

A Literature Review of Islamic Concepts on Human Rights and Democracy in Indonesia

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ABSTRACT

This study aims to examine the concepts of Human Rights and democracy from an Islamic perspective in Indonesia. Human Rights (HR) and democracy have become important topics in social and political life. Democracy is a system of government that involves the active participation of citizens and is closely related to human rights, including equality of rights and obligations. This research focuses on analyzing Islamic concepts of human rights and democracy in Indonesia. This study employs a qualitative descriptive research method. The type of research used is normative research, commonly referred to as library research, which involves collecting data and written works related to human rights and democracy in Indonesia from the perspective of Islamic law. The findings of this study indicate that Islam has a clear and profound understanding of Human Rights and democracy, derived from the teachings of the Qur'an and the Sunnah. Islam affirms that every human being possesses fundamental rights that must be respected, such as the right to life, freedom, justice, and equal treatment. Meanwhile, democracy provides freedom for society while ensuring the protection and recognition of the rights of every individual.

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1. INTRODUCTION

Human Rights (HR) and democracy have become important issues in contemporary social and political life. The protection of human rights is often regarded as a fundamental requirement for establishing cooperation at the international level. These two concepts are closely interconnected; democracy cannot flourish without respect for human rights, while the protection of human rights is difficult to achieve in the absence of a democratic system. Countries that fail to uphold human rights frequently face criticism from the international community and may become isolated in global relations. Following World War II, the Universal Declaration of Human Rights (UDHR) was adopted on December 10, 1948, by the majority of member states of the United Nations (UN). This document serves as a significant foundation that establishes the fundamental rights that must be respected and guaranteed for every individual without discrimination. As a result, human rights, which were initially regarded as moral principles, became an important element in political discourse and practice.

Nevertheless, the implementation of human rights in various countries, including Muslim-majority nations, continues to face numerous challenges." (Uyla Maylani, Damai Vistiani Gulo, and Farhan Lutfhi Azidan, 2022)

Although nearly all Muslim-majority countries have signed human rights charters, their implementation has not yet been fully optimal. These challenges are influenced by various factors, including religious doctrines and a lack of political commitment on the part of governments. Some argue that Islamic teachings are incompatible with the principles of human rights. However, this view is rejected by many Muslim scholars and intellectuals, who maintain that Islam is fundamentally consistent with human rights values. Nevertheless, they also acknowledge the existence of differences between the concept of human rights regarded as "universal," which has been significantly influenced by Western civilization, and the concept of human rights from an Islamic perspective. While both frameworks share common concerns regarding human dignity, justice, and freedom, they differ in their philosophical foundations and sources of authority, (Murthada Murthada and Seri Mughni Sulubara, 2022)

The dynamics of Islamic law in Indonesia cannot be separated from the role and contributions of Islamic organizations in promoting its development and implementation. Islamic law has experienced significant progress due to the active involvement of these organizations, which has been manifested through various activities in fields such as education, healthcare, and politics. To reduce inconsistencies in the implementation of Islamic law in Indonesia, a comprehensive approach is required. First, Islamic law should be harmonized with national and customary laws through regulatory reforms that accommodate Sharia values while respecting cultural diversity. Second, legal frameworks such as the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) should be strengthened, along with enhancing the capacity of Islamic legal institutions, including the National Sharia Arbitration Board (Badan Arbitrase Syariah Nasional/BASYARNAS). Third, public literacy regarding Islamic law should be improved to reduce resistance and increase social acceptance. Fourth, the application of an *istislahi* (public welfare-oriented) approach is necessary to ensure that Islamic law remains adaptive to changing social conditions and contemporary developments. Fifth, Islamic organizations, such as Nahdlatul Ulama (NU) and Muhammadiyah, as well as community leaders, should play an active role in providing contextual guidance and legal opinions (*fatwas*). Sixth, transparent and fair law enforcement is essential to build public trust. Through these measures, Islamic law can be implemented more consistently within Indonesia's pluralistic national legal system. (Kurniati, 2024)

