

## **The Rise of Mob Justice: Causes, Consequences, and Remedies in the Light of Law and Islamic Shari'ah**

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### **Abstract**

Mob justice, the act of a crowd taking the law into their own hands to punish alleged offenders without legal due process, has become an alarming phenomenon in some part of the world. This article explores the underlying causes of mob violence, including social disorganization, weak law enforcement, and public mistrust in the justice system. Through statistical analysis and case examples, the paper reveals the extent and severity of mob justice incidents in recent years. It critically examines the legal implications, highlighting the violation of fundamental human rights under both the Constitution of Bangladesh and international law. Furthermore, the article provides an in-depth analysis of Islamic teachings, illustrating how mob justice contravenes core principles of Shari'ah, which emphasizes due process, fairness, and state authority in administering justice. The views of classical scholars and contemporary Islamic legal bodies reinforce the condemnation of vigilantism. Finally, the paper proposes remedial measures, including legal reforms, public awareness, and socio-economic interventions, aimed at eradicating mob justice and upholding the rule of law in line with both civil and Islamic jurisprudence.

**Keywords :** Mob Justice, Shari'ah, Rule of law, Human Rights, Prevention.

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## Introduction

In any civilized society, the rule of law is the cornerstone of justice, ensuring that individuals are tried and judged through a fair and impartial legal process. However, when formal justice systems are perceived as ineffective, corrupt, or inaccessible, people often resort to alternative forms of justice—one of the most alarming being mob justice. Defined as the act of a crowd punishing an alleged offender without legal authority, mob justice is a manifestation of social frustration, mistrust in law enforcement, and the desire for swift retribution. This phenomenon has reached distressing levels in many part of the world including Bangladesh, South Africa, and Nigeria with a surge in incidents leading to widespread fear, human rights violations, and the erosion of public safety. This article critically examines the causes and consequences of mob justice, explores its illegality under both national and international law, and delves into the Islamic perspective, which unequivocally prohibits vigilantism and emphasizes due process. Through this multi-faceted analysis, the paper seeks to highlight the urgent need for reform and public awareness to restore faith in legal institutions and uphold justice in its truest sense.

## 2. Mob Justice

**2.1. Definition:** The word ‘Mob’ is a despicable word usually means a crowd of agitated people. As mentioned in the dictionary of Cambridge ‘Mob A large angry crowd, especially one that could easily become violent (Cambridge Dictionary). The word ‘Justice’ indicates ‘the maintenance or administration of what is just especially by the impartial adjustment of conflicting claims or the assignment of merited rewards or punishments’ (Merriam-Webster) "Mob justice" described as ‘A form of extrajudicial punishment carried out by a group of people, often as a reaction to perceived wrongdoing, without legal authority’ (Get Idiom). Mob Justice is also known as Mobocracy, in this trial without prosecuting any crime or criminal in a legal process, the agitated people themselves try to punish the accused person. Such incidents are usually caused by a lack of trust in the law and order system, or a quick response to crime.

**2.2. Causes:** According to Social Disorganization Theory, when institutions like law enforcement and the judiciary are weak, corrupt, or ineffective, people feel compelled to take the law into their own hands. Other contributing factors, such as social inequality, misinformation, or entrenched cultural practices, drive communities to enforce their own version of ‘justice’ through collective action.

**2.3. Nature and some statistics:** The world has witnessed some frightening instances of mob violence. It has now been a pressing issue as many people are tending to take the law into their own hands and resorting to violence to administer ‘justice’. This type of mob justice not only exposes current state of lawlessness in certain segments of the world but also evokes serious concern about public safety.

In Nigeria, Between January 2012 to August 2023 Amnesty International recorded, at least 555 victims of mob violence (how many killed), from 363 documented incidents across Nigeria. Over the period of this investigation 57 people were killed by violent mobs; 32 were burnt alive, 2 persons were buried alive, while 23 people

were tortured to death. The director of Amnesty International in Nigeria reported that “The failure of law enforcement agencies, especially the Nigeria Police Force, to prevent mob violence, investigate allegations of torture and killings, and bring suspected perpetrators to justice, is empowering mobs to kill. The problem is compounded by weak and corrupt legal institutions and systems” (*Nigeria: Escalation of mob violence emboldens impunity*).

