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Preventing Criminal Victimization through Community Education: An Islamic Perspective

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Abstract

Living and working in a safe area enhances productivity and ensures a safe community. In order to achieve it, crime prevention is considered the main agenda of public authorities. Nevertheless, it has usually been overlooked that the victim him/herself can be the contributing factor to the criminal incident. The key to these problems lies in educating the community on the preventive measures that could be taken in order to avoid victimization of individuals. Such suggestions are based on Islamic principles. This leads to community welfare and the concept of *hisbah*. Hence, this paper discusses the preventive measures that can be observed by both individuals and the community to prevent criminal victimization.

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Keywords: Criminal victimization; safe community; community inclusion; society and education

1. Introduction

There are several theories of victimization as discussed by the victimologists which generally claim that the victim plays a significant role in his/ her victimization. They suggest that victimization prevention strategies should be given priority as such programs require potential victims to become crime conscious

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and make them appear to be well protected. The measures to prevent criminal victimization have long been in existence in Islam. Hence, this paper discusses the measures that can be observed by both individuals and the community to prevent criminal victimization based on the rulings of *Shari'ah*.

Since the measures discussed are primarily derived from *Shari'ah* principles, this paper is based on doctrinal analysis of Qur'anic verses and hadith. The obvious limitation of this research is that it is not an empirical research. Due to this limitation it opens an avenue for future research to be done.

This paper is divided into three parts. The first part concentrates on the explanation of the theories of victimization. This will then lead to the second part which relates directly with the Islamic approach in preventing criminal victimization. From here, the third part of the paper concludes by submitting that in order to ensure a safe city equal concentration needs to be given to both the physical and spiritual dimensions affecting people living within the city.

2. Theories of Victimization

Victimization is the process of being victimized or becoming a victim. The term victim of crime generally refers to any person, group or entity who has suffered injury or loss due to an illegal activity (Karmen, 2004, p.2). The harm can be physical, psychological or financial. Under UN Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power 1985, "victim" means:

Persons who individually or collectively, have suffered harm, which include physical or mental injury, emotional suffering or economic loss or substantial impairment of fundamental rights through acts or omissions that are in violation of criminal laws operative within member states, including those laws prescribing criminal abuse of power.

For a long time, criminologists have given emphasis to the actions of the criminal, whilst the role of the victim was virtually ignored. Nonetheless, over the years, it has been discovered that the role of the victim is actually significant, as it can directly or indirectly influence fate and motivate a criminal. Though it is not evident whether certain behaviours can lead to the susceptibility to crime; this does not deny the fact that victimization is not a random process, suddenly faced by the aggrieved parties by mere chance (Karmen, 2004, p.87, Von Hentig, 1941). According to Hentig, a victim's naivety is often a contributing cause to the criminal act and hence he should be collectively responsible for that. He holds that "increased attention should be paid to the crime provocative function of the victim." (Von Hentig, 1941, p.303). Victimologists also believe that the relative probability of an individual's becoming victim of a crime can be anticipated. Thus, measures to prevent criminal victimization could be taken if potential victims are alert of potential criminals so that the victims can be more aware of them and keep away from unsafe situations. (Chockalingam, 2007)

In theory, anybody can become a victim of a crime, nevertheless, a particular person or members of certain groups are more vulnerable than others. For instance, minors, the elderly, women, tourists, the poor and urbanites are all more vulnerable to become crime victims than others. Von Hentig, the first victimologist to study the risk factors, believes that certain personal attributes have some effects in deciding the vulnerability of some individuals to crime. He maintains that those who are inexperienced and mentally weak such as new immigrants, less educated and illiterates could be appealing targets for exploitation by offenders through deception and fraud. Those who are physically weak such as the elderly, minors and unsuspecting women are believed to be easy targets for physical attacks and robberies. (Chockalingam, 2007)

Chockalingam (2007) states that in determining the targets, a smart criminal would opt for weaker targets if is given an option between two victims, otherwise the target would be anyone of equally placed victims. Besides that, access to a potential victim is also an important factor in determining whether a person becomes a victim or not. It gives sufficient opportunity to the criminal to commit the crime against

him. Usually criminals reside in the same area with victims that make them clearly identifiable as targets. He also explains that the relationship of the victim to the offender could be any of the following, i.e., members of the same family, lovers, friends, acquaintances, or it could also be rivals or enemies. One of the closest relationships between the victim and the criminal is being a member of the same family. For example, crime of incest can be committed within the family. Most other crimes can be committed within and outside the family.

