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ISLAM AND HUMAN RIGHTS

By Suraiya IT

ABSTRAK

Islam has principles on human rights, calls for respect for freedom and dignity, and came to entrench the principles of justice and equality among the people. Islam forbids injustice, tyranny, racism and oppression. Islam guarantees civil, political, economic, social and cultural rights. Islam calls for peace and coexistence between differences religions, ethnic groups and races. It also maintains the monuments and human legacy of past civilizations.

This article is attempting to show the humanitarian communalities among all human beings in Islam by using Qur'anic's Verse and Hadiths to develop an understanding about the concept of Islam on human rights issues. It is also a message of brotherhood and peace that include human values and principles in Islam.

Key Words: Islam, Human Rights, Freedom, Peace, Values, and Culture

1. Introduction.

As mention in article 1.3 of the Chapter of United Nation, imposes on all members of the United Nations the obligation to cooperate in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex (gender), language, or religion.¹ But the chapter did not define the terms of human rights and fundamental freedom. That task was undertaken

¹ See, *United Nations Action in the Field of Human Rights*, United Nations Document ST/HR/2/REV.1, United Nations sales number E.79.XIV.6 (1980)

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Islam has principles on human rights, calls for respect for freedom and dignity, and came to entrench the principles of justice and equality among the people. Islam forbids injustice, tyranny, racism and oppression. Islam guarantees civil, political, ⁵ economic, social and cultural rights. Islam calls for peace and coexistence between differences religions, ethnic groups and races. It also maintains the monuments and human legacy of past civilizations.

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I. Introduction.

As mention in article 1.3 of the Chapter of United Nation, imposes on all members of the United Nations the obligation to cooperate in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex (gender), language, or religion.¹ But the chapter did not define the terms of human rights and fundamental freedom. That task was undertaken

¹ See, *United Nations Action in the Field of Human Rights*, United Nations Document ST/HR/2/REV. I. United Nations sales number E.79. XIV. 6 (1980)

by the United Nations in the series of declarations, conventions, and covenants drafted and adopted since 1948.² It has not yet been absorbed into consciousness of each individual exactly what is his right, what is other's right, so that among the communities of the human race, those basic rights have yet to be fully realized.

Shari'ah's position on what is known in modern terminology as human rights was also justified by the historical context. During the formative stages of shari'a (and for the next millennium at least) there was no conception of universal human rights anywhere in the world.³ Slavery was an established and lawful institution in many parts of the world throughout this period. Similarly, up to the 20th century A.D., women were not normally recognized as persons capable of exercising legal rights and capacities comparable to those enjoyed by men. Full citizenship and its benefits were to be restricted to the men of certain ethnic or racial groups within a particular polity in the same way that status and its benefits were restricted by shari'a to Muslim men.⁴

This article attempt to show the humanitarian communalities among all human beings, it is universal character of Islam, its conception of humanity as a unity that we have attempted to present in this article because Islamic model of human rights is relevance to modern times. It is also a message of brotherhood and peace that includes human values and principle that should be a life approach for all to educate young generation. It is universal character of Islam.

² See B.G. Ramcharan, editor, *Human Rights Thirty Years after the United Nations Declaration of Human Rights*, The Hague, Netherlands: Martinus Nijhoff, 1979.

³ Abdullah Ahmed An-Na'im, *Shari'a and Basic Human Rights Concerns*, in *Liberal Islam (a Sourcebook)*, edited by Charles Kurzman, New york: Oxford University Press. 1998

⁴ See, *Ibid*.

II. Basic Human Rights In Islam

Love, peace and Allah's mercy be upon you is the core of Islam teaching. Islam has provided all rights to every human being, which is essential for his dignified life. Islam lays down some rights for man as a human being. Every man has some basic human rights simply because he is human being, which should be recognize by every Muslim. Those basic human rights include, among other things, the rights to free speech and the free expression of opinion, the freedom to profess a religion, the right to a decent standard of living.

Islam had given all rights to human beings, which are necessary for their better life. Every human being is a true spiritual being, and it is our nature to be free to reach out in wonder. We are created this way; no man has the right to violate this in another fellow being. These basic rights are associated with Islamic faith and belief because they are divinely ordained.

