**The concept of punishment in Islam**

Allah creates human being with intellect to execute both right and wrong. Doing wrong is inherent nature of mankind which started from the initial stage of human being creation. Allah prescribed punishment for evil deeds and reward for good deeds in the day of ultimate judgment. In fact, Allah also identifies punishment to offences for safeguard individual and society in the world. The object of the Islamic criminal law is to control the commission of the offences to defend the rights and interest of the public and assure peace in the society. Punishment is the actual method to protect and safeguard society against crimes and is thus a social need. The Holy Quran states, “whoever works evil, will be requited accordingly.”

The Islamic theory of punishment derives from the Holy Quran and the Hadith. On the whole, the Holy Quran has about 200 verses dealing with the legal issues. The main goal of Islamic Penology is to secure human welfare, maintain peace and to establish a righteous society. It is very clearly enunciated in the Holy Quran that Allah has sent His messengers and the Holy Quran, so that men can establish justice. It is categorically expressed as: “God commands justice, righteousness, and spending on one’s relatives, and prohibits licentiousness, wrongdoing, and injustice”. Though Islamic law is based on divine sources, it is a living body of law that addresses the needs of Islamic society. In the light of the parameters laid down in the Quran, the science of *Fiqah* has developed a detailed legal system whereby complex issues can be examined.

Two important complementary characteristics of Islamic punishments are: (a) the severity of the punishment, to discourage the crime and limit its occurrence; (b) the difficulty in establishing the guilt that reduces the opportunities for carrying out the punishment and accords protection to the accused. If there is an iota of doubt, punishment is waived. These components complement each other so that the crime is effectively discouraged. The fact that the punishment is severe makes people abstain from committing crime. They also provide a safeguard to the rights of the accused and mere false accusations cannot become a ground for punishment. Islam recognizes equally the society’s general security and the individual offender’s rights.

The Islamic Penal system describes three types of punishments: prescribed punishments (hudud) retribution (Qisas) and discretionary punishments (tazir).

1. **Prescribed punishments(Hadud)**

Prescribed punishments or hadud are crimes where the punishment is ascribed by Allah and is thus unchangeable. Hadud crime consists of unlawful sexual intercourse), false allegation of sexual intercourse, drinking intoxicants, theft, robbery, apostasy, and rebellion. Punishment for the crime committed shall be imposed only when the evidence is established beyond all reasonable doubt. This is based on the hadith of the Prophet (SAW) “set aside hudud punishments in cases of doubt”. Prescribed punishments or hududare fixed punishments and neither can be increased, nor decreased. Judges, any political authority or the family of victim cannot waive these punishments.

1. **Retribution (Qisas)**

In retribution, same injury is caused to the offender of the crime as punishment that he inflicted upon the victim. Intentional murder by a person requires the killing of the offender and if he severed the limb of the victim, or caused him hurt, then his own limb is to be cut off or injured. Allah says in the Holy Quran: “O! You who believe, retribution is prescribed for you in the case of murder; the free for the free, the slave for the slave, the woman for the woman.” At another place, retribution has been explained as: "Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal". Islam, actually, discourages bloodshed in any form. As soon as blood flows, Islam punishes such crime in a different way. Retribution provides one of the most important elements of peace, protection and security in the society. “Retribution is life for you”. However, the underlying principal is equal and exact. “The punishment for an injury is an injury equal to it”.

It is not intended to rehabilitate the criminal but to exact retribution and revenge as commanded by Allah. However, the punishment is inflicted by the state and not by the victim or his family. If punishment is inflicted by the victim himself or his family, this is called revenge and “revenge of bloodshed” is forbidden in Islam. Criminal intent is an important parameter and there is no retribution for any act or omission done accidentally or by mistake. The victim or his family can pardon the perpetrator as well.

1. **Discretionary punishment (tazir)**

In Islamic Law, refers to punishment for offenses at the discretion of the judge or ruler of the state. It is one of three major types of punishments or sanctions under Sharia Islamic law. The discretionary punishments are flexible enough to take into account the needs of individual and society and also to realize the maximum general benefit to society and the reformation possibilities of the criminal. Starting from exhortations and reprimands to flogging, to fines, and to imprisonment, Islamic Law has defined different types of discretionary punishments. Legal authorities enjoy discretionary powers, within the general framework of Islamic Law.