



## **The Human Rights In Islamic Perspective**

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**ABSTRACT:** *The concept of human rights that naturally appear on abd-17th as a defense force of absolute power. The results of the movement influenced by Rousseau and others this is an amalgamation of various human rights terancangkan on some of Constitution of the various countries and finally embodied in the Universal Declaration of Human Rights (UDHR) by the United Nations on January 10, 1948. Human rights (human rights) is not a new term in contemporary society. Today the community is getting familiar with those terms. Good community top level or lower level began to familiar problems to discuss human rights. The media to be one of the factors the more familiar term. The human rights recognized in the various Abrahamic religion although with different terms, is no exception. Islam strongly upholds the rights of every human being, though in practice there are sufficient differences between the striking HUMAN RIGHTS according to Islam and human rights according to the West. The differences are sometimes be polemic and become material for attacking Muslims. Although in reality the difference is not a great problem, since it Islam in Holy Book with clear respect for human rights.*

**KEYWORDS:** *Human Rights, International Perspective, Islam*

### **I. INTRODUCTION**

The idea of human rights that apply to date still remain the spotlight of the international community. Even the question of HUMAN RIGHTS is the problems of modern society, viewed as one of the potential international issues in the future.

In General, most experts agree that the birth of the European HUMAN RIGHTS in Europe began with the inception of the Magna Charta which among other things contains the view that absolute power King (the King who created the law, but he himself is not bound by the the law made), became restricted his power and begins to be requested in advance of legal liability. That is, in the Magna Charta of rights absolutism of the King were removed. If the King violated the law, the King tried his Government policy accountable to Parliament.

Alison Dundes, as quoted Faisar Ananda explains that empirically-historical milestone-milestone of thought and the movement of HUMAN RIGHTS had existed before World War II. In the history of Western civilization, the individual's rights at the national level has been promoted with a variety of businesses. Western countries have published documents relating to the human rights struggle as Magna Charta (Agreement) United Kingdom (1215).

### **II. DISCUSSION**

#### **A. The Conception Of Human Rights**

##### **1. The notion of human rights**

The word HAM is composed of three syllables, namely human rights, and human. From a linguistic, rights are normative elements (raw) that functions as a guide, conduct that protects the freedom of, immunity and guarantees the existence of opportunities for humans to maintain dignity and her dignity. There are some rights, such as: a) the owners of rights, b) the scope of application of the right, and c) are willing parties in the implementation of rights.

The third element of the blending in understanding about the right so it can be identified that is normative elements inherent in every human being. Application of the normative element covers on the scope of the rights to equality and freedom of rights related to the interactions between individuals or agencies. In a more concrete, HUMAN RIGHTS as a universal moral rights, something that all everywhere constantly want to have something that no one can be removed without defying the justice, something related to every human being, in simply because he was a man.

In accordance with the above description, then the HAM can be understood as the primary fundamental right is grace gift of God Almighty to his creatures so that mandatory high esteem respected, and protected by the State, the law, the Government and any person for honor and dignity



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and the protection of human dignity. Therefore, if there is a deed or seseorang groups of people including State apparatus that intentional or not intentional or gross negligence which is against the law of decrease, hinder, limit or revoke a person's human rights or a group of people that is guaranteed by law, then that so called human rights abuses.

Violation of HUMAN RIGHTS will get a very heavy punishment. The process of settlement of the law first passed the Court of HUMAN RIGHTS, namely the Special Court against violators of human rights. Severe human rights violations are reviewed and terminated by the Court of HUMAN RIGHTS is to include:

First, the crime of genocide, i.e. any acts committed with intent to destroy or destroy all or part of a group of Nations, races, ethnic groups, religious groups. The way the HAM offenders committed genocide is by means of:

- a. Killing members of the group.
- b. result in physical or mental suffering that weighs against the members of the group.
- c. create the conditions of life of groups which would result in the destruction of the physical good whole or in part.
- d. Imposing measures aimed at preventing births within the group.
- e. forcibly Move the children from specific groups to other groups.

