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Human Rights and Siyasah Syar'iyah: Review of The Medina Charter and The Cairo Declaration*

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Abstract

Human rights are still a serious debate among Muslims, even though the Medina Charter and the Cairo Declaration have established the universality of human rights. This study describes the contents of human rights in the Medina Charter and the Cairo Declaration and analyzes them from the perspective of *siyasah syar'iyah*. Using a qualitative approach derived from secondary data, this study finds that the Medina Charter and the Cairo Declaration are relevant to the principle of human rights. The determination of human rights in the Medina Charter and the Cairo Declaration corresponds to the two categories of *siyasah syar'iyah*, namely *siyasah tasyri'iyah* and *siyasah dawliyyah*. In *siyasah tasyri'iyah*, human rights values are formed by state bodies that provide legal certainty. In *siyasah dawliyyah*, human rights values are determined by Muslim countries as a response to international human rights initiated by Western countries.

Keywords: Human Rights; Medina Charter; Cairo Declaration; Siyasah Syar'iyah

Abstrak

Hak Asasi Manusia (HAM) hingga kini masih menjadi perdebatan serius di kalangan umat Islam, meskipun Piagam Madinah dan Deklarasi Kairo telah menetapkan universalitas HAM. Studi ini mendeskripsikan muatan HAM dalam Piagam Madinah dan Deklarasi Kairo dan menganalisisnya dengan perspektif *siyasah syar'iyah*. Dengan pendekatan kualitatif yang bersumber dari data-data sekunder, studi ini menemukan bahwa Piagam Madinah dan Deklarasi Kairo relevan dengan prinsip HAM. Penetapan HAM dalam Piagam Madinah dan Deklarasi Kairo ini sejalan dengan kategori dua *siyasah syar'iyah*, yaitu *siyasah tasyri'iyah* dan *siyasah dawliyyah*. Secara *siyasah tasyri'iyah*, nilai-nilai HAM dibentuk oleh badan negara yang memberikan kepastian hukum. Secara *siyasah dawliyyah*, nilai-nilai HAM ditetapkan oleh negara-negara Muslim sebagai respon atas HAM internasional yang diinisiasi negara-negara Barat.

Kata Kunci: Hak Asasi Manusia; Piagam Madinah; Deklarasi Kairo; Siyasah Syar'iyah

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A. INTRODUCTION

Human rights are principles that have been regulated in Islamic history and norms. Human rights are not new in classical Islamic history until now because Islam has provided clear guidelines for protecting human rights. Prophet Muhammad SAW formulated the Medina Charter as the initial foundation in building a pluralistic society with human rights principles. The historical experience of Muslims in Medina has become a model in the regulation and practice of protecting human rights. That is why many scholars from Muslim and non-Muslim circles refer to the Medina Charter as the initial basis for regulating and practising human rights.

The modern experience of Muslims in the next phase is the formulation of the Cairo Declaration, which contains human rights principles in response to the development of increasingly complex human rights issues. The Cairo Declaration has become a starting point in the history of modern Muslims to recognize and practice protecting human rights in response to the latest developments. A number of Muslim countries that have signed the Cairo Declaration have acknowledged the relevance of Islam and human rights. The two documents reflect the basic principles contained in *maqashid al-syariah*, such as protecting the life (*hifzh al-nafs*), protecting property (*hifzh al-mal*), protecting religion (*hifz al-din*), protecting honor (*hifzh al-'irdh*), protecting offspring (*hifzh al-nasl*), and protecting the mind (*hifzh al-'aql*). Scholars have responded to developments in human rights by formulating the basic principles of sharia, namely *maqashid al-syariah*.

B. METHODS

The authors of this study used a research method known as a qualitative method. Qualitative methods refer to a particular tradition in the social sciences that fundamentally relies on observing people in their context and relating to those people in their language and terminology. The research form used by the authors in this study is a so-called library study, a type of study that examines various reference works and the results of comparable previous studies that help obtain a theoretical basis for the testing topic. Therefore, the author of this study used library research as the type of research he used in this study.

