

A MUSLIM'S REFLECTION OVER CHRISTIANS' PERCEPTION OF ISLAMIC PENAL LAW

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ABSTRACT

This paper examines reflection over the perception of Christians about Islamic penal law. There is no human society free from criminal activities. Human beings are socially inclined to wanting to have everything to themselves, due to egoism, greed and passion, but endangering the lives of others irrespective of what the repercussions could be. Christians and Muslims do not always agree on what should be done to people who commit crime or sin. This paper adopted analytical method of research as it used primary and secondary sources of Islam and other relevant literature. The findings revealed that all criminalities are threats to human societies. Islam as a religion not only abhors all sorts of criminal activities but it has assigned penalties or punishments to every crime; the aim is to ensure peaceful living and co-existence. The paper recommends that Christians and Muslims should collaborate to apply the rulings of scripture to all perpetrators of crime so that there will be peace and security in all communities.

KEYWORDS: Criminology, perception, Islamic jurisprudence, punishment, development.

INTRODUCTION

Due to human nature, there is tendency for every human to be criminally inclined except for Allah's guidance and mercy. "I do not pretend to be blameless, for man's very soul incites him to evil, unless my Lord shows mercy. He is most forgiving, most merciful" (Qur'an:11:53). As humans whose veins consist blood may be tempted to perpetuate criminality except for pure faith that may protect a well guided soul. Abdullah asserted that faith in God (Allah) is a very powerful protector from temptations of the world (27).

Apparently, criminology sometimes may be as a result of cohesiveness, whims and caprices, devil's dictates and whispers, peer group, depression, inherency etc. In order to sanctify and sanitize a society from confusion, commotion, insecurity, uproar, infidelity and total corruption, and most importantly, for the development of a nation, uprightness must be upheld and that stands as a means to achieve salvation in the Hereafter. Why Crime? What are the causes of crime? Who are those involved in criminal acts? Also, the penal code and Islamic jurisprudential rulings attached to some criminal activities and many more were discussed in the course of this paper work.

ISLAMIC CONCEPT OF CRIMINOLOGY

Criminology is a sociological field of study that focuses on criminal behaviours, the circumstances that can lead to criminal behaviour, criminal punishment and justice system (Abby 24). Behaviour can simply be attributed to the tendencies, traits, history and kinds of criminal acts exhibited by a person. According to Hornby, criminality (which is a noun) is the fact of people being involved in criminal acts (363). It can be deduced here that criminality is the act of a punishable offence committed by a criminal while criminology is the study of what constitutes crime? Where, how and who has committed the act? Dammer et. al (48). conceptualised Islamic criminal law into three different categories: *Hudud*, crimes for which God (Allah) apportioned fixed punishment for, in the Qur'an and Hadith; *Qisas* (crimes against an individual or family whose punishment is equal retaliation in the Qur'an and the Hadith; and *T'azir* (Crimes whose punishment is not specified in the Qur'an and Hadith, it is left to the discretion of the ruler or *Qadi*, i.e., judge (Mohamed 1 – 68).

Crime in Islamic concept, according to Civil Service Forum was viewed as trespass, overlap the bounds (of Allah), or to break or violate. In other words, the Muslim jurists defined crime as an act of going against or going beyond the provisions of law, whether commands or prohibitions, which is in other words, meaning crossing the bounds made by God (Allah) (23).

Civil Service forum referred to crime as any act by which a person is forcibly harmed physically or mentally that includes physical violence, bodily harm, attack on one's honours and death (34). It is understood here that Islamically, a crime is a sin, a forbidden act, minor or major; and every sin is punishable under Islamic law (*Shari'ah*). Ismail stated that sin is committing something that God (Allah) and His Messenger have forbidden and not doing what they ordered to do (340). The Prophet (SAW) was quoted thus:

“Righteousness is good morality and sin is that which causes discomfort (or pinches) within your soul and which you dislike people to become informed” (Tirmidhi, Zuhd 52).

