

The Islamic And Western Concepts Of Human Rights: Strategic Implications, Differences And Implementations

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Abstract

The human rights has reserved for mankind immense security that guarantee a life of dignity and respect in this world. The different concepts of human rights are very universal and cover all aspects of life, which indicate a refreshed and contended life. Different sorts of rights are need to be explored and the main objective of this study is to analyse the human rights with different perspectives. The present study also covers the strategic implications of human rights in the focused context of their implementation in Western and Muslim world. At present, the concept of society and culture is rapidly changing and losing its original glory, which need to be addressed in an organised way. The present research work is qualitative and based upon both primary and secondary sources e.g. Holy Quran, Hadith, dictionaries, encyclopaedia, books and articles published in various journals. It is worth mentioning that Islam not only presented equal rights for man and women but also for the rest of the creatures which is a true sign of universality of Islam. Huge difference is seen in the implications and implementations of western and Islamic human rights but the true implementation can protect humanity from exploitation.

KEY WORDS: Islam, West, Human Rights, Mankind, Muslim World, Strategies.

INTRODUCTION

Human rights are universal, for they belong to all human beings. They are not restricted to any privileged class. The concept of modern human rights dates back to the eighteenth century. The Declaration of Rights of Man was the first official document that guaranteed certain rights to individuals. The Modern document that is champion of human rights internationally is the Universal Declaration of Human Rights; it is responsible for implementation of human rights globally.ⁱ However, a clash is found between Asian and European concept of Human rights. Both sides have variegated opinions. Regardless of this, the concept of Human rights in Islam is very old and distinct than any other school of thought. Islam is a divine as well as complete and an ideal religion that provides a holistic guidance in every sphere of life. Islam has given tremendous respect to human beings. It has provided every kind of rights to human beings. The last sermon of Hajja tul Widah is regarded as the first charter of human rights in Islam. The very charter provides fundamental rights to human beings. Moreover, Islam has not excluded women in this regard. It has given due respect to them. As the Quran says, I (Allah) has bestowed a special respect to Son of Adam.ⁱⁱ In this regard, women have been given equal rights to men. As

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for minorities are concerned, they have been treated with faire hands; they enjoy same status as enjoyed by the original citizens of the state. They are excluded from military services and they have to pay jizya for their protection. Besides this, they are given with old age compensations and donations.ⁱⁱⁱ Similarly, labourers' and refugees are fully protected from every kind of exploitation and aggression. Labourers will be treated like brother, Islam. So is the case with refugees; they will be given with Amaan so that they can live peacefully. Thus, it the beauty and idealist of Islam that it has dealt with human beings in a best and remarkable way.

CONCEPT OF HUMAN RIGHTS

Human rights are those rights to which an individual are entitled by virtue of his status as a human being. Although social, political, economic and civil rights are dependent upon individual's status as a citizen of a particular state, they are not determined by his condition. Thus, individual rights are universal, indivisible and inalienable.^{iv} The Charter of European Union which was created in 2000 defines human rights. According to it, the people who live in European Union (EU) will be protected from any kind of aggression and inequality. State will be responsible for providing equal rights to the people. In Europe human rights are universal. ^vAsian countries have no organized body for the implementation of human rights. They are ensured by international organizations and nongovernmental organizations. In Asia, concept of human right is different. Asian countries give more focus on sovereignty and non interference of territorial boundaries. Besides, every country has its own cultural based human rights system. In Asia human rights are not universal. ^{vi}

WESTERN CONCEPT OF HUMAN RIGHTS

All people, irrespective of culture or customs, have basic and unalienable liberties within the Western cultural concept of human rights.^{vii} Human rights are restricted in non-Western civilizations, but only insofar as they infringe upon the rights of its members in a customary and cultural manner. These cultural practices, which offer different perspectives on the person and their place in the larger community, such as female circumcision and Sharia law, undermine the cultural underpinnings of human rights. Therefore, it is incorrect for relativists of culture to argue that human rights are a type of the concept of cultural imperialism since they uphold each culture's right to diversity even when it flagrantly violates the rights of its constituents.^{viii} States virtually unanimously accept international human rights legislation because it gives all people the ability to exercise fundamental rights, regardless of cultural differences or customs. The idea that every single human being has inherent, unalienable rights is the foundation of the Western conception of human rights. Since individual rights are the foundation of human rights, only people have globally recognized human rights—not organizations.^{ix} For civilizations whose customs prioritize communal rights above individual rights, this poses a challenge. Several important concepts are highlighted in Western notions of human rights:

