



Reconstruction of Sayyid Quṭb's Thoughts on the Death Penalty in a Human Rights Perspective

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Abstract

*The death penalty is one of the issues that continues to be debated in Islamic criminal law and Human Rights (HAM). The debate arose because of differences in views on the position of the right to life as a fundamental human right. This research aims to reconstruct Sayyid Quṭb's thoughts on the death penalty from the perspective of Human Rights. This research uses a qualitative approach with the type of library research. Data were obtained from the works of Sayyid Quṭb, especially *Fī Zilāl al-Qur'ān*, as well as various literature related to Islamic criminal law, and Human Rights. Data analysis is carried out through content analysis in a descriptive-analytical manner. The results of the study show that Sayyid Quṭb views the death penalty as part of the sharia system that aims to realize the benefits and protect the main objectives of the sharia, especially the protection of the soul (*ḥifz al-nafs*). The death penalty is positioned as an instrument to maintain justice, social order, and prevent damage, so its application is limited to certain criminal acts through strict legal terms and processes. This study also found a paradigm difference between Sayyid Quṭb's thought and contemporary human rights concepts. If modern human rights place the right to life as an almost absolute right, Sayyid Quṭb views that the protection of the right to life must consider the interests of society as a whole. Thus, the death penalty in Sayyid Quṭb's perspective is understood as an effort to maintain a balance between the enforcement of justice, the protection of human rights, and the goals of the sharia.*

Keywords: Sayyid Quṭb; Death Penalty; Human Rights

Abstrak

Hukuman mati merupakan salah satu isu yang terus diperdebatkan dalam hukum pidana Islam dan Hak Asasi Manusia (HAM). Perdebatan ini muncul akibat perbedaan pandangan mengenai kedudukan hak untuk hidup sebagai hak asasi manusia yang mendasar. Penelitian ini bertujuan untuk merekonstruksi pemikiran Sayyid Qutb mengenai hukuman mati dari perspektif Hak Asasi Manusia. Penelitian ini menggunakan pendekatan kualitatif dengan jenis penelitian kepustakaan (*library research*). Data diperoleh dari karya-karya Sayyid Qutb, khususnya *Fī Zilāl al-Qur'ān*, serta berbagai literatur yang berkaitan dengan hukum pidana Islam dan Hak Asasi Manusia. Analisis data dilakukan melalui analisis isi dengan metode deskriptif-analitis. Hasil penelitian menunjukkan bahwa Sayyid Qutb memandang hukuman mati sebagai bagian dari sistem syariat yang bertujuan mewujudkan kemaslahatan dan melindungi tujuan utama syariat, khususnya perlindungan terhadap jiwa (*ḥifz al-nafs*). Hukuman mati diposisikan sebagai instrumen untuk menegakkan keadilan, menjaga ketertiban sosial, dan mencegah kerusakan, sehingga penerapannya dibatasi pada tindak pidana tertentu melalui ketentuan dan proses hukum yang ketat. Studi ini juga menemukan adanya perbedaan paradigma antara pemikiran Sayyid Qutb dan konsep hak asasi manusia kontemporer. Jika hak asasi manusia modern menempatkan hak untuk hidup sebagai hak yang hampir mutlak, Sayyid Qutb berpandangan bahwa perlindungan hak untuk hidup harus mempertimbangkan kepentingan masyarakat secara keseluruhan. Dengan demikian, hukuman mati dalam perspektif Sayyid Qutb dipahami sebagai upaya menjaga keseimbangan antara penegakan keadilan, perlindungan hak asasi manusia, dan tujuan-tujuan syariat.

Kata Kunci: Sayyid Qutb; Hukuman Mati; Hak Asasi Manusia

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Introductiona

Despite global trends showing increasing efforts to abolish the death penalty as a form of respect for the right to life.¹ The practice of the death penalty is still maintained in many countries, including some countries that implement Islamic legal systems.² This condition gives rise to an increasingly complex debate between the principle of human rights protection and the legitimacy of the death penalty in Islamic criminal law.³ On the one hand, the right to life is seen as a fundamental right that cannot be reduced in various international human rights instruments.⁴ On the other hand, Islamic law recognizes the existence of the death penalty in certain criminal acts with the aim of maintaining the welfare, protecting people's lives, and realizing justice.⁵ This paradigm difference shows that the issue of the death penalty is no longer only juridical, but also touches on philosophical, theological, and ethical aspects that require more in-depth study.

