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In the explanatory religion of Islam and human rights (citizenship rights)

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Abstract

Citizenship rights represent a foundational paradigm governing the relationship between the individual and the state, encompassing both legal entitlements and moral obligations. This study seeks to elucidate and critically compare the conceptualization and scope of citizenship rights as articulated within Islamic jurisprudence and the contemporary international human rights framework.

Adopting a theoretical and descriptive-analytical methodology, the research is based on comprehensive library study, engaging primary texts, classical jurisprudence, modern scholarship, and relevant legal-philosophical discourses to develop a nuanced comparative analysis.

While notable divergences exist between Islamic doctrine and international human rights norms regarding the articulation and application of citizenship rights, a strong convergence is evident in their foundational principles—particularly the inviolability of human dignity and the recognition of fundamental, non-derogable rights. Both paradigms affirm equality, justice, and security as cornerstones of citizenship.

Core dimensions such as equality before the law, personal security, fundamental freedoms, due process, education, and social welfare feature prominently in both traditions. The ethical and legal doctrines within Islam, however, articulate a profound and often anticipatory vision of citizenship rights, many of which align with, and in some cases precede, principles enshrined in modern human rights instruments.

This correspondence highlights the potential for constructive philosophical dialogue on the universality and particularity of citizenship in pluralistic societies, contributing to a richer understanding of the intersection between religion, law, and human rights

1. Introduction

The central objective of legal scholarship is to regulate relations among subjects of law. Among the many diverse forms of legal relations, one of the most significant is the relationship between the state and its citizens. In order to regulate and safeguard these relations, states develop and codify civil rights norms within the framework of their domestic legal systems.

Citizenship rights are rooted, on the one hand, in the constitutions of individual states and, on the other, in international human rights standards and principles. At the level of international law, the relationship between the individual and the state is examined not merely through the lens of nationality but also in recognition of universal human rights that transcend borders. Nevertheless, in specific contexts such as the allocation of political rights (e.g., the right to vote), the addressee of these rights is confined to citizens of a particular state.

From this perspective, civil rights norms may be viewed as grounded in, and at times derived from, international human rights standards. The relationship between people and political authority has been the subject of extensive debate in political, legal, and religious traditions throughout history. Islam, as one of the world's major religions, has articulated comprehensive principles regarding the relationship between the ruler and the ruled, embedded within the foundations of Islamic jurisprudence.

The duties and responsibilities of the Islamic ruler are expressed in the form of general principles within the field of political jurisprudence, but their influence extends across diverse branches of fiqh (jurisprudence). Consequently, the provisions relating to the rights of citizens in Islamic law are extensive and multifaceted. The foundational principles of justice, equity, and responsibility manifest not only in political theory but also in diverse areas such as contracts, inheritance, and wills. These scattered legal norms collectively contribute to the broader conception of citizenship rights within Islam.

Against this background, the central research question of the present study is as follows: *What is the status of citizenship rights (in terms of validity and scope) within the framework of Islamic jurisprudence and the international human rights system?* The guiding hypothesis suggests that while the fundamental principles of civil rights in both traditions converge in their recognition of dignity, justice, and non-derogable entitlements, divergences emerge in their practical applications and underlying epistemological foundations.

2. Materials and Methods

This study adopts a descriptive-analytical approach. The research relies on the library method for data collection, utilizing primary sources of Islamic jurisprudence, classical and contemporary legal scholarship, and international human rights instruments. The comparative method has been employed to examine similarities and differences between the two frameworks.

3. Ethical Considerations

Throughout the research and writing process, academic honesty, accuracy, and respect for intellectual property were strictly observed. All primary and secondary sources have been engaged with integrity, and the originality of the text has been preserved.

4. Findings

The findings indicate that, despite some differences between Islam and international human rights in the identification and implementation of citizenship rights, the two frameworks share fundamental characteristics. Both traditions recognize the inviolability of certain core rights and emphasize the necessity of protecting the individual against arbitrary deprivation of dignity, justice, and security. While divergences exist in the articulation of specific criteria and their scope of application, the foundational features of citizenship rights—particularly their non-derogable nature—exhibit a strong degree of similarity between Islamic jurisprudence and the international human rights system.

5. Discussion

This section discusses the Islamic approach to the explanation and preservation of civil rights, drawing upon jurisprudential sources, Qur'anic injunctions, Prophetic traditions, and comparative analysis with international human rights norms.

