

**APPRAISAL OF THE IMPACT OF NEW MEDIA TECHNOLOGY
ON THE ADMINISTRATION OF ISLAMIC CRIMINAL JUSTICE
SYSTEM**

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1.0 INTRODUCTION

The Almighty Allah created all living being including man to worship him, men are accorded special place in Almighty Allah's creation. He honoured men, educate men with understanding, purified men with affection and gave men both physical and spiritual insight so that men should understand nature and explore it for their benefit and development, that is why the Almighty Allah Says:

*Behold; the creation of heavens and earth and the alternation of night and the day, they are indeed signs for men of understanding.*¹

Indeed, Islam is a complete and comprehensive way of life which deals with the life of all human beings on earth, it leaves no stone unturned in all fields of education, including science and technology. It inspires Muslims with the zeal for further research on scientific discoveries and technological advancement. It is for this reason that the holy Prophet Muhammad (PBUH) said: "Seeking knowledge is a religious duty".

The Islamic criminal justice is a process of criminal trials involving investigations, arrest, trials, convictions and post-conviction arrangements. These processes are carried out by law enforcement agents, the Sharia Courts and the prisons. The evolution of new media technology directly effects the way Islamic criminal justice system operates. Media technologies such as computer software, mobile applications, websites, digital cameras, the internet and other inventions and innovations are often used in support of Islamic criminal justice system. For instance, new media technologies help law enforcement agents in carrying out their duties efficiently and effectively. It also saves the time of prosecutors, defence counsels and the Sharia Courts and helps in decongesting the already congested prisons. Likewise, new media technology helps in spreading the knowledge of Islamic criminal law

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¹ Holy Qur'an 3:190

via e-books, mobile applications, and other relevant software. Similarly, facial recognition software and gunshot sensors helped law enforcement agents in promptly carrying out their duties efficiently and effectively. These examples and many other media technologies have helped in facilitating the practice of Islamic criminal justice. Therefore, new media technology plays a vital role in the administration of Islamic criminal justice.

However, there are certain factors militating against the use of new media technology in sharia. These factors include: lack of adequate knowledge of the new media technology by Khadis, prosecutors, defence lawyers and law enforcement agents. Similarly, vulnerability of evidence or information to computer wizards and hackers, which renders the evidence doubtful, thus, the holy Prophet Muhammad (PBUH) said “avoid infliction of hadd punishment where there is doubt.”

It is against this background that this research examines the nature of media technology, nature of Islamic criminal justice, historical background of new media technology in sharia, types of new media technology and features of new media technology. This research also examines the relationship between new media technology and sharia as well as the ethics of using new media technology in sharia. The research further examines the positive impact made by new media technology on the Islamic criminal justice and the factors militating against the use of new media technology in sharia, and concluded with observations and recommendations.

1.1 DEFINITION OF KEY TERMS

1.1.1 Meaning of New Media Technology

New media technology is defined as the use of computers and telecommunications for the processing and distribution of information in textual, digital, audio, video and other forms. It could also mean the acquisition, processing, storage and dissemination of textual, vocal, visual, and numerical information by a micro-electronics-based combination of computing and telecommunications.² It has also been defined to mean the

² Watson J and Hill A, *Dictionary of Media and Communication Studies*, (Hodder Arnold 2006) P. 135

acquisition, processing, storage and dissemination of data by a combination of computer and telecommunications techniques.³

Similarly, new media technology is a range of computer-based media systems and telecommunication, including computers, websites, the Internet, e-mail, computer software's, mobile applications and other related inventions and innovations. By media technology, it means set of technological devices that are used to create information and knowledge, or are used to store and retrieve information or knowledge⁴.

New media is a term which encompasses the emergence of digital, computerized, or networked information and communication technologies in the late 20th century. New Media refers to a wide range of changes in production of information, dissemination and use. The main features of new media technology are digital, interactivity, hyper textual, and multimedia. Most technologies described as new media are digital, often having characteristics to accept, process, store and disseminate information or knowledge. Some examples of media technology are computers, internet, websites, multimedia, computer software's and mobile applications⁵.