In the context of contemporary Islamic thought, Sayyid Quṭb is one of the figures who has a strong view on the application of Islamic criminal law, including the death penalty.⁶ However, his thinking is more often understood normatively and ideologically, so it is often associated with a repressive approach or even considered contrary to human rights values.⁷ This kind of understanding does not fully describe the entire construction of Sayyid Quṭb's thought, which is actually built on the principles of justice, protection of society, and the enforcement of divine values in social life.⁸ As a result, there was a simplification of his

¹ John J. Donohue, "Death Penalty," dalam *Encyclopedia of Law and Economics*, ed. oleh Alain Marciano dan Giovanni Battista Ramello (Springer Nature Switzerland, 2025), https://doi.org/10.1007/978-3-031-76422-6_21.

² Muhammad Arafat dan Asmuni, "Implementation of Maqashid al-Syariah in Islamic Criminal Law in Muslim Countries: A Comparative Study in Saudi Arabia, Iran, Malaysia, and Indonesia," *AL-SULTHANIYAH* 14, no. 1 (2025): 45–68, <https://doi.org/10.37567/al-sulthaniyah.v14i1.3577>.

³ Imat Hibbatulloh dkk., "The Secularisation of Islamic Criminal Law and Its Implications for the Protection of Human Rights in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 17–31, <https://doi.org/10.65586/insani.v1i1.7>.

⁴ Alicia Danielsson, "The Living Instrument Principle and the No-Longer Living: Human Rights and Death Investigations under an Evolving ECHR," dalam *Proceeding of The Future of Life - Legal, Scientific, and Geopolitical Challenges (TFOL 2025)*, vol. 1001, ed. oleh Alicia Danielsson dkk., Advances in Social Science, Education and Humanities Research (Atlantis Press SARL, 2026), https://doi.org/10.2991/978-2-38476-555-3_6.

⁵ Muhammad Dakhlan Gazali, "INDONESIAN CRIMINAL LAW INTEGRATING MAQĀSHID AL-SYARĪ'AH: with Ibn 'Āsyūr's Theological Approach to Qisās and Theft," *MAQASHID* 8, no. 2 (2025): 76–99, <https://doi.org/10.35897/maqashid.v8i2.2176>.

⁶ Nilay Saiya, "Was Huntington Right about Islam after All? The Clash of Civilizations at 30," *International Politics*, advance online publication, 3 Oktober 2025, <https://doi.org/10.1057/s41311-025-00730-9>.

⁷ Ling Han dan Paolo De Stefani, "Protecting Fundamental Values through the Global Human Rights Sanction Regime: China's Challenges to the EU's Normative Power," *The International Journal of Human Rights* 29, no. 5 (2025): 940–64, <https://doi.org/10.1080/13642987.2024.2432955>.

⁸ Miftah Ulya dkk., "Reactualizing Prophetic Qur'anic Values for Contemporary Social Challenges," *ZAD Al-Mufassirin* 7, no. 2 (2025): 437–70, <https://doi.org/10.55759/zam.v7i2.329>.

ideas and a stigma emerged that the concept of the death penalty in Islam was synonymous with human rights violations.

On the other hand, academic studies on the death penalty have tended to place Islamic law and human rights as two paradigms that face each other. Some research is more oriented towards defending the application of the death penalty based on normative postulates, while other research emphasizes the demand for the abolition of the death penalty on the basis of the universal principle of the right to life.⁹ This dichotomous approach causes the space for dialogue between the two perspectives to be very limited. In fact, the development of contemporary Islamic legal thought opens up opportunities to reinterpret and reconstruct the thinking of Islamic figures so that they remain based on sharia principles while being responsive to the development of universal human values.

