



Human Rights in Islam: A Comparative Analysis of Western and Islamic Perspectives and Their Application in Contemporary Society

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ABSTRACT

Human Rights constitute a fundamental issue in contemporary global discourse and are predominantly understood through a Western secular-liberal framework. However, Islam offers a distinct conceptualization of human rights rooted in divine revelation and embedded within the framework of Islamic law (Sharia). This article aims to analyze the concept of human rights in Islam, compare it with the Western conception of human rights, and examine its relevance and application in contemporary society. This study employs a qualitative approach using library research, drawing upon primary sources such as the Qur'an, the Sunnah, the Medina Charter, and the Universal Declaration of Human Rights (UDHR) 1948, as well as relevant academic literature. Data are analyzed through descriptive-analytical and comparative methods, focusing on differences in normative sources, philosophical foundations, and value orientations. The findings reveal that Western human rights are largely anthropocentric and emphasize individual freedom in a relatively absolute manner, whereas Islamic human rights are theocentric, emphasizing a balance between rights and obligations grounded in the principles of monotheism, justice, and public welfare (maslahah). The article concludes that despite fundamental differences, Islamic human rights remain relevant and possess significant potential to be contextualized in modern society through a maqasid al-sharia approach.

INTRODUCTION

Human Rights (HR) constitute a fundamental concept in the contemporary global order that upholds the dignity and worth of every individual, regardless of race, religion, gender, or social background. However, this concept did not emerge in a historical vacuum. Historically, the term and idea of human rights began to gain widespread attention during the European Enlightenment of the 17th and 18th centuries, when philosophers such as John Locke (1632–1704) introduced the concept of natural rights, encompassing the rights to life, liberty, and property (Locke, 1689). This idea was further strengthened by Jean-Jacques Rousseau (1762) through his theory of the social contract, which asserted that the

state is formed based on an agreement among the people to guarantee their fundamental rights (Rousseau, 1762).

The international formalization of human rights reached its peak in the aftermath of World War II, when the world witnessed severe humanitarian tragedies such as the Holocaust. In response, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) on 10 December 1948, establishing thirty articles on civil, political, economic, social, and cultural rights as global norms (Morsink, 1999).

In Indonesia, human rights became a serious national concern following the Reformasi movement of 1998, marked by constitutional amendments that introduced Chapter X-A on Human Rights (Articles 28A–28J) into the 1945 Constitution. Nevertheless, the spirit of human rights had already been embedded in the nation's foundational values since the proclamation of independence. The Preamble of the 1945 Constitution states that “independence is the right of all nations,” indicating that the Indonesian nation has, from its inception, upheld human dignity (Kaelan, 2002). Figures such as Abdurrahman Wahid (Gus Dur) are also widely recognized for their advocacy of minority rights and civil liberties.

Despite this, the Western approach to human rights, grounded in secularism, liberalism, and humanism, often differs fundamentally from the Islamic approach. In Western thought, human rights are anthropocentric, centering human beings as the primary source of value. Individual freedom is regarded as the highest principle, and the state is viewed merely as a protector of these rights rather than as a moral guide (Taylor, 2007). Within this framework, human rights also encompass rights related to sexual orientation, freedom to change religion, and freedom of expression, even when such expressions may offend religious beliefs (Mill, 1859).

In contrast, Islam possesses its own distinct conceptual framework regarding human rights. From an Islamic perspective, human rights originate from divine revelation namely the Qur'an and the Sunnah rather than from social contracts or human rationality alone. Human beings are regarded as vicegerents (khalīfah) of God on earth (Qur'an, Al-Baqarah 2:30), endowed with rights as well as responsibilities to fulfill this vicegerency in a just and accountable manner. The Qur'an affirms that human beings were created in the best of forms (Qur'an, At-Tin 95:4), and are granted rights that are inseparable from spiritual and social responsibilities.

Historical evidence that Islam recognized the concept of human rights from its earliest period can be found in the Charter of Medina (622 CE), widely regarded as the world's first written constitution. The Charter guaranteed the rights of a multicultural society consisting of Muslims, Jews, and polytheists within a single political community (Hamidullah, 1968). This concept was further reinforced by the Farewell Sermon of the Prophet Muhammad (peace be upon him) during the Farewell Pilgrimage (*Hajj al-Wadā'*), which emphasized the prohibition of bloodshed and unlawful appropriation of property, as well as the principle of human equality.