In other words, new media technology equally encompasses communication technologies that enables and facilitate user-to-user interaction and interaction between user and information or knowledge. For instance, the Internet replaces one-to-many method of analogue media or mass media with the many-to-many web of communication. Text, images, sounds and videos form the core of new media. Therefore, the new media with the convergence of technology replaces the methods of mass media or analogue media, and changes the way people interact, communicate and share knowledge with one another.⁶

1.1.2 Meaning of Islamic Criminal Justice

This is the process of Islamic criminal trials involving pre-trial stage, arraignment of the accused person before a competent court of law, the trial

³ Weiner R, *Webster's New World Dictionary of Media and Communications*, (Macmillan 1996) P.116

⁴ Moustapha S K, Information and Communication Technology and Islamic Sciences: An Inquiry into an Islamic perspective. (2010), P.3, Available at http://kict.iiu.edu.my/rosydi/article_jea/ict_islam.pdf, Accessed on July 2019

⁵ Ronald E R, *The New Media: Communication, Research and Technology*, (Beverly Hills Publishers 1984), Pp.129-136.

⁶ Ibid

of the accused person and conviction or acquittal as the case may be using relevant institutions. It is a system that involves the procedure of implementing Islamic criminal law.⁷ Islamic criminal justice system is a system which encompasses, processes and directs institutions towards ensuring that both the accused person, the victim and the entire community gets justice as far as the case involves violation of Islamic criminal law. Islamic criminal justice system also involves stages of arrest, investigations, pre-trials and trials proceedings, sanctions and convictions, rehabilitation and deterrence, and mitigation of crime.⁸ Furthermore, the components of Islamic criminal justice system includes the law enforcement agencies, prosecution, defence by the accused, trial court and the prisons for post-conviction processes.⁹

Sada in his forward to the book “Crimes and Punishments under Islamic Law”¹⁰ explains that, Islamic criminal justice system cannot be properly understood without having recourse to the entire Islamic socio-economic system. Viewing it away from and in isolation of the entire Islamic worldview will do more injustice to it. It is absolutely necessary for us to do our homework by seeking our own contemporary solutions to our problems.¹¹ He further suggested that, it is necessary to go back to the sources of Sharia to find solutions to new, different and emerging problems in every epoch; for every country produces radically different and new problems which cannot be foreseen and which are not amenable to traditional solutions¹²

1.3 HISTORY OF TECHNOLOGY IN ISLAM

After the death of the holy Prophet Muhammad (PBUH) in the year 10 AH and His companions and the followers of His companions, the Muslim world was strongly influenced by the Greek Hellenistic world. This enabled an atmosphere conducive to the development of a distinctive pursuit and promotion of science in the Muslim societies. The pursuit of science and technology was viewed as taking place within the universe created by the Almighty Allah, a universe that displays order and equilibrium, and thus

⁷ Mahmud M D et-al, ‘Islamic Law in Modern World: Using Technology in Islamic Criminal Justice System’, [2015] *Journal of Research in Humanities and Social Science*, (3) (8) Pp. 1-2

⁸ Ibid

⁹ Ibid

¹⁰ Bambale Y Y, *Crimes and Punishments Under Islamic Law*, (Malthouse Press Limited 2003) P.vii.

¹¹ Ibid

¹² Ibid

constitutes an aesthetic unity.¹³ The philosophy and science based on this view experienced a long period of development that lasted for more than 500 years, reaching its peak in the Arab civilization of the ninth and tenth century and getting further enriched by knowledge imported from Persia, India, and even as far away as China. This was in line with the duty of every Muslim to seek knowledge. Islamic scholars were already well acquainted with scientific experimentation and technological research which gave a boost to the economic sector such as trade and commerce, which in turn fostered further progress in science and technology.¹⁴ It is clear that in the Middle Ages the Muslims led the West in science and technology. At the beginning of the middle Ages, Islam even mediated between the ancient world and the West. In other words, the West owes a great deal to the Arab world for its scientific development. After the eleventh century, however, the pursuit of science in the Arab countries entered a time of stagnation. For a number of political and socio-economic reasons it went into decline.¹⁵ In later times as well, during the industrial and post-industrial eras, Arab countries contributed little to science and technology, apart from improving the exploration and marketing of crude oil and refining the technologies imported from other countries.¹⁶

