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HUMAN RIGHTS AND ISLAMIC LAW IN CONTEMPORARY SOCIETY: RECONCILING UNIVERSAL PRINCIPLES AND ISLAMIC VALUES

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Abstract

The relationship between human rights and Islamic law remains an important and contested issue in contemporary legal and social discourse. While human rights are frequently presented as universal principles grounded in human dignity, equality, freedom, and justice, Islamic law is rooted in the Qur'an, Sunnah, Islamic jurisprudence, and the broader objectives of the Sharia. Differences in normative foundations have sometimes generated perceptions of incompatibility, particularly concerning religious freedom, gender equality, freedom of expression, family law, and the relationship between individual rights and collective responsibilities. This study aims to examine the relationship between human rights and Islamic law in contemporary society and to identify a conceptual framework for reconciling universal human rights principles with Islamic values. The study employs a qualitative library research approach by critically analyzing academic literature, Islamic legal sources, Qur'anic principles, classical and contemporary Islamic jurisprudence, and international human rights instruments. The findings indicate that significant normative convergence exists between Islamic law and human rights, particularly in the protection of human dignity, life, justice, property, family, intellectual capacity, and freedom from arbitrary harm. The study further demonstrates that maqāṣid al-sharīʿah provides an important interpretive framework for connecting Islamic legal principles with contemporary human rights discourse. Rather than assuming complete identity or fundamental incompatibility, the relationship should be understood through a model of principled convergence that recognizes both shared objectives and contextual differences. The study proposes an integrative framework based on human dignity, justice, maqāṣid al-sharīʿah, contextual interpretation, proportionality, public benefit, and prevention of harm. Such an approach can facilitate constructive engagement between Islamic law and human rights while preserving the normative integrity of Islamic values.

Keywords: *Human Rights; Islamic Law; Maqāṣid al-Sharīʿah; Human Dignity*

INTRODUCTION

Human rights have become one of the central normative frameworks governing contemporary societies. The principles of human dignity, equality, freedom, justice, and protection from arbitrary interference have been incorporated into international legal instruments, national constitutions, and public policy frameworks. The Universal Declaration of Human Rights of 1948 established a foundational international statement concerning the inherent dignity and equal rights of all human beings, while subsequent international covenants and conventions have expanded the legal protection of civil, political, economic, social, and cultural rights. Human rights discourse has consequently become an important reference point for evaluating the legitimacy of state institutions, legal systems, and social practices (Lingga et al., 2023).

At the same time, Islamic law constitutes an important normative and legal tradition for Muslim societies. Islamic law derives its fundamental

authority from the Qur'an and Sunnah and has been developed through extensive traditions of jurisprudence, legal reasoning, interpretation, and scholarly debate (Al-Kautsar, 2025). Islamic law regulates not only ritual obligations but also social relations, family matters, economic transactions, criminal justice, governance, and ethical conduct. Its contemporary relevance is therefore closely connected with questions concerning human dignity, justice, social welfare, freedom, equality, and the responsibilities of individuals and institutions.

The relationship between human rights and Islamic law has nevertheless generated considerable debate. Some scholars argue that Islamic legal principles contain substantial foundations for human rights because Islamic law emphasizes human dignity, justice, protection of life, property, intellect, family, and religion. Other scholars identify tensions between certain interpretations of classical Islamic jurisprudence and contemporary human rights standards, particularly in areas such as freedom of religion, gender relations, family law, freedom of expression, and criminal law. These differences have sometimes produced opposing narratives in which human rights are perceived as exclusively Western constructs while Islamic law is portrayed as inherently resistant to universal rights.

Such binary approaches, however, may oversimplify both traditions. Human rights themselves have developed through diverse philosophical, political, legal, and cultural traditions and continue to generate debates concerning universality, cultural relativism, individual autonomy, collective rights, and the responsibilities accompanying rights. Similarly, Islamic law is not a single static legal code. It encompasses multiple schools of jurisprudence, interpretive methodologies, historical contexts, and contemporary approaches to legal reasoning. The diversity within both traditions creates possibilities for more nuanced forms of engagement.