Second, the crime against humanity that is one part acts committed by means of a systematic or widespread attack which such attacks aimed directly to the civilian population. Crimes against humanity are in the form:

- a. murder.
- b. extermination.
- c. slavery.
- d. expulsion or transfer of population by force.
- e. deprivation of freedom or deprivation of physical liberty in violation of arbitrary other (principles) of the staple provisions of international law.
- f. torture.
- g. rape, sexual slavery, forced palcuran pregnancy, coercion, forced sterilization or pemandulan or other forms of sexual violence to other equivalent.
- h. the persecution of a particular group or association is based on the equation of political savvy, race nationality, ethnic, cultural, religious, gender or other reasons that have been universally recognized as banned according to law International.
- i. Removing people by force.
- j. Crime of apartheid.

## 2. Much of human rights

As already described above that human rights have a value points are respected by many countries. With a sense of respect for freedom, mean a people are said to be berperadaban and high value. Instead, wasting of a anything that has to do with human rights, then it can be said that the country is experiencing retardation.

In General in the world international, pembedangan human rights include civil rights and political rights (generation I), the rights of economic, social and cultural (generation II) as well as the right to development (generation III). Those rights are individual and collective, that is:

### a. rights of spil and politics (Generation I)

Spil field rights include, among others:

1. The right to self-determination
2. The right to life
3. The right not to be put to death
4. The right not to be tortured
5. The right not to be detained arbitrarily
6. The right to a fair trial

The rights of the political sphere, among others are:

1. The right to deliver an opinion
2. The right to Assembly and Association
3. The right to get treatment before the law equation
4. The right to choose and be chosen.

### b. rights of the social, economic and cultural (Generation II)



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The rights of the social and economic fields, among others:

1. Right to work
2. The right to receive the same wage
3. The right not to be compelled to work
4. The right to leave
5. The right to food
6. The right to housing
7. The right to health
8. The right to education

c. the right to development (Generation III)

Rights of the development areas, among others:

1. The right to obtain a healthy living environment
2. The right to decent housing
3. The right to obtain adequate health services

## **B. The concept of HAM in Islam**

### **1. History of HAM in Islam**

The concept of HAM in Islamic views introduced by Prophet Muhammad saw. the farewell pilgrimage sermons (khutbat al wada '). The sermon stressed appreciation of life, property and dignity of humanity (life, property, and dignity). In pidatoya, the Prophet Muhammad. confirms that the task is to disbelieve his sacred humanity to the way God Almighty and respect what the sacred rights of fellow human beings.

Mustafa al-Siba'i and Hasan al-Ili as quoted Faisar Ananda explains that the glory is a right belonging to every human being regardless of colour, race and religion. Likewise, Sayyid Qutb States that dignity is the natural rights of each individual. Adam since the early glorified not because of their personal attributes and not because of their social status, but because they are human.

According to Wahbah Az-Zuhaili, human rights are a group of natural rights inherent to man, owned by itself on the human figure, defined internationally, though not yet perfect international recognition against him or be ambush because certain powers. Those rights include the rights of trees, such as the right to life, freedom, equations, alignment and others. Globally, all beorientasi in honor of the very human rights observed in freedom and equality.

Islam has established freedom to any man. It is not merely a dispensation but rather something that is mandatory for him, because humans are born in a State of free and have to live in a free State. Freedom and equality comes from basic human honor is a source of human rights. Civil law has acknowledged the existence of the attachment to the right of the equation with the right of freedom to a clear objective, i.e. realizing a balance between individual interests and the public affairs. In Islam there are three types of freedom, namely freedom of the individual, freedom of political as well as economic and social freedom.

First, individual freedom is a freedom that most staple, as it directly related to human beings and is at the core of his honour. This freedom is a freedom that is original and has been established by natural laws since human beings were born. Freedom of the individual in the example is a right to acquire the security, the right to protection of the place of residence, the right to move at a time when security gets moved from one place to another.

Second, political freedom, that is where the whole citizens shall have the right to participate in State Affairs, politics, economics and culture. The basic foundation of this right in the eyes of Islam is the basis of deliberation which is the expression of the desire for decision makers to always listen to the voice of the people. As explained Al-Zuhaili that the rule of law in Islam Allah desired. the Messenger has been described and is based on six basic, namely: freedom or democracy, justice, equations, consultative, comparison and introspective.

