

The Religious Purposes of Disciplinary Punishments "Tazir"

Praise be to Allah, and may he bless the Prophet Mohammad, peace be upon him.

The purpose of this research is to emphasize the kindness of Islam, that it is a religion of peace, justice, and forgiveness, that its religious laws are for the benefit of people in this life and the hereafter, that they are applicable in every age and place, and that they are flexible in keeping up with whichever developments occur in the modern world.

The key notes of this research:

- The characteristics of the Disciplinary Punishment .1
- The religious purposes of the Disciplinary Punishment. .2
- The uniqueness of Disciplinary Punishment as opposed to other punishments. .3

The meaning of the Disciplinary Punishment:

It is a punishment that lets the judge decide which type should be applied depending on the circumstances of the crime and the criminal.

The characteristics of the Disciplinary Punishment:

- It is not decided upon in the religious texts, for it is a matter of evaluation, as the judge decides the punishment that is appropriate for the time, place, and person. .1
- The types of Disciplinary are varied according to time and place and benefit for society. They may range from a death sentence for serious crimes to a rebuke or a promise of good behaviour. The judge may even pardon the criminal if he sees it fit. .2
- The types of Disciplinary punishments are not limited to the punishments commonly known, such as imprisonment. The judge may decide on a different kind of punishment that he sees beneficial to both society and the criminal's character so that it may help him adjust his life, such as demanding that he performs a community service like helping patients at a hospital, etc. .3

The Religious Purposes of Disciplinary

There are many meaningful purposes to the Disciplinary approach in Islamic law, all of which contribute to the well-being of society. They may be summarized as follows:

- To protect religion, life, family, mind, and money, which are considered the most important pillars in protecting society. .1
- To discipline criminals, not with the intent of revenge or harm, but with the aim of reform so that they may be a productive part of society. And by reforming the criminal during the punishment period and making sure that the criminal will never repeat what he did. Reforming process must exclude any humiliating or any kind of abuse. .2
- The story of the man who drinks alcohol and one of the Prophet Associates insulted him , the Prophet said "Do not support the Satan over your Brother". .3
- Deterrence and Restraint : Scholars have mentioned that the base in punishments is Deterrence and Restraint because deterrence punishments is a means to prevent crime, but when crime has been committed deterrence punishments becomes a means to deter the criminal not to commit a crime again , at the same time it deter others to imitate him. .4
- Upholding Justice : One of the main purposes of Shrea Law when legislating deterrence punishments is to Uphold Justice and equality among the people , even though the punishments is harmful it is still justified , nobody would imagine leaving a criminal without punishments , otherwise chaos would prevail. .4
- Mercy : Punishments with all its harm associated with it is Mercy from God , it has been dictated for the benefit of the people It is Mercy on the criminal because punishing him would result in his .5

reform through deterrence, also it is Mercy on the victim through upholding justice , and it is Mercy on the whole society through the prevalent of Peace and Security.

The main Distinctions of these Punishments •

- These Punishments dictated by God who is the Creator of people and who knows what is suitable for them. .1
- These Punishments has been dictated to prevent crime and maintains people rights and protect virtue. .2
- It is not meant for revenge because Islam is against violent punishments like burning or electric shocks. .3
- Islam depends on Preventive Means of Crime before it takes means of Punishments. .4
- Islam tries to minimize Punishments. .4
- Sharia Law is distinctive in recording crimes and preventing doubts, if indications are not enough Punishments could be replaced.
- The Islamic System is a Whole that dose not accepts divisions , you can not deal with Punishments without looking at The Islamic System as a Whole , and Sharia Law is not all Punishments , It is a Doctrine and Virtue and Rituals and Dealings , Penalty is just a part of it. .5

Conclusion •

Disciplinary Punishments has higher aims and noble intentions , it is applied for the protection of public interest through the maintenance of the Essential Five.

These Punishments aims at Reform , Discipline and not for Revenge , it embrace Mercy , Justice and Equality.

The Islamic Method in combating crime is unique , it follows two baths

The First is Preventive , which prevent crimes from happening through adopting measures to stop the occurrence of the crime.

The Second is Curative , which come after the occurrence of the crime , it aims at stopping the repetition of the crime.

Braise be to God , and I Thank you for giving me this opportunity to share with you some of my thoughts about the subject.