



HARMONISATION OF THE SHARĪ'AH AND CIVIL LAWS

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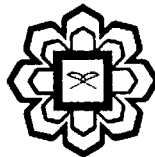


**HARMONISATION OF THE
SHARĪ'AH AND CIVIL LAWS
(PERSPECTIVE AND PRACTICE)**

EDITORS

ABDUL HASEEB ANSARI

SYED KHALID RASHID



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**IMPLEMENTING HUDUD ON WOMEN IN SHARĪ'AH: A
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Noor Mohammad Osmani

Abstract

This study seeks to analyze the stance of shari'ah in implementing Hudud punishment on women in the case of adultery and fornication and to compare it with the existing civil laws in the modern age. The issue of Hudud has been much debated, attacked and ridiculed in the global electronic and print media. There has been a serious misconception about Islamic criminal punishment in general and the punishment of adultery in particular. It was publicized that Islam hunts the adulterers and kills them through stoning. A search of ayat and ahadiith of the Prophet (PBUH) proves the fact that the committers of adultery were not searched or hunted by the Islamic state; instead, the offenders themselves came voluntarily to confess to the Prophet (PBUH) for obtaining purity and cleanliness, lest they be punished by the divine eternal torment in the Hereafter. Prophet (PBUH) though tried repeatedly to avert and gave ample chances for them to return and repent to Allah, but due to their insistence and determination, finally took up the case and implemented the punishment of stoning in a few cases. However, the Qur'an is totally silent about stoning. The Qur'an (24: 2-3) commands 100 lashes to be carried out on the adulterers, apparently for unmarried ones. The present research is carried out to investigate the traditional texts from the Qur'an and Sunnah on the cases of adulteries and its punishments to discover the real truth behind it. As a qualitative research by nature, it depends on the available texts from the primary sources of shari'ah – the Qur'an and Sunnah - Islamic Fiqh and jurisprudence, relevant websites, recent journals, magazines and newspapers etc.. It analyzes the stance of different jurists from traditional and modern perspectives and gets the latest available data through different journals and newspapers. The research reached conclusions that Islamic criminal punishment is a just, fair and balanced one, which is still suitable to be implemented throughout the globe provided that the states follow Islamic rules in overall policy of governance. Islamic Hudud alone cannot be established in isolation from other religious rulings and adaab (manners). Islam does not discriminate man and woman in carrying out its legal punishments. Societies can