

HUMAN RIGHTS IN AL QURAN

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AUTHOR DECLARATION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the work in this academic project is my own except for quotations and summaries which have been duly acknowledged.

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ABSTRAK

Hak asasi manusia merupakan isu yang tidak asing lagi diperdebatkan di pelbagai lapangan wacana pemikiran masyarakat. Hak asasi manusia adalah hak yang dipunyai oleh semua makhluk bergelar manusia. Walaubagaimanapun timbul persoalan adakah hak asasi manusia yang terpakai sekarang sudah cukup mencakupi keperluan hak-hak manusia seluruhnya. Oleh hal yang demikian penyelidikan ini dijalankan bagi memberi saranan bahawa hak asasi manusia di dalam Al Quran adalah melengkapkan keseluruhan keperluan hak-hak manusia. Selain itu cuba mengetengahkan betapa hak-hak asasi manusia yang direka oleh manusia terbatas kerana tidak berupaya melingkungi keseluruhan aspek kehidupan manusia. Al Quran yang diturunkan sebagai panduan dan petunjuk untuk manusia tentunya sudah cukup sempurna menyediakan keperluan dan tuntutan manusia. Lebih jelas lagi, Al Quran diwahyukan oleh Allah yang juga pencipta manusia justeru Dia mengetahui apa yang diperlukan oleh manusia. Oleh itu kajian ini dikendalikan untuk megenalpasti hak-hak asasi manusia di dalam Al Quran dan seterusnya mencadangkan supaya Al Quran sebagai rujukan teras dalam menggariskan hak asasi manusia bagi dilaksanakan pada semua susun lapis kehidupan bermula daripada individu, masyarakat dan negara.

ABSTRACT

Basic human right is not a weird issue in society today. It is deserved to human being regardless of their background. The subject matter of the research, are existed rights including all human need. The objective of this research to suggest Al-Qur'an as perfect reference of basic human rights and expounding limited human right settled by human being. Certainly, Al-Qur'an was revealed on them as the guider and fulfiller all human need. Allah is the creator who has revealed Al-Qur'an and he is all- known of creation. The research is made to explore human rights in Al-Qur'an subsequently propose it as master reference in providing human right applicable to all levels started from individual, society then country.

ملخص البحث

حقوق الإنسان الأساسية ليست بأمر غريبة على ألسنة الناس اليوم. الناس كلهم مستحقون بهذه الحقوق ولا تتقيد بقيود شخص معين. لقد قام التساؤل , هل هذه الحقوق تشتمل على جميع احتياج الناس أم لا ؟ قام الباحث بكتابة هذا البحث لاقتراح القرآن كمصدر الأساسي في تثبيت حقوق الانسان وإظهار الحقوق الانسانية المحدودة التي تستورد في قانون الوضعي . قد كان القرآن متزلا على الناس كافة ليكون به مجيب مطالب الانسان وقدوة لهم في الحياة. الله الذي أنزل القرآن وهو عالم بكل شئ ولا يخفي اليه امر من الامور الانسانية. وقرمت بهذا البحث معتمدا بأن القرآن الكريم مصدر اساسي لحقوق الانسان المطبقة لجميع مستويات الحياة فردية واجتماعية ودولية .

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ARABIC WORDS transliteration SYSTEM
transliteration TABLE

1. Vocal

<u>Arabic Vocal</u>	<u>Latin Vocal</u>	<u>Example</u>	<u>Transliteration</u>
ا	a	آية	ayāt
ب	b	بليغ	baligh
ت	t	تعذير	ta'zir
ج	j	جلد	jalada
خ	kh	خلوة	khalwat
د	d	دية	diyah
ر	r	رجم	rajm
ز	z	زنا	zina
ش	sh	شرع	syara'
ع	a	عامل	amil
ف	f	فقهاء	fuqaha
ق	q	قذف	qazf
ل	l	لعان	li'an
م	m	مكلف	mukallaf
ن	n	نسب	nasab
و	w	والي	wali

2. Short Vocal

<u>Arabic Vocal</u>	<u>Latin Vocal</u>	<u>Example</u>	<u>Transliteration</u>
-----	a	نسب	nasaba
-----	i	زنا	zina
-----	u	فقهاء	fuqaha

3. Long Vocal

<u>Arabic Vocal</u>	<u>Latin Vocal</u>	<u>Example</u>	<u>Transliteration</u>
ا	ā	آيات	āyat
ي	ī	حديث	hadīth

4. Diphthong

<u>Arabic Vocal</u>	<u>Latin Vocal</u>	<u>Example</u>	<u>Transliteration</u>
ي	iy	شرعي	syar'iy

ABBREVIATION

A.H	After hijrah
Art	Article
d	death
Dr	Doktor
<i>etc</i>	<i>et cetera</i> , and so on.
Hj.	Haji
Ibid,ibid	<i>ibidem</i> , in the same place
i.e	that is to say
MLJ	Malayan Law Journal
n.a	no author
n.d	no year
no	number
n.pl	no place
n.pb	no publisher
p	page
Prof	Professor
s	section (of a statute)
SAW	salla Allah alayh wa sallam
SWT	subhanahu wa ta ala
trans	translator/translated by
v	versus
vol.	volume

CHAPTER ONE

INTRODUCTION

1. DEFINITION OF HUMAN RIGHTS

According ABC, Teaching Human Rights, United Nations, was concludes Human Rights as “*Human rights could be generally defined as those rights which are inherent in our nature and without which we cannot live as human being*” (Lopa, 1996:1)

2. DEFINITION OF AL QUR’AN

Al Qur’an can be defining to two form of understanding; literal meaning and technical meaning:

Literal meaning

The word Qur’an is a verbal noun denoting ‘*reading*’ or ‘*recitation*’. In Arabic verbal nouns of this form express the “*repetition*” or “*too much quantity*” of the act. Thus the term Qur’an means “*too much reading and recitation*” (Ahmad Khan, 2000:23), also means ‘the recital’ or the proclamation (Abu-Hamdiyyah, 2000:34) Al Qur’an is “The Reading,” the Reading of the man who knew not how to read (Pickthall, 1930: xvi)

Technical meaning

The Book, either in full or part thereof, which was revealed to the last of all prophets, Muhammad (SAW) by Allah, is Al Qur’an (Ahmad Khan, 2000:23) and the whole Qur’an is the veritable Word of God (Deedat, 1999:5)

Besides the name derived from this two definitions, in Al Qur’an there is an attributes names that giving by Al Qur’an to refer to itself. These terms allude to various dimensions of the Book of Allah, its meaning, its purpose and its direction. They seek

to answer the question as to what the Book stands for. Several attributive names are listed below:

- Al Kitab: The Book that serves as the only source of divine-laws.

ذَلِكَ الْكِتَابُ لَا رَيْبَ فِيهِ هُدًى لِّلْمُتَّقِينَ

“*This is the Book....*” (Al-Qur’an. Al Baqarah 2:2)

- Huda: The repository of the guidance.

ذَلِكَ الْكِتَابُ لَا رَيْبَ فِيهِ هُدًى لِّلْمُتَّقِينَ

“*.....In it there is guidance for those who are God conscious*” (Al-Qur’an.

Al Baqarah 2:2)

- Al Nur: The light, which can enlighten the rugged paths of life.

الَّذِينَ يَتَّبِعُونَ الرَّسُولَ النَّبِيَّ الْأُمِّيَّ الَّذِي يَجِدُونَهُ مَكْتُوبًا عِنْدَهُمْ فِي التَّوْرَةِ وَالْإِنْجِيلِ
يَأْمُرُهُمْ بِالْمَعْرُوفِ وَيَنْهَاهُمْ عَنِ الْمُنْكَرِ وَيُحِلُّ لَهُمُ الطَّيِّبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ وَيَضَعُ
عَنْهُمْ إِصْرَهُمْ وَالْأَغْلَالَ الَّتِي كَانَتْ عَلَيْهِمْ فَالَّذِينَ آمَنُوا بِهِ وَعَزَّرُوهُ وَنَصَرُوهُ وَاتَّبَعُوا النُّورَ
الَّذِي أَنْزَلَ مَعَهُ أُولَئِكَ هُمُ الْمُفْلِحُونَ

“*.....so it is those who believe in Him, honor hi, help him and follow the light which is sent down with him*”. (Al-Qur’an. Al A’raf 7:157)

- Rahmah: Allah's mercy.

أَوْ تَقُولُوا لَوْ أَنَّا أُنزِلَ عَلَيْنَا الْكِتَابُ لَكُنَّا أَهْدَىٰ مِنْهُمْ فَقَدْ جَاءَكُمْ بَيِّنَةٌ مِّن رَّبِّكُمْ وَهُدًى
وَرَحْمَةً فَمَنْ أَظْلَمُ مِمَّن كَذَّبَ بِآيَاتِ اللَّهِ وَصَدَفَ عَنْهَا سَنَجْزِي الَّذِينَ يَصْدِفُونَ عَنْ
آيَاتِنَا سُوءَ الْعَذَابِ بِمَا كَانُوا يَصْدِفُونَ

"Now has come unto you a clear sign from your Lord- and guidance and a mercy....." (Al-Qur'an. Al An'am 6:157)

- Mau'izah: exhortation and preaching.

يَا أَيُّهَا النَّاسُ قَدْ جَاءَكُمْ مَوْعِظَةٌ مِّن رَّبِّكُمْ وَشِفَاءٌ لِّمَا فِي الصُّدُورِ وَهُدًى
وَرَحْمَةً لِّلْمُؤْمِنِينَ

"O mankind! There has come to you an exhortation from your Lord." (Al-Qur'an. Yunus 10:57)

- Al Dhikr: the reminder.

إِنَّا نَحْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحَافِظُونَ

"We have, without doubt, revealed the Reminder and we will assuredly guard it." (Al-Qur'an. Al Hijr 15:9)

- Majid: sanctified and honourable.

ق وَالْقُرْآنِ الْمَجِيدِ

".....By the Qur'an, the Glorious." (Al-Qur'an. Qaf 50:1)

بَلْ هُوَ قُرْآنٌ مَّجِيدٌ

“*Nay, this is a Glorious Qur’an.*” (Al-Qur’an. Al Buruj 85:21)

➤ Al Furqan: the criterion.

تَبَارَكَ الَّذِي نَزَّلَ الْفُرْقَانَ عَلَى عَبْدِهِ لِيَكُونَ لِلْعَالَمِينَ نَذِيرًا

“*Blessed is He who revealed the Criterion on His servant, so that it serves as admonition to all the worlds.*” (Al-Qur’an. Al Furqan 25:1)

➤ Tanzil: Revelation.

وَإِنَّهُ لَتَنْزِيلُ رَبِّ الْعَالَمِينَ

“*Verily, this is Revelation from the Lord of the worlds.*” (Al-Qur’an. Al Shu’ara 26:192)

➤ Shifa: The Cure.

