Revista Infoacceso
e-ISSN 2311-7605 (Online)
infoacceso.org/index.php/ri

Volume 13 · Issue 3 · 2026
Pages 2874–2897

Characteristics and Purposes of Punishment in lslamic Legislation

Dr. Abderezak Lebsir[1], Dr. Hocine Khalfallah[2], Dr. Hichem Brighet[3]

[1] Emir Abdelkader University of Islamic Sciences, Constantine, Algeria. Email: AbderrazakLebsir25@gmail.com

[2] Emir Abdelkader University of Islamic Sciences, Constantine, Algeria. Email: Hocine.khalfa34@gmail.com

[3] Mohamed Lamine Debaghine University-Sétif 2, Algeria. Email: H.Brighet@univ-setif2.dz

Received: 11/03/2026 | **Accepted:** 01/08/2026 | **Published:** 02/10/2026

***Abstract*—**This research paper addresses the characteristics and objectives of punishments in Islamic legislation. In it, we discuss the definition of crime and punishment and their types in Islam, then clarify the most prominent characteristics unique to these Sharia punishments, along with the main purposes and higher objectives (Maqasid) for which they were ordained.

***Keywords*—**Punishment, Purposes, Legislation.

Introduction

Praise be to Allah, Lord of the Worlds, and peace and blessings be upon the most noble of messengers, his family, and all his companions. To proceed:

Justice, in its general concept, is considered one of the most noble human values advocated by Islam. Almighty Allah has commanded it and given it immense attention, as it preserves the foundations of individual, family, and social life, while safeguarding both individual and public rights and interests. It serves as the cornerstone for protecting human rights, dignity, livelihood, security, and peace of mind.

Furthermore, **legislative justice** is one of the most vital types of justice and a principal foundation in Islamic law, underpinning all Islamic legislation. True justice is the defining feature of this system, there is no justice without genuine equity based on the principle of equality for all before the rule of law: a complete, objective justice free from bias, prejudice, or oppression.

Similarly, **criminal justice** stands as one of the most important forms of legislative justice. Achieving this type of justice depends on how effectively criminal legislative texts deter deviations, crimes, and behaviors that pose a threat to individuals, societies, and private or public interests.

Given the significant importance of this form of justice, it is essential to examine, evaluate, and assess its foundations—identifying any shortcomings, excess, or deviation, and to refine them so as to achieve the desired goals.

This research paper aims to clarify the characteristics of punishment in Islamic legislation, which serves as a major source of criminal law for Muslims and a primary foundation of criminal justice.

- **What are the main characteristics of punishment in Islamic legislation?**
- **What are the purposes and ultimate goals it was ordained to achieve?**

Article Outline

Chapter One: The Essence of Crime and Punishment in Islamic Legislation

- **Section One:** Concept of Crime in Islamic Legislation
- **Section Two:** Concept of Punishment in Islamic Legislation and Its Types
- **Section Three:** Types of Punishment in Islamic Law

© 2026 The Author(s). Published by Revista Infoacceso.

Chapter Two: Characteristics of Punishment in Islamic Legislation

- **Section One:** Legality of Punishment
- **Section Two:** Justice in Punishment (Personal Responsibility of Punishment)
- **Section Three:** Equality in Punishment
- **Section Four:** Mercy in Punishment

Chapter Three: Objectives of Punishment in Islamic Legislation

- **Section One:** Protecting Society and Its Order
- **Section Two:** Satisfying the Victim and Their Guardian, and Expiating the Offender's Sins
- **Section Three:** Preserving Essential Objectives (Al-Maqasid Al-Daruriyyah)

Chapter One: The Essence of Crime and Punishment in Islamic Legislation

Section One: The Concept of Crime in Islamic Legislation

Subsection One: Linguistic Definition of Crime (Jarima)

Jarima (crime) is a verbal noun (masdar) derived from jarama (جَرَمَ). "From ajrama (أجرم) meaning committed a jurm (crime), i.e., sinned and fell into offense." (Al-Fayyūmī, 1986, p. 106) Jurm and jarima both signify sin or fault (Al-Zabīdī, 1966, Vol. 8, p. 234).

Jurm also means transgression or violation, with the plural forms ajram (أجرام) and jurum (جروم). The verb forms jarama yajrimu jarman (جَرْمًا يَجْرِمُ) ijtarama (اجْتَرَمَ), and ajrama (أَجْرَمَ) mean to commit a offense, and the perpetrator is a mujrim (criminal). The phrase tajarrama 'alayya fulan (تَجَرَّمَ عليَّ فلانٌ) means "so-and-so falsely accused me of a sin I did not commit (Ibn Manẓūr, n.d., Vol. 12, p. 90)."

Subsection Two: Technical Definition of Crime (Jarima)

Jurists (Fuqaha) have defined crime in several ways, including:

- "What a human being does that warrants punishment or retribution (qisas) in this world and the Hereafter." (Al-Nawawī, n.d., Vol. 18, p. 344)
- "Committing a prohibited act whose commission is punishable, or omitting a mandatory act whose omission is punishable." (ʿAwdah, n.d., Vol. 1, p. 66)
- "Crimes are divinely prohibited acts deterred by Allah Almighty through a prescribed penalty (hadd) or discretionary punishment (ta'zir)." (Al-Māwardī, n.d., p. 322)

It can also be comprehensively defined as: "Whatever forbidden acts a person commits that necessitate punishment, for which they are penalized, or whatever prohibited omissions a person makes, for which they are penalized."

Section Two: Concept and Types of Punishment in Islamic Legislation

Subsection One: Linguistic Definition of Punishment ('Uqubah)

Punishment ('uqubah) in language carries meanings of recompense, accountability, retribution, and penalty. It is said: 'Aaqabahu bi-dhambihi mu'aqabatan wa 'iqaban (عاقبه بذنبه معاقبةً وعقابًا) meaning "he held him accountable for his sin." (Al-Zabīdī, 1966, Vol. 2, p. 428; Ibn Manẓūr, n.d., Vol. 1, pp. 615–619)

Al-'iqab (العقاب) and al-mu'aqabah (المعاقبة) mean penalizing a person for a bad deed they performed, and the noun form is al-'uqubah (العقوبة). The phrase ta'aqqabtu al-rajula (تعقبت الرجل) means "I held the man accountable for a sin he committed" [1].

Subsection Two: Technical Definition of Punishment ('Uqubah)

Punishment has been defined technically through several definitions, the most prominent being:

- Punishment consists of "prescribed penalties (hudud) and deterrents placed by Allah Almighty to prevent the commission of what He prohibited and the neglect of what He commanded, because human desire often yields to distracting passions that favor immediate pleasure over the warnings of the Hereafter" (Al-Māwardī, n.d., p. 325)
- Punishment is "the pain inflicted upon a person as a deserved consequence of a crime, which may be through lashing, amputation, stoning, or execution; it is named so because it follows (tatlu) the sin, deriving from ta'aqqaba (to follow/track)" (Al-Mawsūʿah al-Fiqhiyyah al-Kuwaytiyyah, n.d., Vol. 30, p. 269; Vol. 17, p. 130

- Punishment is "the penalty established in the interest of the community for disobeying the Lawgiver's command" (Aḥmad Fatḥī, 1958, p. 9).

In summary, the technical concept of punishment does not differ from its linguistic meaning: it is the penalty inflicted upon an individual when committing a prohibited act or omitting a mandatory duty, whether through lashing, amputation, stoning, or execution.

Section Three: Types of Punishment in Islamic Law

Punishment in Islamic Law has multiple classifications based on different criteria. These include prescribed punishments (hudud), retribution and blood money (qisas and diyah), and discretionary punishments (ta'azir):

Subsection One: Prescribed Punishments (Hudud)

Linguistic Definition of Hudud

Hudud (الحدود) is the plural of hadd (حد), which linguistically signifies prevention and separation. A hadd is a barrier or boundary between two things, and the hadd of something is its outer limit or end (Al-Zabīdī, 1966, Vol. 8, p. 11; Ibn Manẓūr, n.d., Vol. 3, p. 140)

Technical Definition of Hudud

- "A fixed, predetermined punishment required as a right of Allah or a right of a human being" (Al-Shirbīnī, n.d., Vol. 4, p. 155; Al-Ruḥaybānī, n.d., Vol. 6, p. 158; Al-ʿAdawī, n.d., Vol. 2, p. 288)
- It was also defined as "a fixed, predetermined punishment required exclusively as a right of Allah Almighty" (Al-Zaylaʿī, n.d., Vol. 3, p. 163; Al-Ḥaṣkafī, n.d., Vol. 4, p. 3)

Hudud are the fixed punishments prescribed by Islamic Law for specific crimes, namely: adultery/fornication (zina), slanderous accusation of unchastity (qadhf), drinking alcohol (shurb al-khamr), theft (sariqah), highway robbery/banditry (hirabah), rebellion (baghy), and apostasy (riddah).

1. The Punishment for Adultery/Fornication (Zina)

A. Linguistic Definition

Zina may be spelled with a shortened alif (al-zina) or an extended one (al-zinaa). Linguistically, it means narrowness, prostitution, and immorality (Ibn Manẓūr, n.d., Vol. 14, p. 359)

B. Technical Definition

Defined as: "The intentional, consensual intercourse of an adult, sane Muslim (mukallaf) with a human being over whom he has no lawful ownership"(Al-ʿAbdarī, 1969, Vol. 6, p. 290)

The prohibition of zina is stated in the Holy Qur'an:

"And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way." (Surah Al-Isra 17:32)

From the Sunnah: Narrated 'Abdullah bin Mas'ud: A man asked, "O Messenger of Allah, which sin is greatest in the sight of Allah?" He replied: "To set up a rival unto Allah when He created you." The man asked, "Then what?" He said: "To kill your child for fear that he will eat with you." The man asked, "Then what?" He said: "To commit adultery with your neighbor's wife." Allah Almighty revealed confirmation of this:

"And those who do not invoke with Allah another deity or kill the soul which Allah has forbidden, except by right, and do not commit unlawful sexual intercourse. And whoever should do that shall meet a penalty." (Surah Al-Furqan 25:68). In another narration, ʿAbdullah ibn Masʿūd said: ‘I asked the Messenger of Allah (peace and blessings be upon him) (Al-Bukhārī, n.d., Hadith 4207)

Legality of the Prescribed Penalty (Hadd) for Zina:

- **From the Qur'an:**

"The woman and the man guilty of illegal sexual intercourse, flog each one of them with a hundred lashes." (Surah An-Nur 24:2)

- **From the Sunnah:** Narrated 'Ubadah bin Al-Samit that the Messenger of Allah (peace be upon him) said: "Receive [teaching] from me, receive [teaching] from me! Allah has appointed a way for them: For unmarried persons, a hundred lashes and banishment for one year; for married persons, a hundred lashes and stoning." (Muslim, n.d., Hadith 1690)

2. The Punishment for Slanderous Accusation (Qadhf)

A. Linguistic Definition

Qadhf means throwing or casting. It is said, "He threw (qadhafa) the pit," and "He accused (qadhafa) the chaste woman," meaning he falsely accused her of zina (Ibn Manẓūr, n.d., Vol. 14, p. 335)

B. Technical Definition

Defined in Al-Tabyin: "A specific accusation requiring a prescribed penalty (hadd), which is falsely accusing someone of zina" (Al-Zaylaʿī, 1894, Vol. 9, p. 54)

Qadhf is prohibited by the text of the Qur'an:

"And those who accuse chaste women and then do not produce four witnesses - lash them with eighty lashes and do not accept from them testimony ever after. And those are the defiantly disobedient. Except for those who repent thereafter and reform, for indeed, Allah is Forgiving and Merciful." (Surah An-Nur 24:4–5)

From the Sunnah: Narrated Abu Hurairah (may Allah be pleased with him) that the Prophet (peace be upon him) said: "Avoid the seven destructive sins." They asked, "O Messenger of Allah, what are they?" He said: "Associating partners with Allah, magic, taking a life which Allah has forbidden except by right, devouring usury (riba), consuming the property of orphans, fleeing from the battlefield, and falsely accusing chaste, innocent, believing women." (Al-Bukhārī, n.d., Hadith 6857; Muslim, n.d., Hadith 89)

From Consensus (Ijma'): The Muslim Nation (Ummah) unanimously agrees on the prohibition of slanderous accusation (qadhf) and that it entails a prescribed penalty (hadd) (Al-Buhūtī, n.d., Vol. 6, p. 104; Al-Dusūqī, n.d., Vol. 4, p. 324)

