



Protection of Human Life in Light of the Holy Quran and Sunnah: Exploring Sanctity and Prohibition

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ARTICLE INFO			ABSTRACT
Article History:			<i>Islam values human life highly. According to the teachings of the Holy Quran and the traditions of the Holy Prophet (peace be upon him), human life is held in great reverence. Investigating a wide range of facets that encompass human existence, this research adopts Islamic laws as a basis to explore the entirety of human life, from start to end. The focus of this research is on the inherent sanctity and inalienable right to life in Islam, and the univocal prohibition of murder and aggression against human life in Islamic teachings because Islam regards the act of killing someone as the most heinous crime one can commit against a person. This paper investigates the notions behind Qisas (retaliation) and its current implementation in selected Muslim states. It explores the intricacies surrounding Diyat, including the financial compensation paid for causing harm or death, as well as the concept of taqiyah (family Solidarity). Furthermore, the research paper explores the justifications provided by certain scholars who do not support the implementation of the death penalty for murder within the confines of Islam. The researcher has used the doctrinal methodology to conduct the research. Within the text's closing statement, the suggestion is put forth to employ the Islamic Penal System in Muslim societies today to ensure the safety of individuals' lives.</i>
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Introduction

The Sanctity of life is an essential and fundamental principle that takes precedence above all else. According to the Holy Quran, life is a precious blessing bestowed by God, and we must safeguard and uphold it at all costs. The preservation of life holds great significance in the Islamic faith. Multiple references can be found in its primary sources, namely the Holy Qur'an and Hadith. In

other words, Islam emphasizes the importance of cherishing and safeguarding life, and it also calls for consequences when this principle is violated (Shakir & Juma, 1974). Human life holds immense significance and sacredness as bestowed by Allah Almighty. When considering all creatures on Earth, human life is regarded as the supreme and most priceless. The Holy Quran emphasizes the value of human life and outlines its progression through different phases (Muhammad, Alias, & Hussin, 2016). As mentioned in the Holy Quran "When someone commits murder, except as a penalty for criminal acts or causing a disturbance, it is as though they have taken the lives of all human beings. The act of saving one individual's life is akin to saving the entire human race (Al-Quran 5:32)." The significance of life and the gravity of sin are underscored by the Holy Qur'an, particularly in cases where an individual's life is taken, be it their own or another's. It states that "we should not take a life unless it is by justice (Al-Quran 17:33)".

Human beings were granted the special designation of being the "Best of creation" by Allah Almighty. After giving him high positions and respect, Allah made the angels bow to him. God blessed him with the title of 'Ahsan-e-Taqweem', and also with the best physical appearance and intelligence. Reference may be made to the following verse of the Holy Quran that states that "humans, who are the offspring of Adam, have been granted reverence and dignity. And they have been given special privileges that are better than many other parts of our creation (Al-Quran 1:33)".

Islam grants all human beings the exclusive right to life. In Islam, it is forbidden to take anyone's life based on race, colour, religion, sect, or any type of discrimination. As it is mentioned in the Holy Quran "the Islamic faith has granted all human beings the privilege to be shielded and shielded against any kind of injury (Al-Quran 1:155)". When synthetic constitutions or declarations mention human rights, it typically indicates that they intend to apply these rights solely to their citizens or individuals of any particular ethnicity (Mawdudi, 1976). The clear evidence demonstrates that individuals in Australia were actively targeted and treated as prey, leading to the forced removal of Aborigines from their ancestral territory by the white population (Shomali, 2008). The same thing happened to the native people of America they were intentionally killed and the ones who somehow managed to survive were forced to live in specific places called Reservations (Shakir & Juma, 1974). They also went into Africa and hunted people like wild animals. These examples show that they do not value human life in general. The person's origin, skin colour, or race must align for them to potentially appreciate it. However, Islam believes that every person has the right to life. Regardless of his affiliation with a rudimentary or uncivilized society, Islam recognizes him as a human being (Mawdudi, 1976).

The importance of human life is further elucidated in the Ahadees, where the teachings of the Holy Prophet (peace be upon him) shed light on the protection of the right to life. Different Ahadees from the Holy Prophet (peace be upon him) denounce the act of killing people. The Holy Prophet (peace be upon him) said "The issue of causing someone's death will be the primary concern addressed during the Day of Judgment" (Muslim ibn al-Hajjaj, n.d., Hadith 4381) and on another occasion, he said: that unjustly killing one person is considered more severe by Allah than annihilating the entire universe (Ibn Abid Dunya, n.d., Hadith 231). The Holy Prophet Muhammad (peace be upon him) has even told us it is not allowed to point a weapon at our fellow Muslim brother (al-Bukhari, n.d., Hadith 7072).

