
Human Rights in the Perspective of the Compilation of Islamic Law

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Abstract:

The aim of this research is to understand human rights from the perspective of a compilation of Islamic law. The compilation of Islamic law views that human rights are rights inherent in the human soul which are independent and cannot be taken away. The existence of huquq al-ibad is an implementation of human rights so that human life can be happy. The presence of a compilation of Islamic law on human rights is a principle that must be developed in marriage cases as a right that must be fulfilled. The articles contained in the compilation of Islamic law certainly indicate the existence of rights that must be fulfilled in order to fulfill human needs.

Keywords: Human Rights, Perspective, Compilation, Law, Islam

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PENDAHULUAN

It has become common knowledge that in Islam humans have what is called a double obligation that must be fulfilled: first, those related to themselves, which are called huquq to Allah or God's rights. Second, which is related to the external world which is called Huquq al-ibad. The latter are also referred to as the rights of society in the external world of creation. Huquq al-lbád seems to continue to flow from the obligations that must be fulfilled by someone who believes in God. In so far as it not only recognizes him as its creator and giver of the law, but also recognizes him as the creator of all nature.

Islam has provided an ideal regulation of human rights to mankind fourteen centuries ago. These rights are intended to grant humans human rights and eliminate exploitation,

oppression and injustice. Human rights in Islam originate from the belief that Allah is the giver of law and justice. Human rights in Islam originate from all human rights. (Alwi Shihab, 1999)

To guarantee the protection of these rights, in 1948 the PBB issued an important document called The Universal Declaration of Human Rights. This declaration was accepted in principle by almost all members of the United Nations. However, the world consensus regarding the meaning that the basic nature, definition and scope of human rights in question has been completely agreed upon, there are still several basic issues related to human rights that are waiting for explanations such as clarity regarding the nature of human rights. This declaration is not a human right. this human. (Cik Hasan Bisri, 1996)

Complications of Islamic Law as one of the many great works of Indonesian Muslims in order to give a more positive meaning to their diverse lives in the context of the revival of Indonesian Muslims. Indirectly, he also reflects on this success, so that by reading the work, he will be able to provide an assessment of the level of ability of Muslims in the process of law formation. "Moreover, paying attention to one of the Presidential Instructions, that the Complications of Islamic Law are guidelines for resolving problems in this area (marriage, inheritance and endowments), which in this case is one of the demands, guidelines that must be used by religious courts and community members in resolve their dispute. (Adnan Buyung Nasution, 1996)

Based on the description that has been put forward, Islam is a religion that respects the dignity and position of humans and even upholds their rights, so that humans can feel these rights, so that they can get a sense of justice for themselves and this demand is always desired so that it can be realized. The existence of the Compilation of Islamic Law is a concrete manifestation that must be recognized as a guideline that must be adhered to by the Religious Courts, so that judges can provide a sense of justice to those requesting the law.

METHODOLOGY

This research is qualitative research by describing human rights from the perspective of a compilation of Islamic law. The data found was analyzed using a normative juridical approach with an Islamic legal approach with the aim of finding a link between the compilation of Islamic law and human rights, especially in marriage events. The data sources used as references are primary and secondary data. The primary data is the rules in marriage that are directly related to their human rights. Meanwhile, secondary data is references related to the study of Islamic law compilations in relation to human rights. The data found is documented so that it can be accounted for, making it easier to draw conclusions.

PEMBAHASAN

1. Epistemology of Human Rights

Human rights are demands that are morally justifiable, so that all humans can enjoy and exercise their basic freedoms, property and humanitarian services. Human rights are rights inherent in humans, it is impossible to live as humans. Human rights are defined as legal ownership, basic rights and are owned by every individual from birth into the world, taking into account differences in race, ethnicity and nationality because these rights are human, so anyone who tries to take them away will be subject to moral sanctions as an anti-human act.

A conception of rights actually also assumes the existence of a concept of obligation. Because every person has legal and basic rights, claiming and recognizing the existence of rights implies that other people are obliged to recognize the existence of other people's rights. In Islam, the rights and obligations of prohibitions and commands are all religious in nature. At first glance it appears that reciprocal relations must be strict because the revealed law applies to all situations. (A. Marcel Boisard, 1980)

The definition of rights is a value that a person wants to protect himself, so that he can maintain and improve his life and develop his life and develop his personality. A person's right to do something implies the obligation of other people and society not to hinder what that person wants to do, even in certain circumstances providing positive assistance in doing that thing. In a group, the obligations of other members are either individually or collectively.

