Execution Beyond Hudud Laws and Retribution
An Investigation into Islamic-Legitimate Repertory

* Dr. Ahmed Saleh Qatran

Abstract

The Almighty God created man and He honored him. He said in the Qur’an: [We have honored the sons of Adam] (Ch. 17; Verse 70), and He protected man’s blood, and He did not sustain human life without certain and unquestionable proofs and evidences during fair judicial and complete proceedings. The Messenger of Allah - peace be upon him- made the difference between Islam and other religions is the bloodshed. He said, the believer still has an opportunity in his religion to repent unless he commits bloodshed. That is after committing bloodshed crime, his religion will depart him, which means bloodshed protection is vital and considerable without compromising and dispute. Any suspicion that may remove retribution, even it is weak, should be taken into consideration. It would be better for the judge to be mistaken in pardoning than in punishing. The death penalty is not certainly confirmed except in intentional killings for the purpose of retribution, as this is the right of the relatives of the killed one. Other cases of this type of penalties fall apart in the initial process of the judiciary proceedings. This research discusses one of the cumbersome topics, which is the death penalty for the purpose of discipline and the legality of its cancellation. The research has concluded with some findings, the main ones are:

1. The undoubted texts of proofs and evidences are available only in the case of the death penalties for the purpose of retribution and for the purpose of (hirabah) brigandage.

   Taking into consideration the uncertain texts of proofs and evidences or the texts of undoubted proofs to confirm the decisions of extermination and loss of human life extremely affect the fairness and purity of Islam religion.

2. The ruling tyrants have exploited the death penalty for the purpose of discipline and also exploited the (fatawas) opinions of scholars to get rid of their political and intellectual opponents.

3. The association between the penalty for the purpose of discipline and the culprit makes the legality for the discipline purpose uncontrolled and unimplemented. This legislation is an access to whims and caprices.

* King Khalid University –Abha , KSA