

# Importance of legal Retribution



**Adopting Positive Characteristics  
Leads to Peace of Mind**

# **Importance of Legal Retribution**

**ShaykhPod Books**

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## **Acknowledgements**

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We pray that Allah, the Exalted, completes His favour on us and accepts each letter of this book in His august court and allows it to testify on our behalf on the Last Day.

All praise to Allah, the Exalted, Lord of the worlds and endless blessings and peace be upon the Holy Prophet Muhammad, on his blessed Household and Companions, may Allah be pleased with them all.

## **Compiler's Notes**

We have tried diligently to do justice in this volume however if there are any short falls found then the compiler is personally and solely responsible for them.

We accept the possibility of faults and shortcomings in an effort to complete such a difficult task. We might have unconsciously stumbled and committed errors for which we ask for indulgence and forgiveness of our readers and the drawing of our attention thereto will be appreciated. We earnestly invite constructive suggestions which can be made to [ShaykhPod.Books@gmail.com](mailto:ShaykhPod.Books@gmail.com).

## Introduction

The following short book discusses the Importance of Legal Retribution within society. This discussion is based on Chapter 2 Al Baqarah, Verses 178-179 of the Holy Quran:

*“O you who have believed, prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother [the killer] anything, then there should be a suitable follow-up and payment to him [the deceased's heir or legal representative] with good conduct. This is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment. And there is for you in legal retribution [saving of] life, O you [people] of understanding, that you may become righteous.”*

Implementing the lessons discussed will aid one to Adopt Positive Characteristics. Adopting Positive Characteristics Leads to Peace of Mind and Body.

## Importance of Legal Retribution

### Chapter 2 – Al Baqarah, Verses 178-179

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنثَىٰ بِالْأُنثَىٰ  
فَمَنْ عَفَىٰ لَهُ مِنْ أَخِيهِ شَيْءٌ فَأَتْبَاعُ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَنٍ ذَلِكَ تَخْفِيفٌ مِّن رَّبِّكُمْ  
وَرَحْمَةٌ مِّنْ أَعْتَدَىٰ بَعْدَ ذَلِكَ فَلهٗ عَذَابٌ أَلِيمٌ ﴿١٧٨﴾

وَلَكُمْ فِي الْقِصَاصِ حَيَوةٌ يَتَأُولَىٰ الْأَلْبَبِ لَعَلَّكُمْ تَتَّقُونَ ﴿١٧٩﴾

*“O you who have believed, prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother [the killer] anything, then there should be a suitable follow-up and payment to him [the deceased's heir or legal representative] with good conduct. This is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment.*

*And there is for you in legal retribution [saving of] life, O you [people] of understanding, that you may become righteous.”*



***“O you who have believed, prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother [the killer] anything, then there should be a suitable follow-up and payment to him [the deceased's heir or legal representative] with good conduct. This is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment. And there is for you in legal retribution [saving of] life, O you [people] of understanding, that you may become righteous.”***

When Allah, the Exalted, calls upon the believers within the Holy Quran, His call is often connected to actualizing their verbal claim of faith. This is because a verbal claim of faith without actions has very little value in Islam. Actions are the proof and evidence one is required to obtain so that they obtain reward and mercy in both worlds. Chapter 2 Al Baqarah, verse 178:

*“O you who have believed, prescribed for you is legal retribution for those murdered...”*

The first thing to note is that true muslims respect all forms of life. In fact, a muslim has been commanded to show mercy to all others, as this will ensure they receive mercy from Allah, the Exalted. This has been advised in a Hadith found in Sunan Abu Dawud, number 4941. Chapter 28 Al Qasas, verse 77:

*“...And do good as Allāh has done good to you...”*

This kind treatment must be extended to all beings, including animals. This has been advised in a Hadith found in Sunan Abu Dawud, number 2550. No other religion places such value on human life, as Islam does. In fact, Allah, the Exalted, makes it clear that the killing of one innocent person will be judged as if the entire mankind was killed. Chapter 5 Al Ma'idah, verse 32:

*“...kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely...”*

The very definition of a muslim and a believer given by the Holy Prophet Muhammad, peace and blessings be upon him, in a Hadith found in Sunan An Nasai, number 4998, makes it crystal clear that Islam teaches one to keep their harm away from others. This Hadith advises that a muslim and a believer is the one who keeps their verbal and physical harm away from others and what they possess.

