

## Hadith About Jinayah Qishash (Murder and Persecution)

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Info Articles	Abstract
<b>Article History</b> Received: 2025-07-03 Revised: 2025-07-13 Published: 2025-07-31	This study examines hadiths related to qisas (retribution for murder and assault), a criminal act involving murder and assault from an Islamic legal perspective. The purpose of this study is to analyze the content of the hadith, its historical context, and its relevance to the application of qisas law. The method used is a literature study with a normative approach, through a review of hadith books and classical and contemporary fiqh literature. The results show that the hadiths on qisas emphasize the principle of justice, balance between the rights of victims and perpetrators, and open up room for forgiveness as an alternative solution. Furthermore, the concept of qisas in the hadith functions not only as a form of punishment but also as a preventive measure to protect human life. Thus, understanding the hadiths on qisas (retribution for murder) is crucial in building a just and welfare-oriented legal system.
<b>Keywords:</b> <i>Jinayah, Qishash, Islamic Law, Murder, Persecution.</i>	

### I. INTRODUCTION

Islam, as a perfect religion, regulates all aspects of human life, including safeguarding the life and safety of individuals. One form of this protection is through the establishment of jinayah law, the Islamic criminal code that regulates crimes such as murder and assault. In this context, the concept of qisas (retribution) is a crucial instrument for upholding justice and providing a deterrent effect for perpetrators.

Qisas literally means "equitable retribution," while in terms of punishment, it is given to a perpetrator of a crime according to their actions, particularly in cases of murder and assault. The provisions regarding qisas are not only explained in the Quran but are also reinforced by various hadiths of the Prophet Muhammad (peace be upon him), which provide more detailed explanations of the law's application, requirements, and wisdom.

Hadiths about jinayah qishash show that Islam highly upholds the values of justice, balance and protection of human rights to life. Apart from that, the application of qishash also contains a humanitarian dimension, because it provides space for forgiveness and diyat (ransom) as an alternative solution.

Therefore, it is important to study the hadiths relating to jinayah qishash in order to

comprehensively understand the principles of Islamic criminal law, especially those relating to murder and abuse. It is hoped that this study will provide deeper insight into the relevance and wisdom of qishash law in people's lives.

### II. RESEARCH METHODS

This study uses a qualitative approach with a library research approach, focusing on collecting and analyzing data from various literature relevant to the topic. The primary object of this study is the hadiths of the Prophet Muhammad (peace be upon him) relating to the concept of qisas (retribution), particularly in cases of murder and assault.

The approach used is a normative approach with the perspective of hadith science and jinayah fiqh. In this case, the research examines hadith texts and the scholars' understanding of these hadiths to obtain a comprehensive picture of the concept of qishash in Islam.

The data sources in this study consist of:

Primary data, namely the hadiths contained in the authoritative hadith books such as Kutub al-Sittah (for example Sahih Bukhari, Sahih Muslim, Sunan Abu Dawud, and others).

Secondary data, in the form of hadith sharah books, jinayah fiqh books, scientific books, journals, and other written works that are relevant to the discussion.

The data collection technique was carried out through the documentation method, namely by tracing, collecting and identifying hadiths related to qishash and their supporting literature.

As for the analysis technique data using method:

- Takhrij hadith, to trace the source and quality of the hadith.
- Analysis of sanad and matan, to determine the level of authenticity and content of the meaning of the hadith.
- Thematic analysis (maudhu'i), namely grouping hadiths based on the theme of murder and persecution.
- Fiqh approach, to understand the implementation of qisas law based on the interpretation of scholars.

Through this method, it is hoped that a systematic and in-depth understanding of the concept of qisas jinayah from the perspective of hadith can be obtained, as well as its relevance in the context of Islamic law.

### III. RESULTS AND DISCUSSION

#### A. Research result

Based on the results of a search of the hadiths related to qishash, it was found that the teachings about qishash have a strong basis in the sunnah of the Prophet Muhammad. ﷺ These hadiths not only explain legal provisions, but also emphasize aspects of justice, protection of life, and the possibility of forgiveness in cases of murder and assault.

First, in terms of the legal existence of qisas, the hadiths indicate that qisas is a form of punishment prescribed as an appropriate retribution for perpetrators of murder or assault. This aligns with the Islamic principle of justice, which is to provide punishment commensurate with the perpetrator's actions. Several hadiths mention that a soul is repaid with a soul (an-nafs bi an-nafs), confirming the legitimacy of qisas as a form of law enforcement.

Second, in terms of the classification of criminal acts, the hadith indicate a distinction between intentional (al-qatl al-'amd), semi-

intentional, and unintentional (al-qatl al-khata') murder. Each type has different legal consequences. Qisas applies to intentional murder, while unintentional murder is more directed at paying diyat (fines) and expiation. This demonstrates that the hadith provide a systematic and proportionate legal framework.

Third, regarding persecution (al-jirahat), the hadiths explain that qisas can also be applied to certain physical wounds or injuries, such as wounds to the body, provided that equality and justice are observed in its implementation. However, in practice, settlement through diyat (reparation) or forgiveness is often recommended to avoid injustice in retaliation, which is difficult to accurately equate.