وَ نُنزِّلُ مِنَ الْقُرْآنِ مَا هُوَ شِفَاءٌ وَرَحْمَةٌ لِّلْمُؤْمِنِينَ وَلَا يَزِيدُ الظَّالِمِينَ إِلَّا خَسَارًا

“*And we reveal stage by stage in the Qur’an that which is a cure and a mercy to those who believes.*” (Al-Qur’an. Al Isra’ 17:82)

Al Qur’an is the principal source of the Islamic Constitution that is the word of God revealed to the Prophet Muhammad. These revelations are compiled in the Qur’an which – and nobody disputes this- has come down to us word for word as it was conveyed by the Prophet (Murad, 1981: 9). Both the meaning and words of the Qur’an is God’s, as it clearly states in different ways in various places. It extensively uses the word sending down in preference to any other word to describe the process of revelation. The very first revelation was: ‘Read’. The Prophet always clearly indicated when he was using his own

words and when he was using words he had received. The Qur'an contains a complete code of life for the individual and society (Naik, 2001:6) The Qur'an's main emphasis is unquestionably on faith and the moral conduct of men and nations; but it does lay down, both explicitly and implicitly, though with brevity, the principles, broad outlines and necessary rules and regulations which are essential for the formation of the community of Islam.

3. HISTORICAL BACKGROUND

3.1 Human Rights

It appears that the Western political or constitutional history is invariably silent as to the contribution of Islam to human rights. The origin and development of human rights have been normally referred to the Roman and Greek civilisation, and in modern times, attributed to the English Magna Carta 1215 and Bill of Rights 1688, and the declarations of human rights in France 1789 and the United States of America 1766 which later culminated in promulgation of several international charters and conventions on human rights and fundamental freedom in the twentieth century (Musa, 1994:14-15). In Islam, a bill of human rights is not one which is originally composed by a committees of scholars or political leaders, resolved and promulgated by a government, a parliament or a representative assembly. Muslims believe in a bill of human rights which is eternal whose author is Allah (SWT). Theirs is a bill which was preached by all the prophets and which is crystallised in the Holy Qu'ran (Musa, 1989:50) at an international level, human rights were first set down in an authoritative form, in the Universal Declaration of Human Rights, by the General Assembly of the United Nations in 1948. This was followed by other regional declaration of Rights e.g. in Europe, America and Africa. Except for the Convention on Human Rights and Fundamental Freedoms, the other declarations and Protocols appear to be persuasive and are not legally enforceable (Musa, 1989:50).

3.2 Al-Qur'an

None of the previous heavenly Scriptures is now extant in its original form (Ahmad Khan, 2000:23). The Qur'an, being the last Book of Allah, encompasses the teachings of its predecessors. It could comfortably be assumed that the Qur'an represents all previous sources of true divine-principles for humanity. The first Qur'anic verses revealed at one night in the month of Ramadan the Prophet (SAW) who had reached the age of forty was in the cave at Mount *Hira* for his spiritual retreats in rumination and devotion to God. Some opinion said that it was brought to Prophet Muhammad one night in Ramadan, around the year 609, while he was meditating in cave on a barren rocky hill outside Mecca (Neal Robinson, 1999: 67). Gabriel appeared before him in the form of man and asked him to read but when he expressed his inability to do so, the angel took hold of him and pressed hard until it was unbearable. It happened three times. Every embrace of the Prophet (SAW) by the angel was followed by a release and the latter's asking the former to read, with the former answering: he was not able to read. Thereupon the angel taught him the first message:

اقْرَأْ بِاسْمِ رَبِّكَ الَّذِي خَلَقَ، خَلَقَ الْإِنْسَانَ مِنْ عَلَقٍ، اقْرَأْ وَرَبُّكَ الْأَكْرَمُ، الَّذِي عَلَّمَ بِالْقَلَمِ، عَلَّمَ الْإِنْسَانَ مَا لَمْ يَعْلَمْ

Proclaim! (Or Read!) In the name of thy Lord and Cherisher, Who created, Created man, out of a (mere) clot of congealed blood: Proclaim! And thy Lord is Most Bountiful, He Who taught (the use of) the Pen, Taught man that which he knew not. (Al-Qur'an. Al 'Alaq 96:1-5).

The Prophet (SAW) received the Qur'an not in one package but in stages is corroborated by both the Qur'an as well as history. At several places it has been reiterated that the Qur'an was sent down step by step. As an example:

وَقُرْآنًا فَرَقْنَاهُ لِتَقْرَأَهُ عَلَى النَّاسِ عَلَى مُكْثٍ وَنَزَّلْنَاهُ تَنْزِيلًا

(It is) a Qur'an which We have divided (into parts from time to time), In order that thou mightest recite it to men at intervals: We have revealed it by stages. (Al-Qur'an. Al Isra' 17:106)

وَنُنزِّلُ مِنَ الْقُرْآنِ مَا هُوَ شِفَاءٌ وَرَحْمَةٌ لِّلْمُؤْمِنِينَ وَلَا يَزِيدُ الظَّالِمِينَ إِلَّا خَسَارًا

We send down (stage by stage) in the Qur'an that which is a healing and a mercy to those who believe: to the unjust it causes nothing but loss after loss. (Al Isra' 17:82)

إِنَّا نَحْنُ نَزَّلْنَا عَلَيْكَ الْقُرْآنَ تَرْتِيلًا

It is We Who have sent down the Qur'an to thee by stages. (Al-Qur'an. Al Insan 76:23)

The opponents in Mecca raised a question as to why the Qur'an was bestowed upon the Prophet in single piece (Ahmad Khan, 2000:87), and the answer given was that the wisdom behind the revelation step by step was to strengthen the Prophet's heart

وَقَالَ الَّذِينَ كَفَرُوا لَوْلَا نُزِّلَ عَلَيْهِ الْقُرْآنُ جُمْلَةً وَاحِدَةً كَذَلِكَ لِنُثَبِّتَ بِهِ فُؤَادَكَ وَرَتَّلْنَاهُ

تَرْتِيلًا

Those who reject Faith say: "Why is not the Qur-an revealed to him all at once? Thus (is it revealed), that We may strengthen thy heart thereby, and We have rehearsed it to thee in slow, well-arranged stages, gradually. (Al-Qur'an. Al Furqan 25:32).

