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To cite this article: M. Berween (2002) The Fundamental Human Rights: An Islamic Perspective, The International Journal of Human Rights, 6:1, 61-79, DOI: [10.1080/714003742](https://doi.org/10.1080/714003742)

To link to this article: <https://doi.org/10.1080/714003742>



Published online: 08 Sep 2010.



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# The Fundamental Human Rights: An Islamic Perspective

MOHAMED BERWEEN

This article briefly summarises ten basic and fundamental human rights from the Islamic perspective. These ten rights will be based mainly on the two major Islamic sources, namely, the Holy Qur'an (the Holy book in Islam) and Hadith (the sayings and deeds of the prophet of Islam.). These rights are as follows: (1) The Right to Life, (2) The Right to Live in Dignity, (3) The Right to Justice, (4) The Right to Equal Protection of the Law, (5) The Right of Choice, (6) The Right of Free Expression, (7) The Right to Privacy, (8) The Right of Property, (9) The Right to Basic Necessities of Life and (10) The Right to Revolt. The major goal of this article is to refute the argument by some scholars that human rights are a recent and modern achievement and that they are quite foreign to Islamic culture.

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Some scholars such as Jack Donnelly,<sup>1</sup> Ann Elizabeth Mayer,<sup>2</sup> Jerome Shestack,<sup>3</sup> and Bassam Tibi<sup>4</sup> argue that human rights are a modern achievement and they are not found in traditional religions. For instance, Jack Donnelly, in his book: *Universal Human Rights: in theory and Practice*, has argued that human rights 'in the sense in which Westerners understand that term (namely, rights or entitlement held simply by virtue of being a human being) – are quite foreign to Islamic culture'.<sup>5</sup> Ann Elizabeth Mayer argues that 'Human rights principles are not creations of a traditional culture like ritual circumcisions, tribal social organisation, or pride prices. They are principles that were developed in Western culture from the eighteenth century onward and later via their formulations after World War II in the International Bill of human rights'.<sup>6</sup> In her book *Islam and Human Rights* she also argues that 'human rights principles utilised in international law came from the West and are relatively recent vintage...it was during the European Enlightenment,' she said' that the rights of man became a preoccupation of political philosophy, and it was then that the intellectual ground work for modern human rights theory was laid...Eighteenth-century British

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The International Journal of Human Rights, Vol.6, No.1 (Spring 2002) pp.61–78  
PUBLISHED BY FRANK CASS, LONDON

and French philosophies that contributed to the production of rights doctrines were the idea that the rights of the individual should be of paramount importance in a political system.<sup>7</sup> Bassam Tibi goes further than considering human rights a Western achievement. He argues for using European culture as a frame of reference for other cultures and believing in the globalisation of the European heritage. According to Tibi,

the concept of human rights has evolved in an interesting way since the Age of Enlightenment. From its birthplace in Europe it traveled to other parts of the world, ironically on the heels of European conquerors. Although non-Westerners were reluctant to accept the foreign culture that they were exposed to, they began to reassess their own cultural heritage in the light of European values and to read new meaning into their indigenous norms and values.<sup>8</sup>

So, is the concept of human rights a Western phenomenon? Is it true that human rights principles – as Jack Donnelly; Ann Mayer; Bassam Tibi; and others like them claim – are not creatures of a traditional culture like ritual circumcisions, tribal social organisation, or pride prices? Are they really of recent vintage? And is it really true that human rights – in the sense in which Westerners understand that term – are quite foreign to the Islamic culture? All Islamic jurists; scholars; and many Western experts always, despite those scholars who tried to ignore the role of non-Western societies, and especially Islam in advocating justice and freedom to all human beings regardless of their race, colour or gender, considered Islam to be the main source of human rights (See, for instance, Al-Ghazzali,<sup>9</sup> Al-Jadir,<sup>10</sup> El-Sayed,<sup>11</sup> Ibrahim,<sup>12</sup> Khadduri,<sup>13</sup> Malik,<sup>14</sup> Mawdudi,<sup>15</sup> Nasr,<sup>16</sup> Said,<sup>17</sup> and Zakaria<sup>18</sup>) All these scholars argue that Islam has come to free human beings from any servitude. They built their argument on numerous verses of the Qur'an (the Islamic holy book) and on the sayings and deeds of the prophet of Islam. For instance, Fouad Zakaria argues that:

the concept of human rights in the contemporary Arab World is closely related to Islam. Therefore, in order to understand the philosophical foundations upon which human rights are based in the contemporary Arab World, it is imperative to analyze the Islamic conception of these rights, is interpreted by Muslim scholars, as well as the effect of this conception on the way these rights are understood and practiced among Arabs today.<sup>19</sup>