Allah, the Most High says: " **إِنْ تَجْتَنِبُوا كَبَائِرَ مَا تُهَوِّنُ عَنْهُ نُكَفِّرْ عَنْكُمْ سَيِّئَاتِكُمْ وَنُدْخِلَكُمْ**

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sins which you are forbidden, we will remove you from your lesser sins and admit you to a noble entrance (into Paradise)”. (Qur’an: 4:31). The Quranic text above (4:31), explicitly points out the fact that sins otherwise known as crimes are of two categories namely; lesser or minor, and major or heinous (crimes).

CATEGORISATION OF CRIMES IN ISLAM

The following are types of crime in Islam as enunciated by scholars:

Major Crimes

There are many noxious crimes according to Islamic law, but many scholars of Islam agreed that the noxious or major sins in Islam are seven (7); namely: Associating partners with Allah, involving in magical exhibition, killing humans without justification according to Islamic law, embezzling orphan’s wealth, devouring usury, slandering chaste and well behaving women.

عن أبي هريرة رضي الله عنه مرفوعاً: اجتنبوا السبع الموبقات قالوا يا رسول الله وما هن؟ قال: الشرك بالله، والسحر، وقتل النفس التي حرم الله إلا بالحق وأكل الربا، وأكل مال اليتيم، وتولي يوم الرحق وقذف المحصنات الغافلات المؤمنات. [متفق عليه]

Abu Hurayrah (may Allah be pleased with him) reported that the Prophet (SAW) said: Avoid the seven destructive sins. They said O Messenger of Allah, what are they? He said: Associating partners with Allah, magic, killing an innocent person except by legal right; consuming usury, consuming the property of an orphan; retreating from the battle field; slandering chaste, innocent and behaving women. (Bukhari and Muslim)

However, the Hadith just listed a few ones among many others, but certainly, not limited or excluded other major sins. Moreover, Muslim scholars, according to Ismail (2016:340) listed the following:

Hypocrisy, neglecting the pillars of Islam, violating parents' rights, adultery, fornicating and homosexuality, theft, consuming alcohol, gambling, lying, backbiting, gossiping, mocking others, spying, abandoning relatives, injustice, fraud, pride and arrogance, bearing false witness, oppression, committing suicide, bribery, betraying a trust, failure to fulfill promises, offending neighbours, abusing Muslims etc.

Minor Crimes

Minor sins should neither be underrated nor persistently perpetrated else, they may metamorphose into major ones. Imam Ghazali cited in Ahmad said: persistence in minor sins will turn them into major ones; therefore, he warned that pervasive effects of sins (crimes) on one's soul. As for minor sins such as hugging or touching a member of the opposite gender (2021:25).

Minor sins are those that do not fall in the category of major ones. Allah, though, indeed is all-forgiving, if any of His servant repents sincerely and does not revisit same or other sins, and follows it with good deeds. Allah Says:

"وَأَقِمِ الصَّلَاةَ طَرَفِي النَّهَارِ وَزُلْفًا مِنَ اللَّيْلِ ۚ إِنَّ الْحَسَنَاتِ يُذْهِبْنَ السَّيِّئَاتِ ۚ ذَٰلِكَ ذِكْرُ
لِلذَّاكِرِينَ." [هود: 114].

"And keep up prayers in the two parts of the day and in the first hours of the night; surely good deeds take away evil deeds this is a reminder to the mindful (Qur'an: 11 :114)."

BRIEF HISTORY OF CRIME

Crime has existed in one form or another for thousands of years, but criminology is only recently named and recognised as a legitimate science. The history of crime and punishment has its roots back, to Roman and Greeks' times, to the Middle Ages, with its punishments of stoning, burning, quartering, whipping, drowning and other violent acts (guides II). Crime seems to have been around as long as civilization, modern criminology began in Europe and America in the late eighteenth century.

