



The Concept of Self-Defence in Islamic Criminal Law: A Study

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Abstract

This paper provides a comprehensive analysis of the extent of self-defence within the framework of Islamic law. The aim of this study is to investigate and explain the phenomenon of self-defence as it is understood by Islamic law. It also stipulates the conditions under which a person is permitted to defend themselves, their honor, and their property. This research is motivated by a strong inclination to enhance the theoretical comprehension of self-defence as viewed by Muslim jurists. The study comes to the conclusion that protecting oneself, one's property, and one's honor against an attacker is required. It also makes it clear that the person defending themselves does not suffer any harm or have to pay for it.

Keywords: Self-Defence, Islamic Criminal Law, Defence of Honor, Shari'ah, Islam

1. INTRODUCTION

The protection of people's lives and property is the primary aim of any legal system, whether it be common law, English law, or especially Islamic law. Any legal system that fails to secure people's lives and property would not be considered law in any society. With its divine rules, Islamic criminal law plays an important role in establishing a safe and secure Islamic society. It condemns wrongdoing and the people who commit it as well as anarchy, divergence, and corruption. Furthermore, it serves as a deterrent against capitulation and inertia when confronted with instances of injustice, corruption, and injury. In contrast, man-made laws frequently disregard the provisions of the noble Islamic Sharia and conflict with the authority of Almighty Allah. Such laws are ineffective in deterring illegal activity and eliminating corruption and those who engage in it. The criminal laws of Islam, in contrast, protect human rights and preserve basic necessities of life by placing a high priority on justice, equity, the preservation of life, and the prevention of crimes. According to the principles of Maqasid al-Shariah (Objectives of Islamic Law) and the modern secular law, everyone has the right to private defence to protect themselves, their house, or their belongings from someone who clearly wants to take them away. Undoubtedly, it is the primary responsibility of the state to protect the life and property of its citizens, but no state, regardless of the size of its resources, can assign a police officer to monitor the activities of each and every citizen and safeguard him from criminal acts. In certain circumstances, it may be difficult or unfeasible to seek assistance from state authorities in order to avoid an unlawful act of violence. This could be due to limited time or other factors that hinder the ability to request such aid. Therefore, the Shariah has provided every individual, whether Muslim or not, the right to private defence in order to fulfil such exigencies.¹ The present study is titled "The Concept of Self-defence in Islamic Criminal Law" to illustrate the provisions pertaining to assault on people and the repercussions of preventing the assault.

2. CONCEPT OF SELF-DEFENCE

The concept of self-defence is characterised by its dynamic nature. It differs from nation to nation and time to time based on the specifics of each case. The term "self-defence" seems to have originated from

¹ Mohamad Ismail Mohamad Yunus, *A Commentary on Criminal Law and Evidence* (Kuala Lumpur: Marsden Law Book, 2014), p. 489-523.

the Latin term *se defendendo*, which is defined in the Black's Law Dictionary as "defending himself, in self-defence. Homicide committed *se defendendo* is excusable."² Literally speaking, the term "self-defence" refers to the act of protecting oneself. In modern times, however, its purview has expanded. The justification for inflicting severe harm on another person is that the harm was inflicted to protect oneself.³ James Wilkinson expanded the definition to include the defence of one's own person as well as rights, etc.⁴ This definition appears to be broader than the previous one because it encompasses not only the human being but also individual freedoms. It implies practically the same connotation as that which is currently attached to "self-defence". Jowitt's dictionary, however, defines it differently, as "self-defence-life and limb are of such high value in the estimation of the law that it pardons even homicide if committed *se defendendo*, or in order to preserve them."⁵ According to Saunders, the concept of self-defence can be defined as "the defence of one's self, or the mutual and reciprocal defence of such as stand in the relations of husband and wife, parent and child, master and servant. In these cases, if the party himself, or any of his relations, is forcibly attacked in his person or property, it is lawful for him to repel force by force; and the breach of the peace, which happens is chargeable upon him only who began the affray."⁶ David M. Walker provided a more detailed description of self-defence by stating:

"It is permissible to cause bodily harm or even death in order to defend oneself or another person from unlawful violence, provided that the person causing the harm or death did what he could to avoid the violence, as by retreating where possible, and inflicts no greater injury than he, in good faith and on reasonable grounds, believes to be necessary to protect himself or the other. If the defence is made out, the accused escapes liability entirely, the injury or death being justified, if not, he may be guilty of assault, or even murder. The defence is not confined to a person's defence of his own life, but extends to defence against rape, possibly against sodomy, and defence of another whom one reasonably should protect, such as a child."⁷

The aforementioned definition also includes the defence of another individual while exercising the right to private defence. Self-defence originally meant defending one's own body from harm threatened or inflicted by another. Later, its scope was expanded to include the protection of one's property.⁸ Subsequently, it was expanded to include the security of one's home and the other family members. This viewpoint is supported by Alexander's writings:

"It is the right of a man to repel force by force even to the taking of life in defence of his person, property or habitation, or of a member of his family against anyone who manifests, intends, attempts or endeavours by violence or surprise to commit a forcible felony."⁹

Thus, in modern times, the right to defend is not confined to family members but is extended to all other individuals, including strangers.

The Islamic legal principle of self-defence is widely recognised, as it stipulates that Muslims defend their own lives and the lives of others, as well as their own and others' property against any form of aggression. The legal term provided by the Muslim jurist is self-defence.¹⁰ In the basic primary Islamic sources, such as in the Quran and Sunna, the concept of self-defence is referred to as *Dafo Al Sael*. This concept has not been adequately explored in the academic field.¹¹ According to Al-Milibari, the term "Al-Sayyal" encompasses the actions of extension and jumping upon others. This meaning goes further than the linguistic interpretation by focusing on the part of aggression that is "against others."¹² Al-Damiati adds to this definition by stating that "Sayyal" involves unlawful hostility and denotes an attack,

² Black's Law Dictionary, 5th ed. (St. Paul, 1979), p. 1219.

³ *Black's Law Dictionary*, p. 1218.

⁴ James Wilkinson III, "Self-defence in Louisiana" (Tulane Law Review, Vol. XVI (1941-42)), p. 609.

⁵ John Burke, *Jowitt's Dictionary of English Law*, Vol. II (London, 1977), p. 1629.

⁶ John B. Saunders, *Words and Phrases Legally Defined*, Vol. V (1970), p. 39.

⁷ David M. Walker, *The Oxford Companion to Law*, (Oxford, 1980), p. 1128.

⁸ Glanville Williams, *Text Book of Criminal Law* (London, 1978), p. 449.

