

ABSTRACTS:

TRENDS OF MODERN EXEGETICAL LITERATURE

(Study of Some Selected Exegeses)

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The process of explanation and interpretation of The Holy Qur'an commenced right from The Prophet (PBUH) Era and it will last for good. Muslim Scholars carried out the sacred duty of Explaining the Words and Meanings of The Holy Quran in different styles in every age. In the beginning, only Narratives were counted on. Later on, along with these literal, juristic and scholastic interpretations appeared like Ma'ani Al-Qur'an by Al-Farra, Ahkam al-Qur'an by Jasaas, Al-Kashshaaf by Al-Zamakhshari and Tafsir al-Kabir by Al-Razi. Exegetical Literature presented afterwards have their roots embedded in previously written books but abundance of unauthentic and unreliable statements were eschewed. In 19th and 20th century, not only The Holy Qur'an was translated into various languages but Exegetical Literature also came to the limelight. Modern Exegetical Literature is more or less influenced by current developments, progress in science and arts, and political and cultural supremacy of the western world. These effects can easily be felt. In this age many Modern Exegetical Trends were introduced. In The Arab World Exegeses written by Sheikh Tantavi, Muhammad Abduh, Maraghi, Ibn Aashur, and Sayyid Qutb got prominence. Exegeses presented by Sir Sayed, Allama Farahi and Islahi, Sayyid Maududi and Mufti Muhammad Shafi are considered to be trend setters in Urdu Exegetical Literature.

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33. Abi Dawood, "Sunan Abi Dawood", Hadith: 2761
34. Imam Tirimdi, "Jami al-Tirimdi", Hadith: 1400.
35. Malik Bin Anas, "Al-Mu'atta", Hadith: 3408, Darul-Ishaat, Urdu Bazar, Karachi, Pakistan
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38. Ibid, Hadith: 18921-18922
39. Al-Shoukani, Muhammd bin Ali, "Neel al-Otaar", dar-e-sadar, berot. ,7/136, H: 3 128-29
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These are the regulations for implementation of Islamic system of punishment. After knowing these rules, a sensible, mature and refined person cannot blame on this system from any corner. This system has full capacity to be implemented in the entire world. This system fulfills the natural requirements to control the crimes. The Islamic system is complete and allegations from west on this system are un-natural, based on partial approach and demonstration of prejudiced behavior.

Notes and References

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Allah will cover (his faults) for him in the world and the Hereafter. And Allah is engaged in helping the worshipper as long as the worshipper is engaged in helping his brother.”

Apart from concealing, it is also said that they should avoid presenting the offenders before court and if there might be any possibility of reconciliation among them then do it. Because when case is filed in court then it becomes the responsibility of judge to implement the penalty. Whenever, a thief was brought to Hazrat Abu’Bakr (R.A) and Hazrat Umar (R.A), they asked him if he committed theft. (They both persuaded him), say no.

يوتى ائدهم بالسارق، فيقول، اسرقت؟ قل: لا، اسرقت؟ قل: لا، "علمى انه سمى ابابكر، وعمر⁽³⁷⁾

The same was the tradition of Hazrat Abu’Darda (R.A) and other Prophet Muhammad’ companions (R.A).⁽³⁸⁾

Conclusion:

The above mentioned traditions make it clear that Islamic Shari’ah only punishes the criminal when there is no chance of giving relaxation from any angle. If any aspect of criminal's life like state of crime, financial condition of criminal, his mental and physical condition, cultural back ground, social and economic conditions demands relaxation then it is the specialty of Islamic Shari’ah to eliminate or lessen the punishment while keeping his conditions in view.