The concept of human dignity provides one of the most important points of convergence. Islamic teachings affirm the dignity of human beings, while contemporary human rights discourse places inherent human dignity at the foundation of rights protection. Qur'an 17:70, for example, emphasizes the honor bestowed upon the children of Adam. This principle can be placed in dialogue with the human rights understanding that every person possesses inherent dignity regardless of social, ethnic, religious, or economic status (Sufyan & Hartono, 2023).

Justice constitutes another major area of convergence. Islamic law places *ʿadl* at the center of social and legal relations, while human rights frameworks seek to protect equality and justice through legal rights and institutional mechanisms. The Qur'anic command to uphold justice even when dealing with people toward whom one may have negative feelings provides a strong normative basis for impartiality. This convergence suggests that Islamic legal principles can engage constructively with contemporary human rights without abandoning their theological foundations.

Maqāṣid al-sharīʿah provides an especially important bridge between Islamic law and contemporary human rights. Classical formulations of maqāṣid emphasize the protection of religion, life, intellect, lineage, and property. Contemporary maqāṣid scholarship has expanded discussions toward human

dignity, justice, freedom, welfare, social equality, and broader public interests. Through this framework, Islamic legal reasoning can evaluate contemporary social problems according to the objectives and consequences of law rather than relying exclusively on literal applications of historical legal formulations (Tohari et al., 2022).

Nevertheless, the existence of shared objectives does not eliminate genuine differences. The two traditions may differ regarding the philosophical foundation of rights, the relationship between individual autonomy and social responsibility, the role of religion in public law, and the interpretation of particular legal norms. A meaningful reconciliation therefore cannot be based on the assumption that Islamic law and human rights are completely identical. Nor should differences automatically be interpreted as evidence of incompatibility. Instead, reconciliation requires a methodological framework capable of distinguishing universal ethical objectives, contextual legal rules, historical interpretations, and contemporary applications (Robbayani, 2020).

Existing literature has extensively examined Islamic law and human rights, but significant fragmentation remains. Some studies emphasize the compatibility of Islamic principles with human rights, while others focus on areas of tension and incompatibility. Other scholarship explores maqāṣid al-sharīʿah as a mechanism for contemporary Islamic legal reform. However, relatively limited attention has been given to constructing an integrated framework that explains how universal human rights principles can be reconciled with Islamic values while simultaneously recognizing legitimate normative and methodological differences between the two traditions.

This study addresses this gap by examining human rights and Islamic law through a framework of principled reconciliation. The study does not seek to demonstrate that the two traditions are identical, nor does it attempt to establish one framework as superior to the other. Instead, it aims to identify shared normative objectives, analyze areas of tension, and examine the role of maqāṣid-oriented legal reasoning in facilitating constructive engagement. The study ultimately proposes an integrative framework based on human dignity, justice, public benefit, prevention of harm, contextual interpretation, proportionality, and responsible exercise of rights.

The central argument of this study is that reconciliation between human rights and Islamic law is possible when both are approached through their substantive objectives rather than through rigid assumptions about their respective identities. Such reconciliation requires recognizing that Islamic legal tradition possesses internal mechanisms of interpretation and renewal, while human rights principles can be engaged through culturally and religiously informed approaches without abandoning their commitment to human dignity and equality.

METHOD

This study employed a qualitative library research approach (Creswell & Creswell, 2017), to examine the relationship between human rights and Islamic law in contemporary society. The approach was selected because the study focuses on normative, conceptual, and legal analysis rather than empirical investigation. The research seeks to critically examine existing arguments

concerning the universality of human rights, Islamic legal principles, maqāṣid al-sharīʿah, and contemporary approaches to reconciling Islamic values with international human rights standards.

The sources consisted of peer-reviewed national and international journal articles, academic books, classical and contemporary Islamic legal literature, Qur'anic interpretations, Hadith-related scholarship, international human rights instruments, and relevant legal and policy documents. The literature selection focused on four main areas: the philosophical and legal foundations of human rights; Islamic concepts of human dignity, justice, freedom, and responsibility; maqāṣid al-sharīʿah and contemporary Islamic legal reasoning; and debates concerning the compatibility, tension, and reconciliation between Islamic law and human rights.

The analysis was conducted thematically. The first theme examined the foundations and principles of contemporary human rights, particularly dignity, equality, freedom, justice, and non-discrimination. The second theme analyzed Islamic legal and ethical principles relevant to human rights. The third theme examined maqāṣid al-sharīʿah as an interpretive methodology for addressing contemporary rights issues. The fourth theme identified areas of convergence and tension between Islamic law and human rights.

