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An Analysis of the Concept of Qisas and Its Relevance to Modern Penal Systems

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Abstract: Justice and punishment play essential roles in maintaining social order and protecting human life. In Islamic criminal law, Qisas represents a fundamental principle of proportionate punishment, while its relevance to contemporary penal systems remains a subject of legal and ethical debate. This study aims to analyze the concept and foundations of Qisas, examine its principles of justice, proportionality, accountability, forgiveness, and compensation, and evaluate its relevance to modern criminal justice. The research employs a qualitative library research method using normative juridical and conceptual approaches. Data are collected from the Qur'an, Hadith, Islamic jurisprudential literature, academic publications, and relevant legal documents, then examined through descriptive, content, and comparative analysis. The findings indicate that Qisas is grounded in justice, proportionality, and the protection of human life. The concepts of Diyat and forgiveness provide alternatives within its legal framework, creating conceptual connections with restorative justice and victim-centered approaches. However, differences remain regarding punishment, legal authority, and human rights standards. The study concludes that Qisas remains relevant to contemporary criminal justice discussions when interpreted contextually and applied with appropriate legal safeguards.

Research Highlights:

- Examines the concept and foundations of Qisas in Islamic criminal law.
- Explores the principles of justice, proportionality, accountability, and protection of human life.
- Explains the roles of Diyat (compensation) and forgiveness (Afw) as alternatives within the Qisas framework.
- Identifies conceptual connections between Qisas and contemporary restorative justice approaches.
- Highlights the importance of contextual interpretation and legal safeguards in modern criminal justice systems.

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INTRODUCTION

Justice and law enforcement are fundamental elements in maintaining social order, protecting human rights, and ensuring the peaceful coexistence of individuals within society(Buchanan, 2010). Every legal system requires appropriate mechanisms to address criminal behavior, establish accountability, protect victims, and prevent the recurrence of offenses. In Islamic legal thought, the concept of Qisas represents an important principle of criminal justice, particularly concerning intentional murder and bodily injury. Qisas is generally understood as a form of proportionate legal retaliation in which the punishment corresponds to the offense committed, subject to specific legal conditions and procedures. Its primary objective is not merely to impose punishment but also to establish justice, protect human life, and maintain social stability. The Qur'an provides the fundamental foundation for Qisas, particularly in Surah Al-Baqarah (2):178, which establishes the legal framework of Qisas in cases of murder and recognizes the possibility of forgiveness and compensation. Furthermore, Surah Al-Baqarah (2):179 emphasizes the

wisdom of Qisas through the principle that its proper application contributes to the preservation of human life. Similarly, Surah Al-Ma'idah (5):45 establishes the principle of proportionality in punishment while recognizing the value of forgiveness. These Qur'anic foundations demonstrate that Qisas encompasses several interconnected dimensions, including justice, equality, accountability, proportionality, and the protection of human dignity.

Within Islamic criminal jurisprudence, Qisas is closely associated with Diyat, which refers to financial compensation, and Afw, which represents forgiveness or the voluntary relinquishment of the right to pursue Qisas under applicable legal conditions(Buchanan, 2010). These concepts demonstrate that Islamic criminal law recognizes not only the importance of accountability but also opportunities for reconciliation and the restoration of social relationships. The existence of these alternatives reflects a broader understanding of justice that considers the interests of victims, their families, offenders, and society. Meanwhile, modern penal systems have developed various approaches to criminal punishment, including imprisonment, rehabilitation, deterrence, retribution, and restorative justice. Contemporary criminal justice increasingly emphasizes human rights protection, due process, proportional punishment, and the rehabilitation of offenders. Nevertheless, debates continue regarding the compatibility of classical Islamic criminal law with modern legal principles, particularly concerning punishment, individual rights, and human dignity. Consequently, examining the fundamental values of Qisas and their relationship with contemporary penal systems is important for understanding the potential contributions of Islamic legal thought to modern criminal justice reform.

