

Analysis of the Application of Qisās in Murder Cases: A Normative Study of the Views of the Four Schools of Thought

Dayyan Moazzam¹, Gafi Ahmad Attirmidzi²

^{1,2}Fakultas Syariah dan Hukum, Universitas Islam As'adiyah Sengkang, Sulawesi Selatan, Indonesia

Abstract: This research examines the application of Qisās (retributive justice) in cases of intentional murder from the perspective of Islamic law, with a specific focus on the normative interpretations offered by the four major Sunni schools of thought: Hanafi, Maliki, Shafi'i, and Hanbali. The study explores the doctrinal foundations, conditions, and limitations of implementing Qisās, including the role of Diyya (blood money), the evidentiary standards, and the discretionary power given to the victim's heirs to seek retribution or forgiveness. Through a qualitative doctrinal approach, this research analyzes classical jurisprudential texts and contemporary legal practices in Muslim-majority countries. It also evaluates the implications of Qisās in relation to modern human rights standards, particularly issues of equality, justice, and the right to life. The findings indicate that while Qisās remains a central tenet of Islamic criminal law, its application varies across schools and requires contextual reinterpretation to align with current legal and ethical frameworks. The study concludes that harmonizing traditional Islamic principles with international human rights norms is both possible and necessary for justice systems in Muslim societies today.

Research Highlights:

- Comprehensive analysis of Qisās in intentional murder cases based on the perspectives of the four major Sunni schools: Hanafi, Maliki, Shafi'i, and Hanbali.
- Explores the legal conditions for applying Qisās, including intent, valid evidence, confession, and the victim's family's right to forgiveness or retribution.
- Examines the role of Diyya (blood money) as a restorative alternative to Qisās, emphasizing its significance in promoting mercy and reconciliation.
- Evaluates the compatibility of Qisās and Diyya with contemporary international human rights standards, focusing on issues of equality, due process, and the right to life.
- Offers normative insights into how Islamic jurisprudence can adapt to modern legal and ethical frameworks while maintaining fidelity to its foundational principles.

Article history

Submitted 18-03-2025

Revised 03-04-2025

Accepted 29-04-2025

Keywords

Qisās;
Islamic Criminal Law;
Diyya (Blood Money);
Four Schools of Thought;
Human Rights
Compatibility.

© 2024 by author(s).

Licensee *Syariat*.

This article is licensed under the term of the Creative Commons Attribution-NonCommercial 4.0 International License (CC BY-NC 4.0).



Corresponding Author:

Name:

Dayyan Moazzam

Email:

dayyanmoazzam@gmail.com

INTRODUCTION

Qisās, derived from the Arabic root meaning "to follow closely" or "to retaliate," is a fundamental concept in Islamic criminal law that denotes retributive justice, particularly in cases of murder and bodily injury. In cases of intentional homicide, Qisās provides the legal basis for the victim's family to seek retribution equal to the harm caused often encapsulated in the phrase "a life for a life." Rooted in the Qur'an, particularly Surah Al-Baqarah (2:178-179), and elaborated upon in numerous hadith, Qisās reflects a system of justice that emphasizes both accountability and the possibility of mercy through the acceptance of blood money (diyyah) or forgiveness (Alhabdan, 2015).

Under Qisās, the heirs of a murder victim (known as awliya' ad-dam) are given the right to demand that the murderer be subjected to the same fate as the victim that is, death as punishment for intentional killing. However, Islamic law also provides alternatives to retribution. The heirs may choose to forgive the offender or accept blood money (diyyah) as compensation, which reflects the balance between justice and mercy in the Islamic legal tradition(Pascoe, 2016).

Intentional killing (qatl 'amd) is defined in Islamic jurisprudence as the deliberate and unlawful taking of a human life with the use of a weapon or lethal object, accompanied by the intent to kill. For Qisās to be applied in such cases, certain strict evidentiary standards must be met, including the presence of witnesses or a confession(Pascoe, 2016). Additionally, conditions such as legal equality between the killer and the victim in terms of religion, gender, and social status are factors that classical jurists often consider in determining the applicability of Qisās.

It is important to note that while Qisās serves as a mechanism for delivering justice, it also functions as a deterrent to crime and a means of maintaining social order. The Qur'an states, "And there is life for you in Qisās, O people of understanding, that you may become righteous" (Qur'an 2:179), emphasizing that retributive justice ultimately upholds the sanctity of life by discouraging murder.

