

Takzir (Islamic Criminal Law): Educate People Not Abusing

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Abstract

This concept paper is to emphasize that Takzir which is revealed to educate people, not vice versa. The authors choose Takzir to be highlighted in this paper to give clear picture to mass about this kind of punishments and to gather the opinion of scholars. Muslim worldwide is ambiguous about the survival of Islam without the sword and the harsh punishment under Islamic Law. Islam is a religion of wisdom which came with comprehensive way of life. In educating people to abide with all rules and regulations in their daily life, we need to have some guidance and reference. Islam already remind people to always stick with Al-Quran and As Sunnah and also obey the officials of the state or judge (ulil amr) those are responsible to implement the laws of the state. It has been proved by Quranic verses "O you who have believed, obey Allah and obey the Messenger and those in authority among you"(4:59). All punishments by officials of the state (judge) called takzir. Takzir is punishment for crime not measuring up to the strict requirements of hudud punishments, although they are of the same nature or those for which specific punishments have not been fixed by the Quran. Punishments range from the death, imprisonment, local banishment and a variety of fines. Determination of punishment is left to the judge who can vary the punishment according to a number of criteria including who has inflicted the crime and upon whom. The court is empowered to award any of such punishments as it deems fit keeping in view the psychological condition and the background of the offender. It is hoped that this paper may provide better picture of takzir or to the best, change the mentality of some who label Islamic criminal law is harsh and strict.

Keywords: Takzir, Islamic Law, Syariah, Crime, Education.