A comparative interpretive analysis was subsequently conducted to distinguish between substantive objectives, historical legal formulations, and contemporary applications. Particular attention was given to the distinction between immutable ethical principles and legal rules whose application may depend upon social, political, and historical contexts. The final stage involved conceptual synthesis to formulate a framework of principled reconciliation between Islamic law and universal human rights.

The proposed framework was evaluated conceptually according to four criteria: consistency with fundamental Islamic values, compatibility with the objectives of human rights, responsiveness to contemporary social conditions, and capacity to protect human dignity while maintaining legitimate religious commitments.

RESULTS AND DISCUSSION

RESULT

Human Dignity as a Shared Normative Foundation

The literature demonstrates that human dignity constitutes one of the strongest points of convergence between Islamic law and human rights. Contemporary human rights discourse treats dignity as inherent to every human being and as the foundation for equality and rights protection. Islamic sources likewise recognize human beings as possessing inherent dignity and moral status.

This convergence is important because dignity provides a normative principle broader than individual legal entitlements. It establishes that individuals should not be treated merely as instruments of political, economic, or social interests. From an Islamic perspective, dignity is associated with the honor bestowed upon human beings by God and with the moral responsibility of individuals and institutions. From the human rights perspective, dignity establishes the basis for freedom, equality, and protection against degrading treatment. The shared emphasis on dignity therefore provides a strong foundation for dialogue between the two traditions.

Justice, Equality, and the Protection of Human Interests

Justice represents another central area of convergence. Islamic law places justice at the core of social relations, while human rights seek to institutionalize equality and protection against discrimination.

The analysis indicates that the Islamic principle of ʿadl can provide a normative foundation for engaging with contemporary concerns regarding equality, access to justice, social welfare, and protection from arbitrary treatment. At the same time, human rights frameworks provide institutional and legal mechanisms through which justice can be translated into enforceable rights.

The two approaches therefore differ in some of their foundations and methodologies but share a significant concern with preventing injustice and protecting vulnerable individuals.

Maqāṣid al-Sharīʿah as a Bridge between the Two Traditions

The findings demonstrate that maqāṣid al-sharīʿah provides an important conceptual bridge between Islamic law and contemporary human rights. The traditional objectives of protecting religion, life, intellect, lineage, and property correspond with several contemporary rights concerns.

Protection of life is closely related to the right to life and physical security. Protection of intellect is connected with education, intellectual freedom, and the development of human capacities. Protection of property relates to economic rights and protection from unlawful deprivation. Protection of religion provides a foundation for religious practice, while protection of family provides a normative basis for family welfare and social stability.

Contemporary maqāṣid scholarship further expands these concerns toward dignity, justice, freedom, equality, welfare, and social development. This expansion allows Islamic legal reasoning to engage with emerging human rights issues without reducing Islamic law to an imitation of international human rights law.

Areas of Convergence and Tension

The comparative analysis identifies substantial convergence in areas such as human dignity, protection of life, justice, property rights, family protection, prohibition of arbitrary harm, and social welfare.

However, tensions remain in areas where Islamic jurisprudence and contemporary human rights discourse have developed different normative approaches. These include questions concerning religious conversion, gender roles, family law, freedom of expression, criminal law, and the relationship between individual autonomy and communal morality.

The existence of these tensions does not necessarily demonstrate fundamental incompatibility. Rather, it indicates the need for methodological engagement involving contextual interpretation, recognition of jurisprudential diversity, distinction between immutable principles and historically conditioned legal formulations, and careful application of maqāṣid.

From Compatibility to Principled Reconciliation

The study finds that the most productive approach is neither to claim complete compatibility nor to emphasize irreconcilable conflict. A more nuanced model can be described as principled reconciliation.

Principled reconciliation recognizes shared objectives while allowing differences in normative foundations and legal methodologies. It

accepts universal human dignity and protection from injustice as common ethical concerns while maintaining that Islamic law may articulate these concerns through its own theological and jurisprudential vocabulary.

Such an approach allows Muslim societies to participate constructively in international human rights discourse without requiring the abandonment of Islamic legal identity.