Third, economic freedom and social, that is where every human being is entitled to freedom in the economic and social fields. In economics, Islam establishes poverty reduction programmes, eradication of diseases and unemployment and raised the dignity of elderly people, secure in carrying out the transaction. The goal is to make the met a human life is prosperous and respectable in society and met throughout the life of their facilities and infrastructure. While the social freedom in the Islamic view is to satisfy the protection of human rights to education, health and work.



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## 2. The difference in the concept of Human Rights in Islam with the West

There is a fundamental difference between the concept of HUMAN RIGHTS in Islam and in the Western concept of HUMAN RIGHTS as adopted by the international. HUMAN RIGHTS in Islam is based on human activity as a Caliph of God on Earth. While the Western world believe that the pattern of behavior is only determined by the laws of the country or a number of sufficient authority for achievement of business rules pblik is safe and universal peace. Another fundamental difference is also apparent from the way it looked at the HAM itself. The West's attention to individuals from the view which is anthroposentris, where man is a measure against symptoms of something. While in Islam, embraced the view that is theosentris, that is the most high God and humans only to serve him.

Based on a bersifat anthroposentris the main values of Western culture such as democracy, economic prosperity and social institutions as a device that supports the tegaknya HAM it oriented to the award against man. The situation is different in the Muslim world who are theosentris, restrictions and orders more based upon Islamic teachings from the Quran and Hadith. Al-Quran into the transformation of human consciousness. Man ordered to live and work with the full awareness that it must show allegiance to the will of God. Therefore recognizes the rights of man is a liability natar in order of obedience to him.

In the Western perspective of human observers were deployed in a setting where his relationship with God is not mentioned at all. Human rights are valued only as a natural acquisition since birth. While the HAM in an Islamic perspective is considered and it is believed as a gift from God and therefore every individual will feel responsible to God. Thus, the enforcement of human rights in Islam is not only based on the rules that are legal-formal but also to the moral laws and akhlaqul karimah.

To prevent the possibility of the occurrence of human rights violations in the Islamic community, had called the teachings of amar ma'ruf nahi it. Islam teaches three stages in running teaching: (1) through the hands (power), (2) via oral (advice), (3) through the motion of conscience, i.e. the absence of hate while you pray for in order that the perpetrators are aware of. So to overcome overcome human rights violations, Islam not only repressive action teatapi emphasizes preventive action. For, the actions of repressive law rests only on the inclined legal-formal that rely on the evidence of the sheer material. Whereas preventive action does not require the existence of evidence legally.

THE DIFFERENCE BETWEEN ISLAM AND WEST HAM		
No.	HAM Universal Declaration of Human Rights	Human rights according to Islam
1.	On the thinking of mere philosophy.	Sourced on the teachings of the Qur'an and the Sunnah of the Prophet Muhammad.
2.	Antrophosentris.	Theosentris.
3.	More concerned with rights rather than an obligation.	The balance between rights and obligations.
4.	More individualistic in nature.	Social interest note.
5.	Humans are seen as owners fully fundamental rights.	Humans are seen as being dropped off fundamental rights by God, and therefore their obligatory thanks and kept them.

## 3. Human Rights In The Quran

There is no doubt that the Quran gives explanations about the instructions, and the criterion between right and wrong. Man chosen for carrying out the mandate of God on Earth, to him God amanatkan a wide range of duties and responsibilities to conduct reforms and prevent the kinds of actions against. For the implementation of the duties and responsibilities in its mission as the Caliph, to him God gave a number of rights which should be kept and precious;. The rights it is very basic, and are given directly by God since his presence on Earth. Here are some of the rights contained in the Qur'an:





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## **a. Right to life**

Rights first awarded Islam among HAM Human Rights and other of course if there is a reason that truth. The principle of the right to life contained in the two verses of the Quran: "and do not kill the soul which Allah prohibited (kill him) but with one (reason) is true." (Q. S Al-Israa ': 33). And do not kill the soul which Allah prohibited (kill him) but with a (for). " (al-An'aam: 151) Two paragraph above distinguishes clearly between criminal murder, with murders to uphold justice. To enforce the Justice Web site only an authorized court alone has the right to decide whether someone should lose the right to live or not. Therefore they shall apply the principles of justice are honest and impartial.

