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Question :-

What is the Islamic perspective on crime and punishment? Explain your answer with help of proper examples.

Introduction :-

The teachings and Islamic perspective on crime and punishment is deeply rooted in the principles outlined in the Quran and the Hadith. The teachings and sayings of Prophet Muhammad (SAW) Islam views justice as a cornerstone of a just and equitable society and it provides a comprehensive framework for dealing with crimes and their corresponding punishments. The Islamic legal system known sharia has encompasses a range of principles that seek to balance the rights of individuals with the greater welfare of society. Islamic perspective based Hudood, Qisas and Darr.

Islamic Perspective on Crime

Islam being a complete code of life lays down the principles and injunctions which are meant to bring peace and prosperity to the society. Crimes (Maasiat in Arabic) since pose serious threat to the society. Islamic system sets out a number of provisions and procedure in curb crimes in the society.

Concept of Hudood in Islam

Hudood are the crimes whose punishments are prescribed by the Islam. "Hudud is plural of Hudd" which means limit "prohibition".

There are following seven crimes which have been category of hudood

- i) Zina (Rape)
- ii) Qadft (False Allegation of Zina)
- iii) Shurb (Drinking of Alcohol)
- iv) Shiragah (Theft)
- v) Haraabah (Robbery)

vi) Apostasy (Renouncement of Islam by a Muslim)

vii) Rebellion (Revolt against Islam State)

1) Details of trial and punishments under Hudood Ordinances etc

SrNo	Crime	Requirement of Eye Witnesses	Punishment
1)	Zina (Rape)	4	Death through stoning in case of a married or 100 stripes in case of non-married
2)	Qazf (False Allegation of Zina)	2	80 stripes for free man and 40 for slaves
3)	Shurb (Drinking of Alcohol)	2	80 Stripes
4)	Shirqaah (Theft)	2	i) amputation of his right hand ii) amputation of his left foot iii) life time imprisonment

Sr No	Crime	Requirement of Eye witness	Punishment
5)	Haraabah (Robbery)	2	Depending on Circumstances and Outcome.
6)	Apostasy (Kitadad)	2	Death
7)	Rebellion (Revolt against the State)	2	Death

2) Conditions of Trial and Testimony under Haddood :-

- i) Testimony of female witness is not admissible
- ii) Testimony of a non-muslim witness is not admissible against a Muslim accused
- iii) Before admitting a witness, the court is required to establish the credibility of a witness

3) Promulgation of Hudood Laws in Pakistan :-

Following Hudood Ordinance were promulgated in Pakistan in year 1979 by General Ziaul-haq

- i) The offence of Zina (Enforcement of Hudood) Ordinance, 1979
- ii) The Prohibition (Enforcement of Hadd) Order, 1979
- iii) Offences against property (Enforcement of Hudood) Ordinance.
- iv) Offence of Qazf Order 1979

Qisas (Retaliation) in Islamic Law :-

Qisas is an Arabic term that means "Retaliation in kind" or "eye to eye" or "retributive justice". It is one of the principles of Islamic law that governs the punishment for certain crimes particularly intentional homicide and bodily harm. Qisas is based on the principle of proportionality which aim to achieve justice by imposing punishment that is equal to the severity of crime committed.

1) Application of Qisas in Islam

Qisas is primarily applied in cases of intentional homicide and bodily harm. In the case of intentional homicide the victim's family has right to demand qisas which involves the execution of the perpetrators. However, the victim's family also has the option of accepting blood money (diyyah) as compensation instead of Qisas. This option is encouraged in the Quran and Hadith as a way to promote peace and reconciliation.

3) Conditions of Qisas given by Shariah

- i) The perpetrator must have reached the age of puberty and be mentally sound.
- ii) The perpetrator must have acted intentionally and with full knowledge of the consequences of their actions.
- iii) The victim must be Muslim.
- iv) There must be sufficient evidence to establish the perpetrator's guilt.

Tazir Concept in Islam

In Islamic law, Tazir refers to offences mentioned in the Quran or the Hadith, but where neither the Quran nor the Hadiths specify

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a punishment. In such cases punishment is at the discretion of the state, Qadi (Judge), or court

Conditions of Tazir under Islamic law

- i) Offences other than those which Hud or Qisas is applied
- ii) offences under hudood and Qisas on which the conditions laid down for hudood or qisas can not be applied

Conclusion :-

In a conclusion, the Islamic perspective on crime and punishment is multifaceted seeking to strike a balance between justice, mercy and societal well-being. While hudood provides fixed punishments for specific offences, qisas ensures retribution for harm and tazir allows for flexibility and rehabilitation.