Some specific things must be kept in mind while giving punishments:

1. Hit with a whip which has neither a knot (if it is hit with a stick) nor fruity.
2. Beat with medium hit. A medium hit is such a hit as is neither so hard as to produce chance of death nor so light that it fails to produce any effect.⁽³⁹⁾
3. While whipping the criminal removes his clothes, only keep its trousers and whip him in standing position. However whip the female in sitting position without removing her clothes.
4. Don't whip on the same part of the body but whip on all parts of the body.
5. Don't whip on head, face and secret parts of body.⁽⁴⁰⁾

ما تقولان انتما؟ قالوا: نقول كما قال، قال: اما والله لو لا ان الرسل لا تقتل لضربت اعناقكما⁽³³⁾

“What do you to believe in?” They said: “We believe as he believes. “ He (S.A.W) said: “By Allah! It wasn’t that the messengers are not to be killed, I would cut off their heads.”

It means that being apostate both the messengers deserved to be murdered but another rule of giving honour and protection is demanding the abolishment of the penalty. So, he (S.A.W) gave these messengers no punishment. Similarly, Prophet Muhammad (S.A.W) said:

لا يقاد الوالد بالولد⁽³⁴⁾

“The father does not suffer retaliation for (killing) the son.”

Here, the purpose of not murdering the father on murder of his son is his right of possession over his son. In addition to above mentioned rules for the application of penalties, it should be kept in view that the real focus of Shari’ah is not on punishing the criminal but to provide him a chance of correction as much as possible. It is the beauty of Shari’ah that distinguishes it from others. These rules are not only for Muslims but for all humanity. Under this rule, the Holy prophet (S.A.W) and his companions (R.A) persuaded criminals to hide their crimes and ask to Allah for His forgiveness. The Holy Prophet Muhammad (S.A.W) said:

من اصاب من هذه القاذورات شيئا فليستتر بستر الله فان من يبدى لنا صفحته نقم عليه كتاب الله⁽³⁵⁾

“Whoever has had any of these ugly things befall him should cover them up with the veil of Allah. Whoever reveals to us his wrong action, we perform what is in the book of Allah against him.”

The Shari’ah persuades the other persons of the society, along with the offender, to conceal the evils of others. Hazrat Muhammad (S.A.W) said: who conceals the act of his brother, Allah will conceal his act on the Day of Judgment. From Abu’Hurayra (R.A), the Prophet Muhammad (S.A.W) said:

من نفس عن مسلم كربة من كرب الدنيا نفس الله عنه كربة من كربة الآخرة ومن ستر على مسلم ستره الله في الدنيا والآخرة والله في عون العبد ما كان العبد في عون اخيه⁽³⁶⁾

“Whoever relieves a Muslim of a burden from the burdens of the world, Allah will relieve him of a burden from the burdens of the Hereafter. And whoever covers (the faults of) a Muslim,

“If the thief was unaware of the fact that the punishment of theft was cutting of hand then his hand would not be cut.”⁽²⁹⁾

Doubts eliminate the Hadd

If doubt is produced in any case then the benefit goes to offender. If an apparent and weak order is found in comparison to an acknowledged order, recommended a typical act being worthy for applying Hadd, then being doubtful, it will eliminate the application of Hadd, though there was no doubt about the criminal. Prophet Muhammad (S.A.W) ordered that if there was a little possibility placed then eliminate the punishment. Hazrat Ai'sha (R.A) narrated that Prophet Muhammad (S.A.W) said:

ادرؤوا الحدود من المسلمين ما استطعتم فان كان له مخرج فخلوا سبيله⁽³⁰⁾

“Avert the legal penalties from Muslims as much as possible. If he has a way out then leave him to his way.”

We have a lot of examples in traditions and Islamic history in this regard. In a war, Prophet's companions (R.A) killed the persons though they had embraced Islam, Holy Prophet (S.A.W) ordered to pay half diyat (blood money) to their successors.⁽³¹⁾ They should be killed in revenge (Qisas) by principle but Holy Prophet (S.A.W) did not take revenge (Qisas) from killers and also reduced their utmost half diyat (half blood money) because of particular conditions and environment. Meanwhile, in a case where a husband fornicated his wife's maid-servant, Holy Prophet (S.A.W) made a decision that if husband fornicated her without his wife's consent, then he would be stoned to death and if he did it with her consent, he would be punished with hundred hunters.

