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## Human Rights in Islamic Perspective

Salamatul Lasmi<sup>1</sup> , Zhang Wei<sup>2</sup> , Shanshan Xu<sup>3</sup> 

<sup>1</sup>Universitas Gadjah Mada, Indonesia

<sup>2</sup>University of Missouri, Columbia

<sup>3</sup>Texila American University, Guyana

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### ABSTRACT

**Background.** The most basic right that Allah SWT has given to mankind is human rights.

**Purpose** The purpose of this is that in the teachings of Islam, the Qur'an and As-Sunnah focus attention on neglected human rights. In fact, with the presence of Islam, one of its goals is to elevate the dignity of mankind and provide teaching with friendly teachings.

**Method.** This type of research is qualitative, namely researchers directly researching tahfiz teachers at the tahfiz house. This research was conducted using qualitative methods, by conducting observations and interviews at the nurul yaqin tahfiz house, namely through ustazah hernita as a teacher at the tahfiz house.

**Results.** Islam came, humans were In the past, before Islam came, humans were treated unnaturally and employed arbitrarily without paying any attention to human values.

**Conclusion.** Therefore, this paper seeks to explain and analyze the nature of human rights from an Islamic perspective with its principles and maqashid al-syari'ah.

### KEYWORDS

Human, Islamic, Perspective

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### INTRODUCTION

The term Human Rights (HAM) has become an endless discussion to be echoed and fought for (Danecek dkk., 2021). Inherent human rights such as freedom and equality are not a gift from a person or a country. However, human rights are an honor given by Allah SWT to humans since they were born into this world (Lundberg dkk., 2020). But most humans do not understand the rights that are pinned to them, so humans cannot carry out their duties and obligations as caliphs on this earth (Li dkk., 2020). The importance of awareness of Muslims to better understand their rights based on the Qur'an as a guide should continue to be done (Ibtehaz & Rahman, 2020). Historically, Islam has contributed in terms of building a great civilization including

Historically, Islam has contributed to building a great civilization, including contributing to the upliftment of human dignity (Chen dkk., 2019). So actually, it is not a strange word if Islam is said to be a religion of humanity.

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#### Correspondence:

Salamatul Lasmi,  
[salamatullasmi@gmail.com](mailto:salamatullasmi@gmail.com)

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One form of respect for humans is to maintain their survival. All humans deserve protection and avoid discrimination, exploitation and violence without distinction (Carter dkk., 2020). Among its many teachings, the teaching of human rights, whose first stone has historically been laid since Islam was born, precisely at the end of the 6th century AD (Zhong dkk., 2020). Since the sixth century AD, Islam has endeavored to abolish slavery and foster human rights. Although, in the early days of Islam, the implementation was carried out in stages (*tadrîj*) so that the eradication of slavery was not done at once (Di Valentino dkk., 2021). Islam teaches its people to respect and recognize the rights of a person's life. Islam teaches that life and death are in the power of Allah SWT the Almighty (Fraga dkk., 2019). So that no one can interfere with the right to life of others (Fang dkk., 2019). In addition, Islam also teaches that in addition to every person must be guaranteed the right to life and freedom, let the rights of the congregation (public rights) take precedence over individual rights.

Sehingga dapatlah dikatakan bahwa HAM dalam Islam sebenarnya bukan barang asing, karena wacana tentang HAM dalam Islam lebih awal jika dibandingkan dengan konsep atau ajaran lainnya (Kim et al., 2022). In other words (Bai dkk., 2019), Islam comes inherently with human rights teachings. As stated by al-Maududi, the teachings on human rights contained in the Magna Charta Charter only emerged 600 years after the arrival of Islam (Feichtenhofer dkk., 2019). In addition, Weeramantry's view that Islamic thought on social, economic and cultural rights predates Western thought is reinforced. (Hampson dkk., 2001). Islamic teachings on human rights can be found in the main sources of Islamic teachings, namely the Qur'an and Hadith, which are normative teaching sources (Susanti dkk., 2023), as well as in the practice of Muslim life (Kurniawan dkk., 2023). The milestone of Islam's alignment with human rights is the approach of the Medina Charter which was followed by the Cairo Declaration (Karras dkk., 2020). Aji, A. M. (2015) (Andra dkk., 2023):<sup>2</sup> Seen from the perspective of human rights, the trichotomy of relationships shows that the universe and humans must cooperate with each other to fulfill *sunnatullah* and obtain the pleasure of Allah. (Benitez dkk., 2020), Human rights in Islam are different from human rights in the commonly recognized sense. Because all rights are obligations for the state and individuals that should not be ignored (Murray dkk., 2020). The Prophet once said (Putri dkk., 2023): "Indeed your blood, your property and your honor are forbidden to you." So the state not only refrains from touching these basic rights, but has an obligation to provide and guarantee these rights (Johanna dkk., 2023). For example (Wen dkk., 2019), the state is obliged to guarantee social protection for every individual without distinction of gender, nor distinction of Muslim and non-Muslim. Islam does not only make it an obligation of the state, Gufron, M. (2017)