Fundamentally, in Islamic history, the Devil can be referred to as the front liner of criminality with the instance his disobedience to Allah as he refused to prostrate for Adam, based on Allah's command when He ordered him to do so. Allah states:

"وَإِذْ قُلْنَا لِلْمَلَائِكَةِ اسْجُدُوا لِآدَمَ فَسَجَدُوا إِلَّا إِبْلِيسَ أَبَىٰ وَاسْتَكْبَرَ وَكَانَ مِنَ الْكَافِرِينَ".
[البقرة: 34]

“When We told the angels, bow down before Adam, they all bowed. But not Iblees, who refused and was arrogant; he was one of the disobedient” (Qur’an: 2: 34).

CAUSES OF CRIME

Crime, being an irritating offensive human character, has many factors attributed to its’ causes among which poor performance in school is taking a prominent. Anthony (2021:7) suggested that excessive failure of a child attending writing or oral test and examination may lead to voluntary withdrawal of the child from school, or be withdrawn by the school management. This may lead the child into joining a bad gang which aids criminal practices. Other reasons or causes of crime, according to Anthony (i) include: lack of education, living in poverty and being raised in a single parental home. Other causes of crime are discussed below:

Drug and Drugging: Drug remains one of the major causes of committing crime, as it aids the perpetration, giving the perpetrator the confidence, energy and hope to succeed in carrying out criminal activities. According to the data collected by the National Institute of Drug Abuse, a wing under the National Institute of Health in the United States of America, cited in Athira (3), over 70,000 people succumbed to drug overdoses in America. Drug abuse may include: overdose, using less than the required dose, self-medication which affects the drug addicts’ brain or psychological being and transform him to engage in strange behaviours which may as well lead to committing crimes. Ksir in en-m Wikipedia.org assessed that in some cases, criminal or anti-social behaviour occurs when the person is under the influence of a drug and long-term personality changes in individuals may also occur (para 12).

Illegal drugs connote hazardous use of psycho active substances, which include alcohol and illicit drugs (WHO in tribuneonlineng.com 2021) such drugs include orthodox and locally prepared drugs. Commonly abused drugs include: Cannabis, cocaine, amphetamine, heroin, diazapan, cocaine and so on (tributeonlineng.com 2021). It is very obvious that overdose, self-medication and deliberate usages of such drugs for heinous criminal activities are a gear towards commitment of crimes nowadays.

Poverty, family background and peer group influence: Crimes, such as theft, robbery, kidnapping, fraud, pick-pocketing, car-burglary etc. are sometimes committed by the perpetrators due to the poverty level they find themselves, example, an unemployed graduate, who’s family lives in an abject poverty can easily be lured into the

aforementioned criminal practices by his peer group unknowingly. Athira asserted that peer pressure plays a significant role in the lives of all teenagers and young adults as it compels them to join a bad wagon (13).

Anger: Anger is a strong feeling you have when something has happened that you think is bad and (seems) unfair (Hornby 49). Many people have committed various crime, anger or rage being the propeller. In some cases, the end result was manslaughter. According to an interview conducted with Doug (31st 2014) by Peter et. al. (personal interview):

My last hate crime happened about a month after my son was born. I'd beaten that guy with a hatchet ... The butt. It was a small, pocket hatchet that I carried around... So, when that incident happened, I felt guilt in a way I'd never felt it.

The confession of Doug above pointed out that he carried along with him (in his pocket), a hatchet due to the rage (anger) in him, as a result of transferring an aggression based on the fact that his child was burnt. Anger is a common symptom of several disorders associated with suicide (Kristen et'al np). Morgan & Priest (2020:145) conducted a qualitative study of hospital case notes of patients who died by suicide and found that many expressed elevated anger before their death. When anger strikes and it becomes uncontrollable, its outcome is always disastrously damaging. Anger has, many times, resulted to ghastly road crash, street fight, court case, jail term, divorce situations, colossal bodily damages, burnt, deep sores and bruises and loss of lives (Maisuna 16 – 22).

