

THE RELEVANCE AND APPLICATION OF QISAS IN CONTEMPORARY CONTEXTS: A QUR'AN PERSPECTIVE

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ABSTRACT

The concept of qisas punishment in the Holy Qur'an remains a focal point of scholarly debate in the modern era, particularly regarding its implementation within contemporary Islamic legal systems and its compatibility with international human rights standards. This study examines the enduring relevance of qisas in modern Sharia and investigates how its application can be harmonized with the principles of social justice, equality, and universal human values. Utilizing a qualitative approach and a case study method, this research explores classical Islamic legal sources, historical contexts, contemporary scholarly interpretations, and comparative practices of qisas enforcement across Muslim-majority countries. The findings reveal considerable diversity in the interpretation and implementation of qisas. While some countries maintain a retributive framework emphasizing proportional justice and legal uniformity, others adopt restorative models that prioritize reconciliation, forgiveness, and communal harmony. The study argues that qisas retains its relevance when understood within an adaptive and dynamic Islamic legal framework responsive to contemporary legal developments and evolving ethical norms. By situating qisas within broader discourses of restorative justice and human dignity, this research contributes to ongoing discussions on Islamic legal reform and underscores the potential of qisas to function as a humane, progressive, and socially responsive component of justice systems in the modern world.

Keywords: Contemporary Sharia, Human Rights, Islamic Law, Qisas Punishment

INTRODUCTION

The *qisas* punishment, as one of the fundamental components of Islamic criminal law, continues to provoke intense debate in contemporary discourse, particularly concerning its implications for human rights and its implementation within Muslim-majority societies (Ghassemi, 2009). Although the principle of *qisas* is explicitly affirmed in the Qur'an (Saputra, Rahman, & Kurniati, 2024), many Muslim countries have chosen to adopt secular legal systems or judicial frameworks that refrain from enforcing this form of punishment (Limbong et al., 2025). Previous research suggests that the application of Islamic law, including *qisas*, can play a vital role in reinforcing social justice within communities (Putri, Faudzi, & Kurniati, 2024). Nevertheless, significant challenges persist due to the varying levels of understanding and differing interpretations of the Qur'anic values underlying Islamic criminal law (Sholihah et al., 2024).

The concept of *maqāṣid al-sharī'ah*, the higher objectives of Islamic law, offers a progressive methodological framework for Islamic jurisprudence. It expands the scope of legal interpretation, enabling adaptability to contemporary social dynamics and evolving human needs. This approach provides renewed insight into distinguishing between individual and collective legal orientations while clarifying the boundaries between public and private law through a structured articulation of the overarching objectives of Islamic legislation (Shofi, Bayhaki, & Hesani, 2023).

Scholarly discussions on *qisas* have long been situated within the broader context of Islamic legal history, yet most studies have tended to focus on its conceptual and theoretical dimensions rather than its practical application in the modern era. Classical scholars such as al-Shafi'i and Ibn Qayyim al-Jawziyya emphasized the balance of justice and the

restoration of victims' rights as the essential aims of *qisas*. In contrast, contemporary scholarship increasingly highlights the practical challenges associated with enforcing *qisas* in pluralistic and secular societies. While some scholars argue that *qisas* can still function as an effective instrument of social justice when applied judiciously, others contend that it has become less relevant in the global context, where international human rights principles often take precedence (Cheema, 2012).

This study examines the continued relevance of *qisas* as outlined in the Qur'an and explores how its application within the framework of contemporary *sharia* can enhance the understanding of justice in modern society. It seeks to investigate the extent to which *qisas* can be adapted to align with broader principles of social justice and universal human rights while preserving the essential spirit of Islamic law. By comparing classical interpretations with insights from contemporary scholarship, this study aims to offer new perspectives on how *qisas* can be implemented within a contextualized and equitable Islamic legal framework.

Integrating *qisas* with the challenges of modern legal systems also provides opportunities to renew Islamic conceptions of justice. Although several scholars have questioned the contemporary relevance of *qisas*, its foundational aim remains profoundly significant, to ensure justice for victims. Accordingly, this study argues that *qisas* retains its applicability when interpreted through a broader legal and ethical lens that acknowledges present-day social dynamics and human rights concerns (Tyaningsih & Yurna, 2024). Such an approach not only deepens the understanding of justice in Islam but also contributes to the renewal of Islamic legal thought, making it more responsive to contemporary realities.

The novelty of this research lies in its contextual reinterpretation of *qisas* as

presented in the Qur'an, emphasizing its significance in pluralistic societies and integrating humanitarian perspectives. It explores how the core principles of *qisas* can evolve into legal policies that address modern societal challenges, offering practical insights for Muslim-majority countries to implement *qisas* beyond its retributive function, focusing instead on rehabilitation and the restoration of social justice (Protonentis, Chordiya, & Sumner, 2021).