The Holy Prophet Muhammad, peace and blessings be upon him, never harmed another person or creature unless it was in self-defence against a male soldier during a battle. He never harmed a woman, the elderly, a child or a non-soldier. In fact, he never took revenge for himself and only applied the punishment decreed by Allah, the Exalted, as the head of state to those who crossed the limits set by Allah, the Exalted, and were found guilty through irrefutable evidence. This is confirmed in a Hadith found in Sahih Muslim, number 6050. This is how Muslims must behave

under all circumstances if they claim to be the followers of the Holy Prophet Muhammad, peace and blessings be upon him.

As Islam is the perfectly balanced and realistic religion and way of life, a Muslim has been granted permission to defend themselves, their families and possessions. But this self-defence must be within defined limits. Muslims do not have permission to attack others first and to harm innocent people. Muslims should therefore act on the teachings of Islam in respect to how they treat others, which can be summarised by treating others how they themselves wish to be treated by people.

Chapter 2 Al Baqarah, verse 178:

*“O you who have believed, prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female...”*

Prior to the advent of Islam, a person who committed murder could force someone else to be punished in their place, such as a slave they owned. But Islam makes it clear that the one who commits murder will face the consequences of their crime and it cannot be transferred to another. The free person who commits murder will be the one who faces the consequences, meaning, the free for the free. The slave who commits murder will be the one who faces the consequences of their action, meaning, the slave for the slave. And the female who commits murder will be the one who faces the consequences of her action, meaning, the female for the female.

Generally speaking, this principle applies in all cases. Meaning, a person will not be able to shift facing the consequences of their sins to another. In fact, the number one culprit people blame even now is the Devil but he will announce on Judgement Day that as he never physically forced anyone to commit sins, they should blame themselves and not him. Chapter 14 Ibrahim, verse 22:

*“And Satan will say when the matter has been concluded, "Indeed, Allah had promised you the promise of truth. And I promised you, but I betrayed you. But I had no authority over you except that I invited you, and you responded to me. So do not blame me; but blame yourselves...”*

If one will not be able to shift the blame of their sins to the Devil, the main inciter to evil, then how can they believe they will be able to shift the blame of their sins to someone else? This is a foolish attitude which only encourages one to commit more sins and must therefore be abandoned. Each person will be responsible for their own intentions, speech and actions and this is unavoidable. Therefore, one must constantly assess their intentions, speech and actions so that they prepare adequately for their inevitable and inescapable accountability on the Day of Judgement.

Chapter 2 Al Baqarah, verse 178:

*“...prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother [the killer] anything, then there should be a suitable follow-up and payment to him [the deceased's heir or legal representative] with good conduct...”*

Allah, the Exalted, always encourages kind and merciful conduct between people and only advises harsher treatment in extreme cases and in matters of self-defense. In this case, Allah, the Exalted, encourages the heir of the murdered to forgive the murderer as it describes the murderer as their brother in faith and, or lineage, as all people are related through the Holy Prophet Adam, peace be upon him, and his wife, Hawa, may Allah be pleased with her. As discussed earlier, the main attitude and behaviour of a muslim must be mercy and kindness to others as this leads to gaining the mercy of Allah, the Exalted, in both worlds. This has been advised in a Hadith found in Sunan Abu Dawud, number 4941. For this act of forgiveness, the murderer should give a compensatory fee to the heir of the murdered person, unless they willingly wave this as an act of charity on their part, which again leads to further reward and blessings for them in both worlds. The good conduct mentioned in this verse refers to both parties swiftly fulfilling the legal agreement made and dealing with each other with mercy or at least avoiding any ill treatment of each other from then on.

Generally speaking, this indicates the importance of adopting a neutral stance towards others, especially when one does not get on with them due to a difference in characteristics and behaviour, instead of adopting a negative stance towards others. If a muslim cannot act in a positive way towards others because of some prior issues between them, then the least they can do is adopt a neutral stance towards them whereby they do not show positive feelings towards them but nor do they show

negative feelings towards them either. The higher level, which leads to more reward, is to adopt a positive attitude to others, even when they have had issues in the past with them, but this is recommended not obligatory. In addition, it is important to note that this does not mean one must not change the abusive and dangerous situation they are involved in, as Islam does not advocate this at all. A muslim must take steps to change their situation and circumstances in order to protect themselves and others from physical and verbal abuse but after doing so they should strive to adopt a positive attitude towards the person they had issues with in the past and then move on with their own life with a clear mind. For example, a woman being physically and verbally abused by her husband must take steps to protect herself and her children from him, even if this means separating from him, as Islam does not advise to tolerate this kind of behaviour at all. But once this wife changes her living arrangements so that she and her children are safe, then she should strive to forgive her former husband and move on with her life with a clear mind.

