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

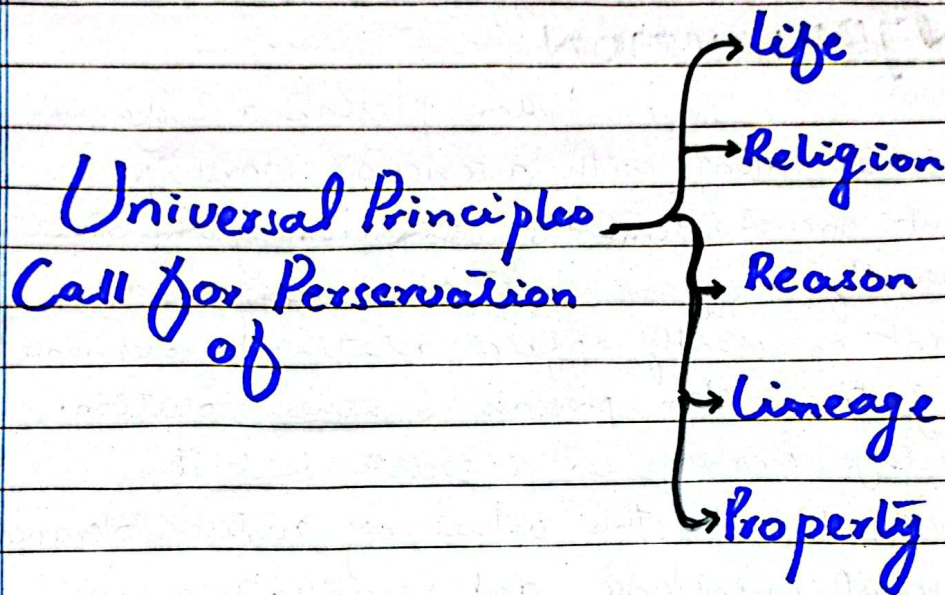
INTRODUCTION

Islam presents a code of life along with a series of worships that are fundamentally different from other worldly religions. Where other religions are silent on worldly affairs relating to governance or justice, Islam presents a novel solution. It lays emphasis on a society that is embedded with the values of justice, tolerance, peaceful co-existence and security. It aims to create a society in which every follower/citizen can fulfill his/her moral, spiritual, intellectual and material needs. Islamic penal law is divine law as compared to the modern western normative/positivist law. Islam has set out specific prohibitions after which various punishments are handed out.

ISLAMIC PENAL SYSTEM

The major objectives of the Islamic are to protect

against the transgressions against life, religion and so on. They are meant to ^{promote} human welfare and preserve human dignity. The universal principles are as follows



In this regard, the Almighty commands

"Indeed Allah commands Justice, Grace, as well as generosity to close relatives. He forbids indecency, wickedness, and aggression. He instructs you so perhaps you will be mindful."

(Quran)

Transgression against the universal principles shall constitute punishments/penalties. The goal of the Islamic system is to create an internal and external deterrent against crimes. It does

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so strengthening man's moral conscience and (externally) promising him great rewards for having a noble character. Moreover, it balances the relationship between crime and punishment and provides every safeguard to leave no excuse for a person to resort to life of crime.

ISLAM ON CRIME AND PUNISHMENT

Islam has laid down three types of punishments against transgression committed by people

Punishments

Prescribed
Punishments

Retributive
Punishments

Discretionary
Punishments

→ Hudood Laws

→ Qisas and
Diyat Laws

→ Tazeer
Laws

Prescribed Punishments

These are those punishments which are divine in nature. These can neither be increased or decreased as these have been

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handed down by the Almighty. The following crimes constitute hadd punishments. They have specific limits and transgression of those limits would only constitute these punishments.

a) Transgression against Lineage

Crime: ~~Murder or assault~~ Fornication or False accusation of Adultery

Punishment

Fornication
'Zinah'

False Accusation of Adultery
'Qaa Zaf'

In case of unmarried individuals, 100 lashes and banishment. In case of married individuals, 100 lashes and be stoned to death if they are found guilty.

The punishment for falsely accusing individuals of Zinah is 80 lashes. If they cannot substantiate their claims, the punishment

is carried out.

b) Transgression against Property

Crime: Theft

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Punishments

Cross
↑ Amputation of the
Limbs. 1st left hand
will be amputated, then
right foot till ankle, then
for the 3rd transgression
will be life imprisonment.
At the fourth will be
death.

Limit:-
To be enacted, if the
value of the theft
is above quarter of
a dinar. As of
Today, the cost
should be above
Rs. 100,000/-

c) Transgression against Reason

Crime : Drinking, Using Intoxicants

Punishment: During the Prophet's Time 40 stripes
and 2 lashes, it remained so until
Hazrat Umar's time; where it was
changed to 80 stripes.

d) Transgression against Religion

Crime : Apostasy

Punishment: Death penalty

e) Transgression against Universal Needs

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Crime: Highway Robbery,

Punishment: Cross amputation of limbs.

Retributive Punishments

a) Transgression against Life

Crime: Murder, Assault

Murder Types

Qatl Amd

Qatl-e-Khata
Amd

Murder Done

Deliberately

Murder due to
accident

Qisas

Retributive Punishment has been laid down by the Almighty.

Diyat

If the aggrieved party wishes to forget their right of Qisas, they can pardon the accused and collect the blood money or compensation.

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Discretionary Punishments

These are those punishments, where the court has the discretion to deliberate upon them and hand out the sentence. These are categorized under two categories

Tazir

other than those offences on which Hadd or Qisas is applied

Offences under Hadd or Qisas on which the conditions laid down for the above is not applicable.

Some examples are elucidated below

Theft - An individual steals something or attempts to steal something, however the value of the item cannot be ascertained.

The Holy Prophet also laid down a punishment limit in case of Tazir offences

"None should be given more than 10 lashes, but in case of any Hadd out of the Hudood of Allah"
(Hadith)

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CONCLUSION

Islam's basic purpose is to ensure society is safe from crime. It aims to establish a reformative system of justice with repentance as a way to forgive an individual's criminal past. Lastly, it aims to create deterrence (general and specific) in society, the punishments are in line with the severity of the crimes. By doing so, it wishes to create society where its members are safe and able to do their business without the fear of crime.