C. RESULTS AND DISCUSSION

1. The Charter of Medina and the Cairo Declaration

Rasulullah SAW lived for approximately 13 years in Mecca. The Messenger of Allah preached to invite the Jahiliyah people of Mecca to abandon the worship of idols. Tawheed became the focus of the Prophet's preaching in Mecca. After that, Rasulullah SAW migrated to Medina in 622 AD. Before relocating to Medina, Rasulullah SAW had pledged allegiance with the people of Medina in the first Aqabah pledge and the second Aqabah pledge.

Medina is located in the northern part of the Hijaz. Medina is a city that used to be called Yathrib. The word Yathrib comes from the name of a descendant of Bani Ubail, namely Yathrib ibn Qaniyah ibn Mukhail ibn Aram ibn Ubail ibn Ush ibn Sam ibn Nuh. This figure is believed to be the first person to come to Medina. Descendants of Yathrib live in Medina. They built a community in Medina. The dominance of Yathrib's descendants was then broken by the 'Amaliqa people (descendants of Imlik ibn Lozd ibn Sam ibn Nuh) from the north, who managed to expel them to Juhfah. In Medina, the 'Amaliqah mixed with the Arab tribes from the south.

Then came the Jewish migrants from Palestine who fled from the pursuit of the Roman army in the first century AD. In Medina, the Jews succeeded in controlling the fertile agricultural regions in the north of Medina, such as Khiabar, Fada', Wadi al-Qura, Tayma, and Tabuk. They live together with the Arabs. The Jewish group in Madinah and which are known to have three tribes, namely Bani Qaynuqa', Bani Qurayzah, and Bani Nadhir.²

Other migrations were two tribes from the south, namely al-Aws and al-Kahzraj after their settlements were hit by a major flood. When these two tribes arrived in Medina, they found that the Jews had mastered many aspects of life and fertile agricultural land. So they decided to ally with the Jews, ask for protection and work for them.³

Upon arrival in Medina, there are three groups of residents from a religious perspective: Muslims, Mushyrikins, and Jews.⁴ Muslims are made up of Muhajirin and Ansar. Muhajirin are the Meccan Quraysh who migrated to Madinah. They consist of Bani Hashim and Bani Muttalib. The Ansar are people from Medina who have converted to Islam. They consist of the Aws and Khazraj tribes. The polytheists are the Arabs who still worship idols. Finally, the Jews are descendants of immigrant Jews and of Arabs who converted to Judaism or married Jewish immigrants. They consist of Banu Nadhir, Banu Qaynuqa', and Banu Qurayzah.⁵

Rasulullah SAW united the diversity of Medina society. The Prophet's first step was to bring the Muhajirin and Ansar together. The next step is to agree to live together between Muslims, Jews, and polytheists, written in a manuscript called shahifah. The Charter of Medina was decided upon through the meeting process of the people of Medina.⁶ In several meetings at the house of Anas ibn Malik, the Charter of Medina was formulated when the Prophet Muhammad SAW was in Medina. Prophet Muhammad held a meeting with the Jews and the polytheists from the beginning of

² Ibnu Katsir, *al-Sirah al-Nabawiyah*, (Beirut: Dar al-Fikr, 1978), Juz I, p. 11.

³ Abdul Aziz, *Chieftdom Madinah: Salah Paham Negara Islam*, (Jakarta: Alfabeta dan LaKIP, 2011), pp. 211-212.

⁴ Ibnu al-Qayyim al-Jauziyyah, *'Aun al-Ma'bud Syarh Sunan Abi Dawud* (al-Maktabah al-Salafiyah, 1979), juz 8 p. 228

⁵ Ahmad Sukardja, *Piagam Madinah dan Undang-undang Dasar 1945: Kajian Perbandingan tentang Dasar Hidup Bersama dalam Masyarakat yang Majemuk*, (Jakarta: UI Press, 1995), p. 36.

