

Perspectives on the Death Penalty in Malaysia in Theological Studies of Christian Ethics

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Abstract

The Bible tells us that punishment is not retribution, but punishment is needed to balance the situation resulting from a person's evil deeds. In the Bible, God Himself teaches us to forgive one another. Two views support and oppose the death penalty. We should know that those who receive the death penalty are criminals who have committed horrible crimes and here the death penalty is retribution. As we know that God gives power to the government to punish anyone who commits evil, and the government delegates that power to someone or individuals (as a servant of God) to carry out the task of God's punishment to those who commit evil. In Malaysia, the death penalty still applies to anyone found guilty of murdering a fellow human being. On the other hand, some do not agree with the death penalty because the death penalty is not effective in tackling crimes, and they are more in favor of a life sentence.

Keywords: *Death Penalty, Christian Ethics, Malaysia.*

INTRODUCTION

The issue is whether the death penalty is acceptable for the state to carry out the death penalty, and if so under what circumstances, it has been debated many times since time immemorial. The death penalty is a practice that is carried out upon a person as a punishment for a particular crime after reasonable talk of the law. Generally, the punishment decided by the court involves being killed in retaliation for crimes, whether it is in spite, shooting, hanging, death injection and so on and death penalty is used in many countries around the world.

For millennia, the death sentence has been employed to deter and punish crime all around the world.¹ Some archaeologists claim to have discovered archaic cave paintings depicting executions.² The first legal allusions to execution punishment may be found around

¹ Ahmad Irzal Fardiansyah, "Why Indonesia Maintain Capital Punishment?," *Fiat Justisia: Jurnal Ilmu Hukum* 15, no. 1 (February 16, 2021): 25–38, <https://doi.org/10.25041/fiatjustisia.v15no1.1904>.

² Jan F. Simek and Alan Cressler, "Issues In The Study Of Southeastern Prehistoric Cave Art," *Midcontinental Journal of Archaeology* 26, no. 2 (2001): 233–50, <https://www.jstor.org/stable/20708161>.

1750 B.C. with the Code of Hammurabi.³ The Bible's Old and New Testaments are filled with allusions to the use of death as a punishment for different transgressions. The crucifixion of Jesus Christ was perhaps one of the most notable killings by a state of a suspected criminal. According to Subhash Gupta, Deputy Secretary of the Indian Red Cross Society, "there is virtually no place in the world where the death sentence has never existed."⁴

However, on May 18, 2012, according to Amnesty International, 141 countries had abolished the death penalty and on December 18, 2008, the United Nations accepted resolution 63/168, calling on countries that still practice the death penalty to freeze the death penalty with the aim of being taken prisoner in the end. In 2002 in Rome, the number of countries in the country opposed to the Death Penalty was realized, and on October 10, 2006, the day were made World the Death Penalty.

In the human rights discussion, the death penalty is constantly at the forefront. It is a contentious topic since no one agrees on how to spend this capital. Most countries' criminal systems include some form of punishment. The debate stems mostly from differing interpretations and perspectives on the idea or notion of human rights.⁵ Aziz quate Fitzjames, James Stephen, amongst the proponents of death penalty, believes that "there is nothing that it is desirable to safeguard at the cost of human life, but human life itself, or the survival of government and society."⁶ As a result, he agrees with individuals who support the death sentence because they see it as a means of protecting human rights.⁷

If these figures are right, Malaysia has one of the world's highest per capita numbers of drug addicts and users, a possibility that the government strongly denies yet is backed by its own official statistics. Malaysia's social fabric influences public perceptions of the drug epidemic. Malaysia, despite government protestations, is a deeply split nation with significant ethnic, social, and religious conflicts. There are three primary ethnic groups in the country: Malay (53%), Chinese (36%), and Indian, mostly Tamil (11%). By legislation, all Malays are Muslim, and Islam is the state religion. The United Malays' National Organization (UMNO) Party leads the current administration, which is a coalition of Indian, Chinese, and Malay

³ Oliver Pickup, "The History of the Death Penalty," Raconteur, 2018, <https://www.raconteur.net/the-history-of-the-death-penalty/>.

⁴ Ariane M. Schreiber, "States That Kill: Discretion and the Death Penalty—A Worldwide Perspective," *Cornell International Law Journal* 29, no. 1 (1996): 264–327.

