



# HARMONISATION OF THE SHARĪ'AH AND CIVIL LAWS

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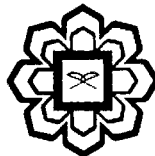


**HARMONISATION OF THE  
*SHARĪ'AH* AND CIVIL LAWS  
(PERSPECTIVE AND PRACTICE)**

**EDITORS**

**ABDUL HASEEB ANSARI**

**SYED KHALID RASHID**



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THE SHARĪ'AH'S PROTECTION OF THE RIGHT TO THE PERSON  
VIS-À-VIS THE WESTERN LAW OF TORTS

Syed Ahmad S A Alsagoff

## 1. Introduction

The *Sharī'ah* pioneered the protection of a person's right to his person, property (including wealth) and reputation. The Qur'an and the sayings of the Prophet (s.a.w.) clearly protect the sanctity of life, property and honour of every individual, Muslims and non-Muslims.

The *Sharī'ah* provides two kinds of remedy: civil and criminal. The object of the civil remedy is to uphold the individual rights of the victim by checking the wrong done or by compensating him, while the criminal remedy upholds the right of society by punishing the wrongdoer. The remedy of compensating the victim by way of damages (*dhaman*) for the wrong done is the primary aim of the *Sharī'ah*.

The *Sharī'ah* remedies these violations by various means, popularly called 'torts' in western legal terminology. The remedies under the *Sharī'ah* are not the creations of the human minds. They are divine guidance for the benefit of all human beings.

The Muslim jurists have discussed these 'torts' under several chapters or *kitab*s in the celebrated *hadith* collections.

The general principles of the *Sharī'ah* protect the sanctity of life, property and honour of every individual. There are similarities and