

Legal Perspectives on Mental Health: A Comparative Analysis of Islamic Law and International Law in Criminal Justice

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Abstract

Experts throughout the world focus on mental health and criminal justice interactions because proper psychiatric disorder management in legal systems needs careful examination. The study evaluates the comparison between Muslim law (Shariah) and worldwide legal systems by analyzing their mental health management protocol in judicial proceedings. The study performs an analysis of fundamental legal principles from each system along with an investigation of how both systems handle mental health patients regarding responsibility assessments and protection from punishment systems. The Islamic legal definition of mental disability allows persons to gain exemption from punishment through the basis of *junūn*. Under the Convention on the Rights of Persons with Disabilities (CRPD) together with other international human rights instruments support rehabilitation programs for mental health patients rather than punitive discipline and promote fair judicial systems. The research reviews what aspects these legal platforms agree upon and what differentiates them regarding their process of criminal justice administration for *vezes* who have mental health conditions. The study evaluates Islamic alongside international legal safeguards for mental health observations during criminal responsibility trials while recommending improvements for both dignity and justice administration purposes.

Keywords: Mental health, Criminal Justice, Islamic Law, International Law, Legal Responsibility

Introduction

Universal attention spans the mental health and criminal justice aspects because experts need to establish proper guidelines for handling people with psychiatric conditions within legal processes. People with mental health disorders typically encounter challenges to grasp their conduct and accept accountability for their conduct. Traditional criminal justice standards of responsibility assessment require defendants to show full rational ability and complete behavioral control thus demonstrating this issue. Treatment procedures for people with mental incapacities become challenging because of difficulties in establishing fair procedures.¹

This work analyzes the various approaches adopted by Islamic law and international law for managing criminal justice mental health matters specific to court-recognized defendants who suffer from mental health conditions. These two systems follow distinct legal protocols for instigating criminal responsibility even though their backgrounds maintain separate traditions. Islamic law evaluates criminal accountability through *junūn* (insanity) assessment by using Quranic and Hadith teachings. According to Islamic law one can be exempted from criminal

¹ S. S. Ali, *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?* (Brill, 2021).

responsibility when their mental condition reaches serious levels which removes their obligation to receive legal punishment. During the criminal act the judicial system considers defendants' mental health state while also evaluating the extent of their mental disability in regard to their decision-making capacity and physical conduct abilities. According to Islamic law the protection of patients with mental disorders includes treatment instead of traditional punishment approaches.¹

In contrast, international law, particularly through legal frameworks such as the Convention on the Rights of Persons with Disabilities (CRPD) and other human rights agreements—advocates for the rights and protection of individuals with mental health conditions within the criminal justice system, emphasizing rehabilitation, dignity and non-discrimination over punitive approaches. Mental disorders patients should receive therapy alongside social stabilization programs because international law sets rehabilitation as its core principle above punitive measures. Under international human rights law, individuals with mental health conditions must have their dignity and rights respected, as a proper assessment of their condition renders their treatment.²

This paper analyzes the criminal justice system policies across both frameworks for revealing similar and different mental health care strategies. The paper evaluates the broader implications on justice and human rights then provides workable solutions to criminal procedure approaches handling people with mental health issues. This research adds to the global initiative seeking solutions to safeguard human dignity while developing responsible systems for mental health patients.

The research aims to establish legal reforms that will build fair humane treatment systems for patients with mental health disorders under Islamic law and international jurisdictions.

Islamic Law and Mental Health in Criminal Justice

Islamic criminal law derives its specific rules about criminal liability by using Quranic verses alongside Hadith traditions and knowledgeable scholar interpretations which concentrate on mental health cases³. Both execution of justice and compassionate care serve as guiding principles for Islamic procedures in criminal justice protocols for mental health patients. These doctrines incorporate *junūn* (insanity) as their main principle because it determines criminal prosecution standards within judicial proceedings.

Schools of Islamic Legal Thought

Islamic law (*fiqh*) is drawn from the Quran, Hadith, consensus (*ijma'*), and analogical reasoning (*qiyas*). Over time, various scholars developed diverse approaches for understanding and implementing Islamic law, leading to the creation of the four main Sunni schools of thought: Hanafi, Maliki, Shafi'i, and Hanbali. These schools share essential concepts but vary in their approach to legal reasoning and individual decisions. One of the major areas of Islamic law is the assessment of criminal liability, particularly in circumstances involving persons with psychiatric illnesses. Islamic law understands that culpability (*taklif*) is reliant upon reasoning capability, and all four schools have handled the subject of mental illness within the context of criminal justice.