As a country with a Muslim-majority population, Indonesia has demonstrated its commitment to the protection of human rights since the early years of its independence, as reflected in the 1945 Constitution. However, the implementation of human rights has varied depending on the political will of the government during different periods. In the Reform Era (1998 to the present), commitment to human rights has become stronger through policies that are generally more supportive of human rights than those of previous administrations. Nevertheless, debates concerning the concept of human rights continue, particularly regarding efforts to harmonize universal human rights principles with Indonesian cultural values, as well as the various challenges encountered in their implementation. This article examines the concept of human rights in Islam and its application in Indonesia, including the challenges faced in promoting and protecting these rights within a diverse and dynamic society. (Nawawi, 2017)

Based on the background outlined above, Indonesia, which has the largest Muslim population in the world, has integrated Islamic law partially within the framework of Pancasila democracy following the 1998 Reform Era. In this system, popular sovereignty, as stipulated in Article 1 Paragraph (2) of the 1945 Constitution, serves as the foundation of a state governed by the rule of law that guarantees human rights, judicial independence, and legal certainty.

Although Sharia is regarded by Muslims as the ideal legal system derived from divine revelation, namely the Qur'an and the Sunnah, it does not function as the dominant legal framework at the national level in order to accommodate non-Muslim citizens. Instead, its application is limited primarily to certain areas of civil law and to specific regions, such as Aceh, where Islamic law is implemented more

extensively. Indonesian democracy—government of the people, by the people, and for the people—places the process of lawmaking in the hands of elected representatives in parliament. This arrangement creates a harmonious relationship between secular positive law and Islamic values within Indonesia's pluralistic society.

2. METHODS

This study employs a qualitative descriptive method. The research is classified as normative legal research, commonly referred to as library research, which involves collecting data and scholarly works related to human rights and democracy in Indonesia from the perspective of Islamic legal concepts through literature-based sources. Qualitative descriptive research is a combination of descriptive and qualitative approaches. It presents data in its original form without manipulation or experimental treatment..(Al, 2022) According to Sukmadinata, the qualitative descriptive method is primarily directed toward describing various natural or human-engineered phenomena, focusing on their characteristics, quality, and interrelationships. Furthermore, descriptive research does not involve treatment, manipulation, or alteration of the variables under investigation. Instead, it portrays conditions as they naturally exist. The only intervention involved is the research process itself, which is conducted through observation, interviews, and documentation.

3. FINDINGS AND DISCUSSION

3.1 Islamic Concept of Human Rights

Islam is a religion that has been perfected by Allah SWT, as is widely understood among Muslims. This is affirmed in Surah Al-Ma'idah, verse 3 of the Holy Qur'an:

الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتْمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمُ الْإِسْلَامَ دِينًا فَمَنِ اضْطُرَّ فِي مَخْمَصَةٍ غَيْرِ مُتَجَانِفٍ لِإِيْمَانِهِ فِئْتَانٍ أَلَّا
عَفْوَرٌ رَّحِيمٌ

Meaning: *Today I have perfected your religion for you, and I have fulfilled My favor for you, and I have accepted Islam as your religion.* (QS. al-Maidah: 3).

Human Rights (HR) in the Islamic perspective are founded upon strong principles derived from the Qur'an and the Hadith of Prophet Muhammad (PBUH). Islam teaches that human beings are created as honored and dignified creatures by Allah SWT, as stated in the Qur'an: *"And indeed, We have honored the children of Adam..."* (Qur'an 17:70). This dignity affirms that every individual, regardless of race, ethnicity, or religion, possesses fundamental rights that must be respected and protected. Islam also emphasizes the role of human beings as *khalifah* (vicegerents) on earth, entrusted with the responsibility of preserving and managing life with wisdom, accountability, and conscious awareness.

