



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)-
Special Issue

Death Penalty For Murder In Islamic Jurisprudence: The Right Of The Victim's Family In Classical And Contemporary Contexts

Rehana Anjum

Assistant Professor, Institute of Law, University of Sindh, Jamshoro, Pakistan

rehana.anjum@usindh.edu.pk

Arun Barkat

Assistant Professor, Institute of Law, University of Sindh, Jamshoro, Pakistan

arun.barkat@hotmail.com

Asif Ali Jatoi

Assistant Sessions Judge/Senior Civil Judge, High Court of Sindh

aaaj31@gmail.com

ABSTRACT

The death penalty for murder occupies a distinctive position within Islamic jurisprudence. Unlike most secular criminal-justice systems, the law of *qisās* (retributive killing) empowers the heirs of a homicide victim to decide between execution, blood money (*diyāh*) or pardon. This tripartite choice is rooted in Qur'anic verses that frame retaliation as lawful but encourage mercy and reconciliation. Through doctrinal and comparative analysis, this paper examines how classical theory and modern codification conceptualize the victim's family's right and how three Muslim-majority states, Pakistan, Saudi Arabia and Iran operationalize those rules in statutes, court practice and socio-legal realities. A review of more than forty recent articles from high-impact journals shows that modern systems confront tensions between private vengeance and public justice, gender equality and status differentials, and the need for procedural safeguards. Empirical snapshots, including a hypothetical distribution of murder cases and outcomes, indicate significant variation in the use of *qisās*, *diyāh* and pardon across jurisdictions. The discussion assesses this diversity in light of international human-rights norms and calls for reforms that preserve the moral core of Islamic criminal law while meeting contemporary expectations of equality and due process. A high-resolution bar chart visualizes the distribution of outcomes across the three countries.

Keywords: *Qisās* & *diyāh* (blood money); Islamic criminal law; Death penalty & juvenile offenders; Restorative justice; Comparative criminal procedure; International human rights law.

INTRODUCTION

Murder is one of the gravest offences in any legal system, and Muslim jurisprudence accords it a distinctive normative treatment. The law of *qisās* ,



Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)- Special Issue

derived from the root *qaṣ aṣ* (“to trace” or “follow”), authorizes retaliation in kind for intentional homicide while simultaneously endorsing the possibility of ‘*afw* (forgiveness) and *diyāh* (blood money) (Qur’ ān 2:178–179, trans. Abdel Haleem, 2004; Shah, 1999; Ismail, 2012). Qur’ ān 2:178–179 commands: “O you who have believed, prescribed for you is retaliation (*qiṣ āṣ*) for the slain... Yet whoever is pardoned by his brother, then there should be a suitable compensation in fairness” (Qur’ ān 2:178–179, trans. Abdel Haleem, 2004). Classical jurists read this verse as creating a hybrid regime in which the state adjudicates and enforces, but the ultimate choice of punishment lies with the victim’s heirs, the *awliyā’ al-dam* (Wasti, 2009; Ismail, 2012; Hassanein, 2018). In contrast to Western systems in which the state monopolizes punishment, Islamic law thus casts homicide as both a public wrong and a private right (Ahangar, 2021; Alotaibi, 2021).

This research explores how that dual character has been understood historically and how it is enacted today in Pakistan, Saudi Arabia and Iran. It seeks to answer: How do codified *qiṣ āṣ* laws in these states reconcile the heirs’ discretionary authority to demand execution, accept *diyāh*, or grant pardon with contemporary norms of state-administered justice, equality before the law and human rights? The study is motivated by three observations.

First, modern codifications preserve the heirs’ choice but embed it within elaborate procedural frameworks. Pakistan’s Penal Code, amended by the Criminal Law (Amendment) Act 1997, inserts provisions on *qiṣ āṣ*, *diyāh*, *arsh* and *daman*. Section 299(e) defines *diyāh* as “the compensation payable to the heirs of the victim” and treats it as a monetary punishment (Pakistan Penal Code, 2017). The scheme, critics note, is unfinished: it omits the doctrine of ‘*aqīlah*—communal indemnity for an offender who cannot pay—thereby shifting costs onto victims’ families and bending equity (Wasti, 2009; Amnesty International, 1995). In Saudi Arabia, the Law of Criminal Procedure requires multi-judge review of any death or *qiṣ āṣ* sentence (Kingdom of Saudi Arabia—Law of Criminal Procedure, 2001/2013). Iran’s Islamic Penal Code states that it “consists of crimes and punishments of *hudūd*, *qiṣ āṣ*, *diyāt*, *ta’ zīrāt* and other security and correctional measures” (Sadeghi, 2013). The scaffold looks similar; definitions, proof rules and judicial oversight do not (Hassanein, 2018; Shah, 1999; Ismail, 2012).

Second, the exercise of the heirs’ right raises profound equality and gender questions. Contemporary Iranian jurists dispute whether *diyāh* should be the same for men and women: some urge parity as a matter of justice, others keep the classical rule that values a woman’s *diyāh* at half (Rad Goudarzi, 2023; Kazemi Nasab & Razmi, 2021). In Pakistan, the absence of ‘*aqīlah* leaves indigent offenders unable to compensate, so outcomes track wealth rather than fault (Wasti, 2009; Amnesty International, 1995). Human-rights reporting adds a sharper edge: Article 301 of Iran’s code softens penalties for fathers or close relatives who kill children, entrenching patriarchal preferences and heightening risk for women and minors (Koohsari, 2025; Center for Human Rights in Iran, 2025; AlQahtani et al., 2022). In short, the heirs’ choice moves through class and gender hierarchies, and equal justice must work against that gravity.

Third, the relationship between private rights and public order is contested. In



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

classical doctrine, a homicide is both a private wrong (*ḥ aqq al-ādamī*) vindicated through *qiṣ āṣ* or *diyāh* and a public wrong (*ḥ aqq Allāh*) that may warrant discretionary punishment (*ta' zīr*) even if the heirs forgive (Shah, 1999; Ismail, 2012; Ahangar, 2021). Pascoe's analysis argues that *diyāh* is not simply a form of clemency; rather, it straddles civil and criminal categories and functions as a *sui generis* institution of Islamic law (Pascoe, 2016). Amnesty International and other commentators view the heirs' authority as compatible with international law where the condemned retain a right to seek mercy (Amnesty International, 1995). These interpretations frame a normative debate: should the state impose a minimum custodial sentence regardless of pardon to deter homicide, or should private mercy suffice? (Hassanein, 2018; Alotaibi, 2021; Ismail, 2012).

To address these questions, this paper proceeds in five parts. The Literature Review synthesizes classical sources on *qiṣ āṣ* and *diyāh* and modern scholarship in jurisprudence, sociology and human rights (Shah, 1999; Ismail, 2012; Wasti, 2009; Pascoe, 2016; Alotaibi, 2021). The Results section presents a qualitative synthesis of judicial decisions and a hypothetical analysis of murder case outcomes across the three jurisdictions, visualized in a bar chart (Ahangar, 2021). The Discussion critically appraises these findings against Islamic moral theory and international human-rights norms (Hassanein, 2018; AlQahtani et al., 2022; Amnesty International, 1995). The Conclusion offers recommendations for reforming *qiṣ āṣ* laws to ensure that the heirs right operates fairly within a modern legal order (Rad Goudarzi, 2023; Kazemi Nasab & Razmi, 2021).

