



MAQASHID AL-SHARIAH AS THE CONVERGENCE OF UNIVERSAL AND ISLAMIC HUMAN RIGHTS: JASSER AUDA'S SYSTEMS APPROACH

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Abstrack

This study aims to analyze the foundation of Human Rights (HR) in Islamic law and to identify points of convergence between Islamic norms and contemporary universal standards. Employing a qualitative method through library research, the study applies normative-theological, philosophical, and juridical-systemic approaches. The units of analysis include QS. Al-Baqarah: 178, the Charter of Medina, Article 1 of Law No. 39 of 1999, and relevant articles of the Universal Declaration of Human Rights (UDHR), with data analyzed using content analysis through the lens of Jasser Auda's Maqashid al-Shari'ah theory. The findings reveal that human rights in Islam are theocentric in nature, whereby rights are regarded as a transcendental bestowal from Allah SWT, distinguishing them from the anthropocentric Western concept. A systematic convergence is identified between the five fundamental protections (al-daruriyyat al-khams) and the principles of the UDHR, encompassing the right to life, freedom of religion, and education. Jasser Auda's intellectual contribution introduces a new paradigm through a systems approach that transforms Maqashid protection from a passive-defensive character into an active-adaptive one, by integrating modern welfare standards such as the Human Development Index (HDI). This study carries implications for the importance of synchronizing shari'ah values with contemporary human development indicators. Nevertheless, the study is subject to limitations given its conceptual-theoretical nature, as it has not yet empirically tested its effectiveness in specific legal cases.

INTRODUCTION

In general, Human Rights (HR) are defined as moral norms or principles that describe standards of human conduct protected systematically as both national and international law. (N. I. Zahra et al., 2025) Human rights are understood as fundamental rights that are absolutely inherent in every human being by virtue of their position as a person, without distinction of nationality, location, language, religion, ethnicity, or other status. From the perspective of Indonesian law (Law No. 39 of 1999), human rights are a set of rights inherent in the nature of human existence as creatures of God Almighty that must be respected, upheld, and protected by the state. (Wahyuni & Sharfina Desiandri, 2024)

The debate over Human Rights (HR) is divided between universalists, who believe in the existence of objective moral values applicable to all human beings without exception, and relativists, who regard such claims as a form of Western intellectual imperialism that disregards differences across time and space (Marneros, 2025). Amid this debate, a tactic known as defensive relativism has emerged, whereby a state including those with a particular majority employs selfconstructed cultural arguments to defend its sovereignty and avoid full implementation of international law. A concrete manifestation of this strategy is seen when states submit reservations or exceptions to human rights instruments such as CEDAW (women's rights) on the grounds of preserving the cultural or religious values of the majority, so as to keep them aligned with the sovereignty of their national law (Kakar, 2024).

This tension shows that the debate is not merely between acceptance and rejection of universal human rights, but also between competing schemes of rights legitimation. Moosa (2015) notes that Islamic rights discourses often emerge as alternative normative schemes that seek to resist Western domination while simultaneously facing the challenge of ensuring that such alternatives do not weaken the substantive protection of human dignity. Therefore, the real issue is not whether Islam has a rights discourse, but whether that discourse can be formulated in a way that remains faithful to Islamic sources while still preserving the universality of fundamental human protections.

The fundamental difference between Western and Islamic views lies in the very source of human rights itself. The West perceives human rights as human-centered (anthropocentric) inherent rights present from birth while Islam views them as God-centered (theocentric), understood as divine gifts bound to religious obligations. This divergence fuels an ongoing debate between universalism, which seeks a single global standard, and cultural relativism, which respects local values and Sharia law. In Muslim-majority countries, this challenge is addressed through instruments such as the Cairo Declaration (Sugari & Hilalludin, 2025).

Characteristics The fundamental difference between human rights from a Western (Universal) perspective and an Islamic perspective lies in their foundation. Human rights in the Islamic perspective have unique characteristics that distinguish them from the Western concept, particularly in their fundamental nature, which is theocentric or God-centered, in contrast to the Western concept, which is anthropocentric or human-centered (Ilmiawan et al., 2022). This foundation places human rights under the sovereignty of Allah, where these rights are determined transcendentally through the revelation of the

Qur'an and Hadith for the benefit of humanity. But from the perspective of Western human rights principles, equality, freedom, and justice are fundamental values that are also upheld in Islam. However, the opportunity to achieve harmonization appears increasingly open through the efforts of the state, citizens, and religious scholars (Anggraeni et al., 2025).

In this regard, the harmonization between Islamic norms and modern legal order requires not only textual fidelity but also a civilizational reading of Islamic law. Latif & Mutawalli (2023) argue that *fiqh* of civilization offers an ethical and contextual framework for addressing modern state problems, thereby enabling Islamic legal thought to respond constructively to pluralism, governance, and contemporary social challenges. This perspective strengthens the view that convergence between Islamic law and universal human rights is possible when Islamic norms are interpreted through a broader public-ethical orientation rather than through rigid formalism alone.