- The intrinsic dignity of every person is the cornerstone of human rights in the West. According to this idea, each and every individual has inherent value and deserves to be treated fairly and with respect.^x
- All people are entitled to the same set of rights under international law, which is based on their race, gender, nationality, or religion. The premise is that these rights apply to everyone on the planet, regardless of cultural or geographical differences.^{xi}
- The significance of civil and political rights, such as the freedom of expression, assembly, and association, is frequently emphasized in Western human rights rhetoric. It is seen essential to be able to engage in politics and have a say in decisions.^{xii}
- Economic, social, and cultural rights are acknowledged in addition to civil and political rights. This covers the rights to employment, health care, education, and a sufficient quality of life. Western countries generally aim for a balance between social welfare and individual liberties.

- The idea of the rule of law is closely related to that of rights for humanity. This implies that the application of the law should be impartial, logical, and open. It suggests that everyone is subject to the law, no matter status.^{xiii}
- Human rights regimes in the West prioritize equality and non-discrimination before the law. This entails fostering equitable chances for various groups throughout society and treating everyone with impartiality.
- It's crucial to remember that different Western countries may have different priorities and interpretations due to differing historical, cultural, and political settings. Furthermore, there is constant discussion on how to strike a balance between social goals and private liberty as human rights talks continue to develop.

RIGHTS OF CHILDREN IN WEST

Children's rights are fundamental human rights necessary for our continued existence as a species. Children's rights are unassailable and essential to the advancement of everyone's human rights. Every kid has the right to a healthy, loving home, as well as the provision of basic necessities including food, first-rate medical care, and an official education. Every kid also has the right to be shielded from mistreatment, abuse, and neglect. Children need to be shielded against human trafficking and abduction.^{xiv} Every kid has the right to have decisions made with their best interests in mind, as well as the right to legal safeguards. Western governments have historically been primarily responsible for stepping in to defend children's rights to protection when their parents or other caretakers breach such rights.^{xv} President Roosevelt of the United States convened the inaugural White House Conference on the Care of Dependent Children. The establishment of the Bureau of Children, which for the first time concentrated the goal of child welfare on all children, not only poor children, was one of the first Conference's major achievements. The conferences' focus shifted to bettering children's lives nationwide in the decades that followed. Since that initial meeting, when it initially formed, CWLA has led the front in promoting federal child welfare laws.^{xvi}

The US federal government contributed to child safety in a helpful but limited way until 1974. That year saw the passage of the Child Abuse Prevention and Treatment Act (CAPTA), the first piece of federal legislation pertaining to child safety. In actuality, until the 1960s, child abuse received little national attention, even though the Bureau was concerned with the wellbeing of underprivileged and impoverished children. Laws requiring the reporting of child abuse and increased public knowledge of the issue led to a rise in attention and the creation of intervention measures.^{xvii}

WOMEN RIGHTS IN WEST

For the most of Western history, women were restricted to the home, and males were allowed to participate in public life. Women were not allowed to possess belongings, pursue education, or engage in public life in medieval Europe. In France, women were still required to cover their heads in public at the end of the 19th century, and in some regions of Germany, a husband was still allowed to sell his wife.^{xviii} Women were not allowed to vote or occupy political office in Europe or the majority of the United States until the early 20th century (although several states and territories in the US gave women's suffrage prior to the federal government). It was forbidden for women to undertake business without a male representation, whether it be a son, father, brother, spouse, or authorized representative. Without their husbands' consent, married women were unable to make decisions about their own children. In addition, women were not allowed to pursue most occupations and had limited or no access to education. These limitations on women still exist in some regions of the world today.^{xix}

Women's rights in Western nations refer to a set of basic ideals that are intended to guarantee gender equality. Among these rights are:

1. Women are entitled to take part in political activities, such as casting ballots and seeking public office.
2. Women are entitled to equal access to education, free from discrimination, at all levels, starting with basic school.
3. . Women have the right to equitable treatment at work, which includes protection from discrimination and equal compensation for equal effort..^{xx}
4. Women have the right to control their reproductive health, including the ability to use contraception and the freedom to decide whether or not to get pregnant.
5. Women have the right to unrestricted legal privileges and equal protection under the law, regardless of their gender.
6. Women are entitled to be free from gender-based discrimination in a range of contexts, including as the workplace, the classroom, and public services.
7. Women and men both have the freedom to voice their thoughts and take part in public conversation..^{xxi}
8. Women are entitled to the freedom to relocate and to choose where they live.
9. To ensure their general well-being, women have the right to get healthcare services without facing discrimination..^{xxii}

In order to advance equality between the sexes and provide women the freedom to fully engage in society, the economy, and politics, these rights are essential. It's crucial to remember that various Western nations may have varied approaches to implementing and interpreting women's rights.

