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An Ethical Analysis of the Application of the Death Penalty in Islamic Law

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ABSTRACT

The application of the death penalty is a subject that triggers complex ethical and moral debates, demanding deep and critical thinking regarding the fairness, effectiveness, and humanity of the legal system in place. This study aims to provide an in-depth understanding of the interpretation and application of the death penalty in the context of Islamic law and consider its compatibility with contemporary ethical norms and human rights principles. Through the library research method, this study integrates and comprehensively analyzes relevant literature to explore various perspectives and sources that have been carefully examined. The findings of this study indicate that the death penalty in the context of Islamic law is not just a simple juridical issue but also requires deep and layered ethical considerations. These considerations must include a thorough understanding of the social and cultural context and readiness to respond to the inevitable dynamics of changing times. It is also important to always respect and uphold the fundamental values of Islam, which include respect for life, fair justice, and broad generosity in maintaining order and security.

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1. INTRODUCTION

The death penalty, known in Islamic legal terminology as *qisās* and *hudūd*, is deeply rooted in Islamic doctrine and is considered the highest form of justice aimed at dealing with grave crimes, such as murder and treason. In this legal view, the death penalty is not only viewed from a mere textual standpoint but also involves an in-depth consideration of the social, historical, and psychological contexts accompanying the punishment's application. This approach reflects the understanding that the death penalty is more than just a response to crime but also a process based on complex and dynamic values of justice, which always accommodates societal changes and challenges.

From an ethical perspective, the application of the death penalty in Islamic law is often examined through the lens of its effectiveness in preventing crime, as well as the moral implications of taking human life (Abou El Fadl, 2017). These ethical debates are profound as they involve fundamental questions about the right to life, retributive versus restorative justice, and the role of punishment as a means of deterrence or rehabilitation. Criticism of the death penalty often centers on potential errors in the justice system, the risk of punishing the innocent, and the question of whether such a final and irreversible sentence truly reflects the values of fair and balanced justice (Deogaonkar, 2020; Jiang, 2013).

In the context of the application of the death penalty under Islamic law, it is crucial to understand that the principle of justice is fundamental. Islam defines justice not only as the fulfillment of the established law but also as an effort to preserve human dignity (Al-Ahsan, 2008; Fatarib et al., 2023). This principle emphasizes that any legal decision, especially about the death penalty, must be made through a thorough, transparent, and fair process.

The decision to impose the death penalty must be supported by solid and irrefutable evidence, which can ensure that the accused is genuinely guilty beyond reasonable doubt. A fair trial process also includes the right for the accused to have a proper defense and an adequate opportunity to review the verdict. This reflects the understanding that in Islam, justice must be served by considering all aspects that could affect a person's life, given the enormous consequences of the death penalty.

In addition, in Islamic law, the application of the death penalty is also accompanied by the possibility of forgiveness by the victim's family, known as 'diyat' or ransom. This aspect suggests there is room for gentleness and reconciliation, deep-seated ethical values in society. It accommodates the potential for rapprochement and strengthening social networks, as opposed to the severing effect that executions tend to have.

Debates regarding the application of the death penalty in Islam often take place within a broader global context, where international human rights norms increasingly advocate for the abolition or at least the reduction of the application of the death penalty. This global phenomenon poses a particular challenge to Muslim societies to find a balance point between adhering to traditional Islamic legal principles and conforming to international standards that often encourage approaches that focus more on human rights and rehabilitation than punishment. To find this middle ground, some Muslim countries and communities have begun to reconsider the interpretation and application of *qisās* and *hudūd* punishments, taking into account changing social and cultural contexts and international pressures.

It often requires intercultural dialogue and in-depth theological discussion to reassess certain aspects of Islamic law in the light of universal principles of justice and human rights (Karimullah, 2023). Such an approach demands a deep understanding and sensitivity to different values and beliefs and the ability to dialogue and cooperate within a framework that respects the diversity of global and local views and needs. This creates a dynamic process in which international norms and

Islamic legal traditions can influence each other, seeking to reach ethical and acceptable solutions for all parties involved.

