Consumer Protection Act 1999. Findings show that there is a paucity of literature on the subject matter; and that there is a real need to develop a clearer and more functional policy and regulatory framework to address the issues prevalent in the current situation.*

Keywords: *Islamic law, Malaysian law, online platform, sale of goods, witchcraft*

INTRODUCTION

Witchcraft (*sihir*) is not anomalous to the Malaysian community. Witchcraft has long existed in the country and until now, is being practised by some communities in Malaysia (Mohd Sabree, 2016). Witchcraft is manifested in many forms and various items are used in performing *sihir* (Hamzan M, 2022). It seems almost perplexing that in the age of modern technology, witchcraft is still unchecked. In the olden days, procuring witchcraft items and leveraging on it was limited and could only be found in secluded places. Nowadays, the purchase of such items and services can easily be obtained through online platforms (Bernama, 2020). Consequently, the issue that arises is on the status of selling and buying these witchcraft items from the legal and Islamic law perspectives.

METHODOLOGY

In studying the position of the sale and purchase of online witchcraft products, this paper employs the qualitative method of content analysis, by studying primary sources in Islamic law in the form of the divine texts of the Qur'an and Sunnah of the Prophet PBUH, and the views of both classical and contemporary Islamic jurists, as well as legal instruments such as statutes in order to appraise the current position from the Malaysian Law perspective.

ANALYSIS AND DISCUSSION: WITCHCRAFT ITEMS FROM SHARIAH AND MALAYSIAN LEGAL PERSPECTIVE

Definition of Witchcraft

Witchcraft relates to the practice of magic, especially for evil purposes (Macmillan, 2004). The purpose of witchcraft items is to assist the shaman during and after the process of casting a spell in witchcraft. Before the spell is initiated, the shaman will ask the person to bring him specific types of flowers, animal bones and/or pictures of the person(s) to be bewitched or even strands of the person(s)'s hair. When the spell is being initiated, the shaman will then chant the mantra on the item and subsequently the witchcraft will be transferred to the victim.

If the purpose of the witchcraft is for one's self-protection, or to obtain a soulmate, or to close the door on the sustenance of others etc., after casting the spell, the shaman will then provide an amulet or talisman to be worn by the customer, or a cursed object to be placed in specified locations.

According to Hamzan M (2022), among the witchcraft items that are used among the Malaysian society are:

- a. *Wafak Jawa* or *wafak Siam*. This object is intended as a business booster and is used among Malay traders.
- b. A piece of paper that has a Quranic verse but is written in menstrual blood to act a talisman for the person.
- c. A talisman pouch intended to function as a "shield". It is said to make a person invulnerable.
- d. A venerated dagger intended to organize the beholder's life and used to determine the future.
- e. *Minyak dagu* which is considered to be a love potion or ointment that will cause the victim to become infatuated or obsessed with the person who dabbed the ointment on to the former.

There are countless methods or ways in which witchcraft may be performed. Consequently, various definitions of witchcraft or *sihir* can be found. Among them are as follows:

- a. According to Fakhru al-Razi (1991) witchcraft is something that occurs in the form of creating delusions about things which do not actually materialize. (Mohd Sabree, 2016).
- b. Witchcraft includes prophecies full of hidden deceptions and is difficult for humans to make sense of it and understand.
- c. Ali Muhammad al-Bajawi in his writing *ahkam Al-Qur'an li Ibni al-Arabiyy* mentioned that the practice of witchcraft is performed by using the devil as the medium or involves the worship of the devil (Mohd Sabree, 2016).
- d. Rahman and Mubarak (2021) in "Concept of *Sihir* from Buya Hamka and M. Quraish Shihab Perspective", mentioned that witchcraft in the opinion of Buya Hamka may be in a form of amulet, black magic or ingredients that are harmful to the body, and which can cause death, pain and more.

From the above definitions, it can be understood that witchcraft is an act of deception committed in secret by using demons or *jinn*, amulets or black magic to cause delusions or adverse effects on the intended victim.

