
Premeditated Murder in the Modern Era Comparative Study of Perspectives on Islamic Law and the Criminal Code

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Abstract: This study tries to 1) identify the elements that lead murderers to plan their crimes, and 2) understand those elements. The judge's factors to consider when determining murder cases with intent to kill, 3). Comparing the Criminal Code with Islamic law's definition of premeditated murder. To gather data for this study, a library research technique known as a normative juridical approach to literature evaluation was used. The Criminal Code, followed by the Koran, Hadith, and translations into Indonesian, as well as relevant scholarly works, books, and articles, served as the source for legal information. The study's findings led to the conclusion that Indonesian law's Criminal Code Articles 338–350 govern the crime of murder. In the Criminal Code, premeditated murder is defined as a purposeful killing, whereas in Islamic criminal law, the victim's life is the first thing that is intended to be taken. According to Article 340 of the Criminal Code, the perpetrator of a premeditated murder may be sentenced to life in prison by a jury of judges. Whereas in Islamic criminal law, as mentioned in QS. Al-Maidah verse 45 and Hadith, the perpetrator's acts might result in a death sentence (Qishash) for committing purposeful murder.

Keywords: perpetrator, premeditated murder, Islamic law, law, a life sentence.

INTRODUCTION

Law is the main basis for statehood in Indonesia. A state of law whose constitutional implementation is carried out based on applicable rules and regulations. In a state of law, power will be exercised by the government based on the rule of law or rule of law which aims to maintain a legal order [1]. The rule of law must include three basic ideas of law, namely the basis of justice, expediency, and certainty. Therefore the law must not neglect the justice of society, and a law should not be pointed down and blunt upward because all are equal before the eyes of the law [2].

In the Indonesian legal system, all citizens have equal standing before the law. Therefore, there is no difference between one person and another, all are the same and must be tried fairly, according to Article 28D paragraph 1 of the 1945 Constitution as follows:

"Everyone has the right to recognition, assurance, protection and fair legal certainty and equal treatment before the law." Therefore, humans are not free from mistakes, whether intentional or unintentional. Such acts can also cause harm to others and are often unlawful, which can be criminal offences. "Criminal offence is a term that contains a basic meaning in legal science, a term that is cognitively formed by giving certain characteristics to the facts of criminal law. Criminal acts have an abstract understanding of specific facts in the field of criminal law, so criminal acts must be understood in a very scientific and clear way to be separated from terms used daily in human life [3].

Various types of crimes occur in Indonesia, one of which is premeditated murder. In terms, murder means murder or the act of killing, while intentional homicide means the crime of taking the life of another person, or murder, after a premeditated time or means, with the intent to ensure the success of the murder or evade capture. In the Criminal Code, premeditated murder is regulated in Article 340 of the Criminal Code as follows: "Whoever intentionally and premeditatedly kills another person, shall be punished with premeditated murder, death penalty or life imprisonment or life imprisonment for not more than twenty years" [4].

A crime of life is an offence against people by killing them amputating limbs or injuring their bodies. Murder without good reason according to Islamic law is haram. In cases of intentional or accidental homicide, the families of both parties are killed. First, they often lose the people who support their families. Secondly, his heart was very sad because of the loss of his loved ones. The legal structure of premeditated murder in Indonesian law refers to Article 340 of the Criminal Code, where the perpetrator is threatened with the death penalty or life imprisonment or a sentence of up to 20 years [5]. The legal structure of premeditated murder in Islamic law refers to the Qur'an al-Baqarah verse 178, the culprit is punished with qishas, diyat or ta'zir. The comparison between the two is whether in positive law the punishment is entirely in the hands of law enforcement officials, or whether in Islamic law the punishment is based on the decision of the victim's family or not [6].

Murder destroys the values of life created by the will of Allah the Exalted while depriving the victim of the right to life. The fundamental principle is the principle of Islamic law that combines two opposites, namely the aim of eradicating offences whoever the perpetrators are. It also aims to attract the attention of the perpetrators without neglecting their transgressions. Islamic law also requires judges to consider the personality, status, morality and background of the offender when handing down sentences [7].

