



## Reaffirming Human Rights in the Qur'ān and Sunnah

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### Abstract

This article aims to elaborate on the views of Islamic law on human rights through the deductive methodologies. The overall idea of this article is to take the Islamic worldview as a background and cite relevant contents such as the Qur'ānic verses, the Sunnah of the Prophet Muḥammad (peace be upon him) and his Companions (may Allāh's pleasure on them), as well as to study the topic through understanding contents generated during the development of Islamic jurisprudence (7th-10 century AD.), in order to truly reflect human rights under the justice of Islam, that is, applying the metaphysics and physics of Islamic teachings as the basic theory to construct a harmonious human rights system, where the rights and obligations of multiple religions, races, and cultures can certainly coexist in any society of any state. However, for the theory and practice of human rights, this article not only reflects on the decline of Islamic civilization and the subsequent consequences of the Muslim world being controlled and dominated by various colonial forces, but also conducts self-criticism. Through carefully and deeply study, it can be concluded that human rights under the Islamic legal system are not only a detailed and wide-ranging framework, but also a network of interconnected and complementary rights and obligations, because under the Islamic legal system, the emphasis on human rights is seen as an essential component of a complete cosmic system.

**Keywords:** Islam; Human Rights; Law; Qur'ān and Sunnah; Obligations

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## INTRODUCTION

Indeed, human rights are an eternal theme and main focus for developing societies of mankind. Thus, in order to achieve the true and the real human rights, people throughout the world have never stopped their efforts of striving. It can be affirmatively argued that the greatest and the most successful achievements of humanity in modern history are the promulgation of the “Universal Declaration of Human Rights” (hereinafter referred to as the “Declaration”) at the United Nations on December 10<sup>th</sup> 1948, as well as after then the “International Convention on Civil and Political Rights and the International Convention on Economic, Social and Cultural Rights” (hereinafter referred to as the “Conventions”) on December 16<sup>th</sup> 1966, which are collectively referred to as the “International Bill of Rights or the International Charter of Human Rights”.

From a global point of view, although many traditional ideas have created some of the most important “architectural complexes” (Witte, John Jr. and Johan D. van der Vyver, 1996). related to human rights in mankind history and although different political thinkers as well as religious figures have made great efforts to develop and precipitate the basic spirit and the moral concepts of human beings, due to various reasons such as the historical backgrounds and political ideologies, the major worldly traditional thoughts and religious beliefs have been deliberately placed aside to a large extent from the Declaration and Conventions (Bielefeldt, 1966), because in the eyes of Western interest groups, which are just “supporting role” (An-Na‘im, 1996).

In fact, the Declaration and the Conventions are the embodiment of Renaissance and the Enlightenment Movement, formed by humanistic and classical liberal values, and a concrete manifestation of the post Enlightenment movement due to the socialization of traditional thoughts and religious beliefs. It is a global concept of human rights that embodies the extreme secularism and the pure individualism in the West. Therefore, in order to accommodate the spirit of social responsibility and moral values advocated by traditional thoughts and religious beliefs in the Declaration and Conventions, the social elites and aspiring individuals of Asian and African countries have been tirelessly striving, and in fact the “Religion and Human Rights Plan” which had released in New York in July 1993 can be regarded as one of the important landmark of achievements (Sharma, 2003).

In any case, as former chief of United Nations High Commissioner for Refugees and current Secretary-General of the United Nations António Guterres had made a foreword for Prof. Ahmed Abou-El-Wafa’s work entitled as “*The Right to Asylum between Islamic Shari’ah and International Refugee Law: A Comparative Study*” saying that “More than any other historical source, the Holy Qur’an along with the Sunnah and Hadith of the Prophet of Islam are a foundation of contemporary refugee law... This book is a valuable reference and should be read by anyone working or interested in human rights, refugees and migration issues. It is also a timely study of the Arab and Islamic values which have served, directly and indirectly, as a reference for many international laws and conventions (Ahmed, 2009).” In June 26<sup>th</sup> 2009, Guterres had also commented that “the new book shows that more than any other source, Islamic law and tradition underpin the modern legal framework upon which UNHCR bases its global activities (UNHCR, 1979).” In effect, human rights, as have been elaborated by the Qur’ān and the Sunnah, are not only the matter of refugee, but also all aspects of which have been covered and included in Islam.

Despite the growing body of literature on human rights in religious traditions and Islamic thought, much of the existing scholarship has primarily focused on the compatibility or incompatibility between Islamic law and contemporary international human rights instruments. Many studies emphasize specific issues such as religious freedom, women’s rights, or political rights, while relatively few provide a comprehensive examination of human

rights as an integrated system of rights and obligations rooted in the Qur'ān, the Sunnah, and the classical tradition of Islamic jurisprudence. Consequently, there remains a need for a holistic analysis that explores how Islamic teachings conceptualize human rights within a broader ethical, legal, and spiritual framework.

This study seeks to address that gap by examining human rights through the foundational sources of Islam and the intellectual contributions of Muslim jurists. The novelty of this article lies in its effort to reaffirm human rights not merely as legal entitlements but as a comprehensive system that integrates rights and obligations within the Islamic worldview. Unlike studies that focus on isolated dimensions of human rights, this article discusses the interconnected rights and obligations of spouses, children, women, the public, and non-Muslims, thereby presenting a more comprehensive understanding of the Islamic human rights framework.

Accordingly, the main objective of this study is to elaborate the concept of human rights in Islamic law and to demonstrate how the Qur'ān, the Sunnah, and the Islamic jurisprudential tradition provide a coherent framework for the protection of human dignity, justice, and social harmony. The study is limited to a normative analysis of Islamic primary sources and selected juristic interpretations, without undertaking empirical investigation or comparative legal assessment of contemporary state practices.

The remainder of this article is organized as follows. The first section reviews relevant literature on human rights and Islamic legal thought. The second section explains the research methodology adopted in this study. The third section presents the findings and discussion concerning the concept of human rights in Islamic jurisprudence and its application to various dimensions of social life. Finally, the article concludes by summarizing the major findings and highlighting the relevance of Islamic teachings to contemporary human rights discourse.

## LITERATURE REVIEW

### Human Rights in Islamic Thought

The discourse on human rights in Islam has attracted considerable scholarly attention, particularly in relation to the compatibility between Islamic teachings and contemporary international human rights standards. Classical Muslim scholars generally argue that human rights originate from divine revelation and are therefore inseparable from human obligations toward God, society, and fellow human beings. In contrast, modern secular human rights theories tend to emphasize individual autonomy and rights as inherent entitlements independent of religious authority (Kamali, 2002).

One of the most influential frameworks in Islamic human rights studies is the theory of *Maqāṣid al-Sharī'ah* (objectives of Islamic law). According to Al-Shāṭibī and later scholars, Islamic law seeks to preserve religion, life, intellect, lineage, and property. These objectives constitute the foundation of human dignity and basic rights within Islamic civilization (Auda, 2008). Contemporary scholars have further expanded this framework by arguing that the protection of human dignity (*karāmah*) serves as a comprehensive basis for modern human rights discourse in Islam (Kamali, 2019).

### Previous Studies on Human Rights in Islam

Numerous studies have examined the relationship between Islamic teachings and human rights. Donnelly (2013) argues that contemporary human rights norms emerged largely from Western political and philosophical traditions. However, scholars such as An-Na'im (2008) contend that Islamic principles can contribute constructively to universal human rights when interpreted through contextual and reform-oriented approaches.

Bielefeldt (1995) highlights that many misunderstandings concerning Islam and human rights arise from the assumption that religious traditions are inherently incompatible with universal rights. Similarly, Mayer (2018) demonstrates that Islamic legal traditions contain various concepts related to justice, equality, and human dignity, although their interpretation differs across historical and political contexts.

Empirical and comparative studies have also explored specific dimensions of human rights in Islam, including women's rights, religious freedom, family rights, and social justice. For example, Esposito and Voll (2001) argue that Islamic teachings provide a moral and legal framework for protecting vulnerable groups and promoting social welfare. Likewise, Abou El Fadl (2004) emphasizes that the ethical principles of justice, mercy, and human dignity embedded in the Qur'ān and Sunnah are fundamental for developing a contemporary Islamic human rights framework.

Although existing literature has significantly contributed to understanding Islamic perspectives on human rights, several limitations remain. First, many studies focus primarily on the compatibility or incompatibility between Islam and international human rights conventions, often neglecting the comprehensive rights-and-obligations framework established in the Qur'ān and Sunnah. Second, a considerable portion of the literature examines specific rights, such as women's rights or freedom of religion, without providing a holistic analysis of the interconnected rights and responsibilities that characterize Islamic jurisprudence. Third, some contemporary discussions rely heavily on modern legal theories while paying insufficient attention to classical Islamic legal sources and the practical application of these principles in early Muslim societies.

This study seeks to address these gaps by examining human rights directly through the foundational sources of Islam the Qur'ān and Sunnah while also considering the interpretations developed within classical Islamic jurisprudence. Unlike studies that focus exclusively on rights as individual entitlements, this research emphasizes the inseparable relationship between rights and obligations in Islamic legal thought. Furthermore, it provides a comprehensive discussion covering family rights, women's rights, children's rights, public rights, and the rights of non-Muslims, thereby offering a broader understanding of the Islamic human rights framework and its relevance to contemporary human rights discourse.

## METHODS

This study employs a qualitative library research design to examine the concept of human rights in Islam as articulated in the Qur'ān, the Sunnah of Prophet Muḥammad (PBUH), and the intellectual heritage of Islamic jurisprudence. The research is normative in nature and focuses on the analysis of authoritative Islamic legal and religious texts related to human rights. The data were collected through documentation and literature review techniques. Primary sources include relevant Qur'ānic verses, authentic Ḥadīth, and classical works of Islamic jurisprudence (*fiqh*) discussing justice, human dignity, rights, and obligations. Secondary sources consist of scholarly books, journal articles, and contemporary academic studies addressing Islamic law and human rights discourse.

