

The Policy of Criminalization and Punishment in Islamic Law

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Study Abstract: The policy of criminalization and punishment in Islamic law is based on the foundations established in its primary sources, the Holy Qur'an and the Sunnah. The observer will find that the policy of criminalization and punishment in Islamic law is characterized by stability in the principles, foundations, and principles of criminal justice, as well as flexibility and change in branches and developments, depending on changing interests, circumstances, places, and times surrounding Sharia criminal policy. The criminalization and punishment policy pursued by Islamic law is characterized by essential characteristics that primarily aim to emphasize its comprehensiveness and superiority over other legislation, whether divine or secular. The most important of these characteristics is embodied in the gradual nature of legislative policy in Islamic law, on the one hand, and its restriction to generalities rather than particulars, and generalities rather than specifics.

The study concluded the following important findings:

Legislative, regulatory, and judicial authorities must pay special attention to strengthening the foundations of criminalization and punishment policy by regulating and codifying crimes and punishments, in accordance with the criminal policy in Islamic law.

Reviewing the criminalization and punishment policy in Islamic and Arab countries, by applying the interest-protecting criminalization and punishment policy to the criminal policy in Islamic law.

INTRODUCTION TO THE STUDY:

Islamic law is a divinely inspired law, comprehensive and encompassing all aspects of life, both large and small. It is universal, integrated, and in keeping with human nature, and applicable to all times and places. It was based on great principles and foundations that took into account the attraction and increase of benefits and the prevention and reduction of harms, thus achieving security and happiness and establishing justice as it should be. God Almighty prescribed punishments in Islam for great reasons, including: mercy upon His servants, achieving their interests, and warding off harm from them. Thus, every good comes to them, every evil is warding off from them, and life and happiness are achieved in this world and the hereafter. Anyone who follows Islamic legislation will find that Islam does not forbid anything that has a direct benefit to the nation or a benefit that outweighs its harm and is lost. Anyone who examines crimes will see that they are harmful, whether this harm is doctrinal or moral, health or economic, individual or collective. Islamic law has established the foundations upon which criminalization and punishment are based, in its basic sources, the Qur'an and Sunnah, such as the Almighty's saying: "Whoever is guided is only guided for [the benefit of] his own soul, and whoever goes astray only goes astray to its detriment. And no bearer of burdens will bear the burden of another. And We would not punish until We have sent a messenger." And the Almighty's saying: "And your Lord would not destroy the cities until He had sent to their mother a messenger reciting to them Our verses. And We would not destroy..." (The towns are not but their people are wrongdoers.)

No one denies the fundamental role of the principles of Islamic law in achieving security and stability in society and in regulating individual behavior within it. Perhaps the policy of criminalization and punishment within the criminal policy of Islamic law holds a prominent place within the scope of Islamic law.

The observer finds that the policy of criminalization and punishment within the criminal policy of Islamic law is characterized by stability in the foundations, principles, and principles of criminal justice,

as well as flexibility and change in branches and developments, depending on the changing interests, circumstances, places, and times surrounding the Shari'a criminal policy.

The criminalization and punishment policy pursued by Islamic law is characterized by essential characteristics that primarily aim to emphasize its comprehensiveness and superiority over other legislation, whether divine or secular. The most important of these characteristics is embodied in the gradualness of the legislative policy in Islamic law, on the one hand, and its limitation to generalities rather than particulars, and generalities rather than specifics. On the other hand, the criminalization and punishment system of criminal policy in Islamic law is based on religion, which guarantees the strength and effectiveness of criminal policy, due to its connection to the Muslim's faith and religious conscience. If the goal of criminalizing and punishing certain actions and imposing penalties for them is to protect the interests of society, then the criminal policy of Islamic law is characterized by the broad scope of protecting these interests, deepening the roots of the connection between man and his Creator - may He be glorified - first, and between man and his society second. The Islamic legislator has established the foundations upon which criminalization and punishment are based, in their basic sources, the Qur'an and Sunnah, such as the Almighty's saying: "Whoever is guided is only guided for [the benefit of] his own soul, and whoever goes astray only goes astray to its detriment. And no bearer of burdens will bear the burden of another. And We would not punish until We have sent a messenger." And the Almighty's saying: "And your Lord would not destroy the cities until He had sent to their mother a messenger reciting to them Our verses. And We would not destroy..." (The towns are not but their people are wrongdoers.)