Chapter 2 Al Baqarah, verse 178:

*“...prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother [the killer] anything, then there should be a suitable follow-up and payment to him [the deceased's heir or legal representative] with good conduct. This is an alleviation from your Lord and a mercy...”*

Allah, the Exalted, granted the heir of the murdered person the choice of legal retribution, which can only be carried out by the government and

under strict guidelines, or the option of forgiveness with or without a compensation fee paid by the murderer. The option to choose between the two was a mercy from Allah, the Exalted, as forcing one or the other option upon people would have caused difficulties for them, as all people are different. Those who possess a natural merciful demeanor would incline towards forgiveness and would therefore find it difficult to order the execution of the murderer, if Islam forced this option on them. On the other hand, others would find it extremely difficult to forgive the murderer of their beloved and could not live with the reality of the murderer of their beloved walking around in society as a free person while their beloved's life was taken from them, especially when the murdered person had dependents who heavily relied on them. The one with this attitude would find it hard to forgive and pardon the murderer if this option was forced upon them by Islam. As a mercy to all people, Allah, the Exalted, left the option to the heir of the murdered person. Unlike, most legal constitutions in this day and age, which leaves the fate of the murderer in the hands of a court judge or a jury compromising of complete strangers. This broken system prevents the heir from finding some peace of mind which is obtained when they are granted the option to choose the fate of the murderer and put the matter to rest so that they can move on with their lives. This broken system is the reason why the family of the murdered person or in crimes other than murder, such as rapes, the victim themselves with their family often complain that justice was not served, even when the criminal is sentenced to prison, as their prison sentence does not befit the crime. Meaning, the criminal will be released in a few years and return to their normal life, where they are provided benefits from the government while the victim and the victim's family are psychologically scarred for life. The only thing that can somewhat alleviate this psychological trauma is if the family is granted the power to choose what happens to the criminal.

Chapter 2 Al Baqarah, verse 178:

*“...prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother [the killer] anything, then there should be a suitable follow-up and payment to him [the deceased's heir or legal representative] with good conduct. This is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment.”*

The transgression refers to the relatives of the deceased taking revenge directly, as only the government can implement legal punishment, or taking revenge after a deal for compensation or forgiveness has been agreed upon. It also includes the murderer killing again after they were pardoned the first time. In this case, the legal judge will issue the command for their execution, even if the heir of the second murdered person agrees to forgiveness. This therefore closes any loopholes a criminal can use in order to escape justice.

Chapter 2 Al Baqarah, verses 178-179:

*“...prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother [the killer] anything, then there should be a suitable follow-up and payment to him [the deceased's heir or legal representative] with good conduct. This is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment. And there is for you in legal retribution [saving of] life, O you [people] of understanding...”*



In legal retribution there is life, as many murderers are not deterred from this behaviour by any punishment less than execution. There have been countless examples where a murderer has served some years in prison for their crime, only to commit murder again after being released. So the execution of one person leads to saving the lives of others.

In addition, as discussed earlier, this legal retribution also aids the mental state of the victim's relatives as knowing the murder has paid for their crime with their life is a way of helping the victim's relatives move on with their lives. But when the murderer is only put in prison, and in many cases is eventually released, the distress of remembering the trauma their beloved suffered at the hands of the murderer can prevent the victim's relatives from moving on with their lives and living in peace. Preventing this mental torture is giving life to them. Similarly, When the government makes a decision regarding an offender, the victim's relatives often feel that justice was not served. This is one of the reasons why, in cases of intentional murder, the victim's relatives are given the choice to either execute the killer or pardon them with or without financial compensation. When the decision is handed over to the victim's relatives it will reduce the chance of mental stress which would be caused if the government decided the outcome. This again allows the victim's relatives to move on with their lives instead of living a life full of resentment, which in reality is not living at all. This resentment can be so powerful that it even leads to friction within the victim's family, when the members have differing opinions on how to move on with their lives. This always leads to broken families, such as parents of the deceased getting divorced. So giving the family the choice of deciding what occurs with the murderer, prevents the destruction of the victim's family who are more likely to move on with their lives if the outcome of the murderer is left to them to decide.

Legal retribution by execution also saves lives by preventing revenge killings which can span generations. Therefore, executing one murderer prevents many killings. In addition, when a person who has dependents is killed, due to revenge killings, it leads to destruction of the lives of their dependents, such as their children. This can be prevented when the victim's family is given the choice of what occurs to the murderer, as this prevents revenge killings and the destruction it causes to the dependents of all those who are killed or injured. Therefore, legal retribution saves the lives of all these people.