⁹ Alexander, *Law of Arrest*, Vol. I Sec. 319, p. 1059.

¹⁰ Abdul Qadir Awdah, *Al Teshirh al-Janaih al-Islami*, (Beirut: Muassasatul Risalah, 2006), p. 473.

¹¹ Ramses, *The General Theory of Criminal Law* (printed by Manshaat al-Maarif, Alexandria, 1971 AD), p.378.

¹² Al-Damiati, *A'anat al-Talibeen*, (Al-Halabi Press: Dar Ihya al-Kutub al-Arabiyyah, 1343 AH), vol. 4, p. 170.

animosity, and oppression. He goes on to describe it as an "infallible" individual's acts without right.¹³ Mr. Madkour gives a broader definition, arguing that the right to defend oneself against an attacker is known as the right of private legal defence, and the Sailer or aggressor can be any anyone, whether of sound mind, a minor, mentally disturbed, or even an animal. The attack can be on someone's body, their honour, or their goods. This definition contains the numerous attack scenarios that may occur.¹⁴ Abdul Qadir Awdah says, "The private legitimate defence in Sharia is the duty of man to protect himself or the souls of others, and his right to protect his money or the money of others from any unlawful attack with the necessary force to repel this attack".¹⁵

Thus, Islamic positions are always to protect Muslims and non-Muslims from any illegal attack, to safeguard their rights, and to protect their security. The principle of self-defence that is found in the Quran enables Muslims to defend themselves and their property against any unlawful attack. The principle of private self-defence in Sunna is to provide five basic rights to each individual and to ban unnecessary infringement. The five things are: religion, life, mind, the posterity, and the property.¹⁶ On the 10th of Dhu'l-Hijja, specifically on the 6th of March 632, the Prophet Mohammad (peace be upon him) delivered a statement at the Mosque of Arafa located in Mecca. He emphasised the sanctity of one's blood, property, and honour, likening their purity to that of the day, city, and month in which he spoke. In the near future, you will encounter your divine authority and be subject to an inquiry on your actions. So, don't come after me, you people who don't believe (or are mistaken), some of you hitting each other on the necks. It appears that Sunna forbids attacks on property or human life. The following is a frequent Hadith related to individual self-defence, as narrated by Abu Huraira stating that "if you kill someone in self-defence, it's the same as if you were defending your country at war."¹⁷

It is noteworthy that scholars of Fiqh hold different opinions on the applications of self-defence, classifying it as either Wajeeb (obligatory) or Jâz (permissible).

3. LEGAL BASIS OF SELF-DEFENCE IN ISLAMIC LAW

The legal right to defend oneself, one's property, one's honour, and others was sanctioned by Shariah. Scholars of Fiqh derived the validity of legal defence from Quranic texts, the Sunnah, Ijma, and Qias. These are as follows:

3.1. Self-defence in the Quran

i) Almighty Allah said: "So if anyone attacks you, retaliate in the same manner."¹⁸ This verse exemplifies the ethical acceptability of responding to another individual's aggression by retaliating against his aggressive behaviour.¹⁹

ii) Almighty Allah said: "If you retaliate, then let it be equivalent to what you have suffered."²⁰ Almighty Allah prescribed that the unjust aggressor be punished in the same way as he was punished.

iii) Almighty Allah said: "and who enforce justice when wronged □ The reward of an evil deed is its equivalent. But whoever pardons and seeks reconciliation, then their reward is with Allah. He certainly does not like the wrongdoers □ There is no blame on those who enforce justice after being wronged."²¹

It is important to point out, when reviewing the findings of different studies on the topic of self-defence in the Quran, that the verses in the Quran provide an implicit acknowledgement of self-defence. The fact is that the Quran does not provide a specific definition of self-defence, nor does it outline any explicit prerequisites for engaging in acts of self-defence. However, the Quran contains several verses

¹³ Muhammad bin Ahmed bin Arafa Al-Maliki Al-Dasouki, *Hashiat al Dasuqi ealaa al Sharh al Kabir*, (Dar Al-Fikr Edition: without edition and without date), J4, p.357.

¹⁴ Shams al-Din Muhammad bin Ahmed al-Khatib al-Sherbiny, *Mughaniy al Hajat 'iilaa Maerifat Maeani Kalimat al Manhaji*, (Beirut: Scientific Books House, 1994 A.D.) vol.4, p.194.

¹⁵ Abdul Qadir Awdah, *Al Tashrie al Jinaiyyu al' Islamiu Muqaranatan bi al Qanun al Wadei*, (Beirut: Dar Al-Kateb Al-Arabi, 2004), p.473.

¹⁶ M H Kamali, *Shari'ah law: an introduction*, (Oneworld Publications, 2008), Chapter 3.

¹⁷ S Akhtar, *The Quran and the secular mind: A philosophy of Islam*, (Routledge, 2007), p.9.

¹⁸ The Holy Qur'an, Sura Al-Baqarah: 194.

¹⁹ Al-Bajirmi, *Hashiat al Bajirmi*, (Beirut: Dar Al-Kutub Al-Ilmiyya, 2002) vol. 4, p. 219.

²⁰ The Holy Qur'an, Sura An-Nahl: 126.

²¹ The Holy Qur'an, Sura Ash-Shuraa: 39-41.

that pertain to justice, retaliation, the need to prevent loss of life, and other related matters, which might be inferred and construed as supporting the right to self-defence.

3.2. Self-defence in the Sunnah

- i) The Prophet Muhammad (SAW) said: “Whoever his property desired (unlawful) and fight to protect it and was killed, died as a martyr”.²²
- ii) Narrated Abu Hurayra that the Prophet (SAW) said: “If anyone were to look into house or (privacy) without permission and you were to throw a pebble at him and put out his eye, you are guilty of no offence “. ²³
- iii) Abdallah bin 'Amr reported that the Messenger of Allah had said: “He who is killed protecting his property is a martyr.”²⁴
- iv) Abu Ja'far said: “I was sitting with Suwaid bin Muqarrin, and he said: The Messenger of Allah [SAW] said: “Whoever is killed defending himself against injustice, he is a martyr”.²⁵

3.3. Self-defence in the Ijma

The consensus among the four Sunni schools of thought is that the idea of self-defence is upheld under Ijma. That is to say, the right to self-defence is considered to be lawful under Islamic law by all four schools of Islamic legal thought. This is due to the fact that the exercise of this right results in benefits for Muslims.²⁶ According to Ibn Taymiyyah, if the attack of a Muslim attacker cannot be halted until he is killed, it is permissible to kill him, even if the money he takes is a carat of a dinar²⁷ and he also adds: “the Sunnah and consensus both support fighting aggressors who trespass on other people's property.”²⁸ Therefore, the doctrine of self-defence under Ijma establishes regulations pertaining to divine authority.

