

2018-03

Date: _____

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

Introduction:

Islam, as a complete code of life, provide guidance in every field of life. Islam promotes peace and discourages every illegal act.

In Quran, Allah says:

"Take not life, which God has made sacred, except by way of justice and law"

Quran (6:151)

Islam is emphasizing on the importance of maintaining justice and equality in the society. In Islamic perspective on crimes and punishments is based on Quran, Sunnah, Ijtihad and Ijtima. Islam explains all punishments according to intensity of crimes.

Islamic perspective of Criminal Justice System.

As all the crimes are described in Islam which are based on different factors. These factors are as follow:

Religion: In Islam, there is no compulsion in entering into Islam by non-muslims. But a muslim cannot change his religion.

Life: Life is a very important factor for every person. The Holy prophet (ﷺ) said:

"Murder of one person is equal to the murder of whole humanity."

It shows the importance of life in Islam.

Reason: In Islam, Alcohol or any other toxicing material is not allowed.

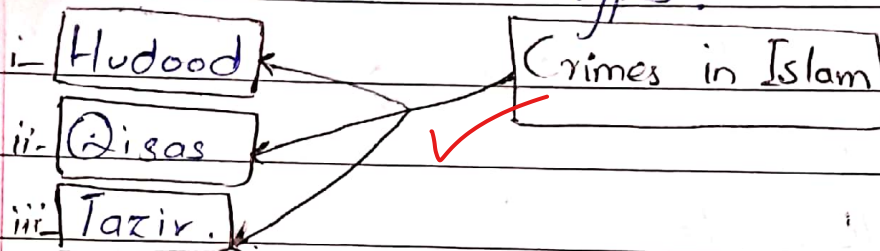
Property: Islam is also focusing on the importance of protection

of property.
Lineage: In Islam, the illicit
sex is not allowed.

If any muslim or non-muslim
breaches these rules, then
they commit crimes.

Crimes and Punishments in Islam:

Crimes under Islam is divided
into three types:



Hudood:

Under Hudood, there are different
crimes prescribed by Islam.

Hudood comes from the word
'Hadd' which means 'limit'.

The punishment of Hudood
are prescribed by the Islam.

These crimes are as follows:

i. Zina (Rape)

The crime 'Zina' in Islam
is rape. In Pakistan, the

Day: _____

law which deals ~~with~~ ^{for} the crimes of Zina is The "offence of Zina ordinance 1979" by Zia-ul-Haq.

Punishment of Zina

The punishment for the criminals of Zina in Islam is stoning to death in the case of married person and 100 lashes in the case of non-married person.

Example

The example of Zina is illicit sex which is prohibited in Islam.

ii. Qizf

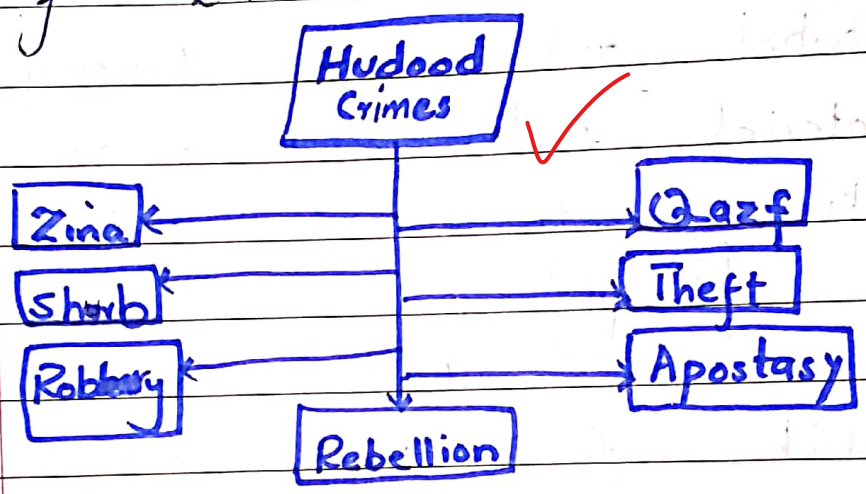
Qizf, in Islam, is also a crime. The law which deals for the crimes of Qizf in Pakistan is "Offence of Qizf order 1979" by Zia-ul-Haq.

