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VERSES OF THE HOLY QUR'AN ON CRIME AND PUNISHMENT

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Abstract. This article examines Qur'anic verses on crime and punishment within the broader framework of Islamic legal thought. The Holy Qur'an is presented not only as a doctrinal and ethical source, but also as a legal source encompassing major branches of law, including criminal law. The crimes mentioned in the Qur'an may be divided into two categories: offences for which specific punishments are prescribed and offences for which no fixed punishment is explicitly stated. These include adultery, false accusation, theft, rebellion, homicide, bodily injury, bribery, usury, false testimony, intoxicants, gambling, backbiting, and commercial deception. The study of Sharia rules concerning crime and punishment is of both theoretical and practical significance, particularly for the development of legal thought grounded in justice, legality, and human dignity.

Keywords. Qur'an, Islamic law, criminal law, crime, punishment, legal verses, qisas, theft, slander, homicide, justice, human dignity.

The Holy Qur'an is a divine Book revealed by Allah to Prophet Muhammad (pubh), over a period of twenty-three years, during the era of Prophethood from 610 to 632, and it consists of 114 surahs, 6,210 verses, and 77,434 words[1].

According to the well-known jurist Muhammad Yusuf Musa, the Qur'an contains legal verses in the following areas:

1) 140 verses concerning the rights of Allah, or practical acts of worship;

2) 70 concerning personal law, including family matters, divorce, wills, and related issues;

3) 70 concerning transactions or civil law, such as sale, lease, pledge, debt, partnership, and similar matters;

4) 30 concerning crime and punishment;

5) 20 concerning the court, legal procedure, testimony, and related matters[2];

6) 3 concerning public law, making a total of 333 legal verses in the Qur'an[3].

What fundamentally distinguishes the Qur'an from other divine scriptures is that it is not merely a doctrinal and ideological source, but also a source of law and ethics. In the view of the renowned philosopher Ibn Rushd, this is one of the great miracles of the Qur'an[4].

Thus, alongside religious and doctrinal matters, the Holy Qur'an reflects all branches of law, including criminal law. The Qur'an speaks of numerous crimes, and these may be studied in two groups[5]:

1) crimes for which a definite punishment is prescribed;

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[1] A. Sh. Juzjoniy. Islom huquqshunosligi, hanafiy mazhabi va O'rta Osiyo faqihlari. – Toshkent: TIU, 2002. – B. 63.

[2] Abdulvahhob Xallof. Ilmu usuli-l-fiqh va xulasatu-t-tashri'i-l-islami. – Cairo,1950. – P. 293.

[3] A. Sh. Juzjoniy. Islom huquqshunosligi, hanafiy mazhabi va O'rta Osiyo faqihlari. – Toshkent: TIU, 2002. – B. 65.

[4] Shaykh Muhammad Huzariybak. Tarixu-t-tashri'i-l-islami. – P. 24.

[5] M. Rajabova. Shariatda jinoyat va jazo. – Toshkent: Adolat, 1996. – P. 26.

2) crimes for which no definite punishment is prescribed.

Crimes with prescribed punishments include adultery. In order to preserve human lineage, prevent severe diseases, and ensure that people live in a manner befitting human dignity rather than animal instinct, Islam strongly condemns sexual relations outside marriage. The Holy Qur'an prescribes a clear punishment for this offence: "The fornicating woman and the fornicating man, flog each one of them with one hundred stripes. No pity for them should prevail upon you in the matter of Allah's religion, if you really believe in Allah and the Last Day; and a group of believers must witness their punishment" (Al-Nuur, 2).

This punishment applies to an unmarried man and an unmarried woman. The wording of the verse concerning the punishment of married offenders was removed from the Qur'anic text by the command of the Prophet (pubh), while its legal ruling remained in force[6][7], accordingly, the punishment for married men and women who commit adultery is understood as death by stoning[8].

Slander is likewise regarded as a punishable offence. Since the protection of personal honor and social stability occupies an important place in Islamic law, the false accusation of a chaste woman is treated as slander, for which the Holy Qur'an prescribes a specific punishment[9]: "Those who accuse the chaste women (of fornication), but they do not produce four witnesses, flog them with eighty stripes and do not accept their any evidence any more. They are the sinners" (Al-Nuur, 4).

This verse demonstrates the high status of human dignity and honor. Even if one person claims to have witnessed such an act, that alone is not sufficient to establish guilt; in this sense, the passage may be understood as reflecting the principle of the presumption of innocence in Islamic law.