These problems show the urgent need to reconstruct Sayyid Quṭb's thinking on the death penalty through the perspective of Human Rights.¹⁰ This reconstruction is not intended to eliminate the basic principles of sharia. That he believes in, but rather to re-examine the philosophical foundations, the purpose of punishment, and the orientation of the benefits that underlie his ideas.¹¹ So that they can be read more contextually in the dynamics of contemporary law and human rights. Studies on the death penalty from the perspective of Islam and Human Rights have been extensively conducted by researchers, but most of them still focus on normative, juridical aspects, or comparisons between Islamic criminal law and international human rights instruments. One of the studies was conducted by Zumiyati Sanu Brahim et al., the study concluded that the rejection of the death penalty by some human rights activists is more due to a paradigm shift in understanding the purpose of punishment, while in Islamic criminal law the death penalty is seen as an instrument to maintain the benefits and prevent serious crimes.¹² However, the study has not examined specifically the construction of the thought of certain Islamic figures, especially Sayyid Quṭb, and has not developed a conceptual dialogue with contemporary human rights theory.

Other research examines the relationship between the death penalty and the right to life through a comparative approach between Islamic law and the International Bill of Human Rights. The results of the study show that the concept of the right to life in Islamic

⁹ Mayank dan Gauri Shankar Paliwal, "Justice: A Comprehensive Analysis," Articles, *Zhongguo Kuangye Daxue Xuebao* 30, no. 4 (2025): 39–51.

¹⁰ Muhammad Irfan Riyadi dan Ridwan Hambali Hambali, "The Reconstruction of the Cultural Worldview of Islam in the Face of Modern Jahiliyah: An Examination of the Study of Ma'ālim Fī Al-Ṭarīq by Sayyid Quṭb," Articles, *Qurthuba: The Journal of History and Islamic Civilization* 10, no. 2 (2026): 127–43.

¹¹ Nasruddin Yusuf dkk., "The Significance of Ushul al-Fiqh and Maqashid Syari'ah Approaches in Reforming Islamic Law in Indonesia: A Critical Study of the Penal Code or Another Topic," *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 58, no. 2 (2024): 389–417, <https://doi.org/10.14421/ajish.v58i2.1450>.

¹² Zumiyati Sanu Brahim dkk., "Integration of Maqashid al-Shari'ah in the Criminal Law Reform to Achieve Justice and Human Dignity," *Jurnal Hukum Islam* 23, no. 1 (2025): 105–44, <https://doi.org/10.28918/jhi.v23i1.04>.

law has a different philosophical foundation from the modern human rights paradigm.¹³ In Islamic law, the right to life is understood as a right that must be protected, but under certain conditions it can be limited through legal mechanisms that aim to uphold justice and protect society. The study contributes to the debate on the death penalty, but does not review how the thinking of contemporary Islamic figures can be reconstructed in order to bridge the differences between the two paradigms.

A more recent study was conducted by Abnan Pancasilawati et al., the study confirms that criticism of qishash punishment often arises because of interpretations that only look at the symbolic aspects of punishment without taking into account the goals of life protection, justice, and welfare which are the main orientation of Islamic criminal law.¹⁴ Although it succeeds in demonstrating the normative arguments of Islamic law against human rights criticism, the research still focuses on doctrinal analysis and has not developed a reconstruction of the thought of certain figures as a more comprehensive conceptual foundation.

Meanwhile, various studies on Sayyid Qutb have examined his thoughts in the field of Islamic politics, the concept of *ḥākimiyyah*, *jāhiliyyah*, social justice, and contemporary Islamic movements. Andrew F. March, for example, explained that Sayyid Qutb's political theory was built on the belief that Islamic law is in harmony with human nature and is able to realize a just social order.¹⁵ Similarly, William Shepard places Sayyid Qutb as one of the most influential Islamic thinkers of the 20th century through the political and social concepts he developed. However, these studies do not specifically examine Sayyid Qutb's thinking on the death penalty or its relevance to the development of modern human rights discourse.