According to the Quran, murder is the most heinous act in society. Regarding murder, the Qur'an says that killing someone is like killing all mankind. The Qur'an says *"Whoever kills a human being, not for his sake (to kill) another, or to cause mischief on earth, is considered to have killed all mankind."* Qatl or murder by one person is undoubtedly the greatest crime in society [8]. It is condemned in the Qur'an:

"And do not kill the soul that Allah forbids (to kill it), but with the right (reason). And who is wrongfully killed, We must have given power to the heirs, but the heirs must not go beyond the limit by killing." He is the one who was helped."

Prophet Muhammad Sholallahu 'Alaihi Wasallam said that killing is the greatest sin. He also said, *"The greatest sin is to associate something or someone with God and kill people."*

In a hadith, Prophet Muhammad (peace and blessings be upon him) said: "A Muslim declares that there is no God but Allah and that Muhammad Sholallahu 'Alaihi Wasallam is his messenger, taking his blood is only valuable in case of three situations: (a) when he knowingly kills another person (b) when he commits adultery after marriage and (c) when he apostates" [9].

Based on the description above, the author considers it necessary to describe and analyze in more detail the acts that fall into the category of premeditated murder and punishment from the perspective of Islamic law and the Criminal Code [\[10\]](#).

LITERATURE REVIEW

Research related to this theme is a Comparative Analysis of Punishment for Murder Based on the Criminal Code and Islamic Law. The study, written by Sirya Iqbal, Hamdani, and Yusrizal, concluded that the punishment for intentional homicide (*dolus*) based on Article 338 of the Criminal Code (KUHP) and Islamic Law, a comparison of these two sources of law, where the criminal law regulated in the Criminal Code, does not recognize free forgiveness from the victim's family if there has been a crime of intentional murder. In Islamic law, this free pardon can allow the perpetrator to be exempt from *qisas* and *diyat* punishments, but in Indonesian criminal law forgiveness from the victim's family for the perpetrator of murder cannot affect the criminal threat because the decision is entirely in the hands of the judge who examines and tries based on existing evidence [\[11\]](#).

The punishment for intentional and premeditated murder is based on Article 340 of the Criminal Code (KUHP) and Islamic Law whose punishment is *qisas* or *diyat*. The comparison of the Criminal Code (KUHP) and Islamic Law of these two sources of law is: if the Indonesian Positive Law has an aspect of retaliation, then in *jinayah* it is not so because in *jinayah* Islam so highly upholds human rights. Because the existence of *qisas* is a reaction to human rights violations, namely persecution or intentional killing [\[12\]](#).

The punishment for the crime of involuntary murder (*culpa*) is based on Article 359 of the Criminal Code (KUHP) and the punishment for perpetrators of involuntary murder in Islamic criminal law namely the main punishment is *diyat* and *kafarat*. The comparison of punishment according to the Criminal Code and Islamic law is that the Criminal Code only provides for a maximum of five years imprisonment or may even only be sentenced to imprisonment for a maximum of one year. The penalty of confinement is lighter than imprisonment because this criminal sentence of confinement can be replaced by paying a fine so there is no need to carry out the sentence of confinement. Punishment according to Islamic law, which is subject to *diyat* and *kafarat*, can also be combined with *ta'zir* punishment [\[13\]](#).

The study entitled Premeditated Murder in Article 340 of the Criminal Code in the Perspective of Justice Collaborators, written by Totok Sugiarto and friends, concluded that the paradigm used in Justice Collaborator is that the state has difficulty in investigating and prosecuting to find and uncover and investigate a criminal act where the perpetrators have been classified as organized crime, so witnesses from the perpetrators are needed who can cooperate with the country [\[14\]](#).

In Indonesia, the Justice Collaborator provision refers to Article 37 Paragraph (2) of the 2003 UN Convention against Corruption. In addition, Law Number 13 of 2006 concerning the Protection of Witnesses and Victims; Supreme Court Circular (SEMA) Number 04 of 2011; and Joint Regulation of the Minister of Law and Human Rights, Attorney General, Chief of National Police, Corruption Eradication Commission, and Witness and Victim Protection Agency (LPSK) on Protection of Whistleblowers, Whistleblower Witnesses, and Collaborating Perpetrators [\[8\]](#).

The rights of the Justice Collaborator, as stated in Article 10A of Law Number 31 of 2014, are physical and psychological protection, legal protection, special handling, and obtaining awards.