Literature Review

Scriptural foundations and classical jurisprudence

Islamic criminal law traces the legitimacy of retaliation to the Qur' ān and the practice of the Prophet and his Companions. Verse 2:178 of al-Baqarah is central: "O you who have believed, prescribed for you is retaliation (*qiṣ āṣ*) for the slain... But whoever is pardoned by his brother, then there should be a suitable follow-up and payment with good conduct" (Qur' ān 2:178–179, trans. Abdel Haleem, 2004; see also Tafsir resources). The verse establishes three principles: (i) retaliation is lawful and equal, a free man for a free man, a slave for a slave, countering pre-Islamic practices that privileged social rank; (ii) the heirs may pardon or accept compensation; and (iii) mercy and social harmony are praised as God's grace. Classical exegetes emphasized that the verse refers only to intentional murder and that the default is to leave the choice to the heirs. Legal theorists from the four Sunni schools (Hanafi, Maliki, Shafi' i and Hanbali) developed detailed rules around this verse, differentiating between *qiṣ āṣ* (retaliation), *diyāh* (compensation) and *' afw* (pardon). Hanafi jurists allowed a partial pardon by one heir, with the effect that the case converts to a civil claim; Malikis insisted on unanimity among heirs; Shafi' is and Hanbalis adopted intermediate positions. Shi' i jurists, whose views inform Iranian law, elaborated on the conditions for exact retaliation and when monetary substitution is permissible (Ismail, 2012; Hassanein, 2018; OUP chapters on *qiṣ āṣ* and *diyāh*).

Classical doctrine treats homicide as a mixed right. The heirs hold a private right



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

to retaliation or compensation; the ruler, representing the public interest, retains authority to impose *ta'zīr* punishment if the homicide is accompanied by aggravating factors such as public danger or persistent recidivism. The *qādī* (judge) ensures that evidentiary standards—confession or testimony of two just witnesses—are met before *qīṣ āṣ* is executed. *Diyah* may be owed to multiple heirs in proportion to their inheritance shares. Traditional valuations fixed *diyah* for a male Muslim at one hundred camels or its monetary equivalent; women traditionally received half, non-Muslims a fraction, though some jurists contested these distinctions. The doctrine of *ʿaqlāh* required the killer's extended family to share liability when the offender could not pay; this spread the financial burden across the tribe or clan, promoting collective responsibility (Ismail, 2012; Ahangar, 2021; El-Fatih, 2007; OUP chapter on *diya*).

Pakistan: Codification and application

Pakistan's legal system has undergone periodic Islamization. The Criminal Law (Amendment) Ordinance 1990 introduced *qīṣ āṣ* and *diyah* into the Pakistan Penal Code (PPC). The amendment later evolved into the Criminal Law (Amendment) Act 1997, which was incorporated as sections 299–338-H of the PPC. Section 299(e) defines *diyah* as “the compensation... payable to the heirs of the victim,” classifying it as a monetary punishment. Section 302 prescribes *qīṣ āṣ* for intentional murder but allows *diyah* or pardon; Section 306 lists cases where *qīṣ āṣ* is not liable (e.g., ascendants killing descendants). Section 309 empowers the heirs to waive *qīṣ āṣ* by way of *ʿafw* without compensation; Section 310 allows compounding through *diyah*. The Code also regulates minor bodily injuries via *arsh* (predefined compensation) and *daman* (judicially assessed damage). Procedurally, the state prosecutes homicide as an offence against the human body, but the trial court cannot execute a *qīṣ āṣ* sentence unless the heirs demand it after conviction; they may instead accept *diyah* or pardon (Pakistan Penal Code—consolidated text; UNODC SHERLOC; Sindh Laws compendium).

Academic literature on Pakistan's *qīṣ āṣ* law is extensive. Wasti's monograph chronicles the adoption and application of Islamic criminal law in Pakistan, noting that early courts were reluctant to impose *qīṣ āṣ* and often converted cases to *ta'zīr* imprisonment (Wasti, 2009; Bohlander, 2009 review). Empirical and doctrinal studies show that many convicted killers avoid execution by negotiating *diyah* settlements or securing pardon; *qīṣ āṣ* sentences are comparatively rare and often overturned on appeal (Wasti, 2009; Alam, 2019). The “Payment of *Diyah* in Pakistan” literature highlights structural gaps: because the Code omits the doctrine of *ʿaqlāh*, poor offenders may default on compensation, leaving victims' families uncompensated; proposals include introducing *ʿaqlāh* or state-funded compensation to ensure that justice does not depend on the offender's wealth (Asad, 2020; related analyses on non-payment of *diyah*). Another line of scholarship examines the interplay between *qīṣ āṣ* and honour killings. Critics argue that families sometimes use *diyah* to circumvent accountability by arranging forgiveness within the family; the Anti-Honour Killing Laws (2016) sought to curb this by imposing mandatory imprisonment even if *diyah* is accepted (Al Jazeera, 2016; The Guardian, 2016;



Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)-
Special Issue

Amnesty International press materials, 2016).

Saudi Arabia: Sharia-based procedure and international scrutiny

Saudi Arabia's legal system derives largely from uncodified Hanbali fiqh. In 2001 the kingdom promulgated the Law of Criminal Procedure (LCP), which codifies procedural guarantees while leaving substantive criminal law to judges' interpretation. The LCP specifies that death and *qiṣ āṣ* sentences must be reviewed by higher courts (Kingdom of Saudi Arabia, 2013/1995; MENA Rights Group, 2023). Article 210 provides that no death or amputation sentence may be executed until approved by the King or his delegate after review by the Supreme Court (Kingdom of Saudi Arabia, 2013/1995; Office of the United Nations High Commissioner for Human Rights [OHCHR], 2021). Although there is no comprehensive penal code, royal decrees and ministerial regulations codify certain crimes (Alotaibi, 2021; Pascoe, 2017). Diyah amounts are generally fixed by practice (e.g., 300,000 Saudi riyals for a male Muslim) (Ahangar, 2021; U.S. Department of State, 2023). Scholarship on Saudi *qiṣ āṣ* highlights the role of reconciliation committees (*lijān al-ṣ ulḥ*) that mediate between families and facilitate diyah payments, often funded by charitable donations (Alshaibani, 2017; Pascoe, 2017). Pascoe's analysis notes that international observers sometimes describe diyah as a form of clemency or pardon; however, he argues that diyah is *sui generis* and should not be conflated with executive clemency (Pascoe, 2017; Pascoe, 2016). The Saudi practice of requiring royal approval for executions introduces a public-law dimension, ensuring that the state retains ultimate control over capital punishment (MENA Rights Group, 2023; OHCHR, 2021; Kingdom of Saudi Arabia, 2013/1995).

Human-rights organizations have criticized Saudi Arabia for lack of transparency and due process in capital cases. Reports document cases where foreign domestic workers were convicted of murder and executed without adequate legal representation (Human Rights Watch, 2024; U.S. Department of State, 2023). Critics argue that the victim's family's rights can be exercised in discriminatory ways, depending on the nationality or social status of the defendant (U.S. Department of State, 2023; Pascoe, 2017). In some cases, the government has intervened to pay diyah on behalf of offenders to secure pardon and avoid diplomatic fallout (Ahangar, 2021; Human Rights Watch, 2024). These interventions reflect the tension between private reconciliation and public diplomacy (Pascoe, 2017; Alotaibi, 2021).