Based on the previous research study, it can be seen that there is still a research gap. First, research on the death penalty generally only places Islamic criminal law and Human Rights as two opposing paradigms without presenting a synthetic model that is reconstructive. Second, the study of Sayyid Qutb is more centered on political thought, interpretation, and the concept of the Islamic state, while the discussion of the conception of the death penalty in the framework of his thinking is still very limited. Third, until now there has been no research that specifically reconstructs Sayyid Qutb's thinking on the death penalty through the perspective of Human Rights with a philosophical approach that places

¹³ Ahmad Muḥamad Mustain Nasoha dkk., "Criminal Law in Muslim-Majority Countries: Balancing Sharia, Human Rights, and Global Standards," *SHAHIH: Journal of Islamicate Multidisciplinary* 10, no. 1 (2025): 1–18, <https://doi.org/10.22515/shahih.v10i1.10038>.

¹⁴ Abnan Pancasilawati dkk., "OBJECTIFYING ISLAMIC CONCEPTIONS OF JUSTICE IN INDONESIA'S NEW PENAL CODE: A COMPARATIVE ANALYSIS OF HOMICIDE LAW," *Veredas do Direito* 23, no. 11 (2026): e237520, <https://doi.org/10.18623/rvd.v23.7520>.

¹⁵ Andrew F. March, "The theoretical framework of modern Islamic constitutionalism," dalam *Constitutions and Religion*, ed. oleh Susanna Mancini (Edward Elgar Publishing, 2020), <https://doi.org/10.4337/9781786439291.00009>.

the values of sharia, justice, protection of the right to life, and welfare as a dialogical framework. Therefore, this research is directed to fill this gap by offering a reconstruction of Sayyid Quṭb's thought that is more contextual and relevant to the development of Islamic criminal law and contemporary human rights discourse.

Method

This research is library research with a qualitative approach and a normative type of legal research.¹⁶ The research aims to examine and reconstruct Sayyid Quṭb's thoughts on the death penalty from the perspective of Human Rights (HAM). The approaches used include philosophical, conceptual, and figurative approaches. The philosophical approach is used to analyze the basis of Sayyid Quṭb's thinking on the death penalty, the conceptual approach is used to examine the concepts of the death penalty, the right to life, and human rights, while the figure approach is used to understand Sayyid Quṭb's thinking based on his works and intellectual context.

The source of research data consists of primary data and secondary data.¹⁷ Primary data comes from the works of Sayyid Quṭb, such as *Fī Zilāl al-Qur'ān*, *Ma'ālim fī al-Ṭarīq*, and *Al-'Adālah al-Ijtimā'iyyah fī al-Islām*. The secondary data was obtained from books, scientific articles, dissertations, laws and regulations, and international Human Rights documents relevant to the research theme.

Data collection is carried out through documentation studies by examining and identifying various literature related to the research object.¹⁸ Furthermore, the data was analyzed qualitatively through the stages of data reduction, grouping based on themes, interpretation of Sayyid Quṭb's thoughts, and critical analysis with a Human Rights perspective. The results of the analysis were then used to reconstruct Sayyid Quṭb's thought so as to produce a formulation that is more contextual and relevant to the development of contemporary Islamic law and Human Rights.

Results and Discussion

The Right to Life in an Islamic Perspective

Human Rights (HAM) in the Islamic perspective is an integral part of the teachings of sharia based on the principle of monotheism. Islam views that all aspects of human life

¹⁶ Alemdar Bayramov dan Daşqın Məhəmmədli, *Kütüphanə Koleksiyonunun İncelenmesinde Sistematiik Yaklaşım Metodolojisi*, 18 Agustus 2025, <https://doi.org/10.5281/ZENODO.16893263>.

¹⁷ Niroj Dahal, "Qualitative data analysis: reflections, procedures, and some points for consideration," *Frontiers in Research Metrics and Analytics* 10 (September 2025): 1669578, <https://doi.org/10.3389/frma.2025.1669578>.