In South Africa, mob justice has taken on an undeniably brutal tone. Of the 27,000 recorded murders in South Africa in 2022, at least 1,894, roughly 7%, were attributed to mob justice and vigilantism, more than double the number of five years prior. In the first nine months of 2023, a further 1,472 mob justice deaths were registered (Kemp).

From Bangladesh perspective recent newspapers paint a terrifying picture of incidents that at least 114 incidents of mob beatings occurred in the seven months following the interim government's assumption of power in August last year in Bangladesh. Until February of this year, resulting in 119 deaths and 74 injuries, According to HRSS, over the past 10 years, at least 792 people have died in mob beatings, while 765 have been injured. The highest number of such incidents within the past decade was recorded last year, with 201 cases resulting in 179 deaths and 88 injuries. HRSS reported that on February 28, in Shariatpur, seven individuals were subjected to mob beatings over a robbery, resulting in five deaths. A day earlier, in Uttara, Dhaka, two suspected muggers were tied by their feet and hung upside down. Among the incidents, on the night of March 3, two individuals were lynched in Eochia, Satkania, Chittagong, following an announcement through a loudspeaker claiming that robbers had entered the area. Most recently, on Tuesday [04.03.2025] at midnight, a group forcefully entered a house in Gulshan, ransacking and looting the premises under the pretense of conducting a "search." Apart from these cases, mob violence was also been reported in Bogra, Madaripur, Tangail, Khulna, Tongi, Rajshahi, Barisal and many more districts” (Dhaka Tribune). Worse still, even law enforcement officers are falling victim to mob violence. According to the police headquarters, out of 225 incidents of assault on police personnel in the last six months, 70 have generated major discussion. Last year, there were 24 attacks in September, 34 in October, 49 in November, 43 in December, 38 in January and 37 in February. Apart from these statistics, there have been several incidents of misbehavior with police personnel on the road. In Chattogram's Patenga on February 28, a police sub-inspector was viciously attacked by a mob at a checkpoint. A traffic sergeant was recently assaulted for simply trying to do his job (Daily Star).

### **3. Mob justice in the eyes of law**

From a legal perspective, mob justice contributes to lawlessness and constitutes a gross violation of human rights, particularly the rights to life, liberty, and security of the person as protected under the Constitution of Bangladesh and international human rights instruments.

It is a clear violation of Bangladesh's Constitution and international human rights agreements. Bangladesh's Constitution gives every citizen the right to life, liberty,

and security, as well as the right to a fair trial (Article 31,32,35). Mob justice directly undermines these safeguards by circumventing the judicial system, denying individuals their access to due process. Bangladesh is also a signatory to several international human rights agreements, including the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to life and the right to be presumed innocent until proven guilty in a court of law (Article 6,11,14).

The Universal Declaration of Human Rights (UDHR) establishes the presumption of innocent until proven guilty (Article 11). This idea is fundamental to any fair judicial system, guaranteeing that no one is punished without a thorough investigation, evidence, and conclusion. Also, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights explicitly protect the right to a fair trial and the presumption of innocence. The state's failure to prevent or punish acts of mob justice can be seen as a violation of its obligations under such treaties, which require Bangladesh to ensure that all individuals within its jurisdiction enjoy the rights that are protected by these international instruments. The Penal Code 1860 addresses crimes such as murder, unlawful assembly, cause hurt, etc. that is often the results of mob violence. Again, the Code of Criminal Procedure 1898 empowers police officers to intervene in situations of unlawful assembly, disperse mobs, and prevent violence. Additionally, the Special Powers Act 1974 empowers the government to act against activities that threaten public order, while the Cyber Security Act 2023 addresses the spread of misinformation that can incite mob violence. However, despite these provisions, enforcement remains a significant challenge, largely due to lack of resources, inefficiency within law enforcement agencies, and political interference that undermines independence of the judiciary. The principle of "innocent until proven guilty" is vital to ensuring justice because it avoids arbitrary punishment and protects people from false charges. Mob justice not only violates this presumption, but it also endangers innocent people's lives, sometimes based on hearsay or false information. In the absence of a fair trial and comprehensive investigation, persons targeted by mob violence are denied the right to defend themselves or be judged impartially. Maintaining this legal threshold is critical in preventing miscarriages of justice and ensuring that no one is unfairly mistreated or killed without legal justification (Daily country today).

