

According to Syariah law, the word **offence** means to do what has been prohibited by Syariah or not to do what has been ordered by Syariah to be done, for which the punishment has been prescribed.

Under Syariah law, offences can be classified into three types: hudud, qisas and diyat as well as ta^zir.

Hadd (plural: hudud) is a crime punishable with a fixed punishment imposed as the **right of public** or known as the **right of God**. Hudud crimes and their punishments are mentioned clearly in the text of the Quran and in the Hadith of the Prophet Muhammad.

The crimes of hudud are limited to *zina* (adultery or fornication), *qazf* (false accusation of *zina*), theft, robbery, drinking intoxicants, apostasy and rebellion. If a crime of hadd is proved, the prescribed punishment must be imposed. It cannot be reduced nor pardoned. Hadd is the maximum punishment.

It must be noted that to establish the crime of hadd is very difficult because it requires very strict procedures to be followed. Thus, a person who commits a hadd offence would be freed or punished with a ta^zir punishment instead if there is any doubt in establishing the offence.

Qisas and diyat are crimes punishable with a fixed punishment imposed as the **right of individual**. Qisas and diyat crimes and their punishments are clearly mentioned in the text of the Quran and the Hadith of the Prophet Muhammad. The crimes include *homicide* (killing) and causing bodily harm (injury) to others. Since these crimes involve the **right of an individual**, the victim or his relatives have the right to choose whether to demand the infliction of qisas punishment on the offender or to demand diyat or to forgive him.

To impose qisas punishment means to inflict similar harm on the offender as he had done to the victim. If the offender kills someone then qisas means to kill him (the offender). If the offender slaps someone then, he (the offender) will be slapped in return.

Diyat means a prescribed amount of money to be given to the victim or his relatives in the case of murder or injury.

Ta^zir is a crime punishable with penalties that are discretionary and as such, it is left to the discretion of the judge. Thus, a ruler or judge is free to decide the suitable punishment to be imposed on the offender. It consists of all kinds of transgressions where no specific and fixed punishment is prescribed. The crimes of ta^zir are unlimited. For example, apart from hudud, qisas and diyat are ta^zir crimes. It depends on the ruler to legislate the law relating to ta^zir. Ta^zir punishments can be imposed in the commission of religious disobediences or in the public interest.