5.1 Civil Rights from the Perspective of Narratives

Faith in God establishes a profound spiritual bond among believers, binding them together as one body in which the well-being of one is inseparable from that of others. The Prophet of Islam stated: *"The believer is the brother of another believer; just as when a limb of the body suffers, the rest of the body also feels pain, so too are the souls of two believing brothers united as one soul"* (Kulaini, 1990, p. 212). He further emphasized: *"Whoever awakes in the morning without concern for the affairs of Muslims is not of them."*

From this perspective, citizenship in Islam extends beyond mere political belonging. All members of the community—whether Muslims or non-Muslims residing in an Islamic society—are entitled to the respect and protection of their fundamental rights. Thus, civil rights in Islam are grounded not only in legal obligations but also in moral and spiritual responsibilities.

5.2 Islam and the Preservation of Economic Security

Islam attaches great importance to economic security as an essential dimension of citizenship rights. Several principles may be derived from the Qur'an and Prophetic traditions:

A. Protection of Property:

The Messenger of Allah (peace be upon him) declared: *"The sanctity of a Muslim's property is like the sanctity of his blood."* Safeguarding the wealth of individuals is therefore a collective responsibility.

B. Prohibition of Usurpation:

Taking another's property without consent is unequivocally forbidden: *"It is not permissible for anyone to take another person's property without the permission of its owner."*

C. Punishment of Theft:

Theft, as a violation of both property rights and social security, carries severe punishment: *"As to the thief, the male or female, cut off their right hand"* (Al-Mā'idah, 5:38).

D. Mutual Consent in Transactions:

Ownership transfer is valid only through consent: *"O you who believe! Do not consume one another's property unjustly, except through trade by mutual consent"* (An-Nisā', 4:29).

E. Condemnation of Exploitation and Fraud:

All forms of exploitation—monopolization, betrayal of trust, dishonesty, or short-selling—are prohibited: “*Woe to those that deal in fraud*” (Al-Muttaffin, 83:1).

Together, these principles demonstrate Islam’s commitment to ensuring economic justice and security as an integral component of civil rights.

5.2 Characteristics of Human Rights in Islam

Islamic conceptions of human rights are characterized by distinctive features that reflect both universality and divine authority:

1. **Universality:** Every human being, regardless of race, language, gender, or religion, is entitled to these rights.
2. **Inalienability:** Rights cannot be renounced or forfeited, as they are inseparable from human existence.
3. **Indivisibility:** Rights are interdependent; none can be disregarded without undermining others.
4. **Complementarity:** The elements of rights are mutually reinforcing and collectively ensure human dignity.
5. **Divine Origin:** Rights are granted by God, not by any human authority, whether religious or secular.
6. **Innateness:** Rights are inherent in human nature and not dependent on social contracts or external recognition (Al-Barzi, 2010, p. 33).

Thus, Islamic civil rights are not merely legal constructs but are grounded in theological and moral foundations, rendering them permanent and beyond human manipulation.

5.3 Comparison of Human Rights and Civil Rights in Islam with International Regulations

When compared with international human rights norms, Islamic jurisprudence reveals both convergence and divergence.

- **Convergence:** Both systems recognize fundamental entitlements such as equality before the law, protection of property, access to justice, and the safeguarding of human dignity. Both also emphasize the inviolability of certain core rights, such as life, liberty, and security.
- **Divergence:** Differences arise in scope and epistemological foundations. International human rights are grounded in secular legal frameworks and contractual traditions, while Islamic civil rights are derived from divine revelation and jurisprudential reasoning. Additionally, certain political rights—such as leadership roles—may be circumscribed in Islamic contexts by religious considerations.

Despite these differences, the shared emphasis on justice, human dignity, and non-derogable rights provides a foundation for dialogue between Islamic thought and international human rights regimes.

5.3.1 Reflection of the Universal Declaration of Human Rights in the Basic and Customary Laws of Islamic Countries

In addition to the Cairo Declaration on Human Rights in Islam (1990), references to the *Universal Declaration of Human Rights* (UDHR, 1948) can also be found in international instruments to which Islamic states are parties. For instance, in the *Final Document of the Eleventh Meeting of Foreign Ministers of the*

Non-Aligned Movement (Cairo, 1994), explicit reference was made to the UDHR. Despite certain conditions and reservations expressed in Articles 95 and 99 of the Final Act, the representatives of Islamic countries reiterated their serious commitment to fulfilling their obligations under the UN Charter and other human rights instruments.