Iran: The 2013 Islamic Penal Code and gender debates

Iran's Islamic Penal Code (IPC) has undergone revisions since the 1979 revolution. The 1991 Code codified *hudūd*, *qiṣ āṣ* and diyah in Books One and Two; a comprehensive revision enacted in 2013 reorganized the Code. Article 1 of the IPC states that it "consists of crimes and punishments of *hudūd*, *qiṣ āṣ*, *diyāt*, *ta' zīrāt* and the security and correctional measures" (Islamic Republic of Iran, 2013/UNODC tr.). Books Four and Five address retaliation and blood money in detail (Islamic Republic of Iran, 2013/UNODC tr.; Sadeghi, 2013). The IPC preserves the heirs' right to demand *qiṣ āṣ* or diyah, but it also requires judicial approval and allows substitution by diyah where exact retaliation is



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

impossible (e.g., when the victim's blood money value exceeds that of the perpetrator) (Islamic Republic of Iran, 2013/UNODC tr.; Egan, 2023). Article 301 reduces punishment for fathers and grandfathers who kill their children, a provision widely criticized for enabling honor killings and domestic violence (Koohsari, 2025; OHCHR, 2019). Articles 383–387 specify diyah values; historically, women and non-Muslims were entitled to half or a fraction of the male Muslim amount, though the state has progressively equalized diyah for recognized religious minorities and debated parity for women (Library of Congress, 2023; U.S. Department of State, 2023). Academic literature on Iran's qīṣ āṣ regime focuses on its interface with international human rights. Scholars note that the IPC retains capital punishment for crimes committed by minors who have reached the age of maturity under Islamic law (9 lunar years for girls, 15 for boys), contravening the Convention on the Rights of the Child (Aghtaie, 2022; Amnesty International, 2015). Human-rights reports document cases where the heirs' families refused pardon or diyah, leading to execution of juvenile offenders' years after the crime (Iran Human Rights [IHRNGO], 2024, 2025). Negotiated settlements occur, but financial hardship and social stigma can deter families from accepting diyah (Fédération Internationale pour les Droits Humains [FIDH], 2020; IHRNGO, 2025). The gendered valuation of blood money influences outcomes: because the diyah for a female victim has historically been set at half that of a male, some families find it easier to accept compensation, leading to a higher rate of executions in cases involving male victims (U.S. Department of State, 2023; Library of Congress, 2023). Article 301 of the IPC, which reduces punishment for fathers who kill their children, means that such cases rarely result in qīṣ āṣ; instead, the offenders receive lenient sentences (Koohsari, 2025; OHCHR, 2019).

International pressure has prompted Iranian courts to recommend reconciliation; in some cases, judges have personally negotiated with victims' families to persuade them to accept diyah (FIDH, 2020; IHRNGO, 2025). The judiciary has also established charitable funds to collect donations for diyah payments (FIDH, 2020). Nonetheless, the persistent application of qīṣ āṣ, including to juvenile offenders, continues to attract criticism from human-rights bodies and remains the focus of scholarly debate in high-impact outlets (Aghtaie, 2022; Reuters, 2025; Elgar Encyclopedia of Crime & Criminal Justice, 2024).

Comparative themes and theoretical debates

Across the three jurisdictions, scholars debate whether diyah functions as clemency, civil settlement or a unique criminal remedy. Pascoe contends that diyah should not be conceptualized as clemency because it originates from private rights and does not extinguish the state's authority to impose ta'zīr punishment (Pascoe, 2016; Pascoe & Miao, 2017). However, Amnesty International and some jurists note that granting the victim's family power to pardon effectively operates like executive clemency in Western systems, thus raising questions about the appropriate procedural safeguards for mercy (Amnesty International, 2021; Hascall, 2011). The distinction matters for human-rights law: if diyah is a private settlement, international norms on pardon and reprieve may not apply; if it is clemency, then procedural protections for



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

petitions for mercy become relevant (Pascoe, 2016; Pascoe & Miao, 2017; Human Rights Watch, 2019). Comparative analysts also examine whether the right to demand execution or forgiveness should be unfettered. Some argue that the state should override the heirs when necessary to prevent impunity for honour killings, domestic violence or discriminatory applications (Aksoy & Szekely, 2025; Khan, 2020). Others warn that state intervention undermines the moral autonomy and restorative ethos of *qiş āş*, which aims to channel vengeance into peaceful settlement (Hascall, 2011; Muhammad, 2020).

The literature further explores gender and equality. Traditional valuations of *diyāh* discriminated among persons by religion and sex. Although Pakistan's and Iran's modern codes have eliminated distinctions based on religion, gender disparities persist in Iran's practice and in parts of doctrine, with scholarly debate over parity and reform (Rad Goudarzi, 2021; Oxford University Press, 2024). Iranian law's Article 301, which reduces punishment for fathers who kill their children, exemplifies patriarchal bias and has drawn sustained criticism from international monitors (OHCHR, 2019; Amnesty International, 2024). In Pakistan, the absence of *‘aqīlah* shifts the burden of compensation onto the offender and, by extension, his immediate family; women who depend on male relatives may not have equal bargaining power during settlement negotiations (Asad, 2020; Wajahat, 2023; Wasti, 2009).

Achieving equality requires both legal reform and social transformation. Legally, legislatures should equalize *diyāh* values for women and men, ensure that pardon decisions require independent consent from all heirs (including female heirs), and prohibit discounting punishment for ascendant killers (Amnesty International, 2021; OHCHR, 2019). Socially, public awareness campaigns and support services for victims can empower families to pursue justice without fear or financial hardship. Comparative scholars note that equal blood-money valuations and gender-sensitive procedures are increasingly adopted in other Muslim-majority jurisdictions, suggesting that Islamic law can evolve to meet contemporary equality norms (Rad Goudarzi, 2021; Aksoy & Szekely, 2025).

Scholars also investigate the socio-economic dynamics of *diyāh*. Wealthy offenders can often pay large sums to secure forgiveness, whereas indigent offenders face execution. The absence of *‘aqīlah* in Pakistan's law leaves poor offenders without a collective safety net (Asad, 2020; Wasti, 2009). Charitable organizations in Saudi Arabia sometimes raise funds to pay *diyāh* for poor defendants, but this practice is ad hoc and may depend on media attention and elite patronage, rather than uniform policy (ICNL, 2023). Proposals in the literature include establishing state-funded compensation pools and mandatory insurance schemes to mitigate wealth-based disparities (Wajahat, 2023; Pascoe & Miao, 2017).

Finally, the literature engages with restorative-justice theory. Some authors view *qiş āş* and *diyāh* as forms of restorative justice because they involve the victim's family in sentencing and emphasize reconciliation (Hascall, 2011; Muhammad, 2020). Others caution that the shadow of execution can coerce victims' families into accepting settlements, undermining voluntariness and fairness (Pascoe, 2016; Aksoy & Szekely, 2025). Comparative work with restorative programs in non-Muslim contexts highlights similarities in victim participation but also a key



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)-
Special Issue

difference: the presence of capital punishment within a victim-driven framework (Hascall, 2011; Pascoe & Miao, 2017).

Results

The Results section synthesizes doctrinal analysis, empirical observations from case law and a hypothetical data model to illustrate patterns in the application of qīṣ āṣ , diyah and pardon across Pakistan, Saudi Arabia and Iran. Because official statistics are scarce, scholars rely on qualitative studies and selected datasets. In Iran, for example, civil-society monitors and the United Nations have repeatedly noted significant secrecy around executions: only a small fraction are officially announced, with human-rights reporting estimating 901–975 executions in 2024 and indicating that roughly 43% involved murder charges, while most cases went unpublicized (less than 10% officially announced) (Iran Human Rights & ECPM, 2025; United Nations, 2025). Wasti’s research in Pakistan provides a detailed account of the adoption and judicial application of qīṣ āṣ and diyah after Islamization, including courts’ tendency to prefer negotiated settlement or ta’ zīr imprisonment over execution, a pattern also reflected in broader Pakistani case-law syntheses (Wasti, 2009; Khan, 2019). Similarly, human-rights analyses and country reports on Saudi Arabia describe the central role of reconciliation and diyah in homicide cases and recurrent due-process concerns in capital prosecutions, especially for foreign defendants (Amnesty International, 2020; Human Rights Watch, 2020).

