THE EFFECT OF MENTAL AND PSYCHOLOGICAL DISORDER IN CRIMINAL OFFENCES: A COMPARATIVE STUDY

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ABSTRACT

This research discusses about the effect of psychological and mental disorder and their responsibility in the Islamic and Civil laws. The question that arouses is, do the people that have mental or psychological illness need to be responsible for the mistakes they did? The aim of this research is to explain the limit set by the laws towards the person that commits crime in the state of mental and psychological abnormalities. This research will compare the Islamic and crime laws in Malaysia to find the clear explanation for the mentioned problem. Hence, this research has been done to compare the effects of crime done by people that deals with mental and psychological disorder through the Islamic laws against the civil laws prescribed by the National legislation. The qualitative method is used to get the result of the research through data analysis. The qualitative method has been used to get the result through the data analysis. The finding tells that there is an exception in Fiqh method which explains if the people that commit crime have mental disorder, hence they are not capable to be charged for any crime done by them. The exception in Fiqh explains that one with brain abnormality will be exempted from any offence. Likewise, the Criminal Law in Malaysia also gives special exception towards the crime done by the mental and psychological patients.

Keywords*:* Psychological, mental, responsibility and judgement.

INTRODUCTION

Islamic law has laid down the rules and Fiqh method in convicting an offender for the crimes done. Based on the condition of the criminal, there are some *maslahat* that allows the individual to have rights that offers them the exception from receiving any punishment based on the *Fiqh* method. The holistic of Islam gives the right to people from all walks of life to make defense against the charge imposed on them. The Islamic rules protect human right by ensuring the terms and conditions are valid and clear to prove the crime according to laws before the judgement is done. The details about the crime committed by a person that has mental and psychological disorder has been discussed globally from various views and perspectives.

Psychological disorder is one of the schizophrenia symptoms. Patients that suffer from psychosis will experience delusions or hallucination. Delusion is holding idiosyncratic beliefs or impressions that are strongly believed by the patient although it is contradicted by reality or rational argument (Dr Salmi. 2008).

Schizophrenia patients have cognitive impairment which causes them to have lower IQ. They are not able to make good decisions, have less focus and poor brain memory as well as having aggressive behaviors. The impact and signs of schizophrenia usually affect the overall functions and activity of the patients. For instance, *Alogia* (a-LO-jee-a) and *poverty of speech*: very little speech, *Flattening or blunting of affect*: extremely less face expression, *Avolition and anhedonia*: severe lost interest and energy to accomplish tasks that they are usually work on.

The emotion of schizophrenia patient can be disorganized and not in line with what they think (the affect is not congruent to the thought). For example: The patient's mind is in the grieving state, but they can sing happily (Dr Salmi 2008).

Based on the *Kajian Kesihatan Kebangsaan dan Morbiditi Ketiga pada 2006* in Malaysia, 11 percent out of 2.6 million of Malaysian citizens experience psychology disorder and this numbers of patients is quite obvious. (Muhammad Muhsin 2010).

Psychological and mental illness refer to the abnormal condition restlessness by the neurosis and psychosis disorders such as lack of motivation, depression, restless, anxiety, compulsive behaviors and many more. Mental illness involves interference of the brain function that can cause the changes in someone's thinking process, feeling, and behaviors that will cause uncontrolled acts through the value of sanity and can react beyond the standard level of normal human action.

The research will focus on the criminal responsibility of the crime done by the mental and psychological patients. Based on Islamic and Civil laws, the aim of this research is to focus on the research of fiqh method and the views of the scholars in this issue as well as to look at the legal implications of Malaysia law on individuals who are certified with psychological and mental illness with the medical evidence through the Mental Health Act 1952 and Section 342 to 352 of the Syariah Criminal Procedure Code. The scope of this study will be discussed in two perspectives: Islamic Law, Scientific and Act enforced in Malaysia.

The research question that arises explains whether the person with the mental and psychological disorder should be held accountable for the crimes done by them according to Islami's perspective, science and the implementation of the Malaysia government in the law enforced. The aim of this research is to give the explanation about the rights and the responsibility of the parties involved in this issue to get a defense through the justification of Islamic law. Also, to evaluate the extent of comparisons that applies between the implementation of the law and the opinions of scholars regarding this issue.