لا قضين فيها بقضاء رسول الله صلى الله عليه وسلم لئن كانت احلتها له لاجلدنه مائة وانه لم تكن احلتها له رجمته⁽³²⁾

Contradiction in the rules of implementation:

If a contradiction is found between the two rules of Shari'ah, then the punishment is abolished and some substituent punishment is suggested. For example, when messengers of Mutha' ilma Kazzab were presented to Prophet Muhammad (S.A.W) with a letter, He (S.A.W) asked:

Any act cannot be named as crime until it is not announced as a crime and it also cannot be called a crime until its penalty is already not fixed. If a person claims after committing, that he did not know the act was a crime, then Islamic penalties cannot be applied on that person if he provides some proof for this ignorance. Hazrat Umar (R.A) only considered that person as a criminal if he was fully aware about the crime and its penalty.

Once, a woman committed adultery with her slave. When Hazrat Umar (R.A) asked about this adultery, she responded:

كنت ارى انه يحلى لى ما يحلى للرجال من ملك اليمين ، فاستشار عمر فيها اصحاب النبي صلى الله عليه وآله وسلم فقالوا! تاولت كتاب الله تعالى على غير تاويله ، فقال عمر: "لاجرم والله ، لا احلك لحر بعده ابدا كانه عاقبها بذلك ودرا الحد عنها، وامر العبد ان لا يقربها⁽²⁷⁾

"I thought that sexual intercourse with a slave is legal for me as to get delight from a maid-slave is legal for men". Hazrat Umar (R.A) consulted Prophet's followers (R.A), they said, she had presented such elucidation of God's orders as was quite different from its real meaning. Hazrat Umar (R.A) said, "Whatever would be happened, but I will not let you marry with a free-man". So, Hazrat Umar (R.A) gave her this punishment and eliminated Hadd from her and ordered slave not to go near her."

Similarly, Hazrat Sa'eed bin Al'Museeb (R.A) narrated that an Egyptian confessed his adultery openly. He expressed his wonder on the hostile sights of people and said: Oh, has God forbidden it? I was totally unaware about it. On that, Hazrat Umer (R.A) corresponded to his officer:

ان كان علم ان الله حرمه فحدوه، وان كان لا يعلم فعلموه ، وان عاد فحدوه⁽²⁸⁾

"If this person is aware about the prohibition of adultery then implement degree on him otherwise tell him that it is forbidden and if again he commits it then apply degree on him."

The Hadd was eliminated from the above mentioned man and woman because they did not know that the act was illegal and they were unaware about its prohibition. In Hazrat Umar's (R.A) view, the ignorance for crime is sufficient reason for abolition of Hadd. Imam Ja'far Sadiq (R.A) announced a verdict:

Al'mawardi, while keeping these rules in front of him, describes fuqha's opinion:

“Social benefit and integrative interest are kept in view while adhering to penalties. So, if social benefit demands to be strict in punishments then it should be done and if social interest demands relief in punishment than reduction should be done. So, it is not good to increase or decrease the level of punishment than social interest.”⁽²⁴⁾

The offender should not be forced:

It means that a person should not be compelled to do something or keep away from doing something. For the endorsement of Islamic penalties, it is necessary to make sure whether the person being punished is forced to do it and what were the social, economic and financial circumstances of the person at the time of committing crime?

ان عمر بن الخطاب اتى بامرأة لقيها راع بفلاة من الارض وهي عطشى، فاستسقته، فابى ان يسقيها الا ان تركه فيقع بها، فناشدته بالله فابى، فلما بلغت جهدها امكنته، فدرا عنها عمر الحد بالضرورة⁽²⁵⁾

“Once, a woman was brought to Hazrat Umar (R.A) who met a shepherd in desert and she was very thirsty at that time. The woman asked him for water. He agreed to give her water at the condition of doing adultery with her. The woman gave him the sake of Allah but he did not agree. She gave herself to him when her bearing abilities went to insane. Umar (R.A) abolished the Hadd upon her because of her condition at that time.”

As in compelling for crime, the will of a person is not involved so the degree of Hadd cannot be implemented.