The application of the death penalty in Islamic law often leads to thinking about how the practice can be critiqued and modernized in a broader context, encompassing not only religious principles but also global humanitarian considerations (Al-Dawoody, 2017; Bielefeldt, 2000). This modernization process does not mean setting aside the basic principles of Islam but instead interpreting them in a contemporary light that suits current social and ethical conditions.

One aspect that can be considered in this modernization is increased transparency and procedural fairness in the legal process. Ensuring that every case that may lead to the death penalty is handled to a very high standard, including the right to an adequate defense, a proper appeals process, and the use of incontrovertible evidence, is essential. This practice will help minimize the risk of errors that could result in the death penalty being imposed on an innocent person.

Then, the critical consideration is the role of the community in the legal process. In Islam, the '*Ummah*' (community) concept is central. Activating the *ummah* in the discussion and legal reform process can bring a more democratic and open dimension. Involving the community in the dialogue on the death penalty strengthens the ethical basis of the decisions made and ensures that the law reflects society's actual values and norms.

The study of the ethical analysis of the application of the death penalty in Islamic law is not only academically relevant but also of great importance in the broader social and political context. The main objective of this study is to provide an in-depth insight into how the death penalty is interpreted and applied in various Islamic contexts and how this practice conforms or conflicts with contemporary ethical norms and human rights. By digging deeper, this study seeks to answer some critical questions and pave the way for legal reforms that may be urgently needed.

The study of the application of the death penalty in Islamic law is crucial as it affects the real lives of many people and has far-reaching implications for social justice and societal stability. It addresses the punishment and explores how the law is interpreted and applied in real life, often with enormous consequences. Moreover, it is essential to build bridges of understanding between Islamic schools and traditions and the global community, which usually has very different views on justice and punishment.

2. METHODS

This study uses the library research method, relying on an integrative and comprehensive literature analysis. This method was chosen because it allows for the in-depth exploration of relevant sources without conducting field research. This approach carefully examines primary and secondary sources relating to Islamic law, ethical theory, and human rights.

Integrative analysis of the literature means that the research not only collects data from various relevant texts but also brings together views from different disciplines to form a more holistic understanding of the topic of study. This included considering theological interpretations, legal analysis, human rights perspectives, and studies on the psychological and social impact of the death penalty. This approach ensures that all relevant aspects of the death penalty in the context of Islamic law are addressed balanced and in-depth, providing a broad view of its consequences and complexities.

By utilizing the library research method, this study aims to identify and synthesize existing research results, relevant theories, and legal discussions that have been conducted previously. This comprehensive approach allows for a critical analysis of the existing material. It fills in the gaps in the existing literature, encouraging new and in-depth thinking on how the death penalty should be viewed and regulated in modern Islamic societies.

3. RESULTS AND DISCUSSION

Theological and Philosophical Basis of the Death Penalty in Islamic Law

Capital punishment in Islamic law is not only rooted in strict legal grounds. Still, it is also based on profound theological and philosophical principles, reflecting the complexity and seriousness of this ultimate sanction (Al Hamid et al., 2023; Insani et al., 2024). In the Islamic context, the death penalty is ordered for certain types of crimes that are considered particularly serious, including murder and treason, where this punishment is regarded as a form of *qisās* (retaliation) or *hudūd* (fixed punishment).

Islamic theology regards life as a sacred gift from God that must be protected, except in cases clearly defined by Sharia. This reflects the principle of divine justice, which sees the death penalty as the last resort to maintain social and moral balance. In the Quran, the concept of life as a sacred element is often emphasized, and the taking of life is permitted only based on justice and as a response to serious crimes.

Philosophically, the death penalty in Islam aims to have a deterrent effect on the offender and society as a whole, reaffirming social and legal norms that should not be violated. It is based on the idea that extreme punishment is necessary for extreme crimes, ensuring that justice is carried out proportionately. This principle of proportionality is fundamental in Islamic legal thought, as the sentence must be proportional to the crime committed to maintain justice and order in society.

