



# FROM BEHIND THE DESK TO BEHIND **BARS**



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PART  
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**PROMOTING A CRIME-FREE CIVIL SERVICE**

# FORGERY

## SECTION 463 OF THE PENAL CODE

WHOEVER MAKES FALSE DOCUMENT OR, PART OF A DOCUMENT

### (a) With intent

(i) to cause damage or injury to the public or to any person

(ii) to support any claim or title

(iii) to cause any person to part with property

(iv) to enter into any express or implied contract;



### (b) With intent

to commit fraud, or that fraud may be committed

**PENALTY:  
IMPRISONMENT NOT  
EXCEEDING  
5 YEARS AND FINE**

# FORGERY

## Section 466

Forgery of Record of Court or Public Register, etc

Imprisonment not exceeding 7 years and fine

## Section 467

Forgery of Valuable Security or Will, etc

Imprisonment not exceeding 10 years and fine

## Section 468

Forgery for Purposes of Cheating

Imprisonment not exceeding 10 years and fine

## Section 469

Forgery for Purpose of Harming Reputation

Imprisonment not exceeding 5 years and fine

# FALSIFICATION OF ACCOUNTS

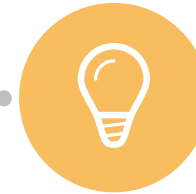
## SECTION 447A OF THE PENAL CODE

### WHOEVER

Being a Clerk Or  
Officer Or Servant



any book, paper, writing,  
valuable security or account  
which belongs to or is in the  
possession of his employer, or  
has been received by him for or  
on behalf of his employer;



employed or acting in such  
capacity wilfully + intent to  
defraud



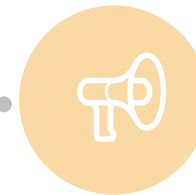
b) makes or abets the  
making of any false entry, in  
or omits or alters or abets  
the omission or alteration



(a) destroys, alters,  
mutilates falsifies



any material particular from or  
in any such book, paper, writing,  
valuable security or account