Accordingly, human rights in Islam are theocentric in nature. Human rights are viewed as a trust (amānah) from God, rather than as absolute individual entitlements. The right to freedom, for instance, may only be exercised within a framework that does not contradict the values of divine revelation. Core principles such as tawḥīd (monotheism), 'adl (justice), maṣlaḥah (public interest), and maqāṣid al-sharī'ah (the higher objectives of Islamic law) serve as normative foundations in Islamic thought (Sachedina, 2009; Kamali, 2002; Auda, 2008).

Nevertheless, epistemological differences between Western and Islamic conceptions of human rights often generate tension at the practical level, particularly regarding issues such as freedom of expression, LGBT rights, and freedom of religion. Islam does not reject the

fundamental principles of human rights; rather, it interprets them within the framework of Islamic law (sharī'ah), which emphasizes moral values, communal well-being, and social responsibility. Consequently, rights in Islam are guided rights, not absolute rights as commonly understood in Western liberal thought.

In the contemporary context, the greatest challenge lies in implementing an Islamic-based human rights framework within pluralistic, globalized, and digital societies without compromising its theological foundations. Several Muslim-majority countries, such as Tunisia and Malaysia, have attempted to integrate Islamic principles with international human rights norms in a synergistic manner, though not without challenges and tensions. In this regard, the maqāṣid al-sharī'ah approach plays a crucial role as a bridge between Islamic values and modern societal demands (Auda, 2008).

Considering the historical and epistemological complexities involved, a comparative study between Western human rights and Islamic human rights remains highly relevant and necessary, both theoretically and practically. Such a study not only seeks to clarify existing misconceptions but also aims to explore Islam's potential in offering an alternative human rights model that is just, contextual, and transformative.

METHOD

This study employs a qualitative approach using a library research design. This approach is chosen because the study focuses on a conceptual and normative analysis of Human Rights (HR) in Islam and its comparison with Western human rights concepts. The research data are derived from primary sources, including the Qur'an, the Sunnah of the Prophet Muhammad (peace be upon him), the Charter of Medina, and the Universal Declaration of Human Rights (UDHR) of 1948, as well as secondary sources such as books, peer-reviewed academic journal articles, and works by relevant scholars in the fields of human rights and Islamic law.

Data analysis is conducted through descriptive-analytical and comparative methods, involving a systematic presentation of Western and Islamic human rights concepts, followed by a comparison of the two in terms of their normative sources, philosophical foundations, and value orientations. The analysis also employs the maqāṣid al-sharī'ah approach to assess the relevance and implementation of Islamic human rights concepts within contemporary society. The findings are then synthesized to achieve a comprehensive understanding of the differences, points of convergence, and potential for dialogue between Islamic human rights and modern human rights frameworks.

RESULTS AND DISCUSSION

The General Concept of Human Rights

The concept of Human Rights (HR) in the modern world is the result of a long historical evolution of Western intellectual thought, rooted in humanity's struggle to attain freedom, justice, and protection from the abuse of power. Human rights are generally understood as fundamental rights inherent in every individual by virtue of being human, which cannot be revoked by state authority or any other party. The recognition of human rights emerged through an extensive historical and philosophical process, encompassing struggles against tyranny, absolutism, and discrimination.

The early foundations of human rights thought can be traced back to the Magna Carta of 1215 in England, which is widely regarded as an initial legal document limiting royal power and recognizing certain individual rights. In the Magna Carta, King John of England was compelled by the barons to sign an agreement guaranteeing basic legal rights, such as

protection against unlawful imprisonment without due process (*habeas corpus*) and the right to property ownership (Vincent, 2012). Although it was not intended for the general population, this document paved the way for the principles of the rule of law and the limitation of state power, two key elements in the modern conception of human rights.

Subsequently, human rights thought gained a stronger philosophical foundation during the European Enlightenment of the 17th and 18th centuries. Philosophers such as John Locke argued that every individual possesses natural rights, including the rights to life, liberty, and property. Locke asserted that these rights are inherent and inalienable, as they derive from human nature itself rather than from the state (Locke, 1689). His ideas laid the groundwork for social contract theory, which views the state as a protector of individual rights rather than as a holder of absolute power.

