

Impositions of Financial Penalties in the Light of Shariah ♦

Today, the 18th of November 2018, the members of the committee having pondered deeply over the topic of imposition of financial penalties, have resolved to the following suggestions;

- A. For the prevention of crime Islam has laid down a strong punishment system. For each crime a particular punishment is prescribed, which is known as ‘Hudood’ in Islam. But those punishments for crimes, which are not laid down by the Shariah are known as ‘Tazeeraat’.
- B. One important form of Tazeeraat – punishment is imposition of Financial Penalty, which is such a form of punishment that under the pressure of such financial burden the criminal is deterred from carrying out the crime. In the present conditions when there is no other option but to impose financial penalty and it is the only effective option then a financial penalty can be imposed but it has to be in a just measure.
- C. In order to discourage absenteeism and misconduct in educational and training institutions it is permissible to impose penalties, or to withdraw their free lodging and boarding facilities, or to collect fines over and above their fees or to devise a different effective means to stop this practice. However the amount thus collected should be used in welfare schemes.
- D. Apart from educational institutions it is also permissible for other institutions, or certain communities and ‘Panchayats’-local dispute resolution committees, to impose financial penalties for some irregularities, in order to maintain law and order in the society, with the consultation of enlightened Islamic scholars, muftis and jurists.
- E. With the aim of keeping rampant incidences of divorce in check, if both the parties agree at the time of ‘Nikah’ to the condition of an increased amount of ‘Meher’, at the instance of an unreasonable divorce, then this is permissible.

If a person unreasonably pronounces triple Talaq for divorce, in one go and the wife approaches the ‘Darul Qaza’, the Islamic dispute resolution centre has the right to impose financial penalty on the husband and the funds thus raised should be used for the aid of the aggrieved wife.