

# **The Challenges of Implementation of Islamic Criminal Law in Bangladesh: An Analysis Based on Islamic Point of View and Contemporary Legal System**

AHM Shafiqul Islam

*Ph.D. candidate at the Faculty of Human Ecology, Universiti Putra Malaysia*

Dr. Hj. Ahmad Nasir Mohd Yusoff\*

*Senior Lecturer, Faculty of Human Ecology, Universiti Putra Malaysia*

*\*Correspondent Author*

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**Abstract:** Islam, as a comprehensive way of life, provides guidance on various aspects of human existence through Shariyah.<sup>1</sup> Among the crucial branches of Shariyah, Islamic criminal law serving as a framework within the Islamic legal system. Shariyah, rooted in Quranic and Sunnah teachings, stands as a necessity for Muslims. This article examines into the challenges related to the implementation of Islamic criminal law in the context of Bangladesh, putting it side by side with conventional legal frameworks. Through a comprehensive analysis compressing in both Islamic principles and contemporary legal perspectives, the article investigates the intersection of Islamic jurisprudence and modern legal systems. Key challenges such as compatibility with human rights standards, Interpretation and Consensus, adaption of modern legal framework, educational reform, societal acceptance, and the role of state institutions are examined. The study aims to contribute to the ongoing discourse on the harmonization of Islamic criminal law with the existing legal framework, shedding light on the complexities and potential solutions in steering this complex environment.

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## **1. Introduction**

Bangladesh is a predominantly Muslim country. About 90 percent of its population are Muslims<sup>2</sup>. But constitutionally it is a secular country and Islam is the official religion of Bangladesh.<sup>3</sup> Being Islam is the official religion of Bangladesh, it does not implement Islamic criminal law in its legal system. Bangladesh follows the British criminal procedure since it has been colonized by British more than 200 years.<sup>4</sup> As described by common law traditions or law's codification, the Islamic criminal justice system differs from other legal approaches based on binding judicial proceeding practiced under civil law.<sup>5</sup> Bangladesh criminal justice system also follows mostly the same approach. There is neither an apprehending of compulsory legal proceeding, not a history of law's codification in Islamic law. The case of law analysis is comparatively like the process of analogical deduction (*Ijtihad*) in Islamic law.<sup>6</sup> The political, legal, and social elements of Bangladesh integrated within the roots of Islamic criminal law and thereby, it is the governing foundation of Bangladesh. Precisely, Islamic criminal law is a specifically informative and enlightening paradigm of divine law. It is one of the most known legal systems globally, which varies from other systems to impose its crucial and significance for superior legal trends available extremely. So, this paper examines what are the challenges seemed barrier to be implemented the Islamic criminal laws in Bangladesh.

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<sup>1</sup>The term shariyah derived from the root word 'Shara'a' means path which refers to Islamic law that governs every aspect of Muslims' lives in addition to religious rituals. Shariyah law also provides its followers with a set of principles and guidelines to help them make important decisions in their lives, such as finances and investments.

<sup>2</sup>Banu, Razia Akter (1992) *Islam in Bangladesh*, E.J. Brill, New York, p. 139

<sup>3</sup>Riaz, Ali (2010) *Religion and Politics in South Asia*, Routledge, 270 Madison Ave, New York, NY 10016 USA, p.45

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<sup>4</sup>Dhaka, Dhaka University press.

<sup>5</sup>Ismail, F. B. H., & Sulong, J. Bin. (2018). The Development and Obstacles in Applying the Islamic Criminal Law in the State of Kelantan, Malaysia. *International Journal of Academic Research in Business and Social Sciences*, 8(4), 890–900

<sup>6</sup>Badar, Hammad. (2011) *Marketing of Agriculture Product in Pakistan: Theory and Practice*, Higher Education Commission of Pakistan

## **2. An Introductory Remark on Islamic Criminal Law in Bangladesh**

As per as Bangladesh, in regard to implementing Islamic criminal law is concern, it is needed to know about Islamic criminal law and Bangladesh from the historical perspective. Islamic criminal law, also known as Shariyah law, in some extent, has become central argument and discussion in various Muslim countries, like Bangladesh and other Muslim countries. However, the legal system in Bangladesh is primarily based on English common law and has a secular legal framework, with the constitution which guarantees the separation of religion and state.<sup>7</sup>

Historically, Bangladesh was part of British-India-Pakistan legacy until gaining its independence in 1971 from Pakistan.<sup>8</sup> After independence, the country adopted a secular legal system, as reflected in its constitution. The secular legal framework has been a fundamental aspect of the nation's identity, promoting a pluralistic society that respects the rights of individuals from different religious backgrounds.