¹ M. S. Islam, *Islamic Criminal Law and Procedure: An Introduction* (Brill, 2014).

² N. Ahmad, F. Rahim, and D. I. Ariffin, "Legal Challenges of Prosecuting War Crimes and Crimes Against Humanity: A Comparative Analysis of Islamic Law and Modern International Law," *Manchester Journal of Transnational Islamic Law & Practice* 20, no. 3 (2024).

³ Islam, *Islamic Criminal Law and Procedure: An Introduction*.

The Hanafi School

The Hanafi School, established by Imam Abu Hanifa (699–767 CE), is the first and one of the most extensively accepted schools of Islamic jurisprudence, notably in South Asia, Turkey, and portions of the Middle East. It is noted for its rationalist approach, stressing *qiyas* (analogical reasoning) and *istihsan* (juristic preference) when reading legal writings. The Hanafi scholars believe that Islamic law must accommodate changing situations, and this flexibility is evident in their verdicts on mental illness in criminal instances.¹

In Hanafi jurisprudence, legal liability (*taklif*) is predicated on three key conditions: maturity, intelligence, and free choice. If a person lacks logical ability owing to mental illness, they are not regarded legally accountable for their conduct. This notion is based on a Hadith of Prophet Muhammad (peace be upon him), which says:

"The pen has been lifted from three: the one who is asleep until he wakes up, the child until he reaches puberty, and the insane person until he regains sanity."²

The Hanafi School stresses that persons suffering from mental illness cannot be punished for crimes they commit while in a state of insanity (*junun*). However, the school also understands the potential threat presented by such people. If a mentally sick individual is judged a danger to society, Islamic law enables their imprisonment or monitoring rather of subjecting them to punitive measures³. The finding of insanity must be reached by medical examination and expert evidence, and judges are urged to depend on professionals to examine the defendant's mental condition.

The Maliki School

The Maliki School, established by Imam Malik ibn Anas (711–795 CE), is largely followed in North and West Africa. Unlike the Hanafi School, which focusses extensively on reasoned jurisprudence, the Maliki School rests its decisions primarily on the customs of the people of Madinah (*amal ahl al-Madinah*), deeming them a representation of the true traditions of the Prophet's time.⁴

In criminal trials involving persons with psychiatric illnesses, the Maliki School holds that legal culpability is reliant upon sound intellect. The school follows the same Hadith as the Hanafis about the exemption of the senseless from punishment. However, Maliki thinkers highlight the concept of *sadd al-dhara'i* (stopping the means to damage), which supports preventative actions against mentally ill persons who constitute a danger to society.

If a person is momentarily mad, the Maliki School maintains that they cannot be punished for deeds done during their time of insanity. However, if the insanity is intermittent, the school needs an examination into whether the conduct was performed during a lucid moment. Unlike other schools, the Malikis put substantial weight on the evidence of family members and community witnesses, in addition to medical specialists, when evaluating a person's mental health. If a someone is deemed to be permanently crazy, they are kept under protective custody rather being exposed to legal punishment.

¹ W. B. Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge University Press, 2005).

² Sunan Abu Dawood, 4403.

³ A. Ibn Rushd, *Bidayat al-Mujtahid wa Nihayat al-Muqtasid* (Dar al-Hadith, 2000).

⁴ T. Ibn Taymiyyah, *Public Policy in Islamic Jurisprudence* (Dar al-Kutub, 2006).

The Maliki School also preserves the notion of guardianship (*wilaya*) over mentally ill persons, delegating their care to responsible family members or governmental authorities¹. This ensures that their rights are protected while also safeguarding society from potential harm.

The Shafi'i School

The Shafi'i School, established by Imam Al-Shafi'i (767–820 CE), is extensively followed in Egypt, Indonesia, Malaysia, and areas of Yemen and East Africa. This school is notable for its concentration on textual evidence, depending entirely on the Quran and Hadith while avoiding reliance on juristic reasoning (*ra'y*).²

In criminal law, the Shafi'i School rigorously adheres to the premise that culpability is predicated on mental capacity. If a person is proven to be permanently crazy, they are totally immune from criminal culpability, regardless of the seriousness of the offence. The school maintains the fundamental Islamic legal tenet that a person cannot be punished for crimes performed when without rational control³.

However, in circumstances when a person suffers transitory insanity or lucid periods, the Shafi'i School needs extensive medical evaluation to ascertain if the crime was committed during a time of mental instability. The weight of evidence remains with the defense, and if there is any uncertainty, the judge must find in favor of the accused based on the Islamic tenet of avoiding dubious penalties (*Dar' al-Hudud bi al-Shubuhah*).

