

**Larbi Ben M'hidi University**  
**Faculty of Law and Political Sciences**  
**Law Department**

**Lectures in the course:**  
**Islamic criminal legislation**

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Lessons directed to  
First year Master's degree, specializing in  
criminal law and criminal sciences

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## **Introduction**

Islamic law came with everything that a person needs in his devotional life, which regulates his relationship with the Creator, and in his daily worldly dealings that regulate his life with other human beings, as it is complete and integrated and guarantees all needs at various levels, through integrated rules and systems that are familiar with all developments and developments that may occur in the Islamic society with different times and places.

Islamic law has been able to ensure this as Islam is the last of the monotheistic religions that prevail and govern humanity until God inherits the earth and what is on it, by combining two characteristics that may seem at first glance contradictory, but this is not the case, namely the characteristics of stability and flexibility through which Islamic law was able to ensure its continuity, survival and validity for all times and places.

The property of stability and flexibility that characterizes Islamic law extended to the field of criminalization and punishment, where it decided in the face of some acts that the wise street estimated their seriousness and the gravity of their damage over time and in different places explicitly criminalized by indisputable legal texts, deciding for certain penalties and ability in which there is no room for the diligence of the guardian or judge, and there is no way to exercise the discretionary authority about them by the latter, so it does not decrease them and does not Hand on it and do not pardon it, in appreciation of

the wise street that the interest of the group requires it, to keep the window of flexibility open in this area through crimes and

punitive penalties in which the field was given to the jurisprudence of the guardian or the judge according to what may arise from the development of criminal thought among the Islamic community, where the judge or guardian enjoys the criminalization of acts that he deems a violation of God's commands or prohibitions according to certain controls based on theIt has the spirit of Sharia and its general principles, and decides successively the penalty that he deems appropriate in accordance with the same controls referred to, enjoying a wide discretion that entitles him to choose the appropriate punishment from among a long list of penalties available in this field, and he may even develop from them what he deems appropriate, as long as it achieves the interest of the individual and the group and protects him, it is legitimate of any kind, and this authority extends to the point of reducing or increasing it according to what suits the personality of the offender And his psychology, and may even reach the point of pardon by the guardian or judge or even lapse by statute of limitations, depending on the requirements of each crime and the circumstances of each offender separately.

This is therefore the genius of Islamic law, which combined everything that may seem contradictory or difficult to collect, as it is the law of God on earth, which surpasses all other laws altogether, so there is a difference between what is issued by people and what is issued by the Lord of people, exalted from that is very high