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Fundamental Human Rights in the Islamic Perspective

Tuti Gusmawati Simanjuntak^{1*}, Lili Rahmayana Harahap¹, Cherry Arida¹, Muhammad Yusfani¹, Bahraini¹ and Cecep Soleh Kurniawan²

¹Faculty of Law, Universitas Malikussaleh, Aceh, Indonesia ²Faculty of Sharia, Universiti Islam Sultan Sharif Ali, Brunei Darussalam

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Abstract:

Human Rights are fundamental rights inherent to human existence, given to us from birth and woven into the fabric of humanity. The research method used is normative legal research to describe, understand and explain the object under study based on data obtained through literature data regarding discussions that focus on Human Rights in an Islamic Perspective involving careful examination of secondary data and scientific materials. Research conducted by this author reveals that From an Islamic perspective, the framework governing human rights courts is firmly rooted in the principles of justice, equality, and protection of fundamental human rights. In the Islamic justice paradigm, the focus is not only limited to retribution; it also includes the restoration of victims' rights, efforts to achieve peace, and rehabilitation of offenders. Thus, although the Islamic legal system may impose harsh punishments, it also upholds the basic principles of compassion and forgiveness, underscoring Islam's deep commitment to the well-being and dignity of every individual.

Keywords: Fundamental, Human Rights, Islamic, Perspective

INTRODUCTION

Human rights are the basic rights that every individual possesses at birth. Developed in Europe in the 17th and 18th centuries, the concept of human rights emerged as a powerful response to the oppressive feudal system and the autocratic rule of monarchs over their subjects and lower classes. In opposition to such tyranny, the idea of universal human rights was formed, embodying the principle that all individuals are fundamentally equal and entitled to dignity and respect (Aji 2015).

In response to the dynamic nature of injustice, the profound concept of universal human rights emerged, affirming the fundamental equality of all people. This important idea has catalyzed ongoing efforts to enforce and protect these rights (Girsang, Hatta, and Herinawati 2023). An important achievement of this collective effort was the adoption of the Universal Declaration of Human Rights by the United Nations in 1948, a testament to our shared commitment to the dignity and justice of all human beings. Before the promulgation of the Universal Declaration of Human Rights, human rights principles were firmly embedded in Islamic teachings (Rahmah 2023). At the heart of these teachings is the concept of monotheism, summarized in the phrase "la ilaha illallah," which means "there is no god but Allah." This principle of monotheism underscores that all humans, animals, and plants are God's creations, fostering an inherent sense of equality among all individuals. Thus, the principles of Islamic monotheism are in harmony with the basic ideals of human rights (Alfaruqi 2017).

The Human Rights Charter is a global framework that is closely aligned with various aspects of human rights through its principles and provisions (Tandry et al. 2025). Therefore, the charter aligns

^{*}Corresponding Author

Tuti Gusmawati Simanjuntak, Faculty of Law, Universitas Malikussaleh, Aceh, Indonesia, ORCID ID: 0009-0001-8450-2619, E-mail: tuti.237410101019@mhs.unimal.ac.id

with the core principles of Islamic human rights law. However, certain principles of the World Charter of Human Rights are rooted in secular ideology, which creates differences and intensifies existing tensions (Khusniah 2024). These differences have motivated scholars from Islamic countries to create an independent document aimed at addressing the various shortcomings of the UN Charter of Human Rights.

In this context, the Organization of Islamic Cooperation (OIC) has, on behalf of Islamic countries, introduced two important documents on Islamic human rights in 1979 and 1981. These documents were officially ratified on August 5, 1990, during the 19th OIC Foreign Minister Summit in Cairo. Following a proposal from Iran in 2008, August 5 was designated as the "Islamic Day of Human Rights and Human Dignity" by Islamic countries, further underscoring the commitment to upholding human rights within an Islamic framework (Hamdan 2016).

