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Codifying a jurist's law: Islamic criminal legislation and Supreme Court case law in the Sudan under Numairi and Bashīr

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Glossary¹⁶⁷⁵

adhan	harm, injury, grievance
aḥaqqiyya	legal claim, title, right
ahliyya	legal capacity
ʿāqil	sane
ʿāqila	solidarity group liable for blood money
ʿarīḍa	petition, application

¹⁶⁷⁵ This glossary is based on Peters (2005), Layish (2002) and my own collection of *fiqh*-based legal terminology.

arsh	financial compensation for bodily harm for members or organs which exist two, four or ten times
bakāra	virginity
balāgh jinā`ī	charge
bāligh (a)	to be of age
bulūgh	legal majority
ghair bāligh	underage
bayyina	proof, evidence
bayyina qāṭi`a	unequivocal proof
bayyina ghair qāṭi`a	non-conclusive evidence
bayyina sharīk	accessory evidence
bikr	virgin
buṭlān	invalidity, nullity, untruth
fauq marḥalat	beyond logical doubt
al-shakk al-ma`qūl	immorality, debauchery
da`āra	case, lawsuit, action, cause
da`wā/da`āwā	to disprove, to refute, to invalidate
daḥaḍa	victim
ḍaḥīya	refutation, disproof
daḥḍ	proof, evidence, symptom
dalīl	unequivocal evidence
dalīl qāṭi`	circumstantial proof, circumstantial evidence
dalīl ḍarfī/adilla ḍarfiyya	(financial) liability
ḍamān	to avert
dar`	penis
dhakar/dhukūr	protected non-Muslim subject of an Islamic state
dhimmi	homicide cases
dimā`	blood money, blood price, the financial compensation for homicide and injuries
diya	full blood money
diya kāmila	diminished blood money
diya nāqiṣa	enhanced blood money
diya mughallaḍa	anus, buttocks
dubr	scrutiny, examination, investigation
faḥṣ	benefit of the doubt
fā`ida lil-shakk	obscene, shameless, indecent
fāḥish	vulva
farj	irregular, defective (marriage, sale)
fāsīd	section, paragraph
fiqra	compulsion, usurpation
ghaṣb	financial compensation for the loss of a foetus
ghurra	to become pregnant
ḥabila	to shed (s.o. blood) with impunity
hadara	juvenile, youth
ḥadath/aḥdāth	menstruation, monthly period
ḥaid	legal reasons on which the judgment is based,
ḥaithiyāt	

ḥajz	legal opinion
ḥākīm	detention, arrest
ḥarbī	ruler, judge
ḥashafa	non-Muslim residing outside the territory of Islam
ḥilm, ḥulum	glans (of a penis)
ḥirmān	puberty
ḥirz	deprivation
ḥirz bi al-ḥāfiz	safe place where movable property is kept
ḥirz bi al-makān	safe place guarded by a guardian
ḥirz al-mithl	safe place in a house or barn
ḥirz al-nau'	safe place commonly used for a certain property
al-ḥirz binafsi	safe place for any kind of property without specification
al-ḥirz bighairihi	a ḥirz in one's own house, guarded by oneself
ḥujjiyya	a ḥirz guarded by someone else
ḥukm	probative force, conclusivity (Beweiskraft)
	sentence, principles, legal consequence of the facts of a case
ḥukūma	financial compensation for bodily harm determined by the judge
naqḍ al-ḥukm	reversal of the sentence
ilghā' al-ḥukm	repeal of the sentence
ḥukmī	legal
ḥukūmat al-'adl	financial compensation for bodily harm
ḥurma	inviolability, sanctity, dignity
ināba'an	(legal) representative for
iddi'ā'	prosecution, claim, assumption
ḥaqq al-iddi'ā' al-mubāshir	right to take direct legal action
idāna	condemnation, conviction
īdhā'	harm, hurt, damage, offence
i'fā'	remission (of punishment)
ifāda	testimony, witness, statement, deposition
'iffa	chastity, righteousness, virtue
ighṭiṣāb	rape
iḥṣān	immunity (against temptations through consummation of a valid marriage)
ikhāfa al-sabīl	scaring of passers-by (as element of qaṭ'a al-ṭarīq)
ikhṭiṣāṣ	jurisdiction
ikhḷā' sabīl	release
ikhṭilāf	controversy, difference of opinion in legal matters
ikhṭilās	embezzlement
ikhṭilāq	fabrication, invention (e.g. of a testimony)
ikrāh	duress
ilāj	penetration
ilghā' qarār	repeal, annulment, abrogation of a judicial decision
inkār	denial, negation
inṣāf	justice, equity, fairness, just treatment
'iqāb	infliction of punishment, penalty