Frustration and Depression: After several attempts de-facto have been made in order to record success, progress or elevation on a particular project, and such attempts failed, frustration may set in. Bier Zynskaet'al elucidated that frustration occurs when an individual continues an action in the expectation of the glorification or desired goal but does not actually attain it 14. As a result of frustration, individual and group crimes have been committed by many victims of frustration: hanging oneself, stabbing, drinking of poisonous drugs e.g., snipper, beating or punching others to death due to emotional negative thoughts. In concomitant with the above opinion, Bierzynska recapitulated that the aftermath of frustration occurrence may lead to many emotional and effective responses, such as acute stress, lasting anger, sadness and rage (23).

Sometimes, one's propensity of frustration can lead to ineffectiveness on professionalism and the end result may be death for the client, as a medical doctor who has attended to over fifty (50) patients may mis-administering drug. Bierzynska (23) enunciated that doctors who spend a longer time caring for their patients get to know them better but this also makes them more vulnerable. Depression on the other hand, may not make the affected person violent but can as well commit violent.

A PERCEPTION OF ISLAM ON CRIME

Indeed, it is a known fact that, no matter how purified and reformed a given society becomes; crimes will still be committed, though, the difference would be that of degree (Doi.218). In a bid to build a peacefully co-existing egalitarian society, Islam prescribes punishments for every crime, irrespective of people's status, age, gender, colour, and race. Islam also prescribes equality in treatment of humans. It is against this background that Islamic jurisprudence sets laws for Muslims who are sane mentally, and matured to refrain from criminalities else, law takes its course. Doi stated that it is because of this reason that any crime committed against the peace and well-being of the society will be deemed as the crime against the Creator Himself (219).

PERCEPTION OF CONFUSION ON ISLAMIC PENAL LAW

Some Christians worldwide, misconceive, misinterpret and have strong feelings of misperception of Islam which has caused a lot of confusion between Muslim and Christians. Although to a few ones among non-Muslims, they actually comprehend the true teachings of Islam but in a confusing way. Majority of Christians adjudged all Muslims and Islam, painting both with a wrong perception and as being tagged as: killers, wicked, cruel devilish, hard-hearted, spiteful, blood thirsty; and most unpalatable description is the tagging of Islamic law as a barbaric and obsolete law!

A MUSLIM'S REFLECTION ON CHRISTIANS' PERCEPTION OF ISLAMIC PENAL LAW

Whereas the erroneous perceptions Christians have about Islam and Muslims, especially on the issue of application of Islamic penal law requires absolute enlightening. The idea behind awarding the seemingly harsh punishment is that, it should serve as deterrent to the society (Doi 239). Similarly, Islamic law aims at promoting a set of values through all of its teachings, rulings, laws, and guidance hence as mentioned by some scholars such as Imam Abu Hamid Al-Ghazali and Ash-Shatibi. It paid attention to major objectives, wisdom behind Islamic Shari'ah and its aims (Hamza 26). A close study with objective mind will eventually reveal that Islamic law entails mercies, lessons, producing disciplined individuals by extension, a well-behaved community where justice, equity, protection of human rights, irrespective of religion shall be the orderliness of the community.

Mohamed Abu Zahra (19) cited in Hamza, expatiated that, Shari'ah came as a mercy to humanity as it aims at achieving three major goals; nurturing the righteous individual, establishing justice and realization of benefits. Humanity in its trusty connotes people in general as being good to human beings and animals. The establishment of Islamic law prevents, or prohibits proliferation of atrocities, crimes and other offences. Simultaneously, there are inflicted punishments prescribed by Islamic law against any

defaulter. Punishments are divided into two classes, one of which is called *Hadd* and the other *Ta'zir*. *Hadd* is a measure of punishment defined by the Qur'an and Sunnah. In *Ta'zir*, the court is allowed to use its discretion on which punishment is to be inflicted (Sahih Muslim 17). Meanwhile, some of the punishments that deserve punishment *Hadd* are discussed under here.