Despite the importance of Qisas within Islamic criminal law, several questions remain relevant to contemporary legal discussions(Nur, 2021). First, how is Qisas conceptually understood and implemented within classical Islamic criminal jurisprudence? Second, how does the concept establish a balance between justice, punishment, forgiveness, and financial compensation? Third, what are the fundamental differences between Qisas and punishment mechanisms employed in modern penal systems? Fourth, to what extent can the principles underlying Qisas contribute to contemporary criminal justice, particularly regarding proportionality, victims' rights, and restorative justice? Finally, what legal, philosophical, and human rights challenges arise when interpreting and considering the application of Qisas within modern legal frameworks? These questions provide the foundation for examining Qisas beyond its traditional understanding as a punishment mechanism.

Previous studies on the concept of Qisas and its relevance to modern penal systems have examined various dimensions of Islamic criminal jurisprudence, particularly the principles of justice, proportionality, accountability, compensation, forgiveness, and restorative justice. Munthe and Marpaung (2019), in their study entitled The Criminal Acts of Qisas and Diyat from the Perspective of Islamic Law, examined the legal foundations and principles of Qisas and Diyat within Islamic criminal jurisprudence. Their research explained that Qisas represents a proportionate punishment for offenses involving the loss of life or bodily injury, while Diyat provides an alternative form of financial compensation for victims or their families. The findings demonstrated that these concepts embody principles of justice, humanity, and balance. The authors also highlighted the relevance of Diyat to restorative justice because it provides opportunities for peaceful resolution and forgiveness within criminal disputes.

Munir (2020), in his article Does a Compromise Blot Out Both Guilt and Punishment? Analyzing Qiṣāṣ and Diyat Provisions of Criminal Law in Pakistan under the Injunctions of Islam, investigated the legal implications of forgiveness and compensation within Pakistan's criminal justice system. His study focused on whether pardoning an offender, with or without financial compensation, eliminates both criminal guilt and punishment or only the applicable sentence. By examining judicial decisions and Islamic legal interpretations, Munir emphasized the importance of distinguishing between the victim's right to pursue Qisas and the broader legal consequences of criminal responsibility. This research provides an important perspective on the relationship between individual rights, forgiveness, and state authority in Islamic criminal law.

Alotaibi (2021), in The Challenges of Execution of Islamic Criminal Law in Developing Muslim Countries: An Analysis Based on Islamic Principles and Existing Legal System, discussed the difficulties associated with implementing Islamic criminal law within contemporary national legal systems. The study examined the relationship between Islamic legal principles, institutional structures, and existing legislative frameworks. Its discussion is relevant to the present research because it demonstrates that the application of Islamic criminal law involves not only theological and juridical considerations but also practical

questions concerning legal authority, institutional capacity, and compatibility with contemporary legal systems.

Munir, Umar, and Rasool (2023), in Qisas and Diyat: A Critical and Analytical Study of Murder in Criminal and Islamic Law, examined the treatment of murder within Islamic criminal law and broader criminal legal frameworks. Their research discussed the distinction between Qisas as a proportionate form of punishment and Diyat as financial compensation. The study contributed to comparative discussions concerning criminal responsibility, victims' rights, and the objectives of punishment in different legal traditions.

More recently, Badriyah, Fuaddin, and Mardiyah (2025), in Implementation of Qisas Law in Criminality (Jinayat): Historical Analysis, and Contemporary Challenges, investigated the historical development and contemporary challenges of implementing Qisas. Their findings emphasized that Qisas incorporates both the enforcement of justice and the promotion of social peace through the possibilities of forgiveness (Afw) and compensation (Diyat). The study also highlighted the difficulty of reconciling the principles of Qisas with contemporary state legal institutions.

Previous scholarly studies have examined Qisas from various perspectives, including Islamic criminal jurisprudence, Qur'anic interpretation, legal philosophy, and the objectives of Islamic law. Other studies have explored the relationship between Islamic criminal justice and modern legal systems, particularly regarding retributive punishment, human rights, and legal protection. Research on restorative justice has also highlighted the importance of victims' participation, compensation, forgiveness, and reconciliation in resolving criminal disputes(Roche, 2003). However, these discussions frequently address Qisas primarily as a classical Islamic legal institution or examine restorative justice independently from its Islamic juridical foundations. Therefore, a research gap remains concerning the comprehensive relationship between the normative foundations of Qisas and contemporary criminal justice principles. The present study addresses this gap by integrating theological, juridical, philosophical, and comparative perspectives to evaluate the relevance of Qisas in modern penal systems. Rather than simply explaining its historical legal provisions, this research critically examines its underlying values and their potential contribution to contemporary discussions of justice, accountability, and restorative approaches.

