Protection Of Human Rights According To Islamic Law

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Article Info	ABSTRACT
	This study seeks to examine the perspectives of Islamic law on the safeguarding of human rights within the framework of social and moral equity. This research examines the Islamic religion's primary sources, such as the Koran, Hadith, and interpretations by prominent scholars, to determine how Islamic religious law supports and safeguards human rights within Muslim culture. The research employs qualitative examination of religious texts, contextual interpretation of verses from the Koran and associated hadiths, and literature reviews about the perspectives of ulama and modern thinkers on matters pertaining to human rights. This research also entails a comparative analysis of the principles of safeguarding human rights in Islamic jurisprudence. The aim of this research is to gain a comprehensive understanding of how Islamic beliefs relate to the protection of human rights and whether they align with universally accepted international norms. Furthermore, this study seeks to discern any potential disparities between the notion of human rights in Islamic jurisprudence and the practical understandings prevalent in contemporary Muslim communities. It also endeavors to explore strategies for bridging these divergences.
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INTRODUCTION

Upholding human rights has become a global debate that continues to grow, especially in the context of a society based on religious values (Perbawati, 2015). In the Islamic religion, there are a number of interpretations regarding the protection of human rights, which often become a source of controversy and diversity of views. Protection of human rights, which is an important foundation in efforts to achieve social and moral justice, has crucial relevance in the context of Muslim societies (Baidhawy, 2016). As the challenges faced by modern Muslim societies become increasingly complex, there is an urgent need to explore and understand the concept of human rights protection from the perspective of Islamic law (Hikam, 2000).

Human rights discourse is not something new in the history of Islamic civilization. Experts even say that the discourse on human rights in Islam is much earlier than the concept of human rights that emerged in the West (Abdushshamad, 2018). According to them, Islam came with a universal message of human rights. The history of human rights has been intermittent because it is influenced by schools of thought, beliefs, customs, conditions and situations (Saf, 2018). These rights are the cause of major historical events in several circumstances ending with political, social, building, thought revolutions, changes in

law and legislation as well as the birth of regional and international declarations and agreements (Nasution, 2017). The Islamic conception of human rights can be found in the main sources of Islamic teachings, the Koran and Hadith. Both are sources of normative teachings.

Human rights are the rights of all humans in full equality. These human rights originate from the "inherent dignity of the human person" and are supported by a theory that is centered on human humanity, on humans as humans, and members of the human race (Schachter, 1983). These statements relate to the standards of living that every human being has the right to obtain from society as a human being. Human rights (HAM) are basic rights inherent in every human being because these rights are not a gift from a person, organization or state but are an invaluable gift from Allah SWT (Putri et al., 2023). However, many people, including Muslims, are not aware of the existence of these rights. The Qur'an and Sunnah as life guidelines for all humans have regulated these rights. Therefore, every human being must know their rights and be ready to fight for them as long as they do not take and exceed the limits of other people's rights (Chalabi, 2021).

Islamic law prioritizes not only human rights but also the safeguarding of human beings themselves (Hanum, 2019). Sharia law unequivocally forbids the utilization of any object or action that has the capacity to cause physical, mental, or moral harm to others. Demonstrating a profound regard for human well-being in all facets of life is seen through the deliberate abstention from ingesting blood, toxic substances, pork, wild animals, and anything contaminated with feces or decaying flesh (Jalaludin & Azis, 2022). These restrictions are based on the recognition of their detrimental effects on the physical, moral, intellectual, and spiritual aspects of human beings, which are the primary concerns for ensuring the safety and well-being of humanity (Hanafie & Iskandar, 2022).

Conversely, Islamic law likewise promotes the utilization of items that are hygienic, wholesome, and advantageous to human beings. The objective of this principle is to guarantee the preservation and safeguarding of individual rights (Thalib, 2018). Therefore, each person is entitled to a well-being and respectable existence, in alignment with religious doctrines. Sharia embodies a strategy that aims to establish equilibrium between the rights of individuals and the rights of society as a collective, thereby averting conflicts that are harmful to both sides (Munthe, 2014).

In addition, Islam regards each individual as a representation of virtue, dignity, and compassion. A Muslim is perceived as an influential figure who actively contributes to fostering harmony and benevolence within the local society (Machendrawaty & Safei, 2010). By embodying virtuous qualities and setting a positive example, a Muslim is anticipated to have the ability to pacify the emotions of fellow individuals and serve as a source of motivation for others in attaining unity and tranquility in their social existence (Mannan, 2018). Hence, Islamic law not only adheres to the tenets of divine law, but also imparts human virtues that serve as a crucial basis for establishing a fair and cohesive community.

This research aims to explore the concept of protecting human rights according to law. It is hoped that the benefits of this research can make a significant contribution in strengthening a more inclusive and holistic framework in the protection of human rights, especially in the context of Muslim communities. And it is also hoped that the results of this

research can become a basis for developing more effective policies in ensuring fair and equitable protection of human rights for all members of society, in accordance with religious principles and globally recognized universal standards.