DISCUSSION

Reconsidering the Universalism-Relativism Binary

The findings challenge the assumption that the relationship between human rights and Islamic law must be understood through a binary opposition between universalism and cultural relativism. Universal human rights principles seek to establish minimum standards for protecting human dignity, but their interpretation and implementation necessarily occur within specific cultural, legal, and social contexts.

Islamic law provides one of the normative traditions through which universal concerns can be interpreted and implemented. The recognition of cultural and religious contexts should not automatically imply rejection of universal rights. Conversely, the assertion of universality should not require the elimination of legitimate religious and cultural identities (Muktirrahman et al., 2025).

A more productive approach therefore understands universality as compatible with plural normative traditions. Different traditions may provide different philosophical justifications for similar substantive commitments to dignity, justice, and protection from harm.

Maqāṣid as an Interpretive Methodology

Maqāṣid al-sharīʿah is particularly important because it shifts legal reasoning from an exclusive focus on isolated rules toward consideration of the purposes and consequences of law. This does not mean disregarding textual sources. Rather, it requires interpreting legal rules in relation to broader objectives.

For contemporary human rights questions, maqāṣid can provide a framework for asking whether a particular legal interpretation protects human dignity, prevents harm, promotes justice, and contributes to legitimate social welfare.

For example, when examining questions concerning privacy, freedom of religion, gender justice, or freedom of expression, maqāṣid-oriented reasoning can examine the underlying objectives and social consequences of different legal interpretations. This approach allows Islamic jurisprudence to engage contemporary challenges while maintaining its internal methodological integrity.

Human Dignity as the Meeting Point

Human dignity can function as the central conceptual bridge between Islamic law and human rights. In Islamic thought, dignity is connected with humanity's special status and moral responsibility. In human rights discourse, dignity is the basis of equal rights and freedoms (Tavo & Rasmus, 2024).

The convergence is particularly important because dignity can mediate between individual rights and social responsibilities. Human rights emphasize protection of individuals from unjustified interference, while Islamic ethics emphasizes both rights and duties. An integrated framework

therefore treats individuals as rights-bearing persons and morally responsible members of society.

This perspective can contribute to a more balanced understanding of rights in contemporary Muslim societies. Rights should be protected, but their exercise should also consider the legitimate rights and welfare of others.

Rights and Responsibilities in Islamic Legal Thought

One of the distinctive contributions of Islamic law to human rights discourse is its emphasis on the relationship between rights and responsibilities. Contemporary rights discourse often emphasizes the protection of individual autonomy, whereas Islamic legal thought places individual rights within a broader moral and social framework.

This does not mean that rights should be subordinated to unrestricted collective interests. Rather, it suggests that rights should be exercised responsibly and that institutions have corresponding obligations to protect individuals (Suntana et al., 2023). The principles of amanah, maslahah, and daf' al-ḍarar reinforce this relationship. Public authorities, families, religious organizations, and individuals all possess responsibilities toward others. A rights-based society therefore requires not only recognition of rights but also institutions capable of fulfilling corresponding duties.

Contextual Interpretation and Contemporary Islamic Law

The reconciliation of Islamic law and human rights requires attention to the distinction between revealed principles and historically developed jurisprudential interpretations. Islamic jurisprudence developed through human intellectual efforts in particular historical contexts. The existence of multiple schools of jurisprudence demonstrates that legal interpretation has never been entirely uniform.

Consequently, contemporary Muslim scholars can employ established methodologies of ijtihad, maslahah, maqāṣid, ʿurf, and contextual interpretation when addressing new social conditions.

This methodological flexibility is important because many contemporary human rights questions involve social realities that differ substantially from those existing when classical jurisprudential formulations were developed. Responsible renewal should therefore neither abandon classical Islamic scholarship nor mechanically reproduce historical interpretations without considering contemporary circumstances.

Reconciling Religious Freedom and Universal Human Rights

Religious freedom is one of the areas where reconciliation requires particularly careful analysis. Human rights frameworks protect the freedom to hold, adopt, change, or manifest religious beliefs, while Islamic legal traditions contain diverse interpretations concerning religious affiliation and apostasy.

A simplistic approach that assumes one single Islamic position cannot adequately represent the diversity of Islamic jurisprudence. Similarly, reducing religious freedom to a purely individualistic concept may overlook the social and communal dimensions of religious life (Ibrahim & Harun, 2024).