## **b. Private proprietary rights**

With regard to private ownership of this Islam is very appreciate personal rights of a person. This is reflected in the existence of requirements for proprietary obligations of zakat and inheritance.

A person is also given the right to defend his property rights from interference of others. In fact, if he were to die while defending and defending his property that he regarded sebagai martyrs. One of the verses of the Qur'an which explains the importance of property rights contained on the Q.S. Nisaa verse 29 which reads: "O believers, do not eat each other property with batil except with the way business happens to like the same love.

Such verses alerting so that in harnessing the resources of nature and it's surroundings, one has to respect the interests of others. In other words, he must traverse a halal manner and not through illegitimate ways.

## **c. equality of Rights in Law**

Islam emphasizes the equality of mankind in the eyes of God, who created man from the same original to it and all should be obedient and compliant.

Islam does not recognize the existence of privileges based on birth, nationality, or other artificial barriers created by the man itself. It's glory lies in the charity a virtue in itself. "O people, we created you from does one man and one woman and made you are and ethnic, so that you may know each other know. Surely the most from among you in the sight of Allah is the most righteous of you. Surely, Allah is all-knowing and most Recognize. " (al-Hujarat: 13).

Islam considers all human beings were equal and was descended from the same ancestor. In Haji wada'nya, the Prophet declares it is that "the Arabs have no superiority over a non-Arab, nor a non-Arab people have no advantage over the Arabs. Likewise, the white man has no superiority over black people and vice versa. All sons of the descendants of Adam and Adam was created from clay "Islam has destroy of discrimination against castes, creed, the difference in skin color, and religion. The Messenger verbally not only uphold the rights of this equation, but has also been paying attention to the implementation as long as he lived.

## **d. the right of Justice**

The right to obtain justice is a very important right where Islam has been given it to the human race. Indeed, Islam has come to this world to uphold justice, as the Quran States: "and I ordered that to be fair of you" (q. S Asy-Shura: 15). Muslims are commanded to put high justice despite their own interests in a State of danger "o believers, be you really justice enforcement, witness because God even against yourself own mother or father and friends races. If he is rich or poor, God is more years. Then ye shall follow the lust because want to deviate from the truth. And the Christian if you (the words) or a reluctant witness, then surely Allah is Omniscient all what you do. " (an-Nisa: 135).

## **5. Right to Education**

One of the most important human right is the right to obtain education. No one may be restricted to the right to learn and gain knowledge and education, as long as he meets the qualifications for it.

Islam not only to uphold the independence of the joint study, more than that Islam requires all Muslims to learn. The importance of education and knowledge contained in the letter of at-Tawba paragraph 122: "Why not go from each group are among those few people to deepen their knowledge of religion and to give a warning to his people when they come back to him, so they alert."

The cornerstone of another verse which exalt the importance of education is in the surah al-Mujadilah paragraph 11, which has a meaning: "God will exalt those who believe with you and those who were given knowledge to some degree."



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## C. The Traits Of Contemporary Human Rights Ideas

It is understood that historically the cutting-edge ideas of human rights talks about freedom, justice and the rights of other individuals developed during World War II. Until now the idea is still in use, although according to the view of the contemporary HUMAN RIGHTS experts that human rights currently has three difference compared to previous conceptions-conception, mainly applicable in the XV and XVI. In the XV and XVI many European countries who hold authoritarian system of Government. The system viewed from the angle of human rights only in terms of accentuating facet of human obligations, so as to deny human rights. That is, the existence of human beings solely for the State. Human rights that exist today are more egalitarian, there individualistic and focus international.

### 1. Egalitarianism

Egalitarianism in the documents of the current human rights clearly visible. First, in the emphasis on protection from discrimination and of equality before the law.