LABOUR RIGHTS IN WEST

In the West, workers are often entitled to a variety of safeguards under the umbrella of labor rights. The goal of these rights is to guarantee decent and secure working conditions. Important elements consist of:

1. To ensure that workers have a minimal standard of life, governments set a minimum wage.
2. To guard against exploitation and maintain work-life balance, regulations provide a cap on the amount of hours an employee can work in a given week.
3. Extra pay is frequently needed for hours performed above the typical workweek..^{xxiii}
4. To shield employees from risks, employers are required to maintain safety regulations and create a secure work environment.
5. Harassment on the basis of age, gender, race, or handicap is illegal.
6. Employees are entitled to benefits and medical attention in the event of a sickness or injury sustained at work.
7. Employees are entitled to organize or join trade unions in order to bargain collectively for improved pay, benefits, while working circumstances.
8. Employees who experience job loss may qualify for financial aid and job placement services..^{xxiv}
9. Parental leave is provided by several nations to help workers reconcile their obligations to their families and their jobs.
10. Employees who use their rights, such as reporting workplace breaches, are protected from employer retribution..^{xxv}

These rights may differ from nation to nation and are frequently influenced by social policies, legal systems, and historical advancements in every Western nation..^{xxvi} In general, they seek to achieve a just equilibrium between the welfare of employees and the interests of employers.

REFUGEES RIGHTS IN WEST

International law protects the rights of migrants, refugees, and asylum seekers regardless of how or why they enter a nation. Regarding the following rights, refugees must be treated in the same way as other foreign nationals:

- The freedom to select where they want to live
- The freedom to travel across the nation
- Religious instruction and the unrestricted practice of faith
- Free court access, including the provision of legal counsel^{xxvii}
- Availability of primary education;
- Availability of governmental relief and aid
- The security offered by social security
- Intellectual property protection,
- For example, trade names and innovations^{xxviii}
- Fair treatment by taxation authorities; preservation of creative, artistic, and scientific activities

Along with the same rights as everyone else, they are furthermore granted certain safeguards, such as:

- Article 14 of the Universal Declaration of Human Rights, which guarantees everyone the freedom to apply for and be granted refuge from persecution abroad
- The 1951 UN Refugee Convention (as well as its 1967 Protocol), which forbids the sending of refugees back to nations where they run the danger of facing persecution.^{xxix}
- The migratory Workers Convention of 1990, which offers protection to migratory workers and their family
- Regional instruments pertaining to refugee law, such as the Dublin Regulation, the Cartagena Declaration of 1984, the OAU Convention of 1969, and the Common European Asylum System
- The majority of refugees worldwide await long-term answers to their situation. Although the majority have received interim or conditional refuge in nearby nations, they are unable to integrate or regularize their status. Their freedom of movement and employment is sometimes severely curtailed, and they frequently have very little or no access to chances for education and entertainment. Additionally, these refugees can be attacked by cross-border incursions from their country of origin or by local security forces..^{xxx}

Those who may have been compelled to leave their homes for similar reasons as refugees but who have not crossed an international boundary fall into a separate category. We refer to these individuals as internally displaced folks. Around 11.5 million people were refugees by the end of 2000, having left their home countries for a variety of reasons. An even larger number of people were internally displaced, estimated at 20 to 25 million, having left their homes for similar reasons. Rather than being battles between nations, the most of today's conflicts worldwide are more often disagreements between political or ethnic groupings within those nations. In light of this pattern, the quantity of people compelled to flee their homes due to internal disputes.^{xxxii}

ISLAMIC CONCEPT OF HUMAN RIGHTS

In Islam, concept of human rights is different from European and Asian countries. According to Islam, Allah is the creator and sustainers of the universe; he is creator of all human beings. Therefore, all human beings should be treated equally. According to Islam, Allah is sole law giver and He is the source human rights.^{xxxiii} These rights cannot be curtailed by any government or authority on the earth. As the Quran says:

”ان ربك الذي خلق السموات والارض“^{xxxiii}

“Verily, it is your God who has fashioned the heaven and earth.”