This study aims to analyze the theological and juridical foundations of Qisas in Islamic criminal law and examine its fundamental principles of justice, proportionality, accountability, forgiveness, and compensation. Furthermore, it seeks to compare Qisas with punishment principles in modern penal systems to identify their similarities, differences, and respective objectives. The research also evaluates the contemporary relevance of Qisas, particularly concerning restorative justice, victims' rights, human dignity, and the preservation of human life. Finally, it aims to identify the opportunities and challenges involved in integrating the ethical and juridical values of Qisas into modern legal frameworks. Through these objectives, the study is expected to contribute to a broader understanding of Islamic criminal justice and its potential relevance to contemporary legal thought and criminal justice reform.

METHOD

This study employs a qualitative research approach using library research to analyze the concept of Qisas and its relevance to modern penal systems. A qualitative approach is considered appropriate because the research focuses on examining legal principles, theological foundations, philosophical perspectives, and scholarly interpretations rather than collecting numerical or statistical data(Willis, 2007). The study adopts a normative juridical and conceptual approach to investigate Qisas from the perspectives of Islamic criminal law and contemporary criminal justice. The normative juridical approach is used to examine the legal foundations and provisions of Qisas based on the Qur'an, Hadith, classical Islamic jurisprudence, and contemporary legal regulations. Particular attention is given to the interpretation of QS. Al-Baqarah (2): 178–179 and QS. Al-Ma'idah (5): 45 as the principal scriptural foundations of Qisas(Kamali, 2017). Meanwhile, the conceptual approach is employed to explore the fundamental ideas underlying Islamic criminal justice, including justice, retribution, proportionality, accountability, restorative justice, forgiveness, compensation, and victims' rights. Through these approaches, the research seeks to understand Qisas not only as a traditional mechanism of criminal punishment but also as a legal and ethical framework that contains principles relevant to contemporary discussions of criminal justice reform.

The data used in this research consist of primary and secondary sources obtained through relevant academic and legal literature. Primary sources include the Qur'an, particularly QS. Al-Baqarah (2): 178–

179 and QS. Al-Ma'idah (5): 45, which establish the fundamental principles and legal foundations of Qisas(Nokoe, 2016). Hadith concerning Qisas, Diyat, forgiveness, accountability, and the protection of human life are also examined to provide a broader understanding of the prophetic foundations of Islamic criminal law. In addition, classical Islamic jurisprudential literature discussing Jinayah, Qisas, and Diyat is utilized to identify the historical development, legal requirements, and interpretations of these concepts. Contemporary legislation governing criminal punishment is also considered where relevant, particularly to provide a comparative understanding of modern penal systems. Secondary sources consist of academic books on Islamic criminal law, peer-reviewed journal articles discussing Qisas and Islamic jurisprudence, scholarly publications concerning contemporary criminal justice, and research addressing retributive justice, restorative justice, human rights, and legal reform. Contemporary legal and philosophical literature is also consulted to examine the relationship between Islamic criminal justice principles and modern approaches to punishment, rehabilitation, deterrence, and victims' protection. The combination of these sources provides a comprehensive theoretical and juridical foundation for the analysis.

