

ISLAMIC CRIMINAL LAW AND PROCEDURE

An Introduction

Matthew Lippman,
Sean McConville, and
Mordechai Yerushalmi

Islamic Criminal Law And Procedure An Introduction

Philip Reichel, Jay Albanese



Islamic Criminal Law And Procedure An Introduction:

Islamic Criminal Law and Procedure Matthew Lippman, Seán McConville, Mordecha Yerushalmi, 1988-08-08 2 The origins of Islamic law **Islamic Criminal Law and Procedure** Matthew Ross Lippman, 1988 *Punishment* Terance D.

Miethe, Hong Lu, 2005 This 2005 book examines punishment in different forms including corporal and economic punishment

A Bibliography of Islamic Criminal Law Olaf Köndgen, 2021-12-06 In *A Bibliography of Islamic Criminal Law* Olaf Köndgen offers the most extensive bibliography on Islamic criminal law ever compiled Drawing on a multitude of sources online and offline *A Bibliography of Islamic Criminal Law* covers in its thematic section not only the classical crime categories of *ud d qi* and *ta z r* but also a large number of newly emerging and related fields In a second section dedicated to countries and eras Köndgen comprehensively covers the historical and modern application of Islamic criminal law in all its forms Unlocking the richness of this sub field of Islamic law with the help of two detailed indices this innovative reference work is highly relevant for all those researching Islamic law in general and the application of Islamic criminal law over time in particular See also *A Bibliography of Islamic Criminal Law Supplement* **The Application of Islamic Criminal Law in Pakistan** Tahir

Wasti, 2009 No legal system in the world has aroused as much public interest as Sharia However the discourse around Sharia law is largely focussed on its development and the theories principles and rules that inform it Less attention has been given to studying the consequences of its operation particularly in the area of Islamic criminal law Even fewer studies explore the actual practice of Islamic criminal law in contemporary societies This book aims to fill these gaps in our understanding of Sharia law in practice It deals specifically with the consequences of enforcing Islamic criminal law in Pakistan providing an in depth and critical analysis of the application of the Islamic law of *Qisas* and *Diyat* retribution and blood money in the Muslim world today The empirical evidence adduced more broadly demonstrates the complications of applying traditional Sharia in a modern state *Legal Maxims in Islamic Criminal Law: Theory and Applications* Luqman Zakariyah, 2015-10-14 Using contemporary illustrations *Legal Maxims in Islamic Criminal Law* delves into the theoretical and practical studies of *al Qawaid al Fiqhiyyah* in Islamic legal theory It elucidates the importance of this concept in the application of Islamic law and demonstrates how the concept relates to the objectives of Islamic law *maq id al Shar ah* generally Included in this examination are the following maxims *al Um r bi Maq idih* Matters shall be Judged by their Objectives *al Yaq n l Yaz l bi sh* Shakk Certainty Cannot be Overruled by Doubt *al Mashaqqat Tajlib at Tays r* Hardship begets Facility *L arar wa l ir r* No Injury or Harm shall be Inflicted or Reciprocated and *al da Mu akkama* Custom is Authoritative *Corpus Juris of Islamic International Criminal Justice* Farhad Malekian, 2018-09-30 This pioneering scholarly oeuvre evaluates the major comparative philosophy of Islamic international criminal justice It represents an in depth analysis of the necessities of creating an Islamic international criminal court its possible jurisdiction proceedings judgments and sanctions It implies a court functioning under the legal personality of the International Criminal Court with comparative international criminal lawyers with basic

knowledge of Shariah contributing to the prevention of crimes and impunity at an international level The morality and philosophy of Islamic justice are highly relevant with reference to the atrocities committed explicitly or implicitly under the pretext of Islamic rules by superiors groups and governments The volume focuses on substantive criminal law and three methods of the criminal procedure namely the inquisitorial adversarial and adquisitorial The first two constitute the corpus juris of civil and common law systems The third term presents a hybrid of the first two methods The intention is to enhance the scope of each method of the criminal procedure comprehensively The volume examines their variations and effects on a shared system of international criminal justice The inherence of comparable norms in the foundation of Islamic and international criminal law affirms their efficiency in the implementation of the essence of the complementarity principle This book will appeal to readers who are interested in comparative criminal law international criminal justice and Shariah criminal law It is recommended for course literature

The Shari'a and Islamic Criminal Justice in Time of War and Peace M. Cherif Bassiouni, 2014 Shows that the shari a and Islamic law are compatible with contemporary international human rights laws and norms and appropriate for use in Muslim societies