RIGHTS OF CHILDREN IN ISLAM

Islam is a universal as well as an ideal religion which gives equal rights to the each and every section of a society and children are no exception in this regard. It has given special rights to the children and the parents of the children are responsible of these rights. There are two kinds of rights for children, for example, rights before birth of the child and rights after the birth of the child.^{xxxiv}

RIGHTS BEFORE THE BIRTH OF CHILDREN

The child’s rights over their parents include some that come even before the child is born, for example, choosing a righteous wife to be a righteous mother. The Quran has explained this reality in this way: “the adulterer fornicator marries not but an adulteress fornicates or a Mushrik; and the adulteress fornicates, none marries her except an adulterer fornicator or a Mushrik.” (Al Noor 24:3).

One hadith of Hazrat Muhammad (SAW) narrates the same point in this way: “A woman may be married for four reasons: her wealth, her lineage, her beauty and religious commitment. Marry the one who is religiously committed, may your hands be rubbed with dust.”^{xxxv}

RIGHTS OF CHILDREN AFTER BIRTH

After birth of the child, he enjoys many rights. One of the first rights is to do tahnik for the child when he is born. It is a Sunnah to put any sweet thing in his mouth. Besides this, a child should be given good name. Good names like Abdullah and Abdul Rahman are best. In this regard, hadith says: “the messenger of Allah (SAW) said, the most beloved names to Allah are Abdullah and Abdul Rahman.”^{xxxvi}

Moreover, it is Sunnah that head of the child should be shaved on the seventh day and silver should be given as a charity equal to weight of his hair. Apart from this, the process of circumcision is also included in the right of a child. As for education of the children is concerned, it is responsibility of his parents provide him quality of education. In this connection hadith says, “each of you is a shepherd and is responsible of his flock A man is shepherd of his households and is responsible for them.”^{xxxvii}

Furthermore, the children should be trained in good manners and characteristics. Every father and mother should train their children in a praiseworthy characteristics and good manners. They should not behave with their neighbours and friends. Except this, the father should bring them up with good manners in all things, eating, dressing, drinking, drinking, sleeping, going out from the house, entering house, and riding in vehicles. He should refrain from bad things and teach them the characteristics of bravery, courage and patience. In addition, parents should spend money on their children.

RIGHTS OF MINORITIES IN ISLAM

Islam has given every kind of right to the minorities so that they may live peacefully in the country. Their rights are given under. It is responsibility of the Islamic state to protect life of the minorities. They should not be executed and put to trials without any reason. As the Quran says:

” ولا تقتلوا النفس التي حرم الله الحق ”^{xxxviii}

“Nor take life which Allah has made sacred, except for cause.” Similarly, our Prophet (peace be upon him) has warned the people to illegally kill the Non-Muslims. In this regard, Messenger of the Allah said: a person who kills a Non-Muslim without any reason, I will

favour him (Non-Muslim) on the day of judgement.” Islam has given them right to own property.

As the Quran has said:

” ولا تاكلوا اموالكم بينكم بالباطل“^{xxxix}

Do not snatch property of one another illegally.

A respected citizen. As the Quran says:

” لا يسخر قوم من قوم__ ولا تلمزوا انفسكم ولا تنازروا بالاقاب ولا يغتب بعضكم بعض“^{xl}

“One group of the people should not taunt other group, should not call one another by bad names and should not back bite each other.” Islam has protected privacy of the Non Muslims so that they cannot be interfered.

The Quran says:

” لا تدخلوا بيوتنا غير بيوتكم حتى تستأذنا“^{xli}

And did not enter the homes of others until they permit you.

They have right to protest against any kind of cruelty and aggression. As the Quran says:

” لا يحب الله الجهر بالسوء من القول الا من ظلم“^{xlii}

“Allah does not like any evil to be mentioned openly, unless it is being by him who has been wronged.”^{xliii}

They have freedom of consciousness. As the Quran says:

” لا اكره في الدين“^{xliv}

“There is no coercion in religion”.