### PENALTY

IMPRISONMENT NOT EXCEEDING 10 YEARS AND FINE

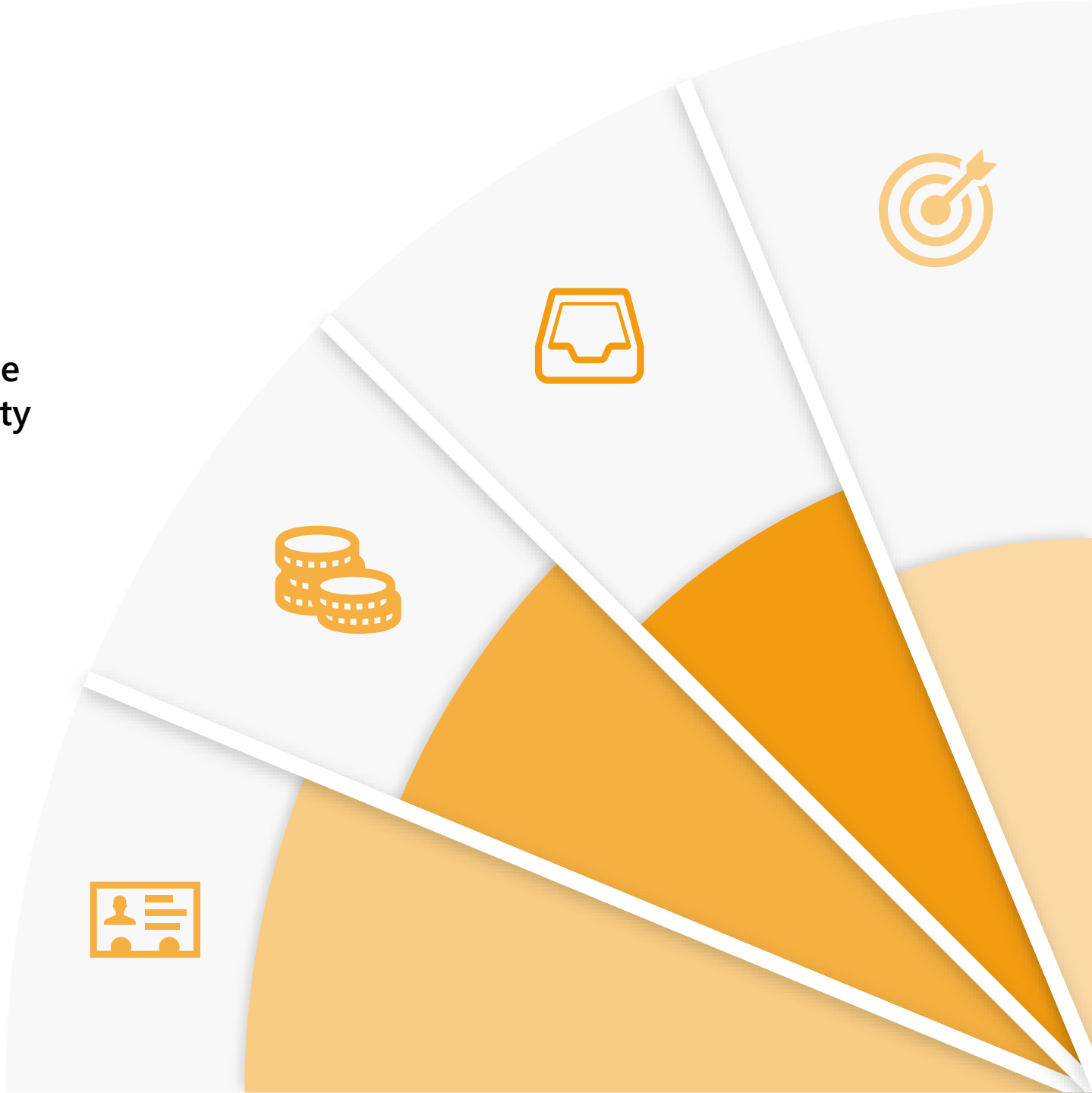


# CHEATING

## SECTION 415 PENAL CODE

WHOEVER : by deceiving any person

- (a) fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property; or
- (b) intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived,
- and which act or omission causes, or is likely to cause, damage or harm to that person in body, mind, reputation or property,
- = CHEATING



# TYPES OF CHEATING



## Section 415

Simple Cheating

Imprisonment  
not exceeding  
3 years and fine



## Section 418

Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect

Imprisonment  
not exceeding  
7 years and fine



## Section 419

Cheating by personation

Imprisonment  
not exceeding  
7 years and fine



## Section 420

Cheating and dishonestly inducing delivery of property

Imprisonment  
not exceeding  
7 years and fine



# OFFICIAL SECRETS ACT (“OSA”) CAP. 153

**Section 5:**  
Wrongful Communication,  
etc, of Information

**Section 6:**  
Unauthorized use of uniforms,  
falsification of reports, forgery,  
personation and false documents



**PENALTY**  
Section 18 of Official Secrets Act, Cap. 153  
A person who is guilty of an offence under this Act by reason of section 5 and 6,  
shall, notwithstanding anything contained in the Criminal Procedure Code, be liable on  
conviction before the Court of a Magistrate to imprisonment of either description for a term  
not exceeding 2 years, and shall  
also be liable to a fine not exceeding \$10,000.



## WRONGFUL COMMUNICATION, ETC, OF INFORMATION

### SECTION 5 OF THE OSA

ANY PERSON HAVING IN HIS POSSESSION OR CONTROL any secret official code word, countersign or pass word or any photograph, drawing, plan, model, article, note, document or information

(a) relates to or is used in a prohibited place or anything in such a place; or

(b) relates to munitions of war; or

(c) has been made or obtained in contravention of this Act; or

(d) has been entrusted in confidence to him by any person holding office under the State; or

(e) he has obtained, or to which he has had access, owing to his position as a person who holds or has held office under the State, or as a person who holds or has held a contract made on behalf of the State, or as a person who is or has been employed under a person who holds or has held such an office or contract;



communicates directly or indirectly any such information to whom he is unauthorized to communicate



or uses any such information or thing as aforesaid for the benefit of any foreign power other than those authorised to use it, or in any manner prejudicial to the safety or interests of Brunei Darussalam;



or retains in his possession or control any such thing which he has no right or contrary to his duty to retain



or fails to comply with all lawful directions issued by lawful authority with regard to the return or disposal thereof



Fails to take reasonable care of, or so conducts himself as to endanger the safety of secrecy of, any such information or thing as aforesaid; or



receives any such information or thing as aforesaid, knowing or having reasonable ground to believe at the time when he received it that the information or thing is communicated to him in contravention of this Act, unless he is able to prove the reception of info by him is not directly / indirectly solicited by him

