

Islamic Jurisprudence's Penalties for Violation of Traffic Regulations and the Amended Jordanian Traffic Law

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Abstract

This study attempts to explain the ramifications of running red traffic lights and the public interests that result from the implementation of sanctions for such infractions. In addition, it aims to clarify the rulings on high-speed driving and driving without a licence in Islamic jurisprudence and Jordanian traffic legislation. Both inductive and analytical methods were used in the study, which involved a review of the relevant sections of the Jordanian Traffic Law as well as the writings of jurists. According to the results, if a driver of a vehicle causes an accident that results in the death of another person, they have a duty to compensate Allah for that loss, and blood money represents the victims' rights until they want to relinquish them. Infractions of traffic laws, such as speeding excessively, running red lights, and driving without a licence, can result in jail time, fines, and licence suspension. The study suggests using visual and audio mediums to make the requirements pertaining to infractions of traffic laws more clear.

Keywords: *Traffic Law, Red Traffic Signal, Islamic Jurisprudence, And Public Concerns*

INTRODUCTION

Many gifts have been bestowed upon humanity by Allah, the Exalted, including the creation of contemporary vehicles that make daily living easier, save time, and meet a variety of needs. Since people are allowed to own and operate these cars, it is their responsibility to keep the roadways safe and to keep others and themselves safe. Penalties have been placed on individuals who act in a way that jeopardises property and life to accomplish this. Jordanian traffic rules have put in place legal safeguards against infractions as well as sanctions for violators. Thus, the goal of this study is to investigate these issues in light of Jordanian traffic law and Islamic jurisprudence. The primary topic of this study is, "What are the applications of public interests concerning the violation of traffic regulations and their penalties in Islamic jurisprudence and the Jordanian Traffic Law?" in light of the research problem. This main query raises the following follow-up queries:

- a) What is the decision on running red lights, the associated consequences, and the interests of the general public?
- b) What is the Jordanian Traffic Law's and Islamic jurisprudence's verdict on excessive speeding, the associated sanctions, and the public interests that result?
- c) What is the Jordanian Traffic Law's and Islamic jurisprudence's position on driving without a licence, what are the associated fines, and how does this affect the general welfare?

Significance of the Study

Understanding the decisions made regarding breaking traffic laws and regulations, with an emphasis on the penalties imposed on offenders, is of importance to this subject. The goal is to protect people's lives and property while also ensuring road safety. This study highlights the importance of legislation like the Jordanian

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Traffic Law and Islamic jurisprudence in preserving social cohesion by offering insights into how these rules are applied.

Definitions and Key Terms

Public Interest (al-maslaha): The word "maslaha" comes from the Arabic word "salaha," which means to purge or correct corruption. "Maslaha" means appropriateness or utility; it is the opposite of "mufsida" (injury). Reducing damage and achieving usefulness are related to the idea of the public interest.

Public Interest with No Particular Legal Support (al-maslaha al-mursal): this phrase describes a public interest for which there is no particular legal support, either to be taken into consideration or to be rejected. It encompasses unqualified or unconstrained public interests for which there is no indication of annulment or particular consideration. These are the interests for which no particular legal evidence exists or has been offered in support of their consideration or annulment. They are covered by general guidelines or evidence.

Endorsement (al-istihsan): according to Usul al-Fiqh scholars, "istihsan" is the preference for a more robust comparison than a less robust one. It entails disobeying a specific legal text's verdict in favour of customary practice that serves the interests of the populace. For instance, using a container to carry water inside a lavatory is acceptable. Furthermore, "istihsan" is described as departing from the law in favour of customary practice for the good of the populace, provided that it complies with Shariah regulations. It won't be taken into consideration if it goes against the tenets of Shariah. "Istihsan" refers to the process of moving from official documentation to customary behaviour that serves the interests of the populace. These ideas are covered in the study to lay the groundwork for understanding how public interests are used in relation to breaking traffic laws and the associated punishments.