Penalties for Qadhf:

Qadhf incurs two penalties: flogging, and being designated as morally corrupt (fasiq) with the rejection of their testimony:

"And those who accuse chaste women and then do not produce four witnesses - lash them with eighty lashes and do not accept from them testimony ever after. And those are the defiantly disobedient. Except for those who repent thereafter and reform..." (Surah An-Nur 24:4–5)

- **A. Flogging:** Scholars unanimously agree that the hadd for slander is eighty lashes, whether the accused is a man or a woman (Al-Māwardī, n.d., p. 335; Ibn Ḥazm, n.d., p. 134; Ibn Rushd, n.d., Vol. 2, p. 363; Ibn Qudāmah, n.d., Vol. 9, p. 84; Ibn Taymiyyah, n.d., Vol. 28, p. 342; Al-Mardāwī, n.d., Vol. 10, p. 200)
- **B. Rejection of Testimony:** Jurists agree that the slanderous accuser is considered transgressing/morally corrupt (fasiq) and their testimony is rejected. However, regarding whether their testimony is acceptable after repentance:
  - **The Hanafi school** holds that testimony is not accepted even after repentance.
  - **The Majority (Jumhur)**—Malikis, Shafi'is, and Hanbalis—hold that testimony is accepted once they repent (Ibn Nujaym, n.d., Vol. 5, p. 32; Ibn ʿĀbidīn, n.d., Vol. 4, pp. 43–48; Al-Sarakhsī, n.d., Vol. 9, p. 70; Al-Māwardī, n.d., Vol. 13, p. 253; Ibn ʿAbd al-Barr, n.d., Vol. 7, p. 514)

3. The Punishment for Drinking Alcohol (Shurb Al-Khamr)

A. Linguistic Definition

Khamr (alcohol/intoxicants) in language means covering and concealing, from which khimar (a woman's headscarf) is derived (Ibn Fāris, n.d., Vol. 2, p. 215; Al-Jawharī, n.d., Vol. 2, p. 649)

B. Technical Definition

Anything that intoxicates in small or large quantities, whether made from grapes, dates, wheat, barley, or other substances (Al-Mardāwī, n.d., Vol. 10, p. 172; Al-Nafrawī, n.d., Vol. 2, p. 288)

Scholars unanimously agree on the prohibition of consuming grape-based alcohol, in both small and large quantities; consensus was transmitted by Ibn 'Abd Al-Barr, Al-Qurtubi, and others (Ibn ʿAbd al-Barr, n.d., p. 10; Al-Qurṭubī, n.d., Vol. 6, p. 295)

Regarding alcohol made from non-grape sources, jurisprudential schools agree on its prohibition (Ibn ʿĀbidīn, n.d., Vol. 6, pp. 455–456; Ibn ʿAbd al-Barr, n.d., Vol. 1, p. 442; Al-Nawawī, n.d., Vol. 10, p. 168; Ibn Mufliḥ, n.d., Vol. 10, p. 96) and the consensus of the Prophet's Companions was narrated regarding it. As stated by Ibn

ʿAbd al-Barr “There is no disagreement among these Companions that khamr (intoxicating wine) can be made from substances other than grapes, just as it can be made from grapes. The Muslim community has unanimously agreed, and the entire body of Muslims has transmitted from their Prophet (peace and blessings be upon him) that grape wine is prohibited, whether in small or large quantities. The same ruling therefore applies to all beverages that produce the same effect.” (Al-Istidhkār, Vol. 8, p. 23)

The prescribed penalty (hadd) for drinking alcohol is flogging. Jurists have differed regarding the number of lashes, resulting in two opinions:

- **First Opinion:** The penalty is eighty lashes, neither to be exceeded nor reduced. This is the view of the Majority (Jumhur): Hanafis, Malikis, and Hanbalis (Al-Sarakhsī, n.d., Vol. 27, p. 24; ʿAllīsh, n.d., Vol. 9, p. 351; Al-Mardāwī, n.d., Vol. 10, pp. 229–230) a view of early scholars (Salaf) (Ibn ʿAbd al-Barr, n.d., Vol. 8, p. 9), and cited as the consensus of the Companions (Al-Zaylaʿī, n.d., Vol. 3, p. 198)
- **Second Opinion:** The penalty is forty lashes as a base, functioning under discretionary punishment (ta'zir), though the ruler (imam) may increase it to eighty if he deems it beneficial for the public interest. This is the view of the Shafi'is (Al-Nawawī, n.d., p. 303) a narration from the Hanbalis (Al-Mardāwī, n.d., Vol. 10, pp. 229–230), the position of the Dhahiriyyah (Ibn Ḥazm, n.d., Vol. 12, pp. 366–367), preferred by Ibn Taymiyyah and Ibn Al-Qayyim (Ibn Taymiyyah, n.d., Vol. 7, p. 483; Ibn al-Qayyim, n.d., Vol. 2, p. 75), and held by a group of the Salaf (Ibn Ḥazm, n.d., Vol. 12, p. 367).

4. The Punishment for Theft (Sariqah)

A. Linguistic Definition

Saraqa al-shay'a yasriquhu: stole the thing. Istaraqa al-sam'a: eavesdropped secretly. The noun form is sariqah (theft) (Ibn Manẓūr, n.d., Vol. 11, p. 155; Al-Zabīdī, n.d., Vol. 1, p. 6374)

B. Technical Definition

"The secret taking by a sane adult of a minimum threshold (nisab) of protected property—or property worth the nisab—belonging to another, without any doubt of ownership" (Al-Mawṣilī, n.d., Vol. 4, p. 109)

The prescribed penalty for theft is the amputation of the thief's hand:

"As for the male thief and the female thief, cut off their hands in recompense for what they committed as a deterrent punishment from Allah. And Allah is Exalted in Might and Wise." (Surah Al-Ma'idah 5:38)

The right hand is amputated at the wrist, as established in the prophetic Sunnah. Amputation does not apply to a plunderer (muntahib), a snatcher (mukhtalis), or an embezzler/betrayer (kha'in), as reported in the Hadith: "There is no amputation for the plunderer, the snatcher, or the betrayer." (Abū Dāwūd, n.d., Hadith 4391; Ibn Mājah, n.d., Hadith 2591; Al-Nasā’ī, n.d., Hadith 4971. These individuals are instead subject to discretionary punishment (ta'zir), which also applies when the full conditions for theft are not met (e.g., if the stolen property is below the threshold/nisab).

5. The Punishment for Highway Robbery / Banditry (Hirabah)

A. Linguistic Definition

Hirabah comes from harb, the opposite of peace (silm). It also means plundering: huriba maluhu, meaning his wealth was plundered (Ibn Manẓūr, n.d., Vol. 1, p. 302; Ibn Fāris, n.d., Vol. 2, p. 48)

B. Technical Definition

Ibn 'Arafah defined it as: "Setting out to create insecurity on a road by forcibly taking protected property—through open fighting or threat thereof—or by causing loss of sanity or secret killing, or simply blocking the way, not out of passion for a woman, a personal feud, or private enmity" (Al-Ḥaṭṭāb, n.d., Vol. 6, p. 314)

Proof for the Legality of the Penalty for Hirabah:

1. **From the Qur'an:**

"Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is none other than that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great punishment." (Surah Al-Ma'idah 5:33)

2. **From the Sunnah:** Narrated Anas bin Malik (may Allah be pleased with him): "Some people from the tribe of 'Uraynah came to the Messenger of Allah (peace be upon him) in Medina and fell ill. The Messenger of Allah told them: 'If you wish, you may go to the camels of charity and drink their milk and urine.' They did so and recovered. Then they turned upon the shepherds, killed them, apostatized from Islam, and drove off the camels of the Messenger of Allah. News of this reached the Prophet, so he sent pursuers after them. They were brought back, and he ordered their hands and feet to be amputated..." (Al-Bukhārī, n.d., Hadith 5685; Muslim, n.d., Hadith 1671).
3. **From Consensus (Ijma'):** Consensus was recorded by Ibn 'Abd Al-Barr (Ibn ʿAbd al-Barr, n.d., Vol. 23, p. 339).

6. The Punishment for Rebellion (Baghy)

A. Linguistic Definition

Baghy linguistically means exceeding boundaries or transgression (Ibn al-Athīr, n.d., Vol. 1, p. 143)

B. Technical Definition

"Refusing obedience—by force and overcome—to a ruler whose authority has been lawfully established, in matters that do not involve disobedience to Allah, even if based on a misinterpretation (ta'wil)" (Sharḥ Ḥudūd Ibn ʿArafah, n.d., p. 489)

The penalty for the rebellious group is to be fought until they submit, as established by the Qur'an, Sunnah, and consensus.

1. From the Qur'an:

Allah Almighty says:

"And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses the other, then fight against the one that oppresses until it returns to the command of Allah." (Surah Al-Hujurat 49:9)

2. From the Sunnah:

Narrated 'Abdullah bin 'Amr (may Allah be pleased with them both) that the Messenger of Allah (peace be upon him) said: "Whoever gives his pledge of allegiance to an Imam, giving him the grasp of his hand and the sincerity of his heart, let him obey him as much as he can. If another comes to dispute with him, strike the neck of the other." (Muslim, n.d., Hadith 1844)

3. From Consensus (Ijma'):

Consensus on this matter has been transmitted by scholars (Ibn ʿAbd al-Barr, n.d., Vol. 15, p. 291; Al-Jaṣṣāṣ, n.d., Vol. 5, p. 281; Qāḍī ʿIyāḍ, n.d., Vol. 3, p. 613; Ibn Qudāmah, n.d., Vol. 8, p. 523)

7. The Punishment for Apostasy (Riddah)

A. Linguistic Definition

Riddah (apostasy) linguistically means turning away and returning from something (Ibn Manẓūr, n.d., Vol. 6, p. 133; Ibn Sīdah, n.d., Vol. 9, p. 267)

B. Technical Definition

Turning away from the religion of Islam to disbelief (kufr), whether by statement, belief, doubt, or action (Al-Buhūtī, n.d., Vol. 6, pp. 167–168; Al-Kāsānī, n.d., Vol. 7, p. 134)

Proof for the Penalty of the Apostate:

The penalty for an apostate who refuses to repent is execution as a prescribed penalty (hadd), as established by the Sunnah and consensus:

1. **From the Sunnah:**
   - Narrated Ibn 'Abbas (may Allah be pleased with them both) that the Prophet (peace be upon him) said: "Whoever changes his religion, execute him." (Al-Bukhārī, n.d., Hadith 3017)
   - Narrated Ibn Mas'ud (may Allah be pleased with him) that the Messenger of Allah (peace be upon him) said: "The blood of a Muslim man who testifies that there is no god but Allah and that I am the Messenger of Allah is not lawful except in one of three cases: a life for a life, a married person who commits

adultery, and one who abandons his religion and splits from the community." (Al-Bukhārī, n.d., Hadith 6878; Muslim, n.d., Hadith 1676)

2. **From Consensus (Ijma'):**
   - Ibn Al-Mundhir stated: "The people of knowledge have unanimously agreed that if a slave apostatizes and is asked to repent but refuses, he is to be executed, and I know of no disagreement regarding this." (Ibn al-Mundhir, n.d., p. 128)
   - Ibn 'Abd Al-Barr stated: "The understanding of this Hadith is that whoever apostatizes from his religion, his blood becomes lawful and his neck is to be struck, and the Nation is unanimous upon that." (Ibn ʿAbd al-Barr, n.d., Vol. 5, p. 306)

Subsection Two: Punishments of Retribution (Qisas) and Blood Money (Diyah)

First: Retribution (Qisas)

A. Linguistic Definition

Derived from al-qass (القَصّ), which means tracking or following something; iqtassa al-athar means he tracked the footprint. Al-Qisas (with a kasrah on the qaf) signifies equality or equivalence (Ibn Manẓūr, n.d., Vol. 7, p. 73; Ibn Fāris, n.d., Vol. 1, p. 11; Ibn Fāris, n.d., Vol. 5, p. 11; Qāḍī ʿIyāḍ, n.d., Vol. 2, p. 188; Ibn al-Athīr, n.d., Vol. 4, p. 72; Al-Fayyūmī, n.d., Vol. 2, p. 505)