Muslim jurists regarded human rights as an integral part of faith. These jurists have made detailed studies of these rights. In addition to the rights

of parents, neighbours, children, and spouses, they also discussed civil rights and liberties. Every citizen of a Muslim state has the rights of a decent living and of holding property. In addition, each citizen has the freedom of opinion, profession, and movement. No one can deprive a citizen of these rights. Life is a divine gift, whose sanctity must be observed. Actually the main purpose of the Qur'an is to make a human being conscious of their place in the universe as well as of their relations with God. Islam seeks to create a society based on a deep sense of freedom, responsibility and justice in order to protect and preserve human dignity to all human beings. Any system, therefore, which brings disgrace to man's honour and dignity, is denounced by Islam and must be resisted by all means. It is an Islamic obligation to fight all kinds of oppression and to assist people to be free.

#### THE MAIN FUNDAMENTAL RIGHTS IN ISLAM

'Human rights' here simply means the natural rights which are the 'God-given rights.' Individuals enjoy these rights by virtue of being human. In any society they refer to all just claims and titles of individuals and property which are enforceable by law. The following are some of the main and fundamental human rights from an Islamic perspective.

##### *Life*

The first basic right is the right to life and the respect for human beings. The Qur'an, in numerous verses, stated this right very clearly: for instance, 'If anyone slew a person – unless it be for murder or for spreading mischief in the land – it would be as if he slew the whole people.' And immediately following this verse the Qur'an states that: 'If anyone saved a life, it would be as if he saved the life of the whole people.'<sup>20</sup> According to Islam, human life is precious and every person's blood is sacred in the eyes of Allah and therefore every soul should be saved and protected. No one, regardless of whom they are, has the right to take away any life, even if it is their own. The Qur'an states that: 'Do not kill any soul whom Allah has forbidden you to, except through (due process of) law.'<sup>21</sup>

##### *Dignity*

The second basic right is the right to live in dignity. This means that human beings are here not just to live but to live in dignity and with a sense of purpose. What is human dignity? It is the worth of a human being. It is the price of a human being. But what is the price of a person?

The philosopher Immanuel Kant (1724–1804) stated that

All objects except man, have exchange value, a price for which they will be sold. Even an object with great sentimental value will be sold if an offer to buy is high enough, but man possesses dignity, (infinite intrinsic value) and therefore priceless. To the charge that ‘every man has their price’, Kant would reply that any man who sold himself for money would be cheated out of their rightful due, for a man is above all price and possesses infinite worth.<sup>22</sup>

More than that, human dignity from the Islamic perspective is absolute, unconditioned by race, ethnicity, gender, age, wealth, or social status. Islam considers a human being as a chosen deputy (khalifa) of Allah. Therefore, they should not be molested nor oppressed, their freedom must not be denied, and they must not be discriminated against on the basis of race, colour, or gender. The Qur’an, also, states that:

We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours; they are above a great part of our creation.<sup>23</sup>

It is Allah who has made for you the earth as a resting place, and the sky as a canopy, and has given you shape – and made your shapes beautiful – and has provided for you sustenance.<sup>24</sup>

It is clear from these verses that all human beings are honoured creatures and that they are special in the eyes of Allah. They are unique and beautiful beings in this universe. Also the Qur’an emphasises that all human beings are equal and all of them came from one family. Therefore they should treat each other with respect. The Qur’an puts it this way:

‘There is no advantage for an Arab over a non-Arab, nor for a white man over a black man except by piety.’

