

## **The Jurisprudential Rule of the 'Exclusive Authority of Imam to Implement Punishments'**

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### **Abstract**

This article explains the content, history and evidence for the jurisprudential rule of 'Exclusive Authority of Imam to Implement Punishments'. According to this rule, which has been known in modern criminal law as the principle of judiciality of punishment, it is only authorized officials who are allowed to become involve in issues related to punishment. Based on convincing evidence from the Holy Qur'an, the tradition of Prophet Muhammad and infallible Imams (p.b.u.them), and the consensus of jurists, this article assumes that the rule exists among other strong and certain Islamic rules. Referring to various jurisprudential texts from different historical periods of *fiqh*, this article demonstrates that even though the rule has been hardly discussed as an independent rule, the content of the rule along with the concept of social order have been among serious concerns of Muslim jurists from the beginning. In the traditional view, however, the rule has not been accepted as a categorical rule and it is often believed that it might allow for exceptions in certain cases. The article has argued in favor of the unconditionality of the rule and suggested that ignoring the content of the rule in practice is an evident example of ignoring Islamic teachings and would lead to chaos and harm to the security of citizens. Moreover, many other basic Islamic legal institutions like the 'principle of legality' and

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# Islamic Law and Jurisprudence Studies

ISSN: 2008-7012

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