

SIGNIFICANT SPEECHES, EVENTS AND DEVELOPMENTS

Islamic Law Talk Series (ILTS): Death Penalty in Malaysia: Current Issues & The Shariah Perspective (IAIS Malaysia Facebook Live, 3 June 2022)

Muhamad Sayuti Mansor

The trend toward the abolishment of the death penalty has recently become mainstream globally, with the same abolitionist trend gaining traction in the Muslim world. In response to the recent execution of Nagaenthran Dharmalingam, which has reignited debates about the abolition of the death penalty in Malaysia, IAIS Malaysia has organised the Islamic Law Talk Series (ILTS): “Death Penalty in Malaysia: Current Issues & The Shariah Perspective” to address this issue. The forum featured Prof. Dato’ Dr Mohammad Hashim Kamali, a prominent shariah scholar as well as the Founding CEO of IAIS Malaysia, and was moderated by Muhamad Sayuti Mansor from IAIS Malaysia.

Prof Kamali kickstarted the discussion by shedding light on the current global abolitionist trend. He concurred that this is indeed the current practice globally, including in Muslim countries. Even in Muslim countries that have retained the death penalty, the practice of issuing either a moratorium or minimising the number of actual executions has increasingly become the norm as currently being practised in Malaysia. Prof Kamali then proceeded to explain the position of the death penalty in Islamic criminal law (*fiqh al-jinayat*). Although the shariah does recognise this type of punishment, there is no such thing as the mandatory death penalty due to the eminent role of Islamic principles of forgiveness (*’afw*), repentance (*tawbah*) and reform (*islah*) in criminal law. He, later on, concluded by considering the possibilities for the abolishment of the death penalty and exploring its more suitable and effective alternatives from the shariah perspective. The session ended with lively Q&A exchanges with the enthusiastic audience.