## RESEARCH METHODOLOGY

This type of research is qualitative research that describes the way or method used to examine how the form of *muraja'ah* in improving memorization of the Qur'an at the *nurul yaqin tahfiz* house located in *jorong simpang nagari batagak sub-district sungai pua high hill*. The research model is a case study, that the researcher directly interviews the *tahfiz al-qur'an* teacher, namely one of the teachers and also students who study *tahfiz* which is located in *Bukittinggi*. In this study, researchers used data collection techniques with observation, namely researchers directly observed the learning process, and the application of the *muraja'ah* system in *tahfiz* houses. (Sobaih dkk., 2020). Interviews are researchers communicating directly with teachers and students, and asking about the *cheapja'ah* method at the *nurul yaqin tahfiz* house. So continue with the discussion technique, namely the researcher gives several questions to those who want to be interviewed, namely teachers and students, the term is a question and answer about the use of the *muraja'ah*

method carried out in the tahfiz house. (Lubis & Ismet, 2019). Finally, documentation is that apart from interviews and observations, researchers get information through letter documents, photos and also the results of meetings or opinions contained in this tahfiz house. Data analysis techniques based on the source of the subject, namely the tahfiz teacher and also students can help research get a lot of information from various methods used in memorizing the Qur'an and also the muraja'ah system.

## **RESULT AND DISCUSSION**

### **Concept and Definition of Human Rights**

Human Rights consists of three words, namely "rights" which means right, property, power to do something. "Asasi" means basic and basic action. Thus, Human Rights means basic or basic rights for every individual such as the right to life and the right to protection and other appropriate rights. "Human" means a person or creature who is virtuous. Furthermore, in terms, Human Rights are a set of rights inherent in the nature and existence of humans as creatures of God Almighty and are His gifts that must be respected, upheld and protected by the State, law, government and everyone for the sake of honor and protection of human dignity. This means that Human Rights are basic rights inherent in humans by nature as a gift from Allah swt which must be respected, protected and should not be deprived by anyone. Aminah, S. (2010):2

Article 1 of Law Number 39 of 1999 concerning Human Rights states that "Human Rights are a set of rights inherent in the nature and existence of humans as creatures of God Almighty and are His gifts that must be respected, upheld, and protected by the state, law, government and everyone, for the sake of honor and protection of human dignity." Gufron, M. (2017):2

The development of world human rights thought stems from:

### **Magna Charta**

In general, experts in Europe argue that the birth of human rights in the European region began with the birth of the Magna Charta which, among other things, contains the view that the king who previously had absolute power (the king who created the law, but he himself was not bound by the law he made), became limited in power and began to be held accountable before the law.

### **The American declaration**

The next development of human rights was marked by the emergence of the American Declaration of Independence, which was born from the ideas of Rousseau and Montesquieu. It began to be emphasized that humans are free since they are in their mother's stomach, so it is not logical that after birth they should be shackled.

### **The French declaration**

Furthermore, in 1789 the French Declaration was born, where the provisions on rights were further detailed as contained in The Rule of Law which, among others, reads that there should be no arrest without a valid reason. In this regard, the principle of presumption of innocence applies, meaning that people who are arrested, then detained and accused, have the right to be declared innocent, until there is a court decision with permanent legal force that declares them guilty.

