

Q) What is the Islamic perspective on Crime and Punishment?

Explain your Answer with the help of proper Examples.

Definition of Crime.

Defining Crime is not easy, as an act may be crime at one place but not another place, similarly an act may be a crime at same place at one point of time but not another point of time. For instance inter-sex marriages was ~~never~~ not allowed till 20th Century but currently many countries have allowed it.

According to Oxford dictionary Crime is

"An action or omission which constitutes an offence and is punishable by law" however ~~at this~~ there also are actions that may not constitute crime under law but are socially considered deviation.

Islamic Perspective on Crime

However the Islamic perspective on crime has many differences and some similarities with western definitions of crime. As Islam is a complete code of life it lays down the principles and injunctions to bring peace and prosperity to society. Accordingly crime and deviation brings threat to social order and eats up peace in society, Islam have different approach to crime according to which some actions are death under Islamic justice system while for some actions Allah ~~is~~ himself will penalize them on day of Judgment.

Islamic Perspective on Punishment.

In Islam Punishment for delinquents is based on an Islamic penal system, being the divine law. according to Abdurrahman Reza, the main dissimilarity in Western and Islamic culture for ~~the~~ punishment is the source of punishment, that in Islam is divinely texts whereas in the counterparts its through rational reasoning and Society's agreement.

In Islam Punishment is an obligatory deed when it is about determined offenses.

Allah says that

"The thieves, male and female, cut of their hands as a recompense for what they have earned, a punishment by way of example from Allah. And Allah is powerful, All-wise"

According to this ~~exact~~ verse of the holly Quran that punishment is recompense and the punishment should be set as an example for others in order to create deterrence.

Major Objectives of Islamic Law

The Islamic Criminal System.

Any person who ~~breaches~~ breaches five basic values in Islam - that are Religion, life, sanity, Property and lineage - are guilty of committing crime in Islam, and crimes are further divided into three categories that have different form of punishments.

Hudood.

Hudood are the crimes whose punishments are prescribed by Islam. ~~Hudud~~ The word Hudood comes out of Hadd that means limit. Seven crimes comes under ~~the~~ Hudood. they are

- Zina

Zina is illicit sex and is prohibited in Islam as it ~~is~~ harms the lineage of a person an offspring. For which 100 stripes awarded to ~~an~~ unmarried person while stoning to death for a married person.

- Qazf

Qazf is the act of falsely blaming someone of Zina. The punishment for Qazf is 80 stripes for free man and 40 for slaves.

- Shurd

Shurd is the act of consumption of ~~alcohol~~ alcohol as ~~it~~ after consumption of ~~the~~ alcohol a person is not in his senses (affects sanity), accordingly the person is punished with 80 stripes.

Qisas (Retaliation)

The word Qisas is derived from the word "Qas" that means 'to follow'. Qisas is based on retributive justice, according to which the offender should suffer the same way as ~~he~~ he made the victim suffer. Qisas is applicable to crimes that are against human body such as murder and hurt. According to the holy Quran:

⁶⁶ "Take not life which Allah has made sacred except by way of justice and law" (6:151)
Therefore any person who hurts a person and kills ~~and~~ a person intentionally.

Tazir

Tazir means discretionary punishment. Punishments that are directed against society or community; these are the crimes ~~other~~ other than Hadd and Qisas and the punishment is left to discretion of law or the court. Tazir have two types; ~~for~~ ^{first} for the offenses other than those on which Had or Qisas is applied. Second, offenses under hadd and Qisas on which the condition laid down for hadd or qisas can not be applied.

~~for~~ A prominent example of Tazir can be seen in the 9th Century, during the Abbasid Caliphate, Imam ~~to~~ Ahmad ibn Hanbal, refused to endorse the state-sponsored Mu'tazilite doctrine. As a result, he faced Tazir punishment that included flogging and imprisonment.

Conclusion.

In the Islamic perspective on crime and punishment, the goal is to establish a just and harmonious society where individuals can live in peace and security. While Hadd & Qisas punishments are prescribed in Quran and Sunnah and are considered fix, Tazir system provides flexibility for judges to address unique circumstances and ensure proportional response to offenses. It is essential to not that the implementation of Islamic law varies across different Muslim-majority countries and communities, and interpretation of these principles may differ, leading to diverse practices in modern world.