According to Islamic law, Mob justice is a violation of legal order since it bypasses the judicial system, which assures due process, fair hearing, and judgment by competent authorities. The Prophet Muhammad (SAW) also highlighted the need to resolve disagreements peacefully and legally, cautioning against vigilantism and violence. Even in times of severe wrath or irritation, the Qur'an promotes patience and commitment to justice, emphasizing forgiveness and discussion above vengeance (41:34).

According to Islamic teachings, justice means putting things in their rightful places. Islamic law does not approve any kind of injustice done to anyone, even if a person is a criminal. The core concept of justice in Islam is rooted in the divine nature of Allah. The Qur'an states, "Verily, Allah (SWT) does not do even an atom's weight of injustice"(4:40). Allah has sent down Islam as a religion in order to protect the rights

of all people: their rights to life, property and liberty. And it is a serious sin to violate these rights without correct justification in Islamic Shari'ah. Allah is the ultimate and the most just of all judges. Allah's beautiful names like 'Al-'Adl' (the Just) and 'Al-Hakam' (the Judge) symbolize His impartiality and fairness. Allah expects that His creations, especially those in positions of power or leadership, will demonstrate fairness and justice in all aspects of their life. The Qur'an states: "Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice" (4:58). In the Qur'an, Allah also says, "O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against you or parents and relatives" (4:135). This verse emphasizes the value of impartial justice, devoid of personal biases and societal pressures. On the Day of Resurrection, every person will be shown the record of his deeds, a record which will show everything that one has done in this life. The judge will be Allah, who is Just, All-knowing and Absolutely Independent. He is not at all susceptible to any threat or temptation. The Quran says, "On the day when their tongues and their hands and their feet shall bear witness against them as to what they did"(24:24).

The Islamic Shari'ah has not handed over the power to enforce the law to the common people. Even the Imams or Muftis have not been given the power to enforce the law. According to the clear provisions of Islamic law, there is no scope for the common people to take the law into their own hands. Therefore, whatever may be the reason for the prevailing mob lynching, it is completely unacceptable in the Islamic Shari'ah. All those involved in the crime will be brought to justice. During the reign of Umar (R.A), it appears that Umar (R.A) punished seven people with Qisas for killing an innocent boy. Their home was in Sanaa, Yemen. Umar (R.A) said, "If all the people of Sana'a were to be killed together, I would have executed Qisas upon all the people of Sana'a. I would have killed all the people of Sana'a"(Bukhari 6896, Malik 1570). If a person commits a crime, he will be tried by the state judiciary. 'Abdullah ibn 'Umar (R.A)narrates: Zakat, Had (prescribed punishment), Fai (war booty) and Juma 'are the responsibilities of the Sultan (Jassas 131). Imam Shafi'i said, "No one can enforce the law on a free people except the head of the state or his appointees. Because in the era of the Prophet (peace be upon him), no Hadith was issued without his permission and during the rule of Muslim caliphs, without their permission (Shafeyi 154). The fatwa came in Hindi: The conditions and pillars of the imposition of punishment in the Islamic Shari'ah are the execution of punishment by the head of state or his representative (Hindiya 143). Islamic Law Encyclopedia: All Islamic jurists agree that the head of state or his representative is the one who has the power to enforce the law (Al-Mawsu'ah 280). The trial must take place in the court of a state-administered judge through a process of proper testimony, evidence, and self-defense. The believer is commanded to order justice and to forbid and change injustice. But he was not allowed to take the law into his own hands. Abu Sa'id Al-Khudri (RA) narrated that the Messenger of Allah (SAW) said: "If anyone of you sees any wrongdoing, he will change it with his own hands. If he is not able to do so, he will change it through his speech. If he is not able to do this, he will change it in his heart, and this is the weakest stage of faith"(Muslim 69). It is the duty of every believer to change or correct the wrong as