In Islamic law, the application of the death penalty is also carried out with great care, requiring solid evidence and beyond reasonable doubt to impose this penalty. Islam emphasizes the importance of caution in imposing the death penalty, given the eternal consequences of such an act. The judicial process must follow stringent procedures to ensure that no mistakes are made in judgment. This reflects a philosophy that craves justice and avoids injustice at a fundamental level.

The discussion of the death penalty in Islam is also inseparable from the concepts of repentance and forgiveness, which demonstrate the merciful nature of Allah. In many cases, Sharia law provides an opportunity for the accused to repent or for the aggrieved party to pardon, which, if taken, could avoid the execution of the death penalty. This shows that while the death penalty is part of Islamic law, there is also a strong encouragement for forgiveness and rehabilitation, which are values that run deep in Islamic doctrine.

An in-depth understanding of the sources of Islamic law, particularly the Quran and Hadith, plays a vital role in determining the legitimacy and conditions of application of the death penalty in the context of Islamic law. The Quran and Hadith, as the two primary sources of legal and ethical guidance in Islam, provide not only complex but also often contextualized directives regarding the use of the death penalty. The Quran explicitly mentions the death penalty in several contexts, such as murder and *fasād fil-ardh* (undermining security on earth). Surah Al-Baqarah (2:178), for example, prescribes the *qisās* penalty in the case of murder: "O you who believe, it is obligatory upon you (to carry out) *qisās* in respect of those who are killed." The principle of *qisās* as a commensurate retribution emphasizes that the victim's family has the right to demand an equivalent punishment against the perpetrator or receive diat (compensation).

Surah Al-Ma'idah (5:33) outlines the punishment for those who "fight against Allah and His Messenger and seek to cause corruption on earth," mentioning the sentence of death or crucifixion, cutting off hands and feet from opposite directions, or expulsion. This verse emphasizes harsh punishment for crimes that threaten social security and stability. Hadiths, which are records of the sayings and deeds of Prophet Muhammad, also provide further examples and guidelines on applying capital punishment. Many traditions corroborate the practice of *qisās* and *hudūd* and provide specific contexts in which the death penalty is considered a legitimate measure. For example, traditions found in Sahih Bukhari and Sahih Muslim state that the death penalty can be imposed in cases of murder, adultery, and apostasy. However, these two sources, the Quran and

Hadith, also emphasize the importance of justice, thoroughness in gathering evidence, and the possibility of forgiveness. The Prophet Muhammad often encouraged forgiveness and reconciliation over harsh punishment, suggesting that although the death penalty is prescribed, there is also a solid encouragement to use wisdom and compassion.

In practice, the interpretation and application of verses and hadith relating to the death penalty often depend on the cultural, social, and political context. Islamic scholars and courts must consider not only the literalness of the texts but also the general principles of justice, the welfare of society, and the virtue of forgiveness outlined by Islam. Interpretations of Quranic verses and hadith are not static. On the contrary, they are highly dependent on the community's temporal and geographical context and social needs.

In Islam, there is the concept of *ijtihad*, which refers to the ongoing efforts of scholars to interpret sacred texts to suit contemporary conditions and challenges. This suggests that while Islam's foundational texts provide guidance, its legal applications, including the death penalty, require thoughtful and contextual adjustments to changing social realities. There is a comprehensive and ongoing debate among scholars on the application of the death penalty. Some scholars emphasize the need to apply this punishment as part of compliance with sharia law. In contrast, others question its relevance in the context of modern society, particularly given the risk of miscarriages of justice and potential human rights violations. The debate also includes the question of how and when forgiveness should be granted, demonstrating the existence of a broad spectrum of interpretations even in issues that appear to be unequivocal in the sacred texts.

