The Islamic Sharia is a unique religious law, which does not contradict the reason, so why is there a need for Hudūd (legal prescribed punishments)?

The Hudūd have been prescribed to deter and punish whoever causes corruption deliberately. This is proven by the fact that they are not put in action in cases of unintentional killing or theft that is driven by hunger and dire need. Moreover, Hudūd are not implemented when it comes to minors, insane people, or mental patients. They are basically prescribed to protect the society, and their severity serves an interest that is ensured by religion for the society, which should be a cause of happiness for the society members. The existence of Hudūd is a mercy for people and a means for ensuring their security, thus, none would have an objection to such Hudūd except criminals, highway robbers, and corruptors out of fear for themselves. Some of these Hudūd already exist in man-made laws like the Hadd (legal prescribed punishment) of execution and others.

Those who criticize such punishments take the criminal's interest into account and forget the society's interest. They sympathize with the culprit and neglect the victim. They condemn the severity of the punishment and overlook the brutality of the crime.

Had they coupled the punishment with the crime, they would have become certain of the justice of the Sharia penalties and of its appropriateness for the crimes. On recalling, for instance, how the thief sneaks under the cover of the night, breaks locks, aims his weapon, and terrifies people; violating by that people's privacy and intending to kill whoever tries to stop him, since murder frequently takes place as an excuse to complete the theft or escape its consequences without any sense of reason, we come to realize the profound wisdom behind the severity of the Sharia penalties.

The same applies to the rest of penalties, we only have to recall the crimes that incur such punishments with the dangers and damages, the oppression and

aggression they cause to be certain that Allah Almighty has prescribed for every crime an appropriate punishment, and for every deed a suitable recompense.

{...And your Lord does not wrong anyone.} [180] Surat al-Kahf: 49.

Before imposing deterring punishments, Islam has offered methods of upbringing and precaution sufficient to keep the criminals away from the crimes they committed only if they had understanding hearts or merciful souls. Moreover, Islam never implements such punishments except after making sure that the perpetrator committed the crime without any justification or a doubt of necessity. Committing crime, after all this, indicates one's corruption and perversion and, thus, his deserving of such painful and deterring punishments.

Islam has worked on distributing wealth fairly and has allocated a known portion of the rich people's properties to the poor. It has made it obligatory to provide for one's wife and relatives, and has enjoined the acts of honoring the guest and treating the neighbor kindly. It has made the state responsible for supporting its members by providing them with sufficiency in terms of essential needs including food, clothing, and habitation so they can have a good and decent life. The state also supports its members by helping those who have the ability to work to find a decent job and enabling everyone to work according to his ability, and by providing equal opportunities for all.

Let us assume that a person retuned home to find all his family members killed by someone for the sake of theft or revenge. Then, this person was arrested and imprisoned for a certain period of time, be it short or long, where he eats and benefits from the facilities available in prison, which is provided by the victim through the taxes he pays.

What would be the reaction of this victim at this moment? He would either go insane or would become a drug addict to forget about his pains. If that same situation occurred in a country that applies the Islamic Sharia, the authorities would act in a totally different manner. They would bring the criminal to the victims' family to decide what should be done to him. They could either choose legal retribution, which is exact justice, or choose the Diyyah, which is the blood money paid for murdering a free human being as a sort of compensation, or

choose to pardon him, which is better.

{...But if you pardon and overlook, and forgive, then Allah is indeed All-Forgiving, Most Merciful.} [181] Surat at-Taghābun: 14.

Anyone who studies the Islamic Sharia is quite aware that Hudūd (legal punishments) are nothing but an educational and a precautionary method rather than a vindictive act or a desire to implement such punishments. For example,

before implementing any of the Hudūd, all precautions must be taken with deliberation, benefit of doubt given, and uncertainty cleared before applying the punishment, as the Prophet (may Allah's peace and blessings be upon him) said: "Ward off Hudūd (legal prescribed punishments) by doubtful evidence."

Whoever falls into error and Allah conceals it, and he does not expose himself in public is not be subject to punishment, as Islam forbids spying on people and exposing their secrets.

Moreover, the victim's pardon of the offender suspends the Hadd.

{...But if one is pardoned by the victim’s guardian, then a fair ransom of blood-money should be set and paid in best way. This is a concession and a mercy from your Lord...} [182] Surat al-Baqarah: 178.

Furthermore, the offender must have a free will and must not be under coercion when committing the crime, as the Hadd is not to be implemented on the coerced since the Prophet (may Allah's peace and blessings be upon him) said:

"My Ummah (people) have been forgiven what they do by mistake or due to forgetfulness and what they do under coercion." [183] Sahīh (authentic) Hadīth.

There is a wisdom behind imposing heavy Sharia penalties, which are brutal and barbaric according to their claim; as the murderer is to be killed, the adulterer is to be stoned, the thief's hand is to be cut off, etc. The wisdom lies in the fact that such crimes are considered the primary crimes as each of them entails a violation of one or more of the five major necessities: religion, life, offspring, property, and mind, and all man-made legislations and laws throughout time have agreed on the obligation of protecting and maintaining these necessities without which life will remain deficient.

That is why the perpetrator of any of these crimes deserves a heavy penalty to restrain him and deter others.

The Islamic methodology must be adopted as a whole and its Hudūd must not be implemented apart from the Islamic teachings concerning the economic and social approaches. In fact, people's remoteness from the right teachings of religion is what drives some to commit crimes. We have seen how such major crimes ruin many of the countries that do not apply the Islamic Sharia despite all their potentialities and abilities and all their material and technical progress.

The number of verses in the Noble Qur’an is 6348 and the number of verses that tackle Hudūd do not exceed ten verses, and they were put with profound wisdom by One Who is All-Wise, All-Aware. How could one miss the opportunity of enjoying the process of reading and applying this methodology, which is considered unique of its kind by many non-Muslims, only because they do not know the wisdom behind ten verses?!

Questions and Answers about Islam
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