Therefore, human rights in Islam are viewed not as a grant from human beings, organizations, or states, but rather as an invaluable bestowal directly from Allah. In practice, Islam emphasizes a balance between rights and obligations, wherein the concept of (*haqq*) rights is accorded secondary priority after (*wajib*) obligations meaning that the fulfillment of rights goes hand in hand with moral responsibility. A person shall obtain his fundamental rights only after he has discharged his duties, both to Allah as the Creator and to his fellow creation (Ichsan et al., 2025).

Human beings are created as Allah's creatures who are naturally endowed with fundamental rights to develop their personality, roles, and contributions for the well-being of life, where these rights are granted so that humans can carry out their duties and functions as *khalifah fil ardh*, or Allah's representative on earth (Damanik et al., 2025).

Islam teaches that humanity is a precious resource entrusted by God to be used in maintaining the harmony of the relationship with the Creator (*hablum minallah*), fellow human beings (*hablum minannas*), and the surrounding environment (Siregar et al., 2025). Within this framework, absolute sovereignty remains in the hands of Allah, while humans hold a sacred trust as executors of His mandate on earth to realize justice and truth for all of creation.

This theological foundation also has a social implication: Islamic law must be directed toward preserving social cohesion in a plural society. In this sense, *fiqh peradaban* can function as a mediating framework that places ethics, conflict resolution, and harmony between religion and the state at the center of legal reasoning. Such an orientation is relevant for contemporary human rights discourse because it shifts the discussion from mere identity-based claims toward the realization of peace, justice, and coexistence in public life (Mukhlis et al., 2023).

Philosophically, the position of humans as *Khalifah fi al-Ardh* (Allah's representative on earth) who possess or are endowed with the intellectual capacity to understand global events and the laws of nature (Destiana et al., 2024). All phenomena of existence form an important foundation in the enforcement of human rights, where humans are given the mandate to manage the earth and carry out their duties for the common well-being of life.

This mandate runs in parallel with the status of humans as creatures who are *Mukarram*, or ennobled by Allah.

The concept of *mukarram* can be further developed through the language of human dignity. Muftugil (2017) argues that the Muslim conception of dignity provides an important bridge between Islamic moral theology and contemporary human rights discourse, because dignity can function as a shared normative vocabulary between religious and secular traditions. By emphasizing dignity, Islamic human rights discourse gains a stronger conceptual basis for dialogue with universal human rights without losing its theological roots.

Islam highly upholds human dignity, which is reflected since the event of Qabil and Habil, in which Allah decreed that killing one soul is equivalent to killing all of humanity (Ningsih et al., 2023). This foundation is reinforced by the mission of the Prophet Muhammad SAW, who was sent as a mercy to all the worlds, which operationally manifests in social practice through rejecting violence, preserving honor, and fulfilling the needs of others as a sacred moral obligation.

METHOD

According to Sugiyono the *Method* The method used in this study is qualitative with a library research type (Sugiyono, 2019). The research approach employs a normative-theological and philosophical approach (Ariani et al., 2024). This approach is used to explore the fundamental values of Human Rights (HR) that are derived from the Qur'an and Hadith. In addition, a juridical-systemic approach is used to examine Jasser Auda's thoughts on contemporary Maqasid Sharia.

The data sources consist of primary data, namely the sacred text of the Qur'an, the Prophetic Hadith, and legal documents such as Law No. 39 of 1999 on Human Rights. Secondary data includes the book *al-Islam wa Huquq al-Insan* by Dr. Yusuf al-Qaradawi, the thought of Abu al-A'la al-Maududi, and Jasser Auda's systems theory.

The unit of analysis in this study is explicitly determined to compare the norms of Islamic law, national law, and international instruments, encompassing the following. Islamic Textual Sources (Qur'anic Verses): Focused on texts relating to al-*ḍaruriyyat* al-khams, including. QS. Al-Baqarah: 178, concerning the law of *Qīṣāṣ* as an instrument for the protection of the right to life (*Hifz al-Nafs*). The Charter of Medina (*Ṣaḥīfat al-Madinah*) as a constitutional precedent for the protection of religious rights and pluralism.

National Positive Law No. 39 of 1999 on Human Rights, particularly Article 1, which defines human rights as a bestowal from God that must be respected by the state and the law. International Instruments (UDHR) articles of the Universal Declaration of Human Rights (UDHR) 1948, especially those relevant to *Maqāṣid* themes, such as the right to life, freedom of religion, and education. These articles were selected as they represent the "universal" standard that serves as the primary point of comparison against the "theocentric" character of human rights in Islam.

The data were analyzed using the content analysis method, carried out through the following operational steps. Category Determination: Establishing analytical categories

based on the principles of al-ḍaruriyyat al-khams, namely: human dignity, the right to life (Hifz al-Nafs), freedom of religion (Hifz al-Din), education and intellectual development (Hifz al-'Aql), lineage (Hifz al-Nasl), and the right to property (Hifz al-Mal).

Codification/Labeling Assigning categorical labels to selected Qur'anic verses, ḥadith, articles of Law No. 39/1999, and UDHR articles, in order to examine substantive consistency across norms. **Comparative Analysis** Comparing the "points of convergence and divergence" between the anthropocentric character of Western human rights and the theocentric character of human rights in Islam.

