



## Human Rights Challenges and Their Implications from the Perspective of Islamic Law and Education

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### Abstract

Despite the recognition of equality as a fundamental human right in both the Universal Declaration of Human Rights and Indonesian law, its implementation is often obstructed by various human rights violations. Many human rights cases remain unresolved, thus becoming a historical burden. This study investigates human rights issues from the perspectives of Islamic law and education, drawing on the principles of Maqashid as-Shari'ah and a theo-anthropocentric framework. The research aims to identify the gap between the ideal human rights norms and their actual application in society. A qualitative approach, using a prescriptive method, is employed to analyze normative principles and their practical implications through text analysis and literature review. The findings suggest that, while human rights are inherent to every individual, with the principle of equality before the law, their implementation encounters significant structural and cultural obstacles. The study also highlights the vital role of Islamic education in cultivating awareness and respect for human rights from an early age. This research contributes to bridging the divide between Islamic law and global human rights frameworks, advocating for the integration of ethical and humanistic principles into the Islamic legal and educational systems to address human rights challenges. By promoting democratic values and respect for human rights, Islamic education plays a critical role in fostering a more just and equitable society.

**Keywords:** Human Rights; Islamic Law; Islamic Education; Maqashid as-Shari'ah; Theo-anthropocentric Framework


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## Introduction

Human rights are a fundamental discourse closely related to the inherent and essential rights of every individual, integral to their nature as human beings.<sup>1</sup> As outlined in the Law of the Republic of Indonesia No. 39 of 1999 on Human Rights, these rights are inherent to all individuals, granted by God, and must be respected, protected, and upheld by the state, law, government, and individuals to maintain human dignity. The recognition and protection of human rights are responsibilities that apply to everyone, both individually and collectively. In the context of governance, the acknowledgment and safeguarding of human rights are essential elements of the rule of law.<sup>2</sup> As a legal entity, the state enforces the law as the "commander-in-chief," directing all governmental actions, both past and future. Under the rule of law, every individual is obligated to comply with the law and to uphold human rights.<sup>3</sup> Hamzani, in his research, revealed that in a legal state, no one is above the law, because the law rules and becomes the standard for the implementation of the state system, and that the exercise of government power must be based on law, not the power stipulations.<sup>4</sup>

The fulfillment of human obligations is crucial for the realization of human rights, as failing to meet these responsibilities hinders their attainment. Indonesia's Law on Human Rights reinforces the inherent rights and freedoms of every individual, highlighting the importance of safeguarding and advancing human dignity, well-being, and justice. However, despite these legal provisions, human rights violations persist, often due to actions or negligence by individuals, including government officials, who unlawfully infringe upon these rights. This study explores why such violations continue despite comprehensive legal frameworks, with a particular focus on persistent violations in educational institutions, such as violence between teachers and students and among students. These ongoing issues highlight concerns about the effectiveness of current legal and institutional measures. Supriyanto's research on human rights law enforcement in Indonesia reveals that many violations remain unresolved, with perpetrators often evading justice, exposing gaps in law enforcement and the failure to hold violators accountable.<sup>5</sup>

Many cases of human rights violations remain legally unresolved, which will become a lasting burden in history.<sup>6</sup> There is a gap between the formal legal framework for human rights and their actual implementation, as many human rights violations, including serious ones, remain unresolved in practice.<sup>7</sup> In relation to human rights issues, there is a concern that societal progress does not always show a positive correlation with the enforcement of human rights, as even in developed societies, human rights violations continue to occur.

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<sup>1</sup> Reza Ahmad Zahid, "Islamic Thought and Internationalization of Human Rights," *Jurnal Pemikiran Keislaman* 30, no. 1 (2019): 182–217, <https://doi.org/10.33367/tribakti.v30i1.668>.

<sup>2</sup> Eko Hidayat, "Perlindungan Hak Asasi Manusia dalam Negara Hukum Indonesia," *Asas: Jurnal Hukum dan Ekonomi Islam* 8, no. 2 (2016): 80, <https://doi.org/https://doi.org/10.24042/asas.v8i2.1249>.

<sup>3</sup> Muhammad Alim, "Asas-asas Hukum Modern dalam Hukum Islam," *Jurnal Media Hukum* 17, no. 1 (2010): 151–61.

<sup>4</sup> Achmad Irwan Hazami, "Menggagas Indonesia Sebagai Negara Hukum yang Membahagiakan Rakyatnya," *Yustisia* 3, no. 3 (2014): 146–142.

<sup>5</sup> Bambang Heri Supriyanto., "Penegakan Mengenai HAM Menurut Hukum Positif di Indonesia.," *Jurnal Al Aqshar Indonesia* 2, no. 3 (2014): 153.

<sup>6</sup> Syamsuddin Radjab, "Politik Hukum Penyelesaian Pelanggaran HAM Berat di Era Pemerintahan Jokowi-JK," *Jurnal Politik Profetik* 6, no. 2 (2018): 153, [doi.org/10.24252/profetik.v6i2a3](https://doi.org/10.24252/profetik.v6i2a3).

<sup>7</sup> Laras Astuti, "Penegakan Hukum Pidana Indonesia dalam Penyelesaian Pelanggaran Hak Asasi Manusia," *Jurnal Kosmik Hukum* 16, no. 2 (2016): 116, [doi.org/10.30595/kosmikhukum.v16i2.1955](https://doi.org/10.30595/kosmikhukum.v16i2.1955).

Another troubling issue is the violation of human rights within the education system. Human rights abuses, such as violence between teachers and students or among students, persist across educational institutions at all levels, from Early Childhood Education (PAUD) to high school. Khaerul Umam Noer et al. have shown that violence in schools persists across generations, creating a cycle of violence that leads to continued human rights violations. Studies indicate that bullying, verbal, physical, and psychological violence remain prevalent in schools, which are supposed to be safe spaces for character development. Some schools fail to provide a conducive, child-friendly environment, thereby continuing to facilitate human rights violations.<sup>8</sup>

Several studies have revealed that violations of human rights are rife in schools where bullying occurs among students,<sup>9</sup> Even acts of violence, both verbal, physical, and psychological, still occur.<sup>10</sup> Additionally, a lack of effective enforcement of rules and authority contributes to the problem. While various efforts have been made to address these violations, they have largely been partial and structural in nature, leading to less than optimal outcomes. Dewantara et al. proposed the concept of "human rights-friendly schools," yet its implementation faces significant challenges. Khaerul Umam Noer's research highlights the difficulties schools face in fostering child-friendly environments, emphasizing the importance of collaboration and the development of a hidden curriculum to prevent violence. Other studies have revealed that violence occurs in schools along with a lack of supervision, lax application of rules and strict authority against bullying and other acts of violence.<sup>11</sup>

Various methods and efforts have been made to address human rights violations in schools, but these initiatives have not produced optimal results, as they tend to be fragmented and lack a structural approach. Dewantara et al. proposed ideas and offered a new approach with human rights-friendly schools.<sup>12</sup> The offer of this concept is interesting, although its implementation is not easy because of the various challenges as found in the research of Khaerul Umam Noer et al., which reveals the various obstacles faced by schools in realizing child-friendly schools and avoiding acts of violence.<sup>13</sup> In a separate study, Khaerul Umam Noer also emphasized the importance of collaboration, particularly in the development of hidden curriculum programs, to address violence against children within the school environment.<sup>14</sup>

Despite extensive research on human rights violations, particularly in education, there remains a significant gap in integrating Islamic law and education in addressing these issues. Previous studies have not thoroughly explored how *Maqashid as-Shari'ah*, the objectives of Islamic law, can address human rights challenges within educational systems. Additionally,

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<sup>8</sup> Khaerul Umam Noer et al., "Sekolah Ramah Anak, Disiplin dan Budaya Kekerasan di Sekolah di Indonesia," *Kafa'ah: Journal of Gender Studies* 11, no. 1 (2021): 55–69, <https://doi.org/10.15548/jk.v11i1.393>.

<sup>9</sup> Bety Agustina Rahayu and Iman Permana, "Bullying di Sekolah: Kurangnya Empati Pelaku Bullying dan Pencegahan," *Jurnal Keperawatan Jiva* 7, no. 3 (2019): 237–46, <https://doi.org/10.26714/jkj.7.3.2019.237-246>.

<sup>10</sup> Elisabeth Christiana, "Identifikasi Bentuk Kekerasan dan Penangannya di Lingkungan Sekolah Dasar," *Child Education Journal* 1, no. 2 (2019): 58–64, <https://doi.org/10.33086/cej.v1i2.1368>.

<sup>11</sup> Mubiari Agustin, Ipah Saripah, and Asep Deni Gustiana, "Analisis Tipikal Kekerasan pada Anak dan Faktor Yang Melatarbelakanginya," *JIV-Jurnal Ilmiah Visi* 13, no. 1 (2018): 1–10, <https://doi.org/10.21009/jiv.1301.1>.

<sup>12</sup> Jagad Aditya Dewantara, T Heru Nurgiansah, and Fazli Rachman, "Mengatasi Pelanggaran Hak Asasi Manusia dengan Model Sekolah Ramah HAM (SR-HAM)," *EDUKATIF: JURNAL ILMU PENDIDIKAN* 3, no. 2 (2021): 261–69, <https://doi.org/10.31004/edukatif.v3i2.277>.

<sup>13</sup> Noer et al., "Sekolah Ramah Anak, Disiplin dan Budaya Kekerasan di Sekolah di Indonesia."

<sup>14</sup> Khaerul Umam Noer, "Mencegah Tindak Kekerasan Pada Anak Di Lembaga Pendidikan," *Sawwa: Jurnal Studi Gender* 14, no. 1 (2019): 47–66, <https://doi.org/10.21580/sa.v14i1.2998>.

limited attention has been given to how Islamic education can promote respect for human rights in educational settings. This research uniquely addresses this gap by examining human rights challenges through the lens of Islamic law and education, focusing on how *Maqashid as-Shari'ah* can offer practical solutions, particularly within schools.

By filling this gap, the study proposes a new framework for understanding and addressing human rights violations in education, offering solutions grounded in Islamic legal principles. The application of *Maqashid as-Shari'ah* offers a comprehensive approach to human rights protection, focusing on the safeguarding of life, intellect, dignity, justice, and religion. In the context of Indonesia, this approach enhances the existing human rights discourse by incorporating Islamic legal reasoning with educational values, thus contributing to broader academic discussions on the role of Islamic law and education in reinforcing human rights protection within schools.

Methodologically, the research uses a qualitative literature study to explore human rights issues from Islamic law and education perspectives. Relevant academic, legal, and policy sources are collected and categorized based on key themes, with *Maqashid as-Shari'ah* as the central analytical framework. The data is analyzed thematically to identify core concepts and patterns, providing insights into how human rights are understood within Islamic legal thought and education. Furthermore, the study adopts a prescriptive approach to develop practical solutions for human rights violations in education. It identifies key human rights issues, examines their causes in light of *Maqashid as-Shari'ah*, and evaluates existing policies. Based on this, the study offers recommendations for integrating *Maqashid as-Shari'ah* into educational systems to effectively address human rights violations and strengthen rights-based education.