Al-Munasib Al-Mursal: This term refers to a description that is appropriate for achieving the goals of Islamic law and is devoid of any proof that casts doubt on the legitimacy of its underlying principles. Other names for it include "reform," "Al-Mursal," and "mandated interests." The fact that this concept's description reflects the reality of mandated interests is what academics find noteworthy about it with respect to mandated interests. Stated differently, it continues to be consistent with the required interests. Conversely, it provides a fitting characterization of the goals of Islamic law. An appropriate description is important because, based on it, legal decisions benefit those who are subject to the law. It is common knowledge that the main goals of the legislation are to promote good and avoid damage (Khalaf, n.d., 1/80-81).

METHODS

Using an inductive approach, the study examines and evaluates materials from Islamic law as well as relevant sections of the Jordanian Traffic Law in order to answer its research questions. Analysing legal statements and pertinent legal documents in relation to the study's concerns is part of the analytical approach.

LITERATURE REVIEW

Related subjects have been covered in a number of earlier studies. Zemzem (2016) investigated traffic incidents and the laws related to them in Islamic law. This included different kinds of accidents, different driver types, and pertinent liability standards from Islamic law. Conversely, the current study concentrates on driving violations, like running red lights, and describes the corresponding penalties as outlined by Jordanian traffic legislation and Islamic jurisprudence.

Al-Qahtani (1988) investigated road accident rulings in Islamic jurisprudence, covering subjects such as proper driving conduct, criminal liability, and various types of accidents. The Kingdom of Saudi Arabia's road networks, traffic legislation, and fines for accidents were all examined in the study. It also looked at the legal repercussions of traffic collisions involving livestock and animals. However, the current study expands on the topic by going over a range of moving infractions, including running red lights and other breaches, as well as the penalties for unintentional manslaughter that result from these infractions, as specified by the Jordanian Traffic Law.

Abd al-Hameed (2009) examined the concept of "public interest," including its definition, characteristics, and application to elections and government. In contrast, the purpose of this study is to examine how the public interest applies to traffic law infractions and the sanctions imposed to protect people's safety and property.

Running Red Lights: The Effects of Penalties on Fulfilling Mandatory Interests

At road intersections and pedestrian crossings, traffic signals are installed as a means of controlling traffic, ensuring safety, enforcing obligations on the part of road users, and providing guidance, warning, or both (No. 49, M.2.p.3, *The Jordanian Traffic Law and its Amendments*, 2008). These traffic signals are currently thought to be an essential tool for controlling and organising traffic. If there are no laws governing automobile traffic in this area, accidents will occur that have negative outcomes. To prevent risks and the repercussions of breaking traffic laws and regulations, traffic lights have been introduced. Within the realm of driving and automobile operation, certain drivers' activities involving running red traffic signals are deemed criminal offences. Since there is no safety margin for this kind of behaviour, the driver puts himself or herself in danger and could die as a result of the infraction.

Thus, the following happens when a red traffic light is run: Initially, it may put the motorist in danger, which is against the honourable Sharia (Islamic law), as the Quran states: "And do not throw [yourselves] with your own hands into destruction [by refraining]." *Al-Baqarah*, p. 195. The verse's implication is that it prohibits hurting oneself, with the word "hands" alluding to one's own body. Since destruction is defined as anything that causes hurt or ruin, the meaning is not to immerse yourself in it.

Second, it might result in other people being killed. The car of the offender and other vehicles that are permitted to continue on the road collide as a direct result of this infraction. Because of the collision's severity and risk, fatalities may happen. According to the Quran, "And do not kill the soul which Allah has forbidden, except by right." *An-Nisa*: 29. According to *Al-Qurtubi's* interpretation of this passage, experts generally agree that it forbids killing one another.