Another unique feature of the Shafi'i School is its concern for public safety. While mentally ill individuals are not subjected to punishments such as *hudud* (fixed punishments) or *qisas* (retaliatory justice), they may be placed under state supervision if they are deemed a danger to society.⁴

The Hanbali School

The Hanbali School, established by Imam Ahmad ibn Hanbal (780–855 CE), is predominantly followed in Saudi Arabia and areas of the Arabian Peninsula. It is the most orthodox school, depending nearly completely on the Quran and Hadith, with limited use of *qiyas* and *ijtihad* (independent reasoning).⁵

The Hanbali School agrees with the other schools that mad persons are not legally liable for their conduct. However, it focusses special emphasis on public welfare (*maslaha*), calling for preventative measures to prevent mentally ill persons from injuring themselves or others. Hanbali scholars say that if a person is found to be chronically mad, they should be put under state care.

In circumstances of temporary insanity, the Hanbali School mandates that the accused give unambiguous proof of their mental condition at the time of the offence. If question arises, the concept of avoiding dubious penalties is applied. Furthermore, Hanbali thinkers highlight the necessity for Islamic ethical norms when dealing with mentally ill persons, advocating for their compassionate care and rehabilitation rather than punitive measures.⁶

Each of the four Sunni schools of Islamic legal thinking gives a distinct method to resolving criminal cases involving persons with psychiatric illnesses. While all schools agree that mad

¹ Ibn Rushd, *Bidayat al-Mujtahid wa Nihayat al-Muqtasid*.

² Ibn Rushd, *Bidayat al-Mujtahid wa Nihayat al-Muqtasid*.

³ Hallaq, *The Origins and Evolution of Islamic Law*.

⁴ M. Al-Ghazali, *The Objectives of Islamic Law* (Dar al-Fikr, 2011).

⁵ Ibn Taymiyyah, *Public Policy in Islamic Jurisprudence*.

⁶ Ibn Taymiyyah, *Public Policy in Islamic Jurisprudence*.

persons are immune from legal accountability, they vary in their methods of evaluation, reliance on expert evidence, and preventative actions. The Hanafi and Maliki schools stress juristic reasoning and public safety, whereas the Shafi'i and Hanbali schools follow a more textualist approach. These differences reflect the versatility and complexity of Islamic law in achieving justice, protection of rights and social wellbeing.

In the light of the Holy Qur'an

The Holy Qur'an places a profound emphasis on justice ('adl) and compassion in legal and ethical matters, particularly concerning those who are vulnerable or impaired. Allah Almighty says:

"Allah does not burden a soul beyond that it can bear."¹

A verse that underscores the foundational Islamic principle of moral and legal accountability being directly linked to capacity and intention. This divine guidance reflects Islam's nuanced approach to mental health in legal contexts, recognizing that individuals with mental disorders may lack full comprehension or control over their actions. In criminal justice, this Qur'anic vision aligns with the principle of fairness and moral responsibility, providing a framework for exemption or mitigation based on mental incapacity. As global discourse evolves to include mental health in legal systems, a comparative study of Islamic law and international law offers meaningful insights into how both traditions address the intersection of justice, responsibility, and human dignity. Allah Almighty commands in the Holy Qur'an as follows:

"مَنْ اهْتَدَىٰ فَإِنَّمَا يَهْتَدِي لِنَفْسِهِ وَمَنْ ضَلَّٰ فَإِنَّمَا يَضِلُّ عَلَيْهَا وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ وَمَا كُنَّا مُعَذِّبِينَ حَتَّىٰ تَبْعَثَ رَسُولًا"²

"Whoever is guided is only guided for [the benefit of] his soul. And whoever errs only errs against it. And no bearer of burdens will bear the burden of another. And never would We punish until We sent a messenger."

This verse teaches both Islamic principles about human accountability and divine fairness. According to Islam the path of guidance remains personal since people choose their own right conduct for their own benefit yet will select their own consequences when they choose wrong paths. According to this verse the Islamic principle stands that each person must be responsible for their own choices because no one is required to carry others' sins. Allah executes punishment on nations only after holding responsibility to send a messenger who guides their choices first. The fairness and divine mercy of law ensure that people get guidance along with understanding before they will be held responsible for their actions.

The verse mentioned below underscores both the right to justice and the value of mercy, establishing a framework in which legal responsibility must be justly assigned.

"وَكُتِبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ"³

¹ Al- Baqrah, 2:286

² Al-Isra 17:15

³ Al-ma'idah, 5: 45

“And We ordained for them therein a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds is legal retribution. But whoever gives [up his right as] charity, it is an expiation for him.”

The Holy Qur’ān specifies the principle of fair punishment because "life for life and eye for eye and nose for nose and ear for ear and tooth for tooth and wounds for wounds." The verse activates forgiveness among victims because they can choose mercy and forego revenge through acts of charity thereby obtaining spiritual benefits. The sentence warns against neglecting divine justice when it declares people who fail to render judgments based on revealed scripture as wrongdoers.

As Allah Almighty commands about the unintentionally killing of a person as follows.

"وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَاً ۚ وَمَنْ قَتَلَ مُؤْمِنًا خَطَاً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ ۖ إِلَّا أَنْ يَصَدَّقُوا ۚ فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُمْ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ ۚ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فِدْيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ ۚ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِنَ اللَّهِ ۚ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا" ¹

" And never is it for a believer to kill a believer except by mistake. And whoever kills a believer by mistake - then the freeing of a believing slave and a compensation payment presented to the deceased's family [is required] unless they give [up their right as] charity. But if the deceased was from a people at war with you and he was a believer - then [only] the freeing of a believing slave; and if he was from a people with whom you have a treaty - then a compensation payment presented to his family and the freeing of a believing slave. And whoever does not find [one or cannot afford to buy one] - then [instead], a fast for two months consecutively, [seeking] acceptance of repentance from Allah. And Allah is ever Knowing and Wise."

According to the verse a person who unintentionally kills a fellow believer must do two things: (1) free a believing slave or (2) pay diya but the family of the deceased can choose not to receive blood money in case they decide to show charity. The process of freeing one believing slave serves as the only requirement when the deceased came from an enemy group in conflict with Muslims. The Muslims need to set free a slave in addition to giving blood money when the deceased belonged to a community under peaceful treaty with them. When fulfillment of the first requirement is impossible the offender needs to perform two months of continuous fasting instead.

In the light of Hadith

Islamic law places profound emphasis on justice, compassion, and the moral capacity of individuals when assigning legal responsibility. A foundational Hadith of the Prophet Muhammad (ﷺ) states:

"رُفِعَ الْقَلَمُ عَنْ ثَلَاثٍ: عَنِ النَّائِمِ حَتَّىٰ يَسْتَيْقِظَ، وَعَنِ الصَّبِيِّ حَتَّىٰ يَحْتَلِمَ، وَعَنِ الْمَجْنُونِ حَتَّىٰ يَعْقِلَ" ²

"The pen is lifted from three: the sleeper until he wakes, the child until he reaches maturity, and the insane until he becomes sane."

This hadith establishes an essential legal principle about how Islam determines liability and responsibility. Under Islamic law three classes of individuals avoid responsibility: sleeping

¹ An-Nisa, 4: 92

² Sulaymān ibn al-Ash‘ath Abū Dāwūd, *Sunan Abī Dāwūd*, ed. Muhammad Muḥyī al-Dīn ‘Abd al-Ḥamīd (Cairo: al-Maktabah al-Salafiyyah, 1952), Hadith 4403

individuals until they wake up as well as immature children until they become adults and mentally unstable persons until they recover mental wellness. Under this principle Islam establishes that people must have mental understanding and control capabilities to be recognized for their actions. The legal system of Shariah bases its approach on mental capacity because Shariah considers it essential for people to achieve legal and religious obligations such as worship and contracts and criminal procedures. The hadith demonstrates Islam's compassionate legal standards when it comes to responsibility because it evaluates human ability and circumstances before legal measures are applied.

"رُفِعَ الْقَلَمُ عَنْ ثَلَاثَةٍ: عَنِ الْمَجْنُونِ حَتَّى يُفِيقَ، وَعَنِ الصَّبِيِّ حَتَّى يَحْتَلِمَ، وَعَنِ النَّائِمِ حَتَّى يَسْتَيْقِظَ"¹

"The pen is lifted from three: the insane until they become sane, the child until they reach maturity, and the sleeper until they wake up."