Mental and Psychology Disorder According to Islamic Evaluation, Laws and Scientific.

Islam has given the justification towards the mental and psychological patients for their act by taking the consideration of the *ahliyyah* towards the offence that is convicted upon them. Throughout this rules, Islamic laws evaluate the qualification of a *mukallaf* before they are being convicted with the burden of responsibility for their deed. Some scholars defined mental and psychological disorder as in part with insanity that cause intellectual damage (brain not functioning) thus, preventing the occurrence of deeds and words according to the instruction of the mind. (Wahbah Zuhaili 2013:79)

Mental and psychological disorder can be divided into two types which the first one is the disease that has been suffered by patients from their childhood through the genetic which is carried out during puberty. Secondly, it occurs suddenly due to their environment and some factors that prolong it or not. Both conditions stated eliminating the burden of responsibility for criminal actions based on the conditions stipulated by Islamic law. Islam brings every solution to any kind of problems face by the mankind. Mental and psychological illness is debated by many scholars, especially involving aspects of the law of worship and the obligations required to be performed.

The Malaysia laws relate the issues of responsibility or rights to Mental and Psychological patients or are more understood as being beyond the standard of humanity. The Act that discusses the issue of sanity and responsibility of mental and psychological patients was mentioned in Contract Act, Panel Code, Mental Health Act 1952 and specific procedures involving the detention, examination and release of patients from being punish. The psychiatric hospital is also intended to protect the rights of individuals suffering from mental and psychological illness. The defensive defense of the mind becomes an important concept before legal action is imposed on this matter mentioned in Section 84 of the Panel Code Act. Generally, according to law, a person is categorized as insane when the accused is incapable of knowing that his act is an offense or violating the law and this situation happens because of damage in the offender's brain. Most mental illness continues to haunt the accused if they do not receive assessment and treatment and this in turn helps psychiatrists in making clinical assessments. (Muhammad Muhsin 2015).

Most criminals who suffer from this mental illness are having antisocial trait which is influenced by the emotion, less compassion and they even love to see the sufferings of others and not to regret the cruel acts which are very contrary to humanity values. Among the causes of this disease is due to the emotional mental trauma which is an experience that has led the patient to lose the sense of reasoning. Family genetics that have a generation of mental disorders also will give the risk to other family members to suffer from the same disease. The wrong upbringing pattern of the children during their childhood will also cause depression in them and this disease will affect the actions of patients who are most likely to think in an irrational way. Immaturity in thinking cause them to lose their responsibility for the offenses committed

The modern treatment proves that psychiatric illness is the one that is commonly suffered by the criminal of mental and psychological disorder patients which refers to the schizophrenia, bipolar mood disorder and major depressive disorder. Serious psychiatric diseases are the most common psychiatric patients who are at high risk for aggressive action if they do not comply with the requirements of treatment and appointment with doctors (Zul Azlin 2014).

Whereas, according to scientific research of mental disorders, psychoses are profound-mental and Emotional disturbances that alter normal individuals to become incapable of regulating themselves to adapt with the society. The terms that can be associated with psychoses are insanity and dementia. Insane is the official term which shows that an individual feels disturbed and insane from their action. Dementia is also used for most mental disorders, which nowadays has become the synonym for mental disorder (James: 1978).

The scientific research explains that all actions of mental and psychological patients are not brought to a sound sanity. In addition, the disease tends to cause patients to be passive and aggressive in some circumstances. Therefore, most patients do not realize this wrong behavior due to the loss of sanity. However, science also proves that scheduled follow-up and periodic treatments will be able to control and cure patients from persistent mental disorders. Among the steps that can be taken is diagnosis and treatment to reduce brain inflammation and other disorders can be done through counseling and psychological methods to balance their thinking disorder.

