



UNDANG-UNDANG MALAYSIA

Akta A1485

AKTA HASUTAN (PINDAAN) 2015

Tarikh Perkenan Diraja 28 Mei 2015

Tarikh penyiaran dalam *Warta* ... 4 Jun 2015

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada **Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik)**.

UNDANG-UNDANG MALAYSIA

Akta A1485

AKTA HASUTAN (PINDAAN) 2015

Suatu Akta untuk meminda Akta Hasutan 1948.

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DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Akta ini bolehlah dinamakan Akta Hasutan (Pindaan) 2015.

(2) Akta ini mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*.

Pindaan seksyen 2

2. Akta Hasutan 1948 [*Akta 15*], yang disebut “Akta ibu” dalam Akta ini, dipinda dalam seksyen 2 dengan memasukkan sebelum takrif “Government” takrif yang berikut:

‘ “by electronic means”, in relation to a publication, means—

- (a) broadcasted so as to be available for reception by members of the public or of a section of the public; or
- (b) communicated through network services to members of the public or of a section of the public;’.

Pindaan seksyen 3**3. Seksyen 3 Akta ibu dipinda—****(a) dalam subseksyen (1)—**

- (i) dalam perenggan (a), dengan memotong perkataan “or against any Government”;
- (ii) dengan memotong perenggan (c);
- (iii) dalam perenggan (e)—
 - (A) dengan menggantikan perkataan “and hostility” dengan perkataan “, hostility or hatred”; dan
 - (B) dengan memotong perkataan “or” di hujung perenggan itu; dan
- (iv) dengan memasukkan selepas perenggan (e) perenggan yang berikut:
 - “(ea) to promote feelings of ill will, hostility or hatred between persons or groups of persons on the ground of religion; or”;

(b) dalam subseksyen (2)—

- (i) dalam perenggan (b), dengan memotong perkataan “or in the administration of justice”; dan
- (ii) dengan menggantikan subperenggan (c)(ii) dengan subperenggan yang berikut:
 - “(ii) to point out, with a view to their removal, any matters producing or having a tendency to produce feelings of ill will, hostility or hatred—
 - (A) between different races or classes of the population of Malaysia; or
 - (B) between persons or groups of persons on the ground of religion,”;

- (c) dengan menggantikan subseksyen (3) dengan subseksyen yang berikut:

“(3) For the purpose of proving the commission of any offence against this Act, the intention of the person charged at the time he did or attempted to do or made any preparation to do or conspired with any person to do any act or uttered any seditious words or printed, published or caused to be published, sold, offered for sale, distributed, reproduced or propagated any publication or did any other thing shall be deemed to be irrelevant if in fact the act had, or would, if done, have had, or the words, publication or thing had a seditious tendency.”.

Pindaan seksyen 4

4. Seksyen 4 Akta ibu dipinda—

(a) dalam subseksyen (1)—

- (i) dalam perenggan (c), dengan memasukkan selepas perkataan “publishes” perkataan “or causes to be published”;
- (ii) dalam perenggan (d), dengan menggantikan perkataan “imports” dengan perkataan “propagates”; dan
- (iii) dengan menggantikan perkataan “for a first offence to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both, and, for a subsequent offence, to imprisonment for a term not exceeding five years” dengan perkataan “to imprisonment for a term of not less than three years but not exceeding seven years”; dan

(b) dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

“(1A) Any person who—

- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act which has or which would, if done, have a seditious tendency;

- (b) utters any seditious words;
- (c) prints, publishes or causes to be published, sells, offers for sale, distributes or reproduces any seditious publication; or
- (d) propagates any seditious publication,

and by such act causes bodily injury or damage to property shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term of not less than three years but not exceeding twenty years.”.

Seksyen baru 5A

5. Akta ibu dipinda dengan memasukkan selepas seksyen 5 seksyen yang berikut:

“Power of court to prevent person from leaving Malaysia

5A. (1) When a person is charged with an offence under section 4 and released on bail, the court shall, on the application of the Public Prosecutor—

- (a) order the person to surrender his travel documents within such period specified in the order until all proceedings in relation to the charge against the person have been concluded; or
- (b) in cases where the person has no travel documents and he is a citizen or permanent resident, order the Director General of Immigration not to issue any travel document to the person until all proceedings in relation to the charge against the person have been concluded.