METHOD

The research method used by researchers is descriptive analysis with the type of research being a qualitative approach. According to Moleong (2014), "qualitative research is a research procedure that produces descriptive data in the form of written or spoken words from people and observable behavior". The qualitative approach was chosen with the consideration that this approach is expected to obtain real data and be able to examine the research problem in depth so that the results can be obtained. The use of this qualitative research approach is felt to be very appropriate in the study of Islamic law, especially research that tries to examine and understand the concept of human rights protection, and connect it with actual issues faced in Muslim society.

RESULTS AND DISCUSSION

Protection of human rights (HAM) in Islamic law is emphasized as a central concept reflected in Islamic teachings, emphasizing the importance of the values of justice, equality and humanity. This religious teaching emphasizes the need to respect the dignity of every individual regardless of religious background, race, or social status, and emphasizes important principles such as freedom of religion, fair treatment before the law, and equality of rights and obligations, making equality the main foundation in maintain and ensure the protection of human rights. The following are several forms of human rights protection in Islamic law:

Right to live

Islamic law is based on the principle of protection and guarantee of human rights to life, which is a fundamental value upheld in the teachings of this religion. One concrete form of this protection can be found in the provisions of the sharia which strictly prohibit acts of murder and outline the legal sanction of qishash as a form of upholding justice for victims. This prohibition against killing shows Islam's commitment to ensuring the safety and security of every individual's life, as well as respecting the value of life as a gift that must be protected and respected. This concept emphasizes the importance of maintaining a balance between justice for victims and perpetrators, while emphasizing the principles of peace and tolerance as the main foundation in maintaining social order.

Apart from that, Islamic law also establishes principles governing the protection of human life in various contexts, including through regulations related to justice in the fields of criminal law and civil law. These principles serve as a strong foundation in ensuring that every individual has the same right to legal protection, without discrimination or abuse of power. By emphasizing human values as the main priority, Islamic law plays a crucial role in ensuring the safety and continuity of human life, as well as building a solid foundation for realizing a just, harmonious and prosperous society as stated in QS Al Maidah verse 5:

$$\text{اَلْيَوْمَ أُحِلَّ لَكُمُ الطَّيِّبَٰتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَٰبَ حِلٌّ لَّكُمْ وَطَعَامُكُمْ حِلٌّ لَّهُمْ وَالْمُحْصَنَٰتُ مِنَ الْمُؤْمِنَٰتِ وَالْمُحْصَنَٰتُ مِنَ الَّذِينَ أُوتُوا الْكِتَٰبَ مِن قَبْلِكُمْ إِذَآ ءَاتَيْتُمُوهُنَّ أُجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسَٰفِحِينَ وَلَا مُتَّخِذِىٓ أَخْدَانٍ ۗ وَمَن يَكْفُرْ بِالْإِيمَٰنِ فَقَدْ حَبِطَ عَمَلُهُۥ وَهُوَ فِى الْآخِرَةِ مِنَ الْخَٰسِرِينَ ۝}$$

It means:

"Therefore, We decreed (a law) for the Children of Israel, that: Whoever kills a human being, not because that person (killed) another person, or not because he caused mischief on the earth, it is as if he had killed all mankind. . And whoever preserves the life of one human being, it is as if He has preserved the lives of all human beings. And indeed Our Messengers came to them with (bringing) clear information, then many of them after that really went beyond their limits in doing mischief on earth."

Right to freedom in embracing religion

Islam recognizes the importance of individual freedom and liberty, including religious freedom in accordance with each individual's personal beliefs. This principle is reflected in the strict prohibition against all forms of coercion or suppression of a person's religious beliefs. Islamic teachings emphasize the importance of respecting the right of every individual to choose and practice religion according to their personal beliefs and beliefs, without interference or intimidation from any party. By affirming the values of tolerance, respect for differences, and respect for individual freedom, Islam plays an important role in building an inclusive, peaceful, and harmonious society, where every individual has the same right to practice their religious beliefs without fear or discrimination . This right to freedom of religion is clearly stated in the QS. al-Baqarah verse 256:

$$\text{لَآ إِكْرَاهَ فِى الدِّينِ ۖ قَد تَّبَيَّنَ الرُّشْدُ مِنَ الْغَىِّ ۚ فَمَن يَكْفُرْ بِالطَّٰغُوتِ وَيُؤْمِنۢ بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَىٰ لَا انفِصَامَ لَهَا ۗ وَاللَّهُ سَمِيعٌ عَلِيمٌ ۝}$$

It means:

"There is no compulsion to (enter) religion (Islam); Indeed, the right path is clearer than the wrong path. Therefore whoever disbelieves in Thaghut and believes in Allah, then indeed he has held on to a very strong rope that will not break. and Allah is all-hearing, all-knowing."