Moreover, killing someone is an extremely grave offence and is considered the second most severe sin after Shirk (associating partners with Allah Almighty) (Doi, 2007). Islam also prescribes severe punishments for individuals engaging in such acts. According to the Quran, if someone intentionally kills another person, there are two punishments: either the offender is killed (Qisas),

or they can choose to pay a certain amount of money (diyat) to compensate the victim's family. Diyat is the sole penalty for almost intentional killing. If someone intentionally kills another person, they only have to pay diyat if the victim's closest family members don't want revenge against them (Forte, 1978).

Enhancing the teachings and objectives of Islamic studies and the principles of Islamic law is crucial in tackling these issues, with particular emphasis on safeguarding and appreciating the sanctity of human life. Every individual must be able to live a peaceful life while being treated with dignity and honour. It is forbidden to harm or cause the death of another individual (Ashtankar, 2016).

Right to life in Islam

The assurance of Islam is to safeguard the lives of all individuals, irrespective of their religious faith, whether they adhere to Islam or not. Islam considers every human life extremely valuable and believes that every individual possesses certain basic and universal rights given by Allah from the moment they are born (Gusau, 2013). In simple words, God says:

"And we have respected the human beings and helped them travel on land and sea, and given them good things and allowed by law. We have chosen them over many other creatures that we have created (Al-Quran, 17:70). "

During his final year of life, the Holy Prophet (peace be upon him) addressed the last sermon to the gathering of Muslims in Mena. He emphasized the importance of human life and said: that you should value and protect each other's lives until Resurrection Day. Furthermore, when underscoring the worth of human life, he remarked, "To God, killing a believer is regarded as more severe than obliterating the entire world (Piri, 2012)."

Ensuring the right to life is a critical responsibility that should be undertaken by societies and governments. They should protect this right and also protect their citizens from any harm to their lives. You cannot kill anyone unless you have permission from the law. Islamic law considers the life of one person as important as the lives of all people because protecting each person's life is crucial for the survival of our society and future generations. Every person is in charge of making sure they are safe and taking care of themselves is the most important thing to do (Al-Quran, 5:31,32).

The Guidance of Sunnah on the Protection of Human Life

The Prophet (PBUH) emphasized on several occasions that those who engage in fights or commit murder without valid cause are the worst sinners. The individual deemed the most reprehensible by Allah is the one who commits killings within a holy setting, takes the lives of innocent people who never posed a threat, or acts impulsively due to anger without possessing a true understanding of the circumstances (Haythamī, 1933). The Prophet (PBUH) stated that true Muslims do not cause harm to others through their words and actions (An-Nassai, n.d.).

As reported by Bibi Aishah, it was inscribed on the handle of the sword of the Prophet (PBUH) that "the individuals who initiate attacks on others without any provocation, and those who kill individuals who have not engaged in combat with them, are the most abhorrent individuals (Al-Bayhaqi, n.d.)."

Murder is considered highly prohibited in Islamic law. Helping or shielding a murderer, no matter the extent of assistance, will result in strict punishments and severe retribution. The Prophet (PBUH) said: If someone protects a murderer or helps them commit a murder, God will be upset with them (Amali, 2019).

The last sermon of the Holy Prophet (peace be upon him) was delivered after the completion of Hajj. In which, he emphasized the importance of respecting human life. He stated that the lives, possessions, and dignity of all individuals are just as sacred as the city of Makkah and the religious symbols of Islam (Adil, 2017).

We believe that Islam is a peaceful religion, but at times, it may need to use force to maintain peace. Peace, mercy, and justice are important beliefs in Islam. Islam is equated with the term "peace" in this verse of the Holy Quran, It says "Believers, surrender yourself fully in peace (Islam) and don't follow Satan, who is your enemy (Al-Quran 2:208)." In other words, Islam means being at peace with God and being kind to His creations. It signifies adhering to God's commands and refraining from resisting him.