Since 1948, symbols and principles of human rights have progressively entered the constitutional frameworks and customary laws of many Islamic states. Among the notable examples are:

- The Constitution of Morocco (1961),
- The Constitution of Algeria (1963),
- The Constitution of the United Arab Emirates (1964),
- The Constitution of Pakistan (1964),
- The Constitution of the Islamic Republic of Iran (1979).

These examples demonstrate that the adoption of human rights discourse in the Islamic world is not marginal but has been embedded, to varying degrees, in both basic laws and customary legal frameworks (Parvin, 1938, p. 51).

5.3.2 Human Rights Treaties and the United Nations

The activities of international human rights actors, particularly the United Nations, have led to the drafting and adoption of numerous declarations, conventions, and treaties. These efforts represent the collective global endeavor to institutionalize human rights norms at the international level.

Prominent instruments include:

- Universal Declaration of Human Rights (1948),
- Convention on the Prevention and Punishment of the Crime of Genocide (1948),
- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),
- European Convention on Human Rights (entered into force in 1953),
- International Convention on the Elimination of All Forms of Racial Discrimination (1965),
- American Convention on Human Rights (1969).

(Johnson, 2009, p. 106).

These instruments provide the structural foundation of contemporary international human rights law, setting universal standards that Islamic states increasingly engage with, whether through accession, reservations, or parallel frameworks such as the Cairo Declaration.

5.4 International Law and Human Rights

In the contemporary international system, one of the defining features is the universal protection of human rights, which directly influences the credibility and standing of states. Adherence—or lack thereof—to human rights norms affects not only domestic legitimacy but also a country’s position in international relations.

Consequently, many states now incorporate human rights into their foreign policy agendas. Ministries of Foreign Affairs often establish dedicated human rights departments, reflecting governments’ serious engagement with conventions, treaties, and

even initiatives to draft new frameworks for human rights protection (Rifaat, 2022, p. 134).

Although the global importance of human rights is a relatively recent development in terms of international law, the underlying concepts have a long history, dating back more than two millennia. The evolution of human rights has been shaped by philosophical, ethical, and religious traditions. Over time, this intellectual heritage has culminated in the establishment of complex legal and political institutions designed to promote and safeguard human dignity worldwide (Mehrpour, 2010, p. 43).

5.5 Rejection of Human Rights from the Perspective of Religious Leaders

Not all scholars and religious leaders embrace the modern discourse on human rights without reservation. Figures such as Ayatollah Misbah Yazdi and Fazlullah Nouri argue that human reason is inherently limited in determining what is beneficial or harmful. They contend that:

- Human knowledge is finite and incomplete; as knowledge expands, new areas of ignorance are revealed.
- Human beings are bound by desires, emotions, and self-interest, which undermine the reliability of human-made laws.
- Consequently, only God, as the omniscient Creator, can legislate universal and eternal laws for humanity.

From this standpoint, human laws not derived from revelation—or at least aligned with it—are destined to fail, leading to disorder in society. This reasoning underpins the necessity of *ijtihad* (independent reasoning) and the central role of *mujtahids* in interpreting divine law. The prerogative of legislation, particularly in universal matters, is thus regarded as belonging exclusively to God (Aqababai, 2011, p. 201).

Counter-Argument:

While this view underscores divine sovereignty, critics note that the application of Sharia through *ijtihad* has historically produced diverse and even contradictory rulings across Islamic sects. Within Shia jurisprudence itself, a wide range of fatwas and interpretations exists, sometimes leading to accusations of error or even disbelief among scholars. This diversity suggests that, although the right to legislate belongs exclusively to God, the human process of interpreting divine law remains variable and context-dependent. In practice, this variability resembles the pluralism of human legislation, raising questions about the universality and uniformity of religiously grounded legal systems.

5.6 Universal Challenges of Islamic Human Rights

The Universal Declaration of Human Rights (UDHR) consists of thirty articles, structured around the principles of equality, dignity, and freedom. According to this declaration, all human beings are equal regardless of racial, ethnic, cultural, religious, gender, or social differences. Consequently, every individual is entitled to equal dignity and rights, and no one may be deprived of such rights on the basis of these distinctions.

