

6. Judicial System

“But no, by your Lord! They will not believe until they make you a judge in what they dispute among themselves, then they will find in themselves no uneasiness touching your verdict and shall submit in full submission.” Holy Qur’an (4:56)

Naturally, human societies witness problems and differences among the people. Some may assault others, someone may beat another, someone may steal another's money, commit murder, or otherwise endanger the life of a member of society. A difference may arise between them over the ownership of a piece of land, a debt, or any other source of contention.

Islam aims to establish justice, security and stability in society. To do this, it sets certain laws and rules in effect to punish transgressors and deter them from resorting to violence. These laws oblige the Muslims to take their cases before the judiciary to be examined and judged. Islam makes acceptance of the verdict passed by the Islamic court a requirement of faith as is shown by the above Qur'anic verse.

By establishing the judiciary in Islamic society, security, stability and justice can be preserved. Crime and evil is also controlled. For the criminal and transgressor fear of punishment, tends to urge them to refrain from these acts against society. Were it not for the judiciary and punishment, human societies would be plagued by chaos.

“And that when you judge between people you judge with justice.” Holy Qur’an (4:58)

Principles of the Judiciary System

“...and when you speak, then be just though a be (against) a relative...” Holy Qur’an (6: 153)

1. The judge should be a jurisprudent (*faqih*) and sufficiently wise with respect to Islamic laws so that he can pass judgement in light of this knowledge.
2. The judge should be a pious man who judges justly and rightly.
3. No judgement can be given without evidence, testimony of witnesses, and/or the admission of the

accused.

4. Every accused man is innocent until he is proven guilty. If guilty, he is punished and or ordered to restore the injured party's rights.

5. The judgement handed down by the Islamic court should be in accordance with the laws and rules of Islam alone.

Praise be to Allah, Lord of the worlds

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