¹⁸ Satish Prakash Chand, "Methods of Data Collection in Qualitative Research: Interviews, Focus Groups, Observations, and Document Analysis," *Advances in Educational Research and Evaluation* 6, no. 1 (2025): 303–17, <https://doi.org/10.25082/AERE.2025.01.001>.

are within the framework of devotion to Allah SWT., so that man's relationship with God (*ḥabl min Allāh*) cannot be separated from man's relationship with his fellow man (*ḥabl min al-nās*).¹⁹ In this framework, humans are positioned as caliphs on earth who carry out the mandate to uphold justice, maintain the benefits, and respect the dignity of each individual in accordance with the provisions of the Shari'a. Thus, the implementation of rights and obligations in Islam is a manifestation of servitude to Allah as well as a form of social responsibility towards fellow human beings.

This view does not mean that Islam only emphasizes the aspect of obligation and ignores the rights of the individual. Rather, rights and obligations are understood as two concepts that complement each other and cannot be separated. A.K. Brohi explained that man's duty to Allah in essence also includes the obligation to respect and protect the rights of others. Therefore, the protection of human rights in Islam is not solely based on social agreements or the will of the state, but is derived from divine law that is binding on every individual or institution of government.

In line with this view, Abul A'la al-Mawdudi emphasized that human rights are natural rights bestowed by Allah SWT on every human being. These rights are permanent, cannot be revoked, diminished, or modified by human power.²⁰ In the Islamic conception, two dimensions of rights are known, namely *ḥaqq Allāh* (the right of Allah) and *ḥaqq al-insān* (human rights). The two dimensions have a close relationship so that the implementation of human rights must not conflict with the rights of Allah, as well as the implementation of Allah's rights in essence aims to realize the benefits of humans. Thus, any use of individual rights remains within the corridor of sharia values.

For example, the implementation of prayer is a right of Allah that cannot be forced by human authority.²¹ Neither the state nor individuals have the authority to force someone to perform worship, because the relationship is personal between humans and their God. However, worship also has a social dimension that encourages the creation of order, peace, and the formation of moral character in social life. Similarly, in the field of property ownership, Islam recognizes the right of individuals to own and manage wealth, but its use must still take into account the provisions of the Shari'ah and must not be used for purposes

¹⁹ Farid Ghazi Alatas, "Islamic-Based Spiritual Capability as a Core Individual Competency for Enhancing Social Functioning: Theoretical Framework and Implications," *Senarai: Journal of Islamic Heritage and Civilization* 2, no. 1 (2025): 101–18, <https://doi.org/10.66236/senarai.2025.2.1.101-118>.

²⁰ Aisha Al Musleh, "It Starts With You: Reforming Muslim States Through Self-Development" (Master's Thesis, Hamad Bin Khalifa University (Qatar), 2026), <https://search.proquest.com/openview/7815e5d822e54ba9818758e0659b7e6e/1?pq-origsite=gscholar&cbl=2026366&diss=y>.

²¹ Salman Abdul Muthalib dkk., "Changes in Congregational Prayer Practices During the Covid-19 Pandemic in Aceh from Maqashid al-Sharia Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 2 (2021): 421–49, <https://doi.org/10.19105/al-lhkam.v16i2.5250>.

that harm others or are contrary to religious values. Therefore, ownership in Islam is relative, while absolute ownership belongs only to Allah SWT.

The concept of human rights in Islam is built on a *theocentric paradigm*, which is a paradigm that places Allah and the provisions of sharia as the main source in determining the standards of truth, justice, and benefit.²² This paradigm is different from the anthropocentric approach that makes humans the center of value determination. In the Islamic perspective, respect for human rights is not only based on the dignity of man as a rational being, but also on his position as a creature created by Allah who has a moral responsibility towards his fellow human beings and the entire universe. Therefore, the concept of monotheism gives birth to the principles of equality, brotherhood, and respect for all creatures (*perikemakakan*), which is the ethical basis for the protection of human rights.

Historically, human rights principles have been an inherent part of Islamic teachings long before the development of modern human rights instruments. Al-Mawdudi argues that the principles that came to be known in *Magna Carta* and modern human rights declarations have in essence been introduced into Islam since the seventh century AD.²³ A similar view is put forward by Christopher G. Weeramantry who states that the Islamic concept of social, economic, and cultural rights developed earlier than the Western legal tradition. These principles can be found in the Qur'an, hadith, and the practice of the Prophet (peace be upon him) and the caliphs, who placed respect for human dignity as one of the main goals of the Shari'ah (*maqāṣid al-shari'ah*).