## Result and Discussion

### *Discourses of Human Right*

Human Rights (HR) are inalienable rights granted by God, inherent in every individual from birth, and essential for a person to live as a complete human being, as defined in the Law of the Republic of Indonesia No. 39 of 1999, refers to "a set of rights inherent in the essence and existence of humans as creations of God Almighty, granted by Him, and must be respected, upheld, and protected by the nation, law, government, and every individual to honor and safeguard human dignity."<sup>15</sup> These rights are intrinsic to human nature, attached to every individual from birth, and impose a responsibility on others to respect them. Among the key elements of human rights are recognition, respect, equality, and freedom from discrimination.<sup>16</sup>

Indonesia, as a state governed by law, has established the protection and enforcement of human rights as a fundamental principle, clearly outlined in its 1945 Constitution.<sup>17</sup> The issue of human rights in Indonesia has been a topic of debate, especially between Western ideologies and Islamic thought. However, the nation's founders, shaped by the long-lasting impact of colonialism, agreed to include human rights in the country's constitution as a fundamental principle of governance. This commitment is enshrined in the 1945

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<sup>15</sup> "Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia" (1999).

<sup>16</sup> Yahya Ahmad Zein, "Konsep Hak Asasi Manusia dalam Islam (Mengungkap Korelasi Antara Islam dengan HAM)," *Veritas et Justitia* 1, no. 1 (2015): 91–110, <https://doi.org/10.25123/vej.1418>.

<sup>17</sup> Andrey Sujatmoko, "Hak Atas Pemulihan Korban Pelanggaran Berat HAM di Indonesia dan Kaitannya dengan Prinsip Tanggung Jawab Negara dalam Hukum Internasional," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 3, no. 2 (2016): 330–50, <https://doi.org/10.22304/pjih.v3n2.a6>.

Constitution, which recognizes human rights as essential and places them at the core of the state's framework.<sup>18</sup> The human rights provisions in the Indonesian Constitution predate the Universal Declaration of Human Rights. The idea of a democratic and legal state that upholds human rights has been a key element of Indonesia's independence movement and continues to be a foundational principle of the nation.

The formal recognition and protection of human rights in Indonesia are inherently derived from the Constitution. A state governed by law (*rechtstaat*) is one where government actions are based on valid laws and regulations, as opposed to a state of power (*machtstaat*). A core element of the rule of law is the protection of human rights.<sup>19</sup> A democratic state based on the rule of law functions in accordance with the Constitution, holds its leaders accountable, ensures judicial independence, and safeguards human rights. Ridlwan's research highlights three key principles of the rule of law: the supremacy of law, equality before the law, and due process of law.<sup>20</sup> These principles are vital for ensuring that the law is applied impartially, without discrimination, and in a manner that respects fundamental rights.

The relationship between the rule of law and the protection of human rights is inseparable, like that of a container and its contents. Human rights cannot be realized without the protection of the rule of law.<sup>21</sup> Conversely, the rule of law cannot exist without the protection of human rights. It creates an environment where democracy can thrive, ensuring political decisions reflect the sovereignty of the people, rather than being controlled by a single individual or small group, such as in a dictatorship or oligarchy. Suteki's study outlines twelve principles of the rule of law and democracy, including the supremacy of law, equality before the law, due process, judicial independence, human rights protection, transparency, and social control.<sup>22</sup>

Equality before the law is a fundamental legal principle that ensures all individuals are treated equally under the law. This principle is central to the rule of law and the realization of human rights. Equality before the law, or legal egalitarianism, guarantees that all people, regardless of race, gender, nationality, religion, or social status, are equally subject to the law.<sup>23</sup> This principle is explicitly stated in Article 27, paragraph (1) of the Indonesian Constitution, which asserts that "all citizens are equal before the law and government and are obliged to uphold

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<sup>18</sup> Bobi Aswandi and Kholis Roisah, "Negara Hukum dan Demokrasi Pancasila dalam Kaitannya dengan Hak Asasi Manusia (HAM)," *Jurnal Pembangunan Hukum Indonesia* 1, no. 1 (2019): 128–45, <https://doi.org/10.14710/jphi.v1i1.128-145>.

<sup>19</sup> Janpatar Simamora, "Tafsir Makna Negara Hukum dalam Perspektif Undang-undang Dasar Negara Republik Indonesia Tahun 1945," *Jurnal Dinamika Hukum* 14, no. 3 (2014): 547–61, <https://doi.org/10.20884/1.jdh.2014.14.3.318>.

<sup>20</sup> Zulkarnain Ridlwan, "Negara Hukum Indonesia Kebalikan *Nachtwachterstaat*," *FLAT JUSTISIA: Jurnal Ilmu Hukum* 5, no. 2 (2014): 141–52, <https://doi.org/10.25041/fiatjustisia.v5no2.56>.

<sup>21</sup> Simamora, "Tafsir Makna Negara Hukum Dalam Perspektif Undang-Undang Dasar Negara Republik Indonesia Tahun 1945."

<sup>22</sup> Suteki Suteki, "Hegemoni Oligarki Dan Ambruknya Supremasi Hukum," *Jurnal CREPIDO: Jurnal Mengenai Dasar-Dasar Pemikiran Hukum Filsafat Dan Ilmu Hukum* 4, no. 2 (2022): 161–70, <https://doi.org/10.14710/crepido.4.2.161-170>.

<sup>23</sup> Dadin Eka Saputra, "Hubungan Antara Equality Before the Law dalam Penegakan Hukum di Indonesia dengan Harmonisasi Konflik Antar Lembaga Penegak Hukum HUKUM," *Syariah Jurnal Hukum dan Pemikiran* 15, no. 1 (2015): 17–27, <https://doi.org/10.18592/syariah.v15i1.540>.

the law and government without exception." This constitutional provision ensures justice for all citizens, fostering a society where no one is above the law.<sup>24</sup>

Human rights are inalienable rights granted to every individual by God, and they must be respected and protected by the state, law, and individuals. These rights are essential for the dignity and well-being of individuals and must be safeguarded by the state.<sup>25</sup> In line with its commitment to upholding human rights, the Government of Indonesia established the National Commission on Human Rights (Komnas HAM) on June 7, 1993, through Presidential Decree No. 50 of 1993. The creation of Komnas HAM marked a significant step in promoting and protecting human rights in Indonesia.<sup>26</sup> Initially, the commission had limited authority, but it has since evolved into an independent institution on par with other state bodies, responsible for human rights studies, research, counseling, monitoring, and mediation.<sup>27</sup> Despite the expansion of Komnas HAM's powers with the enactment of Law No. 26 of 2000, which granted the commission the authority to investigate gross human rights violations and form ad hoc investigative teams, the practical realization of human rights guarantees in Indonesia remains incomplete.

In Islamic thought, human rights are viewed as a fundamental aspect of every individual's dignity and honor. These rights are not merely legal or political constructs but are seen as divine gifts, grounded in the teachings of the Qur'an and the Hadith. Human rights in Islam are based on the belief that all human beings are equal in the eyes of God, with inherent rights that are not granted by the state or society. The Islamic perspective emphasizes the sanctity of life, liberty, and property, all of which must be respected and protected by both the state and society. Key principles of human rights in Islam include the right to life, freedom of expression, education, justice, and privacy, among others. These principles are in line with the research of Tomi Saputra, who highlights that Islam is a comprehensive religion that plays a crucial role in promoting justice, equality, and human dignity. Islam teaches the importance of justice in all aspects of life.<sup>28</sup>

These rights are closely linked to the concept of Maqashid as-Shari'ah, the higher objectives of Islamic law, which aim to enhance the welfare and well-being of individuals and society. Maqashid as-Shari'ah offers a framework for understanding and prioritizing the protection of human rights. It emphasizes five key principles that must be safeguarded for a society to thrive: the protection of religion (din), life (nafs), intellect (aql), lineage (nasl), and property (mal). These principles align directly with the core human rights in Islam, as they safeguard the essential aspects that enable individuals to live with dignity and reach their full potential.

The relationship between human rights and Maqashid as-Shari'ah is fundamental to understanding how Islamic law protects and promotes human rights. The objectives of Maqashid as-Shari'ah extend beyond preserving material aspects of life, aiming to ensure the

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<sup>24</sup> Hernadi Affandi, "Kontekstualitas Makna 'Bersamaan Kedudukan' di dalam Hukum dan Pemerintahan Menurut Undang-undang Dasar 1945," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 4, no. 1 (2017): 19–40, <https://doi.org/10.22304/pjih.v4n1.a2>.

<sup>25</sup> Laurensius Arliman, "Komnas HAM Sebagai State Auxialary Bodies di dalam Penegakan Hak Asasi Manusia di Indonesia," *Jurnal Bina Mulia Hukum* 2, no. 1 (2017): 54–66, <https://doi.org/https://doi.org/10.23920/jbmh.v2n1.5>.

<sup>26</sup> Asror Nawawi, "Komnas HAM: Suatu Upaya Penegakan HAM di Indonesia," *PROGRESIF: Jurnal Hukum* 11, no. 1 (2018): 1867–77, <https://doi.org/10.33019/progresif.v11i1.198>.

<sup>27</sup> Undang-undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia.

<sup>28</sup> Tomi Saputra, "Reconstrution of the Concep of Human Right in Islam: A Studi Acording to the Thoughts of Sheikh Yusuf Al-Qaradawi," *Ilmuna: Jurnal Studi Pendidikan Agama Islam* 6, no. 1 (2024): 81–97, <https://doi.org/https://doi.org/10.54437/ilmuna.v3i2.306>.

ethical and moral integrity of both individuals and society. For instance, the protection of life (*nafs*) includes the right to security and safety, while the protection of intellect (*aql*) includes the right to education and freedom of expression. These objectives form a comprehensive human rights framework in Islam, ensuring justice and fairness for all. The alignment of *Maqashid as-Shari'ah* with human rights underscores Islam's commitment to safeguarding the inherent dignity of every individual and fostering a just society.

### *Human Right Violations*

Human rights violations can be categorized into gross violations and minor violations. Gross violations involve criminal acts that harm the body, soul, dignity, civilization, and life resources of individuals. Under Law No. 26 of 2000 concerning the Human Rights Court, gross violations are defined as serious crimes, including genocide and crimes against humanity. However, the law does not provide a clear definition of gross violations beyond these categories.<sup>29</sup> In contrast, minor violations typically do not threaten a person's life but can still cause harm if not addressed promptly. Examples include negligence in providing health services and intentional environmental pollution. Law No. 39 of 1999, in Article 104, Paragraph 1, outlines gross human rights violations as acts such as genocide, arbitrary or extrajudicial killings, torture, enforced disappearances, enslavement, and systematic discrimination.<sup>30</sup> Under Law No. 39 of 1999, human rights violations are broadly defined as actions by individuals or groups—including state officials—that intentionally or unintentionally reduce, obstruct, limit, or deprive an individual or group of their legally guaranteed rights.