3.4. Self-defence in the Qiyas

Qiyas is a technique for comparing and contrasting a case with a similar one in order to assess the weight, length, quality, or both of them.²⁹ In every single instance, Muslim jurists extrapolate the concept of self-defence from the general notion of self-defence established in the Quranic verses to the specific concept of self-defence. In other words, Qiyas allows Muslim lawyers to interpret a single individual's right to self-defence in a specific instance that is founded on the Quran and Sunna and hence totally legitimate.³⁰ Self-defence is considered as a means of restoring justice in the framework of Ijma and Qiyas. In Ijma the jurists agree that justice has a divine basis, and hence self-defence has a divine basis as well. In contrast to Ijma, Qiyas involves the examination of the idea of self-defence by Muslim judges, who seek to establish a fundamental shared rationale between comparable instances of self-defence. This is done in order to apply the same legal principle from a previous case to subsequent ones.³¹ Qiyas supplements the knowledge of self-defence available through the Quran, Sunna, and Ijma. The right to self-defence is established separately in each and every case under Qiyas by the judges' doctrinal examination of the Quran and Sunna.³²

²² Sunan Ibn Majah (Beirut: Darul Fikr,2004) Vol. 2, Hadith No. 2580.

²³ Zain Al-Din Muhammad Al- Manawi, *Fathul Qadeer Sharhe Al-Jami Al-Sagheer*, (Egypt: The Great Commercial Library,1356 AH), vol. 5, p. 307. Also Narrated by Al-Bukhari in Sahih, Book of Ad-Diyat, chapter If somebody peeps into the house of some people, Hadith No. (6902), Part 9, c.3, p. 1699.

²⁴ Narrated by Al-Bukhari in his Sahih, Book of Grievances, and Chapter: fighting, Hadith No. 2480, Part 3, p. 136.

²⁵ Narrated by Ahmad in his Musnad, Part 6, pg. 496, and Al-Nasa'i in *Sunan al-Kubra*, Kitab al Muharbeh, Chapter: Who was killed without his oppression, Hadith No. (3545), vol. 3, p. 455.

²⁶ Al-Ghazali, *Al-Mustasfa min Ullom ud Din* (Al-Moassat al-Rissala, 1997), p 411.

²⁷ Ibn Taymiyyah, *Majmoo' al-Fatawa*, (Madina: King Fahd Complex, 1995), Part 28, p. 540.

²⁸ Ibid, p. 541.

²⁹ B M Kerr, *Applying the canon in Islam: the authorization and maintenance of interpretive reasoning in Hanafi scholarship* (SUNY Press, 1996), p. 11

³⁰ B M Kerr, *Islamic reform: the political and legal theories of Muhammad Abduh and Rashid Rida* (University of California Press, 1966),p.22

³¹ Dr Abd Allah Almatrodi, 'Controls private self-defence and its implications in Islamic Jurisprudence' (Umm al-Qura University,2006),p.37

³² Ibid, p.38

As a matter of fact, Qiyas entails investigation of both the motivation of an individual actor engaged in self-defence and the motivation of the law, or *ration legis* and it also entails the analogous application of judicial reasoning from one case involving self-defence to other cases.

4. TYPES OF SELF DEFENCE

The legitimacy of self-defence varies depending on the nature of the assault. The opinions of jurists on this matter fall into three distinct categories.

4.1. Individual Self-Defence

Muslim jurists don't agree on whether or not defending one's life is obligatory or just permissible. Hanafi School of Law agrees with Maliki and Shafi'i Schools of Law that defending oneself from assault and aggression is mandatory.³³ The correct opinion of the Hambali School of Law, however, coincides with the likely view of the Maliki and Shafi'i Schools of Law that it not necessary for one to protect his life against any assault, but rather it is a common right to do so.³⁴ However, some Hambali jurists attempted to distinguish between periods of war and periods of peace. They stated that while it may be an ordinary right to defend one's life during times of war, it is obligatory to do so during times of peace and that is the view of the Maliki and Shafi School of Law.³⁵

4.2. Defence of Another Person

The consensus among legal scholars is that self-defence is necessary for protecting one's honour and dignity; for example, if a man plans to rape a woman and she has no alternative but to kill him, she must do so. It becomes imperative for the woman in the aforementioned case to defend herself, and she is not held accountable for the consequences that result from her actions.³⁶

4.3. Defence of Wealth or Property

According to the majority of Muslim jurists, such as Hanafi, Maliki, Shafi, and Hanbali, defending wealth or property is an ordinary right, not an obligation, which one may or may not defend if he so desires. That is because wealth or property is only permitted to be given away; no one has the authority to give life to another.³⁷

5. CONDITIONS FOR THE EXERCISE OF SELF DEFENCE

Scholarly jurists have outlined a number of requirements for when it is acceptable to repel the aggressor, which are as follows:

5.1. The Aggression Should Be Unlawful

The condition that the aggressor immediately commits an illegal assault was stipulated by scholars of the Hanafis, Shafi'is, and Hanbalis.³⁸ The legal action should not be stopped. This includes any actions taken by a guardian, judge, enjoinder of good, teacher, parent, husband, or anyone else with the right of chastisement in order to reclaim a right, carry out a duty, or impose punishment. However, if their acts go beyond what is permissible, it will be considered a violation and they will need to make remedies by retaliation, compensation, or some other means. In such cases, the person is entitled to defend himself against any excess that might be construed as aggression.³⁹

5.2. The Attack Must be of an Immediate Nature

The second requirement is that the assault must take place without any delay; if it does not take place without any delay, neither the offender nor the victim are in a position to defend themselves. Because the defence does not exist until the attack is resolved, the attack is what gives rise to the defence.⁴⁰

³³ Ibn Abidin, *Hashiyat Ibn Abidin*, (Cairo: Daru Nashir, 1998), Part 6, P. 545.

³⁴ Ibn Qudamah, *Al-Mughni* (Beirut: Dar Al-Kutub Al-Ilmiyya, 1997) Vol. 10, p. 350.

³⁵ Ibid.

³⁶ Abdul Qadir Awdah, *Al Teshirh al-Janaih al-Islami*, ibid, p.474

³⁷ Ibid.

³⁸ Ibn Abidin, *Hashiyat Ibn Abidin*, ibid, Part 6, P. 545

³⁹ Ibn Qudamah, *Al-Mughni*, ibid, ch 12, p.526-528.

