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ABSTRACT

This study discussed the compoundable penalty in Islamic Criminal Law by mentioning the views of scholars and the evidence of every party. The study also dealt with every compoundable penalty in an analytical approach. Furthermore, the study also discussed the said penalty in the Omani Criminal Law and made a comparative study between it and the Islamic Law. The study aimed to elaborate the perspective of the Islamic Law on the subject which is under implementation nowadays. It gave special discussion to the compoundable penalties by the judge such as the fine, destruction of money, confiscation, guarantee, and restrictions. The study followed an inductive analytical approach to analyze the opinions of jurists and their evidences and discussing the opinions of every party in depth. Moreover, the researcher followed an inductive analytical approach to analyze the contents of the Act of the Omani Criminal Law in order to analyse it. The study discovered the following results. The most important finding is the illegality of the penalty of the fine. This is based on the methodology and the rules of the Tradition of the Prophet (SAW) and the weaknesses of the evidences that the scholars derived on the issue. However, the study found that other types of compoundable penalties such as destruction of money, confiscation, guarantee, and restrictions are legal. These punishments are also found in the Omani criminal Law with the only exception of the destruction of money since no provision discussed it implicitly or explicitly. Finally, the researcher arrived to some recommendations such as calling upon jurists who adopt the opinion of the legality of the fine to review their evidences. It is also the recommendation to the Legislative Body in Oman to review this issue. Moreover, the researcher suggested for a new Act which states that the money of the criminal that is utilized in the crime or vices activity such as drugs or other things should be destroyed. Finally, the researcher requested that the *diyyah* (blood-money) that is under implementation now in Oman to be in agreement with the Islamic Law.

APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality as a thesis for the degree of Master of Comparative Laws.

Abdul Rahman Awang
Supervisor

I certify that I have examined and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality as a thesis for the degree of Master of Comparative Laws.

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Internal Examiner

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This thesis was submitted to the Department of Islamic Law and is accepted as a fulfillment of the requirements for the degree of Master of Comparative Laws.

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Nik Ahmad Kamal Nik Mahmod
Dean,
Ahmad Ibrahim Kulliyah of laws

DECLARATION

I hereby declare that this thesis is the result of my own investigation, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and bibliography is appended.

Name: Badar Saif Ahmed AL-HOQANI

Signature:.....

Date:.....

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