The Qur’an, also, states that:

You who believe, do not let one [set of] people make fun of another set: perhaps they are better than they are. Nor let any [set of] women [make fun of] other women; perhaps they are even better than they are themselves. Nor should you defame yourselves nor insult one another by using nicknames; it is bad to use an evil name after [entering the] faith [of Islam]. Those who do not turn away from it are wrongdoers. You who believe, refrain from conjecturing

too much, for in some cases conjecture is a vice. O mankind We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other, (not that ye may despise each other). Verily the most honoured of you – in the sight of Allah – is (he who is) the most righteous of you and Allah has full knowledge and is well acquainted with all things.<sup>25</sup>

Muslims believe that Allah has given human beings all the things they need in their lives and subjected for them everything in the heavens and on the earth. Actually, according to Islam, Allah has created the heavens and the earth for the human beings benefit. The Qur'an puts it this way:

Do ye not see that Allah has subjected to your (use) all things in the heavens and on earth, and has made his bounties flow to you in exceeding measure, (both) seen and unseen?<sup>26</sup>

And He has subjected to you, as from Him, all that is in the heavens and on earth: behold, in that are signs indeed for those who reflect.<sup>27</sup>

He has created the heavens and the earth in just proportions, and has given you shape, and made your shapes beautiful: and to Him is the final goal.<sup>28</sup>

We have indeed created man in the best of moulds.<sup>29</sup>

### *Justice*

The third basic right from the Islamic perspective is the right to justice. This is a very important and valuable right that Islam has given to man as a human being. This principle also has been mentioned in many verses of the Holy Qur'an. The following are just some of them:

Do not let your hatred of people incite you to aggression<sup>30</sup>

And do not let ill-will toward any folk incite you so that you swerve from dealing justly. Be just; that is nearest to heedfulness.<sup>31</sup>

Stressing this point, the Qur'an again states:

You who believe steadfast before God as witness for [truth and] fair play.<sup>32</sup>

You who believe, if some scoundrel should bring you a piece of news, clear up the facts lest you hurt some folk out of ignorance and afterwards feel regretful over what you have done.<sup>33</sup>

Do not pursue something you have no knowledge about: your

hearing, sight and intellect will all be questioned Concerning it.<sup>34</sup>

‘Whenever you judge between people, you should judge with [a sense of] justice.’<sup>35</sup>

From these verses, it is clear that Justice is the ultimate goal of an Islamic State. It is not just a right, but rather it is a duty of every citizen. It is the obligation of every Muslim to be fair in everything and with every one. Muslims must be just not only with ordinary human beings but even with their enemies. Abu al-A ‘la Mawdudi stated:

the justice to which Islam invites its followers is not limited only to the citizens of their own country, or the people of their own tribe, nation, or race, or the Muslim community as whole, but it is meant for all the human beings of the world. Muslims, therefore, cannot be unjust to anyone. Their permanent habit and character must be such that no man should ever fear injustice at their hands, and they should treat every human being everywhere with justice and fairness.<sup>36</sup>

Islam, also, emphasises justice by prohibiting any type of exploitation as well as any transgression There are numerous verses in the Holy Qur’an which indicate this. The following are just a few of them:

And incline not to those who do wrong, or the Fire will seize you; and ye have no protectors other than Allah, nor shall ye be helped.<sup>37</sup>

He said: ‘Whoever doth wrong, him shall we punish; then shall he be sent back to his Lord; and He will punish him with a punishment unheard-of (before).’<sup>38</sup>

And whoever among you does wrong, him shall We cause to taste of a grievous Penalty.<sup>39</sup>

And soon will the unjust assailants know what vicissitudes their affairs will take!<sup>40</sup>

The blame is only against those who oppress men with wrongdoing and insolently transgress beyond bounds through the land, defying right and justice: For such there will be a penalty grievous.<sup>41</sup>

Then woe to the wrongdoers, from the Penalty of a Grievous Day.<sup>42</sup>

Injustice, oppression and transgression are prohibited in Islam. And any Muslim who practices them – in any situation and with any one – is, clearly, breaking the Islamic law and working against God’s will.