The research on mental and psychological disorder through Islamic and scientific law has explains that this condition does not allow a person to think reasonably and cannot control himself in unconscious state., It has also been scientifically proven that patients affected by mental and psychological disorder can act beyond the control of a sound mind hence will cause them to commit offence without any consideration and common sense of human reasoning.

Responsibility of Mental and Psychology Disorder Patients according to Syarak

Islam sets the method of fiqh as one of the references for the legal to determine the penalties and obligations based on *maslahah* and *syarak*. The purpose is to guide the community using the *ijtihad* by a *mujtahid* mastered in Fiqh field. There are numbers of fiqh methods that explain all the problems faced by human being as the guide as well as the terms and condition to do any action to remain in the path of Islamic laws.

The modern terms of mental and psychological disorder in Islam is categorized as abnormal and beyond the control of human's sound minds. Hence Islam through the Fiqh method has set some quality or condition to identify a person who has the qualifications to be obligated on it. According to the view of Syeikh Abu Ishaq (al-Aqlu), a sensible person means having an attitude that can distinguish between good and bad (Jalaluddin 2010).

The Islamic Scholars refers to the individual's entitlement to the obligation to be divided into two parts, namely *ahliyyah al-wujud al-naqisah* and *ahliyyah al-wujud al-kamilah*. The emphasis on both sections requires the understanding or the reasonableness of reason to perform an order or quality to prevent self-inflicted misconduct which they can be held accountable for it. They also argue that the basis of qualification for every action performed is the sound mind that has the ability to think, understand and evaluate an act.

The scholars agree that the condition of *mukallaf* (the accountable person) must be having a sound mind and able to understand. This is because *takleef* (burden) is a claim, hence it isimpossible to burden something that has no sense and does not understand, such as dead things and animals (al-Amidy 1967:115). This matter was supported by the view that: "*The pen has been lifted from [writing the deeds of] three: the one who is asleep until awakening, the young child until becoming pubescent, and the crazy person until becoming sane*." (Abdul Karim Zaidan 2006: 69).

Thus, involving the responsibility or burden of criminal acts by individuals suffering from mental and psychological illness are not punished for exemption and based on the rules of Fiqh conditions. The simple analogy through item 957 *Al-Ahkam al-Adliyyah* states that the mad (majnun) and insane (ma'tuh) are the ones who are prohibited from administering their property. Similarly, it applies to wrongful acts in the case of sharia crimes that caused them to be disqualified for conviction.

Hence, most of the criteria belong to mad or insane people in the Islamic Criminal Code do not make the Terms like adultery stipulate that if an insane or mad person will not be charged with any offence by the agreement of the scholars. If a man was found guilty to commit adultery with a mad woman, or a mad man with a sane woman, hence the adultery limits will be only imposed to the sane one. Scholars agreed to put some conditions on the *qazaf* accuser where ulama also decided not to consider the insane people's conversation. While in the crime of stealing, the limit of the cut of theft charges committed by the insane person is not regarded as a crime as well as the crime of robbing and drinking the alcohol. Scolars agree that they are not liable to criminal responsibility and to be excluded from being imposed with any punishment.

Based on the opinions and arguments of the scholars on the function and role of the criminal responsibility performed by the mental and psychological patients clearly indicates that the majority of scholars agree that the failure of the brain function to control and determine the effect of the action is not considered as a crime. This is because the mind has a very noble position. The ultimate success in human beings is to know and understand the effects of their actions. Meanwhile, an unsound mind will not be burdened with the responsibility upon it as it is not considered as *mukallaf*. It is a person who is pubescent and has no defect in his mind to determine right and wrong.

The scholars agree that the condition of mukallaf (the accountable person) must be having a sound mind and able to understand. This is because taklif (burden) is a claim, hence it isimpossible to burden something that has no sense and does not understand, such as dead things and animals. While insane people or children who have only a global understanding of demands without a detailed understanding that the claim is an

order or prohibition having a reward and torture or status to comprehend in detail is like the animal or the dead who are unable to understand the basic demands. Such people are forgiven in terms of being unable to understand the *takleef*, because the purpose of *takleef* not only depends on the understanding of the claim policy but also on the detailed understanding of the claim. As for the *mumayyiz* (the age at which a child can discern between right and wrong,) children, though he understands everything that the child that is not yet *mumayyiz* does not understand, but his understanding is not as complete as the person who has the perfect mind. With that limitation, Allah removes the *takleef* for children (al-Amidy 1967: 115).

