

Criminal Justice in Islam

Judicial Procedure
in the Shari'a

M. Abdel Haleem, Adel
Omar Sharif and Ian Edge

Criminal Justice In Islam Judicial Procedure In The Shariah

M. Cherif Bassiouni



Criminal Justice In Islam Judicial Procedure In The Shariah:

Criminal Justice in Islam M. A. Abdel Haleem, 'Ādil 'Umar Sharīf, Kate Daniels, 2003 An array of judicial talent considers all aspects of Islamic criminal procedure with the firm emphasis on its practical application today in modern states Where do Islamic courts operate in the modern world What training does an Islamic judge receive How does an Islamic court deal with a criminal case What proof and evidence does it accept What law and practice do the Islamic judges apply to transgressions by Westerners in Saudi Arabia whether they be accused of murder adultery or drinking alcohol This text attempts to answer these and many more crucial questions of Islamic law as they Criminal Justice in Islam Kate Daniels, 2003-08-22 Where do Islamic courts still operate in the modern world What training does an Islamic judge receive How does an Islamic court deal with a criminal case What proof and evidence does it accept What penalties may an Islamic judge impose in criminal matters What law and practice do the Islamic judges apply to transgressions by Westerners in Saudi Arabia whether they be accused of murder adultery or drinking alcohol This book attempts to answer all the above crucial basic yet difficult questions of Islamic law A formidable array of judicial talent considers all aspects of Islamic criminal procedure with the firm emphasis on its practical application in modern states today Controversial cases are dealt with and explained from an Islamic point of view with the aim of informing a Western audience of the objectivity and fair process inherent in the Islamic system *Corpus Juris of Islamic International Criminal Justice* Farhad Malekian, 2018-09-30 This pioneering scholarly oeuvre evaluates the major comparative philosophy of Islamic international criminal justice It represents an in depth analysis of the necessities of creating an Islamic international criminal court its possible jurisdiction proceedings judgments and sanctions It implies a court functioning under the legal personality of the International Criminal Court with comparative international criminal lawyers with basic knowledge of Shariah contributing to the prevention of crimes and impunity at an international level The morality and philosophy of Islamic justice are highly relevant with reference to the atrocities committed explicitly or implicitly under the pretext of Islamic rules by superiors groups and governments The volume focuses on substantive criminal law and three methods of the criminal procedure namely the inquisitorial adversarial and acquisitorial The first two constitute the corpus juris of civil and common law systems The third term presents a hybrid of the first two methods The intention is to enhance the scope of each method of the criminal procedure comprehensively The volume examines their variations and effects on a shared system of international criminal justice The inherence of comparable norms in the foundation of Islamic and international criminal law affirms their efficiency in the implementation of the essence of the complementarity principle This book will appeal to readers who are interested in comparative criminal law international criminal justice and Shariah criminal law It is recommended for course literature **Legal Maxims in Islamic Criminal Law: Theory and Applications** Luqman Zakariyah, 2015-10-14 Using contemporary illustrations Legal Maxims in Islamic Criminal Law delves into the theoretical and practical studies of al Qawaid al Fiqhiyyah in Islamic legal theory It elucidates

the importance of this concept in the application of Islamic law and demonstrates how the concept relates to the objectives of Islamic law *maq id al Shar ah* generally Included in this examination are the following maxims *al Um r bi Maq idih* Matters shall be Judged by their Objectives *al Yaq n l Yaz l bi sh Shakk* Certainty Cannot be Overruled by Doubt *al Mashaqqat Tajlib at Tays r* Hardship begets Facility *L arar wa l ir r* No Injury or Harm shall be Inflicted or Reciprocated and *al da Mu akkama* Custom is Authoritative *The Shari'a and Islamic Criminal Justice in Time of War and Peace* M. Cherif Bassiouni, 2014 Shows that the shari a and Islamic law are compatible with contemporary international human rights laws and norms and appropriate for use in Muslim societies **A Bibliography of Islamic Criminal Law** Olaf Köndgen, 2021-12-06 In A Bibliography of Islamic Criminal Law Olaf Köndgen offers the most extensive bibliography on Islamic criminal law ever compiled Drawing on a multitude of sources online and offline A Bibliography of Islamic Criminal Law covers in its thematic section not only the classical crime categories of *ud d qi* and *ta z r* but also a large number of newly emerging and related fields In a second section dedicated to countries and eras Köndgen comprehensively covers the historical and modern application of Islamic criminal law in all its forms Unlocking the richness of this sub field of Islamic law with the help of two detailed indices this innovative reference work is highly relevant for all those researching Islamic law in general and the application of Islamic criminal law over time in particular See also A Bibliography of Islamic Criminal Law Supplement