*Choice*

The fourth basic human right from the Islamic perspective is the right of choice. In principle, a human being is free to choose whatever they want. Citizens in the Islamic State have the right to travel, relocate, choose their jobs and their religions and to be held accountable to their actions. For instance, in the case of religion the Qur'an emphasises that all citizens of the Islamic state have the right to choose any religion they wish. And all citizens have the right to express their ideas peacefully using persuasion to convince others. It is un-Islamic to compel others against their will to believe in Islam. Actually Islam, in this area of freedom, requires Muslims not to argue with non-Muslims unless it is in the politic manner. The following verses from the Qur'an indicate this:

Let there be no compulsion in religion. Truth stands out clear from Error. Whoever rejects Evil and believes in Allah hath grasped the most trustworthy handhold, that never breaks.<sup>43</sup>

Say, 'the Truth is from your Lord' let him who will, believe, and let him who will, reject (it).<sup>44</sup>

If it had been thy lord's will, they would all have believed; All who were on earth, Wilt thou then compel mankind, against their will, to believe!<sup>45</sup>

Do not abuse those they appeal to instead of to God, lest they abuse God out of enmity without realizing it.<sup>46</sup>

Do not argue with the People of the Book [that is: Jews, Christians and others with revealed scriptures] unless it is in the politic manner, except for those of them who do wrong.<sup>47</sup>

Say: O you that reject Faith! I worship not that you worship. Nor will you worship that which I worship. And I will not worship that which you have been wont to worship Nor will you worship that which I worship To you be your way and to me mine.<sup>48</sup>

Therefore, Islam gives man the freedom to choose every aspect of their life. Islam challenges human beings to travel, to observe, to investigate and to search for wisdom and knowledge wherever they can find it. The following Qur'anic verses illustrate this point:

Say: travel through the earth and see how Allah did originate creation.<sup>49</sup>

Do they not travel through the land, so that their hearts (and minds) may thus learn wisdom and their ears may thus learn to hear?<sup>50</sup>



Do they not travel through the earth? And see what was the end of those before them?<sup>51</sup>

The freedom to choose, however, is not absolute. The guarantee of the freedom of religion clearly means that the government must avoid coercion with regard to religious beliefs. It means that the practice of religious beliefs must be free of government censure. On the other hand, one must recognise that freedom to believe is not the same as freedom to act. For instance, someone may believe in a religion that demands human sacrifice, but the government has the right to make such sacrifices a crime. In another way, it is obvious that religious freedom can not be invoked as a defence for violating laws which injure the community welfare.

#### *Equality under the Law*

The fifth basic right from the Islamic perspective is the right to equal protection of the law. What this simply means is that, in the eyes of the law all human beings are created equal and therefore all of them must be protected equally by the law. It is a well-recognised fact that of all the rights human beings enjoy, none is more basic than the guarantee of the due process of law. Islam forbids all governments to deprive any person of their basic and necessary rights without due process of law. There are two kinds of due process, '*procedural*' and '*substantive*'. First, the procedural due process generally relates to the ways in which laws are enforced. It includes more than courtroom procedures. It also includes many other kinds of governmental actions. For instance, it means there is a requirement that the government must follow proper and clear legal procedures before a person can be legitimately punished for an illegal offence. It also means that governments must conduct themselves according to fixed standards which have been fairly defined. These procedures require, among other things, that (1) the government has jurisdiction over the person or object it seeks to interfere with; (2) the law must be properly enacted and published; (3) the crime must be clearly defined; (4) those accused must be properly apprehended and notified of the accusation and the time and place of the hearing; (5) an opportunity must be given for the accused to prepare and present their defence; and (6) the tribunal before which the trial or hearing is to be conducted must be so constituted as to ensure an honest and impartial decision. Finally, to put it simply, procedural due process emphasises that 'the ends do not justify the means'. It assures the use of 'fundamentally fair' means in attaining valid ends or purposes.

Second, the substantive due process means that the substance, content, or provisions of a law must not be arbitrary, capricious, or unreasonable. It is concerned with the subject matter of a law; it places limitations on what the government may do. It pertains to the content of the law. In other words, it means that an 'unreasonable' law, even if properly passed and properly applied, is unconstitutional. It is rooted in the fact that the goals and objectives of governmental action must be proper: meaning, within the power of the government in the first place, and not unjustly an invasion of the personal or the property rights of individuals or corporations in the second place. It also means that there are certain things that governments must not be allowed to do, no matter how they do it. This very notion of substantive due process, resting on the notion that laws must be reasonable, has deep roots in the concepts of Islamic law and it is an integral part of the Islamic Sharia.