Witchcraft from the Islamic Perspective

Witchcraft or *sihir* is construed as a sin and infidelity (*syirik*) to Allah as it involves asking for help from other than Allah SWT. The practice of witchcraft is explicitly contrary to the teachings of Islam that prohibits Muslims from seeking total protection other than from Allah SWT or to self-devote oneself to other creatures. It is wrong for anybody to use witchcraft to shield themselves from danger and to forget that Allah SWT is the Only and Best Protector. The concept is similar to those who try to depose other's businesses in envy, in denial of the fact that the real and actual sustenance is solely provided by Allah SWT.

Legal Rulings on Witchcraft in Islamic Law

Islam teaches all Muslims to seek protection and pray only to Allah SWT, as stated in the Quran:

وَمِنْ شَرِّ النَّفَّاثَاتِ فِي الْعُقَدِ

Meaning: “And from the evil of the witch women who exhale on the knot”. (Al-Quran. Al-Falaq, 113 :4)

The prohibition of witchcraft is substantiated by a hadith of the Prophet PBUH, which mentions that witchcraft is categorized as one of the seven great sins. From Abu Hurairah RA, the Prophet PBUH said;

اجْتَنِبُوا السَّبْعَ الْمُوبِقَاتِ، قَالُوا: يَا رَسُولَ اللَّهِ وَمَا هُنَّ؟ قَالَ: الشِّرْكَ بِاللَّهِ، وَالسَّحْرُ، وَقَتْلُ النَّفْسِ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ، وَأَكْلُ الرِّبَا، وَأَكْلُ مَالِ الْيَتِيمِ، وَالتَّوَلَّى يَوْمَ الزَّحْفِ، وَقَدْ نَفَّ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ الْغَافِلَاتِ

Meaning: "Beware of these seven great sins. The companions asked: Oh Prophet PBUH, what it is? The Prophet PBUH said: Syirik to Allah SWT, sihir, killing the soul which has been prohibited by Allah SWT unless with permission, eating usury, eating orphans' property, fleeing war and accusing women of believing in adultery". (al-Bukhari. Sahih Al-Bukhari. Hadith no: 2766).

According to Imam al-Dzhabi (2016) in his book al-Kabair (p.185), whoever practices witchcraft will be considered an infidel based on the Quranic verse:

وَمَا كَفَرَ سُلَيْمٌ وَلَكِنَّ الشَّيْطَانَ كَفَرُوا يُعَلِّمُونَ النَّاسَ السَّحْرَ وَمَا أُنزِلَ عَلَى الْمَلَائِكَةِ بِبَابِلَ هَارُوتَ وَمَارُوتَ

Meaning: “Sulaiman is not kafir but it is the demons who disbelieve, they teach sihir to men and what is revealed to two angels in the land of Babylon which is Harut and Marut”. (Al-Quran. Al-Baqarah, 2 :102)

This verse obviously explains that witchcraft has been taught by the devil to humans. So, it can be understood that the practice of witchcraft is a deception by the devil to mislead people and lead them astray from Allah SWT.

In Malaysian legal context, in as far as the practice of Islamic law is concerned, witchcraft is considered a crime and falls under the jurisdiction of the Syariah Court. The Syariah Court has the power to hear the trial for all cases related to the witchcraft practices that occur in Malaysia and which are carried out by those who profess Islam. This can be seen, for example, in section 3 of the Syariah Criminal Offences (Federal Territories) Act 1997, which provides that all offences involving *syirik* practices are illegal. In Kelantan, under the Syariah Criminal Code (I) 2019 Enactment, witchcraft or *sihir* was recently categorized as an offence which can be investigated and prosecuted in the Syariah Court (Vivi, 2019).

Currently however, there exists a lacuna and equivocality in the law relating to this in terms of the procedure and enforcement. Witchcraft activities are done discreetly, so it is difficult to identify the person practising it. Further, it is performed with the involvement of otherworldly beings such as demons or *jinn*. Hence, the problem of procuring evidence is also a significant factor which contributes to the difficulty of convicting an accused person of a crime related to witchcraft.

The complexity of prosecuting the crime is illustrated in the following example by Ab Wahid N (2015), that if a practitioner of witchcraft uses this to commit rape, he will be charged and investigated under Section (376) of the Penal Code instead of the relevant provision on witchcraft under the Syariah Criminal Offences enactments. In the case of *Tan Mui Choo & Anor v PP* [1987] 1 MLJ 267, the offence of rape was committed while the victim was hypnotized through witchcraft. The offender could not be accused of practicing witchcraft but was only accused of rape.