A fundamental Islamic legal principle about duty-based reactions appears in Sahih Muslim for specific population-based actions. The hadith specifies three groups of people whose legal responsibility remains suspended during madness or maturity development or slumber state. Hadith teachings establish that only those who possess both comprehension abilities and conduct management receive legal responsibility accountability. Under broader Islamic justice philosophy society ensures fair treatment by exempting individuals from punishment for actions which their mental or developmental capacities make them incapable of controlling. According to the hadith Shariah demonstrates both justice and compassion through its initial evaluation of cognitive responsibility before beginning responsibility assessment proceedings. As people don't know what they are saying, they are not held answerable. The Holy Prophet (ﷺ) said:

"لَا يُؤْخَذُ اللَّهُ النَّاسَ بِمَا لَا يَفْهَمُونَ"²

"Allah does not hold people accountable for what they do not understand."

According to this hadith divine compassion interacts with divine righteousness to show that human responsibility grows with their level of understanding and knowledge. Islam establishes knowledge as the critical factor which determines people need to answer to Allah's examination. Allah uses wise discretion by not holding accountable those who believe yet are unaware of proper conduct. The Islamic perspective of justice aligns its operations with educators and capabilities of carrying out tasks falling under these responsibilities. The principle indicates that people require both correct Islamic understanding through knowledge and awareness alongside proper awareness to undertake religious duties correctly.

Allah will never ask about the wrong things that happened in ignorance, mistakenly or for those they are forced to do. The Holy Prophet (ﷺ) said in this respect:

"إِنَّ اللَّهَ رَفَعَ عَنْ أُمَّتِي الْجَهْلَ وَالْخَطَأَ وَمَا اسْتَكْرَهُوا عَلَيْهِ"³

"Indeed, Allah has lifted from my Ummah [nation] ignorance, error, and that which they are forced to do."

The hadith explains how Allah demonstrates His mercy for His Muslim community by displaying understanding toward imperfect humans. Through this statement Allah reveals He will not punish Muslims who commit acts from ignorance and due to errors or because they were forced to do something. The principle shows divine compassion because God does not

¹ Muslim ibn al-Hajjaj, *Sahih Muslim*, Riyadh: Dar-us-Salam, 2007, Hadith no. 2397.

² Ahmad ibn Shu'ayb an-Nasa'i, *Sunan an-Nasa'i*, Riyadh: Dar-us-Salam, 2007, Hadith no. 3431.

³ Muhammad ibn Yazid Ibn Majah, *Sunan Ibn Majah*, Riyadh: Dar-us-Salam, 2007, Hadith no. 2149.

enforce punishment on the community for conduct beyond human control or for lacking proper knowledge. The statement promotes both divine forgiveness alongside comprehension together with the need to acquire knowledge for the avoidance of mistakes. Through this hadith Allah provides His justice to assess the boundaries and situational realities of human creation by providing chances for transformation without excessive obligations.

Every person will be held answerable before Allah Almighty according to his intention. Holy Prophet (ﷺ) said:

"إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ وَإِنَّمَا لِكُلِّ امْرِئٍ مَا نَوَى"¹

"Actions are judged by the intentions, and each person will be rewarded according to what they intended."

Bukhari reports this hadith to demonstrate how Islamic ethics function by making intentions the major determiner of what actions produce and their corresponding value. The statement highlights that our intentions drive how actions will be assessed and how people will receive their rewards based upon intended purposes. What leads to Divine allocation of rewards rests on sincere intentions dedicated to Allah; thus minimal reward exists for deeds executed improperly regardless of social appearance.

Principles in Islamic Law Related to Mental Health

1. Under Islamic law a person must understand what they did to merit criminal responsibility. A person with serious mental disorders cannot handle ethical matters because their mental capacity remains disabled. Such persons obtain exemption from punishment because mental incapacities deprive them of free will and rational thought abilities.
²Among these situations this particular *junūn* (insanity) rule serves an essential role. The law offers protection from punishment to anyone showing proof of mental illness right before or during their criminal behavior. The legal exclusion applies as per Islamic justice because individuals who lack mental capacity to understand their actions do not need to receive punishment³.
2. Mental competency evaluations for criminal responsibility in Islamic law must involve court authorities to analyze the intensity of mental illnesses. Islamic scholars need authentic expert opinions as they must receive assessments from medical specialists who evaluate defendant mental health. Correct identification of mental states serves crucial functions in wrongful state disputes that occur before or during criminal acts. Patients demonstrating mental incapability at time of committing the crime lead judicial authorities to choose medical treatment instead of criminal prosecution. The Islamic medical practice restores merciful care to patients although rehabilitation serves those who display mental disabilities but cannot understand their actions⁴.
3. Within Islamic criminal justice the different mental illness classifications that impact defendant culpability have been established. For example

¹ Muhammad ibn Isma'il al-Bukhari, *Sahih al-Bukhari*, Riyadh: Dar-us-Salam, 2007, Hadith no. 6094.