The right to life is the most fundamental human right from an Islamic perspective. All other rights essentially depend on the guarantee of this right, because without the protection of life, the fulfillment of other rights is impossible.²⁴ Therefore, Islam places the protection of the soul (*ḥifẓ al-nafs*) as one of the main goals of the sharia (*maqāṣid al-shari'ah*), which must be maintained by both the individual and the state. In this framework, human life is seen as a trust from Allah SWT. which has sacred value, so no one has the right to take away the life of another except based on reasons justified by the Shari'a.

The principle of respect for human life is affirmed through the strict prohibition of arbitrary killings. The disappearance of life without a valid legal basis is categorized as one of the great sins because it is a violation of the basic rights that Allah has bestowed on every human being.²⁵ This protection does not only apply to Muslims, but also covers all human

²² Ali Muhammad Bhat, "Guardianship of Life: Islam's Stand on Human Sanctity," *Indonesian Journal of Islamization Studies* 3, no. 2 (2026): 184–202, <https://doi.org/10.21111/injas.v3i2.2>.

²³ Hossain K, *STATE'S CONSTITUTION FROM HUMAN RIGHTS PERSPECTIVE*, 26 Juni 2025, <https://doi.org/10.5281/ZENODO.15754194>.

²⁴ Jesse Tomalty dan Kerri Woods, *The Routledge Handbook of the Philosophy of Human Rights*, 1 ed. (Routledge, 2025), <https://doi.org/10.4324/9781003644828>.

²⁵ DR ATIQ UR RAHMAN DR. HAFIZ. M. MUDASSAR SHAFIQUE PROF. DR. ZIA UR REHMAN ., DR. MUHAMMAD SAJJAD MALIK ., DR SADAF SULTAN, "A RESEARCH REVIEW OF THE BASIC

beings regardless of religion, ethnicity, race, or social status. The Prophet (peace and blessings of Allah be upon him) even gave a stern warning against the act of killing non-Muslims who are under the protection of the Islamic state (*ahl al-'ahd*), as he said: "Whoever kills a person who has a covenant (*mu'āhad*), then he will not smell the smell of Paradise." This hadith shows that Islam provides a guarantee of protection of the right to life of every individual who is in the bonds of law and lawful covenants.

In the Islamic perspective, the right to life is a universal right inherent in every human being as a consequence of the glory that Allah bestows upon him (*karāmah al-insān*). Therefore, every human being has an equal position in obtaining protection for his right to life. There is no difference in the value of life based on religion, ethnicity, gender, social status, or political position. Equality is the ethical basis for the enforcement of justice and respect for human dignity in the Islamic legal system.

The normative foundation regarding the importance of protecting the right to life is affirmed in the words of Allah SWT. in QS. Al-Ma'idah [5]: 32:

مِنْ أَجْلِ ذَلِكَ كَتَبْنَا عَلَى بَنِي إِسْرَائِيلَ أَنَّهُ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

"Therefore, We decree for the Children of Israel that whoever kills a man, not because he kills another person or does any harm to the earth, then it is as if he had killed all mankind. And whoever preserves a man's life, it is as if he had preserved the life of all mankind." (QS. Al-Ma'idah [5]: 32).

The verse shows that the Qur'an places human life as a very noble value and cannot be treated arbitrarily. The killing of an individual is seen as an attack on the universal value of humanity, while the attempt to save one life is positioned as a form of protection for all of humanity. Thus, Islam builds a paradigm that respect for the right to life is not only a moral obligation, but also a legal obligation that is the foundation for the realization of justice, security, and benefits in social life.

Although the right to life is very strongly protected in Islam, it is not an absolute and unlimited right. In certain circumstances that have been expressly stipulated by the Shari'a, such as the implementation of *qisās* against intentional murder or punishment for certain criminal acts based on a legitimate judicial process, the revocation of the right to life can be carried out as part of the enforcement of justice and the protection of people's lives more broadly.²⁶ Therefore, the concept of the right to life in Islam must be understood in its entirety within the framework of *maqāṣid al-syarī'ah*, namely as an effort to maintain a

PRINCIPLES OF PEACEMAKING IN THE LIGHT OF PROPHET'S LIFE," Articles, *TPM – Testing, Psychometrics, Methodology in Applied Psychology* 32, no. S5 (2025): Posted 03 August (2025): 1614–21.

