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“Islamic Interpretations of Mercy vs. International Human Rights Standards on Death Penalty”

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ABSTRACT

This study examines the debate on the death penalty through the Islamic jurisprudence and international human rights discussion. Islamic law allows for capital punishment under strict conditions. It also emphasizes mercy, forgiveness, and reconciliation through the concepts of Qisas and Diyat. On the other hand, international human rights standards increasingly favor for the abolition of the death penalty press the right to life and human dignity. The aim of this research is to explore how interpretations of mercy within Islam can provide alternatives to strict punishment and how these interpretations align or various from modern humanitarian perspectives. The research uses a qualitative doctrinal approach focusing on the analysis of Islamic legal texts classical interpretations case examples from Muslim societies and relevant international human rights documents. By comparing Islamic principles with international standard, the study identifies both points of convergence such as emphasis on protecting human dignity and points of divergence such as the legitimacy of punishment in specific cases. The findings suggest that integrating Islamic principles of mercy into judicial practices may reduce reliance on executions promote reconciliation between communities and strengthen a more humane justice system. However, the study also highlights challenges in implementation due to cultural, political and legal variations across Muslim majority states.

Key words: Death Penalty, Islamic Jurisprudence, Qisas, Diyat, Mercy, Forgiveness, Human Rights, Justice, Comparative Analysis



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Introduction:

The Islamic Interpretations of Mercy vs. International Human Rights Standards on Death Penalty is one of the most vital and complex interplay in the path of reimagining justice. The death penalty is legally prescribed but applied only in strictly defined cases, that emphasizing justice, mercy, and forgiveness in Islamic law. Both the Quran and Sunnah permit capital punishment for intentional murder and other severe crimes that endanger public order, while also encouraging forgiveness and reconciliation through Qisas (retributive justice) and Diyat (financial compensation). In comparison, international human rights law generally calls for the universal abolition of the death penalty, with primary focus on the protection of human life and respect for human dignity as fundamental factor of contemporary civilization (Lee, 2005).

International human rights discourse and Islamic jurisprudence have developed the death penalty concept in different ways. The death penalty has its roots in Islamic tradition and dates back to the 7th century, when Shariah law was used to punish certain crimes like apostasy (riddah), adultery (zina), and murder (qisas). But its implementation was closely tied to the values of justice, mercy, and forgiveness it emphasized the victim's right to forgiveness and the ethical superiority of mercy over retaliation. On the other hand, the global human rights framework, especially following World War II and the adoption of the Universal Declaration of Human Rights in 1948, began to view the death penalty as a violation of the inherent right to life and human dignity. (-Naim, 1990)

This research study how Islamic understandings of mercy shift and diverge from international human rights norms regarding the death penalty. It argues that, although Islamic law permits capital punishment under supreme authority, its moral dimensions, rooted in mercy and forgiveness, closely align with humanitarian values (Creswell, 2014).

“Islamic interpretations of mercy vs. international human rights standards on the death penalty” can be analyzed effectively through Comparative Legal Theory, which examines similarities, differences, and interactions between distinct legal systems.



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The study draws on primary Islamic legal sources, classical juristic commentaries, and key human rights documents such as the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966). The analysis includes the idea of leading scholars who worked on interpretative and ethical dimensions of punishment and mercy within Islamic and international frameworks. Using a qualitative approach, the paper compares both systems considering ethical reasoning, judicial application, and modern reform struggles in Muslim majority states (Peters, 2005).

Theoretical Framework:

The research topic “Islamic interpretations of mercy vs. international human rights standards on the death penalty” can be analyzed effectively through Comparative Legal Theory, which examines similarities, differences, and interactions between distinct legal systems. Islamic law derives from divine revelation (Quran and Sunnah) and emphasizes justice balanced with mercy, allowing mechanisms such as Qisas (retribution) and Diyat (compensation) to give victims’ families discretion in applying the death penalty. This approach frames mercy as an intrinsic legal principle rather than an optional ethical act. By contrast, international human rights law is secular and universal, focusing on human dignity, proportionality, and the protection of life, often advocating the complete abolition of capital punishment. Comparative Legal Theory allows researchers to analyze how these two systems converge on ethical objectives, such as fairness and protection of life, while diverging in source of authority, institutional implementation, and the role of the individual versus the state.