It is an established fact, and there is no controversy over it, that some of the *Ayat* and *Surahs* came down during thirteen years of The Prophet's Meccan period and some others in Medina over a period of ten years. The 114 *surahs* of the Qur'an are not arranged in chronological order. It is generally held that the earliest revelation is the first part of *Surah 96 (Surah Al 'Alaq)*. The final revelation is thought to be the third:

حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخِنْزِيرِ وَمَا أُهْلِيَ لغيرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ
وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبْعُ إِلَّا مَا ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصُبِ وَأَنْ تَسْتَقْسِمُوا
بِالْأَزْلَامِ ذَلِكَ فِسْقٌ الْيَوْمَ يَئِسَ الَّذِينَ كَفَرُوا مِنْ دِينِكُمْ فَلَا تَخْشَوْهُمْ وَاخْشَوْنِ الْيَوْمَ
أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمْ الْإِسْلَامَ دِينًا فَمَنِ اضْطُرَّ فِي
مَخْمَصَةٍ غَيْرِ مُتَجَانِفٍ لِإِثْمٍ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

Forbidden to you (for food) are: dead meat, blood, the flesh of swine, and that on which hath been invoked the name of other than Allah; that which hath been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; that which hath been (partly) eaten by a wild animal; unless ye are able to slaughter it (in due form); that which is sacrificed on stone (altars); (forbidden) also is the division (of meat) by raffling with arrows: that is impiety. This day have those who reject Faith given up all hope of your religion: yet fear them not but fear Me. This day have I perfected your religion for you, completed My favour upon you, and have chosen for you Islam as your religion. But if any is forced by hunger, with no inclination to transgression, Allah is indeed Oft-Forgiving, Most Merciful. (Al-Qur'an. Al-Maidah 5:3).

It is said that it was revealed in 632, in the course of sermon which the Prophet preached at *Arafat* while he was performing the pilgrimage for the last time (Neal Robinson, 1999).

Surah Al Fatihah was one of the early revelations. *Surah Al Baqarah* which is placed as the second *Surah* was revealed in its entirety after the Prophet's exodus to Medina. *Surah Al An'am* was received by the Prophet (SAW) towards the close of his Mecca period. *Surah Ali Imran* came down after the battle of *Uhud*, and *Al Anfal* after the first battle in the Islamic history. Probable as well as definite details about which portion of the Qur'an came down when, bears testimony to the Qur'an having been revealed bit by bit (Ahmad Khan, 2000:9). The Revelations came to Prophet Muhammad in fragments, from time to time. As soon as he received any, he used to communicate it to his companions and ask them not only to commit it to memory, but also to write it down. On each such occasion he indicated in a precise manner the place to which the Revelation belonged. Thus the complete Qur'an was committed to writing and also preserved in the hearts of hundred of persons in the life time of the Prophet (Us-Samad, 1997: 15). After the demise of the Prophet, *Abu Bakr*, the first Caliph, charged *Zaid ibn Thabit* with the task of preparing an authentic copy of the entire Text in the form of a book. The Companions of the Prophet had written the Revelations that had come to the Prophet on parchments or pieces of leather, *Zaid ibn Thabit* collected all these and, after comparing them with what the followers of the prophet had learnt by heart, compiled a copy, called *Mushaf* (bound leaves), about the genuineness or correctness of which there was absolutely no doubt. At the order of 'Uthman, the third Caliph, seven copies of the *Mushaf* edition of the Glorious Qur'an, again confined by the memory of those who had learnt it by heart (*hafiz*), were prepared and sent to the different centres of the vast Islamic world (Samad, 1997:45). From the time of the Prophet to our own time the practice of learning the whole of the Qur'an by heart has continued unbroken, and the number of *huffaz* can now be counted in the world by hundreds of thousands. The result is that no scholar, Eastern or Western, Muslim or non-Muslim, has ever cast any doubt on the purity of the text of the Glorious Qur'an.

CHAPTER TWO

THE CONCEPT OF HUMAN RIGHTS IN ISLAMIC

1. HUMANITY FROM ISLAMIC POINT OF VIEWS

Humanity, from Islamic point of view, is one creation. Human beings, however, can find fulfilment and purpose in their lives only in cultural, linguistic and racial units. The Qur'anic view of human society and history is one of harmony. Human societies must be aware of their common destiny. Al taklif is the basis of man's humanity, its meaning and content (al Faruqi, 1992: 62). Man's acceptance of its burden puts him on a higher level than the rest of creation, indeed, than the angels, for only he is capable of it. It constitutes his cosmic significance (al Faruqi, 1992: 62). The Qur'an rejects distrust, malice, selfishness and other negative characteristic that contribute to schism and conflict. The unity of humanity is not a theory, but an ideal to be realized. Ideal unity transcends all differences of wealth and status, race and colour, language or geography. This essential human unity must be one of faith and submission to the one and Only God, Creator of all things and Sovereign Lord over His creation (Hussain, 1996: 45). This is the universality of Islam at which at one time unified many societies across the barrier of race, language, culture and geography. Thus, we see that Islam is a complete religious, cultural, economic, social and political framework within which many communities of faith can grow. This is graphically in the Arabic word *Ummah* that derives from the word *umm* (mother); hence the members of the Islamic *Ummah* are children of one mother- the faith of Islam (Laming, 2002: 308) Muslim can grow, defend themselves and fulfil their mission on the stage of world history only as an *Ummah*, as the children of one mother