Islamic Theology, Philosophy and Law Birgit Krawietz, Georges Tamer, 2013-08-29 A unique collection of studies the present volume sheds new light on central themes of Ibn Taymiyya s 661 1263 728 1328 and Ibn Qayyim al Jawziyya s 691 1292 751 1350 thought and the relevance of their ideas to diverse Muslim societies Investigating their positions in Islamic theology philosophy and law the contributions discuss a wide range of subjects e g law and order the divine compulsion of human beings the eternity of eschatological punishment the treatment of Sufi terminology and the proper Islamic attitude towards Christianity Notably a section of the book is dedicated to analyzing Ibn Taymiyya s struggle for and against reason as well as his image as a philosopher in contemporary Islamic thought Several articles present the influential legacy of both thinkers in shaping an Islamic discourse facing the challenges of modernity This volume will be especially useful for students and scholars of Islamic studies philosophy sociology theology and history of ideas **Issues in Islamic Law** Mashood A. Baderin, 2017-07-05 Islamic substantive law otherwise called branches of the law *furu al fiqh* covers the textual provisions and jurisprudential rulings relating to specific transactions under Islamic law It is to Islamic substantive law that the rules of Islamic legal theory are applied The relationship between Islamic legal theory and Islamic substantive law is metaphorically described by Islamic jurists as a process of cultivation *istithmar* whereby the qualified jurist *mujtahid* as the cultivator uses relevant rules of legal theory to harvest the substantive law on specific issues in form of fruits *thamarat* from the sources The articles in this volume engage critically with selected substantive issues in Islamic law including family law law of inheritance law of financial transactions criminal law judicial procedure and international law *al siyar* These areas of substantive law

have been selected due to their contemporary relevance and application in different parts of the Muslim world today The volume features an introductory overview of the subject as well as a comprehensive bibliography to aid further research

Gender Justice in Islamic Law Musa Usman Abubakar, 2018-06-14 This book seeks to interrogate the classical fiqh formulation on gender and homicide with a view to exploring further the debate on whether the so called gender injustice in Islamic law is a human creation or attributable to the divine sources of the Qur'an and Sunnah The study is in response to the increasing criticism of the Islamic criminal law regime and the accusation that it discriminates on the basis of gender It argues that any attempt to critique a religious question through the lens of traditional Western human rights ideals would be resisted by the vast majority of Muslims An examination of the question and any suggested solutions offered would be much more effective if situated within the system they identify with that is to address the question of gender justice deficit from within the Islamic legal tradition Focusing on Nigeria and Pakistan the book achieves this by drawing on classical fiqh literature contemporary literature legislative sources and relevant case law Islamic Criminal Law and Procedure

Matthew Lippman, Seán McConville, Mordechai Yerusalmi, 1988-08-08 2 The origins of Islamic law *Evidence for the Crucifixion and Resurrection of Jesus Christ Examined through Islamic Law* Suheil Madanat, 2023-08-31 For almost 1 400 years Christians have wrestled with appropriate ways to defend their claims to truth in the context of Islam Dr Suheil Madanat proposes that the answer lies neither in the antagonization of polemics nor apologetic arguments rooted in Western legal systems but instead in utilizing the authority of Islamic law itself While evidence for the resurrection has been legally examined since the seventeenth century legal apologetics has primarily utilized secular law systems such as Anglo American common law In this study Dr Madanat tests evidence for the crucifixion and resurrection against Islam's fixed theocratic law of Sharia Offering an overview of the evolution and constitution of Islamic law Dr Madanat examines how eyewitness testimonies and confessions in the New Testament hold up against Islam's strict standards for evidence Authenticating the Gospels using the same standards Islamic scholars use to defend the authenticity of the Qur'an and Sunna Madanat examines the testimonies of the four evangelists the confessions of James and Paul and the circumstantial evidence offered by archeology church history and the Christian impact on civilization This book engages with Islam and its sacred texts seriously and with respect providing a powerful resource for those interested in apologetics and comparative religion **Juridical Perspectives between Islam and the West** Federico Lorenzo Ramaioli, 2024-01-01 This comparative philosophy of law book aims at formulating a new analytical approach to the Islamic legal tradition based on juridical categories a concept that facilitates comprehension and understanding of juridical phenomena Building upon legal comparativism and legal pluralism this project intends to avoid bias caused by universalizing Western categories when analyzing foreign juridical notions which inevitably results in the miscomprehension of non Western ideas and institutions Unlike existing literature this project will not focus on substantive comparisons between normative contents but on the juridical perspectives that helped to shape the