Over the past decade, scholarly interest in the application of Qisās (retributive justice) in murder cases has intensified, particularly concerning its interpretation within the four major Sunni schools of thought and its relevance in contemporary legal systems. This body of research explores the intersection of classical Islamic jurisprudence with modern legal and ethical considerations(Ali, 2016).

A bibliometric analysis conducted by Judijanto and Zuwanda (2025) highlights that traditional principles like Qisās remain central to Islamic criminal law discourse. However, there's a growing emphasis on integrating these principles with contemporary themes such as human rights and restorative justice, especially in regions like Aceh, Indonesia, where Sharia law operates within a pluralistic legal framework.

In Pakistan, Ahmad (2021) critically evaluated the application of Qisās and Diyat laws, identifying challenges in their implementation within the modern judicial context. The study points out that the current legal framework often leaves the responsibility of execution on the victim's family, leading to inconsistencies and potential miscarriages of justice.

The concept of restorative justice within Islamic law has also gained attention. Zainuddin (2017) argues that Islamic criminal law inherently supports restorative justice, emphasizing forgiveness and reconciliation over retribution. This perspective aligns with Quranic principles that advocate for peace and the possibility of pardon, offering a more humane approach to justice.

ResearchGate

Further, Rokhmadi (2016) discusses the evolution of Qisās application, noting that early Islamic practices were influenced by the social norms of 7th-century Arab society, which included considerations of social status and gender. Modern scholars advocate for a more egalitarian approach, ensuring equal treatment regardless of gender, religion, or social standing.

In Iran, the implementation of Qisās has been scrutinized for its implications on human rights(Osanloo, 2006). Reports indicate that while the law allows for the death penalty in murder cases, there's a notable trend of victims' families opting for forgiveness or accepting blood money (Diyat), reflecting a shift towards restorative practices.

The application of Qisās, however, is not uniform across Islamic jurisprudence. The four major Sunni schools of thought Hanafi, Maliki, Shafi'i, and Hanbali offer nuanced interpretations based on their methodological approaches to the Qur'an, Hadith, consensus (ijma'), and analogical reasoning (qiyas). These interpretations influence key aspects of Qisās implementation, including the evidentiary requirements for proving murder, the eligibility for retaliation, the role of the victim's heirs (wali ad-dam), and the treatment of cases involving differences in religion, gender, or social status between the perpetrator and the victim.

In the contemporary legal landscape, the relevance of Qisās remains significant in many Muslim-majority countries where elements of Islamic law are integrated into national legal systems(Abdulla & Keshavjee, 2018). However, the coexistence of classical jurisprudential views with modern legal principles including those rooted in international human rights poses challenges and calls for a deeper understanding of how traditional doctrines can be interpreted or reformed to serve justice today.

This study seeks to explore these complexities by analyzing the normative foundations and practical implications of the application of Qīṣāṣ in murder cases according to the four Sunni schools (Wasti, 2009). Through a comparative analysis, the research aims to uncover the jurisprudential diversity within Islamic criminal law and assess its impact on justice, equity, and legal consistency in murder cases.

METHOD

This research adopts a normative juridical approach, focusing on the analysis of legal norms as they relate to the application of Qīṣāṣ (retributive justice) in cases of intentional murder, based on the classical interpretations of the four major Sunni schools of Islamic law: Hanafi, Maliki, Shafi'i, and Hanbali. As a doctrinal study, this research is primarily concerned with understanding the legal principles, rules, and theoretical foundations that underlie the concept of Qīṣāṣ, rather than investigating empirical or case-based data.

The research begins with a review of primary sources of Islamic law, namely the Qur'an and Hadith, which provide the foundational basis for Qīṣāṣ. Verses such as Surah Al-Baqarah (2:178-179) and relevant prophetic traditions are analyzed to determine the scope, intention, and spiritual basis of retributive justice. These texts are then examined through the lens of classical fiqh literature, including authoritative works by jurists from each of the four madhabs. Key legal texts such as *Al-Hidayah* (Hanafi), *Al-Muwatta'* (Maliki), *Al-Umm* (Shafi'i), and *Al-Mughni* (Hanbali) are critically examined to compare and contrast their interpretations and legal reasoning regarding Qīṣāṣ.