Islamic Criminal Law in Northern Nigeria Gunnar J. Weimann, 2010 Annotation In 2000 and 2001 twelve northern states of the Federal Republic of Nigeria introduced Islamic criminal law as one of a number of measures aiming at reintroducing the shari a Immediately after its adoption defendants were sentenced to death by stoning or to amputation of the hand Apart from a few well publicised trials however the number and nature of cases tried under Islamic criminal law are little known Based on a sample of trials the present thesis discusses the introduction of Islamic criminal law and the evolution of judicial practice within the regions historical cultural political and religious context The introduction of Islamic criminal law was initiated by politicians and supported by Muslim reform groups but its potential effects were soon mitigated on higher judicial levels and aspects of the law were contained by local administrators This title can be previewed in Google Books <http://books.google.com/books/vid/ISBN9789056296551>

Islam and International Law, 2013-07-15 Islam and International Law explores the complex and multi faceted relationship of international law and Islam both as a religion and a legal order Current debates on Sharia Islam and the West often suffer from prejudice platitudes and stereotypes on both sides The present book seeks to engage such self centrisms by providing a plurality of perspectives both in terms of interdisciplinary research and geographic backgrounds The volume thus brings together 20 contributions from scholars who cover pressing issues in fields such as the use of force in Islamic international law Islam s contribution to the development of diplomacy and the rule of law controversies as to the role of the individual human rights and international criminal law as well as Islamic visions of world order in a globalizing world Contributors Awn S Al Khasawneh Asma Afsaruddin Mohd Hisham Mohd Kamal Necmettin Kizilkaya Muhammad Munir Labeeb Ahmed Bsoul Khaled Ramadan Bashir Harriet Rudolph Irmgard Marboe Abdulmumini A Oba Javaid Rehman Lorenz Langer Abdul Ghafur Hamid Khin Maung Sein Mashood A Baderin Markus Beham Matthias Cernusca Maurits S Berger Gregor Novak Muddathir

Abdel Rahim **History of Criminal Justice** Mark Jones, Peter Johnstone, 2011-07-22 Covering criminal justice history on a cross national basis this book surveys criminal justice in Western civilization and American life chronologically from ancient times to the present It is an introduction to the historical problems of crime law enforcement and penology set against the background of major historical events and movements Integrating criminal justice history into the scope of European British French and American history this text provides the opportunity for comparisons of crime and punishment over boundaries of national histories The text now concludes with a chapter that addresses terrorism and homeland security Handbook of Transnational Crime and Justice Philip Reichel, Jay Albanese, 2013-04-29 Transnational crime and justice will characterize the 21st century in same way that traditional street crimes dominated the 20th century In the Handbook of Transnational Crime and Justice Philip Reichel and Jay Albanese bring together top scholars from around the world to offer perspectives on the laws crimes and criminal justice responses to transnational crime This concise reader friendly handbook is organized logically around four major themes the problem of transnational crime analysis of specific transnational crimes approaches to its control and regional geographical analyses Each comprehensive chapter is designed to be explored as a stand alone topic making this handbook an important textbook and reference tool for students and practitioners alike *Issues in Islamic Law* Mashood A. Baderin, 2017-07-05 Islamic substantive law otherwise called branches of the law *furu al fiqh* covers the textual provisions and jurisprudential rulings relating to specific transactions under Islamic law It is to Islamic substantive law that the rules of Islamic legal theory are applied The relationship between Islamic legal theory and Islamic substantive law is metaphorically described by Islamic jurists as a process of cultivation *istithmar* whereby the qualified jurist *mujtahid* as the cultivator uses relevant rules of legal theory to harvest the substantive law on specific issues in form of fruits *thamarat* from the sources The articles in this volume engage critically with selected substantive issues in Islamic law including family law law of inheritance law of financial transactions criminal law judicial procedure and international law *al siyar* These areas of substantive law have been selected due to their contemporary relevance and application in different parts of the Muslim world today The volume features an introductory overview of the subject as well as a comprehensive bibliography to aid further research **Policing Muslim Communities** Farrukh B. Hakeem, M.R. Haberland, Arvind Verma, 2012-05-02 In the past two decades Muslim countries across the globe have been faced with a crisis in governance Starting with a summary of Islamic Law Sharia and its implications for law enforcement this book will highlight the unique needs and challenges of law enforcement and particularly policing in these communities It will provide a scholarly exposition of Sharia law and how it is compatible or not with policing in a modern context The role and contribution of Sharia Law towards conceptualizing law enforcement in a modern context is certainly worth looking forward to especially understanding its co existence with civil law in countries with minority Muslim communities Featuring case studies from throughout the Muslim world this volume will highlight key qualities of Sharia law and Muslim culture that play a role in law enforcement including case processing

community policing police administration human rights and the influence of globalization Taking a comprehensive approach this work provides a historical context for colonization events in Muslim countries and their influence on current law enforcement systems as well as providing key insights into the particular norms that make up the bases for Muslim societies and their unique needs Looking into the future it provides guidelines for how community policing can play a proactive role in law enforcement and crime prevention