⁵ Shamrahayu Abdul Aziz, "The Continuing Debate On Death Penalty: An Exposition Of International, Malaysian And The Shari'ah Perspective," *IIUM Law Journal* 23, no. 1 (May 15, 2015): 61–84, <https://doi.org/10.31436/iiumlj.v23i1.156>.

⁶ Abdul Aziz.

⁷ Abdul Aziz.

parties. In addition to this broad ethnic and political mix, there is a wide range of socioeconomic classes.⁸

Malaysia is one of the 56 countries that has steadfastly maintained the death sentence. According to Section 277 of the Criminal Procedure Code, "When any person is sentenced to death, the sentence shall instruct that he be hung by the neck until he is dead..." Women who are pregnant at the time of sentencing, children (those under the age of 18 at the time of the offense), and those of unsound mind are not eligible for the death penalty.⁹ As of 2017, Malaysia has 1,122 convicts on death row, with 799 (71%) of them sentenced to death for drug trafficking, including 416 (37%) foreigners (Amnesty International 2017b). This demonstrates that a large proportion of Malaysian inmates are condemned to death for drug trafficking. Harm Reduction International, a major London-based non-governmental organization, has designated Malaysia as a "High Application State" for the use of the death sentence for drug offenses.¹⁰

DISCUSSION

What is death penalty?

The death penalty is a sentence imposed on a person or perpetrator or offender, after considering the opinion of the judge who finds the offender guilty, where the offender consists of taking the life of a person who has committed a serious crime or the act of a person who violates the laws of that country. However, the death penalty can only be carried out by the ruling party or the kingdom after talks that establish a sentence that takes a person's life.¹¹

Quoting Syaputra quoting Job Tory S. K. (2002), mentioning that the death penalty was used around the 17th to 18th centuries BC by King Hammurabi (Hammurabi *Code*) of Babylon (who composed the Talion Law and its famous phrase

⁸ Sidney Harring Death, Drugs and De Death, Drugs and Development: Malaysia delopment: Malaysia's Mandate s Mandatory Death y Death Penalty for penalty for Traffickers and the International W ers and the International War on Drugs. *COLUMBIA JOURNAL OF TRANSNATIONAL LAW*. 1991. https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1315&context=cl_pub

⁹ Rueben Ananthan Santhana Dass, "Death Penalty in Malaysia: To Abolish or Not to Abolish," *Malayan Law Journal* 19, no. 2 (2019): 1–32, https://www.researchgate.net/publication/341538939_Death_Penalty_in_Malaysia_To_Abolish_or_Not_to_Abolish.

¹⁰ Dass.

¹¹ Mufti Makarim, "Beberapa Pandangan Tentang Hukuman Mati (Death Penalty) Dan Relevansinya Dengan Perdebatan Hukum Di Indonesia," *ELSAM: Lembaga Studi Dan Avokasi Masyarakat*, 2014, <https://Referensi.Elsam.Or.Id/Wp-Content/Uploads/2014/12/Beberapa-Pandangan-Tentang-Hukuman-Mati-Death-Penalty-Dan-Relevansinya-Dengan-Perdebatan-Hukum-Di-Indonesia.pdf>.

"eyes for eyes, teeth for teeth").¹² In the 14th century BC to 5 BC, the death penalty was also used in Athens (*Dracodian Code*) and the Roman Empire (*Twelve Tablets*). The use of the death penalty has also been used under the auspices of English royal law in the 10th century.¹³ However, we can see that the death penalty has existed in man since ancient times. The term used for this death penalty comes from the Latin "*poena mortis*," a sentence imposed in Rome.¹⁴ The penalty (death penalty) which is a penalty for lawlessness is not a discipline or an act to correct one's behavior, but a countermeasure to fairness. A murderer will not be able to correct his behavior by the way he is put to death; he only receives fair retaliation for his deeds. The death penalty is God's mandate (Gen. 9:5, 6).¹⁵ David Guzik in *bible-commentary*, explains the death penalty as follows

In Hebrew as well as English there is a difference between killing and murder. Unlike *killing*, murder is the taking of life without legal truth (execution after legal process) or moral truth (murder in defense). Guzik quoting the emperor says the use of the word or word "*rasah*" which comes from Hebrew, has seven words to kill... If any of the seven words or utterances can signify '*murder*,' in which factors of planning and intentionality are present, this is the verb. If murder (planning and intentional factors present) is carried out correctly, then the death penalty is murder with justification or legal correctness.¹⁶

Should that someone be sentenced to death?

