



A PERSON COMMITS A CRIME WHICH IS BOTH A CRIME (SIN) IN ISLAM AND THE COUNTRY HE IS LIVING IN, HE SEEKS SINCERE REPENTANCE AND IS PUNISHED BY THE STATE IN WHICH HE IS LIVING, IS HE ABSOLVED FROM HIS SIN IN THE AFTERLIFE? – IN PARTICULAR MURDER

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

There is a significant difference between Modern Criminal Law and Classical Islamic Law with regard to whom the crime has been committed against. In Classical Islamic Law the crime is committed against an individual, or if he is murdered, then against his guardians/inheritors. In Modern Criminal Law, due to the concept of the Nation State, the crime is considered to be committed against the state.

The key defining issue is who decides whether the individual should be punished or not and if he is to be punished what should the punishment be. In Modern Criminal Law the state decides whether the criminal should be punished or not and that is based on evidence or the lack of it. In Classical Islamic Law the individual chooses whether the criminal should be punished or he can choose to forgive him assuming evidence supports his claim; he decides on the punishment, however there are limits (*al-hudud*) set by Allah the Almighty.

Returning to the question if a criminal is punished by the state and the individual against whom the crime was committed is satisfied with the punishment then the criminal will also be absolved from the sin and will not be punished in the Afterlife. However, if the criminal is punished but the individual against whom the crime was committed is not satisfied and it has not gone beyond the *hudud* set by Allah the Almighty then the criminal will also be punished in the Hereafter. Additionally if the person forgives the criminal, which incidentally is enjoined in the Qur'an and the Hadith, then the state according to Classical Islamic Law will not punish; however the state based on Modern Criminal Law will and that would actually be an injustice against the criminal.

وَاللَّهُ أَعْلَمُ وَعِلْمُهُ أَحْكَمُ وَأَتَمُّ