it is Islam. It is a historical that as long as Muslim live as one or even several large nations, they were able to prosper. Stagnation and decline have always been proportional to fragmentation and disharmony within the *ummah* of Islam. The Islamic *Ummah* is a community willed by Allah and constructed on the basis of revelation with the Prophetic life-example of the *Sunnah* as its human model. The first successors to the Prophet were conscious of their place as imperfect successors to a perfect Prophetic exemplar. They kept the book of Allah and the *Sunnah* of His Prophet before their subordinations to glory and from rejection of faith (*kufur*) to faith (*iman*). Muslim will succeed in this world and the next only when they heed the call of Allah. Islam is a faith of confession, affirmation and commitment. To testify the truth in Islam does not mean simply to witness its validity but to affirm it and commit one's life to it. The greatest truth of Allah's Oneness (*Tawhid*) is that of His justice (*qist*). Justice, therefore, both divine and human, becomes the foundation-stone as well as the touch-stone of Muslim history. The Muslim community has been charged by Allah in the Qur'an to be a community upholding justice, calling people to the good and providing in its own unity a living witness to Allah's Oneness (*Tawhid*). Obedience to Allah, to the Apostle and those in authority in the community is a clear and binding Qur'anic injunction. Here we see that obedience to Allah is paramount and not open to question (Laming, 2002:253). Obedience to Messenger is equally binding. Obedience to those who are in authority, however, is contingent on whatever they themselves obeyed Allah and His Apostle. What preserved the Muslim *ummah* and made it grow was not always the rules' commitment to justice, unity and the good. It was rather the mission and witness of the *Ummah* to Allah's oneness, justice and absolute Sovereignty. While each individual will be brought to answer before Allah for the life he

or she lived in this world, the Muslim *Ummah* will be judged as social entity acting in history. It will be asked whether or not it has fulfilled its role as a witness over mankind (Laming, 2002:263).

2. ISLAMIC CONCEPT OF RIGHTS

Islam enjoins upon all human beings to follow the guidance of the almighty throughout their life. The entire world is a mosque in which a man must do each and every act of his life for the sake of the Almighty alone. Here one may suspect probably, that man has no rights but only duties (Laming, 2002: 250). This concept of duties being rights of those towards whom they are due is provided in the Qur'anic verse:

وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ

“And in their wealth and possession (was remembered) the right of the (needy) who asked and him who was deprived”. (Al-Qur’an. Al-Zariyat 51:19)

The Holy Qur’an refers the duty of Muslims to provide basic necessities of the poor as a right of the poor. The Divine Guidance containing these Rights and obligations has been conveyed to humanity ever since the origin of Mankind in this world. The first man was himself of one of the Messengers of God and thus well acquainted with the Divine Guidance. Later on, whenever Mankind becomes oblivious of this Divine Guidance, Almighty Allah (SAW) sent prophets to remind them of the Divine Limits on their conduct. Prophet Muhammad (SAW) was sent to Mankind at the last of series of the prophets to convey and exemplify the Divine path of line in the final and perfect for all

times to come. It clearly means that according to Islamic point of view the concept of human rights was not the result of any evolution in human thought but the result of the Divine revelations which were conveyed through prophets from the very beginning existence of Mankind on this earth. The duties enjoined upon mankind under the divine Guidance have been broadly divided into two categories there is *Huququllah* and *Huququ-l-Ibad* (Laming, 2002:298-299)

The *Huququllah* are the obligations due to almighty and include various rituals of worship. The *Huququ-l-Ibad* are the duties due to other creatures of the almighty both the categories of rights, are originally vested in Allah. Man is accountable for both these categories before him. Whatever duties man has towards other men have been vested in them by rights of Allah. Human rights provided under the head of *Huququ-l-Ibad* are of two kinds. The first kind of rights consists of those rights which are enforceable by an Islamic state whereas the second kind consists of those which cannot be directly enforced by the state. The former may be called as legal rights whereas the latter may be termed as moral rights. The difference between the two is only in their accountability before an Islamic State, otherwise there is no difference between the two so far as their origin, nature and accountability before the Almighty is concerned (Laming, 2002:335). A peculiar aspect of the Islamic concept of human rights is that none except the person to whom a right is due can forgive its violation. Even Almighty Allah who prescribes these rights- in whom these are originally vested and before whom all men owe their accountability- gives up His authority to forgive their violation on the Day of Judgment. The sanctity of human rights in Islam is much more than that of the rituals of worship. If

a man does not fulfil his duties towards Allah he is likely to be forgiven for this but not so in the case of non-fulfilment of duties towards human beings. As mentioned earlier, in Islam the entire personality of the individual and the society has common goals and directions. It follows from this that restoration of human rights being an essential dimension of this direction is a goal common to individual and the state. The purpose of the state in Islam is restoration of these rights to those who have been deprived of them. In Islam not only the basis creed and dogmas, ways of worship and moral recommendations but the entire general scheme of life is immutable. Human rights being part of the scheme of Shari'ah are likewise immutable, and even the consensus of the entire community; much less the state cannot modify or curtail human rights as laid down in the Qur'an and Sunnah.

