

## *Contents*

I.	Introduction	1
PART ONE: <i>Shariah Perspectives</i>		
II.	Islamic Criminal Justice: An Overview	17
III.	<i>Ḥudūd</i> in the Qur'an, Sunnah, and Fiqh	21
	<i>Ḥudūd</i> in the Qur'an	21
	Repentance and Reform ( <i>Tawbah, Iṣlāḥ</i> ) in the Qur'an	27
	Juristic Views on Repentance	32
	<i>Ḥudūd</i> in the Sunnah	41
	<i>Ḥudūd</i> in the Juristic Expositions of Fiqh	49
	Legal Maxims on <i>Ḥudūd</i>	58
IV.	Prescribed <i>Ḥudūd</i> Crimes	60
	Preliminary Remarks	60
V.	<i>Zinā</i> (Adultery and Fornication)	63
	Meaning and Attributes of <i>Zinā</i>	63
	Proof of <i>Zinā</i> by Witnesses and Confession	65
	Issues over Rape, Its Evidence, and Proof	67
	Definition of a Guarded Person ( <i>Muḥṣan</i> )	74
	Issues over Stoning, Doubtful hadiths, and Abrogation	77
	Modern Opinions on Stoning	84
	Homosexuality, Incest, and Lesbianism	90

VI.	Theft ( <i>Sariqah</i> )	96
	Theft from Relatives	97
	Issues over the Quorum ( <i>Nisāb</i> )	98
	Issues over Safekeeping and Ownership	102
	Proof and Punishment of Theft	105
	Repentance and Its Impact on Punishment	107
VII.	Banditry and Terrorism ( <i>Ḥirābah</i> , also <i>Qaṭʿ al-Ṭarīq</i> )	111
	Definition and Meaning of <i>Ḥirābah</i>	112
	<i>Ḥirābah</i> in the Qur'an and Sunnah	113
	A Fiqh Discourse on <i>Ḥirābah</i>	115
	Punishment of <i>Ḥirābah</i>	118
	Repentance in <i>Ḥirābah</i>	121
	Suicide and Suicide Bombing	122
	Terrorism Then and Now: A Survey of Contemporary Opinion and Research	127
	Muslim Responses to Global Terrorism	132
	<i>Ḥirābah</i> in the Qur'an Revisited	137
VIII.	Issues over Apostasy ( <i>Riddah</i> )	141
	Review of the Source Evidence	142
	Juristic Opinion on Apostasy	145
	Apostasy in Malaysia: An Overview	147
IX.	Slandering Accusation ( <i>Qadhf</i> )	150
X.	Issues over Wine Drinking ( <i>Shurb</i> )	157
XI.	Enforcement of <i>Ḥudūd</i> Punishments: Procedural Constraints	166
XII.	Philosophy of <i>Ḥudūd</i>	176
	Deterrence and Expiation in <i>Ḥudūd</i>	177
	Retribution and Retaliation	181
	Rehabilitation and Reform	183
XIII.	Discretionary Punishment ( <i>Ta'zīr</i> )	186
XIV.	Judicious Policy ( <i>Siyāsah Shar'iyyah</i> )	195
XV.	Just Retaliation ( <i>Qīṣāṣ</i> )	201
XVI.	Blood Money ( <i>Diya</i> ) and Financial Compensation	213

XVII.	Doubt ( <i>Shubha</i> ) and Its Impact on Punishment	225
XVIII.	Islam as a Total System	231

PART TWO: *Islamic Criminal Law in Malaysia*

	Introductory Remarks	241
XIX.	Hudud Bill of Kelantan 1993: An Overview	243
XX.	Hudud and <i>Qisās</i> Bill of Terengganu 2002	248
XXI.	Problematics of the <i>Hudūd</i> Bills	253
	Constitutional Issues	253
	Position of Non-Muslims	257
XXII.	<i>Hudūd</i> Debate Continued: An Update 2012–2017	260

PART THREE: *Islamic Criminal Law in  
Other Muslim Countries*

XXIII.	Introductory Remarks	269
XXIV.	<i>Qanun Jinayat</i> of Aceh, Indonesia	276
XXV.	Shariah Penal Code of Brunei Darussalam	284
XXVI.	Islamic Criminal Law in Saudi Arabia	288
XXVII.	Shariah Punishments in the Islamic Republic of Afghanistan	295
XXVIII.	Islamic Republic of Pakistan	301
XXIX.	Islamic Republic of Iran	306
XXX.	Republic of Nigeria	310
XXXI.	Republic of Sudan	315
XXXII.	Islamic Republics of Mauritania and Maldives, and Islamic State of Yemen	321
	Islamic Republic of Maldives	323
	Islamic State of Yemen	325

XXXIII.	Libya, United Arab Emirates, and Qatar	329
	Libya	329
	United Arab Emirates	330
	Qatar	332
XXXIV.	Conclusion and Recommendations	334
	<i>Acknowledgements</i>	347
	<i>Appendix</i>	349
	<i>Notes</i>	365
	<i>Glossary</i>	405
	<i>References</i>	411
	<i>Index</i>	423