B. Technical Definition

"Punishing the offender with the exact equivalent of their offense committed against human life or a bodily organ. Thus, if a person kills another, they deserve retribution (qisas), which is to be killed as they killed the other." (Al-Jazīrī, 2003, Vol. 5, p. 217)

C. Legality of Retribution from the Qur'an, Sunnah, and Consensus:

- **From the Qur'an:** Allah Almighty says:

"O you who have believed, prescribed for you is legal retribution for the murdered..." (Surah Al-Baqarah 2:178)

- **From the Sunnah:** The Prophet (peace be upon him) said: "...and whoever has a relative killed has the choice of two best options: either to accept blood money (fidyah) or to have the killer executed..." (Al-Bukhārī, n.d., Hadith 2434; Muslim, n.d., Hadith 1355)
- **From Consensus (Ijma'):** Consensus on the legality of retribution has been widely recorded (Ibn Ḥazm, n.d., Vol. 11, p. 14; Ibn Rushd, n.d., Vol. 4, p. 179; Al-Haythamī, n.d., Vol. 8, p. 376)

D. Types of Retribution (Qisas)

1. Retribution in Life (Al-Qisas fi Al-Nafs):

The following conditions are required for retribution in life (Al-Mawsūʿah al-Fiqhiyyah, n.d., Vol. 33, p. 272)

- **Inviolability of the Victim ('Ismat al-Maqtul):** If a Muslim kills an enemy combatant (harbi), an apostate (murtadd), or a married adulterer (zani muhsan), retribution (qisas) does not apply, nor is blood money (diyah) due; however, the killer receives a discretionary punishment (ta'zir) for usurping the authority of the ruler.
- **Competence and Intent of the Killer:** The killer must be an adult, sane, and acting intentionally. There is no retribution on a child, an insane person, or someone acting by mistake; rather, blood money (diyah) is required from them.
- **Equivalence at the Time of the Offense:** The victim must be equal in status to the killer at the time of the crime in terms of religion. A Muslim is not executed for [killing] a disbeliever, whereas a disbeliever is executed for [killing] a Muslim. A male is executed for [killing] a female, and a female for [killing] a male.
- **No Direct Lineage (Parentage):** The victim must not be the child of the killer. Neither parent (nor grandparent, upwards) is executed for [killing] their child (or grandchild, downwards), whether male or female. However, a child is executed if they kill either of their parents, unless the legal guardian of the blood waives retribution.

If any of the above conditions are not met, retribution (qisas) lapses, and a severity-adjusted blood money (diyah mughalladhah) becomes mandatory.

2. Retribution Short of Life (Al-Qisas fi Ma Dun Al-Nafs)

This refers to retribution for offenses committed against bodily limbs by amputating them, as well as wounds of all types (Ibn Nujaym, n.d., Vol. 8, p. 327; ʿAllīsh, n.d., Vol. 9, p. 37)

Five conditions are required for retribution in offenses short of life (Ibn Qudāmah, n.d., Vol. 8, p. 317 ff.)

- **Pure Intentionality:** It must be strictly intentional; as for accidental injury, there is no retribution by consensus (ijma').
- **Equivalence Between Offender and Victim:** They must be equal in status at the time of the offense, such as a free Muslim with a free Muslim.
- **Limb-for-Limb Equality:** The limb must be equal to the corresponding limb. A healthy limb is not taken for a paralyzed limb, a hand with a full set of fingers is not taken for a defective one, nor an original limb for an extra/supernumerary one.
- **Identity in Specific Name:** A right hand is not taken for a left hand, nor a left for a right; a finger is not taken for a different finger; nor an eyelid or lip except for its exact counterpart.
- **Feasibility of Exact Execution Without Excess:** The amputation must be performed at a joint. If the injury is not at a joint, retribution cannot be executed from the point of injury.

Second: Blood Money (Diyah)

A. Linguistic Definition

Diyah (blood money) is the financial right owed for a slain person (Ibn Manẓūr, n.d., Vol. 15, p. 383). The verb is wadaytu, wadyan; diyah (plural: diyāt). It is said, wadaytu al-qatila, meaning "I paid his blood money."

B. Technical Definition

Stated in Al-Tabyin: "Diyah is the term for the property/wealth paid as compensation for human life" (Al-Zaylaʿī, n.d., Vol. 6, p. 126)

In general, blood money is mandatory in cases of homicide.

Proof of Legality:

1. **From the Qur'an:** Allah Almighty says:

"And it is not for a believer to kill a believer except by mistake. And whoever kills a believer by mistake - then the freeing of a believing slave and a compensation (diyah) given to his family, unless they give [it up as] charity..." (Surah An-Nisa 4:92)

2. **From the Sunnah:** The Prophet (peace be upon him) said:

"...and whoever has a relative killed has the choice of two best options: either to accept blood money (fidyah) or to have the killer executed..." (Al-Bukhārī, n.d., Hadith 2434; Muslim, n.d., Hadith 1355)

3. **From Consensus (Ijma'):** Ibn Qudamah recorded consensus on this matter (Ibn Qudāmah, n.d., Vol. 8, p. 367)

Subsection Three: Discretionary Punishments (Ta'azir)

A. Linguistic Definition

Ta'zir in language means prevention, deterrence, discipline, and support/assistance (Ibn Manẓūr, n.d., Vol. 10, p. 134)

B. Technical Definition

Defined by Ibn Qudamah as: "The prescribed punishment for an offense for which no fixed penalty (hadd) is specified" (Ibn Qudāmah, n.d., Vol. 10, p. 347)

Legality of Ta'zir:

Discretionary punishment is sanctioned for every sin or offense that does not carry a fixed prescribed penalty (hadd). Its evidence includes:

1. **From the Qur'an:** Allah Almighty says:

"But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them..." (Surah An-Nisa 4:34)

Inference: Allah Almighty permitted striking in cases of marital discord (nushuz), which serves as an indication toward discretionary punishment (ta'zir) (Al-Shirbīnī, n.d., Vol. 4, p. 191; Al-Ramlī, n.d., Vol. 8, p. 19)

2. **From the Sunnah:** Narrated 'Abdullah bin 'Amr (may Allah be pleased with them both): "A man from Muzaynah came to the Messenger of Allah (peace be upon him) and asked, 'O Messenger of Allah, what do you say regarding sheep stolen from the mountain?' He replied: 'It requires payment of double its value and exemplary punishment (nakal). No amputation applies to livestock unless stolen from a fold, reaching the value of a shield. If it reaches the value of a shield, hand amputation applies; if it does not reach the value of a shield, it incurs a fine of double its value and lashes of exemplary punishment.'" (Al-Nasā'ī, n.d., Hadith 4959; Ibn Mājah, n.d., Hadith 2596; Aḥmad, n.d., Hadith 6683; Al-Albānī, n.d., Hadith 4959)

Inference: The Prophet (peace be upon him) instituted a fine of double the value along with exemplary lashes for stealing dates/property below the threshold (nisab) (Al-Shirbīnī, n.d., Vol. 4, p. 191)

3. **From Consensus (Ijma'):** Consensus on the legality of ta'zir was recorded by Ibn Taymiyyah, Al-Zayla'i, and Ibn Al-Qayyim (Ibn Taymiyyah, n.d., Vol. 30, p. 39; Al-Zaylaʿī, n.d., Vol. 3, p. 207; Ibn al-Qayyim, n.d., p. 93)

Chapter Two: Characteristics of Punishment in Islamic Legislation

Punishment in Islamic legislation possesses many distinct characteristics, the most important of which are:

First Section: The Legality of Punishment (Shar'iyyat Al-'Uqubah)

First Branch: Concept of the Legality of Punishment

This means that its source is Islamic Sharia, such that it has been stipulated and its penalty specified in the texts of the Qur'an and the Sunnah. It is Islamic Sharia that determined these punishments. This Sharia-based determination takes two forms:

1. **Fixed Prescribed Punishments (Uqubat Muqaddarah):** These accept neither increase nor decrease, such as the types of Hudud (prescribed legal penalties) and Qisas (retribution).
2. **Discretionary Punishments (Ta'azir):** The determination of their severity is delegated to the judge based on public interest (maslahah), after Islamic Sharia has specified the categories of punishments from which he is entitled to choose what fits the nature of the committed crime—not out of personal whim.

Accordingly, it is impermissible to specify any punishment not stipulated by Islamic Sharia; hence, this characteristic is considered one of the most vital features of punishments in Islam. (ʿAwdah, n.d., Vol. 1, p. 629; Al-Shādhilī, n.d., p. 331)

Second Branch: Evidence for the Legality of Punishment

There are numerous texts from the Book (Qur'an) and the Sunnah demonstrating that the source of punishment is Islamic Law. The most important include:

First: From the Holy Qur'an

- Allah Almighty says:

"And there is for you in legal retribution [saving of] life, O you of understanding, that you may become righteous." (Surah Al-Baqarah 2:179)

This noble verse affirms that Allah—Glory be to Him—is the One who legislated this punishment (qisas) for His servants and imposed it upon them to safeguard the lives of many people. (Al-Ṭabarī, 2000, Vol. 3, p. 381)

- Allah Almighty says:

"[As for] the thief, the male and the female, amputate their hands in recompense for what they committed as a deterrent [punishment] from Allah. And Allah is Exalted in Might and Wise." (Surah Al-Ma'idah 5:38)

The noble verse explicitly states the specific type of punishment designated for the crime of theft, which is hand amputation. The noble Sunnah then specified which hand and the exact extent to be amputated: the right hand from the wrist. Therefore, we can neither add to this nor subtract from it. (Al-Baghawī, 2000, Vol. 2, p. 46), (Al-Bayhaqī, n.d., Vol. 8, p. 470, Hadith 17248)

- Allah Almighty says:

"And those who accuse chaste women and then do not produce four witnesses - lash them with eighty lashes and do not accept from them testimony ever after. And those are the defiantly disobedient." (Surah An-Nur 24:4)

This verse defined the exact measure of punishment designated for the crime of slander (qadhf), which is eighty lashes—neither to be increased nor decreased. These verses indicate that punishment in Islam, regarding both its type and quantity, is fixed by the Wise Lawgiver, particularly concerning hudud crimes.

Second: From the Prophetic Sunnah

Anyone contemplating the Prophetic Sunnah will find numerous texts proving the principle of the legality of punishment. The Sunnah specified the type and measure of certain punishments (the hudud) and sanctioned types of deterrent penalties for criminals (discretionary ta'azir punishments). Examples include:

- What was narrated by Abu Burdah Al-Ansari (may Allah be pleased with him), that he heard the Messenger of Allah (peace be upon him) say:

"No one should be lashed more than ten lashes except in one of the prescribed punishments (hudud) of Allah." (Al-Bukhārī, n.d., Vol. 8, p. 74, Hadith 6850; Muslim, n.d., Vol. 3, p. 1332, Hadith 1708)

This Hadith provides evidence that the Prophet (peace be upon him) specified the number of lashes for discretionary punishment (ta'zir): that it should not exceed ten. This differs from the hudud penalties, which are fixed at a specific number (such as the hadd for adultery/fornication and the hadd for slander). This proves that punishments in both hudud and ta'azir are designated and determined by the Wise Lawgiver.