A press release from the National Police Public Relations Division stated that there had been self-defence in the shooting incident between Bharada E and Brigadier J, which led to the death of Brigadier J on Friday, July 8, 2022, at around 5:00 p.m. at the official house of the Chief of Police Propam Division, Inspector General Ferdy Sambo, which started from Bharada E who came from upstairs caught Brigadier J harassing Princess Candrawathi [\[14\]](#).

Brigadier J's family found several irregularities, so they could not accept the press release of the National Police and reported the case to the police that there were allegations of premeditated murder (article 340 of the Criminal Code), murder (article 338 of the Criminal Code), or maltreatment causing the death of a person.

There has been an Obstruction of Justice in the Brigadier J murder case, with indications of destruction of CCTV DVRs at the crime scene, crime scene engineering, firing bullets into the walls of houses, and bribery to close the case.

Richard Eliezer volunteered as a justice collaborator and was approved by the panel of judges, with the indicator imposing a light sentence of one year and six months, far below the prosecutor's demand of 12 years imprisonment.

The same theme was also examined by Rokhmadi entitled Punishment of Murder in Islamic Penal Law in the Modern Era. The results of his analysis concluded that the application of the punishment of murder in Islamic criminal law is not only based on the nash of the Qur'an and al-Hadith in letterlejk (as is) solely which is understood as a normatively applicable law as theological verses that are absolute, but must also pay attention to aspects, historical-sociological, the development of the times as constitutional demands and human rights. According to the author, this has no purpose except to defend and defend the existence of Islamic criminal law that is more applicable, elastic, not sky-high or its provisions are grounded and acceptable to modern society, to allow a consideration of modern criminal law sources [15].

Of course, from the discussion above, there are differences between the research that the author did in terms of Islamic studies (Islamic law) and the Criminal Code (positive law).

RESEARCH METHODS

This research uses the *Library Research* type method, namely by collecting data by examining some literature using the normative juridical approach method. Legal materials are obtained from the Criminal Code, then the Qur'an, Hadith, and Indonesian translation books, as well as related scientific works, books, and articles [16].

The research approach used is qualitative descriptive research. Then the data from the writing is analyzed using a comparative analysis of the law of premeditated murder from the perspective of Islamic law and positive law, as well as thinking scientifically to obtain true, logical, clear and accurate data [17].

So the affirmation that this research is Normative legal research (Normative juridical), namely legal research that puts law as a Norm system building. The Norm System in question is about principles, norms, rules of laws and regulations, court decisions, agreements and doctrines. This research is also supported by a conceptual approach and a statutory approach (statute approach) [18].

RESULTS AND DISCUSSION

Criminal Law in Premeditated Murder Cases in Indonesia

Criminal acts that can occur as a result of intentionality that can be considered as negligence of a person or intentionally causing harm to the life of another person can be termed homicide. Premeditated murder is an act committed deliberately. It happened and was powerful because it was planned. Thus, the offender has a long time to consider whether to commit premeditated murder or abort by the offender [19].

Crimes committed intentionally against the soul or life of a person or others according to Satochid Kartanegara experts consist of 1). Intentional murder / ordinary murder (*Doodslag*) 2). Intentional and premeditated murder (*Moord*) 3). Murder at the very and unequivocal request of the murdered person. 4). Intentionally advocating or aiding or giving means to others to kill. Article 340 of the Criminal Code in a broad sense, which includes elements of

intentionality, namely: a). Intentionality is referred to as the main purpose. b). Intentionality with a definite purpose or it is already a must. c). Intentionality with the awareness of the party with the possibility [\[20\]](#).

In one step the judge considers the facts revealed at trial, starting from the first lawsuit, the second response, and the third objection of the defendant is taken into account with evidence that meets the formal and material requirements, and with the minimum limit of evidence. What is meant by legal considerations? Legal considerations have become the soul and essence of a decision, including the first analysis, the second argument, the third opinion, or what can be called the conclusion of the panel of judges who examined the case [\[21\]](#).

