

## The Death Penalty from the Perspective of Islamic Criminal Law

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**Abstract:** Capital punishment remains one of the most controversial forms of criminal sanction within the perspectives of law, religion, and human rights. In Islamic criminal law, capital punishment has a strong normative foundation derived from the Qur'an, the Sunnah, and the ijihad of Muslim jurists, although its implementation is subject to stringent evidentiary requirements and the principle of justice. This study aims to analyse the concept and legal basis of capital punishment in Islamic criminal law, identify the categories of offences that may warrant the death penalty, and examine its application in relation to the principles of justice and human rights. The research employs a library research method using a qualitative descriptive approach. Data were collected from the Qur'an, the Sunnah, classical and contemporary fiqh al-jinayah literature, books, and scholarly journal articles, and were analysed using descriptive-analytical and philosophical-juridical approaches. The findings indicate that capital punishment in Islamic criminal law is intended to protect human life (hifz al-nafs), uphold justice, maintain social order, and promote the public interest (maslahah). Its application is strictly limited to specific offences, namely qisas for intentional homicide, hudud offences such as hirabah and zina muhsan according to classical Islamic jurisprudence, and ta'zir in exceptional circumstances based on the discretionary authority of the ruler or judge to safeguard the public interest. The study further demonstrates that Islamic criminal law emphasises forgiveness through the mechanisms of diyat and afw, indicating that capital punishment is not solely retributive in nature. From a human rights perspective, the implementation of capital punishment remains highly contested; however, within Islamic law it is regarded as an instrument for protecting society, provided that it is applied proportionately, selectively, and through a fair judicial process. It can therefore be concluded that capital punishment in Islamic criminal law constitutes an exceptional form of punishment that integrates the values of justice, humanity, and public welfare.

**Keywords:** capital punishment, Islamic criminal law, qisas, justice, human rights.

**Abstrak:** Hukuman mati merupakan salah satu bentuk sanksi pidana yang masih menimbulkan perdebatan dalam perspektif hukum, agama, dan hak asasi manusia. Dalam hukum pidana Islam, hukuman mati memiliki landasan normatif yang bersumber dari Al-Qur'an, hadis, serta ijihad ulama, namun penerapannya dibatasi oleh syarat pembuktian yang ketat dan prinsip keadilan. Penelitian ini bertujuan untuk menganalisis konsep dan dasar hukum hukuman mati dalam perspektif hukum pidana Islam, mengidentifikasi jenis-jenis tindak pidana yang dapat dijatuhi hukuman mati, serta mengkaji penerapannya dalam kaitannya dengan prinsip keadilan dan hak asasi manusia. Penelitian menggunakan metode penelitian kepustakaan (*library research*) dengan pendekatan kualitatif-deskriptif. Data diperoleh dari Al-Qur'an, hadis, literatur fikih jinayah, buku, dan jurnal ilmiah yang dianalisis menggunakan pendekatan deskriptif-analitis serta filosofis-yuridis. Hasil penelitian menunjukkan bahwa hukuman mati dalam hukum pidana Islam bertujuan melindungi jiwa (*hifz al-nafs*), menegakkan keadilan, menjaga ketertiban sosial, dan mewujudkan kemaslahatan umum. Hukuman mati diterapkan secara terbatas pada tindak pidana tertentu, yaitu *qisas* untuk pembunuhan sengaja, *hudud* terhadap kejahatan tertentu seperti *hirabah* dan *zina muhsan* menurut ketentuan fikih klasik, serta *ta'zir* dalam keadaan luar biasa berdasarkan ijihad penguasa demi kepentingan umum. Penelitian ini juga menemukan bahwa hukum pidana Islam mengedepankan nilai pemaafan melalui mekanisme *diyat* dan *afw*, sehingga hukuman mati tidak semata-mata berorientasi pada pembalasan. Dalam perspektif hak asasi manusia, penerapan hukuman mati tetap menjadi isu kontroversial, namun dalam hukum Islam dipandang sebagai instrumen perlindungan

masyarakat yang harus dilaksanakan secara proporsional, selektif, dan melalui proses peradilan yang adil. Dengan demikian, hukuman mati dalam hukum pidana Islam merupakan sanksi yang bersifat *exceptional punishment*, yang mengintegrasikan nilai keadilan, kemanusiaan, dan kemaslahatan.