Islamic and Western legal orders The book focuses on the most relevant juridical questions regarding the Islamic and Western legal perspectives such as the different visions regarding juridical spatiality the role of human reason and the relationship between law man and the divinity While contributing to legal philosophy this work intends also to develop and define a new interdisciplinary approach aiming to provide a starting point for novel analyses in research fields such as legal comparativism legal pluralism and constitutional law Finally by formulating a new interdisciplinary approach it will provide a foundational discussion of a continuously evolving subject that will never be exhaustively explored As such it aims at broadening scholarly reflections on the relationship between the West and Islam eventually placing these concepts within a suitably comprehensive and contextualized framework Published in cooperation with gLAWcal Global Law Initiatives for Sustainable Development Hornchurch Essex United Kingdom

Islam and International Law, 2013-07-15 Islam and International Law explores the complex and multi faceted relationship of international law and Islam both as a religion and a legal order Current debates on Sharia Islam and the West often suffer from prejudice platitudes and stereotypes on both sides The present book seeks to engage such self centrism by providing a plurality of perspectives both in terms of interdisciplinary research and geographic backgrounds The volume thus brings together 20 contributions from scholars who cover pressing issues in fields such as the use of force in Islamic international law Islam s contribution to the development of diplomacy and the rule of law controversies as to the role of the individual human rights and international criminal law as well as Islamic visions of world order in a globalizing world Contributors Awn S Al Khasawneh Asma Afsaruddin Mohd Hisham Mohd Kamal Necmettin Kizilkaya Muhammad Munir Labeeb Ahmed Bsoul Khaled Ramadan Bashir Harriet Rudolph Irmgard Marboe Abdulmumini A Oba Javaid Rehman Lorenz Langer Abdul Ghafur Hamid Khin Maung Sein Mashood A Baderin Markus Beham Matthias Cernusca Maurits S Berger Gregor Novak Muddathir Abdel Rahim

Islamic Criminal Law: Oxford Bibliographies Online Research Guide Oxford University Press, 2010-05-01 This ebook is a selective guide designed to help scholars and students of Islamic studies find reliable sources of information by directing them to the best available scholarly materials in whatever form or format they appear from books chapters and journal articles to online archives electronic data sets and blogs Written by a leading international authority on the subject the ebook provides bibliographic information supported by direct recommendations about which sources to consult and editorial commentary to make it clear how the cited sources are interrelated related A reader will discover for instance the most reliable introductions and overviews to the topic and the most important publications on various areas of scholarly interest within this topic In Islamic studies as in other disciplines researchers at all levels are drowning in potentially useful scholarly information and this guide has been created as a tool for cutting through that material to find the exact source you need This ebook is a static version of an article from Oxford Bibliographies Online Islamic Studies a dynamic continuously updated online resource designed to provide authoritative guidance through scholarship and other materials relevant to the study of

the Islamic religion and Muslim cultures Oxford Bibliographies Online covers most subject disciplines within the social science and humanities for more information visit [www aboutobo com](http://www.aboutobo.com) Principles of Islamic International Criminal Law Farhad Malekian,2011-06-22 The goal of this book is to minimize the misunderstandings and conflicts between International law and Islamic law The objective is to bring peace into justice and justice into peace for the prevention of violations of human rights law humanitarian law international criminal law and impunity Comparative and International Criminal Justice Systems Dale June,2013-05-13 Comparative and International Criminal Justice Systems Policing Judiciary and Corrections Third Edition examines the history dynamics structure organization and processes in the criminal justice systems in a number of selected countries Designed for courses in comparative criminal justice systems comparative criminology and international **The Rome Statute and Islamic Law** Majed Handi Alsolami,2024-09-16 This book examines in depth the degree of compatibility and incompatibility between the general principles and jurisdiction of Islamic law and international criminal law the Rome Statute It discusses the controversy related to the non ratification of the Rome Statute by some Islamic and Arab countries The author analyses arguments that maintain that Islamic law cannot be compatible with international criminal law and makes it clear that there are no fundamental differences between the principles of Islamic law and the principles of international criminal law The book considers Saudi Arabia as a case for reference **Saudi Business Law in Practice** Frank E Vogel,2019-11-14 In this landmark publication the world s leading expert in the legal system of Saudi Arabia explains and documents the uncoded principles of contract tort and property that frame the business laws of the Kingdom Drawing on 8 500 newly published court decisions as well as on statutory law interviews and a wide range of other material the book sets out to determine the actual practice of Saudi courts in these spheres both substantively and as to reasoning and procedure With unique insights into and understanding of this fascinating jurisdiction this book simply must be read by all engaged with law or business in the region Also given its focus on how certain Islamic legal rules and principles are applied in practice the book will prove an invaluable resource for scholars of Islamic law past and present