Using this comparative lens, one can evaluate potential harmonization between the systems. For example, Islamic mercy-oriented mechanisms align with the restorative and rehabilitative principles emphasized by international human rights law, even if the authority behind them differs. Comparative analysis highlights that while Islamic law allows capital punishment under strict divine limits, its procedural flexibility, emphasis on forgiveness, and contextual discretion can complement human rights’ focus on proportionality and dignity. This theoretical framework not only clarifies where the two traditions overlap and conflict but also provides a basis for policy recommendations, such as integrating mercy-based Islamic principles with international safeguards to create a more humane and ethically consistent approach to the death penalty.

Discussion and analysis:

This research utilizes secondary data analysis with a comparative theoretical lens to observe the contrast and convergence between Islamic understandings of mercy and international human rights notions of the death penalty. As a method of inquiry, the comparative approach allows for a critical examination of how both contexts perceive issues of justice, human dignity, and the moral boundaries of state punishments. Islamic legal theory, founded on the study of the Qur’an and Hadith, incorporates mercy which is a divine attribute that operates to morally enact justice with a focus on enabling forgiveness and repentance in addition to punishment. On the other hand, the international human rights system, as a product of contemporary humanitarian values and the development of constructs such as the Universal Declaration of Human Rights (1948) and ICCPR (1966), situates the death penalty as against the right to life, and by extension human dignity. By utilizing secondary scholarly research and documentation, the study



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points out that while Islamic law seeks a moral balance between justice and mercy, international law is oriented toward the preservation of human life as absolute, creating two separate, yet ethically based contexts for understanding the demise of capital punishment (kamali, 2019)

The Concept of Mercy in Islamic Jurisprudence:

Mercy lies at the heart of Islamic theology and law. The Quran starts with the verse,

“In the name of Allah, the Most Compassionate, the Most Merciful” (Al-Fatihah, 1:1)

Focusing on that supreme mercy opens all aspects of creation and justice. Mercy is not an exception to justice but its foundation. Islamic criminal law (fiqh al-jināyāt) recognizes the necessity of punishment to preserve moral and social order while simultaneously providing avenues for compassion and forgiveness in the legal sphere (Shirazi, 2005).

The idea of Qiyas grant a victim’s family to get retribution, yet the Quran ultimately promote forgiveness as a higher moral choice:

“But if anyone remits the pay back by way of charity, it is an act of apology for himself” (Al-Maidah 5:45)

This show that supreme justice in Islam is renewing rather than purely retributive, seeking reconciliation rather than revenge Such as, Daiyat (monetary compensation) works as a legal means of saving unity between the sinner and the victim’s family. Islamic mercy thus operates through relational ethics that balance the rights of Allah (huquq Allah) and the rights of person (huquq -al- ibad), providing moral flexibility within legal limits. The Prophet Muhammad’s (S.A.W.) own example supports this principle, though he maintained justice, he most of the time encouraged forgiveness even in death penalties, expressing the divine traits,

“My mercy prevails over My wrath” (Al-Bukhārī, 3194).

Legal Foundations of the death Penalty in Islam:

Islamic law focuses on three major categories of crimes: Hudud, Qisas, and Tazir. Hudud refers to setting punishments for sins against Allah, such as theft, adultery, or apostasy. Qisas include revenge for murder or assault, while Tazir includes judgement punishments left to the judge’s decision. Among these, only Hudud and Qisas can involve the death penalty, and even then, its application is unusual and firmly regulated (Peters, 2005).

Execution under Islamic law is not unjust but subject to strict evidentiary conditions, like the evidence of reliable witnesses or a voluntary confession made without any form of force. The purpose is to confirm justice while minimizing the risk of bad conviction. Classical scholars like Imam Al-Shafi and Ibn Taymiyyah focus that punishment in Islam serves prevention and moral purification, not punishment. Therefore, mercy and care are important parts of the judicial process (Shirazi, 2005).