Thirdly, there is also the result of property destruction. Running a red light is forbidden by religion because it puts other people's cars and the driver's own in danger. In his parting speech during his pilgrimage, the Prophet (peace be upon him) said: "Your blood, your property, and your honour are sacred to you like the sanctity of this day of yours, in this month of yours, in this land of yours." (*Bukhari's Sahih*). Fourth, disobedience to the passed legislation, which is in everyone's best interests and was given the go-ahead by the governing body. The Quran says that submission to the sovereign is required: "O you who have believed, obey Allah and obey the Messenger and those in authority among you." *An-Nisa*: 59. Given that the ruler has established their leadership and that submission to them via guardianship is required, it is imperative that one submit to them. *Al-Mawardi* (2000), p. 185.

The traffic law is seen as a constitution and a royally sanctioned law that needs to be followed. Its execution is essential, especially as it advances human interests by protecting both individual and collective life. It also aids in protecting their property, which is seen as the foundation of civilization. Regarding the consequences of running a red light: First of all, according to the Quran, "And do not kill the soul which Allah has forbidden," the driver may end up taking their own life or the life of another, which is why this action is prohibited in terms of the future. *An-Nisa*: 29. The murder of other people is also forbidden. "The killing of a believer is greater in the sight of Allah than the extinction of the entire world," stated the Prophet (peace be upon him). This highlights how serious the act of killing is. The saying goes, "Killing a believer is more significant to Allah than the destruction of the entire world." Prophet Muhammad, peace be upon him. This hadith is genuine and highlights the seriousness and enormity of taking a life without a valid reason, emphasising the enormity of the act of murdering. Second, concerning the punishments that are applied in this worldly existence and that are both a human and Allahi right:

- One of Allah's rights is retribution (kaffara). It has to do with the wrongdoer's duty to release a believing slave. If this is not possible, two consecutive months of fasting are necessary, as the Quran states: "And it is never the case that a believer kills another believer, except it be by accident. In addition, if a believer is accidentally killed, their family must be compensated, and a believing slave

must be set free, unless they give up their claim as charity." (An-Nisa, 92). This verse deals with the proscription against murdering a believer. In the event that the death was accidental, however, restitution and atonement are needed. (5/313) Al-Qurtubi, 1964.

- The victim's family will receive blood money (diyya) unless they decide to forgive the offender (Albagha, 1992, 8/41).

Islamic law dictates that these punishments must be followed in order to maintain justice and discourage misconduct. They serve as a reminder of the seriousness of acts that take a life and the significance of protecting human life. Please do not hesitate to inquire for further information or if you have any more queries.

The Position of Jordanian Traffic Law Regarding Running Red Lights

Laws are recognised to govern people's lives, conduct their business, and keep them from violating the rights of others. Running a red light is punishable by imprisonment for a term of one month or more, or by a fine of not less than 200 Jordanian dinars and not more than 300 Jordanian dinars, according to Article 14(c) of the amended Jordanian Traffic Law (The Jordanian Traffic Law and its amendments, 2023, No. 18, M.14, p. 12). The driver may be subject to both penalties.

The penalties outlined by the law serve as a deterrent for anyone who dares to surpass the defined boundaries. These penalties are based on the requirements of Article 14 of the Jordanian Traffic Law and the proposed tougher penalties for drivers who exceed the limit by committing a red light infraction. A driver will be more cautious and not conduct such a terrible act, which would threaten their life as well as the lives of others if they are aware that running a red light can result in jail that restricts their freedom.

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Imprisonment: A driver will be more cautious and avoid doing such a deadly act, which would put their life and the lives of others in jeopardy, if they are aware that running a red light could result in imprisonment that limits their freedom.

Financial Penalty: When people are aware that they will incur a large financial penalty—especially if the fine is substantial—they are typically discouraged from running red lights.

Dual Punishment: Both of the aforementioned penalties may be imposed under the statute as revised in 2023. This strategy accomplishes the goal of guaranteeing responsible vehicle driving and road safety. Consequently, this has a favourable effect on protecting people's lives and their cars.