A comparative analysis is then conducted to explore how each school defines and applies the conditions and procedures of Qīṣāṣ in murder cases, particularly in terms of the intent behind the act (qatl 'amd), evidence requirements, victim-offender relationships (including issues of religion, gender, and social status), and the roles of forgiveness ('afw) and compensation (diyyah). This approach helps identify points of convergence and divergence among the schools, shedding light on the richness and diversity of Islamic criminal jurisprudence (Quraishi, 2017).

In addition to classical texts, the research utilizes secondary sources, including modern scholarly articles, fatwas, and legal commentaries, to understand how contemporary scholars interpret and apply these classical principles within modern contexts, such as national criminal codes in Muslim-majority countries and international human rights frameworks (Ramadan, 2006).

The method also involves content analysis, where key concepts and legal terms are identified, categorized, and interpreted to uncover underlying jurisprudential themes (Hall & Wright, 2008). The study critically engages with both traditional and reformist perspectives to assess how the doctrine of Qīṣāṣ can be contextualized and applied in current legal systems while remaining faithful to Islamic legal traditions. This methodology is qualitative in nature, relying on hermeneutical interpretation rather than quantitative data. The goal is not to measure the frequency of Qīṣāṣ application but to understand its legal, ethical, and theological dimensions through scholarly exegesis and juridical reasoning.

RESULTS AND DISCUSSION

Results

The analysis of the application of Qīṣāṣ in murder cases across the four major Sunni schools of Islamic jurisprudence (Hanafi, Maliki, Shafi'i, and Hanbali) reveals both significant commonalities and notable differences in their legal interpretations and practical implications. Firstly, all four schools unanimously recognize Qīṣāṣ as a fundamental principle of justice in cases of intentional killing. They agree that Qīṣāṣ serves to uphold the sanctity of human life by prescribing a retributive punishment proportionate to the crime specifically, the death penalty for intentional homicide, unless the victim's heirs choose forgiveness or accept blood money (diyyah). This foundational agreement underscores the shared scriptural grounding of Qīṣāṣ in the Qur'an and Sunnah.

However, differences arise regarding procedural requirements and conditions for the application of Qīṣāṣ. The Hanafi school is generally more flexible in evidentiary requirements, sometimes allowing circumstantial evidence alongside witness testimony and confession, while the Maliki school tends to demand stricter proof, emphasizing direct witness testimony. The Shafi'i and Hanbali schools maintain rigorous standards but differ subtly on the role of confession and the conditions under which retribution is obligatory.

Another notable divergence concerns the criteria for eligibility of Qisās, particularly regarding the religious identity and social status of the victim and perpetrator. For example, the Maliki school tends to limit Qisās application primarily to Muslims, with distinct rulings for non-Muslims, whereas the Hanafi school extends Qisās more broadly across religious boundaries. The Shafi'i and Hanbali schools hold nuanced positions that allow retribution but often subject these to contextual interpretations based on historical precedent and juristic reasoning.

Furthermore, the research identifies the role of forgiveness ('afw) and blood money (diyyah) as essential components of the Qisās system in all schools, providing a mechanism for mercy and social reconciliation. While the principle remains constant, the amount and conditions of diyya vary significantly. For instance, the Maliki school tends to fix diyya amounts more conservatively, whereas the Hanafi school allows greater flexibility in negotiating compensation.

The study also reveals that contemporary applications of Qisās often incorporate elements from multiple schools to address modern legal challenges. Several Muslim-majority countries, such as Saudi Arabia and Pakistan, adopt blended interpretations to harmonize Islamic jurisprudence with national legal frameworks, showing a pragmatic approach to classical doctrines.

The results indicate that while the four Sunni schools uphold Qisās as a key pillar of justice in intentional murder cases, their interpretative diversity reflects the dynamic nature of Islamic jurisprudence. This diversity offers both challenges and opportunities for legal harmonization and reform, particularly in balancing classical norms with contemporary notions of justice, human rights, and social equity.

Conditions for Applying Qisās in Islamic Law

The application of Qisās (retributive justice) in Islamic law, especially in cases of intentional murder, is governed by strict and clearly defined conditions. These conditions ensure that the principle of "a life for a life" is applied with utmost justice, fairness, and caution, reflecting Islam's balanced approach to punishment, mercy, and social order.

One of the foremost conditions for applying Qisās is that the killing must be intentional (qatl 'amd). Islamic law distinguishes between intentional murder, accidental killing, and manslaughter, prescribing Qisās only for the deliberate and premeditated taking of life (Quraishi, 2017). The perpetrator must have acted with a clear intent to kill or cause fatal harm, rather than causing death unintentionally or through negligence. This emphasis on intent highlights the moral gravity attributed to purposeful murder in Islamic jurisprudence.