Ownership Rights

Islamic law emphasizes the protection of property rights as an important aspect in ensuring the economic and social stability of society. This concept is reflected in the rules governing inheritance rights with the principle of justice, where every individual, both men and women, has the same rights to a share of inheritance in accordance with the provisions

regulated in the Shari'a. The principle of justice in the distribution of inheritance emphasizes the importance of fair treatment of all family members, regardless of gender or social status, while maintaining unity and balance in the family and society. Thus, Islamic law functions as a solid framework in regulating property and inheritance rights, while ensuring the economic and social sustainability and stability of society on the basis of justice and equality. This is clearly stated in QS al Baqarah verse 284:

$$\text{لِّلَّهِ مَا فِى ٱلسَّمَـٰوَٰتِ وَمَا فِى ٱلْأَرْضِ ۗ وَإِن تُبْدُوا۟ مَا فِىٓ أَنفُسِكُمْ أَوْ تُخْفُوهُ يُحَاسِبْكُم بِهِ ٱللَّهُ ۖ فَيَغْفِرُ لِمَن يَشَآءُ وَيُعَذِّبُ مَن يَشَآءُ ۗ وَٱللَّهُ عَلَىٰ كُلِّ شَىْءٍ قَدِيرٌ ﴿٢٨٤﴾}$$

It means:

To Allah belongs whatever is in the heavens and whatever is on the earth. If you reveal what is in your heart or what you hide, Allah will surely take it into account (regarding that action) for you. He forgives whom He wills and punishes whom He wills .

Right to Protection against violence

Islamic law upholds principles that oppose all forms of oppression, violence, or unfair treatment against individuals or groups in society. This principle is based on highly upheld human values, and emphasizes the importance of respecting the dignity of every individual as God's creation. By rejecting all forms of oppression or violence, Islam promotes peace, peace and harmony in society, and encourages the creation of a safe, just and prosperous environment for all members of society. This religious teaching also encourages the empowerment of vulnerable individuals and groups, and emphasizes the importance of social solidarity and concern for others as an integral part of building an inclusive and just society. Thus, Islamic law functions as a strong ethical framework in establishing a just, peaceful and dignified social order for all mankind. This is stated in QS Al A'raf verse 56:

$$\text{وَلَا تُفْسِدُوا۟ فِى ٱلْأَرْضِ بَعْدَ إِصْلَـٰحِهَا وَٱدْعُوهُ خَوْفًا وَطَمَعًا ۚ إِنَّ رَحْمَتَ ٱللَّهِ قَرِيبٌ مِّنَ ٱلْمُحْسِنِينَ ﴿٥٦﴾}$$

It means:

And do not cause harm on the earth after it was (created) well. Pray to Him with fear and hope. Indeed, Allah's mercy is very close to those who do good.

The right to freedom of expression

Islam commands humans to dare to use their minds, especially to express their correct opinions in accordance with the limits determined by law and other norms. This command is specifically shown to people who believe so that they dare to express the truth in the right way. Islamic teachings really respect the mind. Therefore, every human being, in accordance with his dignity and nature as a thinking creature, has the right to express his opinion freely,

as long as it does not conflict with Islamic principles and can be accounted for. In QS. Ali Imran verse 104:

$$وَلْتَكُن مِّنكُمْ أُمَّةٌ يَدْعُونَ إِلَى ٱلْخَيْرِ وَيَأْمُرُونَ بِٱلْمَعْرُوفِ وَيَنْهَوْنَ عَنِ ٱلْمُنكَرِ ۚ وَأُو۟لَـٰٓئِكَ هُمُ ٱلْمُفْلِحُونَ ١٠٤$$

It means:

And let there be among you a group of people who call to virtue, enjoin (do) what is virtuous, and forbid what is evil. And they are the lucky people.

The right to work and receive wages

In an Islamic perspective, work is not only seen as an individual right, but also an obligation that is upheld. This concept emphasizes the importance of active efforts to earn a living, which is seen as a form of respect for oneself and moral responsibility towards society. The Prophet Muhammad SAW in his words emphasized the value of hard work and independence, teaching that food produced from one's own efforts has a higher value than that obtained for free. This principle shows the importance of respecting the work process as an important part of maintaining individual honor and dignity. In addition, Islam guarantees workers' rights, including the payment of fair and timely wages. The hadith which emphasizes the importance of paying workers before their sweat dries reflects the religion's concern for protecting and rewarding hard work efforts, while ensuring the welfare and dignity of workers in society. Thus, Islamic teachings develop a balanced framework between rights and obligations, which ultimately strengthens social, economic and moral values in society.

CONCLUSION

Islam has strong principles in protecting human rights (HAM). These principles include the right to life, freedom of religion, property rights, protection against violence, freedom of opinion, and the right to work and earn wages. Through religious teachings and Islamic law, the values of justice, equality, humanity and peace are emphasized as the main foundation in maintaining and upholding human rights. Islam emphasizes the importance of respecting the dignity of every individual regardless of religious background, race or social status. This concept is reflected in the prohibition against murder, the prohibition of religious coercion, the emphasis on justice in the distribution of inheritance, the rejection of violence, as well as the emphasis on freedom of opinion and the importance of hard work. Thus, protecting human rights in Islam is not just a theoretical concept, but is applied in daily practice through sharia rules and religious teachings. Islam plays an important role in establishing an inclusive, just and harmonious society, where every individual has the same opportunity to live in safety, dignity and prosperity. Through these principles, Islam promotes peace, prosperity and social justice which are the main foundations in forming a sustainable and civilized society.

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