Islamic Human Rights and the Universal Declaration of Human Rights share remarkable similarities in their core principles, both affirming essential political, social, and personal freedoms (Leksono et al. 2025). These freedoms are universally recognized as essential human rights, with governments and societies bearing the responsibility of upholding and maintaining them. While the Islamic Human Rights Charter, which is rooted in religious teachings, provides additional rights and benefits, it is important to realize that there are significant differences and contradictions between the two charters. Despite their similarities, a closer examination reveals fundamental differences that are worth careful consideration (Makrifah 2021).

METHODS

The methodology was the basis for exploring each issue, which functions as a structured approach that aims to systematically uncover the truth and solve problems to achieve conclusive results. To address the specific challenges identified, this study used normative legal research methods. This methodology, noted for its foundation in library-based legal research, involves a thorough analysis of secondary data and academic literature (Yusri 2020). The intent of this method is to effectively describe, understand, and explain the research subject through an extensive analysis of library resources, especially focusing on the discourse surrounding Human Rights from an Islamic perspective. Through this rigorous examination, we aim to obtain well-founded answers that can be articulated clearly and in-depth (Dahlia H. Mo'u 2003).

RESULTS

Human Rights, a term consisting of three important elements, have deep meaning. The word "right" means property rights, property, and the inherent power to act. "Fundamentals" refers to the basic and essential principles (Hatta 2019). Consequently, Human Rights represent the essential rights that every individual has, including the right to life, the right to protection, and other fundamental rights (Syihab and Hatta 2023). Finally, "human" refers to a person or creature endowed with dignity and virtue. Together, these elements define the inherent rights that must be universally upheld for every individual (Makrifah 2021).

Furthermore, when we consider Human Rights, we recognize them as intrinsic rights woven into the fabric of our human nature, bestowed upon us through the grace of God Almighty. These rights are not simply privileges (Eko 2016): These rights are sacred gifts that demand the highest respect, protection and affirmation from the state, law and society at large, because these rights are important for maintaining the dignity and honor of every individual. Human rights include a basic set of four essential rights and responsibilities that apply universally to all individuals, regardless of gender, race, ancestry, language, or religion. It is vital that these rights are upheld and never violated by anyone (Sitti et al. 2010).

The UN states that human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and

education, and many more. Everyone is entitled to these rights, without discrimination (United Nations 2025).

In Arabic, human rights is "al-huqūq al-insaniyyah" (Sugiyar 2017). The root word "Right (plural Right)" (Aji 2015). Right has several meanings, including belonging, determination, and certainty (Fuad 2010). It also contains the meaning of "determining something and justifying it" as found in Q.S. Yasin (36): 7, "determine and explain" as in Q.S. al-Anfāl (8): 8, "limited part" as in Q.S. al-Baqarah (2): 241 and "just as opposed to falsehood" as in Q.S. Yūnus (10): 35. The essence of the term "Haqq" includes the basic principles of validity, certainty, and truth (Fitriani 2014).

According to *fuqaha*, rights are defined as special rights established by Sharia law or privileges protected under its guidance (Makrifah 2021). This definition inherently includes both God's rights and individual rights, highlighting the deep interconnectedness between divine rights and human rights (Abdillah 2014).

A prominent feature of the concept of Human Rights in Islam is that only individuals whose rights have been violated have the authority to grant forgiveness for those violations. Although God has granted these rights, they ultimately belong to Him, and all humanity is accountable to Him (Sitti et al. 2010).

On the Day of Judgment, Allah will not intervene to forgive the violations of rights. Basically, the Prophet's mission is to fight for human rights, which embodies the principles of Rahmat Lil Alamin (Suhaili 2019). In all his efforts, he consistently raised the importance of human rights and adhered to Human Rights Obligations (Alfaruqi 2017). The Qur'an clearly describes justice as an intrinsic characteristic of human rights, offering a definitive standard for all (Setiyono 2020).

