

The Challenges to Build the Culture of Human Rights in Islam

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Abstract:

The Muslims world has a problem of accepting Human Rights in Islam, even the Islamic one. The skeptical attitude toward Human Rights in Islam are our awareness, knowledge and implementation in our life. There are many violations of Human Rights, which remain spread in all over the world until now. There are violations of Human Rights in all the countries in this universe. It is not possible to find a country, which free from this violation. It is very terrible, such as the professional killing and systematic murder. It will cause to grow the culture of dead. This culture does not respect on the human life.

In front of the violations of human rights, all the people must respect the value of human person. With this reason, the promotion and protection of human rights for justice must be a priority program to build the culture of human rights in our country. The promotion and protection of human rights are considered as an obligation to promote, to protect and to observe the human value, which is the dignity of human person to create the real culture of human rights.

In these situations we have obligations to build the culture of human rights in Islam. We must promote and to protect the value of human persons and their fundamental rights in Islamic perspectives. In the Islamic teachings, the human rights, justice and peace are inherent rights in our dignity as human person.

Islam is the unique religion in this world, which has the official teaching of human rights. Beside the Qur'an and Hadits, since the prophet Muhammad, with the Declaration of Medina, Hudaibiyah Treaty, the Universal Declaration of Human Rights in Islam (of 1981), until the Cairo Declaration on Human Rights in Islam (of 1991), Islam always promote the human rights and would like to build the culture of human rights in all over the world. The culture of Human Rights can be built, if the culture of life has been respected, and the people, especially the organ of the government takes care and respect to Human Rights and promote them as well as possible. So the human life will grows to the directions of the welfare for the people and more civilized. If the people develop the culture of Human Rights, the human civilizations will grow for respect them. We have task to develop the culture of Human Rights.

Key Word: Human Rights, Human Rights in Islam, Culture of Human Rights, Culture of Dead.

1. Human Rights are compatible with Islam?

In this presentation, we would like to discuss on what are the challenges to build the culture of Human Rights in Islam. Islam as a universal society has special declarations on human rights. But all Muslims have not yet recognized these official documents. So we

can begin our discussion with a principle questions: Human Rights are compatible or not Compatible with Islam?

To responds this question, we must trace, how and what the reactions of Muslims about the Human Rights. On the discussion of Human Rights among the Muslims, we can see the reactions in three groups: a). Human Rights are incompatible with Islam; b) Human Rights are compatible with Islam., and c). Neutral or Indifferent Opinion.

The first opinion states that the Human Rights are incompatible with Islam. The Muslims must against to the Human Rights. Islam is the supreme and perfect religion, and the Human Rights do not derive from the revelation and spirit of Islam, but come from the Christian and western civilization. The consequences, we must refuse the Human Rights, which always obstacle the Islamic spirit and civilization. The other opinion is contrary with the first statement, the Human Rights are compatible with Islam. It is because all the human rights base on the natural law, compatible with the Holy Books and have rooted on the Islamic culture and civilizations. The real source of Human Rights is the Qur'an and the Hadists. We must accept totally the Human Rights. And the third opinion is neutral or Indifferent judgement on Human Rights in the relations with Islam. This Neutral or Indifferent Opinion affirms that Human Rights are not important and not disturb for their life. The existence of Human Rights can not change their attitude and the society.

The opinion and also the attitude of many Muslims do not so spontaneously to accept Human Rights as integral part of the Islamic religion. We speak on Human Rights and Islam. If we speak on this subject (:Human Rights and Islam), it seems that Human Rights come from out side of the Islamic system. We must think more advance to speak on Human Rights in Islam.

Until now there are three important documents on Human Rights in Islam: First, The *Medina Declaration*, from the early of Islamic religion, created by the Prophet of Mohammed in accordance with the society of Medina. This document contains the rights of every persons and gives the fundamental rights and freedom for the people to live in harmony and peaceful.

Second, The *Universal Islamic Declaration on Human Rights*, proclaimed by the Islamic Council in Europe, and it was declared in a meeting held at UNESCO headquarters in Paris on September 19, 1981. There are twenty three articles on Human Rights in Islam, which have source come from the Holy Book (Qur'an) and immaculate Sunna (Hadits). These rights are the Right to Life, the Right to Freedom, the Right to Equality and Prohibition Against Impermissible Discrimination, the Right to Justice, the Right to Fair Trial, the Right to Protection Against Abuse of Power, the Right to Protection Against Torture, the Right to Protection of Honour and Reputation, the Right to Asylum, the Rights of Minorities, the Right and Obligation to Participate in the Conduct and Management of Public Affairs, the Right to Freedom of Belief, Thought and Speech, the Right to Freedom of Religion, the Right to Free Association, the right to ownership, the rights and duties of worker, the right of individual to self-sufficiency, the Right to Protection of Property, the Status and Dignity of Workers, the Right to Social Security, the Right to Found a Family and Related Matters, the Rights of Married

Women, the Right to Education, the Right of Privacy, the Right to Freedom of Movement and Residence¹.