Certain situational factors could also be related to the vulnerability of some people which make them and their possessions are more susceptible to certain crimes at particular times, periods, stages than that of others. For instance, pickpockets plan and lie in wait for the salary day to mug victims in crowded public transports. Robbers might approach the storekeepers during the closing time of the shop. Prostitutes working the streets are susceptible to robberies, rapes, physical attacks and even murders. Similarly, tourists are the favoured target victims of thieves and pickpockets. (Karmen, 2004, p.88)

Meanwhile, specific locations or places are vulnerable for victimization. "Hot spots" for crime include crowded public places like downtown bus or train terminals. People who frequent these locations expose themselves to greater risks (Sherman, Gartin, and Buerger, 1989 as cited in Karmen, 2004, p.89).

According to Siegel (2006), there are four most common theories in attempting to explain victimization and its causes namely, the victim precipitation theory, the lifestyle theory, the deviant place theory and the routine activities theory.

First, the victim precipitation theory maintains that some people instigate or initiate a particular confrontation that may in the end lead to that person becoming victimized by injury or death. There are two types of precipitation i.e. active or passive. Active precipitation occurs when the victim deliberately acts in a provocative manner, uses abusive words or threats, or even attacks first. According to Amir (1971, p.275), in cases of rape, the victims are not always the passive party and it is alleged that they sometimes, contribute to their own victimization by dressing provocatively or pursuing a relationship with the perpetrator.

Passive precipitation on the other hand, occurs when the victim contains characteristics that unknowingly incites or threatens the aggressor. It can happen due to personal conflicts such as two individuals rival for a love interest, a promotion, a job, or any other desirable interest. For instance, a woman who gets a promotion may become a victim of domestic violence of a jealous spouse or partner. This type of precipitation may also exist when a victim is part of a particular group that offends or threatens someone's economic well-being, status or reputation. From the research it has been found out that passive precipitation is related to power (Siegel, 2006).

Second is the lifestyle theory. Many criminologists assume that those whose lifestyle increases criminal exposure are more likely to become victims of crime. Behaviours such as going out late at night, associating with younger men, and residing in urban area increases risk of becoming a victim. Therefore, one can reduce their chance of becoming a victim by staying home at night, living in a suburban area, avoiding public areas, and getting married. The lifestyle theory holds that crime is not random but instead is a function of an individual's chosen lifestyle (Siegel, 2006).

Those who choose high-risk lifestyles that include taking drugs, drinking, and participating in criminal activities, their risk level of becoming victims is much higher. Likewise, the more time someone is exposed to street life, the greater their chance of becoming victims. Young men in particular have a very high risk of victimization. Teenagers who tend to spend nights partying habitually are also more prone to be at risk than those who avoid such unstable lifestyles (Siegel, 2006).

Third theory is the deviant place theory. This theory holds that victims do not motivate crime but rather are more likely to become victims due to the fact they live in social areas that are disorganized and contain high-crime rates and therefore have the highest risk of coming into contact with criminals regardless of their lifestyle or behaviour (Siegel, 2006).

The final theory is the routine activities theory which concludes that the "volume and distribution of predatory crime" are closely linked to three variable interactions that present the typical 'routine activities'

executed in an American traditional lifestyle (Siegel, 2006 p.80). These variables include: (1) available and suitable targets such as unlocked homes that contain saleable goods, (2) No proper guardians such as police, homeowners, neighbours, and relatives, and (3) the presence of potential offenders such as addicts, and those who are unemployed. The presence of such components increases the probability of the occurrence of crime (Siegel, 2006).

The most common approach to dealing with crime is the apprehension of offenders and once they are found guilty, punishments are awarded as a mode of retribution. However, the theory of prevention of criminal victimization changes perception from concentrating on the end result to the need to concentrate to the situation BEFORE a crime can be committed. It focuses on the preventive methods that could be taken, especially by the victims themselves so as to ensure that they do not become gullible victims. The next part of the paper explores the preventive steps that can be taken to lessen criminal victimization.