Systemic Synthesis Drawing conclusions using the Maqaṣid al-Shari'ah framework and Auda's systems approach. This analysis employs the lens of Jasser Auda's system features such as Wholeness (the integrity of rights), Openness (receptiveness to universal values), and Purposefulness (the objective of maṣlaḥah) to reconstruct human rights protection from passive preservation toward active human development.

RESULT AND DISCUSSION

Philosophical Foundation and the Legal Transformation of Human Rights in the West

The roots of Human Rights (HR) in the Western tradition were not a sudden phenomenon, but rather the result of an intellectual dialectic that unfolded over thousands of years in antiquity, even though modern human rights emerged in the 20th century (Sholihah et al., 2024). Beginning with the concept of Natural Law, thinkers from ancient Stoicism to theologians such as Thomas Aquinas believed in an objective moral order embedded in the universe (Royhan, 2025). This law was considered superior to positive law created by kings or states. The philosophical implication was powerful: if state law contradicted natural law (universal morality), it lost its legitimacy. This was the first seed of the idea that individuals possess rights that no ruler can violate (Sholihah et al., 2024).

Entering the Age of Enlightenment, this foundation underwent secularization and radicalization through the thought of John Locke, the English philosopher. Locke shifted the focus from natural moral obligations to natural rights. He affirmed that every human being is born with the rights to Life, Liberty, and Property (Suhantoro et al., 2024). Locke's thinking demolished the doctrine of the Divine Right of Kings and replaced it with the theory of the Social Contract. In this view, the state is only legitimate if it functions as a protector of individual rights (Muti et al., 2025).

Historically, the most crucial event was the drafting of the Universal Declaration of Human Rights (UDHR) in 1948, which was subsequently followed by the development of various other international legal instruments. Although its proponents regard these values as objective truths applicable to all people, criticism has emerged from postcolonial literature, which characterizes them as a "pseudo-universalist" narrative (Pratiwi, 2020).

These ideas were later crystallized in monumental documents such as the Magna Carta (1215) as an early limitation on absolute power, and the Declaration of the Rights of Man and of the Citizen (1789) in France, which proclaimed the universal equality of humankind (Bachtiar, 2026).

Over time, Secularism became an important pillar separating religious authority from the public sphere. This transformation changed the status of human beings from subjects of a kingdom to autonomous individuals (Ritonga & Ichsan, 2025). In Western culture, individual autonomy became sacred humans were seen as having full sovereignty over themselves, their thoughts, and their conscience. This provided legal protection for individuals against the potential arbitrariness of large institutions, including disputes between states that had previously dominated every aspect of human life (Yoersy et al., 2025).

Sociocultural Implications of Human Rights in Modern Western Society

The consistent application of these human rights principles over centuries has shaped the unique character of Western civilization, which is distinct from that of other regions of the world (Lidiwati et al., 2025). For example, ancient Egypt already recognized concepts of justice and protection of the weak as important values. Ancient China emphasized social harmony and human values such as respect, justice, and virtue all containing basic elements of human rights. Meanwhile, the Western world first focused on limiting royal power and granting certain rights to the nobility, before being shaped by doctrines of state and popular freedoms (Lidiwati et al., 2025).

The Hegemony of Individualism and Personal Autonomy. One of the most visible implications is the dominance of Individualism. In Western culture, the smallest and most important unit of society is the individual, not the family, tribe, or state (Aziz et al., 2024). This has given rise to a deep respect for privacy and freedom of expression. Personal interests are often seen as equal to or even surpassing collective interests (Hananto, 2025). In practice, this is evident in the strong protection of civil rights such as freedom of religion, sexual orientation, and personal lifestyle choices all regarded as autonomous domains in which the state must not intervene (Suci et al., 2025).

Liberal Democracy and the Institutionalization of Critique. Human rights have also been the driving force behind the system of Liberal Democracy. In this culture, politics is not merely about winning votes, but about protecting minority rights from being crushed by the tyranny of the majority (Suryana & Mukhlison, 2025). The culture of protest, demonstration, and sharp criticism of the government is not viewed as subversive or socially disruptive, but rather as an indicator of a democracy's "health." Freedom of the press serves as the fourth pillar of the state, ensuring transparency so that citizens have access to information to safeguard their rights against abuses of power (Wahyuni & Sharfina Desiandri, 2024).

Rule of Law (Rechtstaat) and Formal Equality. Another implication is the deeply rooted principle of the Rule of Law (Rechtstaat) (H. A. Nur & Baldannudin, 2024). In Western culture, no one is above the law. The law is designed to serve human beings and protect their rights, not to function as an instrument of oppression for those in power. This has created a culture of legal equality Equality before the law in which social status, wealth, or position confers no legal immunity. This belief has fostered a highly procedural and

legalistic society, where justice is pursued through mechanisms of an independent judiciary (Z. Nur, 2023).

Cultural diversity is perhaps the most crucial concept in the global discourse on Western human rights – specifically, the claim of Universality (Salsabila et al., 2025). Western culture tends to promote human rights as a set of values that apply absolutely to all of humanity, regardless of cultural or religious background. This view is rooted in the belief that human dignity is singular and universal (Salsabila et al., 2025). However, this claim frequently sparks intense debate with perspectives of Cultural Relativism, particularly from Eastern or religiously-based societies (such as those in Asia, Africa, or the Middle East).