²⁶ DR. HAFIZ. M. MUDASSAR SHAFIQUE, "A RESEARCH REVIEW OF THE BASIC PRINCIPLES OF PEACEMAKING IN THE LIGHT OF PROPHET'S LIFE."

balance between the protection of individuals, the enforcement of justice, and the public benefit.

The Death Penalty in the View of Sayyid Quthb

The concept of the death penalty in Sayyid Quṭb's thought is built on a theological paradigm that places the sharia as an instrument to realize benefits (*maṣlaḥah*) and maintain the sustainability of human life.²⁷ In this framework, the death penalty is understood as an integral part of the Islamic legal system that is oriented towards the protection of the fundamental values of life, not just a *retributive punishment* mechanism for the perpetrators of criminal acts. The philosophical basis of this thought rests on the principle that Islam is presented as *raḥmatan li al-'ālamīn*, as affirmed in QS. Al-Anbiyā' [21]: 107. This verse shows that all provisions of sharia, including criminal law, are directed to bring justice, order, and benefits that have an impact on the lives of individuals and society. Therefore, law in the perspective of Sayyid Quṭb has an ethical and social function as an instrument that maintains a balance between individual interests, collective interests, and human responsibilities before Allah SWT.

An analysis of Sayyid Quṭb's work, especially *Fī Zilāl al-Qur'ān*, shows that the protection of the right to life (*ḥifẓ al-naḥs*) is one of the main orientations of Islamic law. This view is closely related to the theory of *maqāṣid al-syarī'ah* which places protection on religion (*ḥifẓ al-dīn*), the soul (*ḥifẓ al-naḥs*), reason (*ḥifẓ al-'aql*), heredity (*ḥifẓ al-nasl*), and Wealth (*ḥifẓ al-māl*) as the five primary needs (*al-d arūriyyāt al-khams*). These five goals are the foundation in the formation of the Islamic legal system so that every criminal provision is directed to maintain the existence of human beings as a whole. Based on this construction, criminalization is seen as a preventive and protective instrument that functions to maintain social stability, ensure public safety, and prevent damage (*fasād*) that threatens people's lives.

Sayyid Quṭb interprets the death penalty as a mechanism to protect the right to life collectively. This perspective departs from the principle of the Qur'an which prohibits the loss of life without a justified reason under the Shari'ah as stated in the Qur'an. Al-An'ām [6]: 151. The prohibition also emphasizes that human life has a sacred position so that the revocation of the right to life only gains legitimacy if it is based on legitimate legal reasons, through a judicial process that meets the principles of justice, and aims to safeguard the wider benefit. Thus, the death penalty is placed as a limiting exception in the Islamic legal system, so its application is limited by strict conditions and cannot be carried out based on subjective considerations or interests outside the provisions of the Shari'a.

In the construction of Sayyid Quṭb's thought, the death penalty is applied to criminal acts that are seen as threatening the sustainability of people's lives while undermining the

²⁷ Mohammad Dawood Sofi, *Rāshid Al-Ghannūshī* (Springer Singapore, 2018), <https://doi.org/10.1007/978-981-10-8761-5>.

main purpose of sharia. The categories of criminal acts include intentional murder (*qiṣāṣ*), adultery *muḥṣan*, *ḥirābah*, *riddah* under certain conditions, *al-baghyu*, as well as some forms of *ta'zīr* criminal acts which is considered by state authorities to endanger public security and welfare. The determination of these types of crimes shows that the orientation of the death penalty in Sayyid Quṭb's perspective rests on the principles of social *protection* and preventing social harm. Therefore, the existence of the death penalty is understood as a legal instrument that aims to maintain social order, create a *deterrence effect*, and maintain the sustainability of the values that are the foundation of common life.