In Islam, there are four primary schools of fiqh within Sunni (Hanafi, Maliki, Shafi'i, and Hanbali) and several others within Shia, most notably the Ja'fari School. Each of these schools has its methodology for interpreting legal texts, including the rules on the death penalty. For example, the Hanafi school, which is more dominant in South Asia, tends to have a more flexible approach to interpretation, whereas the Hanbali school, which is more widely followed in regions such as Saudi Arabia, tends to be more literal in its application (Karimullah & Sugitanata, 2023). These differences can affect how the death penalty is applied, with some countries perhaps preferring a stricter interpretation than others.

Political and social factors also influence the application of the death penalty in different countries (Croydon, 2014). In some places, the death penalty is seen as a tool to maintain state stability and authority, especially in the face of serious crimes or acts of terrorism (Biddulph et al., 2017; Buana & Juwita, 2021). In other countries, increased pressure from international and domestic human rights groups has led to restrictions or abolition of the death penalty. For example, countries like Pakistan have a long history of using the death penalty as a means of law enforcement. In contrast, countries like Morocco have seen a more vigorous movement towards abolition.

The diversity of opinions among scholars from different schools of fiqh creates room for rich dialog. For example, in countries with heterogeneous Muslim communities, such as India, inter-school dialog helps in finding common ground and forming social consensus on important issues such as the death penalty. This dialogue is not just limited to the ulama. Still, it involves academics, legal practitioners, and religious thinkers, all of whom contribute perspectives in weighing the principles of justice and compassion in Islam with the practical realities of implementing the death penalty.

Criteria and Procedures for the Application of the Death Penalty in Islamic Law

In Islamic law, the application of the death penalty is strictly regulated through criteria and procedures aimed at ensuring justice and prudence. It seeks not only to punish crimes but also to maintain social justice, deter crime, and, in some cases, provide opportunities for healing and reconciliation. Understanding the complexity of these criteria and procedures requires an in-depth

exploration of the two primary sources of Islamic law, namely the Quran and Hadith, and the application of fiqh that evolved from scholars' interpretations (Muhajir et al., 2023; Sugitanata et al., 2023).

In Islamic law, the death penalty can be applied in some instances involving grave crimes. It is most commonly used to cases of murder (*qisās*) and crimes against society or the state, such as adultery and apostasy, which fall under the category of *budūd*. However, its application is severely restricted by a strict set of conditions that must be met before a sentence can be imposed.

The need for incontrovertible evidence is a critical principle in cases that could potentially lead to the death penalty. In the case of murder, there must be direct testimony from two fair and trustworthy witnesses. In adultery cases, four fair male witnesses must testify that they directly witnessed the act themselves, a challenging requirement to fulfill, which shows how severe the demands of evidence are in Islamic law.

The judicial process in cases leading to the death penalty must be extensive. The accused must be given a full opportunity to defend himself, and any doubts must be interpreted in his favor on the principle of '*al-bayyināh 'ala al-mudda'i wal-yamin 'alā man ankarā*' (the plaintiff must provide evidence and an oath by the accused if he denies). The death penalty can only be imposed after all doubts have been removed and all legal means have been exhausted.

The death penalty in the context of Muslim countries shows significant variation in terms of application, which is influenced by factors such as differences in interpretation of Islamic law, political context, as well as international pressure. This variability not only reflects differences in legal approaches but also highlights the challenges and practical issues faced by each judicial system. In Saudi Arabia, the death penalty is applied quite widely and often for a range of crimes, including murder, narcotics, adultery, and apostasy (Babgi, 2009). The process is primarily based on strict Sharia law, and executions are usually carried out by beheading. Iran also has a high rate of application of the death penalty, which is imposed for crimes such as murder, adultery, and espionage, as well as drug-related crimes (Baker, 2006). Iran sometimes uses hanging for executions.

Despite its majority Muslim population, Indonesia has a different approach to the death penalty. The death penalty is still legal but applied mainly to severe drug and terrorism cases, with executions rare and often marred by controversy and public debate (Febrianty et al., 2023; Leba et al., 2023). Turkey has abolished the death penalty since 2004 as part of reforms aimed at gaining membership in the European Union (Diez, 2005). This shows how international pressures and standards can influence national policies regarding the death penalty.