he sees fit. Alcohol, for example, is a sin. "If you can see someone else drinking," "change it." That means he'll stop drinking. If it is not possible, he will forbid it by mouth. If that is not possible, he will change it from the heart, that is, plan to change it or hate it. "But under no circumstances can a believer judge or punish the person for the crime of drinking alcohol." If necessary, he will hand the person over to the law or continue to call for the introduction of Islamic punishment for drinking alcohol. No one can punish a person who is found guilty of any crime, except by handing him over to the judge and defending himself in due process. Apart from this process, neither the head of state nor the chief justice can punish anyone. 'Umar (R.A) said to 'Abdur-Rahman ibn Auf (R.A), "What is the punishment if you find someone committing adultery or stealing while you are in power?" Can you judge for yourself? 'Abdur-Rahman (R.A) said: "Your testimony is as good as that of an ordinary Muslim." "Umar (R.A) said, "You are right" (Bukhari 2622). That is, the head of state cannot take justice into his own hands. Even his testimony is of no value. There will be no trial on the testimony of the head of state alone.

Islamic law mandates that justice be executed by qualified authorities such as judges (qadis) or rulers (imams) who base their rulings on evidence, testimony, and established legal procedure. The Qur'an emphasizes the sanctity of life and prohibits unlawful killing: as said in the holy Quran, "Whoever kills a soul unless for a soul or for corruption [done] in the land—it is as if he had slain mankind entirely" (5:32).<sup>1</sup> This verse underscores that only the state, through due process, may impose capital punishment, and even then, under strict conditions. The Islamic Shari'ah has not ended up giving the responsibility of implementing the punishment of the crime to the state; it has also given the condition of proving it beyond doubt. So, if a person is charged, the common man is far from proving it, and the state does not have the right to punish him. One of the basic tenets of the Islamic penal code is, 'Suspicion eliminates punishment.' As mentioned in the Hadith, "Avert the prescribed punishments by means of doubtful matters (Tirmidhi 1344)." Besides, it has been ordered to keep a careful eye so that the punishment does not exceed the crime. Allah says in the Qur'an: "And if you wish to punish them, punish them according to what they have done to you"(16:126). Hence, people have no right to take law into their own hands. And it is also true that if proper rule of law is established in the state, there is no need for the common people to take law into their hands.

#### **4. Classical Islamic Scholars View and Legal Rulings on Mob Justice**

Classical scholars unanimously opposed mob justice. One of the famous scholars named Ibn Taymiyyah (d. 1328 CE) stated: "It is not permissible for individuals to implement punishments on others without the authority of the Imam (leader), for this leads to chaos and the loss of rights (Taymiyyah 109)." Similarly, Imam Al-Ghazali (d. 1111 CE) emphasized that justice must be administered through governance to avoid corruption (fasad), "The greatest cause of corruption in the world is when people take the law into their own hands (Ihya Ulum Al-Din)." Another renowned scholar Ibn al-Qayyim (d. 1350 CE), also wrote: "Unlawful punishment without due process is a form of oppression, even if done under the name of justice (Jawjiyyah 12)."

These scholars viewed mob justice as a threat to social stability, equating it with *zulm* (oppression), which the Prophet (ﷺ) described as darkness on the Day of Judgment as the hadith in Sahih Muslim.

Modern Islamic legal bodies have condemned mob justice. Dar al-Ifta Egypt issued an official fatwa: "Mob justice is haram. No individual has the right to punish others, even if a crime is witnessed. Such acts are crimes under both Shariah and state law (Dar al-Ifta)." As well as The Council of Islamic Ideology (Pakistan) in 2018 ruled on Mob Justice: "Only courts can adjudicate crimes. Mob justice, especially in blasphemy cases, is unlawful. Participants in mob violence commit a punishable crime (Dawn News)." International Islamic Fiqh Academy (IIFA) stated in their resolution "Justice requires legal process. Any punishment without legal procedure is invalid and leads to disorder (*fitnah*). Vigilantism is not allowed in Islam (224)."

These scholars view and contemporary rulings reflect the continuity of Islamic legal tradition, emphasizing the rule of law and state authority.