These cultural tensions arise from several points of conflict. Collectivity often stands in opposition to Individuality. Eastern cultures tend to emphasize social responsibility and communal harmony over individual rights (Arvianti., 2023). Furthermore, many non-Western cultures still integrate religious values as their primary source of law, which sometimes clashes with the secular principles of Western human rights frameworks for example, in issues of freedom of expression that touch on the sacred domains of religion or ethnicity (Abdullah, 2024). Additionally, the aggressive promotion of human rights by the West is frequently viewed with suspicion as a new form of moral imperialism, an attempt to homogenize the world according to Western values and standards (Soetjipto, 2024).

Basic Principles of the Foundation of Human Rights in Islam

Human Rights (HAM) in Islam is rooted in the sovereignty of God and divine revelation, which is theocentric in nature, meaning that everything is centered on the Almighty (Allah). Divine revelation in Islam is not the result of the evolution of human thought, but rather the result of Divine revelation sent down through the prophets and messengers. From the Western foundational perspective, the measure of all things is humanity itself, being the product of human thought and humanist philosophy, which is secular and subjective in nature, centered anthropocentrically on mankind (Makmun et al., 2023). Thus, factors such as race, gender, religion, and language cannot negate the existence of human rights within a person. In Law Number 39 of 1999 on Human Rights and Law Number 26 of 2000 on the Human Rights Court, Article 1 of both laws states that: "Human Rights are a set of rights inherent in the nature and existence of humans as creatures of God Almighty and constitute His gift that must be respected, upheld, and protected by the state, law, Government, and every person for the sake of the honor and protection of human dignity and standing" (Renngur, 2021).

The enforcement of Human Rights is the responsibility of the state, because the state has an obligation to protect the rights of its citizens as human beings (obligations *erga omnes*) (Ilyas & Triadi, 2025). Human rights are fundamental rights that are natural in character, granted by Allah to every individual. Therefore, human rights must be maintained and protected within the framework of religion, law, and government policy. This is in line with what was proclaimed by the United Nations (UN) in the Universal

Declaration of Human Rights (UDHR) in 1948, which states that "every person, without exception, is entitled to human rights and dignity" (Wahidin et al., 2023).

At the time Islam descended in the 7th century AD, the term Human Rights was not yet known in Arab society. Human Rights is an issue that consistently emerges in the study of law, Islamic law, and the social sciences. From the very beginning, human rights have been regarded as the first and foremost rights of human beings and must therefore be protected and regulated to avoid debate about the scope of their existence (Fatwa, 2023). Nevertheless, the principle of respect for humans and humanity had already been clearly taught. The core teaching of Islam is tawhid, which teaches that there is only one God as the Creator, while everything other than God is a creature (Mina et al., 2026). Therefore, God is the only one worthy of worship, praise, and glorification, as well as the place upon which all hopes and needs are placed. According to the perspective of Dr. Yusuf al-Qaradawi in his book *al-Islam wa Huquq al-Insan*, Islam has preceded modern human rights declarations in many respects. He cites the Charter of Medina, drafted by the Prophet Muhammad SAW, as an early form of a constitution that protected the rights of the inhabitants of Medina from various tribal and religious backgrounds. In that charter, freedom of religion, political freedom, and the right to peaceful coexistence between Muslims and Jews were guaranteed (A. F. Zahra et al., 2025). In Islam, there are various views regarding human rights, which vary depending on the circles and layers of Muslim society. For example, among traditional Muslims, according to the perspective of Abu al-A'la al-Maududi, there are two types of rights, namely *haq al-insan* and the rights of Allah, both of which mutually underpin one another. In other words, the rights of Allah serve as the foundation for human rights, and vice versa (Ilmiawan et al., 2022).

The concept of human rights in Islam has been discussed for a long time. Tracing the history of the Islamic constitution, there are two declarations that encompass human rights, namely the Charter of Medina and the Cairo Declaration, which was adopted on August 5, 1990. The Cairo Declaration, drafted by the member states of the Organisation of the Islamic Conference, agreed upon 24 articles on human rights grounded in the Qur'an and the Sunnah. This declaration shares similarities with the Universal Declaration of Human Rights initiated by the United Nations (Alfarishy, 2023).

From the Islamic perspective, human rights are grounded in the Qur'an and Hadith, so their enforcement must not contradict Islamic law. The values of human rights are in fact widely implied in the Qur'an and Hadith, even though the birth of human rights is largely attributed to the Western world. Exploratory efforts to uncover the values of human rights from the perspective of the Qur'an and Hadith have been frequently undertaken, and it has been found that the values of human rights are in fact deeply embedded in the values contained within the Qur'an and Hadith (Hanafie, 2022).