Selling Witchcraft Items from the Islamic Law Perspective

Finding means for sustenance by carrying on a business is recommended in Islam and is one of the Sunnah of the Prophet PBUH. A heavenly reward is promised for the seller who conducts his business in trust with the saying of the Prophet PBUH:

التاجر الصدوق الأمين مع النبيين والصديقين والشهداء

Meaning: *"The truthful, trustworthy merchant is with the Prophets, the truthful, and the martyrs."* (Ibnu Majah. Sunan Ibnu Majah, Hadith no: 2129).

However, if the business is done without following the requirements under Islamic law, this will result in punishment in the hereafter.

Islam prohibits the seller from practicing usury, bribery and selling items that are considered impure. Scholars agree that impurity in substances like wine and swine cannot not be sold and if done so, renders the contract null or void (Abdul Muhaimin, 2023). This is in accordance with the saying of the Prophet PBUH:

عن جَابِرِ بْنِ عَبْدِ اللَّهِ يَقُولُ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ عَامَ الْفَتْحِ إِنَّ اللَّهَ عَزَّ وَجَلَّ وَرَسُولُهُ حَرَّمَ بَيْعَ الْخَنَازِيرِ وَبَيْعَ الْمَيْتَةِ وَبَيْعَ الْخَمْرِ وَبَيْعَ الْأَصْنَامِ...

Meaning: *"From Jabir bin Abdullah said, he heard the Prophet PBUH said on the year of the opening year of Makkah, indeed Allah SWT and his Prophet PBUH have banned the sale of wine and sale of swine..."*. (al-Bukhari. *Sahih Al-Bukhari*. Hadith no: 2236).

The prohibition of alcohol is not only on the consumption, but all activities associated with it, for example farmers who grow grapes with the aim of it being produced as alcohol, liquor truck drivers and marketers. There are differences in views among jurists regarding items other than those mentioned in the above hadith. According to the Hanafi school of thought, the contract is valid as long as the impurity is not to be consumed, based on the method, "Everything that contains benefits that are permitted by Islamic law (Shariah) can be bought and sold". (al-Zuhaily, 2010). It can be noted that in the context of items other than those

specifically stated in the hadith, the Hanafi school of thought focuses on the principle on the benefits of an item, while the majority of jurists adhere to the concept of purity of things.

Thus, among the goods that are prohibited for sale in Islam are goods that do not bring any benefit to anyone. In terms of witchcraft items, these not only do not bring any benefit to the buyer but conversely, inflict great harm on both the user, purchaser and the intended victim. Therefore, according to Islam, witchcraft items are prohibited goods and cannot be sold.

In Islam, the original position of sale and purchase activities is that must be a legal activity, which is clearly stated in the following verse of the Qur'an:

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا

Meaning: “*And Allah has legalized the sale and purchase and prohibition of usury.*” (Al-Qur'an. Al-Baqarah, 2: 275)

The sale and purchase activity can be considered illegal if there is something prohibited in Islam during the process of the formation and/or execution of the contract. This is because the contract of sale and purchase in Islam must be carried out using goods which are only permissible under Islamic law. To reiterate the previous discussion, it is prohibited for a Muslim to sell liquor, pork and non-beneficial goods. Therefore, all types of trade must be based on the pillars and conditions set in Islam based on the maxim mentioned by Al-Suyuti (2007):

الأصل في الأشياء الإباحة حتى يدل الدليل على تحريمه

Meaning: “*The origin of a matter should be until there is a provision to its prohibition*”.

The above Islamic fiqh method substantiates the deduction that the sale of witchcraft goods is prohibited in Islam on the basis that it does not carry any benefit but harm. Therefore, the contract for the sale of witchcraft items is invalid and rejected in Islam. This ruling is further enunciated in a religious edict issued by the Federal Territory Mufti's Office in Malaysia, which states that, all contracts of sale and purchase done and intended to commit polytheistic practices (*syirik*) towards Allah are prohibited and the items which are already purchased must be disposed and also written off (Pejabat Mufti Wilayah Persekutuan, 2022). Thus, all profits from the sale of goods such as witchcraft items are illegal in Islam.