In Islam, technology is regarded as series of objects and networks that flows from knowledge; and the holy prophet Muhammad (PBUH) commands all Muslims to seek for knowledge no matter the distance. In another hadith the holy prophet Muhammad (PBUH) was reported to have said “for one who treads a path to knowledge, Allah will make it easy to paradise.” Similarly, the holy Qur’an contains a number of references to knowledge and its importance. The first verse revealed to the holy Prophet focuses on the importance of acquisition of knowledge. It asks the Prophet to read. The verse says:

*Read in the name of your Lord who created, Created man of mere
clot of congealed blood. Read and your Lord is most generous.
Who taught by the pen. Taught man that which he know not.*¹⁷

¹³ Schuurman E, *Technology and Religion: Islam, Christianity and Materialism*, (Eindhoven Wageningen 2011) P 19.

¹⁴ Ibid

¹⁵ Al-Hassan A Y, *Factors Behind the Decline of Islamic Science After the Sixteenth Century*, (UNESCO 2001), P. 14.

¹⁶ Ibid

¹⁷ Holy Qur’an 96: 1 -5

Muslim jurists are unanimous in that Islam is in support of application of science and technologies even if they were from foreign lands as long as their application will not go contrary to the teachings of Islamic principles.¹⁸ They further gave the instance of the early period of Islam when cultivation and husbandry methods were embraced by Muslims from the imperial dynasties of Persia and Sha'am. A lot of instruments were traded from that region into the city of Medina. Equally, in the early period of Islam, after the Battle of *Badr*, some pagan captives were allowed by the holy Prophet (PBUH) to redeem themselves by teaching Muslims some aspects of their knowledge. What was learnt from the captives was later put into practice by the Muslim populace.¹⁹ Furthermore, during the early period of Islam, the practical purposes for determining the accuracy of the lunar calendar, direction of Mecca and the time of prayer led to the development and practical use of astronomical instruments. The need by the Prophet's companions to write down revelation in the form of book led them to apply the paper making techniques from foreign lands.²⁰

During the golden age of Islam between 750-1050 AD, Muslims adopted technologies for water and agriculture to address the problems of the dry and arid nature of the Arabian Peninsula. This resulted in the introduction of elaborate irrigational and engineering systems such as the water wheels, reservoirs and aqueducts.²¹ Furthermore, the techniques of distillation of substances and that of manufacturing iron, steel and other metals were introduced.²² The nomadic nature of the Arabs and the mobility of the pilgrims and mercantile caravan made the Islamic world of that time adopt workable geographical technologies. Such technologies include the establishment of observatory centers, recording instruments are installed and star maps and celestial globes which recorded astronomical data on plain and spherical surfaces were made.²³ The Golden age period of Islam witnessed the reception of several ideas and techniques such as gun powder making techniques, from India and China. Agricultural mills apparatus from Chinese region were adopted. In other words, the Muslim world becomes active

¹⁸ Jumba A M, 'The Contributions of Islam to Science and Technology' (Section A, In a book titled "*Islam and the Development of Science and Technology*" Sambo A S eds. Islamic Research Center Sokoto, 1998, Pp. 3-4.

¹⁹ Ibid

²⁰ Mahmud M D et-al Op-Cit footnote 7

²¹ Hitti P K, *History of the Arab*. (10th ed, The Macmillan Press LTD 1970) P.43

²² Ibid

²³ Mahmud M D et-al Op-Cit footnote 7

participants in the technological development of that time. They did not only adopt foreign technology, they equally participated in their formation.²⁴

1.4 RELATIONSHIP BETWEEN NEW MEDIA TECHNOLOGY AND ISLAM

New media technology is defined as the use of computers and telecommunications for the processing and distribution of information or knowledge in digital, audio, video and other forms. Based on this definition and the fact that the holy Qur'an is neither a scientific text nor a technological manual, a question may arise as to the relationship between media technology and the holy Qur'an which is revealed more than 1400 years ago. The holy Qur'an is the book of knowledge and the main source of reference in Islam, which contains general principles applicable for all times and places.²⁵