Another significant milestone in the development of human rights was the French Revolution of 1789, which produced the *Déclaration des Droits de l'Homme et du Citoyen* (Declaration of the Rights of Man and of the Citizen). This document affirmed that all human beings are born free and equal in rights, including freedom of expression, freedom of religion, and the right to legal justice (Hunt, 2007). The Revolution not only strengthened the principle of egalitarianism but also introduced the idea that political authority derives from the people, rather than from the divine right of kings.

The culmination of the international formalization of human rights occurred after World War II with the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly on 10 December 1948. This document was drafted in response to the atrocities of the Holocaust and the widespread devastation caused by the war, serving as a global commitment to prevent the recurrence of such tragedies. The UDHR consists of thirty articles encompassing civil, political, economic, social, and cultural rights that must be respected by all nations (Morsink, 1999). It stands as a central milestone in international human rights law and a normative reference for subsequent human rights instruments.

Although widely regarded as a major achievement of humanity, the UDHR and Western human rights discourse in general are built upon the foundations of secularism and liberalism. Secularism positions religion as a private matter and rejects the dominance of religious authority in the public sphere and state policy. In the context of human rights, secularism emphasizes state neutrality toward religion and upholds individual autonomy in choosing or abandoning religious beliefs (Taylor, 2007). While this framework facilitates the protection of plural identities in modern societies, it simultaneously generates tension with religion-based legal systems, such as Islam.

Meanwhile, liberalism, particularly in its classical form, places individual freedom as the highest value in social and political life. Principles such as freedom of expression, freedom of religion, and freedom of opinion are regarded as rights that should not be restricted except to prevent clear harm to others (Mill, 1859). Within this framework, human rights function not only as safeguards against state intervention but also as foundations for achieving individual moral autonomy. Consequently, liberalism tends to reject limitations on individual rights based on collective norms or religious values, including in controversial issues such as LGBTQ+ rights, criticism of religion, and the separation of church and state.

However, the dominance of this liberal-secular human rights narrative has frequently attracted criticism, particularly from non-Western cultures and religious communities. Many Islamic scholars and postcolonial thinkers argue that Western human rights concepts are Eurocentric and overlook the cultural values and religious traditions of other societies (Mutua, 2001). Human rights are thus viewed not as culturally neutral, but as products of the specific historical experiences of Western nations that have subsequently been universalized.

This critique opens space for discourse on the need for a pluralistic understanding of human rights that respects diverse epistemological foundations and value systems across societies.

Thus, human rights within the Western tradition are the outcome of a long intellectual struggle deeply influenced by secularism, liberalism, and humanism. Although human rights have become widely accepted international norms, their interpretation and implementation remain subjects of ongoing debate, particularly in relation to the tension between universal human rights and religious values, such as those found in Islam. Therefore, this paper underscores the importance of exploring how Islam offers its own conceptual framework of human rights, and how the differences between Islamic and Western approaches can be understood in a scholarly and constructive manner.

The Concept of Human Rights in Islam

Human rights (*ḥuqūq al-insān*) in Islam are not a foreign concept that emerged solely within modern discourse; rather, they have been an integral part of Islamic teachings since the prophetic era. From an Islamic perspective, human rights derive directly from divine revelation and form part of a holistic and transcendent value system. Unlike the Western conception of human rights, which is largely rooted in rationalist and secular philosophy, human rights in Islam are grounded in the principle of divine sovereignty (*tawḥīd*) and Islamic law (*sharīʿah*) as their primary normative sources.

1. Sources of Human Rights in Islam: The Qur'an and the Sunnah

The primary sources of human rights in Islam are the Qur'an and the Sunnah. The Qur'an, as the holy scripture of Islam, contains numerous verses that acknowledge and guarantee fundamental human rights in both personal and social spheres of life. For instance, the right to life is affirmed in God's command: "*And do not kill the soul which Allah has forbidden, except by right*" (Qur'an 17:33).