In legal considerations, the judge can also use a clear analysis based on the Law of Evidence, including: a). The evidence that has been submitted by the plaintiff and the defendant, has fulfilled what are the requirements of formal and material information or not. b). Which party has previously reached the limit of minimum evidence with prior proof? c). What arguments and rebuttals have been proven at trial d). The extent to which the value of the power is possessed from proof by both parties [\[22\]](#).

One form of case resolution in court is decision-making. There are several forms of court decisions, which are divided into punishment (punishment, arrest) and verdict (backing). A panel decision is a statement made by a judge when the judge as the representative of the state authorized to make a statement before the court to resolve a case in question between two or more parties. The judge's decision provides a contradictory picture, among others, of aspects of justice with the principle of legal certainty, where the judge will remain on the side of justice so that in the end the judge does not always stand on the legal aspect. certainty or in other words written law (positive law) If the judge is faced with 2 choices between written law and unwritten law, then the judge or whoever will apply the law must first give precedence to the provisions of the written laws and regulations that have been determined [\[23\]](#).

However, written law must be considered from various aspects, especially by prioritizing written law if it is known and understood fairly the provisions of written law. Prioritizing or prioritizing unwritten law, if the provision of unwritten law is something that can develop or then become one of the intercepts of the interpretation of written legal rules in an article. Judges acting as arbitrators often face vague provisions, caused by delays in efforts to achieve a strong national legal system [\[24\]–\[26\]](#).

Judges carry out important duties where judges must be able to adjust and harmonize laws that may not be implemented according to their meaning, Judges are also obliged to interpret so that in a decision they can fulfil the sense of the principle of justice and are following the intent of the law itself.

The provisions of Article 340 of the Criminal Code (premeditated murder) threaten the type of death penalty or imprisonment for life or for a certain time, not more than twenty years. This criminal award, at least, is based on three purposes of punishment, namely, first to improve the person of the criminal himself, to make people deterrent to commit crimes and third, to make certain criminals incapable of committing other crimes. Given the impact caused by the criminal act of premeditated murder committed by the perpetrator is very shocking and disturbs the sense of security for the community, this is contrary to the purpose of the criminal law, namely the existence of order and security in the community, the application of Article 340 of the Criminal Code sanctions against premeditated murder is expected to be a deterrent and prevention effect so that premeditated murder no longer occurs in the future, but in reality, even though severe sanctions have been applied following the provisions of Article 340 [\[27\]](#).

Premeditated murder is a motive for murder that can be said in a very sadistic and cruel way. Usually, the pattern of events shows that it was done by the perpetrator as a form of erasure of the actions he did or the perpetrator had a mental disorder or some kind of mentality that prompted him to mutilate his victim and kill him. He brutally. Ironically, the motive for

premeditated murder is only based on things or issues that can be said to be very minor, such as the victim's suffering, resentment, jealousy, jealousy, ridicule and very small nominal debt problems, that's. Real problems, This problem is easily solved with a mature mind and a cool head without any emotion from both sides [28].

Various considerations must be made before imposing the death penalty at the judge's discretion. In addition to the judge's consideration, the circumstances and nature of the perpetrator committing a criminal act must also be considered, Besides that it is also necessary to pay attention to the history of the perpetrator as well as the organization and sources in the community. The basis for the judge's decision is the main key or basis for decision-making for all criminal acts including the death penalty. Although it is true that in writing criminal law in Indonesia, it is rare to find or find rules that stipulate a reference used by judges as a basis or basis for consideration of the application of law using criminal considerations [12].

Several aspects of laws and regulations governing human rights issues in Indonesia are used as references regarding the provisions of the death penalty for premeditated murder. Indonesian human rights laws and regulations have a fairly high legitimacy. This legitimacy was further strengthened by the development of international human rights standards, particularly the International Covenant on Civil and Political Rights (ICCPR). That is, if the State does not abolish the death penalty when it decides to apply it, it will only apply to those who commit crimes of a serious nature under the law and if the crime qualifies as a serious crime or the crime is considered serious, the death penalty can be imposed on him [29], [30].

Islamic Legal Perspectives on Premeditated Murder

Intentional homicide is the offender deliberately wanting to kill or injure a Muslim, with iron, sticks, or stones or knock him off a high place, drown him in water, burn him with fire, strangle him or poison him to death, disfigure his limbs or injure him [31].