3. Preventing Criminal Victimization: An Islamic Perspective

The most fundamental purpose of the *Shari`ah*¹ is the protection of basic necessities of the human being i.e. religion, life, lineage, dignity, mind and property. These are known as the *masalih* (interests) which means human or public good, interest, welfare and utility. The protection of these interests is recognised by all jurists who also maintain that any transgression against these interests is considered unlawful and may be a punishable offence (Zaydan, 1986, p.384).

It is worth mentioning that the protection of these *masalih* (interests) is guaranteed to all human beings especially the victims and this has become the main concern of *Shari`ah*. There are many *Shari`ah* rulings which suggest measures to be taken in ensuring the safety of every member of community particularly of vulnerable persons who may be susceptible to a criminal act. In other words, the formula to prevent criminal victimization exists in *Shari`ah* rulings that can be derived from the sources of Islamic law, primarily the Qur'an and hadith of the Prophet.

In *Shari`ah*, the term victim is translated from Arabic word i.e. *al-Majni`alayh* or *dahiyyat al-jarimah* that may be defined as one against whose life and property or against any of whose rights an offence has been committed. It can be a single person, a group of people or an institutional person. The *Shari`ah* treats any human being as an aggrieved party even if he is still in his mother's womb ('Oudah, 2001, p. 98).

The Islamic formula to ensure prevention of criminal victimization can be derived from the *Shari`ah* principles in relation to the need to fulfil responsibilities to Allah and to other humans. The discussion shall be done in consideration of the four theories as submitted by Siegel.

3.1 Caring for Oneself

Islam lays great stress on the importance of preventing oneself from indulging in treacherous activities which might implicate the security of his own life or that of his family or community and expose others to a further dangerous consequence. Committing an act that may cause the destruction of oneself is prohibited. Even permitting others to commit an injurious act against him/her is also prohibited and thus a person who kills or injures the victim with the latter's consent shall be held liable according to Islamic law ('Oudah, 2001, p.146). The Qur'anic verses confirm that:

And do not make your own hands contribute to (your) destruction. (al-Baqarah:195)

¹*Shari`ah* refers to the sum total of Islamic teaching and system, which was revealed and recorded in the Quran as well as deducible from *Sunnah* of the Prophet (saw). (see Nyazee, 2003, p.24)

Do not kill (or destroy) yourselves. For verily Allah is Most Merciful to you. (an-Nisa':29)

Therefore, in reference to active precipitation, each person has the responsibility to care for themselves and avoid any instigation in whatever form. This is linked inextricably with the responsibility of caring for others as explained below.

3.2 *Caring for others*

All members of the community have rights and duties towards each other. The relationship among the members of society is based on two principles, i.e. first, awareness of the strong bond of brotherhood which links one individual to another and second, the protection of the rights of the individual and the sanctity of his life, honour and property as guaranteed by *Shari'ah*. Any word, deed or behaviour which threatens these two principles is prohibited in Islam (al-Qardawi, 1988, p.307). The Qur'an mentions:

Verily, the believers are brothers. Then set matters right between your brothers and be conscious of Allah in order that you may obtain mercy. (al-Hujurat:10)

Application of the concept of caring for others may further be viewed from the following perspectives:

3.2.1 *Being aware of what one's thoughts and speech*

Islam aims at establishing its society on the basis of conscience and mutual trust, not on doubts, suspicions, accusations and mistrust. This is mentioned in the verse of the Qur'an as follows:

O believers! Avoid most of suspicions (so that you will not harbour suspicions which are forbidden), for in some cases, suspicion is a crime. Do not spy on each other, nor backbite one another. (al-Hujurat:12)

Meddling into other people's private affairs and spying on their secrets is not permitted. In order to safeguard people's privacy, the Prophet strictly forbade any person from looking into a house of another person without his permission and absolved the liability of the residents for any injury they might inflict upon one who peep into it.