This article adopts both inductive and deductive methodologies. The inductive approach is utilized to identify and examine specific textual evidence from the Qur'ān, Sunnah, and juristic literature concerning various dimensions of human rights. The deductive approach serves as the principal analytical framework, commencing with general principles and values established by Islamic teachings and subsequently applying them to specific issues, including the rights and obligations of spouses, children, parents, women, the public, and non-Muslims. Through logical reasoning, the analysis advances from general principles to specific conclusions regarding the Islamic human rights system.

In addition, a descriptive-analytical method is employed to interpret the collected data and explain the relationship between rights and obligations within Islamic jurisprudence. By systematically examining the foundational sources of Islam and the opinions of Muslim jurists, this study seeks to provide a comprehensive understanding of human rights under the framework of Islamic law and its relevance to contemporary human rights discussions. (Creswell & Creswell, 2018; Kamali, 2008)

## FINDINGS AND DISCUSSIONS

### Findings

Human rights within the Islamic legal system are not only a detailed and extensive framework but also a network of interconnected and complementary rights and obligations. This framework commences from the stage before the entire human life is conceived, progresses through childbirth, infancy, childhood, adulthood, and maturity, and concludes with death or even extends beyond death. However, whether in the Muslim world or elsewhere, only when the international human rights system is effectively managed and only when democratic principles and legal systems are truly upheld can human rights have hope of being truly implemented.

The main provisions in writing research or study findings are as follows: 1) present the research or study findings briefly, while still providing sufficient detail to support conclusions, 2) may use tables or pictures, but do not repeat the same information, by providing narration at the bottom of the table or picture so that the reader can understand the tables or pictures presented by the author, and 3) each research finding or study must be interpreted properly using standard spelling. Data analysis processes such as statistical calculations or hypothesis testing processes need not be presented, only the results of the analysis and the results of hypothesis testing need to be reported. Tables or graphs can be used by the author to describe the results of research or studies found verbally, by providing narration or comments at the bottom of the tables or graphs by referring to previous research results contained in reputable scientific journals both internationally and nationally.

### Discussions

#### The Concept of Human Rights in the Islamic Jurisprudence

From the perspective of Islamic jurisprudence, the human rights system is closely linked to the vast and boundless universe, as the essence and characteristics of human rights are also related to living and inanimate beings, as well as everything existed inside and outside the earth. This concept of human rights coexisting with the cosmic network system is not only related to rights of humankind, but indeed also to their obligations. Thus, according to the Qur'ān and the Sunnah human-beings are at a fundamental and crucial position in the entire cosmic system. Technically speaking, the Arabic word “*ḥaqq*” (its plural is “*ḥuqūq*”) manifests the two inseparable legal terms of “right” and “obligation” respectively, which indicates that a person must bear corresponding obligations while enjoying certain rights, and also have the meaning of truth and reality (Ibn Manẓūr, 1994.).

Therefore, it should be noted that the rights enjoyed by anyone living in any society and any state will depend on whether they have fulfilled their obligations towards other members of the society, and vice versa. Because the crisscrossing network of human rights and obligations do not only connect all members of the entire society, but also forms a huge system, in which the legal and political components are also enriching and strengthening people's moral, ethical, aesthetic and other concepts. In fact, the structure of entire system is supported by religious beliefs or other related thoughts, thus manifesting various functions such as justice,

politics, economics and happiness. However, it can be said that only when the two terms “rights” and “obligations” have been fully and truly captured, grasped, assimilated, digested, comprehend, appreciated, and realized by people, then can the human rights system be applicable to human society (Ibn Manẓūr, 1994.).

Comparatively speaking, in the rights-based Western ideology, human rights have gradually evolved and formed in the context of long-term and brutal political struggles between the government and citizens; therefore, human rights are often considered to have primarily legal and political nature. Whereas, the human rights are not only related to politics and justice in the Islamic jurisprudence, but also play a fundamental and crucial role in moral and spiritual aspects; thus, in addition to having legal and political nature, human rights are often considered to have spiritual significance and value of Islamic teachings. Regarding to this, the late Sri Lankan outstanding jurist - the former Vice President of the International Court of Justice - C. G. Weeramantry (1926-2017) pointed out that: “the Islamic stress on relationship with the divine, and on the concept of duty, could well lead to a more dedicated and purposive commitment to human rights than might be possible in a system which depends on concessions grudgingly granted under compulsive pressures (Weeramantry, 2001).”

Moreover, in accordance with the Islamic jurisprudence, any system of rights is only feasible when the corresponding system of obligations is effectively complied with. Therefore, the traditional Islamic human rights system based on faith values and legal practice promotes the continuous progress of individuals and their societies by eliminating various forms of oppression and exploitation, ultimately equipping them with good morals and noble sentiments, and thus living in harmony with people in any other part of the world, as well as maintaining harmony with all living organisms in nature and the surrounding environment. Specifically speaking, this system begins before human life is conceived, goes through pregnancy, childbirth, infancy, early childhood, adulthood, maturity, and ends with death and aftercare.

### **The Rights and Obligations of Spouses**

According to the Qur'ān and the Sunnah, non-consanguineous marriage is not only an obligation that couples should abide by, but also a(n) emphasized right that their future children should enjoy. Therefore, in order to enhance and strengthen the physical and intellectual abilities of future generations, when forming a family, both man and woman as a couple do not only need to carefully consider factors such as family compatibility, each other's excellent character, and mutual emotions, but also should strictly abide by the non-consanguineous marriage system to avoid any negative consequence for children due to the very close relatives' marriage. Obviously, this system in fact is a healthy policy of eugenics and upbringing formulated by the Islamic law regarding the normal and the secure development of human-beings (Al-Ghazālī, 1997.), which as Allāh the Almighty clearly states in the Qur'ān that: “Prohibited to you (for marriage) are: your mothers, daughters, sisters, father's sisters, mother's sisters; brother's daughters, sister's daughters, foster-mothers (who gave you suck)foster-sisters; your wives' mothers; your step-daughters under your guardianship, born of your wives to whom you have gone in, (but) no prohibition if you have not gone in, (those who have been) wives of your sons proceeding from you loins; and two sister in wedlock at one and the same time, except for what is past; for Allāh is Oft-Forgiving, Most Merciful.” (Al-Qur'ān, Sūrah al-Nisā' [4]: 23 (Abdullah Yūsuf, 2005).

It should be noted that the traditional human rights system in Islam has been primarily concerned with children since their inception. However, when discussing their rights, it does not only begin before their birth, but also in the stage before their parents conceive them and continue until their adulthood. Therefore, in addition to valuing each other's inner noble sentiments and avoiding close relationships, the external excellent character and mutual

admiration of both parties are also regarded by Muslim jurists of the Islamic law as important factors for successful marriage and a happy family, as these factors play an irreplaceable positive role in the physical and mental health and growth of children. Indeed, from a moral perspective of Islamic teachings, children already have certain rights before they are raised by their parents. For example, parents are legal couples, and for parents who wish to conceive children, which is an obligation that they should strictly abide by. After the mother's pregnancy, gestation, and childbirth, the basic rights enjoyed by children are seen as an inescapable and ignored responsibility of parents, including celebrations held to share their joys with relatives, neighbors, and friends, choosing a beautiful name for the newborns, providing them with necessary, stable, and benevolent environments such as proper food, clothing, life, as well as suitable education as they grow (A. Ḥāmid M. bin M. bin M. al-Ṭūsī (AH. 450-505 / A. 105.-1111) *Al-Ghazālī*, n.d.-b).

In the Islamic legal system, the family is not only the best place to have and support children, but is also in fact considered as a fundamental unit of social structure. As mankind is distinct from other living beings, adults satisfy their emotional and physiological needs through the form of spouses, in order to work together with other members of society to contribute for creating a good social environment. Therefore, the marital relationship stipulated by Islamic law is not the master-slave relationship described by people suffering from Islamophobia in their works, nor is it a subordinate relationship in today's shallow Muslim society constrained by certain customs that violate the Islamic law. On the contrary, according to the fundamental principles of gender equality as the Qur'ān affirms that: "O mankind! Reverence your Guardian-Lord Who created you from a single person, created of like nature his mate and from them twain scattered (like seeds) countless men and women. Fear Allāh, through Whom you demand your mutual (rights) and (reverence) the wombs (that bore you), for Allāh ever watches over you." (Al-Qur'ān, Sūrah al-Nisā' [4]: 1)

Therefore, couples should respect each other, love each other, influence and admire through the mutual understanding, caring, and responsible relationships, which as the Qur'ān emphasized that: "And among His Signs is this that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your (hearts); verily in that are Signs for those who reflect." (Al-Qur'ān, Sūrah al-Rūm [30]: 21) Because marriage is a great grace from Allāh the Almighty, through the establishment of a legal marriage relationship, couples develop affection and warmth towards each other, including nurturing offspring and countless other beautiful things in life. As the Qur'ān states that: "And Allāh has made for you mates (and companions) of your own nature. And made for you out of them sons and daughters and grandchildren, and provided for you sustenance of the best, will they then believe in vain things, and be ungrateful for Allāh's favors?" (Al-Qur'ān, Sūrah al-Naḥl [16]: 72)

Due to the fact that the family system is not limited to an individual, but rather involves the entire human society, the Islamic law emphasizes that marriage must be established on the basis of mutual respect and equality. Furthermore, based on the belief that everyone will explain their behaviour, marriage must also be consistent with the principle of personal obligations at all times. Thus, the Islamic law stipulates that woman who is proposed to marry, whether she is virgin, widow, or divorcee, her right of prior consent is a fundamental prerequisite for a marriage contract, and a marriage contract that does not meet this requirement is invalid. After marriage, a woman naturally fully enjoys the rights, such as retaining the name she used before marriage, protecting her independent legal personality, and her personal property (including dowry gifts received before or after marriage) (Goodwin, 1994).