3. HUMAN RIGHTS IN ISLAM

Human rights in Islam are firmly rooted in the belief that God, and God alone, is the Law Giver and the Source of all human rights. In Islam, human rights are not without limits (Musa, 1989:50). Due to their Divine origin, no ruler, government, assembly or authority can curtail or violate in any way the human rights conferred by God, nor can they be surrendered. The fundamental human rights of man in Islam rest on the premise that man is the Khalifa of Allah on earth and hence the centre of the universe. The fundamental difference between human rights in Islam and those of the famous Declaration of Human Rights adopted by the United Nations General Assembly is that the former are binding on Muslim states while the latter are mere declarations binding on no state or country (I. Doi, 1994:23). One of the purposes of the United Nations, according to Article 1 of its Charter,

is to provide and encourage respect for human rights. Later the general assembly adopted two agreements “or rather, the texts of two agreements” (Beg, 1977: 3) which are known as the “Covenant on Civil and Political Rights” and the “Covenant on Economic, social and Cultural Rights”. The former covenant includes the following rights:

1. The rights of life and liberty and security of person.
2. The rights of privacy.
3. The rights to marry and found a family.
4. The rights to education.
5. Freedom of thought, conscience and belief.
6. Freedom of movement.
7. Right to a peaceful assembly and association.
8. The right to fair trial and equality before law.
9. The right to be free from arbitrary arrest and detention (Hassan, 1999:90).

However, the above rights and freedoms granted by the covenant are not binding on any state. The states which voluntarily sign the covenant would be legally obliged to abide by its provisions. In recent times, we have seen some states which have signed the covenant but have not implemented all of them. As far as these rights are concerned, they are taught to every Muslim through the Divine scriptures which provide necessary guidance to the believers to develop all his faculties in a manner that will benefit him for his great task as the vicegerent of Allah on earth. Although an Islamic state may be set up anywhere on earth, Islam does not seek to restrict human rights or privileges to the boundaries of such a state. Islam has laid down universal fundamental rights for humanity

which are to be observed and respected in all circumstances (Vatin, 1980: 106). For example, human blood is sacred and may not be spilled without strong justification; it is not permissible to oppress women, children, old people, the sick or the wounded; women's honour and chastity must be respected; the hungry must be fed, the naked clothed and the wounded or diseased treated medically irrespective of whether they belong to the Islamic community or are from amongst its enemies. These and other provisions have been laid down by Islam as fundamental rights for every man by virtue of his status as a human being (Mawdudi, 2003:16). Nor, in Islam, are the rights of citizenship confined to people born in a particular state. An immigrant Muslim becomes the citizen of an Islamic state as soon as he sets foot on its territory with the intention of living there and thus enjoys equal rights along with those who acquire its citizenship by birth. And every Muslim is to be regarded as eligible for positions of the highest responsibility in an Islamic state without distinction of race, colour or class. Islam has also laid down certain rights for non-Muslims who may be living within the boundaries of an Islamic state and these rights necessarily form part of the Islamic constitution. In Islamic terminology, such non-Muslim are called *dhimmi* (the covenanted), implying that the Islamic state has entered into a covenant with them and guaranteed their protection. The life, property and honour of a *dhimmi* are to be respected and protected in exactly the same way as that of a Muslim citizen. Nor is there any difference between a Muslim and a non-Muslim citizen in respect of civil or criminal law. The Islamic state may not interfere with the personal rights of non-Muslims, who have full freedom of conscience and belief and are at liberty to perform their religious rites and ceremonies in their own way. Not only may they propagate their religion, they are even entitled to

criticize Islam within the limits laid down by law decency. These rights are irrevocable. No-Muslim cannot be deprived of them unless they renounce the covenant which grants them citizenship. However much a non-Muslim state may oppress its Muslim it is not permissible for an Islamic state to retaliate against its non-Muslim subjects; even if all the Muslims outside the boundaries of an Islamic state are massacred, that state may not unjustly shed the blood of a single non-Muslim citizen living within its boundaries.

CHAPTER THREE
AL-QURAN AND HUMAN RIGHTS

1. AL-QUR'AN AS THE GUIDANCE AND CONSTITUTION

The Qur'an is a Divine Book which was revealed to Muhammad for the guidance of mankind (Rahman, 1980: 23) as Qur'anic verses as follow

مَا أَنْزَلْنَا عَلَيْكَ الْقُرْآنَ لِتَشْقَى، إِلَّا تَذَكُّرَةً لِّمَن يَخْشَى، تَرَى يَلَا مَمَّنْ خَلَقَ الْأَرْضَ
وَالسَّمَاوَاتِ الْعُلَى

We have not sent down the Qur'an to thee to be (an occasion) for thy distress, But only as an admonition to those who fear (Allah), A revelation from Him who created the earth and the heavens on high. (Al-Qur'an. Toha 20:2-4).

The primary function of the Qur'an is to guide people on the Right Path

وَيَوْمَ نُبْعَثُ فِي كُلِّ أُمَّةٍ شَهِيدًا عَلَيْهِمْ مِنْ أَنْفُسِهِمْ وَجِئْنَا بِكَ شَهِيدًا عَلَى هَؤُلَاءِ وَنَزَّلْنَا
عَلَيْكَ الْكِتَابَ تِبْيَانًا لِّكُلِّ شَيْءٍ وَهُدًى وَرَحْمَةً وَبُشْرَى لِّلْمُسْلِمِينَ

One day We shall raise from all Peoples a witness against them, from amongst themselves: and We shall bring thee as a witness against these (thy people): and We have sent down to thee a Book explaining all things, a Guide, a Mercy, and Glad Tidings to Muslims. (Al-Qur'an. An-Nahl 16: 89).

The Qur'anic revelation is universal; but only the righteous ones will take heed of it,

إِنَّ هَذَا الْقُرْآنَ يَهْدِي لِلَّتِي هِيَ أَقْوَمُ وَيُبَشِّرُ الْمُؤْمِنِينَ الَّذِينَ يَعْمَلُونَ الصَّالِحَاتِ أَنَّ لَهُمْ أَجْرًا كَبِيرًا

Verily this Qur'an doth guide to that which is most right (or stable), and giveth the glad tidings to the Believers who work deeds of righteousness, that they shall have a magnificent reward; (Al-Qur'an. Al-Isra 17: 9)

And God-fearing ones

ذَلِكَ الْكِتَابُ لَا رَيْبَ فِيهِ هُدًى لِّلْمُتَّقِينَ

This is the book; in it is guidance, sure, without doubt, to those who fear Allah; (Al-Qur'an. Al-Baqarah 2: 2).