- On the authority of 'A'ishah (may Allah be pleased with her):

"A woman from the Makhzum tribe used to borrow items and deny having them, so the Prophet (peace be upon him) ordered that her hand be amputated." (Abū Dāwūd, n.d., Vol. 4, p. 139, Hadith 4397)

And also from her, that the Messenger of Allah (peace be upon him) said:

"The hand of a thief is not amputated except for a quarter of a dinar or more." (Muslim, n.d., Vol. 3, p. 1312, Hadith 1684)

The action and statement of the Prophet (peace be upon him) in these two noble Hadiths reinforce the type of punishment for theft mentioned in the Holy Qur'an, while specifying the monetary minimum threshold (nisab) required for amputation: it only applies to a quarter of a dinar or more. (Al-Nafrawī, 1995, Vol. 2, p. 214). The second Hadith clarifies the value that triggers hand amputation—equivalent to a quarter of a dinar regardless of the type of stolen item; anything stolen with a value equal to a quarter of a dinar or more incurs amputation. (Ibn Qudāmah, 1968, Vol. 9, p. 105; Al-Mawsūʿah al-Fiqhiyyah al-Kuwaytiyyah, n.d., Vol. 24, p. 315)

- What has been narrated from the Prophet (peace be upon him) and the Rightly-Guided Caliphs is that the first part to be amputated from a thief is the right hand from the wrist. This qualified the general wording of the Qur'an in Allah's saying: "As for the thief, the male and the female, amputate their hands" (Surah Al-Ma'idah 5:38), specifying the right hand and restricting the cut to the wrist joint. (Al-Mawsūʿah al-Fiqhiyyah al-Kuwaytiyyah, n.d., Vol. 35, p. 175)
- What has been narrated from the Prophet (peace be upon him) regarding discretionary punishments (ta'azir), such as:
  - Lashing someone who steals dates off trees before they are harvested and moved to their designated storage location, along with fining him double the value of what he stole. (Al-Bayhaqī, n.d., Vol. 12, p. 425, Hadith 17241; Al-Ṭabarānī, n.d., Vol. 2, p. 279, Hadith 1983)
  - Restricting the liberty of an unmarried adulterer/fornicator by banishing him for a year. (Muslim, n.d., Vol. 3, p. 1316, Hadith 1690)
  - Detaining a man for a period of time before releasing him, and other similar examples. (Al-Nasā'ī, n.d., Vol. 8, p. 67, Hadith 4876)

Based on these proofs and others, scholars deduced the legality of discretionary penalties (ta'azir), affirming that under ta'azir, there is no crime and no punishment without a text (nulla poena sine lege). (ʿAwdah, n.d., Vol. 1, pp. 147–148)

Second Section: Fairness in Punishment (Personal Character of Punishment)

First Branch: Concept of Fairness in Punishment

This principle dictates that no punishment shall be inflicted except upon the actual perpetrator of the crime alone, without extending to their relatives or family, nor can anyone substitute or take their place (which legal jurists refer to as the **personality/individualization of punishment**). (ʿImrān Muḥammad, 2021, p. 81) Furthermore, the punishment must be proportionate to the offense committed by the perpetrator, which can only be established after

verifying the commission of the crime prior to imposing the sentence.

Second Branch: Evidence for Fairness in Punishment

First: From the Holy Qur'an

- Allah Almighty says:

"And every soul earns not [blame] except against itself, and no bearer of burdens shall bear the burden of another." (Surah Al-An'am 6:164)

Al-Tabari stated in his commentary on this verse: "He says: No soul commits a sin except that its consequences fall upon it alone; meaning, no one is held accountable for another's disobedience to Allah—Blessed and Exalted be He—or for another's wrongdoing. Rather, every sinner is punished for his own sin and held accountable for his own offense." (Al-Ṭabarī, n.d., Vol. 12, p. 286)

This verse establishes the principle of the personality of punishment: no sentence may be imposed except on the perpetrator of the crime—whether acting alone or as an accomplice with others—and it does not extend beyond them to anyone else. This characteristic embodies the complete justice of Islamic Sharia, which does not hold an individual accountable for a crime committed by a relative or friend.

- Allah Almighty says:

"Every soul, for what it has earned, will be retained." (Surah Al-Muddaththir 74:38)

Al-Qurtubi commented: "This dictates that no one shall be held accountable for another's sin; rather, punishment attaches exclusively to the perpetrator of the offense." (Al-Qurṭubī, 1964, Vol. 7, p. 393) Thus, the verse firmly establishes this feature and reinforces this principle, which serves as one of the most paramount divine penal rules.

- Allah Almighty says:

"And if you punish [an enemy, O believers], punish with an equivalent of that with which you were harmed. But if you are patient - it is better for the patient." (Surah An-Nahl 16:126)

This verse encourages fairness in punishment, requiring that the penalty match the perpetrator's crime without exceeding it, so that it remains strictly proportionate to the offense committed. (Al-Shīrāzī, 1998, Vol. 3, p. 245)

Second: From the Prophetic Sunnah

- Narrated on the authority of 'A'ishah (may Allah be pleased with her), who said: The Messenger of Allah (peace be upon him) said:

"Warde off prescribed punishments (hudud) from Muslims as much as you can. If there is an escape route, let him go; for it is better for the leader to err in pardoning than to err in punishing." (Al-Tirmidhī, n.d., Vol. 3, p. 85, Hadith 1424)

This Hadith emphasizes the necessity of fully verifying the crime before executing its prescribed penalty, dropping it whenever there is doubt (shubhah) or a legitimate legal loophole in favor of the offender, and avoiding haste in applying punishments. This Prophetic rule represents one of the most vital principles and foundational rules of criminal justice.

- Narrated on the authority of Jarir bin 'Abdullah (may Allah be pleased with him), that the Prophet (peace be upon him) said:

"Do not revert to disbelief after me, striking the necks of one another. Nor shall a man be held accountable for the crime of his father, nor for the crime of his brother." (Al-Nasā’ī, n.d., Vol. 3, p. 466, Hadith 3579)

The evidentiary point of the Hadith is its explicit text stating that a son bears no liability/guarantee for his father's punishable offense, nor does a father bear liability for his son's punishable offense. Every individual is punished personally for the crime they committed, and no one can act as a proxy or substitute for them regardless of familial ties. This constitutes the principle of the personality of punishment among legal jurists, as criminal responsibility is strictly individual responsibility. (Al-Shawkānī, 1993, Vol. 7, p. 100; Al-ʿAẓīmābādī, 1995, Vol. 12, p. 133)

Third Section: Equality in Punishment (Al-Musawat fi Al-'Uqubah)

First Branch: Concept of Equality in Punishment

This is also referred to as the "Universality of Punishment" ('Umum al-'Uqubah). It means that punishments in Islam are applied to all people without discrimination or distinction. Everyone is equal before the law—there is no

difference between the noble and the weak, the rich and the poor, the ruler and the ruled, or male and female.

Penal provisions apply to all universally. For this reason, intercession (shafa'ah) to waive fixed legal penalties (hudud) was strictly prohibited (Aḥmad, n.d., Hadith 5385; Abū Dāwūd, n.d., Hadith 3597; Al-Ḥākim, n.d., Hadith 8157; Al-Ṭabarānī, n.d., Hadith 13084),due to its negative consequences, such as fostering classism and discrimination within the Muslim society. This feature serves as the strongest deterrent preventing officials, the wealthy, and the powerful from being tempted to commit crimes or infringe upon others by relying on their influence or wealth. (ʿImrān Muḥammad, 2021, p. 82)

Second Branch: Evidence for Equality in Punishment

The primary evidence cited by jurists for this characteristic is the Hadith of 'A'ishah (may Allah be pleased with her):

The Quraysh were deeply concerned about the case of the Makhzumi woman who had committed theft. They said, "Who will speak to the Messenger of Allah (peace be upon him) on her behalf?" They then said, "Who would dare to do so except Usamah bin Zayd, the beloved of the Messenger of Allah (peace be upon him)?" So Usamah spoke to him.

Thereupon, the Messenger of Allah (peace be upon him) said: "Do you intercede regarding one of the fixed legal penalties (hudud) of Allah?" He then stood up and delivered an address, saying: "Indeed, those before you were destroyed because when a noble person among them stole, they let him go; but when a weak person among them stole, they executed the prescribed penalty upon him. By Allah, if Fatimah, the daughter of Muhammad, were to steal, I would cut off her hand!" (Al-Bukhārī, n.d., Vol. 4, p. 175, Hadith 3475; Muslim, n.d., Vol. 3, p. 1315, Hadith 1688)

Jurists considered this Hadith the most important proof establishing the obligation of equality among people without discrimination or favoritism based on gender, color, or kinship. People are equal before the law, and punishments are to be enforced against all perpetrators of crimes that warrant them without exception. Islam enacted specific penalties for specific crimes and commanded everyone to abide by them—whether noble or weak. Thus, the Prophet (peace be upon him) went to great lengths in this Hadith to prohibit favoritism and intercession regarding the fixed penalties of Allah, commanding their application even if supposed against the closest of people to him. (Al-Shādhilī, n.d., p. 33)

Fourth Section: Mercy in Punishment (Al-Rahmah fi Al-'Uqubah)

First Branch: Concept of Mercy in Punishment

This characteristic forms the essence of Sharia-prescribed punishments in Islam. The execution of penalties—especially the hudud—is considered a mercy from Allah upon His servants. All categories of Islamic punishments were instituted solely to rectify people's conditions, benefit them, and avert harm from them; they were never intended for malice or sheer infliction of pain.

Allah Almighty says:

"What would Allah do with your punishment if you are grateful and believe? And ever is Allah Appreciative and Knowing." (Surah An-Nisa 4:147)

Accordingly, the aspect of mercy in Sharia punishments is demonstrated through their function as **deterrents** (zawajir) and **expiations** (jawabir) (International Union of Muslim Scholars, 2012). Below are the key manifestations of mercy in Islamic punishment.

Second Branch: Evidence for Mercy in Punishment

The characteristic of mercy in Sharia punishments manifests in several ways, the most important of which are:

1. Accounting for Individual Differences in Executing Punishment

Islamic Sharia established this principle, calling for tailoring/individualizing the appropriate penalty to fit the condition of the offender—such as the sick, the weak, pregnant women, and similar cases. It also commanded postponing the execution of penalties in cases of illness, physical incapacity, or when execution poses a threat to the offender's life or would lead to their death.

Examples include:

- **Postponing the sentence for a pregnant woman until she gives birth:** Jurists unanimously agreed on delaying the execution of the sentence until childbirth in order to protect the life of the fetus, and further until

her post-partum bleeding ends, she recovers, and becomes physically capable of bearing the punishment—whether the pregnancy resulted from adultery or otherwise. (Ibn Qudāmah, n.d., Vol. 9, p. 46; Al-Mawsūʿah al-Fiqhiyyah al-Kuwaytiyyah, n.d., Vol. 32, p. 181)

The evidence for this is narrated by Buraydah from his father, that a woman from the Ghamid tribe of Azd came to the Messenger of Allah (peace be upon him) and said:

"O Messenger of Allah, purify me." He said: "Woe to you! Return, seek forgiveness from Allah, and repent to Him." She said: "I see you wish to turn me back as you turned back Ma'iz bin Malik." He asked: "And why is that?" She said she was pregnant from adultery/fornication. He asked: "Are you?" She replied: "Yes." He said to her: "Wait until you give birth to what is in your womb."

A man from the Ansar took charge of her until she gave birth. He then came to the Prophet (peace be upon him) and said: "The Ghamidi woman has given birth." The Prophet (peace be upon him) said: "Then we shall not stone her and leave her infant young with no one to nurse him." A man from the Ansar stood up and said: "O Prophet of Allah, I will take responsibility for nursing him." So he (the Prophet) ordered her stoning. (Muslim, n.d., Vol. 3, p. 1321, Hadith 1322)

Verifying the Mental Sanity of the Offender and Waiving Punishment for the Insane and Mentally Ill:

The insane and the mentally ill person who lacked discrimination and comprehension at the time of committing the crime is not subject to a fixed legal penalty (hadd) or legal retribution (qisas), due to the absence of their criminal responsibility resulting from lack of legal capacity and religious accountability (taklif).

It is narrated on the authority of 'A'ishah (may Allah be pleased with her) that the Messenger of Allah (peace be upon him) said: "The pen has been lifted from three: from the sleeper until he awakens, from the child until he reaches puberty, and from the insane person until he regains his sanity or consciousness." (Ibn Mājah, n.d., Vol. 1, p. 658, Hadith 2041; Abū Dāwūd, n.d., Vol. 4, p. 141, Hadith 4403)

This Hadith confirms that the insane person and the one lacking sanity while committing a crime is not held religiously accountable, thereby negating their criminal responsibility by the consensus of all scholars (Ibn Mājah, n.d., Vol. 1, p. 658, Hadith 2041; Abū Dāwūd, n.d., Vol. 4, p. 141, Hadith 4403).

This is also supported by what was narrated from Buraydah, on the authority of his father, who said:

Ma'iz bin Malik came to the Prophet (peace be upon him) and said: "O Messenger of Allah, purify me." He said: "Woe to you! Return, seek forgiveness from Allah, and repent to Him." So he returned a short distance, then came back and said: "O Messenger of Allah, purify me." The Messenger of Allah (peace be upon him) said: "Woe to you! Return, seek forgiveness from Allah, and repent to Him." So he returned a short distance, then came back and said: "O Messenger of Allah, purify me." The Prophet (peace be upon him) said the same thing again until, on the fourth time, the Messenger of Allah (peace be upon him) asked him: "From what shall I purify you?" He replied: "From adultery/fornication." The Messenger of Allah (peace be upon him) then asked: "Is he insane?" He was informed that he was not insane. He asked: "Has he drunk wine?" So a man stood up and smelled his breath, but found no odor of wine from him. The Messenger of Allah (peace be upon him) asked: "Are you a married/previously married person (thayyib)?" He replied: "Yes." So he ordered that he be stoned.

