



CAN WE RECONCILE THE UNIVERSAL HUMAN RIGHTS WITH ISLAM

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Abstrak

The Universal Human Rights is one of the most intrigued issues and often hotly being discussed around the globe. The issue seems never escape from media. This is not because the Human Rights is irrelevant to the human being, rather its value is essential. Several countries, for example, shift human rights discourses when drafting certain bill before passing it to citizens. The international agreement also, like UN Resolution, and other international laws, often taking the human rights value into account before exercising it. All of these facts highlighted that the Universal Human Rights is an important principle to be integrated within the global citizens.

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A. Introduction

The Universal Human Rights is one of the most intrigued issues and often hotly being discussed around the globe. The issue seems never escape from media. This is not because the Human Rights is irrelevant to the human being, rather its value is essential. Several countries, for example, shift human rights discourses when drafting certain bill before passing it to citizens. The international agreement also, like UN Resolution, and other international laws, often taking the human rights value into account before exercising it. All of these facts highlighted that the Universal Human Rights is an important principle to be integrated within the global citizens.

However, often countries, for example the United States, with a strong voice over the enforcement of the Human Rights, position

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themselves with Janus faced, meaning that sometimes they publicly against or even condemn human rights violations occurred in particular places, on the other hand, they act silently on such infringements committed by their political friends, or even sometimes they become violators of Human Rights themselves. The United States attack on Iraq in 2001 which violated the UN's Resolution (Weisburd, 2004), and Trumps official decision to controversially move the embassy to Jerusalem resulted a number Palestinians killed during the protest are few examples of this. Thus, for those who skeptical, the aforementioned cases indicate that Human rights are seemingly no more than a powerful political tool used by developed countries to promote their agenda.

Furthermore, in the Middle East as well as Muslim majority countries, many Muslims perceive that Human Rights is an exclusive product derived from western thought particularly the UDHR (Universal Declaration of Human Rights) to promote western value (Bielefeldt, 2000). Thus it is not applicable to them. Conversely, western countries claimed that most Muslim majority countries are excusing to not implementing the Universal Human Rights principle to justify their domestic faith-based regulation. While the UN also could not act much to address the issues, considering that UDHR is 'merely' an International agreement in which it is a non-binding treaty. Therefore nobody can force it.

Despite all of the debates raised over between the Universal Human Rights and the Islamic tradition, I argue that both can be cooperated, if not conciliate, to the certain extent, thus the conflict between both would be minimized as well as both values can be integrated peacefully to the global citizens mainly Muslims. Moreover,

some fundamental philosophical differences between the Universal Human Rights and Islamic philosophical foundation will be highlighted in this essay.

B. The Fundamental Differences between the Universal Human Rights and Islam

In developing countries, efforts to expand the Universal Human Rights ideas are often challenged (Siddiqui, 1997). One of the obstacles comes from the view that the concept of human rights is made by the West, with connotations as a continuation of colonialism, imperialism, and liberalism. Meaning that the human rights concepts creating by the West are considered to be affiliated to secularism, if not all atheism (Hinchcliffe, 2000).

It is all started from the Magna Charta in England in 1252, as there was an effort to strip the kingdom authoritarianism from human equality and freedom (Champion, 2015), until it finally formed the Universal Declaration of Human Rights (UDHR) on December 10, 1948, in Paris, France. The Declaration was signed by 48 countries from 58 UN member states and approved by the UN General Assembly. The formulation is comprised main ideas to respect for the universality of Humanity in which there is no place for discriminatory and impartial rights in humanity. This idea has taken a very long process, and there has been mutual consent that the concept should be applied by every country, with the aim of ensuring it in a Constitution.

However, the process to exercise the Universal Human Rights is not going smooth. This is because for Muslim, apparently, the Universal Human rights is no more than a 'Western Human Rights,' as it is created

based on western value focusing on the individuality (Bielefeldt, 2000). As a result, not only is its principle contradict to the Islamic value which concerning on the collectivity (Siddiqui, 1997), but also it is a human-made product, unlike Islam which its primary sources are based on God's revelation. Therefore, for most Muslims, if not all, Islam is a better 'way of life' than the Universal Human Rights, thus Islam must be prioritized over the Universal Human Rights.

There are fundamental differences hindering the Universal Human Rights and Islam (Chase, 2000). Thus it is a difficult task, if not impossible, to conciliate between both. In Islam, the Human Rights value is based on collectivity and human activities (Siddiqui, 1997), which as God's servant on Earth, human must be responsible for whatever they do on Earth's surface. While the Western believes that the patterns of behaviour are determined only by the state of laws or by particular authorities to bring order and peace within universality and individuality framework. By this anthropocentric view in which human's activity is a measurement of the phenomenon, the human could determine the bad and the good. Therefore, as the only source of the idea, human are able to determine on how they are going to live their life.

Based on this framework, the central values of Western culture such as democracy, social institutions and economic welfare as a tool supporting and upholding the Universal Human Rights are established in order respect the very existence of human beings (Bielefeldt, 2000). In the Universal Human Rights, human are put in a setting in which the direct relationship with God is not taken into account. Human rights are natural

gifts, not a gift from God, which every human obtains since the day of birth. Thus it cannot be taken or revoked.