# UNAUTHORISED USE OF UNIFORMS, FALSIFICATION OF REPORTS, FORGERY, PERSONATION & FALSE DOCUMENTS

## SECTION 6(1) OF THE OSA



**6. (1) If any person gains or assists any other person to gain admission to a prohibited place otherwise than by an authorised point of entry or for the purpose of gaining admission, or of assisting any other person to gain admission, to a prohibited place, or for any other purpose prejudicial to the safety or interests of Brunei Darussalam within the meaning of this Act —**

*(a)* uses or wears, without lawful authority, any naval, military, air-force, police, or other official uniform, or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform; or

*(b)* makes use of any disguise or false name, or knowingly conceals his identity or nationality; or

*(c)* orally, or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission; or

*(d)* forges, alters or tampers with, any passport or any naval, military, air force, police or official pass, permit, certificate, licence or other document of a similar character (in this section referred to as an official document), or uses or has in his possession any such forged, altered or irregular official document;

*(e)* personates or falsely represents himself to be, a person holding or in the employment of a person holding office under the Government, or personates or falsely represents himself to be or not to be, a person to whom an official document or secret official code word, countersign or pass word has been duly issued or communicated; or

*(f)* uses, or has in his possession or under his control, without the authority of the department of Government or the authority concerned, any die, key, badge, device, seal or stamp of or belonging to, or used, made or provided by any department of Government or by any diplomatic, naval, military or air force authority appointed by or acting under the authority of the Government, or any key, badge, device, die, seal or stamp so nearly resembling any such articles as to be calculated to deceive, or counterfeits any such articles as aforesaid, or uses, or has in his possession or under his control, any such counterfeited articles,

# UNAUTHORISED USE OF UNIFORMS, FALSIFICATION OF REPORTS, FORGERY, PERSONATION & FALSE DOCUMENTS

## SECTION 6(2) OF THE OSA



### 6(2) If any person -

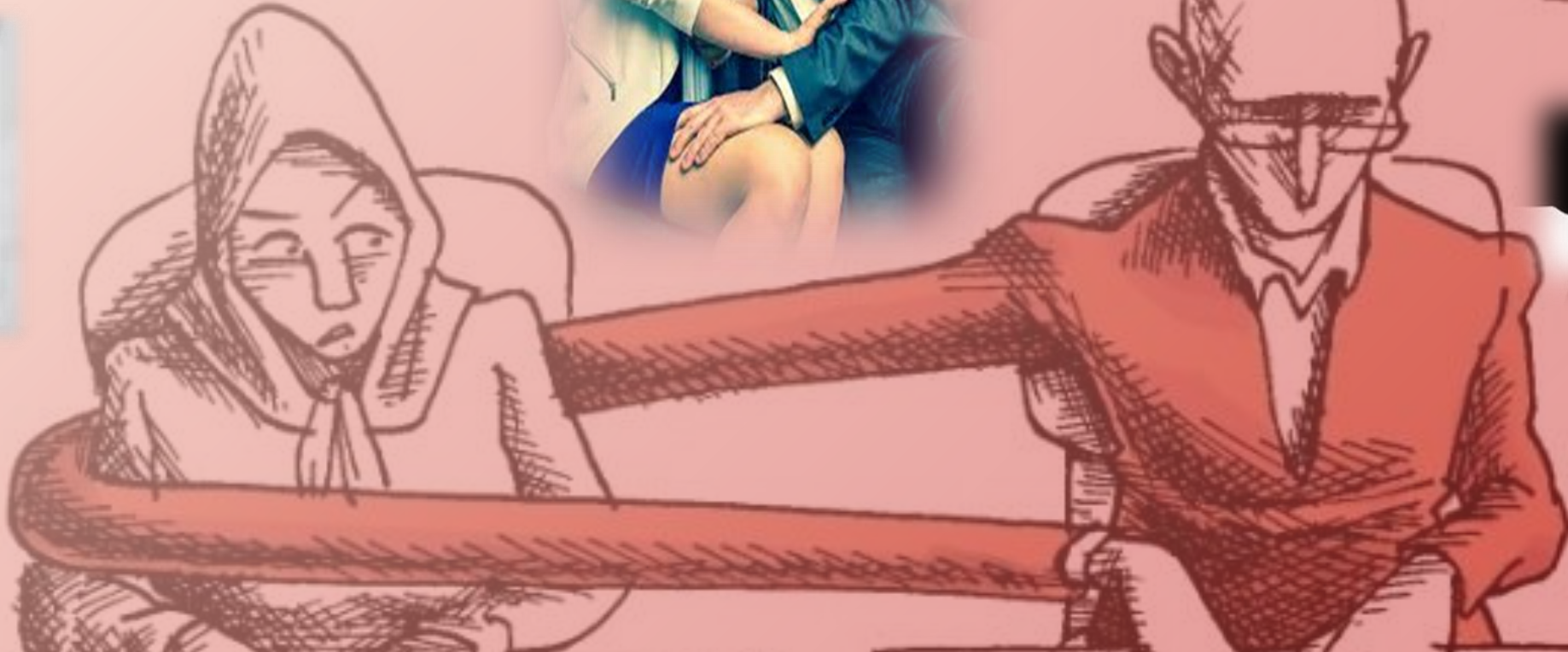
(a) retains for any purpose prejudicial to the safety or interests of Brunei Darussalam any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by any department of Government or any person authorised by such department with regard to the return or disposal thereof;

