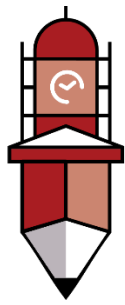




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## **Mediation Between Shariah And Ihr: Hacking Of Death Sentence Through 'IJTIHAD' Following Ihr Moratorium Standards Except For Brutal Crime Episodes.**



# The University of Faisalabad

**A Research Paper**

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### **ABSTRACT**

The death sentence in Islamic states has perpetually been the contradictory point for western world and international human rights watching over us for the purpose of critique on divine law. Prescribed circumstances made a multiplex relationship among state law, Shariah law, and principles of member international human rights organizations. Whether customary laws also could not be ignored while solving the puzzle. This study examines 'Ijtihad' as the key source for jurists for synchronizing Islamic law in its divine sense with human rights around the globe without under suspicion of western culture. 'Ijtihad' with the blend of 'Maqasid al-Shariah' under Islamic evidentiary safeguards for 'Hifz al-Nafs' can suspend the sword while punishing in almost thirty crimes of PPC, 1860 resulting death punishment excluding brutal nature of criminality. In local context culture, only two entities: i). 'Majma' Fiqh' with collaboration of Shariah courts and ii). 'Jirga mediation' supervised by 'Majma' Fiqh' can come to light of 'Ijtihad' with 'Maqasid al-Shariah' entrenching theme of Mercy and Forgiveness (afw) instead of retribution.

Contrarily, Some Shariah law death punishments must not be avoided or abandoned for brutal crimes to safeguard humanity as a whole if Islamic evidentiary standards are satisfied. Those penalties can be aligned to international human rights standards by



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enclosing article 6(2) of ICCPR (international covenant on civil and political rights) which advocates death punishments for mass killing and terrible lawbreaking against children. ICCPR respecting towards legal pluralism and cultural sovereignty plays a secrete role in congruency of Islamic law punishments for merciless crimes. General Comment No: 36(2018) of the UN human rights committee also harmonize Islamic law capital punishment by permitting the human rights for death sentence against intentional killing. The above hybrid Islamic legal framework has embryonic features of modern Islamic justice in parallel to international human rights. By applying doctrinal legal approach with the combination of limited qualitative method, this study is derived from Quran and Sunnah as primary with interpretations of classical Shariah sources while review of key related article and reports published within last five years in addition of comparative case studies of other Muslim states as secondary source. Study of four Muslim states highlights structure of 'Ijtihad' based Shariah compliant justice formulating mode and limit of executions in the light of Quran and Sunnah. Approach of de facto moratoria enables the Muslim states to bear International human rights pressure. The study also examines legal pluralism and cultural respect of ICCPR to weak judicial systems or who find reasons to responsive to divine law but with the harmony of global modern human rights.

The study concludes the sensible approach using strategic 'ijtihad' except in brutal crimes following Shariah principles, customary laws by 'Jirga mediation' and human rights standards is only solution to reduce executions in shaping long term imprisonments or forgiveness (afw) in presence of weak evidentiary safeguards. Nevertheless, death sentences are necessary to carried out for the dreadful crimes for stable and peaceful society. So, harmonization is credible by restricting capital punishment except mass killing, heinous crimes against children, and somewhere intentional killings of vulnerable groups. This study illuminates basics of policies for law-makers and jurists to frame International human rights standards within Shariah's divine path of Justice.

**Keywords:** Capital Punishment, Moratorium, Ijtihad, Maqasid Al-Shariah, Shariah Law, Jirga Mediation.

### Introduction

Quran and Sunnah established three basic legal classes' hudud (compulsory and fixed), qisas (retributive and compensatory) and tazir (discretionary by jurist) as capital sentence in Islamic criminal law. Hudud applies to crucial crimes like adultery and blasphemy in presence of definite evidences realizing that punishment could be prevented in case of suspicions. (Al-ḥudūd tudra' bi'l-shubuhāt) (Kadiri, 2024). In qisas, compensation (diyāh), forgiveness (afw) or sword is selected by the heirs of victim in cases of deliberate killings (Qur'ān 2:178–179; 17:33). Whereas tazir endorses the rare death sentences under the discretion of the court (Borhani & Radmand, 2025). So this ideology of Islamic punishment undoubtedly depicts the path to justice, forgiveness and sacredness of life (ḥifẓ al-nafs) (Clarke, 2023; Saleem & Sitwat, 2025). In spite of uniquely designed divine law for criminal intentions, international human rights organizations closely scrutinize the validity of this law to support their slogan of world-wide moratoria. (Parveen, Zeb, & Kainat, 2023; Khodadadi, 2025). Consequently, the junction of Shariah and International human rights (IHR) is facing perpetual



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controversies for the death sentence in contemporary legal perspectives.