The enforcement of Qisās requires stringent evidentiary standards to protect individuals from wrongful punishment. Typically, Islamic law mandates the testimony of two just witnesses who observed the act or a confession by the accused as proof of intentional murder (Abu alfaraj, 2011). The role of witnesses is critical; they must be reliable, honest, and free from any bias or conflict of interest. In some schools of thought, circumstantial evidence may be considered but is generally insufficient on its own to apply Qisās. This strict evidence requirement serves to safeguard due process and prevent miscarriages of justice (Maxwell, 2019).

A voluntary and clear confession by the offender to the crime of intentional killing is one of the strongest bases for implementing Qisās. However, Islamic law emphasizes that the confession must be made without coercion or duress, ensuring the offender's rights and dignity are preserved. Confession reduces the burden of proof that otherwise rests on witnesses and helps expedite the judicial process.

While Qisās mandates retributive justice, Islamic law uniquely provides the victim's heirs (known as awliya' ad-dam) with the option to forgive the offender or accept blood money (diyyah) instead of demanding retribution. This choice embodies the Quranic spirit of mercy and reconciliation, allowing the heirs to prevent further bloodshed and restore social harmony. Forgiveness is highly praised and encouraged, often seen as a noble act that brings spiritual rewards.

The acceptance of diyyah also introduces flexibility into the system. The amount and terms of blood money can vary depending on factors such as the gender and social status of the victim, as interpreted by different Islamic schools. This option balances the need for justice with compassion, providing a way to resolve conflicts without perpetuating cycles of violence.

Another important condition relates to the legal equality between the victim and the offender (Brienen & Hoegen, 2000). Classical jurisprudence often stipulates that Qisās applies when both parties are Muslim and of equal legal status. However, interpretations vary regarding non-Muslims or persons of different social standings, reflecting the diverse views within Islamic legal tradition.

In summary, the application of Qisās is conditioned on clear intent to kill, strong and reliable evidence or confession, and legal considerations ensuring fairness and equality. Importantly, the system incorporates the option of forgiveness or compensation, highlighting Islam's commitment to justice tempered with mercy. These conditions collectively work to ensure that Qisās is applied judiciously, preserving both the sanctity of life and the potential for social reconciliation.

Application of Qisās When the Victim or Perpetrator Is Non-Muslim, Female, or Minor

The application of Qisās the Islamic principle of retributive justice in cases of murder is shaped not only by the nature of the crime but also by the legal and social status of the victim and the perpetrator (Farooq, 2020). When either party is a non-Muslim, female, or minor, Islamic jurisprudence, especially as interpreted by the four major Sunni schools (Hanafi, Maliki, Shafi'i, Hanbali), exhibits nuanced and sometimes differing approaches that reflect the complexity of applying classical principles in diverse contexts.

The question of applying Qisās across religious boundaries has historically been a subject of considerable juristic debate. Classical fiqh generally distinguishes between Muslims and non-Muslims in legal punishments, including Qisās (Amanullah, 2018). For example, the Maliki school traditionally limits the application of Qisās predominantly to cases where both victim and perpetrator are Muslim, often prescribing different rules or penalties when a Muslim kills a non-Muslim or vice versa. In some interpretations, the murder of a non-Muslim by a Muslim might incur diyyah (blood money) but not Qisās, while the reverse scenario may be treated differently.

In contrast, the Hanafi school adopts a more inclusive approach, often extending Qisās protections to non-Muslims living under Islamic governance (dhimmis), emphasizing the sanctity of human life regardless of religious identity (Iqbal & Lewis, 2009). The Shafi'i and Hanbali schools offer varied rulings, with some jurists advocating equality before the law in murder cases while others impose specific conditions based on religious affiliation.

Modern scholars and contemporary Islamic legal systems increasingly advocate for equal protection under the law, reflecting human rights principles and the pluralistic nature of modern societies (Mayer, 2018). Many Muslim-majority countries now codify Qisās with provisions ensuring that non-Muslim victims receive equal justice, though practical applications may differ depending on local customs and legal frameworks.

