

INTRODUCTION TO CRIMINAL LAW

WHAT IS A CRIME ?

**A CRIME IS AN OFFENCE AGAINST
THE STATE THAT CARRIES A
PENALTY**

CATEGORIES OF CRIMES

- Ordinary Crimes.
- Strict Liability Offence.

Ordinary Crimes

There are 2 aspects in an ordinary crime:

- ***Actus Reus***
 - Commission of an act
 - Omission of an act
- ***Mens Rea***
 - Intention
 - Knowledge

MAXIM:

ACTUS NON FACIT REUM NISI MENS SIT REA

An act does not make a man guilty unless he has
a guilty mind

Strict Liability Offence

- The commission of an offence by the mere actus rea
- No mens rea required
- E.g. parking offences

TYPES OF CRIMES

- Bodily Injuries
- Sexual Offences
- Property Crimes
- Psychological crimes
- Cyber crimes
- Commercial Crimes
- Crimes against Sovereign Ruler / Country
- Media Crimes
- Terrorism Crimes
- Crimes against good name / standing
- Contempt of a Lawful authority
- Others

PAX INCAPACITA

- Insane person / unsoundness of the mind
- Children of 10 years of age and below
- Disability
- Under duress
- Others

CRIMINAL LIABILITY

- Age of 10 and below – total absolution
- Between 10 –12 – dependent on ability to understand the right from wrong
- Above 12 – 18 culpable for crimes committed but may not suffer the same penalty
- 18 – 21 culpable but has mitigation by age
- above 21, total culpability and suffrage of penalty

BURDEN OF PROOF

INNOCENT
UNTIL PROVEN GUILTY

Latihan 1:

Fakta Kes

- Ramli melihat Ali mencuri sebungkus Nescafe Gold di Pasaraya Speedmart 99. Ali dilihat menyorokkan bungkusannya Nescafe tersebut di dalam jaket yang dipakainya.

Persoalan:

- Apakah kesalahan yang dilakukan oleh Ali?
- Klasifikasikan kesalahan tersebut.
- Apakah intipati pertuduhan?

Latihan 2:

Fakta Kes

- Pada jam 8.30 malam 31 Disember 2013, Ali membawa Siti ke Dataran Merdeka bagi melihat pertunjukan bunga api. Siti berumur **15 tahun 8 bulan** pada tarikh tersebut. Mereka berada di Dataran Merdeka sehingga jam 1.00 pagi. Kerana takut dimarahi ibubapanya, Siti bersetuju mengikut Ali pulang ke rumah sewa Ali di Setapak. Di rumah itu, Siti telah bersetubuh dengan Ali.

Persoalan:

- Apakah kesalahan yang dilakukan oleh Ali?
- Klasifikasikan kesalahan tersebut.
- Apakah intipati pertuduhan?