This study's novelty lies in applying modern legal theories that emphasize humanistic values and correspond with universal human rights principles, an aspect rarely addressed in prior research. Most previous works on *qisas* focused on its theoretical and historical foundations, with only limited exploration of how it functions within a Sharia framework responsive to contemporary social and political realities.

For instance, studies by Al-Mazrouei (2016) and Al-Qaradawi (2011) primarily focused on the conceptual and normative aspects of *qisas* law, offering limited discussion on its practical implementation in the modern world. Distinct from these earlier works, the present study seeks to introduce a new perspective by integrating Islamic notions of justice with human rights values, and by examining how the implementation of *qisas* can be contextualized in an increasingly pluralistic and secular global era. In doing so, this research not only enriches the existing body of literature but also opens a path toward a more relevant and context-sensitive approach to understanding Islamic law.

Furthermore, this study incorporates modern legal theories that emphasize humanistic values and align with universal human rights principles, an aspect that remains underexplored in prior research. Earlier studies on *qisas* have primarily concentrated on its theoretical and historical foundations, with limited attention to its potential role within a

sharia framework that responds to current social and political realities. For instance, works by Al-Mazrouei (2016) and Al-Qaradawi (2011) largely focus on the conceptual and normative aspects of *qisas* law, offering little discussion on its modern applicability. Distinct from these earlier contributions, the present study introduces a new analytical perspective by integrating Islamic notions of justice with human rights values and examining how *qisas* can be contextualized within increasingly pluralistic and secular global environments. In doing so, this research not only enriches the existing body of literature but also opens new pathways toward a more contextually relevant and ethically grounded understanding of Islamic criminal law.

Finally, this study seeks to address the existing gap in the literature concerning the application of *qisas* within modern legal systems. While numerous studies have explored the foundational principles and traditional practices of *qisas*, few have investigated its applicability in the complex, pluralistic contexts of contemporary societies. By emphasizing both its theoretical underpinnings and practical dimensions, this research offers a distinct contribution to the field, proposing an adaptive and responsive approach to the modern implementation of Islamic criminal law that harmonizes the spirit of *sharia* with the evolving demands of justice in the twenty-first century.

Literature Review

A comparison between non-narrative texts and Qur'ānic verses with the narratives of *qiṣaṣ al-Anbiyā'* highlights that the story of Sulaymān in popular tradition is dynamic and continually evolving, whereas non-narrative forms are more capable of maintaining the consistency and stability of their historical and religious messages (Stetkevych, 2017). Within the framework of *maqāṣid al-sharī'ah* (Purnomo, 2023), *qiṣaṣ* is not merely understood as a form of

retributive punishment but also as a legal mechanism designed to protect human life and ensure individual safety (Djalaluddin, 2023; Muhamad, 2015; Naro, 2020).

This study introduces a new analytical perspective by integrating medical ethics with *sharī'a* principles to examine physicians' involvement in the implementation of *qīṣaṣ* punishment, particularly in cases invoking the “an eye for an eye” concept of retributive justice (Hassanein, 2018; Ismail, 2019; Shariff, 2019). The analysis also considers the application of *qīṣaṣ* within modern *sharia* evidentiary practices through real legal cases (Alam, 2019; Bello, 2020; Khan, 2019; Mallat, 2020; Munir, 2020b; Schamiloglu, 2021; Tajuddin, 2021). The concepts of *ḥuqūq Allāh* and *ḥuqūq al-ʿibād*, representing divine and human rights, serve as both the moral and juridical foundations for the implementation of *qīṣaṣ* in Islam (Ahmad, 2022; Hallaq, 2019; Sánchez, 2021; Zakariyah, 2017).

This study provides a renewed analytical framework by linking the classical understanding of *qīṣaṣ* with contemporary discussions on *maqāṣid al-sharī'ah*, emphasizing its primary function as the protection of human life rather than merely a retributive sanction. It further enriches scholarly discourse by integrating the concepts of *ḥuqūq Allāh* and *ḥuqūq al-ʿibād* as moral foundations that balance divine justice with humanistic values within Islamic criminal law. Moreover, this research introduces a novel dimension by incorporating medical ethics into the legal debate on the role of healthcare professionals in the execution of *qīṣaṣ*, presenting a bioethical perspective that has been rarely explored in previous studies.