⁴⁰ Zain al-Din Abu Yahya al-Sunaiki, *Asna al-Matalib in explaining Rawd al-Talib*, (Dar Al-Kitab Al-Islami: without edition and without date), vol.4, p.167.

5.3. Impossibility of Self Defence by any Other Means

There must be no other way to stop the aggression. The aggressor is not obligated to strike, wound, or kill the victim if the victim is able to fend him off by, for example, shouting, calling, and seeking aid. He would have committed an unlawful act if he had done so; however, he is not compelled to do so if he was able to seek refuge with the men of the public authority at the right moment, or if he was able to prevent himself or someone else without resorting to violence and cruelty.⁴¹

5.4. Use of Reasonable Force

The fourth requirement is to fight back against the assault with as much force as is required to do so. It is necessary for the force to be sufficient to repel the assault in order for it to be considered a defence; if it is not, then it is an attack and not a defensive as well. If a man enters another person's home without permission and compels him to leave with an order or by threatening to beat him, he has no authority to strike him. Because the aim is to push him away, and if he pulls back even little, there is no reason to increase the pressure any further. If he is aware that his opponent will be armed with a stick, then he has no right to strike him with an iron because, in contrast to a stick, an iron is a weapon that can cause serious injury or even death.⁴²

5.5. The Legal Capacity (Al- Ahliyyah) of the Assailant

There is debate among jurists regarding this condition. The jurists of the Malikis, Shafi'is, and Hanbalis did not take into account the assailant's legal capacity. Whether the assailant was a minor or an adult, insane or sane, coerced or voluntary in committing the assault, or even an animal, the victim is in a legitimate state of defence and therefore has the right to exercise self-defence against the attacker, without any guarantee or blood money.⁴³ The Hanafis believe that blood money must be paid in the case of an assault resulting in a person's death by a boy, a mad person, and the guarantee is required for the animal.⁴⁴

6. RULES REGARDING SELF DEFENCE IN SHARIAH

The Shari'ah strictly prohibits the infringement of protected rights on any member of society so as to guarantee the safety of life, property, and chastity for all.⁴⁵ In order to accomplish the goal, it is acceptable to violate the right to life of an assailant. An individual who commits an illegal assault and endangers the legally protected interests of others eliminates their right to sanctity of life and integrity of body. Any member of society who kills an adversary while defending such protected interests is not guilty of any crime as long as he does not go beyond the limitations of his necessity.⁴⁶ Islamic jurists discussed the concept of legal self-defence and different methods for defence depending on whether the assault is against the soul, honor, wealth, or any other means as follows:

6.1. Defence against the Soul or Life

To protect the soul from attacks, Muslim jurists had various opinions regarding the following:

I) The First Statement

Scholars such as the Hanafis⁴⁷, Malikis⁴⁸, and Shafi'is⁴⁹ believed that an attack on a soul must be repulsed regardless of whether the person is a believer or a non-believer, sane or insane, adult or child,

⁴¹ Ibn Qudamah, *Al-Mughni*, ibid, Vol. 10, p. 351-352.

⁴² Al Kasani, *Al- Badai wa Al-Sanai*, (Pakistan: H.M. Saeed Co., 1979), Vol 7, p.93.

⁴³ Al-Desouki, *Hashiyat Al-Desouki*, part 4, p. 357, Al-Kharshi, *Sharh Al- Kharshi*, (Beirut: Dar Al-Fikr,1998), part 8, p. 112 , Al-Sherbiny, *Mughni Al-Muhtaj*, Part 5, Pg. 527, Al-Nawawi, *Rawdat Al- Talibeen*, Part 10, P. 186. , Al-Bahouti, *Kashafat al Qinae*, Part 6, P. 154, Al-Hijjawi, *Al-Iqnaa*, Part 4, P. 289.

⁴⁴ Ibn Abdeen, *Hashiyah Ibn Abdeen*, ibid, Part 6, Pg. 546, Al-Aini, *Al- Mabnaa*, Part 13, Pg. 105-106.

⁴⁵ Muhammad Sayed Abdul Tawwab, *Al-Difah al-Shar'hi fi Figh al Islami* (Cairo: Alain Al-Ktub, 1983), p. 141.

⁴⁶ Muhammad bin Hussain bin Ali Al-Toori, *Takmila Al-Beher Al-Raiq Sharah Kanaz al-Daqaiq*, Vol. VIII, p. 302

⁴⁷ Ali bin Abi Bakr bin Abdul Jalil Al-Marghinani, *Al-Hidaya fi Sharh Bidayat Al-Mubtadi*, (investigated by: Talal Youssef), (Beirut: House of Revival of Arab Heritage, 1998), part 4, p. 448.

⁴⁸ Muhammad bin Ahmed bin Muhammad Alish, *Manah Al-Jalil Sharah Mukhtasar Khalil*, (Beirut: Dar Al-Fikr,1997), vol. 9, p. 367-368, Al-Kharshi, *Sharh Al- Kharshi*, ibid, part 8, p. 112.

⁴⁹ Al-Sherbiny, *Mughni Al-Muhtaj*,ibid, Volume 5, P. 528.

whose blood is protected (masoom-uddam) or not, human or otherwise. The following evidence formed the basis of their arguments:

- a) Allah Almighty said: “do not let your own hands throw you into destruction.”⁵⁰ This Aya signifies that Muslims are forbidden by Allah (SWT) from committing suicide or self-destruction. Similarly, he cannot surrender to the assailant and allow him to kill him. He must therefore defend and protect himself.⁵¹
- b) Allah Almighty said: “Fight against them ‘if they persecute you’ until there is no more persecution, and ‘your’ devotion will be to Allah ‘alone’. If they stop ‘persecuting you’, let there be no hostility except against the aggressors.”⁵² This Ayah shows that Allah (SWT) allowed fighting to combat persecution, which is defined as killing people unjustly.⁵³
- c) Sa'eed bin Zaid reported: “The Messenger of Allah [SAW] said: 'Whoever is killed protecting his wealth, he is a martyr. Whoever is killed protecting his family, is a martyr. Whoever is killed protecting his religion, is a martyr. Whoever is killed protecting himself, he is a martyr.’”⁵⁴ This hadith states that when the Prophet of Allah called him a shaheed (martyr), it meant that he had to fight the attackers to protect himself.⁵⁵
- d) On the authority of Aisha, she said: I heard the Prophet (PBUH) say: “Whoever points with a piece of iron at one of the Muslims to attack them, his blood is permissible.”⁵⁶ This shows that the Prophet (PBUH) authorized Muslims to take life in self-defence if they were threatened by someone brandishing an iron rod (weapon) with the intent to murder them.⁵⁷