⁶ Shahih al-Bukhari, juz 8, h. 27. Shahih Bukhari Juz 2 h. 409. Musnad Ahmad ibn Hanbal, Juz III, p. 111. Sunan Abu Dawud Juz 8 h. 144. Ibnu al-Qayyim al-Jauziyyah, *'Aun al-Ma'bud Syarh Sunan Abi Dawud* (al-Maktabah al-Salafiyah, 1979), pp. 66-67.

his arrival in Medina, and the Jews agreed to live together under the auspices of the Charter of Medina in the first year of the Hijrah.⁷

In modern Islamic history, it has been a known historical document about human rights—the Cairo Declaration on Human Rights in Islam. On August 5, 1990, representatives of fifty-four Muslim countries met in Cairo. They signed the Cairo Declaration on Human Rights in Islam (starting now referred to as the Cairo Declaration) as a guideline for member states in human rights matters.⁸ This Declaration was agreed upon by the Foreign Ministers of the OIC (Organization of the Islamic Conference) member countries in 1990.

The Cairo Declaration aims to preserve Islamic social and economic values, promote solidarity among member countries, increase cooperation in social, economic, cultural, scientific, and political areas, uphold international peace and security, and education, especially in science and technology.⁹ The Cairo Declaration is essential in formulating human rights values compatible with Islam. This Declaration is a concrete form of the particularity of human rights, which marks universality as not the only way to develop a way of looking at human rights.

The Cairo Declaration, both in English and Arabic, was submitted to the UN by the Organization of the Islamic Conference (OIC) before the World Conference on Human Rights in Vienna in 1993. Iran, Saudi Arabia and Iraq joined together in pressuring UN Human Rights Commission to accept the Cairo Declaration as an alternative for Muslim countries. According to them, the existing human rights system is excessive in the West and does not leave room for other cultural and religious values. This view was rejected by UN Secretary-General Kofi Annan, who insisted on the universality of human rights.¹⁰

The position taken is that the Cairo Declaration is the consensus of the Islamic world about human rights. The function of the particularity of human rights held by the Muslim world is the main attraction of the Vienna Conference (1993). At the time leading up to the conference, Saudi Arabia and Iran still fully supported the proposal of the Cairo Declaration in 1990. On the other hand, Iraq followed Iran's footsteps in trying to pressure the UN Human Rights Commission to accept the Cairo Declaration as an alternative to the Islamic version of international human rights. Saudi Arabia, Iran, and Iraq were essential in promoting the Cairo Declaration internationally. But unfortunately, these three countries have the same problem in human rights. They show the practice of denying their citizens' fundamental rights and freedoms and take destructive actions to suppress and eliminate their (political) opponents and critics.

⁷ Subhi al-Shalih, *Ulum al-Hadits wa Musthalahu*, (Beirut: dar al-'Ilmi li al-Malayin), p. 145. Ibnu Jarir al-Thabari, *Tarikh al-Umam wa al-Muluk*, (Beirut: Dar al-Fikr, 1987), Juz III, pp. 84-85.

⁸ Austin Dacey dan Colin Koproske, *Islam & Human Rights: Defending Universality at the United Nations*, (Center for Inquiry, Inc, 2008), p. 6.

⁹ Dumitrita Bologan, "Some Alternative and/or Complementary Declarations to The Universal Declaration of Human Rights", p. 36.

¹⁰ Malin Delling, "Islam and Human Rights", *Thesis* pada School of Economics and Commercial Law, Goteborg University Department of Law, 2004, p. 46

At the OIC meeting in Tehran in December 1997, Iran and some other OIC countries continued to convey that the UN human rights system needed to be adjusted to accommodate the culture and religious values of Muslim countries. This view is from the UN Secretary-General, Kofi Annan, who asserts that human rights are universal. Despite being rejected, the Cairo Declaration is an important achievement for Muslims worldwide in gathering consensus on promoting human rights.

2. Relevance of the Medina Charter to the Human Rights

The Medina Charter as an essential document in the history of the Muslim community, contains human rights principles, such as the Right to life, the Right to freedom of religion, the right to equality before the law, and the right to justice that is relevant to the universality of human rights.