Through an examination of actual legal cases and comparative practices across Muslim-majority countries, this study contributes to the development of modern *sharia* jurisprudence by reinterpreting *qīṣaṣ* in the Qur'an as a flexible and contextually relevant model of restorative justice for addressing

contemporary legal challenges. It aims to reexamine the relevance of *qīṣaṣ* within the framework of modern *sharia* law, while considering the values of *maqāṣid al-sharī'ah* and universal human rights principles. Furthermore, it explores the potential applications of *qīṣaṣ* that align with medical ethics and contemporary legal systems without neglecting the essential principle of justice as the core of Islamic teaching.

This research holds academic significance as it offers a new perspective on how Islamic criminal law can adapt to social transformations and global dynamics that demand a balance between justice and humanity. By adopting an interdisciplinary approach that encompasses law, ethics, and human rights, this study seeks to enrich the field of *sharia* jurisprudence with a more contextual, progressive, and socially responsive understanding aligned with the realities of the modern world.

The study is grounded on the assumption that *qīṣaṣ* law remains relevant when interpreted dynamically within the framework of *maqāṣid al-sharī'ah* and restorative justice principles. The main variables of the study include the application of *qīṣaṣ* law as the independent variable and its relevance to social justice and human rights as the dependent variable. Employing a qualitative approach and a case study design, data were collected through an extensive review of literature, including the Qur'an, classical Islamic jurisprudence, and contemporary scholarly works, as well as in-depth interviews with Islamic legal experts. Thematic analysis was then conducted to identify emerging patterns, guiding principles, and challenges in implementing *qīṣaṣ* within modern legal systems.

The key terms in this study encompass several fundamental concepts. *Qīṣaṣ*, in its linguistic sense, refers to “proportionate retribution,” whereas in Islamic legal terminology, it denotes punishment imposed on perpetrators of

murder or bodily harm commensurate with the severity of their offense (Haghani, 2021; Ibrahim, 2023; Sohail, 2023; Subhan, 2024). *Diyāt* refers to financial compensation (Maulidar, 2021) that may substitute the execution of *qīṣaṣ* based on mutual reconciliation between the involved parties (Aziz & Setiani, 2024; Kusuma & Diani, 2022; Kuswandi, Nuraeny, & Solihah, 2020; Latifah, 2016; Rafid, 2022). Meanwhile, *maqāṣid al-sharī'ah* denotes the higher objectives of Islamic law, which include the protection of life, intellect, religion, property, and lineage (Juliansyahzen, 2022; Musyafa'ah et al., 2023). *Restorative justice* is understood as a legal approach that focuses on restoring social harmony between the offender and the victim (Ariyani & Marlina, 2023; Yani & Djanggih, 2023), rather than merely imposing punitive measures.

Previous studies have generally examined *qīṣaṣ* within conceptual and historical frameworks (Sodiqin, 2010; Rodin, 2015), or through comparisons with modern criminal law systems (Cheema, 2012). The works of Al-Mazrouei (2016) and Al-Qaradawi (2011) primarily address the normative aspects of *qīṣaṣ* without providing in-depth analysis of its application in contemporary societies. Recent research, however, reveals notable variations in *qīṣaṣ* implementation across Muslim-majority countries. In Saudi Arabia and Iran, *qīṣaṣ* is enforced strictly in accordance with *Sharia* law, yet its application has often been criticized for concerns related to fairness and human rights compliance (Adelina, 2024; Amnesty International, 2023). Conversely, Indonesia and Turkey have opted not to implement *qīṣaṣ* in their criminal justice systems, instead emphasizing restorative and rehabilitative approaches to justice (Gisnan et al., 2023; Nikmah, 2017).

The primary gap in the existing literature lies in the limited examination of the contextual application of *qīṣaṣ* within the realities of modern society. Most prior

studies have remained focused on normative dimensions and have yet to propose an implementation model accommodating legal pluralism and the demands of human rights protection. This study seeks to expand the theoretical framework by positioning *qīṣaṣ* as an instrument of social justice that emphasizes the protection of life (*hifẓ al-nafs*) and the pursuit of societal reconciliation, rather than merely serving as a mechanism for retributive punishment.

The findings of this study indicate that *qīṣaṣ* retains both theological and social significance when interpreted contextually within the framework of *maqāṣid al-sharī'ah*. The Qur'anic conception of *Qīṣaṣ* demonstrates a degree of legal flexibility that allows it to adapt to the evolving dynamics of contemporary society, including the integration of restorative justice principles. From this perspective, *qīṣaṣ* should not be perceived solely as a punitive measure but as a moral and social mechanism aimed at upholding proportional justice and human dignity.

Several questions remain open for future research: What model of *qīṣaṣ* implementation would be most appropriate for countries with secular legal systems but predominantly Muslim populations? How can *qīṣaṣ* be effectively integrated with restorative justice frameworks within the context of modern criminal law?