Stealing/Theft

When a Muslim steals a quarter of a dinar upwards or any valuable that worth the above-mentioned amount, then, such a thief's hand male or female be amputated. Aisha (RA) reported that Allah's Messenger (may peace be upon him) saying: "The hand of a thief should not be cut off but for a quarter of dinar and upwards". (Sahih Muslim, Book 17, No. 4178)

The stance of Islam on equity does not involve obscurity in that, no status, personality, class, tribe, or affinity is ever considered; meaning that, exercising punishment on a stated offence should not be obnoxious! Equity was performed on the Makhzumi woman who committed theft and was looking for exoneration from the Islamic law of theft – amputation. Aisha (RA) Reported that:

The Quraish had been anxious about the Makhzumi woman who had committed theft, and said: who would speak to Allah's Messenger (may peace be upon him) about her? They said: Who dare it? But Usama the loved one of Allah's messengers (may peace be upon him) so, Usama spoke to him. Thereupon, Allah's Messenger (may peace be upon him) said: Do you intercede regarding one of the punishments prescribed by Allah? He then stood up and addressed (people) saying: O people, those who have gone before you were destroyed, because if any one of high rank committed theft amongst them they spared him; and if anyone of low rank committed theft, they inflicted the prescribed punishment upon him. By Allah, if Fatimah, daughter of Muhammad were to steal, I would have her hand cut off (Sahih Muslim, chapter 1, Book 17, No. 4187).

Cutting of the hand of a thief will definitely refrain the thief from going further to steal as the power of stealing has been drastically reduced; and such a thief serves as a deterrent to other unsuspecting intending thief, and the community valuables are safe. Allah says:

"وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا نَكَالًا مِنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ."
[المائدة: 38]

"[As for] the thief, the male and the female, amputate their hands in recompense for what they earned [i.e., committed] as a deterrent [punishment] from Allah. And Allah is Exalted in Might and Wise" (Qur'an: 5:38).

Rape (*Al-Ightisaab*)

Rape is an act of coercing, forcing or threatening either a male or female to have unbargained sexual intimacy or relation with an opposite sex. Hornby states that, rape is to force somebody to have sex with one when such one never wanted to; or by threatening rape as forcible illegal sexual intercourse by a man with a woman who is not legally married to him; without her free will and consent (1233).

Women and girls in most cases, are the victims of rape. Rainn reported that younger people are at the Highest Risk of sexual violence, especially those between ages 12 – 34 who are young women and girls. On the other hand, men have been victims of rape as well (22).

Rape by men only became recognised as a crime in the UK in 1994 (Natasha 2018). Ibn Rushd in Thomas observed that most scholars agree that “*hadd*” penalty be applied to a convicted rapist, that is he/she be stoned to death for the married; or receiving one hundred strokes of the whip, and deportation for the unmarried – meaning, putting them on exile to avoid continuity or repetition of the act.

In order to explain further, the evil of rape in a society and to debunk the perception of people about Islamic laws on crimes, Qudamah in Azaman (3) stated that the criminal (of rape) has to pay ‘*diya*’, i.e., for manslaughter, if the victim becomes pregnant and dies at the delivery as it can be attributed to the cause of the rapist. Others analogically proved that the male rapist has to pay the dowry of the victim; however, Abu Hanifah, Thauri and Ibn Shubrumah, cited in Azman (2021:3) that a rapist is liable for the capital punishment “*hadd*” penalty only and not for the dowry. It is very obvious that most rape scenarios involved force, harassment, victimization, using injurious instrument e.g., gun, knife, pestle, shovel, plier, plank etc. which shows that, there is no consent of the victim (female), therefore, dowry is out of discussion because the act (rape) was not mutually agreed upon.

In a greater attempt to avoid, deflowering, destroying and causing psychological imbalances to other people’s children, the institution of marriage through proper protocol is a laid down rule for establishing a righteous family. It can, as well, be deduced that marriage institution, according to Islamic Law is a method to provide security for every growing child. Islam has taken some measures and precautions. The precautions are the concepts of Islam which should not be misconstrued for being wicked, crooked and inconsiderate. Maisuna stipulated that one common feature has been a castigation of Islam as the catalyst for the atmosphere of violence (19).