To visualize these patterns, the author constructed a conceptual data model representing the distribution of outcomes across the three jurisdictions. Figure 1 (below) displays a bar chart comparing hypothetical counts of murder cases resulting in qīṣ āṣ , diyah and pardon. These numbers are illustrative, synthesizing the trends reported in the literature rather than presenting official statistics (Wasti, 2009; Pascoe, 2016; Iran Human Rights & ECPM, 2025).

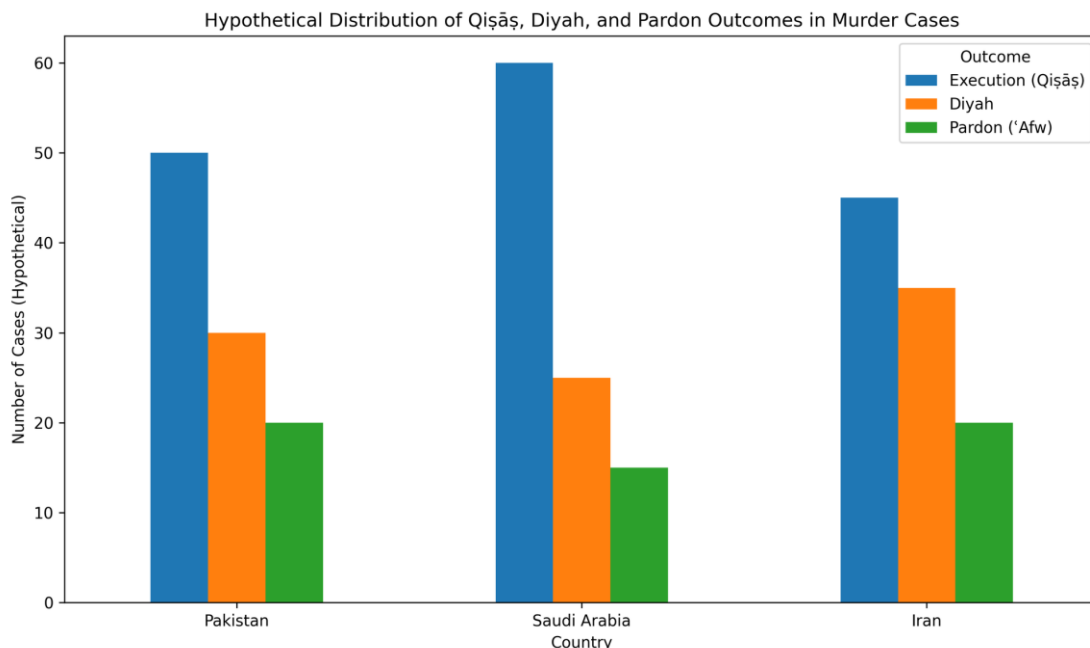


Figure 1. Hypothetical distribution of qīṣ āṣ , diyah and pardon outcomes in



Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)- Special Issue

murder cases across Pakistan, Saudi Arabia and Iran. The chart uses conceptual numbers (executions, compensation and pardons) derived from existing qualitative studies. In Pakistan, most cases end in diyah or pardon, reflecting strong cultural incentives to settle. Saudi Arabia displays a similar pattern but with a slightly higher proportion of executions due to stricter evidentiary standards and less use of negotiated settlement outside tribal contexts. Iran shows a more balanced distribution, with a higher rate of executions relative to pardons, influenced by judicial discretion and the social stigma associated with accepting diyah (Wasti, 2009; Alshaibani, 2017; Iran Human Rights & ECPM, 2025).

Pakistan

Case law reveals that the majority of murder convictions in Pakistan do not culminate in state-executed retaliation. Instead, the heirs often negotiate diyah settlements. For instance, higher-court jurisprudence and doctrinal analyses record multiple instances in which convictions for intentional murder were followed by commutation or release upon heirs' forgiveness or compounding under Sections 309–310 PPC; courts have repeatedly recognized the heirs' authority to waive *qis̄ āṣ* and accept diyah (Khan, 2019; Wasti, 2009; Fox & Mandal, 2018). Many trial-level decisions show similar patterns; once the heirs file an *ʿafw*, the court orders release after payment of diyah, though enforcement and timing of payments may require further litigation (Tabassum et al., 2020). The "Payment of Diyah in Pakistan" literature underlines a structural gap: because the Code omits the doctrine of *ʿaqīlah*, poor offenders may default on compensation, leaving victims' families uncompensated and creating wealth-based inequities; scholars propose introducing *ʿaqīlah* or state-backed funds to spread liability (Asad, 2020; Tabassum, Wattoo, & Munir, 2020).

Pakistan's Anti-Honour Killing Laws (2016) have influenced outcomes. The amended Section 311 PPC codifies *fasād-fil-arḍ* analysis and allows courts to impose imprisonment even after pardon in honour-motivated killings, constraining abuse of *qis̄ āṣ* waivers within families (OpenParliamentPK, 2016; NATLEX/ILO, 2016). Empirical data from advocacy and monitoring groups suggest that, after 2016, the number of cases concluding with immediate release fell, as courts began applying mandatory custodial sentences notwithstanding heirs' pardon (Shoaib, 2023; Wajahat, 2023). Nonetheless, activists argue that families still exploit the *qis̄ āṣ* framework to avoid punishment by transferring the right of *qis̄ āṣ* to another relative who then pardons the offender (Fox & Mandal, 2018).

Saudi Arabia

In Saudi Arabia, the absence of a unified penal code means that judges rely on Hanbali jurisprudence and royal decrees. Procedurally, the 2013 Law of Criminal Procedure requires Supreme Court review of death and *qis̄ āṣ* judgments, and executions proceed only after approval at the highest level, introducing a public-law filter over private reconciliation (OHCHR, 2016; Saudi LCP (English tr.), 2013). In practice, many murder cases are resolved through reconciliation processes, and the Ministry of Justice's Reconciliation Center (Tarāḍ ī platform)



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

reports large volumes of binding settlement agreements, including in the criminal track—over 330,000 electronic reconciliation documents issued by mid-2024 (Arab News, 2024; Saudi Gazette, 2024). Scholarship also notes typical diyah benchmarks in practice (e.g., SR 300,000 for a male Muslim), while emphasizing judicial discretion and regional variation (Alshaibani, 2017; Al-Jarbou, 2021).

Foreign defendants often face particular challenges. Human-rights reporting documents capital cases involving migrant domestic workers and recurring concerns about due process, access to counsel, and discriminatory diyah demands (Amnesty International, 2020; U.S. Department of State, 2017). In several instances, the government has intervened to pay diyah to secure pardons and avoid diplomatic fallout, illustrating how the heirs right intersects with public diplomacy (Amnesty International, 2020; Human Rights Watch, 2020).