Conceptual Framework

This study employs the theory of *maqāṣid al-sharī'ah* as the primary analytical foundation for understanding the relevance of *qīṣaṣ* within the framework of modern Islamic law. This theory emphasizes that every provision in Islamic law serves a fundamental objective, the preservation of five essential aspects of human existence: life (*hifẓ al-nafs*), intellect, religion, property, and lineage. From this perspective, *qīṣaṣ* is not merely understood as a form of retribution but as a mechanism for upholding justice, preserving life, and maintaining social

equilibrium. This theoretical approach facilitates a more contextual and flexible interpretation of *qisas*, allowing it to adapt to social transformations and align with universal human values.

The conceptual framework of this study integrates the principles of restorative justice into the analysis of *qisas* to assess the extent to which this concept can be reconciled with contemporary legal systems. Within this framework, *qisas* is viewed as a means of restoring social relations between offenders and victims, rather than as a mere act of proportional retaliation. The analysis connects the values of *ḥuqūq Allāh* (rights of God) and *ḥuqūq al-ʿibād* (rights of human beings) as a moral foundation that harmonizes divine justice with humanistic principles. Through this integrative approach, the study positions *qisas* as a manifestation of Islamic justice that is progressive, balanced, and compatible with modern human rights principles.

RESEARCH METHOD

This research adopts a qualitative approach with a case study design to explore the relevance and implementation of *qisas* punishment in the Qur'an within the context of contemporary *sharia*. This design was chosen because it enables an in-depth exploration of how *qisas* is applied in modern societies and how these practices compare with classical Islamic jurisprudence. The qualitative approach allows the researcher to capture the perspectives and experiences of jurists, religious leaders, and community members concerning the implementation of *qisas* amid present-day challenges. It also facilitates a more contextual and comprehensive analysis, thereby producing findings that are relevant to understanding the evolving dynamics of Islamic law in a globalized world.

Data collection was conducted using two primary methods: literature review and in-depth interviews. The literature

review examined Qur'anic texts, classical Islamic legal scholarship, and contemporary studies addressing the application of *qisas* in modern contexts (Athar, 2024). In addition, in-depth interviews were carried out with religious leaders, Islamic jurists, and legal practitioners involved in implementing Islamic law in Muslim-majority countries. These interviews aimed to obtain first-hand insights into how *qisas* is perceived, interpreted, and practiced in different social and legal environments. The combination of these two data sources provided a more comprehensive understanding of the topic and enriched the analytical perspective of this study.

Data analysis employed a thematic analysis method, in which data obtained from the literature review and interviews were organized into emerging themes such as the principles of justice in *qisas*, challenges in its implementation, and its relationship with human rights. The analytical process began with the transcription of interviews, followed by the identification of recurring patterns related to the application of *qisas* in contemporary *sharia* contexts. These thematic findings were then interpreted to establish connections between theory and practice and to identify this study's contribution to addressing existing research gaps. The analysis results are expected to enhance the understanding of how *qisas* operates within the modern legal and ethical landscape.

This research adheres to rigorous ethical standards, particularly regarding participants' privacy and the confidentiality of information obtained during interviews. Prior to data collection, all participants were provided with detailed information about the study's objectives and their rights to participate voluntarily or withdraw without coercion. Participants' identities are kept confidential and are not disclosed in the study's findings. Furthermore, all literature sources are appropriately cited to

avoid plagiarism and ensure proper acknowledgment of original authors. This ethical commitment underscores the study's integrity and respect for both research participants and intellectual sources.

DISCUSSION

Qishash Punishment in the Qur'an

In the Qur'an, the word **قصاص** (*qashaṣ*) and its various forms appear 25 times, which are summarized in Table 1. Specifically, the noun **قصاص** is mentioned eight times in Q.S. *Āl 'Imrān*: 62; *al-A 'rāf*: 176; *Yūsuf*: 3, 111; *al-Qaṣaṣ*: 25; *an-Nisā'*: 164; *an-Nahl*: 118; and *al-Kahf*: 64. The word **قَص** appears once in Q.S. *al-Qaṣaṣ*: 25. In the form of the imperfect verb (*fi'l muḍāri'*) **يَقْصُ** and **يَقْصُ**, it appears 11 times in Q.S. *Yūsuf*: 3, 5; *an-Nisā'*: 164; *al-An 'ām*: 57, 130; *al-A 'rāf*: 7, 35, 101; *Hūd*: 100, 120; and *al-Kahf*: 13. The imperative form (*fi'l amr*) **اقْصِصْ** occurs once in Q.S. *al-A 'rāf*: 176. Meanwhile, the term **قصاص** (*qishāṣ*), which specifically refers to "commensurate punishment," is mentioned four times, in Q.S. *al-Baqarah*: 178, 179, and 194, and Q.S. *al-Mā'idah*: 45.