First, the Right to life has been guaranteed in Article 14 of the Medina Charter. The Right to Life in the Medina Charter is strengthened in Article 21, which emphasizes the prohibition of taking someone's life without an apparent reason. The guarantee of the Medina Charter regarding the Right to life is relevant to the Universal Declaration of Human Rights (UDHR). Article 3 states: "Every person has the right to life, the right to freedom, and the right to protection". Thus, the Medina Charter and the Universal Declaration of Human Rights protect the Right to life. In other words, the Right to life is a universal right which cannot be reduced.

Second, the Right to freedom of religion has been guaranteed by the Medina Charter. Article 25 states that "to the Jews their religion and to the Muslims their religion". This guarantee of freedom of religion is relevant to the UDHR. Article 18 states: "Everyone has the Right to freedom of thought, belief and religion; this Right includes freedom to change religion or belief system, and freedom to express one's religion or belief in the form of teaching, practice, and worship, either alone or together with other people, both in public and private places. This shows that the Medina Charter and the Universal Declaration of Human Rights are compatible in guaranteeing freedom of religion.

Third, equality before the law. The Medina Charter treats every resident with the same rights. This principle of equality is found in Articles 26 to 35 of the Medina Charter, which stipulates equal treatment of Jews from the Najjar tribe and the 'Auf ethnic group, the Harts ethnic group and the 'Auf ethnic group, the Sa'idah ethnic group and the Sa'idah ethnic group. Jews from the 'Auf tribe, Jusyam ethnic Jews with the 'Auf ethnic Jewish tribe, Aus ethnic Jewish people are treated the same as the 'Auf ethnic Jewish people, Tsa'labah ethnic Jews with the 'Auf ethnic Jewish tribe, Jafnah ethnic from Tsa'labah with the Dynasty Tsa'labah, and the Jewish ethnic Syutaibah tribe with the Jewish ethnic 'Awf tribe. This principle is in line with the UDHR. Article 2 states: "Everyone has the rights and freedoms outlined in this Declaration without distinction, such as race, colour, sex, language, religion, political views or other beliefs. , national origin or other social origin, property rights, birth status, or any other status."

Fourth, the Right to justice. The Right to justice in the Medina Charter is found in Article 2 to Article 10. The Medina Charter states that the Muhajirin is from the Quraysh tribe, the 'Auf tribe, the Sa'idah tribe, the Harts tribe, the Jusyam tribe, the Najjar tribe, the 'Amr ibn 'Auf tribe, the Nabit tribe, and the Aus tribe according to their circumstances (customs), work together to pay the diyat among themselves, and they pay the captive ransom in a way that is good and fair among the believers. The Right to justice in the Medina Charter is in line with the UDHR. Article 7 states: "All people are equal before the law and are entitled to equal protection from the law without discrimination. Everyone has the Right to equal protection from any discrimination that violates this Declaration and matters that lead to such discrimination."

The Medina Charter, a human rights document in Islam, is implemented and upheld. This is evidenced by the real guarantee that the Prophet Muhammad gave to the people of Medina to have the Right to life. The lives of the residents of Medina are protected so that blood cannot be spilled without a clear reason. Every resident of Medina is prohibited from killing and being killed because life is the Right of every individual. There is no compulsion in religion. The Medina Charter has given freedom to the people of Medina to believe according to their beliefs. It is not surprising that in Medina there are adherents of Islam, adherents of Judaism, and even idol worshippers (musyrikin) are given freedom. The Prophet Muhammad fought against Jews and polytheists not because of their religion, but because they had reneged on an agreement.

In practice, the people of Medina helped each other to guard and protect against enemy attacks. The principle of the Medina Charter is to protect the residents of Medina so that they feel safe living in the Medina community. This is a form of the Right to feel safe.

3. Relevance of the Cairo Declaration to the Human Rights

The Cairo Declaration as an essential document in the modern history of Muslims, contains human rights principles, such as the Right to life, the Right to freedom of religion, the right to equality before the law, and the right to obtain justice that are relevant to universal human rights

First, the Right to life. The Cairo Declaration affirms that the Right to life is guaranteed as a gift from God which cannot be revoked except for reasons justified by sharia (Article 2, paragraphs 1 and 2). The Right to life is stated by Article 2, Article 3 and Article 17. The Cairo Declaration articles align with Article 3 of the Universal Declaration of Human Rights: "Every person has the right to life, the right to freedom and the right to protection."