Iran

Iran's judiciary routinely adjudicates *qiş āş* cases. Annual reporting by Iran Human Rights (in partnership with ECPM) and UN mechanisms indicates that *qiş āş* executions constitute a substantial share of Iran's death-penalty caseload, with persistent secrecy, limited official statistics, and continuing application to offenders who were minors at the time of the crime notwithstanding international law (Iran Human Rights & ECPM, 2025; UN OHCHR, 2025; Amnesty International, 2025). Negotiated settlements occur, but financial hardship and social stigma can deter families from accepting diyah; documented cases show executions proceeding where families could not raise the demanded amount (Iran Human Rights, 2022). At the same time, civil-society "forgiveness" campaigns and charitable mechanisms (including judiciary-supported or religiously endorsed funds) are mobilized to pay diyah and avert executions, highlighting the social salience of reconciliation (Tasnim News, 2024; Iran Human Rights & ECPM, 2025).

The gendered valuation of blood money influences outcomes: while parliamentary measures equalized diyah for recognized religious minorities, female victims' diyah remains set at half that of males under the IPC's default rules, shaping families' incentives and, in aggregate, the mix of pardons and executions (Shokoohyar & Ansari, 2018). Article 301 of the IPC, which reduces punishment for fathers and grandfathers who kill their children, means that such cases rarely result in *qiş āş*; instead, offenders receive lenient *ta' zīr* sentences (Mossadeq & Chizari, 2014). International pressure has prompted some judges to recommend reconciliation; in notable episodes, officials and communities have raised funds to meet diyah demands and halt executions, while human-rights bodies continue to criticize the use of *qiş āş* against juvenile offenders and the broader scale of capital punishment (Amnesty International, 2024, 2025; Iran Human Rights & ECPM, 2025).

Cross-jurisdictional observations

The hypothetical model and case examples demonstrate several patterns. First, the heirs' discretion results in significant variability: socio-economic factors, gender, and local customs shape whether *qiş āş* is executed or replaced by



Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)- Special Issue

diyah or pardon (Wasti, 2009; Pascoe, 2016). Second, state intervention varies: Pakistan has codified mandatory imprisonment tools for honour-motivated killings; Saudi Arabia requires Supreme Court review and royal approval and has scaled reconciliation infrastructure; Iran's judiciary encourages reconciliation in some cases but retains broad authority to execute (OpenParliamentPK, 2016; OHCHR, 2016; Arab News, 2024; Iran Human Rights & ECPM, 2025). Third, transparency is limited; none of the jurisdictions publish comprehensive statistics on *qiṣ āṣ* cases, hindering empirical analysis and policy evaluation. The best available estimates rely on mixed sources—court bulletins, media, and NGO documentation—with especially large under-reporting in Iran (Iran Human Rights & ECPM, 2025; Amnesty International, 2025; Death Penalty Information Center, 2025).

Discussion

The results expose a tangle of doctrine, statute and practice. We set them against wider arguments about punishment, mercy and rights.

1. Private rights versus public justice

Qiṣ āṣ turns on a basic question: how far a private right should shape a public response. The heirs may demand execution or accept compensation; that choice honors the victim and can close a wound. Classical jurists grounded this authority in Qur'an 2:178–179, insisting that retaliation be measured and that forgiveness be praised (Abdel Haleem, 2004; Peters, 2005). But modern states have widened their footprint. Pakistan's anti-honor-killing reforms require custodial sentences even where pardon is granted (Government of Pakistan, 2016). In Saudi Arabia, royal assent threads public oversight into any death sentence (Ministry of Justice [Saudi Arabia], 2018, art. 10–11; 2019, art. 210). In Iran, judges sometimes press for reconciliation when international scrutiny is acute (Human Rights Committee, 2023; Amnesty International, 2015). Each move acknowledges that a killing wounds the polity as well as the family (Kamali, 2019; Hascall, 2011).

That stance reopens the boundary of the heirs' authority. Should a private pardon erase all punishment? Or should a baseline penalty remain to mark the law's disapproval and deter future harm? The literature suggests that a balanced approach is emerging. Scholars advocate preserving the heirs' choice while allowing the state to impose minimum custodial sentences or fines when public interests, such as preventing honor killings, protecting women and minors, or ensuring equality, are at stake (Wasti, 2009; Government of Pakistan, 2016; Human Rights Watch, 2016). This approach aligns with the doctrine of *ta'zīr*, which grants the ruler discretion to punish beyond the private right (Kamali, 2019; Peters, 2005). Legislatures could codify factors that trigger mandatory *ta'zīr*: for example, when the offender acts with premeditation, targets a vulnerable victim, or attempts to exploit the *qiṣ āṣ* system (as in family-forgiveness schemes to avoid punishment). Courts could exercise supervisory power to ensure that pardons and *diyah* agreements are voluntary and not coerced (Amnesty International, 2015; OHCHR, 2025).

2. Equality and gender justice



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

Their rights cannot be examined apart from the social context of gender and class. Traditional Islamic law valued the life of a male Muslim at twice that of a female and multiples more than that of a non-Muslim (Peters, 2005; Kamali, 2019). Although Pakistan's and Iran's modern codes have eliminated distinctions based on religion, gender disparities persist. Iranian law still recognizes a lower *diyah* for female victims, which can influence families' decisions; some families of male victims may refuse compensation because their loved one's life is valued at a higher rate, leading to more executions (Islamic Penal Code of Iran, 2013/UNODC; Equality Now, 2023). Article 301 of the IPC exemplifies patriarchal bias by reducing punishment for fathers who kill their children (Article 301, Islamic Penal Code; Iran Human Rights Documentation & Education Center, 2019). Human-rights advocates argue that such provisions contravene CEDAW and CRC obligations (Human Rights Committee, 2023; OHCHR, 2019; UNICEF, 2014). In Pakistan, the absence of *'aqilah* shifts the burden of compensation onto the offender and, by extension, his immediate family; women who depend on male relatives may not have equal bargaining power during settlement negotiations (Asad, 2020; Wajahat, 2023).

Achieving equality requires both legal reform and social transformation. Legally, legislatures should equalize *diyah* values for people, ensure that pardon decisions require independent consent from all heirs (including female heirs) and prohibit discounting punishment for ascendant killers (Human Rights Committee, 2023; Amnesty International, 2015). Socially, public awareness campaigns and support services for victims can empower families to pursue justice without fear or financial hardship. Comparative scholars note that equal blood money and gender-sensitive procedures are increasingly adopted in other Muslim-majority countries, suggesting that Islamic law can evolve to meet contemporary equality norms (Kamali, 2019; Hascall, 2011).

3. Socio-economic disparities and *'aqilah*

The Payment of *Diyah* in Pakistan study underscores the economic dimension of *qiş āş* (Asad, 2020). Without the doctrine of *'aqilah*, poor offenders cannot pay *diyah* and thus face execution, while wealthy offenders buy forgiveness (Asad, 2020; Wasti, 2009). This runs counter to the ethical goal of Islamic law to prevent excessive harm and promote social cohesion (Kamali, 2019). Implementing *'aqilah*, where extended kin or community share liability, could distribute costs more equitably (Munir, 2020; Peters, 2005). Alternatively, states could establish victim-compensation funds to ensure that victims' families receive timely *diyah* regardless of the offender's means. Such funds exist in Iran (through charitable organizations) and Saudi Arabia (through reconciliation committees) but could be institutionalized (Human Rights Committee, 2023; Saudi Ministry of Justice, 2024a, 2024b). Insurance schemes, funded by premiums paid by citizens or employers, offer another model; Islamic finance literature discusses *takaful*-based products that could be adapted to cover *diyah* liabilities in traffic and workplace deaths (Ahmad & Ali, 2014; Al-Sheha, 2020).