(2) Any person who fails to comply with an order made under paragraph (1)(a), shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both, and his bail shall be revoked by the court.

(3) For the purpose of this section—

- (a) “Director General of Immigration” means the Director General of Immigration appointed under section 3 of the Immigration Act 1959/63 [*Act 155*]; and
- (b) “travel document” means a passport or any form of valid document of identity issued by any government for the purpose of travel across international boundaries.”.

Penggantian seksyen 6

6. Akta ibu dipinda dengan menggantikan seksyen 6 dengan seksyen yang berikut:

“Evidence

6. No person shall be convicted of any offence under paragraph 4(1)(c) or 4(1A)(c) if the person proves that the publication in respect of which he is charged was printed, published or caused to be published, sold, offered for sale, distributed or reproduced without his authority, consent and knowledge and without any want of due care or caution on his part, or that he did not know and had no reasonable ground to believe that the publication had a seditious tendency.”.

Seksyen baru 6A

7. Akta ibu dipinda dengan memasukkan selepas seksyen 6 seksyen yang berikut:

“Non-application of sections 173A, 293 and 294 of the Criminal Procedure Code

6A. Sections 173A, 293 and 294 of the Criminal Procedure Code [*Act 593*] shall not apply in respect of offences under subsection 4(1A).”.

Pindaan seksyen 10**8. Seksyen 10 Akta ibu dipinda—**

- (a) dengan menggantikan subseksyen (1) dengan subseksyen yang berikut:

“(1) Where on the application of the Public Prosecutor it is shown to the satisfaction of a Sessions Court Judge that the making or circulation of a seditious publication—

- (a) is or if commenced or continued would likely lead to bodily injury or damage to property;
- (b) appears to be promoting feelings of ill will, hostility or hatred between different races or classes of the population of Malaysia; or
- (c) appears to be promoting feelings of ill will, hostility or hatred between persons or groups of persons on the ground of religion,

the Sessions Court Judge shall make an order (“prohibition order”) prohibiting the making or circulation of that seditious publication (“prohibited publication”).”;

- (b) dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

“(1A) The prohibition order under subsection (1) shall—

- (a) require every person having any copy of the prohibited publication in his possession, power, or control to deliver forthwith every such copy into the custody of the police; or
- (b) in the case of a prohibited publication by electronic means—
 - (i) require the person making or circulating the prohibited publication to remove or cause to be removed wholly or partly the prohibited publication; and

- (ii) prohibit the person making or circulating the prohibited publication from accessing any electronic device.”;

(c) dengan menggantikan subseksyen (4) dengan subseksyen yang berikut:

“(4) Any person who contravenes a prohibition order made under subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both and, in the case of a continuing offence, to a fine of three thousand ringgit for each day during which the offence continues after conviction and in default of the payment of the fine, be liable to imprisonment for a term not exceeding one year.”;

(d) dengan menggantikan subseksyen (5) dengan subseksyen yang berikut:

“(5) Every person who knowingly have in his possession, power or control a prohibited publication shall—

- (a) forthwith deliver every such prohibited publication into the custody of the police; and
- (b) in the case of a prohibited publication by electronic means, remove or cause to be removed wholly or partly the prohibited publication,

and if he fails to do so, he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both and, in the case of a continuing offence, to a fine of three thousand ringgit for each day during which the offence continues after conviction and in default of the payment of the fine, be liable to imprisonment for a term not exceeding one year.”; dan

(e) dengan memotong subseksyen (9).

Seksyen baru 10A

9. Akta ibu dipinda dengan memasukkan selepas seksyen 10 seksyen yang berikut:

“Special power to issue order regarding seditious publication by electronic means

10A. Where on the application of the Public Prosecutor it is shown to the satisfaction of a Sessions Court Judge that the making or circulation of a seditious publication by electronic means by a person who cannot be identified—

- (a) is or if commenced or continued would likely lead to bodily injury or damage to property;
- (b) appears to be promoting feelings of ill will, hostility or hatred between different races or classes of the population of Malaysia; or
- (c) appears to be promoting feelings of ill will, hostility or hatred between persons or groups of persons on the ground of religion,

the Sessions Court Judge shall make an order directing an officer authorized under the Communications and Multimedia Act 1998 [Act 588] to prevent access to such publication.”.