A maqāṣid-oriented approach can examine how religious freedom, social stability, dignity, and prevention of coercion can be balanced. The objective should be to protect individuals from coercion and unjustified persecution while allowing religious

communities to maintain their legitimate identities and institutions.

CONCLUSION

This study concludes that the relationship between human rights and Islamic law should not be reduced to a binary choice between compatibility and incompatibility. The literature demonstrates substantial normative convergence in the protection of human dignity, justice, life, property, family, intellectual capacity, and freedom from arbitrary harm. At the same time, genuine differences remain concerning several areas of law and the philosophical foundations of rights. These differences require careful methodological engagement rather than simplistic claims of either complete harmony or fundamental conflict.

The study proposes a framework of principled reconciliation based on human dignity, justice, maqāṣid al-sharīʿah, contextual interpretation, public benefit, prevention of harm, proportionality, and the relationship between rights and responsibilities. Maqāṣid provides an especially important bridge because it enables Islamic legal reasoning to respond to contemporary social realities while maintaining its normative connection to the Qur'an, Sunnah, and Islamic jurisprudential tradition. The contribution of this study lies in positioning reconciliation as a process of constructive normative dialogue rather than the elimination of differences. However, as a library research study, the proposed framework remains conceptual and requires empirical and comparative testing. Future research should examine how principled reconciliation can be applied to specific areas such as religious freedom, gender justice, digital rights, family law, freedom of expression, minority rights, and constitutional law in different Muslim-majority and Muslim-minority contexts.

REFERENCES

Al-Kautsar, A. M. (2025). The Concept of Sakinah as a Normative-Theological Foundation for Gender Equality in Islamic Family Law. *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsiyyah*, *8*(3), 615–623. https://doi.org/https://doi.org/10.58824/mediasas.v8i3.436

Creswell, J. W., & Creswell, J. D. (2017). *Research design: Qualitative, quantitative, and mixed methods approaches*. Sage publications.

Ibrahim, A. H., & Harun, M. S. (2024). Applying the Concepts of Benefit and Harm in Malaysian Bioethical Discourse: Analysis of Malaysian Fatwa. *Journal of Bioethical Inquiry*, *21*(3), 401–414. https://doi.org/10.1007/s11673-024-10345-z

Lingga, S. A. F., Salminawati, S., Mustaqim, A., & Kurniawan, P. (2023). History of the Development of Philosophy and Science in the Islamic Age. *Solo International Collaboration and Publication of Social Sciences and Humanities*, *1*(1), 1–11. https://doi.org/https://doi.org/10.61455/sicopus.v1i01.5

Muktirrahman, M., Sari, C. M., & Widyawati, R. F. (2025). Islamic Entrepreneurship Education: Cultivating Santri Independence Through Business Management at Pondok Pesantren Annuqayah Latee Guluk-Guluk. *Asian Journal of Law and Islamic Finance*, *1*(1), 1–22. https://doi.org/https://doi.org/10.59

005/alif.v1i1.619
Robbayani, K. (2020). The position and position of Al Quran as Islamic Law sources. *Proceeding International Seminar of Islamic Studies*, *1*(1), 828–834.
Sufyan, Q. A., & Hartono, M. S. (2023). Reason as A Source of Islamic Law: Epistemological Approach. *Islamuna: Jurnal Studi Islam*, *10*(1), 19–34. https://doi.org/https://doi.org/10.19105/islamuna.v10i1.7835
Suntana, I., Rusliana, I., Asdak, C., & Gazalba, L. (2023). Ideological distrust: re-understanding the debate on state ideology, normalization of state-religion relationship, and legal system in Indonesia. *Heliyon*, *9*(3), e14676. https://doi.org/https://doi.org/10.1016/j.heliyon.2023.e14676
Tavo, K., & Rasmus, R. (2024). The role of planning in management: Strategies to achieve organizational success. *Sharia Oikonomia Law Journal*, *2*(2), 106–115. https://doi.org/https://doi.org/10.55849/solj.v2i2.1148
Tohari, C., Fawwaz, H., & Swadjaja, I. (2022). The Ijtihad Construction Of Islamic Law Based On The Maqâshid Al-Syarî'Ah Approach In The Indonesian Context. *Prophetic Law Review*, *4*(2), 195–221. https://doi.org/10.20885/PLR.vol4.iss2.art4