### **The Four Freedoms**

There are four rights to freedom of speech and expression, the right to freedom of religion and worship in accordance with the teachings of the religion he needs, the right to freedom from poverty in the sense of every nation trying to achieve a peaceful and prosperous level of life for its population, the right to freedom from fear, which includes efforts, reduction of armaments, so that no nation is in a position to want to carry out attacks on other countries. Gufron, M. (2017):2-4

## Definition of Human Rights in Islam

To understand the concept and nature of human rights in Islam, we will first explain the basic understanding of human rights. In Arabic, human rights are known as (Haqq al- Insân al-Asâsî or also called Haqq al-Insân ad-Darûrî), which consists of three words, namely: a. the word right (haqq) means: belonging, possession, authority, power to do something, and is something that must be obtained. b. the word human (al-insân) means: a creature of reason, and functions as a legal subject. c. asasi (asâsî) means: basic or basic. Human rights in Islam have been discussed since long ago. If we look at the history of the constitution in Islam, there are two declarations whose contents include human rights, namely the Medina Charter and the Cairo Declaration.<sup>8</sup> First, about the Medina Charter which when the declaration was made by the Prophet Muhammad SAW in 622 AD was an agreement on the rules that would be applied to the people of Medina. The Medina Charter that occurred when the Apostle emigrated to the city of Medina, one of which contains recognition and affirmation related to groups in the city (Islam, Jews, and Christians) is one nation and state. Thus, affirmation and recognition to various groups to work together as one nation. This shows clearly that the Medina Charter recognizes the existence of human rights for each party that agrees and in the Medina Charter, human rights have been recognized by Islam.<sup>9</sup> That one basis has been laid by the Medina Charter as a foundation for state life for pluralistic societies in Medina. In the Medina Charter there are two principles as a basis, namely freedom of religion and humanistic thinking, solidarity and protecting equal rights and equality for everything related to humans from all its citizens.

<sup>10</sup> Every human being since birth has been in a free condition, they are all equal in rights, obligations and glory, they have also been given conscience and reason, and they can also establish relationships between one another with the principle of brotherhood. In the Medina Charter, there are 5 cores that become the basis of life in society. namely, the principle of brotherhood, the principle of mutual assistance, the principle of protecting, the principle of mutual advice, and the principle of freedom of religion.<sup>11</sup> Second, the Cairo Declaration on Human Rights in Islam (Cairo Declaration) which was declared on August 5, 1990. In the declaration formulated by countries that are members of the Organization of the Islamic Conference, agreed there are 24 articles on human rights based on the Qur'an and As-Sunnah. In fact, it has similarities with the Universal Declaration of Human Rights declared by the United Nations.<sup>12</sup> Human rights in an Islamic perspective are based on the Qur'an and AsHadith, so that in the process of upholding human rights there should be no conflict with the shari'a taught by Islam, has a balance between rights and obligations, prioritizes social interests, humans are seen as creatures entrusted with basic rights by God, and therefore they are obliged to be grateful and maintain them. Hazin, M., Rahmawati, N. W. D., & Shobri, M. (2021): 5-6.

Terminologically, human rights in Islamic perception, Muhammad Khalfullah Ahmad has provided an understanding that human rights are rights inherent in human beings that are natural and fundamental as a mandate and gift from Allah SWT that must be guarded, respected and protected by every individual, community or state. Even Ibn Rushd emphasized that human rights in Islamic perception have provided a format for protection, security, and anticipation of various basic human rights (darûriyyât) owned by every human being. The protection comes in the form of anticipation of various things that will threaten the existence of the soul, the existence of honor and offspring, the existence of material property, the existence of reason, and the existence of religion. So in fulfilling and demanding rights cannot be separated from the fulfillment of obligations that must be carried out. Likewise, in fulfilling individual interests, it must not damage

the interests of many people (public interest). Therefore, the fulfillment, protection and respect for human rights must be accompanied by the fulfillment of KAM (Human Obligations), and TAM (Human Responsibilities), in personal life, community life, and the state.<sup>8</sup> So it can be concluded that the essence of human rights is the integration of human rights, KAM, and TAM which takes place in a synergistic and balanced manner. All of these (human rights, KAM, and TAM) are favors and gifts as well as a mandate that will be held accountable before the divine court of Allah SWT Rabbul `alamin. Aji, A. M. (2015):3-4

The Messenger of Allah (peace and blessings of Allah be upon him) said:

المسلم اخو المسلم لا يظلمه ومن كان في حاجة ابيه كان الله في حاجته و من فرج عن مسلم كربة فرج الله عنه كربة من كربات يوم القيامة و من ستر مسلما ستره الله يوم اقيامة

"A Muslim is the brother of another Muslim. Do not oppress him and do not give him away. Whoever helps his brother's needs, Allah will help his needs, and whoever saves a Muslim from one calamity, Allah will save him from one calamity on the Day of Resurrection. Whoever covers the disgrace of a Muslim, Allah will cover his disgrace on the Day of Resurrection." (HR al-Bukhori). Gufron, M. (2017):5

Characteristics of human rights in the Islamic version.