(b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code word, countersign or pass word so issued or, without lawful authority or excuse, has in his possession any official document or secret official code word, countersign or pass word issued for the use of some person other than himself, or on obtaining possession of any official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to the Commissioner of Police;

(c) without lawful authority or excuse, manufactures or sells, or has in his possession for sale, any such key, badge, device, die, seal or stamp; or

(d) with intent to obtain an official document, secret official code word, countersign or pass word, whether for himself or for any other person, knowingly makes any false statement,





# SEXUAL OFFENCES

# OUTRAGING MODESTY OF A PERSON

## SECTION 354 OF THE PENAL CODE

### Section 354 PC

Whoever assaults or uses criminal force to any person, intending thereby to outrage, or knowing it to be likely that he will thereby outrage the modesty of that person

### Penalty

Imprisonment for a term not exceeding 5 years & whipping



# AGGRAVATED OUTRAGING MODESTY

## SECTION 354A OF THE PENAL CODE

(1) Whoever, in order to commit or to facilitate the commission of outraging modesty:

- (a) voluntarily causes or attempts to cause that person, death, hurt or wrongful restraint; or
- (b) puts that person in fear of death, hurt or wrongful restraint



 PENALTY

shall be punished with imprisonment for a term of not less than 2 years and not more than 7 years and whipping.

If the victim is under the age of 14 years old



 PENALTY

shall be punished with imprisonment for a term of not less than 3 years and not more than 7 years and whipping.





