



**Devotion:** <sup>15</sup> When justice is done, it brings joy to the righteous but terror to evildoers. <sup>16</sup> Whoever strays from the path of prudence comes to rest in the company of the dead. Proverbs 21 (NIV)

Hi Folks, As we come to the end of the semester please stay focused, understand your final assignments so that you can work efficiently. The HWs and BMKs for the remaining assignments are open. Please let me know if you have any questions or concerns. Thanks. Miguel

HW6 Ch.6 LP Russia	<b>Topic: Russia</b> Role of government, judiciary, law, Corrections, Juvenile justice, organized crime, cybercrime.	<b>HW6</b> Review LP, and read Ch. 6 Prosecution and Pre-trial processes (p.93-112). 1. Cite the text and discuss the difference between inquisitorial and adversarial trial systems. (125 words). 2. Use the facts in the LP to discuss your opinion about the criminal justice system of Russia (125 words) Respond to another post (50 words)	4/20
-----------------------------	--	---	------

BMK3 Ch.7	<b>Final Project: BMK 3</b> Find a peer-reviewed journal article using the library database. If you need help contact instructor and/or the Librarian.	<b>BMK3</b> Select ONE <i>peer-reviewed scholarly journal articles</i> (PRSJA) related to your crime topic (2013-18). This BMK focuses on research, a scientific inquiry into a specific question related to organized crime, government corruption, insurrection, drug trafficking, etc. (1) What was the stated social problem and research question? Why was it important? (50 words) (2) <i>Methodology</i> : Explain how the research was done- who, interviews, surveys, data collection? (100 words) (3) <i>Results</i> : What were the <i>findings</i> article? (50 words) (4) <i>Significance</i> : How did the ideas and results shape your thinking about your topic? (100) <i>No response to another post required</i>	BMK3 4/22
--------------	--	---	--------------

HW7 LP Islamic Law	Topic: Islamic Law; International Terrorism History of Islam/ Sharia Law, Saudi Arabia, Iran, Turkey, Justice killings	<b>HW7</b> Review LP, and Read Ch. 7 Day in Court, trial systems (p. 113-133). 1. Cite text to discuss the differences between two types of trial systems. 2. Use LP to discuss your ideas about Sharia laws' strengths or weaknesses) (125 words) Respond to another post (50 words)	4/25
--------------------------	--	--	------

**Lesson Goal: Islamic Law/Nations**

**VIDEO: Islam: Oprah Winfrey Network** – 3:24 min.

[https://www.youtube.com/watch?v=wgP\\_OSOS3IA](https://www.youtube.com/watch?v=wgP_OSOS3IA)

**VIDEO: Ted Talk - Alaa Murabit -What does Islam say about women** – 12:13 min.

<https://www.youtube.com/watch?v=FETryXMpD18>

**VIDEO: Islam and Terrorism** 52 min

<https://www.youtube.com/watch?v=3LBGK-mY5J0>

This section attempts to address Islamic law in general and then examine the unique application of Islamic law and justice as practiced in Saudi Arabia. The complexity of Islamic law and justice and the paradigmatic difference that exists when compared to Western ideas of government and criminal justice is striking.

<b>History and Religious</b>	The history of Islam begins with the Prophet Muhammad and the 23-year revelation to him resulting in the Quran, (114 Chapters or <i>surrats</i> , 66,342 verses), it describes	Compared to the U.S.
------------------------------	--	----------------------

