

HUMAN RIGHTS IN ISLAMIC LAW

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Abstract

Many scholars write about textbooks on human rights both on a global scale and in Indonesia, but we find incompleteness on how human rights become practical and have value, a phrase in the book Human Rights Law. slightly) from the historical development of the birth of an understanding of human rights. And from an Islamic perspective we will read and see in the understanding of Islamic law itself. The problems inherent in human beings are something that attracts scientists, philosophers and also legal experts. Because in the human being itself is stored the will, rights and freedom that are inherent in him. Human rights (HAM) are rights that are owned by all people in accordance with humane conditions. Human problems are a matter of complexity, if the rights inherent in themselves are not fought for and protected, there will be social slavery, human colonization, and regulation. monolithic life. So that freedom and the will for independence should be restrained in the shackles of outside forces who "colonize". In history, the origin of human rights is from the theory of natural rights (Natural Rights theory). The natural theory of rights originates from the theory of natural law (natural law theory), the latter of which can be traced back all the way back to ancient times with stoic philosophy to modern times through the natural law writings of Saint Thomas Aquinas.

Keywords: Human Rights, Human, Islamic Law.

INTRODUCTION

The potential for increasing livestock business in Indonesia is very high. The livestock sub-sector contributed 1.69% (260 189.6 billion rupiah) of Indonesia's total GDP (Gross Domestic Product) in 2020 (BPS 202:1). The data has continued to increase since 2016 with an average increase of 6% per year. This is a new challenge to realize a more efficient livestock business.

Dairy cattle business is one of the livestock businesses with great potential to be developed in Indonesia. The demand for cow's milk in Indonesia is high, it has not been met by local farmers in Indonesia. The government implements an import policy to meet the needs of cow's milk in Indonesia. Thus, it is necessary to study production efficiency so that the price of cow's milk from local farmers can compete with imported cow's milk.

The efficiency of dairy farming can be determined by the fertility of the mother cow and the milk yield produced. Some signs of good fertility are when adult heifers show clear signs of lust, have a high chance of bunting when mated, and have a short lambing interval. One of the management that is to increase efficiency is by improving the empty period and increasing milk production.

The empty period is one of the measurements of fertility indicators in dairy livestock. A short blank period will increase production efficiency. The empty period is influenced by several factors, including the length of the lactation period (Grossman and Koops 2003), the lactation period Mitchell et al., (2005) the sex of the child born Córdova-Izquierdo et al., (2008), the level of milk production (Brotherstone et al. 2003), the season during lambing and the age of the cow Oseni, Misztal, Tsuruta, & Rekaya, (2003). So that the empty period will affect milk production in the next lactation.

The time change between the vacancy period and the previous production with the future one is a critical factor in dairy farming. For this reason, it is necessary to analyze the empty period and milk production. One analysis that can be used is survival analysis.

Survival analysis is a statistical procedure used to describe data related to time, from the time of organization of a particular study, to the time of emergence of events or end points. Events that occur can be recurrent events, new events, or responses from an experiment Collet, 2003; Kleinbaum & Klein, 1996; Muhajir & Palupi,(2018). The term survival analysis is often associated with survival time, failed cases, censored data, hazard's function, life table, Kaplan-Meier curve, and cox proportional hazard model (Taufik & Suriyasataphorn, 2008).

The cox proportional hazard model studies the occurrence of events in a certain time span. The occurrence of the event is calculated based on the occurrence of the same event from the initial time to a certain predetermined end time (Schneider et al., 2005). The length of time used cannot be ascertained, because the event may have occurred before the time frame specified when researching. The purpose of the cox proportional hazard model is to determine the hazard ratio (RH) used to estimate the occurrence (in this study i.e. the plantation) at a given value compared to the reference value. For example, if the deadlock in a particular event is >1 , then the value is higher than the reference value.

One of the main problems experienced by some farmers is low milk production and the empty period of dairy cows that exceed the ideal limit. Córdova-Izquierdo et al., (2008) state that the period of vacancy is 85-115 days after lambing. Ali et al., (2000) add that there is no vacancy period of less than 30 days. The length of the normal empty period is 60 to 90 days, and it is relatively normal when it is not more than 120 days.

Research on the empty period of dairy cows in Temanggung, Central Java resulted in an empty period of 120-196 days Toharmat et al., (2007). While the research of Atabany et al., (2013) in Purwokerto, Central Java has an average blank period of 138 days. This shows that the empty period of dairy cows in Indonesia is still relatively long.