The people regarding him split into two groups: one saying he was ruined and that his sin had encompassed him, while another said there was no repentance superior to the repentance of Ma'iz, who came to the Prophet (peace be upon him) putting his hand in his hand and saying: "Kill me with stones." They remained in that state for two or three days, then the Messenger of Allah (peace be upon him) came while they were sitting, greeted them, sat down, and said: "Seek forgiveness for Ma'iz bin Malik." They said: "May Allah forgive Ma'iz bin Malik." The Messenger of Allah (peace be upon him) then said: "He has offered a repentance which, if distributed among an entire nation, would encompass them all." (Muslim, n.d., Vol. 3, p. 1221, Hadith 1322)

The evidence derived from this Hadith is that the Prophet (peace be upon him) inquired about the mental state of Ma'iz (may Allah be pleased with him) when he insisted on the application of the fixed penalty (hadd) upon himself, returning each time saying, "Purify me. He asked about him: "Is he insane?", thus verifying his mental sanity prior to executing the penalty. This serves as proof that the insane person is not subjected to fixed penalties due to a lack of legal capacity or accountability, and consequently, the absence of criminal responsibility "(Ibn Ḥajar, n.d., Vol. 12, pp. 122–124).

Postponing the Execution of Punishment for the Sick Person and Those Generally Incapable Until Recovery and Capability, or Mitigating the Manner of its Execution:

This applies specifically to a sick person whose recovery is hoped for, and where the punishment is flogging, amputation, or similar penalties (unlike stoning or death in retributive capital punishment/qisas fi al-nafs). This is the view of the majority of jurists (Hanafis, Malikis, Shafi'is, and Al-Khiraqi among the Hanbalis)

However, if the illness is one from which recovery is not expected, they held that the penalty should be executed immediately since there is no expected end-state to wait for. Nevertheless, if the penalty is flogging, his health condition must be taken into consideration, and he is to be flogged in a manner that ensures safety from fatal injury (Ibn Qudāmah, n.d., Vol. 9, p. 48; Ibn Hubayrah, 2002, Vol. 2, p. 268; Al-Mawsūʿah al-Fiqhiyyah al-Kuwaytiyyah, n.d., Vol. 17, p. 146).

Their evidence for this view includes their analogy (qiyas) comparing the sick person to the pregnant woman (see the previously cited Ḥadīth of al-Ghāmidiyyah), as well as what was narrated on the authority of 'Ali (may Allah be pleased with him), who said:

"A slave girl belonging to the household of the Messenger of Allah (peace be upon him) committed unlawful sexual intercourse. He said: 'O 'Ali, go and execute the legal penalty upon her.' So I went, and found that her blood was continuously flowing without stopping. I returned to him, and he said: 'O 'Ali, have you finished?' I said: 'I went to her while her blood was flowing.' He said: 'Leave her until her bleeding stops, then execute the legal penalty upon her. And enforce the fixed legal penalties on those whom your right hands possess.'" (Abū Dāwūd, n.d., Vol. 4, p. 161, Hadith 4473)

This pertains to postponing the punishment for the sick person until recovery.

As for mitigating the manner of executing the punishment, they inferred proof from what was narrated from some of the companions of the Messenger of Allah (peace be upon him) among the Ansar:

A man from among them fell ill until he became emaciated, reduced to skin and bones. A slave girl belonging to one of them entered upon him, and he felt attracted to her and had intercourse with her. When men from his people entered to visit him, he informed them of this and said: "Seek a ruling for me from the Messenger of Allah (peace be upon him), for I have fallen upon a slave girl who entered upon me."

They mentioned that to the Messenger of Allah (peace be upon him) and said: "We have not seen anyone among the people in such a state of affliction as he is in. If we were to carry him to you, his bones would break apart; he is nothing but skin on bones."

Thereupon, the Messenger of Allah (peace be upon him) ordered them to take a bundle of a hundred twigs (shamrakh) and strike him with it a single blow. (Abū Dāwūd, n.d., Vol. 4, p. 161, Hadith 4472)

2. Warding Off Fixed Penalties (Hudud) Through Doubts (Shubuhat):

This is a grand prophetic rule and a legal principle that calls for waiving the fixed penalty (hadd) for an offender whenever there is doubt as to whether the crime was established or not. Islam calls for verifying a crime before executing its prescribed penalty, and waiving it when there is ambiguity or a lack of clarity that it was committed in the precise manner warranting punishment. Consensus (ijma') has been reported on this principle, and it is considered one of the most prominent manifestations of mercy in Sharia punishments (Ibn Ḍuwayyān, 1989, Vol. 2, p. 370; Al-Mawsūʿah al-Fiqhiyyah al-Kuwaytiyyah, n.d., Vol. 17, p. 134), (Ibn Ḥazm, n.d., Vol. 12, p. 57). Among its primary proofs are:

- What was narrated on the authority of 'A'ishah (may Allah be pleased with her) that the Messenger of Allah (peace be upon him) said: "Ward off fixed penalties (hudud) from Muslims as much as you are able. If there is a way out for him, then let him go, for it is better for the ruler/leader to err in pardoning than to err in punishing." (See previously cited source).
- What was narrated on the authority of 'Umar bin Al-Khattab (may Allah be pleased with him) that he said: "To suspend fixed penalties due to doubts is more beloved to me than to execute them amidst doubts." (Ibn ʿAbd al-Barr, n.d., Vol. 8, p. 13, Hadith 1562; Al-Harawī, n.d., Vol. 6, p. 2344)
- What was narrated regarding Abu Musa Al-Ash'ari (may Allah be pleased with him): "He wrote to 'Umar concerning a woman who was approached by a man while she was asleep. She said: 'A man came to me while I was sleeping; by Allah, I did not realize it until he discharged in me like a spark of fire.' 'Umar wrote back: 'Console her and let her be; such a thing can happen,' and he ordered that the fixed penalty be warded off from her." (ʿAbd al-Razzāq al-Ṣanʿānī, n.d., Vol. 7, p. 409, Hadith 13666; Ibn ʿAbd al-Barr, n.d., Vol. 6, p. 510)

3. Concealment (Al-Satar) Regarding Crimes Not Involving Specific Rights of Fellow Humans:

Among the key manifestations of mercy in punishment is that Allah made concealing the offender in matters of fixed penalties (hudud) preferable to exposing him and raising his matter to the ruler. It is recommended (mustahabb) for a Muslim to conceal his brother, particularly in matters concerning the rights of Allah where the harm is limited to the offender and does not extend to others (Amīn Afandī & ʿAlī Ḥaydar Khawājah, 1991, Vol. 4, p. 345; Al-Mawsūʿah al-Fiqhiyyah al-Kuwaytiyyah, n.d., Vol. 12, pp. 40–44; Al-ʿAwāyishah, 2002, Vol. 6, p. 15; Sayyid Sābiq, 1977, Vol. 2, p. 363). Proofs for this include:

- What was narrated on the authority of Abu Hurairah (may Allah be pleased with her/him) that the Messenger of Allah (peace be upon him) said: "Whoever conceals [the fault of] a Muslim, Allah will conceal him in this world and the Hereafter." (Ibn Mājah, n.d., Vol. 2, p. 850, Hadith 2544)
- What was narrated on the authority of Yazid bin Nu'aym, from his father, that Ma'iz came to the Prophet (peace be upon him) and confessed before him four times, so he ordered him to be stoned, and said to Hazzal: "If you had concealed him with your garment, it would have been better for you." (Abū Dāwūd, n.d., Vol. 4, p. 134, Hadith 4377)

The point of evidence in this Hadith is that Ma'iz was instructed by Hazzal to go to the Messenger of Allah (peace be upon him) and inform him of his crime. The Prophet (peace be upon him) clarified to Hazzal that concealing him would have been better and more appropriate. From this, scholars deduced the recommendation (istihbab) of a Muslim covering the faults of his fellow Muslim. (Ibn ʿAbd al-Barr, n.d., Vol. 7, p. 465)

4. Legislation of Blood Money (Diyah) and Pardon ('Afw) in Retributive Punishment (Qisas):

It is out of Allah's mercy to His servants that He legislated blood money (diyah) as an alternative punishment to retribution (qisas) (Al-Mawsūʿah al-Fiqhiyyah al-Kuwaytiyyah, n.d., Vol. 21, p. 51), or allowed the victim or the victim's family to pardon the offender. Allah Almighty gave them the choice between seeking retribution, waiving it in exchange for blood money, or granting a full pardon—making the latter two options highly recommended (mustahabb). Proofs for this include:

- Allah Almighty says:

"O you who have believed, prescribed for you is legal retribution (qisas) for those murdered: the free for the free, the slave for the slave, and the female for the female. But whoever overlooks anything for his brother, then there should be a suitable follow-up and payment to him with good conduct. This is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment." (Surah Al-Baqarah 2:178)

This verse indicates the legislation of blood money in place of retribution, or pardon in place of both retribution and blood money, and that this serves as an alleviation from Allah and a mercy to His servants in crimes requiring retribution against life or lesser injuries (Ibn Kathīr, 1999, Vol. 1, pp. 490–491).

- What was narrated on the authority of Anas bin Malik (may Allah be pleased with him), who said: "No case involving retribution (qisas) was brought before the Messenger of Allah (peace be upon him) except that he ordered pardon." (Ibn Mājah, n.d., Vol. 2, p. 898, Hadith 2692; Al-Nasā'ī, n.d., Vol. 6, p. 349, Hadith 6960)

The Hadith demonstrates the Prophet's (peace be upon him) preference for pardon over retribution, as he encouraged and incentivized his companions to choose pardon over qisas. The Prophet (peace be upon him) was not eager or keen to execute punishments; rather, they were instituted as a last resort to deter and prevent offenders.

- What was narrated on the authority of Abu Shurayh Al-Khuza'i (may Allah be pleased with him) that the Messenger of Allah (peace be upon him) said: "Whoever suffers a homicide or a wound (khabal) has the choice between one of three options; if he desires a fourth, take him by the hands: to execute retribution, to pardon, or to accept blood money (diyah). Whoever does any of these and then transgresses afterward, for him is the fire of Hell, wherein he shall abide eternally." (Ibn Mājah, n.d., Vol. 2, p. 875, Hadith 2623)

This Hadith explicitly indicates that the victim or their family has the choice between one of three options: demanding retribution, pardoning the offender, or accepting blood money in place of retribution. (Al-Harawī, n.d., Vol. 6, p. 2275, Hadith 3477)

Third Section: Purposes of Punishment in Islamic Legislation (Aghrad al-'Uqubah)

Punishment in Islam is legislated for noble objectives and grand purposes, the most important of which are:

First Subsection: Protection of Society and Its Order

First Branch: Elimination or Reduction of Crimes (Deterrence)

It is established among Muslim scholars that Sharia-prescribed punishments were instituted solely to rectify the condition of people, benefit them, and avert harm from them; they were never intended for malice or sheer infliction of pain upon offenders. Rather, they constitute an integrated system whose goal is to protect society from deviance and crime and to safeguard its major interests. This cannot be achieved except through deterrence, which aims to reform individual members of society. (Ibn al-ʿArabī, 2003, Vol. 3, p. 335)

The Sharia-intended purpose behind legislating these punishments and their accompanying financial indemnities (arush) and blood money (diyyat) is none other than disciplining and reforming offenders and transgressors (ʿAwām, 2020). Hence, jurists defined punishment as: "Deterrents instituted by Allah Almighty to prevent the commission of what He prohibited and the neglect of what He commanded." (Al-Mawsūʿah al-Fiqhiyyah al-Kuwaytiyyah, n.d., Vol. 35, p. 38)

If we ponder the manner in which certain punishments are executed—specifically the penalty of hand amputation, which is characterized by being carried out publicly in the presence of a group of Muslims—we find that it exerts a profound effect within society. It deters and intimidates anyone who might be tempted to commit such a crime, as they take a lesson from those who preceded them and envision themselves in their place (Al-Zuḥaylī, n.d., Vol. 7, p. 5313). For this reason, the Prophet (peace be upon him) was stringent regarding the execution of fixed penalties (hudud) once they reached the ruler or his deputy, prohibiting intercession regardless of the offender's status or standing, so that the culprit serves as an example for others (See previously cited source), thereby preserving society from manifestations of deviance and reducing crime.