On the other side of International human rights law (IHRL), article 6 of International Covenant on Civil and Political Rights ICCPR (1966), the right to life, pursues the limitation on judicial executions to only the heinous crime (United Nations, 1966) as **UN Human Rights Committee's General Comment No. 36 (2018)** also explained this ideology matching Quranic rulings "a life for a life" (Al-Maidah 5:45) and "Allah commands justice and excellence" (Al-Nahl 16:90). But now a days western observers contradicts the modern right to life theory with divine law punishments whether Islamic jurists supports those commanded punishments which are necessary to protect society (Alotaibi, 2021; Borhani & Radmand, 2025). Therefore, this basic modification of understanding creates conflict between IHR & legal pluralism which assumes genuine foundation of law is religion. The whole story professed that selective interpretation and misappropriation of political structural power instead of primary manuscript causes the Shariah law and IHRL incompatibility. A traditional Islamic jurisprudence actually protects human rights for *hifz al nafs* even it doesn't permits the unreasoned judicial killing as Quran instructs "Do not slay the soul which Allah has banned except by right" (Al-Isra 17:33), and "Whoever pardons and makes compromise, his reward is with Allah" (Ash-Shura 42:40). Ibn Kathir explained that religion is determined on mercy and forgiveness (afw) by exhibiting these Quranic verses containing condition of definite evidence.

In basic Shariah law applicability, the maxim of *qaidat al dar* (non-prevalence of hudud in case of poor evidences) and *istihsan* (preference of jurists for forgiveness) has operationally reduced judicial executions to the rare limit (Kadiri, 2024). Article 6(2) of ICCPR, prohibition of death sentence a part from heinous crimes (United Nations Human Rights Committee, 2018) resembles here with maxims of divine law. Modern religious legal activists have presented a reconciling Shariah rulings with embryonic legal prospects as a contemporary tool called *Ijtihad*. It reinterprets the structural resistance of penal laws without effecting core religious sense under directions of *Maqasid al Shariah* (the higher objectives of divine law) (Shamsuddin, 2024; Ismail, 2024). Morocco and Iran exhibits that strategic elements of protection of life (*hifz al-nafs*), mercy, forgiveness (afw) and justice has permitted the jurists to use discretionary (*tazir*) sentences and compensation (*diyat*) instead of death sentences in the comparative research cases. (Borhani & Radmand, 2025; Mahil, 2025). Indonesia has designed a rejuvenated statute by using *maqasid* in institutionalizing judicial discretions in recent penal code provision (Nasution, Mapaung, & Harahap, 2024; Muhyidin, Adhi, & Triyono, 2022). While Pakistan and Morocco are echoing the Quranic concept of forgiveness (afw) by applying pardon, mercy and restorative punishments. Many western organization observers are watching the policies and these changes are harmonizing Shariah with IHRL on de facto moratoria but still 'World Coalition against the Death Penalty (2023)' and 'Amnesty International (2024)' has reported death sentences and compelled confessions for non-brutal crimes. Pakistan's concept of legal pluralism in form of hybrid legislative configuration of PPC 1860 with Shariah law rulings exhibits the competency of ethnic apparatus in formation of formal justice.

Jirga or Panchayat mediation is important medium in local tribes under observations of *Majma Fiqh* for application of forgiveness and mercy with reliance on Quran (Arafat, 2025). This mediation helps low judicial capability communities to marginally limit the judicial executions demonstrating the restorative justice models sanctioned by IHRL.