The Sunnah of the Prophet Muhammad (peace be upon him), as the second source of Islamic law, also reflects a strong recognition of human rights. This is evident in historical documents and teachings such as the Constitution of Medina and the Farewell Sermon (*Khuṭbat al-Wadāʿ*), in which the Prophet emphasized human equality, the prohibition of unlawful bloodshed, and the protection of property and human dignity.

These two sources serve as the foundation for legal reasoning (*ijtihād*) by Muslim scholars, who take into account social context, the objectives of Islamic law (*maqāṣid al-sharīʿah*), and principles of justice. Consequently, human rights in Islam do not exist merely as moral or political categories, but as integral components of the *sharīʿah*, which regulates the relationship between humans and God, among human beings, and between humanity and the natural world.

2. Fundamental Principles of Human Rights in Islam

Several foundational principles underpin the Islamic conception of human rights:

a. Tawḥīd (Divine Oneness)

Tawḥīd is the core principle of Islam and the foundation of its entire value system, including human rights. In the context of human rights, *tawḥīd* affirms that absolute sovereignty belongs solely to God; therefore, no individual or institution has the right to oppress or negate the rights of others (Sachedina, 2009). This principle establishes spiritual and moral equality before God, regardless of race, ethnicity, or social status.

b. Khilāfah (Human Stewardship and Responsibility)

In Islam, human beings are regarded as God's vicegerents (*khulafāʾ*) on earth (Qur'an 2:30). This concept entails moral and social responsibility to uphold

justice and maintain balance in the world. As God's stewards, humans possess rights as well as obligations to protect their own dignity and that of others. The concept of *khilāfah* also underscores that human freedom is not absolute, but is accompanied by accountability before God for one's actions (Nasr, 2002).

c. 'Adl (Justice)

Justice is a central value in the entire Islamic legal system. In the context of human rights, justice serves as the foundation for the protection of both individual and collective rights. God commands: "Indeed, Allah enjoins justice and excellence..." (Qur'an 16:90). In Islam, justice does not merely signify equal distribution of rights, but also the proper placement of rights according to their moral and social functions within society.

d. Maṣlaḥah (Public Welfare)

The principle of *maṣlaḥah* is employed by scholars as a method of *ijtihād* to formulate laws that respond to the needs of changing times. Human rights in Islam are developed through the framework of *maqāṣid al-sharī'ah*, which aims to protect five essential human interests: religion (*dīn*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), and property (*māl*) (Auda, 2008). *Maṣlaḥah* emphasizes the balance between individual rights and collective welfare within society.

3. Types of Human Rights in Islam

Various fundamental human rights are affirmed in the Qur'an, the Sunnah, and the Islamic legal tradition. Among them are:

a. The Right to Life (*Ḥaqq al-Ḥayāh*)

The right to life is the most fundamental human right. In Islam, the unjust killing of a single person is regarded as equivalent to killing all of humanity (Qur'an 5:32). The protection of human life is therefore a moral and legal obligation upheld with the utmost seriousness.

b. The Right to Honor and Human Dignity (*Ḥaqq al-Karāmah*)

Every human being possesses inherent dignity that must not be violated. The Qur'an declares: "And indeed, We have honored the children of Adam..." (Qur'an 17:70). This right includes protection of personal reputation, privacy, and humane treatment in all aspects of life.

c. The Right to Freedom of Religion (*Ḥaqq al-Dīn*)

Islam guarantees freedom of religion within defined boundaries. The Qur'an states: "There is no compulsion in religion..." (Qur'an 2:256). In classical Islamic governance, non-Muslim communities (*ahl al-dhimmah*) were granted the freedom to practice their religions under state protection, although they did not always enjoy political equality with Muslims. Nevertheless, this freedom operates within the framework of *sharī'ah* and must not undermine public order or the core values of Muslim society.

d. Social and Economic Rights (*Ḥaqq al-Ijtimā' wa al-Iqtisād*)

Islam places strong emphasis on social justice and equitable wealth distribution. Instruments such as *zakāt*, charity (*ṣadaqah*), the prohibition of usury (*ribā*), and inheritance laws constitute an economic system aimed at ensuring social welfare. The Qur'an condemns the concentration of wealth among the elite: "...so that it may not circulate solely among the rich among you" (Qur'an 59:7). Both the state and society are obligated to protect the poor and vulnerable.