While Islamic law has played a role in personal matters such as family law, inheritance law and so on. Bangladesh has not implemented a comprehensive system of Islamic criminal law. The country has maintained a balance between secular legal principles and recognition of religious diversity. Although, there are many Islamic political parties and non-political organizations with the support of vast Muslim population of the country like Bangladesh Jamat-e-Islami, Hefajot-e-Islam Bangladesh, and Islami Andolon Bangladesh<sup>9</sup> are demanding constantly to implement the Islamic criminal law in Bangladesh.<sup>10</sup>

## **3. Islamic Criminal Law: Concepts and Principles**

### **3.1 The concept:**

Islamic criminal law categorizes offenses based on the nature and sources of punishments rather than the nature of crimes, unlike other legal systems. Islamic law based on offenses and punishment are classified into three categories:

1. *Hudud* law which are offenses and punishments prescribed in the Quraan or Sunnah.
2. Offenses against the person, such as intentional injury and homicide, undertaken through
  - a. *Qisaas* law retaliation or b. *Diyah* law (Financial compensations and
  - (3) *Ta'zir* law (offenses not obviously mentioned the punishment in the Quraan and Sunnah. where punishments are discretionary). The application of Islamic criminal law differs across regions, with differing interpretations and practices seen in countries like Indonesia, Saudi Arabia, and Pakistan. In some instances, Islamic criminal law has triggered debates and criticism within the international human rights community.<sup>11</sup>

### **3.2 The key principles: The Sources of Shariyah:**

**3.2.a The Quraan as the Primary Source:** The Quraan is deemed to be the primary source of Islamic law. A Muslims must believe that the Quraan is the literal words of Allah SWT as revealed to Prophet Muhammad SAW. Verses in the Quraan provide the basis for many legal principles, including those related to criminal offenses. There are 500 verses that are the commandments and others are virtue and morals.<sup>12</sup>

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<sup>7</sup>Legal System of Bangladesh: An Overview, Blog, (January 31, 2023) Legal System of Bangladesh. Pls see <https://bdlrp.com/legal-system-of-bangladesh-an-overview/>.

<sup>8</sup>See: [https://en.wikipedia.org/wiki/Independence\\_of\\_Bangladesh](https://en.wikipedia.org/wiki/Independence_of_Bangladesh)

<sup>9</sup>The major political and non-political parties with a huge number of potential supporters. Bangladesh Jamat-e-Islami is the largest Islamic moderate political party which has been a part of government called BNP-Jamaat regime in 2001 to 2006. Pls see [https://en.wikipedia.org/wiki/Bangladesh\\_Jamaat-e-Islami](https://en.wikipedia.org/wiki/Bangladesh_Jamaat-e-Islami). Islami Andolon Bangladesh also a large charmonai pir-murid based political party. Pls see

[https://en.wikipedia.org/wiki/Islami\\_Andolan\\_Bangladesh](https://en.wikipedia.org/wiki/Islami_Andolan_Bangladesh). While Hefajo-e-Islam Bangladesh is a far-right conservative-islamic advocacy group consisted mostly of hard-liner religious teachers and students Quami Madrasa based non-political party. Pls see [https://en.wikipedia.org/wiki/Hefazat-e-Islam\\_Bangladesh](https://en.wikipedia.org/wiki/Hefazat-e-Islam_Bangladesh)

<sup>10</sup>See: <https://thediplomat.com/2021/12/bangladeshs-identity-crisis-to-be-or-not-to-be-secular>

<sup>11</sup>Haleem, Muhammad Abdel, Adel Omar Sherif, and Kate Daniels, eds. *Criminal Justice in Islam: Judicial Procedure in the Shari'a*. New York: I. B. Tauris, 2003.