II) The Second Statement

Al Shafi'is School distinguished between an attacker who was a Muslim and an infidel. Thus, if he is an infidel and the victim is a Muslim, the defence must be presented, whether or not he is masoom uddam (whose blood is forbidden). However, if the attacker is a Muslim (whose blood is forbidden), a young person, or a lunatic, they argue that it is preferable to yield to him, even if it is possible to ward him off with or without killing him. Furthermore, scholars of Al Shafi'is maintain that it is necessary to repel the attacking animal because it is killed to defend the human, hence there is no excuse for giving in to it.⁵⁸ The supporting evidence for this concept is outlined as follows:

- a) That Ibn Umar saw a head and said: The Messenger of Allah (PBUH) said: “What prevents one of you from being like the two sons of Adam if someone who wants to kill him comes to him? The slayer is in Hellfire, and the slain is in Heaven.”⁵⁹
- b) On the authority of Abu Bakra that “Allah's Messenger (PBUH) saying, 'When two Muslims fight (meet) each other with their swords, both the murderer as well as the murdered will go to the Hellfire.' I said, 'O Allah's Messenger (PBUH)! It is all right for the murderer but what about the murdered one?' Allah's Messenger (PBUH) replied, 'He surely had the intention to kill his companion.’”⁶⁰

⁵⁰ The Holy Qur'an, Surah Al-Baqarah: 195

⁵¹ Mansour bin Younis Al-Bahooti, *Sharh Muntaha Al-Iraat*, (Beirut: World of Books, 1993), vol. 3, p. 385.

⁵² The Holy Qur'an, Surah Al-Baqarah: 193

⁵³ Ahmed bin Ali Al-Jassas, *Ahkam al Quran*, (edited by: Muhammad Sadiq Al-Qamhawi), (Beirut: House of Revival of Arab Heritage, 2000), p. 45.

⁵⁴ Narrated by Abu Dawood in his Sunan, *Book of the Sunnah*, chapter on fighting thieves, Hadith No. (4772), Part 4, p. 246

⁵⁵ Muhammad bin Ismail bin Salah Al-San'ani, *Subul Al-Salam*, (Cairo: Dar Al-Hadith, 1999), vol. 2, p. 458.

⁵⁶ Narrated by Ahmad in his Musnad, Part 3, p. 190.

⁵⁷ Mahmoud bin Ahmed bin Musa Al-Aini, *Sharh Al-Hedaya*, (Beirut: Dar Al-Kutub Al-Ilmiyya, 2000), vol. 13, p. 104.

⁵⁸ Al-Nawawi, *Rawjah Al-Talibeen*, *ibid*, part 10, p. 188, Shams Al-Din Muhammad bin Abi Al-Abbas Ahmed bin Hamza Al-Ramli, *Nihayat al Muhtaj fi sharah al Manhaj*, (Beirut: Dar al- Fikr, 2006), part 8, p. 25.

⁵⁹ Narrated by Ahmad in Musnad, part 10, p. 42, and by Ibn Abi Shaybah in his work, *Kitab Al-Fitna*, chapter of “Who dislikes going out in sedition and seeks refuge from it,” Hadith No. (37431), part 7, p. 486, and the hadith is weak, weakened by Al-Albani, see: Al-Albani, Muhammad Nasir al-Din, *Series of weak and fabricated hadiths and their bad impact on the nation*, (Riyadh: Dar Al Maaref, 2010), vol. 10, p. 196.

⁶⁰ Narrated by Al-Bukhari in his Sahih, Book of Faith, chapter [If two parties of the Believers have a quarrel, make him peace between them], and Hadith No. (31), vol. 1, p. 15.

III) The Third Statement

Al Hanbalis distinguished between other periods and the period of temptations (Al-fitnah), stating that during periods other than Al-fitnah, the aggressor must be repelled. However, in the period of fitnah, a Muslim does not have a duty to defend himself.⁶¹ The following evidence forms the basis of their opinion:

- a) Abu Dharr that the Messenger of Allah (PBUH) said: "What will you do, O Abu Dharr, 'What will you do when famine strikes the people so that you will go to the place where you pray and will not be able to return to your bed, or you will not be able to get up from your bed to go to the place where you pray?'" He said: "I said: 'Allah and His Messenger know best, or whatever Allah and His Messenger choose for me.'" He said: "You must refrain from forbidden things." Then he said; "what will you do when death overwhelms the people to such an extent that a grave will be equal in value to a slave?" I said: "Whatever Allah and His Messenger choose for me, or Allah and His Messenger know best." He said, "Be patient." He said: "What will you do when killing befalls the people so that Hajaratz-Zait is covered with blood?" I said: "Whatever Allah and His Messenger choose for me." He said: "Stay with those whom you belong to." He said: "I said: 'O Messenger of Allah, should I not take my sword and strike those who do that?'" He said: "Then you will be just like the people. Rather enter your house." I said: "O Messenger of Allah, what if they enter my house?" He said: "If you are afraid that the flashing of the sword will dazzle you, then put the edge of your garment over your face, and let him carry his own sin and your sin, and he will be one of the people of the Hellfire."⁶² This suggests that the Prophet (PBUH) advised against murdering during the period of fitnah, and that anyone who carries arms is complicit in his transgression.⁶³
- b) Busr bin Sa'eed said: During the Fitnah(in the time) of 'Uthman bin 'Affan, Sa'd bin Abi Waqqas said: "I testify that the Messenger of Allah(s.a.w) said: 'There will be a Fitnah during which the sitting person is better than the standing(person) is better than the walking, and the walking(person) is better than the running.'" He said: "What do you see (I should do) if he entered upon me in my home and extended his hand to kill me? He said: 'Be as Adam's son.'"⁶⁴
- c) Abu Musa al-Ash'ari said: "The Messenger of Allah (PBUH) said: Before the Last Hour there will be commotions like pieces of a dark night in which a man will be a believer in the morning and an infidel in the evening, or a believer in the evening and infidel in the morning. He who sits during them will be better than he who gets up and he who walks during them is better than he who runs. So, break your bows, cut your bowstrings and strike your swords on stones. If people then come into one of you, let him be like the better of Adam's two sons."⁶⁵

After presenting the views of the jurists and the comparison between the four schools, we conclude that the aggressor, whether an infidel or a Muslim, must be repelled and prevented from attacking for the following reasons:

- i) Because protecting one's self is a spiritual obligation for Muslims. Scholars have identified self-preservation as one of the "five necessities." Self-preservation was identified by the scholars as one of the five essential requirements. Islamic shariah allowed Muslims to eat forbidden dead meat to safeguard their lives, therefore avoiding transgressions is a priority.