Second, the Right having a family and continuing offspring is stated in Article 5 and Article 6. Marriage is a right for everyone to continue offspring legally and with dignity. The Cairo Declaration is in line with Article 16 of the Universal Declaration of Human Rights: "Men and women who have reached adulthood, without restrictions

based on differences in race, nationality and religion, have the right to marry and establish a household. They have the same rights in marriage as long as the marriage is ongoing and at the time of divorce."

Third, the Right to education. Article 9 of the Cairo Declaration states that everyone has the right to receive religious education and general education from various educational and teaching institutions, including family education, school education, university education, mass media education, and so on, where this in an integrated and balanced way leads to the development of his personality, increasing his faith in God, and strengthening the attitude of respecting and defending his rights and obligations. This Right to education is in line with Article 26 of the UDHR paragraph 1. "Everyone has the right to education. Education must be given free of charge, at least at the basic education level. Basic education should be compulsory. Technical and vocational education must be open to everyone in general, and higher education must provide equal opportunities based on their level of intelligence."

Fourth, the Right to freedom of expression is regulated in the Cairo Declaration in Article 22 as long as does not conflict with the principal teachings of Islamic law. The Right to freedom of opinion is in line with Article 19 of the Universal Declaration of Human Rights: "Everyone has the right to freedom of opinion and expression; this includes freedom to hold opinions without interference and to seek, receive and impart information and opinions in any way and regardless of frontiers."

Fifth, the Right to justice. The Cairo Declaration values justice before the law. This is contained in Article 8, Article 19, Article 20, and Article 21, which emphasizes that everyone has the Right to acquire legal capacity. The Cairo Declaration articles align with Article 7 of the UDHR: "All persons are equal before the law and are entitled to equal protection from the law without discrimination. Everyone has the Right to equal protection from any discrimination that violates this Declaration and from things that lead to such discrimination."

Sixth, the Right to freedom of religion. The Cairo Declaration provides norms regarding freedom of religion which are stated in Article 10, The Right to freedom of religion is in line with the UDHR: "Everyone has the Right to freedom of thought, conscience and religion; this Right includes freedom to change religion or belief system, and freedom to express one's religion or belief in the form of teaching, practice, and worship, either alone or together with other people, both in public and private places.

Seventh, the Right to self-independence. Article 11 of the Cairo Declaration prohibits all forms of slavery, oppression, and exploitation, as these are violations of a person's liberty. This Right to self-independence is in line with the UDHR Articles 3, 4 and 5. Article 4: "No one may be enslaved or enslaved; slavery and slave trading in any form is prohibited." Article 5: "No one may be persecuted, oppressed, humiliated, or punished inhumanely."

Eighth, Right to freedom of domicile and migration. The Right to residence, immigration and asylum has been guaranteed by the Cairo Declaration Article 12. This

Article is in line with the UDHR Article 13: (1). Everyone has the Right to freely move and live within the territory of each country. (2). Everyone has the freedom to leave any country including his own, and to return to that country. Article 14: (1). Everyone has the Right to seek and enjoy asylum from other countries to avoid arrest and prosecution (2). This Right does not apply in cases of prosecution which arise from crimes that are not political in nature or from actions that are contrary to the goals and principles of the United Nations.

Ninth, the Right to feel safe. The sense of security referred to in Article 4 of the Cairo Declaration is the Right not to be disturbed and is entitled to protection for his good name and honor throughout his life and after death. The Right to feel safe is stated in line with Article 3 of the Universal Declaration of Human Rights: "Every person has the right to life, the right to freedom, and the right to feel safe."