Depriving Right to Life is Prohibited and Forbidden

The glorious Holy Quran places a great emphasis on the significance of treating everyone fairly and respectfully regardless of their gender, race, or social status and preserves the "right to life" of every human being (Abdullah, 2022). In the Holy Quran, it is mentioned that if an individual deliberately takes the life of a believer, they will endure everlasting torment in Hell. God will unleash his fury upon him, voicing derogatory remarks before delivering a severe punishment (Al-Quran 4:93).

The Holy Quran contains multiple verses that stress the value of human life and the need to cherish and show reverence toward it. Here are a few verses from the Holy Quran that talk about how important it is to value and protect human life, killing someone without justification is incorrect, and it is crucial to treat all individuals equally and act in a morally upright manner:

1. Individuals who solely worship Allah, refrain from unjustified killings and avoid engaging in inappropriate sexual behavior. Punishment will be incurred if someone engages in that behaviour (Al-Quran 25:68).
2. To protect yourself from those who use Allah's name to harm you, only employ the necessary actions for self-defence. Certainly, Allah dislikes those who go beyond the limits (Al-Quran 2:190).

Life should be cherished and respected. Engaging in murder is not just a moral transgression, but it is also considered ethically unjustifiable. Taking someone's life without justification or legal authority goes against basic human values and the principles of justice. The right to live and be safeguarded from harm is a consensus upheld by all. Therefore, intentionally causing harm or death to an innocent person is both illegal and unethical. Murder is not only killing someone but also disrespecting and devaluing human life in general (Shomali, 2008).

Every living thing and especially his "life" is owned by God (Al-Quran 10:31). Allah Almighty asserts that he exercises absolute control over the realms of life and death (Al-Quran 30:19). Imam Ali (a.s) stated in a sermon that "no matter how hard every person, animal, and every living being attempts, they will not be capable or knowledgeable enough to create a mosquito. They are confused and their minds are lost. They tried their best but couldn't succeed. Coming back with feelings of disappointment and fatigue, they were fully aware of their defeat and the impossibility

of achieving what they had set out to do and they also realize that they are too powerless to destroy it” (Nahj al-Balaghah, Sermon 185). The only way life can be taken away is by the decree of Allah. The Quran says that only God has the power to create life and death. He is the one who causes individuals to perish and subsequently resurrects them (Al-Quran 53:44).

Allah Almighty will punish in this world and on the Day of Judgment the person who kills or causes harm to any person, and in the same way, if someone saves a life it means he saved all human beings and God will award him great blessings and high rank in this world and the eternal world as well (Al-Quran 5:32). There are multiple approaches to rescuing someone from death. A person can become sick or injured, regardless of where they are from, their race, or their skin colour. If you are aware of his requirement for support, it becomes your responsibility to ensure he receives the necessary medical treatment. If he is hungry, then you should give him food to help him stay alive. If he is in danger of drowning or his life is in danger, then you have a responsibility to rescue him. The holy book states that anyone who harms or kills an Israelite is seen as inflicting harm or death upon the whole world. And anyone who protects and saves the life of an Israelite, according to the Scripture, is like saving the entire world. The Talmud also says that if a non-Israelite is drowning and you try to save them, then you have sinned. We believe it is our responsibility to save every person's life because it is what we are told to do in the Holy Quran (Mawdudi S. A., 1987).

From the verse, it can be inferred that taking an innocent life without valid cause is equally heinous as taking numerous lives. By disrespecting one person's life, it implies a lack of respect for all lives in general. It concurs with the notion that individuals who engage in murder tend to extend their violent behaviour, thereby exposing everyone to greater danger.

Analysis of the Severity of the Prohibitions

In Islamic law, if you commit murder, rob and kill someone, cheat on your spouse, or leave the Islamic faith, you could be sentenced to death. The Shariah doesn't promote violence, it allows the death penalty (Qisas) but also encourages forgiveness or payment instead (Diyat). Since they are considered to have a right to exact retribution, the sufferer or family member decides on the penalty. However, in modern times, individuals have less power to take matters into their own hands. The person can choose not to punish someone who has done wrong to them, which is considered a good thing by God (Lapin, 1976).

Qisas

In Islam, Qisas is the capital punishment imposed on individuals who are guilty of homicide. Killing a murderer or someone who causes harm on Earth is allowed because it shows respect for the life that was lost and stops more harm and danger to life in general. The Holy Qur'an emphasizes the significance of having regulations concerning seeking retribution for the betterment of society while favouring forgiveness as long as public security remains intact (Al-Quran 2:178,179).