In comparison, husband as the Qur'ān directs that: "Men (husbands) are the protectors and maintainers of women (wives), because Allāh has given the one more (strength) than the other, and because they support them from their means." (Al-Qur'ān, Sūrah al-Nisā' [4]: 34)

However, as for any wealth that a wife voluntarily contributes to the family, just like any other work she does to her husband and the family, there should be mutual cooperation in spirit, and the husband should also give back to the wife in the same way or more than that in different ways. Otherwise, it will cause “admiration and warmth” of a couple to gradually wither like delicate flowers and trees. If a husband assumes the responsibility of material means of life and protection for his wife, especially in terms of moral responsibility, then a virtuous and sincere wife, as stated in the Qur'ān that: “the righteous women (wives) are devoutly obedient, and guard in (the husband's) absence what Allāh would have them guard.” (Al-Qur'ān, Sūrah al-Nisā' [4]: 34)

Accordingly, the maintenance of various rights enjoyed by couples within the family actually depends entirely on both parties involved. Because both men and women should not only marry with a sacred covenant of love and warmth, live together in an ethical and moral way, and enjoy their respective rights, but also fulfill their respective obligations diligently, honestly, and meticulously. From this point, it can be seen that the ultimate ideal of Muslim society is to cultivate excellent individuals with noble moral character through education. Relatively, in modern Western society and the political ideology it advocates, although free citizens are the focus of attention, in terms of their ethics and morality, they are completely regarded as personal taste rather than public affairs.

Furthermore, it should be noted that in addition to the core issue of maintaining material and spiritual civilization as well as cultivating moral values, the family is a spontaneous human organizational environment in which every relevant member can easily and normally act based on the Islamic jurisprudence. Because, in this environment, the rights and obligations of spouses and their children actually also include entertainment, humor, laughter, and other aspects. However, while fully committed to pursuing and establishing a family system and social order in accordance with justice and ethics, the Islamic law also rationally treats the weaknesses that exist in human nature and never harbors any illusions. Thus, in the face of unexpected events and various setbacks, especially for children, parents, and all those who have suffered serious harm and setbacks due to family decline, the Islamic law attempts to save and guarantee their rights through different ways and various means. Therefore, the Qur'ān stipulates that: “O you who believe! You are forbidden to inherit women against their will. Nor should you treat them with harshness, that you may take away part of the dower you have given them. Except where they have been guilty of open lewdness; on the contrary live with them on a footing of kindness and equity. If you take a dislike to them, it may be that you dislike a thing and Allāh brings about through it a great deal of good.” (Al-Qur'ān, Sūrah al-Nisā' [4]: 19) and also “If your fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, Allāh will cause their reconciliation, for Allāh has full knowledge, and is acquainted with all things.” (Al-Qur'ān, Sūrah al-Nisā' [4]: 35)

When all efforts to alleviate conflicts, resolve disputes, and mediate at the request of both men and women have been declared unsuccessful, the Islamic law allows both the husband and wife to terminate the marriage contract, but it must be ended in a fair and moral manner. As the Qur'ān states that: “There is no blame on you if you divorce women before consummation or the fixation of their dower; but bestow on them (a suitable gift), the wealthy according to his means, and the poor according to his means; a gift of a reasonable amount is due from those who wish to do the right thing. And if you divorce them before consummation, but after the fixation of dower for them, then the half of the dower (is due to them) unless they remit it. Or (the man's half) is remitted by him in whose hands is the marriage tie; and remission (of the man's half) is the nearest to righteousness. And do not forego liberality between yourselves. For Allāh sees well all that you do.” (Al-Qur'ān, Sūrah al-Baqarah [2]: 236-237) Because on the upcoming Judgment Day, everyone is responsible for his or her own sayings, actions, conducts, and behaviour in the life of this world.

## The Rights and Obligations of Children and Parents

For children, regardless of their status, the Islamic law strictly stipulates that people must uphold their basic rights. Before the emergence of Islam, the birth of a girl was considered misfortune by people at that time, and often ended her life with a shocking habit of burying alive. The reason for this is either that parents are worried about their inability to raise newborns, or that they are afraid that one day the girl will bring shame to the family. The Holy Qur'ān not only describes this passive and ruthless way of receiving baby girls, but also harshly refutes this barbaric and cruel behavior by saying that: "And when one of them is informed of [the birth of] a female, his face becomes dark, and he suppresses grief. He hides himself from the people because of the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Unquestionably, evil is what they decide. For those who do not believe in the Hereafter is the description of evil; and for Allāh is the highest attribute. And He is Exalted in Might, the Wise." (Al-Qur'ān, Sūrah al-Nahl [16]: 58-60) When the girl who was buried alive is asked on the Judgment Day in later times for what crime was she killed? As Allāh the Almighty sates in the Qur'ān: "And when the girl [who was] buried alive is asked for what sin she was killed. (Al-Qur'ān, Sūrah al-Takwīr [81]: 8) Thus, murderer, even if they are the biological parents of the victim, must bear corresponding criminal responsibility based on the Islamic law, because this act is considered a heinous crime, as Allāh the Almighty says in the Qur'ān: "Kill not your children for fear of want, We shall provide them as well as for you; Verily the killing of them is a great sin." (Al-Qur'ān, Sūrah al-Isrā' [17]: 31)

Furthermore, the widely applied fundamental principle in the Islamic jurisprudence is the sanctity and inviolability of life, because Islam regards the life of all humans (whether it is a fetus or infant, whether it is a minor or an adult, whether it is a Muslim or non Muslim, and whether it is a male or female) as a sacred gift from Allāh the Almighty. Therefore, except for justice, no person or group has the right to deprive others of their lives which as the Qur'ān states that: "Say: 'Come I will rehearse what Allāh hath (really) prohibited you from': join not anything with Him, be good to your parents, kill not your children on a plea of want; - provide sustenance for you and for them; - come not nigh to shameful deeds, whether open or secret; take not life, which Allāh hath made sacred, except by way of justice and law: thus doth He command you that ye may learn wisdom." (Al-Qur'ān, Sūrah al-An'ām [6]: 151.) Otherwise, "whoever kills a [human] soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely." (Al-Qur'ān, Sūrah al-Mā'idah [5]: 32) For this, we must pay attention to the following three points.

First, regarding the fetus, one of the frequently debated issues is abortion, and related issues (such as *Azl*, i.e. the Islamic legal term for interrupting sexual intercourse) have been given rational answers. Specifically, according to the Qur'ān and the Sunnah, the fetus is "endowed with a soul" by the mother after four months of pregnancy, so except for special circumstances such as the need to save the mother's life, the Islamic law prohibits abortion (Shaltūt, 2003). Thus, the Islamic encyclopedia scholar Abū Ḥāmid al-Ghazālī (AH. 450-505 / AD. 1058-1111) had believed that the convergence of male and female semen in the uterus creating the necessary conditions for welcoming a new life, then constituting the first stage of human in existence. Accordingly, when one's life is destroyed at this stage, the perpetrator is undoubtedly committing a crime. If the pregnancy process is interrupted or destroyed during the embryonic cell or embryonic mass formation stage, then the perpetrator's crime is even more serious. Therefore, as the fetus further grows and develops in subsequent stages, the criminal nature of destructive behavior will continue to escalate, and when the fetus has become obvious vital signs, if abortion occurs, which means that the nature of evil has reached its extreme point (Katz, 2003).

Second, the Islamic law provides a detailed system for children who have experienced family breakdown and become abandoned due to the loss of both parents. According to the Holy Qur'ān, for children of their parents (who) have divorced, if they are in infancy, then “mothers may breastfeed their children two complete years for whoever wishes to complete the nursing [period]. upon the father is the mothers’ provision and their clothing according to what is acceptable. No person is charged with more than his capacity. No mother should be harmed through her child, and no father through his child. And upon the [father’s] heir is [a duty] like that [of the father]. and if they both desire weaning through mutual consent from both of them and consultation, there is no blame upon either of them. And if you wish to have your children nursed by a substitute, there is no blame upon you give payment according to what is acceptable. And fear Allāh and know that Allāh is Seeing of what you do.” (Al-Qur’ān, Sūrah al-Baqrah [2]: 233)

Moreover, as for orphans, the Islamic law requires people who around them should treat them well, and their property must also be well managed and maintained until they reach adulthood and are able to handle their affairs properly, as stated by Allāh the Almighty in the Qur’ān: “And do not give the weak-minded your property, which Allāh had made a means of sustenance for you, but provide for them with it and clothe them and speak to them words of appropriate kindness. And test the orphans [in their abilities] until they reach marriageable age. Then if you perceive in them sound judgement, release their property to them. And do not consume it excessively and quickly, [anticipating] that they will grow up. And whoever, [when acting as guardian], is self-sufficient should refrain [from taking a fee]; and whoever is poor - let him take according to what is acceptable. Then when you release their property to them, bring witnesses upon them. And sufficient is Allāh as Accountant.” (Al-Qur’ān, Sūrah al-Nisā’ [4]: 5-6)

Third, for children and underage groups, in order to ensure their rights, the Islamic law not only requires parents or guardians to fulfill their obligations, but also encourages the government and the society within any state to provide safe places and appropriate livelihood for children or underage groups who, for some reason, have not received their rights. Therefore, the Islamic law stipulates that for children (especially those in poverty and who in a condition of extreme poverty, whether Muslim or non-Muslim), allowances and subsidies are regularly distributed from the national treasury (Abū Yūsuf, 1979). Ultimately, the social security projects sponsored by the government of the Islamic state are carried out in a targeted manner through a broad network system formed by charitable organizations (such as *Waqf* foundation, i.e. a donation fund organization typically supervised by judges).