Data collection is conducted through systematic documentation and literature review(Fink, 2010). Relevant information is gathered from academic books, scholarly journal articles, Islamic legal references, Qur'anic interpretations, Hadith collections, and applicable legal documents. The initial stage involves identifying and collecting scriptural sources that explicitly discuss Qisas, Diyat, forgiveness, and the preservation of human life. Subsequently, classical and contemporary interpretations of these sources are reviewed to understand the similarities, differences, and developments in Islamic legal thought. The research also collects relevant academic literature concerning modern criminal punishment, particularly the principles of retribution, deterrence, rehabilitation, restorative justice, and victims' rights. Selected literature is evaluated according to its relevance, academic credibility, and contribution to the research objectives. The collected information is then classified into several thematic categories, including the theological foundations of Qisas, juridical principles, justice and proportionality, forgiveness and compensation, comparisons with modern penal systems, and contemporary legal relevance. This classification facilitates a systematic examination of the research subject and ensures that the collected materials correspond to the research questions.

The collected data are analyzed qualitatively through several interconnected analytical procedures(Maxwell, 2012). First, content analysis is employed to examine the meanings, legal provisions, and interpretations of Qisas contained in the Qur'an, Hadith, and Islamic jurisprudential literature. This process identifies the fundamental principles governing Qisas and its relationship with Diyat, forgiveness, and the protection of human life. Second, descriptive analysis is used to systematically explain the theological foundations, historical development, legal characteristics, and objectives of Qisas within Islamic criminal law. Third, comparative analysis is conducted to identify similarities and differences between Qisas and modern penal systems, particularly regarding retribution, deterrence, rehabilitation, proportional punishment, and restorative justice. Fourth, normative analysis is applied to evaluate the relevance of Qisas according to fundamental legal and ethical principles, including justice, proportionality, accountability, human dignity, victims' rights, and legal protection. Finally, interpretative analysis is employed to develop a comprehensive understanding of how the ethical and juridical values underlying Qisas may contribute to contemporary criminal justice discourse. The findings from these analytical procedures are integrated to formulate a critical assessment of the opportunities, limitations, and challenges associated with relating the principles of Qisas to modern penal systems.

RESULTS AND DISCUSSION

The Concept and Foundations of Qisas in Islamic Criminal Law

The concept of Qisas occupies an important position within Islamic criminal law (Jinayah) because it establishes a legal framework for addressing serious offenses involving the loss of human life and bodily injury. Linguistically, the term Qisas (قصاص) originates from the Arabic root qassa, which conveys the meaning of following, tracing, or making something correspond to another(Kausar, 2006). Terminologically, Qisas refers to a form of proportionate legal retaliation in which the punishment imposed corresponds to the offense committed, particularly in cases of intentional murder and certain forms of physical injury. However, Qisas should not be interpreted as unrestricted personal revenge because its implementation is governed by specific legal requirements, principles of proportionality, and legitimate judicial authority. Within the classification of Islamic criminal law, Qisas is generally categorized

among offenses involving violations of individual rights, particularly the rights associated with human life and bodily integrity. Its legal foundations are primarily established in the Qur'an and further elaborated through Hadith and Islamic jurisprudential interpretations.

The Qur'an provides significant guidance concerning the principles and objectives of Qisas. Surah Al-Baqarah (2):178 establishes the legal framework of Qisas in cases of murder while recognizing the possibility of forgiveness and the obligation to pursue compensation appropriately(Muhammad, 2020). This verse demonstrates that Islamic criminal law acknowledges the seriousness of intentional killing while also providing opportunities for reconciliation. Furthermore, Surah Al-Baqarah (2):179 explains the wisdom of Qisas through the principle that its proper application contributes to the preservation of human life. This indicates that Qisas has a preventive and protective function because the existence of proportionate legal consequences may discourage individuals from committing unlawful acts of violence. Similarly, Surah Al-Ma'idah (5):45 emphasizes proportionality in punishment for bodily injuries and recognizes forgiveness as an act of moral and spiritual value. These Qur'anic foundations demonstrate that Qisas encompasses broader principles of justice, accountability, human dignity, and the protection of society.