This study aims to clarify the intended meaning of the policy of criminalization and punishment in Islamic law, and to examine the interests protected in Islamic law, based on the recognized interests and the sources adopted in this policy.

The procedural division of crimes in the Islamic criminal system expresses the criminal policy of the Islamic criminal system, which is based on three types of crimes. For the requirements of the research, we will explain the foundations of criminalization and punishment, and then the types of crimes.

The study problem:

The study problem in this research is to clarify the policy of criminalization and punishment in Islamic law, whether related to the criminalization aspect or the punishment aspect to confront crime in Islamic law.

Study questions:

1. What does the policy of criminalization and punishment mean in Islamic law?
2. What are the types of crimes and punishments according to the criminal policy in Islamic law?
3. What are the controls upon which the criminalization and punishment policy is based in Islamic law?
4. What are the foundations of criminalization and punishment according to Islamic law?
5. What are the interests protected in the criminalization and punishment policy in Islamic law?

Study Objectives:

1. Explain the concept of criminalization and punishment in Islamic law.
2. Clarify the types of crimes and punishments according to Islamic law.
3. Explain the controls upon which the criminalization and punishment policy is based in Islamic law.

4. Clarify the foundations of criminalization and punishment according to Islamic law.
5. Explain the interests protected in the criminalization and punishment policy in Islamic law.

SIGNIFICANCE OF THE STUDY:

The importance of this study lies in its clarification of the criminalization and punishment policy in Islamic law, clarifying the characteristics, controls, and foundations that distinguish it from other laws and systems, highlighting the breadth, comprehensiveness, and flexibility of Sharia, and its suitability for all times and places. It also clarifies the intended meaning of the criminalization and punishment policy in Islamic law, and examines the interests protected in Islamic law, based on the recognized interests and the sources adopted for this policy.

Limits of the Study:

This study is limited to establishing the foundations of the criminalization and punishment policy in Islamic law, according to the provisions of Islamic law, without examining its issues and applications.

Previous Studies:

1. The Criminalization Policy in Islamic Law: Ali Husseini and Ad Bouzid Kayhoul: Rawafid Journal for Research and Studies, University of Ghardaia, Issue Two, 2017.
2. Criminalization Policy between Islamic Sharia and Algerian Law: Abdel Razzaq Sharaa and Oued Bouzid Kayhoul, Al-Wahat Journal for Research and Studies, Volume 10, Issue 2, 2017.
3. Criminalization Controls in Islamic Criminal Jurisprudence: Younis Saeed Hussein and Khaled Zain Al-Abidin, Journal of Islamic and Humanities Studies, 2021.
4. The Role of the Principles of Islamic Criminal Legislation in Shaping the Policies of Criminalization and Punishment: Karfouf Khaled, Al-Risala Journal for Humanities Studies and Research, Volume 6, Issue 3, 2021.

Research Plan:

This research plan can be detailed in an introduction, three chapters, and a conclusion that includes the most important findings and recommendations, an index of sources and references, and an index of topics:

Section One: Definition of Criminalization, Punishment, and Criminal Policy.

Section One: Definition of Criminalization and Punishment.

Section Two: Definition of Criminal Policy.

Section Two: Types of Crimes in Islamic Sharia.

Section One: Hudud Crimes.

Section Two: Retribution Crimes and Their Parents.

Section Three: Ta'zir Crimes.

Section Three: The Foundations of Criminalization and Punishment According to the Criminal Policy in Islamic Sharia.

Section One: Criminal Legitimacy.

Section Two: Proportionality between Crime and Punishment.

Section Three: Respect for the Rights and Freedoms of Individuals.

Section Four: Criminal Liability.

Section Five: Social Solidarity in the Face of Crime.

Section One: Definition of Criminalization, Punishment, and Criminal Policy.

Section One: Definition of Criminalization and Punishment.

Section One: Definition of Criminalization.

First: Definition of criminalization in the language: Criminalization: (noun), criminalization: the source of Jarrama, Jarama: (noun), plural: Ajramun, La Jarama: it is necessary, inevitably, and it comes with the meaning of truly, so it is like an oath, Jarama: (verb), Jaramatu, Ajirimu, Ijrim, the source of Jarima, Jaramun, the man committed a sin: he sinned, he perpetrated a crime, he committed a crime against

himself or his people or he committed a crime against them: he committed a crime. Second: Definition of Criminalization in Technical Terms:

Criminalization comes from the word "crime" (crime), and the plural is "crimes." Al-Mawardi defined it as follows: "Crimes are legal prohibitions against which God has prohibited a prescribed punishment (hadd) or a discretionary penalty (ta'zir). A prohibition is either committing a prohibited act or abandoning a commanded act."