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Quran dictates to stabilize retribution with compassion to achieve mercy and preserving life with justice theory (Al-Baqarah 2:178-179; Al-Nahl 16:90). So, Maqasid al Shariah of divine law intuitively connects with principles of IHR. Modern Islamic legal scholars' exhibits *ijtihad* is directed by 'Maqasid' for execution substitutions like life imprisonment and *diyah* to convert punishment from retributive justice towards restorative justice. (Saleem & Sitwat, 2025; Ismail, 2024). This doctrine harmonizes the United Nations Human Rights Committee's General Comment No. 36 (2018) authorizing death sentence for brutal crimes. By applying doctrinal legal research in combination of limited qualitative method, primary approach in this study is to reinterpret and analyze the original Shariah sources, modern legal scholar's literature within mostly last five years in addition with the Nyazee and Munir's old work, and ICCPR's legislation with inclusive examination of comparative case study of four Muslim states as secondary source contexts to analyze normative legal framework and applied suggestions in modern Muslim world. The study points out the strategic *ijtihad* based perceptive with mediation of *Jirga* and *Panchayat* under governance of 'majma fiqh' as jurisprudential tool to blend Shariah law into modern legal Islamic society essentials in view of IHR while preserving basic divine law necessities. This hacking of death sentence from punishments of almost thirty PPC, 1860 Pakistan crimes except heinous natures proposing as a hybrid model in contemporary Islamic justice can absolutely limit the judicial hangings in Pakistan for non-brutal lawbreaking while implementing the death punishment for heinous crimes like criminalities against children (Al-Maidah 5:45; ICCPR Art. 6 [2]). Local custom legal model aligns the Shariah's moral essentials with IHR stressing on proportionality and dignity under the school of legal pluralism (Clarke, 2023).

### **Legal Doctrine and Normative Perspective**

#### **Death Sentence under Islamic law:**

Islamic criminal jurisprudence authorizes death sentence under three modes which is fixed through Quran and Sunnah (Kilani, 2020). As described earlier in introduction section originated by Quranic laws commandments (2:178-179; 5:33; 5:45; 17:33) and then these laws were restricted with the conventional legal jurists. The sanctity of life and legal retribution, with the prospect of forgiveness is defined in Quran as "Do not kill the soul which Allah has forbidden except by right" (17:33), and "prescribed for you is *qisas* in the case of murder - yet forgiveness and *diyah* remain commendable" (2:178-179). In *hudud* matters particularly, the guideline of '*qaidat al-dar*' (suspicion leads to prevent *hudud*) to Islamic jurist limits the death punishment (Akbar & Roibin, 2024; Borhani & Radmand, 2025). Untrustworthy narrators and their weak links put justification of death sentence in doubt regarding chains of *hadith* according to latest *hadith* criticism like blasphemy (Akbar & Roibin, 2024). Some further reinterpretations of apostasy (*riddah*) exhibits that no clear precedents are found in the times of Holy Prophet (PBUH) for sword announcement to apostasy. Very limited numbers of brutal crimes comes under *hudud* penalties e.g. a purposeful murder, a fierce rebellion (*hirabah*) and adultery (*zina*) and execution of all these gave crimes is settled under with strict evidences and this scale of evidentiary firmness is fixed at by intents e.g. four competent male witnesses or repeated voluntary confessions are required in Islam. *Al-hudu tudra bil-shbuhah* ("suspicion prevents executions") is a classical maxim which assists courts to interrupt death sentences because of certain doubts (Kadiri, 2024). The Quran institutes a strong legal structure for *qisas*: "Suggested for you is lawful revenge for murder but offender



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have to recompense diyat in compassion if the victim's family pardons" (Al-Baqarah 2:178-179). In another Quranic verse it is defined: "Do not murder the soul which Allah has banned apart from right" (Al-Isra 17:33). Qisas is a concept which aligns forgiveness with justice. Punishments under Islamic law is legally permissible but are settled on moral and human basis through mercy and forgiveness and Allah have reward for those (Ash-Shura 42:40). Nyazee (1996, 2000, 2008, 2011) and Munir (2017, 2020) with other conventional and contemporary Islamic scholars emphasize that qisas is neither obligatory nor utter rather it purposes for potential and unharmed settlements. Article 6(2) of the ICCPR confines the death punishment to "the brutal criminalities," like mass killings reverberates with this actual model of Islamic law (United Nations Human Rights Committee, 2018). Pardons, and diya disbursements decrease judicial killings in Muslim states which bring into line with restorative justice practices (Nasution et al., 2024; Mahil, 2025; Arafat, 2025). Tazir shelters those crimes which are not obviously defined in sacred text and depicts the utmost flexible category of Shariah law. It is hardly extended to death sentence (Borhani & Radmand, 2025; Mahil, 2025). In Islamic states, scope of the death penalty without contravening divine law is narrowed through adaptation of tazir as contemporary judicial illustrations clarify this development. Judicial freedom of choice, proportionality, and substitute penalties are experiencing institutionalization in Indonesia through '2023 Criminal Code (Law No. 1 of 2023)' which gives a paradigm to harmonize Sharia based legitimate structures with global human rights rules (Nasution, Mapaung, & Harahap, 2024; Muhyidin, Adhi, & Triyono, 2022).

