

## **PUNISHMENT IN ISLAM**

### **The Purpose of Punishment**

1. Protection of the fundamental articles of Islamic Faith.
2. Protection of the interest, integrity and discipline of the Islamic state.
3. Protection of human life and property.
4. To uphold the peace and well being of the society.
5. To guard the honour and dignity of human beings.
6. A deterrent to the society.

## **PUNISHMENT IN ISLAM**

### **Categories of Punishment**

#### 1. Physical Punishments

- a) Death sentence
- b) Amputation of hand/leg
- c) Flogging
- d) Stoning to death

#### 2. Restriction of Freedom

- a) Imprisonment
- b) Exile

#### 3. Imposition of Fines

#### 4. Suspension of rights

#### 5. Warning given by QADHI

## **PUNISHMENT IN ISLAM**

### **Terms explained**

HADD	Lit. Prevention, Restraint, Prohibition
HUDUD	Sh. Punishment for crimes mentioned by the holy Quran or the Sunnah of the Prophet (Peace be upon him)
TA'ZIR	Lit. To shame, To disgrace
TA'AZIR	Sh. Punishment for the crimes (not mentioned in the holy Quran or the Hadith) left to the discretion of the QADHI
QISAAS	Lit. Tracking the footsteps of an enemy, To cut.
QISAAS	Sh. The Law of retaliation
DIYAH	Lit/Sh. The compensation for death (Blood Money)

**PUNISHMENT IN ISLAM**  
**Major Fixed Punishments**

1. Death Sentence - for committing murder.
2. Death Sentence - for treason and conspiring against the Islamic State.
3. Death Sentence - for running away from the battlefield in JIHAD.
4. Death Sentence - for Apostacy.
5. Death Sentence/cutting off leg and arm from opposite sides/exile - for highway robbery.
6. Stoning to Death - for Adultery (married people)
7. 100 Lashes - for Fornication (unmarried people)
8. 80 Lashes - for drinking of wine.
9. 80 Lashes - for Slander/Defamation.
10. Amputation of hand - for Theft.
11. Penalties - for Manslaughter or bodily harm

**PUNISHMENT IN ISLAM**  
**A Realistic View in Punishing an Offender**

**Example - The Theft - A**

1. Conditions for a Theft Liable to HADD (PUNISHMENT)

- a) The person must be sane.
- b) The person must be an adult (BALIGH)
- c) The person must not be hungry while committing the theft.
- d) The person must not have been compelled to commit a theft.

2. Descriptions of stolen goods when theft is liable to HADD

- a) The goods are taken away secretly.
- b) It is taken away with criminal intention.
- c) Someone must own the stolen goods.
- d) The stolen goods should reach the value of Nisab of theft (10 Dirhams)
- e) It must be valuable and in a custody.

## **PUNISHMENT IN ISLAM**

### **A Realistic view of punishing an offender**

#### **Example - The Theft - B**

#### **3. Theft not liable to HADD**

- a) Theft out of dire necessity.
- b) Theft under compulsion.
- c) Theft of goods owned by family members.
- d) Theft of goods owned by borrowers not exceeding the amount of loan (QARDH)
- e) Theft committed by employees of goods owned by the employers.
- f) Theft of goods owned jointly by the thief and someone else.
- g) Theft of food.

**PUNISHMENT IN ISLAM**  
**A Realistic view in Punishing an Offender**

**Example - The Theft - C**

**4. Proof of Theft Liable to HADD**

- a) Confession by the accused himself.
- b) There must be two eyewitnesses
  - i) Sane
  - ii) Adult
  - iii) Muslims
  - iv) Pious and reliable (ADIL)
- c) A statement of oath by the person from whom goods are stolen shall not be accepted as an evidence of theft.

**PUNISHMENT IN ISLAM**  
**A Realistic view in Punishing an Offender**

Example -The Theft - D

5. Punishment of Theft liable to HADD

As for the man or woman who is guilty of theft cut off their hands to punish them for their crimes. That is the punishment enjoined by Allah, and Allah is Mighty and Wise.  
(QURAN - SURAH AL-MAIDAH, VERSE -41)

- A- 1. The right hand of a thief will be cut off up to the wrist for the first theft.  
2. The left leg of the thief will be cut off up to the ankle for the second theft.  
3. The thief will be imprisoned indefinitely for the third theft.

B- if the stolen goods are still safe with the thief, it will be returned to the owner.

C- if the stolen goods are not safe, there will be no penalties.