One of the unique aspects of the death penalty in Islamic law is the possibility of forgiveness and reconciliation. In *qisās* cases, the victim's family has the right to request diyat (ransom) or pardon the offender, which can replace execution (Khan, 2016; Rehman et al., 2023). This shows compassion and supports Islam's broader principle of restorative justice, which emphasizes restoration and reconciliation over revenge.

Judges, who must be well-versed in Sharia, are crucial in interpreting the law and ensuring all procedures are followed correctly. Ulama, as custodians of Islamic tradition and knowledge, also provides advice and guidance on the theological and legal aspects of the case (Karimullah, 2022). They help ensure that any decision follows Islam's law and the spirit of justice and ethics.

The specific criteria and procedures set out in Sharia emphasize the importance of justice, fair proof, and the right to defense, all designed to protect human rights and dignity. Justice is a crucial pillar in the Islamic justice system and is particularly critical in cases involving the death penalty. The case judge must have unquestionable integrity, be deeply educated in Islamic law, and be neutral, not favoring any parties involved. Justice in Islamic law also requires that all parties are

given equal opportunity to present their case, including access to all evidence and testimony (Insani et al., 2023).

In the modern context, the relevance and application of the death penalty in Islamic law raises important questions relating to ethics, social justice, and compatibility with international human rights norms. This discussion affects the justice system in Muslim societies and provides essential insights into how this ancient legal tradition can adapt to increasingly widely recognized global principles. Many Muslim countries are under intense international scrutiny regarding the practice of the death penalty. International organizations, human rights institutions, and countries that have abolished the death penalty emphasize the need for abolition or at least severe restrictions on the use of the death penalty. This pressure often forces governments and judicial institutions in Muslim countries to reconsider how this punishment fits into their commitment to human rights.

Within Muslim societies themselves, there is intense debate over the application and ethics of the death penalty. Muslim clerics and scholars reconsider traditional texts in the light of changing social and cultural contexts. They seek to find a balance between honoring sacred texts and meeting the demands of modern ethics and justice. The debate is legalistic and philosophical, exploring the moral and ethical underpinnings of the death penalty. As the dialogue on the death penalty in the context of Islamic law progresses, it becomes clear that adaptation to the times and global norms is an inevitable part of the development of religious law and practice.

One attractive alternative to the death penalty in the Islamic context is the concept of restorative justice, which aims to repair the damage caused by crime, restore social relations, and facilitate reconciliation between offenders and victims. This aligns with Islamic principles that emphasize the importance of justice, compassion, and forgiveness. For example, the *qisas* system in Islam provides the option for the victim's family to forgive the offender, which can be an alternative to the death penalty. The application of restorative justice could be more prominent in Muslim societies to strengthen social cohesion and emphasize punitive justice values. In Islamic law, forgiveness and reconciliation mechanisms are vital aspects that demonstrate a unique and humanist approach to dealing with crime, particularly in cases involving the death penalty. This practice accommodates the possibility of sentence reduction and emphasizes the importance of repairing the social damage caused by the crime and strengthening communal relations. In addition to forgiveness, Islam also encourages reconciliation, reconciling the offender with the victim and the wider community. This process often involves mediation by community leaders or clerics, who help both parties reach a common understanding and resolve the conflict peacefully. Reconciliation in Islam aims to restore social harmony and enable the perpetrator to contribute back to society actively.

When compared with modern legal systems, the mechanisms of forgiveness and reconciliation in Islam have some similarities and differences. In many Western legal laws, the concept of pardon also exists, usually granted by the head of state or other legal authority, and often occurs after legal proceedings have been completed (Barkow & Osler, 2024). However, these pardons do not usually require the consent of the victim or the victim's family. In a refreshing context, many modern legal systems have adopted a practice similar to Islamic reconciliation, known as restorative justice. Restorative justice involves meetings between the offender, victim, and other community members to discuss the crime's impact and seek solutions that repair damaged relationships. While similar in its aims, restorative justice in the Western context is more structured and formal than the more flexible and community-based approach in Islam.