### 2.2. Portrait of Ijtihad and Maqasid al-Sharia

Ijtihad is consequent of the Arabic origin 'jahada' meaning thereby ("to exercise struggle") enlightening an extensive basic structure for Islamic legitimate reasoning derived by empowered Islamic judges called 'mujtahidun', who translate and then deduce such standardized verdicts in the disappearance of obvious written divine orders. Ijtihad gives guarantee to preserve divine commands for keeping relevancy of Shariah with these commands (Nyazee, 1996, 2000). Traditionally, ijtihad prospered in the course of the developmental age of the 'Sunni' school of thought and 'Shia' juristic philosophy which later achieved a distinctive position in criminal law together with capital sentence. Ijtihad as unconventional juristic perceptive, has answered to modern authenticities keeping in view that original text must be preserved. Nyazee (1996; 2000; 2008; 2011) abstracts ijtihad as organized legitimate perceptive and confirmed that divine text is preserved while adaptation of it. Munir (2017, 2020) claimed that mercy in qisas can eliminate death sentences although preserving ethical liability and associates ijtihad with evidentiary safeguards and due process.

The fundamentals ('ḥifz al-nafs', 'adl', and 'rahmah') of ijtihad make a lawful structure by converting death sentences into 'diyat' for following restorative justice. If diyat is not prevailed then long-term imprisonment can also be pursued in non-brutal crimes which supports IHRL standards (Borhani & Radmand, 2025; Shamsuddin, 2024; Saputro et al., 2023; United Nations Human Rights Committee, 2018). 'Restorative Justice' is not far-off to Quranic beliefs elevate due to its characteristics of compromise beyond retribution: "The compensation for a sinful is an sinful similar thereof; nevertheless whoever forgive and makes settlement, his prize is with Allah" (Ash-Shura 42:40); "Those who let go anger and forgive people; Allah adores the doers of good" (Al Imran 3:134). The higher objectives of Islamic law are Maqasid al-shariah which deliver a theoretical structure in



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this purpose of mediation. Al-Shaṭībī was a conventional legal scholar who acknowledged five sophisticated objectives as Maqasid al-Shariah: safeguard the life (Nafs), religion (Din), intellect (Aql), lineage (Nasl), and property (Mal). Preservation of life (ḥifz al-nafs) is supreme among all of these. “Whoever murders a human except for a human or for fraud (thru) in the land-living, it is as if he had slaughtered mankind wholly. And whoever protects one it is as if he had protected mankind exclusively” (Al-Maidah 5:32). So, Maqasid al-shariaah delivers the moral and lawful groundwork to restrict death sentence.

### **Muslim Civilizations with Legal Pluralism & Customary Law**

Shariah and customary structure is working with Shariah courts which delivers native legal opportunities concentrating on forgiveness (afw), diyat, and compromise in line with Quranic beliefs (Ash-Shura 42:40). Restorative justice philosophies are replicate due to these customary laws because they diminish dependency on death penalties, specifically for terrible criminalities (Arafat, 2025). Morocco and Iran represents the same pluralism for amnesties, and legal reforms to limit death sentence progressively (Mahil, 2025; Khodadadi, 2025). So, this lawful pluralism harmonizes IHRL ideologies accepting ethnic dominance at least responding to least human rights values (Clarke, 2023; Mitiche, 2025).