The status of women in Qisās cases also reflects juristic diversity. Classical jurisprudence often accords the testimony of women a different weight than men in evidentiary matters, but the question of retributive justice focuses more on the value assigned to female lives (West, 2000). Some schools, notably the Maliki and Hanbali, historically differentiated diyya (blood money) amounts based on gender, often valuing a female life as half that of a male. This valuation sometimes influenced the application of Qisās, especially regarding compensation and forgiveness. However, the principle of Qisās as retribution for intentional murder remains applicable regardless of gender, and many jurists maintain that the taking of a life whether male or female requires equal justice.

Contemporary Islamic scholars and reformers argue for gender equality in applying Qisās, emphasizing the Quranic principle that all human life is sacred (Engineer, 2005). Several Muslim countries have reformed their legal codes to eliminate gender disparities in Qisās and diyya, reflecting evolving interpretations that align with international human rights standards.

The treatment of minors within Islamic criminal jurisprudence is distinct from that of adults. Islamic law generally recognizes age and maturity (rushd) as key factors influencing criminal responsibility. Minors are often exempt from the full application of Qisās, given their limited capacity for full moral and legal accountability (Abiad & Mansoor, 2010).

When the perpetrator is a minor, classical schools vary but commonly impose alternative disciplinary measures rather than capital punishment or Qisās, emphasizing rehabilitation and correction. If the victim is a minor, Qisās generally applies as with adult victims, as the crime involves the taking of an innocent life regardless of age.

Modern legal systems influenced by Islamic law frequently codify specific age limits below which Qisās or capital punishment is not applicable, in line with international conventions on juvenile justice. This reflects a growing recognition of the need to balance justice with compassion and the developmental status of children.

In summary, the application of Qisās when the victim or perpetrator is a non-Muslim, female, or minor reveals the interplay between classical Islamic legal principles and evolving social, ethical, and legal

contexts. While traditional schools offer varied rulings, contemporary interpretations and legal reforms increasingly emphasize equality, justice, and mercy to ensure that Qisās serves as a fair and balanced mechanism of retributive justice.

The Role of Diyya (Blood Money) in Qisās Cases

In Islamic criminal law, Diyya, commonly known as blood money, plays a vital and complementary role within the framework of Qisās the principle of retributive justice. Diyya represents a form of financial compensation paid to the victim's heirs in cases of murder, bodily harm, or injury. Its role in Qisās cases is multifaceted, reflecting Islamic law's balance between justice, mercy, and social harmony.

One of the defining features of Qisās is that it allows the victim's family the choice between demanding retribution (the life of the offender) or accepting Diyya as compensation (Absar, 2020). This choice grants the victim's heirs a degree of agency in the pursuit of justice and reconciliation. If the family opts for Diyya, the offender avoids the death penalty, highlighting Islamic law's recognition of forgiveness and mercy as noble and socially constructive alternatives.

This option serves several social and ethical purposes. Firstly, it helps prevent cycles of revenge killings and prolonged feuds that could destabilize communities (Keen, 2008). Secondly, Diyya promotes restorative justice by encouraging negotiation and mutual settlement between the families involved, fostering peace and coexistence.

The amount of Diyya is not fixed universally but varies according to Islamic jurisprudential interpretations and local legal codes. Traditionally, classical Islamic scholars set Diyya amounts based on various factors, including the victim's gender, religion, and social status. For example, some schools of thought valued Diyya for a male Muslim victim higher than for a female or a non-Muslim. However, such distinctions have been re-evaluated in modern contexts to align with contemporary views on equality and justice. In many Muslim-majority countries today, Diyya amounts are codified in state law and often standardized to avoid discrimination and confusion. The agreed sum is usually paid by the offender or their family to the heirs of the victim as a form of legal restitution.

Diyya must be paid voluntarily or by legal compulsion once agreed upon by the victim's heirs and recognized by the judicial authority. It is crucial that the payment is made sincerely and fully to fulfill its purpose as compensation. Failure to pay Diyya can result in the reinstatement of the right to demand Qisās or other legal sanctions.

The payment of Diyya is frequently accompanied by forgiveness ('afw) from the victim's heirs, which is highly esteemed in Islamic ethics. Forgiveness in this context is not only a legal mechanism but a spiritual act that brings moral and communal benefits. Islam encourages forgiveness, viewing it as a way to earn divine mercy and break the cycle of violence.

Modern Islamic legal systems incorporate Diyya as an essential component of criminal justice, balancing the need for punishment with restorative options. Some countries have expanded the role of Diyya to include compensation for accidental deaths or injuries, extending its scope beyond intentional murder cases. Legal reforms continue to address challenges such as standardizing Diyya amounts, ensuring fairness regardless of gender or religion, and integrating Diyya into broader national justice systems.

