

قتل الرحمة رؤية فقهية مقاصدية قانونية

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Mercifull Killing **A Legal Fiqhi Maqasidi Perspective**

*Hamza A. Hammad**

ABSTRACT

This study aimed at showing the position of the Islamic doctrine of mercifull killing. The study explained the meaning of Mercifull killing and its forms. The study reached a conclusion that mercifull killing carries two forms; one of these forms is a positive killing, while the other one is negative. The positive killing is not legal according to Islamic doctrine and the doctor is considered premeditated murderer. The negative mercifull killing has two forms: The first form can be due to the patient, pause of taking the diseases. The study found out that in this case taking treatment is considered obligatory and stopping it is not legal in the Islamic doctrine. The second form of the negatives is the doctor stopping giving treatment to the patient and in this case the doctor is considered committing the premeditate murder according to specific conditions mentioned in the study. Also, the study concluded that removing the intensive care sets of the patient, is not considered a type of the Mercifull Killing, The study recommended more doctrine research that investigates in this update medical conditions.

Keywords: Mercifull Killing, Forms of Mercifull Killing, the Position of the Islamic Doctrine of Mercifull Killing, Criminal Responsibility.

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