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## Research Article

# Development Of Renewal In Islamic Law And Human Rights In The Modern World

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**Abstract.** Muslim countries are often trapped in a dilemma between being exclusive and maintaining the principles of Human Rights (HAM) outlined by Islam through Islamic law, or following the principles of human rights regulated internationally through the Universal Declaration of Human Rights. Islamic law and human rights must always be pursued to open wider opportunities for mutual understanding and in turn this will facilitate the achievement of progress and protection of human rights in Muslim countries. On the other hand, this dialogue is an important means for developing human rights discourse and eliminating the negative stigma towards Islamic law which is often accused of violating human rights, as well as opening up space for interpretation and study of Islamic law which continuously leads to the relevance of Islamic law in contemporary life. From an Islamic perspective, the concept of human rights is explained through the concept of maqâshid al-syarî'ah (goals of shari'ah), which has been formulated by past scholars. The aim of the shari'ah (maqâshid al-syarî'ah) is to realize the benefit (mashlahah) of mankind by protecting and realizing and protecting

the things that are their necessity (dharûriyyât), as well as fulfilling the things that are their needs (hâjiyyât ) and their decoration (tahsîniyyât). For this reason, it is necessary to dialogue between human rights and Islamic law in order to reach a common understanding. On the other hand, this dialogue is an important means for developing human rights discourse and eliminating the negative stigma towards Islamic law which is often accused of violating human rights, as well as opening up space for interpretation and study of Islamic law which continuously leads to the relevance of Islamic law in contemporary life.

**Keywords:** Islamic Law, Human Rights, Modern Muslims.

## INTRODUCTION

Islam is a complete and perfect religion, the scope of its teachings covers all aspects of human life. Islam provides regulation and guidance to humans starting from the smallest matters to large scale matters. And of course this includes limits and high respect for Human Rights (HAM). Of course, not in a structured form in one chapter, but scattered in the holy verses of the Qur'an and Sunnah, the issue of human rights is not something new. Islamic Sharia, which is universal, explains many basic principles regarding equality, human rights and freedom. Even when the Prophet Muhammad SAW declared the Medina Charter, human rights were placed in the highest position in the first Islamic constitution.

problem faced throughout humanity's journey is respecting the position of humans as very noble creatures. The pros and cons of implementing human rights among Muslims still occur frequently today. The debate that often occurs stems from the belief of Muslims that Islamic teachings are the most perfect guide to life in maintaining human honor, while human rights are a modern human agreement resulting from the long journey of human oppression in the Western world.

The debate between Islam and human rights (HAM) involves at least two mainstream opinions, namely antagonistic and accommodative (negotiative) views. The antagonistic view is a view that is closely related to human rights politics itself in the post-Cold War period. With all the criticism presented to him, the thesis proposed by Samuel P. Huntington seems relevant to describe this antagonistic pattern, because Islam and the West are seen as suspicious of each other. In this case, human rights are often seen as a tool of colonialization and western efforts to destroy eastern civilization, especially Muslim civilization. This prejudice drives the relationship between these two civilizations to be less than harmonious, in some cases it also tends to negate the positive aspects between the two.

The human rights discourse is a victim of this civilizational conflict, so that in its development the human rights discourse is quite difficult for Eastern countries and Muslims in general to accept. The second opinion is a perspective that is more accommodative or negotiative, prioritizing negotiations between Islamic (shari'a) and the current context, including human rights discourse. This view believes that only by compromising two views which are often assumed to be contradictory can actually promote and protect human rights in Muslim countries, which ultimately leads to a unified view on the importance of human rights itself, without forgetting the long-standing tradition of Islamic law. and Developing. With these two sources

of values and morals, human rights are gaining momentum to be increasingly upheld and pushed to the level of practice in every country because they are supported by two important moral and civilizational foundations in the world.