Modern Implications of Qisās and Diyya and Their Compatibility with International Human Rights Standards

The application of Qisās (retributive justice) and Diyya (blood money) within Islamic criminal law presents significant challenges and opportunities when viewed through the lens of modern legal systems and international human rights standards. As Muslim-majority countries engage with global norms, the reconciliation of traditional Islamic justice principles with contemporary human rights frameworks has become a critical issue in legal reform, social justice, and intercultural dialogue.

Qisās, by its nature, mandates the possibility of retributive punishment, including the death penalty, for intentional murder (Arafa, 2017). Diyya, conversely, offers an alternative resolution through financial compensation, fostering forgiveness and social reconciliation. In modern legal contexts, these mechanisms continue to be employed in various countries, often integrated into national penal codes with procedural safeguards and conditions to prevent abuse.

However, the application of Qisās raises complex concerns, particularly regarding due process, equality before the law, and the rights of victims and accused persons. The potential for unequal application such as differences based on gender, religion, or social status poses challenges in ensuring that

justice is administered fairly and impartially. Moreover, the irreversible nature of capital punishment under Qīṣāṣ intensifies debates about its compatibility with contemporary human rights ideals that increasingly emphasize the sanctity of life and the abolition of the death penalty.

Diyya, on the other hand, reflects a restorative justice approach that aligns well with modern values emphasizing reconciliation and victim-centered justice (Hascall, 2011). It provides flexibility and opportunities for peace-building that can mitigate the harshness of retributive punishment.

International human rights instruments, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), set forth principles that every individual is entitled to equal protection under the law, the right to life, and the right to a fair trial. These standards often conflict with traditional applications of Qīṣāṣ in several respects.

While Qīṣāṣ allows the death penalty for intentional murder, international human rights law is increasingly moving toward abolition or strict limitation of capital punishment. The irreversible nature of execution, combined with concerns about fair trial standards, raises serious questions about compatibility. Some Muslim-majority countries have introduced procedural reforms or moratoriums on executions to address these concerns.

Classical Qīṣāṣ and Diyya laws sometimes reflect distinctions based on gender, religion, or social status that contradict modern human rights principles of equality and non-discrimination (Baderin, 2003). For instance, disparities in Diyya amounts or evidentiary requirements for women versus men can violate the principle of equal protection. Many contemporary legal reforms aim to eliminate such inequalities, striving to harmonize Islamic principles with universal human rights.

The strict evidentiary requirements and the role of confession in Qīṣāṣ cases must adhere to fair trial guarantees, including protection against coercion and torture (Anisuzzaman & Efat, 2015). International standards demand transparency, impartiality, and the presumption of innocence, prompting some states to revise procedural laws governing Qīṣāṣ to ensure compliance.

CONCLUSION

This research has explored the application of Qīṣāṣ in murder cases through a normative analysis of the perspectives held by the four major Sunni schools of Islamic jurisprudence Hanafi, Maliki, Shafi'i, and Hanbali. The study reveals that while all schools fundamentally agree on the principle of retributive justice as a core element of Islamic criminal law, differences emerge regarding specific conditions, evidentiary requirements, and the treatment of victims and perpetrators based on religion, gender, and age. The research highlights that Qīṣāṣ serves not only as a means of delivering just punishment but also as a framework that balances justice with mercy. The role of Diyya (blood money) as an alternative to capital punishment is central in this balance, providing victims' families with the option of forgiveness and reconciliation, thereby promoting social harmony and mitigating cycles of violence. Furthermore, this study underscores the evolving nature of Islamic jurisprudence in addressing modern legal challenges. The application of Qīṣāṣ today must contend with contemporary human rights standards, particularly concerning equality, the right to life, and fair trial guarantees. The research points to ongoing reforms and reinterpretations within many Muslim-majority countries aimed at harmonizing traditional Islamic principles with universal norms of justice and human dignity. The application of Qīṣāṣ in murder cases remains a vital but complex component of Islamic criminal justice. It embodies a nuanced system that seeks to uphold divine justice while accommodating social realities and ethical considerations. Continued scholarly engagement and legal reform are essential to ensure that Qīṣāṣ effectively serves both the ideals of Islamic law and the demands of a modern, pluralistic society.