Also see: Lawan, Mamman, Ibrahim N. Sada, and Shaheen Sardar Ali. *An Introduction to Islamic Criminal Justice: A Teaching and Learning Manual*. Edited by Shaleen Mansoor. London: UK Centre for Legal Education, 2011.

<sup>12</sup>As-Siddiqui, Mullah Jeevan. *Nurul Anwar sharah Risalah al- Mannar*, Maktabah al Bushra, Karachi, Pakistan.

**3.2.b Sunnah as second primary source of Shariyah:** The Sunnah, the sayings, actions, and approvals of the Prophet Muhammad SAW, provide additional guidance for understanding and implementing Islamic law. Hadiths often elaborate on the principles found in the Quraan and provide context for specific legal rulings.<sup>13</sup>

**3.2. c Ijma' as third source of Shariyah:** Ijma, the consensus, of companions of Rasulullah SAW and jurists and the Muslimat any age is called Ijma'. It is the agreed decision of the companion or jurists or Muslims over a particular issue of law while the Quran and Sunnah do not have direct rule of law on the issue. A great number of Hanafi rules of law have been formulated through this kind of Ijma'.<sup>14</sup>The majority of Muslim jurists, particularly the jurists of four well-known schools of thought are in agreement that Ijmaa is an authoritative source of Islamic law.

**3.2.d Qiyas as fourth source of Shariyah:**Qiyas is analogical reasoning. It is the fourth source of Shariyah after the Qur'an, Sunnah, and Ijma (consensus). Scholars and Jurists has an alternative source of ruling only when they cannot find answers to a particular issue in the Qur'an, Hadith, and Ijma.<sup>15</sup>

### **1.1 Important elements of Islamic criminal law:**

**3.3.a Speculation of Innocence:** Islamic law emphasizes the speculation of innocence, and the burden of proof lies with the accuser.<sup>16</sup> There is a strong emphasis on ensuring a fair trial and protecting the rights of the accused.

**3.3.b Punishment for Hudud Crimes:** Hudud crimes are severe offenses with fixed punishments mentioned in the Quraan. These include theft, adultery, false accusation of adultery, consumption of alcohol, and apostasy. The prescribed punishments are meant to serve as a deterrent and are considered mandatory if the evidence meets the required standards.

**3.3.c Due Process and Evidentiary Standards:** Islamic criminal law places a high value on due process and requires strong evidentiary standards. For example, in cases of adultery, there must be four eyewitnesses to the act, and false accusations without proper evidence can lead to punishment.

**3.3.d Restoration and Compensation:** In cases where harm is caused, Islamic law often emphasizes restitution and compensation over punitive measures. For example, in cases of homicide, the victim's family may be given the option to forgive the perpetrator in exchange for compensation which is called Diya.<sup>17</sup>

**3.3.e Judicial Discretion:** While certain offenses have fixed punishments (Hudud), Islamic law allows for judicial discretion in other matters (Ta'zir). Ta'zir punishments are discretionary and can be decided by the judge based on the circumstances of the case.<sup>18</sup>

It's important to note that interpretations of Islamic criminal law can vary among different legal scholars and Islamic schools of thought. Additionally, many contemporary Muslim-majority countries may not implement the traditional Hudud punishments, and legal systems may incorporate elements of both Islamic and civil law.

## **4. Problem Statement:**

Bangladesh, as a compactly populated Muslim-majority nation, struggles with the adaptation and implement of Islamic criminal law into its legal framework. The existing legal system draws greatly from contemporary criminal codes, reflecting the influence of British colonial laws. There is a huge need to evaluate the compatibility and potential harmonization of Islamic criminal law within the current legal structure.

## **5. Research Objective**

The primary objective of this study is to evaluate the implementation of Islamic Criminal Law in Bangladesh, considering its historical development and the challenges it faces. The research seeks to understand the extent to which Islamic criminal law aligns with or could be incorporated into the existing legal system.