In contrast, gross violations of human rights are the most severe forms of misconduct, as they directly endanger individual safety and threaten human life. These violations include genocide, crimes against humanity, war crimes, and crimes of aggression. Due to their severity and widespread consequences at both national and international levels, these acts are often classified as extraordinary crimes.<sup>31</sup> Addressing such violations requires significant international attention and the application of specialized legal mechanisms specifically designed for their prosecution. Preventing gross human rights violations and ensuring effective human rights protection demands not only individual awareness but also a binding legal framework that guarantees accountability and equality before the law. These violations are marked by conduct that poses serious threats to human security and survival, setting them apart from other forms of human rights infringements.

Various studies have examined human rights violations in Indonesia, identifying significant incidents that remain unresolved. One of the most notorious cases is the G30S/PKI tragedy of 1965, which involved the murder of military officials, clerics, and students.<sup>32</sup> Other significant violations occurred during the New Order era, and cases have continued into the Reform Era. Researchers such as Aswandi and Roisah have highlighted tragic events like the Trisakti Tragedy in 1998, which resulted in the deaths of four students, and the Semanggi I and II tragedies, which led to numerous casualties. The Maluku conflict in 1999, initially

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<sup>29</sup> Nunik Nurhayati, "Quo Vadis Protection of Human Rights in Resolving Past Gross Human Rights Violations Through Non-Judicial Channels," *Journal of Jurisprudence* 6, no. 2 (2017): 150, <https://doi.org/10.23917/jurisprudence.v6i2.3012>.

<sup>30</sup> Undang-undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia.

<sup>31</sup> Syamsuddin Radjab, "Politik Hukum Penyelesaian Pelanggaran HAM Berat di Era Pemerintahan Jokowi-JK," *Jurnal Politik Profetik* 6, no. 2 (2018): 151–72, <https://doi.org/10.24252/profetik.v6i2a3>.

<sup>32</sup> Ridwan Arifin and Lilis Eka Lestari, "Penegakan dan Perlindungan dan Hak Asasi Manusia di Indonesia dalam Konteks Implementasi Sila Kemanusiaan Yang Adil dan Beradab," *Jurnal Komunikasi Hukum (JKH)* 5, no. 2 (2019): 12–25, <https://doi.org/10.23887/jkh.v5i2.16497>.

fueled by socio-political grievances and exacerbated by religious tensions, also falls within the scope of human rights violations, as do the Poso and Sampit conflicts, which were marked by deadly violence between religious communities. In 2008, a case of religious intolerance in Bali led to the closure of the Mushala As-Syafiiyah by Hindu groups, which was later recognized as a human rights violation.<sup>33</sup> Similarly, the Tolikara riots in 2015, where a group from the Evangelical Church in Indonesia (GIDI) attempted to disrupt Muslim prayers, also raised significant concerns about human rights. Violations have also been documented in the context of the Ahmadiyya religious minority, which has been subject to violence and discrimination.<sup>34</sup>

Addressing human rights violations is a central aspect of the rule of law, a principle championed during Indonesia's 1998 Reform Movement. However, despite significant efforts to address these violations, many cases remain unresolved, and the challenges in securing justice persist. Arifin et al. have identified various obstacles to human rights protection in Indonesia, including the low level of public trust in government institutions and law enforcement agencies. One of the greatest challenges to upholding human rights is the persistence of discriminatory practices, the revival of systematic violence, and the perpetuation of a culture of impunity. Effective enforcement of human rights protection depends on a strong commitment from both the government and law enforcement agencies, as well as their ability to implement policies effectively, as mandated by the Constitution.<sup>35</sup> Unfortunately, despite constitutional guarantees, efforts to resolve past human rights violations have proven to be complex and fraught with difficulties, leaving these cases unresolved and creating a lingering burden for the nation.

On the other hand, religious intolerance has increased in Indonesia, particularly in the post-reform era, leading to several incidents involving ethnic, religious, racial, and intergroup (SARA) tensions. These conflicts often result in significant casualties. Ediyanto, in his research, documents several inter-religious conflicts, such as the Ambon tragedy in 1999 and the Sampit ethnic conflict in 2001. Reports from organizations like the Setara Institute indicate a sharp increase in human rights violations in Papua in 2016.<sup>36</sup> Similarly, property destruction linked to SARA issues has been recorded in Banyuwangi, where destruction of property associated with Muhammadiyah was suspected to be motivated by religious animosities, resulting in legal action.<sup>37</sup> These events underscore the ongoing vulnerability of religious and ethnic minorities in Indonesia to human rights violations.

Human rights violations are not limited to individuals or groups but can also be perpetrated by state authorities. One such issue is the dissolution of community organizations without due legal process. In the case of Indonesia's Law No. 16 of 2017, which governs the dissolution of mass organizations, the government is authorized to dissolve organizations

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<sup>33</sup> Aulia Bintang Pratama, "Komnas HAM Sebut Pengusutan Kasus Kebebasan Beragama Terancam," *CNN Indonesia*, April 2017, <https://www.cnnindonesia.com/nasional/20170425145252-20-209999/>

<sup>34</sup> Bakhtiar Hasan and Ayub Mursalin, "Konflik Komunal Mengatasnamakan Agama di Indonesia: Analisis Terhadap Konflik Ahmadiyah dalam Pemberitaan Media, 2005-2011," *Kontekstualita: Jurnal Penelitian Sosial Keagamaan* 26, no. 1 (2011): 71–115.

<sup>35</sup> Ridwan Arifin, Rasdi Rasdi, and Riska Alkadri, "Tinjauan Atas Permasalahan Penegakan Hukum dan Pemenuhan Hak dalam Konteks Universalisme dan Relativisme Hak Asasi Manusia di Indonesia," *Jurnal Ilmiah Hukum LEGALITY* 26, no. 1 (2018): 17–39, <https://doi.org/10.22219/jihl.v26i1.6612>.

<sup>36</sup> Kristian Edianto, "Konflik dan Pelanggaran HAM Catatan Kelam 20 Tahun Reformasi," *Kompas.Com*, 2018, <https://jeo.kompas.com/konflik-dan-pelanggaran-ham-catatan-kelam-20-tahun-reformasi>.

<sup>37</sup> Erik Purnama Putra, "Berikut Inisial 10 Orang Intoleran yang Rusak Plang Muhammadiyah di Banyuwangi," *REPUBLIKA.CO.ID*, 2022, <https://news.republika.co.id/berita/r8efb5484/berikut-inisial-10-orang-intoleran-yang-rusak-plang-muhammadiyah-di-banyuwangi>.

without judicial oversight. This raises concerns about the right to assembly and freedom of association guaranteed by Articles 28 and 28 E of the 1945 Constitution. According to Supardi and Safriani's analysis, the process of dissolving organizations, while legally sanctioned by Law No. 16 of 2017, can be seen as violating democratic principles and undermining the rule of law.<sup>38</sup> Muhammad Reza Winata's research highlights that while the dissolution of mass organizations was previously decided by the government, the 2017 law has led to a shift back toward more repressive governance, which contradicts democratic norms. He argues that this shift shows a tendency toward repressive legal practices that violate the due process of law, a constitutional principle."<sup>39</sup>

In conclusion, human rights violations in Indonesia span various sectors, including political, legal, social, and issues related to ethnicity, religion, race, and social groups (SARA). Although legal frameworks exist to address these violations, challenges in enforcement, public trust, and political will continue to hinder justice. Serious violations such as genocide, torture, and discrimination persist, and ongoing issues such as religious intolerance, ethnic conflict, and the dissolution of organizations without due process reflect the continuing struggle for human rights in the country. Moving forward, a concentrated effort to strengthen democratic governance, uphold the rule of law, and empower civil society is crucial to ensuring that human rights are respected and protected for all citizens. The Indonesian government must commit to fully addressing past violations, enhancing legal mechanisms, and ensuring accountability for all forms of human rights violations, regardless of the perpetrators.<sup>40</sup> Thus, the organization of society in a democratic country should ideally be strengthened, because its existence is an important element as a force that encourages and directs the course of democratization in a country.

#### *Human Rights in the Perspective of Islamic Law*

Fundamental elements of human rights are deeply rooted in the normative teachings of the Qur'an and the Hadith. While these primary sources of Islamic law do not explicitly define "human rights" in the modern legal sense, they clearly express universal principles that serve as the ethical foundation for human dignity and social justice. These principles include justice (al-'adl), equality (al-musāwāh), deliberation (shūrā), mutual assistance (ta'āwun), mutual respect, the rejection of discrimination, honesty, and the prohibition of prejudice, oppression, and the degradation of human dignity. These values provide a moral framework that aligns closely with contemporary human rights norms, emphasizing the inherent worth and equality of all individuals.

Historically, the principles of human rights in Islam were not only conveyed through normative texts but were also implemented and exemplified in practice by the Prophet Muhammad. From the early period of his leadership in Medina,<sup>41</sup> The Prophet institutionalized values such as justice, equality, and religious freedom within the socio-political order of the emerging Muslim community. The Charter of Medina, for instance, is

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<sup>38</sup> Supardi and Andi Safriani, "Antinomi Asas Contrarius Actus Dengan Asas Due Process of Law Dalam Pembubaran Organisasi Masyarakat Tanpa Melalui Proses Pengadilan," *Alauddin Law Development Journal* 4, no. 2 (2022): 277–93, <https://doi.org/10.24252/aldev.v4i2.17217>.

<sup>39</sup> Muhammad Reza Winata, "Politik Hukum Dan Konstitusionalitas Kewenangan Pembubaran Organisasi Kemasyarakatan Berbadan Hukum Oleh Pemerintah," *Jurnal Penelitian Hukum De Jure* 18, no. 4 (2018): 445–464, <https://doi.org/http://dx.doi.org/10.30641/dejure.2018.V18.445-464>.

<sup>40</sup> Wan Asrida, Auradian Marta, and Sofyan Hadi, "Civil Society, Demokrasi Dan Demokratisasi," *Nakhoda: Jurnal Ilmu Pemerintahan* 20, no. 2 (2021): 131–42, <https://doi.org/10.35967/njip.v20i2.225>.

<sup>41</sup> Achmad Suhaili, "Hak Asasi Manusia (HAM) dalam Penerapan Hukum Islam di Indonesia," *Al-Bayan: Jurnal Ilmu Al-Qur'an dan Hadits* 2, no. 2 (2019): 176–93, <https://doi.org/10.35132/albayan.v2i2.77>.

often regarded as an early constitutional document that recognized pluralism, guaranteed freedom of religion, and established equal protection under the law for diverse religious and ethnic groups. This demonstrates that respect for human rights was not just a theoretical concept but a fundamental aspect of Islamic governance and social organization.

Moreover, many Qur'anic revelations from the Meccan period (Makkiyah verses) strongly emphasize universal human values, especially those related to justice, equality, and human dignity. These verses address all of humanity, rather than a specific religious community, highlighting the principle that all people are equal before God, regardless of race, ethnicity, gender, or religious affiliation. The Qur'an's condemnation of injustice, discrimination, and oppression clearly reflects its commitment to protecting fundamental human rights. As a result, Islamic teachings, rooted in the Qur'an and Hadith, provide a strong ethical and normative foundation for the recognition and protection of human rights, both in theory and practice, across diverse social and historical contexts.

