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## The Concept of Punishment in Islam

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### Details of Fatwa

Title of Fatwa	<b>The Concept of Punishment in Islam</b>
Date of Reply	05/Jan/2006
Topic Of Fatwa	Misconceptions
Country Applied	United Kingdom
Question of Fatwa	As-Salamu `alaykum! I have a Christian friend who asked me why punishment in Islam like stoning to death, cutting the hand off, etc., is so cruel and inhumane? I said that it is better to be punished in this world than be tormented in the Hereafter. I need more explanation from you. Jazakum Allahu Khayrun.
Name of Mufti	<u>IOL Shari`ah Researchers</u>

### Content of Reply

**Wa `alaykum As-Salamu wa Rahmatullahi wa Barakatuh.**

**In the Name of Allah, Most Gracious, Most Merciful.**

**All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.**

Thank you very much for having confidence in us. We appreciate your question. We implore Allah to support us in achieving the noble task placed on our shoulders; He is the Ever-Kind and Most Gracious!

As regards your question, or rather, the inquiry of your Christian friend, it needs to be stressed that to understand why a certain punishment in Islam is prescribed for a crime we need to know first of all the nature of the legal system that set the punishment, what are the objectives to be realized behind the prescription of such punishment.

“Punishment has always played an integral part in the concept of justice. We all know or at least expect that if you do something wrong you are subject to punishment in some way or another. This is only fair. Humankind is charged with the responsibility for the choices they make. This is because they are created with the freedom of choice and granted the moral sense of right and wrong. Accordingly, one is not to be punished for the actions of others, or for acts done under duress or because of insanity. All people are equal and innocent until proven guilty: only then punishment is considered.

Islam considers crime an act of injustice towards society, a sin against oneself and a transgression against Allah. Punishment is not atonement nor does it erase the sin. A sin is only forgiven through repentance. However, crime is an act of inflicting harm upon society that cannot be forgiven by repentance alone.

The object of all penal systems is to punish the offender and protect society from reoccurrence of the crime. Punishment serves as an educational purpose, as well as a form of crime deterrent and prevention and the system used must achieve this aim. However, if societies were to rely only upon their systems of