The principles of justice and equality are fundamental elements of human rights in Islamic teachings. The Qur'an emphasizes the importance of upholding justice for all people without discrimination, as stated by Allah: *"O you who believe! Stand firmly for justice..."* (Qur'an 4:135). In Islam, justice encompasses various aspects of life, including legal, social, and economic matters. Every individual has the right to be treated fairly and with dignity, including women, children, and vulnerable groups.(Quraisy Syihab, 2012)

Freedom is also recognized as one of the fundamental rights in Islam. Islam grants individuals the freedom to choose their beliefs, as stated in the Qur'an: *"There shall be no compulsion in religion..."* (Qur'an 2:256). This principle demonstrates that Islam respects individual freedom, including freedom of religion and belief, provided that such freedom does not harm others or contradict the fundamental teachings and ethical principles of Islam.(Mohamad Ikrom, 2019)

Based on the teachings of the Qur'an and Hadith, Islam views Human Rights (HR) as inherent rights possessed by every individual by virtue of being created with dignity and entrusted with the role of *khalifah* (vicegerent) on earth. The Islamic concept of human rights is founded upon the

principles of respect for human dignity, justice, equality, and freedom. Islam affirms that every person is entitled to fair treatment without discrimination and has the freedom to choose and practice their beliefs, provided that such freedom does not infringe upon the rights of others. Therefore, Islam provides a strong normative foundation for the protection and promotion of fundamental human rights in various aspects of life.

3.2 Implementation of Islamic Law Values in Public Policy in the Middle of the Democratic System in Indonesia

The implementation of Islamic legal values in public policy in Indonesia takes place through processes of negotiation, adaptation, and integration within the framework of Pancasila democracy. Islamic law is not enforced as a formal theocratic system; rather, it is accommodated through cultural and structural approaches, whereby its values are incorporated into national legislation (the positivization of law) without undermining the principles of pluralism. (Sutiono., 2011)

The right to life is a central concern in Islam. The Qur'an states: *"Whoever kills a person, except as a punishment for murder or for spreading corruption on earth, it is as if he has killed all mankind..."* (Qur'an 5:32). This verse emphasizes that preserving human life is a profound responsibility, and any violation of the right to life is regarded as a major sin in Islam.

Islam also places strong emphasis on social and economic rights. Every individual is entitled to a decent standard of living, education, and access to basic necessities. Islam encourages social solidarity through instruments such as zakat, charity (sadaqah), and waqf to ensure a fair distribution of wealth. These principles aim to reduce social inequality so that everyone can fulfill their rights properly. In this way, Islam positions human rights as an integral part of a harmonious life and as an act of worship to Allah SWT.

Islam is a perfect religion, completed by Allah through the Qur'an as its holy book. The explanations provided by Prophet Muhammad (PBUH) in the Sunnah function as detailed guidance for implementing the teachings of the Qur'an. Therefore, the concept of human rights in Islam is rooted in two primary sources, namely the Qur'an and the Sunnah.

The following outlines the implementation of Islamic legal values in public policy in Indonesia:

- a. Cultural and Substantive-Based Implementation: The application of Islamic law is carried out substantively through the internalization of values such as justice ('adl), consultation (shura), and trustworthiness (amanah) within political and social systems, rather than merely formal symbolism.
- b. Legal Negotiation (Positivization): Islamic law is incorporated into the Indonesian legal system in specific areas such as family law, waqf, zakat, Islamic banking, and religious courts. Concrete examples include the Marriage Law, the Zakat Management Law, and the Islamic Banking Law.
- c. Special Autonomy (Aceh): The comprehensive implementation of Islamic law (kaffah) is constitutionally recognized in Aceh through Sharia Qanun based on Law No. 11 of 2006.
- d. Alignment with Democracy: Islamic legal principles such as justice, freedom, equality, and consultation are considered compatible with Indonesian democratic values. Indonesian democracy is viewed as a religious democracy that acknowledges the role of religion in public life.
- e. Challenges and Dynamics: The integration of Islamic law into the national legal system often faces challenges in maintaining a balance between Muslim aspirations, national stability, and respect for human rights and pluralism. The Constitutional Court plays an important role in ensuring that policies adopting Islamic law remain consistent with the 1945 Constitution. (Sulaiman, 2021)

The implementation of Islamic legal values in public policy in Indonesia is carried out through processes of integration and adaptation within the framework of Pancasila democracy without neglecting the principle of pluralism. Islamic values such as justice, consultation (shura), trustworthiness (amanah), protection of the right to life, and the fulfillment of social and economic rights are accommodated in various national regulations, including family law, zakat, waqf, Islamic banking, and religious courts. This implementation takes place in both cultural and substantive forms, and it also takes a special form in Aceh through the enforcement of Islamic law. Nevertheless, the integration of Islamic law continues to face challenges in maintaining a balance between religious

aspirations, human rights, and Indonesia's social diversity. Therefore, constitutional oversight is required to ensure consistency with the 1945 Constitution and democratic principles.