In short, as mentioned above, human rights in the traditional Islamic legal system also contain obligations. Therefore, children, especially when they grow up and their parents are old and weak, are also expected to fulfill certain obligations to their parents. Accordingly, the rights established by the Islamic law for parents are also as obligations that their children should bear. It is worthy to note that the Holy Qur’ān also meaningfully juxtaposes this obligation with the core Islamic doctrine of *tawhīd* (i.e. recognizing Allāh the Almighty as the One and the Only Who is deserved of worship): “And your Lord has decreed that you not worship except Him, and to patent, good treatment. Whether one or both of them reach old age [while] with you, say not to them [so much as] ‘Uff’ (i.e. a word or expression of anger or contempt), and do not repel them but speak to them a noble word. And lower to them the wing of humility out of mercy and say ‘My Lord, have mercy upon them as they brought me up [when I was] small.’” (Al-Qur’ān, Sūrah al-Isrā’ [17]: 23-24)

In addition, other verses in the Qur’ān also introduce significant content on the same topic: “And we have enjoined upon man care} for his parent. His mother carried him, [increasing her] in weakness upon weakness, and his weaning is in two years. Be grateful to Me and to your parent; to Me is the [final] destination. But if they endeavor to make you

associate with Me that of which you have no knowledge, do not obey them but accompany them in [this] world with appropriate kindness and follow the way of those who turn back to Me [in repentance]. Then to Me will be your return, and I will inform you about what you used to do.” (Al-Qur’ān, Sūrah Luqmān [31]: 14-15) Indeed, the Prophet Muḥammad (PBUH) often elaborated on these themes in detail and encouraged people to be attentive and caring for their parents, especially mothers, in different ways, as this is one of the absolute prerequisites for winning Allāh’s pleasure and redemption in the Day of Judgment.

### **The Rights and Obligations of Women**

In the current era of media which is under the context of globalization, due to the deliberate exaggeration of women in the Islamic countries, not only has Islam itself been tarnished, but also has aroused many blinded people’s ignorance and questioning of Islam, leading it to extremism and even hatred. Therefore, understanding the true rights, obligations, and actual status of women in the Islamic law can help the public correctly evaluate the human rights system of Islam.

First of all, it should be affirmed to say that during the era of the Prophet Muḥammad (PBUH), Islam had brought about the earth shattering changes in women’s rights. As Allāh the Almighty clearly declares in the Qur’ān: “Whoever does righteousness, whether male or female, while he is a believer - We will surely cause him to live a good life, and We will surely give them their reward [in the Day Hereafter] according to the best of what they used to do.” (Al-Qur’ān, Sūrah al-Naḥl [16]: 97) “Their Lord responded to them, ‘Never will I allow to be lost the work of [any] worker among you, whether male or female.’” (Al-Qur’ān, Sūrah Āl ‘Imrān [3]: 105) “And remember what is recited in your houses of the verses of Allāh and wisdom. Indeed, Allāh is ever Subtle and Acquainted [with all things. Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the patient men and patient women, the humble men and humble women, the charitable men and charitable women, the fasting men and fasting women, the men who guard their private parts and the women who do so, and the men who remember Allāh often and the women who do so - for them Allāh prepared forgiveness and a great reward.” (Al-Qur’ān, Sūrah al-Aḥzāb [33]: 34-35) Therefore, in the view of Islam, women are completely equal to men, which leads to women actively and without hesitation participating side by side with their male counterparts in a wide range of social activities, such as politics, justice, military, commerce, and many other fields.

However, in the decades following the demise of Prophet Muḥammad (PBUH), a thick black veil gradually began to envelop the path established by the Islamic law to free women from shackles. The reasons were complex and varied, some can be attributed to the neglect of relevant teachings of Islam, some due to artificial misinterpretation, dilution, subversion, or complete cancellation of relevant teachings of Islam, and other because new Muslims from different backgrounds who still maintained the bad habits they had before practicing Islam, such as chauvinism and patriarchy. Due to various negative factors and effects were widespread, by the 12<sup>th</sup> century AD, the relevant principles in the Qur’ān and Sunnah were almost completely negated to a greater or lesser extent, which includes the dignity bestowed upon women by the Islamic law, that is the rights enjoyed as responsible agents, the equal status that men should enjoy, the privileges enjoyed in managing personal affairs, and the important role played in public life, etc. Therefore, in various parts of the Muslim world, a shocking concept disguised as knowledge and under the guise of piety has been widely promoted, and has even transformed into an “industry” that is warmly welcomed and supported by male chauvinists throughout societies of the Muslim world. In fact, this “industry” seriously harms women and the entire Islamic civilization, as this rapidly developing “industry” not only weakens or completely deprives women of their right to participate in public life in the Muslim societies, but also through the modification of “*Hijāb*” (i.e. headscarves, which the original

meaning refers to the barrier between the curtain and two objects, and its extended meaning is to cover up embarrassment) to achieve the ultimate goal.

Indeed, the Islamic law requires women to appear ceremonial and not to reveal their charm in public, so they must cover their bodies with veils. As Allāh the Almighty clearly states in the Holy Qur'ān: “And tell the believing women to reduce [some] of their vision and guard their private parts and not expose their adornment except that which [necessarily] appears thereof and to wrap [a portion of their head-covers over their chests and not expose their adornment except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers' sons, their sisters' sons, their women, that which their right hands possess, or those male attendants having no physical desire, or children who are not yet aware of the private aspects of women. And let them not stamp their feet to make known that they conceal of their adornment. And turn to Allāh in repentance, all of you, O believers, that you might succeed.” (Al-Qur'ān, Sūrah al-Nūr [24]: 31) However, this verse is interpreted as a “boudoir system”, and under which, women must wrap themselves from head to ankle in disheartening, tarpaulin like packaging materials, allowing only their eyes to be exposed, even some regions even require women to be isolated from the world, while men are completely exempt. Noting that covering the private parts of the body is not limited to women, but also includes men, as stated in the Qur'ān: “Tell the believing men to reduce [some] of their vision and guard their private parts. That is purer for them. Indeed, Allāh is Acquainted with what they do. (Al-Qur'ān, Sūrah al-Nūr [24]: 30)

Actually, the “boudoir system” does not originate from Islam, but from corrupt customs and a forged Ḥadīth. Therefore, the renowned West African scholar and reformer Shehu Usman Dan Fodio (1754-1817 AD) in his work “*Irshad al-Ikhwan ila Ahkam Khuruj al-Niswan*” (i.e. Guiding Brotherhood to [Understand] the Rulings on Women Going Out) excitingly inserted into the heated debate about women's rights and obligations. One side of the debate advocates that women should keep themselves in their homes in all situations, while women have the right to go out and seek employment and knowledge among other things on the other side. Through the work, the author indicated that the extremists who stubbornly adhere to any viewpoint have actually ignored the just position endorsed by the Islamic law, because according to which, women have the right and obligation to leave their homes to pursue and achieve legitimate goals of plans, whether it is purely secular in nature such as earning a legitimate income to make a living, or purely religious such as learning knowledge of Islam. Thus, if a man is a scholar, then he himself has responsibility to teach his wife. Otherwise, the man as husband must arrange a qualified teacher at home in order to provide her with the necessary education. Moreover, the wife may even have the right to pursue knowledge and education no matter where she is without the consent of her husband, but for women is a mandatory obligation under Islamic law for husbands or guardians.

In comparison, many years ago, female journalists, movie stars or who engaged in other professions (especially many European and American women who converted to Islam in the past decades) who had westernized in Egypt, Turkey, Malaysia and other parts of the Muslim world recently began to wear headscarves. This posture is often seen as an expression of firm personal beliefs and freedom, as well as a symbol of true liberation. In many ways, as the most progressive Muslim nation-state today - Malaysia, for thousands of Muslim women, a common daily habit is to wear colorful clothes and headscarves, drive cars or motorcycles, and travel to different job positions. Others, including many non-Muslims in Malaysia, of course do not wear the same clothes, but generally continue to strictly adhere to the recognized codes of conduct. For example, in Iran, the traditional headscarves are not a barrier to women playing an important role in their struggle, but are often proven to be valuable and meaningful factors.

In fact, the issue of women wearing headscarves seems to have sparked heated debate in some non-Muslim countries, such as France, and the debaters often show anger, as if

headscarves are the root of worry or fear. Among the debaters, besides the extreme non Muslims, for some Muslims who have already been Westernized, semi Westernized, or are currently Westernized, the headscarf is undoubtedly a symbol of oppression and backwardness, and has even become a symbol of terrorism since the 9/11 attack. However, for Muslim women, especially their families and friends, and for Muslims around the world, nothing can surpass the truth, because in addition to religious obligations (perhaps for the same practical purposes, Christians, Jews, and Sikhs, each of them wear(s) crosses, brimless caps, and scarves), wearing headscarves by Muslim women is just a simple and harmless expression of daily etiquette, good taste, and sociocultural characteristics. As long as such symbols are treated with respect and equal principles, there is no reason for any dissatisfaction to be occurred again. As for some people, the diversity of beliefs and lifestyles is a natural accompaniment of human coexistence in the world and should be celebrated with joy and happiness. If it is not a false belief in slander, then there is no need for hysterical rage and tension on this frequently debated topic. Thus, after all, there are more important issues about women that in fact deserve to be given the priority of attention and concern. According to World Bank Group (*Global Database on Violence against Women and Girls*, 2016), two of the most prevalent types of violence that women experience are intimate partner violence and non-partner sexual violence. Besides, based on the data conducted by United Nations and World Health Organization, “almost one in three women across the world have experienced one or both of these forms of violence at least once in their lifetime (*Gender Data Portal*, n.d.).”