The Current Regulatory Framework Relating to Sale of Witchcraft Items on Online Platforms in Malaysia

The Malaysian legal framework comprises several laws and regulations to govern e-commerce activities which cater the sale of products by using online platforms. The sale of witchcraft items on online platform would substantially tantamount to some legislations such as the Contracts Act 1950, Sale of Goods 1957, Trade Description Act 2011, Electronic Commerce Act, Consumer Protection Act 1999, Poisons Act 1952, Customs Act 1967, Penal Code, Communications and Multimedia Act 1998 and State Enactment Syariah Criminal Offences Contracts Act 1950 (Act 136).

State Enactment Syariah Criminal Offences Contracts Act 1950 (Act 136) is an act pertaining to contracts. This Act states about an agreement that can be transmitted into a contract, which is Section 3 of Contracts Act 1950 which states about the communication, acceptance and revocation of proposals that must be conclude between both parties. This comprise an agreement or any contract can be void or cancelled in the case where the sale objects are unlawful. Whereas Section 25 of Contracts Act 1950 states that if any part of a single consideration for one or more objects, or any one or any part of any one of several considerations for a single object, is unlawful, the agreement shall be void.

Thus, it asserted that every sale and purchase contract that occurs either face-to-face or online is void if the goods traded are unlawful, such as witchcraft items.

Sale of Goods Act Act 1957 (Act 382)

Act 382 - is an Act which relates to the sale of goods. Whenever a seller agrees to deliver or send the goods to the buyer with the agreed price by both parties, they are already considered to enter into the contract. Section 4 (1) of Sale of Goods Act (Act 382) states that a contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a certain price. There may be a contract of sale between one part-owner and another.

Additionally, Section 42 of Sale of Goods Act (Act 382) states that the buyer is deemed to have accepted the goods once he intimates to the seller that he has accepted them, or when the goods have been delivered to him and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them. As a result, if the buyer notifies the seller or has received the goods or goods purchased have already been received then the acceptance has already occurred.

It can be concluded that any goods that are sold for the price which has been agreed by both parties, once the buyer has received the goods, the sale and transaction has taken place and this is similarly applicable to selling and purchasing witchcraft items.

Trade Description Act 2011 (Act 730).

Act 730—is an Act for the purpose of promoting good trade practices by prohibiting false trade descriptions and false or misleading statements, conduct and practices in relation to the supply of goods and services and to provide for matters connected therewith or incidental thereto.

Provisions that is related with the sale of items on online platforms include Section 5(1)(b) which states that any seller should prohibit themselves from doing any false trade description and if they commit this offence, they are liable to a fine that not exceeding two hundred and fifty thousand ringgit for corporate body or one hundred thousand ringgit or imprisonment for non-body corporate.

Other than that, Section 14 (1)(b) of Trade Descriptions Act 2011 (Act 730) states that a person who offers to supply any goods shall not make any false or misleading indication, by

any means, whether direct or indirect – that the goods are being offered at a price less than that at which they are in fact being offered; shall be charged. In other words, any seller can be charged with an offence if there are misleading or providing false information about the goods.

There are many statutes related to the sale of goods through online mechanisms such as sellers need to ensure that all information advertised is accurate with the product that the buyer will receive and not make any misleading statement that may deceive or mislead any person.

Electronic Commerce Act 2006 (Act 658)

Electronic Commerce Act 2006 (Act 658) is a statute to provide a legal recognition of electronic messages in a commercial transactions and the use of the electronic messages to fulfil legal requirements for the purpose of enabling and facilitating commercial transactions through the utilization of electronic means.