When compared to the empty period of dairy cows in Thailand, the length of the empty period shows no noticeable difference. Research by Taufik & Suriyasataphorn, (2008) states that the vacant period of 143 dairy cows from 6 farms in Northeastern Thailand resulted in a median vacant period of 210 days. While Punyapornwithaya & Teepatimakorn, (2004) in Northern Thailand resulted in a median vacancy period of 131 days. However, research on empty period and dairy cattle production with survival analysis in Indonesia has not been widely conducted. Therefore, it is necessary to conduct research with a survival analysis study

of the influence of the season during lambing and lactation period on the empty period and milk production to implement proper maintenance management.

RESEARCH METHOD

This research uses a qualitative method that is discipative of the type of literature research, the data in this study is related to fiqh / Islamic law and the philosophy of Islamic law regarding human rights. As well as the compilation of Islamic law in Indonesia. The study of Islamic fiqh is used to look at the principles of Islamic law and is identified by using the philosophy of Islamic law to see the epistymology of human rights in Islamic law. Furthermore, it is described qualitatively to provide an overview of the epistymology of Islamic law on human rights.

RESULT AND DISCUSSION

Epistymology of Human Rights in Islamic Law

The secular western paradigm underlying the international declaration of human rights inevitably becomes the epistymological basis of the universal declaration of human right can be interpreted freely and wildly even secularly which makes freedom absolute. In Islam, the concept of human rights is related to the protection and respect for dignity, freedom, and justice for every individual. Although the term "human rights" is not explicitly used in Islamic legal sources such as the Qur'an and Hadith, the principles and values embodied in the concept can be found in religious teachings. (Esack, 1998). In Islamic law, every individual is considered to have rights that must be respected by society and government. Some of the human rights upheld in Islam include: (Campbell & An-Na'im, 1990; Mayer & An-Na'im, 1992): Right to life, Freedom of religion, Equality before the law, Protection of the family and rights of children

The interpretation and implementation of human rights in Islam can differ depending on different contexts and understandings. views on human rights in Islam may evolve over time and be integrated with broader principles of Islamic law. The epistemology of human rights in Islamic law also involves the study of scholars and scholars of the general principles and values in Islamic teachings. Principles such as justice, generosity, equality, and individual protection form the basis of an understanding of human rights in Islam. Through this understanding, knowledge of human rights in Islamic law is developed and applied in social, political, and legal contexts (Saeed, 1999). Interpretations and interpretations of human rights in Islam can also be influenced by different historical and social contexts. Therefore, there is room for debate and diverse approaches in understanding and applying human rights in Islamic law (Saeed, 1999).

In the application of Islamic law in Indonesia, human rights remain an important principle. Although Indonesia officially adopts an Islamic legal system in some areas, such as marriage and inheritance, the country also has a tradition of secular law that protects human rights. The Indonesian Constitution, the 1945 Constitution, provides the basis for the protection of human rights. Article 28B states that everyone has the right to life, liberty and personal safety. In addition, other articles in the constitution also guarantee rights such as freedom of religion, freedom of opinion, the right not to be tortured, and the right to legal protection.

Some issues related to human rights in the application of Islamic law in Indonesia include the protection of religious freedom and women's rights. Although the majority of Indonesia's population is Muslim, the country also recognizes the right of religious minorities to worship

according to their beliefs. In addition, there are also efforts to protect women's rights in the context of Islamic law, such as the abolition of the practice of child marriage and protection against domestic violence (El Fadl, 2011).

There are several verses that state principles related to human rights. Some of these principles include: Freedom and human dignity: The Quran recognizes human dignity as a creature of God. Every individual has the right to be respected and recognized for his existence. The Qur'an states that all human beings are born free. Al-Isra' [17]: 70) and have the right to live with freedom and equality.

Freedom of religion: The Quran emphasizes that religion should be established based on the will and sincere faith of the individual, without coercion or oppression. Verses like QS. Al-Baqarah [2]: 256 states that "There is no compulsion in religion (Begović, 2021)."

Protect human life. Murder is declared a very serious act and is forbidden in the Qur'an. Al-Maidah [5]: 32).

Justice: The Quran stresses the importance of justice and fair treatment of all people. All individuals have the right to be treated fairly, regardless of race, ethnicity, or religion. An-Nisa' [4]: 135).

Protection against violence and torture: The Quran condemns violence and torture. The Qur'an states that committing violence and torture is a heinous and unacceptable act. Al-Baqarah [2]: 190).

Protection of women and children: The Quran emphasizes the protection of women and children and respect for their rights. The Quran states the need to provide protection for weak women and children (QS. An-Nisa' [4]: 127) as well as prohibiting the practice of child marriage (QS. An-Nisa' [4]: 6).