First, the right to life is a gift granted by Allah SWT to every human being. In Islam, there is the law of Qisas, which aims to ensure the continuation of a safe and peaceful life. The prospect of Qisas punishment can be based on philosophical, sociological, and juridical aspects. However, qisas in Islam is not merely a form of physical retribution, but rather an instrument for protecting human rights centered on God (theocentric) to ensure

the continuity of a peaceful society. Unlike the Western perspective that focuses solely on individual rights (anthropocentric), qisas unites human rights with obligations to Allah, whereby the heirs of the victim are granted the authority to choose between proportional justice, compensation, or forgiveness. Thus, qisas serves as a reminder of the sanctity of human life while also acting as a deterrent against violence so that social life remains preserved in accordance with the corridors of sharia (Ramdani et al., 2024).

Philosophically, Islamic law, including Qisas punishment, is not merely the symbolism of moral teachings carried out ritually, but rather the pragmatism of teachings that must be applied in human life, both as individuals, society, and the state (Burlian, 2015). This law serves as retribution for perpetrators of murder or the destruction of life, as well as for those who cause others to become disabled. Only Allah has the right to determine life and death, as stated in Surah Al-Baqarah verse 178.

Second, the right to freedom, meaning freedom from all forms of compulsion, pressure, or restraint, is a fundamental right that must be respected and valued (Shaputra & Wartadi, 2024). This freedom also serves as a path for humans to attain nobility in life. One example of the right to freedom in religion is freedom of belief, where every individual has the right to understand and choose their convictions without universal compulsion (Rellang & Nazaruddin, 2024).

Third, the right to education. Human beings, endowed with the gift of reason by Allah, therefore need to develop what Allah has given them, one of which is through education. They are given the ability to think and learn (Maunah, 2024). Through Qur'anic interpretation, much emphasis is placed on the obligation to seek knowledge and its virtues. Through the pursuit of education, the potential of human intelligence in the Qur'an is that the Qur'an provides comprehensive guidance for the development of human intelligence in various aspects of life. In the Qur'an, there are teachings on the development of intellectual, emotional, social, and spiritual intelligence (Hastuti & Kharisman, 2024).

Fourth, the right to personal honor is the greatest right granted by Allah to human beings. This right serves as the foundation for humans to maintain their existence in living social life with honorable dignity (Almakki, 2023). Fifth, the right to ownership, which in Islam does not mean an absolute right to be owned by certain individuals, but rather that everything on this earth is for the benefit of humankind (Shaputra & Wartadi, 2024). All of this constitutes a trust that must be maintained and upheld so that human life proceeds with full honor and freedom. Overall, human rights from the Islamic perspective are grounded in the principles of solidarity (brotherhood), liberty (freedom), and equality.

Maqasid al-Shariah as the Basic Principle of Human Rights in Islamic

In the classical maqasid tradition of al-daruriyyat al-khams through the lens of Jasser Auda, a legal expert, scholars have identified maqasid as the protection of five essential workings through the analysis of essential universals (al-daruriyyat al-khams): religion, life, intellect, lineage, and property (Gul & Bilal, 2025). The primary objective of maqasid al-shariah is to promote *maslahah* and avoid *mafsadah* (harm), which refers to the principle of *la dharar wa la dirar* (neither causing harm nor being harmed). Thus, Islam is present to guarantee

human freedom, so as to be protected from compulsion in various aspects of life such as ideology, social, political, and religious matters.

In the concept of maqasid al-shariah, there are five main pillars guaranteed by Islam, namely:

1. **Hifz al-Nafs (Protecting the Soul):** Islam guarantees the right to human survival. Without life, a person cannot have faith and do good. Therefore, Islam greatly values and respects life, with the conviction that only Allah grants life and also brings death to every creature.
2. **Hifz al-'Aql (Protecting the Intellect):** Islam guarantees freedom of opinion and expression, and makes the intellect a source of knowledge, the light of the heart, and the means of happiness in this world and the hereafter. The intellect enables humans to think well, to serve as khalifah on earth, and to distinguish humans from other creatures of Allah. Islam also provides sanctions for violations against the intellect.
3. **Hifz ad-Din (Protecting Religion):** Islam guarantees freedom of religion and the right to practice worship in accordance with one's beliefs, without compulsion. Islam also protects the houses of worship of both Muslims and non-Muslims, and values tolerance among religious communities, but with limits in matters of mu'amalah (social relations), not in matters of 'ubudiyah (worship).

However, the difference between the domains of ubudiyah and mu'amalah lies in the nature of their flexibility worship (ibadah) is rigid and may only be performed in accordance with established commands (tauqifi), whereas mu'amalah is open and dynamic in responding to social needs as long as it brings benefit to humanity (maqashid al-syari'ah). In the context of Law and Human Rights, this principle of mu'amalah is positioned as the foundation for protecting basic human rights (such as the right to life, property, and justice) through a process of 'objectification', namely transforming the universal values of religion into national legal norms that are just, equal, and applicable to all citizens without exception (Anwar, 2022).

4. **Hifz an-Nasl (Protecting Lineage):** Islam guarantees reproductive rights and health to maintain the continuity of human life. Islam encourages marriage for those who are already capable in order to preserve honor, wealth, and lineage.
5. **Hifz al-Mal (Protecting Wealth):** Islam guarantees the right to obtain employment and fair wages, as well as the protection of property and assets.