Second Branch: Achievement of Security

This is an inevitable outcome of the objective to eliminate and reduce crimes. By realizing this objective, security and stability are established within society, allowing people to live under the shadow of the glorious Sharia in peace and safety, while preserving Sharia objectives and people's interests. Proof for this includes the statement of Allah Almighty:

"And there is for you in legal retribution (qisas) [preservation of] life, O you of understanding, that you may become righteous." (Surah Al-Baqarah 2:179)

This noble verse points to the importance of legal retribution as one of the prescribed Sharia punishments, as it safeguards the lives of all. When legal retribution is enforced, anyone intending to kill or assault others is deterred out of fear of being subjected to retribution himself; thus he saves himself and saves others. Furthermore, legal retribution eradicates the practice of blood revenge (tha'r) that prevailed during the pre-Islamic era of ignorance (Jahiliyyah), thereby achieving psychological security and allowing people to live in safety (Al-Qurṭubī, n.d., Vol. 2, p. 256).

Third Branch: Realization of Justice

We have previously noted that one of the most vital characteristics of Sharia-prescribed punishments is justice in punishment. This means: "satisfying the public sentiment of society that whoever committed the crime has received the appropriate punishment, so that it serves as a deterrence to other offenders" (Rabīʿ, Al-Fāʿūrī, & Al-ʿAfīf, 2010, p. 171), regardless of the offender's standing or status.

Justice is considered one of the most fundamental principles and supreme ideals of Islamic Sharia. Our Lord, Glorified and Exalted be He, commanded it, saying:

"Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah advises you. Indeed, Allah is ever Hearing and Seeing." (Surah An-Nisa 4:58)

And He says:

"O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah; indeed, Allah is Aware of what you do." (Surah Al-Ma'idah 5:8)

Through these verses, Allah commanded us to act with justice and demonstrated that justice, as an immutable value, must not be abandoned even when dealing with opponents and enemies (ʿImrān Muḥammad, 2021, pp. 85–86).

Justice also shines as a clear purpose behind the legislation of Sharia punishments through the encouragement in sacred texts of equality among people in applying punishment, and the prohibition of intercession once the matter reaches the ruler or his deputy. The Prophet (peace be upon him) said in denunciation to Usamah (may Allah be pleased with him): "Do you intercede regarding one of the fixed legal penalties (hudud) of Allah?" He then said: "Indeed, those before you were destroyed because when a noble person among them stole, they let him go; but when a weak person among them stole, they executed the prescribed penalty upon him. By Allah, if Fatimah, the daughter of Muhammad, were to steal, I would cut off her hand!"(See previously cited source)

Second Subsection: Satisfying the Victim and Their Guardian, and Expiating the Offender's Sins

First Branch: Satisfying the Victim and Their Guardian

Human nature is innately inclined toward the love of vengeance and retaliation against whoever oppresses or assaults it in any form. Therefore, one of the most prominent purposes of Sharia-prescribed punishments within the framework of Islamic criminal justice is to satisfy the victim and their guardian (wali), alleviate their desire for individual revenge, and soothe their grievances. This is accomplished by executing legal retribution (qisas) upon the offender and restoring the victim's right from them, or by compensating the victim or their guardians financially or morally. This imparts a sense of psychological reassurance and the feeling of regaining the usurped right. It also fosters a sense of equality with the offender regardless of the latter's standing or power, by virtue of the dual characteristics of justice and equality in punishment.

If we ponder certain Sharia-prescribed penalties, such as the penalty for slanderous accusation of unchastity (hadd al-qadhf), we find that one of its most vital purposes is to restore the victim's honor, refute the allegation against them, and satisfy them. Allah Almighty says:

"And those who accuse chaste women and then do not produce four witnesses - flog them with eighty lashes and do not accept from them testimony ever after, and those are the defiantly disobedient. Except for those who repent thereafter and reform, for indeed, Allah is Forgiving and Merciful." (Surah An-Nur 24:4–5)

Shaykh Muhammad al-Tahir ibn 'Ashur stated:

"As for satisfying the victim, it is because human nature inherently harbors hatred toward one who intentionally assaults it and anger toward one who assaults by mistake, driving it toward revenge. Such revenge can never be just, as it stems from hatred and anger that impair deliberation and obscure the light of justice." (Ibn ʿĀshūr, 2004, Vol. 3, p. 550)

"Thus, it was among the objectives of the Sharia to assume responsibility for this satisfaction and set a boundary to abolish ancient blood feuds. For this reason, the Messenger of Allah (peace be upon him) stated in his sermon during the Farewell Pilgrimage: 'Indeed, the blood claims of the Jahiliyyah (pre-Islamic era) are abolished.'" (Ibn Mājah, n.d., Vol. 2, p. 1015, Hadith 3055; Al-Nasā’ī, n.d., Vol. 4, p. 193, Hadith 4085)

"This meaning—that of satisfying the victim—is grander in the eyes of the Sharia than the concept of reforming the offender. Consequently, it was given precedence when both could not be reconciled, as in the case of retribution (qisas), wherein the aspect of reforming the offender is forfeited in favor of prioritizing the satisfaction of the victim." (Ibn ʿĀshūr, 2004, Vol. 3, p. 551)

Second Branch: Expiating the Offender's Sins

It is indicated in the Sunnah of the Chosen One (peace be upon him) that Sharia-prescribed punishments—whether fixed penalties (hudud), legal retribution (qisas), or discretionary punishments (ta'azir)—serve as an expiation for the sins of the repentant, remorseful Muslim offender. One of the objectives of these punishments in Islamic Sharia is to expedite the offender's punishment in this worldly life and purify them from sins and transgressions. The Prophet (peace be upon him) said:

"When Allah intends good for His servant, He expedites the punishment for him in this world." (Al-Tirmidhī, n.d., Vol. 4, p. 179, Hadith 2396)

Therefore, enduring worldly punishment for a crime alongside remorse, acceptance, and submission is considered a purification from the sin and an expiation for the transgression. Proof for this includes what was narrated on the authority of 'Ubadah bin al-Samit (may Allah be pleased with him) that the Messenger of Allah (peace be upon him) said while a group of his companions was around him:

"Pledge allegiance to me that you will not associate anything with Allah, nor steal, nor commit adultery, nor kill your children, nor bring a slander that you forge between your hands and feet, nor disobey in what is right.

Whoever among you fulfills this, his reward is with Allah; and whoever commits any of these things and is punished for it in this world, it will be an expiation for him. And whoever commits any of these things and Allah conceals it for him, his matter is with Allah: if He wills, He will forgive him, and if He wills, He will punish him." So we pledged allegiance to him upon that. (Al-Bukhārī, n.d., Vol. 1, p. 12, Hadith 18)

This Hadith—specifically the Prophet's statement: "and whoever commits any of these things and is punished for it in this world, it will be an expiation for him"—clearly indicates that whoever receives their due punishment in worldly life through any of the Sharia-prescribed penalties receives an expiation that wipes away the sin and waives its punishment in the Hereafter, for it is out of Allah's mercy to His servants that He does not combine two punishments upon a servant. (Qāsim, 1990, Vol. 1, p. 97)

Third Subsection: Preserving Essential Objectives

One of the most important purposes of punishment in the Islamic criminal justice system is the preservation of the objectives (Maqasid) of Islamic Sharia (Ladraʿ, 2009–2010, p. 7), in order to secure the interests (Masalih) of creation in both this world and the Hereafter. These objectives are classified, according to the interests they aim to protect, into three categories, the most important of which are the **"Essential Objectives"** (Al-Maqasid Al-Daruriyyah) (Al-Yūbī, 1998, pp. 179–334). Therefore, we find that this category of objectives has been surrounded by various types of Sharia-prescribed penalties aimed at its protection and preservation. No essential objective is left without a fixed penalty (Hadd), legal retribution (Qisas), or discretionary punishment (Ta'zir) to deter and restrain anyone whose soul entices them to transgress against it. Thus, the totality of punishments in the Islamic criminal justice system plays a major role in preserving these Five Essentials (Al-Kulliyyat Al-Khams), detailed as follows:

First Branch: Preserving Religion

Allah Almighty commanded His servants to affirm His Oneness and worship Him alone without any partner (Al-Yūbī, 1998, p. 182), saying:

"And I did not create the jinn and mankind except to worship Me." (Surah Adh-Dhariyat 51:56)

He forbade disbelief and polytheism, saying:

"And whoever exchanges faith for disbelief has certainly strayed from the soundness of the way." Surah Al-Baqarah 2:108) []

He urged them toward faith and various acts of worship that preserve this great objective, and accordingly established Sharia-prescribed punishments to safeguard religion and protect it from corruption in any form. Thus, the Prophet (peace be upon him) instituted the prescribed penalty for apostasy (Hadd al-Riddah) so that anyone seeking Islam would be earnest in their faith, embracing it only after complete conviction. He (peace be upon him) said:

"Whoever changes his religion, execute him." (Al-Bukhārī, n.d., Vol. 9, p. 15, Hadith 6922)

This penalty, along with other discretionary punishments—such as the punishment for abandoning prayer or fasting, innovating in religion, or showing disregard for its teachings—serves as nothing less than restraints established by the Lawgiver to preserve and safeguard this objective.

Second Branch: Preserving Life

Human life holds immense sanctity in Islamic Sharia, ranking immediately after the sanctity of religion (Al-Yūbī, 1998, p. 211). The Lord of the Worlds clarified this to us, saying:

"Because of that, We decreed upon the Children of Israel that whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely. And Our messengers had certainly come to them with clear proofs, then indeed many of them, even after that, throughout the land were transgressors." (Surah Al-Ma'idah 5:32)

Therefore, to safeguard its existence and preserve it, severe penalties were legislated, represented by legal retribution (Qisas) regarding life or less than life, or blood-money (Diyah) as an alternative punishment. Allah Almighty says:

"And there is for you in legal retribution [saving of] life, O you of understanding, that you may become righteous." (Surah Al-Baqarah 2:179)

This implies that the purpose of legislating retribution is to preserve human lives and protect them from aggression by deterring and restraining people whenever their souls entice them to commit such acts. The Arabs

historically expressed this wisdom by saying: "Killing is most effective in eliminating killing." (Al-Bayhaqī, 1981, Vol. 1, p. 256)Retribution was also legislated for injuries short of death, establishing penalties for those who assault limbs to deter people from committing such acts. Allah Almighty says:

"And We ordained for them therein a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds is legal retribution." (Surah Al-Ma'idah 5:45)

Thus, the paramount purpose of these Sharia-prescribed penalties is the preservation and safeguarding of human life. (Ibn Farḥūn, 1986, Vol. 2, pp. 138–139)

Third Branch: Preserving the Intellect

The intellect ('Aql) is a grand divine gift and a major favor with which Allah blessed human beings, distinguishing them from animals. For this reason, its preservation is one of the Five Essentials and universal principles in Islamic legislation, as the intellect is the basis of legal responsibility (manat al-taklif). Islam protected it from everything that could harm it or cause it impairment; thus, it prohibited wine and all intoxicants due to their negative effects and numerous harms reflecting upon the mind. Allah Almighty says:

"O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone altars [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful." (Surah Al-Ma'idah 5:90)

The Prophet (peace be upon him) also said:

"Every intoxicant is khamr (wine), and every intoxicant is unlawful." (Muslim, n.d., Vol. 3, p. 1587, Hadith 2003)

Islamic Sharia did not stop at prohibiting intoxicants and highlighting their harms; rather, it established a legal penalty represented in the "prescribed penalty for drinking intoxicants" (Hadd Shurb al-Khamr) (Al-Amīr, n.d., Vol. 2, pp. 443–445; Al-Mawsūʿah al-Fiqhiyyah al-Kuwaytiyyah, n.d., Vol. 6, pp. 25–30). The Prophet (peace be upon him) confirmed flogging the drinker to safeguard and preserve the objective of the intellect, saying:

"Whoever drinks intoxicants, flog him." (Al-Tirmidhī, n.d., Vol. 3, p. 101, Hadith 1444)

It is authentically established from him (peace be upon him) that he flogged the drinker of intoxicants forty lashes, Abu Bakr (may Allah be pleased with him) likewise flogged forty lashes, and 'Umar (may Allah be pleased with him) after them flogged eighty lashes. On the authority of Anas bin Malik (may Allah be pleased with him):

"The Prophet of Allah (peace be upon him) gave a beating with palm-leaf stalks and sandals for drinking wine. Afterwards, Abu Bakr gave forty lashes. When 'Umar [became Caliph] and the people drew near to the rural and urban areas, he said: 'What do you think about flogging for drinking wine?' 'Abd al-Rahman bin 'Auf said: 'I think you should make it equal to the lightest of the prescribed penalties.' So 'Umar administered eighty lashes." (Muslim, n.d., Vol. 3, p. 1331, Hadith 1706)

The aim and purpose of this Sharia criminal penalty was the preservation and safeguarding of the intellect, as it is considered one of the major objectives of Sharia and a universal principle among its Five Essentials.