<sup>13</sup>[https://en.wikipedia.org/wiki/Sources\\_of\\_Sharia#Sunnah](https://en.wikipedia.org/wiki/Sources_of_Sharia#Sunnah)

<sup>14</sup><https://thelegalquotient.com/family-laws/muslim-law/ijma/161/>

<sup>15</sup><https://www.islamicquery.com/>

<sup>16</sup>[https://en.wikipedia.org/wiki/Presumption\\_of\\_innocence](https://en.wikipedia.org/wiki/Presumption_of_innocence)

<sup>17</sup> I doi, Abdur Rahman. (2007) Shariyah: The Islamic law, A S Nurdeen, Kuala Lumpur

<sup>18</sup> Iskander, Sayed. (1997) Islamic Law. Phd thesis, faculty of law, IIUM, Kuala Lumpur

## **6. Research Method**

This study implements a qualitative approach, relying on secondary data sources such as books, articles, national and international law reports, including the Dhaka Law Report,<sup>19</sup> and legal acts. A comprehensive analysis of these sources will provide insights into the development, and challenges of implementing Islamic criminal law in Bangladesh.

## **7. The Challenges**

### **7.1 Overburdened Legal System**

The overburdened legal system in Bangladesh is characterized by a over whelming accumulation of cases and a big delay in the administration of justice. Insufficient resources, including a shortage of judges, court staff, and courtrooms, contribute to the system's inability to handle the complete volume of cases effectively. As a result, accusers often face protracted waiting periods for their cases to be heard, leading to a slow and lengthy legal process. The backlog not only impacts the resolution of criminal cases but also exacerbates issues in civil matters, hindering the timely dispensation of justice. This backlog has implications for the fundamental right to a speedy trial, leaving many individuals in a state of legal limbo. The delays may result in prolonged pre-trial detentions, adding to issues of overcrowded prisons and potential violations of human rights. Addressing the overburdened legal system requires strategic reforms, increased investment in legal infrastructure, and measures to streamline court procedures for a more efficient and timely resolution of cases.

### **7.2 Corruption and Lack of Transparency**

Corruption and lack of transparency in Bangladesh's criminal justice system present remarkable challenges. Corruption, manifested through bribery, discrimination, and favoritism within law-enforcement agencies and judiciary, undermines the impartiality and fairness of legal processes. These trends compromise the trust citizens place in the system, as the perception of a corrupt judiciary grinds down confidence in the rule of law. Additionally, limited transparency intensifies these issues, hindering accountability and obstructing public scrutiny of legal proceedings. The dense nature of investigations and court proceedings allows for unrestricted influence and manipulation, extending a culture of impunity. This lack of transparency not only delays the administration of justice but also promotes an environment where powerful and influential individuals or agencies can exploit their positions for personal or departmental gain. To address these crucial issues, comprehensive reforms focusing on developing accountability mechanisms, promoting transparency in legal procedures, and establishing safeguards against corruption are necessary. Without systemic changes, the persistence of corruption and complexity within the criminal justice system establishes a significant threat to the principles of justice and equality in Bangladesh.

### **7.3 Limited Resources**

Limited resources in Bangladesh's criminal justice system pose significant impediments to effective law enforcement and judicial proceedings. Insufficient funding and budget allocations hamper the capacity of law enforcement agencies to conduct thorough investigations, maintain updated forensic facilities, and adopt modern technology for crime detection. Inadequate employment levels worsened the problem, leading to overworked personnel who may struggle to handle the huge volume of cases.

Moreover, the lack of trained professionals, including police officers, forensic experts, and legal professionals, hampers the system's efficiency. Outdated infrastructure and a lack of technological tools hinder the adoption of modern investigative techniques. This resource constraint not only contributes to delays in the legal process but also compromises the quality of investigations and the overall administration of justice.

The shortage of courtrooms and judges contributes to a backlog of cases, resulting in prolonged pre-trial detentions and delayed justice delivery. Addressing these resource challenges demands substantial investments in training programs, technology upgrades, and infrastructure development to enhance the capabilities of law enforcement agencies and the judiciary, ultimately fostering a more effective and responsive criminal justice system in Bangladesh.

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<sup>19</sup>"Dhaka Law Report" is a publication specific to legal cases and judgments in Dhaka Session Court. It includes verdicts from courts in the city and judge courts. These reports typically detail references of the facts of the case, legal arguments, and the court's decision, providing valuable insights into legal interpretations and precedents.