Furthermore, the extensive evidence collected and analyzed by Amnesty International does not indicate that the incidence of violence against women in today's Muslim countries is lower than similar situations encountered in other parts of the world, even if there are underlying causes of violence in these countries and the basic methods adopted are different from those prevalent elsewhere (International, 2014). Therefore, contrary to the Qur'ān, the teachings of the Prophet Muḥammad (PBUH) and the norms formulated by the contemporary international law, for example, a survey conducted in Turkey on several provinces in the east and southeast shows that women confronting family violence (*Turkey: Women Confronting Family Violence*, 2004). As the renowned Egyptian scholar and thinker Muḥammad al-Ghazālī (1917-1996) pointed out, this bad habit constitutes an extremely heinous double crime, as crimes committed by men are traditionally forgiven, but for their female partners, they must sacrifice their own lives for it (Al-Ghazālī, 1917-1996 : 46).

In summary, the reason why Muslim women have been subjected to many different types of oppression and deprived of their rights for a long time is because people deliberately distort and even completely disregard the teachings of the Qur'ān and the Prophet Muḥammad (PBUH) to form bad customs and habits. Anyway, in the past few decades, Muslim women have not only did they restore the rights that had been granted and protected to them in both personal and social aspects by the Qur'ān and Sunnah over 1400 years ago, but have also made real progress in a wide range of other areas where they have been subjected to arbitrary exploitation, oppression, and abuse, including their position as political leaders, even though the pace is extremely slow. It can be seen that Muslims are the earliest and most genuine advocates of gender equality (Goodwin, 1994).

### **The Rights and Obligations of the Public**

According to the Islamic law, as a large family of the public, society, like a small family formed by spouses, also requires each member to strive for a moral and ethical life together. In such a living environment, only a fair and just system of rights and obligations can effectively promote the good and beneficial development of interpersonal relationships. Therefore, in order to achieve the macro great goal of national unity and social harmony, the Islamic jurisprudence has always taught Muslims at the micro level to work hard for a better society, because working hard to lift themselves out of poverty, support their parents, raise their

children, and meet their legitimate living needs is considered one of the best manifestations of devout faith. In fact, this kind of measurement based on morality, participation in secular affairs with a sense of responsibility, and satisfaction of basic needs with legal material resources are actually prerequisites for Muslims to pursue happiness in two lifetimes. Without these prerequisites, a better life, especially in cultivating one's character and fulfilling morality, would be impossible (A. Hāmid, 1983: 148).

Generally speaking, scholars of the Islamic jurisprudence believe that the establishment of a good social order system depends on both the knowledge acquired by people and the various ways in which Allāh the Almighty is worshiped (except for speaking out of Allāh is the real God Who deserved to worship and Muḥammad - PBUH - is His Messenger, fasting in *Ramaḍān*, paying *Zakāh* (i.e. a 2.5% tax on savings) every year, and completing pilgrimage in the life, etc., all actions that in fact reflect truth, goodness, and beauty are considered as worshiping of Allāh the Almighty). When the basic conditions of individual physical and mental health, material resources, and social security are not guaranteed, the above grand goals will also be unable to be achieved. Because those who devote all their time and energy to resisting opponents, as well as those who live only for material gain, cannot pursue knowledge, accumulate good deeds, worship Allāh the Almighty, purify his/her soul. Actually, this is a necessary prerequisite for human survival, spiritual and moral development and improvement, and is also indispensable for Muslims to obtain redemption and enjoy the eternal joy of heaven in future generations. Therefore, a good social order system should be maintained by a rule of law government to ensure that people can truly enjoy their rights and consciously fulfill their obligations in a rule of law society. Thus, the actions of earning legitimate income through diligent work to meet personal needs, ideals, and the basic needs of family members, especially parents, is not only encouraged by Islam, but also a highly commendable act of reverence for the Lord, which is often referred to as *Jihād* (i.e. endless lifelong struggle) (Al-Ghazālī, 122-125).

Taking into account the above economic development concepts, the rights and obligations that the public enjoys in society first involve the means of obtaining wealth, followed by the disposal of all wealth, and the relationship between the two is inseparable. In terms of the ways of obtaining wealth, personal income and wealth accumulation must be legal, such as through labor, inheritance, gifts, so on and so forth. That is to say, a upright person loves wealth in a proper way and must never obtain it through illegal means, such as theft, fraud, monopolistic management, and interest based transactions; or in other words, he/she should use conscience as a scale to eliminate all unjust gains. However, human desires can encourage them to tend towards evil and ultimately lead to committing crimes in social and economic activities, as Allāh the Almighty describes it through the tongue of the Prophet Yūsuf in the Qur'ān: "And I do not acquit myself. Indeed, the soul is a persistent enjoining of evil, except those upon which my Lord has mercy. Indeed, my Lord is Forgiving and Merciful." (Al-Qur'ān, Sūrah Yūsuf [12]: 53) Hereby, it is worthy to note that due to misunderstandings about religious faith and contemporary life, erroneous beliefs have continued to breed and spread in society. Especially when individuals indulge in secular pleasures and blindly pursue luxurious lifestyles, their human nature, soul, emotions, ethics, morality, spirit, etc. are easily corroded, leading to their falling into the abyss of corruption. Thus, in order to eradicate or minimize the incidence of similar misconduct as much as possible, the Islamic judicial system gradually developed and established a remarkable supervisory institution during the Abbasid dynasty. Actually, in such institution, inspectors who had been appointed by the Ministry of Justice are mainly responsible for inspecting monopolistic and fraudulent business activities, especially ensuring the quality of goods and supervising after-sales services, thus playing a positive auxiliary role in safeguarding the daily rights and interests of grassroots cadres. It should be noted that the Islamic law prohibits certain goods operated by Muslims, such as pigs,

alcohol, and related products, but this is not the case for non Muslim operators. Accordingly, the Islamic law stipulates that if a Muslim who acts as an inspector damages pigs, alcohol, and related products belonging to non Muslims, the former must compensate the latter in accordance with their value (Al-Khafiif, 2008.).

As for the disposal of wealth, according to the Islamic law, whoever owns property means who has an obligation (or who is expected to) assume social responsibility. From the perspectives of political science and economics, the establishment of this system can effectively solve class conflicts by narrowing the wealth gap. Therefore, the Islamic law provides for the property owner to pay *Zakāh* per year when their property reaches a certain amount (i.e. eighty grams of gold) and is used for poverty alleviation in the society. In addition, in order to strengthen the kinship between people, Islam encourages Muslims to do good deeds and altruism accumulate virtue through all different types of *Ṣadaqah* (i.e. voluntary donations). As Allāh the Almighty sates in the Qur'ān: "O you who have believed ... And hasten to forgiveness from your Lord and a garden as wide as the heavens and earth, prepared for the righteous. Who spend [in the cause of Allāh] during ease and hardship and who restrain anger and who pardon the people - and Allāh loves the doers of good." (Al-Qur'ān, Sūrah Āl 'Imrān [3]: 130-134)

It is worth noting that the Qur'ān also continuously encourages Muslims to take on social responsibility through metaphorical means: "The example of those who spend their wealth in the way of Allāh is like a seed [of grain] which grows seven spikes is a hundred grains. And Allāh multiplies [His reward] for whom He wills. And Allāh is all-Encompassing and Knowing. Those who spend their wealth in the way of Allāh and then do not follow up what they have spent with reminders [of it] or [other] injury will have their reward with their Lord, and there will be nor fear concerning them, nor will they grieve. Kind speech and forgiveness are better than charity followed by injury. And Allāh is Free of need and Forbearing. O you who have believed do not invalidate your charities with reminders or injury as does one who spends his wealth[only] to be seen by the people and does not believe in Allāh and the Last Day. His example is like that of a [large] smooth stone upon which is dust and is hit by a downpour that leaves it bare. They are unable [to keep] anything of what they have earned. And Allāh does not guide the disbelieving people. And the example of those who spend their wealth seeking means to the approval of Allāh and assuring [reward for] themselves is like a garden on high ground which is hit by downpour - so it yields its fruits in double. And [even] if it is not hit by a downpour, the a drizzle [is sufficient]. And Allāh, of what you do, is Seeing ... O you who have believed, spend from the good things which you have earned and from that which We have produced for you from the earth. And do not aim toward the defective therefrom, spending [from that] while you would not take it [yourself] except with closed eyes. And know that Allāh is Free of need and Praiseworthy ... And what ever you spend of expenditures or make of vows - indeed, Allāh knows of it. And for the wrongdoers there are no helpers. If you disclose your charitable expenditure, they are good; but if you conceal them and give them to the poor, it is better for you, and He will remove from you some of your misdeeds [thereby]. and Allāh, with what you do, is [fully] Acquainted ... And whatever good you [believers] spend is for yourselves, and you do not spend except seeking the countenance of Allāh. And whatever you spend of good - it will be fully repaid to you, and you will not be wronged. [Charity is] is for the poor who have been restricted for the cause of Allāh, unable to move about in the land. An ignorant [person] would think them self-sufficient because of their restraint, but you will know them by their [characteristic] sign. They do not ask people persistently [or at all]. and whatever you spend of good - indeed, Allāh is Knowing of it. Those who spend their wealth [in Allāh's way] by night and by day, secretly and publicly - they will have their reward with their Lord. And no fear will there be concerning them, nor will they grieve." (Al-Qur'ān, Sūrah al-Baqrah [2]: 261-274)