The Benefit to the Public of Penalties for Running a Red Light

By applying penalties under both Jordanian traffic legislation and Sharia law, the research attempts to show how the transmitted public interest is applied while breaking traffic laws and operating automobiles. Deterrence and reprimanding any driver of a vehicle that crosses the set limits on the road demonstrate the idea of the public interest. Preserving human life and property is seen as one of the five essentials, and life's integrity depends on protecting these necessities since Sharia law makes decisions based on maximising benefits and limiting harm. Any act of hostility directed towards these necessities or their interruption has the potential to destabilise the system (Al-Shatby, 1997, 2/19–20).

Even in the absence of explicit religious writings discussing traffic signals, their existence can be justified as a necessary public utility. Although there may not be an explicit religious commandment governing the installation or dismantling of traffic lights, their very existence is manifestly consistent with the more general ideals of public safety and welfare.

This viewpoint is supported by the Islamic jurisprudential tenet that "What is necessary to fulfil an obligation is, in itself, an obligation" (Al-Bukhari, 2/227; no publication date). Human life preservation is regarded as a

duty and is one of the five essentials that need to be protected. As a result, abstaining from behaviours that put human life in jeopardy, such as running a red light, is required.

Traffic lights are justified by the greater good since they significantly increase public safety and aid in preventing potential harm from careless driving. Therefore, observing traffic laws and regulations is a religious duty that safeguards both the public's safety and health.

Second, Muslim scholars (Al-Nisaburi, 1990, 2/66) assert that the well-established principle of "There is no harm or causing harm" (Al-Shatby, 1997, 3/55, Al-Bayhaqi, without a date of publication, 6/114) has an authentic chain of narration. This principle's central claim is that it is forbidden to injure people, both individually and collectively.

It entails averting harm before it happens by taking preventive action and minimising harm once it happens by taking steps to undo its consequences and stop it from happening again (Al-Zarqa, 1989, 1/165). Running a red light can result in injuries and the needless death of innocent people, creating significant misery and difficulties for society. There is no greater evil than that. This emphasises how crucial traffic signals are, and that disobeying them should result in consequences.

As wealth is the lifeblood of one's livelihood, its protection is regarded as one of the five necessities of Islamic jurisprudence, alongside the preservation of life.

Consequently, the goal of the ban and censure of running a red light is to protect automobiles, which are expensive investments for their owners. Islamic beliefs see wealth and life as precious. The Prophet Muhammad, peace be upon him, is reported by Ibn Mas'ud, may Allah be pleased with him, to have said: "The wealth of a Muslim is as sacred as his blood" (Al-Gadai, 1986, 1/137). Al-Albani, in his book "Sahih al-Jami," has acknowledged this hadith as authentic (Al-Albani, 1/601). This saying emphasises the preservation of property from harm in all forms and implies that injuring a Muslim's money is as forbidden as harming their life (Ibn Battal, 2003, 4/412).

It is therefore in everyone's best interest—individuals as well as society—to protect riches. When harm is done to it, compensation must be given in full if there is no equivalent wealth, or to the degree of the injury if wealth is damaged (Al-Zailai, 1313, 5/226). The goal of all of this is to make up for the losses and the harm done to car owners.

The obligation to follow the directives of those in power is one of the tenets that justifies the imposition of fines for running a red light. Another such tenet is that "the Imam's actions for the subjects are contingent on their welfare" (Ibn Najim, 1999, 1/104).

The aforementioned concept gives the ruler the power to enact laws that safeguard people's lives and property and preserve their way of life (Ibn Najim, 1999, 1/107).

The idea that "harm must be eliminated" comes in third (Al-Suyuti, 1990, 1/7). Accordingly, harm must be undone once it happens (Al-Zuhaili, 2006, 1/210). People view this act of reducing harm as positive in and of itself. Running a red light is a serious offence that harms both the violator and other people, and it needs to be made right by acts of reparation (kaf-fara) and compensation (diyyah). In addition, it is eliminated by fining and imprisoning the motorist. Jordanian traffic law has set certain penalties.