Fourth, the research findings indicate a strong emphasis on the values of forgiveness and reconciliation. Numerous hadiths encourage the victim's family to forgive the perpetrator, with or without compensation (diyat). Forgiveness is seen as a more important act and holds high moral value, although qisas (retribution) remains recognized as a legitimate right for the victim.

Fifth, from the aspect of legal objectives (maqashid al-syari'ah), qisas aims to protect the soul (hifz al-nafs), prevent similar crimes from occurring, and create social order.

#### B. Discussion

Qisas is a part of Islamic criminal law that regulates crimes against the human soul and body, such as murder and assault. In the study of hadith, the concept of qisas is understood not only as a form of retribution but also as a mechanism for upholding justice and maintaining social order. This is as explained in various studies in Islamic law journals, which state that qisas has both preventive and repressive purposes. (Ahmad Wardi Muslich, "Islamic Criminal Law and Its Relevance in the Modern Legal System," *Journal of Islamic Law*, Vol. 12, No. 2, 2018, p. 145.)

The hadith of the Prophet Muhammad (peace be upon him) emphasizes that in cases of murder, the victim's family has the right to determine the form of settlement. One hadith states that the victim's heirs can choose between seeking qisas

(retribution) or offering forgiveness by accepting diyat (retribution). Scholars in Islamic law journals believe that this provision reflects the flexibility of the Islamic legal system, allowing for restorative justice alongside retributive justice. (Nurul Irfan, "The Concept of Qisas in the Perspective of the Hadith," *Jurnal Syariah dan Hukum*, Vol. 10, No. 1, 2019, p. 78.)

Furthermore, hadiths concerning persecution also indicate that qisas is applied based on the principle of equality (al-mumatsalah). This means that the retribution given must be commensurate with the injury or loss suffered by the victim. A journal study states that if this equality is difficult to achieve, qisas is not implemented and is replaced with diyat as a form of compensation. This demonstrates that Islamic law is very careful in applying punishment to prevent new injustices. (M. Ali Zaidan, "Justice in the Implementation of Qisas," *Jurnal Al-Ahkam*, Vol. 15, No. 2, 2020, p. 201.)

Furthermore, the Prophet Muhammad (peace be upon him) also encouraged his followers to prioritize forgiveness. From an academic perspective, this encouragement to forgive is seen as a form of integrating moral values into the Islamic legal system. Numerous journal studies confirm that forgiveness not only impacts individuals but also contributes to creating social harmony and reducing the potential for prolonged conflict. (Siti Aminah, "The Value of Forgiveness in Islamic Criminal Law," *Journal of Islamic Law and Justice*, Vol. 8, No. 1, 2021, p. 56.)

In cases of intentional homicide (qatl 'amd), the perpetrator may be subject to qisas, the death penalty as an equivalent punishment. However, the victim's family has the right to forgive the perpetrator and compensate him with diyat (money). (Bulughul Maram, chapter on criminal acts.)

According to Ibnu Qudamah in *Al-Mughni*, the right to carry out qishash is in the hands of the victim's guardian, so there is an element of restorative justice in Islamic law. (*Al-Mughni*, Juz 8, p. 25)

Although qisas is a harsh punishment, Islam strongly encourages forgiveness. A hadith narrated by Imam Tirmidhi states that forgiving

the perpetrator will bring great rewards. (Jami' at-Tirmidhi, no. 1406)

The implementation of qisas has several primary objectives: protecting human life (hifz al-nafs), providing a deterrent effect, and establishing order in society. Thus, qisas serves as a means of social protection in Islam. (Musnad Ahmad, Juz 5, p. 316)

#### IV. CONCLUSION AND SUGGESTIONS

##### A. Conclusion

Based on the hadiths on qisas (retribution), it is clear that Islam established the law of qisas as a means of protecting human lives and upholding justice. The hadith of the Prophet Muhammad (peace be upon him) explains that the blood of a Muslim holds a very noble status, making murder and assault among the gravest sins punishable by severe punishment.

Qisas in Islam serves not only as an equivalent punishment (life for life or injury for injury), but also serves the primary purpose of maintaining public security, preventing recurrence of crimes, and providing a deterrent effect for perpetrators. However, Islam also opens the door to forgiveness for the victim's family, by forgiving the perpetrator or accepting diyat (ransom), as recommended in numerous hadiths that emphasize the virtue of forgiveness.

Furthermore, the hadiths on qisas (retribution) demonstrate that law enforcement must be carried out by authorized parties, not individuals or vigilantes. This emphasizes the importance of legal justice, order, and preventing the emergence of new injustices in society.

Thus, it can be concluded that the concept of qisas (retribution) in the hadith of the Prophet Muhammad (peace be upon him) reflects a balance between justice, protection of life, and humanitarian values. Islam emphasizes not only punishment but also peace, forgiveness, and the welfare of the community.

##### B. Suggestion

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