Huntington's assumptions in *The Clash of Civilization* can be traced to the historical context of a history of Western Colonization which penetrated almost all Muslim regions. The colonialization that befell Muslim communities, stimulated by the spectacular progress achieved by western societies, actually gave rise to a feeling of "wanting to rise" among Muslims. The Islamic Ummah, which initially had unrivaled glory several centuries ago, is now in decline and lagging behind with the progress of the times. The period of *jumud* (vacuum) for almost seven centuries made this glorious phase of European civilization a bitter shock for Muslims, and awakened them from a long sleep.

In this phase, the enthusiasm of Muslims peaked and the desire to revive Islamic teachings began to become the goal of the struggle. One adage that really emerged at that time was that "The decline of Muslims in modern times was because they abandoned the Koran as the main reference for Muslims." It is this urge to return to authoritative sources that strengthens renewal (*tajdid*) among Islamic scholars and marks a new era of reopening the doors of *ijtihad*, because *taqlid* (rigidly following what has been handed down by previous scholars) and the closing of the doors of *ijtihad* are the starting points for criticism of decline of Muslims.

With the spirit of renewal and stimulus that came from European (Western) civilization, at least the attitude of Muslims was divided into three different, although identical, types of approaches, namely: apologetic, identification, and affirmative. Through an apologetic approach, some Muslim thinkers put forward the advantages of Islam, which include jihad, polygamy, the position of women, slavery and others. This approach tends to be idealistic and normative, and ignores social reality, as well as reflecting a reactionary attitude. An identifying approach is taken to identify the problems faced in order to formulate responses and at the same time Islamic identity in modern times. Finally, an affirmative approach is taken to reaffirm belief in Islam and at the same time strengthen the existence of the Muslim community itself.

## **DISCUSSION**

### **The Development of Human Rights in the Islamic World**

Human rights objectively have noble aims. It provides basic rights to humans without distinction of origin, whether race, skin color, gender, language or religion. The concept of human rights in *maqasid al syariah*, namely Islamic sharia, is prescribed in order to protect human benefit by protecting the interests, safety and welfare of humans both in life in this world and in the afterlife. The fundamental problem, if Islamic law is confronted with human rights, is at least family law. Several proposed methods of understanding texts have emerged in an effort to respond to developments in humanity. A *qatb'i* verse is to analyze a number of verses so that a unidirectional understanding can be obtained from these verses. The collaboration of a number of verses shows that the meaning contained therein is definite and indisputable. then tensions in Islamic law, especially accusations of discrimination

against women and non-Muslims, can be avoided without the need for accusations of abandoning the verses of the al-Quran.

Human rights, which are basically moral and not political, became very important after World War II with the birth of the Universal Declaration of Human Rights (UDHR), on December 10 1948, which was supported by the majority of members of the United Nations. Nation (UN). However, the implementation of human rights in many countries currently still faces many obstacles, including in Muslim countries.

Even though almost all Muslim countries have signed the charter, in practice there are still many of these countries that have not fully implemented the protection and enforcement of human rights. There are a number of factors behind this, both for reasons of religious doctrine and because there is no political will from the government. A number of observers even consider that there is an incompatibility or conflict between Islamic teachings and human rights. However, this opinion is denied by Muslim scholars and intellectuals who claim the compatibility of Islamic teachings with human rights, even though they are also aware of the differences between the "universal" concept of human rights which in fact originates from Western civilization and the concept of human rights according to Islam.

According to Ali Yafie, as quoted by Masykuri, basic human needs (al-Daruriyyah) include soul (al-Nafs), reason (al-'Aql), heredity (al-Nasab), property (al-Mal) and religion (al-Din). Islam protects human basic needs and prohibits any violation of these basic needs. He added that the rights stipulated in the Universal Declaration of Human Rights are actually included between daruriyyah and hajiyyah.