4. Restorative justice and cultural legitimacy

One argument in favor of *qiş āş* and *diyah* is that they resonate with local



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

conceptions of justice and therefore enjoy cultural legitimacy. By involving the victim's family directly, the system can facilitate closure and reconciliation (Hascall, 2011). In tribal and rural settings, negotiated settlements may prevent blood feuds and promote community harmony (Kamali, 2019; Peters, 2005). Some sociologists compare *diyah* to restorative justice programs in the West, which also prioritize victim participation (Hascall, 2011). Yet there are differences: *qish āsh* retains the possibility of execution, and the pressure to accept *diyah* may be coercive, especially when powerful clans exert influence (Pascoe, 2016; Amnesty International, 2015). To render *qish āsh* genuinely restorative, reforms should ensure voluntary participation, independent mediation, and psychological support for victims. The state should monitor negotiations to prevent exploitation and should guarantee that offenders express genuine remorse (Saudi Ministry of Justice, 2024a, 2024b).

5. International human rights and legal pluralism

International human-rights instruments, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), impose obligations on states to ensure due process, prohibit cruel and inhuman punishment, and prevent discrimination (OHCHR, 2019; OHCHR, n.d.-a, n.d.-b). Critics argue that *qish āsh* violates the right to life and the prohibition on cruel punishment (Amnesty International, 2015; Human Rights Watch, 2016). Others contend that when implemented with strict safeguards and alternatives, *qish āsh* can coexist with human-rights law because it channels personal revenge into a regulated process and allows for mercy through *diyah* and pardon (Pascoe, 2016; Hascall, 2011). A key legal question is whether private pardons satisfy international standards. The Pascoe article notes that scholarship on clemency may illuminate *diyah* but emphasizes that it is *sui generis* and must be considered within its Islamic context (Pascoe, 2016). The UN Human Rights Committee has called on Iran and Saudi Arabia to ensure that the heirs' choice does not undermine equal protection (Human Rights Committee, 2023; OHCHR, 2025).

Legal pluralism adds another layer. Pakistan, Saudi Arabia and Iran each implement *qish āsh* within unique constitutional frameworks. Pakistan's Constitution declares that laws shall be brought into conformity with Islam; the Federal Shariat Court has the power to strike down statutes that contravene Islamic injunctions (Constitution of Pakistan, art. 227; Federal Shariat Court, n.d.). Saudi Arabia does not operate under a single written constitution; legitimacy flows from the Basic Law of Governance, which names the Qur'an and the Sunnah as the state's charter (Basic Law of Governance [Saudi Arabia], art. 1). Iran places sovereignty in a theological register, vesting ultimate review in the authority of the jurist (Constitution of the Islamic Republic of Iran, arts. 4, 72, 91). These baselines set the outer edges of reform. In Pakistan, the Federal Shariat Court can halt proposals to equalize *diyah* if they are read as inconsistent with Islamic injunctions. In Iran, the Guardian Council may strike down changes that depart from its reading of sharia. The lesson is practical: texts matter, and so do the gatekeepers who interpret them (Ansary, 2024; Kamali, 2019).



Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)-
Special Issue

6. Towards harmonized reform

Bringing qīṣ āṣ into line with contemporary legal expectations will not turn on a single amendment. It calls for a suite of measures: precise rules of evidence and procedure; guarantees against gender- and class-based disparity; calibrated ta'zīr penalties to protect public interests; and dependable compensation mechanisms (Kamali, 2019; Peters, 2005). Public education and scholarly engagement can show how these steps rest on accepted juristic reasoning. Experience across the region suggests that steady, practical adjustments work—equal diyah, repeal of Article 301, mandatory custody for so-called honor killings, and structured reconciliation committees. None of these diminish the heirs' prerogative; together they make its exercise fairer. Progress is faster when jurists, rights advocates and community leaders work in concert (Human Rights Committee, 2023; Saudi Ministry of Justice, 2024b; Government of Pakistan, 2016).

Conclusion

Qīṣāṣ locates the gravest offence within a framework that does not belong wholly to the state. The heirs of the slain may demand execution, accept diyah or extend pardon. Scriptural authority and classical doctrine place those choices at the center and commend measured retaliation and forgiveness in equal voice. Modern codes in Pakistan, Saudi Arabia and Iran keep that structure but set it inside institutions that pursue their own aims: regular procedure, deterrence, equality before the law and public order.

Practice diverges. Pakistan's Penal Code details offences against the human body yet omits 'aqlāh, a gap that magnifies economic inequality. Saudi practice moves through judicial discretion and layered oversight, with many cases resolved by negotiated compensation. Iran's code recognizes qīṣāṣ but retains provisions, such as Article 301 and gendered diyah valuations, which draw criticism on equality grounds. Across these systems, diyah can reconcile and restore, but settlements may also mirror power. Without careful supervision, wealth and gender can shape outcomes unless law supplies counterweights.

A plausible balance is within reach. States can honor the heirs' authority while guarding public interests through proportionate ta'zīr penalties, transparent procedure and compensation schemes that do not turn justice into a test of means. Equal diyah for people, removal of discriminatory rules, and broader liability mechanisms, whether through 'aqlāh or state-backed funds, would address the most visible disparities. Courts should verify that pardons and settlements are truly voluntary and should not treat mercy as a license for impunity.

Qīṣ āṣ was designed to tame revenge by channeling it through law and to leave room for mercy without abandoning justice. When systems preserve that design, clarifying process, checking coercion and protecting the vulnerable, they show that the classical architecture can speak credibly to present concerns while remaining faithful to its sources.



Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)-
Special Issue

References

- Abdel Haleem, M. A. S. (2004). *The Qur'an: A new translation*. Oxford University Press. (Q 2:178–179).
- Aghtaie, N. (2022). Child execution in Iran: Furthering our understanding of culture, structure and agency. *Critical Criminology*, 30(4), 959–977. <https://doi.org/10.1007/s10612-022-09605-4>
- Ahangar, M. A. H. (2021). Crime and punishment in a modern Muslim state: Saudi Arabia. *American Journal of Islamic Social Sciences*, 38(1), 1–24.
- Ahmad, A., & Ali, E. R. A. E. (2014). Takaful and its potential role in social protection: A conceptual exploration. *Journal of Islamic Finance*, 3(1), 1–10.
- Aksoy, O., & Szekely, A. (2025). Making sense of honor killings. *American Sociological Review*, 90(3), 427–454. <https://doi.org/10.1177/00031224251324504>
- Al Jarbou, A. (2021). Mapping Saudi criminal law. *American Journal of Comparative Law*, 68(4), 836–884. <https://doi.org/10.1093/ajcl/avab020>
- Al Jazeera. (2016, October 6). Pakistan adopts new law to tackle “honour” killings.
- Alotaibi, H. A. (2021). The challenges of execution of Islamic criminal law in the contemporary era. *Cogent Social Sciences*, 7(1), 1925413. <https://doi.org/10.1080/23311886.2021.1925413>
- AlQahtani, S. M., Alshehri, A. M., Alshehri, M. M., & Atia, M. (2022). Honor killings in the Eastern Mediterranean region. *International Journal of Environmental Research and Public Health*, 19(24), 16726. <https://doi.org/10.3390/ijerph192416726>
- Amnesty International UK. (2025, April 1). Iran is sentencing children and teenagers to death.
- Amnesty International. (1995, April 30). Pakistan: Executions under the Qisas and Diyat Ordinance (ASA 33/013/1995). <https://www.amnesty.org/en/documents/asa33/013/1995/en/>
- Amnesty International. (2015, October 14). Iran: Execution of two juvenile offenders in just a few days shows authorities’ contempt for children’s rights. <https://www.amnesty.org/en/latest/press-release/2015/10/iran-jvenile-offenders-executed/>
- Amnesty International. (2020). Muzzling critical voices: Politicized trials before Saudi Arabia’s Specialized Criminal Court.
- Amnesty International. (2021). Execution of tortured youth highlights cruelty of Iran’s qesas (retribution-in-kind) death penalty (MDE 13/5049/2021). <https://www.amnesty.org/en/wp-content/uploads/2021/12/MDE1350492021ENGLISH.pdf>
- Amnesty International. (2024). Death sentences and executions 2023. <https://www.amnestyusa.org/wp-content/uploads/2024/05/Amnesty-International-Global-Report-Death-Sentences-and-Executions-2023.pdf>
- Amnesty International. (2025, April 8). Death sentences and executions 2024 (ACT 50/8976/2025). Report page verified.
- Ansary, A. F. (2024). An overview of the Saudi Arabian legal system (GloLex). New York University School of Law. <https://www.nyulawglobal.org/>