Islam not only recognises equality between all humans irrespective of any distinction of colour, race, sex, age, nationality or the like, but also to recognise one another. The Almighty Allah has laid down in the holy Qur'an: 'O mankind, we have created you from a male and female.' In other words, all human beings are brothers and sisters to one another. They all are the descendants from Adam and Eve. The Qur'an states this as: 'And we set you up as nations and tribes so that you may be able to recognise each other.'<sup>52</sup> Islam gives its citizens the right to absolute and complete equality in the eyes of the law. The Qur'an states this as:

God doth command you to render back your trusts to those to whom they are due; and when ye judge between man and man, that he judge with justice: verily how excellent is the teaching which He giveth you.<sup>53</sup>

#### *The Basic Necessities of Life*

The sixth basic right from the Islamic perspective is the right to basic necessities of life. Simply, it means that one must have all the necessary needs and conditions in order to survive and mature with sound body and mind. In other words, it is not enough for someone to live but to live a decent and honourable life. Economic security therefore has a high priority in Islam. To put it another way, one could say that each person in the Islamic state has the right to certain basic and necessary needs to live in the society. Islam emphasises this point by recognising the right of the poor and needy people in society, that help and assistance will be provided for them. The Qur'an reminds the rich people in the society that they have to share. The Qur'an states this as: 'And in their wealth there is acknowledged right for the needy and the destitute.'<sup>54</sup> In this

verse, the Qur'an has not only conferred a right on every person who may ask for assistance in the wealth of the rich people in the society, but has also laid down that if a Muslim comes to know that a certain person is without the basic necessities of life, then irrespective of the fact whether they ask for assistance or not, it is their duty to reach them and give all the help that they can extend. For this purpose, Islam has not depended only on the help and charity that is given voluntarily, but has made charity (*zakat*, the third pillar of Islam) compulsory, next only to the profession of faith and the worship of God through holding regular prayers.<sup>55</sup> In the Islamic state, government is required to establish the necessary social programmes – such as government-paid health care for all citizens, compensation for all unemployed workers, and retirement benefits for all elderly citizens– to help those who are in need.

### *Freedom of Expression*

The seventh basic right from the Islamic perspective is the right to expression. It constitutes all means by which individuals or groups, in the society, can express their views and communicate them to one another, as well as their public officials. Freedom of expression is essential for Islam. The freedom to speak and write about public issues is very important to the success of any government. It is one of the most basic human rights. Unless citizens can openly and freely express their political opinions and views, they cannot properly and effectively influence their government or act to protect their other rights. They also cannot hear what others have to say and thus cannot judge the merits of alternative views. And without freedom of expression, elections are a sham, a mere showcase for those who control the political system. Only if there is freedom of expression and a chance to present all sides of an issue can there be a real choice. Effective and successful governing depends on the knowledge of all the options available and on the ability of those with minority views to try to convince others. Freedom of expression is essential and valuable for many reasons, including the following:

- To guarantee to each person a right of free expression – in the spoken and written words, and by all other means of communication, as well.
- To ensure to all persons a full, wide-ranging discussion of public affairs.
- To make government accountable and responsive to its citizens. It is very difficult to imagine government being accountable and responsive to needs of its community if the members of that community are afraid of saying what they think.
- To allow the dominant views in the society to be challenged and

tested. It would be very difficult to imagine members of the political minority trying to persuade the majority without the right to criticise the politicians or any decision they do not like.

- To aid self-development. Intellectual and artistic expression may contribute to realising one's full potential as a human being. If government has the right to tell its citizens what kind of art is acceptable, then other artists might be discouraged or maybe even suppressed altogether. Freedom of expression guarantees that every person in the society has the right to try.
- To encourage the citizens to debate with each other and to expand their imagination. Freedom of expression is essential because it is dangerous to discourage thought, hope and imagination.
- And finally, to get rid of fear among the citizens because fear breeds repression, and repression breeds hate and hate menaces stable government.