The author argues that the freedoms of human beings contained in "Human Rights (HAM)" should be limited through the instruments of the Act. The institution of the death penalty for murder directs (instructs) man to respect the blood (that is, life) of mankind. Man, created in the image of God, must not be deprived of his life, or taken by others, unless ¹⁷that person is set apart as punishment for murder.¹⁸ Tim Black wrote in

¹² Makarim.

¹³ Syaputra R.X. Djauhari Saleem, "Pidana Mati Di Indonesia Dalam Lingkup Masyarakat Internasional" (Yogyakarta, 2022), https://www.academia.edu/13410019/pidana_mati_di_indonesia_dalam_lingkup_masyarakat_internasional?auto=download&email_work_card=download-paper.

¹⁴ Makarim, "Beberapa Pandangan Tentang Hukuman Mati (Death Penalty) Dan Relevansinya Dengan Perdebatan Hukum Di Indonesia."

¹⁵ Henry Clarence Thiessen. *Teologi Sistematika*, (Malang: Penerbit Gandum Mas. 1992) 298.

¹⁶ David Guzik. *Enduring Word and Blue Letter Bible*. <https://enduringword.com/bible-commentary/exodus-20/>

¹⁷ Human rights or freedoms are rights that an individual has on the side of the law. Human rights are sometimes regarded as one's self-sufficiency. In the context of human beings, human rights mean that all human beings are free and have equal rights regardless of religion, nation, ancestry, color,

"The Ten Commandments A Study Guide", stating "The sins prohibited in the sixth commandment of the Ten Commandments are, taking (scowling) our own lives, or those of others, *except* in the case of *public justice*, war, or in the case of defending ourselves from the murderer or murderer."¹⁹

Quoting Diastama Anggita Ramadhan, religion is one of the main reasons why the death penalty is imposed on people, especially in Islamic countries such as Saudi Arabia and Pakistan and in other Islamic countries including Malaysia..

Religion is one of the reasons for judges to punish someone who has committed a crime. A state with a religious affiliation may mean that its religion influences its system of law, such as Islam with its Shari' a law in Saudi Arabia and Pakistan. Both these countries have a religion which encompasses almost all the aspects of the legal and political sphere and are deeply intertwined with one another. In this type of country, the death penalty practice will gain majority support either from politicians and lawmakers or from the people.²⁰

To quote Geisler who quotes C.S. Lewis in the book *God in the Dock* 1970, 226) "To be sentenced, however severe, because we deserve it, because we must be smarter, is to treat him as a human being in the image of God", because his guilt he deserves to be punished. Thus, the death penalty is the highest respect for human dignity."²¹

Quoting Shaputra who quoted Jeremy Bentham as arguing that the punishment is remedial and is used not for the retribution of the perpetrator but to prevent crime, in fact according to Lambroso the death penalty is an absolute tool that must exist in society to eliminate individuals who are declared guilty and cannot be corrected anymore.²² In a *bbc.co.uk* report on *capital punishment*, Justices A.S. Anand and N.P. Singh, at the *Supreme Court of India*, in the case of Dhananjay Chatterjee stated,

language and others. On that basis, human rights are often a demand that every human being be treated equally and fairly.

¹⁸ Robert L. (Bob) Deffinbaugh. "An Overview of the Ten Commandments." *Assets*, December 1, 2014. https://assets.speakcdn.com/assets/1649/deffinbaugh_exodus_20.pdf.

¹⁹ Tim Black. *The Ten Commandments A Study Guide* (2006). <https://www.alwaysreformed.com/publicdocs/papers/Exodus%2020.02-17%20The%20Ten%20Commandments%20-%20Study%20Guide.pdf>

²⁰Diastama Anggita Ramadhan. *Several Strategies To Abolish The Death Penalty In Developing Country*. Jurnal Law Reform Volume 14, Nomor 2, Tahun 2018. <https://ejournal.undip.ac.id/index.php/lawreform/article/download/20866/14102>

²¹ Norman L. Geisler, *Etika Kristen Pilihan dan Isu Kontemporer - Edisi Kedua*, (Malang: Literatur SAAT, 2021, 244.

