

Question:

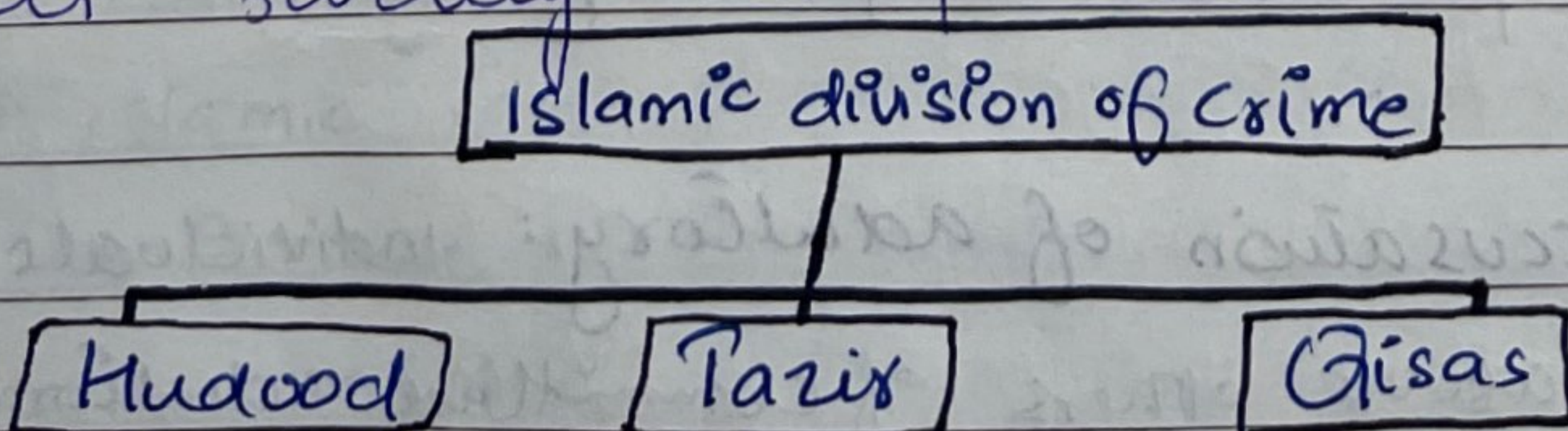
What is the Islamic perspective on crime and punishment? Explain your answer with help of proper examples.

Answer:

Islamic Perspective on crime and punishment is based on the principles of justice, fairness and mercy. The primary source of guidance is the sharia, the comprehensive legal framework derived from the teachings of Quran and Holy prophet (PBUH). Punishments for the crimes are intended to serve as deterrents, prevent harm and promote societal well-being. Restorative justice is encouraged and forgiveness is highly rewarded. In Islamic law, there are range of punishments for various crimes, with an emphasis on the preservation of human dignity. The Islamic perspective seeks to create a just and harmonious society where the rights of individual are protected and wrongdoers are held accountable for their crimes while being treated with compassion and mercy.

Islamic division of crime.

In Islamic jurisprudence, crimes are typically categorised into different types based on their severity and implications.



1- HUDOOD:

Crime under Hudood are seen as crimes against God. These crimes are violation of "natural law" as interpreted within the specific cultures of Islamic state. These crimes are penalized by the community and punished by fixed penalties as required in Quran and Sunnah.

Hudood offenses:

Hudood offenses refer to fixed penalties and punishments in Islamic law as outlined in Quran and hadith. These offenses are ^{considered} to be of severe nature and the punishments for them are prescribed directly in Islamic scripture. They include:

- 1- **Theft:** Punishment of theft is the amputation of offender's hand. However it's important to know that strict conditions must be met before this punishment can be applied, such as theft should be of a certain value, the method of theft and absence of certain compelling circumstances.
- 2- **Adultery:** Both men and women involved in extramarital sexual relations may face severe penalties including stoning to death, although strict evidence requirements make this punishment exceptionally rare.
- 3- **False accusation of adultery:** Individuals who falsely accuse others of committing adultery may

face punishments such as: public flogging or severe fines, depending of circumstances and evidence presented.

4. **Consumption of alcohol:** The holy Quran prohibits the consumption of intoxicants, the punishment for this offense is often debated and varies among different school of thought within Islamic jurisprudence. Some possible forms of punishment include public flogging, fines or imprisonment.