1. Rabbaniyyah. All rights have been explained in the Qur'an and sunnah. Their source comes directly from God. Therefore, it is free and free from injustice and misguidance.
2. Tsabat (unchanging). Although there are many attempts to mislead and confuse the truth of Islam with falsehood, the proof of the truth remains strong and unwavering.
3. Al-Hiyaad, so that it is far from racism and following lust.
4. Ash-Syumul (universal). Because it covers all human interests and benefits now and in the future.
5. Alamiyah (worldwide), because it is suitable for all times and places, because it is able to meet human needs and can be the best solution to all their problems.

### Maqaashid HAM in Islam.

The concept of maqaashid al-syari'ah is a theory of legal formulation (istinbat) by taking the purpose of the establishment of shara'ah law as its reference, in this case the main theme is maslahah. The goals and objectives in maqasid shari'ah are to

increase maslahah and avoid mafsadah. To ensure that Islamic teachings are accommodating to human interests, Imam Ghozali tried to formulate maqashid alshariah. In this formulation, there are five main points, namely:

First, Hifz al-Nafs, namely Islam guarantees the right to survival. So that Islam is very respectful of the honor of the soul, by believing that only Allah is the giver of life and Allah is also the one who kills every living thing in this world.<sup>26</sup> This is as Allah SWT says in Surah al-Maidah verse 32:

مَنْ أَجْلٍ 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 وَلَقَدْ جَاءَهُمْ رَسُولُنَا بِالْبَيِّنَاتِ ثُمَّ إِنَّ كَثِيرًا مِّنْهُمْ بَعَدَ ذَلِكَ فِي الْأَرْضِ لَمُسْرِفُونَ

Therefore We ordained (a law) for the Children of Israel, that whoever kills a person, not because he killed another, or not because of corruption in the earth, it shall be as if he had killed all men. Whoever preserves the life of one man, it is as if he has preserved the life of all men. Indeed, Our Messenger had come to them with clear proofs. But then many of them afterwards transgressed the limits on earth.



Second, Hifz al-Aql, namely Islam guarantees the right to freedom of opinion and expression. Source of knowledge, light of the heart, guidance and means of happiness in the world hereafter. With the human mind is able to think well, able to act as a caliph on this earth, and with the mind that is able to distinguish between humans and other creatures of Allah. And here is the position of Islam, as a protector of human reason and if there is a violation committed against the mind then Islam also provides sanctions for these violations.

Third, Hifz ad-Din, namely Islam guarantees the right to freedom of religion. Freedom and the right to believe and perform religious rituals in accordance with beliefs and without coercion in living it, as explained in the Qur'an letter al-Baqarah verse 256

"There is no compulsion in religion. Indeed, the truth is clear from misguidance."

Fourth, Hifz an-Nasl, namely Islam guarantees reproductive rights and health. to maintain human survival. Islam strongly recommends marriage for its people who already feel capable in order to maintain honor, property and offspring.

Fifth, Hifz al-Maal, namely Islam guarantees property and property rights, namely the right to get a job and a decent wage. As Allah says in Surah al-Baqarah verse 188:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

"And do not eat of the wealth between you by false means, and (do not) bribe with it the judges, that you may eat of the wealth of others by way of sin, when you know."

These five main points underlie Muslims to maintain a humane order of life by maintaining respect between individuals, communities, nations and countries. Meanwhile, the purpose of this maqashid is to realize human welfare by providing protection and fulfilling what is needed in life. Hazin, M., Rahmawati, N. W.D., & Shobri, M. (2021):8-10

The objectives of maqashidus sharia:

- 1) Realizing the perfection of worship to Allah
- 2) Preserving human life in all its marhalah.
- 3) Spreading the teachings of Islam throughout the world through human development and education. Also provide solutions to existing differences in an effective and efficient way.
- 4) Realizing social justice by spreading justice on earth and eliminating existing social castes.
- 5) Safeguarding human interests and welfare by maintaining the five dharuraat.
- 6) Ennoble human beings. Gufron, M. (2017):5-6

The Essence of Human Rights and Human Responsibilities

Essentially, from several kinds of human rights based on the Islamic perspective, as explained above, all of them return to the five concepts of human rights known as "dharuriyyat al-khams" (the five most dominant human rights) which will protect and protect human life, and at the same time will be held accountable for their utilization.