Section Two: Definition of Punishment:

First: Definition of Punishment in Linguistics: Punishment (i'qab): (noun), chastisement, recompense for a bad act, retribution with evil, its opposite is reward, torment, verbal noun (ʿaqaba), corporal punishment (i'qab bi-diyah): recompense by beating or by something that causes pain and bodily harm.

Second: Definition of Punishment in Technical Terms:

Punishment comes from punishment (i'qābah). Jurists have differed in their definition of punishment in technical terms. Some have defined it as: "Deterrents established by God Almighty to deter the commission of what He has prohibited and the abandonment of what He has commanded." It has also been defined as: "The pain inflicted on a person as a result of a crime." Some contemporary scholars defined it as: "The punishment prescribed for the benefit of the community for disobeying the command of the Lawgiver."

Section Two: Defining Criminal Policy.

Criminal policy is a term composed of the words "policy" and "criminality." We will define each word separately, then define the full term.

Section One: Defining Politics.

First: Defining politics in the language: It means taking charge of something, managing it, and disposing of it in a manner that improves it. It is a noun derived from the verb "sāsa" (to govern), "yasūsu" (to manage), "sawwāsan" (to govern), and "siyasā" (to govern). Thus, he is a "sā'is" (politician). The plural is "sāsa" (to govern) and "sawwās" (to govern). This is similar to the saying, "He took charge of the matter" (sāsa) and "the people made him govern them." It is said, "So-and-so was entrusted with the management of the Banu So-and-so," meaning he was tasked with their administration. A man manages the affairs of the people, meaning he takes control of their affairs. Politics is also used to refer to the actions of a leader. It is said, "He manages the animals," meaning he takes care of them and pleases them. A ruler manages his subjects and their affairs.

Second: Definition of politics technically: It has been defined as: "The improvement of people by guiding them to the path of salvation in this world and the hereafter." It has also been defined as: "The ruler's action for a benefit he deems appropriate, even if there is no partial evidence for that action." Some contemporary scholars have defined it as: "The management of the affairs of the Islamic state for which there is no explicit text, or which are subject to change and alteration in a manner that serves the nation's interests and is consistent with the rulings and general principles of Sharia."

Second: Definition of criminality.

First: The linguistic definition of "criminality" is: It is related to the word "crime." The root word for "crime" is "crime." It is said, "He committed a crime against his people," meaning, "He committed a sin for which he will be held accountable." Crime is a sin or crime, and what a person does that warrants punishment or retribution in this world and the hereafter.

Second: The technical definition of "crime":

It is related to the word "crime." In Islamic law, "crime" has a general and specific meaning, as crimes are originally of two types: crimes against animals and inanimate objects, and crimes against humans. The first general meaning is: "A name for an act forbidden by Islamic law, whether it involves property or life."

It is also defined as: "Any prohibited act that involves harm to oneself or others."

The second specific meaning is: "Criminality is applied to an assault against a person's life or limb, such as murder, wounding, and assault." It is a crime against a human being.

Section Three: Defining Criminal Policy as a Compound Term:

The term "criminal policy" was only recently introduced. It was defined as: "The set of principles that outline the basic directions of criminalization, combating and preventing crime, and treating criminal behavior for a given society in a given place and time." It was also defined as: "The set of means used to prevent and punish crime." In Islamic law, its rulings and issues have been addressed in the books of jurists for centuries, through what they wrote when discussing Islamic policy.

Section Two: Types of Crimes in Islamic Law.

The Islamic criminal system distinguishes between three types of crimes: hudud crimes, qisas (retaliation) and diyah (blood money), and ta'zir (discretionary) crimes, which we will explain in the following paragraphs:

First Section: Hudud Crimes:

These are crimes punishable by a hadd (restricted penalty). The limits of God are His prohibitions because they are forbidden, as God Almighty says: "These are the limits set by God, so do not transgress them. And whoever transgresses the limits of God - it is those who are the wrongdoers." (Surat Al-Baqarah, verse (229))

These crimes and their punishments are clearly defined, and the judge has no discretionary power over them. Rather, his role is limited to imposing the prescribed penalty if the accused is proven to have committed the crime, regardless of his personal circumstances. The guardian also does not have the right to pardon him. These crimes are called "hudud" because they constitute a boundary between right and wrong, protecting society. They are a barrier to society, and punishments are the limits these barriers impose and protect the supreme human virtues established by Islam. The punishments for these crimes are designed to discipline the offender, represent the ultimate punishment for the crime, and combat criminal motives.