Islamic jurisprudence more teaches that whenever doubt occur, mercy must keep a rule mentioned in the principle “Idra’u al-ḥudud bi al-shubuhāt” (avoid fixed punishments in cases of doubt). This is supported by the Prophet Muhammad’s (S.A.W.) saying

“Avert the Hudud punishments from the Muslims as much as you can. If there is any way out for him, let him go, for it is better for the ruler to err in forgiveness than to err in punishment” (Al-Tirmidhi, 1424).

This hadith stresses the deep ethical foundation of Islamic justice, where forgiveness is



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superior to extreme punishment (Lee, 2005).

International Human Rights Standards on the Death Penalty:

In contrast to Islamic jurisprudence, international human rights laws study the death penalty through a secular and moral framework grounded in the universal principles of human dignity, equality, and the right to life. Under any legal or cultural justification this perspective views life as a fundamental right that cannot be taken away arbitrarily. The approach shifts the moral authority from divine order to collective human ethics, emphasizing the preservation of life as a universal ethical duty (Lee, 2005). The foundations of documents of this framework, the Universal Declaration of Human Rights (UDHR, 1948) and the International Covenant on Civil and Political Rights (ICCPR, 1966), created the purity of life as a global standard. Article 3 of the UDHR declares that “Everyone has the right to life, liberty, and security of person,” while Article 6(1) of the ICCPR affirms that “No one shall be arbitrarily deprived of his life.” The legal and moral foundation for the protection of life and the gradual restriction of capital punishment worldwide lay out these provisions. (Lim, 2017)

Although the ICCPR firstly allowed the death penalty under specific and limited circumstances, its Second Optional Protocol (1989) stated a significant shift toward abolition. Thus, true justice must prioritize rehabilitation over retribution. Human rights, Scholars argue that state executions contradict the inherent dignity of the human person. This changing idea mirrors a global moral transformation, one that reassures justice through compassion, equality, and the sanctity of life (Committee Human Right, 1994)

Point of Convergence between Islam and Human Rights:

Without being distinct, under both legal traditions share key moral and philosophical values, divine insight in Islam and secular humanism in international law. With mercy, the idea of justice must be balanced; each emphasizes the sanctity of human life and human dignity. These shared principles demonstrate that moral compassion is not bound by religious or cultural systems but is central to the pursuit of humane.

In Islamic law, the principles of qiyas (analogy) and diyyat (compensation) mirror modern restorative justice ideals. Benefiting both the victim and the offender allows room for forgiveness and moral transformation. Similarly, international law promotes life imprisonment or rehabilitation instead of capital punishment, seeking to preserve dignity and encourage moral reform. In both systems, mercy functions as a corrective force, ensuring that justice does not become cruel or excessive (Shirazi, 2005).

The Qur’an directly connects forgiveness with divine reward, highlighting mercy as a divine virtue:

“Whoever forgives and makes reconciliation, his reward is with Allah” (Ash-Shura, 42:40).

In the secular sphere, mercy appears through state mechanisms such as presidential pardons, clemency petitions, or moratoriums on executions. These practices reflect recognition that justice must remain open to compassion, acknowledging human fallibility, and the potential for moral change (Lee, 2005). The Islamic concept of ijtihād (independent reasoning) allows scholars to reinterpret classical rulings considering modern challenges while remaining faithful to divine principles. This adaptability aligns closely with human rights doctrines such as due process and protection against wrongful execution. Thus, mercy becomes a social and ethical bridge between faith-based and



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secular systems, promoting reconciliation and reducing cycles of violence. Both frameworks ultimately prioritize the value of life over retribution, reaffirming that compassion lies at the heart of true justice (Creswell, 2014)

Points of Divergence between Islamic Law and Human Rights Discourse:

Despite areas of moral overlap, significant doctrinal and practical differences remain between Islamic jurisprudence and international human rights norms. The first major point of divergence lies in the source of authority. In Islam, all legal and moral authority originates from divine revelation (Shariah), which is immutable in its essence. By contrast, international human rights law is grounded in an evolving secular consensus shaped by historical, political, and philosophical developments. Consequently, while Islamic law allows reinterpretation (ijtihad) of certain applications of punishment, it does not permit the abolition of divinely prescribed penalties (hudud), as these are viewed as God's commands (Lee, 2005).