DISCUSSION

Principles of Human Rights in Islamic Law

In Islam, human rights are not just a matter of individual rights; rather, human rights are closely related to the obligations that individuals have towards Allah, the Creator (Hamdan 2016). Since the beginning of human creation, divine guidance has been provided, outlining rights and responsibilities. The presence of Adam, the first human, indicates God's intention to guide humankind. When humans deviate from this sacred guidance, Allah sends His Prophets and Messengers to revive that awareness. The Prophet Muhammad (PBUH), as the final messenger, was entrusted with the monumental task of not only conveying these divine teachings but also realizing an ideal way of life for all future generations, in harmony with the will of Allah (Suhaili 2019).

This perspective clearly illustrates that, within the Islamic framework, the idea of human rights is not simply a product of continuously developing human thought but is based on divine revelation conveyed through the Prophets and Apostles since the beginning of humanity. Consequently, it becomes an individual's obligation to obey the commandments of Allah. These obligations can be categorized into two domains: *huqūqullah* and *huqūqul ibād*. *Huqūqullah*, or Allah's rights, relate to the duties that humans owe to Allah SWT, expressed through various acts of worship. In contrast, *huqūqul ibād*, or human rights, encompass the responsibilities that individuals bear toward each other and toward all of God's creations. It is important to understand that God's rights are not for His sake; on the contrary, these rights are in line with the rights of His creatures, which function to foster harmony and justice in the world (Miftahuddini Ashar 2014).

The core of human rights in Islam is the profound principle of *al-dharuriyat al-khamsah*, which includes five basic principles that must be upheld by every individual: These principles are *hifdzu al-din* (keeping the faith), *hifdzu al-nafs* (keeping life), *hifdzu al-'aql* (keeping the mind), *hifdzu al-nasl* (keeping the offspring), and *hifdzu al-mal* (keeping property functioning as an important pillar for every Muslim (Hasibuan 2023). By adhering to these principles, we can grow a more humane society based on mutual respect between individuals, harmonious relationships in society, and a collaborative spirit between diverse religious groups and countries (Alston and Suseno 2008).

There are five main principles of human rights in Islam, as contained in the Islamic perspective (Sobarnapraja 2020):

a. The principle of protecting religion

Religion is a fundamental human need that should be cultivated. Islam is the protector of this fundamental right, guaranteeing that all individuals are free to practice their beliefs according to their beliefs. Islam respects the beliefs of people who follow a different path and never forces them to abandon their traditions for the sake of Islam.

b. The principle of protection of the soul

According to Islamic law, the purity of the soul is the most important thing and must be maintained. Therefore, Islamic law mandates the preservation and protection of human lives. Islam strictly prohibits killing, considering it a grave affront to the nature of humanity, and supports various means by which individuals can ensure their well-being and survival.

c. The principle of protection of reason

Islamic law places great emphasis on the purity of the human mind, recognizing its important role in our lives. We must protect our minds from all influences that can damage their function. Therefore, Islamic teachings strictly prohibit actions that can harm mental health, including the consumption of intoxicating substances, which are known to damage the basic abilities of the mind.

d. The principle of protection against offspring

In Islamic law, maintaining lineage is important. To uphold this sacred duty, Islam offers a framework for ensuring the continuity of offspring through marriage, which is considered a legitimate channel for procreation. Therefore, religion strictly prohibits adultery, protecting family integrity and inheritance in accordance with its teachings.

e. Principle of protection of assets

Wealth is a gift from Allah SWT to humans to support their lives and livelihoods. Therefore, everyone has the right to secure their property rights, as long as it is done in a halal and ethical manner. Islam upholds the sanctity of legal ownership and strictly prohibits all methods aimed at unlawfully obtaining other people's property.

Human Rights Courts from an Islamic Perspective

From an Islamic perspective, Human Rights Courts (HAM) are a legal framework dedicated to protecting individual rights based on the moral and legal principles found in the Qur'an, Hadith, and Fiqh teachings. From this perspective, human rights go beyond simply protecting civil and political liberties; they encompass deep moral and social dimensions. Every individual, as a creation of God, is entitled to respect and dignity and has the inherent right to live freely and pursue a just life. In Islam, the basic legal sources that fight for human rights include the Qur'an, hadith, and fiqh (Hamdan 2016).

