


Q.3 Discuss in detail the Judicial System of Islam. Explain its basic philosophy and how it ensure  Social Justice.

Islamic Judicial System is a System that ensures justice and equity in the Islamic state. It is based upon Divine law and decisions are made according the Quran and Sunnah. It ensures that rights of individuals are protected and people live with harmony with each other.

The following is the system of Islamic Justice:

- i Presentation of claim: A claim is presented in the court of Qazi. Qazi is a judge that gives the final verdict.
- ii Evidence provision: The Qazi will hear the stance of the parties and will demand evidence to proof their stance. In Arabic the word "Shahadat" is used for evidence.
- iii Final decision: The Qazi will then decide the case according to the Divine law and by carefully analyzing the evidences.

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Importance of post of Qazi:

In Islamic Justice System, the post of Qazi is honourable and respected post. It is duty of the citizens of the Islamic state to respect Qazi and give respect to his decision. According to teaching of Islam, following should be the qualities of Qazi:

- i He must be best among the people
- ii He should be one who is not obsessed with domestic worries
- iii He should be one who cannot be intimidated
- iv He who does not turn back from the right path once he finds it
- v He who is not self-centered
- vi He must be one who will not decide before knowing full facts
- vii He must be one who will weigh with care every attendant doubt and pronounce a clear verdict after taking everything into full consideration
- viii One who will not grow restive over the arguments of advocates
- ix One who will examine with patience every new disclosure of facts
- x One who will be strictly impartial

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xi
xpi. One whom flattery cannot mislead
one who does not exult
over his position.

Salary of the Qazi:

According to one of the letters of Hazrat Ali (R.A) to his one of the governors, salary of the Qazi must be handsomely enough to live in comfort. The very purpose of handsome salary is that the Qazi could not influence by the bribery or other gifts. That is how Islamic Justice system ensure that every decision taken by the Qazi is devoid of any kind of influence from the powerful party and the justice is served without any discrimination.

Number of witnesses require for various cases in Judicial system of Islam:

Witnesses are the key element of the Islamic Justice system. The following number of witnesses is required for the final decision:

Zina Cases
are require
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Hudud Cases
are those
sentences
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drinking
In these
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are r
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Other cases
Sale
talag
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Zina Cases : 4 male witnesses are required to proof adultery of a woman.

Mudod Cases : Mudod crimes are those crimes whose sentences are mentioned in the Quran such as zina, drinking alcohol etc.

In these Mudod cases other than zina, 2 male witnesses are required or 1 male and two females.

Other cases : Cases such as sale, property, nikah and talag, two males or one male and two female witnesses are required.

Credibility of Witnesses : Islam is a deen which takes care of every detail. In the same way, according to teachings of Islam, witness must be "Aadil".

"Aadil" is one who refrain from major sins and does not repeat minor sins.

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Sources of law in Islamic

Judicial System:

In contrast of the laws that are used in contemporary world, Islamic laws are completely Divine laws. The primary sources of Islamic laws are the holy Quran and the traditions of the Holy Prophet (PBUH). Secondary sources include ijma and Qiyas. As world is constantly evolving and new problems require interpretation of the Divine law to solve them, the Qazi use the concept of Ijtihad and interpret the laws accordingly.

The Basic Philosophy of Judicial System of Islam:

The basic philosophy of Judicial system of Islam is that rights of the people of the Islamic state are protected without any discrimination of gender, wealth or race. Islam makes sure to serve justice at any cost so that people live in peace. Islam's literal meaning is "Peace".

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The basic purpose of Islamic Judicial system:

Protection of Belief: There is no compulsion of religion for non-Muslims but a muslim can not sever from right path.

Protection of life: life is sacred. Islamic Judicial System makes sure that life of people must be protected. That's why Islam gives the concept of "Qisas". It means if one takes the life of other person, his life will be taken in the same to serve the justice.

Protection of sanity of the people: Islamic Judicial system also make sure to protect the sanity of the people. That's why drinking alcohol is prohibited in Islam.

Protection of property and wealth of the people: The Islamic state makes sure to protect the property and wealth of the people through Islamic Justice.

that people

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System. It is state's duty.
So that people live peacefully.
There are sentences of
"Shiqat" (theft) and of "Harabaah"
(Robbery) in Islam.

Protection of lineage: To protect
the lineage, in Islam illegal
sex is prohibited. Children
need right upbringing by
their parents. Therefore, it is
necessary to have lawful parents.

Punishment and Justice: Punishment
is obligatory in Islam to
serve the justice. It is
to create deterrence against
crimes and to make
society a peaceful place to
live.

That is how Islamic justice
system ensures social justice.
The protection of life, property
and other rights of
citizens makes a society
just. Social justice means
the people are given
equal rights without any
discrimination and upon
violation state provides mechanism
to ensure rights are

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protected.

