

## Juvenile Delinquency: The Islamic Perspective

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سبق شاہین بچوں کو دے رہے ہیں خاکبازی کا

(اقبال - بال جریں)

My grouse, O Lord, against the overlords of seminars is this:  
The eagle brood they teach to wallow in dust.

علم و فن، دین و سیاست، عقل و دل  
زوج زوج اندر تلاش آب و گل

(اقبال - جاوید نامہ)

Science and technology, religion and politics, mind and heart:  
Hosts on hosts in search of water and clay.

Juvenile delinquency is a problem with which man has remained confronted right from the beginning of his social life. In the present age, however, it has assumed unexpected proportions in developed as well as developing countries. With society swerving dangerously towards materialism, and fast-developing technology facilitating new and hitherto unforeseen ways of behaviour, juvenile delinquency

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has found novel, and at times frightful, forms of expression. In the age of lethal weaponry, fatal drugs and cybernetic criminality, delinquency throws one of the most formidable challenges to modern man. Islam as the eternal source of divine guidance gives us the right perspective to approach the problem and its ethical and legal framework enables us to resolve it in the most balanced and effective manner.

How shall we define delinquency in general and juvenile delinquency in particular from the Islamic point of view? The basic premise on which Islam raises its moral superstructure is that man is essentially good. Biologically as well as mentally and psychologically he belongs to a universe where every object of creation is good by nature. Man too does not suffer from any inherent flaw, a sin embedded in the depths of his psyche, nor does he still carry what Carl Jung called “the invisible saurian tail” in symbolically contemptible sense. His nature emanates from Allah (s.w.t) Himself—the embodiment of all good:

أَفْطَرَتِ اللَّهُ الَّذِينَ فَطَرَ النَّاسَ عَلَيْهَا

The nature of Allah on which He has created mankind <sup>1</sup>

لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ

Verily we created man in the best of conformations <sup>2</sup>

The Quranic description of the *alast* covenant is very significant in this context. It points to the innate though unconscious kinship that connects man to God.

Simultaneously, however, man has been granted the choice of either to follow the path dictated to him by his primeval nature or renounce it and this choice is determined by factors most of which lie outside of him with the possible exception of the factor of heredity which is fed into him in the form of the genetic code, the mysterious DNA tape. On the Quranic view a child, if left to himself, will naturally adopt the path of recititude in principle. In principle, because he may not be able to chalk out the details of a life lived systematically in accord with this path or legislate about social affairs and come to terms with all the problems from this perspective without the guidance of revelation. Yet truth, justice, mercy, love and

charity will naturally flow from him. That is what the Prophet of Islam meant when he remarked:

كل مولود يولد على فطرة الاسلام  
فابواه يهودانه او يمجسانه او يندصرانه

Every child is born on the nature of Islam (surrender to Divine law); it is his parents who make him into a Jew, a guebren or a Christian.<sup>3</sup>

The phrase *abawāhu* has been used in a wide and comprehensive sense in this hadith. It refers to the whole atmosphere which a child inherits and in which he is born and brought up. This atmosphere, consciously as well as unconsciously, largely determines a child in ultimately making his choice of either following the path of nature or deviating from it. He can either suppress the essential urge of his nature or allow it to grow and shape his being. *Falah* (salvation), from the Quranic point of view, lies in letting the essential nature burgeon and develop, in cultivating and nurturing it— a process the Qur'an calls *tazkiyah*— and damnation and degradation (*asfala safilin*) lies in suppressing it:

قَدْ أَفْلَحَ مَنْ زَكَّاهَا وَقَدْ خَابَ مَنْ دَسَّاهَا

One who cultivates it (the soul) succeeds, and one who suppresses it, fails.<sup>4</sup>

Practically therefore man has two alternatives available to him and he is free to choose either:

وَهَدَيْنَاهُ السَّبِيلَ الْبَرَّ وَالشُّكْرَ

And we showed him the two paths.<sup>5</sup>

إِنَّا هَدَيْنَاهُ السَّبِيلَ إِمَّا شَاكِرًا وَإِمَّا كَفُورًا

We have shown him the way- he may choose to be grateful or ungrateful.<sup>6</sup>

Delinquency in essence is a form of deviation (though not as severe as a

crime) from the path of rectitude for which two factors are principally responsible—the unruly youthful energy and the atmosphere in which young people are born and brought up. Childhood and adolescence is a period of life when vitality tends to run riot and if not properly managed, it can flow into destructive directions. It is here that it gets inseparably linked up with the atmosphere which may or may not have built into it mechanisms and safeguards of channelising into constructive directions the turbulent vivacity of childhood and adolescence.

Atmosphere in this context is to be defined in terms of its three main ingredients—family, schooling and the general social ambience. These three factors have always played a crucial role in shaping the life of a child but in the modern age each of them has undergone a radical transformation which has extremely compounded the problem of delinquency and that of crime in general.

Family is the first and the most influential institution which moulds the character and opinions of a child. It not only nurses his body but brings up his mind, heart and soul in subtle though ever so affectionate ways. No nursery, no child-care centre, no mechanical institution can ever replace the family—a fabric founded on love, supervised by solicitude and protected by ever-alert care and commitment. Parental affection can be bought from no market and at no price. In our age two developments have shaken the roots of this institution. With the break-up of the joint-family system and slackening of marital ties under the impact of the modern materialistic civilization, the institution has been weakened—in the West indeed it exists only in name. Secondly with the growth of a negative permissiveness and ethical relativism the bond of values is fast dissolving out of existence. As I write these lines local news papers bring the news of an ensuing debating contest in one of the city colleges with the theme; ‘As society changes, values also change’.

Over the years, schooling too has acquired an altogether new orientation. Schools vie with each other over their commitment to vocationalism and job-oriented courses and this is done at the cost of those components of syllabi which humanise and inculcate a sense of values. In professional colleges, humanities have been virtually relegated to an optional status. Shakespeare and Wordsworth are disappearing in the West and Sa‘di and Attar in the East.

A rat-race, a cut-throat competition, for materialistic gains surcharges our

general ambience as well. A car, a bungalow, amenities to make our body more and more comfortable and to provide us with cheap excitement— this is the new creed, buttressed duly by our media, especially cinema and television, which are now religiously preoccupied with sex, violence and the despicable deeds of the mysterious underworld. This naturally and imperceptibly generates criminality whose first victims are the highly impressionable minds of the young generation. From this point of view, delinquency may be an embryonic form of criminality— may be, because in many cases it turns out to be nothing more than a childish or youthful aberration, short-lived and temporary, and in rare cases a mere surrogate for hectic activity.

Wherever crime exists in any form, law steps in to remedy the situation within its limits. Law is necessary for its absence means lawlessness but law is not enough. It is meant to rectify aberrations only when they have actually taken place. It can punish and chastise but it cannot pre-empt and eradicate. Its penal role is further restricted in an area like juvenile delinquency where mercy and love has to have priority over penalization. In the ultimate analysis, the role of law is negative not positive. It can deter but it cannot create a sense of revulsion against crime, whatever its form. For such a positive development we need a change of mind and heart for without such inner change outer life remains unaffected. In the miraculous formulation of the Qur'an.

إِنَّ اللَّهَ لَا يَغَيِّرُ مَا بَقِيَهُمْ حَتَّى يَغَيِّرُوا مَا بِأَنْفُسِهِمْ

Verily, Allah never changes the condition of a people unless they change what is in their souls<sup>7</sup>

This is why the legislative verses of the Quran invariably end on the note of urging us to be ever God-conscious (*muttaqin*) because without such consciousness legislation can work no wonders. The Qur'an also makes it clear that the penalties prescribed for various crimes are primarily meant to safeguard the social fabric, they do not bring about any change in the criminal's psyche who is exhorted to turn in repentance to God and seek his forgiveness. The Quranic verses occurring in these contexts, like the rest of the Holy Book, stress the importance of inner

purification and character building on this basis. Islam tackles the problem of crime and delinquency through this inner cleansing and character formation. The process of this comprehensive operation begins with the beginning of human life. Immediately after a child is born the first duty of the parent is to see that the *adhan* is recited into the right ear of the new-born babe and the *iqamah* into its left ear. This according to Islam should be the first experience of the baby on the earth and it has incalculable psychological value.