The universal values of human rights in the Qur'an have been systematically developed into a comprehensive framework, encompassing the right to life, freedom of religion, the right to work and receive fair remuneration, equality before the law, justice, freedom of expression, and the right to property.<sup>42</sup> These principles reflect the Qur'anic emphasis on human dignity, justice, and social responsibility. Furthermore, the Universal Islamic Declaration of Human Rights, adopted by the Islamic Council of Europe on 19 September 1981 (21 Dhul Qa'dah 1401 H), codified human rights into twenty-three distinct provisions. These include the right to liberty, equality, protection from unjust discrimination, justice, a fair trial, and protection against the abuse of authority and torture. The Declaration also affirms the right to safeguard personal honor and reputation, the right to seek asylum, and the rights of minority groups.

Additionally, the Declaration affirms both the right and duty to participate in public governance, along with the freedoms of belief, thought, expression, religion, and association. It also covers economic rights, including the protection of property, the status and dignity of workers, and the right to social security. The Declaration guarantees family-related rights, such as the right to establish a family, the rights of married women, and the right to education. Finally, it upholds the right to privacy, as well as the freedom of movement and residence, offering a comprehensive framework of human rights grounded in Islamic principles.<sup>43</sup>

In line with the declaration on human rights from an Islamic perspective, the Cairo Declaration on Human Rights in Islam was adopted on August 5, 1990. The declaration affirmed the principles of human rights in Islam, namely: "All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the basis of race, colour, language, belief, sex, religion, political affiliation, social status or other considerations."<sup>44</sup> Allah Almighty has given a legal and moral framework to mankind through His revelation contained in the Qur'an to establish and regulate relationships between people in order to live harmoniously and peacefully. The human rights established by Divine Law aim to uphold the dignity and honor of mankind and are intended to eradicate oppression and injustice.

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<sup>42</sup> Nur Asiah, "Hak Asasi Manusia Perspektif Hukum Islam," *DIKTUM: Jurnal Syariah dan Hukum* 15, no. 1 (2018): 55–66, <https://doi.org/10.35905/diktum.v15i1.425>.

<sup>43</sup> Salem Azzam, "Universal Islamic Declaration of Human Rights," *The International Journal of Human Rights*, 1998, <https://doi.org/10.1080/13642989808406750>.

<sup>44</sup> <http://hrlibrary.umn.edu/instreet/cairodeclaration.html>, diakses 24 Maret 2023 (n.d.).

The Qur'an, as the source of Islamic law, contains many verses that explain the values of human rights, among which is Surah al-Isra/17:70, which affirms that Allah Almighty grants privilege and glory to man. Allah also elevated the dignity and dignity of man by making him a caliph on earth (QS. al-Baqarah/2:30). The Prophet was sent as a bringer of mercy to the universe (Q.S. al-Anbiya'/21:107). To realize this treatise, Islam teaches monotheistic theology, which is able to provide inspiration in realizing Islam as *rahmatan lil-alamin* and affirming that all forms of power belong to Allah. Based on this teaching, the system of slavery in public life was eliminated, and the authoritarianism of the ruler and absolutism were restricted. This concept of human rights in Islamic law confirms that human rights in Islamic law are theocentric.<sup>45</sup> But on the other hand, Islamic law pays attention to the interests and safeguards of human beings, so it is also anthropocentric. Thus, the Islamic legal view of human rights is theoanthropocentric. This concept is based on a framework of understanding Islamic law derived from revelation and reason, positioned proportionally.<sup>46</sup>

These Islamic teachings serve as the foundation for theories on human rights within Islamic law. These principles were established and implemented by the Holy Prophet in the life of the early society, under the framework of the "Madinah Charter," which granted rights to every citizen in a pluralistic society. The system of government built by the Holy Prophets was not only for Muslims, but accommodated all components of society, including Muslims, Jews, Christians, and Magi. All religious believers are protected, and all their human rights are exercised. The Medina Charter expressly recognizes the human rights of all citizens and guarantees security and protection from all murders and crimes. It also regulates tolerance for every citizen of various religions and ethnicities, and defends the rights of minorities.<sup>47</sup> Islam upholds the values of brotherhood as the main pillar in the life of society and nation, reflected in the words of the Holy Prophet (peace be upon him), which affirmed that "It is not your faith that you love your brother as you love yourself." In a hadith narrated from Abu Hamza Anas bin Malik (may Allah be pleased with him), the Holy Prophet (peace be upon him) said,<sup>48</sup>

لَا يُؤْمِنُ أَحَدُكُمْ حَتَّىٰ يُحِبَّ لِأَخِيهِ مَا يُحِبُّ لِنَفْسِهِ. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ

"One of you has no faith (with perfect faith) until he loves his brother as he loves himself." (HR. Al-Bukhari and Muslim).

The concept of human rights in Islamic law is fundamentally grounded in a theocentric paradigm, where the objectives of Islamic law (*Maqashid as-Shari'ah*) provide its normative foundation. Within this framework, human rights are not merely derived from human consensus or social contracts, but are understood as divinely mandated obligations aimed at preserving human dignity and ensuring social justice. The dynamic development of Islamic law in response to contemporary global challenges necessitates a contextual and purposive understanding of *Maqashid as-Shari'ah*, particularly in addressing emerging issues such as

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<sup>45</sup> A. Malthuf Siroj; Siroj, Ismail ; Marzuki, and Elkhairati, "Transformation and Future Challenges of Islamic Law in Indonesia," *Al-Istinath: Jurnal Hukum Islam* 8, no. 1 (2023): 93–116, <https://doi.org/https://dx.doi.org/10.29240/jhi.v8i1.6618>.

<sup>46</sup> Abid Rohmanu, "Paradigma Hukum Islam Teoantroposentris: Telaah Paradigmatik Pemikiran Fazlur Rahman Dan Abdullah Saeed," *Kodifikasia* 13, no. 1 (2019): 45–65, <https://doi.org/10.21154/kodifikasia.v13i1.1679>.

<sup>47</sup> M. Mukhlis Fahrudin, "Muatan Nilai Dan Prinsip Piagam Madinah Dan Pancasila: Anilisa Perbandingan," *Ulul Albab: Jurnal Studi Islam* 12, no. 1 (2011): 96–109, <https://doi.org/10.18860/ua.v0i0.2399>.

<sup>48</sup> Laila Rahmawati, "Human Rights in Islam," *TRANSFORMATIVE* 1, no. 2 (2018): 198–212, <https://doi.org/10.23971/tf.v1i2.835>.

environmental protection, religious tolerance, human rights, and individual freedoms. These issues represent modern extensions of classical maqashid, demonstrating the adaptability of Islamic legal thought in responding to the evolving needs of human life.<sup>49</sup>

Conceptually, Maqashid as-Shari'ah encompasses five essential dimensions: the protection of religion (hifdh ad-din), life and human dignity (hifdh an-nafs wa al-'ird), intellect (hifdh al-'aql), lineage (hifdh an-nasl), and property (hifdh al-mal). These core objectives collectively aim to protect both individual and societal well-being. In this context, human rights are primarily viewed as an expression of hifdh an-nafs wa al-'ird, which emphasizes the protection of life, physical integrity, honor, and human dignity. As a result, Islamic law upholds fundamental rights such as the right to life, freedom from violence and discrimination, and the preservation of personal dignity, which align closely with universal human rights principles.<sup>50</sup>

However, the Islamic conception of human rights differs in its philosophical foundation. While modern positive law approaches human rights from an anthropocentric perspective—viewing humans as the sole source and reference of rights—Islamic law adopts a teo-antroposentris paradigm. In this paradigm, human rights originate from divine will but are realized and protected for the benefit of humanity. God remains the ultimate source of normative authority, while humans function as moral agents entrusted with the responsibility to uphold justice and protect the rights of others.

Thus, within the framework of *Maqashid as-Shari'ah*, human rights in Islamic law represent a harmonious integration of divine command and human welfare. This teo-antroposentris approach enables Islamic law to affirm universal human rights while maintaining its theological foundations, offering a comprehensive and ethically grounded model for the protection of human dignity in both classical and contemporary contexts.

#### *Human Rights and Their Challenges from the Perspective of Islamic Education*

Human rights are the rights of every human being brought from birth into the natural world, which is a gift of God Almighty. Education is the most effective means to uphold human rights principles, although there are other facts that show that education in Indonesia still does not accommodate the human rights of students.<sup>51</sup> This is a criticism to continuously increase the role of education in protecting human rights. This concept is in line with the study of Usman et al., which revealed that “*the principle of Islamic education is just and civilised humanity, which includes the values of democracy and human rights.*”<sup>52</sup> Nevertheless, in reality, Islamic education still displays a system that is not completely humanist.

Respecting and upholding human rights is an acquired ability that does not emerge suddenly but develops through a process of experience and education. Education is the process of shaping human knowledge and internalizing human values. The educational process, which aims to foster individual and social development for the better, is a right for every person,

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<sup>49</sup> Abdul Mukti Thabrani, “Maqashid Revitalization in Global Era: Istidlal Study from Text to Context,” *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 13, no. 2 (2018): 310–33, <https://doi.org/10.19105/al-ihkam.v13i2.1814>.

<sup>50</sup> Soni Zakaria, “The Contextualization of The Māqāshid Āl-Šyāriāh Jasser Auda Theory In The Concept and Practice of Islamic Family Law,” *Al-'Adl* 14, no. 2 (2021): 83–97, <https://doi.org/10.31332/aladl.v14i2.2396>.

<sup>51</sup> Ahmad Darmadji, “Islam dan Hak Asasi Manusia dalam Pendidikan,” *Millah* 12, no. 1 (2012): 59–86, <https://doi.org/10.20885/millah.vol12.iss1.art4>.

<sup>52</sup> Abur Hamdi; Usman, Syarul Azman; Shaharuddin, and Salman Zainal Abidin, “Humanism in Islamic Education: Indonesian References,” *International Journal of Asia Pacific Studies* 13, no. 1 (2017): 95–113, <https://doi.org/http://dx.doi.org/10.21315/ijaps2017.13.1.5>.

regardless of their background, including gender, ethnicity, race, social status, and economic condition, as education is based on the principle of equality. In educational institutions, both learners and educators have equal rights. One of the core principles of Islamic education is the principle of justice or equality. This principle asserts that educators or parents should treat individuals fairly and equally to achieve educational goals more effectively and efficiently.<sup>53</sup>

Human rights are inalienable rights granted to every child from birth, without exception, as a gift from Allah, the Almighty Creator, affirming the inherent dignity of human creation. This implies that everyone has a responsibility to understand and respect these rights. The development of awareness and understanding of human rights occurs through education. Human rights education aims to foster an understanding of one's own rights as well as the rights of others. According to Özbek's research, the goal of human rights education is to cultivate a democratic society based on values such as responsibility, freedom, equality, and respect.<sup>54</sup> From an Islamic perspective, human rights education is viewed as highly effective in promoting and protecting these rights. Therefore, the state has a responsibility to ensure the effective implementation of human rights education, safeguarding individuals' fundamental rights and promoting a culture of respect and justice.<sup>55</sup>

Human rights education is essential for guiding future generations in their lives, both as individuals and as members of society. However, public awareness of human rights remains uneven and relatively low, as shown by the continued prevalence of human rights violations. From the perspective of Islamic education, understanding and awareness of human rights require a systematic and structured process of internalization through quality education and teaching. This view highlights the importance of prioritizing education that fosters the internalization of human rights values. The emphasis on the importance of human rights within Islamic education in the school environment stems from the need to shift societal value systems. As such, Islamic education plays a crucial role in instilling these values. The process of internalizing human rights values in Islamic education can be achieved in an integrated manner, combining intracurricular programs with extracurricular activities and the overall school culture.