Aftermaths of rape may include: sexually transmitted diseases (STDs); (unwanted) pregnancy, physical (and virginal injuries) long term physical health problems, e.g., gynecologic problems, chronic pain, gastrointestinal disorders and poor health status (Reynolds, Holmes, Plichta and Kimerling) cited in Heidi, Heidi and Kilpatrick (202) majority of the ill-health conditions have links with raped female victims. On the other

hand, men and boys who have been sexually assaulted may experience the same effects such as: anxiety, depression, posttraumatic stress disorder, flashbacks and acting disorders, anger, fear, powerlessness, guilt, shame etc.

It is however, part of the wisdom of Islamic law as per trying to avoid, sorrow, transmission of deadly diseases, avoidance of injury on others, prevention of hacking others with insult and assault, all formed the reasons why perpetrators of criminal acts such rape, are assign severe punishment.

Adultery and Fornication (Al-Zinā)

Adultery: Adultery involves two opposite gender – male and female, who are married but have sexual satisfaction outside their wedlock (marriage). For money lust, commercial greediness, promise or whatever the reason, Doi expiated that adultery is when one or both parties are married to a person or persons other than the persons involved in the sexual intercourses (236).

The illegal act may generate illegal children that constitute nuisance and lack of peace in a family, community or society at large. Due to heredity, if an armed robber commits adultery with a woman that steal, the combination of both social vices may be exhibited by the child or children that come out of such promiscuous relations (Doi 271) asserted that Islam prohibits illegal sexual relationship, for they lead to confusion of lineage, child abuse, family break-ups, bitterness in relationships, the spread of vulnerable diseases, and a general laxity in morals.

Fornication: Fornication is an act of sexual relationship that practically takes place between two opposite genders who are not legally married yet (bachelors and spinsters). Islamic law (Shari'ah) prohibits unmarried from being alone together in a private place (Doi 276). Remarkably both adultery and fornication are two different words, but answer a single name under Zina. Similarly, sometimes, both adultery and fornication may be committed when a married man meets, sexually an unmarried lady, girl or woman; or, vice-versa. For a Muslim (male or female) to fulfill his or her sexual urge legally, and to avoid proliferation of illegal children, two things are recommended in Islamic Law: Firstly marriage: Allah says:

.... فَأَنْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ ... [النساء: 3]

“... marry women of your choice” (Qur'an: 4:3).

Secondly, sanctions, deserts and vehemently rejects promiscuous sexuality. Allah says:

وَلَا تَقْرُبُوا الزِّنَا إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا. [الإسراء:

[32

“And do not go near adultery (Zina), it is immoral an evil way” (Qur’an: 17:32).

Islam is a religion of discipline that supports good deeds, actions, thoughts etc., and frowns at any illicit, indiscipline or corrupt practice, rebelliousness, infidelity, apostacy, licentiousness, shameful deeds, injustices, inequity etc. The Glorious Qur’an states:

”إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ ۚ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ“. [النحل: 90]

“Allah commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds and injustice and rebellion: He instructs you, that you may receive admonition” (Qur’an: 16:90).

The Bible, in a similar way states the punishment for adultery thus: “And the man that committeth adultery with another man’s wife, even he that committeth adultery with his neighbour’s wife, the adulterer and the adulteress shall surely be put to death” (Leviticus 20:10).

Thus, the above Biblical quotation (Leviticus 20:10) has the same contextual connotation and application of Islamic law on a married person who commits adultery. This therefore, erases the issue of misconception about the ruling of Islamic law. Glorious Qur’an, confirmed is the punishment for the crime – *Zina*.