Islam has also decreed that the poor and needy should be helped. In this connection, the Quran says:

” و في اموالهم حق للمسائل لمحروم“^{xlv}

And their property has share of the needful and mendicants.^{xlvi}

WOMEN RIGHTS IN ISLAM

As an ideal religion, Islam has given full rights to the women. In certain circumstances, they are superior to men. Islam has given six kinds of rights.

Islam says that women have spirit and their prayers are accepted by God. In this regard, they have equal status with men. They will go to heaven if they do good deeds. As Allah says in the Quran, “O believers, fear Allah who has created you from one soul and made you twins from it”. In Christianity, women are treated badly.^{xlvii} According to Christianity, they have no spirit and they will never go to heaven. It is because they are cause of downfall of men.

ECONOMIC RIGHTS OF WOMEN IN ISLAM

Islam has given economic rights to women. They can own property whether they are married or not. Similarly, they can sell their property to anyone voluntarily. They are not bound to consult someone in this regard.^{xlviii} Women got these rights fourteen hundred years ago when western societies were denying the spirit of women. As for work is concerned, they are not barred from doing work in any hadith. They can do any work which is legal in

Islam. They should refrain from doing the work of men. They can do work as a nurses, gynaecologists and teachers. Also, Islam has given them due share in inherent.^{xlix}

SOCIAL RIGHTS OF WOMEN

Like economic rights, they also have social rights. Islam has given them social rights in different shapes. In the shape of daughter, sister, wife and mother, she enjoys social rights. As a daughter, she is responsibility of her parents. They should bring up her in a best and better way. As the Quran says:” you should not kill your offspring for fear of poverty.” Daughters should not be killed because it is a heinous sin in Islam. Secondly, as a sister, she is also responsibility of her parents and brother. They will provide him food and shelter. As a wife, her basic facilities will be provided by her husband. As the Quran says, “your wives are your dress and you are their dress.” As a mother, she becomes supreme authority in the home. Moreover, she becomes source of heaven. As prophet (SAW) said, ” heaven lies in the feet of mother.”

EDUCATIONAL RIGHTS OF WOMEN

Islam has provided educational rights to the women. It has not forbidden them to get education. First revelation clearly manifests importance of education. The messenger of Allah (SAW) said in this regard, “it is obligatory for every Muslim men and women to get education.”

POLITICAL RIGHTS

Women are given with political rights in Islam; they can legislate in any matter. As one tradition narrates this fact that once caliph Umer was consulting the limit of Dowry with some women. A woman behind him said when Allah has already mentioned the limit of Dowry why you are consulting in this matter. Moreover, in the age of Prophet (SAW) , women took part in wars as a nurses and water carriers.¹But they are barred from doing this because it is better them to stay at homes. They will be protected by men. If an extreme situation occurs, they can take part in wars as nurses and helpers.

CONSTITUTIONAL RIGHTS OF WOMEN

Also, they have constitutional rights. In this regard they are equal with. For example, if a woman commits an act of theft, her hand will be amputated. Similarly, if a woman commits an act of fornication, she will be flogged (at least 100 whips). If a married woman commits the same act, she will be stoned to death. Men will get same treatment if they too commit these crimes. Besides this, it is forbidden to put allegations against women. For this purpose, four witness are required. As the Qur’an says, those who put allegations against innocent women should present four witness otherwise they will be beaten with whips (at least eighty whips is punishment Surah Noor).^{li}

LABOUR RIGHTS IN ISLAM

Work has a tremendous importance in Islam, for it is inevitable to provide basic necessities of life. A man needs different things in his life, like food, dress and education. For this purpose, work is necessary. Importance of work in Islam can be gauged from the saying of Hazrat Aisha (peace be upon her), As she said: “the companions of prophet (SAW) worked hard to support themselves.” One more example comes to crowding in our mind which is related to Caliph Abu Bakr that how he used to work during his caliphate; he used to trade clothes to support his family.

However, Islam has provided every kind of rights to labourers so that they may not be exploited. These rights include employer_ employee relationship, rights related to compensation and rights to take rest during work.