²² Saleem, "Pidana Mati Di Indonesia Dalam Lingkup Masyarakat Internasional."

The measure of punishment in each case must depend upon the atrocity of the crime, the conduct of the criminal and the defenseless and unprotected state of the victim. Imposition of appropriate punishment is the way the courts respond to the society's cry for justice against the criminals. Justice demands that courts should impose punishment befitting the crime so that the courts reflect public abhorrence of the crime.²³

The Reasons for Theological as Basis Capital Punishment.

Ligon Duncan states that in Exodus 21 and in Genesis 9, the biblical and theological principles for supporting the death penalty are different from political reasons. You will never get anywhere in the Bible that the death penalty will hinder the amount of violence. There is no demand for revenge. There is no demand for protection, because the Biblical reason for the death penalty is the image of God and the holiness of life. Therefore, God said that the life of the murderer must be taken or taken away.²⁴

Verkuyl writes in the book *Christian Ethics*, many theologians argue that the kingdom should be given the right to enforce or carry out the death penalty on the grounds: First. In Genesis 9:6, the Bible states for the first time that the duty of the kingdom says, "whoever sheds the blood of man, his blood shall be shed by man, for God made man in His own image." Secondly, In the New Testament it is mentioned that the kingdom was empowered "to bear the sword" (Rom. 13:4) where the term "sword" represents the death penalty as a possible last act used against the guilty. Third, theologians view the death penalty as a sign of God's wrath, as a supply for the end times.²⁵ Henry C. Thiessen stated that punishment comes from justice so that there is no intention to correct the unlawful party (Ezekiel 28:22; 36:21, 22; Revelation 16:5; 19:2). Nor will punishment lead to anything good unless the convicted is worthy of punishment.²⁶

Biblical Fundamentals for the Death Penalty.

In the Old Testament the death penalty was imposed on people who misbehaved various or more appropriate acts such as: murder (Exodus 21:12), kidnapping (Exodus 21:16), sex with animals (Exodus 22:19), adultery (Leviticus 20:10), homosexuality

²³ BBC. "Arguments in favour of capital punishment." *Retribution*, https://www.bbc.co.uk/ethics/capitalpunishment/for_1.shtml.

²⁴ Ligon Duncan. "Capital Punishment: Biblical or Barbaric? (Exodus 21:12-17)." *Reformed Theological Seminary*, 2002. <https://rts.edu/resources/capital-punishment/>.

²⁵ J. Verkuyl, *Etika Kristen*, (Jakarta: BPK Gunung Mulia, 2015), 154.

²⁶ Henry Clarence Thiessen. *Teologi Sistematis*, (Malang: Gandum Mas 1992) 298.

(Leviticus 20:13), being a false prophet (Deuteronomy 13:5), prostitution and romance (rape) (Deuteronomy 22:4) and various crimes other. We can see in Genesis 9:6, God has decreed that: "Whoever sheds the blood of man shall be shed by man, for God made man in His own image."

Norman Geisler in the book *Christian Ethics – Contemporary Choices and Issues* (2nd edition, 2021), states that the death penalty has been around all the time again and we can see in the Old Testament (OT) and in the New Testament (New Testament) instead Jesus Himself declared N-Ny's coming into this world not to negate the law (Matthew 5:17). According to Geisler,²⁷

1. The necessity of the death penalty is embodied in man's nature. Man, whether male or female, is created in the image and likeness of God (Gen. 1:27). Both resemble and represent God in this mortal world.
2. God gives the power to put to death to the kingdom (government). *There was the death penalty before the time of Noah, but the opportunity was given to the kinsmen to take revenge on the murderer (Gen. 4:14). With the death penalty, God took justice from the hands of the family of the murdered person and placed the sword in the hands of the kingdom (government). Using this method justice can be upheld with the aim of removing the factors of one's revenge and emotional anger.*
3. The death penalty was incorporated into the law of Moses. Moses extended the death penalty to less-than-great crimes and the punishment remained even though the uniqueness of Moses' sentence had been abolished (Hebrews 7-8).
4. The death penalty was reaffirmed in the New Testament. A sword given from above to the human kingdom for the death penalty. (Gen. 9:6) we can clearly see in the New Testament (Rom. 13:4). Jesus confessed it before Pilate (John 19:10-11), as Paul did before the Roman rulers (Acts 25:11).²⁸

Love and the Death Penalty Are Not Contradictory.