**Kata kunci:** hukuman mati, hukum pidana Islam, *qisas*, keadilan, hak asasi manusia

### Introduction

Capital punishment is one of the most controversial forms of criminal sanction within legal systems, both from the perspectives of positive law and religious law. The debate surrounding the existence of capital punishment has continued to evolve alongside growing concerns for the protection of human rights, particularly the right to life. On the one hand, several legal systems continue to retain the death penalty as an instrument for enforcing justice and protecting society against offences categorised as serious crimes. Within the context of Islamic law, the discussion of capital punishment cannot be separated from the concept of *jinayah*, namely the body of Islamic criminal law that regulates various criminal offences and their corresponding sanctions. One form of capital punishment in Islamic criminal law is *qisas*, which refers to the imposition of proportionate retribution upon offenders, particularly those who intentionally commit homicide (Bunyamin, 2014).

In the literature of *fiqh al-jinayah*, *qisas* possesses a strong normative foundation based on the Qur'an and the Sunnah and is regarded as a mechanism for achieving justice and maintaining social order. The principle of *qisas* is commonly expressed through the concept of "a life for a life", reflecting retributive justice while simultaneously serving as a preventive measure against crime within society (Erha Saufan Hadana et al., 2021). Furthermore, the existence of *qisas* is consistent with the primary objectives of Islamic law (*maqasid al-shari'ah*), particularly the protection of human life (*hifz al-nafs*), which constitutes one of the essential necessities (*al-daruriyyat*) that Islamic law seeks to preserve (Aguswibowo, 2006).

Nevertheless, the implementation of capital punishment in Islamic criminal law is not absolute. Islamic law provides room for a more humane resolution through the mechanism of *diyat* (financial compensation) where the victim's family grants forgiveness to the offender. This provision demonstrates that Islamic criminal law does not merely emphasise retributive justice but also accommodates humanitarian values, including forgiveness, reconciliation, and the restoration of social relationships. Accordingly, law enforcement in Islam is not solely directed towards punishment but also towards the realisation of public welfare (*maslahah*) for all parties involved.

On the other hand, the existence of capital punishment remains a subject of debate in contemporary legal scholarship, particularly in relation to the principles of human rights. Some scholars argue that capital punishment violates the right to life, which is recognised as a fundamental human right. Conversely, others maintain that the death penalty remains relevant for certain serious offences that threaten public safety, provided that it is imposed through a fair judicial process and in accordance with the principles of justice. These differing perspectives indicate that capital punishment is not merely a normative legal issue but also encompasses philosophical, juridical, and sociological dimensions. Based on the foregoing discussion, examining capital punishment from the perspective of Islamic criminal law is of significant academic importance. This study is expected to provide a more comprehensive understanding of the concept and legal foundations of capital punishment in Islam, the categories of offences that may warrant the death penalty, and its implementation in relation to the principles of justice and human rights.

Accordingly, this study aims to analyse the concept and legal foundations of capital punishment within the framework of Islamic criminal law. In addition, it seeks to identify the various categories of criminal offences that may be punishable by death under Islamic criminal law and to examine the implementation of capital punishment in relation to the principles of justice and human rights. Through this analysis, the study is expected to provide a comprehensive understanding of the position of capital punishment in Islamic criminal law from normative, philosophical, and practical perspectives within the context of contemporary legal discourse.

## Methods

This study employed a normative legal research design using a qualitative descriptive approach to examine the concept of capital punishment within the framework of Islamic criminal law. Normative legal research was considered appropriate because the study focuses on legal norms, doctrinal principles, and philosophical foundations governing the implementation of capital punishment as stipulated in Islamic legal sources rather than on empirical observations (Novianti, 2024). This approach enables a systematic interpretation of legal principles while analysing their relevance to contemporary issues concerning justice and human rights. The research utilised both primary and secondary legal materials. Primary legal materials consisted of the Qur'an and the Sunnah, which constitute the principal sources of Islamic law regulating *qisas*, *hudud*, and other criminal sanctions. Secondary legal materials included classical and contemporary literature on Islamic criminal law, peer-reviewed journal articles, legislation, and scholarly publications discussing capital punishment, criminal justice, human rights, and Islamic legal philosophy. The integration of these legal materials provides a comprehensive understanding of the normative foundations and contemporary development of Islamic criminal law concerning the protection of human dignity and fundamental rights (Novianti, 2020; Novianti, 2021).