iqrār qaḍā'ī	legally valid confession
iqtirāf	perpetration (of a crime)
iṣlāḥiyya	house of correction, reformatory, prison
'iṣma (fī 'iṣma fulān)	legal protection (under the tutelage/custody of)
istid'ā'	summoning, subpoena
istijwāb	questioning, interrogation
istirdād	reclamation, claim of restitution
istirhām	plea for mercy
istitāba	calling on s.o. to repent
isti'nāf	appeal
'iṣyān	disobedience, sedition, revolt, rebellion
itlāf	injury, harm
ittihām	indictment, charge, accusation
mumaththil al-ittihām	prosecuting counsel
ittiṣāl jinsī	sexual intercourse
'itiyān	perpetration (of a crime)
jā'ifa	wound in the body that reaches one of the inner cavities
jā'iz	permitted, legal, lawful
jald	flogging
jānī/ junā	perpetrator, delinquent, criminal, culprit
jarīma/jarā'im	crime, offense
jimā'	sexual intercourse
jināyāt	crimes against the body
junūn	insanity
junūn juz'ī	partial insanity
junūn munqaṭi'	discontinued insanity
junūn muṭbiq	complete insanity
jurm/ajrām	offense, crime, sin
kafā'a	equivalence (between culprit and victim in qiṣāṣ cases)
kaffāra	penance, atonement, expiation
khaṣm/khuṣūm	opposing party (in a lawsuit)
khilal/(khilāl) ḥukmī	legal defect, legal fault or flaw
khiyāna	embezzlement, betrayal, breach of faith, treason
khuṣūma (=mukhāṣama)	lawsuit, dispute, feud
lawth	circumstantial or incomplete evidence against a person making him a suspect of manslaughter
li'ān	sworn allegation of adultery committed by either husband or wife
liwāt	anal intercourse, penetrare per penem in ano
maḍrūr	aggrieved party
maghmīy 'alaihi	unconscious
majlis al-qaḍā	judicial council
majnīy 'alaihi	aggrieved party, injured party, claimant
mahbal	vagina
maḥḍar	procès-verbal, minutes, record of the official findings
maḥdūd	convicted for a ḥadd-crime (e.g. al-maḥdūd fī al-qadhf)
maḥjūr 'alaihi	placed under guardianship, minor, ward