5. **Apostasy:** In some interpretation of Islamic law, apostasy is considered a serious offense and historically, severe punishments have been prescribed for it. This includes death in some cases.

6. **Fornication:** In Islamic law, the punishment for fornication varies depending on the specific circumstances and the evidence presented. Punishment can include public flogging or stoning to death.

The implementation of Hudud punishment requires strict adherence to evidentiary standards and procedural fairness to protect individuals from false accusations and ensure the just application of these severe penalties.

2. QISAS:

This category of crime is crime against individual. In Islamic law punishment prescribed for murder or infliction of an injury is named Qisas. This means inflicting an injury on the culprit.

exactly equal to the injury he/she inflicted upon his or her victim. The right to demand retribution or compensation lies with the victim or in case of homicide the victim's next of kin. Some times the relationship between this person and the offender can prevent retaliation.

Qisas offenses:

The concept of Qisas allows proportional retaliation often referred to "an eye for an eye." However Islamic law also strongly encourages forgiveness, reconciliation and payment of blood money (diya) as an alternative to retaliation.

Qisas and diya crimes are of two types:

1- Homicide or murder:

In Islamic law punishment for homicide which involves the taking of another person's life, is often determined based on the principles of Qisas or retribution. The family has right to choose between seeking retaliation or accepting blood money as compensation. If the victim's family decides to forgive the offender or the payment of diya, it can lead to the resolution of matter without any need for retribution. The emphasis on forgiveness is intended to promote social harmony and restoration of peace within community.

2- Battery: In Islamic law the punishment of battery which involves physically harming another person falls under category of Qisas. Qisas

allows principles of retribution, where the punishment is proportional to harm inflicted. However, forgiveness and diya are also encouraged as alternatives to retribution.

These type of crimes are treated in Islamic law as private offenses not public offenses.

3. TAZIR:

These crimes are punishable by penalties left to the discretion of the ruler or judge (Qadi).

They do not fall under the category of hudud or Qisas as they are not specified in Quran or Sunah.

Any act that infringes private or community interests of public order can be subject to tazir.

It is the duty of the public authorities to lay down rules penalizing such conduct. These rules must draw their inspiration from shariah.

Tazir offenses:

These offenses include wide range of crimes that are not specifically addressed in the Quran or hadith. Examples of tazir offenses may include.

- 1- **Public misconduct or indecency:** This refers to inappropriate behaviour, offensive, contrary to social norms in a public setting. For example indecent exposure, public nudity etc.
- 2- **Breach of Public order:** This involves the actions that disrupts the peaceful functioning of the community or society. Examples include causing

public disturbances, provoking riots or engaging in any behavior that disrupts the peace.

3- Violation of business or contract agreements:

This refers to ^{situations} where the terms of legally binding contract or business agreement are violated. Example may include the failure to fulfill the terms of an agreement or other fraudulent practices that do not directly constitute theft or embezzlement.

4- Minor Property offenses: These include the offenses which are not classified as theft, but some kind of damage or interference with another person's property. Such offenses may include trespassing, vandalism or minor damage.

5- Breach of trust: This category encompasses actions that involve the betrayal of trust or any kind of fraud but do not necessarily involve the direct taking of property. This may include embezzlement, fraudulent misrepresentation etc.

6- Violation of the rights of personal security: It is one of the essential of Islam. For example trafficking of people. It clearly constitutes the violation of rights of personal security.

7- Defamation or slander: It means to make false statement about someone to harm their reputation, character or status in the society. It is generally considered a civil wrong and in some cases a punishable offense under the law.

These examples represent a variety of offenses that maybe subject to discretionary punishment depending on the circumstances and judges interpretation of islamic law within specific legal context. Tazir punishments are designed to maintain public order and ensure the well-being of society.

Islamic Justice System:

Islamic Justice System believes in equality before law and doesnot differentiate between age, gender etc.

It provides a system of proposing harsh punishments so that they become examples for others with a criminal tendency. There is no rule for the imprisonment of an offender in islam as islam looks down upon this approach. It encourages pardon and promises better punishments in the after life. Key focus of this system is deterrence, to stop next crime before it happens.

Conclusion:

The islamic perspective on crime and punishment emphasizes justice, fairness and mercy guided by the principles outlined in the quran, the islamic law. The system categorises into Hudud (offenses with fixed punishments), Qisas (offenses involving physical harm), Tazir (offenses subject to discretionary punishments). Restorative justice, reconciliation and forgiveness are encouraged. The ultimate goal is to create a just society.