#### **7.4 Human Rights Concerns**

In Bangladesh, human rights concerns have been significant, marked by reports of extrajudicial killings, torture, and arbitrary arrests. Security forces have been accused of engaging in unlawful practices, raising alarms about the violation of basic human rights. The phenomenon of extrajudicial killings, where individuals are apparently executed without due process, undermines the right to life and violates the principles of justice and fairness. Reports of torture during police custody further underscore the challenges in upholding the right to be free from brutal and inhuman treatment. Arbitrary arrests without proper legal procedures violate the right to liberty and due process. These human rights violations not only erode the foundations of a just legal system but also contribute to a climate of fear and suspicion. Addressing these concerns requires not only legal reforms and accountability mechanisms but also a broader commitment to fostering a culture of respect for human rights within law enforcement agencies and the criminal justice system. International inquiry and cooperation may play a crucial role in holding accountable those responsible for human rights abuses and promoting a more rights-respecting environment in Bangladesh.

#### **7.5 Lack of Legal Awareness**

Lack of legal awareness in Bangladesh remains a significant impediment to the effective functioning of the criminal justice system. A substantial portion of the population, particularly in rural areas, continues to exhibit limited understanding of their legal rights and obligations. This lack of awareness can be attributed to various factors, including inadequate educational resources, linguistic diversity, and socio-economic imbalance. Many individuals are inexperienced with the intricacies of the legal system, hindering their ability to navigate legal processes, report crimes, or engage with law enforcement.

Moreover, absence of accessible legal information and outreach programs contributes to persistent legal unawareness. This results in a population that may accidentally violate the law due to ignorance, fail to report criminal activities, or struggle to uphold their rights when confronted with legal issues. Efforts to address this challenge necessitate targeted educational initiatives, community-based legal awareness programs, and the integration of legal education into mainstream curricula and Islamic legal basis. Bridging this gap in legal awareness is essential not only for empowering individuals to safeguard their rights but also for fostering a society where the rule of law is respected and upheld.

#### **7.6 Socio-Economic Factors**

Social and economic factors in Bangladesh significantly impact the implementation of Islamic criminal law in Bangladesh. Widespread poverty, particularly in rural areas, contributes to a range of criminal activities as individuals face economic hopelessness. Limited access to education and employment opportunities further aggravates the cycle of poverty, raising a conducive environment to criminal behavior.

Moreover, income variation and gaps in wealth distribution create social tensions, potentially leading to crimes born out of dissatisfaction and displeasure. The informal economy, prevailing in Bangladesh, can also be linked to criminal activities, as individuals may resort to illicit means to secure their livelihoods.

Lack of proper social infrastructure, including healthcare and social services, can perpetuate criminal behavior, especially among marginalized communities. Discrimination based on gender, caste, or ethnicity further compounds social challenges, influencing crime rates.

Addressing these issues requires comprehensive social and economic reforms. Initiatives such as poverty alleviation programs, educational outreach, and job creation can uplift communities and provide alternatives to a life of crime. Additionally, fostering a more equitable society through social justice measures and inclusive economic policies is crucial for mitigating the root causes of criminal behavior in Bangladesh.

#### **7.7 Terrorism and Transnational Crime**

Terrorism and transnational crime pose significant challenges to Bangladesh's security and stability. The country has grappled with the rise of extremist groups and incidents of terrorism. Notably, the threat from groups with radical ideologies, such as the Jamaat-ul-Mujahideen Bangladesh (JMB), has been a concern. These groups often operate across borders, making it crucial for Bangladesh to collaborate with neighboring countries and international partners to counteract transnational threats effectively.

Transnational crimes, including human trafficking, drug trafficking, and arms smuggling, further compound security issues. Bangladesh's strategic geographic location makes it susceptible to criminal networks exploiting porous borders for illicit activities. The Rohingya refugee crisis has also added complexity, with reports of human trafficking and other criminal enterprises taking advantage of vulnerable populations.

To address these challenges, Bangladesh has engaged in regional and international cooperation, participating in initiatives to combat terrorism and transnational crime. Strengthening intelligence-sharing mechanisms, enhancing border security, and adopting comprehensive legal frameworks are essential

components of the country's efforts to mitigate the impact of terrorism and transnational crime on its national security.

The above-mentioned items are the main challenges in implementation of Islamic criminal law in Bangladesh.

## **8. Solution**

To overcome these challenges for the implementation of Islamic criminal law in Bangladesh, this paper suggests the following reforms-oriented solutions to overcome the problems.