Classical Islamic scholars have provided different explanations concerning the legal conditions and implementation of Qisas. Ibn Rushd, in Bidayat al-Mujtahid wa Nihayat al-Muqtasid, discussed differences among Islamic legal schools concerning the requirements and legal consequences of Qisas. Ibn Qudamah, in Al-Mughni, examined the jurisprudential conditions governing retaliation in cases involving murder and bodily injury(Al-Obead, 2005). These discussions illustrate that the implementation of Qisas requires careful consideration of the nature of the offense, evidence, legal responsibility, and applicable conditions. Contemporary Islamic legal scholarship also emphasizes the importance of understanding Qisas through the objectives of Sharia, particularly the protection of life and the prevention of injustice. In this framework, Qisas is closely related to three important concepts: Qisas itself, which concerns proportionate retaliation; Diyat, which refers to financial compensation in legally recognized circumstances; and Afw, which refers to forgiveness or relinquishment of the right to pursue Qisas. The relationship between these concepts demonstrates that Islamic criminal law does not exclusively emphasize punishment but also recognizes compensation and reconciliation as possible legal responses. Therefore, Qisas should be understood as a regulated mechanism of justice rather than an expression of uncontrolled retaliation.

The Principles of Justice, Proportionality, and Accountability in Qisas

Justice constitutes the fundamental philosophical principle underlying Qisas in Islamic criminal law. The concept emphasizes that individuals who commit serious offenses must be held accountable through legally established procedures and appropriate consequences(Ashworth & Zedner, 2008). In this context, justice requires that punishment corresponds to the seriousness and nature of the offense rather than being determined by personal anger, social position, economic status, or individual influence. Qisas establishes a framework in which the rights of victims and their families are recognized while ensuring that offenders are not subjected to excessive or arbitrary punishment. This principle reflects the Islamic understanding that justice must be maintained through fairness, equality, and respect for human dignity. Consequently, Qisas seeks to prevent both the neglect of victims' rights and the excessive exercise of punishment against offenders.

Proportionality is another essential principle within the legal framework of Qisas(Farooq, 2020). It requires that the legal response to an offense remains consistent with the nature and severity of the wrongdoing. In cases involving intentional murder, Qisas establishes the possibility of proportionate retaliation under the conditions prescribed by Islamic law. Similarly, in cases involving bodily injury, the application of Qisas requires careful consideration of the possibility of equivalent retaliation without exceeding the limits of justice. This principle is particularly important because excessive punishment may produce further injustice and undermine the objectives of criminal law. The recognition of proportionality also demonstrates that Qisas is fundamentally different from personal revenge, which is frequently motivated by anger and may lead to repeated violence. Instead, Qisas places legal responsibility within an established normative framework intended to regulate the administration of justice.

The principle of accountability further strengthens the philosophical foundation of Qisas. Islamic criminal jurisprudence recognizes that individuals are responsible for their actions and must bear the legal consequences of offenses committed(Khan et al., 2022). This principle is consistent with the broader Islamic

teaching that personal responsibility cannot be transferred arbitrarily to other individuals. Furthermore, Qisas recognizes the interests of victims and their legitimate heirs in seeking justice through legally prescribed procedures. The relationship between justice, proportionality, and accountability can also be examined through the objectives of Islamic law, particularly Maqasid al-Shariah. One of its principal objectives is Hifz al-Nafs, or the preservation of human life. The protection of life is not limited to preventing physical harm but also includes establishing social conditions in which individuals can live safely and with dignity(Daly, 2020). Therefore, Qisas contributes to the objectives of Islamic law by establishing accountability, discouraging unlawful violence, and recognizing the importance of protecting human life. Nevertheless, its implementation must remain subject to legitimate legal authority, procedural fairness, and the prevention of wrongful punishment.

Forgiveness, Diyat, and Restorative Justice in the Concept of Qisas

One of the distinctive characteristics of Qisas in Islamic criminal law is its recognition of forgiveness and financial compensation as important dimensions of criminal justice. Unlike approaches that emphasize punishment exclusively, the legal framework of Qisas provides opportunities for victims or their legitimate heirs to consider forgiveness under applicable Islamic legal provisions. The concept of Afw represents the voluntary relinquishment of the right to pursue Qisas and reflects the ethical importance of compassion, reconciliation, and social harmony. Surah Al-Baqarah (2):178 provides a Qur'anic foundation for the recognition of forgiveness and appropriate compensation in cases of murder(Ammar, 2004). This provision demonstrates that the pursuit of justice does not necessarily exclude opportunities for reconciliation. Instead, Islamic criminal law recognizes that justice may involve different legal responses depending on the circumstances of the offense and the decisions of those who possess legally recognized rights.