According to the Universal Declaration of Human Rights, human rights are more anthropocentric, that is, they focus only on humans themselves. Universality of Human Rights as a concept that is in line with the tendencies and instincts of humans everywhere who need the protection and actualization of their human rights. Human rights are a formulation of various basic rights inherent in every human being. Differences in cultural and historical backgrounds between each nation do not mean there are differences in human rights themselves. Because the culture of a society, the individuals in that society, need protection for their rights. These human rights do not become universal when these rights are not in line with human tendencies and instincts as Human Beings in existing society. (Busthanul Arifin, 1997)

If we return to the teachings of the Koran, Islam contains many human rights principles. The history of the emergence of Islam as a religion revealed to Arab society where human rights were completely trampled on. Islam places humans in an equal position with other humans, only the faith in question differentiates them from others. This can be seen in the Koran. Human existence has dignity and position, this must be respected and cannot be trampled

on, and that is also a human right that every human being has. Whether people come from different groups, tribes and races, they are all equal before Allah SWT. the only difference is the level of piety.

In essence, human rights consist of the two most fundamental basic rights, namely the right to equality and the right to freedom. From these two basic rights other human rights are born or without these two basic human rights other human rights or without these two basic human rights other human rights will be difficult to uphold. And human rights are things that are given directly by God the Almighty Creator (things that are natural. (Komaruddin Hidayat, 1998)

2. Human Rights Perspective of the Compilation of Islamic Law

A compilation is a product in the form of written work by other people that is arranged in an orderly manner. Thus, the Compilation of Islamic Law is a collection of Islamic legal provisions consisting of 3 books, each of which is book 1 about marriage, book 2 about inheritance and book 3 about endowments. The division in these 3 books is only a simple grouping of the legal fields discussed, namely the field of waqf law. Within its systematic framework, each book is divided into several chapters and then for certain chapters it is also divided into several sections which are further detailed in the chapters. (Baharuddin Lopa, 1996)

In relation to elements of justice, the Compilation of Islamic Law is used as a guideline in resolving cases in the religious environment. This was motivated by the preparation of the Compilation of Islamic Law to fill substantial legal gaps which were used as a reference in resolving the cases submitted. Of course, this is parallel to absolute power as regulated in Chapter III (articles 49 to 53) of Law no. 7 of 1989. (Abdurrahman, 1992)

The articles contained in the Compilation of Islamic Law can accommodate the wishes of the community by reflecting the existence of humanitarian norms. In other words, the compilation of Islamic law indicates the existence of human rights. As in Article 79 of the compilation of Islamic law, the marriage law states that the rights and position of the wife are balanced with the rights and position of the husband in domestic life and social interactions with society. And article 80 states that husbands are obliged to provide opportunities to learn knowledge that is useful and useful for religion and the nation.

If you pay attention to these two articles, it cannot be denied that they contain human rights values. In this case, the position of the wife is the same as the position of the husband. The wife also has the right to receive an education, whereas in the past the position of women was always at a lower level, so that their rights were always limited, even if necessary, these rights were no longer available. Which causes discrimination between husband and wife, so with this compilation we can equalize the rights between husband and wife in domestic life.

For further clarity, you should pay attention to the QS Baqarah, verse 228, which guarantees the wife's rights in line with her obligations. It is certain that Allah established this provision with the intention that husbands are not free to treat their wives unreasonably, the provisions of QS Al Baqarah, verse 228. The statement states that "women have equal rights with their husbands. Obligations in a ma'ruf manner means that the balance between rights and obligations here is aimed at positive things, not negative ones. (Harun Nasution and Bahktiar Effendi, 1987)

In general, marriage law and the articles contained in the Compilation of Islamic Law reflect human rights values. Because basically getting married and starting a family is a right for every individual and the right to enjoy it. This can be seen in the universal declaration of human rights which was issued at the United Nations. What is explained in article 16 paragraph 1 which states that men and women who are adults, without restrictions based on differences in race, nationality and religion, have the right to marry and establish a household, they have the same rights in marriage as long as the marriage is still in progress and at the time of divorce. .

SIMPULAN

Human rights are basically rights that every person has and other people must respect these rights and cannot take them away, let alone step on them, because human rights are a form of individual freedom, as long as they are within the outlined path. Everyone has the right to human rights, regardless of ethnicity, race and religion. Differences in the cultural and historical backgrounds of each nation do not mean that there are differences in human rights, especially since religion highly upholds human existence without discriminating against others, the only difference is the level of one's piety.

The compilation of Islamic law is very much in line with human rights values. The articles contained therein accommodate the wishes of Muslims, this means that the Compilation of Islamic law can be used as a guide, and especially for religious courts, so that it can provide a sense of justice because the form of justice itself is part of human rights.

IMPLICATIONS

The Koran is a guide and guidance for human life. It contains verses that talk about humanity, and there are even quite a few verses that talk about the glory and position of humans. The discussion about human rights is an issue that gets the main attention and concerns the existence of humans living on the surface of this earth. Therefore, with the existence of human rights, a person always gets humane treatment.

It cannot be separated from the study of the complications of Islamic law, especially for religious courts and related agencies so that the Compilation of Islamic Law can be used as a guide, in resolving a problem faced, so that it can issue decisions that are humane and far from acts of discrimination that can be detrimental. society so that a person's rights are neglected, which leads to human rights violations.

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