AUTHORS' DECLARATION

Authors' Contributions and Responsibilities

The author was solely responsible for the conception, design, and execution of this research. The research process involved conducting an extensive review of classical Islamic jurisprudential texts and contemporary legal literature, formulating the research questions, and applying a qualitative doctrinal method to analyze the interpretations of Qīṣāṣ within the Hanafi, Maliki, Shafi'i, and Hanbali schools.

Competing Interests

The author declares that there are no competing interests or conflicts of interest related to the conduct, findings, or publication of this research. The study was carried out independently, and no financial, personal, or professional relationships influenced the outcomes or interpretations presented in this work.

Acknowledgments

The author would like to express sincere gratitude to all individuals and institutions who contributed to the completion of this research.

REFERENCES

- Abdulla, R. S., & Keshavjee, M. M. (2018). *Understanding Sharia: Islamic Law in a Globalised World*. Bloomsbury Publishing.
- Abiad, N., & Mansoor, F. Z. (2010). *Criminal law and the rights of the child in Muslim states: A comparative and analytical perspective*. BIICL.
- Absar, A. A. (2020). Restorative justice in Islam with special reference to the concept of Diyya. *Journal of Victimology and Victim Justice*, 3(1), 38–56.
- Abualfaraj, M. (2011). Evidence in Islamic law: reforming the Islamic evidence law based on the federal rules of evidence. *Journal of Islamic Law and Culture*, 13(2–3), 140–165.
- Alhabdan, S. (2015). *Domestic Violence in Saudi Arabia*.
- Ali, K. (2016). *Sexual ethics and Islam: feminist reflections on Qur'an, hadith, and jurisprudence*. Simon and Schuster.
- Amanullah, M. (2018). Juristic Differences over the Implementation of Qiṣāṣ against a Muslim Who Kills a Non-Muslim. *Arab Law Quarterly*, 32(2), 185–203.
- Anisuzzaman, S., & Efat, S. I. J. (2015). Admissibility and evidentiary value of confession: conflicts and harmony between rules of law and rules of prudence in Bangladesh, India and Pakistan. *South East Asia Journal of Contemporary Business, Economics and Law*, 7(4), 54–62.
- Arafa, M. A. (2017). Transitional Justice, the Seeds of Change: Secular Law or Divine (Islamic) Law, Quo Vadis. *Creighton Int'l & Comp. LJ*, 9, 39.
- Baderin, M. A. (2003). *International human rights and Islamic law*. OUP Oxford.
- Brienen, M. E. I., & Hoegen, E. H. (2000). *Victims of crime in 22 European criminal justice systems*.
- Engineer, A. (2005). *The Qur'an, Women, and Modern Society*. Sterling Publishers Pvt. Ltd.
- Farooq, S. (2020). The Retributive Proportionality and Islamic Punishment of Diyyah. *Al-Idah*, 38(2), 38–50.
- Hall, M. A., & Wright, R. F. (2008). Systematic content analysis of judicial opinions. *Calif. L. Rev.*, 96, 63.
- Hascall, S. C. (2011). Restorative justice in Islam: Should Qisas be considered a form of restorative justice. *Berkeley J. Middle E. & Islamic L.*, 4, 35.
- Iqbal, Z., & Lewis, M. K. (2009). An Islamic perspective on governance. In *An Islamic Perspective on Governance*. Edward Elgar Publishing.
- Keen, D. (2008). *Complex emergencies*. Polity.
- Maxwell, C. (2019). Preventing miscarriages of justice: the reliability of forensic evidence and the role of the trial judge as gatekeeper. *Australian Law Journal*, 93(8), 642–654.
- Mayer, A. E. (2018). *Islam and human rights: Tradition and politics*. Routledge.
- Osanloo, A. (2006). The measure of mercy: Islamic justice, sovereign power, and human rights in Iran. *Cultural Anthropology*, 21(4), 570–602.
- Pascoe, D. (2016). Is Diya a Form of Clemency? *BU Int'l LJ*, 34, 149.
- Quraishi, M. (2017). *Muslims and crime: A comparative study*. Routledge.
- Ramadan, H. M. (2006). *Understanding Islamic law: from classical to contemporary*. Rowman Altamira.
- Wasti, T. (2009). *The application of Islamic criminal law in Pakistan: Sharia in practice* (Vol. 2). Brill.
- West, R. L. (2000). The difference in women's hedonic lives: a phenomenological critique of feminist legal theory. *Wis. Women's LJ*, 15, 149.