Punishment of Qizf

In Islam, the punishment of Qazf is 80 lashes for a free person and 40 lashes in the case of a slave.

Example

The example of Qazf is the false allegation of Zina.



iii. **Shurb**

Shurb means 'Drinking of alcohol.' In Islam, alcohol and every ~~toxic~~ ^{poisonous} matter is prohibited and it is declared as a crime to drink alcohol.

Punishment of Shurb

In Islam,

the punishment of Shurb is 80 stripes or lashes. The law which deals with that crime is under 'Prohibition Order 1979'.

Example

The example of the crime shurb is included alcohol and every toxicing material such as drugs taking etc.

iv-

Theft

Another crime which falls under Haddood is theft. Theft of someone's property and any thing is prohibited in Islam. The law which deals with that type of crime is under 'Offence against Property ordinance 1979'.

Punishment of theft

In Islam, the punishment of

theft is cutting of one hand (right hand) if the offender commits theft as first time.

If any offender commits theft for second time, then cutting of foot of left side is done. If he commits the same crime again, then imprisonment for life.

Example

Let's take an example, a person A is committing a crime of theft for the first time, if he lives in a Muslim/ Islamic state, then the punishment is in the form of cutting his right hand. So that, he may not commit the same mistake.

v. Robbery

Not only theft, robbery is also a crime in Islam. The law which

deals with robbery is under
'offence against property order
1979'.

Punishment of Robbery

The punishment of robbery
is depended upon the
circumstances. If robbery is
in the form of theft,
then punishment is also same.

Example

If any of person
uses force or arm to
take the property of others
then it lies under crimes
of robbery.

vi. Apostasy

Apostasy means
to change of the religion (Islam)
of muslim. It is not
allow for a muslim to
change his religion from
Islam. That's why it is
a crime.

Punishment of Apostasy

The punishment of apostasy in Islamic perspective is death of that person.

No law is made in Pakistan to deal such types of crimes.

Example

If person A is muslim and person B is Hindu. Then, if A changes his religion from Islam to Hinduism, he commits a crime but if B changes his religion from Hinduism to Islam, then B is not committing a crime in accordance with Islamic law.

Rebellion

Rebellion means revolt against a state. In Islam, rebellion is also a crime but in Pakistan,

no law is made to deal with rebellion.

Punishment of Rebellion

The punishment of rebellion is death.

Example

If a person lives in Pakistan, and he revolts against Pakistan; his motherland, then he commits a crime and government gives him the punishment of death penalty.

Qisas :

The word Qisas is ~~comes~~ from the word Qass, which means 'to follow'. The crimes whose punishment is same as the victim of the crime bear, lies under Qisas. It means that the offender suffers in the same way as the did by the victim. The law in Pakistan which deals with such types of crimes, is

under 299 (k) of Pakistan
Penal Code.

Example

If a person A was hurted
by a person B, then B
is also suffering the same as
did by A. It means that
B is hurted in the same
way by the police.

Tazir:

Tazir - is the third
category of Islamic crimes
It contains the crimes
which are not fall under
the category of Huded and
Qisas.

Example

The offences which are not
falling under the crimes of
Huded and Qisas, and
the crimes whose punishment
are not set under Huded

and Qisas are types of Tazir. Like crimes using AI.

Conclusion:

To conclude, we say that Islam provides a proper guideline of handling of crimes. But it cannot mean that Islam is a very strict religion. In Islam, the first priority is forgiveness. If the offender is forgiven by the victim or their his family, then there is a way of probation for the offender. But if a person is harmful for our society, then these punishment are the right way to make him as a good citizen of the state/society. That's why, Islam mainly focus on peace, probation and prosperity of the people.

there are 4 conceptual factors in punishment in islam.
 reformation reformation retribution and prohibition write these
 too over and is too long conclude the ans on 8th side max
 use islamic names of crimes like dont use name robbery use harrabbah