The cultivation of human rights values in Islamic education is crucial in shaping individuals with strong character and personalities who possess tolerant, inclusive, and democratic attitudes. This concept aligns with Islamic teachings, which emphasize the respect for and protection of human rights. The process of understanding and internalizing human rights values is a key component of Islamic education, as one of its main objectives is to develop individuals who are civilized and cultured, capable of respecting differences and diversity. As the focus on human rights continues to grow, Islamic education plays a vital role in providing a foundation for human rights values that are consistent with Islamic principles. Education, in this context, has two dimensions: it is both a fundamental human right for every child and an effective means of fostering understanding and awareness of human rights. This concept is in line with the results of the study of Abu-Nimer and Nasser, namely: “*Education is one of*

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<sup>53</sup> Sayyid Ali Husseini Zadeh, “What Is the Principle of Islamic Education: Justice or Equality?,” *Educational Jurisprudence Studies* 3, no. 6 (2016): 121–38.

<sup>54</sup> Ramazan Özbek, “The Evaluation of the Opinions of Prospective Teachers about the Objectives of Human Rights Education,” *International Education Studies* 10, no. 10 (2017): 64–70, <https://doi.org/10.5539/ies.v10n10p64>.

<sup>55</sup> Erlan Dwi; Cahyo et al., “Implementation of Islamic Campus Values Based on Human Rights and Wasathiyah Islam,” *Cakrawala: Jurnal Studi Islam* 17, no. 2 (2022): 81–90, <https://doi.org/https://doi.org/10.31603/cakrawala.7854>.

*the most effective ways of strengthening values of peace, tolerance, pluralism, dialogue and human rights, all of which foster coexistence.”<sup>56</sup>*

Education is a critical human activity that significantly influences various aspects of life, making its existence indispensable. The state has a responsibility to provide education to all its citizens. To effectively promote human rights on a broad scale, it is essential to implement human rights education throughout society. Human rights education within Islamic education is derived from the Qur'an and Sunnah, which emphasize the ideals of human rights. The successful implementation of human rights education requires collaboration between governments, human rights authorities, Islamic organizations, communities, and families. Islamic education plays a vital role in imparting knowledge, understanding, and awareness of human rights. In the context of Islamic education, human rights education is a continuous and systematic process that aims to develop both knowledge and attitudes regarding human rights. This education should begin early,<sup>57</sup> Starting from elementary school and even preschool, with early education in the family also playing a crucial role.

In Islamic thought, human rights are closely tied to the theological affirmation of human dignity as a creation of God. As such, every individual not only possesses inherent rights but also carries the moral responsibility to respect the rights of others. Human rights education plays a crucial role in raising awareness and cultivating the ability to understand one's own rights while promoting respect for the rights of others. This process helps cultivate democratic values such as responsibility, freedom, equality, and mutual respect. Research by Rohman et al. highlights the significance of integrating Islamic social values—such as justice, equality, brotherhood, and social care—into the education system, aiming to shape a young generation with strong faith and social ethics.<sup>58</sup>

This perspective aligns with Fatin Hamamah's research, which highlights the necessity of legal policies rooted in Islamic values. The research emphasizes the importance of incorporating values such as humanity, justice, and social responsibility, as well as the need to respect and uphold the principles of justice while fostering a legal culture that aligns with religious teachings.<sup>59</sup> The internalization of human rights values within Islamic education requires a structured, continuous process. This can be achieved through an integrated framework that combines intracurricular content, extracurricular activities, and school culture. Human rights principles can be taught within subjects such as Islamic studies, civics, and ethics, using participatory and dialogical pedagogies. Ultimately, Islamic education aims to cultivate individuals with tolerant, inclusive, and democratic traits, aligned with Islamic teachings that emphasize justice and dignity.

However, challenges remain in implementing human rights education within Islamic contexts, including uneven public awareness, conservative interpretations, limited teacher capacity, and weak institutional support. Overcoming these challenges requires strong policy

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<sup>56</sup> Mohammed Abu-Nimer and Ilham Nasser, “Building Peace Education in the Islamic Educational Context,” *International Review of Education* 63 (2017): 153–167, <https://doi.org/10.1007/s11159-017-9632-7>.

<sup>57</sup> Sinta Galih Pertiwi and Yayuk Hidayah, “Implementasi Pendidikan Hak Asasi Manusia dalam Dunia Pendidikan Sekolah Dasar,” *Jurnal Kewarganegaraan* 5, no. 2 (2021): 376–80, <https://doi.org/10.31316/jk.v5i2.1717>.

<sup>58</sup> Ahmad Taufiq Hidayatur; Rohman, Kustiana; Arisanti, and Rosichin Mansur, “The Role of Social Values of Islamic Education in Shaping the Religious Character of Adolescents,” *Scaffolding: Jurnal Pendidikan Islam Dan Multikulturalisme* 6, no. 2 (2024): 240–53, <https://doi.org/10.37680/scaffolding.v6i2.5698>.

<sup>59</sup> Fatin Hamamah, “Islamic Education and the Principles of Social Justice: Implications for Government Responsibilities in Providing Compensation and Restitution,” *L-Hayat: Journal of Islamic Education (AJIE)* 7, no. 1 (2023): 216–25, <https://doi.org/https://doi.org/10.35723/ajie.v7i1.396>.

support, teacher development, curriculum reform, and cooperation among various stakeholders, including the state, human rights institutions, Islamic organizations, and families. Education, therefore, serves as both a fundamental human right and a powerful tool for fostering human rights awareness, starting from early childhood and reinforced throughout formal education.

## Conclusion

### *Discourses of Human Right*

Human Rights (HR) are inalienable rights granted by God, inherent in every individual from birth, and essential for a person to live as a complete human being, as defined in the Law of the Republic of Indonesia No. 39 of 1999, refers to "a set of rights inherent in the essence and existence of humans as creations of God Almighty, granted by Him, and must be respected, upheld, and protected by the nation, law, government, and every individual to honor and safeguard human dignity."<sup>60</sup> These rights are intrinsic to human nature, attached to every individual from birth, and impose a responsibility on others to respect them. Among the key elements of human rights are recognition, respect, equality, and freedom from discrimination.<sup>61</sup>

Indonesia, as a state governed by law, has established the protection and enforcement of human rights as a fundamental principle, clearly outlined in its 1945 Constitution.<sup>62</sup> The issue of human rights in Indonesia has been a topic of debate, especially between Western ideologies and Islamic thought. However, the nation's founders, shaped by the long-lasting impact of colonialism, agreed to include human rights in the country's constitution as a fundamental principle of governance. This commitment is enshrined in the 1945 Constitution, which recognizes human rights as essential and places them at the core of the state's framework.<sup>63</sup> The human rights provisions in the Indonesian Constitution predate the Universal Declaration of Human Rights. The idea of a democratic and legal state that upholds human rights has been a key element of Indonesia's independence movement and continues to be a foundational principle of the nation.

The formal recognition and protection of human rights in Indonesia are inherently derived from the Constitution. A state governed by law (*rechtstaat*) is one where government actions are based on valid laws and regulations, as opposed to a state of power (*machtstaat*). A core element of the rule of law is the protection of human rights.<sup>64</sup> A democratic state based on the rule of law functions in accordance with the Constitution, holds its leaders accountable, ensures judicial independence, and safeguards human rights. Ridlwan's research highlights three key principles of the rule of law: the supremacy of law, equality before the law, and due

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<sup>60</sup> Undang-undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia.

<sup>61</sup> Yahya Ahmad Zein, "Konsep Hak Asasi Manusia dalam Islam (Mengungkap Korelasi Antara Islam dengan HAM)," *Veritas et Justitia* 1, no. 1 (2015): 91–110, <https://doi.org/10.25123/vej.1418>.

<sup>62</sup> Andrey Sujatmoko, "Hak Atas Pemulihan Korban Pelanggaran Berat HAM di Indonesia dan Kaitannya dengan Prinsip Tanggung Jawab Negara dalam Hukum Internasional," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 3, no. 2 (2016): 330–50, <https://doi.org/10.22304/pjih.v3n2.a6>.

<sup>63</sup> Bobi Aswandi and Kholis Roisah, "Negara Hukum dan Demokrasi Pancasila dalam Kaitannya dengan Hak Asasi Manusia (HAM)," *Jurnal Pembangunan Hukum Indonesia* 1, no. 1 (2019): 128–45, <https://doi.org/10.14710/jphi.v1i1.128-145>.

<sup>64</sup> Janpatar Simamora, "Tafsir Makna Negara Hukum dalam Perspektif Undang-undang Dasar Negara Republik Indonesia Tahun 1945," *Jurnal Dinamika Hukum* 14, no. 3 (2014): 547–61, <https://doi.org/10.20884/1.jdh.2014.14.3.318>.

process of law.<sup>65</sup> These principles are vital for ensuring that the law is applied impartially, without discrimination, and in a manner that respects fundamental rights.

The relationship between the rule of law and the protection of human rights is inseparable, like that of a container and its contents. Human rights cannot be realized without the protection of the rule of law.<sup>66</sup> Conversely, the rule of law cannot exist without the protection of human rights. It creates an environment where democracy can thrive, ensuring political decisions reflect the sovereignty of the people, rather than being controlled by a single individual or small group, such as in a dictatorship or oligarchy. Suteki's study outlines twelve principles of the rule of law and democracy, including the supremacy of law, equality before the law, due process, judicial independence, human rights protection, transparency, and social control.<sup>67</sup>

Equality before the law is a fundamental legal principle that ensures all individuals are treated equally under the law. This principle is central to the rule of law and the realization of human rights. Equality before the law, or legal egalitarianism, guarantees that all people, regardless of race, gender, nationality, religion, or social status, are equally subject to the law.<sup>68</sup> This principle is explicitly stated in Article 27, paragraph (1) of the Indonesian Constitution, which asserts that "all citizens are equal before the law and government and are obliged to uphold the law and government without exception." This constitutional provision ensures justice for all citizens, fostering a society where no one is above the law.<sup>69</sup>

Human rights are inalienable rights granted to every individual by God, and they must be respected and protected by the state, law, and individuals. These rights are essential for the dignity and well-being of individuals and must be safeguarded by the state.<sup>70</sup> In line with its commitment to upholding human rights, the Government of Indonesia established the National Commission on Human Rights (Komnas HAM) on June 7, 1993, through Presidential Decree No. 50 of 1993. The creation of Komnas HAM marked a significant step in promoting and protecting human rights in Indonesia.<sup>71</sup> Initially, the commission had limited authority, but it has since evolved into an independent institution on par with other state bodies, responsible for human rights studies, research, counseling, monitoring, and mediation.<sup>72</sup> Despite the expansion of Komnas HAM's powers with the enactment of Law No. 26 of 2000, which granted the commission the authority to investigate gross human rights violations and form ad hoc investigative teams, the practical realization of human rights guarantees in Indonesia remains incomplete.