Data collection was conducted through documentary research by systematically identifying, selecting, reviewing, and evaluating relevant legal documents and academic literature. The collected materials were critically examined based on their authority, relevance, credibility, and consistency with the research objectives. Documentary research is widely recognised as an appropriate method for normative legal studies because it facilitates an in-depth examination of legal doctrines, statutory provisions, judicial reasoning, and scholarly interpretations without requiring field investigation (Novianti, 2024). The data were analysed using descriptive-analytical techniques combined with a philosophical-juridical approach. The analysis was conducted through three interrelated stages. First, data reduction was performed by classifying legal materials according to the concepts of *qisas*, *hudud*, *ta'zir*, justice, human rights, and the objectives of punishment (*maqasid al-shari'ah*). Second, the classified data were systematically presented and interpreted within the framework of *hifz al-nafs* (protection of life), *maslahah* (public interest), proportional justice, and legal certainty. Finally, conclusions were drawn by synthesising doctrinal arguments and philosophical perspectives to evaluate the implementation of capital punishment in Islamic criminal law in relation to contemporary human rights discourse. This analytical framework enables a comprehensive assessment of whether capital punishment serves not merely as a punitive mechanism but also as an instrument for protecting society, maintaining public order, and achieving substantive justice in accordance with the objectives of Islamic law (Novianti, 2020; Novianti, 2021; Novianti, 2023). To strengthen the validity of the findings, this study applied source triangulation by comparing classical Islamic jurisprudential opinions, contemporary legal scholarship, and modern human rights literature. This triangulation process enhances the credibility and consistency of legal interpretation while reducing subjective bias in analysing normative legal issues (Novianti, 2024).

## Results and Discussion

### The Concept and Legal Basis of Capital Punishment in the Perspective of Islamic Criminal Law

Based on an analysis of the literature on Islamic criminal law, this study demonstrates that capital punishment occupies a significant position as a criminal sanction aimed not only at imposing retribution upon offenders but also at protecting human life (*hifz al-nafs*), maintaining social order, preventing criminal offences, and promoting the public interest (*maslahah*). Accordingly, the orientation of capital punishment in Islamic criminal law is not merely retributive but also encompasses preventive, protective, and educational dimensions. This concept is founded upon the classification of *jarimah* (criminal offences) in Islamic criminal law, which comprises *hudud*, *qisas*, and *ta'zir*. Each category possesses distinct characteristics,

objectives, and sentencing mechanisms according to the severity of the offence and the legal interests to be protected (Andi Istiqlal Assaad, 2010). The findings further indicate that the principal legal basis for the application of capital punishment in Islamic criminal law is the doctrine of *qisas*, particularly in cases of intentional homicide. This principle is explicitly affirmed in Qur'an, Surah Al-Baqarah [2]:178, which prescribes *qisas* as a means of upholding justice for the victim and the victim's family.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنثَىٰ بِالْأُنثَىٰ فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبِعْ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ ذَلِكَ تَخْفِيفٌ مِّن رَّبِّكُمْ وَرَحْمَةٌ فَمَنِ اعْتَدَىٰ بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ أَلِيمٌ

"O you who believe! *Qisas* (legal retribution) is prescribed for you in cases of murder..." (Qur'an, Surah Al-Baqarah [2]:178).

The analysis of this verse demonstrates that the concept of *qisas* is not intended to legitimise unlimited retaliation but rather to function as an instrument for the administration of justice while preserving humanitarian values. This is reflected in the provision for forgiveness (*afw*) by the victim's family, which may exempt the offender from capital punishment and replace it with the payment of *diyat* (financial compensation). This provision indicates that the primary objective of *qisas* is not the deprivation of the offender's life but the protection of human life through the realisation of justice, legal certainty, and the prevention of similar criminal acts (Muhammad Tahmid Nur, 2021).

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ...