The Holy Quran emphasizes that taking a person's life is regarded as the gravest offence within a society. When it comes to murder, the Holy Quran says that killing one person is like killing all of humanity. In Islam, the most severe wrongdoing committed against a person is the act of killing them. According to the Holy Quran, those who commit such grave offences, especially directed towards a Muslim, will face eternal damnation in Hell (Al-Quran 4:93). Without a doubt, the worst crime ever is killing someone. This has violated laws for an extensive period, spanning from the past until now. In simpler terms, Qisas means that a person who causes harm to someone else will

receive the same amount of harm in return. Qisas is about making sure that justice is served, not just by giving the same punishment to the person who did wrong (Pervin, 2016).

As stated in the Holy Quran, seeking revenge is permissible as a means of punishment for those who commit Qisas crimes. But it also says that it's better to forgive the person instead. Furthermore, it states: Hey, you believers. Here's a rule for you: when it comes to murder, equal punishment should be given. So, if a free person is killed, the one responsible should also be free. If a slave is killed, the one responsible should also be a slave. And if a woman is killed, the one responsible should also be a woman. But if the brother of the person who was killed forgives the one who caused the harm, agrees to any fair request, and accepts a generous compensation, it is a kind and merciful act from your Lord. Those who exceed the boundaries will face severe punishment (Al-Quran 1:178). Many people, including both men and women who were either free or slaves, were killed. Both tribes eventually embraced Islam as a result of the unsolved issue they were involved in at the beginning of the Islamic period. They started talking about how they would avenge the victims who were slain on both sides when they became Muslims. Both tribes eventually embraced Islam as a result of the unsolved issue they were involved in at the beginning of the Islamic period. They started talking about how they would avenge the victims who were slain on both sides when they became Muslims. One very strong tribe said they wouldn't agree to anything unless the other tribe killed a free man and a man from their side. This verse was made public to deny their heinous demand. When we refer to "a free person for a free person, a slave for a slave, and a woman for a woman," we intend to reject their ridiculous desire to execute an innocent person for a slave or a man for a woman, even though he did not commit the crime. The fair rule in Islam was that if someone kills another person, they should be put to death in return. Why should we kill an innocent guy in retaliation if a woman commits the murder? In addition, it makes no sense to exact revenge on a victim who is free if the murderer is a slave. This is a wrong action that Islam will never accept (Cheema, 2015).'

In a Hadith of the Holy Prophet (peace be upon him) narrated by Hazrat Anas, a girl unintentionally struck another girl, resulting in the breaking of her front tooth. The girl's relatives went to the Prophet and he commanded that the punishment should be equal (al-Bukhari, n.d.).

Al-Qurtubi states that "if the legal heirs of someone who has been killed demand the execution punishment of Qisas, it becomes a responsibility for the whole community of believers. Hence, the wali al-amr (the state) is empowered to mete out punishments to individuals who have done wrong. One should take steps to ensure that the aggrieved party does not exceed reasonable limits (Al-Qurtubi, 2014)."

In simpler words, it means that if someone hurts another person, then they should be punished in the same way they hurt the other person. For example, if they hurt someone's eye, then their eye should also be hurt. But if someone chooses to forgive and help the person who hurt them, it will be a good way for them to make up for what they did. Those who fail to base their judgments on Allah's revelations are considered to be engaging in wrongful actions (Al-Quran 5:45).

Contemporary Practice

In several countries, the practice of Qisas is utilized as a form of legal punishment. It is based on traditional Islamic law. Some countries, like Saudi Arabia, have integrated qisas into their legal systems. Qisas laws have been adopted by other nations as a component of their contemporary legal reforms.

a) Pakistan

In 1990, Pakistan enacted the Qisas and Diyya regulations on Islamic beliefs. The introduction of these principles was prompted by the Supreme Court of Pakistan's ruling that the absence of certain regulations was against Islamic principles. The Criminal Law (Amendment) Act, which is commonly called the Qisas and Diyat law, was enacted by the Pakistani parliament in 1997 (Wasti, , 2009). An offender can still receive punishment even if they have been pardoned, either through a discretionary punishment called ta'zir or if not all the people who have the right to seek revenge agree to a compromise (*Aznat and another vs The State*, Supreme Court, 2009). By eliminating distinctions between Muslims and non-Muslims, the Pakistan Penal Code modernized the Hanafi principles of qisas and diya (Wasti, , 2009).