Second Topic: Crimes of Retribution and Punishment:

These crimes include premeditated and semi-premeditated murder, and intentional crimes against less than the soul, such as assault, wounding, and harm. The punishment prescribed for these crimes is for the benefit of individuals, as the judge is obligated to impose the punishment on the offender unless the injured party forgives. In this case, the penalty of retribution is dropped, and the ruler has the right to impose a discretionary punishment based on the nature of the crime. Retribution is a prescribed punishment based on the Holy Quran and the Sunnah of the Prophet. Allah the Almighty said: "O you who have believed, prescribed for you is legal retribution in the case of those murdered: the free for the free, the slave for the slave, the female for the female. But if any remission is made by his brother, there should be a suitable follow-up and payment to him with good conduct. That is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment." It was narrated from the Prophet, may God bless him and grant him peace, that he said: "Whoever is afflicted with blood or madness has the choice of one of three options: either to exact retribution, to take the death penalty, or to pardon. If he desires a fourth, then take him by the hand." While retaliation crimes are similar to hudud crimes in that they entail punishments, they differ from them in terms of pardon and intercession for retaliation. Pardon and intercession for retaliation are not permitted under hudud crimes, and inheritance is permitted in retaliation cases where it is not permitted under hudud crimes. Maintaining the hudud penalty is the exclusive prerogative of the ruler, while compensation may be given to the guardian in retaliation cases in accordance with Islamic law. As for blood money crimes, they apply to unintentional killing and unintentional crimes less than the life. The retaliation crimes and their blood money are considered crimes that affect the integrity of society and carry two punishments: retaliation and blood money. Retaliation is not permitted in hudud crimes, but the judge has the right to reduce, increase, or replace them. The guardian does not have the right to pardon the crime or the punishment. A lawsuit and litigation are required in cases of unintentional killing or unintentional crimes less than the life. Both crimes carry a prescribed punishment for individuals. They have a single prescribed punishment, with no minimum or maximum. The victim may pardon the crime if they wish, which results in the pardon being waived.

Third Requirement: Ta'zir Crimes:

The Islamic penal system does not define all crimes and punishments exclusively, but rather leaves this to the temporal legislative authority (the ruler) to criminalize and punish certain acts in a manner consistent with the objectives of Islamic law.

Ta'zir crimes appear in various forms, including:

A- Crimes stipulated in the Holy Quran, but for which no punishment is specified, such as the Almighty's saying: "O you who have believed, avoid much [negative] assumption, for some assumption is sin. And do not spy, nor backbite one another. Would one of you like to eat the flesh of his dead brother? You would hate it. And fear Allah; indeed, Allah is Forgiving and Merciful."

B- Hudud crimes associated with suspicion.

C- Attempted crime.

D- New crimes.

Ta'zir (discretionary punishment) is divided into: what is the right of the servant and what is the right of God. The right of God is related to preventing general harm to the people without targeting anyone, such as someone who sells alcohol without drinking it. The right of the servant is what is related to a private interest of individuals, such as semi-intentional murder with the obligation of blood money to protect the rights of people. The importance of distinguishing between the crimes of hudud (hadd), qisas (retaliation), and ta'zir (discretionary punishment) is evident in that ta'zir differs from one person to another. It is a right of God that must be implemented in general, with the permission of the ruler to pardon it. There is no waiver or intercession in hudud crimes after the punishment reaches the Imam. Furthermore, the punishments in hudud are established by the text, whereas in ta'zir, the judge considers the social status and the extent of the ability to reform. Ta'zir is divided into several levels. In terms of proving the crime, testimony is essential for hudud crimes. For example, adultery can only be proven by four witnesses, witnessing the crime at the time of its commission. Other hudud crimes can only be proven by at least two witnesses. Ta'zir (discretionary) punishments can only be proven by a single testimony. Furthermore, the hudud (restricted punishment) cannot be imposed on a boy, as puberty is a prerequisite for its application. Ta'zir (discretionary) punishments are permissible for minors and insane persons who are deficient or lacking in reason. The difference in punishments in Islamic law is a mercy to people and a relief from hardship if the punishment is a single one. If the Shari'a requires its ruling, the matter should be left to each individual case, in accordance with what is appropriate for its continuity and in line with what is now called individualization of punishment.