From an Islamic perspective, the concept of human rights is explained through the concept of maqâshid al-syarî'ah (goals of shari'ah), which has been formulated by past scholars. The aim of the shari'ah (maqâshid al-syarî'ah) is to realize the benefit (mashlahah) of mankind by protecting and realizing and protecting the things that are their necessity (dharûriyyât), as well as fulfilling the things that are their needs (hâjiyyât) and their decorations (tahsîniyyât)"

According to Abdullah Ahsan's notes, as quoted by Mashood A. Baderin, after the conference on Human Rights and freedom in Islam in Nigeria in 1979, the 10th Conference of OIC Foreign Ministers approved the formation of a Deliberative Commission of Muslim experts to prepare a draft human rights document Islamic human rights for the OIC to comply with the organization's commitment to its charter on human rights. Entering the 1980s, the OIC began to concentrate on including human rights as their conference agenda as stipulated in the legal resolution of the Council of Foreign Ministers.

At the 17th OIC Foreign Ministers' Conference in Amman, Jordan, in 1988, the OIC issued resolution No. 44/17-P concerning The Draft Document On Human Rights in Islam, which among its contents recognizes freedom, justice, peace, brotherhood and equality between humans, and recognition of human rights in accordance with Islamic law. In full, the resolution states: "Faithful to the immortal teachings of Islam concerning freedom, justice, peace, fraternity and equality among mankind, without any discrimination on the basis of race, color or creed; Keenly aware of the dignity

and rights to which all human beings are entitled according to the Islamic Shari'a Recognizing the importance of issuing a Document on Human Rights in Islam."

Humans in Islam are placed as creatures who have glory and primacy, have high honor and dignity. The Islamic human rights system contains the basic principles of equality, freedom and respect for fellow human beings. Whatever skin color, wherever you come from, whatever religion you follow. To the point that even angels have to respect him (QS Al-Baqarah: 34, Al-a'raf: 11). Simultaneously with the granting of status as a "superior being"

Human rights obtain a foundation in Islam through its most important teaching, namely Tawhid (unification with God). Therefore, human rights in Islam are viewed more from a theocentric perspective. However, the teachings of monotheism have implications for the principle of equality, brotherhood and justice between human beings, and the principle of human freedom. Apart from principles that uphold human dignity, there is Islamic criticism of injustice, social inequality and discrimination. The Qur'an conveys this criticism of economic injustice in the statement "wealth should not circulate only among the rich" (QS 59:7). So, equal rights, justice, mutual assistance, and equality before the law are key principles that are highly considered in the Sharia. In the history of Islamic civilization, these principles are upheld by Muslims as a way of life in society, nation and state.

The principles of human rights in the Al-Qur'an show that several human rights must be upheld and if not, this is a violation of human rights. These rights include the right to life, the right to use and maintain water and air, the right to freedom of choice for humans regarding their actions, and the right to uphold plurality. This is the universal message of human rights principles, and will remain relevant to life. More than that, these principles can form a society with dignity and mutual respect.

## CONCLUSION

Based on the brief description above, of course the question that arises is what is the future of the Independent Human Rights Commission created by the OIC in developing human rights issues in the world in the future and specifically in the Muslim Community? Islamic law (sharia) and human rights must always be the concern of all groups to open up wider opportunities for mutual understanding and in turn will facilitate the achievement of progress and protection of human rights themselves. On the other hand, this dialogue is an important means for developing human rights discourse and eliminating the negative stigma towards Islamic law which is often accused of violating human rights, as well as opening up space for interpretation and study of Islamic law which continuously leads to the relevance of Islamic law in contemporary life.

For this reason, it is necessary to dialogue between human rights and Islamic law in order to reach a common understanding. First, many UN member states are Muslim countries that enforce Islamic law either in full or in part as domestic law. Second, Muslim countries that are members of the United Nations (UN) work together to realize the goal of promoting and protecting international human rights,

but they also express declarations and doubts based on sharia or Islamic law when they ratify international human rights treaties.

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