The central theme of the UDHR is the universality of rights, emphasized particularly in Articles 1, 2, and 18:

- **Article 1** states: “All human beings are born free and equal in dignity and rights. They are endowed with

reason and conscience and should act towards one another in a spirit of brotherhood” (Heiner, 2023: 16).

- **Article 2** asserts: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.”
- **Article 18** affirms: “Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to change religion or belief, and freedom to manifest religion or belief in teaching, practice, worship, and observance, either individually or in community, in public or private” (Naserzadeh, 2011: 117).

Based on these provisions, all individuals—women and men, Muslims and non-Muslims, religious and secular groups, and political or sectarian factions—are entitled to dignity and rights without discrimination. Religious freedom, political equality, and gender equality are among the most significant areas of tension between Islamic thought and international human rights.

Critics argue, for example, that rights recognized for men in Islam, such as divorce, should also be extended to women under the UDHR. Similarly, apostasy is treated as a matter of free choice in the UDHR, while Islamic jurisprudence traditionally regards it as a punishable act. Moreover, the principle of reciprocal justice poses challenges: if retribution is permitted for the killing of a Muslim, it would also imply that non-Muslims should have the right to seek retribution for the killing of one of their own by a Muslim. These are among the serious dilemmas that Islamic scholars and jurists must address (Langenhäuser, 2000: 144).

5.7 Proposed solutions to resolve the challenges of citizenship rights in light of Islamic teachings

In the author’s view, given the challenges of fully adapting modern concepts of human rights to Islamic teachings—particularly differences in the foundations of legitimacy, approaches to freedom and equality, and specific instances of rights—it is necessary to present a set of theoretical and practical solutions to address these conflicts. The following proposals may be considered:

1. **Ijtihadic rereading of religious texts with a contemporary approach** Imamiyah jurisprudence, especially with tools such as the rule of harm, expediency, and consideration of time and place, possesses the flexibility to adapt to present-day conditions. Employing this capacity can yield updated interpretations of Islamic citizenship rights without neglecting the fundamental principles of Sharia.
2. **Separation of principles from human rights instances** Most tensions between the human rights system and Islamic jurisprudence arise not from core principles but from their application in particular cases. Through comparative research and renewed theorization, instances of citizenship rights may be redefined in light of the cultural and social contexts of Islamic societies.
3. **Continuous intercultural and interreligious dialogue** Establishing joint scientific and academic platforms with the participation of Islamic jurists, theologians, and international legal scholars can foster mutual understanding, mitigate extremism, and promote the

articulation of Islamic human rights as an independent yet dialogical system.

4. **Developing a comprehensive charter of Islamic citizenship rights** Islamic countries, drawing on Sharia sources, may design local charters that explicitly and bindingly articulate the principles and rights of citizenship. Such a framework can strengthen the synergy between Islamic law and the broader objectives of international human rights.
5. **Public education and institutionalization of Islamic citizenship rights** Raising public awareness—particularly through the educational system and mass media—regarding citizenship rights from an Islamic perspective will foster cultural development and nurture an indigenous respect for human dignity and the reciprocal responsibilities of the individual and the state.

In sum, the theoretical and jurisprudential capacities of Islam in the field of citizenship rights extend far beyond what is encompassed in classical Western frameworks. By reconstructing the jurisprudence of public law, engaging in dialogue with international human rights systems, and employing new tools of ijtihad, it is possible to establish a localized, legitimate, and efficient model for the protection and promotion of citizenship rights within Islamic societies.

5.8 The System of Citizenship Rights in Islam

The epistemological system of Islam is founded on several core principles, which provide the basis for understanding citizenship rights:

1. **The Unseen and the Visible World** In Islamic thought, the universe is divided into two realms: the visible and the unseen. The visible world encompasses all material entities perceptible by human senses, while the unseen world includes beings beyond sensory perception. Belief in the unseen is a hallmark of piety, and those who maintain such faith are considered true believers.
2. **Existence Created by Allah** All existence, whether abstract or material, including humans, is created by Allah. God is the Creator and Sustainer of everything and exercises absolute authority over all beings.
3. **Purposefulness of Creation** In Islam, the universe, including humanity, is created with a specific purpose. All beings are oriented toward fulfilling this divine purpose:

وَمَا خَلَقْنَا السَّمَاءَ وَالْأَرْضَ وَمَا بَيْنَهُمَا بَاطِلًا ذَلِكَ ظَنُّ الَّذِينَ كَفَرُوا فَوَيْلٌ
لِّلَّذِينَ كَفَرُوا مِنَ النَّارِ ؛ (ص، 27)