Human rights within the framework of Islamic Law

Islam is a religion that places humans as valuable, personable and responsible beings. And for his responsibility, man is given the freedom to make the choice to accept or reject the religion of God; There is no justification for discrimination between fellow human beings and is given the freedom to develop their lives in order to enhance the dignity of mankind. There is an incident during the conquest of Mecca in which Bilal went up to the Kaaba to make the call to prayer. Some people responded by saying, "Is this black slave the call to prayer on the Kaaba?" However, others responded, "If God loves this man, he will take his place." This verse then comes down as an affirmation that in Islam there is no discrimination, and the noblest are those who are most pious. This narration is narrated by Ibn Abi Hitam who quotes from Ibn Abi Mulaikah (Saleh and A.A Dahlan, 2002, page 208).

The concept of human rights described in the Qur'an has a broader, deeper spectrum, and is universal. These rights receive very serious attention and are always associated with the basic ability that each individual has in expressing his existence as an honorable servant of God (Karamah) and having primacy among His other created beings.

In its expressions related to self-expression, Islam has always adhered to morals. From the beginning, Islam has laid down the basic and main principles of human rights in many verses contained in the Qur'an, both general, applicable to all mankind regardless of class, creed, race, color, social status, or special ones that are neatly drawn and detailed.

In many ways, the Qur'an first affirms that the coming of Islam through the treatise of the last Prophet, Muhammad (peace be upon him), was an invaluable gift to all mankind. The Qur'an calls it a mercy for all nature, without exception other than humans, as explained in Sura Al-Anbiya (21:107):

"And we did not send you, except as a mercy to the hosts."

This principle of mercy for all nature was then applied in the context of human rights by the Prophet Muhammad, with the spirit of equal humanity (egalitarianism), to eliminate the strong roots of ignorance in Arab society at that time. The traditions and culture of jahiliyah at that time judged a person based on nasab (descent), skin color, social status, and so on. This is contrary to the spirit initiated by the Qur'an, which places the concept of universal humanitarian mission (HAM). As a dignified, honorable, and commendable being, man has fundamental and inherent human rights. The presence of the Qur'an in the midst of man confirms and strengthens the belief that man from the beginning was a noble being, had dignity, honored, and was considered the best being created by God. Therefore, the concept of Human Rights in Islam automatically includes all human glory and honor that must be fulfilled without exception (Attamimi, 2020).

M. Quraish Shihab explains that the Qur'an emphasizes that difference is the law that prevails in this life, to ensure a strong bond of brotherhood. In human rights brotherhood is greatly exalted, this is in fact Islam has asked how brotherhood is built on humanity, unity and equality, so that the radius of brotherhood is not interfered with by arrogance and imperiosity of power.

In protecting human rights in the fiqh (perspective) we see from Maqashid Shari'ah. In its definition explained by Wahbah al Zuhaili are the meanings and intentions that sharia wants to keep contained in the internal of all its laws and contained in it the secrets placed by sharia in its hulum (al-Zuhaili, 1997).

Another opinion is that of Ahmad al-Raisuni; Maqashid Shari'ah is the goals set by the Shari'ah in order to be realized for the benefit and benefit of mankind.

The purpose of maqashid shari'ah; Religion (hifz al-din), Soul (hifz al-nafs), reason (hifz al-aql), heredity (hifz al-nasl), and possessions (hifz al-mal). Then specifically to protect the world order of life with the guarantee of Human Rights as a subject or mobilizer in safeguarding human rights and the environment. This view seeks to safeguard and protect human rights whose implementation is related to faith and creed in realizing the activities and social status held by each individual in the midst of his society. Because the improvement promoted and desired by Islam is an improvement that covers the whole on every problem of mankind, not partial.

Within the framework of Islamic law, the principles of human rights are integrated with the teachings of the Islamic religion and enforced through an appropriate legal system. Although there is no single document equivalent to the Universal Declaration of Human Rights in Islam, the principles of human rights can be found in Islamic legal sources, such as the Qur'an, Hadith, and ijtihad (discovery of law based on Islamic principles). There are several human rights principles that must be respected and protected. The principles include human honor and dignity, the right to life, freedom of religion, equality before the law, privacy and personal freedom, protection of the family, proportionate punishment, and freedom of opinion and communication. These principles are implemented in the legal system of Islamic countries or within the framework of international Muslim organizations such as the Organization of the Islamic Conference (OIC). However, the application and understanding of human rights within the framework of Islamic law may vary depending on different historical, cultural, and interpretive contexts.

CONCLUSION

Human rights principles are integrated with Islamic religious teachings and upheld through appropriate legal systems. Although there is no single document equivalent to the Universal Declaration of Human Rights in Islam, the principles of human rights can be found in Islamic legal sources, such as the Qur'an, Hadith, and *ijtihad* (discovery of law based on Islamic principles). There are several human rights principles that must be respected and protected. The principles include human honor and dignity, the right to life, freedom of religion, equality before the law, privacy and personal freedom, protection of the family, proportionate punishment, and freedom of opinion and communication. These principles are implemented in the legal system of the Islamic state.

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