Case Study

On June 13, 2006, Pakistani officials executed Mutabar Khan by hanging him in Peshawar Central Prison. A court in Swabi found him guilty of killing five people in April 1996. On October 6, 1998, the court decided to give him the punishment of death. He provided the tribunal with an elementary school document as proof of his age at the time of the killings while making his appeal. He said that the two years he spent in the section of the prison reserved for young people proved that the authorities were aware of his age. Both the High Court of Peshawar and the Supreme Court of Pakistan dismissed his appeal after learning that the 2001 Presidential Commutation Order had been ruled illicit since his age record hadn't been presented at the outset of the case (Khan, 2005).

b) Saudi Arabia

In Saudi Arabia, the crimes of murder and manslaughter fall under the category of personal offenses. This means that it is up to the victim or their family to take legal action, ask for money as compensation, or forgive the offender (Human Rights Watch, 2008). In Saudi Arabia, the sharia courts use a law called Qisas for cases involving young people. They used to only apply this law to kids who were 7 years old or older, but now they have increased the age limit to 12 years old. This applies to both boys and girls (Child Rights International Network, 2013). The court may take into account a child's physical characteristics when determining whether they should be recognized as an adult in court since the implementation of this specific age restriction law is not effective. For qisas cases, a person is often regarded as an adult if they meet at least one of the following four criteria (Human Rights Watch, 2008):

- i. Having wet dreams (al-ihtilam)
- ii. Beginning of menses,
- iii. Being older than 15 years old or
- iv. Showing signs of public hair.

The defendant will suffer the same amount of injury and punishment as they committed in Saudi Arabia when the Qisas principle is put into practice.

Case Study

In 2013, there was a case reported in Saudi Arabia where the court sentenced someone to have their spinal cord severed, resulting in permanent paralysis. In exchange for paying one million Saudi riyals (about \$270,000) in damages to the individual they injured, they were able to avoid

this sentence. There have been allegations that the offender chose to stab his acquaintance in the back with a knife in 2003, leaving him permanently unable to move below the waist (Nair, 2013). In Saudi Arabia, there have been other cases where people have had their eyes gouged out, teeth pulled, and have been killed as punishment for murder (Kubelbeck, 2013).

c) Iran

A method of punishment (qisas) can be found in the penal code of Iran. Sections 1 to 80 of the code describe it. The penal law defines two distinct categories of Qisas crimes: one occurs when a person loses their life, and the other occurs when a person loses a body part. If someone is killed, their family can ask the court to let them kill the person who killed their loved one (Sial, 2006). If someone hurts you or your family, you can hurt them back the same way, but first, you have to ask the court for permission. The code offers guidance on the appropriate course of action in various situations. If someone loses their right hand and the person who hurt them also doesn't have a right hand to be hurt in return, the victim can ask the court for permission to cut the perpetrator's left hand instead (Shahidullah, 2012).

Case Study

There are few cases of Qisas reported in Iran. A woman (Ameneh Bahrami) from Iran who lost her sight in an acid attack voiced her wish for revenge. She wanted the person who attacked her, named Majiv Movahedi, to also lose their ability to see (Dehghan, 2015). In 2011, Bahrami had a last-minute change of mind on the day of the impending punishment. Instead, she asked for her attacker to be forgiven (Bahrami, 2011).

In March 2015, a person in the Gohardasht Prison in Karaj was reported to have lost their sight. This happened because they were found guilty of throwing acid at someone in 2009 and received the "qisas" punishment for their crime (Marszal, 2015).

Although it has not yet been carried out (as of November 2021) in some situations when qisas have been imposed as a penalty (Tehran Man Sentenced to Blinding in 'Eye for an Eye' Punishment, 2021):

- A guy who injured a government environmental official in February 2021 in the southern Iranian province of Chaharmahal and Bakhtiari was given the punishment of having a limb amputated.
- Because the neighbour lost his sight following a confrontation with the guy in June 2018, the 45-year-old individual was sentenced by a Tehran Criminal Court to become legally blind in October 2021.
- After someone threw acid on her face in northern Iran in May 2020, a 30-year-old lady suffered vision loss. She had earlier sprayed acid on a man's face to blind him, which is why this occurred.