ان عمر بن الخطاب اتى بسارق فاعترف قال: ارى يد رجل ماهى بيد سارق، فقال الرجل: والله ما انا بسارق ولكنهم تهدونى، فخلى سبيله ولم يقطعه⁽²⁶⁾

“Once a thief was brought to Hazrat Umar (R.A) and he confessed his crime. Hazrat Umar (R.A) said the hands of that man were not of a thief. At this, he spoke, by God! He was not a thief. Infact, the confession was done being threatened by them. Hazrat Umar (R.A) left him and did not cut his hand.”

The knowledge of punishment of crime:

due to some excuses, ill or any other reason, then the government is responsible to fulfill his basic needs. Islamic judicial system cannot be enforced in those states where people have no social and financial justice and security. The Mekkan era of Holy Prophet (S.A.W) was spent in trails and when he(S.A.W) reached Medina after migration,he, first of all, established an Islamic welfare society. When the state of Medina became a complete welfare state then the penalties for the Hadd were introduced in Islamic society to establish and maintain peace.

If violence breaks out due to bad economic conditions, then Islamic penalties cannot be applied there. It is necessary for enforcement of Islamic system of punishments that all the systems of the state must be according to Islamic jurisprudence. In the presence of all these systems, if any body tries to interrupt and damage the social peace, Islamic penalty set-up will come into motion, otherwise the application of Islamic system of punishment will be stopped. Hazrat Umar (R.A) said:

ليس الرجل امينا على نفسه، اذا اجعته، او اوثقته، او ضربته⁽²¹⁾

“Nobody could keep himself honest if he is kept hungry, bound and beaten.”

Hazrat Umar (R.A) did not implement the Hadd of theft in the days of starvation. A person came to Hazrat Umar (R.A) with complaint about a camel that was slaughtered. Hazrat Umar (R.A) said to him:

هل لك في ناقتين بها عشاريتين مريغتين سميتين؟ قال: بناقتك، فانا لا نقطع في عام السنة المريغتان الموطيتان⁽²²⁾

“Would you happy if we give you two healthy, young, milk-giver camels because we do not give punishment of hand-cutting during starvation?”

When Abu'lulu martyred Hazrat Umar (R.A), His (Umar's) son, in a state of avenge, murdered Abu'lulu's daughter, a Christian named Jafifna and a newly Muslim, Persian general, Haram'zan, who was found a party in the conspiracy of Umar's (R.A) murder. Haram'zan and Abu'lulu's daughter were Muslims. Prophet's followers (Sahabah) suggested to Hazrat Uthman (R.A) that it would not be suitable to kill Hazrat Umar's (R.A) son just after a day of his murder. So, it was decided to take no retaliation and gave him relaxation because of such circumstances.⁽²³⁾

went back. The next day, she came and said: “perhaps you want to send me back as you sent Maa’iz bin Malik back. But, by Allah! I am pregnant.” He said to her, “Go back.” So, she went back. The next day, she came to him (S.A.W) and he said: “Go back until you have given birth.” She came back when she had given birth and brought the child to him and said: “This is the one to whom I have given birth.” He (S.A.W) said: “Go back and breastfeed him until you wean him.” She brought him when she had weaned him and he had something in his hand that he was eating. He ordered that the child be given to a man among the Muslims, then he (S.A.W) ordered that she be stoned.”

Prophet Muhammad (S.A.W) appreciated Hazrat Ali (R.A) when he did not apply Hadd on a maid-slave because she was in the state of nifas (discharge of blood after child's birth).⁽¹⁹⁾

Social and financial conditions:

Islam is a complete code of life and in its ideology of life all the systems are interconnected. There is an inter relation between social, economic, political and judicial system of Islam. Only that society is able to be called Islamic society in which all the systems are according to Islamic jurisprudence. It is said in Qura’n:

يا ايها الذين امنوا ادخلوا في السلم كافة ولا تتبعوا خطوات الشيطان⁽²⁰⁾

“Oh, you who believe! Enter into Islam wholly and do not follow the fool step of Satan.”