Third, The *Cairo Declaration on Human Rights*, adopted by the Islamic Conference of Foreign Ministers of the Islamic Countries Conferences (1991)². This documents is very important, and the Muslims must accept it as a guide of their social life.

With these three documents and also we can add the Hudaibiyah Treaty, all Muslims in this world must be grateful; it is because just only Religion of Islam has official documents on Human Rights. The other religions have not official documents of Human Rights as a social principle doctrine. The urgent question is why the Muslims speak on Human Rights and Islam? The best idea must profound the subject on Human Rights in Islam. This is an obligation for all Muslims, must take part actively to promote the Human Rights in Islam. Human Rights are integral part of Islamic system, or more exact terminology is that Human Rights in Islam must be a fundamental and basic of the total Islamic Teaching.

So we must begin to know exactly: What are the Human Rights in Islam? We must find out the Notion of Human Rights in Islam and the discuss this subject for our life. The Human Rights in Islam can be formulated as: The fundamental rights, created by God, inherent in human dignity, have characteristics universal, sacred, absolute, inviolable, inalienable, indivisible, interdependent, and must be protected and promoted especially by the Muslims in all over the world.

This notion and the meaning of Human Rights in Islam is clear and distinct. The consequence if we know well the notion of Human Rights in Islam, so the obligation of the Muslim scholars are to promote it to all over the world, and convince to all Muslims that Human Rights in Islam are integral part of the style of Islamic life. We must create the culture of Human Rights in Islam. Based on the 6 Considerans of the 10 s for promulgation the Cairo Declaration on Human Rights in Islam:

1. Aware of the place of mankind in Islam as vicegerent of Allah on Earth;
2. The Document on Human Rights in Islam that will serve as a guide for Member states in all aspects of life;
3. The Cairo Declaration on Human Rights in Islam that will serve as a general guidance for Member States in the Field of human rights.
4. The civilizing and historical role of the Islamic Ummah which Allah made as the best community and which gave humanity a universal and well-balanced civilization,
5. The efforts of mankind to assert human rights, to protect man from exploitation and persecution, and to affirm his freedom and right to a dignified life in accordance with the Islamic Shari'ah

¹ The complete text of this declaration in Arab, English and France published in *Islamocristiana* 9(1983), see also in *La Documentation Catholique* n. 1949, 3 avril 1983, p. 374-377, Ridwan Al-Sayyid, "Contemporary Muslim Thought and Human Rights", *Islamocristiana* 21 (1995), 27-41.

² Maurice Borrman, "Convergenze e divergenze tra la Dichiarazione universale dei diritti dell'uomo del 1948 e le recenti Dichiarazioni dei diritti dell'uomo nell'Islam", *Rivista Internazionale dei Diritti dell'uomo*, XII (1/1999), 44-60.

6. a. The fundamental rights and freedoms according to Islam are an integral part of the Islamic religion,
 - b. Safeguarding those fundamental rights and freedoms is an act of worship whereas the neglect or violation thereof is an abominable sin,
 - c. safeguarding of those fundamental rights and freedom is an individual responsibility of every person and a collective responsibility of the entire Ummah;
- we have task in our society to create the culture of human rights in Islam. This task is an expression and realization of our faith in Allah. It is because as Cairo Declaration affirms that “All human beings are Allah’s subjects” (1,b).

The problem is how we must create the culture of Human Rihghts in Islam,if there are many violations of them. The violations of Human Rights are real social historical fact in all over the world.

2. Violations of Human Rights as Social Historical Fact

The violations of Human Rights remain spread in all over the world until now. There are violations of Human Rights in all the countries in this universe. It is not possible to find a country, which free from this violation. It is very terrible, such as the professional killing, systematic murder, genocide, torture, other cruel and inhuman treatment, violence against women and children. It will cause to grow up the culture of dead. This culture does not respect on the human life. The professional killing, systematic murder and torture are real social fact, which are not distinct and justly resolved. These criminal actions will grow more terrible, if the official organs of the government provoke and take apart in this matter, do not want to obstacle and stop them, although they have power and are capable to do it.