Islam Cenap Çakmak, 2017-05-18 This expansive four volume encyclopedia presents a broad introduction to Islam that enables learning about the fundamental role of Islam in world history and promotes greater respect for cultural diversity One of the most popular and widespread religions in the world Islam has attracted a great deal of attention in recent times particularly in the Western world With the ongoing tensions in the Middle East and a pervasive sense of hostility toward Arab Americans there is ever increasing need to examine and understand Islam as a religion and historical force Islam A Worldwide Encyclopedia provides some 700 entries on Islam written by expert contributors that cover the religion from the birth of Islam to the present time The set also includes 16 pages of color images per volume that serve to illustrate the diverse expressions of this important religious tradition Each entry begins with a basic introduction followed by a general discussion of the subject and a conclusion Each entry also features a further readings list for readers In addition to supplying a comprehensive authoritative overview of Islam this work also specifically addresses many controversial related issues including jihad violence in Islam polygamy and apostasy

The Concept of Mens Rea in International Criminal Law Mohamed Elewa Badar, 2013-01-30 The purpose of this book is to find a unified approach to the doctrine of mens rea in the sphere of international criminal law based on an in depth comparative analysis of different legal systems and the jurisprudence of international criminal tribunals since Nuremberg Part I examines the concept of mens rea in common and continental legal systems as well as its counterpart in Islamic Shari'a law Part II looks at the jurisprudence of the post Second World War trials the work of the International Law Commission and the concept of genocidal intent in light of the travaux préparatoires of the 1948 Genocide Convention Further chapters are devoted to a discussion of the boundaries of mens rea in the jurisprudence of the International Criminal Tribunals for the former Yugoslavia and Rwanda The final chapter examines the definition of the mental element as provided for in Article 30 of the Statute of the International Criminal Court in light of the recent decisions delivered by the International Criminal Court The study also examines the general principles that underlie the various approaches to the mental elements of crimes as well as the subjective element required in perpetration and participation in crimes and the interrelation between mistake of law and mistake of fact with the subjective element With a Foreword by Professor William Schabas and an Epilogue by Professor Roger Clark From the Foreword by William Schabas Mohamed Elewa Badar has taken this complex landscape of mens rea at the international level and prepared a thorough well structured monograph This book is destined to become an indispensable tool for lawyers and judges at the international tribunals From the Epilogue by Professor Roger Clark This is the most

comprehensive effort I have encountered pulling together across legal systems the general part themes especially about the mental element found in confusing array in the common law the civil law and Islamic law In this endeavour Dr Badar s researches have much to offer us

The Impact of the Convention on the Elimination of All Forms of Discrimination against Women on the Domestic Legislation in Egypt Nora Salem,2017-12-05 By virtue of ratifying the Women s Convention Egypt is internationally obliged to eliminate gender discrimination in its domestic legislation Yet women in Egypt face various forms of discrimination This may legally be justified through Sharia based reservations which many Muslim majority countries enter to human rights treaties to evade an obligation of implementation where Human Rights run counter to Sharia This book examines the compatibility of Sharia based reservations with international law and identifies discrepancies between Sharia and domestic law in order to determine rights Egyptian women are entitled to according to Sharia and yet denied under Egyptian law Account is moreover given to Egypt s implementation efforts in the non reserved areas of law To this end Egypt s 2014 Constitution and four areas of statutory law are examined as case studies namely female genital mutilation human trafficking nationality and labor law

The Right to Be Present at Trial in International Criminal Law Caleb H. Wheeler,2018-10-08 In The Right to Be Present at Trial in International Criminal Law Caleb H Wheeler analyses what it means for the accused to be present during international criminal trials and how that meaning has changed This book also examines the impact that absence from trial can have on the fair trial rights of the accused and whether those rights can be upheld outside of the accused s presence Using primary and secondary sources Caleb Wheeler has identified four different categories of absence and how each affects the right to be present This permits a more nuanced understanding of how the right to be present is understood in international criminal law and how it may develop in the future

Criminal Law in Islam and the Muslim World Tahir Mahmood,1996 *Gender Justice in Islamic Law* Musa Usman Abubakar,2018-06-14 This book seeks to interrogate the classical fiqh formulation on gender and homicide with a view to exploring further the debate on whether the so called gender injustice in Islamic law is a human creation or attributable to the divine sources of the Qur an and Sunnah The study is in response to the increasing criticism of the Islamic criminal law regime and the accusation that it discriminates on the basis of gender It argues that any attempt to critique a religious question through the lens of traditional Western human rights ideals would be resisted by the vast majority of Muslims An examination of the question and any suggested solutions offered would be much more effective if situated within the system they identify with that is to address the question of gender justice deficit from within the Islamic legal tradition Focusing on Nigeria and Pakistan the book achieves this by drawing on classical fiqh literature contemporary literature legislative sources and relevant case law

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