



# Sharia Watch UK

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- **[Hudud \(Penalties\) in Contemporary Legal Discourse](#)** [1]

Author(s):

[Sheikh Yusuf Al-Qaradawi](#) [2]

[Hifzan Shafiee](#) [3]

**Source Item:**

[Hudud \(Penalties\) in Contemporary Legal Discourse](#) [4]

**Summary:**

On Sunday, January 2, 2011, Sheikh Yusuf Al-Qaradawi, president of the International Union for Muslim Scholars (IUMS), was interviewed by Al Jazeera channel program *Ash-Shari`ah wa Al-Hayah (Shari`ah and Life)*. The interview's main theme was "*Hudud* in Contemporary Fiqh."

From time to time, the question of *hudud* (fixed penalties in the Islamic Shari`ah) and their application in the modern world raises debates in Muslim and non-Muslim societies. While mainstream Muslims regard the right application of *hudud* as an integral part of Shari`ah, others see it as a controversial issue that should be open to *ijtihad* (personal reasoning) on the part of contemporary scholars.

Sheikh Qaradawi, who is known for his vast and deep knowledge of Shari`ah and its essential objectives, wonderfully and distinctively dealt with this thorny topic in his recent interview on Al Jazeera. In the following lines, the main points discussed during the interview are reviewed.

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- **[HUDUD PUNISHMENTS IN ISLAMIC CRIMINAL LAW](#)** [5]

Author(s):

[Dr. Okon](#) [6]

**Source Item:**

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**Summary:**

Islam is more than a religion, it encompasses faith, culture, law and the social order. Islam proposes a society of righteousness and justice. Criminal behaviour is not tolerated in the Islamic order of society. Criminal behaviour is breach of God's sovereignty, hence stiffer penalties are prescribed. This paper examines hudud punishments in Islamic penal system, and agitates for the reformation of Islamic criminal jurisprudence. While it is reasonable to

punish offenders, and violators of normative principles, it is the opinion of this paper that punishments that are prescribed in municipal penal code should at least conform to international criminal jurisprudence.

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Criminal behaviour and actions are broadly divided into three categories in Islamic criminal jurisprudence. Hudud offenses are crimes against God whose punishment is clearly stipulated in the Quran and the Sunna. Qesas are physical assault and murder that are punishable through retaliation. The victim or the surviving heirs may decide to waive the punishment, and demand compensation (blood money or diyya). The victim may also decide to pardon the offender. Ta'zir punishments are not prescribed in the Quran or Sunna, and are executed under the discretionary powers of the judge. Capital offences in Islamic criminal justice system are called hudud (the plural for hadd) , meaning "restraint" or prohibition. These are offences that are specified in the Quran and Sunna. Hudud crimes are often seen as criminal behavior against Allah, or public justice. Islamic courts do not have any discretionary power in the execution of hudud penalties. Once a prima facie case is established with evidences, and the conditions for applying the punishments are fulfilled, the Islamic court is divested of discretionary powers.

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