#### 2.4. Approach of Juristic Maxims towards Ijtihad and IHR Moratoria

The Islamic maxim of ‘Al-ḥudud tudra bil-shubuhāt’ (“suspicion prevents hudud penalties.”) with ‘qawaid fiqhiyyah’ promote reason for ijthadic transformation but in absence of evidentiary predictability (Kadiri, 2024). While Istiḥsan (juristic inclination) approves for additional compassionate explanation where cases are legitimately doubtful (Nyazee, 2000). Furthermore, ‘maṣlaḥah mursalah’ (‘unrestricted public interest’) is available where no obvious divine writing is found. It legalize procedures for endorsing prosperity. Munir (2017) demonstrates that Islamic law implants defenses comparable to contemporary due process comprising: supposition of purity, the right to a fair trial, and safeguard in contrast to pressured declarations. Forgiveness (afw) and reconciliation (iṣlah) inhabit a dominant point in Islamic penal code as already explained through Quranic verses. ‘Amnesty International Document (2024)’ and the ‘World Coalition against the Death Penalty (2023)’ displays growing moratoria tendencies during international practices and article 6 of the ICCPR authorizes execution merely for the “heinous crimes” (United Nations Human Rights Committee, 2018). Malaysia’s (2025) modifications eliminated obligatory execution (Chan, 2025); Indonesia then Morocco put flexible substitutes in action; and Pakistan is engaging de facto moratoria. All these strategies are trusting on restorative structure like ‘diyat’ and ‘afw’ (Arafat, 2025). Ijtihad is deeply rooted in legal maxims of maqasid, and restorative justice which bargains a doctrinally authentic corridor to reduce the execution in Islamic countries. Theoretical work of Nyazee on ijthihad and Munir’s legal work on mercy and due process illuminate that the Shariah customs delivers the reform tools.

#### 3. Comparative Development, Legal Pluralism, and Cultural Sovereignty

Iranian court of law, according to latest studies, have trusted on qaidat al-dar with merciful legal understandings to decrease hudud judicial killings. It represents a distinguished change as a core doctrinal approach rather than official elimination (Borhani & Radmand, 2025; OHCHR, 2025). Morocco holds death sentence nevertheless has sustained a de facto moratorium for ages. They practices majestic amnesties and



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'tazir' based punishment which is actually flexible to align maqasid morals (Mahil, 2025). Indonesia's (2023) 'Penal Code' transformations symbolize maqasid philosophies through announcing court's will, and substitute penalties (Nasution, Mapaung, & Harahap, 2024; Muhyidin et al., 2022). Islamic ethics and IHRL obligations both recognize these legitimate transformations as harmonized with each other. In the end, Pakistan's legitimate directive combines PPC 1860 with Shariah regulations on the basis of 'afw' and 'diyat' following restorative integrity. A wider obligation to **legal pluralism is exposed with** the incorporation of ijthihad and maqasid into penal reform. In the presence of Shariah, state and customary law practices legal pluralism permits Muslim cultures for mediation between local ethical structures and global commitments without religious breach (Clarke, 2023; Mitiche, 2025). IHRL identifies cultural dominance while setting least securities. So, Muslim states are permitted to limit or interrupt executions by means of local practices like jirga mediation, and restorative practices by saving Islamic laws. The proportional understandings of Iran, Morocco, and Indonesia make argument towards a **hybrid Islamic justice model** which reserves the divine configuration of Shariah.

### 4. Jirga Mediation, State and Customary Laws under Majma' Fiqh Supervision for 'Strategic Ijthihad'

Majma Fiqh is an accepted committee of eligible and skilled Islamic lawmakers' which gathers as a **safeguard** to ensure that local customs should function within Shariah's limitations. The Jirga and Panchayat have traditionally been **casual clash resolution mediums** in tribal and countryside societies of Pakistan and occasionally condemned for extrajudicial applies. Strategic usage of **customary justice structure** predominantly 'Jirga' and 'Panchayat' mediation and directions to the state law compiled by courts but underneath the commandments of **Majma Fiqh** are one of the most favorable techniques for complementing Islamic ruling with IHR principles. South Asian states are enriched culturally for this structure who deliver a hybrid play of **Shariah philosophies, local customs, and restorative justice standards** overlapping each other. Those techniques can compose a transformative part in stopping the capital punishment by protecting the originality of divine law after appropriate monitoring (Arafat, 2025; Clarke, 2023; Mitiche, 2025). The cooperation among Islamic judges and public mediators reverberates primary Islamic structure to select public settlement over unforgiving retributory trials. Majma Fiqh connects Jirga verdicts with the Quranic mandate of justice and mercy under its own supervision: "And if they tend towards harmony, then tend to it and trust upon Allah" (Al-Anfal 8:61). This supervision enables accustomed mediation, a **juristically lawful submission of ijthihad** by guaranteeing that 'afw' and 'diya' are applied within strong legitimate defenses. In sudden killings, sometimes intentional and non-brutal crimes, these structures permit families of victims to **award pardon or receive diyat** to efficiently replace death sentence with settlement. This procedure belongs to Quranic highlighting on forgiveness: "But if the family of victim pardons, then the offender ought to recompense diyat in kindheartedness" (Al-Baqarah 2:178-179); "Whoever pardons and makes reconciliation, his reward is with Allah" (Ash-Shura 42:40).