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<sup>65</sup> Ridlwan, "Negara Hukum Indonesia Kebalikan Nachtwachterstaat."

<sup>66</sup> Simamora, "Tafsir Makna Negara Hukum Dalam Perspektif Undang-Undang Dasar Negara Republik Indonesia Tahun 1945."

<sup>67</sup> Suteki, "Hegemoni Oligarki Dan Ambruknya Supremasi Hukum."

<sup>68</sup> Dadin Eka Saputra, "Hubungan Antara Equality Before the Law dalam Penegakan Hukum di Indonesia dengan Harmonisasi Konflik Antar Lembaga Penegak Hukum HUKUM," *Syariah Jurnal Hukum dan Pemikiran* 15, no. 1 (2015): 17–27, <https://doi.org/10.18592/syariah.v15i1.540>.

<sup>69</sup> Hernadi Affandi, "Kontekstualitas Makna 'Bersamaan Kedudukan' di dalam Hukum dan Pemerintahan Menurut Undang-undang Dasar 1945," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 4, no. 1 (2017): 19–40, <https://doi.org/10.22304/pjih.v4n1.a2>.

<sup>70</sup> Laurensius Arliman, "Komnas HAM Sebagai State Auxialary Bodies di dalam Penegakan Hak Asasi Manusia di Indonesia," *Jurnal Bina Mulia Hukum* 2, no. 1 (2017): 54–66, <https://doi.org/https://doi.org/10.23920/jbmh.v2n1.5>.

<sup>71</sup> Asror Nawawi, "Komnas HAM: Suatu Upaya Penegakan HAM di Indonesia," *PROGRESIF: Jurnal Hukum* 11, no. 1 (2018): 1867–77, <https://doi.org/10.33019/progresif.v11i1.198>.

<sup>72</sup> Undang-undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia.

In Islamic thought, human rights are viewed as a fundamental aspect of every individual's dignity and honor. These rights are not merely legal or political constructs but are seen as divine gifts, grounded in the teachings of the Qur'an and the Hadith. Human rights in Islam are based on the belief that all human beings are equal in the eyes of God, with inherent rights that are not granted by the state or society. The Islamic perspective emphasizes the sanctity of life, liberty, and property, all of which must be respected and protected by both the state and society. Key principles of human rights in Islam include the right to life, freedom of expression, education, justice, and privacy, among others. These principles are in line with the research of Tomi Saputra, who highlights that Islam is a comprehensive religion that plays a crucial role in promoting justice, equality, and human dignity. Islam teaches the importance of justice in all aspects of life.<sup>73</sup>

These rights are closely linked to the concept of Maqashid as-Shari'ah, the higher objectives of Islamic law, which aim to enhance the welfare and well-being of individuals and society. Maqashid as-Shari'ah offers a framework for understanding and prioritizing the protection of human rights. It emphasizes five key principles that must be safeguarded for a society to thrive: the protection of religion (din), life (nafs), intellect (aql), lineage (nasl), and property (mal). These principles align directly with the core human rights in Islam, as they safeguard the essential aspects that enable individuals to live with dignity and reach their full potential.

The relationship between human rights and Maqashid as-Shari'ah is fundamental to understanding how Islamic law protects and promotes human rights. The objectives of Maqashid as-Shari'ah extend beyond preserving material aspects of life, aiming to ensure the ethical and moral integrity of both individuals and society. For instance, the protection of life (nafs) includes the right to security and safety, while the protection of intellect (aql) includes the right to education and freedom of expression. These objectives form a comprehensive human rights framework in Islam, ensuring justice and fairness for all. The alignment of Maqashid as-Shari'ah with human rights underscores Islam's commitment to safeguarding the inherent dignity of every individual and fostering a just society.

#### *Human Right Violations*

Human rights violations can be categorized into gross violations and minor violations. Gross violations involve criminal acts that harm the body, soul, dignity, civilization, and life resources of individuals. Under Law No. 26 of 2000 concerning the Human Rights Court, gross violations are defined as serious crimes, including genocide and crimes against humanity. However, the law does not provide a clear definition of gross violations beyond these categories.<sup>74</sup> In contrast, minor violations typically do not threaten a person's life but can still cause harm if not addressed promptly. Examples include negligence in providing health services and intentional environmental pollution. Law No. 39 of 1999, in Article 104, Paragraph 1, outlines gross human rights violations as acts such as genocide, arbitrary or extrajudicial killings, torture, enforced disappearances, enslavement, and systematic discrimination.<sup>75</sup> Under Law No. 39 of 1999, human rights violations are broadly defined as actions by individuals or groups—including state officials—that intentionally or

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<sup>73</sup> Saputra, "Reconstruction of the Concep of Human Right in Islam: A Studi Acording to the Thoughts of Sheikh Yusuf Al-Qaradawi."

<sup>74</sup> Nunik Nurhayati, "Quo Vadis Protection of Human Rights in Resolving Past Gross Human Rights Violations Through Non-Judicial Channels," *Journal of Jurisprudence* 6, no. 2 (2017): 150, <https://doi.org/10.23917/jurisprudence.v6i2.3012>.

<sup>75</sup> Undang-undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia.

unintentionally reduce, obstruct, limit, or deprive an individual or group of their legally guaranteed rights.

In contrast, gross violations of human rights are the most severe forms of misconduct, as they directly endanger individual safety and threaten human life. These violations include genocide, crimes against humanity, war crimes, and crimes of aggression. Due to their severity and widespread consequences at both national and international levels, these acts are often classified as extraordinary crimes.<sup>76</sup> Addressing such violations requires significant international attention and the application of specialized legal mechanisms specifically designed for their prosecution. Preventing gross human rights violations and ensuring effective human rights protection demands not only individual awareness but also a binding legal framework that guarantees accountability and equality before the law. These violations are marked by conduct that poses serious threats to human security and survival, setting them apart from other forms of human rights infringements.

Various studies have examined human rights violations in Indonesia, identifying significant incidents that remain unresolved. One of the most notorious cases is the G30S/PKI tragedy of 1965, which involved the murder of military officials, clerics, and students.<sup>77</sup> Other significant violations occurred during the New Order era, and cases have continued into the Reform Era. Researchers such as Aswandi and Roisah have highlighted tragic events like the Trisakti Tragedy in 1998, which resulted in the deaths of four students, and the Semanggi I and II tragedies, which led to numerous casualties. The Maluku conflict in 1999, initially fueled by socio-political grievances and exacerbated by religious tensions, also falls within the scope of human rights violations, as do the Poso and Sampit conflicts, which were marked by deadly violence between religious communities. In 2008, a case of religious intolerance in Bali led to the closure of the Mushala As-Syafiyah by Hindu groups, which was later recognized as a human rights violation.<sup>78</sup> Similarly, the Tolikara riots in 2015, where a group from the Evangelical Church in Indonesia (GIDI) attempted to disrupt Muslim prayers, also raised significant concerns about human rights. Violations have also been documented in the context of the Ahmadiyah religious minority, which has been subject to violence and discrimination.<sup>79</sup>

Addressing human rights violations is a central aspect of the rule of law, a principle championed during Indonesia's 1998 Reform Movement. However, despite significant efforts to address these violations, many cases remain unresolved, and the challenges in securing justice persist. Arifin et al. have identified various obstacles to human rights protection in Indonesia, including the low level of public trust in government institutions and law enforcement agencies. One of the greatest challenges to upholding human rights is the persistence of discriminatory practices, the revival of systematic violence, and the perpetuation of a culture of impunity. Effective enforcement of human rights protection depends on a strong commitment from both the government and law enforcement agencies,

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<sup>76</sup> Syamsuddin Radjab, "Politik Hukum Penyelesaian Pelanggaran HAM Berat di Era Pemerintahan Jokowi-JK," *Jurnal Politik Profetik* 6, no. 2 (2018): 151–72, <https://doi.org/10.24252/profetik.v6i2a3>.

<sup>77</sup> Ridwan Arifin and Lilis Eka Lestari, "Penegakan dan Perlindungan dan Hak Asasi Manusia di Indonesia dalam Konteks Implementasi Sila Kemanusiaan Yang Adil dan Beradab," *Jurnal Komunikasi Hukum (JKH)* 5, no. 2 (2019): 12–25, <https://doi.org/10.23887/jkh.v5i2.16497>.

<sup>78</sup> Aulia Bintang Pratama, "Komnas HAM Sebut Pengusutan Kasus Kebebasan Beragama Terancam," *CNN Indonesia*, April 2017, <https://www.cnnindonesia.com/nasional/20170425145252-20-209999/>

<sup>79</sup> Bakhtiar Hasan and Ayub Mursalin, "Konflik Komunal Mengatasnamakan Agama di Indonesia: Analisis Terhadap Konflik Ahmadiyah dalam Pemberitaan Media, 2005-2011," *Kontekstualita: Jurnal Penelitian Sosial Keagamaan* 26, no. 1 (2011): 71–115.

as well as their ability to implement policies effectively, as mandated by the Constitution.<sup>80</sup> Unfortunately, despite constitutional guarantees, efforts to resolve past human rights violations have proven to be complex and fraught with difficulties, leaving these cases unresolved and creating a lingering burden for the nation.

On the other hand, religious intolerance has increased in Indonesia, particularly in the post-reform era, leading to several incidents involving ethnic, religious, racial, and intergroup (SARA) tensions. These conflicts often result in significant casualties. Ediyanto, in his research, documents several inter-religious conflicts, such as the Ambon tragedy in 1999 and the Sampit ethnic conflict in 2001. Reports from organizations like the Setara Institute indicate a sharp increase in human rights violations in Papua in 2016.<sup>81</sup> Similarly, property destruction linked to SARA issues has been recorded in Banyuwangi, where destruction of property associated with Muhammadiyah was suspected to be motivated by religious animosities, resulting in legal action.<sup>82</sup> These events underscore the ongoing vulnerability of religious and ethnic minorities in Indonesia to human rights violations.