These five main pillars form the basis for Muslims to maintain a humane order of life by respecting the rights of individuals, society, nations, and states. The primary purpose of maqasid al-shariah is to realize human welfare by providing protection and fulfilling basic needs in life. This fundamental objective of Islamic law is manifested in the values of justice (al-'adl), public interest (al-mashlahah), wisdom (al-hikmah), equality (al-musawah), compassion (al-rahmah), pluralism (al-ta'addudiyah), and human rights (al-huquq al-insaniyyah).

Maqasid al-shariah contains the protection of religion, intellect, soul, wealth, and lineage. The establishment and preservation of human rights in Islam can stand firm because Islam is a religion that is rahmatan lil-'alamin (a mercy for all the worlds). Islamic

law contained in the Qur'an aims to provide protection and guarantees for the basic needs of human beings. The relevance of human rights built on the orientation of *maqasid al-shariah* is to realize the interests of the people, to maintain and prioritize the prosperity of the community, or what is known as *mashlahah 'ammah* (public interest) (Gul & Bilal, 2025).

The protection of rights in contemporary Islamic law has undergone a fundamental paradigm shift, moving from a textual-static approach toward a methodological-systemic approach based on the objectives of Islamic law. This transformation was significantly pioneered by Jasser Auda, who views that the protection of human rights cannot be separated from a critical evaluation of the extent to which the law realizes universal public welfare. Auda emphasizes that Islamic law must function as an instrument of rights protection that is adaptive to changes in social structure and the demands of the times without losing the essence of its spirituality.

Reconstruction of Maqasid: From Passive Protection to Active Development

Historically, the protection of rights in Islam is encapsulated in the scheme of *al-daruriyyat al-khamsah* (the five primary necessities). However, Auda deconstructs the mindset of classical scholars, which tends to be defensive and individualistic. The classical tradition places the aspect of "preservation" (*hifz*) within a narrow corridor. For example, the preservation of the soul (*hifz al-nafs*) was traditionally understood as limited to criminal law aspects such as the prohibition of killing or the application of *qisas*.

According to Jasser Auda's perspective, he reconstructs this concept by integrating the values of human resource development, namely the Human Development Index (HDI) and Human Development Targets (Khashogi, 2022). Within this framework, the protection of the soul is no longer passive, but rather active and expansive, encompassing the right to a healthy living environment, access to adequate medical facilities, and social security guarantees for every individual. Thus, *Maqasid Shariah* is no longer merely a legal methodology, but transforms into a comprehensive philosophy of human protection. This transformation is closely related to the idea that Islamic law should not be limited to preserving minimum legal interests, but should also support the right to development. K. Iqbal (2010) shows that, from the perspective of Islamic law, public welfare (*maslahah*) provides a legitimate basis for understanding development as a human right. Accordingly, the *maqāṣid* framework may be read not only as a mechanism of protection, but also as a framework for expanding substantive access to health, education, and social well-being. It becomes a bridge connecting Islamic values with the global development agenda, while simultaneously providing a contextually local perspective for Indonesia.

To further clarify Jasser Auda's argument that *maqāṣid al-sharī'ah* should be understood not merely as a mechanism of passive preservation but as a framework for active human development, it is necessary to relate the discussion to measurable contemporary indicators. In this respect, the discourse on rights protection cannot remain confined to abstract doctrinal formulations, because the effectiveness of legal and moral principles must also be reflected in the actual quality of human life. A developmental

reading of maqāṣid requires attention to the extent to which society is able to secure basic conditions of dignity, including health, education, and decent living standards.

Within this context, the Human Development Index (HDI) becomes relevant as an illustrative indicator, since it captures dimensions that are closely connected to the objectives of protecting life (ḥifẓ al-nafs) and protecting intellect (ḥifẓ al-‘aql). Although HDI is not itself a sharī‘ah-based instrument, it helps demonstrate that the protection of human rights in contemporary society must also be assessed through the improvement of substantive human welfare. Therefore, the following graph is presented not to equate maqāṣid with modern statistical indicators, but to show that Auda’s systems approach opens a meaningful space for dialogue between Islamic legal objectives and contemporary measures of human development.

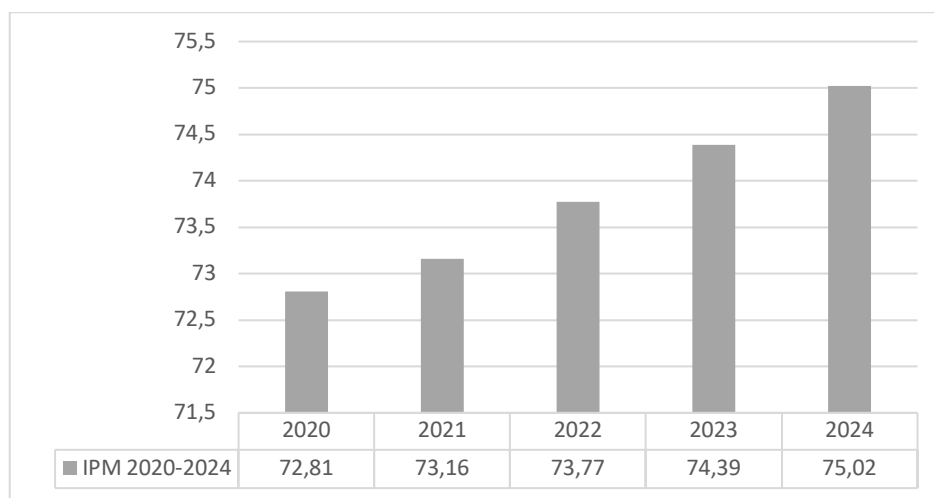


Figure 1. Indonesia’s Human Development Index (HDI/IPM), 2020–2024

Source: (BPS, 2024)