On the other hand blasphemy, apostasy and brutal crime following habitual and sometimes intentional killing lead towards definite death sentence after verifying strict evidentiary safeguards. For safety of society these crimes might not be spared after strict monitoring on 'majma fiqh' on 'Jirga', 'Panchayat' and state laws. **Pure controlling structures** are indispensable for mediation of Jirga to perform as a genuine legal process.



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Unfettered Jirgas are confronting global and local blame for due process harms, sex discrimination, and poor answerability. This mediation can be **uniformed and checked** to encounter elementary human rights principles under Majma Fiqh administration and Shariah court. (Parveen Gul et al., 2023; Khodadadi, 2025). **ICCPR Article 6** and General Comment No. 36, which permit countries to approve ethnically entrenched legal procedure in case they maintain least HR assurances. The supervisory character of Majma Fiqh guarantees: a). self-contribution of gatherings; b). Shelter to defenseless people; c). Due process and fair trial principles; and d). Non-execution of consequences unmatched with Shariah and IHRL regulations both and all is called 'strategic ijtehad'. Jirga mediation with the combination of maqasid-based viewpoint, converts executions from **retributive harshness to restorative integrity** Settlement over 'afw' and 'diya' line up both Islamic legitimate ideologies and international restorative integrity values. Readings point toward that such local structure diminish hangings, encourage public curing, and endure community belief in lawful methods (Saleem & Sitwat, 2025; Amnesty International, 2024; OHCHR, 2025).

### **Jirga Incorporation into State's Legitimate Structure**

Pakistan's mix legitimate directive entrenched in equally PPC 1860 and Shariah-based decrees which suggests a **fundamental chance** to legally bind these processes. Classifying Majma Fiqh administered Jirga mediation into constitutional or practical law will guarantee superior clarity, HR compliance, and merger into state societies (Chan, 2025; Clarke, 2023). Classification will comprise on: a) Narrow capital punishment to only heinous crimes, blasphemy, and apostasy after strict definite evidences. b). Sanction local-level restorative procedure. c) Condense court burdens, and d). Enrich the legality of Islamic legitimate structures within IHR standards. The Jirga under Majma Fiqh supervision embodies a **hybrid model for modern Islamic justice through** inclusion of Shariah philosophies, local legal customs, and IHR principles without undermining original divine manuscript.

### 5. Policy Recommendations

**Incompatibility** is found between Shariah and international human rights law (IHRL) in the perspective of death sentence. The doctrinal relaxation implanted in ijtehad, the maqasid structure, and legal pluralism delivers Muslim mainstream countries a **legal track** to harmonize Islamic law with IHRL customs without negotiating its basic divine fundamentals. So, the subsequent **policy guidelines** are suggested:

**Limiting Death Punishments to Heinous Crimes, habitual intentional killing, blasphemy and apostasy after concrete proven evidences**

**Majma Fiqh as Supervisory body of Jirga & panchayat Mediation and Judicial Justice**

Reduce the judicial burden by dividing it to the bodies of 'Jirga & Panchayat'.

**Officially incorporate strategic ijtehad through nationwide fiqh committees or Majma Fiqh panels to uplift it as a State Juristic Tool.**

Capital punishment should be restricted not abolished for ensuring public safety to get rid of societal ulcer



## Strict compliance with Islamic evidentiary safeguards while transformation

### Conclusion

The conflict between Shariah and IHRL on death sentence is not incompatible rather can be facilitated by divine legitimate tools. Contemporary Islamic jurists deliver procedure of *ijtihad*, *Maqāsid al-shariah*, and legitimate maxims to highlight justice, forgiveness, and sanctity of life. Death punishments are restricted to heinous crimes only like terrorism, mass killings and crimes against children and restorative structure is encouraged like ‘*afw*’ and ‘*diyyah*’, ‘mercy’. Islamic countries can harmonize with Article 6(2) of the ICCPR without conceding Shariah doctrines. Certain transformations in Indonesia, Morocco, and Malaysia, as well as Pakistan’s *Majma Fiqh* supervised Jirga mediation elaborates the functionality of this hybrid prototype. Organizing and firming due process, and legally accepting *ijtihad* can correspond Islamic law with contemporary IHRL principles. Shariah law is not diluted by applying this strategy but revive of its five maximum ethical and religious objectives.

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