Table 1: The Qur'anic Verses on Qisas

No	Word Form	Frequency	Verses Mentioned
1	قصاص	8 times	<i>Āl 'Imrān</i> : 62; <i>al-A 'rāf</i> : 176; <i>Yūsuf</i> : 3; <i>al-Qaṣaṣ</i> : 25; <i>an-Nisā'</i> : 164; <i>Yūsuf</i> : 111; <i>an-Nahl</i> : 118; <i>al-Kahf</i> : 64
2	قَصْ	1 time	<i>al-Qaṣaṣ</i> : 25
3	نَقْصٌ, يَقْصُ (<i>fi'l muḍāri'</i>)	11 times	<i>Yūsuf</i> : 3, 5; <i>an-Nisā'</i> : 164; <i>al-An 'ām</i> : 57, 130; <i>al-A 'rāf</i> : 7, 35, 101; <i>Hūd</i> : 100, 120; <i>al-Kahf</i> : 13
4	اقْصِصْ (<i>fi'l amr</i>)	1 time	<i>al-A 'rāf</i> : 176
5	قصاص	4 times	<i>al-Baqarah</i> : 178, 179, 194; <i>al-Mā'idah</i> : 45

Source: Moazzam and Attirmidzi, 2025

The term *qisas*, meaning "commensurate retribution," appears in

four Medinan verses: Q.S. *al-Baqarah*: 178, 179, 194, and *al-Mā'idah*: 45. However, if the chronology of revelation is considered according to the classification of *Makkiyah* and *Madaniyyah*, six Qur'anic verses address the concept of *qisas*: Q.S. *al-Isrā'*: 33; *al-Baqarah*: 178, 179; *an-Nisā'*: 92, 93; and *al-Mā'idah*: 45.

1. The Makkiyah Period

The verse revealed during the *Makkiyah* period that discusses the issue of murder is Q.S. *al-Isrā'*: 33:

وَلَا تَقْتُلُوا أَنْفُسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَمَنْ قُتِلَ
مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيٍّ سُلْطَانًا فَلَا يَسْرِفُ فِي الْقَتْلِ إِنَّهُ
كَانَ مَنْصُورًا

Translation:

"And do not kill the soul which Allah has forbidden, except by right. And whoever is killed unjustly - We have given his heir authority but let him not exceed limits in [the matter of] taking life. Indeed, he has been supported."

According to Ibn Munzir and Ibn Jarir, Q.S. *al-Isrā'* (33) is among the earliest verses addressing the prohibition and legal consequences of murder (As-Suyuthi, 2003). It was revealed in response to acts of persecution and killing by the polytheists against the Prophet's companions when the Muslim community was still weak, few, and socially marginalized. In this vulnerable condition, the Qur'an affirmed the believers' right to seek justice for wrongful killing.

From this verse, three main principles can be derived: (1) the prohibition against unlawful killing, (2) the right of heirs to seek justice, (3) the obligation of proportionality and fairness in retribution (Sodiqin, 2010).

2. The Madaniyyah Period

The revelation of Q.S. *al-Baqarah* (2:178) was prompted by a dispute between two tribes over a case of blood vengeance (Ahmad, n.d.). One tribe, being more powerful, intended to kill a free man in retaliation for the death of its slave. Upon Islam's advent, they sought the Prophet's judgment, and this verse was

revealed, establishing equality and justice through *qisas* (Al-Baidhawi, n.d.).

According to Wahbah az-Zuhaili, prior to Islam, the prevailing norm was retaliation in kind for murder, often disproportionate in practice. When a slave was killed, the tribe would demand the killing of a free man. Islam, however, abolished this injustice by instituting equality and fairness in *qisas* (Al-Zuhaili, n.d.).

Q.S. *al-Baqarah* (2:178) presents four fundamental principles: (1) the legality of *qisas* (retributive justice), (2) the principle of equivalence in retribution, (3) the availability of alternative punishment through *diyat* (blood money), and (4) ethical conduct in the implementation of retribution (Sodiqin, 2010). This verse emphasizes the obligation to implement *qisas* as a form of legal justice, establishing the principle of proportionality and prohibiting any excess in its execution. Furthermore, the Qur'an provides an alternative mechanism, through forgiveness accompanied by the payment of *diyat*, which reflects the spirit of justice and social reconciliation.