³ The diversity of humanity into many races and ethnicities is a testament to God's Majesty and wisdom. Therefore, racial superiority and discrimination is prohibited in Islam. Islam has clearly forbidden the practice of capturing a free man, to make him a slave or to sell him into slavery.

The essential teaching of Islam is bringing groups closer together, one stratum with other strata in society. It makes obligation the point of emphasis that is what each one, individually, has to carry out.⁵

³ Human right in Islam stem from two foundational principles: dignity and equality. Dignity is a fundamental right of every human being simply by virtue of the fact they belong to human race. As God states in the Qur'an,

⁵ Nasir, Muhammad, *The Indonesian Revolution*, in *Liberal Islam (a Sourcebook)*, edited by Charles Kurzman, New york: Oxford University Press. 1998

“And We have certainly honored the children of Adam and carried them on the land and sea; and provided for them of the good things and preferred them over much of what We have created, with (definite) preference.”⁶

In Islam, regarding Equality, the only thing that can make one person better than another is excellence in piety. Of course, even piety only makes people more righteous in God’s judgment, it does not give the any special right. As God declares;

“O mankind, indeed We have created you from male and female and made you into races and tribes that you may know one another (to exchange knowledge). Indeed, the most noble of you in the sight of Allah is the most righteous of you...”⁷

This means that the division of human being into nations, races, groups and tribes is for the sake of distinction, so that people of one race or tribe may meet and cooperate with one another.

Islam underlines individual responsibility. Hence, it does not under any circumstance allow one person to be punished for another’s crimes. In Islam, people are only punished for their own action.

Islam also teaches two kinds of obligation, namely *fardu ‘ain* and *fardu kifaya*. *Fardu ‘ain* is individually duty, the duty of the individual towards his God. This cannot be passed on someone else, just as worship, the fast and the pilgrimage cannot be contracted out wholesale to other people. Next to *fardhu ‘ain* there is *fardu kifaya* which must be carried out for one’s fellow men, for society. Each individual must perform his *fardu kifaya* for the community. These two *fardu* or duties may not be ignored.⁸ They are a part of and parcel of the Islamic faith.

⁶ Qur’an: Al-Isra, 70

⁷ Qur’an: Al Hujarat 13

⁸ Nasir, Muhammad, *The Indonesian Revolution*, 1998

According to Maududi, the rights to life, security, freedom and justice are basic Islamic rights.⁹ The Organization of Islamic Cooperation's 1990 Cairo Declaration on Human Rights in Islam is a concrete attempt at formulation such Islamic rights. The declaration states that "fundamental rights and universal freedom are integral part of the Islamic religion" and that "all the rights and freedom stipulated in this Declaration are subject to the Islamic Shari'ah." Some Muslim human rights activists argue that Islam is fully compatible with human rights, not as a legal system, but as a set of ethical and religious values that can strengthen and legitimize the legal standards of human rights.

III. Women's Rights

Before Islam, in 7th century, local pagan in Arabia, it was the custom to bury a live unwanted female newborns; Islam prohibited the practice. Islamic law gave women the rights to own and inherit property, engage in financial transaction, vote, obtain an education and participate in legal and political affairs. . Property and wealth are entwined in the structure of society, with ties formed through blood and marital relations, and the orderly transfer of wealth is a fundamental part of Islamic law. The supreme purpose of the Islamic system is material provision for surviving dependants and relatives, for the family group bound to the deceased by the mutual ties and responsibilities, which stem from blood relationships.¹⁰

Islam provides justice and equality for women. There is equal opportunity for both men and women.¹¹ Nothing in the laws of Islam or in their intention can account for

⁹ Maududi, Abul A'la, *Human Rights in Islam*, Leicester: The Islamic Foundation. 1976

¹⁰ Suraiya IT, *The Position of Women in the Family Law In Islam (Special Reference to Indonesian Case)*, Banda Aceh: The Globe Journal, 2010

¹¹ The Qur'an, 4:1

the generally ⁷ low status of Muslim women. The existing situation is contrary to the law, because originally women in Islam were granted an equal place in human society.¹²

The Qur'an also states, that "human beings were all created from the same *nafs* (soul)."¹³ It is reemphasizing their metaphysical sameness. The Qur'an also adds that the most honored humans in the sight of God are those who are the pious.¹⁴

According to Azizah Y. Al-Hibri, thus, at the same time that the Qur'an points out empirical differences among humans, such as those of gender, race and ethnicity, it asserts their natural equality.¹⁵ It bases any ranking among them on their individual moral choices. Consequently, from the perspective of these Qur'anic passages, no man is superior to a woman by virtue of his gender alone.¹⁶

Furthermore, in *sura* 4:34, we come to the statement that God has given "the one more strength than the other." Most translations make it appear that the one who has more strength, excellence, or superiority is the man. However, the Qur'anic expression does not say, that "all men are superior to or better than all women." Nor does it even imply that all men are preferred by God over all women. Advantages are explicitly specified in the Qur'an. Men have a certain advantage materially, resulting in certain responsibilities (or vice versa).

