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## Postponing the performance of *had* (prescribed punishment)

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### Abstract

In some Islamic narrations (*ahadith*) it is prohibited to postpone the performance of *had* (prescribed punishment). By analyzing the content of these narrations, this article concludes that they are not specifically related to *hodoud* in its idiomatic sense, i.e. prescribed punishments as opposed to *ta'zir* (discretionary punishment). Indeed all punishments must be certain and performed following the conviction in a reasonable and appropriate time, whether they are *had* or *ta'zir*. Similarly, the expediencies requiring or necessitating the postponement of punishments must be taken into account as far as certainty of the punishment is taken care of. These expediencies are not limited to those explicitly mentioned in the narrations. What matters are that the postponement should not be a failure in the performance of punishment or not result in its cancellation? Therefore, there is no big difference in the quality of the execution of *had* and *ta'zir*. The article also sheds a light on the order of execution of the punishments when the offender is convicted of different crimes.

**Keywords:** certainty of punishment, Islamic criminal law, suspension of punishment.