² P. Beis, M. Graf, and H. Hachtel, "Impact of Legal Traditions on Forensic Mental Health Treatment Worldwide," *Frontiers in Psychiatry* 13 (2022).

³ M. C. Bassiouni, *International Criminal Law: Volume 1: Sources, Subjects, and Contents* (Transnational Publishers, 2001).

⁴ N. Ahmad, "Sesi 1-Integrating Islamic Religious Perspectives into Mental Health Legislation: A Holistic Approach to Human Rights and Well-being in Brunei Darussalam," (2024).

- According to Islamic laws a person cannot face criminal punishment if temporary insanity disrupts their ability to judge during a crime.
- Permanent incapacitation from criminal responsibility occurs when someone has chronic mental illness to exclude punishment.

A restricted impairment of rationality and judgment capacity in mental disorder cases does not establish a basis for legal punishment exemption. Evaluation of individual mental health helps to determine whether they should face criminal responsibility for their actions.

Under Islamic law punishment cannot be applied against people who perform unlawful acts because of a mental illness when their ability to hold responsibility is severely impaired. The Islamic legal system gives precedent to the care of such vulnerable individuals over their incarceration¹. Traditional Muslim communities devoted their attention toward providing healthcare services combined with shelter accommodations and mental health care support for individuals who develop mental disorders. With the assistance of this law mental health patients in need of care receive direction toward gentle treatment while being protected from disciplinary measures.

Medical assistance for mentally affected people exceeds the threshold of conventional criminal penalties in Islamic legal doctrines. Individuals who hold legal incompetence because of mental health problems bypass both jail sentences along with physical punishments. Individuals under this program would receive guidance to accessible treatment centers and mental health treatment facilities for their recovery needs.

Legal Protections and Compassionate Considerations

Under Islamic legal principles human dignity stands equal to personal well-being in nature and scope for all individuals including mentally disabled persons. Under Islamic law mentally incapacitated people are safeguarded from enduring harsh forms of punishment. Islamic law does not treat people with mental incapability the same way it treats those who maintain their mental capacity².

Under Islamic law society needs to develop medical programs which offer help for those who need mental health assistance. Muslim legal principles promote Islamic justice by securing both societal welfare and legal rights and dignity of mentally incapacitated persons.

The Role of Islamic Scholars and Legal Systems in Modern Contexts

Present-day Islamic societies encounter complicated difficulties with implementing Islamic law on mental health situations because their traditional mental health perspective differs from contemporary legal rules. Various Muslim countries invest their funds to develop updated *junūn* principles along with contemporary psychological methods in order to create legal rules for criminal responsibility.

A few Islamic states have implemented new legislation to find better strategies for mental disorder treatment in their law enforcement systems. Islamic countries implement reforms that aim to deliver fair mental healthcare services together with prevention of unfair punishments for their population. The medical evaluation of psychiatric conditions along with Islamic legal concepts enhance criminal proceedings by providing handicapped defendants with protection while preserving fairness in the justice system.

¹ M. Khadduri and H. Liebesny, *Law in the Middle East: Volume 1: Origin and Development of Islamic Law* (The Johns Hopkins University Press, 2012).

² R. W. Muhammad, "Forgiveness and Restorative Justice in Islam and the West: A Comparative Analysis," *ICR Journal* 11, no. 2 (2020).

International Law and Mental Health in Criminal Justice

The main function of international human rights law is to handle legal matters where mental health meets criminal justice responsibilities. In the past decades international conventions together with declarations and treaties worked to safeguard mental health patients from mistreatment within global justice proceedings¹. Providing rehabilitation-based solutions stands as the core principle in legal systems since mental health patients must escape criminal prosecution as well as dehumanizing treatment.

Legal Frameworks in International Law

Through the Universal Declaration of Human Rights (UDHR) which came into existence in 1948 the United Nations (UN) provided fundamental rights for all people with built-in protections against the loss of dignity and against cruel or inhuman abuse alongside secure just procedures.² User rights receive protection from the declaration whenever criminal justice professionals deliver either unacceptable behaviors or inappropriate practices to mental health service consumers.

Under Article 5 of the UDHR span maintains the prohibition against all forms of extreme punishment through torture and degrading treatments because this directly affects justice practices when dealing with mental health patients.

Every individual possesses the UDHR-guaranteed right to participate in fair public hearings overseen by independent tribunals for protecting mental health condition rights.