“And We did not create the heavens and the earth and what is between them in vain. That is the assumption of those who disbelieve. So, woe to those who disbelieve from the Fire.” (Sāffāt, 37:27)
4. **Planning and Supervision of Existence** God is not only the Creator but also the Planner and Supervisor of all existence. Humans are accountable for both their outward actions and inner intentions:

الله ما في السموات و ما في الارض و ان تبدوا ما في انفسكم اوتخفوه
يحاسبكم به الله فيغفر لمن يشاء و يعذب من يشاء و الله علي كل شي
قدير (بقره، ٢٨٤) .

“The heavens and the earth and all that is within them belong to Allah. Whether you reveal what is in your hearts or conceal it, Allah will call you to account. He forgives whom He wills and punishes whom He wills. Allah is capable of all things.” (Al-Baqarah, 2:284) Scholars clarify that this accountability pertains to established qualities and intentions, such as faith, disbelief, love, and enmity, which manifest in actions; involuntary thoughts are not included.

5. **The Multi-Stage Life of Man** Islamic thought envisions life as comprising multiple interconnected stages:

- a) **Worldly Life** This stage begins at birth and ends with death. Humans enjoy relative freedom, and their actions influence their destiny in both this life and the hereafter:

و ان ليس الانسان الا ماسعياً ان سعيه سوف يري (نجم، ٣٩) .

“And for man, there is nothing but what he strives for, and soon he will see the result of his efforts.” (Najm, 53:39)

- b) **Hereafter** The afterlife begins after death and is eternal. Rewards and well-being in the hereafter are contingent upon one’s efforts in the worldly life:

«إِنَّ الْمُتَّقِينَ فِي ظِلَالٍ وَعُيُونٍ وَقَوَائِمٍ مِمَّا يَشْتَهُونَ كُلُوا وَاشْرَبُوا هَنِيئًا بِمَا كُنتُمْ
تَعْمَلُونَ (مراسلات، ٤١) .

“Indeed, the righteous will be in shades and springs, and whatever fruits they desire will be prepared for them. Eat and drink pleasantly, in reward for what you used to do.” (Mursalat, 77:41)

6. Acceptance of Reason as a Source of Knowledge:

Although the term *reason* appears in religious texts with multiple nuances, it is consistently portrayed as a fundamental source of knowledge about the world, including human nature. Numerous verses criticize disbelievers for failing to employ their reason, often using expressions akin to those of the learned and enlightened. However, religious texts also underscore the limitations of reason, particularly in matters of divine commandments and prohibitions, some of which pertain to human rights. The insufficiency of reason is highlighted by Imam Sadiq’s words: “*The religion of God cannot be known by mere comparison.*”

7. Acceptance of the Senses as a Source of Knowledge:

From birth, humans engage with the external world through their senses, using them to acquire knowledge. Yet, it is widely recognized that human senses are inherently limited, particularly in comprehending unseen realities. Even when perceiving the material world, sensory input is prone to error; the slightest misjudgment can distort one’s understanding of natural phenomena.

Allah says:

والله أخرجكم من بطون امهاتكم لا تعلمون شيئاً و جل لكم السمع البصر و الافده لعلكم
تشكرون (نحل، ٧٨)

“By Allah, we brought you out of the wombs of your mothers knowing nothing, and endowed you with hearing, sight, and hearts, that perhaps you may be grateful.” (An-Nahl 78)

Some verses explicitly reprimand people for failing to use their senses correctly:

افلا ينظرون الى الابل كيف خلقت و الى السماء كيف رفعت و الى الجبال كيف نصبت و الى الارض كيف سطحت. (غاشيه، ١٧، الي ٢٠)

"Do they not look at the cloud, how it is created? And at the sky, how it is raised? And at the mountains, how they are set? And at the earth, how its surface is spread?" (Ghayshah 17-20)

These passages reflect the acknowledgment of both reason and the senses as sources of knowledge. The Quran also notes the consequences of neglecting them:

وقالوا كنا نسمع او نعقل ما كنا في اصحاب السعير. (ملك، ١٠)

"And they will say: If we had heard or understood, we would not have been among the people of the Burning Fire today." (Malik 10)

8. The Necessity of Guiding Humanity through Revelation:

Given the purposeful creation of humanity and the limitations of reason and the senses in guiding man, it becomes inevitable that God provides guidance through an alternative, transcendent means: revelation. To fulfill this divine purpose, selected individuals from among humanity are appointed as intermediaries between God and mankind. Their role is to transmit divine guidance through the Book of God, ensuring that humanity receives the knowledge necessary to live rightly (Omid Zanjani and Tavakli, 2007, p. 173).