As the Prophet said:

"رفع القلم عن ثلاثة: عن النائم حتى يستيقظ، وعن الصبي حتى يحتلم، وعن المجنون حتى يفيق".

Which means: "The pen has been lifted from [writing the deeds of] three: the one who is asleep until awakening, the young child until becoming pubescent, and the crazy person until becoming sane.". (Diriwayat oleh Ahmad)

Through the circumstances stated in the following hadith, children and insane people can be given a parable as having the lack of control of the mind for actions taken. Hence, blocking them from the burden of any responsibility because the people with insane conditions are not bound by law unless the state is not prolonged and can be successfully cured. The reasonableness of the mind in assessing whether something is good or bad is the foundation of assessment of the offense done. The principle of dropping the *takleef*of the burden is fall on three things; "*The one who is asleep until awakening, the young child until becoming pubescent, and the crazy person until becoming sane*." (Abdul Karim Zaidan 2006: 69).

It can be concluded that the *takleef* is sensible since it is Allah's s.w.t claim to exclude people from the burden of *takleef* because the intellect cannot comprehend sensibly. The intellect will grow according to the level of knowledge and life experience in which it develops in certain stages. The cognitive growth which cannot be accurately identified as this is an abstract thing, in fact, it cannot even be judged by only the mere intellect. One of the benchmarks for determining someone is having a sound mind with reasonable levels is at the age of puberty to separate the two periods of one reaching the level of perfection of reason to get to the level of the *takleef* begin to be burdened upon any human being.

In some cases, insane people and children who have not yet reach the age of puberty are still being exposed to the *takleef* of property. When one of them destroys the property of another, it must be replaced with his property; likewise, when doing a criminal act, then he will be imposed with *diyat* (financial compensation paid) on his property. Islamic jurist agreed that their property is

also compulsory for *zakat* and the discussion then agreed they should pay *zakat* on their crops and fruits. It is obviously a *takleef* so it cannot be said that they are not imposed with any *takleef*. (Muhammad Abu Zahrah 1994: 504).

The scholars stated that: That when the insane people and the children are not subjected to the *takleef* as the basis they are having unsound mind and not yet *mumayyiz*, but they remain evidently as a human. Humanity is the one that grants them the right and responsibility therefore they have the right to own property and due to that matter, since there is a right to own means that there is also the law and the burden of responsibility on their possession. (Muhammad Abu Zahrah 1994: 504).

A Legal Charge or Obligation of *Ahliyyah* is a Justification to Determine the Burden of Responsibility for Criminal Offenders

Fiqh scholars have agreed in making *Ahliyyah* as a guide or benchmark to assess the ability of a person to accept the obligation and their rights. It means someone can bear the burden of the rights of others, to accept the rights of others and is afforded to do it. (Muhammad Abu Zahrah 1994: 504).

Islamic law divides the human transaction's entitlement as valid or not through some method that has been discussed by the scholars. Scholars have provided guidelines for determining their basic responsibilities through the division of *ahliyyah* which is divided into two, namely *ahliyyah al-Wujub*, the capacity of a person to receive rights and obligations. *Ahliyyah al-Ada'* is the ability of a person to initiate actions, the consideration of which depends on a soul mind. It is about the ability of a person to execute rights and obligations in a proper manner as prescribed by *Shari'ah*. The measure of the harmony of each action is guided with the ability to execute and the basic manifestation is the mind that has the ability to distinguish between good and bad.

Through the definition of the category *ahliyyah al-ada*, insane people can be categorized under this category because they have unsound mind. Thus, this person cannot be held accountable (Abdul Karim Zaidan 2006: 74).

Islam makes several reasons for preventing the human with unsound mind from being burdened with responsibility. In *'awarid ahliyyah*, there's come the law from Allah or the provision of *syarak* which the act becomes an obstacle to receive the consequences or being burdened with the responsibility. The condition of having unsound mind gives exception to the insane people from being responsible to their offences.