On the other hand, Islam where a theocentric view is the basis platform, it is the God, as a Creator all of the creations, who predominantly determine the bad and the good which articulated through the Qur'an and Hadith (Shedinger, 2008). In Islam, all of the prohibitions and the commands come from these primary sources. The Qur'an and the Hadith are the measurements of the quality of human activities. Furthermore, all of humanitarian values, in the Islamic tradition, are considered to be a gift from the God, and therefore every individual must be liable upon the God on how they utilize the gift. Every aspects of the human life (e.g. Politics, Social, Economics, Cultures, Marriage, etc.) has been decreed through the Quran and the Hadith, including Human rights particularly on how human run its enforcement (Ahmari-Moghaddam, 2012).

In terms of Human Rights, Islam has a doctrine called *amar ma'ruf nahi munkar* (promoting the good, resisting the bad). Islam also teaches three stages on how to deal with violations; by hand through power's government with all of their equipment (e.g. regulations, judges, police officers, and etc.); by mouth through the scholars (advices, sermons, lecturing, and so on); and by heart, it is to fill the heart with hatred upon the violation while praying for the perpetrator to come back to the right path. Therefore, to overcome the occurrence of human rights violations, not only Islam is doing repressive measures, but also it is emphasizing on preventive measures.

C. How to Reconcile Between Universal Human Rights and Islam

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As a religion, Islam plays a huge role in human life. Likewise other religions in the world, Islam also has an ultimate message, which is to spread peace, and that it exercised through three basic elements namely, faith (*aqidah*), worship (*ibadah*), and social activities (*mu'amalah*).

However, Muslims (Islam's believer) sometimes do utilize the teaching mistakenly, meaning that, on the one hand, sometimes Muslims do teach loving-kindness to the Creator and its creation. In this sense, religion can be a blessing to all entities when morality and love become the heart of religious life. On the other hand, sometimes they wrongly use Islam to justify and encourage its followers to commit violence, promote egoism, display hypocritical faces and spread hatred against other religions. As a result, Islam is perceived as a nightmare and become problematic for the very existence of human beings (Mayer, 2009). In that sense, it is undeniably that Islam is being questioned as a religion of peace, since it seems to encourage destruction and harm. These are the main reasons on why many people are against Islam and at the same time they also accused Islam as a religion of violence which, I argue that this is inaccurate to put the blame on Islam rather than Muslims who wrongly use Islam to justify their evil act. This is plausible reason on why it is difficult to reconcile between the Universal Human Rights and Islam.

Normatively, the UDHR was promulgated by the United Nations in 1948 is destined to all nations as a standard of rights regardless of tribes, religions, cultures, and nationalities. However, this view is rejected by some Muslims. The declaration of human rights is not a universal declaration because every society, including Islam, has its own culture and traditions over human rights. Islam also has the concept of freedom,

justice, equality that forms the basic framework of human rights where all of those concepts are derived from the very sources of Islam, the Qur'an, and the Hadith.

Nevertheless, there are verses within the Qur'an and the Hadith, which are open for human interpretation in various approach (Saeed, 2006). Since human's life is dynamic, always changing from time to time, the two Islamic sources are also equipped by 'unfixed' verses to answer the ongoing challenge, thus the Qur'an and the Hadith will remain applicable regardless place and time. Two great Islamic scholars, Professor Tariq Ramadhan, a lecturer in Oxford University, and Sheikh Hamza Yusuf, one of the proponents of Islamic classical tradition scholar in the US, is the example on how both endeavour to reconcile Islam and the Universal Human Rights by encouraging discussions among scholars to re-interpreting the Quran and the Hadith, in hope that the Islamic value might be always integrated within global society especially Muslims.

In the Quran and the Hadith, while the faith (*Aqidah*) and the worship (*Ibadah*), are predominantly derived from fixed verses (*Qat'i*), which is uncompromised and thus they are not able to be disputed, the *Muamalah* is predominantly constituted with the compromised verses (*Zhanni*), so that it can be interpreted. Therefore the interpreted verses are open for discussions. There are a number of interpreted verses in the Quran and the Hadith open for interpretations (Saeed, 2006). In that sense, I argue that here is the chance where the Universal Human Rights could be compromised with Islam by having comprehensive talk concerning on how to answer the global issue as well as the future challenges within the global society.

To achieve this, the cooperation and dialogue between Islamic and the UDHR scholars are very much encouraged, particularly on how to uphold the universal human rights without contradicting the Islamic value and that should be done transparently within the specific framework. Although, it consumes time for both scholars to obtain a comprehensive understanding over sharia and the universal human rights, I argue, apparently, this is the most viable way to conciliate between Islam and the universal human rights. Within this framework, I believe that the conciliation will be very likely to be achieved and the global peace would be established.

D. Conclusion

It is inevitable that the system of Human Rights values between the West and Islam are two different concepts, as they depart from different philosophical foundations (Bielefeldt, 2000). In Islam, God occupies a central position (theocentric). While in the West, a human who holds a central position (anthropocentric). While Western human rights are made by human reason, Islamic teachings are decreed by the God.

However, both have mutual purpose. That is 'to promote peace' in which has been recognized as a fundamental value in Islam as well as in the Universal Human Rights. Therefore, the discussions on similarities will be very likely to compromise both rather than focusing on its differences. This goal can only be achieved through scholars whom fully understand Islam, through its primary sources the Quran and the Hadith, and the universal Human Rights. Therefore the idea of human rights

principles could be fully exercised as well as accepted to global citizens particularly Muslims.

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