Apart from the penalties outlined earlier, assurances are in place to ensure that harm to vehicle owners is eliminated. One such promise is that the wrongdoer will pay the full cost of any damages that the vehicle owners suffer. In summary, traffic lights are beneficial to society and individual well-being. The Islamic legal system ensures their survival and prohibits any conduct that might result in their annihilation. The need for traffic lights is further supported by the idea of the public interest (maslaha). In addition, Imam al-Ghazali described the public interest as defending the goals of Islamic law, which include the preservation of religion, life, wealth, intelligence, and offspring (Al-Ghazali, 1993, 1/286). It is true that the preservation and defence of these necessities constitute public interests. In order to highlight the gravity of running a red light, statistical data about accidents resulting from this infraction must be examined. Running red signal infractions accounted for 148 documented breaches, or 1.7% of all infractions, according to the General Security Directorate's Annual

Report of Traffic Accidents in Jordan for 2020. Of these infractions, 4 (0.9%) led to serious injuries, and 32 (1.3%) resulted in moderate injuries.

It is clear from the above data just how risky it might be to run a red light. As a result, it is in the public interest to enforce compliance with red traffic signals, discourage breaking them, and penalise non-compliant drivers.

The Penalties of Speeding and Its Effect on Getting Public Interest

One of the major errors that some drivers make is speeding excessively. The goal of traffic authorities' speed restrictions is to protect the lives of motorists and their cars, as well as the lives of other people and their cars. According to traffic department accident data, a significant percentage of accidents are caused by speeding over the posted limit. This is a risky scenario, particularly when driving too fast can cause you to lose control of the car. The car takes control of the driver when the driver loses control, not the other way around. Certain religious traditions expressly forbid hurting oneself or other people.

The verses "And do not kill the soul which Allah has forbidden" (An-Nisa: 29) and "And do not throw [yourselves] with your [own] hands into destruction" (Al-Baqara: 195) are found in the Quran. These passages' interpretations place a strong emphasis on the prohibition of harmful behaviours, such as driving too fast. According to Al-Bukhari (2/227), "What is required to fulfil an obligation becomes obligatory itself" is the simple Islamic legal theory in this situation. It is a duty to protect human life, and it is also a duty to refrain from actions that could endanger it. Since speeding increases the risk of death, obeying speed restrictions that have been set becomes mandatory.

Excessive speeding not only puts one's life in danger but also causes large financial losses. Many people have lost cars that were valued at tens of thousands of dinars or dollars, which has resulted in significant debt and financial hardships. The legal ramifications of speeding are also discussed in the literature written by jurists.

The Hanafi School holds that if an animal is given away while being ridden and runs off, endangering itself or others, the person who gave it away bears responsibility (Al-Sarkhasi, 1993, 2/27). This suggests that when someone might have stopped excessive speeding or had some involvement in the incident, they could still be held accountable for the harm done.

The Maliki School holds that whatever harm an animal causes when it is stationary is a waste for which no one is responsible (Al-Nafrawi, 1995, 2/196). This suggests that the person operating the vehicle—which is not autonomous; rather, its owner controls it—is liable for any injuries or property damage brought on by travelling at a high rate of speed.

The Shafi'i school holds that an animal's rider is accountable if the animal is forced to go at an excessive speed and causes an accident or harm (Al-Nawawi, 1991, 10/200). In a similar vein, a driver who speeds too fast increases the risk of an accident and is consequently liable for any injuries to other people and their vehicles.

The Hanbali school holds that an individual has responsibility if they force an animal to run or accelerate, as they are the source of the crime. As the riders are in charge of the animal and it commits an assured wrong, they bear the blame if two people ride it and it does an assured wrong (Al-Bahouti, 4/126).

All of these interpretations emphasise the driver's responsibility while driving too fast and causing harm to other people or their property. Thus, Islamic teachings and values provide strong legal justification for the ban on excessive speeding.