EMPLOYER AND EMPLOYEE RELATIONSHIP

Islam has enough emphasized on employer and employee relationship. In this regard, Islam has prioritized love, respect and brotherhood to any other things. Life of Prophet (SAW) is best example before us. He worked as a shepherd during his life time. He said, “every prophet of Allah grazed sheep and it was a noble task.” So prophet (SAW) did his task with dedication and full energy. As an employer, his example is an epitome of love, justice and brotherhood. He always preferred to sit on floor with his servants; he never felt any kind of hesitation doing this. Hazrat Anas served prophet (SAW) for ten years. He said, “during these years’ prophet SAW never rebuked him. When I did something, he never questioned my manner of doing it and when I did not anything he never questioned my failure to do it. He was the best natured of all men.” Hazrat Muhammad (SAW) said, your employees are your brother and Allah has given you authority over them, so if a person has another person under his control, he should feed him same food as he likes for himself. And you should not overburden them in jobs; instead, you should help them.” Abu Hurraira reported that the messenger of Allah (PBUH) said, someone who eats with servants, rides a donkey in the markets, and ties his sheep and milks it is not proud.

RIGHTS RELATED TO COMPENSATION

Islam has not ignored compensation. It has given it a due value. In Islam, appropriate compensation must be given to the work done.

Abu Saeed Al Khudri narrated that the Prophet (SAW) said: “Whoever employs someone to work for him, he must specify for him his wage in advance.” It is an un Islamic act not to give compensation or a little compensation for a work. It is a sin and the perpetrators will be punished severally on the day of Doomsday. In another hadith the prophet (SAW) has warned against delaying compensation for a work. In this connection he (PBUH) said: “you should pay the labourer his wages before his sweat dries.” This hadith clearly manifests that if a person is hired, he should be paid immediately after his work. However, if there is contractual agreement that wages are to be paid weekly or monthly, then this is what must be done. The Prophet of Islam (PBUH) said: “The procrastination of the rich is (form of) oppression.” There should be an agreement between the both persons which should specify the amount which will be paid after the work. ^{lii}

RIGHTS RELATED TO HAVING THE RIGHT TO REST

Islam has emphasized that workers should not be overburdened and overwhelmed with works. They should be given rest that is necessary to keep them afresh. During the work, they should be given time for prayer. Similarly, rest is necessary so that they may take time to their families. Similarly, when a person becomes too old to work, he must be compensated. The Prophet (PBUH) also said: Whoever lightens the work of his workers will have the record on his scales.”

REFUGEES RIGHTS IN ISLAM

A refugee is a person who migrates from one country to another due to unfavourable social, political and religious conditions. Islam has given basic rights to refugees. One of these best examples can be found from the life of the Prophet (PBUH) when he migrated from Makkah to Medina. He and his companions were received warmly by the residents of Medina. They shared home with migrants of Makkah and treated them like real brothers. Here the Prophet (PBUH) created a universal and remarkable example of brotherhood. Islam treats refugees with love care and respect. They enjoy the same status as enjoyed by the citizens. Islam gives Aman to every person whether he is believer and non believer. ^{liii} As the Quran says: “And if anyone of the Mushrikun seeks your protection, then grant him protection so that he may hear the word of Allah and then escort him to where he can be secure, that is because they are men who know not.” Aman seeker person will not return home after normalisation of circumstances. It depends upon his will. He forced be forced

to leave the country. The refugees should remain peacefully there; they should not involve in criminal activities. Rebels should not be given asylum because they are not oppressed. Instead, they bring instability in a country.^{liv}

DIFFERENCES BETWEEN ISLAMIC AND WESTERN RIGHTS

The idea of human rights is as old as the history of humanity itself, but Islam took the first daring and useful step in the 7th century AD (10th AH). It has emerged as one of the most important historical issues of our day, particularly from an Islamic and Western standpoint.^{lv} The most talked-about topics in the modern socio-political environment are human rights. Islam values human rights because they uphold human honour and dignity. From an Islamic standpoint, all liberties and rights are bestowed by the Almighty Allah, and the only foundation for these rights is the revealing (Wahi). These rights are outlined in several passages of the Holy Quran and Ahadiths (sayings) of the Prophet Muhammad.^{lvi} Islamic scholars assert that Islam granted essential human rights fourteen hundred years ago, in 10 AH/632 AD, with the delivery of the Holy Prophet's Last Sermon. From a Western standpoint, the Renaissance revolution serves as a solid foundation for all contemporary liberties and privileges. Prior to the Renaissance, there were no rights or liberties of any sort. Although the Magna Carta which was written in 1215 is regarded by some Western historians and researchers as a foundational work of human liberty, rights, and liberties. However, some Western scholars do not consider it to be a foundational text of Western human rights law.^{lvii}