Diyat represents another important component of this framework because it provides financial compensation in legally recognized circumstances, particularly when Qisas is waived or replaced according to the applicable rules(Absar, 2020). Its purpose is to acknowledge the harm experienced by victims or their families and provide a legally structured form of compensation. However, Diyat should not be understood merely as a financial transaction that automatically resolves every dimension of criminal responsibility. Its legal consequences depend on the applicable jurisprudential framework and the relevant circumstances of the offense. The relationship between Qisas, Diyat, and Afw demonstrates that Islamic criminal law recognizes both the punitive and restorative dimensions of justice. Victims and their legitimate heirs are given an important position in decisions concerning forgiveness and compensation, although these rights operate within an established legal framework rather than through unrestricted private action.

The principles of forgiveness and compensation have conceptual similarities with contemporary restorative justice approaches. Restorative justice emphasizes the recognition of harm, the participation of affected parties, offender accountability, compensation, and the restoration of damaged social relationships(Kirkwood, 2022). In this regard, the concept of Diyat has similarities with restitution, while Afw reflects the importance of forgiveness and reconciliation in resolving conflict. Both approaches recognize that criminal offenses affect not only legal institutions but also individuals, families, and communities. Nevertheless, Qisas and modern restorative justice should not be considered identical. Qisas is grounded in Islamic revelation and jurisprudential principles, whereas contemporary restorative justice generally develops through modern legal theories and institutional practices(Hascall, 2011). Furthermore, restorative justice programs may involve mediation, community participation, and rehabilitation without necessarily providing victims or their families with the same legal position recognized within Qisas. Therefore, the relationship between these concepts is best understood through their shared ethical concerns, particularly accountability, recognition of victims' rights, compensation, and reconciliation.

Comparison Between Qisas and Modern Penal Systems

The comparison between Qisas and modern penal systems reveals both important similarities and fundamental differences concerning the foundations, objectives, and mechanisms of criminal punishment. Qisas is based on the Qur'an, Hadith, and Islamic jurisprudential interpretations, whereas modern penal systems generally operate through national legislation, constitutional provisions, and established judicial institutions. Despite these differences, both approaches seek to maintain social order, establish accountability, protect individuals, and prevent criminal behavior(Braithwaite, 2002). However, the philosophical foundations and institutional arrangements through which these objectives are pursued differ according to their respective legal traditions.

Aspects	Qisas in Islamic Law	Modern Penal Systems
Legal foundation	Qur'an, Hadith, and Islamic jurisprudence	National legislation and constitutional principles
Main objective	Justice, protection of life, and accountability	Justice, deterrence, rehabilitation, and public protection
Punishment	Qisas, with legally recognized alternatives such as Diyat and forgiveness	Imprisonment, fines, and other legally prescribed sanctions
Victims' rights	Recognizes certain rights of victims or their legitimate heirs	Varies according to national legal frameworks
Forgiveness	May affect the applicable legal response	Does not generally eliminate public criminal liability automatically
Restorative dimension	Includes forgiveness, compensation, and reconciliation	May include mediation, restitution, and restorative justice programs
Legal authority	Must operate through legitimate legal procedures	Administered through authorized judicial institutions

One significant difference concerns the position of victims within the criminal justice process. In Islamic criminal jurisprudence, Qisas and Diyat recognize specific rights belonging to victims or their legitimate heirs, particularly concerning the decision to pursue Qisas, accept compensation, or grant forgiveness under applicable legal conditions. In many contemporary penal systems, criminal offenses are primarily treated as violations of public law, meaning that prosecution and punishment are generally administered by the state. Although victims may receive opportunities to participate in proceedings and obtain compensation, their preferences do not necessarily determine whether criminal liability is imposed or eliminated. This distinction reflects different understandings of the relationship between individual rights and public authority in criminal justice.

