

Course Syllabus

Course: Fik'h – *Criminal Law*

Program of study: Islamic studies

Number of CTS credits: 5

Status of course: Mandatory

Code of course: 408

Number of classes: 3+1

Academic year: 2021/2022

Semester: VIII

Teacher: Prof. ass. Dr. Shefqet Krasniqi

Short description of course

This course is about crimes committed by a part of society, manner of treating perpetrators, disciplinary or reproaching measures imposed to criminals. It concerns also the right of judge, type of trial, condition of judge etc. In addition, the course treats murder, type of murder, punishment for each type of murder, bodily injuries, and punishment imposed for such injuries, punishment by fine, witnesses, their conditions, influence of witnesses on court etc.

Goal of course

The course aims to explain the history of criminal law which includes a set of legislative provisions related to disciplinary measures on certain crimes and faults committed by irresponsible people and criminals.

Criminal law regulates reports between individuals, society and state with the purpose of maintaining law, order and stability.

The intention of course is to stir up debates and discussions to encourage students' interest. The course will be delivered in an interactive manner between lecturer and students where the latter participate actively in each topic discussed.

Expected learning goals:

By the end of semester students will be able to:

Be familiar with content of criminal law and compare it with criminal law in laic system

Get general knowledge with regard to criminal law

Compare various opinions of legal schools on provisions of criminal law and compare Islamic criminal law with laic criminal code

Discuss on different issue of criminal law

Maintain opinions and view of all legal schools as maintained by followers of each school

Present critical opinion with regard to issues of each legal school that he disagrees with

Apply in their daily life knowledge and skills obtained over the semester

Instruction Methodology:

Lessons will be delivered in form of lectures, in form of stimulating student's interactive discussion, seminars etc.

Content of course:

Week one: Introduction, importance and weight of course, its purpose, information on syllabus, on literature, information on instruction methodology, grading, and so on.

Introduction to criminal law, definition of criminal law, what are objective of criminal law? Criminal sanctions in Islamic law. Necessity of determining punishment and their purpose.

Literature: (Fikhu Fanefi 3/397-399)

Week two: Final punitive measures determined by Qur'an and Sunnah. Definition of punishment. Do they prevent from, and reward, making sins. General condition of punishments. Non-compliance of such conditions.

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Literature: (Fikh Hanefi 3/403-411).

Week three: Punishment for immorality, punishment for unmarried, punishment for married person. Conditions to be fulfilled for implementation of punishment.

Literature: (Fikhu Fanefi 3/415-428)

Week four: Punishment for drinking alcohol and its definition; conditions that must be fulfilled for implementation of punishment. Punishment for taking narcotics, its definition

and conditions that must be fulfilled. How does this punishment resembles to punishment for drinking alcohol and how does not.

Literature: (Fikhu Fanefi 3/433-441)

Week five: Slander about morale and its definition. Types of slander, conditions for punishment against slander.

Literature: (Fikhu Fanefi 3/433-441)

Week six: Theft and its definition. Condition for sanction for theft, compensation of stolen goods. Punishment for robbery in street and its definition. Amount of punishment for robbery and method of serving. Conditions to be fulfilled for punishment for robbery..

Literature: (Fikhu Fanefi 3/443-480)

Week eight: Discrete right of judge to render punishment and its definition. Difference between this punishment and hadi-punishment. Definition of this type of punishment. Types of this kind of punishment.

Literature: (Fikhu Fanefi 3/483-504)

Week eight: Colloquium. Presentation of test results and consultation regarding test

Literature:

Week nine: Execution of murderer's punishment and its definition. Reason and legality of such punishment, types of punishment based on criminal offence committed. Prohibition to kill, sacredness of human blood. .

Literature: (Fikhu Fanefi 3/507-518)

Week ten: Intentional or premeditation murder, alike murder with premeditation murder or murder resembling intentional murder. Murder without premeditation or unintentional murder. Their definitions Definition of revenge, manner of its execution, reason of execution. Is execution preventable? Sharia treatment of group murder because of individual.

Literature: (Fikhu Fanefi 3/519-531)

Week eleven: Intentional crime against one's limbs or revenge for bodily injuries. Material compensation, reward for intentional murder, for semi-intentional murder and unintentional murder. Compensation for bodily injuries.

Literature: (Fikhu Fanefi 3/540-568)

Week twelve: Knowing courts and judiciary system. Legality of court, judge, condition of judge, provision of court acceptance. Lawsuit, opposing parties, types of lawsuit, manners to confirm lawsuits, denial of declared decision.

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Literature: (Fikhu Fanefi 3/215-251)

Week thirteen: Testimony, definition, condition for testimony, assessment of witnesses, treatment of issued decision, withdraw from testimony. Pressure or compulsion, its types, sharia treatment for coercion or imposition, legal actions for coercion, actions not valid to coercion.

Literature: (Fikhu Fanefi 3/253-273 and 3/323-334)

Week fourteen: Oath and its definition, terms notions during laying oath, condition of oaths. Breaking of oath. Commitments, sharia support for commitments, condition of validity for commitment. Sacrifice, its condition, its provision, akika, sacrifice for a newborn, condition its provision.

Literature: (Fikhu Fanefi 2/425-509)

Week fifteen: Jihad, its definition, its provision. Islam and peace. Treatment of jihad. Jizya, sharia base for Jizya, condition for Jizya, amount taken from Jizya. Is injustice to seek for Jizya from infidels?

Literature: (Fikhu Fanefi 3/43-156)

Criteria and components of evaluation:

Participation and involvement in the class 10%

Seminar paper 10%

Evaluation of the first test 15%

Evaluation of the second test 15%

Final exam 50%

Total 100%

Mandatory Literature:

1. Dr. Shefqet Krasniqi, *E drejta Penale Në Sheriatin islam, studime krahasimore me legjislacionin hebre, të krishterë dhe ligjet e Kosovës*. Libër i pabotuar, i përgatitur enkas për studentët e Fsi-së.

Consultative literature:

1. Islamic criminal law. Shaban Sulejmani. Shkup, 2012
2. Vehbetu Zuhejl, *El-Vexhiz Fi El-Fikh El-Islamij*, Dara El-Fikr Damask 2007, second edition