In conclusion, human rights in Islam are integral, normative, and rooted in divine moral principles. They are not understood merely as individual entitlements, but as

instruments for realizing a just, ethical, and civilized social order in accordance with God's will. In contemporary society, it is essential to reinterpret classical texts through the lens of *maqāṣid al-sharī'ah* and socio-historical context so that Islamic human rights principles remain relevant and practically applicable.

Differences between Western Human Rights and Islamic Human Rights

Although Human Rights (HR) are widely regarded as universal principles that guarantee the freedom and dignity of every individual, approaches to these rights within Western and Islamic traditions reveal fundamental differences. These differences are evident in their normative sources, underlying philosophical foundations, and modes of application in social and political life. Such distinctions do not necessarily indicate direct opposition; rather, they reflect diverse epistemological perspectives and cultural backgrounds in understanding the concepts of "rights" and "humanity."

1. Sources and Origins of Human Rights

One of the primary distinctions between Western human rights and Islamic human rights lies in their sources and normative foundations. In the Western tradition, human rights are formulated based on the philosophies of humanism, liberalism, and secularism. These frameworks emphasize human rationality and individual freedom as central values. Human rights are viewed as products of social consensus arising from social contracts and evolving through historical political struggles (Donnelly, 2003). Rights are considered inherent to individuals due to their status as rational and autonomous beings.

In contrast, human rights in Islam are derived from divine revelation, namely the Qur'an and the Sunnah. These rights are not the result of human agreement but are part of the will of Allah SWT, revealed to ensure human welfare and dignity as God's creation. Consequently, Islamic human rights are theocentric (God-centered), rather than anthropocentric as in the Western human rights tradition (Sachedina, 2009).

2. Fundamental Principles: Freedom versus Obedience

Western human rights place individual freedom at the core of their normative framework. From a liberal perspective, individuals are entitled to determine their own life choices as long as they do not infringe upon the rights of others. Freedom of religion, expression, association, and even sexual orientation are regarded as manifestations of individual autonomy that must be respected by both the state and society.

Conversely, in Islam, individual rights are framed within the principle of *'ubūdiyyah* (servitude to Allah). While individuals are granted certain rights, these rights are not absolute; they are limited by Islamic law (*sharī'ah*) and considerations of public interest (*maṣlaḥah*). Freedom may not be exercised in ways that contradict the principles of *tawḥīd*, insult religion, or undermine public morality (Kamali, 2002).

3. Goals and Orientation of Human Rights

In the Western system, the primary goal of human rights is to guarantee individual freedom and protect citizens from the abuse of power. Accordingly, human rights function as safeguards against state authority and emphasize limiting governmental power through legal frameworks and independent institutions.

In contrast, Islamic human rights serve not only to protect individuals but also to promote the realization of a just, moral, and balanced society. Human rights in Islam are inseparable from moral and social responsibilities. This framework encourages individuals to exercise their rights for the collective good, rather than solely for personal interests.

4. Flexibility and Universalism

Western human rights are often claimed to be universal, applicable to all human beings regardless of religion, culture, or nationality. However, this claim has been criticized

as a form of cultural imperialism, since the so-called universal standards largely originate from Western historical experiences and value systems (Mutua, 2001).

Islam acknowledges universal principles such as justice, compassion, and equality, but implements them within the framework of *shari‘ah* and *maqāṣid al-shari‘ah*. Therefore, Islamic universalism is contextual in nature and takes into account local values and religious norms. Islam does not reject human rights per se, but rather challenges forms of universalism that marginalize religion and absolutize individual freedom.

5. Examples of Application in Contemporary Issues

Issues such as freedom of expression, LGBT rights, religious freedom, and feminism often serve as arenas in which the differences between Western and Islamic human rights become apparent. In the Western human rights framework, artistic expression or opinions that offend religious sentiments are often protected as part of freedom of expression. In Islam, such expressions are regarded as insults to God and religion and therefore fall outside the scope of protected freedoms.