The third section: The foundations of criminalization and punishment according to the criminal policy in Islamic law:

The Islamic criminal system is based on general rules and rational rulings related to punishment, namely:

First section: Criminal legitimacy.

Islamic law has long emphasized the principle of "no crime and no punishment except by a text", as stated in the Almighty's saying: "Say to those who disbelieve, 'If they cease, what has previously occurred will be forgiven them. But if they return [to sin], then the precedent of the former peoples has already taken place.'" (Al-Bukhari and Muslim) . Everything that happens to people in this worldly life has its rulings, either in the Qur'an, the Sunnah, or known from other evidence. The ruling is arrived at by a mujtahid (an independent legal scholar). The latter is not considered legislation, but rather guidance to Allah's ruling in reality. Among the fundamental rules of Islamic law are: "There is no ruling for the actions of rational people before a text is provided" and "The default rule regarding things and actions is permissibility." According to these two rules, no act is considered a crime except by an explicit text. If there is no text, there is no crime and no punishment. The Islamic criminal system has established the principle of non-retroactivity of criminal law, based on the verse: "Say to those who disbelieve, 'If they cease, what has preceded will be forgiven them. But if they return [to sin], then the precedent of the former peoples has already passed.'" To embody this, Islamic law has established the principle of true, not hypothetical, knowledge of legal rules. Criminal law is applied within two frameworks: a specific framework, such as hudud crimes, qisas (retribution) and blood money, and a flexible framework, where

texts specify the acts that constitute discretionary crimes. This is the responsibility of the legislative authority, which determines them in accordance with the objectives of Islamic law and in accordance with the circumstances of time and place, as well as the circumstances of the crime and the offender. The Second Requirement: Proportionality between Crime and Punishment:

Among the fundamental safeguards in the Islamic criminal system that prevent excessive punishment and make it dependent on its objectives are proportionality between the crime and the punishment and the strict evidentiary system for its application. Social necessity and proportionality are two cohesive standards for determining balance in criminalization. The criterion for criminalization is the social interest determined by the community, which can be embodied in and through the law that contains the criminalization texts. Punishment in the Islamic criminal system is not retaliation; rather, its goal is to combat crime and reform the offender. One of the requirements of proportionality is that the punishment should be proportionate to the crime. The punishment for premeditated murder should not be equal to the punishment for manslaughter. Although Sharia law punishes theft by amputation, it does not punish the tongue by cutting off. It is impermissible to exceed the maximum penalty or to prescribe a crime with the penalty prescribed for a more serious crime. The same applies to the law, which is consistent with Islamic law in this regard. The Third Requirement: Respecting the Rights and Freedoms of Servants

One of the principles upon which the Islamic procedural system is based is the saying of the Noble Prophet (peace and blessings be upon him): "Avert the prescribed punishments based on doubt. If a Muslim has a way out, then let him go. It is better for the ruler to err in pardoning than in punishing." This hadith explains the interpretation of doubt as being in the defendant's best interest, reinforces the basic principle of innocence, and requires that conviction be based on certainty. The purpose of these principles is to ensure that the accusation is genuine, serious, and not hasty, rash, or malicious. Islamic law preceded others in establishing these guarantees, based on the human being's standing with the Creator, glory be to Him, based on the Almighty's saying: "And [mention] when We said to the angels, 'Prostrate to Adam,' and they prostrated, except for Iblis. He refused and was arrogant and was among the disbelievers." The Islamic criminal system, through the scholars of Islamic jurisprudence, includes many procedural systems and rules, particularly during the trial stage, such as the public nature of the trial, its oral conduct, the legitimacy of obtaining evidence, the immunity of judges, and equality among litigants. The basis for this is that the judicial system in Islam is based on preserving rights, ensuring justice, and observing rights and duties without favoritism.