The fourth aspect of Surah al-Baqarah (2:178) underscores the ethics accompanying the prosecution of punishment, as expressed in the verse:

فَمَنْ عَفَىٰ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبَاعٌ بِالْمَعْرُوفِ
وَأَدَاءٌ إِلَيْهِ بِإِحْسَنٍ

“So, whoever overlooks from his brother anything, then there should be a suitable follow-up and payment to him with good conduct.” This verse, along with related hadiths, highlights the moral principle of forgiveness and sincerity in paying *diyat*. It implies that criminal cases should ideally be resolved amicably to prevent hostility and social vengeance.

The next relevant verse, revealed during the Medinan period, is Q.S. an-Nisa (4:92):

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَاً وَمَنْ قَتَلَ
مُؤْمِنًا خَطَاً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ
إِلَّا أَنْ يَصَدَّقُوا فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ مُؤْمِنٌ
فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ
مِيثَاقٌ فَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ

لَمْ يَجِدْ فَصِيَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِّنَ اللَّهِ وَكَانَ اللَّهُ
عَلِيمًا حَكِيمًا

Translation:

“And never is it for a believer to kill a believer except by mistake. And whoever kills a believer by mistake - then the freeing of a believing slave and a compensation payment presented to the deceased's family [is required] unless they give [up their right as] charity. But if the deceased was from a people at war with you and he was a believer - then [only] the freeing of a believing slave; and if he was from a people with whom you have a treaty - then a compensation payment presented to his family and the freeing of a believing slave. And whoever does not find [one or cannot afford to buy one] - then [instead], a fast for two months consecutively, [seeking] acceptance of repentance from Allah. And Allah is ever Knowing and Wise”.

This verse reiterates the prohibition of killing a fellow believer and outlines the legal sanctions for unintentional homicide. It implicitly indicates that *qisas* applies only to intentional murder (Maulidar, 2021). The verse also differentiates the type of punishment according to the victim's theological status, as the religious affiliation of the victim influences the legal implications. Killing a non-hostile non-Muslim incurs a penalty, whereas killing an enemy combatant does not.

The subsequent verse, Q.S. an-Nisa (4:93), addresses the punishment for intentional killing:

وَمَنْ يَقْتُلْ مُؤْمِنًا مُّتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا
فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعْنَهُ وَأَعَدَّ لَهُ عَذَابًا
عَظِيمًا

Translation:

“And whoever kills a believer intentionally - his recompense is Hell, wherein he will abide eternally, and Allah has become angry with him and has cursed him and has prepared for him a great punishment”.

This verse focuses not on sociological sanctions but on theological consequences. It conveys the gravity of intentional murder in Islam and its spiritual repercussions, highlighting that the severity of the divine punishment corresponds to the social and moral corruption caused by the act.

According to a narration by Qatadah, Zurarah ibn Aufa reported from Imran ibn Husain that two men quarreled, resulting in the loss of one man's tooth. When the matter was brought before the Prophet Muhammad (peace be upon him), he initially ruled that there was no *diyat* for such an injury, until Surah al-Ma'idah (5:45) was revealed (Al-Tirmizi, 2008).

Surah al-Ma'idah (5:45) elaborates on the *qisas* provisions for bodily injury. Scholars classify *qisas* into two categories: *qisas 'ala al-nafs* (for homicide) and *qisas duna al-nafs* (for injury). Retaliation must correspond precisely to nature and degree of the harm inflicted. The purpose of this punishment is to restore justice and prevent recurring family or tribal conflicts (Syahrur, Qudsy, & Ridwan, 2003).

While the Qur'an retains the concept of *qisas*, it transforms its underlying essence. The pre-Islamic notion of vengeance is replaced with principles of justice, mercy, and social stability. Hence, the *substance* of *qisas*, preserving life (*hifz al-nafs*) and maintaining social order, becomes more important than its *form*. The Qur'an offers multiple alternatives to strict retribution, including *diyat* and forgiveness, demonstrating the flexibility and moral depth of Islamic criminal law.

In pre-Islamic Arabia, *qisas* was rooted in vengeance and tribal fanaticism, often leading to endless cycles of conflict and warfare (Sodiqin, 2010).

Islam reformed this paradigm by preserving the right to retribution but embedding it within an ethical and legal framework. *Qisas* shifted from being an act of revenge to a system of proportional justice aimed at preserving life and promoting peace (Rodin, 2015). Consequently, *qisas* in Islam functions not as a mechanism of revenge but as a safeguard for the sanctity of human life (Khasan, 2017).