maḥkama dustūriyya	Constitutional Court
maḥkama juz`iyya	court for petty cases (court of first instance)
maḥkama al-mauḍū`	trial court
maḥkama mudīriyya	court of the province
maḥkama naqḍiyya	Court of Cassation
maḥkama al-isti`nāf	Court of Appeal
maḥkama al-`ulyā	Supreme Court
maḥkūm `alaihi	convicted, condemned
maḥram/maḥārim	being in a degree of consanguinity precluding marriage
majlis al-qaḍā`	court session
majnūn	insane
māl mutaqawwam	ownable good, property
mā`mūma	head wound laying bare the cerebral membrane
manṣūṣ `alaihi	stipulated, laid down in writing
maqdhūf	victim in a case of qadhif
masā`il jinā`iyya	criminal cases
ma`siyya	sin, rebellion, insubordination
masrūq minhi	victim of (ḥadd-)theft
masrūqāt	stolen goods
mas`ūliyya taḍāmuniyya	joint liability
ma`šūm	inviolable, protected by the laws of vendetta
ma`šūm al-damm	inviolable, protected by the laws of vendetta
ma`tūh	idiot
maṭ`ūn	(ḥukm, qarār) challenged, appealed
maṭ`ūn ḍiddhu	defendant
mīrāth	inheritance
mubāḥ	ownerless, free for all
mubāḥ al-damm wa al-māl	whose life and property can be taken
mubāshara	direct, physical cause
mubāshir	direct perpetrator (of a crime)
mudān	(proven) guilty, convicted
mūda`	deposited (legal document)
mudda`in	claimant
mudda`ī `alaihi	defendant
mūḍīḥa	wound that lays bare the bone
mudrik	endowed with reason
muḍṭarr	person in need (in cases of necessity)
muḥākama	trial, proceeding, legal prosecution
muḥākama `ijāziyya	summary trial
sair fī al-mūḥākama	pursuance of the trial
muhdar	s.o. not enjoying inviolability, whose blood can be shed with impunity
muḥṣan(a)	„immune“ (against sexual temptations). i.e., a man or a woman, who has consummated a valid marriage and is consequently liable to lapidation in case of illicit intercourse
mukallaf	legally capable, sane in mind, fully responsible

mukhtār	free to choose
mukrah	person acting under duress
mulābasāt	accompanying phenomena, surrounding conditions
mumāthala	exact equivalence (in <i>diyya/qiṣāṣ</i> – cases)
mumayyiz	reasonable, rational, distinguishing
munaqqila	wound whereby a bone is displaced
muqirr	confessor
muqtarif	perpetrator (of a crime)
murāfaʿa	pleading, procedure
murāfiʿ	plaintiff
murtakib	perpetrator
mushājara	fight, quarrel, dispute, argument
mustakraha	raped woman
musta`min	ḥarbī temporarily admitted to Muslim territory and enjoying full protection of life, property and freedom
mustaqīm	rectum
muta`ammid	willful, intentional, premeditated, deliberate
mutaḥarrin	investigator
mutaqawwam	valuable
(khabīr) muthammin	assessor, estimator, expert in evaluating stolen goods
muttahir	defendant
muttasiq	balanced, in good order (ḥukm)
muwakkil (fī daʿwā)	client
muwaththiq	notary public
muwāqaʿa	sexual intercourse, copulation
nāfidh	legally valid
nahb	robbery, plundering, looting
al-nā`ib al-`āmm	attorney general
nashl	pickpocketing
niṣāb	minimal value of the stolen object as a precondition for amputation
niṣāb al-shahāda	fulfillment of the requirements of the evidence
niyya	intent
nukūl	refusal to testify in court
nukūṣ `an iqrār	withdrawal of the confession
qaḍā`	judgment, sentence, decision
ra`īs al-qaḍā`	chief justice
qadhf	unfounded accusation for unlawful sexual intercourse
qādhif	offender in a case of qadhf
qānūn waḍa`ī	positive law
qarār al-naqḍ	decision of revocation, annulment, cassation
qarīna/qarā`in	evidence, indication
qarā`in al-aḥwāl	indicia, factual evidence
qaṣḍ jinā`ī	criminal intent
sū` al-qaṣḍ	evil intent
qāṣir	minor, under-age
qasam/aqsām	oath