Islam through the holy Qur'an stresses the importance of seeking both spiritual and worldly knowledge from the very first revelation which says: "Read in the name of your Lord who created, created man from a clot"²⁶

Similarly, the holy Prophet Muhammad (PBUH) in a number of traditions indicated the importance of knowledge in our lives. In one of his hadith, he stated that acquiring knowledge is made obligatory upon all Muslims. "Seeking knowledge (ilm) is compulsory to all Muslims"²⁷ Science and technology are part of knowledge and knowledge forms integral part of Islam, thus the absence of dichotomy between science, technology and religion in Islam is not accidental. It is traced directly to the holy Qur'an where the Almighty Allah draws the attention of Muslims to a number of phenomena of creation which points to the powerful and subtle wisdom of the Almighty Allah. Thus the Holy Qur'an says:

And your Lord is the one Allah; there is no deity save Him, the most Gracious, the most Merciful. In the creation of the heaven and the earth, and the succession of night and day and in the ships that spread through the sea with what is useful to men; and in the waters which Allah sends down from the sky lifeless and causing all manner of living creatures to multiply thereon; and in the

²⁴ Ibid

²⁵ Yousif A F, 'Information Technology in the 21st Century: An Islamic Perspective', *Paper presented at the International Conference on Information System and Islam*, [2001], at the International Islamic University Malaysia (IIUM).

²⁶ Holy Qur'an 96: 1 -2

²⁷ Ismail A M, *Sahih Al-Bukhari*, (Translated by M M Khan, Kazi Publication 1984)

*change of the winds and the clouds that run their appointed course. Between sky and earth there are message indeed for people who use their reason.*²⁸

Going by the above verse, the Almighty Allah enjoins Muslims to think deeply about the creation of heaven and the earth and contemplate deeply about the signs in the sky and earth that testifies to His existence. Therefore, if new media technology can help man to contemplate and think deeply about the creation of heaven, earth, and about succession of night and day, and in the rains which Allah sends from the sky and many other natural phenomena, it can comfortably be accommodated in sharia. Similarly, the Holy Prophet Muhammad (PBUH) and early Muslim scholars have possessed an exemplary model on how one should deal with knowledge. They employed whatever means which were available at that time to access information, store, process and distribute their ideas and knowledge. As a result of their positive attitudes towards knowledge, Islam emerged as a great civilization for centuries.²⁹ In this respect, media technology is not alien to Islam. In fact, the technology has been adopted and used in different ways by Muslim scholars in the early Islamic history. Hence, the usage of media technology to promote Islamic knowledge and ideas is merely not an issue. Services and applications offered by new media technology can efficiently be utilized in order to distribute and increase the level of administering Islamic criminal justice and understanding Islamic law.³⁰

No doubt, there is no conflict between Islam and technology as long as it helps Muslims acquire increased understanding of how the world works, share information and knowledge and administer justice in the society; also as long as it is within the dictates of the holy Qur'an and Sunnah of the holy prophet Muhammad (PBUH). A number of Qur'anic verses encouraged the study and contemplation of the universe that surround us. Therefore, any technology, appliance or system that enables Muslims to know the scheme of creation and development cannot be rejected by Islamic law.³¹

1.5 ETHICS OF USING NEW MEDIA TECHNOLOGY IN ISLAM

²⁸ Holy Qur'an 2:163-164

²⁹ Muhammad M R, et-al, 'Using Information and Communication Technology (ICT) to Disseminate the Understanding of Islamic Jurisprudence (*Fiqh*) and Judicial Opinion (*Fatwa*)', [2014], P. 7. Available at <http://www.webcach.googleusercontent.com/search?rlz=ici>.> Accessed on 17/07/2019

³⁰ Ibid

³¹ Ibid

Generally, Muslims are enjoined to learn and observe the ethics of using the new media technology in accordance with Islamic principles. On comparative note, Islamic and conventional ethics of using the new media technology have some similarities such as trust, responsibility, equality, and respect, etc. to this end the holy Qur'an provides that: "And indeed you are of a great noble character"³² Therefore, the use of new media technology has to be in accordance with the principles of Sharia.