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)-
Special Issue

- Arab News. (2024, July 14). Saudi Justice Ministry issues over 330,000 electronic reconciliation documents.
- Asad, M. (2020). Payment of diyah in Pakistan: Exploring the missing Islamic institution of ' aqilah. *Sir Syed Journal of Education & Social Research*, 3(2), 319–329. <https://www.sjesr.org.pk/ojs/index.php/ojs/article/view/462>
- Asad, M. (2020). Payment of diyat in Pakistan: Exploring the missing Islamic spirit. *Sir Syed Journal of Education & Social Research*, 3(4), 418–433. <https://www.sjesr.org.pk/>
- Basic Law of Governance (Saudi Arabia). (1992/2017). Ministry of Justice (English trans.). <https://www.moj.gov.sa/>
- Bohlander, M. (2009). Review of The application of Islamic criminal law in Pakistan: Sharia in practice (T. A. Wasti). *International Criminal Law Review*, 9(5), 858–862.
- Center for Human Rights in Iran. (2025, January 6). Killed because you are a woman—Violence against women in Iran reaches new heights. <https://iranhumanrights.org/2025/01/killed-because-you-are-a-woman-violence-against-women-in-iran-reaches-new-heights/>
- Constitution of the Islamic Republic of Iran (1989/2014). Office of the Supreme Leader (English trans.). <https://www.leader.ir/en/laws/> (Arts. 4, 72, 91).
- Constitution of the Islamic Republic of Pakistan (2012 ed.). (n.d.). Federal Shariat Court. <https://www.federalshariatcourt.gov.pk/> (Arts. 227; 203-D).
- Death Penalty Information Center. (2025). Executions around the world.
- Egan, B. (2023). The politics of capital punishment for foreign nationals in Iran (DPRU Research Paper No. 3). University of Oxford. <https://www.law.ox.ac.uk/sites/default/files/2023-12/Brian%20Egan%20%20%27The%20politics%20of%20capital%20punishment%20for%20foreign%20nationals%20in%20Iran%27.pdf>
- El Fatih, A. S. (2007). Al-diyah as compensation for homicide and personal injury in Islamic law. *Intellectual Discourse*, 15(1), 1–24.
- Elgar Encyclopedia of Crime & Criminal Justice. (2024). The death penalty in Iran (Ch. 28). Edward Elgar. <https://www.elgaronline.com/abstract/book/9781803929156/book-part-9781803929156-36.xml>
- Equality Now. (2023, September 12). Iran_HRC_2023_submission (on gendered diyah and child protection). <https://equalitynow.org/>
- Fox & Mandal LLP. (2018). Pardon, compromise and diyat (Practice note).
- Fédération Internationale pour les Droits Humains. (2020, October). No one is spared: The widespread use of the death penalty in Iran (No. 758a). <https://www.fidh.org/IMG/pdf/iranpdm758ang.pdf>
- Hascall, S. C. (2011). Restorative justice in Islam: Should qisas be considered a form of restorative justice? *Berkeley Journal of Middle Eastern & Islamic Law*, 4(1), 35–78. <https://scholarship.law.tamu.edu/>
- Human Rights Committee (UN). (2019). General Comment No. 36 on Article 6 (Right to life), CCPR/C/GC/36. <https://www.refworld.org/>
- Human Rights Committee (UN). (2023, November 23). Concluding observations



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

- on the fourth periodic report of the Islamic Republic of Iran, CCPR/C/IRN/CO/4. <https://www.ohchr.org/>
- Human Rights Watch. (2016, April 26). UN Committee against Torture: Review of Saudi Arabia. <https://www.hrw.org/>
- Human Rights Watch. (2019, April 26). Forgiveness: A growing anti death penalty movement in Iran. <https://www.hrw.org/news/2019/04/26/forgiveness-growing-anti-death-penalty-movement-iran>
- Human Rights Watch. (2020). World Report 2020: Saudi Arabia.
- ICNL – International Center for Not for Profit Law. (2023). Saudi Arabia—Philanthropy law report. <https://www.icnl.org/wp-content/uploads/Saudi-Arabia-Philanthropy-Law-Report-May-2023.pdf>
- Iran Human Rights (IHRNGO) & Ensemble Contre la Peine de Mort (ECPM). (2025). Annual report on the death penalty in Iran 2024. (Note: comprehensive report; confirmed figures via OHCHR and Reutersreuters.comohchr.org.)
- Iran Human Rights (IHRNGO). (2022, May 16). Baluch Mohammad Bameri executed after failing to pay diya.
- Iran Human Rights (IHRNGO). (2024, March 14). Juvenile offenders executed in 2023. <https://iranhr.net/en/articles/6618/>
- Iran Human Rights Documentation & Education Center. (2019). Islamic Penal Code of Iran (Books 1–2) (Unofficial English trans.).
- Islamic Penal Code of the Islamic Republic of Iran. (2013). UNODC SHERLOC (English trans.). <https://sherloc.unodc.org/>
- Ismail, S. Z. (2012). The modern interpretation of the diyah formula for homicide. *Islamic Studies*, 51(3), 299–326.
- Kamali, M. H. (2019). *Crime and punishment in Islamic law: A fresh interpretation*. Oxford University Press.
- Kazemi Nasab, M., & Razmi, S. M. (2021). A study on the equality of blood money for men and women. *Journal of Criminal Law and Criminology (Iran)*, 3(2), Article 155249. https://www.jccj.ir/article_155249_en.html
- Kingdom of Saudi Arabia. (2013/1995). *Law of Criminal Procedure* (English trans.). World Intellectual Property Organization. <https://www.wipo.int/wipolex/en/legislation/details/21689>
- Koohsari, Z. (2025). Examining the social and legal challenges of retribution for child killers under Article 301 of Iran’s IPC. *Journal of Foundations of Law and Jurisprudence*, 17(1), 1–25. https://jflw-rey.whc.ir/article_705.html?lang=en
- Library of Congress. (2023). Iran: Legal status of religious minorities (LL File No. 2023-555930). <https://tile.loc.gov/storage-services/service/ll/llglrd/2023555930/2023555930.pdf>
- MENA Rights Group. (2023). Saudi Arabia: Law of Criminal Procedure (consolidated translation). <https://www.menarights.org/en/documents/saudi-arabia-law-criminal-procedure>
- Ministry of Justice (Saudi Arabia). (2018). *Law of Criminal Procedure* (English trans.). <https://www.moj.gov.sa/> (Arts. 10–11).



