

Punishment compare btween islamic law and american law



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CIVIL PUNISHMENT AND FINANCIAL PUNISHMENT IN ISLAMIC AND AMERICAN LAW 4th, October, Outline on Civil Punishment and Financial Punishment in Islamic and American Law

Thesis: There are different forms of civil and financial punishment that apply in Islamic and American law. The different forms of punishments vary while others are the similar. In addressing civil and financial punishments, I will need to consider their application from both the Islamic law perspective and the American law perspective.

1) Definition of civil and financial punishment

A. Under Islamic law, civil and financial punishment refers to punishment on civil offences and financial offences by Muslims as stipulated in sharia law (Rudolph, 2006).

B. Under, American law civil and financial punishment refers to punishment on civil offences and financial offences by American citizens as stipulated in the American constitution.

2) Causes of civil punishment

A. Civil punishment may result from offences like religious offences, family offences, violation of human rights, and hate speech under Islamic law.

B. Civil punishment may equally result from offences like family offences, violation of human rights, defamation, and violation of public safety rules, unauthorized disclosure of information, and violation of traffic rules, Landlord/tenant disputes, property disputes, personal injury, tariff violations, additional rate violations, and hate speech under American law (Gardner and Anderson, 2011).

3) Causes of financial punishment

A. Financial punishment may result from offences like fraudulent dealings, <https://assignbuster.com/punishment-compare-btween-islamic-law-and-american-law/>

corruption, and mismanagement of public funds in Islamic law.

B. financial punishment may result from offences like fraudulent dealings, corruption, and mismanagement of public funds, tax evasions, abuse of office, failure to present audited accounts among other financial offences under American law.

4) Forms of financial punishment

A. Under Islamic law, financial punishment against financial offences includes fines, financial penalties, jail terms, and other religious punishments.

B. Under American law, financial punishment against financial offences includes fines of different amounts, penalties, retrenchments, jail terms, and freezing of personal accounts.

5) Forms of civil punishment

A. Under the American law, civil punishment comes in form of civil penalties, administrative and individual sanctions, and disposition of property (Cornell University Law School, 2012), revocation of permits and licenses, compensations, suspension of licenses, retrenching offenders, and putting injunctions (Cole and Smith, 2007).

B. Under Islamic law, civil punishment may include civil penalties like hundred stripes, confinement, retaliation, expiation, and disciplinary action (Ayaz, 2009).

6) Pros and cons of Islamic law punishment

A. Conviction requires a lot of evidence

B. It is hard to implement some punishments

C. It is hard to collect enough evidence to convict an offender (Charles, 1998).

D. It is sometimes biased

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E. It applies for Muslim faithful only

7) Pros and cons of American law punishment

A. it may take time to arrive at a conviction

B. has chances for appeals

C. the jury may be biased

D. there is chances of wrong conviction

E. it derives a good level of justice

F. It related to the American constitution that may contradict with other laws

7) Conclusion

I find that there are huge differences between the rendering of civil and financial punishments using the American and Islamic law. I however, hold a higher opinion to punishments based on American law.

Works Cited

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