Fourth Branch: Preserving Progeny

By this is meant the preservation of the human species in terms of its continuity and the prevention of lineage confusion. Islam has given great attention to this objective, calling for its multiplication (Al-Yūbī, 1998, pp. 245–257). Allah legislated marriage and encouraged it, saying:

"And marry the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-Encompassing and Knowing." (Surah An-Nur 24:32)

And He said:

"Then marry those that seem good to you of women, two or three or four. But if you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice]." (Surah An-Nisa 4:3)

The Prophet (peace be upon him) urged towards it, saying:

"O young men, whoever among you can afford marriage, let him marry, for it is more effective in lowering the gaze and guarding chastity. And whoever cannot, then he should fast, for it is a shield for him." (Al-Bukhārī, n.d., Vol. 7, p. 3, Hadith 5066; Muslim, n.d., Vol. 2, p. 1018, Hadith 1400)

The Wise Lawgiver forbade everything that harms progeny or leads to lineage confusion or damage to any complementary objective serving it, such as lineage (nasab) and honor ('ard) (Al-Yūbī, 1998, p. 252). Thus, He prohibited adultery and fornication (zina), saying:

"And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way." (Surah Al-Isra 17:32)

Rather, the Lawgiver established Sharia-prescribed penalties aimed at preserving progeny and its complementary objectives and safeguarding them. He attached a prescribed penalty (hadd) to the crime of zina to ward off the harms and corruptions that might afflict progeny, saying:

"The woman and the man guilty of illegal sexual intercourse - flog each one of them with a hundred lashes, and do not be taken by pity for them in the religion of Allah, if you should believe in Allah and the Last Day. And let a group of the believers witness their punishment." (Surah An-Nur 24:2)

This verse indicates the penalty for zina, which is one hundred lashes, while mandating the presence of a group of Muslims during the execution of this penalty as a deterrent and restraint against the crime of zina (Al-Yūsuf, 1984, Vol. 1, p. 34). Furthermore, we find that the Noble Prophetic Sunnah intensified and toughened this penalty: the Prophet (peace be upon him) established stoning to death for the married adulterer or adulteress (muhsan) (see the previously cited reports concerning Māʿiz and al-Ghāmidiyyah), and exile for one year for the unmarried virgin (bikr) (See previously cited source.).

We also find that the Lawgiver set another Sharia-prescribed penalty, represented in the "prescribed penalty for slanderous accusation" (Hadd al-Qadhf). Its purpose is the preservation of honor, which falls under the objective of progeny and is considered a complementary and serving objective to it, in order to protect people's honor, pride, and dignity. Allah Almighty says:

"And those who accuse chaste women and then do not produce four witnesses - flog them with eighty lashes and do not accept from them testimony ever after, and those are the defiantly disobedient." (Surah An-Nur 24:4)

Through this Sharia-prescribed penalty, Islamic jurisprudence fought the motives leading to this crime to deter and frighten people away from such offenses (ʿAwdah, n.d., Vol. 1, p. 646). Upon reflecting on the five types of prescribed penalties (hudud), we find that two of them—namely, "the penalty for zina" and "the penalty for qadhf"—aim to protect and preserve the "objective of progeny."

Fifth Branch: Preserving Wealth

Wealth is considered the backbone and foundation of life. People require it to establish their lives and reform their livelihoods, and no individual can dispense with it, as it fulfills their needs and serves their religious and worldly interests. Therefore, Islamic Sharia urged its preservation in terms of both existence and non-extinction. Allah Almighty said, encouraging His servants to seek provision and earning:

"And when the prayer has been concluded, disperse within the land and seek from the bounty of Allah, and remember Allah often that you may succeed." (Surah Al-Jumu'ah 62:10)

And He said, forbidding the unlawful consumption of people's property:

"And do not consume one another's wealth unjustly or send it [in bribes] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin while you know [it is unlawful]." (Surah Al-Baqarah 2:188)

Sharia legislated prescribed (hadd) and discretionary (ta'zir) penalties aimed at preserving this essential objective from aggression and preventing the wrongful and hostile seizure of others' wealth (Al-Yūbī, 1998, pp. 283–294). Thus, Allah enacted the "penalty for theft" (Hadd al-Sariqah) for anyone whose soul entices them to encroach upon others' property, saying:

"[As for] the thief, the male and the female, amputate their hands in recompense for what they committed as a deterrent [punishment] from Allah. And Allah is Exalted in Might and Wise." (Surah Al-Ma'idah 5:38)

Amputation of the hand is not prescribed in Sharia except for the penalties of theft and banditry (Hadd al-Hirabah), as the punishment fits the crime. Since the offender stole using their hand, the hand is amputated to sever the limb that was made a tool of aggression against people and the unlawful taking of their wealth.

The crime of theft may also be organized and armed, making its harm greater and its offense more severe. Therefore, Islamic Sharia legislated a penalty proportionate to the gravity and harm of the offense (International Union of Muslim Scholars, n.d.). This penalty is distinguished in the "penalty for banditry" (Hadd al-Hirabah) in the saying of the Almighty:

"Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth [causing] corruption is none other than that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great punishment." (Surah Al-Ma'idah 5:33)

Whoever reflects on these two penalties and others will find that the Sharia objective and purpose of their legislation is the preservation and protection of people's wealth, as well as the restraint and deterrence of criminals, rather than malice or revenge against them. Attached to this is the discretionary punishment (ta'zir) of usurpers (ghussab) and their likes (Ibn Farḥūn, 1986, Vol. 2, p. 139).

Conclusion

Justice in its general concept, and criminal justice in particular, is considered one of the most vital foundations of Islamic legislation. Through it, the components of individual, family, and social life are preserved, and rights, interests, and legal objectives (Maqasid) are safeguarded. It is an integrated system designed to protect society from crimes and deviations, as well as to deter and prevent offenders.

The following are the key findings of this research:

- **Primary Purpose of Penalties:** The ultimate goal of legislating penalties in Islam is to safeguard society from afflictions and crimes by deterring and preventing offenders, rather than merely inflicting punishment or malice upon them.
- **Principle of Legality:** One of the most prominent characteristics of penalties in Islam is the principle of "legality of punishment," which dictates that any penalty must be grounded in an explicit, definitive text (Nass) of Islamic law or in a juristic reasoning (Ijtihad) rooted in the Quran and Sunnah.
- **Foundational Principles:** Key pillars of penalties in Islamic legislation include the principles of mercy and absolute equality among all individuals, without exception or discrimination.
- **Preservation of Objectives:** A paramount purpose of Sharia-prescribed penalties is to preserve the objectives of Islamic Law (Maqasid al-Shari'ah), chief among which are the Essential Objectives (Al-Maqasid Al-Daruriyyah).
- **Restorative and Expiatory Roles:** The purposes of punishment in Islamic legislation include satisfying the victim and their guardian (wali), as well as expiating the sins of the offender.

References

Al-ʿAdawī, ʿAlī al-Ṣaʿīdī. (n.d.). Ḥāshiyat al-ʿAdawī ʿalā Kifāyat al-Ṭālib al-Rabbānī [Al-ʿAdawī's marginal commentary on Kifāyat al-Ṭālib al-Rabbānī] (Vol. 2).

Al-Albānī, M. N. (n.d.). Ṣaḥīḥ Sunan al-Nasāʾī [Authentic collection of Sunan al-Nasāʾī].

Al-Amīr, ʿIzz al-Dīn Abū Ibrāhīm M. ibn Ismāʿīl. (n.d.). Subul al-salām [The paths of peace] (Vol. 2). Dār al-Ḥadīth.

Al-ʿAwāyishah, Ḥ. ibn ʿAwdah. (n.d.). Al-Mawsūʿah al-fiqhiyyah al-muyassarah fī fiqh al-kitāb wa-al-sunnah al-muṭahharah [The accessible encyclopedia of Islamic jurisprudence based on the Qur'an and the purified Sunnah] (Vol. 6). Al-Maktabah al-Islāmiyyah.

Al-Baghawī, H. ibn Masʿūd. (2000). Maʿālim al-tanzīl [Landmarks of revelation] (ʿAbd al-Razzāq al-Mahdī, Ed.; Vol. 2). Dār Iḥyāʾ al-Turāth al-ʿArabī.

Al-Bayhaqī, A. ibn al-Ḥusayn. (1981). Al-Iʿtiqād wa-al-hidāyah ilā sabīl al-rashād [The creed and guidance to the path of righteousness] (A. ʿIṣām al-Kātib, Ed.; Vol. 1). Dār al-Āfāq al-Jadīdah.

Al-Bayhaqī, A. ibn al-Ḥusayn. (n.d.). Al-Sunan al-kubrā [The major collection of Sunnah] (Vol. 8).

Al-Bayhaqī, A. ibn al-Ḥusayn. (n.d.). Maʿrifat al-sunan wa-al-āthār [Knowledge of the Sunnah and reports] (Vol. 12).

Al-Buhūtī, M. ibn Yūnus. (n.d.). Kashshāf al-qināʿ ʿan matn al-Iqnāʿ [The uncovering of the veil from the text of Al-Iqnāʿ] (Vol. 6).

Al-Bukhārī, M. ibn Ismāʿīl. (n.d.). Ṣaḥīḥ al-Bukhārī [The authentic collection of al-Bukhārī].

Al-Dusūqī, M. ibn Aḥmad. (n.d.). Ḥāshiyat al-Dusūqī ʿalā al-Sharḥ al-kabīr [Al-Dusūqī's marginal commentary on Al-Sharḥ al-kabīr] (Vol. 4).

Al-Fayyūmī, A. ibn M. (1986). Al-Miṣbāḥ al-munīr [The illuminating lamp]. Al-Maṭbaʿah al-Amīriyyah.

Al-Harawī, ʿAlī ibn Sulṭān M. (n.d.). Mirqāt al-mafātīḥ sharḥ Mishkāt al-maṣābīḥ [The ascent of the keys: Commentary on Mishkāt al-maṣābīḥ] (Vol. 6).

Al-Ḥaṣkafī, M. ibn ʿAlī. (n.d.). Al-Durr al-mukhtār [The selected pearl] (Vol. 4).

Al-Ḥaṭṭāb, M. ibn M. al-Ruʿaynī. (n.d.). Mawāhib al-jalīl [The gifts of the majestic] (Vol. 6).

Al-Haythamī, A. ibn Ḥajar. (n.d.). Tuḥfat al-muḥtāj [The gift for the needy] (Vol. 8).

Al-Jaṣṣāṣ, A. ibn ʿAlī. (n.d.). Aḥkām al-Qurʾān [The legal rulings of the Qur'an] (Vol. 5).

Al-Jawharī, I. ibn Ḥammād. (n.d.). Al-Ṣiḥāḥ [The authentic Arabic lexicon] (Vol. 2).

Al-Jazīrī, ʿA. ibn M. (2003). Al-Fiqh ʿalā al-madhāhib al-arbaʿah [Islamic jurisprudence according to the four schools] (Vol. 5). Dār al-Kutub al-ʿIlmiyyah.

Al-Kāsānī, ʿA. ibn M. (n.d.). Badāʾiʿ al-ṣanāʾiʿ [The masterpieces of craftsmanship] (Vol. 7).

Al-Māwardī, ʿA. ibn M. (n.d.). Al-Aḥkām al-sulṭāniyyah [The ordinances of government]. Dār al-Ḥadīth.

Al-Māwardī, ʿA. ibn M. (n.d.). Al-Ḥāwī al-kabīr [The comprehensive compendium] (Vol. 13).