Thus, the ethics of using new media technology under Islamic law include the following:

1.5.1 Good Intention and Actions: Generally, good intention and actions are considered as a major requirement in the act of worship, they are regarded as the best acts of worship that attracts rewards from the Almighty Allah. Islam enjoins Muslims to have good intention and action in whatever they are required to do so, therefore, when using the new media technology, it is obligatory upon a Muslim to disseminate information or knowledge with good intention and action, thus the holy Qur'an provides that:

....What counts is the intention of your hearts. And Allah is often returning, most merciful³³

Similarly, the holy Prophet Muhammad (PBUH) is reported to have said:

Actions are to be judged by the intention behind them, and everybody shall have what he intends³⁴

Therefore, the use of new media technology in criminal investigations and criminal trials to achieve desired justice is a commendable act if done with good intention. However, it turns to a sin if the actual intention of the user is not good.³⁵

1.5.2 Do Justice When Using New Media Technology: Muslims are obliged to do justice when using the new media technology more especially when using it for criminal investigations or criminal trials. Thus, where a person using new media technology in criminal matters does that with all sense of

³² Holy Qur'an 68: 4

³³ Holy Qur'an 33:5

³⁴ Sharif M, *A Code of the Teachings of Al-Qur'an*, (Vol. 9, Daral Arabia 1931) P. 65

³⁵ Taufik M, et-al, 'Islamic Perspectives: Using New Media in Education', *International Journal of Academic Research in Progressive Education and Development*, [2009] (8) (1), Pp17-19

honesty and justice, his actions will attract reward from the Almighty Allah, thus the holy Qur'an says:

*O you, who believe, be persistently standing firm for Allah, for the truth....*³⁶

But where a person changes, alters or edits any evidence or information for his own personal interest or does that as a result of hatred, his actions will amount to sin. To this end the holy Qur'an says:

*..... And do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah; indeed Allah is acquainted with what you do*³⁷

1.5.3 Maintain Balance and Fairness (Tawazun): Islam encourages Muslims to maintain fairness in all aspects of their life. Islam allowed the use of new media technology as long as the user maintained fairness and balance, and the use does not contradict sharia. Therefore, users of new media technology are obliged by sharia to maintain balance when using the new media technology in order to avoid harm. For instance, where there is an excessive use of new media technology, the user may be exposed to various forms of risk such as internet abuse, hacking and other negative practice. Therefore, maintaining balance in the use of new media technology is important. It helps in avoiding or minimizing potential risk of internet hacking that may occasion injustice.³⁸

1.5.4 Uphold Good Human Relations: maintaining and upholding good human relationship is clearly encouraged in sharia. Muslims are encouraged to maintain good relationships with Muslims and non-Muslims alike. Therefore, the new media technology must be used by Muslims as a platform of maintaining and upholding positive and healthy human relationship. However, the use of new media technology which is capable of destroying or setting human relationship apart amounts to a sin in sharia. Hence, users are enjoined to uphold and maintain good human relation with others when using the new media technology.³⁹

1.5.5 Maintain Maqasid Al Sharia (Objectives of Sharia) maintaining Maqasid Al Sharia is one of the duties of a Muslim. Hence, users of the new media technology should not overlook this duty. A person must not use the

³⁶ Holy Qur'an 5:8

³⁷ Holy Qur'an 5:8

³⁸ Taufik M, et-al Op-Cit footnote 51

³⁹ Taufik M, et-al Op-Cit footnote 51

new media technology as a tool to attack an individual's personality, engage in unlawful businesses, make profits which are not allowed in sharia or engage in any kind of transaction that sharia prohibits.⁴⁰

1.6 IMPACT OF NEW MEDIA TECHNOLOGY TO ISLAMIC CRIMINAL JUSTICE SYSTEM

New media technology has no doubt impacted positively on the administration of Islamic criminal justice in a number of ways, for instance, it makes investigations and prosecutions more effective and efficient, it eases crime detection, it helps in determining whether a crime is committed, how and when it was committed and the series of events that occurred at its commission. it equally helps in identifying the victim of the crime.⁴¹ Thus, the impact of new media technology on Islamic criminal justice includes amongst others:

1.6.1 Efficiency and Effectiveness

New media technology has immensely impacted positively on the Islamic criminal justice system in such a way that it made the investigations of law enforcement agents more efficient and effective. It also enables prosecutors to diligently prosecute their cases with efficiency and effectively. It helps defence lawyers to diligently and efficiently prepare for their defence.