This deliberate crime must be enforced qishash on the perpetrator, as Allah Almighty says in QS. Al-Maidah: 45

وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ ۚ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

Meaning: And We have decreed against them in it (At Torah) that the soul (avenged) with the soul, the eye with the eyes, the nose with the nose, the ears with the ears, the teeth with the teeth, and the wounds (pun) have qishaash. Whoever gives up (the right of qishaash) gives up that right (becomes) the redeemer of sins for him. Whoever does not decide things according to what God has sent down are unjust people [11], [15].

And the Messenger of Allah said:

مَنْ أُصِيبَ بِدَمٍ أَوْ خَبَلٍ -وَالْحَبْلُ الْجَرَّاحُ- فَهُوَ بِالْخِيَارِ بَيْنَ إِحْدَى ثَلَاثٍ: إِمَّا أَنْ يَقْتَصَّ، أَوْ يَأْخُذَ الْعَقْلَ، أَوْ يَعْفُو، فَإِنْ أَرَادَ رَابِعَةً فَخُذُوا عَلَى يَدَيْهِ

"Whoever is exposed to blood (killed) or wound (wounded), then he (can) choose one of three options: meng-qishshash, take damages (*diyat*), or forgive (without paying *diyat*), and if he chooses the fourth option (more than qishash or *diyat*) then take his hand (forbid). " (HR. Ahmad, Abu Dawud and Ibn Majah) [32]–[34].

Qishash for murder or the crime of causing disability or injury shall not be carried out if the following conditions are met:

1. The person killed was a protected person, not a married adulterer, apostate, or non-Muslim because their blood was lawful because of their crimes.

2. The degree of the murderer is the same as the person he killed, in terms of religion must be equally Islamic.
3. The murderer is a believer, that is, mature and intelligent, if he is a child or a madman, then there is no qishash.
4. The killer was not the parents of the murdered man, his father, his mother, his grandfather or his grandmother.

The qishash claimant will not get his rights except after fulfilling the following conditions:

1. The claimant of qishash rights must be Mukallaf or Baligh.
2. All family members of the qishash claimant must agree if someone forgives the perpetrator, then there is no qishash, and as a substitute for the family who does not forgive him, they are entitled to diyat.
3. Assure at the time of execution that it will not exceed the limit of injury as the perpetrator did or did not kill other than killed.
4. The execution must be carried out in the presence of the ruler or his deputy to guarantee its accuracy and not encroach [35].

If a Muslim is entitled to compensation for his blood or that of his brother, then he has three options, namely: perform qishash or take diyat or forgive, according to the Word of Allah Almighty. Al-Baqarah verse 178:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ ۚ الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنثَىٰ بِالْأُنثَىٰ ۚ فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبِعْ بِالْمَعْرُوفِ ۚ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ ۚ ذَٰلِكَ تَخْفِيفٌ مِنْ رَبِّكُمْ وَرَحْمَةٌ ۚ فَمَنْ اعْتَدَىٰ بَعْدَ ذَٰلِكَ فَلَهُ عَذَابٌ أَلِيمٌ

"O believers, it is obligatory upon you to qishaash concerning those who are killed; Free people with free people, slaves with slaves, and women with women. So whoever gets forgiveness from his brother, let (the forgiving) follow in a good way, and let (the forgiven) pay (diat) to the one who forgives in a good way (also). Such is a relief from your Lord and mercy. Whoever transgresses after that, he will have a very painful torment" [36]–[39].

Note: The person who chooses diyat, then he is no longer entitled to qishash, even if he demands it afterwards, it cannot be done. If the murderer has died, then there is no more prosecution for the family of the murderer except diyat, because no other murderer can be executed.

Here are some cases of premeditated murder that occurred in Indonesia, including the following:

Premeditated Murder of Human Rights Activist Munir

Human rights activist Munir Said Thalib died on a Singapore-Netherlands flight on 7 September 2004. On the way, he vomited and complained of stomach pain. Arriving in the Netherlands, Munir was declared no longer breathing. Initial suspicion, he died as a result of the illness he suffered.

However, on November 12, 2004, the Dutch Forensic Agency issued a shocking autopsy result. The premeditated murder was revealed after a forensic investigation. In Munir's stomach was found arsenic poison. The poison was drunk in a mixture of orange juice that flight attendants gave as a welcome drink. There are two drinks provided, the other drink is wine.