This unconscious imprint is soon to be revived with the child's first movement into conscious life as the Prophet (ﷺ) has ordered us that when the child is about to begin his first lisping we should make him recite the name of God:

افتحوا على صبيانكم أول كلمة بلا إله إلا الله

Let your children begin their speech with the *kalimah*: there is no deity except one God<sup>8</sup>

Islam, thus, organizes the institution of the family—which it regards as sacrosanct—chiefly on moral and spiritual lines. The parents have not only to provide for the bodily needs of their children but also for their moral and spiritual requirements. Islam enjoins on the head of the family to play the loving, caring shepherd towards his family and ensure that none of those in his charge swerves away from the path of virtue. His responsibility is particularly delicate in respect of the minor children who are at a crucially formative stage of their life. The Prophet has laid it down that children be asked to observe prayers when they are seven years old and when they are ten they may be severely admonished and even chastised for the purpose, if the need arises. Once, however, the child attains to the age of majority, the parent or the guardian has less responsibility and from this follow important legal consequences.

The early childhood inculcation and training is to be followed up by an elaborate process of education and edification whose principal target is the building of an ideal character. Islam has not only made acquisition of knowledge obligatory on every boy and girl but also highly eulogized organised and systematic education.

The Prophet (ﷺ) unmistakably indicated his preference for those who engage themselves in the process of education over those who resort to mere ascetic practices for spiritual growth. As he said:

تفكر ساعة خير من عبادة سبعين سنة

A moment's introspection is better than seventy years of worship.<sup>9</sup>

It is, however, to be borne in mind that in the system of Islam thinking, ratiocination and development of sciences is always subservient to the primary purpose of safeguarding the soul of man, his essential humanity. This determines the contours and the ultimate ideals of the Islamic educational system. Schooling here is not geared to produce economic animals but genuinely educated men and women who are capable of earning their livelihood but before everything else they are imbued with a sense of values and the milk of human kindness.

Islam also aims at producing a social ambience which is absolutely in keeping with these ideals. It strikes a balance between the rights of God and the rights of man, prevents all the ways of illegal appropriation of wealth and property, like usury, lottery, bribery and hoarding of all kinds, arranges on the principle of equilibrium the relationship between man and woman, parents and children, the teacher and the taught and neighbour and neighbour. It sees to it that all such activities which lead to undue excitement of sensual desires are prohibited. It also bans economic activities which are based on exploitation, particularly the exploitation of children. And wherever it is in charge of the societal affairs it arranges the fulfilment of the basic needs of every citizen. Such a social ambience in turn serves as a seed-bed to nurture the values of truth, justice, mercy, charity, spirit of sacrifice, honesty and integrity. This atmosphere not only prevents criminality but generates a strong desire for virtue and piety combined with deep contempt for evil. Crime finds no breeding ground here but in spite of all this if, because of some reason, someone commites a crime, Islam's penal law comes into force but its severity is applicable to those who have attained to the stages of majority. For minors a milder and gentler way is prescribed.

**References**

1. *al-Qur'an*, al-Rum:30.
2. *al-Qur'an*, al-Tin:4.
3. *Sahihain*
4. *al-Qur'an*, al-Shams:9-10.
5. *al-Qur'an*, al-Balad:10.
6. *al-Qur'an*, al-Dahr:3.
7. *al-Qur'an*, al-Rad:11.
8. *Baihaqui*, as reported by Ibn Abbas.
9. *Kunuz al-Haqaiq*