Comparatively speaking, *Ṣadaqāt* is a voluntary act, while *Zakāh* is a mandatory tax levied on wealth owners according to the Islamic law and distributed to specific eight individuals as Allāh the Almighty describes in the Qur'ān: “*Zakāh* expenditures are only for the poor and for the needy and for those employed to collect [*Zakāh*] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allāh and for the [stranded] traveler - and obligation [imposed] by Allāh. And Allāh is Knowing and Wise.” (Al-Qur'ān, Sūrah al-Tawbah [9]: 60) It is worthy to note that the wealthy among members of society who give a certain share of their property to those who are poor and in need are treated by the Islamic law as an obligation rather than a charity, and for the recipients, it is a right they should enjoy rather than a favor from others, which as Allāh the Almighty sates in the Holy Qur'ān: “And those within whose wealth is known right for the petitioner and the deprived.” (Al-Qur'ān, Sūrah al-Ma'ārij [70]: 24-25) Therefore, Allāh the Almighty teaches the Prophet Muḥammad (PBUH) and his followers in the Holy Qur'ān: “Take, [O Muḥammad], from their wealth a charity [i.e. *Zakāh*] by which you purify them and cause them increase, and invoke [Allāh's blessings] upon them. Indeed, your invocations are reassurance for them. And Allāh is Hearing and Knowing.” (Al-Qur'ān, Sūrah al-Tawbah [9]: 103)

Shortly after the demise of Prophet Muḥammad (PBUH), when the leaders of some Bedouin tribes in the Arabian Peninsula announced that they would no longer pay their *Zakāh*, Abū Bakr (573-634 AD.) - the first Caliph - immediately declared war on them because they deprived the rights of poor people. In addition to yearly *Zakāh* and voluntary donations, many Muslim jurists of the Islamic law unanimously advocate, in accordance with the spirit of Qur'ān and Sunnah, that in order to safeguard the interests of the entire social group, a certain amount of other taxes should also be levied on capable individuals. In this regard, the three most famous jurists of the Abbasid dynasty had laid the foundation for social prosperity in the Islamic economic law. The first one of them was Abū Yūsuf (AH. 113-182 / AD. 731-798) - a renowned Ḥanafī jurist and Supreme Justice of the Empire -, the Caliph Ḥarūn al-Rashīd (AH. 148-193 / AD. 763-808) commissioned him to write a book on topics related to the national fiscal revenue and taxation; then, the former eventually led to his work “*Al-Kharāj*” (Abū Yūsuf, 1979), (i.e. *On Taxation*) based on the Islamic jurisprudence. The second one is Muḥammad bin Ḥasan al-Shaybānī (AH. 131-189 / AD. 748-804) - a well-known Ḥanafī jurist and judge - who completed the work “*Al-Iktsāb fī al-Rizq al-Mustaṭāb*” (Al-Shaybānī, 1986), (i.e. *On Income*) in accordance with the Islamic jurisprudence; the main focus of which is on discussing micro-economic ideas such as consumption, production, income, and distribution. The third one is the jurist and judge Abū 'Obayd al-Qāsim bin Salām (AH. 157-224 / AD. 774-838), who was compatible with different Islamic legal schools of thought and wrote his monumental work “*Al-Amwāl*” (Ibn Sallām, n.d.), (i.e. *On Wealth*) from both macro-economic as well as micro-economic perspectives, the content of which in fact covers all industries at that time, including such as agriculture, commerce, handicrafts, trade, etc., showcasing the public's obligations and rights to national finance.

Furthermore, the Islamic law urges wealthy individuals to avoid spending their personal property on meaningless matters in a conspicuous manner and strictly prohibits spending it on activities that are harmful to himself as well as society, as Allāh the Almighty warns the Muslims in the Qur'ān: “... do not spend [wealth] wastefully. Indeed, the wasteful are brothers of the devils, and ever has Satan been to his Lord ungrateful.” (Al-Qur'ān, Sūrah al-Isrā' [17]: 26-27), but praises: “... those who when they spend, do so not excessively or sparingly but are ever, between that [justly] moderate.” (Al-Qur'ān, Sūrah al-Furqān [25]: 67) .

As for those who waste or squander wealth, the Imām Abū Ḥanīfah (AH. 80-150 / AD. 699-767) believed that free and mentally normal adult spendthrifts should not be subject to

behavioral restrictions . On the contrary, the Imām Mālik (AH. 93-179 / AD. 712-795), the Imām Shāfi'ī (AH. 150-204 / AD. 767-820), and many other legal scholars held that when the irresponsible behavior of an adult is proven and confirmed in court, judges are allowed to limit that person's right to dispose of his/her property and declare a production ban on this person (Arabi, 2001 : 103). However, except for specific legal systems, the public, even those special groups who have no means and no ways, are innocent, simple, and even mentally disabled, are considered noble to participate in commercial transactions with any capacity at any time (Al-Ghazālī, 161.). This is because in the Islamic law, the virtues of being helpful and benevolent are unrestricted, and in terms of human dignity, mutual respect, care, understanding, and willingness to cooperate with others in promoting good and suppressing evil are all basic obligations and rights that individuals in a society should possess.

As for the public's right to privacy, it holds an important position in the Islamic jurisprudence, as has been stated in the Qur'ān: "O you who have believed, do not enter houses other than your own houses until you ascertain welcome and greet their inhabitants. That is best for you; perhaps you will be reminded. And if you do not find anyone therein, do not enter them until permission has been given you. And if it is said to you, 'Go back', then go back; it is purer for you. And Allāh is Knowing of what you do. There is no blame upon you for entering houses not inhabited in which there is convenience for you. And Allāh knows what you reveal and what you conceal." (Al-Qur'ān, Sūrah al-Nūr [24]: 27-29)

It is worthy to note that these verses may seem to guide people's etiquette and behavior, but it is indeed a prerequisite for safeguarding privacy rights, because logically closely linked to this right is the absolute prohibition of shameful behavior such as espionage, suspicion, and betrayal of others, as Allāh the Almighty provides for the Muslims in the Holy Qur'ān: "O you who have believed, avoid much [negative] assumption. Indeed, some assumption is sin. And do not spy or backbite each other. Would one of you like to eat the flesh of his brother when dead? You would detest it. And fear Allāh; indeed, Allāh is Accepting of repentance and Merciful." (Al-Qur'ān, Sūrah al-Ḥujrāt [49]: 12)

Thus, in order to maintain the dignity that the public should enjoy in the Islamic society, Allāh the Almighty also specifically formulates several preventive measures in the Holy Qur'ān: "O you who have believed, let not a people ridicule [another] people; perhaps they may be better than them; nor let women ridicule [other] women; perhaps they may be better than them. And do not insult one another and do not call each other by [offensive] nicknames. Wretched is the name of disobedience after [one's] faith. And whoever does not repent then it is those who are the wrongdoers... O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allāh is the most righteous of you. Indeed, Allāh is Knowing and Acquainted." (Al-Qur'ān, Sūrah al-Ḥujrāt [49]: 11 and 13)

Moreover, from the perspective of Islamic jurisprudence, good social relationships among people cannot be maintained and developed solely by certain groups and individuals abstaining from engaging in various detestable and harmful behaviors. Therefore, the Islamic law requires the public to actively participate in practical activities that promote social values through concrete actions, which is as stated in the Qur'ān: "And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful." (Al-Qur'ān, Sūrah Āl 'Imrān [3]: 104) In order to elaborate on this comprehensive admonition of the Qur'ān, the Prophet Muḥammad (PBUH) encouraged the Muslims: "Whoever of you sees an evil (i.e. illegal, immoral, or anything incorrect) let him [/ her] change it with his hand (i.e. through actions); and if he [/ she] is unable to do so, then [let him or her change it] with his [/ her] tongue (i.e. through speech) to correct it; if he [/ she] still lacks the ability to do so, then he [/ she should condemn it] with his [/ her] heart (i.e. thoughts and consciousness), and this is the weakest level of faith (Muslim, 1980 : 77)."

Accordingly, at any time, anyone who is conscious and responsible towards society should not show indifference to the long-standing conflicts between good and evil, right and wrong, and truth and falsehood that have arisen around the world. Therefore, the Islamic law calls on people to actively ease unfriendly relationships between groups, resolve conflicts peacefully, and actively promote the development of good relationships, which as stated in the Qur'ān: “And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses the other, then fight against the one that oppresses until it returns to the ordinance of Allāh. And if it returns, then make settlement between them in justice and act justly. Indeed, Allāh loves those who act justly. The believers are but brothers, so make settlement between your brothers. And fear Allāh that you may receive mercy.” (Al-Qur'ān, Sūrah al-Hujrāt [49]: 9-10) and “O you who have believed... cooperate in righteousness and piety, but do not cooperate in sin and aggression. And fear Allāh; indeed, Allāh is severe in penalty.” (Al-Qur'ān, Sūrah al-Mā'idah [5]: 2)

In short, the public rights and obligations model based on ethical and moral principles which are stipulated in the Islamic law, such as maintaining good neighborhood relationships, respecting the elderly and children, warmly treating guests, visiting patients, giving mutual advice, attending the funeral of the deceased and praying for their souls, etc., while taking different measures to prevent harmful behaviors and conducts such as greed, waste, and boasting that are harmful to social development, is really helpful in establishing and promoting interpersonal friendly relationships and a harmonious society (Al-Ghazālī, : 161.).