Another key difference lies in understanding and application of mercy. In Islam, mercy is a divine attribute expressed through human discretion, as victims and their families may choose forgiveness as a moral act of compassion. Conversely, in international law, mercy is institutionalized through mechanisms such as clemency, commutation, or international advocacy against execution. While forgiveness in Islam holds spiritual merit for mirroring divine compassion, mercy in secular systems operates primarily as a political or ethical tool to protect human dignity (Shirazi, 2005).

Furthermore, while international law tends to view the death penalty as inherently contrary to human dignity, Islamic law considers it justifiable when implemented fairly within divine limits, seeing injustice not in the act itself but in its abuse. This theological distinction helps explain why many Muslim-majority nations maintain capital punishment as a divine obligation rather than a mere legal policy (Bryman, 2016). International law often equates moral progress with the abolition of the death penalty, whereas Islamic jurisprudence defines progress as upholding divine justice while broadening opportunities for mercy and reconciliation. Despite these contrasts, comparative scholars argue that genuine dialogue is possible through ethical interpretation rather than confrontation, suggesting that harmony between divine mercy and universal human dignity offers a more balanced vision of global justice (Creswell, 2014).

Contemporary Applications in Muslims Societies:

The practical application of Islamic principles of mercy and international human rights norms varies significantly across the Muslim world. Legal systems in countries such as Saudi Arabia, Iran, Pakistan, and Malaysia interpret and implement the death penalty according to differing schools of Islamic jurisprudence, while others, such as Morocco and Tunisia, have moved closer to abolitionist positions under human rights influence (Lee, 2005).

In Pakistan, the death penalty remains lawful but is mitigated by the Qisas and Diyat Ordinance (1990), which legally empowers victims' families to forgive offenders in exchange for compensation. This framework reflects the Qur'anic balance between justice and mercy. Scholars note that while this system has faced criticism for class-based inequality, it still embodies the Islamic principle of voluntary forgiveness that human rights law values in restorative justice. The Pakistani model demonstrates how Islamic jurisprudence can operationalize mercy not only as a moral virtue but as a



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functional part of law, aligning religious and humanitarian ethics within a legal framework (Peters, 2005).

By contrast, Saudi Arabia applies Hudud laws more literally, maintaining the death penalty for crimes such as apostasy, adultery, and murder. International human rights organizations often condemn these practices as violations of human dignity, yet local jurists justify them as divinely mandated limits (hudūd Allāh) intended to preserve social and moral order. Some scholars argue that such strict applications reflect a theological conviction that mercy operates even through deterrence, rather than leniency alone. Nonetheless, reformist voices within Saudi Arabia increasingly call for broader judicial discretion, invoking the prophetic principle that forgiveness is preferable to punishment (Lee, 2005).

In contrast, Tunisia and Morocco have retained the death penalty in law but have not carried out executions for decades. This de facto moratorium represents an implicit harmonization between Islamic heritage and international human rights standards. Similarly, Indonesia has witnessed ongoing debate among religious scholars and jurists regarding whether Islamic mercy justifies replacing executions with life imprisonment. These developments signal a gradual shift from purely retributive justice to restorative and reconciliatory approaches rooted in both Islamic ethics and global humanitarianism (Creswell, 2014).

The diversity across Muslim-majority societies reveals that the interpretation of mercy in Islam is dynamic and context-dependent. Factors such as governance style, social structure, and political culture influence how states balance divine justice with compassion. This adaptability offers fertile ground for integrating international human rights principles without undermining Islamic authenticity, illustrating that mercy remains a living and evolving concept in contemporary Islamic legal thought (Bryman, 2016).

Reform and Human Rights Dialogue:

The evolving conversation between Islamic scholars and international human rights advocates is increasingly marked by engagement rather than opposition. Modern Muslim jurists such as Abdullah bin Bayyah and Tariq Ramadan have called for moratoriums on the death penalty, citing the spirit of mercy and caution embedded in Shariah. Ramadan proposed a “moratorium for reflection,” emphasizing that although Islamic law allows capital punishment, modern contexts of judicial error, social inequality, and political abuse make its implementation ethically questionable. These reformist perspectives suggest that mercy, a foundational value of Islam, must guide legal interpretation in a world of changing moral and legal realities (Bryman, 2016).