The analysis of this Qur'anic verse demonstrates that capital punishment in cases of *hirabah* is intended to protect public security against crimes that threaten social stability. Consequently, capital punishment is positioned as an instrument of social protection rather than as a manifestation of state violence against individuals. Abdul Qadir Audah likewise argues that the punishment imposed for *hirabah* should be proportionate to the degree of harm caused by the offender, thereby ensuring that its application remains consistent with the principle of proportionality (Abdul Qadir Audah, n.d.).

This normative foundation is further reinforced by a hadith of the Prophet Muhammad (peace be upon him), which states that the blood of a Muslim may lawfully be shed only in three circumstances: the implementation of *qisas* for intentional homicide, adultery committed by a *muhsan* (a legally married person), and apostasy accompanied by rebellion against the Muslim community (Sunan Abu Dawud, Hadith No. 4353). This hadith demonstrates that the scope of capital punishment in Islam is highly restricted and applies only to specific offences that satisfy stringent legal requirements. Accordingly, this study finds that capital punishment is not a general principle of Islamic criminal law but rather an exceptional punishment that may be imposed only for certain offences prescribed under Islamic law.

The findings also indicate that Muslim jurists regard *qisas* as an instrument for achieving justice while safeguarding human dignity. Muhammad Tahmid Nur argues that justice in *qisas* is intended to realise humanitarian values, whereas Annisa Hafizhah *et al.* consider capital punishment to be part of an effort to maintain a balance between justice, public welfare (*maslahah*), and the objectives of Islamic law (Muhammad Tahmid Nur; Annisa Hafizhah *et al.*, 2023). Accordingly, capital punishment is not understood as the ultimate objective of criminal

punishment but rather as a legal mechanism for balancing the rights of victims, the rights of offenders, and the interests of society.

With regard to the category of *ta'zir*, this study finds that capital punishment is not a sanction explicitly prescribed in either the Qur'an or the Sunnah. Its application is based on the *ijtihad* of certain Muslim jurists, who confer discretionary authority upon judges or the *ulil amri* (lawful authority) to impose capital punishment for extraordinary crimes that pose a serious threat to public safety. This approach demonstrates the flexibility of Islamic criminal law in responding to emerging forms of criminality while continuing to uphold the principle of *maslahah* (public welfare) (Winda Lestari, 2024; Z. Idami, 2015). Based on the overall analysis, this study concludes that the concept of capital punishment in Islamic criminal law is founded upon three principal objectives: the protection of human life (*hifz al-nafs*), the administration of justice, and the promotion of the public interest (*maslahah*). Its legal foundation is derived from the Qur'an, the Sunnah, and the *ijtihad* of Muslim jurists, all of which demonstrate that capital punishment is a limited sanction, applied selectively, and imposed only after stringent evidentiary requirements have been fully satisfied. Therefore, capital punishment in Islamic criminal law should not be understood as an instrument of vengeance but rather as a legal mechanism for safeguarding life, maintaining public order, and ensuring justice within society.

### **Types of Capital Punishment in Islamic Criminal Law**

Capital punishment in Islamic criminal law constitutes one of the most severe criminal sanctions and may only be imposed for specific categories of offences that satisfy stringent evidentiary requirements. Broadly speaking, offences punishable by death are classified into three principal categories:

#### **1. Jarimah Qisas (Retaliatory Punishment)**

*Jarimah qisas* is a category of criminal sanction in Islamic law founded upon the principle of proportional justice, whereby the offender receives punishment equivalent to the harm inflicted upon the victim. In cases of intentional homicide (*al-qatl al-'amd*), the offender may be sentenced to death as a means of protecting the right to life and upholding justice. However, the implementation of this punishment is not absolute, as the right to enforce *qisas* belongs to the victim's heirs (*awliya' al-dam*). Where the victim's family grants forgiveness, the death sentence may be waived and replaced by the payment of *diyat* (financial compensation). This mechanism demonstrates that Islamic law not only emphasises retributive justice but also provides opportunities for peaceful settlement and the promotion of humanitarian values (Wahbah az-Zuhaili, 1989; Abdul Qadir Audah, n.d.).