From the Islamic perspective, the final divine scripture is the Quran, and the ultimate messenger is the Prophet Muhammad (peace be upon him). As the Quran affirms:

"Without doubt, we have sent to you, as We sent to Noah and the prophets after him, messengers bringing glad tidings and warnings, so that after the sending of the messengers, humanity has no argument against God. Indeed, Allah is Almighty and Wise."

9. Establishing Rules of Dos and Don'ts:

To achieve any goal, it is essential to have clear guidelines specifying actions that bring one closer to the objective and prohibitions that prevent deviation. These divine instructions serve as a roadmap for human conduct, ensuring that individuals navigate life in alignment with their ultimate purpose.

Allah commands:

وَجَاهِدُوا فِي اللَّهِ حَقَّ جِهَادِهِ هُوَ اجْتَبَاكُمْ وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ (حج، ٧٨)

"And strive in the way of Allah with sincere effort. He has chosen you and has placed no undue burden upon you in the matter of religion." (Al-Hajj 78)

This guidance demonstrates that divine law is both purposeful and accessible, providing a balanced framework for human action without imposing unnecessary hardship.

10. The Purpose of the Creation of Humanity:

In Islamic teachings, human creation is guided by preliminary, intermediate, and ultimate objectives. The ultimate purpose is to draw near to Allah, which can only be achieved through knowledge of Him and submission to His commands and prohibitions. As the Quran states:

وما خلقت الجن و الانس الا ليعبدون؛ (ذاريات، ٥٦)

"And I did not create the jinn and mankind except to worship Me." (Adh-Dhariyat 51:56)

This principle underpins Islamic knowledge and plays a pivotal role in the formulation of its legal system, although other principles also contribute. Considering this framework, we can address three fundamental questions about law in Islam.

- 1. The Nature of Legal Laws:** The laws in Islamic jurisprudence are not intrinsic but are constructed to serve the higher objectives of human welfare and spiritual development. While these laws are "artificial" in the sense of being consciously instituted, their foundation is objective, rooted in the divine recognition of human needs, benefits, and detriments. They reflect a purposeful design that harmonizes human actions with external realities and moral imperatives.
- 2. The Lawgiver:** Given the complexity of human existence, which spans both the material world and the unseen realm, and considering the inefficiency of reason and the senses alone to legislate for such complexity, it follows that the ultimate lawgiver is God. Allah, as the Creator, possesses complete knowledge of all dimensions of existence, the unseen, and human needs (Mardiha, 2008, p. 49). The Quran affirms:

وَلَقَدْ خَلَقْنَا الْإِنْسَانَ وَنَعْلَمُ مَا تُوَسُّوْسُ بِهِ نَفْسُهُ وَنَحْنُ أَقْرَبُ إِلَيْهِ مِنْ حَبْلِ الْوَرِيدِ (١٦٠)

"And We have certainly created man and We know what his soul whispers to him, and We are closer to him than the jugular vein." (Qaf 50:16)

إِنَّ الْحُكْمَ إِلَّا لِلَّهِ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ذَلِكَ الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ (يوسف، ٤٠)

"Indeed, the rule belongs only to God. He has commanded that you worship none but Him. That is the right religion, but most of the people do not know." (Yusuf 12:40)

إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ وَلَا تَكُنْ لِلْخَائِبِينَ خَصِيمًا (نسا، ١٠٥)

"We have sent down to you the Book in truth, so that you may judge between people as God has shown you, and do not be a disputant for the wrongdoers." (An-Nisa 4:105)

Thus, while God is the ultimate legislator, He imparts knowledge of law to His prophets and Imams, who act within the limits of His divine guidance and permission.

- 3. The Universality and Permanence of Islamic Laws:** Since God is the lawgiver and Islam is the final divine religion, its laws are eternal in time and universal in scope. Historical, sociological, and religious evidence demonstrates that the recognition of fundamental human rights has existed since ancient times. In Islam and Christianity, these rights—rooted in divine will—are essential to human dignity. The Universal Declaration of Human Rights did not invent these rights; rather, they were anticipated in divine revelations, philosophical thought, and national legislation long before the United Nations codified them.