### **8.1 Legal Reforms**

Legal reforms in Bangladesh to harmonize Islamic criminal law and conventional law involve a multifaceted approach aimed at aligning the legal system with Islamic principles while ensuring compatibility with international human rights standards. Amendments to existing laws and the enactment of new legislation are fundamental components of this reform process. Lawmakers must examine statutes to eliminate inconsistencies with Islamic principles, ensuring that criminal laws are in accord with the Quran and Sunnah. Additionally, the establishment of specialized committees or commissions tasked with reviewing and proposing legal changes can facilitate a systematic and comprehensive reform process. Clear guidelines and criteria for the incorporation of Islamic principles into legislation should be established, guided by consultations with Islamic scholars and legal experts. To ensure transparency and public acceptance, the legal reforms should be communicated effectively through public awareness campaigns and educational programs. This approach fosters a legal environment that respects both Islamic values and universal human rights, promoting a harmonious coexistence of Islamic criminal law and conventional law within the legal framework of Bangladesh.

#### **8.1.a Islamic Legal Education and Training**

Islamic legal education and training play a crucial role in achieving a harmonized legal system that integrates Islamic criminal law and conventional law in Bangladesh. A comprehensive approach involves enhancing the understanding of legal professionals, including judges, lawyers, and law enforcement officers, in both legal practices. This can be achieved through specialized courses offered, workshops, and continuing education programs that cover the principles, philosophies, and jurisprudential aspects of Islamic law alongside the existing legal framework.

Legal education should not only focus on theoretical knowledge but also include practical applications, case studies, and simulations to develop the skills necessary for navigating complex legal scenarios. Incorporating comparative legal studies allows legal professionals to appreciate the commonalities and differences between Islamic and conventional legal systems, fostering a nuanced and inclusive approach to legal practice.

Furthermore, establishing centers of excellence or institutes dedicated to the study of Islamic law within existing legal education institutions can serve as hubs for research, discussion, and the development of a harmonized legal curriculum. Continuous training programs should be tailored to address evolving legal landscapes, ensuring that legal practitioners remain well-versed in the evolving legal framework. By investing in legal education and training, Bangladesh can empower its legal professionals to navigate the complexities of a dual legal system, ultimately contributing to a more just, harmonized, and inclusive legal environment.

#### **8.1.b Public Awareness and Education**

Public awareness and education play pivotal roles in harmonizing Islamic criminal law and conventional law in Bangladesh. Initiating comprehensive awareness campaigns and educational programs is crucial to foster understanding and acceptance of legal reforms among the general population. These efforts should focus on elucidating the principles of both legal systems, emphasizing commonalities, and dispelling misconceptions. Utilizing various media platforms, including television, radio, social media, and community outreach programs, can effectively disseminate information to diverse audiences.

Educational initiatives should not only target the general public but also involve key stakeholders such as religious leaders, community influencers, and educators. Workshops, seminars, and interactive sessions can serve as platforms for discussing the harmonization process, addressing concerns, and promoting dialogue between different religious and cultural groups. Moreover, integrating information about the harmonized legal framework into school curricula can contribute to long-term awareness and understanding, shaping the perspectives of future generations.

Public engagement should be ongoing, encouraging citizens to actively participate in the legal system, voice their opinions, and contribute to the development of a legal framework that respects both Islamic values and universal human rights. By fostering a well-informed and engaged public, Bangladesh can create a

supportive environment for the harmonization of legal systems and build a foundation of societal acceptance for the evolving legal landscape.

### **8.1.c Inter-faith Dialogue**

Interfaith dialogue is a constructive and inclusive conversation that brings together representatives of different religious traditions to foster understanding, tolerance, and cooperation. In the context of Bangladesh, interfaith dialogue plays a crucial role in promoting harmony among diverse religious communities, including Hindus, Muslims, Buddhists, and Christians. Such dialogues provide a platform for religious leaders, scholars, and followers to engage in open and respectful discussions, exchanging views on common values, shared ethics, and addressing areas of potential misunderstanding.