When the Qur'an says that "some (unspecified gender) are preferred by God over others," the expression literally means "some in relation to some," so that the statement could mean either that some men are superior to some others (men and/or

¹² Qasim Amin, *The Liberation of Women and the New Woman* (Cairo: The American University Press in Cairo, 1995), p.8

¹³ The Qur'an, 4:1-2

¹⁴ The Qur'an, 49:13, "Oh mankind! We created you from a single (pair), Of a male and a female, And made you into Nations and tribes, that ye may know each other (not that ye may despise each other). Verily, The most honoured of you In the sight of God Is (he who is) the most righteous of you. And God has full knowledge And is well acquainted (With all things)." (Abdullah Yusuf Ali Translation)

¹⁵ Azizah Y. Al-Hibri, "An Introduction to Muslim Women's Rights," p.52

¹⁶ *Ibid*

women) or that some women are superior to some others (men and/or women). According to Riffat Hassan, what is being stated in this verse is that some men are more blessed with the means to be better providers than are other men.

In Islam itself, a woman is a completely independent personality. She can make any contract or bequest in her own name. She is entitled to inherit in her position as mother, as wife and as daughter. She has perfect liberty to choose her husband. Islam does not consider a woman as "an instrument of the devil."

The Qur'an emphasizes the essential unity of men and women: "...They are your garments And ye are their garments. God knoweth what ye Used to do secretly among yourselves..."¹⁷

Thus, in many contemporary Muslim countries the "low" status of Muslim women does not reflect the spirit of the Qur'an or *hadith*. Rather, it is a result of extra-Islamic conditions, misinterpretations, and abuses of Islamic law. Local "interpretations," have, therefore, usually affected women negatively. In Islam, woman is equal to man in all essential rights and duties. God makes no distinction between man and woman. They are to be equally rewarded or punished for their deeds.¹⁸ Islam has granted women broad social, political and economic rights, education and training rights, and work opportunity rights. To protect these rights from being abused by men, Islam provided firm legal safeguards.¹⁹ Islam has certain religious aspects and has some aspects, which concern relations between members of society.²⁰ However, we must remember that Islam has intermingled with many other factors such as local custom, politics, economics and

¹⁷ The Qur'an, 2:187, Abdullah Yusuf Ali's translation.

¹⁸ M. al-Siba'I, *al-Maria Bayn al-Figh Wal-Qanun*, Al-maktab al-Islami, (Beirut, Damascus, 1972), p.26

¹⁹ See S. Mawdudi, *Purdah and Status of Women in Islam*, (Lahore, Pakistan: Islamic Publication Ltd, 1968), pp.150-5

²⁰ Religion and the profession of religion in Islam have such a close connection to human values that the estimation of a man's religious profession is based on what he or she does and how it fulfills his or her responsibility.

historical conjunction to shape the status of women in different ways in different times and places.²¹

IV. The Contribution of Religion for Peace, Mutual Respect and Life

In the religious tradition, the notions of the dignity and freedom of the person directly follow from the concept of divine religion. Religion relates people to God that all religions have played in the human history. If we approached positively religion can provide the most important socio-spiritual factor that makes social transformation and creation of a better human community viable.²² All religion preaches and the fundamental principle of all religions is peace, freedom, love and unity. But instead of becoming a cohesive force often religions have unfortunately turned out to be the most divisive force in the world.

Religion and the profession of Religion in Islam have such a close connection to “human values” that the estimation of a man’s religious profession is based on what he does and how he does it to fulfill his responsibilities towards humanity.