These disciplines are so interconnected that if we leave one discipline, it becomes impossible to attain the purpose of other systems. If political system is not according to Islam then its economic system and social system cannot be Islamic. Islamic penalties will be practiced only in those Muslim states where the social system is according to Islamic directions and all the people enjoy equal rights to get the benefits from Islamic Shari’ah.

There should neither be discrimination of caste or race in white and black nor selfishness. There should be peace and security in society, people should have the right of safety of life, wealth and honour and there should be no hindrance in the attainment of these protections. Similarly, the financial status of the society should also be good. Everybody should have an easy access to the basic needs of life. If a person is unable to earn his livelihood

Fitness is another inevitable condition for implementation of the punishment. The purpose of punishment, in Islam, is not the wastage of life but admonition and advice. If the offender is sick and having no ability to bear the punishment then the degree cannot be applied until he becomes healthy and able to bear the punishment. And if the wastage of life is essential in this admonition and advice then any leniency in this respect will not be tolerated.

Once, a defective and sick man was brought to Holy Prophet (S.A.W) and he was caught in adultery with one of the maid slaves of his town. His condition was so much unpleasant that he had not any hope of recovery. Hazrat Muhammad (S.A.W) ordered about him:

فامر رسول الله صلى الله عليه واله وسلم ، ان ياخذوا له مائة شمشاخ، فيضربوه بها ضربة واحدة⁽¹⁶⁾

“Take one hundred branches and strike him with them once.”

Once, an offender, whose one hand and foot was already cut off because of theft, was brought to Hazrat Umar (R.A). Hazrat Umar (R.A) ordered to cut his remaining foot but Hazrat Ali (R.A) said, it is not suitable because he should have one foot to walk and one hand to fulfill his necessities.⁽¹⁷⁾

Pregnancy removes the punishment:

The degree cannot be implemented during pregnancy until she gives birth to child. It should also be kept in mind, here, that Islam does not say that the birth should be given only to that child who is the result of a legal relation. The implementation of Hadd will be delayed in both situations, legal or illegal, till the delivery of child. And if there is no other person, except her, to bring him up then a delay of two more years will be granted to that woman, so, she can take her care very well.

ان امرأة يعنى من غامد اتت النبي صلى الله عليه واله وسلم فقالت: انى قد فجرت، فقال: ارجعى، فرجعت، فلما ان كان الغد اتته، فقالت: لعلك ان ترددى كما رددت ماعز بن مالك، فوالله انى لى لى، فقال لها ارجعى، فرجعت، فلما ان كان الغد اتته، فقال لها: ارجعى حتى تلدى، فرجعت، فلما ولدت اتته بالصبي، فقالت: هذا قد ولدته ، فقال لها: ارجعى فارضيه حتى تفطميه ، فجاءت به وقد فطمته، وفى يده شىء ياكله، فامر بالصبي فدفع الى رجل من المسلمين، وامر بها فحمر لها، وامر بها فرجمت⁽¹⁸⁾

“A woman from Gha’mid came to the Prophet (S.A.W) and said: “I have committed immorality.” He said, “Go back.” So, she

Dr. Wahba Zohai'li describes the types of persons to whom the degree of adultery will be issued:

1. The adulterer should be adult.
2. The adulterer should be sensible.⁽¹²⁾
3. The adulterer should be Muslim.
4. The adulterer should bein dependent and he should not be compelledto does it.
5. Adultery should bedone with a woman to whom it can be done usually.
6. Adultery should be done without any doubt.
7. Fornicator mustbe familiar with the invalidity of fornication.
8. The woman should be the residential of Islamic country.
9. The woman should be alive.
10. Apexof penis should disappear into the vulva.
11. Adultery is done in dar ul Islam.⁽¹³⁾

Sensibility:

It is essentialfor the execution that the person to whom the degree is issued should be sensible. He must not be mad or insane because sense and wisdom is necessary to achieve admonition. Prophet Muhammad (S.A.W) said that Allah has abolished the application of Haddfrom three persons. Hazrat Ali (R.A) narrated that Holy Prophet (S.A.W) said:

رفع القلم عن ثلاثة: عن النائم حتى يستيقظ، وعن الصبي حتى يشب، وعن المعتوة حتى يعقل⁽¹⁴⁾

“The pen has been lifted from three: for the sleeping person until he awakens, for the boy until he becomes a young man and for the mentally insane until he regains sanity.”