It is important to note, that these are all true when Islamic law in legal cases are followed and applied correctly. Convicting someone for murder requires genuine and strong evidence, which must be beyond all reasonable doubt. In Islam, any doubts within the case causes the full legal punishment, such as execution, to be waived. In addition, irrefutable proof is easier to obtain in this day and age where CCTV footage, DNA testing and other scientific procedures have been produced which can correctly convict offenders to a very high degree of certainty. All this minimizes the chance of convicting an innocent person. Even if non-Islamic countries enforced legal retribution correctly in only these certain cases it would reduce crime significantly. In these cases, the excuse of avoiding execution out of fear of executing an innocent person does not apply as there is no doubt the correct person has been executed.

Chapter 2 Al Baqarah, verses 178-179:

*“...prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female. But*

*whoever overlooks from his brother [the killer] anything, then there should be a suitable follow-up and payment to him [the deceased's heir or legal representative] with good conduct. This is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment. And there is for you in legal retribution [saving of] life, O you [people] of understanding...”*

But as indicated by these verses, only those who apply their thinking correctly will understand the widespread benefit of legal retribution. For example, the one who lacks understanding will refuse to amputate a body part in order to save their life, as they only concentrate on one aspect of this statement, meaning, amputating a body part. They do not reflect on the bigger picture meaning, saving their life, and as a result they refuse to amputate a body part in order to save their life. Whereas, the one who thinks clearly will agree that amputating a body part is very serious but leaving it will lead to something worse namely, death. So they reflect on the bigger picture and decide in favor of amputating a body part in order to save their life. This can be applied to the verses under discussion also. Executing a member of society for murder sounds harsh but if it leads to many benefits for the rest of society, including the victim's relatives, then it is the right thing to do, as a government must consider the bigger picture meaning, the wellbeing of the entire society over the life of a convicted murderer, who gave up their human rights when they stopped acting like a human, or in very rare cases, the single life of a wrongly convicted person.

Chapter 2 Al Baqarah, verse 179:

*“And there is for you in legal retribution [saving of] life, O you [people] of understanding, that you may become righteous.”*

As indicted by the last part of this verse, legal retribution by execution also acts as a strong deterrent for the general public. When they witness murderers being executed it will prevent those who desire to harm or kill someone to withhold their hand out of fear of losing their own life thereby giving life to themselves and others. This can apply to all types of crimes. If the punishment for crimes, such as rape, was more serious, it would deter many potential offenders from committing crimes. Having soft laws is one of the main reasons why crime rates do not decrease within societies.

An aspect of legal retribution is forgiving the killer. This act of kindness can encourage the killer to sincerely repent from their life of crime, which leads to the salvation of their own life and the potential lives of others they would have harmed if they continued in their evil ways. In addition, it can encourage other potential victims and their relatives to forgive their oppressors also, which again leads to the saving of many lives and the spread of peace and mercy in society.

Chapter 2 Al Baqarah, verse 179:

*“And there is for you in legal retribution [saving of] life, O you [people] of understanding, that you may become righteous.”*

Generally speaking, a society can only minimize crimes when these two principles are adopted by its people. The first is legal retribution meaning, a strict law which punishes crimes appropriately in order to deter potential offenders from committing crimes. Even a child can understand that a potential offender is less likely to commit a crime when the legal punishment is more serious. The softer the law, the greater chance a potential offender will commit a crime.

The other aspect is adopting the fear of Allah, the Exalted, which involves facing the consequences of their actions in the hereafter. This is because a person commits crimes and sins when they feel that they will either face no consequences for their actions, such as prison, or they will somehow escape them for example, by fleeing the country. But the person who truly believes that no matter what action they perform, whether open or secret, large or small, and no matter what they do in order to avoid facing the consequences in this world, a day will certainly come where they will be held accountable for all their deeds, they will always think twice before committing a crime or a sin. If this belief is strengthened through gaining and acting on Islamic knowledge it will prevent one from committing crimes and sins. If the members of a society acted in this way, peace and justice would spread across society. The crime rate would decrease and the times would closely match the times when Islamic law was implemented correctly within society. This fact alone indicates the importance of faith and strengthening it through gaining and acting on knowledge within society. Chapter 16 An Nahl, verse 90:

*“Indeed, Allah orders justice and good conduct and giving [help] to relatives and forbids immorality and bad conduct and oppression. He admonishes you that perhaps you will be reminded.”*

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