Al-Mawsūʿah al-Fiqhiyyah al-Kuwaytiyyah. (n.d.). Al-Mawsūʿah al-fiqhiyyah al-Kuwaytiyyah [Kuwaiti encyclopedia of Islamic jurisprudence] (Vols. 6, 12, 17, 21, 24, 30, 32, 33, 35). Wizārat al-Awqāf wa-al-Shuʾūn al-Islāmiyyah.

Al-Nafrawī, A. ibn G. (1995). Al-Fawākih al-dawānī [The pleasant fruits] (Vol. 2). Dār al-Fikr.

Al-Nasāʾī, A. ibn Shuʿayb. (n.d.). Sunan al-Nasāʾī [The Sunnah collection of al-Nasāʾī].

Al-Nawawī, Y. ibn Sharaf. (n.d.). Al-Majmūʿ sharḥ al-Muhadhdhab [The compendium: Commentary on Al-Muhadhdhab] (Vol. 18). Dār al-Fikr.

Al-Nawawī, Y. ibn Sharaf. (n.d.). Minhāj al-ṭālibīn [The path of the seekers].

Al-Nawawī, Y. ibn Sharaf. (n.d.). Rawḍat al-ṭālibīn [The garden of the seekers] (Vol. 10).

Al-Qurṭubī, M. ibn Aḥmad. (1964). Al-Jāmiʿ li-aḥkām al-Qurʾān [The comprehensive commentary on the legal rulings of the Qur'an] (A. al-Bardūnī & I. Aṭfīsh, Eds.; Vol. 7). Dār al-Kutub al-Miṣriyyah.

Al-Qurṭubī, M. ibn Aḥmad. (n.d.). Al-Jāmiʿ li-aḥkām al-Qurʾān [The comprehensive commentary on the legal rulings of the Qur'an] (Vol. 2).

Al-Ramlī, M. ibn Aḥmad. (n.d.). Nihāyat al-muḥtāj [The ultimate need] (Vol. 8).

Al-Ruḥaybānī, M. ibn Aḥmad. (n.d.). Maṭālib ulī al-nuhā [The demands of those endowed with understanding] (Vol. 6).

Al-Sarakhsī, M. ibn Aḥmad. (n.d.). Al-Mabsūṭ [The extended work] (Vol. 9).

Al-Sarakhsī, M. ibn Aḥmad. (n.d.). Al-Mabsūṭ [The extended work] (Vol. 27).

Al-Shādhilī, Ḥ. ʿAlī. (n.d.). Al-Jināyāt fī al-fiqh al-Islāmī: Dirāsah muqāranah bayna al-fiqh al-Islāmī wa-al-qānūn [Felonies in Islamic jurisprudence: A comparative study between Islamic jurisprudence and law]. Dār al-Kitāb al-Jāmiʿī.

Al-Shawkānī, M. ibn ʿAlī. (1993). Nayl al-awṭār [The attainment of the objectives] (Vol. 7). Dār al-Ḥadīth.

Al-Shīrāzī, N. ibn ʿUmar. (1998). Anwār al-tanzīl wa-asrār al-taʾwīl [The lights of revelation and the secrets of interpretation] (M. al-Marʿashlī, Ed.; Vol. 3). Dār Iḥyāʾ al-Turāth al-ʿArabī.

Al-Shirbīnī, M. ibn Aḥmad. (n.d.). Mughnī al-muḥtāj [The guide to understanding the needy] (Vol. 4).

Al-Ṭabarānī, S. ibn Aḥmad. (n.d.). Al-Muʿjam al-awsaṭ [The intermediate dictionary] (Vol. 2).

Al-Ṭabarī, M. ibn Jarīr. (2000). Jāmiʿ al-bayān [The comprehensive exposition of the interpretation of the Qur'an] (A. Shākir, Ed.; Vol. 3). Muʾassasat al-Risālah.

Al-Ṭabarī, M. ibn Jarīr. (n.d.). Jāmiʿ al-bayān [The comprehensive exposition of the interpretation of the Qur’an] (Vol. 12).

Al-Tirmidhī, M. ibn ʿĪsā. (n.d.). Sunan al-Tirmidhī [The Sunnah collection of al-Tirmidhī].

Al-Yūbī, M. S. (1998). Maqāṣid al-sharīʿah al-Islāmiyyah wa-ʿalāqatuhā bi-al-adillah al-sharʿiyyah [The objectives of Islamic law and their relationship to the legal proofs]. Dār al-Hijrah li-al-Nashr wa-al-Tawzīʿ.

Al-Yūsuf, ʿAbd al-Raḥmān ibn ʿAbd al-Khāliq. (1984). Wujūb taṭbīq al-ḥudūd al-sharʿiyyah [The obligation to implement the Islamic legal punishments] (Vol. 1). Maktabat Ibn Taymiyyah.

Al-Zabīdī, M. M. (1966). Tāj al-ʿarūs min jawāhir al-qāmūs [The crown of the bride from the jewels of the dictionary] (ʿAlī al-Hilālī, Ed.). Maṭbaʿat Ḥukūmat al-Kuwayt.

Al-Zaylaʿī, F. ibn ʿAlī. (n.d.). Tabyīn al-ḥaqāʾiq sharḥ Kanz al-daqāʾiq [Clarification of the truths: Commentary on Kanz al-daqāʾiq] (Vols. 3, 6).

Al-Zuḥaylī, W. (n.d.). Al-Fiqh al-Islāmī wa-adillatuh [Islamic jurisprudence and its evidences] (Vol. 7). Dār al-Fikr.

Ibn ʿAbd al-Barr, Y. ibn ʿAbd Allāh. (2000). Al-Istidhkār [The recollection] (S. M. ʿAṭā & M. ʿAlī Muʿawwaḍ, Eds.; Vol. 8). Dār al-Kutub al-ʿIlmiyyah.

Ibn ʿAbd al-Barr, Y. ibn ʿAbd Allāh. (n.d.). Al-Istidhkār [The recollection] (Vols. 6–8).

Ibn ʿAbd al-Barr, Y. ibn ʿAbd Allāh. (n.d.). Al-Kāfī [The sufficient] (Vol. 1).

Ibn ʿAbd al-Barr, Y. ibn ʿAbd Allāh. (n.d.). Al-Tamhīd [The preface] (Vols. 5, 15, 23).

Ibn ʿĀbidīn, M. Amīn ibn ʿUmar. (n.d.). Al-Durr al-mukhtār [The selected pearl] (Vol. 4).

Ibn al-Athīr, M. ibn M. (n.d.). Al-Nihāyah fī gharīb al-ḥadīth wa-al-athar [The ultimate reference concerning uncommon terms in Hadith and reports] (Vols. 1, 4).

Ibn al-Mundhir, M. ibn Ibrāhīm. (n.d.). Al-Ijmāʿ [The consensus].

Ibn al-Qayyim, M. ibn Abī Bakr. (n.d.). Al-Ṭuruq al-ḥukmiyyah [The juridical methods] .

Ibn al-Qayyim, M. ibn Abī Bakr. (n.d.). Iʿlām al-muwaqqiʿīn ʿan Rabb al-ʿālamīn [Informing those who issue legal opinions on behalf of the Lord of the worlds] (Vol. 2).

Ibn Ḍuwayyān, I. ibn Sālim. (1989). Manār al-sabīl fī sharḥ al-dalīl [The guide to the path: Commentary on Al-Dalīl] (Z. al-Shāwīsh, Ed.; Vol. 2). Al-Maktab al-Islāmī.

Ibn Farḥūn, I. ibn ʿAlī al-Yaʿmurī. (1986). Tabsirat al-ḥukkām fī uṣūl al-aqḍiyah wa-manāhij al-aḥkām [The judges’ guide to the principles of judicial cases and methods of legal rulings] (Vol. 2). Maktabat al-Kulliyyāt al-Azhariyyah.

Ibn Fāris, A. ibn Fāris. (n.d.). Maqāyīs al-lughah [Standards of the Arabic language].

Ibn Ḥajar al-ʿAsqalānī, A. ibn ʿAlī. (n.d.). Fatḥ al-Bārī sharḥ Ṣaḥīḥ al-Bukhārī [The opening of the Creator: Commentary on Ṣaḥīḥ al-Bukhārī] (M. F. ʿAbd al-Bāqī, Numbering and organization; Vol. 12). Dār al-Maʿrifah.

Ibn Ḥazm, ʿAlī ibn Aḥmad. (n.d.). Al-Muḥallā bi-al-āthār [The adorned treatise with reports] (Vol. 12).

Ibn Ḥazm, ʿAlī ibn Aḥmad. (n.d.). Marātib al-ijmāʿ [The levels of consensus].

Ibn Hubayrah, Y. ibn M. (2002). Ikhtilāf al-aʾimmah al-ʿulamāʾ [The disagreements among the leading scholars] (Al-Sayyid Yūsuf Aḥmad, Ed.; Vol. 2). Dār al-Kutub al-ʿIlmiyyah.

Ibn Kathīr, I. ibn ʿUmar. (1999). Tafsīr al-Qurʾān al-ʿaẓīm [Exegesis of the Qur’an] (S. ibn M. Salāmah, Ed.; Vol. 1). Dār Ṭayyibah li-al-Nashr wa-al-Tawzīʿ.

Ibn Mājah, M. ibn Yazīd. (n.d.). Sunan Ibn Mājah [The Sunnah collection of Ibn Mājah].

Ibn Manẓūr, M. ibn Mukarram. (n.d.). Lisān al-ʿArab [The Arabic language] (Dār Ṣādir).

Ibn Mufliḥ, M. ibn Mufliḥ. (n.d.). Al-Furūʿ [The branches] (Vol. 10).

Ibn Nujaym, Z. ibn Ibrāhīm. (n.d.). Al-Baḥr al-rāʾiq [The flowing sea] (Vols. 5, 8).

Ibn Qudāmah, ʿA. ibn Aḥmad. (1968). Al-Mughnī [The sufficient] (Vol. 9). Maktabat al-Qāhirah.

Ibn Qudāmah, ʿA. ibn Aḥmad. (n.d.). Al-Mughnī [The sufficient] (Vols. 8–10).

Ibn Rushd, M. ibn Aḥmad. (n.d.). Bidāyat al-mujtahid wa-nihāyat al-muqtaṣid [The beginning for the independent jurist and the end for the moderate jurist] (Vols. 2, 4).

Ibn Sīdah, ʿAlī ibn Ismāʿīl. (n.d.). Al-Muḥkam wa-al-muḥīṭ al-aʿẓam [The definitive dictionary and the great comprehensive dictionary] (Vol. 9).

Ibn Taymiyyah, A. ibn ʿAbd al-Ḥalīm. (n.d.). Majmūʿ al-fatāwā [Collected legal opinions] (Vols. 7, 28, 30).

Ladraʿ, K. (2009–2010). Maqāṣid al-sharīʿah al-Islāmiyyah [The objectives of Islamic law]. University of Emir Abdelkader, Faculty of Usul al-Din.

Muslim ibn al-Ḥajjāj. (n.d.). Ṣaḥīḥ Muslim [The authentic collection of Muslim].

Qāḍī ʿIyāḍ, ʿIyāḍ ibn Mūsā. (n.d.). Ikmāl al-muʿlim bi-fawāʾid Muslim [Completing the knowledge of the benefits of Muslim] (Vol. 3).

Qāḍī ʿIyāḍ, ʿIyāḍ ibn Mūsā. (n.d.). Mashāriq al-anwār [The rising places of the lights] (Vol. 2).

Qāsim, Ḥ. M. (1990). Manār al-qārī sharḥ Mukhtaṣar Ṣaḥīḥ al-Bukhārī [The guide of the reader: Commentary on the abridged Ṣaḥīḥ al-Bukhārī] (ʿAbd al-Qādir al-Arnāʾūṭ, Rev.; Vol. 1). Maktabat Dār al-Bayān & Maktabat al-Muʾayyad.

Rabīʿ, ʿI. M., Al-Fāʿūrī, F., & Al-ʿAfīf, M. (2010). Uṣūl ʿilm al-ijrām wa-al-ʿiqāb [Foundations of criminology and punishment]. Dār Wāʾil li-al-Nashr.

Sayyid Sābiq. (1977). Fiqh al-sunnah [Jurisprudence of the Sunnah] (Vol. 2). Dār al-Kitāb al-ʿArabī.