Every citizen in the Islamic state has the full right to express themselves in any legal way they choose. All forms of expressions are protected in the Islamic society. Citizens can do it individually or in groups as long as they respect the law of the land. All Muslims are encouraged to express themselves and they are obligated to allow others to express their views even if they disagree with it absolutely. This right is essential and central to an Islamic state because it is one of the main principles for the effective and successful governing. The Islamic system of government depends on the ability of the people to make sound, reasoned judgements on matters of public concern. Obviously, people can best make such judgements when they know all of the facts in a given matter, and can hear all the available interpretation of those facts.

Finally, as in any other civilised society, freedom of expression is not absolute. It does not entitle individuals to say or do whatever they want, to whomever they want, whenever they want. Freedom of expression can be denied, for instance, if the expression would endanger the national interest, national security, wrongly damage the reputations of others, or deprive others of their basic freedom. However, for government to justify suppression of free expression there must be reasonable and moral ground to fear that serious evil will result if free expression is to be practised. And there must be a reasonable and moral ground to believe that the danger apprehended is imminent. And there must be reasonable and moral grounds for believing that the evil to be prevented is a serious one.

*Privacy*

The eighth basic human right from an Islamic perspective is the right to privacy. This means many things including the following: (1) the right for every individual to be left alone in their private life; (2) the right to be free from governmental surveillance and intrusion; (3) the right not to have an individual's private affairs made public without their permission; and, (4) the protection of persons, and places where they live, from searches and seizures; (5) the protection of knowledge and thoughts from compulsory self-incrimination; (6) This also means that government has no business regulating the intimate behaviour of individuals and, and this supports the right to keep all personal information confidential. Islam considers the right to privacy one of the most precious freedoms. For instance, the Qur'an made it very clear that a person's privacy is their own and no one should intervene in it without their permission. Islam protects the privacy of one's home from invasion by the government or by anyone else unless they have sufficient evidence that a crime has been committed. The Qur'an states that:

O you who believe, do not enter houses other than your own, until you have asked permission and saluted those in them: that is best for you, in order that you may heed what is seemly. If you find no one in the house enter not until permission is given to you; if you are asked to go back, go back: that makes for greater purity for yourselves: and Allah knows well all that you do.<sup>56</sup>

And whenever a person has permission to enter a house, it is important to enter the house properly. The Qur'an states this: 'Enter houses through the proper doors.' (2: 189) The Qur'an also gives privacy another dimension which is showing people respect when they are absent.

'Do not spy on one another, nor let any of you backbite others. Would one of you like to eat his dead brother's flesh? You would loathe it! Heed Allah, for Allah is Relenting, Merciful.<sup>57</sup>

You who believe, have those whom your right hands control [that is: servants, wards and captives] and those of you who have not reached puberty, ask permission from you [to come into your presence] on three occasions; before the daybreak prayer; when you take your clothes off at noon [for a siesta]; and after the late evening prayer. You have three times for privacy.<sup>58</sup>

According to Islam, therefore, privacy is the most comprehensive of rights and the right most valued by Islam. All personal matters are

protected and considered sacred and they should not be violated unless there is a compelling reason warranting the violation of personal privacy. If there is a compelling reason, then government has the right to intervene. However, no person shall be deprived of their privacy without due process of law. In other words, the right to privacy, in Islam, is not absolute. Disclosure can be required of persons and organisations suspected of engaging in unlawful activities.

### *Property*

The ninth basic human right from the Islamic perspective is the right of property. What is meant in Islam by property rights? To start with, one could say that property, per se, does not have rights. It is the people who have the right to own, use, sell, buy, invest and keep property. When people talk about property, they refer to the full possession (ownership) of valuable things. These may be 'tangible' such as: house, car, furniture, computer; or 'intangible', such as stocks. However, property means more than just ownership. It refers to a complex web of rules that govern many relationships between individuals, communities, and the state. For example, rules of inheritance are key elements in the law of property. To use these properties and to provide a means of setting a value on them, owners must have the freedom to sell, exchange, and pledge their property, and have all these transactions protected by law. Property owners also have the right to pass their property on to their heirs, to make gifts during their lifetimes, and to engage in all kinds of legal business ventures. Owners of property have the right to hold their property without any fear of government intervention or confiscation. The right to property is a God-given right which is superior to any human law (laws made by government).