At the institutional level, organizations such as the Organization of Islamic Cooperation (OIC) and Al-Azhar University have entered collaborative dialogues with the United Nations to explore shared ethical ground between Islamic law and global human rights standards. These discussions highlight conceptual bridges between both traditions, where Islam’s emphasis on mercy, repentance, and compassion parallels the human rights principles of dignity, equality, and rehabilitation. Such engagements reveal that dialogue, rather than conflict, provides a path toward reconciling divine law with universal human rights ideals (Lee, 2005).

Scholars describe this ongoing interaction as a form of ethical translation, meaning the reinterpretation of religious values in terms compatible with global moral discourse. This



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ethical translation benefits both systems, it urges Islamic jurisprudence to evolve in response to modern realities while encouraging secular law to integrate moral and spiritual dimensions of justice (Creswell, 2014).

However, traditional scholars caution that reform must remain faithful to the divine intent of Shariah. They stress that mercy is not a human concession, but a divine command governing all forms of justice. Thus, abolishing the death penalty solely to meet international expectations could undermine theological authenticity. Instead, reform should emerge organically from within Islamic ethical reasoning, aligning global human rights goals with Quranic compassion and spiritual accountability (Shirazi, 2005).

Ultimately, meaningful reform lies not in choosing between divine law and human rights but in rediscovering how mercy, as both a divine and human value, can transform punishment into restoration. The Prophet Muhammad's (peace be upon him) teaching "The merciful are shown mercy by the Most Merciful" (Al-Tirmidhi, 1424),

Encapsulates this balance. Justice devoid of compassion ceases to be either truly Islamic or genuinely humane. (Peters, 2005).

Conclusion:

This comparative analysis demonstrates that both Islamic jurisprudence and international human rights law share an underlying moral commitment to the preservation of life, dignity, and justice, albeit articulated via distinct epistemological frameworks. In Islam, mercy isn't always merely a ethical virtue, but a felony precept woven into the fabric of divine justice. Mechanisms like Qisas and Diyat operationalize mercy through empowering victims and encouraging forgiveness, reflecting an expertise of justice that restores as opposed to destroys. worldwide human rights law, alternatively, elevates the right to life and human dignity as prevalent values that transcend cultural and spiritual boundaries. via contraptions just like the international Covenant on Civil and Political Rights (ICCPR) and the frequent declaration of Human Rights (UDHR), it promotes the slow abolition of the loss of life penalty in favor of humane alternatives. yet the moral impulse behind this movement, compassion, restraint, and respect for existence, reveals deep resonance in Islamic teachings. The observe well-knowns hows full-size points of convergence: both frameworks are seeking to restrict cruelty, uphold human dignity, and sell reconciliation. however, divergences persist regarding the supply of ethical authority, the scope of mercy, and the theological legitimacy of punishment. these differences, however, need no longer create battle but can improve international discourse on justice. the combination of Islamic standards of mercy into contemporary judicial structures may want to humanize prison practices in Muslim societies, decreasing reliance on capital punishment while ultimate trustworthy to religious authenticity. A dialogical technique, one which encourages ethical translation between traditions, gives the maximum promising course ahead. by means of know-how mercy as both a divine command and a established human cost, the global network can strengthen a more compassionate and restorative vision of justice that honors each religion and humanity

Recommendations:

By reducing excessive reliance on the death penalty, Islamic concepts of Qisas and Diyat can be applied more broadly to promote forgiveness and reconciliation.

By limiting use of capital punishment to the most serious offences and ensuring due process. Muslim countries can align their domestic legal systems with international human rights



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principles.

To ensure balanced decisions, Judges, lawyers, and law enforcement officials should receive training on both Islamic mercy-based principles and international human rights commitments. Mediation, compensation, and restorative justice should be encouraged to produce humane outcomes and maintain social harmony.

Continuous research and discussion between Islamic experts and human rights professionals can assist in developing a justice system that honors religious as well as humanitarian sentiments.

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