3.3 Islamic Concept of Democracy

Human beings naturally have a need to live together in a community, as described by Aristotle, who defines humans as social beings (*zoon politikon*). In social life, individuals possess different interests and often seek greater attention to their own priorities. These differences frequently lead to social conflict, making a system necessary to protect individual rights. One system considered effective is democracy, which guarantees the freedom of the people to choose their leaders and political system, as well as to replace them when deviations from the constitution occur. (Harahap, 2014)

Islam the concept of democracy is strongly rooted in the principles of *shura* (consultation), justice, and equality. *Shura* is a fundamental value taught in the Qur'an, as stated in Surah Ash-Shura: 38, which emphasizes the importance of consultation in decision-making processes. Within the framework of democracy, *shura* reflects public participation in governance and policymaking that prioritizes collective interests. This principle demonstrates how Islam emphasizes collective engagement as a form of social responsibility. (Rangkuti, 2018)

Islam teaches that a leader is not an authoritarian ruler but a servant of the people who carries moral and spiritual responsibility to fulfill public trust with integrity. This principle aligns with democratic values, where leaders must be accountable to the people and transparent in performing their duties. Accountability in governance becomes a concrete manifestation of Islamic values that prioritize public service and justice. Democracy in Islam continues to operate within the corridor of sharia law. Islam respects freedom of opinion and participation, but such freedom must not conflict with moral values and religious rules. Therefore, democracy in Islam can be seen as a system that integrates justice, participation, and accountability with the guidance of spiritual values. This shows that Islam not only supports democracy, but also provides a framework based on ethics and religious values.

As a country that adopts a democratic system, Indonesia is committed to building a society that upholds the principles of justice, freedom, and equality, while respecting differences in ethnicity, culture, objectives, and perspectives. To achieve this goal, an initial step is the improvement of the existing democratic system. Islam, as the majority religion in Indonesia, has significant potential to contribute to various aspects of state governance, including the exercise of political authority. This contribution can be grounded in the teachings of the Qur'an. Therefore, it is important to study the concept of democracy contained in the Qur'an. The application of Islamic teachings in this context is not intended to assert majority dominance, but rather as part of a collective effort to build the nation. The Qur'an itself often acknowledges the active role of minority groups, considering that many people are prone to moral deviation and wrongdoing.

From an Islamic perspective, democracy is based on the principles of *shura* (consultation), justice, equality, and accountability, which are in line with modern democratic values. Islam positions leaders as holders of a trust (*amanah*) that must be exercised to serve and ensure public welfare, while also guaranteeing public participation in decision-making. However, such freedom and participation remain within the framework of moral values and Islamic law. In the Indonesian context, democratic values derived from Islamic teachings can serve as an important contribution to strengthening a democratic system that is fair, inclusive, and respectful of diversity. Thus, democracy and Islam are not positioned as opposing concepts, but rather as complementary frameworks in realizing a just and dignified national life.

4. CONCLUSION

Islam presents a clear and comprehensive understanding of human rights and democracy, derived from the teachings of the Qur'an and the Sunnah. Islam affirms that every human being possesses fundamental rights that must be respected, including the right to life, freedom, justice, and equal

treatment. Meanwhile, democracy provides society with freedom while ensuring the protection of individual rights.

The implementation of Islamic legal values in public policy within Indonesia's democratic system shows a partial-success pattern. Islamic values remain strong in personal and social domains, reflected in approximately 20–30% of regulatory frameworks. At the same time, these values operate within a pluralistic democratic process. This condition produces a contextual model of sharia that is adaptive and stable within a diverse society.

In the Islamic concept of democracy, Islam teaches that a leader is not an authoritarian ruler but a servant of the people who carries moral and spiritual responsibility to fulfill public trust with integrity.

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