⁶¹ Ibn Qudamah, *Al-Kafi*, vol. 4, p. 112, Mansour bin Yunis bin Salah al- Bahooti, *Kashaaf Alqinae fi majlis al'iinaei*,(Beirut: Dar al-Kutub al-Ilmiyya,2003),vol. 6, p. 155.

⁶² Narrated by Ibn Hibban in his Sahih, Book of *What came in the Fitnah*, chapter stating that a person should be isolated and calm when temptation occurs, even if temptation comes to him, Hadith No. (5960), Part 13, p. 292.

⁶³ Ali bin Muhammad Al-Qari, *Mirqat al- Maftahat, Sharh Mishkat al- Masbih*, (Beirut: Dar Al-Fikr, 2006), vol. 8, p. 3393.

⁶⁴ Narrated by Muslim in his Sahih, *Book of Trials and Signs of the Hour*, Chapter: The Descent of Trials as Falling Sites, Hadith No. (2887), vol. 4, p. 2212. As for the entire hadith with this wording, narrated by Ahmad in his Musnad, Hadith No (750) Part 2, p. 95.

⁶⁵ Narrated by Abu Dawood in his Sunan, *Book of Trials and Epics*, Chapter on the Prohibition of Pursuing Struggle in Sedition,Hadith No. (4259), Part 4, P. 100, and the hadith is authentic, it was authenticated by Al-Albani, see: Al-Albani, *Irwa Al-Ghalil*, vol. 8, p. 102.

- II) The reliable, authentic hadiths that state that a person who dies defending himself is regarded as a martyr provide proof that it is required to repel the assailant since it is now acceptable to use his blood.
- III) The hadiths of Al-fitnah, during a time of strife, emphasize the prohibition of carrying weapons and surrendering to aggressors. These hadiths were interpreted differently by Companions, Followers, and general scholars of Islam. Al-Jassas states that it meant not fighting in sedition and refraining from suspicion. The Prophet (PBUH) did not deny killing someone who deserved to be killed.⁶⁶ Al-Nawawi explains that it is necessary to support the righteous in temptation and fight against transgressors. The hadiths are interpreted differently by those who are not clear on the right path, or two unjust sects, as if behavior was different, corruption would appear and unjust people would increase aggression.⁶⁷

6.2. The Defence Against Honor

Honour is a character that a person protects from themselves, ancestors, or others, and is subject to praise and disparagement. Jurists discuss defending honor using terms related to its definition, such as wife, family, sanctity, harem, and couple. Muslim jurists agree that defending one's honor is legitimate, and it is forbidden to tolerate or be lenient in this regard, even if it results in the loss of life or the killing of an aggressor. The aggressor's blood is in vain, and the individual bears no responsibility for it.⁶⁸ Individuals who witness someone engaging in adultery, attempting adultery, or expressing intent to do so with their spouse, mahrams, or transgressing others' honor are obligated to intervene and prevent such behavior. Regarding honour aggressors and serious sinners, Ibn Najim says, "It is permissible to kill everyone, and their murderer will be rewarded".⁶⁹ Jurists have deduced that preventing aggression is mandatory based on the following evidence:

- I) On the authority of Warad, the scribe of al-Mughira, on the authority of al-Mughira, who said: Sa'd bin Ubada said, "If I found a man with my wife, I would kill him with the sharp side of my sword." When the Prophet (PBUH) heard that he said, "Do you wonder at Sa'd sense of ghira (self-respect)? Verily, I have more sense of ghira than Sa'd, and Allah has more sense of ghira than I."⁷⁰
- II) Sa'eed bin Zaid said: "The Messenger of Allah [SAW] said: 'Whoever is killed protecting his wealth, he is a martyr. Whoever is killed protecting his family, he is a martyr. Whoever is killed protecting his religion, he is a martyr. Whoever is killed protecting himself, he is a martyr.'"⁷¹
- III) According to Ubaid bin Omair, "a man hosted guests from the tribe of Huthayl. They ordered their maidservant to fetch wood, and when the guest saw her, he was impressed. He pursued a woman and wanted (to rape) her. She refused, and they struggled for an hour until she managed to flee. So, she threw a rock at him and killed him. After telling her family what had happened, they went to Umar and informed him. When they found him, Umar said: He is killed by the right of Allah. 'By Allah, there is no Diya (blood money) for him ever.'"⁷²

6.3. The Defence Against Wealth

Muslim scholars disagreed on how to protect one's wealth against theft or violence in the following ways:

⁶⁶ Al-Jassas, *Ahkam al Quran*, ibid, Part 4, pg. 47.

⁶⁷ Yahya bin Sharaf Al-Nawawi, *Al- Minhaj Sharh Sahih Muslim bin Al-Hajjaj*, (Beirut: House of Revival of Arab Heritage, 2002), vol. 18, p. 10.

⁶⁸ Zain al-Din Ibn Ibrahim Ibn Muhammad Ibn Njeim, *Sharah Kanz al Daqayiqi*, (Beirut: Dar al- Kitab al-Islami, 1999), vol. 5, p. 45, Al- Desouki, Hashiyat Al-Desouki, ibid Part 4, p. 357

⁶⁹ Ibid

⁷⁰ Narrated by Al-Bukhari in his Sahih, Book of Hudood, and Chapter: Whoever saw a man with his wife and killed him, Hadith No. (6846), vol. 7, p. 35

⁷¹ Narrated by Abu Dawood in his Sunan, Ibid, Hadith No.

⁷² Narrated by Abd al-Razzaq in his, Book of Minds, Chapter: A man finds a man with his wife, Hadith No. (17919), vol. 9, p. 434, and by Al-Bayhaqi in his Sunan, Book of Drinks and Hadd in it, Chapter: A man finds a man with his wife and kills him, Hadith No. (17649), vol. 8, p. 586.