### **The Rights and Obligations of Non Muslims**

German Orientalist Adam Mez (1869-1917) noticed many years ago that the primary and most striking feature of traditional Muslim society, which sets it apart from medieval Christian Europe, was its stark contrast. Within the former's borders, in addition to followers of Islam, there lived a large population of people who believed in other religions. All of these people, in Adam Mez's words: “[lived] side by side in an atmosphere of toleration absolutely unknown to Medieval Europe (Mez, 1917.).” Readers should not be surprised by Adam Mez's viewpoint, as by the 7<sup>th</sup> century AD, his views had already been thoroughly understood, especially those living in the heart of the Muslim world. Thus, in Egypt and Syria, the vast majority of Christians who were discriminated and persecuted by the Byzantine orthodox rulers due to their adherence to the Eastern Orthodox Church warmly welcomed the Arab Muslim conquerors to liberate them from oppressors who followed the same religion. Similarly, the people in Iraq who were oppressed by Zoroastrians responded in the same way to the Arab conquerors. Even in the distant Iberian Peninsula, the Roman Catholic Church in Spain had approved its policies of repression and forced conversion based on the Bible, which led Jews to lean towards welcoming and assisting Muslim conquerors of freedom (Mez, 1979).

At this point, two arguments are worth noting. First, the term “tolerance” usually refers to the accommodating attitude of Muslims towards others. However, in terms of vocabulary, it does not accurately reflect the essence of Muslim attitudes. This is not only because the term “tolerance” often implies reluctantly coexisting with others, but in this regard, it is completely different from the attitude and the position we are currently discussing, and also because it overlooks an important fact, which is to respect and protect all the rights of non Muslims who are willing to live in peace with Muslims. Moreover, for Muslims, this is not only an obligation and duty but essentially an act of reverence and piety towards Allāh the Almighty. If these rights of non Muslims are not upheld, it is a criminal act that will be severely punished by the Islam law. On the other hand, safeguarding and protecting these rights is a manifestation of reverence and piety. Indeed, as for Muslims, both individuals and groups hope to receive divine praise and the rewards of paradise. This is the psychological foundation for the entire system to be solid and stable, but this extremely important core issue has confused many critics,

including those who express extreme admiration and envy for its practical operation and effectiveness.

Second, as it is well known, under the Islamic law, non Muslim residents who live in the Islamic countries are traditionally referred to as “*Dhimmi*” (i.e. indentured people), which originally refers to people who have commitments, reach agreements or fulfill treaties, and the agreements or treaties referred to here are indefinite. Based on this, Muslims have promised to respect and protect various rights of non Muslims since the era of Prophet Muḥammad (PBUH), including life, property, religious beliefs and practices, activities, marriage, and raising their children according to their beliefs. Besides, “*Dhimmi*” enjoys substantial autonomy or autonomy. This allows members of each religious group to manage their own affairs and resolve personal and other disputes in accordance with the legal system and traditional customs of their respective religious beliefs. If they are dissatisfied with their shared judicial proceedings and trials, they also have the right to seek judicial trials and resolve disputes through Islamic courts. However, this approach is usually selective, meaning they can either accept what they believe to be the correct and appropriate outcome of the trial, or abandon it. As for the commentary on the autonomy enjoyed by Jewish and Christian believers, a German-trained orientalist and the late Professor of Princeton University S. D. Goitein (1900-1985) in his authoritative work of profound research revolves around Cairo Geniza providing a detailed description of minority groups in the Arab world from beginning to end, and emphasizing the fact that Christianity and Jewish society were under Islamic rule in the Middle Ages: “[actually formed a state not only within a sate by beyond the sate, because they owed loyalty to the heads and to the central bodies of their respective denominations, even though these were found in a foreign, or even hostile country... while [they] shared with their Muslim compatriots their language, economy and most of their social notions and habits, their communal life was left mainly to their own initiative (Goitein, 1971).”

Of course, in return, “*Dhimmi*” is also expected to recognize, respect, and ensure their national sovereignty of living in peace and enjoying their rights. Thus, he or she as a “*Dhimmi*” should pay “*Jizyah*” (i.e. a kind of tax), which the essential attributes can be understood through the practice of the Companion Khālīd bin al-Walīd (before AH. 32-AH. 18 / AD. 592-642, may Allāh’s pleasure on him). At that time, the Byzantine army forced Khālīd and his military troops to withdraw from certain parts of Syria. He voluntarily returned all the previously confiscated “*Jizyah*” to the payers and declared that the confiscated money was for the purpose of providing you with security and defense. At this time, since my army and I cannot provide you with what you need, we cannot use this money. It is worth noting that “*Jizyah*” is only levied from male adults who have the ability to undertake military obligations, and to some extent, “*Jizyah*” is an alternative to the military service system. Therefore, women, children, and monks enjoy immunity (Abū Yūsuf, 1979 : 110).

In fact, in a letter to Caliph Hārūn al-Rashīd, Abū Yūsuf - the Supreme Justice of the Abbasid Dynasty - stated about the manner of collecting “*Jizyah*”: “O Commander of the faithful! May Allāh help you! It is necessary that you should threat the people who were protected by the Prophet ... with leniency, and inquire about their conditions so that they are neither oppressed, nor given trouble, nor taxed beyond their capacity, nor anything of theirs is taken from them except with a duty incumbent on them. For it is reported from the Messenger of Allāh [PBUH that he] said: ‘Whoever oppresses a non-Muslim or burdens him beyond his capacity, I myself shall be his accuser (or contestant) on the day of judgement (Abū Yūsuf, 1979 :122).’ Thus, under the “*Dhimmi*” system, Muslims have demonstrated an unprecedented willingness to help others (non Muslims), as well as the freedom granted by Islam to “*Dhimmi*” to manage their own affairs, ensuring their realization of their desire for a better life under the Islamic law. For example, during the Muslim rule of Andalusia (Spain), especially during the reign of ‘Abd al-Raḥmān III (or ‘Abd al-Raḥmān al-Nāṣir li-Dīn-Allāh, AH. 277-350 / AD.

891-961) from the 10<sup>th</sup> century to the Al-Muwahhid Dynasty in 1140, the historical community fairly referred to it as the Golden Age. During that period, Jews had experienced unprecedented cultural prosperity, due to the fact that the Islamic human rights system completely regarded them as a part of Muslim society, and it can be said that a true sense of integration was the main driving force for Muslims and non Muslims to contribute to social prosperity. Moreover, the political power and influence enjoyed by Jewish people in Andalusia during this period were beyond the reach of Jewish groups in other parts of the world. This unparalleled situation did not appear in European history until after the Renaissance. In politics, Jewish Viziers (i.e. high-ranking administrative officials or ministers in the Islamic history), such as Andalusian Jew Abū Ishāq Ismā'īl bin al-Naghrīlah (or Samuel HaNagid, AH. 374-437 / AD. 993-1056), once held great power of domination and rule (Scheindlin, 1992).

In fact, in many ways, the experiences of Jews in other Islamic territories were similar to those of the Muslim heydays in Spain. But there are also many important differences, the most importantly during the reign of the Abbasid Caliphate. For example, many “*Dhimmi*” societies emerged that far surpassed Andalusia and Jews were just a part of these groups. Among these groups, there were many different religious worshipers, such as Sabaeans in Harran, Zoroastrians in Baghdad, and had also been more Christians distributed throughout the Islamic country. It is estimated that the number of Jewish people in Baghdad was around 40,000 in 1168, there were 28 synagogues, and 10 higher academic institutions (Kramer, 1992 ; 77-78). In addition, except for the Manicheans who later had migrated as far as China (Kramer, 1992 ; 86), and were not considered the protected groups, all other religious groups were considered “*Dhimmi*” and thus had enjoyed the right to survival, property ownership, freedom of religious belief, and other rights to long-term protection. It is also because of the protection of these rights that they have achieved prosperity in various fields, and have contributed in different ways to their living in the Islamic social system with diverse racial and religious characteristics. For example, in fields such as philosophy, mathematics, medicine, and astronomy, different religious worshipers and Christians play a crucial role in transmitting and exchanging ancient ideas and culture (Kramer, 1992 ;76-77). Comparatively speaking, the contribution of Jews in this regard was relatively inferior, but as bankers they played a prominent role in the vast financial community and commercial activities, resulting in a prosperous financial street, which some even vividly described as “the Wall Street of Baghdad” (Kramer, 1992 ; 78).

For another example, under the Ottoman Turks, Sultan Mehmet III (AH. 974-1012 / AD. 1566-1603) issued a decree in March 1602: “Since, in accordance with what Almighty Allāh the Lord of the Universe commanded in His Manifest Book (i.e. al-Qur’ān) concerning the communities of the Jews and Christians who are people of the *Dhimmah*, their protection and preservation and the safeguarding of their lives and possessions are a perpetual and collective duty of the generality of Muslims and a necessary obligation incumbent on all the sovereigns of Islam and honourable rulers. Therefore it is necessary and important that my exalted and religiously inspired concern be directed to ensure that, in accordance with the noble Sharī‘ah, every one of these communities that pays tax to me should live in tranquility and peace of mind and go about their business, that no one should prevent them from this, nor anyone cause injury to their persons or their possessions, in violation of the command of Allāh and in contravention of the Holy Law of the Prophet [Muḥammad - PBUH] (Kramer, 1992 ; 44).”

Obviously, it can be concluded that as the official document of the Ottoman Empire, which in fact coupled with scholars being familiar with the source of this document, it fully proves that the Sultan, judges, and officials of the Ottoman Empire did indeed fulfill their promises. Any member of a non Muslim minority can receive support and protection when any rights granted to them by Islamic law and the state are threatened or violated.