Another important difference concerns the objectives and mechanisms of punishment. Modern penal systems frequently combine retribution, deterrence, rehabilitation, and public protection through various forms of legal sanctions. Imprisonment, for example, may serve several purposes, including incapacitating offenders, discouraging future crimes, and providing opportunities for rehabilitation(Nagin et al., 2009). Meanwhile, Qisas emphasizes proportionate legal consequences while recognizing forgiveness and compensation as possible alternatives within its jurisprudential framework. Both approaches contain retributive dimensions because they acknowledge the importance of responding appropriately to criminal wrongdoing. Nevertheless, their restorative dimensions differ in legal foundation and implementation. Qisas recognizes Diyat and Afw within a religiously grounded legal framework, while modern systems may incorporate restitution, victim-offender mediation, and restorative justice programs through statutory provisions or judicial policies. These differences demonstrate that neither Islamic criminal law nor modern penal systems should be understood as completely uniform. Their practical implementation depends on the relevant legal jurisdiction, institutional arrangements, and interpretative traditions.

The Relevance of Qisas to Contemporary Criminal Justice

The concept of Qisas remains relevant to contemporary criminal justice discussions because its underlying principles address several fundamental challenges associated with criminal punishment, victims' protection, accountability, and social stability. One important contribution is its emphasis on proportionality, which requires that punishment corresponds to the nature and seriousness of the offense(Ryberg, 2004). Contemporary legal systems also recognize proportionality as an essential principle in determining appropriate criminal sanctions. Excessive punishment may violate human dignity, while insufficient legal responses may undermine public confidence in the justice system. In this context, the principle of proportionality within Qisas provides an important perspective for examining the relationship between the seriousness of criminal conduct and the legal consequences imposed upon offenders. Its emphasis on accountability further reinforces the idea that individuals must be responsible for their actions and that criminal justice should respond to wrongdoing through fair and legally established procedures.

Another relevant dimension concerns the recognition of victims' rights. Modern criminal justice discussions increasingly emphasize the importance of considering victims' experiences, interests, and needs throughout criminal proceedings. Qisas provides an interesting framework for this discussion because it recognizes the legal position of victims or their legitimate heirs in relation to Qisas, Diyat, and forgiveness. This recognition highlights the importance of ensuring that victims are not marginalized within criminal justice processes. Furthermore, the principles of compensation and forgiveness offer

opportunities for considering restorative approaches to criminal disputes. Diyat, for example, demonstrates the importance of acknowledging harm through compensation, while Afw highlights the potential role of forgiveness in reducing hostility and facilitating reconciliation. These principles may contribute to contemporary discussions concerning victim-centered justice, restitution, and the restoration of social relationships.

The relevance of Qisas can also be examined through the framework of Maqasid al-Shariah, particularly the preservation of human life (Hifz al-Nafs). The protection of human life is a fundamental concern shared by Islamic criminal law and contemporary legal systems. Qisas emphasizes the seriousness of unlawful killing and seeks to establish legal consequences that discourage violence and protect society(Wasti, 2009). However, contemporary applications of this principle require careful consideration of human rights, constitutional guarantees, procedural justice, and the prevention of wrongful convictions. The ethical values underlying Qisas may contribute to discussions of criminal justice reform without necessarily requiring the direct adoption of classical punishment mechanisms into every modern legal system. Its broader contribution lies in encouraging a balanced understanding of justice that recognizes accountability, proportionality, victims' rights, forgiveness, and the protection of human dignity. Consequently, Qisas can be considered a valuable source of legal and ethical reflection for contemporary criminal justice, particularly in the development of approaches that balance punishment with restorative considerations.

Challenges and Opportunities in Applying the Principles of Qisas in Modern Legal Systems

Despite the potential relevance of Qisas to contemporary criminal justice, integrating its principles into modern legal systems involves several legal, philosophical, institutional, and social challenges. One major challenge concerns the differences between classical Islamic jurisprudence and contemporary state-based legal institutions(Black et al., 2013). Classical Islamic criminal law developed within a jurisprudential tradition grounded in religious sources and the interpretations of Islamic scholars, whereas modern legal systems generally operate through codified legislation, constitutional principles, and centralized judicial institutions. These differences may create difficulties when determining how classical legal provisions should be interpreted within contemporary national frameworks. Furthermore, Muslim-majority countries do not apply identical approaches to Islamic criminal law. Their legal systems vary according to historical developments, constitutional arrangements, legislative policies, and interpretations of Islamic jurisprudence. Therefore, the relationship between Qisas and modern penal systems must be examined within the specific legal and institutional context of each jurisdiction.