Although the manifesto – a manifesto for human rights who was born in the century XVIII lists practicality before the law and protection from discrimination, but a new development emerged in the twentieth century XIX and XX. A victory over servitude came in the XIX century and the struggle against practices that are racist born in XX century. The demands will be the equation for women in the whole area of life also recently placed in the agenda of the human rights.

Second, the egalitarianism that is contained in the documents of contemporary human rights can be seen in the inclusion of welfare rights. Conception-the conception of the previous political rights usually looks at the function of political rights is to keep the Government doesn't bother people. The abuse of political power is assessed as a matter of government violations for doing something they should not do, and is not a matter of the failure of the Government to do something they are supposed to do. Obligations that are born from these rights are predominantly negative obligations (negative duties), namely the obligations to refrain or obligation not to do something. Positive obligations (positive duties) are mostly found in the obligation of the Government to protect the rights of people from internal and external disorders.

### 2. Not Individualistic

Manifesto – manifesto of the rights of the cutting edge has soften the individualism in the classical theories on rights is not supernatural. Documents recently looked at the man as a member of the family and community members, not as isolated individuals must ask the reasons beforehand in order to enter the civil society.

The Universal Declaration, stating that "the family is the unit of the community groups that are natural and fundamental, and is entitled to protection by society or the State. In international treaties, the rights group has been included within the framework of human rights by giving a prominent place to the right of each nation to self-determination and to control their natural resources. Furthermore, human rights are no longer closely associated with the social contract theory, though John Rawls has been trying to rebuild this relationship. In the current documents, human rights produced by the United Nations and other international agencies in the international scale is getting full. Therefore the question of respect for human rights and the implementation of expected more were returned to their respective State leaders.

### 3. Have an international focus

The third difference between the prevailing human rights now and rights is not supernatural at the XVIII century is that human rights has undergone the process of internationalization. These rights required not only internationally but currently those rights are also seen as a viable target for action and international concerns. Although the rights of the XVIII century is not supernatural had also been seen as a right for all people, these rights more often apply as criteria to justify the revolt against the existing Government rather than as standards which when violated by the Government will be able to justify the existence of the inspection and the application of diplomatic pressure and economic pressures by international organizations.

Currently described Nickel that most effective systems for the enforcement of international human rights found in Western Europe, i.e. in the European Convention on human rights (European Convention on Human Rights). This Convention gives approval to the Commission on human rights (Human Rights Commission) to examine complaints, and the Court of human rights (Human Rights Court) to deal with issues of interpretation.



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Every country that ratifies the European Convention should recognize the authority of the Commission on human rights to receive, examine, and mediate complaints from other Member countries about human rights violations. Accountability against complaints filed by individuals is optional, as is the procedure for applying the whole issue that cannot be solved by the Commission to the Court of human rights.

### III. CONCLUSION

Commission on human rights to prepare an international statement on human rights which was adopted by the General Assembly on 10 December 1948. The statement was the universal declaration of human rights (Universal Declaration of Human Rights). The Declaration was announced as a standard of achievement which applies to all people and all countries that are universal.

The concept of Human Rights in Islamic views introduced by Prophet Muhammad (PBUH) the farewell pilgrimage sermons (khutbat al wada'). The sermon stressed appreciation of life, property and dignity of humanity (life, property, and dignity). In his speeches, the Prophet Muhammad confirms that the task is to disbelieve his sacred humanity to the way God Almighty and respect what the sacred rights of fellow human beings. There is a fundamental difference between the concept of HUMAN RIGHTS in Islam and in the Western concept of HUMAN RIGHTS as adopted by the international world. HUMAN RIGHTS in Islam is based on human activity as a Caliph of God on Earth. While the Western world believe that the pattern of behavior is only determined by the laws of the country or a number of sufficient authority for achievement of business rules pblik is safe and universal peace. Another fundamental difference is also apparent from the way it looked at the HAM itself. The West's attention to individuals from the view which is anthropocentris, where man is a measure against symptoms of something. While in Islam, embraced the view that is theosentris, that is the most high God and humans only to serve him.

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