I) The First Statement

Both the Hanafis⁷³ and the Malikis⁷⁴ agree that it is necessary to repel an attacker who is trying to steal one's wealth, but they stipulate that this obligation only applies if the theft will result in catastrophic loss or serious injury. In contrast, the Shafi'i scholars⁷⁵ extended so far as to state that if a person's wealth contains a soul, money under custody, endowment, or deposited funds, then the person holding the wealth has an obligation to protect it. The following evidence supported the above statement:

- a) Qabus bin Mukhariq that his father said: "A man came to the Prophet [SAW] and said: "What if a man comes to me and wants to take my wealth?" He said: "Remind him of Allah." He said: "What if he pays no heed?" He said: "Seek the help of the Muslims around you against him." He said: "What if there are no Muslims around me?" He said: "Seek the help of the ruler against him." He said: "What if the ruler is far away from me?" He said: "Fight to defend your wealth until you either become one of the martyrs of the Hereafter, or you protect your wealth (successfully)."⁷⁶
- b) Abdallah bin 'Amr told of hearing Allah's Messenger say, "He who is killed protecting his property is a martyr."⁷⁷
- c) Abu Huraira told that a man came and asked Allah's Messenger to tell him what he should do if a man came wanting to take his property. He replied, "Do not give him your property." He asked him to tell him what to do if the man fought with him, and he replied, "Fight with him." He asked him to tell him what would happen if the man killed him, and he replied, "You will be a martyr." He asked him to tell him what would happen if he killed the man, and he replied, "He will go to hell."⁷⁸

II) The Second Statement

The Hanafi⁷⁹ and Maaliki⁸⁰ scholars believed that it is permissible to defend one's wealth but not obligatory, as long as it doesn't cause severe harm. Shaafi'i⁸¹ and Hanbali⁸² scholars, on the other hand, stipulated that wealth should be considered a living being.

Those who share this view believe it is not necessary to defend one's possessions from an attacker since the owner has the right to voluntarily transfer ownership of them to others and because the right to defend one's property can be surrendered in certain circumstances.⁸³

Maliki scholars believe that aggression towards wealth owners is obligatory if it results in death or severe harm, as the harm may lead to their destruction, making it a form of self-defense. This is because the harm suffered may lead to their destruction, making it a crucial aspect of their moral compass.⁸⁴

According to the Shafi'i scholars, the distinction between wealth with and without a live being is based on the fact that the former has sanctity and must be protected for this reason.⁸⁵

Based on this analysis of the sharia scholars' opinions and supporting evidence, we can say that the first opinion, which says a person should fight off someone who is stealing his money, is technically correct for the following reasons:

- i) The Prophet (PBUH) makes it clear in the above hadith that a Muslim should not give an unjustly treated attacker any of his or her wealth. Only the duty to fend off the attacker accomplishes the prevention.

⁷³ Ibn Abdeen, *Hashiyat Ibn Abdeen*, Ibid, Part 6, P. 546, Al-Zayla'i, Bayan al Haqayiqi, Part 6, P. 111.

⁷⁴ Al-Desouki, *Hashiyat Al-Desouki*, ibid, part 4, p. 357, Al-Kharshi, Sharh Al-Kharshi, ibid, part 8, p. 112.

⁷⁵ Al-Ramli, *Nihayat Al-Muhtaj*, Ibid, part 8, p. 24, Al-Sherbiny, *Mughni Al-Muhtaj*, Ibid, part 5, pg. 528.

⁷⁶ Hassan, op, cit.

⁷⁷ Sahih. Op, cit.

⁷⁸ Sahih. Op, cit.

⁷⁹ Ibn Abdeen, *Hashiyat Ibn Abdeen*, Ibid, vol. 6, p. 547, Abd al-Rahman ibn Muhammad ibn Suleiman Sheikhi Zadeh, *Majamae al Nahar fi Sharh Muntadaa a Abhar*, (Beirut : Dar 'iihya' Alturath Aearabii, 2006),vol. 1, p. 631.

⁸⁰ Al-Desouki, *Hashiyah Desouki*, ibid Part 4, p. 367.

⁸¹ Al-Ramli, *Nihayat Al-Muhtaj*, ibid, part 8, p. 24, Al-Sherbiny, *Mughni Al-Muhtaj*, ibid, part 5, pg. 530.

⁸² Al-Bahooti, *Kashaf Al-Qinaa*, Vol. 6, p. 156, Ibn Qudamah, *Al-Mughni*, Vol. 9, p. 183.

⁸³ Al-Sherbiny, *Mughni Al-Muhtaj*, ibid, Part 5, P. 530, Al-Bahouti, *Kashaf Al-Qinaa*, ibid, Part 5, P. 167.

⁸⁴ Al-Desouki, *Hashiyat Desouki*, ibid, Part 4, p. 369.

⁸⁵ Al-Bajirmi, *Hashiyat Al-Bajirmi*, ibid, part 4, p. 228, Al-Sherbiny, *Mughni Al-Muhtaj*, ibid, part 5, p. 532.

ii) Islam prioritizes wealth preservation as one of its five necessities, with legal rulings legislating penalties for stealing others' wealth. This is to prevent weak-minded individuals from seizing wealth unjustly. However, if warding off an aggressor over money leads to a greater evil, refraining from fighting off such an assailant is better than fighting them off. This ensures the preservation of wealth and prevents unchecked theft.

6.4. The Defence of Others in Shariah

Islamic law is broad, comprehensive, and general, providing solutions for all aspects of a person's life, including their attitude towards others. It allows individuals to defend others' lives and wealth with the same ability as themselves without being held accountable for their actions. Jurists guide individuals in determining whether self-defence is obligatory or permissible, ensuring a balanced approach to life.

6.4.1. Jurists' Opinions on Preserving the Souls of Others

The Hanafis hold that defending other people is a religious duty, even if it entails taking the life of the aggressor. Al-Sarkhasi says, "If a man was killing another and he had the ability to stop him, he could only stop him." Have you thought about the fact that if he wants to kill him and take away his life, he doesn't have to? And the same is true for someone who plans to kill someone and then does it.⁸⁶ If preventing harm is obligatory, it is obligatory to kill if it is not possible to prevent it without killing, but the killer is not required to act due to their obsession with it.⁸⁷

Shafi'is and Hanbalis derived the hadith "Help your brother, whether he is unjust or oppressed." However, it has been argued that the dispute over the ruling on self-defence also affects the ruling on defending oneself against the life of others; thus, it is obligatory in situations where one must defend oneself and permissible in others.⁸⁸ Al-Nawawi says, "And protecting others is the same as protecting oneself, and it was said that it is definitely mandatory."⁸⁹

There is no explicit text in the Maliki books that we have examined that defines their position on the rule of defending the life of others. Furthermore, an analysis of their expressions reveals that when confronted with the rule of self-defense, they generalize the terms (self) and (all infallible). Ibn Abd al-Salam points out, "It is permissible to pay it for every infallible soul, regardless of whether they are Muslims or dhimmis".⁹⁰ Al-Kharshi says, "And if he harms a person, money, or a harem, then it is prescribed to ward him off from that."⁹¹ Therefore, the soul, which is considered infallible and included in the generalization of souls, must be defended when exposed to peril. It does not deviate from the majority, especially if interpreted in its linguistic sense as a brother, including the same person as their brother with lineage or Islam.⁹²

6.4.2. The Defence of Third-Party Property

The act of defending one's own money is considered legal, and similarly, it is also seen legitimate to defend the money of others in the event of assault. This is justified by the principle that safeguarding the rights of others is an essential component of the fundamental rule. According to the Hanafi School, it is found that they consider it to be permitted. Al-Sarkhasi asserts that it is permissible for an individual to fight against someone who usurps their money until they regain it, and for a witness to help the owner of the money in regaining it. This assistance requires fighting the aggressor and is considered a contribution to defending the money of others, which is permissible. The individual is aware that their property is theirs and has the right to fight to defend it if the wrongdoer intends to take it from them. He believes that this allows individuals to defend the funds of others, ensuring that they are not harmed by the wrongdoer.⁹³ The majority of Shafi'is and Hanbalis, including Malikis, agree that defending the wealth of others is permissible.⁹⁴

⁸⁶ *Basirat al Hukm*, vol. 3, p. 356.