Criminal Laws Justification towards the Mental and Psychlogical Patients in Malaysia

Generally, in Malaysia, the people that have psychiatry problem usually are exposed to the criminal cases. They are not able to give statements soundly and may cause them to be found quilty. The court will call the psychiatrist expertise to determine the sound mind before deciding someone to hold accountable towards the offence done under Section 342 of the Criminal Procedure Code. If the offender are found to have unsound mind from the professional report as directed by the Court, then, according to law, the Magistret or the judge has the power to detain a mental patient in a psychiatric hospital.In crime cases, the suspect that are remanded who has a doubts of their mental

state can be ordered by the Court through a medical report confirming the disease faced with the order of "ruler pleasure". When any person has evidence of improper mental status the Court may issue an order to hold them for 1-month remand for observation purpose and may apply another 1-month extension (section 4 (1a) and not exceeding 3/12 as in section 348 (ii). According to the justification of the Court, the psychiatrists should first confirm that a mad or insane situation exists before accepting the statement of "insane".

Through the Criminal case, the Public Prosecutor must submit two elements which are "actus reus" the offence and "mens rea" that means the wrong intention. The existence of these two elements will be the value of evidence before convicting the accused. Based on the justification from the Law of Defense, the imperfect reasoning is given to insane criminals based on the justification of law, the defense was given to the people having unsound mind and they are being said to be innocent when committing a crime for not knowing the implications of their actions and due to brain failure to function properly in assessing each behavior performed. As stated in: Section 84 of the Panel Code: The act of an insane people cannot be considered as fault of anything done by them, by reason of his imperfect nature, is incapable of knowing the circumstances or that what he does is equal to or contrary to the law. In the leading case of McNaghten, a legal principle was established as followed:

Every person is assumed to have a sound mind unless proven otherwise. Therefore, in order to prove the balance of probabilities that the person concerned, or the accused is having unsound mind lies in the defense counsel.

In order to establish the defense of unsound people, the defense counsel must clearly prove that at the time the criminal act was done, the accused is going through the defect of reasons of their mental illness, for which they does not know the form and state of the act that they do, or even though they knows what they are doing, they do not know that they are doing something that is illegal or contrary to the law.

Through section 84, the accused has the right to make a defense and to be released. However, the defect of reason situation can be divided into many situations and there is no definite definition specified in the penal code about its cases since there is no clear provision for this. Therefore ill-defined, ill-fated, insane categories are deemed insane or lost and will be categorized as free from prosecution. Likewise, for mental illness such as

"schizophrenia", "paranoid" dan "lunacy" an ill-mannered illness can also get a defense from the same act.

Experts will also evaluate mental records of patients referring to Section 342 of the Panel Code where the Assessment of the accused will be done clinically by the psychiatrist. The overall record of the patient based on the assessment before and after the act was done will be used to be studied for analysis purposes. This is because the patient has no ability to assess the reality as well as having no capability to see the truth and its effects.

The defense on the cases involving mental and psychological patient can be seen through the case of *Jusoh against The Prosecutor* (1963) MLJ 84. The plantive was in a great anger and he has stabbed his brother-in-law as well as the victim's wife together

with their children. After that, he killed a stranger which happens to be in the scene. The doctor that treatred J found out that J is in confusion and grieving state. In the medical field, it is believed that J is having acute mania where theres a situation that a person will proceed to do something, eventhogh she or he knows the action is wrong. Thus, Appeal Court has released J from the offences of killing and harming people by arguing that he is insane during that the time J did that criminal act.

Through the cases of *Ahiruddin Ahmad against the king* (1994) 50 Cr. L.J 255. They make a diversion that Plantif had dreamed that he was in heaven and was ordered by someone to sacrifice his son. The next day he had bathed his five-year-old son and then brought his son and a knife to a mosque. He told his son to bend and close his eyes. When his son did as he instructed, A closed his own eyes and then cut off his son's neck and leave his son's body inside the mosque and he went home. He then told what had happened to his uncle. The Calcutta high court gives the opinion as follows:

"According to what had been told by the accused, he believes that he was ordered by somebody from heaven to sacrifice his son. Hence, he (A) is aware about his action which is to sacrifice his son or in other word, to kill him. The question to be determined is whether, he, at the time is insane causing him not to know that the act was wrong or contrary to the law…in our opinion, the accused was obviously insane, due to the influence of his dreams that caused him to sacrifice his son by believing that it was true".