Similarly, the recognition of same-sex relationships as a human right in Western systems is rejected in Islam, as it is considered incompatible with Islamic legal principles and the objectives of public morality. These examples demonstrate that the divergence between Western and Islamic human rights is not merely theoretical but also has tangible implications for public policy, legal systems, and social practices.

Table 1. Comparison between Western Human Rights and Islamic Human Rights

Aspect	Western Human Rights (Liberal–Secular)	Islamic Human Rights (Shari‘ah–Theocentric)
Source	Rationalism, humanism, social contract	Divine revelation (the Qur’an and Sunnah)
Philosophical Basis	Secularism and liberalism	<i>Tawḥīd</i> , justice (<i>‘adl</i>), and <i>maqāṣid al-shari‘ah</i>
Primary Orientation	Protection of individual freedom from state interference	Balance between individual rights and moral/spiritual responsibilities
Individual Freedom	Considered absolute, as long as it does not violate the rights of others	Limited by Islamic law (<i>shari‘ah</i>) and public interest (<i>maṣlaḥah</i>)
Right to Religious Freedom	Includes the right to change religion or to have no religion at all	Freedom is granted within the limits of <i>shari‘ah</i> ; apostasy is not permitted
Right to Expression	Includes criticism of religion and sacred symbols	Restricted; expressions must not insult religion or the Prophet
Gender and Sexuality	Full recognition of gender equality and sexual orientation rights	Gender rights are recognized within the <i>shari‘ah</i> framework; homosexuality is prohibited
Universality	Claimed to apply universally to all human beings without exception	Universal in principle but grounded in <i>shari‘ah</i> and Islamic values
Ultimate Goal	Individual autonomy and democratic social order	Worldly and spiritual well-being and the formation of a moral and just society

The Application of Islamic Human Rights Concepts in Contemporary Society

1. Challenges of Implementation

Applying the concept of Human Rights within an Islamic framework in contemporary society is not a simple task. Various challenges complicate the translation of Islamic human rights values into the legal and social systems of Muslim-majority countries, often resulting in tensions or even conflicts with international human rights norms. Several major challenges can be identified as follows.

a. Tensions with International Human Rights Standards

One of the most prominent challenges is the tension between Islamic human rights concepts and international human rights standards, particularly on sensitive issues such as freedom of expression, sexual orientation rights, and freedom of religion. Within the framework of international human rights, individuals are considered to possess absolute rights to express opinions, including criticism of religion, as well as the freedom to choose their sexual orientation and beliefs. In contrast, from the perspective of *shari'ah*, such freedoms are limited by Islamic moral and legal principles. For example, homosexuality is considered contrary to Islamic law and is therefore not recognized as a legitimate right (Sardar, 2003). These differences frequently lead to criticism from international human rights organizations toward Muslim-majority states.

b. Authoritarian Governance in Muslim-Majority Countries

Many Muslim-majority countries continue to be governed by authoritarian regimes or non-democratic political systems. As a result, Islamic human rights concepts are often misused to justify repression under the pretext of maintaining morality and social stability. In fact, fundamental Islamic principles such as justice (*'adl*), consultation (*shūrā*), and *amr ma'rūf nāhy munkar* (enjoining good and forbidding evil) demand public participation and respect for individual rights. When *shari'ah* is employed as a tool for legitimizing absolute power, the core values of Islamic human rights become distorted (Abou El Fadl, 2004).

c. Lack of Contextual Understanding of Shari'ah

Much of the discourse and implementation of *shari'ah* in the Muslim world remains trapped in a textual and literalist approach, with insufficient consideration of contemporary social, political, and cultural contexts. This often results in rigid legal applications that fail to respond to modern realities. In contrast, *maqāṣid al-shari'ah* the objectives of Islamic law provide a flexible framework that allows for legal reform while preserving the essential goals of Islamic teachings (Auda, 2008). Without a contextual and purposive approach, the development and application of Islamic human rights risk stagnation.

2. Alternative Models of Implementation

To address these challenges, new approaches are required to implement human rights within an Islamic framework approaches that remain faithful to divine principles while being responsive to global and social dynamics. Several alternative models can be proposed.

a. Harmonizing *Maqāṣid al-Shari'ah* with Modern Human Rights Principles

The *maqāṣid al-shari'ah* approach offers a middle path for bridging Islamic values and modern human rights standards. The *maqāṣid* aim to protect five essential values: religion, life, intellect, lineage, and property.