One exciting area for further exploration is how the principles of forgiveness and reconciliation in Islam can be integrated into contemporary legal systems often dominated by punitive approaches. Some countries already have initiatives to adopt elements of restorative justice, similar to Islamic forgiveness and reconciliation, into their legal systems. For example, community justice programs and victim-offender mediation are designed to allow offenders and victims to dialogue

directly to reach a mutually beneficial resolution. Applying these principles in a broader context offers the opportunity to reduce the burden on the criminal justice system, minimize the use of imprisonment, and, more importantly, assist in victim recovery and offender rehabilitation.

The successful integration of the principles of forgiveness and reconciliation depends largely on the leading social context of the society in question. While traditional and communal values are still strong, such as in many Muslim countries, these principles may be easier to accept and implement. However, in more individualistic societies, greater efforts more significant needed to educate and persuade the public of the benefits of this approach. In addition, differences in legal structures and priorities between countries can affect how effectively these principles can be applied. For example, countries with highly formal and procedural legal systems may find it challenging to adopt the more flexible and informal approach advocated by Islamic forgiveness and reconciliation.

Ethics and Moral Implications of the Death Penalty in the Modern Context

The death penalty, as one of the oldest forms of punishment in the history of human civilization, continues to spark intensive debate around the world. In the modern context, these discussions not only revolve around its effectiveness as a crime prevention tool but also explore its profound ethical and moral aspects. Considering the ethical and moral implications of the death penalty requires a comprehensive understanding of the prevailing values in society, the role of law in maintaining justice, and how its application affects people and the social structure as a whole.

In the philosophical tradition, the death penalty is often associated with the principle of retribution, the idea that punishment should be commensurate with the crime committed (Kilonzo, 2015). Supporters of the death penalty claim that this extreme punishment is necessary for the most severe crimes as a way to restore the moral balance that has been upset by the offender's actions. They argue that crimes such as murder deserve an equivalent retribution and that the death penalty is the only way to appropriately respond to offenses against the most fundamental value of life. However, this disciplinary approach raises serious ethical questions. One of these is the issue of legal culpability, whereby innocent individuals may be sentenced to death, a wrong that cannot be righted and is intrinsically unjust. Furthermore, this approach often does not consider the social and personal context that may have influenced the offender's actions, reducing the moral complexity of sentencing decisions.

From a practical perspective, the death penalty is analyzed based on its ability to benefit society, especially in crime prevention. Proponents of this theory may argue that fear of the death penalty may deter others from committing similar crimes. However, empirical studies have often failed to show a strong correlation between the death penalty and a decrease in crime rates, raising doubts about its effectiveness as a deterrent. In the modern era, human rights considerations have become extremely important. The death penalty, for many critics, fundamentally contradicts human rights, especially the right to life. From this perspective, the death penalty is considered a violation of human dignity, a practice incompatible with a civilized and ethical society. This discussion also includes the challenge of how the state should act in its capacity to decide between life and death, a power that has great potential for abuse.

The moral implications of the death penalty also extend to its impact on society and the individuals involved in this process, from the victim's family to the perpetrator's family, as well as the legal officials who must carry out the sentence. Executions often leave deep psychological scars for all parties. They can deepen the cycle of violence while raising questions about whether it is making society safer or simply fulfilling the need for revenge.

The ethical and moral dilemmas that arise from applying the death penalty in modern social and legal contexts involve profound questions that require introspection and broad societal dialog. These questions often examine principles of justice, the role of law in society, and the relationship

between the state and the individual, particularly in the context of human rights. There are fundamental questions regarding the relevance and ethics of the death penalty in an evolving and changing society. In an era when restorative justice and a more rehabilitation-focused legal system are being favored, the death penalty appears increasingly inappropriate. A key consideration is whether the death penalty indeed acts as an effective deterrent to crime or whether it is merely a relic of an older legal system that focuses more on vengeance than restoration.