The Qur'an offers in-depth guidance on fundamental human rights, including the right to life, freedom of religion, protection against torture, establishment of justice, and right to property. Furthermore, jurisprudence, which has developed through the diligent ijtihad of venerable scholars, plays an important role in realizing these rights in society. These scholars provide nuanced interpretations and insights into the application of these rights in various social and cultural contexts, often addressing the complex moral, social, and cultural dimensions inherent in Muslim societies (Sitti et al. 2010).

Islamic human rights courts have well-established and fair procedures designed to protect individual rights. This process begins with a thorough and impartial investigation to ensure the legitimacy and validity of any reported allegations or violations. Upholding the principles of prudence and fairness is paramount, especially when assessing evidence and considering testimony from both parties involved. After this thorough examination, the case is submitted to the court (*qadha*) supervised by a judge (*qadhi*). In Islam, judges are expected to have moral integrity, a deep understanding of Islamic law,

and the capacity to render fair decisions. A judge's fundamental responsibility is to ensure that decisions are in line with the teachings of the Qur'an and Hadith while also considering the welfare of the wider community. Furthermore, judges must give defendants an opportunity to present a defense, reflecting the importance of the right to self-defense under Islamic law (Suhaili 2019).

Islam highly values deliberation and mediation in the resolution of disputes. In matters involving social or civil rights, peaceful resolution is paramount. This approach not only fosters peace and reconciliation but also serves as an important means of maintaining harmony in society. When both parties choose to accept forgiveness and reconciliation, it lays the foundation for healing, an important principle of the Islamic justice system.

A distinctive feature of the Islamic human rights court system is the application of hudud punishments for certain offenses, including murder, theft, and adultery, among others. This penalty is very strict and is imposed only if there is clear and strong evidence. Furthermore, the principle of qisas empowers the victim's family to seek retribution while giving them the powerful option to forgive the perpetrator. This dual approach reflects a balance between justice and mercy, embodying the complexity of human rights within the Islamic framework (Makrifah 2021).

The Islamic justice system embodies a deep commitment to forgiveness and the pursuit of peaceful resolution based on the belief that the law is not simply a tool for punishment but also a means of education and personal growth. For example, consider the approach to theft: in addition to corporal punishment, there are provisions for compensation, or diyat, that can be given to victims, especially if they choose the path of forgiveness. This illustrates the nature of Islamic law, which seeks to align the rights of victims with opportunities for perpetrators to seek redemption and personal growth. In Islam, the state and government have a significant responsibility to protect the rights of their citizens. The state must ensure a fair and equal justice system that prevents any party from abusing its authority. In fulfilling this duty, the state must strive for justice for all individuals, with particular attention to the rights of minorities and vulnerable populations, in line with the principles of justice as explained in the Our'an and Hadith (Yusri 2020).

The Islamic human rights court system embodies a holistic approach that goes beyond merely enforcing the law. This system underscores the importance of social welfare, restoration of individual rights, and maintenance of opportunities for reconciliation. Within this framework, states assume important responsibilities as administrators of justice, diligently balancing the imperatives of law enforcement with the protection of fundamental and human rights. The framework of human rights courts from an Islamic perspective is intricately based on the ideals of justice, equality, and the protection of fundamental human rights. In Islamic jurisprudence, the judicial process goes beyond mere retribution; it emphasizes the restoration of victims' rights, the promotion of peace, and the rehabilitation of offenders. Consequently, although the Islamic legal system may impose harsh punishments, it simultaneously upholds the core values of compassion and forgiveness, underscoring Islam's deep commitment to the well-being and dignity of every individual (Baderin 2010).