Human rights violations are not limited to individuals or groups but can also be perpetrated by state authorities. One such issue is the dissolution of community organizations without due legal process. In the case of Indonesia's Law No. 16 of 2017, which governs the dissolution of mass organizations, the government is authorized to dissolve organizations without judicial oversight. This raises concerns about the right to assembly and freedom of association guaranteed by Articles 28 and 28 E of the 1945 Constitution. According to Supardi and Safriani's analysis, the process of dissolving organizations, while legally sanctioned by Law No. 16 of 2017, can be seen as violating democratic principles and undermining the rule of law.<sup>83</sup> Muhammad Reza Winata's research highlights that while the dissolution of mass organizations was previously decided by the government, the 2017 law has led to a shift back toward more repressive governance, which contradicts democratic norms. He argues that this shift shows a tendency toward repressive legal practices that violate the due process of law, a constitutional principle.<sup>84</sup>

In conclusion, human rights violations in Indonesia span various sectors, including political, legal, social, and issues related to ethnicity, religion, race, and social groups (SARA). Although legal frameworks exist to address these violations, challenges in enforcement, public trust, and political will continue to hinder justice. Serious violations such as genocide, torture, and discrimination persist, and ongoing issues such as religious intolerance, ethnic conflict, and the dissolution of organizations without due process reflect the continuing struggle for human rights in the country. Moving forward, a concentrated effort to strengthen democratic governance, uphold the rule of law, and empower civil society is crucial to ensuring that human rights are respected and protected for all citizens. The Indonesian government must commit to fully addressing past violations, enhancing legal mechanisms, and ensuring

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<sup>80</sup> Ridwan Arifin, Rasdi Rasdi, and Riska Alkadri, "Tinjauan Atas Permasalahan Penegakan Hukum dan Pemenuhan Hak dalam Konteks Universalisme dan Relativisme Hak Asasi Manusia di Indonesia," *Jurnal Ilmiah Hukum LEGALITY* 26, no. 1 (2018): 17–39, <https://doi.org/10.22219/jihl.v26i1.6612>.

<sup>81</sup> Kristian Ediyanto, "Konflik dan Pelanggaran HAM Catatan Kelam 20 Tahun Reformasi," *Kompas.Com*, 2018, <https://jeo.kompas.com/konflik-dan-pelanggaran-ham-catatan-kelam-20-tahun-reformasi>.

<sup>82</sup> Erik Purnama Putra, "Berikut Inisial 10 Orang Intoleran yang Rusak Plang Muhammadiyah di Banyuwangi," *REPUBLIKA.CO.ID*, 2022, <https://news.republika.co.id/berita/r8efb5484/berikut-inisial-10-orang-intoleran-yang-rusak-plang-muhammadiyah-di-banyuwangi>.

<sup>83</sup> Supardi and Safriani, "Antinomi Asas Contrarius Actus Dengan Asas Due Process of Law Dalam Pembubaran Organisasi Masyarakat Tanpa Melalui Proses Pengadilan."

<sup>84</sup> Winata, "Politik Hukum Dan Konstitusionalitas Kewenangan Pembubaran Organisasi Kemasyarakatan Berbadan Hukum Oleh Pemerintah."

accountability for all forms of human rights violations, regardless of the perpetrators.<sup>85</sup> Thus, the organization of society in a democratic country should ideally be strengthened, because its existence is an important element as a force that encourages and directs the course of democratization in a country.

#### *Human Rights in the Perspective of Islamic Law*

Fundamental elements of human rights are deeply rooted in the normative teachings of the Qur'an and the Hadith. While these primary sources of Islamic law do not explicitly define "human rights" in the modern legal sense, they clearly express universal principles that serve as the ethical foundation for human dignity and social justice. These principles include justice (al-'adl), equality (al-musāwāh), deliberation (shūrā), mutual assistance (ta'āwun), mutual respect, the rejection of discrimination, honesty, and the prohibition of prejudice, oppression, and the degradation of human dignity. These values provide a moral framework that aligns closely with contemporary human rights norms, emphasizing the inherent worth and equality of all individuals.

Historically, the principles of human rights in Islam were not only conveyed through normative texts but were also implemented and exemplified in practice by the Prophet Muhammad. From the early period of his leadership in Medina,<sup>86</sup> The Prophet institutionalized values such as justice, equality, and religious freedom within the socio-political order of the emerging Muslim community. The Charter of Medina, for instance, is often regarded as an early constitutional document that recognized pluralism, guaranteed freedom of religion, and established equal protection under the law for diverse religious and ethnic groups. This demonstrates that respect for human rights was not just a theoretical concept but a fundamental aspect of Islamic governance and social organization.

Moreover, many Qur'anic revelations from the Meccan period (Makkiyah verses) strongly emphasize universal human values, especially those related to justice, equality, and human dignity. These verses address all of humanity, rather than a specific religious community, highlighting the principle that all people are equal before God, regardless of race, ethnicity, gender, or religious affiliation. The Qur'an's condemnation of injustice, discrimination, and oppression clearly reflects its commitment to protecting fundamental human rights. As a result, Islamic teachings, rooted in the Qur'an and Hadith, provide a strong ethical and normative foundation for the recognition and protection of human rights, both in theory and practice, across diverse social and historical contexts.

The universal values of human rights in the Qur'an have been systematically developed into a comprehensive framework, encompassing the right to life, freedom of religion, the right to work and receive fair remuneration, equality before the law, justice, freedom of expression, and the right to property.<sup>87</sup> These principles reflect the Qur'anic emphasis on human dignity, justice, and social responsibility. Furthermore, the Universal Islamic Declaration of Human Rights, adopted by the Islamic Council of Europe on 19 September 1981 (21 Dhul Qa'dah 1401 H), codified human rights into twenty-three distinct provisions. These include the right to liberty, equality, protection from unjust discrimination, justice, a fair trial, and protection

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<sup>85</sup> Asrida, Marta, and Hadi, "Civil Society, Demokrasi Dan Demokratisasi."

<sup>86</sup> Achmad Suhaili, "Hak Asasi Manusia (HAM) dalam Penerapan Hukum Islam di Indonesia," *Al-Bayan: Jurnal Ilmu Al-Qur'an dan Hadits* 2, no. 2 (2019): 176–93, <https://doi.org/10.35132/albayan.v2i2.77>.

<sup>87</sup> Nur Asiah, "Hak Asasi Manusia Perspektif Hukum Islam," *DIKTUM: Jurnal Syariah dan Hukum* 15, no. 1 (2018): 55–66, <https://doi.org/10.35905/diktum.v15i1.425>.

against the abuse of authority and torture. The Declaration also affirms the right to safeguard personal honor and reputation, the right to seek asylum, and the rights of minority groups.

Additionally, the Declaration affirms both the right and duty to participate in public governance, along with the freedoms of belief, thought, expression, religion, and association. It also covers economic rights, including the protection of property, the status and dignity of workers, and the right to social security. The Declaration guarantees family-related rights, such as the right to establish a family, the rights of married women, and the right to education. Finally, it upholds the right to privacy, as well as the freedom of movement and residence, offering a comprehensive framework of human rights grounded in Islamic principles.<sup>88</sup>

In line with the declaration on human rights from an Islamic perspective, the Cairo Declaration on Human Rights in Islam was adopted on August 5, 1990. The declaration affirmed the principles of human rights in Islam, namely: “All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the basis of race, colour, language, belief, sex, religion, political affiliation, social status or other considerations.”<sup>89</sup> Allah Almighty has given a legal and moral framework to mankind through His revelation contained in the Qur'an to establish and regulate relationships between people in order to live harmoniously and peacefully. The human rights established by Divine Law aim to uphold the dignity and honor of mankind and are intended to eradicate oppression and injustice.

The Qur'an, as the source of Islamic law, contains many verses that explain the values of human rights, among which is Surah al-Isra/17:70, which affirms that Allah Almighty grants privilege and glory to man. Allah also elevated the dignity and dignity of man by making him a caliph on earth (QS. al-Baqarah/2:30). The Prophet was sent as a bringer of mercy to the universe (Q.S. al-Anbiya'/21:107). To realize this treatise, Islam teaches monotheistic theology, which is able to provide inspiration in realizing Islam as *rahmatan lil-alamin* and affirming that all forms of power belong to Allah. Based on this teaching, the system of slavery in public life was eliminated, and the authoritarianism of the ruler and absolutism were restricted. This concept of human rights in Islamic law confirms that human rights in Islamic law are theocentric.<sup>90</sup> But on the other hand, Islamic law pays attention to the interests and safeguards of human beings, so it is also anthropocentric. Thus, the Islamic legal view of human rights is theoanthropocentric. This concept is based on a framework of understanding Islamic law derived from revelation and reason, positioned proportionally.<sup>91</sup>

These Islamic teachings serve as the foundation for theories on human rights within Islamic law. These principles were established and implemented by the Holy Prophet in the life of the early society, under the framework of the "Madinah Charter," which granted rights to every citizen in a pluralistic society. The system of government built by the Holy Prophets was not only for Muslims, but accommodated all components of society, including Muslims, Jews, Christians, and Magi. All religious believers are protected, and all their human rights are exercised. The Medina Charter expressly recognizes the human rights of all citizens and guarantees security and protection from all murders and crimes. It also regulates tolerance

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<sup>88</sup> Azzam, “Universal Islamic Declaration of Human Rights.”

<sup>89</sup> <http://hrlibrary.umn.edu/instreet/cairodeclaration.html>, diakses 24 Maret 2023.

<sup>90</sup> Siroj, Marzuki, and Elkhairati, “Transformation and Future Challenges of Islamic Law in Indonesia.”

<sup>91</sup> Rohmanu, “Paradigma Hukum Islam Teoantroposentris: Telaah Paradigmatik Pemikiran Fazlur Rahman Dan Abdullah Saeed.”

for every citizen of various religions and ethnicities, and defends the rights of minorities.<sup>92</sup> Islam upholds the values of brotherhood as the main pillar in the life of society and nation, reflected in the words of the Holy Prophet (peace be upon him), which affirmed that "It is not your faith that you love your brother as you love yourself." In a hadith narrated from Abu Hamza Anas bin Malik (may Allah be pleased with him), the Holy Prophet (peace be upon him) said,<sup>93</sup>

لَا يُؤْمِنُ أَحَدُكُمْ حَتَّىٰ يُحِبَّ لِأَخِيهِ مَا يُحِبُّ لِنَفْسِهِ. رَوَاهُ الْبُخَارِيُّ وَمُسْلِمٌ

"One of you has no faith (with perfect faith) until he loves his brother as he loves himself." (HR. Al-Bukhari and Muslim).