Similarly, backbiting is a negative feature to belittle people, to tarnish their honour and to demean their achievement in their absence. Another awful habit which must be avoided by any member of the community is gossiping and spreading rumours that will lead to conflict among people, sour their relationship, or increase enmity between them. The Prophet said:

The most evil among Allah's slaves are those who go about spreading gossip dividing those who love each other and desiring to defame those who are innocent. (al-Qardawi, 1988, p.320)

A person perhaps does not realize that his behaviour, word or treatment towards another person might in the end make him susceptible to criminal victimization. For instance, the way he acts or speaks that provokes another person or incites others to become resentful or envious of him. To avoid any consequence in the relationship among the members of the community, *Shari'ah* prohibits mocking, deriding and scoffing at others. The Qur'an says:

O believers! Let not some men among you deride others, who may perhaps be better than they. Nor let some women mock others, who may perhaps be better than they are. Do not defame one another, nor call one another by offensives nicknames. (al-Hujurat:11)

The Prophet also advised the Muslim to speak softly, never use abusive word etc, as stated in the hadith which says:

Whoever believes in Allah and the Last Day must utter good word or otherwise be silent. (Muslim, 1987, p.16)

These are all teachings in the Qur`an which aims at educating Muslims at large to think good thoughts and are always careful with what they say. It is to ensure that no chance for animosity to exist. The victim precipitation theory states that some people cause or initiate a particular confrontation that may eventually lead to that person becoming victimized by injury or death. Thus the above measures have been taken by *Shari'ah* to prevent criminal victimization and to ensure all members of the society live in peace and harmony.

3.2.2 Being careful of one's acts

In regard to passive precipitation which occurs when the victim themselves have certain characteristics that unknowingly motivate or threatens the offender such as two individuals competing for a love interest, a promotion, a job, or any other desirable interest. In dealing with this issue, the Islamic approach is to ensure that each person is aware and careful with the way their actions affect others. This begins with the need to respect the rights of others. An example can be seen in a hadith of the Prophet which says:

Nobody shall bargain over the bargain of his brother nor will he seek the hand in marriage which his brother sought unless permission is granted to him. (Fazlul Karim, 1988, p.279)

From the previous discussion on theories of victimization as addressed by Siegel, it can be noticed that among the factors which increase the chance of falling into criminal victimization is the lifestyle of a person which is disorganized and unsettled such as going out late at night that is usually associated with young person and the state of being unmarried. Bachelors for lack of anything else to do, naturally have an inclination towards the opposite sex. In Islam the institution of marriage has been made as easy as possible and a great stress has been laid upon living in a married state, as confirmed by the following Qur'anic verse and hadith which say:

And marry those among you who are single, or the virtuous ones among your slaves, male or female (an-Nur: 32)

O assembly of young people! Whoever of you has the means to support a wife, he should get married, for this is the best means of keeping the looks cast down and guarding chastity. (Muslim, 1987, p.207)

When a servant of Allah marries, he perfects half of his religion. (Fazlul Karim, 1988, p.619)

Hence, Islam considers the institution of marriage as an important mechanism to help control one's sexual desires. Such importance is placed to the institution of marriage that if anyone wishes to get married but cannot afford to do so, *bayt al-mal* is to provide the necessary financial aid. (al-Dhahabi, 1965, p.12). When a person gets married, his life is settled and thus the possibility of being victimized due to going out late at night will be reduced. This call to marriage also aims at appeasing the yearning

for sexual pleasures which if left uncontrolled, may lead to crimes such as fornication, adultery, rape and other sexual offences.

Aside from giving importance to the institution of marriage, Islam has also enunciated the need to avoid all things that have been forbidden by Allah s.w.t. This is because, in disregarding *Shari'ah* principles a person is considered to have embarked upon a high risk lifestyle also increases the possibility of a person becoming victim. For instance, consumption of intoxicants, taking drugs and involving in gambling would make the perpetrator an easy target for criminal activity.

O believers! Wine and gambling, idols, and divining arrows are an abomination devised by Satan. Avoid them, so that you may prosper. Indeed Satan seeks to stir up enmity and hatred among you by means of wine and gambling. (al-Maidah:90-91)

Drinking intoxicants is prohibited not only because it is a sin itself but it is considered as a mother of evil which leads to other evil. The Muslims are also ordered to stay away from drinking parties or gatherings at which drinks are served. There is a hadith which says:

Whoever believes in Allah and the Last Day must not sit at the table at which *khamr*(wine) is consumed. (al-Qardawi, 1988, p.74)

A person who is in the state of intoxication is incapable of distinguishing between right and wrong, good and evil. His actions may lead to acts which disturb the peace and order of the society. Drinking is an evil and results in many harmful effects, the undesirable fact which is recognized by all rational and sensible persons the young and the old. It saps the very root of morality, self control and God-consciousness, making man an easy prey to evil (Siddiqi, 1981, p.39).