Throughout human history, prophets, philosophers, thinkers, and philanthropists across civilizations have sought to elevate human dignity and defend fundamental rights. From the eighteenth century onward, with the adoption of declarations of human rights in America and Europe, and particularly after World War II, these principles gained unprecedented global recognition, culminating in

the Universal Declaration of Human Rights and related international covenants and agreements (Shirvani, 2008, p. 81).

5.9 Comparison of Civil Rights in Islam with Other Schools: The Islamic perspective on civil rights differs fundamentally from other legal schools. It is not like the school of natural law, which regards civil rights solely as objective facts, nor like the school of purely rational law, which considers only the dictates of practical reason as the basis of rights and legislation. Likewise, it is distinct from the positivist school, which views civil rights as purely contractual constructs.

Islamic legal principles possess a dual nature: they are both authentic and real. They are authentic because they emanate from the creation and the divine will of God, and they are real because the divine legislative will is perfectly aligned with His creative wisdom. Consequently, Islamic laws are grounded in objective reality as well as the benefits and harms pertaining to individuals.

In essence, Islamic legal rules are neither entirely revealed commands nor purely human inventions. Rather, they are divinely validated principles, grounded in reality, crafted by the All-Knowing, All-Wise God, who enacts laws for His subjects with justice and equity (Mumtaz, 2009, p. 75).

5.10 The Basis of Legitimacy of Civil Laws Islam's perspective on the legitimacy of legal rules differs fundamentally from other schools of law. In natural and rationalist schools, legitimacy is based on a law's conformity with nature and reason. Any rule aligning with these criteria is deemed legitimate, regardless of public or state acceptance, while any rule that deviates is considered illegitimate, even if widely accepted. Conversely, positivist schools argue that legitimacy stems from authority: any rule recognized as binding by the state or society is valid, even if it contradicts nature or reason; conversely, unrecognized rules are invalid, even if rationally sound. As a result, civil laws in these systems are subject to frequent and sometimes arbitrary changes.

From the Islamic perspective, however, legitimacy is grounded in conformity with the divine will. Any law or rule aligned with the absolute will of the Creator is inherently legitimate, even if it lacks human or state recognition. Conversely, any law contradicting divine will is devoid of legitimacy, regardless of societal acceptance (Rezaei Pour, 2010, p. 20).

5.11 The Legislator in the Rights of Citizenship In natural law, rationalist, and positivist schools, legislation is a human endeavor, either invented or fabricated. In the Islamic legal system, however, the true legislator is God Almighty. This exclusive legislative authority arises naturally from Islam's monotheistic worldview. From this perspective, adopting any law other than divine law constitutes polytheism, just as worshiping anyone besides God is considered idolatry (Omid Zanjani & Tawakoli, 2007, p. 177).

Prophets, Imams, or their authorized representatives may establish laws and executive regulations; obedience to them does not constitute polytheism but rather manifests practical monotheism. Thus, God alone possesses both the power and the right to

legislate, and no one may exercise this authority except by His permission.

The Quran elucidates this principle through multiple verses, guiding humanity to refer to divine sources in resolving disputes. For example:

«كَانَ النَّاسُ أُمَّةً وَاحِدَةً فَبَعَثَ اللَّهُ النَّبِيِّينَ مُبَشِّرِينَ وَمُنْذِرِينَ وَأَنْزَلَ مَعَهُمُ الْكِتَابَ بِالْحَقِّ لِيُخْطَمَ بَيْنَ النَّاسِ فِيمَا اخْتَلَفُوا فِيهِ..» (يقره، 213).

"The people were one community. God sent the prophets and with them His Book in truth, that it might judge between them concerning that in which they differed." (Al-Baqarah, 2:213)

Interpretation: The verse highlights that legislation and the establishment of religion began after Prophet Noah (peace be upon him). The phrase "Mankind was one community" refers to periods before prophethood, when humans lived according to their innate nature without prophetic guidance or revealed law.

This verse underscores that the purpose of religion and divine revelation is to establish authority over society and adjudicate disputes. It confirms that, before the Prophet of Islam and the Quran, other prophets were sent with divinely revealed laws to guide human communities.