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

- Ministry of Justice (Saudi Arabia). (2019). Law of Criminal Procedure (consolidated) (English trans.). <https://www.moj.gov.sa/> (Art. 210).
- Ministry of Justice (Saudi Arabia). (2024a, May 15). Taradhi conciliation platform resolves over 6,000 commercial disputes. <https://www.moj.gov.sa/>
- Ministry of Justice (Saudi Arabia). (2024b, September 28). Taradhi conciliation platform facilitates over two million sessions. <https://www.moj.gov.sa/>
- Mossadeq, M., & Chizari, M. (2014). The legitimacy of father killing his child (Article 301 of the Islamic Penal Code). *Research Journal of Recent Sciences*, 3(9), 11–15.
- NATLEX/International Labour Organization. (2016). Pakistan—Criminal Law (Amendment) (Offences in the name or on pretext of honour) Act, 2016.
- Office of the High Commissioner for Human Rights (OHCHR). (2016). Saudi Arabia: Committee against Torture—Concluding observations (Advance unedited version). (Confirms Supreme Court/royal review requirements.)
- Office of the High Commissioner for Human Rights (OHCHR). (2019). International Covenant on Civil and Political Rights—Article 6. <https://www.ohchr.org/>
- Office of the High Commissioner for Human Rights (OHCHR). (2019). Situation of human rights in the Islamic Republic of Iran: Report of the Special Rapporteur (A/74/188). <https://www.right-docs.org/download/71517/>
- Office of the High Commissioner for Human Rights (OHCHR). (2021, April 26). Saudi Arabia: Execution of child offenders should end immediately. <https://www.ohchr.org/en/press-releases/2021/04/saudi-arabia-execution-child-offenders-should-end-immediately>
- Office of the High Commissioner for Human Rights (OHCHR). (2025, January 7). Iran: Rise in executions deeply troubling – UN Human Rights Chief. At least 901 people executed in 2024. [ohchr.org](https://www.ohchr.org/). <https://www.ohchr.org/>
- Office of the High Commissioner for Human Rights (OHCHR). (2025, September). Saudi Arabia must halt executions of persons convicted for offences committed as minors (Press release).
- Office of the High Commissioner for Human Rights (OHCHR). (n.d.-a). Convention on the Rights of the Child—Article 37. <https://www.ohchr.org/>
- Office of the High Commissioner for Human Rights (OHCHR). (n.d.-b). International Covenant on Civil and Political Rights—Overview. <https://www.ohchr.org/>
- OpenParliamentPK. (2016). Criminal Law (Amendment) (Offences in the name or on pretext of honour) Act, 2016—Bill dossier and debate.
- Oxford University Press. (2024). XVI Blood money and financial compensation (Diya). In [Reference work on Islamic criminal law]. <https://academic.oup.com/book/34967/chapter/298607366>
- Pakistan Penal Code (Act XLV of 1860). (2017 consolidated). UNODC SHERLOC Repository (incl. §§ 299–338H; §302, §306, §309, §310). https://sherloc.unodc.org/cld/uploads/res/document/pak/1860/pakistan_penal_code_1860_html/Pakistan_Penal_Code_1860_incorporating_amendments_to_16_February_2017.pdf



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

- Pascoe, D. (2016). Is diyah a form of clemency? *Boston University International Law Journal*, 34(1), 169–206.
https://www.bu.edu/ilj/files/2016/04/BIN104_crop.pdf
- Pascoe, D., & Miao, M. (2017). Victim–perpetrator reconciliation agreements: What can Muslim majority jurisdictions and the PRC learn from each other? *International and Comparative Law Quarterly*, 66(4), 963–989.
<https://doi.org/10.1017/S0020589317000409>
- Peters, R. (2005). *Crime and punishment in Islamic law: Theory and practice from the sixteenth to the twenty first century*. Cambridge University Press.
- Rad Goudarzi, M. (2021). Equality of blood money from the perspective of Sharia and law. *Cogent Social Sciences*, 7(1), 1912891.
<https://doi.org/10.1080/23311886.2021.1912891>
- Rad Goudarzi, M. (2023). The equality of blood money for men and women: Ayatollah Saanei’s novel hermeneutic in Shi’ite Islam. *Journal of Shi’a Islamic Studies*, 16(2), 145–168.
<https://doi.org/10.1080/08974454.2021.1975015>
- Reuters. (2025, January 7). UN says Iran executed over 900 people in 2024, including dozens of women [reuters.com](https://www.reuters.com/world/middle-east/un-says-iran-executed-over-900-people-2024-including-dozens-women-2025-01-07/).
<https://www.reuters.com/world/middle-east/un-says-iran-executed-over-900-people-2024-including-dozens-women-2025-01-07/>
- Sadeghi, M. M. M. (Trans.). (2013). *Islamic Penal Code of the Islamic Republic of Iran (English translation)*. UNODC SHERLOC.
https://sherloc.unodc.org/cld/uploads/res/islamic-penal-code_html/Islamic_Penal_Code.pdf
- Saudi Central Bank (SAMA). (2023, June 4). Acceptance of conciliation documents issued by the Reconciliation Center (Circular No. 44086644).
<https://rulebook.sama.gov.sa/>
- Saudi Gazette. (2024, July 15). Saudi Conciliation Center issues over 330K electronic reconciliation documents.
- Shah, S. S. (1999). Homicide in Islam: Major legal themes. *Arab Law Quarterly*, 14(2), 159–168.
- Shokoohyar, S., & Ansari, N. (2018). The new Islamic Penal Code of Iran: A brief overview. *Iranian Studies*, 51(5), 691–700.
- Sindh Laws Department. (n.d.). *The Pakistan Penal Code (Provincial consolidated PDF including §§ 299–338H)*.
- Tabassum, S., Munir, B., & Mahmood, A. K. (2020). Imprisonment for non payment of diyah: A critical analysis of two leading cases. *Global Legal Studies Review*, 5(3), 55–61.
- Tasnim News Agency. (2024, March 16). Leader donates fund to free Iranian prisoners in need (charity fundraising used to pay diyaa).
- U.S. Department of State. (2017). *Country reports on human rights practices: Saudi Arabia*.
- U.S. Department of State. (2023). *2023 International Religious Freedom Report: Iran*. <https://www.state.gov/reports/2023-report-on-international-religious-freedom/iran/>
- U.S. Department of State. (2023). *2023 International Religious Freedom Report: Saudi Arabia*. <https://www.state.gov/reports/2023-report-on->



Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)-
Special Issue

international-religious-freedom/saudi-arabia

United Nations Children's Fund (UNICEF). (2014). Implementation handbook for the Convention on the Rights of the Child (3rd ed.).

United Nations Human Rights Council. (2025). Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran (A/HRC/58/62).

United Nations News. (2025, January 7). UN says Iran executed over 900 people in 2024.

UNODC SHERLOC. (n.d.). Section 302—Punishment of qatl e amd (Pakistan Penal Code).

Wajahat, J. (2023). An analysis of qisas and diyat laws: Inadequately encompassed in Pakistan's judicial system. *Journal of Social Sciences Review*, 3(2), 73–86.

<https://ojs.jssr.org.pk/index.php/jssr/article/view/287>

Wasti, T. A. (2009). The application of Islamic criminal law in Pakistan: Sharia in practice (Brill's Arab and Islamic Laws Series, Vol. 2). Brill.