Diyat

In the Quran, there is permission for Muslims who have been wronged to opt for financial reparation rather than seeking retaliation (Ahmed, 1990). In the Arabic language, Diyat refers to either a payment made to free someone or money paid as compensation for causing harm or taking a life (Anas, 2014).

In simple words, Diyat in the Pakistan Penal Code refers to the money that must be paid to the family of the person who was harmed or killed, as outlined in Section 323. This means that Diyat is a certain amount of money that is given according to Section 323 (Wasti, , 2009).

It is also mentioned in Hadith. The Prophet (peace be upon him), as narrated by Abdullah ibn Amr ibn al-'As, stated that it is unjustifiable to kill an individual solely due to their religious beliefs, as long as they have faith in God. If someone kills intentionally another person, he will be handed over to the family of the person who was killed. They have the option to take a life or opt for compensation if they desire to do so (Anas, 2014).

The aim of Diyat is many-sided. The term homicide is used to describe the act of one individual ending another person's life. The person's demise occurs abruptly, causing significant distress for their family. They would feel very upset and troubled emotionally, mentally, and financially. So, the goal is not only to make the legal heirs feel less angry but also to comfort the victim's family and give them something in return for the harm they experienced from this crime. The government does not take responsibility for individuals who are held accountable for deaths, injuries, or damages in traditional legal systems. Instead, the victim or their family member (or owner, if the victim is a slave) takes charge (Peters, 2006).

The Value of Diyat

The Sunnah tells us how much diyat should be paid and how to make the payment. At that time, the amount of money equal to one hundred camels was either 800 dinars or 8000 dirhams (al-Asqalani, n.d.). This was used until Hazrat Umar became the caliph and decided that camels had become costly. He decided that if someone had dinars, they would have to give 1000 dinars as diyat, if someone had dirhams, they would have to give 10,000 dirhams, if someone had cows, they would have to give 200 cows, if someone had sheep, they would have to give 2000 sheep, and if someone had suits of clothing, they would have to give 200 pairs of garments. To list the things that were commonly used and easy to get for paying, without any special sacredness attached to them. Therefore, none of those items alone has been determined to be the only measure for assessing diyat.

In Pakistan

In ancient Arab society, Diyat was like money that had to be paid if someone killed another person. As a form of punishment, the killer or their family or clan would offer goods or animals to the victim's family or clan as a means of making amends. In Islam, Diyat means paying a compensation amount in the form of money (Zahid, 2019).

Quran and Hadees do not mention a specific amount for Diyat. According to the law in Pakistan, the court decides how much money should be paid as diyat. So, according to section 323 of PPC, diyat must be at least equal to the value of 30630 grams of silver. Every year, the Federal Government will review and announce a new amount through publishing in the official gazette on July 1st (al-Zaylai, n.d.).

These are the four important principles:

1. The amount of diyat should be decided by the court according to the teachings of the Holy Quran.

2. A diyat sum that is less than the value of 30,630 grams of silver cannot be decided by the court.
3. The third requirement is that when determining the amount of diyat, the court will take into consideration the financial position of both the offender and the family of the victim.
4. The diyat amount may be increased by the court under the Holy Quran and Sunnah, but it is not permissible to decrease it (Zahid, 2019).

The total amount of diyat money to be given to the deceased's relatives should be based on their legitimate inheritance from the victim, under the penal law of Pakistan. But, if an inheritor decides not to take their share, any diyat money cannot be recovered from them.

The Aqilah

The groups of people who join together to help pay for diyat are called aqilah. The aqilah system was a widespread way of providing help and support among the Arab tribes before Islam. Islam converted and accepted it when the Prophet (peace be upon him) said: "Muslims from the migrants and helpers must compensate for any harm caused by a member of their family or clan (Khan, n.d.)." And they were made up of the male relatives from the father's side of the person who carried out the attack.

Aqilah used to be formed through family ties or by organizing an army, like during the time of Hazrat Umar. But today, we can't have Aqilah because families have become separated. However, the reason why tanasur (mutual assistance) was established is still important for its use in today's context. According to al-Qadi Khan, who was a jurist of the Hanafi School, he believes that:

"The reason why the aqilah had to pay for accidental killing by their members was because they were connected by a strong bond. So, if someone was a soldier who got their food and money from their group called Diwan, this is about people in a specific profession. If they believe in the idea of helping each other, then their community is the people in their profession (Peters, 2006)."