Theft is likewise treated as a serious offence against property and social order. The Qur'an prescribes the punishment of cutting off the hands of the male thief and the female thief: "As for a man or a woman who commits theft, cut off the hands of both to punish them for what they earned, a deterrent punishment from Allah. Allah is Mighty, Wise".(Al-Ma'idah, 38).

Yet in Sharia this punishment is subject to strict conditions: the stolen property must amount to at least ten dirhams or something of equivalent value, the offender must have reached maturity, the property must belong to a specific owner, it must have been taken secretly from a protected place rather than from the street, and the punishment may be carried out only if the thief confesses or if two witnesses testify against him[10].

Apostasy and rebellion constitute another category of grave offences. The Qur'anic verse states: "Those who fight against Allah and His Messenger and run about trying to spread disorder on the earth, their punishment is no other than that they shall be killed, or be crucified, or their hands and legs be cut off from different sides, or they be kept away from the land (they live in).

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[6] Although the recitation of this verse was abrogated and removed from the text of the Qur'an, its legal ruling remained in force.

[7] A. Mansur. Qur'oni karim ma'nolarining tarjima va tafsiri. – Toshkent: TIU, 2004. – B. 350.

[8] Alouddin Mansur. Qur'oni karim o'zbekcha izohli tarjima. – Toshkent: Cho'lpon, 1992. – P. 250.

[9] Only a person who accuses a woman of adultery and fails to produce four witnesses as proof is punished in the manner prescribed in the verse.

[10] A. Mansur. Qur'oni karim ma'nolarining tarjima va tafsiri. – Toshkent: TIU, 2004. – B. 114.

That is a humiliation for them in this world, and for them there is a great punishment in the Hereafter." (Al-Ma'idah, 33).

As stated in the hadith narrated by Imam al-Bukhari, the occasion for the revelation of this verse was that a group of people from the tribes of Ukl and Urayna came to Madinah and falsely professed Islam in the presence of the Messenger of Allah. Later, complaining that the climate of Madinah did not suit them and that they had fallen ill, they were permitted by the Prophet (pbuh) to go outside the city and drink the milk of the camels that had been brought as charity. However, they then killed the camel-herd and drove the camels away. After these apostates and hypocrites fled, a group of Muslims was sent after them and was ordered to punish them. They were captured, their hands and feet were cut off, their eyes were gouged out, and they were left half-dead in a place called Harrah outside the city. The Messenger, peace be upon him, prohibited acts of torture such as gouging out eyes and cutting off ears and noses, and instead encouraged charity and benevolence[11].

Thus, the noble verse indicates that those who spread corruption on earth are equated with those who wage war against Allah and His Messenger, and that by prescribing definite punishments for them, the gravity of this crime in the sight of Allah is made clear. Those who act in opposition to Allah and His Messenger are none but unjust disbelievers. People who spread corruption and raise rebellion on earth are regarded in the sight of Allah as being of the same category, and severe punishments have therefore been prescribed for them. The verse also makes clear that, in such cases, one among several punishments may be applied to the offender.

Homicide is regarded as one of the gravest offences, for human life is a blessing bestowed by Allah, and the unlawful taking of life has been recognized as a crime since the earliest stages of human legal consciousness. Unlike some pre-Qur'anic forms of punishment, the Holy Qur'an prescribes qisas, or retaliation, for unlawful killing: "O you who believe, "qisas" has been prescribed for you in the case of murdered people: The freeman (will be killed) for the freeman, the slave for the slave, and the female for the female. However, if one is somewhat forgiven by his brother, the recourse (of the latter) is to pursue the former (for blood money) with fairness, and the obligation (of the former) is to pay (it) to the latter in a nice way. That is a relief from your Lord, and a mercy. So, whoever transgresses after all that will have a painful punishment" (Al-Baqarah, 178).

At the same time, if the offender is forgiven by the victim's kin and blood money is accepted, the matter is to be resolved with fairness, and this is described as a form of divine ease and mercy.

There are also juristic differences between the Shafi'i and Hanafi schools concerning retaliation involving a free person and a slave; moreover, if a group unlawfully kills one person, the entire group may be held liable to retaliation. At the ethical level, the verse also encourages pardon and compensation instead of further bloodshed, thereby demonstrating the importance of personal rights and mercy within the framework of justice[12].

As is emphasized in the text, Allah does not waive a servant's personal right on His behalf. For this reason, retaliation is permitted in a just manner; yet the verse also encourages the injured party

[11] Al-Bukhari. Hadith (Al-Jomi'as-Sahih). Tashkent: Qomuslar bosh tahririyati, 1992. – P. 296.