Between God and the Sultan Knut S. Vikør,2005 The contrast between religion and law has been continuous throughout Muslim history Islamic law has always existed in a tension between these two forces God who gave the law and the state the sultan representing society and implementing the law This tension and dynamic have created a very particular history for the law in how it was formulated and by whom in its theoretical basis and its actual rules and in how it was practiced in historical reality from the time of its formation until today That is the main theme of this book Knut S Vikør introduces the development and practice of Islamic law to a wide readership students lawyers and the growing number of those interested in Islamic civilization He summarizes the main concepts of Islamic jurisprudence discusses debates concerning the historicity of Islamic sources of dogma and the dating of early Islamic law describes the classic practice of the law in the formulation and elaboration of legal rules and practice in the courts and sets out various substantive legal rules on

such vital matters as the family and economic activity *Islamic Public Law - Islamic Law in Theory and Practice* Ahmed Akgunduz, 2011-11-01 Islamic law contains explications and divisions that imply a classification in terms of public and private law In this book we will explain the outlines of Islamic public law e g First Chapter Islamic constitutional law al siy saḥ al shar iyyah and administrative law al siy saḥ al shar iyyah Second Chapter penal law al uq b t Third Chapter financial law zak t ushr ar j and other taxes Fourth Chapter trial law qa and Fifth Chapter international public law al siyar The fields of especially Islamic constitutional law administrative law financial law ta z r penalties and arrangements concerning military law based on the restricted legislative authority vested by Shar ah rules and those jurisprudential decrees based on secondary sources like customs and traditions and the public good maslahah all fell under what was variously called public law al siy saḥ al shar iyyah Shar ah policy q n n legal code q n nn mah orf uq q etc Since these laws could not go beyond Shar ah principles either at least in theory they should not be regarded as a legal system outside of Islamic law But Islamic penal law financial law trial law and international law depend mostly on rules that are based directly on the Qur an and the Sunnah and codified in books of fiqh Islamic law called Shar ah rules Shar i shar f or Shar ah law Such rules formed 85% of the legal system In this book we will focus on some controversial problems in the Muslim world today such as the form of government in Islamic law and the relation between Islam and democracy Islamic law does not stipulate a certain method of state government nonetheless we may say that the principles it decrees and its concept of sovereignty suggest a religious republic As a matter of fact ulaf al R shid n the Rightly Guided Caliphs were both caliphs and religious republican presidents We could say that this book has three main characteristics i We have tried to base our explanations directly on the primary Islamic law sources For example after reading some articles on the caliphate or t m r system in articles or books by some Western scholars and even by some Muslim scholars one might conclude that there are different views on these subjects among Muslim scholars This is not true Muslims have agreed on the basic rules on legal subjects but there are some conflicts regarding nuances and interpretations If one reads works by Im m Gazzali Ibn Taymiyyah al M wardi and al Farr one will not find any disagreement on the main rules but there are some different interpretations of some concepts We have tried to discover where they agreed and we have sometimes pointed to where they differed ii We have researched practices of Islamic law especially legal documents in the Ottoman archives For example we explain add i sariqa but also mention some legal articles from the Ottoman legal codes q nunn mes and some Shar ah court decisions like legal decrees i l m t i shar iyyah It is well known that nobody can understand any legal system without implementing and practicing it That also holds for Islamic law because theory alone does not yield a complete understanding of Shar ah rules iii We have worked hard to correct some misconceptions and misunderstandings about Islamic law That is why we appeal to the primary sources For example some scholars claim that the anaf jurist Im m Sara s did not accept the idea of punishment for apostasy We have studied his work al Mabs t and found this claim to be unfounded The comparison between t m r and fief is another example

because the t m r system is different from the fief system Some scholars confuse the concept of sovereignty and governance
The Islamic state is not a theocratic state in the sense in which Europeans understand the term

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