Tenth, the Right to welfare. The Cairo Declaration guarantees the Right of everyone to work as part of achieving welfare in Articles 13 and 14. The Right to welfare is in line with Article 23 of the UDHR: (1). Everyone has the Right to obtain a job, is free to choose a job, has the Right to a fair and pleasant work environment, and has the Right to protection from unemployment. (2). Everyone, without distinction, has the Right to fair remuneration for equal work. (3). Everyone who works has the Right to wages/salaries that are fair, pleasant and capable of guaranteeing the necessities of life for himself and his family in accordance with human dignity, and added -if necessary- with other social guarantees."

Eleventh, ownership rights. This Right is contained in Article 15 of the Cairo Declaration which guarantees everyone to own property in a legal way, and is given the Right to own property without prejudice to oneself, other people or society in general. This Right to ownership is in line with Article 17 of the UDHR: (1). Everyone has the Right to own property, both individually and together with others. (2). No one may be deprived of his property arbitrarily."

Twelfth, the Right to participate in government. This Right is stated in Article 23 of the Cairo Declaration, which affirms that everyone has the Right to participate directly or indirectly in governmental affairs and has the Right to hold government positions in accordance with the principles of Islamic law. The Right to participate in government is in line with Article 21 of the UDHR: (1). Everyone has the Right to take part in the government of his country, directly or through freely chosen representatives. (2). Everyone has the same rights and opportunities to occupy positions in the government of his country. (3). The will of the people must be the basis of government power; The will of the people must be realized in the form of general elections which are held regularly and honestly, which are carried out openly to everyone and in a fair manner, whether also carried out by way of secret voting or free voting. Thirteenth, women's rights. This Right is stated in Article 6 of the Cairo Declaration which emphasizes that women have rights that they can enjoy in addition to the obligations that they must carry out; civil rights and financial freedom; the Right to defend the good name of himself and his children. These women's rights are in line with Article 2 of the UDHR: "Everyone has the rights and freedoms set forth in this

Declaration without any distinction, such as race, skin colour, sex, language, religion, political opinion or other views, national or other social origin, property, birth or other status. More than that, it is not permissible to make distinctions on the basis of differences of a political nature, or of a juridical nature or international status of the country or region a person lives in, whether it is an independent country/region, a protectorate country/region, a country/region that does not have self-government or who are under restrictions on sovereignty by other countries/territories."

Eighteenth, children's rights. The Cairo Declaration Article 7 emphasizes that since a child is born, he has rights from his parents, society and the government, such as the Right to care, the Right to education, the Right to health and the Right to moral development. This child's Right is in line with Article 25 of the UDHR: (1). Everyone has the Right to a decent standard of living, which concerns the health and well-being of himself and his family, including the need for clothing, food needs and health care as well as other social services and security when he experiences unemployment, illness, disability, widowhood, old age or do not have a livelihood beyond his means. (2). Mothers and children have the Right to receive special care and assistance. All children born, both inside and outside of marriage, must receive the same protection and social security.

4. *Siyasah Syar'iyah's Perspective*

The Medina Charter and the Cairo Declaration are important instruments in Islam regarding human rights. Both of these instruments are relevant to the human rights, which until now has become a significant component in upholding human rights. Universally, the content in the Medina Charter is the first basic law for Muslims in maintaining human rights. The Cairo Declaration is international law among Muslim countries which have agreed to respect human rights. Therefore, these two instruments have become an essential part of the history of Muslims.

The regulation of human rights in the Medina Charter and the Cairo Declaration seen from *siyasah syar'iyah* is in line with two things. First, *siyasah tasyri'iyah* (legislative politics).¹¹ First, this principle emphasizes the formation of laws determined by political institutions. The Medina Charter was established by the Prophet Muhammad and representatives of the residents of Medina. Second, Muslim countries adopted the Cairo Declaration. With this principle, universal human rights are following the *siyasah tasyri'iyah* framework so that legal certainty is guaranteed. This principle was initially unknown in Islamic history, because the implementation of community life was not originally based on written law (*qanun*), but was sourced directly from the Koran and Hadith. However, along with the times, Islam adopted legal modernization in the form of written law. As a result, the Medina Charter is the first written law in Islamic history based on societal consensus. For this reason, the