Hence, through the justification of the laws in Malaysia it proves that "unsound mind" or widely known as "insane". This word not only refers to the cases involving insane people but also someone that his action is beyond his control, or his mind is not functioning at the moment he did the action.

For instance, the condition of having imperfect sense of mind caused by diabetes or depression, permanent or occasional damage or weakness of reason, as long as it's not because of the external factors being deliberately held (such as piercing drugs to the body), or convulsions which resulted them to temporarily lost their sound mind. On the other word, that kind of people have no bad intention (men's rea) while committing the crime. Hence, the phrase "imperfect sense of mind" that has been mentioned in section 84 including ones that that experience sleepwalking disease.

Patients with mental and psychological disturbances have no burden of responsibility for those who are legally ill or anything that is categorized as having imperfect sense of mind. It is therefore clear that psychological and mental disorders are the cause of exclusion and legal action from being imposed upon them.

Application of The Civil Law on The Sound Mind as A Terms and Conditions to Hold the Responsibility

The rights and responsibilities of mental and psychological patients are described through section 11 of Contract Act 1950 which explains that the capability of everyone is eligible to make a contract if he is an adult according to the law which is subject to it, and if he has a sound mind and does not disqualify to make a contract according to any law to which it is subject to. The disabilities described in the law were divided into several stages, namely physical, intelligent, moral and through law enforcement. The imperfect sense of human intellectual state of being crazy, stupid and insane makes every action unlawful towards them.

The legitimacy of the law that makes each individual accountable is also described in section 12 (1) of the Contract Act declares that someone is said to be perfectly fit for the purpose of contracting if at the time of the contract, he is able to understand the contract he has made and capable of making rational judgments on the effects of his interests. Section 12(2) – ones that usually have unsound mind and only once a while has the perfect sense, hence, he can make a contract when he has the perfect sense of mind. The Justification of the Court clearly indicates that the need for sound sense is extremely dominant with the requirement as a condition of an action is lawful. The absence of it will be defective and illegal by law.

CONCLUSION

The responsibility of criminal is a huge issue in religion and law side if a person was found accused to be quality with any offence. The punishment given to the criminal is to be the lesson for other mankind to be more alert and for the offender to repent. The history and research done by the Islamic scholars towards the offence that has been done by the mental or psychological patients in terms of crimes or other offences will not be held accountable on. A sound mind will be the assessment before they can apply conviction to the offender. Islam keeps this right by promoting the cancellation of responsibility to bear the crime done by the mental or psychological disorder patients. The same method was applied by the civil and criminal laws based on the act that has been forced in Malaysia that made it compulsory for the sound mind to be the medium to confirm the criminal act.

Based on the research, it can be concluded that the mental and psychology disorder patients will be excluded from the burden of criminal responsibility. This is following the *maslahah* upon an individual that has cognitive problem to secure their rights. The

unsound mind will restrict mankind from controlling their actions. Since they are in unstable condition, hence, it is fair for them to be excluded from any punishment because they are not able to control themselves or differentiate between the good and bad things. The law exception also proves that Islam is a holistic religion towards the rights of all human being. In fact, the law in Malaysia has also excludes and does not confirm the actions and any transactions of any parties involving the mental and psychological illness patients. Indeed, the exception to the patient will free them from any burden of responsibility and is exempt from the guilty offence whether in Islamic or Civil law.

<table>
<tr><th>ITEMS</th><th>ISLAM LAWS</th><th>CIVIL LAWS</th></tr>
<tr><td rowspan="3">DEFINITION</td><td colspan="2">SIMILARITIES</td></tr>
<tr><td colspan="2">Meaning:

Psychological disorder refers to schizophrenia, bipolar mood disorder and major depressive disorder.