As when Maa'iz Aslmi (R.A) confessed adultery before Holy Prophet (S.A.W), He(S.A.W) turned his face from him, till he confessed for four times then He (S.A.W) asked if he was mad. He said that no. He (S.A.W) asked if hewasmarried. He replied in affirmation. Then He (S.A.W) appliedHadd on him.⁽¹⁵⁾

Health:

to practice and establishing the modern democratic Islamic states, Muslim scholars must review the said point under the ijtihadi point of view.

6. Witness must describe the scene of adultery vividly that he has seen the penis of man entering into the vulva of woman just like needle into collyrium.⁽⁹⁾
7. All the witnesses of adultery must give their evidence in one session.⁽¹⁰⁾

The second thing for the application of the Hadd is the pregnancy of woman. But it should be considered whether the pregnancy is done with mutual consent of male and female or forcibly or because of any doubt in sexual intercourse. In present era, it will also be considered whether, instead of intercourse, the sperms of man are inserted into the vagina of woman in the course of scientific experiment as done in test tube babies etc...

If woman expresses any one of the above mentioned things, the Hadd will be terminated and the statement of woman will be considered trustworthy. If a person confesses that he has fornicated then it is compulsory for him that he must confess for four times with same statement and if he does it, the Hadd will be applied. It is confirmed from the teachings of Hazrat Muhammad (S.A.W), when one of his followers Hazrat Maa'iz Aslmi (R.A) confessed adultery, Hazrat Muhammad (S.A.W) turned himself from him so that he might be saved from the implementation of punishment. When he confessed four times openly, then Hazrat Muhammad (S.A.W) applied Hadd on him.

عن جابر ان رجلا من اسلم جاء النبي صلى الله عليه واله وسلم فاعترف بالزنا فاعرض عنه النبي صلى الله عليه واله وسلم حتى شهد على نفسه اربع مرات، قال له النبي صلى الله عليه واله وسلم: ايك جنون؟ قال: لا، قال: احصنت؟ قال: نعم، فامر به فرجم بالمصلى⁽¹¹⁾

“Hazrat Ja'bir (R.A) narrated: A man from the tribe of Aslam came to the Prophet (S.A.W) and said: “I have committed adultery.” The Prophet (S.A.W) turned his face to the other side. When he gave four witnesses against himself, The Prophet (S.A.W) called him and said: “Are you insane?” He said, “No.” He (S.A.W) asked him again: “Are you married?” The man said: “Yes.” On that the Prophet (S.A.W) ordered him to be stoned to death in the praying place.”

other crimes. To prove other crimes two witnesses are enough but for the proof of adultery, at least, four men eyewitness are compulsory. Even only hearing evidence cannot be accepted. The Hadd (restrictive ordinance of God) is abolished after the creation of a little doubt. Ibn ‘Abbas (R.A) narrates Umar ibn Al-Khattab’s (R.A) sermon that he said:

ان الرجم في كتاب الله حق على من زنا اذا حصن من الرجال والنساء اذا قامت البينة او كان الحبل
او الاعتراف⁽³⁾

"Stoning (is mentioned) in the Book of Allah as a duty which must be carried out on those who commit Zina if they are married men and women alike, if proof is established or if there is pregnancy or a confession".

In Islamic Shari’ah, the whole benefit of even a very little diminution and deficiency in witness goes to the offender because it is ordered to a ruler that it is better to forgive an offender on the basis of error than to punish him. Hazrat A’isha (R.A) narrated that Hazrat Muhammad (S.A.W) said:

ادروا الحدود من المسلمين ما استطعتم فان كان له مخرج فخلوا سبيله⁽⁴⁾

“Avert the legal penalties from Muslims as much as possible. If he has a way out then leave him to his way.”