In Bangladesh, a nation marked by religious diversity, interfaith dialogue contributes to social cohesion by building bridges of understanding and dismantling stereotypes. These dialogues often focus on shared values such as compassion, justice, and peace, fostering a sense of unity in diversity. By facilitating interactions between religious communities, interfaith dialogue helps prevent religious-based conflicts, promoting a culture of mutual respect and appreciation. Additionally, it provides opportunities to address societal issues collectively, including the harmonization of legal systems, by incorporating perspectives from various faith traditions. Overall, interfaith dialogue serves as a powerful tool in cultivating a climate of inclusivity and respect, contributing to the development of a more cohesive and harmonious society in Bangladesh.

### **8.1.d Consultation with Religious Scholars**

Consultation with religious scholars plays a crucial role in the harmonization of Islamic criminal law and conventional law in Bangladesh. Religious scholars, well-versed in Islamic jurisprudence, offer valuable insights into interpreting and integrating Islamic principles into the legal framework. Their expertise ensures that legal reforms align with authentic Islamic teachings, fostering a sense of legitimacy and acceptance among the population. Engaging religious scholars in the harmonization process not only contributes to the development of nuanced legal frameworks but also enhances public trust in the legal system. This collaborative approach facilitates a dialogue between legal experts and religious authorities, fostering a shared understanding of the compatibility between Islamic principles and international legal standards. Furthermore, involving religious scholars in the process can help address potential concerns and misconceptions within the community, promoting a sense of ownership and participation in the evolution of the legal system. This consultation process serves as a bridge between the legal and religious realms, promoting a balanced and culturally sensitive approach to law reform in Bangladesh.

### **8.1.e Establishment of Specialized Courts**

The establishment of specialized courts in Bangladesh to address the harmonization of Islamic criminal law and conventional law involves creating judicial entities with expertise in both legal systems. These specialized courts can play a pivotal role in ensuring fair and informed adjudication of cases where elements from both Islamic and conventional legal principles are involved. Comprising judges well-versed in both legal frameworks, these courts can provide nuanced interpretations, avoiding conflicts and ensuring a harmonious integration. Specialization enables a more efficient and just resolution of cases, as the judges can draw upon their comprehensive understanding of both legal systems to navigate complex legal issues.

Moreover, specialized courts can contribute to legal consistency and coherence by developing a body of precedents specific to cases involving the convergence of Islamic and conventional legal principles. This not only enhances legal certainty but also builds public trust in the legal system's ability to handle diverse legal matters. To implement this, training programs for judges, court personnel, and legal practitioners are essential to equip them with the necessary expertise. Additionally, the establishment of these courts should be accompanied by mechanisms for ongoing education and knowledge-sharing, ensuring the continuous development of judicial expertise in the harmonization process. Overall, specialized courts serve as a practical and effective mechanism to navigate the complexities of integrating Islamic and conventional legal frameworks in the pursuit of a balanced and equitable legal system in Bangladesh.

### **8.1.f International Collaboration**

International collaboration in harmonizing Islamic criminal law and conventional law in Bangladesh is crucial for leveraging global experiences and resources. Bangladesh can engage with international organizations, such as the United Nations, the Organization of Islamic Cooperation (OIC), and legal experts from diverse jurisdictions. Collaboration can take the form of workshops, conferences, and knowledge-sharing platforms where experts share insights on integrating Islamic principles into legal systems while upholding human rights standards. Bilateral collaborations with countries that have successfully navigated similar legal

harmonization processes can provide valuable guidance. International partners can offer technical assistance, facilitate training programs for legal professionals, and contribute to the development of comprehensive legal frameworks. Additionally, collaboration with global human rights organizations ensures that legal reforms align with international standards, promoting fairness and justice. Engaging in these collaborative efforts fosters a sense of shared responsibility in creating legal systems that respect cultural diversity, uphold fundamental rights, and contribute to the global discourse on the harmonization of legal traditions.