⁸⁷ *Sharh al Kharshii*, *ibid*, vol. 8, p. 112.

⁸⁸ *Radaal Al-Muhtar Wal-Durr Al-Mukhtar*, vol.4, p.63.

⁸⁹ *Mughni al-Muhtaj*, *ibid*, vol. 4, p. 195.

⁹⁰ *Al-Muwafaqat*, Part 2, p. 322.

⁹¹ *Al-Mughni*, *ibid*, vol. 9, p.: 183.

⁹² *Ihya' e Ulum al Diyn*, Vol. 2, p. 323, and *al-Mughni*, *ibid*, vol. 4, p.196.

⁹³ *Asna Al-Matalib*, *ibid* vol. 4, p. 167.

⁹⁴ *Ibid*

6.4.3. Compensation for Deterring the Aggressor

The jurists argued on what ought to take place in the event that a Muslim was assaulted by a person or an animal and was unable to protect himself without taking the life of his aggressor. In this regard, the opinions of jurists are as follows:

I) The First Statement

A large number of Islamic jurists, including Maliki⁹⁵, Shafi'i⁹⁶, and Hanbali⁹⁷ schools, are of the opinion that there is nothing on the part of the defender if his defense against the aggressor results in the attacker's death. This is the case regardless of whether or not the aggressor is an accountable person (Mukallaf) or an animal. They cited the following evidence:

a) Allah Almighty said: "There is no blame on the good doers. And Allah is All-Forgiving, Most Merciful."⁹⁸

b) Allah Almighty said: "There is no blame on those who enforce justice after being wronged."⁹⁹

c) Ibn Az-Zubair reported: The Messenger of Allah [SAW] said: "Whoever unsheathes his sword and starts to strike the people with it, it is permissible to shed his blood."¹⁰⁰

d) No recompense is needed because the damage (death) was caused by a valid purpose, namely self-defense, just as in the case of the killing of a sane, accountable (mukallaf) adult.¹⁰¹

II) The Second Statement

Hanafi scholars argue that if an unaccountable assailant kills a victim in the course of their right of private defense, the victim is obligated to pay blood money (diyat) or compensation for the killing of an aggressor animal, while no blood money is paid for killing a legal assailant.¹⁰² Abu Yusuf from the Hanafi School argues that compensation is only paid for killing an aggressor animal, regardless of accountability.¹⁰³ They cited the following evidence:

a) Abu Hurra ar-Raqashi on his paternal uncle's authority reported God's Messenger as saying, "You must not act oppressively, and a man's property may not be taken except with his goodwill."¹⁰⁴ When an animal is killed without the owner's permission, it is seen as a consumption of the owner's wealth, and the killer must be compensated for this.¹⁰⁵

b) Abu Huraira reported: Allah's Messenger (PBUH) said: "There is no Diya for persons killed by animals."¹⁰⁶

Based on the evidence from both sides, it can be said that compensation for a victim's death due to defence against an aggressor is not necessary, and no retaliation is warranted for their blood, regardless of their accountability or being an animal because both the Qur'an and the Sunnah state that the aggressor is not rewarded for their actions, and this rule applies equally to human as well as animals.

7. CONCLUSION

The primary objective of Islamic law is to safeguard the preservation and security of human life, religion, wealth, property, intellect, and offspring. This entails the establishment of measures that ensure

⁹⁵Muhammad bin Youssef bin Abi Al- Qasim Al-Mawwaq, *Al Taaj Wal Taaj li mukhtasar Khalil*, (Beirut:Dar Al-Gharb Al-Islami,1994),vol. 12, p. 262.

⁹⁶ Al-Mawardi, *Al-Hawi Al-Kabeer*, (Beirut: Dar Al-Fikr, 2006), vol. 13, p. 451.

⁹⁷ Ibrahim bin Muhammad bin Abdullah Ibn Muflih, *Al mubdie fi Sharh al Muqanaei*,(Beirut: Dar al-Kutub al-Ilmiyya,1997), vol. 7, p. 465, Ibn Qudamah, *al-Kafi*, ibid, vol. 4, p. 113- 114,

⁹⁸ The Holy Qur'an, Surah At-Tawbah: 91.

⁹⁹ The Holy Qur'an, Surah Al-Shura: 41.

¹⁰⁰ Narrated by *Al-Nasa'i* in his Sunan, Book of the Prohibition of Blood, Chapter of the Month of His Sword and Then He Put it in the People, Hadith No. (3546), Part 3, Pg. 455.

¹⁰¹ Al-Mawardi, *Al-Hawi Al-Kabeer*, Volume 13, p. 452.

¹⁰² Al-Aini, *Al- Mabnaa*, Part 13, p. 105-106, Al-Zayla'i, *Sharh Al- Haqayiq*, Part 6, Pg. 110, Ibn Abdeen, Hashiyah Ibn Abdeen, ibid, Part 6, Pg. 546.

¹⁰³ Ibid.

¹⁰⁴ Narrated by Ahmad in his Musnad, Hadith No. 20695, Part 34, Pg. 299

¹⁰⁵ Al-Mawardi, *Al-Hawi Al-Kabeer*, ibid, volume 13, p. 452.

¹⁰⁶ Narrated by Al-Bukhari in his Sahih, Book of Blood Money, and Chapter: The Metal is Mighty and the Well is Mighty, Hadith No. (6912), vol. 9, p. 12.

their continued existence and protection. Self-defence is a legal doctrine that absolves individuals of criminal responsibility, regardless of any errors they may have made. This principle guarantees that individuals who protect themselves, their property, and their honor against oppressors are exempt from legal liability for their acts. In the context of Islamic law, the principle of accountability for criminal offenses is not uniformly applied. Consequently, those who engage in self-defence and protect their own belongings are not subject to legal liability.

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