In the same vein, gambling is prohibited in Islam as it inculcates disputes among the gamblers which finally assume the shape of enmity and hatred towards one another, although they may claim that losing does not trouble them. There is always the winner and a loser. The loser may seem composed but behind his composure is frustration and anger. It also enslaves the gambler in the hands of gambling and seldom succeeds in abandoning it. (Siddiqi, 1981, p.144)

Apart from that, involvement in *riba'* (usury) is also prohibited in Islam due to its evil effect to the community that finally exposes many people to victimization. In society in which interest is lawful, the strong benefits from the suffering of the weak. As a result, the rich becomes richer and the poor poorer, creating socio-economic gaps in the society. Eventually this generates envy and hatred among the poor toward the rich, and contempt and callousness among the rich toward the poor. Conflicts arise, and social order is threatened (al-Qardawi, 1988, p.266).

A hadith says: Allah has cursed the one who takes interest, the one who pays it, the one who writes the contract, and the one who witnesses the contract (al-Qardawi, 1988, p.267)

The practice of *riba'* results in social imbalance and this can further result in the rich being subjected to theft and robbery from the poor whilst the poor are victimised by the rich through illegal practices such as hoarding of goods (*al-ihthakar*) or monopoly of certain types of goods.

3.2.3 *Caring for the community and living spaces*

It is essential that in every housing project and safe city planning, be parallel with the development of spiritual aspect of human being as it relates to the third victimization theory which is the deviant place theory. Islamic safe city planning must conform with the *Shari'ah* by ensuring living areas have ample space for religious and community based activities and venues that encourages vice should be banned. In safe city planning, the mosque is the centre. The aim is to ensure that criminal activities will be reduced

due to the close proximity to the mosque and hence, criminal victimization is prevented. As the Qur'an confirms:

Pleasant is your land (peaceful and harmonious) and Forgiving is your Lord. (Saba':15)

In terms of preventing victimization, the existence of a mosque at the centre point of the city could also deter potential criminals from attacking persons within the close radius of the mosque. When the mosque is active, the fact Muslims are responsible to their brothers is hoped to act as a deterrence to criminal acts.

Aside from the above, the neighbourhood also plays an important role in preventing criminal victimization. Duties towards neighbours are emphasized in Islam. A person must be caring and kind to his neighbour. Every sort of help should be extended towards neighbour without any discrimination of caste, race or religion. The Prophet said:

Do you know what the duties of a neighbour are? Help him if he seeks your help, give him loan if he is in urgency, give him relief if he is needy, nurse him if he falls ill, follow his bier if he dies, cheer him if he meets any good, sympathize with him if any calamity befalls him...(Fazlul Karim, p:253)

Thus, each and every member of the community is advised to become a responsible neighbour to ensure that criminal victimization in the area is prevented. Neighbours should act as guardian toward each other especially in watching their neighbourhood area and protect it from any trespasser especially during the absence of a particular homeowner.

Aside from valuing neighbourly relations, the *Shari'ah* is also concerned about the safety of every member of the community particularly those who are vulnerable. Measures have been taken to prevent minors, mentally retarded persons, handicapped persons, women, the elderly and those who are weak in general from criminal victimization through the concept of guardianship.

In the case of minors or young persons including the orphans and mentally retarded persons, the guardian is responsible for the care of their person and property.² The guardian must provide them with basic necessities such as food, shelter and education so that they are safe and protected from being victimized due to their incapacity. If the minor or the mentally retarded persons have got means of their own, the guardian is responsible to manage the property so that the chance of being the victim of cheating will be prevented. Even the guardian is allowed to enter into a contract which is (or likely to be) advantageous and not injurious to their interest (Gibb and Kramers, 1981, p.633). The minor become entitled to take charge of their own property when they have attained the age of puberty (*bulugh*) and matured (*rushd*) enough as to the management and direction of their property. This is stated in the Qur'anic verse which says:

Do not give (hand over) to those who are weak of judgment the property with which Allah has (entrusted you) for their support, but let them their sustenance and clothe them with its proceeds (from the wealth which you used for trading) and speak to them with words of kindness. (an-Nisa':5)

Put orphans (in your charge) of the test until they reach the age of marriage (maturity). If then you find sound judgment in them, release their property to them. (an-Nisa':6)

²The guardianship of a minor for the management and preservation of his property devolves (1) first on his or her father, (2) then on the father's executor, (3) next on the paternal grandfather, (4) then on his executor, (5) then on the executors of such executors, (6) finally on the ruling power or his representative i.e. a judge. Ultimately it rests upon the judge to appoint a guardian for an infant's property when there is no near guardian (i.e., the father, the father's father and their executors).