The Qur’an says: Say “O people of the Scripture, come to a word that is equitable between us and you that we will not worship except Allah and not associate anything with Him and not take one another as lords instead Allah. But if they turn away, then say, “Bear witness that we are Muslims (submitting to Him).”²³

The biblical and Christian traditions speak of how man was created in the image and likeness of God (Genesis 1:26; 5:1), with the image being understood as something placed into him from the beginning and the likeness as certain potential

²¹ See Laile Ahmed, *Women and Gender in Islam; Historical Roots of Modern Debate* (1992). And see also Lois Beck and Keddie (eds), *Women in the Muslim World* (Cambridge, MA: Harvard University Press, 1978)

²² H.E. Kyrikos Theophilos, *Peace, Freedom and Unity*, Presentation at the World Conference on Dialogue and Civilizations, Ohrid, Macedonia. October 26-28, 2007

²³ Qur’an: Surah Al Imran, 64

which he must realize. According to Christian doctrine, the highest dignity of man lies in the free realization of the potential of likening himself to God.

Plurality proffers spiritual and cultural resources for the survival of different folks in the search of freedom, self-respect and human dignity. Plurality offers different spiritual sources to tackle and face the problems with global. Dialogue is one of the main aspects of relationship among the people of different faiths.

The humanity has established several religious beliefs which gave meaning to people's lives, it raised the nations spirituality and strengthened culture. And there are also three monotheistic religions; the Jewish, the Christian and the Islamic religion.

The cross-cultural dialogue does not intend to achieve unity in faith, but the closer the opinions for mutual life and understanding. The priorities, common topics which are in the focus of such dialogues are; peace, mutual life, right for religion as part of the human rights and freedoms, social balance, health, ecology, etc. Religious dialogue is the issue of the openness and movement of the common human mind, and through dialogue and active efforts can be changed to a dynamic area where people can confirm and reaffirm the beauty of the Creative power of the differences.

The desire to know the varieties, the different, sometimes becomes the reason for love for humanity. The values of the individual and the worth of his religious profession are measured by the attitude he adopts with regard to the community.

Islam is a system, which does a way with racial fanaticism, narrow chauvinism, that which Westerners nowadays call racism. That way of thought, which Islam prohibits, is according to our religious scholars.²⁴

The economic poverty, hunger and loss of life in several countries of the world are of course the result of intervention, repression, and usurpation on the part of

²⁴ Muhammad Nasir, *The Indonesian Revolution*, in *Liberal Islam (a Sourcebook)*, edited by Charles Kurzman, New York: Oxford University Press. 1998

the big power. Today, the problem of atom bomb and the use of nuclear weapons is an issues all over the world.

Most of the regimes governing Islamic countries are under the influence of the big power. Therefore, their actions and decisions comply neither with the Islamic principles, nor with the needs of Muslim societies.

The failure of the attempts on the name of human rights is because of the system of dominance and unjust domination of the big powers. Therefore. The Islamic communities have to return to Islam, and recourse to Divine revelation. The Islamic societies do not have to wait for anything. Return to Islam, revival of the Qur'an that will enable us to understand the meaning of human rights and help us to identify those rights and guide us in our struggle to secure them.

The most basic and precious of human rights in Islam: the rights to live, the rights to be free, the right to benefit from justice, the to welfare, and so on. God has granted these rights to mankind, and they should secure these rights.

V. Conclusion

Human rights are the basic rights that belong to every person in the world. They apply no matter of where a person from, what he/she believes or how he/she chooses to live his/her life in. These basic rights based on values like dignity, integrity, equality, respect, and freedom.

Islam has principles on human rights, calls for respect for freedom and dignity, and came to entrench the principles of justice and equality among the people. Islam forbids injustice, tyranny, racism and oppression. Islam guarantees civil, political, ⁵ economic, social and cultural rights. Islam calls for peace and coexistence between differences religions, ethnic groups and races. It also maintains the monuments and human legacy of past civilizations.

Religion and the profession of Religion in Islam have such a close connection to “human values” that the estimation of a man’s religious profession is based on what he does and how he does it to fulfill his responsibilities towards humanity.

Islam proclaims all people are equal in terms of human values, and all individuals are equal before the Islamic code of law. Every human being is designated to his integrity, honor, and reputation during his life and after his death.

Therefore, no man should be discriminated against on the ground of the colour of his/her skin, his/her place of birth, the race or the nation in which he was born.

We should not only accept our differences but also embrace our common ground, so that we make grow together, respect other’s rights.

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