And here, one might ask: Is 'property right' a natural or acquired right? Actually, it does not matter whether they are natural or acquired. Either way property rights are an essential, important and integral part of human life. It means there is a the to sell, buy, use, rent, invest in, enjoy and or trade the things we own, be it tangible property such as a house or car or intangible property such as intellectual property. The right of every individual to own something, and prevent others from using it, is totally protected in Islam. In the address that the prophet delivered on the occasion of the farewell to Hajj, he said: 'Your lives and properties are forbidden to one another till you meet your lord on the Day of Judgement.' The Qur'an also states very clearly that the taking of people's possessions or property is completely prohibited unless they are acquired by lawful means. The Qur'an says:

Do not devour one another's wealth by false and illegal means.<sup>59</sup>

You who believe, spend some of the wholesome things you may have acquired as well as anything We produce from the earth for you.<sup>60</sup>

Islam gives Muslims the right to protect their property by all legal means. The prophet of Islam, Mohammed (peace be upon him) concerning this issue stated very clearly that: 'Whoever is killed while protecting his or her property, then he or she is a martyr' (Sahih Al-Bukhari).

Can government seize private property? In some cases, yes, the government has the power of what is known in modern law as 'eminent domain' – the power of government to take private property for public use – but the owner must be fairly and fully compensated. However, we have to bear in mind that no government should have the right to take private property for public use without just compensation. What is 'just compensation?' this means that the owner of the property is entitled to receive what a willing buyer would pay in cash to a willing seller at the time of the taking.

### *Revolt*

The last, but not the least, basic human right from the Islamic perspective is the right to protest against tyranny or, in other words, the right to revolt. When the government becomes destructive and fails to fulfil its main purpose, and when the political system becomes an obstacle to progress the development of the Islamic objectives, and also when the rulers refuse to give up power and oppress their citizens, then it is the right and duty of the individuals in that state to change their government by all legal means considered necessary. Among the rights, Islam has conferred on human beings, is the right to protest against a government's tyranny. Whenever any form of government becomes an obstacle to implementing the Islamic principles, it is the right of the people to alter or abolish it, and to replace it with a new Islamic government. Referring to this right, the Qur'an states that:

We rescued those who had forbidden evil while We seized those who were doing wrong with dreadful torment because they had been acting immorally.<sup>61</sup>

You are the best community which has been brought forth for mankind. You command what is proper and forbid what is improper and you believe in Allah [Alone].<sup>62</sup>

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This means that God strongly disapproves of abusive language or strong words of condemnation, but the person who has been the victim of injustice or tyranny, God gives them the right to openly protest against the injury that has been done to them. This right is not limited only to individuals. The words of the verse are very general. Therefore, if an individual or a group of people or a party usurps power and after assuming the reins of authority begins to tyrannise individuals or groups of people or the entire population of the country, then to raise the voice of protest against it openly is the God-given right of every person and no one has the authority to usurp or deny this right.<sup>63</sup>

Prophet Mohammed (upon him be peace) encourages all Muslims to revolt if they were asked to break the laws. The prophet stated that: 'A creature is not to be obeyed when it involves disobedience to the Creator.' According to this Hadith (the saying and doing of the prophet Mohammed) no matter how powerful the ruler is, it is the obligation of a Muslim not to obey them if their orders are unjust. Therefore, Islam strongly blames those who do not struggle and fight for their own basic rights and encourages people, if they are being denied their rights in one place to migrate (if they can not make a change) to places where those rights are better protected. Islam also disapproves of weakness in the struggle against violations. In others words, weakness is not a sufficient excuse for not fighting the transgressors. Every citizen, in the Islamic state, is required to try their best before giving up. The right to revolt is the last resort but it is a necessary one to restore a government that would undertake its proper purpose.

## CONCLUSION

Islam asserts that all mankind descended from one family created by God, and He separated us into nations and tribes not to fight and suppress but rather to know and assist each other. Thus life, dignity, justice, choice, property and privacy are among the basic and essential rights which are considered sacred, inviolable and unalienable rights in Islam. From an Islamic perspective, no person should be exposed to punishment without due process. No person should be exposed to any kind of torture. No person should live in destitution. All persons are entitled to equal protection of the law. Every person is presumed to be innocent until proven guilty by a court of law. And all religions are respected.



## NOTES

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