Regarding the matter of human rights, there are two main positions: Islamic and Western. Studying the subject without the appropriate background and viewpoint is quite difficult for us. As for avoiding some of the misunderstandings that typically arise following such a conversation. As a result, it is imperative to examine the two main assertions and perspectives on human rights. Western scholars often attribute all the world's blessings to them and attempt to demonstrate that it was because of them that the world was spared stupidity and total unawareness of these advantages.^{lviii}

According to Molana Modudi:

Many people strongly assert that the Magna Carta of Britain is where the idea of fundamental human rights originated, despite the fact that the document was created six centuries after Islam. However, the fact is that no one was even aware that the Magna Carta incorporated the ideas of habeas corpus, as well as trial by jury, and parliamentary control over the right to tax until the seventeenth century.^{lix}

As a result, it might be said that the authors of the Magna Carta would have been shocked to learn that their charter included a wide range of contemporary liberties and rights if they had been alive today. Moreover, they were ignorant of all the ideas that are now being attributed to them in anti-Islamic fear; they had no such goal.^{lx} The fact that Western conceptions of human rights are not older than those of Islam is another crucial point. Mubashir Nazir claims that the Islamic approach differs from the Western assertion of human rights. Human rights were granted by Islam to all people without opposition or prejudice. The fact that Islamic human rights are universal and given to all people without restriction is another crucial issue. The Islamic claim is the second one that is applied to human rights. It implies that the Almighty Allah, rather than any ruler or lord, is the one who grants human rights.^{lxi}

A study report states that in Islam, when we talk about human rights, we actually mean that God has given them to us; no ruler or legislative assembly has ever bestowed these rights onto us.^{lxii} Another significant distinction between the Islamic claims according to the western argument, every human being in Islam is entitled to certain rights in exchange for Allah Ta'ala's respect and dignity. Human dignity, honour, and equality are the cornerstones of the Islamic understanding of human rights.^{lxiii}

This is done with the awareness that the Islamic and Western conceptions of human rights diverge for good cause. The adequate grounds state that since the UDHR has no moral or physical guarantee, Islamic human rights are deeper, more universal, more assured, and more safeguarded than those of the UDHR. The governments and nations have the authority to amend or repeal these rights.^{lxiv} Every academic and country interprets these human rights differently. In addition, if we closely study the UDHR, we will see that human rights are the rights that Islam granted fourteen hundred years ago. This indicates that the UNO Rights are not new; rather, they are an update of those that Islam previously granted in the form of the Holy Prophet's Last Sermon. Islam introduced the idea of human rights in its entirety at a period when people had virtually forgotten the lessons of Allah's prophets and no notion of such rights existed in the general public. Islam at that time gave people their fundamental rights in the form of the Prophet's last Sermon.^{lxv}

From a Western viewpoint on human rights, the English people received their fundamental rights for the first time in 1215 AD as a result of a charter of demands between the monarch and landlords known as Magna Carta. This incident occurred around six millennia after the Prophet's Last Sermon. The process of human development and progress is happening extremely quickly. However, as time goes on, human rights will likewise rapidly decline in status. In order to achieve a modest and peaceful society, we must uphold the divine laws of Allah Ta'ala and the Holy Prophet (SallallahuAlaiheWaaaliheWasallam) in all areas of our lives.^{lxvi}

CONCLUSION

The concepts of human rights in West and Islam emerge into the world in different times. In west, Magna Carta 1215 is the beginning of western rights while Khutba Hujah Tul Widah is the role model of Islamic rights and gives equal rights to each and every section of a society. Moreover, it has not suppressed the women as the other religions of the worlds have done. It has provided them equal status with men. In certain circumstances women are superior to men. Only one grade man is superior to them. Apart this, minorities are fully guarded in the Islamic government. They have every kind of rights which are required for citizens. They are only excluded from military services. Otherwise, they enjoy the same rights as enjoyed by the Muslims. In addition, Islam has focused on social justice for this purpose, it has treated labourers with fair hands. According to Islam, they should not be exploited by their employers; they will be given compensation and provided with rest during their work. As for refugees are concerned, they have been given due value. They will be protected by the Islamic state. Furthermore, they enjoy the status of full citizens and they can live in the country until they themselves leave it. Asylum is provided to every person except rebels. Thus, Islam is not a name of ethical values but it is a complete code of life. It provides guidance in every field of life in letter and spirit.

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