Through Al Qur'an Allah give a constitution for man conduct their life. Al Qur'an provides guidance on judgment and justice:

شَهْرُ رَمَضَانَ الَّذِي أُنزِلَ فِيهِ الْقُرْآنُ هُدًى لِّلنَّاسِ وَبَيِّنَاتٍ مِّنَ الْهُدَى وَالْفُرْقَانِ فَمَن شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ وَمَن كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ وَلِتُكْمِلُوا الْعِدَّةَ وَلِتُكَبِّرُوا اللَّهَ عَلَى مَا هَدَاكُمْ وَلَعَلَّكُمْ تَشْكُرُونَ

Ramadan is the (month) in which was sent down the Qur-an, as a guide to mankind, also Clear (Signs) for guidance and judgment (between right and wrong). So every one of you who is present (at his home) during that month should spend it in fasting, but if any one is ill, or on a journey, the prescribed period (should be made up) by days later. Allah intends every facility for you; He does not want to put you to difficulties. (He wants you)

to complete the prescribed period, and to glorify Him in that He has guided you; and perchance ye shall be grateful. (Al-Qur'an. Al-Baqarah 2: 185).

It is undoubtedly a manifest criterion between truth and falsehood:

نَزَّلَ عَلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِّمَا بَيْنَ يَدَيْهِ وَأَنزَلَ التَّوْرَةَ وَالْإِنجِيلَ

It is He Who sent down to thee (step by step), in truth, the Book, confirming what went before it; and He sent down the Law (of Moses) and the Gospel (of Jesus). (Al-Qur'an. Ali Imran 3: 3).

Those who follow the guidance of the Qur'an were promised mercy by Allah:

وَهَذَا كِتَابٌ أَنزَلْنَاهُ مُبَارَكٌ فَاتَّبِعُوهُ وَاتَّقُوا لَعَلَّكُمْ تُرْحَمُونَ

And this is a Book which We have revealed as a blessing: so follow it and be righteous, that ye may receive mercy; (Al-Qur'an. An-An'am 6:155).

A vital function of the Qur'an is to guide in the establishment of balanced system of justice and equality:

إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ وَلَا تَكُنَ لِلْخَائِنِينَ خَصِيمًا

(They have incurred divine displeasure): in that they broke their Covenant; that they rejected the Signs Of Allah; that they slew the Messengers in defiance of right; that they said, "Our hearts are the wrappings (which preserve Allah's Word; we need no more)"; nay Allah hath set the seal on their hearts for their blasphemy, and little is it they believe. (Al-Qur'an. An-Nisa 4:105).

Attempts will be made to defeat the system of system. The Qur'an therefore, warns the righteous to be on guard against such people, and exhorts them always to seek the help of God for protection:

اللَّهُ الَّذِي أَنْزَلَ الْكِتَابَ بِالْحَقِّ وَالْمِيزَانَ وَمَا يُدْرِيكَ لَعَلَّ السَّاعَةَ قَرِيبٌ

It is Allah Who has sent down the Book in truth, and the Balance (by which to weigh conduct). And what will make thee realise that perhaps the Hour is close at hand? (Al-Qur'an. As-Syura 42:17).

Thus the Qur'an, being the last of Revealed Books, provides the most comprehensive Code of Justice (Rahman, 1980: 34). The Qur'an cannot be changed, because it is a Divine Law; and it need not be changed, because all its ordinances are so formulated that none of them ever conflicts with the real nature of man and the genuine requirements of human society at any time: simply because it legislates only with regard to those aspects of human life which by their very nature are not subject to change. This special characteristic of the divine Law- its applicability to all stages and conditions of human development-presupposes that's its ordinance cover, in the first instance, general principles only (allowing thereby for the necessity of time-conditioned variations in matters of detail), and, in the second instance, provide for detailed legislation in such matters as are not affected by changes due to man's social development (Asad, 2001:56). On examining the context of the nusus, it will be found that this assumption is correct. Whenever detailed nass legislation is forthcoming, it invariably relates to such aspects of our individual and social existence as are independent of all time-conditioned changes (the basic elements of human nature and of human relations). Whenever, on the other hand, changes are indispensable for human progress (in matters of government, technology, economic legislation, and so forth), the Qur'an does not stipulate detailed laws, but either lays down general principles only or refrains from making any legal enactment.

2. AL-QUR'AN AND ANOTHERS HUMAN BEING'S HUMAN RIGHTS: THE COMPARISON

Human being's Human Rights: The Western Approach

People in the west have the habit of attributing every beneficial development in the world to them. As an example the proclamations that the concept of basic human rights was derived from the Magna Carta of Britain (1215) (Hamka, 2002:288) - which was drawn up six hundred years after the advent of Islam. However the truth is that until the seventeenth century no one dreamt of arguing that the Magna Carta contained the principles of trial by jury, Habeas Corpus and control by Parliament of the right of taxation. If the people who drafted the Magna Carta were living today they would be greatly surprised to be told that their document enshrined these ideas and principles (Lopa, 1996:2).