In reference to automobiles, it is said that the same rules that govern animals also govern cars. They are all regarded as modes of transportation. Consequently, there is a great chance that a driver who accelerates their vehicle will cause an accident, injuring both himself and other people. They are in charge of making sure that no harm or damage comes to other people's cars because other people's property is shielded from people who intentionally or negligently cause harm to it.

Even though the aforementioned theological writings deal with the idea of guarantee (Daman), they can also be used to address legal infractions such as traffic laws. The application of the principle of guarantee to the offender to compensate for the loss experienced by the affected parties is justified in cases of traffic regulation

violations and the ensuing damage and harm, including damage to vehicles. It is reasonable to use this approach in light of the possible repercussions and effects of speeding and other traffic infractions. The following is evidence in favour of the prohibition against exceeding the posted speed limit:

According to the Quran: "And the servants of the Most Merciful are those who walk upon the earth easily, and when the ignorant address them [harshly], they say [words of] peace" (Al-Furqan: 64). This passage promotes safety and moderation in behaviour, which can be applied to respecting speed limits and using caution when driving to avoid hurting oneself or other people.

According to the Sunnah, even though it has to do with excessive worship, the hadith that says, "Do not exceed the limits in your worship, for the one who is most just in setting limits and boundaries is Allah" (Al-Bayhaqi, 3/27), suggests that people should not go beyond their bounds, including when it comes to speeding, to ensure safety and avoid negative outcomes.

The second point emphasises that if a driver exceeds the posted speed limit, they will be responsible for the consequences. This is reasonable given the likelihood that a driver who exceeds the speed limit could cause harm to others, damage their vehicle, and even endanger life. The motorist shall be liable for the monetary damages arising from accidents caused by speeding. In-kind or monetary compensation may be given to the owner of the damaged car as part of this.

Moreover, the harm that can arise from driving too fast goes beyond injuries. Certain accident victims may become mentally incapacitated, experiencing cognitive deficits such as memory loss.

The idea of a guarantee to the offender is justified by the belief that safeguarding mental health is crucial (Alamdi, n.d., 3/274). The affected person's care and treatment expenses might need to be paid for by the driver until they are able to perform their regular cognitive functions again.

Penalties under the Jordanian Traffic Law for Overcoming the Set Speed Limit

Prior to talking about the fines, it's crucial to take note of a World Health Organisation study about the connection between speed and auto accidents. The global report on road safety made it clear that the incidence and severity of accidents are directly correlated with an increase in average speed. For example, the chance of a fatal accident increases by 4%, and the risk of a serious accident increases by 3% with every 1 km/h rise in a vehicle's average speed. When pedestrians are struck by cars moving between 50 and 65 km/h, the likelihood of their death increases dramatically. At 65 km/h, there is an 85% increase in the chance of fatalities for car occupants in side-impact incidents with another vehicle.

Article 15(A) of the Jordanian Traffic Law for 2023 amends the following penalties for speeding:

A person who drives a vehicle at a speed exceeding the prescribed limit by more than 50 km/h faces a minimum of one-month imprisonment, a maximum of three imprisonment, a fine of 100 Jordanian dinars, or both.

If the violation is committed again within a year of the first offence, the penalty specified in item (1) is doubled.

Article 15(A) of the Jordanian Traffic Law for 2023 has these regulations.

It's clear from reading Article 15's requirements that hefty fines are appropriate for drivers who drive recklessly and endanger other people.

The advantage of not speeding when driving is the third point. This is clear when one considers that the goal of speed limits is to maintain road safety and provide each person with the freedom to operate a vehicle and drive safely. Roads are common property and do not belong exclusively to any one person. The Prophet Muhammad (peace be upon him) emphasised this idea when he said, "Give the road its right" (Al-Bukhari).