#### **2. Jarimah Hudud (Fixed Prescribed Offences)**

*Jarimah hudud* refers to criminal offences whose punishments are explicitly prescribed in the Qur'an and the Sunnah and therefore cannot be altered at the discretion of the judge. Examples include *zina muhsan* (adultery committed by a legally married person), which, under classical Islamic jurisprudence, is punishable by stoning. Another example is *hirabah*, which encompasses armed robbery, terrorism, and violent offences involving murder or the creation of widespread public disorder, all of which may attract severe penalties, including capital punishment. Likewise, *riddah* (apostasy), according to the majority of classical Muslim jurists, may be punishable by death, particularly where it is accompanied by rebellion or treason against the Muslim community. In addition, *al-bughat* (armed rebellion against a legitimate government) may also be subject to severe punishment where peaceful resolution is no longer possible (Abdul Qadir Audah, 2005). These *hudud* provisions are intended to preserve public order, security, and social stability through fixed and definitive legal sanctions.

#### **3. Jarimah Ta'zir (Discretionary Punishment)**

*Jarimah ta'zir* refers to offences for which no fixed punishment is explicitly prescribed in the primary sources of Islamic law (*nass*). Consequently, the determination of the appropriate sanction is left to the discretion of the judge or the lawful authority (*ulil amri*), taking into account

the principle of public welfare (*maslahah*). In principle, *ta'zir* punishments are more flexible and generally less severe than *hudud* penalties, as they are tailored to the gravity of the offence and the circumstances of the offender. Nevertheless, in exceptional situations involving crimes that pose a serious threat to society such as large-scale drug trafficking, espionage, or habitual serious offenders the judge may impose capital punishment, commonly referred to as *ta'zir bi al-qatl*. Such punishment is intended to prevent greater harm and to safeguard the public interest. Accordingly, the concept of *ta'zir* demonstrates the adaptability of Islamic criminal law and its capacity to respond to social developments while remaining grounded in the principle of public welfare (Santoso, 2003, pp. 89–100).

### **The Application of Capital Punishment in Relation to the Principles of Justice and Human Rights**

The application of capital punishment in Islamic criminal law, encompassing the categories of *hudud* (fixed punishments for offences against the rights of Allah, such as apostasy or repeated adultery), *qisas* (retaliation for intentional homicide or grievous bodily injury), and *ta'zir* (discretionary punishment imposed by judges for offences such as terrorism), is founded upon the principle of retributive justice, which emphasises proportionality between the offence committed and the sanction imposed. This principle is affirmed in the Qur'an, Surah Al-Baqarah [2]:178–179, which underscores the sanctity of human life and the principle that justice preserves life. Its primary objective is to protect one of the fundamental objectives of Islamic law (*maqasid al-shari'ah*), namely *hifz al-nafs* (the protection of human life), through stringent evidentiary requirements, such as the testimony of four reliable eyewitnesses in cases of *zina* under *hudud* or a voluntary confession free from coercion in *qisas* cases, thereby minimising the risk of judicial error (Causa Justitia, 2025). Justice in Islam is holistic in nature, integrating retribution, deterrence (*radd*), and rehabilitation. Moreover, the victim's family possesses the exclusive right to choose either *afw* (forgiveness) or *diyat* (blood compensation), reflecting divine mercy by prioritising social reconciliation over mere retribution.

From the perspective of human rights, capital punishment is frequently regarded as incompatible with the fundamental right to life as recognised in Article 3 of the Universal Declaration of Human Rights (1948) and Article 6 of the International Covenant on Civil and Political Rights (ICCPR) (1966), which permit the deprivation of life only pursuant to a final judgement delivered by a competent court for the most serious crimes. Internationally, there has been a growing movement towards the abolition of capital punishment, as documented by Amnesty International. Critics emphasise the irreversible nature of the death penalty, the possibility of *error in iudicio* (judicial error), and the risk of discrimination against vulnerable groups, all of which may contravene the principle of non-discrimination under Article 26 of the ICCPR. Nevertheless, from the perspective of contemporary Islamic legal thought, human rights are not regarded as absolute Western values but should be interpreted in light of *maslahah* (the public interest). Within this framework, capital punishment is justified as an expression of distributive justice intended to safeguard both victims' rights and society from recurring threats, as argued by Muslim jurists such as Yusuf al-Qaradawi, who emphasises the necessity of transparent judicial proceedings (Iqbal, 2025, pp. 1–20).