The Qur'anic reformation of the punishment of revenge can be seen in Table 2:

Table 2: Comparison Between the Jāhiliyyah and Qur'anic Concepts of Qisas

Aspects	Jāhiliyyah Concept	Qur'anic Concept
Principle of Applicability	Retaliation	Righteous retribution (<i>qisas</i>)
Types of Murder	All forms of killing	Intentional homicide only
Prosecution	Victim's family with tribal support	Victim's next of kin (heirs)
Purpose	Elimination of grudges	Preservation of life and justice
Forgiveness System	No forgiveness	Forgiveness permitted with <i>diyat</i>
Execution of Punishment	Conducted privately or tribally	Enforced by legal authorities
Social Impact	Prolonged conflict	Prevention of injustice and promotion of harmony

Source: Sodiqin, 2010

Table 2 illustrates the fundamental distinctions between the concept of *qisas* in Jāhiliyyah society and in Islamic teachings as outlined in the Qur'an. In the pre-Islamic (Jāhiliyyah) context, retribution was primarily emotional and lacked a structured legal framework, often leading to prolonged inter-tribal conflicts. In contrast, the Qur'an establishes *qisas* as a system of measured justice, emphasizing proportionality between crime and punishment while introducing the option of forgiveness through the *diyat* (compensation) system. This demonstrates that Islamic law provides space for peaceful resolution without disregarding the rights of the victim's family.

Furthermore, the shift in the implementation of *qisas* reflects a transition from a tribal and authority-free system to one that is legally institutionalized and governed by structured judicial mechanisms. This transformation is particularly relevant in the contemporary context, where law enforcement must uphold principles of social justice, humanity, and collective welfare. By integrating forgiveness and

compensation into the legal framework, *qisas* in Islam becomes more flexible and restorative than the Jāhiliyyah system of vengeance, which perpetuated cycles of violence.

The Relevance and Implementation of Qisas Punishment in the Contemporary World

The implementation of *qisas* punishment in countries such as Saudi Arabia and Iran reflects attempts to uphold justice in accordance with Islamic law (Adelina, 2024). However, these practices have generated international controversy due to uncertainties in judicial procedures and limited protection of individual rights, particularly those of women and minority groups, creating tension between Sharia-based legal systems and international human rights principles.

This discrepancy is especially evident in murder cases involving women, where, despite reconciliation between the victim’s family and the perpetrator, judicial decisions often fail to adequately consider elements of social and individual justice. According to Amnesty International (2023), although Iran upholds the principle of *qisas*, its implementation does not always reflect genuine justice, particularly when the rights of the accused are not equally protected. These observations suggest that the application of *qisas* in some contexts remains inconsistent with the ideals of equitable and restorative justice.

In contrast, countries such as Indonesia and Turkey do not apply *qisas* punishment, opting instead for more secular legal systems. Indonesia, home to the world’s largest Muslim population, enforces a national criminal code (*Kitab Undang-Undang Hukum Pidana*, KUHP) that prioritizes rehabilitation and social recovery (Gisnan et al., 2023). Nevertheless, Islamic moral values continue to influence judicial reasoning and policy-making. As one legal expert noted, “Indonesia tends to adopt a legal

approach that emphasizes individual rights and rehabilitation, although Islamic principles still inform certain legal policies” (Interview, 2024). Opposition to the enforcement of *qisas* in Indonesia is largely grounded in the preference for universal human rights principles and the promotion of restorative justice.

Similarly, despite being a predominantly Muslim country, Turkey adheres to a secular legal system that prohibits *qisas*. Its legal approach aligns more closely with international conventions on human rights. Turkey represents a model of balancing Islamic cultural identity with commitments to global legal norms, avoiding the tensions that may arise from implementing laws potentially at odds with modern humanitarian principles (Nikmah, 2017). The country’s rejection of *qisas* stems from concerns that its application could lead to human rights violations, which is shown in Table 3. As stated in a report by the European Court of Human Rights, Turkey remains firmly committed to abolishing capital and retributive punishments, including *qisas*, on the grounds that they contradict universal moral and legal values.

Table. 3: The Application of Qisas in Several Countries

Coun try	Applic ation of Qisas	Crimes under Qisas law	Legal Procedu res	Criticis ms and Challen ges
Saudi Arabi a	Strictly enforce d under Sharia law	Murder and serious crimes	Qisas allows pardon or compens ation	Lack of transpare ncy and legal discrimin ation
Iran	Applied under Sharia law	Murder and assault	Judge rules, family may pardon	Unfair applicati ons against vulnerabl e groups
Indon esia	Applies national crimina l law	Secular law implem ented	Victim- centered restorati ve justice approac h	Balances Sharia influence and restorativ e justice

Turki	Adhere s to secular legal system	General law applied	Courts follow modern internati onal conventi ons	Rejects <i>qisas</i> ; upholds human rights principle s
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Source: Arafat, 2025

Based on the findings of this study, it is evident that the application of *qisas* law varies significantly across Muslim-majority countries. While nations such as Saudi Arabia and Iran implement *qisas* as a legitimate form of Islamic retribution for serious crimes (Efendi, 2023), countries like Indonesia and Turkey adopt a more progressive legal philosophy that prioritizes human rights and rehabilitation (Diana & Bahri, 2024). These differences reveal diverse interpretations of justice within Islamic jurisprudence, particularly concerning the treatment of offenders and victims in modern legal systems.