When considering the repercussions for drivers who drive too fast, it becomes clear why it is important to prevent speeding. Such acts cause significant and costly losses in terms of life and property. Therefore, Islamic law emphasises the need to safeguard these interests and prohibits any behaviour that puts others in danger.

Al-Shatby argues that activities should be evaluated based on the rationale that the laws were created to protect the public's welfare. Acts that are legitimate take place when the goals of the legislator coincide with this idea. This suggests that one must respect the lines drawn by both civil and Islamic law and drive in accordance with the regulations and standards of Islamic law.

Anything that occurs that the driver is unable to control is considered an unintentional mistake and is not morally wrong. This does not absolve the motorist of liability for any damage caused to the property of another party because third-party property is guaranteed and anyone who destroys it must make reparations. Al-Shatby goes on to say that an activity becomes improper and illegitimate when there is a difference between the apparent and intended benefits. This is due to the fact that Islamic deeds are not pursued for their own sake but rather have other purposes and advantages in mind that have been outlined in laws. Therefore, using them for other reasons is not consistent with the goals that these were designed to achieve (Al-Shatby).

Examining the interest by means of the exercise of rights: The fact that exercising one's rights is limited by not endangering others further emphasises the need to take interests into account when enforcing laws against speeding and driving (Al-Raissouni, 1992). Rights are merely legally mandated methods to the purposes that the lawmaker hopes to accomplish. They are not sought after for their own purposes because doing so could result in deeds that violate or invalidate the law (Al-Raissouni, 1992; Al-Shatby, 1997). This implies that one must not hurt other people in order to exercise their rights and obtain a gain. Since harmful behaviour is forbidden, a driver cannot argue that they are only exercising their rights when they drive recklessly. This is supported by the Prophet Muhammad's proverb, "There should be neither harming nor reciprocating harm" (Al-Suyuti). Scholars of the hadith, like Al-Nisaburi, concur on this premise. The following are some of the circumstances under which rights are curtailed, as stated by Dr. Wahba Al-Zuhaili:

- wishing to do harm to other people.
- Following an illegitimate goal
- There is more harm than good as a result.
- Usage of the right in an unusual way that harms other people
- When exercising the right carelessly or incorrectly

If the ability to drive a car is restricted in the aforementioned situations, it is beneficial for a variety of reasons, including road safety, organisation, and the defence of other people's property and lives. Looking at Jordan's 2020 speeding violation statistics makes the risk of speeding very clear. The General Security Directorate's annual report on traffic accidents in Jordan for 2020 states that 119 violations—or 1.4% of all violations—were caused by speeding. Furthermore, reckless driving accounted for 22 infractions, or 0.3% of the total. According to the report, 32 infractions caused medium-sized injuries (1.3%), while 7 infractions caused serious injuries (1.6%). According to the Annual Report on Traffic Accidents in Jordan for the year 2020, 10 infractions resulted in fatalities (2.6%).

The Penalties of Driving Without a Licence and How They Affect the Public Interest

It is well known that a driver's licence is an official document that the Licencing Authority issues, enabling the bearer to operate one or more types of automobiles. From the standpoint of Islamic jurisprudence, this issue is comparable to the duty of an uneducated physician. This idea still holds true today for those who practise medicine without a medical degree, especially in light of the serious risk to patients' lives involved. In both circumstances, there are people who practise a vocation without the necessary training, which could endanger and hurt other people.

Presentation of Legal Texts Concerning the Liability of an Uninformed Physician

Drivers who operate a vehicle without the required licence are subject to the obligations and liabilities of an ignorant doctor, as discussed in jurisprudential discussions pertaining to traffic infractions. Regarding an uneducated physician, academics generally agree that they should be held accountable for any mistakes they make and that practicing medicine without the necessary training entails liability for any injuries that ensue.