Actually, the west had no concept of human and civic rights before the seventeenth century; and it was not until the end of the eighteenth century that the concept took on practical meaning in the constitutions of America and France (Mawdudi, 1976:16)

After this, although there appeared references to basic human rights in the constitution of many countries, more often than not these rights existed only on paper. In the middle of the present century, the United Nations, which may now be more aptly described as the Divided Nations, made a Declaration of Universal Human Rights, and passed a resolution condemning genocide; regulations were framed to prevent it. But there is not a single resolution or regulation of the United Nations which can be enforced if the country concerned to prevent it (Hamka, 2002: 247). They are just expression of pious hopes. They have no sanctions behind them, no force, physical or moral, to enforce them. Despite all the high-sounding resolutions of the United Nations, human rights continue to be violated and trampled upon.

Human Rights from the Al Qur'an Approach

Whenever we speak of human rights in Islam we mean those rights granted by God that revealed through Al Qur'an. Rights granted by kings or legislative assemblies can be withdrawn as easily as they are conferred: but no individual and no institution have the authority to withdraw the rights conferred by God (Mawdudi, 1976: 16). In order for us to worship our Lord and to go about our work in general we need to live in a climate of peace and harmony (Abd. Rauf, 1991:72). The charter and the proclamation and the resolutions of the humankind cannot be compared with the rights sanctioned by God; the former are not obligatory on anybody, while the latter are an integral part of the Islamic faith. All Muslims and all administrators who claim to be Muslim have to accept, recognize and enforce them (Mawdudi, 1976:16). If they fail to enforce them or violate them while paying lip-service to them, the verdict of the holy Qur'an is unequivocal (Mawdudi, 1976:15). Al Qur'an was addressed unto it towards these verses:

إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ يَحْكُمُ بِهَا النَّبِيُّونَ الَّذِينَ أَسْلَمُوا لِلَّذِينَ هَادُوا وَالرَّبَّانِيُّونَ
وَالْأَحْبَارُ بِمَا اسْتَحْفَظُوا مِنْ كِتَابِ اللَّهِ وَكَانُوا عَلَيْهِ شُهَدَاءَ فَلَا تَخْشَوْنَ النَّاسَ وَاخْشَوْنِي وَلَا
تَشْتَرُوا بِآيَاتِي ثَمَنًا قَلِيلًا وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ

It was We who revealed the Law (to Moses): therein was guidance and light. By its standard have been judged the Jews, by the Prophets who bowed (as in Islam) to Allah's Will, by the Rabbis and the Doctors of Law: for to them was entrusted the protection of Allah's Book, and they were witnesses thereto: therefore fear not men, but fear Me, and sell not My Signs for a miserable price. If any do fail to judge by (the light of) what Allah hath revealed, they are (no better than) Unbelievers. (Al-Qur'an. Al-Maidah 5:

The following verse also proclaims:

وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ
بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ فَمَن تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَّهُ وَمَن لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ
هُمُ الظَّالِمُونَ

We ordained therein for them: "Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal." But if anyone remits the retaliation by way of charity, it is an act of atonement for him. And if any fail to judge by (the light of) what Allah hath revealed, they are (no better than) wrongdoers. (Al-Qur'an. Al-Maidah 5: 45)

A third verse in the same chapter says:

وَلْيَحْكُمَ أَهْلُ الْإِنجِيلِ بِمَا أَنزَلَ اللَّهُ فِيهِ وَمَن لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ

We ordained therein for them: "Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal." But if anyone remits the retaliation by way of charity, it is an act of atonement for him. And if any fail to judge by (the light of) what Allah hath revealed, they are (no better than) wrongdoers. (Al-Qur'an. Al-Maidah 5:47)

In other words, if temporal authorities regard their own words and decisions as right and those given by God as wrong, they are disbelievers. If, on the other hand, they regard God's commands as a right but deliberately reject them in favour of their own decisions, then they are wrong-doers (Din, 1988:487). Law-breakers are those who disregard the bond of allegiance. We have already seen that every man, whether he belong to particular world or that , whether he is a believer or unbeliever, whether he lives in a forest or in a desert, has certain basic human rights simply because he is a human being. Also that it is the duty of every Muslim to recognize these rights.

3. RIGHTS IN AL-QUR'AN

The Qur'an relates to us the history of the followers of earlier prophets that we may derive lessons and warnings from them (Alwani, 1997: 3). It shows clearly how nation rise, how civilizations are built, and how they flourish. It also shows how they decline. Al-Islam or Islam is the religion, which brings peace to mankind when man commits himself to God and submits himself to His will. According to Islamic point of view Allah S.W.T is the creator of this universe. He is its sole Master, Ruler, Director, and Administrator. Sovereignty of Allah is established by itself. Since God is the absolute and the sole master of men and the universe, He is the sovereign Lord, the Sustainers and Nourisher, the Merciful, Whose mercy enshrines all beings; and since He has given each man human dignity and honour, and breathed into him of His own spirit, it follows that, united in Him and through Him, and apart from their other human attributes, men are substantially the same and no tangible and actual distinction can be made among them, on account of their accidental differences such as nationality, colour or race. Every human being is thereby related to all others and all become one community of brotherhood in their honourable and pleasant servitude to the most compassionate Lord of the Universe. Accordingly, when Islam comes to lay down its rules and laws, its counsels and controls that natural "love of gain" is not overlooked (Qutb, 2000:46). In such a heavenly atmosphere the Islamic confession of the oneness of God stands dominant and central, and necessarily entails the concept of the oneness of humanity and the brotherhood of mankind.

The Al-Qur'an imposes four kinds of rights and obligations for all those who will be governed by it:

1. The rights of Allah (*huquq-Allah*) which must be fulfilled by all and various in the way Allah has commanded in the Al-Qur'an and the sunnah
2. The right of an individual towards himself (*huquq-al-Nafs*). Neither should he take away his life nor torture it nor use it according to his own imagination.
3. The rights of all human beings over him (*huquq-al-Ibad*)