If modern human rights principles are understood as instruments to achieve these objectives, a productive convergence can emerge. For example, rights to education, healthcare, and political participation can be viewed as mechanisms for protecting intellect and life. This approach allows for the reinterpretation of Islamic law without abandoning its revelatory foundations.

b. Promoting Substantive Democracy in Muslim States

Islam does not reject democracy. On the contrary, Islamic principles such as *shūrā* (consultation), *ijmāʿ* (consensus), and *masʿūliyyah* (accountability) align closely with modern democratic values.

However, what is required is not merely procedural democracy such as elections and formal institutions but substantive democracy that guarantees social justice, freedom of thought within the limits of *sharīʿah*, and meaningful public participation in decision-making processes. Muslim-majority states need to develop political systems grounded in progressive Islamic values rather than absolute authority.

c. Human Rights Education Based on Islamic Values

One of the most strategic ways to institutionalize Islamic human rights is through education. Curricula in Islamic schools and universities should integrate Islamic human rights principles grounded in *maqāṣid al-sharīʿah* and contemporary *ijtihād*. Such education is essential to shaping a generation of Muslims who do not perceive human rights as a purely “Western product” opposed to Islam, but rather as an integral part of their moral and social responsibility in practicing Islamic teachings.

3. Practical Examples: Tunisia and Malaysia

a. Tunisia: A Pro-Democracy Constitution with Islamic Nuances

Following the Arab Spring, Tunisia successfully adopted a new constitution in 2014, widely regarded as a model of a democratic Muslim-majority state that respects Islamic values. The constitution guarantees freedom of religion, freedom of expression, and gender equality, while affirming Islam as the state religion. Tunisia demonstrates that Islam and modern human rights need not be inherently contradictory, provided there is political will and a progressive understanding of *maqāṣid al-sharīʿah*.

b. Malaysia: A Dual Legal System

Malaysia implements a dual legal system, applying *sharīʿah* law to Muslims and civil law to all citizens. The country seeks to balance its commitment to Islam with its international human rights obligations.

Although tensions persist on certain issues such as apostasy and LGBT rights Malaysia illustrates that dialogue between *sharīʿah* and human rights can occur through legal mechanisms and institutions that remain open to reform and adaptation.

CONCLUSION

Based on the discussion and analysis presented in this paper, it can be concluded that the concept of Human Rights in Islam constitutes an integral value system grounded in divine revelation and aimed at safeguarding human dignity in spiritual, social, and moral dimensions. Islam recognized and guaranteed fundamental human rights long before the emergence of modern human rights declarations. Islamic human rights are derived from the Qurʿan and the Sunnah and are framed by key principles such as *tawḥīd* (monotheism), *khilāfah* (human stewardship), justice (*ʿadl*), and public interest (*maṣlaḥah*). Consequently, human rights in

Islam are not solely oriented toward individual freedom but are inseparable from responsibility toward God and society.

The fundamental differences between Islamic human rights and Western human rights lie in their epistemological foundations and philosophical approaches. Western human rights are secular, liberal, and anthropocentric, rooted in rationalism and the notion of absolute individual freedom. In contrast, Islamic human rights are theocentric, bound by *shari'ah*, and emphasize a balance between rights and obligations. These differences are reflected in their respective approaches to issues such as freedom of expression, gender rights, and freedom of religious conversion.

Despite the challenges faced in implementing Islamic human rights in contemporary societies such as tensions with international norms, authoritarian political systems, and the lack of contextual *ijtihad* the Islamic human rights framework remains relevant and holds significant potential for further development. The *maqasid al-shari'ah* approach provides space for a more dynamic and inclusive reinterpretation of Islamic law in response to contemporary realities. Examples from countries such as Tunisia and Malaysia demonstrate that Islam can coexist with democratic principles and human rights, provided there is a progressive understanding and a willingness to engage in constructive dialogue.

In conclusion, Islam possesses considerable potential to contribute meaningfully to the global human rights discourse, as long as its principles are understood holistically, contextually, and are not reduced by political interests or confined to rigid literalist interpretations.

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