It is generally agreed upon in the Maliki School that a physician who commits an error is accountable for diya, or blood money. According to the hadith collected by Amr ibn Shu'ayb, the Prophet Muhammad (peace be upon him) said, "Whoever practices medicine without having studied it before is liable." This hadith is considered authentic according to the criteria set out by Al-Albani in his book "Sahih Al-Jami' As-Saghir." The Shafi'i School holds that a doctor is accountable for diyya if a patient suffers as a result of a therapeutic error. The Hanbali School holds that if a doctor is not skilled in their profession, they are accountable for any harm they do.

Most people agree that someone who hurts other people while working without the necessary licences is responsible. Drivers without a valid driver's licence must abide by this law. The main presumption is that they ought to be punished because there is always a chance of an accident happening, even if their driving is blameless. The relevant Islamic punishments are applicable if their driving causes an accident that results in injuries, fatalities, car damage, or other losses. If someone is killed, they must release a believing slave; if they are unable to do so, they must fast for two months in a row. The victim's family cannot give up this privilege because it is a divine one. If the victims decide not to forgive the criminal, their rights are upheld, and they receive compensation through diya. As per the established Islamic legal principle that "damage must be rectified," the motorist bears the financial responsibility for the losses caused to the affected party if there are no fatalities. The damages may be repaired or compensated for.

Jordan's Traffic Law Penalties for Driving Without a Licence

Penalties for driving without a licence are outlined in the Jordanian Traffic Law, which was updated in 2023. In accordance with Article 11, those found guilty of operating a vehicle without a valid driver's licence face a minimum one-month imprisonment term, a fine of not less than 250 Jordanian Dinars nor more than 500 Jordanian Dinars, or both punishments.

The Interest of the Public in Avoiding Unlicensed Driving

It is evident from examining the requirements of the Jordanian Traffic Law as well as the jurisprudential sources that driving knowledge and a valid driving licence are essential for the public good. Without it, their driving starts to pose a risk to both them and other people. After looking at traffic data regarding injuries and fatalities on the roads, one understands how crucial it is to make drivers obtain licences in order to protect people's lives and property.

Serving the public interest is the ultimate goal when it comes to holding drivers accountable for accidents they cause and making sure that all damages—financial or otherwise—are compensated for. This ensures that people are aware of driving after receiving a valid licence and discourages them from getting behind the wheel without the necessary qualifications. Furthermore, the idea of getting a licence serves the interests of other people as well as the driver since it complies with the Islamic legal precept that states, "What is not attainable without fulfilling a duty becomes a duty itself" (Al-Bukhari).

CONCLUSION

There are drivers who believe that running red lights is an infraction that can result in harm to themselves or their property. Some drivers of vehicles seriously violate traffic laws by exceeding speed limits and operating vehicles without a licence. Islam forbids any behaviour that causes harm to other people, including speeding, running red lights, and driving without a licence. These infractions have resulted in a variety of sanctions. According to Jordanian traffic legislation, a believing slave may be set free as a punishment for moving offences. The offender must fast for two months in a row if this is not feasible. God is entitled to this. In terms of the victims' rights, unless they decide to give up this right, they are paid through diya. A variety of sanctions are outlined in the Jordanian Traffic Law for moving infractions. These sanctions could include jail time, fines, or a temporary suspension of one's driver's licence. Depending on the kind and seriousness of the infraction, a combination of these punishments might be imposed in some situations. Achieving the public interest is consistent with the research's recommendations for preventing infractions, including speeding, running red lights, and driving without a licence.

RECOMMENDATIONS

In order to increase awareness and inform aspiring drivers of their responsibilities, the study suggests incorporating Islamic legal provisions about traffic violations, such as running red lights, driving without a licence, and exceeding speed limits, along with the corresponding penalties, into the curricula of schools and universities. To elucidate and clarify the provisions of traffic offences and the punishments stipulated for them in Jordanian traffic legislation and Islamic jurisprudence, host legal scholars and Islamic jurisprudence through various media venues. These suggestions seek to advance knowledge of the moral and legal ramifications of traffic infractions as well as the significance of responsible driving for everyone's safety.

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