The death penalty also has a significant impact on society's view of justice. When states choose to use this irreversible and final punishment, the message is that revenge or retribution is a legitimate justice system component. This can rebuke broader values of forgiveness and healing, particularly among younger generations, who may see this punishment contradictory to messages about the value of life and respect for the individual.

The death penalty directly raises questions about human rights, particularly the right to life (Steiker & Steiker, 2020). International organizations such as the United Nations have repeatedly passed resolutions encouraging the abolition or at least restriction of the use of the death penalty, citing human rights as the main reason. The use of the death penalty is often seen as an indicator of poor governance and respect for fundamental human rights, which can affect a country's international reputation.

From a more personal perspective, the execution of the death penalty has profound consequences for the families of perpetrators and victims. The families of offenders frequently experience social stigma and psychological trauma, while the families of victims may not always find closure or relief (Connolly & Gordon, 2015). It is to be expected that following an execution, the families of the perpetrators will experience a sense of closure. These factors introduce an additional layer of ethical complexity to the use of this punishment, prompting the question of whether justice is genuinely achieved through death.

In the face of these profound questions about the death penalty, many countries and legal systems have begun to explore alternatives that can facilitate the primary goals of punishment, crime prevention, offender rehabilitation, and justice for victims without sacrificing human life. One alternative often proposed is life imprisonment without the possibility of parole. This option still provides severe punishment for serious crimes but avoids the moral dilemma of taking a life and provides room for correction in case of future legal errors.

Developing more intensive and focused rehabilitation programs could be a solution to help serious offenders improve their behavior while also reducing the risk of re-offending. Such programs can also help to reintegrate offenders into society as productive citizens, facilitating the social impact of their crimes. Restorative justice also offers an approach that focuses on restoring the damage done by the crime rather than simply punishing the perpetrator. In this model, offenders and victims are mediated to reach an agreement that helps restore peace and justice, sometimes accompanied by compensation or other agreed measures to repair the harm.

The abolition or limitation of the death penalty has far-reaching implications, not only in a country context but also at a global level. States that choose to abolish the death penalty often gain international recognition and improved diplomatic relations, as well as demonstrating a commitment to human rights standards. However, in some regions or cultural contexts, the abolition of the death penalty may generate resistance as it is perceived as reducing the deterrent power of punishment or as a form of disregard for local legal traditions. Therefore, approaches to reform must be carefully tailored to consider local sensitivities and needs while still striving to meet international standards.

The ethical and moral dilemmas of capital punishment in the modern era demand deep and critical reflection on existing legal systems' fairness, effectiveness, and humanity. Exploring alternatives and implementing solutions that respect life and human rights while maintaining social

order and justice is a challenge that must be met with wisdom and empathy. This transformation will reflect not only the development of society in terms of justice but also the understanding and application of broader human values. Considering the future of the death penalty and legal reform, we must consider the global trend toward abolition and how this can be integrated into diverse national legal systems. These reforms require extensive intercultural and inter-state dialogue, recognizing the need to respect local legal sovereignty while rallying support for broader human rights principles.

4. CONCLUSION

The death penalty within the framework of Islamic law is not only a simple juridical issue but also demands deep and layered ethical considerations. These considerations must include a broad understanding of the social and cultural context and must be responsive to the inevitable dynamics of changing times. In addition, it is imperative always to respect and uphold the fundamental values espoused in Islam, which include respect for life, fair justice, and broad generosity. The process of assessing the death penalty should be conducted with care and discretion, ensuring that any decision taken is in line with the principles of truth and compassion that are at the core of Islamic teachings. Navigating the ethical and moral dilemmas associated with the death penalty in the modern era does require a comprehensive approach involving law, ethics, and consideration of human rights. This commitment must be global and involve cooperation between various international and local institutions to actively seek and implement solutions that not only comply with human rights but also promote a more therapeutic and rehabilitative system of justice. Such initiatives aim to develop justice systems that are not only effective in maintaining order and security but also ethical and fair, reflecting the human values and justice that are considered so important.

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