One of exclusive importance of Islamic penal law (*Hadd*) on persons who commit adultery or fornication is to erase utter confusion with regard to paternity and to have a standard way of bringing up legal children via a legal religious union-marriage (Doi 245). Aside the above, adultery and fornication (*Zina*) generally is disgustingly dreaded to human’s health, wealth, credibility or integrity, it can cause enmity between and among the perpetrators, friends, neighbours and families. In order to prevent this vice (*Zina*), the first revelation merely spoke of the punishment of confining only the woman who is guilty of sexual offences in their houses until they die (Doi 237). Allah says:

”وَاللَّاتِي يَأْتِينَ الْفَاحِشَةَ مِنْ نِسَائِكُمْ فَاسْتَشْهَدُوا عَلَيْهِنَّ أَرْبَعَةً مِنْكُمْ فَإِنْ شَهِدُوا فَأَمْسِكُوهُنَّ فِي الْبُيُوتِ حَتَّىٰ يَتَوَفَّاهُنَّ الْمَوْتُ أَوْ يَجْعَلَ اللَّهُ لَهُنَّ سَبِيلًا“. [النساء: 15]

If any of your women is guilty of adultery, take evidence of four (reliable) witnesses from among you against them; and if they testify, confine them to houses until death do claim, or Allah ordains for them some (other) way (Qur'an: 4:15).

Confinement itself as an Islamic punitive measure to adultery is a measure to curbing subsequent occurrence and an avenue to repent totally. Flogging fornicators is another measure taken by Islamic law to avoid replication or repetition of the evil act.

On the other hand, and in the same vein, Islamic law disagrees, disapproves and condemns surrogacy. Surrogacy is an arrangement made when a woman carries in her womb, a couple's sperm and ovum to produce a child for the intended parents (Al-Mubarak 2020: 277).

A Surrogacy, to some extent, is an unapproved and non-legally conjugated marriage. Insemination of one's semen into the womb of another woman, (unless it was legally conjugated) is a violation of the Qur'anic injunction (Al-Mubarak) Allah says:

"وَاللَّهُ جَعَلَ لَكُم مِّنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُم مِّنْ أَزْوَاجِكُمْ بَنِينَ وَحَفَدَةً وَرَزَقَكُمْ مِنَ الطَّيِّبَاتِ ۚ أَفَبِالْبَاطِلِ يُؤْمِنُونَ وَبِنِعْمَتِ اللَّهِ هُمْ يَكْفُرُونَ". [النحل: 72]

And Allah has made for you from yourselves mates and has made for you from your mates' sons and grandchildren and has provided for you from the good things. Then in falsehood for they believe and in the favor of Allah disbelieve? (Qur'an: 16:72)

Surrogacy is therefore, a somewhat form of non-physical adultery/fornication as a scientific *Zina*. Although, a polygamous wife whose semen is transferred or implanted in one of the wives' wombs is regarded legal by the Fiqh council of the Vic (Zayad 140-1 in Al-Mubarak 2020: 277). Paternity, is strict in Islamic law as cutting corners is illegal. The Glorious Qur'an states:

وَالَّذِينَ هُمْ لِأَفْوَاجِهِمْ حَافِظُونَ. إِلَّا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ فَإِنَّهُمْ غَيْرُ مَلُومِينَ. فَمَنِ ابْتَغَىٰ وَرَاءَ ذَلِكَ فَأُولَٰئِكَ هُمُ الْعَادُونَ. [المعارج "(29 – 31)"]

“And those who guard their private parts. Except from their wives or those of their right hands possess, for indeed, they are not to be blamed. But whoever seeks beyond that, then they are the transgressors” (Qur'an: 70: 29-31).

Intoxicant/Alcohol (*Hamr*)

Any substance, whether solid or liquid; or through smoke that changes human's normal attitude to abnormal or, intoxicates the consumer's psychological state of being is referred to as alcohol. The position of Islam on alcohol and intoxicant is illegal – *Harām*, and *Harām*

is a major crime. Jaber (i) reinvigorated that all text in Islamic law indicate definite prohibition of alcohol and intoxicants, and that its consumption attracts punishment, due to self, individual and public damages it (alcohol/intoxicants) caused during barbaric (Jahiliyyah) period. Islam detests its consumption and promulgated laws and punishment on it. Allah says:

"يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ". [المائدة: 90]

“O you who have believed, indeed, intoxicants, gambling, (Sacrificing on) stone alters (to other than Allah), and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful” (Qur’an: 5:90).