Islamic Justifications against the Death Sentence for Murder: the Victim's Compassion and Compensation

The Holy Quran endorses the use of the death sentence in certain circumstances. Nevertheless, it presents the choice of accepting forgiveness and receiving compensation as another course of action. In the Holy Quran, it is advised that those who have suffered harm should forgive the individual who caused the harm, as instructed for either the victim or their family members. They can also ask for money (Diyat - Blood money) instead of seeking revenge by killing (Qisas) them (Hascall, 2012). This is seen as a generous act or a way to make up for the wrong that was done. The practice of diyat in the form of objects or animals instead of cash was widespread in former times. The exact amount of money that is to be offered as diyat is not, however, specifically stated anywhere in the Holy Quran. Various schools of Sharia law have established different quantities or values (Habbash, Jaber, & Macalesher, 2015).

Laws regarding qisas and diyat have been enforced in countries that follow Sharia law. In Yemen, if a woman is killed, the diyat (a payment for compensation) given to her family is only half of the man (Yemen Submission to the UN Human Rights Committee, 2012). This principle is totally in contradiction with the teaching of the Holy Quran. The equality of men and women is guaranteed

in qisas legislation and other criminal proceedings by the Holy Quran and the Prophet Muhammad's (PBUH) teachings. The legal stance of Yemen is not backed by any verses from the Holy Quran or by genuine sayings attributed to Prophet Muhammad (PBUH). A story embraced by the Yemeni people, but not widely acknowledged, was documented by Abu Bakr Ahmad ibn Husayn al-Bayhaqi, a well-known expert in hadiths in 1066 CE, named Sunan al-Kubra gathered a collection of hadith (Bayhaqi, al-Yūsuf, & Ibn al-Turkumānī, n.d.).

A group of 17 Indian labourers have been held responsible for the killing of a Pakistani resident in the United Arab Emirates. Instead of receiving the death penalty, they were sentenced to two years in prison, which they had already served. They also had to pay 3.4 million AED (approximately 1 million US dollars) to the victim's family, and in return, the family agreed not to seek revenge. Some other countries like Saudi Arabia, Iran, Iraq, and Pakistan also allow the practice of diyat (Death sentences and executions in 2012, 2013).

Sharia law introduced a concept known as victim forgiveness and restitution, which offers a non-harmful method to achieve justice. According to the Holy Quran, "If a person receives a punishment of equivalent retribution without being killed, they are provided with an opportunity to experience remorse and live harmoniously alongside others in their community. If someone hurts you, then hurt them back in the same way they hurt you. However, if you remain resilient and exhibit patience, it will ultimately prove advantageous for your future (Al-Quran 16:126)".

In the viewpoints of both Sunni and Shi'a Islamic jurists, the execution of qisas, a punitive measure, is considered inappropriate until the victim's relatives acknowledge the injustice of causing harm to another person's life, which is seen as a violation of divine principles. The basis of Sharia lies in the belief that God desires to uphold both equity and compassion, which are accomplished through the implementation of penalties and acts of absolution (Habbash, Jaber, & Macalesher, 2015).

When seeking justice, it appears that Sharia law places a greater emphasis on forgiveness rather than punishment. In 1692, the well-known and important Shi'a religious scholar Shaykh Al-Hurr al-Amili wrote a chapter in a book of Hadith about teachings that encourage forgiveness instead of following strict laws for punishment (Qises Laws). The chapter title indicated that in situations where Qisas is appropriate, close relatives should forgive the offender and seek compensation, such as diyat or alternative forms of payment (al-'Amili, 2008).

Also, a Sunni scholar named Shaykh Mansur Ibn Yunus al-Bahuti recounts a famous narrative recorded in significant Sunni texts, narrated by a companion of Prophet Muhammad (PBUH): "Whenever someone brought a case of Qisas to Prophet Muhammad (PBUH), he would always tell them to forgive the person who was found guilty (Buhūṭī, 1982)."

Muhammad al-Shawkani, an esteemed Yemeni jurist, highlighted the positive outcomes of extending clemency to the culpable party in qisas-related situations within his renowned publication *Nayr al-awtar*. He wrote: Abu al-Darda (companion of Prophet Muhammad (PBUH) heard from Prophet Muhammad (PBUH), that "if whoever forgives someone who hurt them, God will make them more honourable and forgive some of their sins (Powers, 2007)."