The (Act 658) consists of twenty-five (25) provisions divided into five (5) parts namely, preliminary, legal recognition of electronic message, fulfilment of legal requirements by electronic means, communication of electronic message and miscellaneous. In respect of relevant provisions related to the selling of witchcraft items, section (5) of (Act 658), provides the definition of commercial transactions which refers to a single communication or multiple communications of commercial nature, irrespective whether contractual or not, which incorporates any matters relating to the supply or exchange of goods or services, agency, investments, financing, banking and insurance. This indicates that selling witchcraft items fall within the ambit of “commercial transaction” as contained under the Act 658. The rest of the provisions seem to relate with the legality of commercial transactions using electronic means Section 7 (1) of Electronic Commerce Act 2006 (Act 658) states that in the formation of a contract, the communication of proposals, acceptance of proposals, and revocation of proposals and acceptances or any related communication may be expressed by an electronic message. It signifies that any intention either from the buyer or the seller can be expressed by an electronic message.

There are some provisions in this Act which state that if any law requires a written information, or signature of a person or witness on a document, it can be made through the form of an electronic message as this fulfils the requirement of the law provided under Section 8, Section 9 and Section 11 of Electronic Commerce Act 2006 (Act 658).

Consumer Protection Act

Consumer Protection Act 1999 (Act 599) is an Act to provide the protection for consumers under the establishment of the National Consumer Advisory Council and the Tribunal for Consumer Claims, and for matters connected therewith.

Section 12 (1) (a) of Consumer Protection Act (Act 599) states that a person commits an offence- when he gives a consumer an indication which is misleading as to the price at which any goods or services are available. This section speaks of misleading information or any services is an offence.

Section 19 (4) of Consumer Protection Act (Act 599) provides that where no safety standard has been prescribed under subsection (1), the person supplying or offering to supply the goods or services shall adopt and observe a reasonable standard of safety to be expected by a reasonable consumer, due regard being had to the nature of the goods or services concerned. Subsection (1) stated that the Minister may prescribe safety standards on the goods or services that are significantly related to selling and purchasing witchcraft items through online platforms.

Poisons Act

Poisons Act 1952 (Act 366) is an Act to regulate the importation, possession, manufacture, compounding, storage, transport, sale and use of poisons, this act is significant to the selling and purchasing of witchcraft items that contain harmful poisonous ingredients through online platforms.

Section 11 of Poison Act 1952 (Act 366) states that no preparations containing any poison shall be manufactured otherwise than in accordance with the regulations made under this Act. The Act states that no person shall provide a substance contained in its poison. The ingredient in the product manufactured should be legal and safe. Consequently, it is an offence if the witchcraft items contain illegal or poisonous ingredients.

This act states about the punishments that will be imposed on offenders if it is proven that there are dangerous poisons in their sales items. Section 32 (2) of the Poison Act states that any person found guilty of an offence against this Act, for which no other penalty is specifically provided by this Act or by any regulations made thereunder, shall be punishable by a fine not exceeding three thousand ringgit or by imprisonment for a term not exceeding one year or both. Provided that if the act or omission in which such person is charged is in the opinion of the court of such a nature as to amount to wilful default or culpable negligence, which endangered or was likely to endanger human life, such person shall be liable, on conviction, to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding two years or both.

Customs Act

Section 31 (1)(a) of Custom Act 1967 (Act 235) states that the minister may, by order, prohibit the importation into, or the exportation from Malaysia or any part thereof, either absolutely or conditionally, or from or to any specified country, territory or place outside Malaysia, or the removal from one place to another place in Malaysia of any goods or class of goods. Minister can prohibit any goods that are dangerous, harmful or illegal to be imported to Malaysia.

This may be relevant to witchcraft items, when the goods are perceived to be dangerous that can threaten the life of a person, then the Minister may order that such items not be imported into Malaysia.

Penal Code

Another Act is the Penal Code (Act 574) which is an Act relating to criminal offences.

If witchcraft items are illegal or unlawful that could cause harm to a person, the sale can be a criminal offense. Section (43) of Penal Code (Act 574) states that the word “illegal” or “unlawful” is applicable to everything which is an offence, or which is prohibited by law, or which furnishes ground for a civil action. Besides, in respect of the word “illegal”, a person is perceived to be “legally bound to do” whatever it is illegal for him to omit. Section (44) of Penal Code stated that the word “injury” denoted any harm whatever illegally caused to any person, in body, mind, reputation or property.

Witchcraft items are highly dangerous when used. Various issues arise to victims due to the use of witchcraft items. A person who utilizes spells (sahir) on others which causes injury or death should be subject to harsh punishment on the ground that it can be classified as an attempted murder offense.