The graph shows a consistent increase in Indonesia’s Human Development Index (HDI) over the five years. In 2020, Indonesia’s HDI stood at 71.94, rising to 72.29 in 2021, 72.91 in 2022, 74.39 in 2023, and 75.02 in 2024. This upward trend is significant for the present study because it demonstrates that the protection of human dignity in contemporary legal discourse cannot be reduced merely to the prevention of rights violations. Rather, rights protection must also be understood in positive and developmental terms, particularly through the expansion of access to education, healthcare, and decent living standards.

From the perspective of Jasser Auda’s systems approach, these figures reinforce the idea that maqāṣid al-sharī‘ah should not be interpreted only within a narrow defensive framework. The protection of life is not exhausted by the prohibition of unlawful killing, and the protection of intellect is not limited to the avoidance of intellectual harm. Instead, both principles require broader institutional and social support so that individuals can genuinely live with dignity and develop their capacities. In that sense, the increase in HDI from 71.94 in 2020 to 75.02 in 2024 serves as an analytical illustration that contemporary welfare indicators may be used to support a developmental reading of maqāṣid, thereby

strengthening the argument that Islamic law and modern human rights discourse can converge at the level of substantive human flourishing.

The Systems Approach as a Pillar of Rights Protection

Jasser Auda's greatest contribution lies in his proposal of a systems approach (Rusdiana, 2023). Through the integration of sociocultural worldviews and modern scholarship as a form of expansion of al-'urf, the Islamic legal system transforms from merely a tradition-based customary law into a universal, adaptive, and responsive legal system attuned to the dynamics of the times (Auda, 2008). To that end, he puts forward system features that guarantee the effectiveness of rights protection.

First, Cognition, where law must involve empirical data and modern science so as not to be blind to social reality. Second, Wholeness, which views human rights as a systemic unity; a violation of one right (such as the right to education) will damage the overall order of public welfare. Third, Openness, namely the openness of Islamic law to interdisciplinary dialogue and universal human values that are in harmony with divine values. Fifth, Multidimensionality, which acknowledges the diversity of interpretations so that the protection of rights is not dominated by a single interpretation that is potentially gender-biased or authoritarian. Finally, Purposefulness, which affirms that every legal *ijtihād* must be tested through its objectives; if a rule actually causes harm (*mafsadah*), then the rule must be reviewed in the interest of justice (Chakim & Putra, 2022).

A contemporary development in this direction is the effort to formulate Islamic law through an integrated normative framework that combines *uṣūl*, legal maxims, and *maqāṣid*. Ahmed (2025) argues that *maqāṣid* should not stand alone as an abstract appeal to welfare, but should operate together with other Islamic legal methodologies so that legal reasoning remains both normatively legitimate and ethically responsive to new social realities. This strengthens the argument that the systems approach is not merely theoretical, but can function as a practical method for producing more just and morally coherent rulings.

The integration of the *Maqāṣid al-Shari'ah* concept within Indonesia's legal and socio-economic instruments is carried out through a systematic protection mechanism, encompassing both preventive and curative dimensions. In the aspect of *hifz al-nafs* (protection of life), this mechanism is realized through, for example, a health insurance system based on the *tabarru'* contract that guarantees accessibility to healthcare services, as well as the establishment of a minimum marriage age to mitigate fatal reproductive health risks (A. Nur et al., 2025). In parallel, the aspect of *hifz al-'aql* (protection of intellect) is integrated by providing legal space for individuals to complete their basic education and to prevent intellectual impediment resulting from the premature burden of domestic responsibilities (Ma'rifat et al., 2025). Thus, the synchronization between *shari'ah* values and welfare indicators is not merely a fulfillment of religious obligation, but rather a comprehensive strategy for sustainably improving life expectancy and the intellectual quality of society.

The Manifestation of Maqasid in the Protection of Human Rights

Conceptually and theoretically, the Maqāṣid al-Sharī'ah framework provides a fundamental foundation in the effort to uplift human dignity and worth, which is often overlooked. From this perspective, the protection of fundamental rights is viewed not merely as a social convention or a state mandate, but as a natural right bestowed by Allah SWT (khalqillah) that is inherent in every individual from birth. Islam comes with the primary mission of ennobling humanity through teachings that are in harmony with universal human values (Hazin et al., 2021).

In the context of rights protection, the principle of al-daruriyyat al-khamsah is regarded as the main pillar in the fulfillment of Human Rights. Maqāṣid Shariah functions as an instrument to ensure that the presence of Islam truly becomes a mercy that eliminates arbitrary treatment and inhumane practices. Every legal effort or religious interpretation must be directed toward preserving the fundamental elements of humanity. If there exists an understanding that in practice actually degrades human dignity, then the Maqāṣid framework demands reorientation so that the law returns to its original mission, namely to humanize human beings amid the ever-changing dynamics of the world (Hazin et al., 2021).