One of the key challenges in the application of *qisas* is its potential incompatibility with international human rights standards, especially regarding equitable justice and fair trial rights (Abril, 2024). Nations enforcing *qisas* frequently face criticism from international organizations for failing to adequately ensure defendants' rights to transparent and impartial legal proceedings (Efendi, 2023). For instance, in Saudi Arabia, *qisas* trials have often been criticized for their lack of procedural transparency and susceptibility to unilateral decision-making. Human Rights Watch (2023) reports that although Saudi Arabia considers *qisas* a legitimate form of Islamic justice, its practice frequently diverges from modern judicial standards and globally recognized human rights norms.

While *qisas* is theologically legitimate in Islam, its practical application in modern sociocultural contexts remains contentious (Kamal & Hatimah, 2024). Several Muslim-majority nations, including Indonesia, seek to uphold the spirit of Islamic justice without

compromising universal human rights, striving for a balance between Islamic legal traditions and contemporary law. As one academic in Jakarta observed, "In Indonesia, our legal framework prioritizes restorative resolution rather than retribution" (Interview, 2024). This reflects the reality that, despite shared religious foundations, each country interprets and implements Islamic law differently, shaped by its unique social, cultural, and political contexts (Tahir, 2017).

Globalization presents new challenges in the implementation of *qisas* punishment across Muslim-majority countries (Badruzaman, 2017). Nations seeking to integrate into the international community and adhere to global human rights standards often face pressure to reform or adjust their legal policies, including those related to *qisas*. For instance, Iran faces significant international scrutiny concerning its use of the death penalty and *qisas*, particularly from Western nations that oppose capital punishment in any form (Adelina, 2024). According to a report by Amnesty International (2023), many countries have already abolished the death penalty, and an increasing number of Muslim-majority states are aligning their legal frameworks with international standards (Susanto & Ramdan, 2017).

Decisions regarding the implementation of *qisas* punishment within Muslim societies are often shaped by diverse interpretations of Islamic law (Sholihah et al., 2024). In countries such as Iran and Saudi Arabia, the judiciary holds a central role in determining *qisas* rulings. Conversely, in nations like Indonesia, legal decisions tend to emphasize social justice principles, prioritizing rehabilitation over retribution. This variation highlights that while there is broad agreement on the theological basis of *qisas* in Islamic jurisprudence, its practical application differs substantially depending on each country's legal

tradition, social context, and interpretation of sacred texts (Hasibuan et al., 2024).

The findings of this study also expand upon previous research, which often examined *qisas* solely through the lens of classical Islamic law without addressing the contemporary challenges posed by modern legal and ethical frameworks. By exploring its implementation in Saudi Arabia, Iran, Indonesia, and Turkey, this study provides a deeper understanding of how Islamic legal principles interact with modern judicial systems and international human rights norms in an increasingly pluralistic global context.

CLOSING

This study reexamines the relevance and practice of *qisas* punishment, as outlined in the Qur'an, within the framework of contemporary Sharia law. While *qisas* possesses a strong theological foundation and serves as a key expression of retributive justice, its application varies significantly among Muslim-majority countries, particularly concerning compatibility with human rights and modern legal standards. Nations such as Saudi Arabia and Iran continue to enforce *qisas* strictly, emphasizing proportional retribution as a core element of justice; however, these practices often face criticism for their limited conformity to international human rights principles. In contrast, countries like Indonesia and Turkey adopt more restorative and rehabilitative legal approaches, aiming to balance Islamic ethical values with the demands of modern jurisprudence. This study argues that *qisas* should be understood contextually rather than confined to traditional interpretations, considering the evolving social, political, and humanitarian realities of today's world. Within pluralistic societies, such reinterpretation is vital to ensure that justice is pursued while maintaining respect for human dignity and universal

moral values. Therefore, this research recommends that future studies focus on developing practical frameworks for *qisas* implementation that remain faithful to Islamic law yet adaptable to contemporary conditions. By harmonizing Islamic principles of justice with progressive legal concepts, *qisas* has the potential to evolve into a more inclusive, humane, and socially responsive form of justice suitable for the modern era.

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