# **WORD, GESTURE OR ACT INTENDED TO INSULT MODESTY OF WOMAN**

SECTION 509 OF THE PENAL CODE

○ Whoever, intending to insult the modesty of any woman –

(a) utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman; or

(b) intrudes upon the privacy of such woman



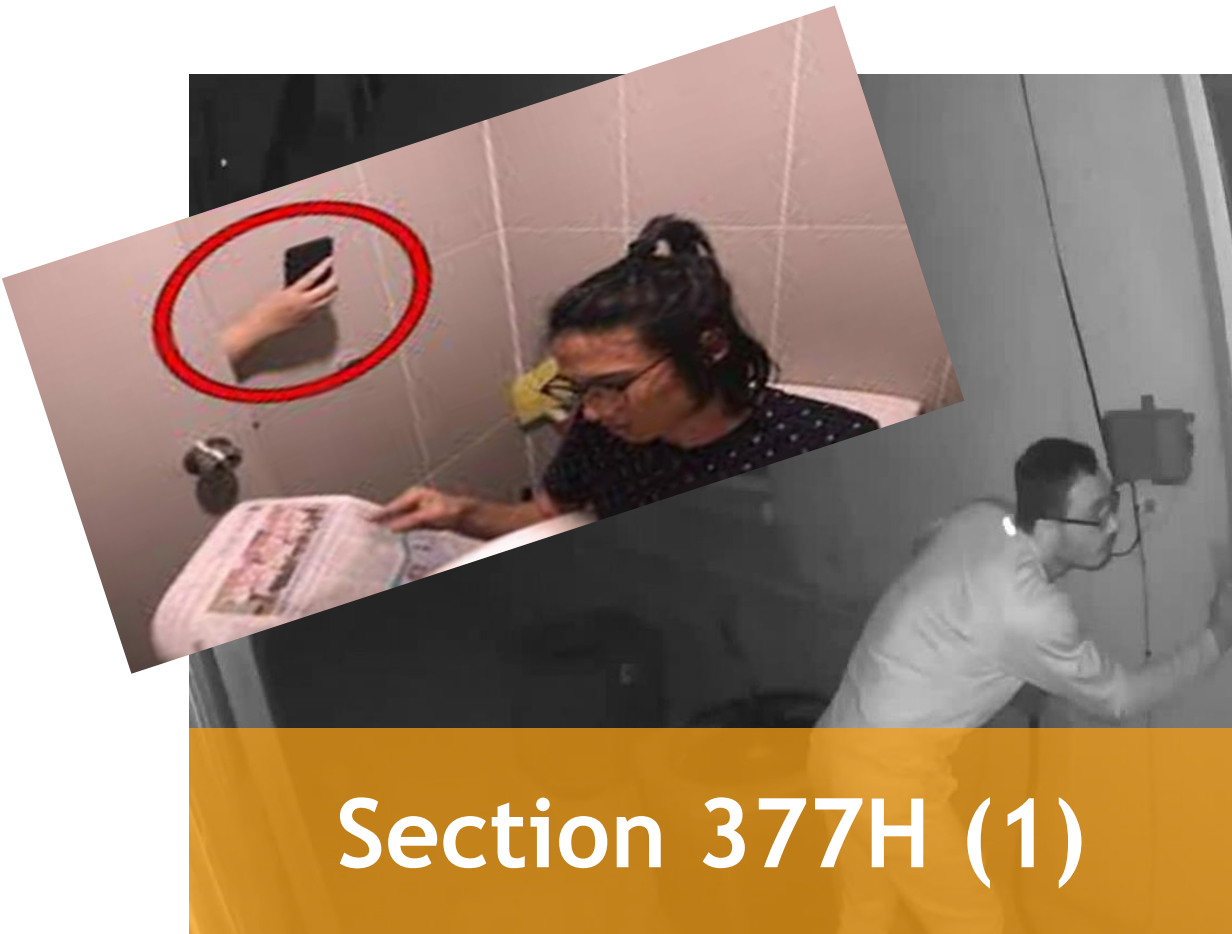
**It's not a  
COMPLIMENT,  
it's  
HARASSMENT.**

**PENALTY**  
Imprisonment not exceeding 3  
years and fine



# VOYEURISM

## SECTION 377H PENAL CODE



Whoever –  
(a) for the purpose of obtaining sexual gratification, observes another person doing a private act ; and  
(b) He knows that the person does not consent to being observed for his sexual gratification.

**PENALTY**  
Imprisonment not exceeding 3 years,  
fine or both

# VOYEURISM

## SECTION 377H PENAL CODE



**Section 377H (2)**

(2) Whoever —  
(a) for the purpose of obtaining sexual gratification, operates equipment with the intention of enabling another person to observe, a third person (B) doing a private act; and  
(b) he knows that B does not consent to his operating equipment with that intention.

**PENALTY**  
Imprisonment not exceeding 3 years,  
fine or both

# VOYEURISM

## SECTION 377H PENAL CODE



Whoever –  
(a) for the purpose of obtaining sexual gratification, records another person (B) doing a private act and with the intention that he or a third person will, look at an image of B doing the act; and  
(b) He knows that B does not consent to his recording the act with that intention

**PENALTY**  
Imprisonment not exceeding 3 years,  
fine or both

# SECTION 377J PENAL CODE

1) For the purposes of section 377H, a person is doing a private act if the person is in a place which, in the circumstances,



would reasonably be expected to provide privacy, and:



(a) the person's genitals, buttocks or breast are exposed or covered only with underwear



(b) the person is using a lavatory;

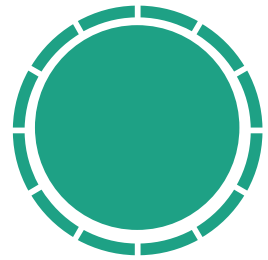


Or (c) the person is doing a sexual act that is not of a kind ordinarily done in public

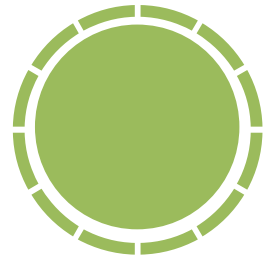


# CRIMINAL INTIMIDATION

## SECTION 503, PUNISHABLE BY SECTION 506 PENAL CODE

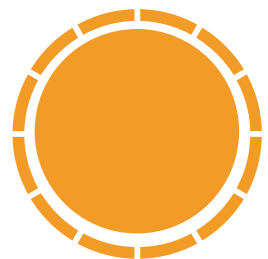


Whoever threatens another with any injury to his person, reputation or property OR to the person or reputation of anyone in whom that person is interested