Introduction to the Relationship Between Modern Human Rights and Sharia Norms

The concept of Human Rights in Islam has unique characteristics because it is theocentric in nature, where fundamental rights do not merely arise from social consensus or human philosophical thought, but originate directly from the revelation of Allah SWT (Makmun et al., 2023). Islam views human rights as a Divine gift inherent in the innate nature (fitrah) of every individual regardless of primordial boundaries such as race or social status. The fundamental difference from the Western perspective, which tends to be anthropocentric, lies in the absolute balance between rights and obligations personal freedom in Islam always goes hand in hand with moral responsibility toward the Creator and the interests of the broader public welfare (Ritonga & Ichsan, 2025).

The principle of Maqāṣid al-Sharī'ah, or the objectives of Islamic law, serves as a bridge connecting religious teachings with the modern concept of Human Rights (HR). Through the five fundamental protections (al-ḍaruriyyat al-khamsah), Islam provides a theoretical foundation that aligns with universal principles such as the right to life, freedom of religion, and the right to education. Accordingly, Islamic law is no longer viewed merely as a rigid religious norm, but is understood to share common objectives with international legal instruments in upholding human dignity (R. Iqbal & Alwi, 2025).

This point of convergence is clearly evident in contemporary public policy, which maps the protection of life (Hifz al-Nafs) onto access to healthcare, and the protection of wealth (Hifz al-Mal) onto the right to private property. Likewise, the protection of intellect (Hifz al-'Aql) is manifested in the right to education, while the protection of religion (Hifz al-Din) guarantees freedom of worship. This mapping demonstrates that the Maqāṣid framework is capable of systematically addressing the challenges of global issues, ranging from the protection of personal data to minority rights. The protection of five essential aspects, namely the soul, wealth, lineage, intellect, and religion, is a concrete manifestation of the protection of basic human rights that is highly relevant to the contemporary legal

system. This relevance becomes particularly crucial in the domain of family law, where the principles of justice and equality are tested in regulating marital relations, the protection of women's rights, and the fulfillment of children's rights, which form the foundation of the social structure (Husain et al., 2025).

At a practical level, this synergy is most visibly evident in family law reforms across various Muslim-majority countries. By emphasizing the protection of life, lineage, and the rights of vulnerable groups, Islamic law is no longer viewed merely as rigid rules, but as a real solution to guarantee physical and spiritual well-being, such as providing legal certainty for wives after divorce and securing the future of children through access to proper education and healthcare (Husain et al., 2025).

Dynamic global challenges in contemporary reality although substantively aligned, the process of integrating human rights into Islamic law continues to face dynamic challenges, particularly concerning differences in interpretation on sensitive issues such as minority rights and freedom of expression (Prabowo, 2025). Tensions frequently arise between a literal-scriptural reading of texts and the demands of evolving social reality. In Indonesia, this dialectic is evident in efforts to harmonize the aspiration for the application of sharia with the state's constitutional principles

CONCLUSION

This study concludes that the primary foundation of Human Rights (HR) in Islam is theocentric centered on God which distinguishes it from the Western concept that is anthropocentric, or centered on humanity. In the Islamic view, human rights are not merely a social agreement, but rather a transcendental bestowal and a direct grant from Allah SWT that is inherent in human *fiṭrah* as *Khalīfah fī al-Arḍ* (the vicegerent of God on earth) possessing noble dignity (Mukarram). This creates a balance in which the fulfillment of personal rights always proceeds in tandem with moral responsibility toward the Creator and fellow creation, as absolute sovereignty remains in the hands of God.

The relationship between Islamic values and global standards is found at the point of convergence between *Maqaṣid al-Shari'ah* and universal principles such as the Universal Declaration of Human Rights (UDHR). Through the five fundamental protections (*al-ḍaruriyyat al-khams*), Islam provides a strong foundation for the protection of modern rights. This is reflected in:

1. The Protection of Religion (*Hifz al-Din*), which guarantees freedom of belief without coercion.
2. The Protection of Life (*Hifz al-Nafs*), which aligns with the right to life.
3. The Protection of Intellect (*Hifz al-'Aql*), which encompasses the right to education and freedom of expression.
4. The Protection of Lineage (*Hifz al-Nasl*), which safeguards reproductive rights and family dignity.
5. The Protection of Wealth (*Hifz al-Mal*), which guarantees the right to private ownership and fair wages.

This study also highlights the thought of Jasser Auda, who brought a significant shift in the way rights protection is understood within Islam. Auda transformed the Maqāṣid paradigm from one that was previously passive and merely preservative (defensive) in character, into an active and adaptive systems approach responsive to the advancement of the times. As an implication, the concept of the protection of life now extends to encompass modern welfare indicators such as the Human Development Index (HDI) standards, access to healthcare, and a healthy environment. This demonstrates that Islamic law can serve as a genuine and responsive solution to global dynamics, including in reforming family law to protect vulnerable groups.

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