If we observe the recent annual report on Human Rights made by the Amnesty International, the Human Rights Watch and the US Department of the State, there are many violations of Human Rights in all over the world. The human situation is really terrible. Up till now the violations of human rights grow up and more professional. There are many victims. The governments of many countries are not capable to protect and promote the human rights in their countries, although it is their task and they have power for resolve this problem. They should fulfill the rights of their people, but many people to be victims of the political action of their governments and other violence of the power in the society. The dignity of human person as if has not value in their life.

The situation of Human Rights in Asia³, for example is real terrible. On August 1997, Asian Human Rights Commission (AHRC) established The Asian Charter on Human Rights, this Charter was updated on 30 March, 1998. The governments of the Asian countries in that time have not yet decision to compose the Asean Charter of Human Rights, later published the Asean Charter on November 20, 2007. In background to the Charter, established by AHRC, we consider how the struggle of Asian people for fundamental freedom and human rights. They suffer, caused the violations of their rights.

³ Martino Sardi, “The Challenges for Protection and Promotion of Human Rights and Peace”, in Hilman Latief (ed.), *Rediscovering Peace: Religion, Culture and Politics in the Age of Crisis*, LP3M UMY, Yogyakarta, 2016, 74-78.

This Charter affirms that the Asian struggle for rights and freedoms has deep historical roots, in the fight against oppression in civil society and the political oppression of colonialism, and subsequently for the establishment or restoration of democracy. The reaffirmation of rights is necessary now more than ever before. Asia is passing through a period of rapid change, which affects social structures, political institutions and the economy. Traditional values are under threat from new forms of development and technologies as well as political authorities and economic organizations that manage these changes (1.1).

The leaders of the Asian governments always promote Asian Value and stress that it is more important than human rights. But what is Asian value, they did not declare and announce. In reality, the Asian value has no value when there are violations of fundamental freedom and human rights. Also the situation and development of this area makes dehumanity, as the charter said that in particular the marketization and globalization of economies are changing the balance between the private and the public, the state and the international community, and worsening the situation of the poor and the disadvantaged. These changes threaten many valued aspects of life, the result of the dehumanizing effect of technology, the material orientation of the market, and the destruction of the community. People have decreasing control over their lives and environment, and some communities do not have protection even against eviction from their traditional homes and grounds. There is a massive exploitation of workers, with wages that are frequently inadequate for even bare subsistence and low safety standards that put the lives of workers in constant danger (1.2). The situation of Asian people shows as a catastrophic mosaic. "Asians have in recent decades suffered from various forms of conflict and violence, arising from ultra-nationalism, perverted ideologies, ethnic differences, and fundamentalism of all religions. Violence emanates from both the state and sections of civil society. For large masses, there is little security of person, property or community. There is massive displacement of communities and there are an increasing number of refugees" (1.4).

We can observe the situation of Asia is very contradictive. The Asia as continent is very rich in natural resource, culture, race, religions, but this people suffers. The Asian Charter says: "Asian development is full of contradictions. There is massive and deepening poverty in the midst of growing affluence of some sections of the people. Levels of health, nutrition and education of large numbers of our people are appalling, denying the dignity of human life. At the same time valuable resources are wasted on armaments, Asia being the largest purchaser of arms. Our governments claim to be pursuing development directed at increasing levels of production and welfare but our natural resources are being depleted most irresponsibly and the environment is so degraded that the quality of life has worsened immeasurably, even for the better of among us. Building of golf courses has a higher priority than the care of the poor and the disadvantaged". (1.3)

Asia is never in peaceful situations. Also in Indonesia, there are more than 4.600 Churches and Mosques are burnt by the people in the name of God or religious mandate.

Unfortunately we can observe how the people in Asia, especially in Indonesia enter in the conflict situations, violate the human rights and fundamental freedom. Problem of majority and minority, prejudice, the characteristic religions, ect, always provoke the people do not support to live in harmony. The violations of human rights, is very terrible and uncountable again.

The violation of human rights spread not only in Asia, but also in all over the world, especially in Latin America and Africa. The violation of human rights in these two continents invite us to know more profound the meaning and value of human dignity. Human persons have value in their freedom and dignities as a human person. All human person have the same dignity, with differences in function and activity in their society.