In summary, countless verses affirm that no one has the right to legislate except God, who is the ultimate Judge, Guardian, and Owner of human will. Through divine prophets and heavenly scriptures, God has revealed the rules of human life, commanding obedience and moral compliance as the natural course of reason and wisdom (Hashemi, 2005, p. 19).

5.12 The Role of Humanity in Legislating Fixed and Eternal Laws

Islamic laws and legal principles are grounded in objective realities, encompassing multiple dimensions—material, spiritual, individual, and social—which are ultimately fixed and eternal. Consequently, assigning the right to legislate these eternal laws to ordinary humans is illogical, given the inherent limitations of human knowledge. For this reason, Islam does not permit ordinary individuals to legislate in areas beyond human comprehension. Legislative authority in these matters is reserved for the Prophet Muhammad (peace be upon him) and the infallible Imams, whose unique proximity to God endows them with unparalleled insight and authority. The fixed commands and ordinances issued by these divinely guided figures constitute the immutable law of Islam (Misbah Yazdi, 2008, p. 83).

The Quran explicitly commands Muslims to obey the Prophet and follow his guidance as a model for moral and social conduct. Numerous authentic Hadiths further affirm the elevated status of the infallible Imams alongside the Quran. Except for these divinely sanctioned exceptions, no human possesses the authority to legislate; the role of humanity is exclusively to discover and comprehend divine law, not to create it. The science of jurisprudence elucidates the methods by which humans can accurately discern this divine guidance (Kamiyar, 2003, p. 114).

From a broader perspective, while human rights are often considered a modern concept emerging from liberal democracy, historical and religious sources reveal that they have deep roots in divine teachings. Islam specifically articulates fundamental rights such as the right to life, dignity, education, responsible freedom, and equality, which are systematically incorporated into Islamic jurisprudence.

In Islamic thought, human rights derive from humanity's divine origin and intrinsic potential, acknowledging the sacred identity of every individual. In contrast, Western conceptions of human rights, shaped by materialistic philosophy, a mechanistic view of man, and a focus on hedonism and temporal welfare, often neglect human virtue and dignity. This has led to distortions, inconsistencies, and criticisms, particularly within the Islamic world, where the Universal Declaration of Human Rights is frequently critiqued for lacking a coherent theoretical and ethical foundation.

Historical figures such as Rousseau, Voltaire, and Montesquieu significantly contributed to the Western discourse on natural and inalienable rights, paving the way for social movements and the conceptualization of human rights. While their contributions are substantial, from an Islamic perspective, the recognition of rights and responsibilities is ultimately anchored in divine law and guidance, rather than solely in human reasoning or secular philosophy (Azardad, 2010, p. 51).

Conclusions:

This study, aiming to provide a comparative analysis of civil rights in Islam and the international human rights system, demonstrates that despite fundamental differences in ontological, anthropological, and epistemological foundations, the two systems share significant similarities in objectives and certain practical applications.

In the Islamic framework, civil rights are rooted in divine will and derived through revelation, reason, and jurisprudential sources. By contrast, the legitimacy of rights in the international human rights system primarily rests on social contracts, human rationality, and historical experience.

Islam, with its monotheistic and transcendent vision, views humanity as inherently dignified, possessing inalienable rights encompassing not only individual and social dimensions but also moral, spiritual, and ultimate aspects. Western human rights, shaped by a humanistic and often secular perspective, emphasize material and individual concerns. This focus has, at times, led to extreme interpretations of freedom that may compromise public welfare and moral values.

Consequently, civil rights in Islam, underpinned by divine authority and authentic religious sources such as the Quran, Sunnah, reason, and consensus, possess a greater universality. This system addresses both material human needs and the pursuit of spiritual and moral excellence.

The international human rights system has also sought to safeguard human dignity through global consensus on principles such as freedom, equality, and justice. However, its practical implementation has often been challenged by selective interpretation, politicization, and double standards.

From this perspective, the Islamic model of civil rights—indigenous, independent, and deeply humane—offers a balanced and comprehensive framework for the development of civil rights within Islamic societies. Grounded in religious teachings, this model is adaptable to the daily realities of Muslim communities while remaining capable of constructive engagement with international systems.

Therefore, re-examining and indigenizing civil rights based on Islamic principles can significantly elevate the legal, cultural, and

moral standards of society, providing a compelling and innovative paradigm for the global discourse on human rights.

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