With intent to cause:

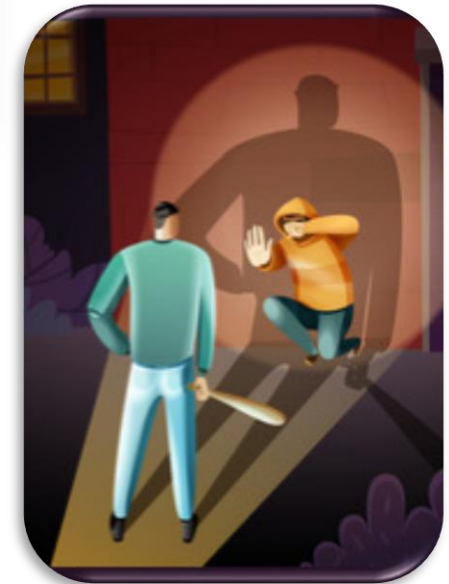
- a) Alarm to that person; OR
- b) That person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to, as the means of avoiding execution of such threat



Imprisonment not exceeding 3 years, fine or both and If the threat is –

- a) to cause death or grievous hurt;
- b) to cause the destruction of property by fire;
- c) to cause an offence punishable with death or imprisonment for a term not exceeding 7 years; or
- d) to impute unchastity to a woman

Imprisonment not exceeding 7 years, fine or both





# **COURT CASES**





## Lady civil servant jailed for forging labour documents

THE Intermediate Court yesterday imprisoned a female government servant for three years after she pleaded guilty to 10 counts of forging workers' labour application forms.

According to DPP Yvonne Lim's statement of facts to the court, 35-year-old Rosediana binti Angas started working as an accountant clerk in 2004 at the Labour Department in Tutong before she got transferred to Jalan Kebangsaan as an assistant labour inspector in 2011.

Her work included signing of workers' contracts and inspection of the contracts.

The Commercial Crime Investigation Division of the Criminal Investigation Department Police received a report on April 15, 2011 made by an Enforcement Unit of Immigration and National Registration Department (INRD) officer which stated that seven fake stamps/chops were found on documents linked to a Bruneian named Mohammad Zaini bin Dambong.

It led to the defendant's arrest and further investigations revealed more offences committed by Rosediana.

The defendant forged BUR500 forms, which is an application to obtain foreign worker employment pass issued by the Labour Department and it is a filtering stage to make sure the company is employing workers in accordance with its quota licence and relevant regulations. Once the process is done, the employer can apply for visa from the INRD to bring in the workers.

It was found that the defendant came to know that foreign man named Mohamad Syed Sulaiman

bin Pitchai Rowther sometime in 2004, who is nowhere to be found now.

The defendant was offered money by Sulaiman to forge BUR500 purportedly signed on behalf of the Commissioner of Labour, Labour Department.

The role of the defendant was to fill in section A and B of the form, to be signed and stamped by the Commissioner of Labour.

The defendant used a scanner purchased by Sulaiman to scan the document and stamped the original BUR500 form with the chop of the Commissioner of Labour in section A and section B and the section 'For Office Use', with the wording "payment has been settled" in section B.

It was then printed out as a prototype which was then used to fill in information furnished by Sulaiman using workers' passports details.

The arrangement was that for each forged form, the defendant would be paid an amount ranging from \$50-\$200.

From May 2010 to March 2011, the defendant made 11 copies of BUR500 for Zaini to make an application on behalf of Sulaiman at the INRD.

With the forged BUR500, 28 passes were issued to 28 workers.

The defendant admitted that she had forged the said 11 copies of BUR500, intending that the forged forms shall be used for the purpose of cheating, and that she knew the BUR500 was used to apply for employment passes from the INRD.

Judge Muhammed Faisal bin Pehin Dato Haji Kefli presided over the case.



Joseph Cheok Van Seng

BETWEEN

Appellant

Public Prosecutor

AND

Respondent

(High Court of Brunei Darussalam)  
(Criminal Appeal No. 7 of 2018)

Before Commissioner James Findlay in Court  
Dates of hearing: 21 and 30 July 2018

Date of delivering Judgment in court: 2 August 2018

Mr Rozaiman Abdul Rahman and Ms Veronica K Rajakanu for the appellant.  
DPP Jauinah Bte Hj Kula for the Public Prosecutor.