After conducting an investigation, the police then determined Pollycarpus as a suspect. He was found guilty in court. The Public Prosecutor at the trial said Polly put arsenic in the

orange juice that Munir was going to drink. Poly knows Munir does not drink alcohol, so his target will certainly choose orange juice as a welcome drink [\[40\]](#).

The case of 'cyanide coffee'

A woman named Wayan Mirna Salihin was killed after downing Vietnamese iced coffee at a mall in Central Jakarta on January 6, 2016. The coffee had been ordered by Jessica Kumala Wongso before Mirna arrived at the location. On January 29, 2016, Jessica was named as a suspect and charged under Article 340 of the Criminal Code. Jessica was arrested at Neo Hotel, Mangga Dua Square, North Jakarta [\[41\]](#).

Murder of a family in Bekasi

A family consisting of a husband, wife, and two minors were found dead in their home in the Pondok Melati area, Bekasi. They were killed by his brother Haris Simamora on November 12, 2018. Haris killed Daperum Nainggolan and his wife, Maya Boru Ambarita using a crowbar. Meanwhile, Daperum's two children, Sarah (9) and Arya Nainggolan (7) were killed by strangling to death. For his actions, Haris was charged with Article 340 of the Criminal Code. He was sentenced to death by the Bekasi District Court on Wednesday, July 31, 2018.

The murder of husband and stepdaughter by wife and son

Aulia Kesuma (45) and her son Geovanni Kelvin Octavian (26) were sentenced to death after being found guilty of the premeditated murder of her husband and stepson. The victim Edi Candra Purnama (57) and his son Muhammad Adi Pradana (24) were killed in a sadistic way, namely poisoned, then abused, after which the bodies were put in a car that was burned first and then in the Sukabumi area, West Java.

The panel of judges of the South Jakarta District Court sentenced the mother and child to death because they were legally and convincingly proven to have committed the crime of premeditated murder as stipulated in Article 350 jo. 55 paragraph (1) 1 of the Criminal Code according to the Primair charge from the public prosecutor.

In her action, Aulia was assisted by her son Geovanni Kelvin Octavianus, as well as two executors who were paid to kill her husband and stepson, namely Kusmanto and Muhammad Nursaid. In addition, there are also other suspects Karsini, Rody Saputra Jaya and Suprianto who helped Aulia in planning the sadistic murder.

Murder of Handi Salsa by TNI Members

Two teenagers named Salsabila (14) a resident of Tegal Lame Village, Ciaro Village, Nagreg District, Bandung Regency and Handi Saputra (17) a resident of Cijolang Village, Cijolang Village, Limbangan District, Garut Regency were reported to have died horribly in the Serayu River, Central Java.

The perpetrators of the murder were members of the TNI, namely Infantry Colonel Priyanto, Kopda Dwi Atmoko, and Kopda A Sholeh. They dumped Handi and Salsa into the river after hitting them with a car. He was sentenced to life imprisonment for murder premeditated on depriving a person of liberty, and disappearance of a corpse to conceal death [\[42\]](#).

CONCLUSION

Crimes that can occur due to intentional actions can be seen from the aspect of negligence or intentionality of a person to cause the loss of another person's life can be called murder. Premeditated murder is deliberate. This has happened and has been strongly proven by planning. So the perpetrator who has a long time gap to think about carrying out the murder will be carried out as planned or canceled by the perpetrator. The provisions of Article 340 of

the Criminal Code (premeditated murder) threaten the type of death penalty or imprisonment for life or for a certain time, not more than twenty years. The above discussion has shown that the Islamic punishment for intentional murder is the execution of the murderer. Pardon is possible if the next of kin of the murdered person receives money and blood. However, if murder is involuntary, money and blood replace the death penalty. Allah through the Quran shows us the right way that gives security to society. Intentional murder is punished by killing the murderer. Although killing is a severe punishment, it is fair because murder itself is a more severe act and such punishment is necessary because without it more murders.

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Author Contribution

All authors contributed equally to the main contributor to this paper, all authors read and approved the final paper, and all authors declared no conflict of interest.

Conflicts of Interest

All authors declare no conflict of interest.

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