

**UQUBAH  
(PUNISHMENT)  
*in* ISLAM:**

*Malaysia &  
Pakistan*

Ramizah Wan Muhammad

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## ABSTRACT

In an attempt to correct the erroneous impression people have about *uqubah* in Islam, this study explains the concept and the philosophy of *uqubah* in Islamic Criminal Law. It shows that *uqubah* is a divine punishment aimed at protecting the five pillars of life and promoting justice in this world. It is retributive as well as reformatory in nature. It is a mercy from Allah S.W.T and its implementation ensures success in this world and in the Hereafter.

*Uqubah* has been introduced in the Islamic Republic of Pakistan and it is given serious consideration by the Kelantan state in Malaysia. The Pakistan Hudud Law Ordinances cover four offences of intoxication, property, zina and qadza. The Shariah Criminal Code (II) Bill of Kelantan deals with theft, robbery, zina, qadza, liwat, intoxication, apostasy and blasphemy. Kelantan Code is much more extensive in scope than its counterpart in Pakistan. The difference is that Pakistan has applied, even though half-heartedly, the Hudud Ordinances, whereas the Kelantan Shariah Code has yet to receive endorsement from the Federal Government. A glimpse of RUU 355 is also briefly discussed.

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