9.9 Islamic Criminal Justice: Shariah, Hudud, Qisas and Diyya: 30-minute Pack

AQA 8062 · about 30 minutes

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions.

1 Give three elements often required before a hudud punishment can be applied under traditional Shariah procedures, in the context of ensuring justice.

(Total for Question 1 is 3 marks)

2 Give three reasons why a Muslim judge might accept diyya instead of ordering qisas in a murder case, within the Shariah framework.

(Total for Question 2 is 3 marks)

3 Explain two Muslim beliefs about how Shariah punishes crime. Refer to a source of wisdom and authority by naming an appropriate ayah (a Qur'an verse) in your answer.

(Total for Question 3 is 5 marks)

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4 Explain two reasons why some Muslims believe hudud punishments are necessary for justice, with reference to the aim of adl in Shariah.

(Total for Question 4 is 4 marks)

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5 Explain the importance of adl, justice, in the Shariah approach to criminal law.

(Total for Question 5 is 6 marks)

6 Evaluate the view that Shariah punishments are a fair way to deal with crime. In your answer you should give reasoned arguments to support this statement, give reasoned arguments to support a different point of view, refer to religious arguments and reach a justified conclusion. (Assessment includes up to 3 marks for Spelling, Punctuation and Grammar)

(Total for Question 6 is 15 marks)

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Mark scheme · 9.9 Islamic Criminal Justice: Shariah, Hudud, Qisas and Diyya: 30-minute Pack

Question 1

sufficient and reliable evidence or confession, oe	**B1**
the absence of valid doubt or extenuating circumstances, oe	**B1**
a competent judge or court to ensure proper procedure, oe	**B1**

Answer: Reliable evidence or confession; absence of valid doubt or extenuating circumstances; competent judge/court to ensure correct procedure.

Question 2

the victim's family agrees to accept diyya and forgives the offender, oe	**B1**
practical considerations such as preventing further violence or community unrest, oe	**B1**
the offender's repentance or mitigating circumstances influence the decision to accept diyya, oe	**B1**

Answer: Victim's family agrees and forgives; to avoid further violence or unrest; offender's repentance or mitigating circumstances.

Question 3

point 1: Muslims believe Shariah aims to establish adl, justice, by prescribing punishments that deter and protect society, oe	**B1**
development: punishments such as hudud set clear limits of behaviour and aim to prevent harm, oe	**B1**
point 2: Muslims believe Shariah allows mercy and alternatives, so punishments are not always applied if conditions are not met or forgiveness is chosen, oe	**B1**
development: practices such as accepting diyya or forgiveness by the victim's family reflect mercy within the legal framework, oe	**B1**
accurate reference to a Qur'an verse as a source of wisdom and authority, e.g. Qur'an 5:45, 'We ordained therein for them: life for life, eye for eye', or similar citation, oe	**B1**

Answer: E.g. Shariah aims to uphold justice and deter wrongdoing (hudud/harm prevention) and also permits mercy and alternatives such as diyya; refer to Qur'an 5:45 for the principle of equal retaliation.

Question 4

point 1: hudud provide clear, fixed penalties that deter crime and protect the community, oe	**B1**
development: clear rules can maintain public order and reflect the seriousness of certain offences, supporting adl, oe	**B1**
point 2: hudud are seen as divinely authorised, so applying them is an act of obedience to God's law and a way to ensure moral accountability, oe	**B1**
development: following divinely prescribed punishment is viewed as supporting a just society aligned with God's will, oe	**B1**

Answer: E.g. hudud deter and protect the community; hudud are divinely authorised and enforce moral accountability, both supporting adl.

Question 5

Level 3 A detailed, well-developed answer that explains several reasons why adl is central to Shariah criminal law, with supporting references to teaching and clear links between ideas.	**5-6**
Level 2 An answer that explains some reasons why adl is important, with some supporting detail, though explanations may be limited.	**3-4**
Level 1 One or two simple relevant points about the importance of adl are made with little development.	**1-2**
Level 0 No relevant content.	**0**

Indicative content:

- Adl means establishing fairness and balanced treatment; it is a primary objective of Shariah in criminal matters.
- Punishments such as hudud and qisas are intended to reflect proportionate justice and protect society by setting clear consequences.
- Adl includes both retributive elements and opportunities for mercy, such as diyya and forgiveness by the victim's family.
- Ensuring proper evidence and fair procedure is part of adl, preventing wrongful punishment and upholding trust in the legal system.
- For many Muslims, following Shariah's requirements for justice is obedience to God and a way to maintain social harmony.

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Question 6

Level 4 A balanced, well-developed evaluation that offers several relevant arguments for and against the view, refers to religious teachings appropriately, and reaches a clear, justified conclusion.	**10-12**
Level 3 A clear evaluation with arguments on both sides and some reference to religious teaching, but with less development or a weaker conclusion.	**7-9**
Level 2 Some relevant points are made for and against the view, but analysis is limited and reference to religious teaching may be thin.	**4-6**
Level 1 Limited or poorly expressed points, likely one sided, little or no reference to religious teaching.	**1-3**
Level 0 No relevant material.	**0**

Indicative content:

- Arguments that Shariah punishments are fair: they are seen as divinely ordained and therefore authoritative for Muslims, providing clear rules and proportionate punishments such as hudud and qisas which support adl.
- Such punishments can deter crime and protect society, and diyya offers a restorative alternative that repairs harm and prevents cycles of revenge.
- Religious support: reference to Qur'an 5:45 for qisas and broader Qur'anic emphasis on justice, plus hadith stressing lawful procedure and fairness.
- Arguments that Shariah punishments may be unfair: in practice evidential standards may not always be met, socio-economic or gender inequalities can affect outcomes, and harsh applications can conflict with modern human rights concerns.
- Some Muslims argue that mercy, repentance and context must be central, and that application should be tempered by judicial discretion and contemporary interpretation (ijtihad).
- A balanced conclusion might accept that the principles of proportionate justice and restorative options in Shariah can be fair in theory, while recognising practical risks and the need for careful, just implementation that safeguards the vulnerable.

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