In the *Millennium Declaration*⁴, firstly however – there are 1,350 representatives of over 1,000 non-governmental organizations (NGOs) and other civil society organizations from more than 100 countries - gathered in New York from 22-26 May 2000 stated that entering the third millennium, the fulfillment of human rights is threatened by numerous challenges. The increasing economic gaps and the unprecedented increase in poverty that are the result of the existing world economic order, constitute the greatest and most unjust violations of human rights: the misery and death of millions of innocent people every year. In the same document, they affirm: “We are witnessing some of the worst violations of human rights, including the use of food as a weapon, in the context of the armed conflicts and civil wars, which have been erupting with increasing frequency. Moreover, civilians are bearing the brunt of the deployment of weapons of mass and indiscriminate destruction in such conflicts. We are also witnessing a resurgence of racism, fascism, xenophobia, homophobia, hate-crimes, ethnocide and genocide, which impact most greatly on indigenous peoples and other disadvantaged or under-represented groups; the resurgence of patriarchy that threatens to erode the gains made by women; the persistence of the worst forms of child labor; the impunity enjoyed by perpetrators of massive and systematic violations of human rights; the on-going and deepening process of globalization which undermines internationally recognized human rights, labor rights and environmental standards; the continued insulation from human rights accountability of non-state actors, ranging from transnational corporations and international financial institutions to fundamentalist civil society organizations and criminal syndicates; an upsurge of violence, militarism and armed conflict; the increase and growth of authoritarian regimes; and the fact that human rights defenders continue to be highly vulnerable targets of repression in many areas of the globe”⁵.

⁴Cf. *We the Peoples Millennium Forum*: Declaration and Agenda for Action, Strengthening the United Nations for the 21st Century, have gathered at the United Nations (UN) Headquarters in New York from 22 – 26 May 2000 or *Millenium Declaration*, part D. about “Human Rights”. In This meeting there are 1,350 representatives of over 1,000 non-governmental organizations (NGOs) and other civil society organizations from more than 100 countries.

⁵ Idem

The violation of Human Rights is real terrible, the consequences are the protection and promotion of Human Rights as an obligation for all human being, especially the government and the institutions who promote the dignity of human persons.

3. The Islamic Obligations to Create the Culture of Human Rights

In front of the violations of human rights, all the people must respect the value of human person. With this reason, the promotion and protection of human rights for justice must be a priority program to build the culture of human rights in our country. The promotion and protection of human rights are considered as an obligation to promote, to protect and to observe the human value, which is the dignity of human person to create the real culture of human rights.

In these situations we have obligations to build the culture of human rights in Islam. We must promote and to protect the value of human persons and their fundamental rights in Islamic perspectives. In the Islamic teachings, the human rights, justice and peace are inherent rights in our dignity as human person.

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The culture of Human Rights can be built, if the culture of life has been respected, and the people, especially the organ of the government takes care and respect to Human Rights and promote them as well as possible. So the human life will grows to the directions of the welfare for the people and more civilized. If the people develop the culture of Human Rights, the human civilizations will grow for respect them. We have task to develop the culture of Human Rights.

4. The challenges of Islamic Public Acceptance

The challenges of Islamic Public Acceptance for Creating the Culture of Human Rights in Islam should not in the theory or concept, but in the praxis, when we observe our situation in Asia or specially in our country, Indonesia.

The promotion and protection of human rights are considered as an obligation to promote, to protect and to observe the human value, which is the dignity of human person. In this sense, the contribution of Human Rights in Islam must be clear. All Muslims in this world have obligation to promote the Human Rights in Islam; and now to create the culture of Human Rights in Islam. To create this culture, we must be capable to implements of Human Rights in Islam as stabilised, as guide of our life. Human Rights as

in Cairo Declaration are really Islamic official documents, that we must promote and to be acknowledge in all over the world.

These documents of Human Rights in Islam, such as Medina Declaration, Hudaibiyah Treaty, Universal Declarations of Human Rights in Islam (1981) and Cairo Declaration of Human Rights in Islam, must be fundamental instruments of Human Rights, which we must promote in all Islamic aspect of life. These documents are really basic Islamic teaching, and all Muslims must consider, know, understand and implement in our society. These Human Rights are integral and inseparable part of our life, which are capable to support all our society to follow and develop them.

So the challenges to create culture of Human Rights in Islam are first, the public acceptance of Islamic people, the second is the knowledge of our people to the human rights Instruments, and the third is implementation of Human Rights in Islam in our society. It is not easy, but we must capable to create it, because to promote the culture of human Rights in Islam is our obligation as an expression of our Islamic faith and also as manifestation of our faith in Allah.

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