If love and the death penalty are separated from each other, then Christ's sacrifice is futile. "For God so loved the world, that he gave his only begotten son" (John 3:16). Jesus said, "There is no greater love than the love of a man who lays down his life

²⁷ Norman L. Geisler, *Etika Kristen Pilihan dan Isu Kontemporer - Edisi Kedua*, (Malang: Literatur SAAT, 2021), 257-259.

²⁸ Norman L. Geisler, *Etika Kristen Pilihan*, 234.

for his friends" (John 15:13). Love and punishment are not only a matter of course, but also the principle behind the death penalty is the principle that makes the cross necessary. This is the principle of "life *for life*."

The concept behind "replacing" redemption, i.e., uprooting lives to redeem lives (Im.17:11), is what makes the death penalty necessary for capital crimes. If there is any other way to satisfy justice and give up grace, then surely God has found it rather than having to sacrifice His beloved Only Begotten Son (2 Cor. 5:21; 1 Pet. 3:18). In fact, if the death penalty had no effect in the first century, then Jesus would not have died for our sins. Geisler wrote that "the death penalty increases the value of life, not degrades it". For the more serious the punishment for murder, the higher the value we place in the murdered person.²⁹

When the Pharisees brought to Jesus a woman caught in adultery and asked Him if she needed to be stoned, Jesus replied "Whosoever among you is sinless, let him be the first to throw a stone at the woman" (John 8:7). This event should not be stated that Jesus rejected the death penalty, but Jesus only revealed the hypocrisy of the Pharisees. The Pharisees wanted to trap Jesus into breaking the Old Testament and they didn't care about the woman to be stoned at all, the issue that needed to be answered was where was the male partner in the adultery?

We must know that God has the highest standard of all His creatures because He is perfect. This standard is set not only for us but also for Himself. Even so, God's love and mercy are infinite. We see that His wrath is infinite, but all this is kept in balance. We must recognize that God has given the kingdom (government) the power to determine when the death penalty should be imposed (Gen. 9:6, Rom. 13:1-7). It is therefore not true to say that God opposes the death penalty and at the same time, Christians should not resist the kingdom's right to impose the death penalty on those who commit crimes commensurate with their cruel deeds.

Implications of Positive in the Death Penalty

The death penalty is the highest respect for human dignity. To quote Geisler quoting C.S. Lewis, "To be sentenced, however severe, because we deserve it, because

²⁹ Norman L. Geisler, *Etika Kristen Pilihan*, 243.

we must be smarter, is to be treated as a created human being in the image of God,"³⁰ "for his guilt he deserves punishment."³¹ This shows how much value God gives to human lives.³² *Second*, the death penalty rewards the perpetrator of the crime. A person who commits a crime intentionally deserves the punishment he deserves, not be treated as an object of manipulation. *Third*, the death penalty acts on the correct view of justice. The Biblical view of justice is punitive, not remediate. The main goal is moral, not therapeutic. "The Old and New Testaments clearly show that God Himself punishes sin (Ex. 20:5; Jer. 18:4, 20), and He demanded that the kingdom (as God's representative on earth) do so. Paul declared that "the law of sin is death" (Rom. 6:23), and it is in this way that his sense of justice is fulfilled."³³ *Fourth*, the death penalty precludes evil (Deuteronomy 17:13), the perpetrators of the dead crimes cannot repeat their crimes. The average person thinks twice if it would be against the law if he truly believed he would be severely punished. *Fifth*, the death penalty protects the lives of innocent people. The death penalty protects the lives of innocent people in three ways. First, the best progress placed on human lives that results in our respect for nurturing and protecting lives. Second, when properly executed, this punishment raises the fear of God in others who are would-be murderers. Third, this punishment prevents repeated crimes against the perpetrators of major crimes.³⁴

Thomas Aquinas, a vocal proponent of the death penalty argues that sin entails the loss of some good, such as, in serious case, worldly goodness or even eternal life. By allowing the death penalty, the person who commits the wrong is put in a position to atone for his evil deeds and escape the punishment in the next life. After recording this matter, St. Thomas added that although the criminal did not repent, he benefited from being deterred from committing more sins. The death penalty carried out by the government to criminals is seen as "retaliation by negara as a servant of God - which becomes symbolic of God's perfect justice" and protects its citizens from enemies of the state, both from within and from outside.³⁵ We should also know that in many who support the death penalty against wrongdoers, but there are also voices that support

³⁰ Norman L. Geisler, *Etika Kristen Pilihan*, 261-262.