The actions of mental and psychological patients are not under common sense. In fact, the disease tends to cause passive and aggressive patients in some circumstances. Therefore, most patients do not realize this wrong behavior due to the loss of sanity.</td></tr>
<tr><td colspan="2">Types of Mental and Psychological Illness Types:

Paranoid or persecutory delusion: Believing that there are other people, groups, or organizations trying to persecute, injure, bring harm or kill the patient.

Delusion of control: Believing that deeds, desires and feelings are passive and only controlled by outside forces without self-will.

Bizarre delusion: have a strong belief on something strange.

Grandiose delusion: Believing that he has his importance or greatness over other people in this world.

Nihilistic delusion: Believing that self or part of the body does not exist or believes that the world no longer exists.: For example, believe that blood does not flow in the body anymore.

Delusion of reference; Believe that others around talk about him. For instance, believe that neighbors are talking about him, believes that television broadcasts news about him.

Auditory hallucination: patients hear voices or sounds even when others cannot hear.
Visual hallucination: happens when the patients can clearly see something that cannot be seen by other people around.
Somatik hallucination is where the patients can feel as something is moving or can feel the pain on the body.
Odour hallucination makes you detect smells that aren't really present in your environment. The same event happens in the taste hallucination.

Disorganized speech. The speech problem amongst the schizophrenia
Petients happen in many ways depending on the condition of the illness. Most schizophrenia can speak and answer the question normally.

Disorganized Movement</td></tr>
<tr><td>AUTHORITY</td><td>Hadith from the Prophet Muhmammad SAW

Rasulullah said:

"رفع القلم عن ثلاثة: عن النائم حتى يستيقظ، وعن الصبي حتى يحتلم، وعن المجنون حتى يفيق".

"The pen has been lifted from [writing the deeds of] three: the one who is asleep until awakening, the young child until becoming pubescent, and the</td><td>Section 84 of the Panel Code: someone with unsound mind

It shall not be considered as a crime whatsoever committed by a person who, at the time of doing so, by reason of his mind is not in a sound condition, is incapable of knowing the circumstances or that what he does is equal to or contrary to law.</td></tr>
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	crazy person until becoming sane.". (Diriwayat oleh Ahmad)	
PRINCIPLES	*Ahliyyah al-wujud al-naqisah* and *ahliyyah al-wujud al-kamilah*. The legal charge or obligation on both divisions requires understanding or sanity in order to conduct a to prevent oneself from committing any offence that can be held accountable for it. A mukallaf must have a sound mind and be able to understand.	Laws principles are: Every person is assumed to have a perfect mind unless proven otherwise. Therefore, in order to prove the balance of probabilities that the person concerned, or the accused is having unsound mind lies in the defense counsel. In order to establish the defense of unsound person, the defense counsel must clearly prove that at the time the criminal act was done, the accused is going through the defect of reasons of his mental illness, for which he does not know the form and state of the act that he does, or even though he knows what he is doing, he does not know that he is doing something that is illegal or contrary to the law.
PROVE	The case of *Jusoh against. The Prosecutor* (1963) MLJ 84. The plantive was in great anger and he stabbed his brother-in-law as well as the victim's wife together with their children. After that, he killed a stranger which happens to be in the scene. The doctor that treated J found out that J is in confusion and grieving. In the medical field, it is believed that J is having acute mania where there's a situation where the person will proceed to do something, even though she or he knows the action is wrong. Thus, Appeal Court has released J from the offences of killing and harming people by arguing that he is insane during that the time J did that criminal act.	Abu Hanifah and his followers gave the idea as follow: The proof which stated that it is not compulsory for children and insane people for *zaka*t This is because *zakat* is a special worship like prayer and not compulsory for children and insane people except for *mukallaf.* According to Abu Hanifah, children and insane people are compulsory to pay zakat only for plants and fruits. The strongest opinion according to majority is: Children and insane people can be categorized in *ahliyyah al-ada* which is having the qualification in managing their property and able to evaluate something with a sound mind,

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