**Case cited in the Judgment:**

*Public Prosecutor v Tang Kin Seng* [1997] 1 SLR 47

**JUDGMENT**

**Findlay, J.C.:**

The appellant was charged with an offence under Chapter 22 in that, on 5 February 2014, he squeezed the right buttock of the complainant outraging her modesty. He was convicted by the Magistrate on 14 March 2018 and sentenced to 1 year's imprisonment. He now appeals against this conviction.

# Female uniformed personnel alleges sexual harassment by senior

September 20, 2019

Fadley Faisal

A SENIOR policeman was charged in the Magistrate's Court yesterday, of sexually harassing a female colleague.

Deputy Public Prosecutor Nor Hafizah binti Ahmad's charge against Deputy Superintendent Ramzi Hayatina bin Dato Haji Ibrahim alleges that he made sexual gestures to a female Lance Corporal, while they were at the Airport Police Administration Office at 11.26am, on September 14.

## AROUND THE COURTS

Tuesday 14/11/2017

# Belait teacher jailed for outraging modesty of 16-year-old student

FAUZY FAISAL

A BELAIT school teacher who outraged the modesty of a 16-year-old female student was sentenced to five years' jail and three strokes of the cane by the Intermediate Court yesterday.

Judge Lailatul Zubaidah binti Hussain was of the firm belief that the offences committed were too serious for the court to consider imposing a probation and community service order, as pleaded for by the defendant's counsel Pengiran Khairul Nizam bin Pengiran Haji Md Yassin.

"The offences were committed over three days and were not isolated acts or acts on

compulsion. There is a clear escalation of violation over the victim who was his student. The offences he committed were grave and reprehensible. The victim was a 16-year-old girl who was vulnerable due to trouble at home - facts which were relayed to the court by the defendant. He chose to take advantage of the victim," said the judge.

Judge Lailatul Zubaidah added that there is no doubt that a teacher who abuses his trust and authority will cause public disquiet.

"An unequivocal and uncompromising message to all would-be offenders must be sent as a warning that abusing a relationship or position of

authority in order to gratify a sexual impulse will inevitably be met with the harshest penal consequences," the judge said in considering the sentence whilst taking into account mitigating factors.

The Court did take into account mitigating factors: the fact that the defendant is a first-time offender; he had pleaded guilty; possesses exceptional academic achievements under his belt; and is highly regarded in the academic institution where he works.

The defendant pleaded guilty to the charges he faced on October 19, 2017.

According to the prosecution's statement of facts of the case, the defendant had been employed as

a biology teacher at a secondary school in the Belait District since August 27, 2015, and the victim is a student of the defendant.

A report alleging that the defendant has outraged the modesty of the victim was lodged at the Kuala Belait police station on July 24, 2017.

The Women and Abuse Investigation Unit and Criminal Investigation Department immediately investigations into the case. Subsequently, the defendant had to appear at court with the victim at school.

It was eventually forenamed

then informed a teacher at the school about what had happened to the victim. The victim herself did not want to report the case to teachers as she feared they would find out that she was against

**BANDAR SERI BEGAWAN** - A local teacher has been sentenced to six years in prison and three strokes of the cane, after he was convicted of molesting three of his female students at a primary school in the capital.

The defendant - whose name has been withheld to protect the identity of the minor victims - pleaded not guilty to three charges of using criminal force to outrage the modesty of the girls, who were aged between 10 and 11 years at the time the incidents took place in 2014.

After a trial in which all three accusers testified before the court, Judge Pg Masni Pg Hj Bahar found the defendant, 36, guilty on December 9, later sentencing him to six years in jail and three strokes for each charge, but ordering the sentences to concurrently.

"Outraging modesty of a student is an infringement of one's body. The victims in this case involves minors of tender age. This is a serious offence which warrants an upper level of sentencing," she said in her written judgment.







# PROMOTING A CRIME-FREE CIVIL SERVICE



## Stronger Governance

- Check & balance mechanism
- Transparent workflow
- Accountability

Tighter laws & regulations  
For stronger deterrent

Efficient management  
Of human resources

Awareness programmes  
on criminal offences  
Educating civil  
servants at all levels



CRIME FREE  
ZONE



