

Fiqhi Capacities of Islamic Society for Community-Based Prevention of the Economic Preconditions of Crime

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ABSTRACT

A substantial body of research indicates a clear link between crime and economic conditions. The role of economic factors—poverty, unemployment, income inequality, and unequal access to economic opportunity—in property offenses and in certain crimes such as homicide is undeniable. The present study offers a brief examination of the most important jurisprudential capacities of Islamic society, from acts of worship to transactions, for community-based prevention of some economic grounds of crime. In financial-economic jurisprudential teachings, Islam places its greatest emphasis on social prevention aimed at eliminating or reducing the criminal population. This does not mean that situational or punitive prevention is rejected in fiqh; rather, the principle and foundation of Islamic teachings is cultivating human beings who are inherently good and, so to speak, resilient in criminal situations. Using a descriptive-analytical method and relying on library and internet sources, this article shows that some community-oriented jurisprudential capacities have remained neglected. Based on its findings, the unmanaged capacities of khums and zakat, the non-profit qard al-hasana contract, and participatory contracts such as partnership and mudaraba—for preventing criminogenic grounds like poverty, unemployment, and economic inequality—are recommended as the most important results of the study. By contrast, exchange contracts such as lease-to-own, installment sale, debt purchase, salam, guarantee, and ju'alah, since they themselves prepare the ground for some economic contexts of crime, should be policy-designed only in a limited and minor manner in Islamic banking.

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Introduction

Macroeconomic variables do not mechanically cause crime, but poverty, unemployment, inequality, and concentrated wealth can become important elements in a broader criminogenic environment. Crime also imposes substantial public and private costs, including imprisonment, victim trauma, family disruption, and lost economic productivity. It is therefore necessary to examine whether Islamic jurisprudence contains institutions capable of preventing crime indirectly by reducing the economic conditions in which it is more likely to occur.

The relevant capacities are distributed across devotional and transactional law. Financial obligations and voluntary giving can support social protection; endowments can fund education, welfare, and community infrastructure; benevolent lending can prevent exploitative indebtedness; and participatory contracts can distribute opportunity and risk more fairly. The article considers these mechanisms as forms of community-based social prevention rather than as substitutes for criminal justice.

Methodology

The research uses descriptive-analytical content analysis based on library and electronic sources. It reviews criminological research on economic conditions and offending, then examines Islamic financial duties, charitable institutions, and banking contracts to determine their preventive potential. The study distinguishes indirect economic prevention from punitive sanctions and from situational crime-prevention measures.

Literature Review

Prior research has considered the preventive role of waqf, financial worship, and religious institutions. Studies have linked endowments to social security, education, cultural development, and stronger community relations, and have examined zakāt, khums, vows, expiations, charitable gifts, and qarḍ al-ḥasana as means of reducing vulnerability. The present article broadens the inquiry by comparing these institutions with participatory and exchange-based banking contracts and by evaluating their contribution to reducing poverty, unemployment, and inequality.

Findings

Fiqhi-economic measures generally prevent crime indirectly. They target conditions such as poverty, lack of employment, unequal distribution, and excessive concentration of wealth rather than the criminal act itself. Khums and zakāt can supplement public welfare where collection and allocation are professionally administered. Waqf can finance enduring social goods. Qarḍ al-ḥasana offers access to credit without compounding debt. Partnership, muḍāraba, muzāra'a, and musāqāt can create productive employment and distribute profits through shared enterprise.

These capacities remain underused or are often implemented only formally. In Islamic banking, participatory contracts and genuine benevolent lending should be expanded, while contracts such as lease-to-own, installment sale, debt purchase, salam, guarantee, and ju'āla should be regulated carefully where their design can intensify indebtedness, inequality, or economic insecurity.

Discussion

Voluntary charity alone cannot solve structural inequality because private actors may free-ride and lack sufficient incentives to secure distributive justice. Effective prevention therefore requires institutional management, legal oversight, reliable collection, transparent allocation, and integration with public social policy. The state and civil society should convert dispersed religious duties into coordinated systems capable of producing measurable reductions in deprivation.

The proposal does not claim that economic reform eliminates crime or that poverty is its sole cause. Rather, it treats economic institutions as one layer of a comprehensive preventive strategy. Their success should be evaluated through employment creation, reduction of harmful debt, access to basic needs, and fairer distribution of opportunity.

Conclusion

Islamic jurisprudence contains significant but insufficiently managed capacities for reducing the economic conditions associated with crime. Khums, zakāt, waqf, qarḍ al-ḥasana, partnership, muḍāraba, muzāra'a, and musāqāt can support poverty reduction, employment, and distributive balance. Islamic banking should implement participatory and benevolent instruments in substance rather than merely in form, and effective sanctions should address institutions that disguise interest-bearing arrangements. Exchange-based contracts should be used cautiously where they aggravate criminogenic economic pressures.

Declarations

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