Fourth Requirement: Criminal Liability

For criminal liability to be established in the Islamic criminal system, attributing a crime to a person is not sufficient. Rather, it must be the result of a deliberate and conscious will, or of error or negligence. Therefore, Islam establishes a person's full responsibility for their actions, based on their conscious will and choice. Criminal liability in Islam is based on the Holy Quran and the Sunnah. God Almighty says: "He has only forbidden to you dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah. But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limits], there is no sin upon him. Indeed, Allah is Forgiving and Merciful." The Messenger of God (peace and blessings be upon him) also said: "Allah has forgiven my ummah for mistakes, forgetfulness, and what they are forced to do." In the eyes of Islamic law, crime is a legally prohibited act, prohibited by God with a prescribed punishment (hadd) or discretionary penalty (ta'zir). An act is not considered a crime unless it is punishable. Since commands and prohibitions are legal obligations, they are only directed to every rational person who understands the duties. Islamic law's concern with criminal liability is evident in its adoption of a comprehensive and coordinated theory of liability, addressing its foundations, conditions, and prohibitions. The crime must arise from the actions of the accused, whether principal or accessory, and the nature of the punishment. Punishment in Islamic law has two functions: the first is moral, while the second is social, based on the notion of justice and the idea of the community's interest.

The Fifth Requirement: Social Solidarity in the Face of Crime:

To avoid the risks of excessive criminalization and punishment, precise controls are required to maintain a balance between the requirements of protecting the rights and freedoms of others,

considering the public interest, and avoiding control and infringement of rights and freedoms. Therefore, Islamic law has made it necessary to impose appropriate punishment on the aggressor and eradicate the instinct of revenge. It has made the right to sue and the permissibility of dropping the case in crimes in which the right of the servant prevails over the right of God, the responsibility of the blood guardian, which is a social manifestation of confronting crime. In response to this, the existence of a fair judiciary is necessary to spread justice among people, redress the oppressed, and protect them from what they differ over, as God Almighty said: (O David, indeed We have made you a successor upon the earth, so judge between the people in truth and do not follow desire, for it will mislead you from the way of God. Indeed, those who stray from the way of God will have a severe punishment because they forgot the Day of Account.) The social interest is what justifies criminal punishment, and it is the aim of the Sharia in the obligatory texts that refer to the sins that God has forbidden, and the most serious of them are punished with explicit texts, namely the prescribed punishments, retaliation, and abandoning the religion. The temporal legislative authority has the power to complete this in the case of ta'zīz. Islamic law combines two principles: combating crime and caring for the criminal's character. Combating crime is for the purpose of protecting the community, which involves identifying and reforming the criminal. In a few crimes, the Sharia neglected protecting the criminal, taking into account the community's interest in protecting it. Beyond that, the Sharia focused on the criminal's character, circumstances, morals, and conduct in punishment, which are considered by the ruling and are manifestations of social security. Based on the words of the Noble Prophet (peace and blessings be upon him): "The blood of a Muslim who testifies that there is no god but God and that I am the Messenger of God is not permissible except in one of three cases: a life for a life, a married person who commits adultery, and a renegade from the religion and abandons the community." The sanctity of blood and the guarantee of appropriate compensation are also essential.

CONCLUSION:

Results and Recommendations:

First: Results:

1. Criminal policy is defined as the set of principles that outline the basic directions for a society in a given place and time regarding criminalization, combating and preventing crime, and treating criminal behavior.
2. Criminal policy in Islamic law, its rulings and issues, have been addressed in the books of jurists for centuries, through their writings on Sharia policy.
3. The policy of criminalization and punishment in Islamic law criminal policy is designed to achieve greater goals and legitimate objectives, based on the crimes and punishments stipulated.
4. The policy of criminalization and punishment in Islamic law criminal policy guarantees all necessities for individuals and their society and works to advance their progress and happiness.
5. The Islamic criminal system is based on universal rules and rational rulings related to criminalization and punishment.

Second: Recommendations:

1. Include issues related to criminalization and punishment in Islamic law criminal policy within the curricula of faculties of Sharia and law.
2. Encouraging researchers, including scholars, university professors, and graduate students, to write on issues related to criminalization and punishment in Islamic law.
3. Legislative, regulatory, and judicial authorities must pay special attention to strengthening the foundations of criminalization and punishment policies by regulating and codifying crimes and punishments in accordance with Islamic law.
4. Reviewing criminalization and punishment policies in Islamic and Arab countries by applying criminalization and punishment policies that protect interests in Islamic law criminal policy.

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