1. Persons with disabilities experience protection under disability rights through the CRPD which functions as the primary United Nations instrument in criminal justice settings. Disabled people achieve particular protection under the CRPD because states must create legal systems free from discrimination that address the participation of all individuals³.

- Under Article 12 of the CRPD legal capacity stands as equal for all individuals who have mental disabilities. People who have mental health problems maintain their trial rights and retain decision-making abilities unless their mental capability fails to understand logical consequences of their choices in criminal proceedings. Current legal practices aim to guarantee justice options to every person who has a mental health diagnosis rather than resorting to disciplinary actions⁴.
- The CRPD via Article 14 declares disability functions alone as grounds for incarceration and detention but requires complete prohibition of this practice. The practice of pre-procedure detainment of people with mental health conditions creates major challenges for the criminal justice system because it opposes the requirement of both proper legal protocols and mental health evaluations.

2. The International Covenant on Civil and Political Rights (ICCPR) represents a main United Nations treaty that unites several civil and political rights with criminal justice protection. Two levels of application exist because this treatment protects people who have

¹ Ali, *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?*

² Khalid Mahmood Arif, Shazia, Nadeem Abass & others, *Causes of Depression & its Remedy: A Comparative Study of Abrahamic Religions*, *Humanities & Social Sciences Reviews* 9, 2 (2021): 719- 725

³ H. A. Alotaibi, "The Challenges of Execution of Islamic Criminal Law in Developing Muslim Countries: An Analysis Based on Islamic Principles and Existing Legal System," *Cogent Social Sciences* 7, no. 1 (2021).

⁴ A. Poya, B. Ghalia, and M. A. B. A. Hamat, "Divorce of Intoxicated Persons in the Islamic Jurisprudence and Afghan Civil Law: An Inductive and Analytical Juridical Study," *International Journal of Islamic Studies Higher Education* 2, no. 1 (2023).

mental health disorders from inhumane treatment and from degrading conditions while preserving their right to a fair trial.

Article 7 of the ICCPR prohibits using torture or cruel practices together with inhuman or degrading treatment or punishment because these are prohibited actions which affect mentally troubled persons at risk within the criminal justice framework.

The legal requirement according to Article 10 mandates proper treatment of those deprived of liberty and this encompasses everyone with mental health conditions. Mentally troubled persons who are detained need to defend themselves against abusive and discriminatory conduct according to this principle.

3. The United Nations created the Mandela Rules that form part of the United Nations Standard Minimum Rules for the Treatment of Prisoners and serve as a worldwide guideline for prisoner welfare programs. These standards establish proper care procedures for prisoners who have mental health issues yet extend beyond such individuals.

Rule 32 of the Mandela Rules extends the right to suitable medical care with psychological services to prisoners who face mental health disorders. Prison staff should conduct frequent mental health assessments to establish which prisoners need correct treatments that follow existing policies.

Mental health patients should not face disciplinary punishments which make their condition worse under the established rules. Individualized treatment replaces disciplinary institutions as the rehabilitation focus for people who have mental health problems.

The Right to Rehabilitation and Fair Treatment

International mental health law bases its fundamental principle on rehabilitation which relates to criminal justice policies. International organizations now give treatment access together with rehabilitation services to people with mental health disorders because punishment alone is no longer sufficient¹. The international legal system emphasizes patient recovery because it wants to convert affected people into valuable community members rather than let them exist as jail inmates eternally or lasting mental health labels.

- The laws governing international jurisdictions mandate that we must rehabilitate persons who have mental health disorders instead of using punishment as treatment. The CRPD and Mandela Rules serve as two vital illustrations that focus on delivering mental health care benefits to patients rather than confining them. The method works to solve behavioral conditions that develop because of untreated psychiatric illness because mental illness makes decision-making capacity incomplete in offenders.
- Every person with a mental health disorder must enjoy full human dignity and discrimination-free equality as well as compassionate care despite their medical condition. Both ICCPR and CRPD share equal treatment and dignity protections for their purpose of eliminating negative stereotypes about people with mental issues within the criminal justice system.
- Every person who has a mental health disorder has an unimpeded right to receive justice without being subject to discrimination. The CRPD mandates that disabled people including those with mental health disorders should get suitable accommodations to fully

¹ H. Hanafi, H. Hidayatullah, and T. Tamjidnor, "Domestic Violence: Comparison between Islamic Law and Domestic Violence," *International Journal of Social Science, Education, Communication and Economics (SINOMICS JOURNAL)* 1, no. 1 (2022).

participate in legal processes. The support system for psychiatric care trials should be available to all individuals or courts must provide enough understanding of legal systems and modify courtroom settings according to individual needs.