Furthermore, Sayyid Quṭb rejected interpretations that viewed *qiṣāṣ* as a manifestation of revenge or an expression of emotional revenge. According to him, *qiṣāṣ* is a legal mechanism designed to defend human life through the enforcement of justice. The interpretation is based on QS. Al-Baqarah [2]: 179 which states that "*wa lakum fi al-qiṣāṣi ḥayāt*" (in *qiṣāṣ* there is a guarantee of life for you). The verse is understood as an affirmation that the existence of *qiṣāṣ* has a preventive function in reducing the crime rate, providing protection to the community from the threat of violence, and ensuring the fulfillment of the rights of victims and their families through proportional justice mechanisms. Thus, the death penalty in the context of *qiṣāṣ* is positioned as an instrument of protection of life, not as a means of retribution oriented to the suffering of the perpetrator.

There is a paradigm difference that is quite fundamental between Sayyid Quṭb's thought and the contemporary conception of human rights regarding the right to life. The modern human rights paradigm places the right to life as an almost absolute right, thus encouraging the abolition of the death penalty through rehabilitative and restorative approaches. Instead, Sayyid Quṭb viewed the right to life in a more comprehensive perspective by considering the individual, social, moral, and theological dimensions simultaneously. According to him, the protection of the right to life includes the interests of the perpetrators, victims, victims' families, and the security of the community as an interrelated unit. On that basis, the restriction of the right to life for certain perpetrators of certain crimes is seen as a legal mechanism that aims to protect the right to life of the community more broadly, prevent the spread of social damage, and maintain order which is a prerequisite for the realization of common benefits. Thus, the reconstruction of Sayyid Quṭb's thought shows that the legitimacy of the death penalty does not depart from a repressive orientation, but from the paradigm of protection of fundamental values that is the main goal of Islamic sharia (*maqāṣid al-sharī'ah*).

Conclusion

This study concludes that the reconstruction of Sayyid Quṭb's thinking on the death penalty departs from the paradigm of *maqāṣid al-syarī'ah* which places welfare (*maṣlaḥah*) as the main goal of the formation of Islamic law. In this perspective, the death penalty is understood as a legal instrument that functions to protect the five primary interests (*al-d*

arūriyyāt al-khams), in particular the protection of the soul (ḥifẓ al-nafs), so that its orientation is directed towards the maintenance of social order, the prevention of damage (fasād), and the enforcement of justice. Therefore, the death penalty is not constructed as a form of retribution alone, but as a legal mechanism that aims to maintain the sustainability of people's lives collectively.

This study also found that Sayyid Quṭb gave legitimacy to the application of the death penalty to certain criminal acts, such as intentional murder (qīṣāṣ), zina muḥṣan, ḥirābah, riddah under certain conditions, and al-baghyu, provided that its implementation is carried out based on sharia provisions, strict proof, and through a fair judicial process. In his construction of thought, the right to life is seen as a very fundamental right, but its protection is not detached from the responsibility of maintaining security, justice, and the benefit of society as a whole. Thus, the restriction of the right to life for certain offenders is positioned as an exception that gains legal legitimacy if it aims to protect the right to life of the wider community.

On the other hand, this study shows that there is a paradigm difference between Sayyid Quṭb's thought and the contemporary concept of Human Rights. The modern human rights perspective places the right to life as a right that tends to be absolute, thus encouraging the abolition of the death penalty through a rehabilitative approach. On the contrary, Sayyid Quṭb views the right to life in a more integral framework, namely as part of the sharia value system that connects individual rights with collective interests, moral responsibilities, and welfare goals. These differences show that the debate on the death penalty is not solely related to the legality aspect of punishment, but is also rooted in differences in philosophical paradigms regarding the concepts of justice, human rights, and legal goals.

Based on these findings, this study reconstructs Sayyid Quṭb's thinking by placing the death penalty as a legal instrument that is the ultimate remedium, which is an extraordinary sanction that can only be applied to certain criminal acts through a strict, proportionate, and fair legal mechanism. This reconstruction shows that the protection of human rights in an Islamic perspective is not only oriented towards the rights of the perpetrator, but also includes the protection of the rights of the victim, the victim's family, public security, and the maintenance of the main objectives of the sharia.

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