The Relevance of Human Rights in Islam to Human Life

Human rights are inherent privileges given by God and grounded in human nature. Therefore, no earthly authority has the power to revoke it. Law Number 39 of 1999 concerning Human Rights, Article 1 states that "Human Rights are a set of rights that are inherent in the essence and existence of humans as creatures of God Almighty and are His gift that must be respected, upheld and protected." by the State, law, government, and every person for the sake of honor and protection of human dignity" (Alfaruqi 2017).

The importance of Human Rights within the Islamic framework cannot be overstated because Islamic teachings deeply emphasize the sanctity and enhancement of human dignity. In Islamic thought, humans are considered a noble creation of Allah, endowed with innate rights that demand respect and protection. The Qur'an articulates that humans are created with honor and endowed with the potential to live a dignified life. Therefore, human rights principles in Islam serve as an important compass for fostering individual well-being in this world and the afterlife. The principle of deep justice is at the heart of human rights in Islam. Islamic teachings affirm that every individual is entitled to equal

rights, regardless of social status, ethnicity, or religious affiliation. This basic principle is eloquently confirmed in many verses of the Qur'an and hadiths of the Prophet Muhammad (PBUH), which highlight the need to maintain a harmonious balance between the rights and responsibilities of everyone in society (Fitriani 2014).

Islam highly upholds the principles of fundamental human rights, including the right to life, religious freedom, justice, and access to education and healthcare. This commitment is explicitly expressed in both the Qur'an and the teachings of the Prophet Muhammad. Among these rights, the right to life is the foundation of Islamic belief. Furthermore, Islam advocates the importance of social and economic rights, acknowledging their important role in building the well-being of individuals and the wider community.

The Islamic concept of social justice includes the right to property, the right to gainful employment, and the right to protection against poverty and hardship, which reinforces the holistic vision of a just society. Zakat, one of the fundamental pillars of Islam, functions as an important mechanism to reduce social and economic disparities, ensuring that the basic rights of all individuals, especially the less able, are upheld (Alston and Suseno 2008).

Islamic teachings place a strong emphasis on the protection of women and children, advocating for their fair treatment and condemning discrimination. The importance of human rights within the framework of Islam is profound because these teachings offer comprehensive guidance for safeguarding essential human rights, both at the individual level and in society in general. Therefore, Islam advocates fair treatment for everyone, respect for their dignity, and the provision of opportunities for them to live with honor and freedom, all in accordance with the principles of Sharia (Aji 2015).

CONCLUSION

In Islam, human rights are articulated in transcendental terms and are intended to serve the good of humanity through the divine guidance of Islamic law. These rights, bestowed by Allah SWT, have distinct characteristics: they are rooted in divine revelation, are not absolutely limited by respect for the freedom and interests of others, and are inherently linked to appropriate obligations. The Qur'an, as the basic source of Islamic law, upholds deep respect for human rights, underscoring their significance within the framework of faith and morality.

The Qur'an contains 80 verses that focus on life and its sustenance and 150 verses that discuss creation, living creatures, and their equality. The Holy Qur'an includes 320 verses that condemn injustice and unjust individuals and 50 verses that command people to act justly. In addition, there are 10 verses that emphasize the prohibition of coercion to guarantee freedom of thought, belief, and personal expression.

In the realm of Islamic jurisprudence, the human rights court system embodies a dual commitment: strictly adhering to legal principles while fighting for social welfare ideals and the restoration of individual rights. This is the deep significance of reconciliation, a principle woven into the fabric of justice. Rulers, as authorities, bear important responsibilities in the careful administration of justice, deftly maintaining a delicate balance between the imperatives of law enforcement and the sanctity of human rights.

From an Islamic perspective, the framework governing human rights courts is firmly rooted in the principles of justice, equality and the protection of fundamental human rights. In the Islamic justice paradigm, the focus is not only limited to retribution; but it also includes restoration of victims' rights, efforts to achieve peace, and rehabilitation of offenders. As a result, although the Islamic legal system may impose harsh punishments, it also upholds the basic principles of compassion and forgiveness, underscoring Islam's deep commitment to the well-being and dignity of every individual.

Conflict of Interest

All the authors declare that there are no conflicts of interest.

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