### **The five principles are:**

First, the Right to Protection of Life or the Right to Life. Protection of life is a non-negotiable right. Therefore, we should not violate this right because it is related to one's life. Therefore, whoever violates the life of another person, then the person concerned must be punished with commensurate and appropriate punishment,

Second, Protection of beliefs. Protection of religion and beliefs embraced by each individual get a very high position and attention from the teachings of Islam. because in Islam there is no coercion in belief and free according to his beliefs, but Islam but Islam provides da'wah without any element of coercion. His statement is firm in QS 109 (al-Kafirun): 6, namely:

لَكُمْ دِينُكُمْ وَلِيَ دِينِ

"To you your religion, and to me my religion."

Third, the Right to Protection of the Intellect. The right to protection of the existence of the mind is translated into a very elementary legal device, namely the prohibition of eating and drinking, and consuming something that can damage the mind. Whoever violates it (damaging the consciousness system of the mind) the law is quite harsh.

Fourth, Protection of Property Rights. This protection is implemented in the form of the prohibition of stealing, robbing, and the like which will threaten the existence of property rights. and so in the Koran, Allah forbids us to take the rights of others. in QS. almaidah: 38

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

"The man who steals and the woman who steals, then cut off both hands as a recompense for what they have done and as a punishment from Allah. And Allah is mighty and all-knowing."

Fifth, the Right to Family or the Right to Procreate. This is implemented in the form of the prohibition of the act of adultery. However, in proving the offense of adultery, it must be supported by valid testimony, namely four male witnesses. If the accusation cannot be proven, then the party accused of adultery will be freed from the threat of punishment. Instead, it is the accuser who will be exposed to severe punishment.

QS. An-Nahl Verse 72

وَاللَّهُ جَعَلَ لَكُمْ مِّنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَيْنًا وَحَفْصَةً وَرَزَقَكُمْ مِّنَ الطَّيِّبَاتِ أَفَبِالْبَاطِلِ يُؤْمِنُونَ وَبِنِعْمَتِ اللَّهِ هُمْ يَكْفُرُونَ

"And Allah made for you mates (your husband or wife) of your own kind and made children and grandchildren for you from your mates and gave you sustenance from good. why do they believe in the false and deny the blessings of Allah?" Aji, A. M. (2015):15-18

Differences between the concept of human rights in Islam and the West

There is a fundamental difference between the concept of human rights in Islam and human rights in the Western concept as accepted by the international community. Human rights in Islam are based on human activity as the khalifah of Allah on earth, while the Western world believes that patterns of behavior are only determined by the laws of the state or a number of authorities that are sufficient for the achievement of safe public rules and universal peace. Another fundamental difference is the way human rights are viewed. In the West, attention is paid to individuals from an anthropocentric view, where humans are the measure of all phenomena. Islam, on the other hand, adheres to a theocentric view, in which God is the Most High and humans are only to serve Him.

## CONCLUSION

Human rights are a set of rights inherent in the nature and existence of human beings as creatures of God Almighty and are His gifts that must be respected, upheld and protected by the state, law, government and everyone, for the sake of honor and protection of human dignity. In general, Islamic law is oriented towards the protection of religion, soul, mind, offspring and property. This means that Islamic law aims at the maintenance of religion, guaranteeing, safeguarding and maintaining life and soul, maintaining the purity of reason and maintaining the order of human offspring and maintaining property rights for the benefit of human life. Islam is a religion that is ash-syumul (complete). Islamic teachings cover all aspects and sides of human life. Islam provides arrangements and guidance to humans ranging from the smallest affairs to large-

scale human affairs. And of course, it includes the rules and high respect for human rights. Human rights in Islam originated from the Medina Charter during the time of the Prophet Muhammad. Human rights in the Islamic perspective include the right to life, the right to freedom, the right to education, the right to self-respect and the right to ownership. These rights are strengthened by three human rights principles, namely brotherhood, freedom and equality. Human rights are implemented to realize and maintain all goodness and prioritize the prosperity and benefit of the people in terms of meeting the needs of mashlahah in terms of dharuriyat, hajiyat, and tahsiniyat as well as preventing mafsadah. Human rights have relevance to the orientation of maqashid al-syari'ah which consists of Hifz al-Nafs, Hifz al-Aql, Hifz al-Diin, Hifz al-Nasl, and Hifz al-Maal.

Human rights according to western thought are solely anthro-centric, meaning that everything is centered on humans, so humans are very important. Whereas from an Islamic point of view, it is theocentric, meaning that everything is centered on God, so God is very important.

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