³¹ Norman L. Geisler, *Etika Kristen Pilihan*, 245.

³² Norman L. Geisler, *Etika Kristen Pilihan*, 244.

³³ Norman L. Geisler, *Etika Kristen Pilihan*, 241.

³⁴ Norman L. Geisler, *Etika Kristen Pilihan*, 62.

³⁵ Avery Cardinal Dulles. "Catholicism & Capital Punishment." *First Things*, April 2001.
<https://www.firstthings.com/article/2001/04/catholicism-capital-punishment>.

the abolition of the death penalty. A little bit as much as the view regarding the abolition of the death penalty.

Supporters of the Abolition of the Death Penalty.

As we know that the debate (discussion) over the death penalty will not end, instead leading to *rationalization* and *defense mechanisms*. Quoting Paskalis Ola Rongan in his article "Christian Religious Views on The Death Penalty" states that what is clear is that the motivation of Christian in favor of abolishing the death penalty, has several reasons.

1. Man is a creation/image of God, full of sinners (his sins to be hated, not his man).
2. Jesus Christ is full of love, who forgives and invites peace.
3. The opportunity must be given to man to begin a new chapter in God.
4. Evil deeds committed by criminals are the result of society and reflect the state of society, which contributes to and is responsible for someone who becomes a criminal. Pope John Paul II on many occasions personally urged that pardons be granted to those sentenced to death.³⁶

In view of the Katolik church it is stated as follows

"The Catholic Magisterium in recent years has become increasingly vocal against the death penalty. Pope John Paul II in the *Evangelium Vitae* states that because of constant improvements in the structuring of the penal system in which the execution of offenders is necessary, it is extremely rare if not practically absent. Then in St. Louis in January 1999, the Pope called for a deal to end the death penalty on the basis that it was cruel and unnecessary. The bishops have a lot of similar talk.³⁷

The Practice of Death Penalty in Malaysia

Malaysia is one of the countries that practice Islamic teachings even though in the Constitutional Law, Malaysia is a secular country, and practices the death penalty. A little bit as much about Malaysian law that provides for the death penalty to wrongdoers. Malaysia is one of the 56 countries still practicing the death penalty.³⁸

³⁶ Paskalis Ola Rongan. *Pandangan Agama Kristen Terhadap Hukuman Mati*.

³⁷ Mgr. I. Suharyo. "Hukuman Mati Dalam Pandangan Gereja Katolik." *Keuskupan Agung Jakarta*, July 28, 2016. <https://www.kaj.or.id/read/2016/07/28/10625/hukuman-mati-dalam-pandangan-gereja-katolik.php>.

³⁸ Azmadi Samsuddin. "Hukuman Mati di Malaysia." *The Center: Research and advocacy of progressive and pragmatic policy ideas*, September 16, 2019. <https://www.centre.my/post/hukuman-mati-di-malaysia>.

Where the hanging technique is to use a rope attached to the neck to break the nape of a person who is declared wrong is used for the death penalty. In The Institution of Fellowship, Case 5 (1) states that "no man shall be taken his life or stripped of his liberty except according to the law." Indirectly, Malaysia's state legal system justifies the execution of the death penalty for certain errors. If we look at the chart image below, there are 32 errors under 8 different deeds that have an appropriation to the person who was declared wrong for the death penalty in Malaysia. Of these 32 errors, 11 errors prescribe the death penalty where the death penalty is the only penalty that can and must be imposed upon an individual found guilty.