Similarly, the Acoustic Gunshot Sensors are type of computer software that detect the sound of a gun fire in a particular area and triangulate the location of the incident to a precise latitude and longitude. This software has the ability to identify the type of gun used in order to help officers reach the location with a superior weapon to arrest the situation. The software also has the ability to distinguish between registered and unregistered gun by mere sensing the sound from a distance. This software helped Islamic criminal investigators and detectives to immediately respond and arrest the culprit without waiting for formal complaint of gunshot. It also helps in reducing the number of persons waiting trials as it eases investigation process as well as helped law enforcement agents in carrying out their duties efficiently and effectively.⁴²

1.6.2 Saves the Time of Sharia Courts

⁴⁰ Ibid

⁴¹ Mahmud M D et-al Op-Cit footnote 7, P.4

⁴² Ibid

The mobile device tracker helps locate the stolen device and traces can easily be established. It has equally helped in tracking, locating and arresting a suspect of kidnaping where a telephone call is made for negotiation of ransom. This software enables law enforcement agents effectively carry out their duties using GPS.⁴³ It also helps Sharia Courts in conducting summary trials because the culprit is arrested with the stolen device, or it could easily be traced to any transaction.

New media technologies equally help defence lawyers to easily exonerate innocent suspect. For instance, footage on CCTV camera, body worn camera or drones that shows another person in the crime scene other than the suspect, this can easily exonerate an innocent person from a criminal charge in Sharia courts. Therefore, new media technology has positively impacted on the Islamic criminal justice by easing the work of prosecution, defence lawyers and the Courts; it also saves the time of the already busy Courts.⁴⁴

1.6.3 Teaching and learning of Islamic Criminal law: New media technologies have positively contributed to the teaching and learning of Islamic criminal law. New media technology is used for educational purposes to transmit knowledge pertaining to Islam and its laws especially the criminal aspect. It is used in spreading the knowledge of Islamic criminal law using new media platforms such as websites, computer software, Mobile applications, E-books and social media.⁴⁵ New media technology such as multimedia, audio and video presentations are often adopted in developed academic environments to enable students from different part of the world to access knowledge relating to Islamic criminal law and participate by asking questions and giving feedbacks online.⁴⁶

1.7 FACTORS MILITATING AGAINST THE USE OF NEW MEDIA TECHNOLOGY IN SHARIA

Despite its tremendous contributions to the Islamic criminal justice system, there are certain challenges associated with the use of new media technology

⁴³ GPS is a Global Positioning System which is a space based satellite navigation system that can be used to locate position anywhere on the earth.

⁴⁴ The World of Islam in Science and Technology, Available at <http://www.webcach.googleusercontent.com/search?rlz=ici>.> Accessed on 17/07/2019

⁴⁵ Saif A, 'The Role of Mass Media and Information Technology in Islamic Education', *European Journal of Social Sciences*, [2012] (32) (2) Pp. 380-396

⁴⁶ Taufik M, et-al Op-Cit footnote 51, P. 14.

in Sharia Courts. The factors militating against the use of new media technology are as follows:

1.7.1 Lack of Adequate Knowledge

Lack of adequate knowledge of new media technology and its peculiar language by Judges, prosecutions, defence lawyers and the law enforcement agents has hindered the use of new media technology in Islamic criminal justice system. This is because majority of the new media technologies often use English to operate the technologies, and most of the Sharia Courts often use Arabic language their proceedings. Therefore, the barrier of language has hindered a lot on the administration of Islamic criminal justice.⁴⁷ Likewise, accessibility of the new media technologies in some jurisdictions has also hindered a lot on the use of new media technology in Islamic criminal justice.⁴⁸

1.7.2 Vulnerability to Hacking

One of the greatest challenges faced when using new media technologies in Sharia Courts is the issue of hacking. Hacking means to gain unauthorized access to a computer system e.g. a website or network by manipulating codes. Hackers have the ability to change, alter or edit any evidence or information thereby rendering it doubtful as evidence in Sharia.⁴⁹ This is because punishments are suspended when there is doubt. To this end, the Holy Prophet Muhammad (PBUH) is reported to have said:

*Prevent the application of the hadd punishment as much as you can whenever any doubt exist.*⁵⁰

For instance, in cases of adultery where the law requires four male reliable eye witnesses or confession, can CCTV footage substitute the requirement of four witnesses or confession? There are divergent opinions as to whether such types of evidence can solely be relied upon to inflict hadd punishment in cases

⁴⁷ Mujabeen K H and others, *Global Media, Islamophobia and its Impacts on Conflict Resolution*, (Institute of Hazrat Mohammad 2005) Pp. 3-7

⁴⁸ Ibid

⁴⁹ Aliyu M, et-al, 'Features Influencing Islamic Websites Use: A Muslim User Perspective', *Intellectual Discourse*, [2013] (21) (1) Pp. 33-35

⁵⁰ Naseef A O, *Encyclopedia of Seerah*, (Vol. II, The Muslim School Trust 1982) P. 776

of adultery. According to sheikh Nizar Al-Shuaybi⁵¹ hadd punishment in cases of adultery can only be carried out on the basis of testimony or confession. It cannot be applied on the basis of CCTV footage because these punishments are Almighty Allah's right on people. With CCTV footage, there is always chances of alteration of content by hackers which creates doubt in the entire content. Therefore, it is better to use reliable witnesses or confession rather than the CCTV footage. But a judge may in his own discretion inflict Ta'azir punishment instead.⁵²

Therefore, evidence of new media technology cannot be solely relied upon to inflict hadd punishment because of the doubt that exists.

2.0 CONCLUSIONS

In conclusion, Islam allows the use of new media technology and inspires Muslims with the zeal for further research on scientific discoveries and technological development; it has laid down some ethics and guidelines to be followed by Muslims while using the new media technology. New media technology has no doubt impacted positively on the Islamic criminal justice system and has increasingly ease the practice of Islamic criminal law. For instance, it has made the work of law enforcement agents more efficient and effective, it also saves the time of the already busy Sharia Courts. It equally serves as a mechanism of decongesting the already congested prisons. It further made learning of Islamic criminal law easier via e-books, websites, mobile applications and other relevant software. In view of this, new media technology plays a vital role in the administration of Islamic criminal justice.

However, despite its positive contributions to the Islamic criminal justice system, there are certain factors militating against the use of new media technology in sharia. For instance, lack of adequate knowledge of new media technology by judges, prosecutions, defence lawyers and law enforcement agents. Similarly, the activities of computer wizards and hackers that may change alter or edit any evidence or information without the knowledge of the owner renders the evidence of new media technology doubtful; these factors hindered tremendously on the use of new media technology in Islamic criminal justice system.

⁵¹ Sheikh Nizar Al-Shuaybi 'CCTV Footage as Court Evidence in Criminal Cases' 2003 Available at <http://www.islamiclaw_criminallawandjudicialmatters.edu/439888> accessed on 12/07/2019.

⁵² Ibid

Therefore, in the course of this research, the following observations and recommendations are made;

2.1 OBSERVATIONS

- i. It is observed that, content of new media technology may be changed, altered or edited by a computer wizard or a hacker without even noticing the alteration which in turn creates doubt in the evidence itself.
- ii. It is also observed that, judges, prosecutions, defence lawyers and law enforcement agents lack adequate knowledge and the technical know-how to properly use the new media technology.

2.2 RECOMMENDATIONS

- i. It is therefore recommended that, Sharia Courts should try as much as possible to avoid inflicting hadd punishment on the basis of evidence of new media technology, as element of doubt exist in the evidence.
- ii. It is also recommended that training on new media technology should be organized for judges, prosecutions, defence lawyers and law enforcement agents through seminars, conferences and workshops to equip them with the technical know-how of new media technology for proper application of such knowledge in Sharia Courts to avoid miscarriage of justice.
- iii. It is further recommended that, judges, prosecutions, defence lawyers and law enforcement agents should collaborate with Islamic scholars, technologist and technocrats to find a suitable modality that will enhance the use of new media technology in Sharia Courts.