## 5. The Consequences

While widely condemned for its violent and unlawful nature, mob justice is sometimes perceived to have certain benefits, particularly in societies where formal legal systems are deeply flawed. But in reality, it undermines the rule of law, leading to miscarriages of justice. Moreover, its consequences are usually very serious and destructive, which have a negative impact on individuals, society and the legal system. Sometimes innocent people are killed. According to reports from Ain o Salish Kendra (ASK) and the National Human Rights Commission, at least 87 incidents of mob beatings occurred from May 2024 to May 2025 in Bangladesh resulting in 39 deaths. In most cases, the allegations involved theft, rape, or drug-related offenses. However, later investigations often revealed that many of the victims were, in fact, innocent (Daily Observer). Social unrest is on the rise. The justice system is broken. Human rights are being violated. Crime culture is on the rise. Due to these consequences, it is very important for the government and law enforcement agencies to take quick action to suppress mob justice and establish the rule of law.

## 6. Remedial Measures to Prevent

The main purpose of Islam is to establish peace and justice in the world. There are clear instructions in Islam to establish justice and fairness everywhere from the personal life of the people to the family life, social life and state life. Allah says in the Holy Qur'an: "Verily, Allah has decreed justice and righteousness" (16:90). Allah has commanded you to deliver the trusts to the recipients, and when you judge between people, to be just and fair"(4:58). The following steps can be helpful in preventing mob justice in building the desired society of this noble appeal of Islam:

**6.1. Building a mindset for Akhirah:** One of the catalysts for establishing justice in the Islamic system of life is the sense of transcendental life and divine consciousness implanted in the human heart, which prevents people from all kinds of injustices, both overt and covert, because Allah will establish the court of justice on the Day of Judgment. "Allah says: "On the Day of Resurrection I will establish a court of

justice." No injustice will be done to anyone. Even the smallest acts and behaviors of a human mustard seed will I present on that day. I'm enough to count" (21:47).

**6.2. Establishing the rule of law and effective law enforcement:** Taking effective steps to establish equality and justice in a faster time by establishing an efficient, transparent and ethical judiciary and law enforcement forces, so that people do not lose faith in the law and are not encouraged to take the law into their own hands.

**6.3. Raising Awareness and Forming Moral Mindset:** To increase legal awareness among the public, moral and value education should be imparted that taking law into one's own hands is unethical and harmful to society. Allah says, "So do not follow the instincts to do justice"(4:135).

**6.4. Rumor prevention:** Many cases of mob justice occur on the basis of rumors. It's a big sin. According to the hadith, "It is enough for a man to prove himself a liar when he goes on narrating whatever he hears"(Nawawi 37). As stated in the Holy Qur'an, "O you who believe! If a rebellious evil person comes to you with news, verify it, lest you harm people in ignorance, and afterwards you become regretful for you have done"(49:06). Effective steps should be taken to curb such rumors. Restoring people's trust in the judiciary: Reducing the time taken to dispose of cases, increasing the transparency of investigations and ensuring a corruption-free process.

**6.5. Solving the root cause of crime:** Mob justice is often caused by social and economic inequalities. Therefore, it is necessary to create employment, eradicate poverty and provide good education as much as possible in the society, so that the incidence of crime is reduced.

**6.6. Role of local leadership, technology and media:** Respected people of the society, religious leaders and philanthropists can encourage maintaining peace and justice in the society. The media and social media can protect the public from confusion by providing accurate news and information.

If these steps are taken effectively, it is possible to gradually eliminate crimes like mob justice from society.

## 7. Conclusion

Mob justice is not only a blatant violation of human rights and the rule of law but also a threat to the very fabric of a just society. It replaces reason with rage, and due process with chaos, often resulting in the suffering of innocent individuals. The prevalence of such acts in Bangladesh, Nigeria and South Africa like areas underscores a critical failure in law enforcement, judicial efficacy, and public trust in state mechanisms. From both legal and Islamic viewpoints, mob justice is unequivocally condemned, as it bypasses the established systems of accountability and fairness. Islamic jurisprudence, in particular, stresses the sanctity of life, the presumption of innocence, and the responsibility of state-appointed authorities in dispensing justice. To combat this growing menace, it is imperative to strengthen legal institutions, promote public legal awareness, address socio-economic disparities, and instill a moral consciousness rooted in the values of justice and

accountability. Only through these efforts can society move from the brink of lawlessness toward a future grounded in equity, peace, and true justice.

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