<p><b>Tradition and Authority</b></p>	<p>the relationship that followers must maintain with <i>Allah, the One True God</i> (p. 531). The greatest challenge to Muslims is the <i>jihad</i>, the personal struggle to follow and submit to the Quran and Allah.</p> <p>Muhammad was born in Mecca (date unknown) and died in Medina (632 A.D). The Quran text being verbally revealed to Muhammad is considered Holy, and when spoken it embodies <i>the presence of Allah</i> (the “One True God”). The three <b>Five Pillars of Islam</b> include the required practices/rituals of the “true follower,”</p> <ol style="list-style-type: none"> <li>1. The verbal testimony (<i>shahada</i>), “There is no god but Allah, and Muhammad is His Messenger/Prophet.”</li> <li>2. Ritual Prayer, dawn, noon, afternoon, sunset, and evening,</li> <li>3. Fasting (<i>sawn</i>) during the month of Ramadan,</li> <li>4. The pilgrimage (<i>hajj</i>) to Mecca, at least once in a lifetime,</li> <li>5. Purification/ sacrifice (<i>zakat</i>) mandatory giving (tax) to care for the poor, (p. 533) <a href="http://www.bbc.co.uk/religion/religions/islam/practices/zakat.shtml">http://www.bbc.co.uk/religion/religions/islam/practices/zakat.shtml</a></li> </ol> <p>The Quran was the first text written in Arabic. The <i>Arabic notation</i> was constructed so that every syllable and intonation could be duplicated without variation. The purpose was to ensure that the words of Allah would be <i>repeated as uttered to Muhammad</i>, and that they would be <i>preserved without any change</i> throughout history and wherever Islam may be spread.</p> <p>Another text central to Islam is The Sunna, a collection of observations by personally trusted followers (Companions) of Muhammad. The Sunna’s themes are 1. Verbal (the words of the Prophet), 2. Practical (the actions of the Prophet), and 3. The Prophet-approved sayings and actions of the Companions (p. 532).</p> <p><u>Shia</u> Muslims are followers that subscribe to maintaining Islamic leadership through a <i>direct male descendant</i> of Muhammad (that highest position is the <i>caliph</i>). Shiites are the more conservative of the Muslim sects.</p> <p><u>Sunni</u> Muslims are the <i>larger and broader orthodox branch of Islam</i> that believes the <i>caliph</i> was a position to be earned by knowledge and service and these persons are elected into leadership because Muhammad did not name a successor.</p> <p>What is a <i>fatwa</i>? This is an <i>edict/command</i> from a religious authority such as a highly recognized <i>Imam</i> (clergy). The edict is not legally binding, but it has a powerful meaning for Muslims, and followers of the particular Imam. An imam is 1. the prayer leader of a mosque, 2. a Muslim leader of the line of Ali held by Shiites to be the divinely appointed, sinless, infallible successors of Muhammad, 3. any of various rulers that claim descent from Muhammad and exercise spiritual and temporal leadership over a Muslim region (Merriam Webster Dictionary, 2020).</p>	<p>there is some comparison to the Christian/ Judeo tradition. However, moralistic which is a generic term is a better description of U.S. law.</p>
<p><b>Constitutional authority and Reform</b></p>	<p>The basis of government in Islamic Law is the establishment of a theocratic nation of faithful Muslim followers. Government is religious in purpose and nature and meant to protect and nurture faithfulness of the <i>Muslim community (umma)</i>. The legal system is Rule by law.</p> <p>The <i>Sharia</i> (Shā-reé-ya) is a <i>legal set of precepts</i> that are both literal and figurative; it is derived from (a) the <i>Quran</i> (revelation to Muhammad) and (b) <i>Sunna</i> (the words and acts of Muhammad and close/approved followers of Muhammad), along with (c) the <i>Hadith</i>, a collection of traditions containing sayings of the prophet Muhammad with accounts of his daily practice.</p> <p>The application of these <i>three groups</i> of statements and actions is <i>literal</i> (for literal “if, then” statements) <u>and</u> <i>analogical</i> (when applying “situational descriptive” Quran/Sunna texts). This division of interpretation in tradition/theology led to diverse <i>schools of legal thought (Madhahibs)</i>. <i>Caliphs</i> (declared/voted/also self-</p>	<p>The Quran is the closest overarching document; no comparison to U.S. code.</p>