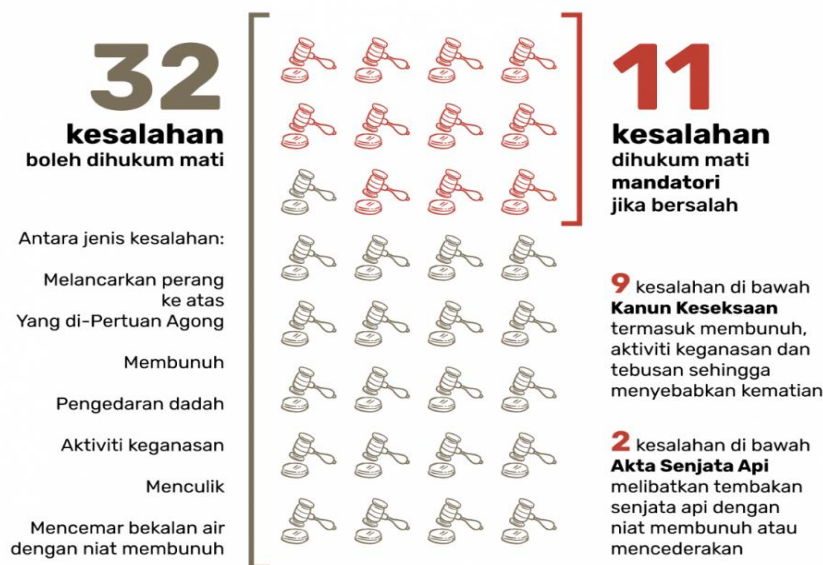


Figure 1. Guilt is punishable by death and guilt is punishable by mandatory death if be at fault.

In Malaysia, the number of people in prison who will serve the death penalty was 930 in 2012 and this number increased to 1,278 in 2019 for wrongdoing various crimes and not just relying on the guilt of killing. It is clear that the death penalty in Malaysia can be divided into two categories, namely

(1) Individuals who must be punished with the death penalty (mandatory death penalty) such as murder, drug trafficking³⁹; and

³⁹ The most appropriate mandatory punishment is the punishment that has been prescribed by law that must be imposed by the court if the accused has been charged with the offence without choice or substitution to another sentence such as the mandatory death penalty. KHIRUL BAHRI BASARUDDIN. "Mansuh hukuman mati mandatori bukan maksud tiada hukuman mati." *BeritaHarian*, July 18, 2022.

(2) A person who gives a speech to a judge in imposing punishments such as kidnapping with the aim of killing, waging war on the Yang di-Pertuan Agung, Raja or Sultan or Yang di-Pertuan Negeri (lands that do not have a King or Sultan). In principle, the death penalty is imposed for grossly wrongdoing.⁴⁰

According to Amnesty International's 2018 Report on the death penalty, Malaysia ranks fourth highest in carrying out the death penalty in the Asia Pacific region. Among Southeast Asian countries, Malaysia is a country that still carries out the death penalty other than Indonesia, Thailand, Singapore, and Vietnam.



Figure 2. Amnesty International Report 2018.

CONCLUSION

<https://www.beritaharian.sg/dunia/mansuh-hukuman-mati-mandatori-bukan-maksud-tiada-hukuman-mati>.

⁴⁰ Razman Abdul Rahim. "Hukuman mati dan pengurangan jenayah: Kekal atau hapus?" *astro awani*. June 30, 2020. <https://www.astroawani.com/berita-malaysia/hukuman-mati-dan-pengurangan-jenayah-kekal-atau-hapus-249154>.

The study outlines some considerations from several sources of thinkers about the death penalty and after the author looks at it from a Biblical point of view, the researchers make the conclusion that the death penalty should be continued with certain crimes referring to the death penalty and mandatory punishment that are on the road in Malaysia, and based on biblical considerations such as: first, in Gen. 9:6, the Bible says for the first time about the duty of the Kingdom. It is stated that "whoever sheds the blood of man, his blood will be shed by man, for God makes man in His own image". Second, in the New Testament it is mentioned that the kingdom or government was authorized (authority) "to bear the sword" (Rom. 13:4). The sword symbolizes the death penalty as a possible punishment of the latter. With the death penalty and mandatory punishment specifically in Malaysia especially, there is a positive impression in certain types of crimes, and this proves that the death penalty should be carried out so that every human being maintains the harmony of the lives of others and each human being can guard himself. By applying the death penalty to certain crimes (tough crimes), Malaysia does not in any way violate international treaties or laws especially about the death penalty.

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