The death sentence for murder is seldom used under Sharia law and is not considered the norm. Islam places a lot of importance on forgiveness and making things right in cases of qisas. By emphasizing forgiveness over revenge or punishment, Islamic countries can greatly enhance their criminal justice system. So, while the Quran says that planned murder is a crime that deserves the death penalty, it also says that Sharia law promotes the importance of protecting people's right to

life. Islam does not forbid abolishing capital punishment for intentional murder (Habbash, Jaber, & Macalesher, 2015).

Principles Used to Ascertain Intent in Murder Cases

Muslim jurists do not try to understand a person's intentions because it is hard to figure out. Moreover, they do not delve into the killer's mindset or the intricacies of their connection to the victim (Powers, 2007). Instead, their focus lies on the objects employed in the criminal acts mentioned in the relative Hadith, perceiving them as a means to reveal the individual's thought process and discern between *Amd* (intentional) and *Shibh Amd* (quasi-intentional) (Tallyn, 2008).

In essence, the consensus among Muslim scholars is that the intention to cause someone's death (*mens rea*) can be inferred when individuals resort to extremely hazardous weapons or plan to execute their intent, such as with swords, spears, or fire. Abú Ḥanífah stated that objects such as a wooden club are not deemed as lethal weapons. He believed that even minor or feeble strikes using these items could result in injury (Nyazee, 2000).

Nevertheless, he does not entirely reject the notion of employing an iron rod, considering the Holy Quran's statement regarding its durability and beneficial attributes for human beings. Conversely, Ḥanífah faced opposition from his followers, Imám Abú Yúsuf and Imám Muḥammad Al-Shaybání, as they argued that the stone and stick referred to in the ḥadīth indicate a specific kind that is not typically lethal, rather than any stone or stick. This viewpoint is also supported by the majority of jurists (Tallyn, 2008).

The emphasis should be on objective evidence rather than subjective criteria when determining intent. The reliance on objective evidence has become indispensable in establishing a crime, overtaking the importance of the perpetrator's initial intent (Peters, 2005). According to Ḥanafí Ibn Mawdud Al Musili, intentional killing means deliberately using a weapon that can break into pieces, like a sword, spear, flint, or fire. According to Ibn Qudáma, a Ḥanbali scholar, intentional killing refers to the act of causing death using a tool that is expected to result in death when used in its usual manner (Powers, 2007).

Conclusion

Thus, this right is widely embraced within the context of Islamic law. Islam is a religion that believes it is essential to protect and value everyone's life. The teaching emphasizes the importance of showing respect and positively treating others. In addition to granting this right, Islamic law provides the provision for its withdrawal under Shariah principles. Islam allows for the punishment of Qisas for those who commit murder or who repeat the same after getting a pardon from the victim's family.

Despite not being mandated by Shariah, many Muslim states persist in their strong commitment to and advocacy of the death penalty, employing Qisas as a form of retribution and have chosen to adopt the practice of implementing capital punishment for murder as part of their contemporary legal reforms.

The Quran states that those who engage in murder can be subject to capital punishment, yet it proposes an alternative solution of pardoning or aiding them in compensating for their actions. The adherence to Sharia law can continue even in the absence of executions. But still, it is important to understand the different situations in which the victim's family can choose between Qisas and Diyat. Diyat is frequently chosen in Islamic Jurisprudence due to its demonstration of cleverness

and adaptability. The Prophet (PBUH) urged Muslims to practice forgiveness and show compassion to perpetrators while also encouraging them to turn to Allah and work to minimize the use of the death penalty. Muslims must follow the Prophet's guidance because it applies to every facet of our lives within the Islamic faith.

Regrettably, Islamic scholars have subjected certain crimes to the death penalty, despite the absence of explicit mention in the Quran or the authentic Sunnah as punitive measures for those offences. Islam places great importance on life, yet there are moments when unsubstantial evidence is utilized to bolster the argument in favour of implementing the death penalty.

The significance of human life is greatly emphasized in Islam, and as a result, there are numerous means to address and pursue justice in cases of murder. This perspective ensures that Islamic teachings prioritize the safety and dignity of humanity. The principles within these teachings apply to the contemporary world.

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