¹¹Abdurrahman Taj, *al-Siyasah al-Syar'iyah wa al-Fiqh al-Islami*, (Mesir: Mathba'ah Dar al- Ta'lif, 1993), p. 10.

arrangement of human rights in the Medina Charter and the Cairo Declaration is a form of *siyasah tasyri'iyah* to ensure legal certainty.¹²

Second, human rights arrangements in the Cairo Declaration are part of *siyasah dawliyyah*.¹³ The agreement of Muslims in the Cairo Declaration is an international political agreement. With the Cairo Declaration, Muslims carry out *siyasah dawliyyah* which aims to make the Islamic world able to be comparable to Western countries which have given birth to the UDHR. Muslims are no longer inferior to Western countries in implementing human rights. Uniquely, the implementation of human rights in the Islamic world is in accordance with the character of Islam and the culture of Muslims.

Human rights in the Medina Charter and the Cairo Declaration are managed by the state and are intended for benefit. This conception is related to the purpose of the state in the tradition of Islamic thought that in addition to regulating religious affairs, the state as stated by Ibn Khaldun, al-Mawardi, Wahbah al-Zuhaili and other scholars is managed to regulate world affairs.¹⁴ Managing human rights is an important part of managing world affairs so that its citizens live in prosperity and prosperity. The prosperity of the people is a public problem as it is an important part of *maqasid al-syari'ah*. The paradigm of regulating human rights by the state based on the prosperity of the people is the essence of the goal of Islamic law, namely creating *maslahah*¹⁵ for humans and eliminating *mafsadah* (damage).¹⁶

D. CONCLUSION

Human rights are human values agreed upon internationally in the UDHR. The principles contained in the UDHR already exist in the Medina Charter, such as the Right to life, the right to religion, the right to equality before the law, and the right to justice. Even in modern times, the Islamic world has also adapted human rights values that are in accordance with Islamic teachings and culture in the Cairo Declaration. The Medina Charter and the Cairo Declaration are important instruments in human rights management. At least, there are two categories of *syar'iyah siyasah*, namely *siyasah tasyri'iyah* and *siyasah dawliyyah*. On the one hand, Muslims have agreed that human rights values are stipulated in the Medina Charter and the Cairo Declaration. With this mechanism, legal certainty is fulfilled. On the other hand, the Cairo Declaration are international mechanisms that are in line with *siyasah dawliyyah* so that international

¹² 'Abd al-Qadir Awdah, *al-Tashri' al-Jina'i al-Islami Muqarana>t i al-Qanun al-Wad'i*, Juz 1, (Beirut: al-Ris>alah, 1998), p. 97.

¹³ Abdurrahman Taj, *al-Siyasah al-Syar'iyah wa al-Fiqh al-Islami*, (Mesir: Mathba'ah Dar al- Ta'lif, 1993), p. 10.

¹⁴ Ibnu Khaldun, *Al-Muqaddimah*, Makkah: Darul Baz lin Nasyr wat Tawzi', 1398 H. Al-Mawardi, *Al-Ahkam al-Shulthaniyyah wa al-Walayah al-Diniyyah*, Beirut: Darul Kutub al-Ilmiyyah, 2011. Wahbah al-Zuhaili, *Al-Fiqh al-Islami wa Adillatuhu*, (Damaskus: Dar al-fikr, tt), Juz VIII.

¹⁵ Abu Ishaq Ibrahim al-Syatibi, *al-Muwafaqat fi Ushul al-Syari'ah*, (Beirut: Dar al-Kutub al-Ilmiyyah, t.th.), Juz I, p. 6 and p. 54.

¹⁶ Muhammad Tahir ibn 'Asyur, *Maqashid al-Syari'ah al-Islamiyyah*, (Kairo: Dar al-Salam, 1427 H/2006 M, p. 49 and p. 62.

interaction takes place. The stipulation of human rights in the Medina Charter and the Cairo Declaration fulfill the *maqasid al-syari'ah* principles for Muslims and also the Islamic world in maintaining international relations.

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