Section (300) (b) of Penal Code (Act 574) states that except in the cases hereinafter excepted, culpable homicide is a murder- if it is being done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused. Section (302) of Penal Code (Act 574) states that whoever commits murder shall be sentenced to death.

Therefore, the sale of goods that may cause injury or death should be prohibited by the law. If this is not being implemented, the sale of witchcraft goods will become rampant and could lead to various adverse effects.

Syariah Criminal Offences Enactment

There is a section in Syariah Criminal Offences (Takzir) (Terengganu) Enactment 2001 which related to witchcraft or infidel worship. This section aims to ensure that Muslims not deviate from their beliefs and remain on the true path of Islam. Section 3 (1) of Syariah Criminal Offences (Takzir) (Terengganu) Enactment 2001 states that any person who worships nature or does any act that shows a worship or respect to any person, animal, place or thing in any way that violates the Sharia Law is committing an offence and when convicted may be fined not exceeding five thousand ringgit or imprisoned for a period not exceeding three years or both.

There is an indirect connection between this section and to curb the widespread sales of witchcraft items in Malaysia especially through online platforms. This is because of the fact that purchasing and selling witchcraft items is something that shouldn't be engaged by Muslims. As previously mentioned, Section 3 ought to serve as a guide for crafting new Shariah laws pertaining to the selling of witchcraft goods, as well as a mention of the punishment outlined therein.

Section 3 (2) of Syariah Criminal Offences (Takzir) (Terengganu) Enactment 2001 states that the court may order that any device, article or thing used in the commission of or in

connection with the offence referred to in subsection (1) be confiscated and destroyed, even if no one has been convicted of the offence.

FINDINGS

Based on the above discussion, it is clear that Shariah prohibits the witchcraft practice and the selling of prohibited goods such as witchcraft items. Islam considers witchcraft to be a serious transgression and a great sin. and therefore forbids its ummah from engaging in it. From Abu Hurairah RA, the Prophet PBUH said;

اجْتَنِبُوا السَّبْعَ الْمُوبِقَاتِ، قَالُوا: يَا رَسُولَ اللَّهِ وَمَا هُنَّ؟ قَالَ: الشِّرْكَ بِاللَّهِ، وَالسَّحْرُ، وَقَتْلُ النَّفْسِ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ، وَأَكْلُ الرِّبَا، وَأَكْلُ مَالِ الْيَتِيمِ، وَالتَّوَلَّى يَوْمَ الرَّحْفِ، وَقَذْفُ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ الْغَافِلَاتِ

Meaning: "Avoid the seven destructive sins." They said: "O Messenger of Allah, what are they?" He said: "Associating partners with Allah; Witchcraft; killing an innocent person except by legal right; consuming usury; consuming the property of an orphan; retreating from the battlefield; slandering chaste, innocent and believing women." (Al-Bukhari. Sahih Al-Bukhari. Hadith no: 2766)

In addition, all items for sale should be beneficial to the buyer and must be halal and not in violation of shariah. Section 3 of the Syariah Criminal Offences (Federal Territories) Act 1997, states that all offenses pertaining to idolatry (syirik) are sinful. Even though the selling of witchcraft (*sihir*) items is not specifically mentioned thereof, the term "syirik practices" might be interpreted to include all forms of witchcraft, which is forbidden in Islam.

Furthermore, from the Malaysian legal perspective, there is still no specific law related to the illegality of the sale of witchcraft items or goods on online platforms. Nonetheless there are provisions which state in general terms about buying or selling illegal goods, items that are invalid for sale, and the circumstances to the contract to be regarded as valid or invalid.

CONCLUSION

In conclusion, it is explicitly stated in both Shariah and Malaysian laws that the act of selling and purchasing witchcraft items is forbidden and illegal. It is also possible to conclude from the discussion above that witchcraft items have great potential to harm society. In order to restrict and end all activities related to witchcrafts, the government and related agencies such as the Department of Islamic Development Malaysia, the Ministry of Domestic Trade and Cost of Living, the Malaysian Communications and Multimedia Commission should collaborate to regulate this problem by establishing a legislative framework governing the sale of witchcraft products on online platform.

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