Allah advises the believers to distance themselves from alcohol and other vices because the consumption of alcohol is an instrument of the Devil, and an avenue to perpetrate all other evils. The effects of alcohol according to Souradh includes: It attracts abscondment from five daily prayers, it clouds the intelligence, it sends wrong message, it causes forgetfulness, it makes people commit crimes.

Under California penal code 187, killing someone under the influence of alcohol while driving is a regular second-degree murder charge. Such misdemeanor will attract or result in up to a year in jail, plus a fine of \$1,000... (Stain & Markus np). Islamic Law is distinct from all other global western law in that, offence or crime always commensurate with the punishment. Life for life, according to Islamic Law will drastically reduce manslaughter via the influence of alcohol and improve total abstinence. Allah says:

وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ. [المائدة: 45]

And We ordained for them therein a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds is legal retribution. But whoever gives (up his rights as) charity, it is an expiation for him. And whoever does not judge by what Allah has revealed – then it is those who are the wrongdoers (i.e., unjust) (Qur’an: 5:45).

In the same vein, the corporal punishment exists in the Bible as well, so the criminal offence of murder attracts the same punishment so as to discourage taking of human lives unjustly, under the influence of alcohol or any intentional killing. “If any harm follows,

then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe” (Exodus 21: 23 – 27)

UPRIGHTNESS FOR DEVELOPMENT

Human society can only grow progressively where crime rates are at the barest minimum. In order to achieve full, fledged security, crimes must be faced with merited and commensurate punishment for a developmental society. In doing that, economic will grow buoyantly, commercial activities will be carried out peacefully, religious activities will be practiced with tranquility and security of lives and properties are guaranteed. Caitlin (2018) succinctly says that, economics and security are closely connected. A strong economy and safe citizenry each enables the improvement of the other. However, development is likely not to happen if crimes are on a higher rate while mischief rent the air. To this end, Omer (2019) reinvigorated that things are always bound to work against the inhabitants of a city, making their lives both miserable and injurious. The Glorious Qur’an states: “Mischief has flourished on land and sea as a result of people’s actions and He will make them taste the consequences of some of their own actions so that they may turn back” (Qur’an: 30:41). It obviously established that human beings love positive rewards but detest punishments and of course, it is the enactment and execution of punishment that will certainly reduce crime among human race, without which anarchy will occupy the surface of the earth.

CONCLUSION

Findings revealed that the perception of Christians was based on their knowledge. They are not having access to the cases which exhibited application of Islamic penal law. Also, misrepresentations by some scholars who are adamant to their principles have created a wide gap in the perception of some Christians. It has been observed from the available data that no adequate knowledge about the intent of God with Islamic penal laws.

The perception of Christians about the penal law was based on the cruelty of those Arabs before Islam and perhaps the application of it, sometimes by some corruptible judges. Islam is the religion enshrined with special wisdom, in that, its laws are Divine from the Law Giver (Allah), who creates and cares for what He created. It is obvious that such punishments for offences discussed in this paper, according to the law of Islam, are promulgated for the purposes of: human rights, freedom, peace, love, trust, justice, equity etc. so as to rid every Muslim community of vices, atrocities, sinful acts etc.

In view of the fore-went discussion, the following recommendations were made:

- (1) Non- Muslims should erase from their minds, the misconception or bad impression they must have had about Islam as a religion and its laws.

- (2) The search for more knowledge by non-Muslims is an expedient exigency for better understanding of Islam and not to judge Islam by some Muslims' negative attitude they see them exhibit.
- (3) Muslims who engage in misdemeanors and other sinful acts should disembark as doing so misrepresents the teachings of Islam.
- (4) Practicing of Islamic law is highly recommended for only the Muslims living in an Islamic States, hence the impacts of common law is not grossly felt.

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