The concept of human rights in Islamic law is fundamentally grounded in a theocentric paradigm, where the objectives of Islamic law (*Maqashid as-Shari'ah*) provide its normative foundation. Within this framework, human rights are not merely derived from human consensus or social contracts, but are understood as divinely mandated obligations aimed at preserving human dignity and ensuring social justice. The dynamic development of Islamic law in response to contemporary global challenges necessitates a contextual and purposive understanding of *Maqashid as-Shari'ah*, particularly in addressing emerging issues such as environmental protection, religious tolerance, human rights, and individual freedoms. These issues represent modern extensions of classical *maqashid*, demonstrating the adaptability of Islamic legal thought in responding to the evolving needs of human life.<sup>94</sup>

Conceptually, *Maqashid as-Shari'ah* encompasses five essential dimensions: the protection of religion (*hifdh ad-din*), life and human dignity (*hifdh an-nafs wa al-'ird*), intellect (*hifdh al-'aql*), lineage (*hifdh an-nasl*), and property (*hifdh al-mal*). These core objectives collectively aim to protect both individual and societal well-being. In this context, human rights are primarily viewed as an expression of *hifdh an-nafs wa al-'ird*, which emphasizes the protection of life, physical integrity, honor, and human dignity. As a result, Islamic law upholds fundamental rights such as the right to life, freedom from violence and discrimination, and the preservation of personal dignity, which align closely with universal human rights principles.<sup>95</sup>

However, the Islamic conception of human rights differs in its philosophical foundation. While modern positive law approaches human rights from an anthropocentric perspective—viewing humans as the sole source and reference of rights—Islamic law adopts a teo-antroposentris paradigm. In this paradigm, human rights originate from divine will but are realized and protected for the benefit of humanity. God remains the ultimate source of normative authority, while humans function as moral agents entrusted with the responsibility to uphold justice and protect the rights of others.

Thus, within the framework of *Maqashid as-Shari'ah*, human rights in Islamic law represent a harmonious integration of divine command and human welfare. This teo-antroposentris approach enables Islamic law to affirm universal human rights while maintaining its

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<sup>92</sup> Fahrudin, "Muatan Nilai Dan Prinsip Piagam Madinah Dan Pancasila: Anilsa Perbandingan."

<sup>93</sup> Laila Rahmawati, "Human Rights in Islam," *TRANSFORMATIVE* 1, no. 2 (2018): 198–212, <https://doi.org/10.23971/tf.v1i2.835>.

<sup>94</sup> Thabrani, "Maqashid Revitalization in Global Era: Istidlal Study from Text to Context."

<sup>95</sup> Zakaria, "The Contextualization of The Māqāṣid Āl-Šyāriāh Jasser Auda Theory In The Concept and Practice of Islamic Family Law."

theological foundations, offering a comprehensive and ethically grounded model for the protection of human dignity in both classical and contemporary contexts.

#### *Human Rights and Their Challenges from the Perspective of Islamic Education*

Human rights are the rights of every human being brought from birth into the natural world, which is a gift of God Almighty. Education is the most effective means to uphold human rights principles, although there are other facts that show that education in Indonesia still does not accommodate the human rights of students.<sup>96</sup> This is a criticism to continuously increase the role of education in protecting human rights. This concept is in line with the study of Usman et al., which revealed that “*the principle of Islamic education is just and civilised humanity, which includes the values of democracy and human rights.*”<sup>97</sup> Nevertheless, in reality, Islamic education still displays a system that is not completely humanist.

Respecting and upholding human rights is an acquired ability that does not emerge suddenly but develops through a process of experience and education. Education is the process of shaping human knowledge and internalizing human values. The educational process, which aims to foster individual and social development for the better, is a right for every person, regardless of their background, including gender, ethnicity, race, social status, and economic condition, as education is based on the principle of equality. In educational institutions, both learners and educators have equal rights. One of the core principles of Islamic education is the principle of justice or equality. This principle asserts that educators or parents should treat individuals fairly and equally to achieve educational goals more effectively and efficiently.<sup>98</sup>

Human rights are inalienable rights granted to every child from birth, without exception, as a gift from Allah, the Almighty Creator, affirming the inherent dignity of human creation. This implies that everyone has a responsibility to understand and respect these rights. The development of awareness and understanding of human rights occurs through education. Human rights education aims to foster an understanding of one's own rights as well as the rights of others. According to Özbek's research, the goal of human rights education is to cultivate a democratic society based on values such as responsibility, freedom, equality, and respect.<sup>99</sup> From an Islamic perspective, human rights education is viewed as highly effective in promoting and protecting these rights. Therefore, the state has a responsibility to ensure the effective implementation of human rights education, safeguarding individuals' fundamental rights and promoting a culture of respect and justice.<sup>100</sup>

Human rights education is essential for guiding future generations in their lives, both as individuals and as members of society. However, public awareness of human rights remains uneven and relatively low, as shown by the continued prevalence of human rights violations. From the perspective of Islamic education, understanding and awareness of human rights require a systematic and structured process of internalization through quality education and teaching. This view highlights the importance of prioritizing education that fosters the internalization of human rights values. The emphasis on the importance of human rights within Islamic education in the school environment stems from the need to shift societal

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<sup>96</sup> Ahmad Darmadji, “Islam dan Hak Asasi Manusia dalam Pendidikan,” *Millah* 12, no. 1 (2012): 59–86, <https://doi.org/10.20885/millah.vol12.iss1.art4>.

<sup>97</sup> Usman, Shahrudin, and Abidin, “Humanism in Islamic Education: Indonesian References.”

<sup>98</sup> Zadeh, “What Is the Principle of Islamic Education: Justice or Equality?”

<sup>99</sup> Özbek, “The Evaluation of the Opinions of Prospective Teachers about the Objectives of Human Rights Education.”

<sup>100</sup> Cahyo et al., “Implementation of Islamic Campus Values Based on Human Rights and Wasathiyah Islam.”

value systems. As such, Islamic education plays a crucial role in instilling these values. The process of internalizing human rights values in Islamic education can be achieved in an integrated manner, combining intracurricular programs with extracurricular activities and the overall school culture.

The cultivation of human rights values in Islamic education is crucial in shaping individuals with strong character and personalities who possess tolerant, inclusive, and democratic attitudes. This concept aligns with Islamic teachings, which emphasize the respect for and protection of human rights. The process of understanding and internalizing human rights values is a key component of Islamic education, as one of its main objectives is to develop individuals who are civilized and cultured, capable of respecting differences and diversity. As the focus on human rights continues to grow, Islamic education plays a vital role in providing a foundation for human rights values that are consistent with Islamic principles. Education, in this context, has two dimensions: it is both a fundamental human right for every child and an effective means of fostering understanding and awareness of human rights. This concept is in line with the results of the study of Abu-Nimer and Nasser, namely: “*Education is one of the most effective ways of strengthening values of peace, tolerance, pluralism, dialogue and human rights, all of which foster coexistence.*”<sup>101</sup>

Education is a critical human activity that significantly influences various aspects of life, making its existence indispensable. The state has a responsibility to provide education to all its citizens. To effectively promote human rights on a broad scale, it is essential to implement human rights education throughout society. Human rights education within Islamic education is derived from the Qur'an and Sunnah, which emphasize the ideals of human rights. The successful implementation of human rights education requires collaboration between governments, human rights authorities, Islamic organizations, communities, and families. Islamic education plays a vital role in imparting knowledge, understanding, and awareness of human rights. In the context of Islamic education, human rights education is a continuous and systematic process that aims to develop both knowledge and attitudes regarding human rights. This education should begin early,<sup>102</sup> Starting from elementary school and even preschool, with early education in the family also playing a crucial role.

In Islamic thought, human rights are closely tied to the theological affirmation of human dignity as a creation of God. As such, every individual not only possesses inherent rights but also carries the moral responsibility to respect the rights of others. Human rights education plays a crucial role in raising awareness and cultivating the ability to understand one's own rights while promoting respect for the rights of others. This process helps cultivate democratic values such as responsibility, freedom, equality, and mutual respect. Research by Rohman et al. highlights the significance of integrating Islamic social values—such as justice, equality, brotherhood, and social care—into the education system, aiming to shape a young generation with strong faith and social ethics.<sup>103</sup>

This perspective aligns with Fatin Hamamah's research, which highlights the necessity of legal policies rooted in Islamic values. The research emphasizes the importance of incorporating values such as humanity, justice, and social responsibility, as well as the need

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<sup>101</sup> Abu-Nimer and Nasser, “Building Peace Education in the Islamic Educational Context.”

<sup>102</sup> Sinta Galih Pertiwi and Yayuk Hidayah, “Implementasi Pendidikan Hak Asasi Manusia dalam Dunia Pendidikan Sekolah Dasar,” *Jurnal Kewarganegaraan* 5, no. 2 (2021): 376–80, <https://doi.org/10.31316/jk.v5i2.1717>.

<sup>103</sup> Rohman, Arisanti, and Mansur, “The Role of Social Values of Islamic Education in Shaping the Religious Character of Adolescents.”

to respect and uphold the principles of justice while fostering a legal culture that aligns with religious teachings.<sup>104</sup> The internalization of human rights values within Islamic education requires a structured, continuous process. This can be achieved through an integrated framework that combines intracurricular content, extracurricular activities, and school culture. Human rights principles can be taught within subjects such as Islamic studies, civics, and ethics, using participatory and dialogical pedagogies. Ultimately, Islamic education aims to cultivate individuals with tolerant, inclusive, and democratic traits, aligned with Islamic teachings that emphasize justice and dignity.

However, challenges remain in implementing human rights education within Islamic contexts, including uneven public awareness, conservative interpretations, limited teacher capacity, and weak institutional support. Overcoming these challenges requires strong policy support, teacher development, curriculum reform, and cooperation among various stakeholders, including the state, human rights institutions, Islamic organizations, and families. Education, therefore, serves as both a fundamental human right and a powerful tool for fostering human rights awareness, starting from early childhood and reinforced throughout formal education.

## **Conclusion**

This study provides a thorough analysis of human rights from the perspective of Islamic law and education, underscoring their critical role in fostering a just society. Human rights are inherent, divinely bestowed, and serve as the foundation for human dignity and freedom. While essential for societal and national progress, there exists a gap between the ideal principles of human rights and their actual implementation. Islamic teachings emphasize the importance of respecting and safeguarding human rights within the framework of the rule of law. However, the realization of these rights requires a comprehensive approach, particularly through Islamic law and education. The study illustrates that Islamic law, viewed through a theo-anthropocentric lens, integrates divine guidance with human dignity, achieving a balance between justice and compassion.

In Islamic law, human rights are derived from the principles of *Maqashid ash-Shari'ah*, which include the protection of religion, life, honor, intellect, lineage, and property. Islamic education plays a pivotal role in raising awareness of human rights by instilling these values in students. By internalizing these principles, students come to recognize human rights as universal entitlements, developing into responsible citizens who respect both Islamic teachings and broader legal frameworks. This highlights the importance of early education in shaping individuals who uphold justice, equality, and respect for diversity.

The theoretical contribution of this study lies in offering a theocentric interpretation of human rights within Islamic law, merging divine principles with human-centered justice. By incorporating *Maqashid ash-Shari'ah* into the human rights discourse, this research bridges religious teachings with contemporary human rights frameworks. However, the study has limitations, primarily its theoretical nature, lacking empirical data on the practical application of Islamic education. Future research should address the practical challenges of implementing human rights education in Islamic schools, particularly where traditional interpretations of Islamic law conflict with international human rights standards. Further studies could also explore the role of families, communities, and religious leaders in advancing human rights awareness.

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<sup>104</sup> Hamamah, "Islamic Education and the Principles of Social Justice: Implications for Government Responsibilities in Providing Compensation and Restitution."

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