The conditions for the evidence of adultery are following:

1. Four witnesses are required for the proof of adultery.
2. All eyewitnesses must be male because the female eyewitness is not acceptable in any condition. A’ima-e-Arba’a are agreed on this issue and there is no discord among them at all.⁽⁵⁾
3. All the witnesses must be independent.
4. The witnesses must be honest.⁽⁶⁾
5. All the witnesses of adultery must be Muslims.⁽⁷⁾

The witness of Zimmi (a non-Muslim living in Islamic state) is not acceptable. Muslim jurists explained that though non-Muslim witness should be against either Muslim or non-Muslim and that witness should become harmful for Muslims, then their witness should not be entertained.⁽⁸⁾

In current era, it is a debatable issue because Zimmi were considered second class citizens in Islamic classic literature. After ending that set-up in regard

philosophy blame that this system is out-dated, un-natural and inhuman. If we have a bird's eye view of this system, then it is doubtless that Islam has imposed extreme punishments to control the crimes and to establish peace in society. The rules, in fact, for the implementation of these penalties are also very strict and prudent. For establishing the penalties, Islam also requires a number of attestations. The locality of crime, sort of crime, witness, state of eyewitness as well as financial, social and political circumstances of that time and condition of the offender etc. are some rules on which the implementation of these punishments depends. If there would be any possibility of the said cases then all the benefits go in favour of offender and even a small gap in this procedure eradicates the punishment. It is essential for the implementation of Islamic punishments that the location where the banned activity is being committed must be an Islamic country. The country should be Islamic welfare state for enactment of Islamic penalties. If social, financial and political systems are not related to Islam then Islamic punishments will be abolished. For the execution of these penalties the conditions of the state should be peaceful and concordant, which makes the people free from financial worries, carefree from social disputes and they have a full right of consultation in political affairs. Following are the rules and regulations which Islam has made for the Implementation of penalties.

Darul Islam:

Darul Islam means a country where Islamic commands are monitored openly⁽¹⁾ or its Muslim population has the right to act upon Islamic injunctions freely⁽²⁾. Islam, being the religion of tolerance, demonstrates the level of tolerance which cannot be seen anywhere more than that. In spite of being the right and real claimant of universality, Islam has confined its regulations only to those areas where the ruling government is an Islamic government and it demands the implementation of its system only for Muslims and threatens them only for not implementing its system. Islam does not interfere in those areas where the non-Muslims are governing. This is the height of tolerance, forbearance and patience.

Conditions for witness:

Not only the penalties are severe in Islamic Shari'ah but the rules for its proof are also very strict. For example, as the punishment for adultery is very strict and harsh but its stipulations are also very strict as compared to

BASIC PRINCIPLES FOR IMPLEMENTATION OF ISLAMIC PUNISHMENTS

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Abstract: Islam is a Din in line with nature which not only accepts the unity of mankind but also helps it in its growing. It provides such principles as strengthen this collectiveness. Islam describes that individuality of man is the origin of the social-change and Islam declares, at last, that the concord is the only way of individual's rectification. According to this view point of Islam, this world overlaps the single unity in which classes, nations and races are placed far behind for the sake of wide range of benefits of the whole man kind. In this way, human relations are established on the basis of friendship, love, harmony and consideration instead of enmity, hatred, discord and incomprehension. As a result of this consociation, the basis of permanent world peace is well established.

Keywords: Hudod, Qisas, Diyat, Punishment, Implementation, Islamic Law, Dar al Islam

This is the greatest social system which is presented by Islam and this Din provides the solid basis to maintain this set-up and denounces those factors who try to abolish or restrict this system. For this purpose, Islam has introduced a solid penal system. According to this penal system, crimes are divided into three categories.

1. Crimes whose punishments are fixed by Almighty Allah
2. Crimes whose punishments are fixed but Man also has right in their deductions.
3. Crimes whose punishments are laid upon the government.

Being the competitor of Islam, Western philosophy and thinking makes a number of allegations on Islamic penal system, particularly on Hudood (Punishments fixed by Almighty Allah). The followers of Western

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