[12] A. Mansur, Qur'oni karim ma'nolarining tarjima va tafsiri. – Toshkent: TIU, 2004. – B. 27.

or the victim's family to forgo retaliation and accept compensation instead of shedding blood. This demonstrates the importance of personal rights in Sharia, since a person may waive only his own right.

Intentional bodily injury is addressed through the Qur'anic principle of proportionate retaliation, expressed in the formula life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and retaliation for wounds: "We prescribed for them therein: A life for a life, an eye for an eye, a nose for a nose, an ear for an ear and a tooth for a tooth; and for wounds, an equal retaliation. Then, if one forgives it, that will be expiation for him. Those who do not judge according to what Allah has sent down, they are the unjust" (Al-Ma'idah, 45). The term kaffarah in this verse conveys such meanings as recompense, substitution, and pardon. This means that if the injured party refrains from retaliation and forgives the offence, such forgiveness may serve as expiation for his sins. It is well known that the Qur'an confirms the divine scriptures revealed before it, and the Torah is among them. In this verse, Allah reminds the Jews that in the Torah revealed to them, retaliation had been prescribed for deliberate bodily injuries. The continuation of the verse further indicates that if an aggrieved person waives retaliation, his sins may also be forgiven. Since the Qur'an confirms the rulings that Allah had revealed to the Jews, it may be said that these were true and valid rulings. Thus, the Qur'anic verses prescribe definite punishments for the socially dangerous acts listed above.

Crimes for which no fixed punishment is explicitly prescribed also occupy an important place in the Qur'an[13]. Even where no specific penalty is stated, any prohibited act is regarded as an offence. One clear example is the Qur'anic prohibition against consuming one another's wealth unjustly and using authority to appropriate the rights of others through sinful means: "Do not eat up each other's property by false means, nor approach with it the authorities to eat up a portion of the property of the people sinfully, while you know (that you are unjust in doing so" (Al-Baqarah, 188).

This meaning is reinforced by a hadith in which the Prophet (pubh) states that if a person, through eloquence, wrongfully obtains what belongs to another, then what he has taken is but a portion of the Fire[14].

On this basis, unlawful appropriation of property and bribery are treated as criminal offences. The Qur'an also condemns usury (Al-Baqarah, 276-278; Aal-e-Imran, 130), knowingly giving false testimony or refusing to testify (Al-Baqarah, 282; An-Nisa, 135), consuming intoxicants, (Al-Baqarah, 119; An-Nisa, 43; Al-Ma'idah, 90), gambling, fortune-telling, idol worship, harboring malicious suspicion toward others, spying in order to uncover faults, backbiting (Al-Hujurat, 12), deceiving buyers and clients, and violating the rules of trade (Al-Isra, 35) as wrongful conduct. All these acts are characterized as offences in the Qur'an, and believers are explicitly warned against them.

In conclusion, the study of Sharia rules related to crime and punishment is significant not only from a scholarly perspective but also from a practical one. In the process of developing and refining laws that embody the principles of humanity, justice, legality, and concern for the people, effective use may be made of the Islamic heritage that forms part of the spiritual foundation of society.

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[13] A. Uda. At-Tashri'u-l-jinaiyu-l-islami. – Beirut: Daru Ihyou-t-Turosi-l-Arabiy. – Vol. 1. – P. 1985.

[14] A. Mansur. Qur'oni karim ma'nolarining tarjima va tafsiri. – Toshkent: TIU, 2004. – B. 29.

REFERENCES

1. All Qur'anic verse translations used in this article follow Shaykh Mufti Taqi Usmani's English translation of the Qur'an.
2. A. Mansur, Qur'oni karim ma'nolarining tarjima va tafsiri. – Toshkent: TIU, 2004.
3. A. Sh. Juzjoniy. Islom huquqshunosligi, hanafiy mazhabi va O'rta Osiyo faqihlari. – Toshkent: TIU, 2002.
4. A. Uda. At-Tashri'u-l-jinaiyu-l-islami. – Beirut: Daru Ihyou-t-Turosi-l-Arabiy. – Vol. 1.
5. Abdulvahhob Xallof. Ilmu usuli-l-fiqh va xulasatu-t-tashri'i-l-islami. – Cairo, 1950.
6. Al-Bukhari. Hadith (Al-Jomi'as-Sahih). Tashkent: Qomuslar bosh tahririyati, 1992.
7. Alouddin Mansur. Qur'oni karim o'zbekcha izohli tarjima. – Toshkent: Cho'lpon, 1992.
8. M. Rajabova. Shariatda jinoyat va jazo. – Toshkent: Adolat, 1996.
9. Shaykh Muhammad Huzariybak. Tarixu-t-tashri'i-l-islami.