	<p>proclaimed) are spokespersons/authorities of legal and community matters (<i>umma</i>) and can be considered supreme in <i>umma</i> authority.</p> <p>Criminal justice is directed at protecting <i>the five freedoms of a Muslim</i> before God, in that the Quran protects, 1. Religion, 2. Life, 3. Mind, 4. Prosperity, and 5. Property (p. 552).</p> <p>There are 3 religious precepts that guide the application of the Quran to criminal justice: a) <i>Protecting</i> the five freedoms, b) <i>Punishment</i> is reserved for conscious violation of the law (Sharia), and c) <i>Exemptions</i> to punishment based on inability to obey, such as, ignorance, mental incompetence, immaturity, new converts).</p>	
<b>Quran and Crime Rights and Prosecution</b>	<p>Crime: <i>Huddud</i> crimes are those specified in the Quran, they are considered against the community (<i>umma</i>). The description in the Quran includes the prescribed punishment of treatment for the specific crime. There is no extension of judiciary leniency, however if someone repents and turns themselves in before being discovered leniency and forgiveness is possible.</p> <p><i>Qesas</i> are <i>individual against an individual crime</i>, and are based on interpretations of the Quran. They require <i>punishment and retribution</i>. Responses to <i>quesas violations</i> can involve acts of mercy (<i>diyya</i>) by the victim <i>because the violations are individual to individual</i>.</p> <p><i>Tazir crimes do not involve physical/bodily harm</i>, but instead are emotional, financial, social (shame) harm. Punishments can be incarceration, fine, corporal punishment, etc. and secondly, educational or corrective (admonition, scolding, etc.) so as to prevent further violations. <i>Tazir regulations are not directly derived from the Quran, instead they are statutes created by local leadership similar to legislative processes in other countries, i.e. fraud, traffic violations, espionage, etc.</i></p> <p><i>Innocence before guilt is presumed according to the Quran. Seizure/arrest is based on the Quran's call to protect the community (umma) from harm.</i></p> <p><i>Age of Responsibility</i> – Less than 7 years old are considered not to have reached the age of reason, from 7 to puberty they are partially responsible for their actions, and post-puberty are considered adults. Persons with diminished mental capacity are not held responsible because of the inability to discern right from wrong (p. 563).</p> <p>Evidence: the Quran specifies the types of evidence, for example, eye witnesses are necessary to bring a charge. <i>Interrogations</i> serve the purpose of confirming or denying accusations. The Quran does not condone coerced confessions, neither is cruel punishment sanctioned.</p> <p>Except for public threats to the community (<i>umma</i>), all charges against individuals must be brought to the authorities by the victims.</p>	Codified law (however U.S. law follows a strictly democratic process).
<b>Judiciary</b>	Judges are appointed by the political authority and operate under that delegated authority, they are not independent. Courts are presided by a single judge, however they utilize jurists (for example private legal scholars, etc.).	
<b>Government Policing</b>	<p><b>Saudi Arabia (SA)</b> – The Saudi Arabian government became sovereign in 1932, under a monarchical regime. The Constitution states that SA is an Islamic state with Islam as its religion. The Monarchy serves as the Prime Minister and Chair of the Council of Ministers. The ministers oversee government posts, and the criminal justice system. A shift in judicial independence is the freedom or sovereignty of judges to interpret Sharia law.</p> <p>In SA, the <i>three sources of law</i> include Islamic Law, statutory law, and royal orders. Statutory laws (content that defines crime) are issued by the Council of Ministers, separate from the strict and exclusive use of the <i>Sharia</i> (the combination of the Quran and Suna) to determine crime. Statutes can be considered <i>modern legal</i></p>	

	<p><i>methodology</i>, similar to establishing of legal code in the West.</p> <p>Interrogation/Detention – in SA, the laws support protecting evidence and witnesses by <i>ordering searches</i>, and also <i>detaining a suspect</i> (including in <i>isolated confinement</i>) upon recommendation of the Director of the Bureau of Investigation and Prosecution. Suspects can be held for <i>up to six months</i> without being charged.</p> <p>The inferior status of women in SA society finds its basis in the Quran that mandate the role of the woman as servant in nature to their husbands and family. The pre-Quran cultures also sought the protection of women by restricting their presence in public or in the absence of their husbands or male family escorts. Education and employment are restricted to the minimum necessary.</p> <p><i>Policing</i> – SA sanctions two types of police: civil and religious (<i>matawain</i>, enforcers of religious law). International critics hold that the <i>matawain</i> have few restrictions or guidelines regarding their role as protectors of <i>religious-based culture and practices</i>. They are considered by outsiders as vigilantes that can randomly invade privacy or challenge persons in public for a broad range of “violations,” such as possessing alcohol, wearing western garb, congregating with the opposite sex, possessing indecent photography or western literature, etc. They have authority to arrest, but often they carry out punishments further challenging international ideas of due process and justice (p. 601).</p> <p><i>Juveniles</i> – age of responsibility of males was raised to 12, however, with some females the age can be much lower. The punishment given youth in SA for illegal public behavior can be strict and harsh, including caning, solitary confinement, separation from parents, and the death penalty (p. 602).</p>	<p>The key question raised is the role and authority of due process, which is central to democratic criminal justice.</p>