Challenges in Implementation

The current international legal framework created through its institutions leaves mental health patients without adequate protection against injustice within worldwide criminal institutions. These challenges include:

- Prisoner facilities should improve their mental healthcare services because their current provision yields inaccurate diagnoses and deficient treatments for inmates who need mental illness care.
- The medical approach to treating mental disorder patients does not provide them with proper care because society views them as victims of discrimination instead.
- The inadequate funding of international treatment standards by national resources primarily affects countries with limited mental health service capacity which belong to lower income categories.

Comparative Analysis

The assessment between Islamic legal systems and international standards concerning mental health in criminal justice demonstrates both common areas and divergent aspects.

Similarities:

1. Mental incapacity together with mental illness functions as a defense to decrease criminal responsibility in the two legal systems¹. A common principle exists between Islamic and international legal systems when it comes to mentally unfit cases because they remove total responsibility from those who lack 'Aql comprehension along with international laws which grant mental disorder exemptions under Rome Statute standards.
2. The Syrian regime under Islamic law and international legislation mandates proper compassionate care for every offender suffering from mental illnesses during their time behind bars. The law of Islam together with international standards requires authorities to lower prison sentences of mentally ill inmates who face safeguards protecting them from any form of inhuman or cruel treatment.

Differences

1. The evaluation process of competency among elderly people gains more importance in both systems but Islamic law upholds examinations by expert religious scholars to determine individual mental capacity according to religious standards. International law determines mental competency assessments through reliance on medical experts and psychiatrists whereas Islamic law adds Islamic experts to medical professionals.
2. The combination of Muslim cultural values and religious teachings constitutes Islamic law since both elements produce different understandings regarding mental health evaluations along with criminal responsibility tests. Global human rights principles act as universal legal foundations which require translation between cultures due to cultural differences although these principles originated from secular origins².

Conclusion

¹ United Nations, *Universal Declaration of Human Rights*, United Nations General Assembly (1948).

² United Nations, *Convention on the Rights of Persons with Disabilities*, United Nations (2006).

The basic principles protecting mentally ill offenders from harsh punishments align between Islamic law and international law while they function within separate cultural contexts and legal frameworks. Islamic law treats mental health disorders by combining ethical and religious framework but international law mostly focuses on protecting human rights and dignity. Multiple law methods in criminal justice should merge to produce innovative human-specific solutions which will work across the entire justice system for mental illness management.

Suggestion

There are the following suggestion:

An evaluation of crook liability criteria exists between Islamic law and global regulation must evaluation how each frameworks outline intellectual fitness-related crook accountability. Islamic law offers *junūn* to exclude mentally incapacitated men and women from crook obligation. The Convention on the Rights of Persons with Disabilities (CRPD) serves as a global law instrument to promote rehabilitation offerings as opposed to making use of penalties for disabled people. The structures take a look at approaches to achieve justice and equity via tracking accused defendants' intellectual states.

The 2d advice explores both systems' felony processes which shield those who be afflicted by intellectual health problems when they're concerned in the crook justice machine. The protection from punishment for mentally ill people defined in Islamic ideas wishes examine for advocating their remedy and care. According to international regulation there have to be awareness on human dignity and rights for the reason that those shield humans with mental situations from merciless remedy and mandate help and rehabilitation.

Three ability pointers must consist of an evaluation of the way Islamic law collectively with international regulation promotes better treatment of intellectual fitness sufferers within criminal justice systems. Islamic criminal reform can adopt present day intellectual health expertise to outline mental rights as a fundamental human proper. The growing power of the UN Convention merits investigation regarding its effect on national reform of criminal justice structures abroad. Examine ways to bridge legal disparities among each systems with the aid of growing reforms which guarantee accurate treatment and suitable intellectual healthcare get entry to for justice gadget proceedings.

An assessment of the moral and human rights implications inside the mental fitness approach of criminal justice must be a part of the fourth notion. Study Islamic regulation alongside worldwide law to decide how they deal with troubles concerning person autonomy safety as well as dignities and vulnerable difficulty rights at some stage in felony court cases. The problems in stopping unfair treatment and stigma against people with intellectual fitness problems amongst those two structures want assessment. An exam have to be made approximately how global human rights discussions can have an effect on Islamic prison interpretations in modern-day mental healthcare treatment techniques for crook justice structures.

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