## The Rights and Obligations of Government

According to the Islamic jurisprudence, political systems and government administration, which like economic, financial, and sociocultural behavior, are always affairs with significant moral value, rather than just management and enforcement issues. Due to the establishment of fairness and justice in the society of state, the maintenance of individual, public, and national interests, the unity of the people and country, territorial defense, sovereignty defense, determination of obligations and rights between rulers and the ruled, especially how to treat special groups such as refugees, are all matters that the Islamic law attaches great importance to. Thus, in the traditional governance model of the Islamic society, the principle of *Shūrā* (i.e. the political consultation among related people) has always been at the core, which means that decisions on the aforementioned matters should be made through consultations among political parties, as stated in the Qur'ān: "... whose affair is [determined by] consultation among themselves..." (Al-Qur'ān, Sūrah al-Shūrā [42]: 38) It is worth noting that even though the Prophet Muḥammad (PBUH) was once a recipient of the revelation of the Qur'ān, Allāh the Almighty still guides him to consult with his companions in all public affairs: "So by mercy from Allāh, [O Muḥammad], you were lenient with them. And if you had been rude [in speech] and harsh in heart, they would have disbanded from about you. So pardon them and ask forgiveness for them and consult them in the matter. And when you have decided, then rely upon Allāh. Indeed, Allāh loves those who rely [upon Him]." (Al-Qur'ān, Sūrah Āl 'Imrān [3]: 159) According to this instruction, the Prophet Muḥammad (PBUH) consistently urged his companions to express their opinions, offer advice and suggestions, especially in military deployment, tactics, and strategy, as well as when appointing public officials, he effectively referred to the true insights of his disciples. After the demise of the Prophet Muḥammad (PBUH), the four caliphs who succeeded to the leadership positions of the Islamic country, namely Abū Bakr (before AH. 50-AH. 13 / AD. 573-634), 'Umar bin Khattāb (before AH. 35-AH. 23 / AD. 586-644), 'Uthmān bin Affan (before AH. 46-AH. 35 / AD. 573-656), and 'Alī bin Abī Ṭalib (before AH. 23-AH. 40 / AD. 599-661), may Allāh's pleasure upon them, were seen as models for leaders in the social governance, particularly in adhering to the *Shūrā* principle.

In view of this, it should be noted that both the ruler and the ruled should be equally and completely subject to the same legal system without any exceptions. This concept not only refers to "equality before the law", but also has a clear and sufficient understanding of the basic prerequisites for fairness and justice. Therefore, we should pay attention to the following three points. Firstly, the Islamic law not only emphasizes the importance of fairness and justice in the social governance, but also requires all Muslims to steadfastly and firmly uphold it in all circumstances, as stated in the Qur'ān regarding justice: "O you who have believed, be persistently standing firm in justice, witnesses for Allāh, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allāh is more worthy of both. So follow not [personal] inclination, lest you not be just, and if you distort [your testimony] or refuse [to give it], then indeed Allāh is ever, with what you do, Acquainted." (Al-Qur'ān, Sūrah al-Nisā' [4]: 135) and "O you who have believed, be persistently standing firm for Allāh, witnesses in justice, and do not let the hatred of people prevent you from being just. Be just; that is nearer to righteousness. And fear Allāh; indeed, Allāh is Acquainted with what you do." (Al-Qur'ān, Sūrah al-Mā'idah [5]: 8)

Secondly, the Islamic law holds that public affairs are the trust of the people towards the government and its staff. As stated in the Qur'ān: "Indeed, Allāh commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allāh instructs you. Indeed, Allāh is every Hearing and Seeing." (Al-Qur'ān, Sūrah al-Nisā' [4]: 58) This verse clearly stipulates that rulers and civil servants should

honestly, faithfully, and diligently entrust all entrusted affairs to those who qualify them. From this, it can be seen that the obligation of the ruled is not only to obey the ruler, but also to actively assist the ruler in carrying out their responsibilities to the entire people, because there is a contractual relationship between the ruler and the ruled. The former has the obligation to protect rights of the latter, while the latter has the obligation to advise the former.

Therefore, the well-known French jurist Count Leon Ostrorog (1867-1932) emphasized in three lectures held at the University of London in the latter half of 1927: “Considered from the point of view of its structure, they system is one of rare perfection, and to this day it commands the admiration of the student ... If the contents of that logical fabric are examined, some theories command not only admiration but surprise. Those Eastern thinkers of the 9<sup>th</sup> century laid down, on the basis of their theology, the principles of the Rights of Man, in those very terms, comprehending the rights of individual liberty, and of inviolability of person and property; described the supreme power in Islam, or Caliphate, as based on a contract, implying conditions of capacity and performance, and subject to cancellation if the conditions under the contract were not fulfilled; elaborated a Law of War of which the humane, chivalrous prescriptions would have put to the blush certain belligerents in the Great War; expounded a doctrine of toleration of non-Muslim creeds so liberal that our West had to wait a thousand years before seeing equivalent principles adopted (Leon Ostrorog, 1927).”

Besides, according to a teaching of the prophetic Sunnah: “Hearing and obeying is binding on a Muslim, whether he [/she] likes or dislikes the order, so long as he [/she] is not ordered to commit a sin; but if he is ordered to commit a sine, there is no hearing and no obeying (Asad, 1980).” In other words, the prerequisite for obedience and loyalty is the obedience of those who hold power to the law. It is worth mentioning that during his inaugural speech, the first Caliph - Abū Bakr said: “I have been given authority over you even though I am not the best of you... If I do well, help me, and if I do ill, then put me right. The weak amongst you shall be strong amongst you shall be weak in my eyes till I shall by the grace of Allāh wrest the right from him (Ibn Hishām, 1995).”

Thirdly, according to the Islamic law, when exercising power in the public domain to promote correct behavior and eliminate erroneous behavior, government administrative agencies should clearly recognize that freedom of speech is not only an important right that the people should enjoy, but also an ethical, moral and political obligation. Because when a situation or event requires people to speak up, but is forced to remain silent by a certain political power, it will undoubtedly lead to the deterioration of the entire society in terms of ethics, moralities, and politics. At the same time, it should be noted that anyone abuses the right of freedom of speech to slander, defame, insult others recklessly is not only a manifestation of personal moral decay, but in the Islamic law, this kind of behavior has already constituted a criminal fact. Therefore, the right of freedom of speech should refer to the people's approach to matters in a responsible, reasonable, polite, sincere, and appropriate manner of criticism or advice, which is a value highly promoted by the Islamic traditional human rights system, as the Prophet Muḥammad (PBUH) had depicted this valuable system as the essence of political affairs in the Islamic society: “The religion (i.e. Islam) is mutual advice and advice [among people] (Al-Bukhārī, 2015).” and “ “Indeed, the highest kind of *Jihād* is to speak up for the truth in the face of a *Sultān* [or *Amīr*] (i.e. supreme leader or leader of government) that deviate from the right path (Abū Dāwūd, 2015).”

In summary, the Islamic law emphasizes that in order to establish fairness and justice in socio-economic development and government administration, in addition to highly complex judicial institutions, many other organizations should also participate in the practical work of human rights protection. For example, related to it and particularly noteworthy is the “*Wilāyah al-Maẓālīm*” (i.e. the “Complaints Committee” or in modern terms the “Disciplinary Inspection Committee”, whose function is to investigate cases of people's accusations against government

officials or civil servants, with the aim of combating those in power who are harmful to society and the country (Al-Māwardī, 1989). In this regard, prior to the emergence of the Swedish Scandinavian Inspectorate (1809), the Islamic administrative management system had already established relevant systems, which also proved the fact that Islamic law had once been at the forefront of the world.

## CONCLUSION

To sum up, human rights under the Islamic legal system are not only a detailed and wide-ranging framework, but also a network of interconnected and complementary rights and obligations. This framework starts from the stage before the entire human life is conceived, goes through childbirth, infancy, childhood, adulthood, and maturity, and ends with death or even after death. Therefore, since its inception, the Islamic law has been meticulously encouraging, nurturing, and elaborating on human rights, with the primary attention, concern and focus being on children. However, when it comes to their rights, it begins not only before birth, but also in the stage before conception and continues until adulthood. Generally speaking, when forming a family, both men and women not only consider each other's excellent character and mutual affection, but also must abide by strict rules that the other is not a close relative.

From the previous discussion, it can be understood that the Islamic law is advising people to improve and strengthen the physical and intellectual abilities of future generations, in order to avoid negative consequences caused by close marriage. In addition to the inherent values and meanings bestowed upon each individual, couples possess excellent character, mutual admiration, and are also regarded by the Islamic law as important factors for successful marriage and family, in order to provide a necessary, stable, and compassionate environment for the healthy growth and development of future generations both psychologically and socially. Furthermore, on the side of morally speaking, children already have certain rights even before being nurtured by their parents. For parents who intend to conceive children, the rights of their children are their obligation and they are required to strictly abide by them. After a mother becomes pregnant and then gives birth, the basic rights that children have are also seen as the responsibility of parents, which include sharing with others the joyful celebrations, choosing beautiful names for them, providing them safe place and appropriate food, clothing, upbringing, and education, etc.

Therefore, under the Islamic legal system, the emphasis on human rights is seen as an essential component of a complete cosmic system. However, for the theory and practice of human rights, this article not only reflects on the decline of Islamic civilization and the subsequent consequences of the Muslim world being controlled and dominated by various colonial forces, but also conducts self-criticism. In summary, whether in the Muslim world or elsewhere, only when the international human rights system is effectively managed, and only when democratic principles and legal systems are truly upheld, can human rights have hope to be truly implemented.

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The authors declare no conflict of interest.

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