The relationship between Islamic principles of justice and human rights lies in the concept of *'adl* (justice), which encompasses restorative dimensions. Accordingly, capital punishment is not viewed as an end in itself but rather as an *ultimum remedium*, applicable only after opportunities for repentance, rehabilitation, or alternative sanctions have proven ineffective. In *qisas* cases, for example, the victim's family's right to grant *afw* means that execution is not a mandatory obligation of the state but a matter of personal choice, a principle consistent with contemporary notions of victim participation in transitional justice. Contemporary *ijtihad*, including the fatwas of the Indonesian Ulema Council (MUI) and the approach advanced by Mahmoud Taha, has proposed either a moratorium on executions or the substitution of capital punishment with life imprisonment in order to reconcile Islamic law with universal human rights norms while avoiding conflict between sacred texts and pluralistic social realities (Pagaruyuang,

2023, pp. 45–60). Furthermore, the Islamic judicial process requires judicial independence (*qadi*), strong *bayyinah* (legal evidence), and the prohibition of torture, thereby satisfying the fundamental requirements of a fair trial under international human rights standards.

Historically, capital punishment was rarely carried out during the period of the Rightly Guided Caliphs (*Khulafa' al-Rashidun*) due to the availability of repentance and the stringent evidentiary requirements governing its implementation. The Prophet Muhammad (peace be upon him) himself encouraged the imposition of lighter *ta'zir* punishments rather than *hudud* whenever doubt (*shubhat*) existed, as reported in the traditions narrated by al-Bukhari and Muslim. This historical practice demonstrates the flexibility of Islamic law in safeguarding human dignity (*karamah*), whereby justice is understood not as vengeance but as the restoration of social equilibrium (*i'tidal*). Human rights organisations, including Human Rights Watch, have argued that contemporary applications of capital punishment in certain countries, such as Saudi Arabia and Iran, often diverge from the original principles of Islamic law due to political influences. Consequently, legal reform is considered necessary to ensure compatibility with distributive justice and the protection of the rights of all parties (Al-Syakhshiyah, 2024, pp. 120–135). This perspective reinforces the view that capital punishment in Islam should not be regarded as an act of barbarism but rather as a contextual legal instrument whose legitimacy depends upon the state's ability to guarantee a fair judicial process. Accordingly, the implementation of capital punishment in Islamic criminal law may be regarded as compatible with the principles of justice and human rights when it is guided by dynamic *ijtihad* that prioritises *maslahah mursalah* (the public interest) and the rights of victims, while also allowing room for partial abolition in the modern era, as reflected in reforms adopted by countries such as Tunisia and Morocco. Through transparency, accountability, and an emphasis on crime prevention rather than execution, Islamic law can contribute constructively to the global human rights discourse without compromising the essential principle of *'adl* (justice). Such reforms not only strengthen the legitimacy of Islam within the international community but also realise the ideal of *rahmatan lil 'alamin* (a mercy to all creation) as the foundation of genuine justice (Al-Sulthaniyah, 2024, pp. 78–95).

### Conclusion

Capital punishment in Islamic criminal law is not merely a form of retributive punishment but also serves as a legal instrument for upholding justice, protecting human life, and maintaining social order. Its application is firmly grounded in the normative sources of the Qur'an and the Sunnah, particularly within the categories of *qisas*, *hudud*, and, to a more limited extent, *ta'zir*. Nevertheless, the imposition of capital punishment is not absolute, as Islamic law provides opportunities for forgiveness (*afw*), the payment of *diyat* (financial compensation), and the consideration of *maslahah* (the public interest). The categories of offences punishable by death include *qisas* for intentional homicide, *hudud* for specific offences such as *zina muhsan* and *hirabah*, and *ta'zir* in exceptional circumstances involving crimes that pose a serious threat to society. The application of these sanctions is subject to stringent evidentiary requirements designed to minimise the risk of judicial error. In relation to the principles of justice and human rights, capital punishment in Islam is understood as a mechanism for maintaining an equitable balance between the rights of offenders, victims, and society as a whole. Although it continues to attract criticism from the perspective of contemporary human rights discourse, Islamic law regards capital punishment as a measure of last resort that prioritises justice, forgiveness, and the promotion of the public interest. Accordingly, its implementation must be undertaken with due caution, in a proportionate manner, and within an appropriate legal and social context to ensure consistency with the principles of justice and the protection of human rights.

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