Meanwhile, in regard to the position of women, when a woman has neither a father nor grandfather nor any of her *'asabah* (remote/distant kindred) to take charge of her, or if the *'asabah* is immoral, it is a duty of the authority to take care of her condition. If she can be trusted to take care of herself, she should be allowed to live alone; otherwise, she should be placed with some female trustee (Zaydan, 2000, p.347). Aside from that, a woman is not allowed to travel alone unless accompanied by her guardian or *mahram*³ who can ensure her safety during the travel. This ruling is essential to protect women who are lesser in physical strength from becoming the victim of rape, sexual assault or robbery. There is a hadith of the Prophet which says:

A woman should not travel alone except with a *mahram*. And a man should not be alone with a woman unless her *mahram* with her. Suddenly a man asked: O Messenger of Allah! I will go out to war, and my wife is going for *hajj* (pilgrimage). Then the Prophet SAW said: Then accompany your wife to perform *hajj*. (Muslim, 1987, p.172)

This is not to demean the rights of the women. It is only meant as precautionary measure aimed at ensuring that women are protected at all times and do not allow themselves to be victimized easily.

Elderly persons also need to be given special attention. Due to their physical limitations, elderly persons are also vulnerable to crime. In Islam, it is the responsibility of children to look after their parents when they are old. They should be kind to them, respect them and take the best care of them when they attain old age as commanded by the Qur'an in the following verse:

And your Lord has enjoined you to worship none but Him, and to show kindness to your parents. If either or both of them attain old age while they are with you, do not say to them a word of contempt (using rude words) not even the word "Ugh", nor repel them, but speak to them words of honour (with gentleness). (al-Isra':23)

If this ruling is observed obediently by all children with old age parents, the chance of them becoming a prey of criminal act would be minimized.

Another most important measure in preventing criminal victimization is the concept of proper guardian for the whole society known as *hisbah*. The *hisbah* promotes the campaign of *amr ma'ruf and nahy munkar* (to enjoin good and forbid evil) in the society through the officer in charge known as *muhtasib* who is appointed by the authority concerned (see Ibn Taymiyyah, 1992 and al-Nabahan, 1983, p.618). The concept of *hisbah* is based on the Qur'anic verse which says:

Let there be among you a community of people who shall call to all that is good, enjoin what is right and forbid evil. (ali-Imran:104)

The presence of *muhtasib* would ensure the prevention of criminal victimization and thus community in general will live in peace and harmony.

4. Research Findings and Conclusion

The research shows that in order to ensure a safe city, concentration cannot only be given to the physical environment. For a long time, criminologists gave emphasis to the role of the criminal. But over the years, it has been discovered that the role of the victim is actually significant, as it can directly or indirectly influence the fate and motivate a criminal. Thus, it is important for us to know how victims can

³ Mahram means a person who is in a degree of consanguinity, affinity or fosterage precluding marriage.

play a role in protecting themselves from being targeted. Islam has long been concerned about this issue and provides a unique approach in the prevention of criminal victimization. This can be derived from the rulings of the Qur'an and Hadith of the Prophet as well as the juristic opinions.

Prevention of criminal victimization in Islam is primarily based on the concept of avoiding thoughts, speeches, actions, situations and even places that could make a person an easy target for criminal acts. Islam also promotes the concept of a caring community whereby each person is to look out for the benefit of others. Although individual privacy is deeply valued, the individual is also responsible to his family, neighbours and the society as a whole.

Prevention of criminal victimization can be a reality if the government ensures that the community is empowered with substantial knowledge of the *Shari'ah* and the conscious practice of Muslims as a whole. Aside from that, the government could also play an active role in adopting these principles as a matter of policy.

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