#### **8.1.g Socio-economic Development**

Socioeconomic development refers to the sustained improvement in the economic and social well-being of a society. In the context of Bangladesh, enhancing socioeconomic development involves addressing key factors that influence the overall quality of life for its citizens. This includes initiatives in education, healthcare, poverty alleviation, and infrastructure development. Investing in education is crucial for fostering a skilled workforce and promoting innovation. Improving healthcare services ensures a healthy population, contributing to increased productivity and decreased healthcare costs. Poverty alleviation programs, such as microfinance initiatives, can empower individuals, particularly women, to start small businesses and escape the cycle of poverty. Infrastructure development, including transportation and communication networks, facilitates economic growth and connectivity. Additionally, promoting gender equality, ensuring access to clean water and sanitation, and addressing environmental sustainability are integral components of a comprehensive socioeconomic development strategy. By addressing these multifaceted challenges, Bangladesh can create an environment that not only fosters economic growth but also enhances the overall well-being and resilience of its population. Sustainable socioeconomic development is essential for creating a foundation for equitable growth and improving the lives of all citizens.

#### **8.1.h Community Engagement**

Community engagement in harmonizing Islamic criminal law and conventional law in Bangladesh is pivotal for fostering understanding, acceptance, and effective implementation of legal reforms. Establishing inclusive platforms for dialogue involves actively involving diverse stakeholders, such as religious leaders, local authorities, women's groups, and civil society organizations. Through town hall meetings, workshops, and seminars, communities can express their concerns, provide input, and gain insights into the harmonization process. This participatory approach not only empowers individuals with knowledge about legal reforms but also ensures that the legal framework resonates with the values and aspirations of the community. Community leaders and influencers, including religious figures, can play a crucial role in disseminating information, addressing misconceptions, and promoting a sense of ownership of the legal system. Additionally, community-based awareness campaigns can facilitate open discussions, dispel myths, and build bridges between different segments of society. Engaging communities in the decision-making process fosters a sense of inclusivity, reducing resistance to legal changes and promoting social cohesion as the legal system evolves to incorporate both Islamic principles and international legal standards.

#### **8.1.j Regular Review and Monitoring**

Regular review and monitoring of the harmonization process between Islamic criminal law and conventional law in Bangladesh are imperative for ensuring the effectiveness, fairness, and continued relevance of legal reforms. This involves establishing robust mechanisms to systematically evaluate the impact of the integrated legal framework on the judicial system, societal dynamics, and individual rights. Periodic assessments should consider the consistency of legal decisions with both Islamic principles and international legal standards, addressing any discrepancies that may arise. Stakeholder feedback, including input from legal practitioners, scholars, and the general public, should be actively sought to identify challenges and opportunities for improvement.

Monitoring efforts should extend to tracking the socio-economic and cultural implications of legal harmonization, ensuring that the legal reforms contribute to broader societal development and cohesion. Additionally, ongoing training programs for legal professionals should be implemented to keep them abreast of evolving legal interpretations and to maintain a high standard of competence in applying the integrated legal principles.

Through this regular review and monitoring process, Bangladesh can adapt its legal system to changing circumstances, uphold the principles of justice, and foster public confidence in the harmonized legal framework. It provides a dynamic mechanism to address emerging challenges, maintain consistency with evolving legal standards, and ensure that the harmonization process aligns with the values and needs of the diverse population.

### **9. Recommendation for Further Studies**

Further studies on the harmonization of Islamic criminal law and conventional law in Bangladesh could explore the practical implementation and impact of legal reforms. Researchers may investigate specific case studies, examining how integrated legal frameworks function in real-world scenarios and their effects on justice delivery, human rights protection, and societal dynamics. Comparative analyses with other countries that have undertaken similar harmonization efforts may offer valuable insights and best practices. Additionally, studies could focus on the experiences and perspectives of various stakeholders, including legal professionals, religious scholars, and the general public, to understand the challenges faced and the potential areas for improvement. Addressing the socio-economic and cultural dimensions of legal harmonization and assessing the long-term implications on social cohesion and development, would contribute to a comprehensive understanding of the harmonization process in Bangladesh.

### **10.Result**

The findings reveal that the roots of Islamic criminal law are embedded in revelations aimed at safeguarding the dignity and sanctity of human life. While the present criminal law in Bangladesh is primarily influenced by British laws from the colonial era, the study evaluates the potential for its alignment or partial harmonization with Islamic criminal law.

### **11.Conclusion:**

In conclusion, Islam emphasis on the sanctity of human life and the comprehensive nature of its teachings necessitates a reevaluation of Bangladesh legal system. With over 90 percent of the population being Muslims, there should exist an opportunity for policymakers to consider the implementation of Islamic criminal law to better align with the values and demands of the majority.

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