qasāma	procedure based on the swearing of fifty oaths aimed at establishing liability for a homicide with an unknown perpetrator
qaṣḍ jinā`ī	criminal intention
qaṭ`	amputation
qaṭ` min khilāf	cross amputation
qatl	homicide
qatl `amd	intentional homicide
qatl bi-sabab	indirect killing
qatl ghīla	heinous murder
qatl shibh al-`amd	semi-intentional homicide
qatl shibh al-khaṭā`	semi-accidental homicide
qatīl, maqtūl	victim of homicide
qāwānīn waḍa`īyya	positive laws
qaul/aqwāl	testimony, statement
qiṣāṣ	retaliation
qawad	retaliation (for wounds or injuries)
qiṣāṣ fīmā dūn al-nafs	qiṣāṣ for wounds or injuries
qiṣāṣ fī al-nafs	qiṣāṣ for homicide
qiwāma	guardianship
rāji`	review, revise, reexamine, verify
rajm	stoning, lapidation
rashīd	reasonable, discriminating, discerning
sabb al-nabī	insulting the prophet
ṣabī mumayyiz	discriminating, intelligent minor
ṣādiran `an riḍā	made by consent
ṣahīfa sawābiq	police record
ṣā`il	assailant, attacker
saṭw	assault, burglary, housebreaking
shahāda	testimony
shahāda al-zūr	false testimony
shahāda `alā al-shahāda	testimony on the testimony of someone else
shahāda ghair mubāshira	indirect evidence
shāhid al-`iyān	eye witness
shāhid al-samā`	ear witness
shajja (pl. shijāj)	head wound, skull fracture
shāri`a	lawgiver, legislator
shaṭab al-ittihām	dismissal of the case
shubha	legal uncertainty
suqūṭ	lapse
saqaṭa	to lapse
shajja/shijāj	head wound which lays open the skull, skull fracture
shākin	complainant, plaintiff
sharaj	anus
sifāḥ	fornication
ṣiyāgha	formulation, wording

siyāsa	discretionary justice exercised by the head of state and executive officials, not restricted by the rules of sharī'a
ṣulḥ	amicable settlement out of court between parties
ṣulḥ taḥaffuzī	preventive settlement
sū' al-niyya	bad faith, mala fide
ta'ammud	intent, premeditation
tafsīq	to declare s.o. a sinner (fāsiq)
taḥarrin	investigation, detection (of crime)
tahayyuj	affect, excitement, agitation
tahdhīb	correction, education
ṭā'ila	retribution, retaliation, vengeance
takdhīb	denial
takhayyur	eclectic expedient
taklīf	legal capacity
ṭalab al-istirḥām	petition for mercy
talabbus (qaḍāyā al-)	criminal cases in which the perpetrator was caught in the act
tamalluk	right of possession, tenure, holding
tanāzul	waiver, abandonment, relinquishment (of rights)
taqādum	limitation
ṭa'n dustūrī	constitutional complaint
tahrīd	incitement, abetment
ṭā'in	plaintiff (in a constitutional complaint)
tajrīd	expropriation of property
ṭa'n	appeal, objection
taqādhuf	mutual unfounded accusation of unlawful sexual intercourse
taraṣṣud	lurking, surveillance
tasharrud	vagrancy, vagabondage
'an ṭawā'iyya	voluntarily, of one's own free will
tauba	repentance
tauqī'	promulgation, execution
tha'r	retaliation, revenge, blood revenge
thayyib	not a virgin, deflowered
'udūlan ḍimnīan	implicit retraction/renunciation (e.g. of a confession)
'udūlan 'an al-iqrār	retraction of a confession
'uqūba	punishment, penalty
'uqūbāt	all punishments which can be averted by shubha, i.e. all ḥadd-punishments and the two kinds of talio
isqāt al-'uqūba	lapsing of the punishment
tauqī' al-'uqūba	promulgation/execution of the punishment
wakīl al-niyāba	prosecuting attorney
walīy	legal guardian
walīy (auliyā`) al-dam	the victim's blood avenger
wāqi'	factual evidence
wāqi'	to have sexual intercourse
waṣīya	bequest

wat`	sexual intercourse
wat` fi dubr	anal intercourse
yamīn	oath
zinā	unlawful sexual intercourse
zurūf mushaddida	aggravating circumstances