Another significant challenge concerns human rights and the protection of human dignity. Contemporary criminal justice systems generally emphasize due process, the presumption of innocence, the right to legal representation, and protection against arbitrary punishment(Dripps, 2015). Any consideration of Qisas within a modern legal framework must carefully address these safeguards, particularly because criminal punishment may involve irreversible consequences. Questions concerning evidentiary standards, judicial independence, legal representation, and the prevention of wrongful convictions are therefore essential. The implementation of Qisas cannot legitimately be separated from the requirements of lawful authority and fair judicial procedures. Differences in scholarly interpretation concerning the conditions and application of Qisas also demonstrate the importance of contextual and methodologically sound legal analysis. Consequently, contemporary discussions must distinguish between the normative principles of Islamic law, their various jurisprudential interpretations, and their actual implementation within particular legal systems.

Nevertheless, these challenges also create opportunities for developing constructive dialogue between Islamic criminal jurisprudence and modern criminal justice theory. The principles of accountability, proportionality, compensation, forgiveness, and the protection of human life may contribute to contemporary victim-centered and restorative approaches(Cohen, 2019). For example, the concept of Diyat can encourage further discussion about compensation and the recognition of victims' losses, while Afw can provide an ethical perspective on forgiveness and reconciliation. The principles of Maqasid al-Shariah may also support broader discussions about how criminal law can protect life, preserve social stability, and uphold human dignity. However, the integration of these principles should not be undertaken through superficial comparisons or without considering their different legal foundations. It requires careful interpretation, legislative clarity, legitimate institutional authority, and adequate procedural safeguards. Ultimately, the contemporary relevance of Qisas lies not only in its historical role as an Islamic punishment mechanism but also in its broader ethical and juridical contributions to

discussions of justice, accountability, victim protection, and restorative justice. A balanced engagement with these principles can strengthen the dialogue between Islamic legal thought and modern penal systems while respecting the distinct characteristics of each legal tradition.

CONCLUSION

This study concludes that Qisas represents an important principle of Islamic criminal law grounded in the Qur'an, Hadith, and Islamic jurisprudence. Its fundamental purpose is to establish justice, ensure proportionality, promote accountability, and protect human life. The relationship between Qisas, Diyat, and forgiveness (Afw) demonstrates that Islamic criminal law recognizes different approaches to addressing criminal offenses, including proportionate punishment, financial compensation, and reconciliation. The comparative analysis reveals that Qisas and modern penal systems share objectives concerning social protection, criminal accountability, and the prevention of unlawful behavior, although they differ in their legal foundations, institutional structures, and punishment mechanisms. Furthermore, the principles underlying Qisas remain relevant to contemporary criminal justice, particularly regarding victims' rights, restorative justice, proportional punishment, and human dignity. Nevertheless, integrating classical Islamic legal principles into modern legal institutions presents challenges related to human rights, judicial authority, procedural fairness, and differences in legal interpretation. Therefore, further research should examine the practical implementation of victim-centered and restorative approaches across different legal jurisdictions. Ultimately, Qisas offers valuable ethical and juridical perspectives for contemporary criminal justice by balancing accountability and proportionality with forgiveness, compensation, and the preservation of human life.

AUTHORS' DECLARATION

Authors' Contributions and Responsibilities

The author was responsible for conceptualizing the research, formulating the research objectives, conducting the literature review, collecting and analyzing relevant legal and academic sources, interpreting the findings, and preparing the manuscript.

Competing Interests

The author declares that there are no competing interests related to the research, authorship, or publication of this manuscript. The research was conducted independently and without any personal, financial, or institutional conflicts that could have influenced its findings or conclusions.

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