

ASSESSING THE VALUES OF HUMAN RIGHTS ON ENFORCEMENT AMAR
MA'RUF AND NAHI MUNGKAR IN ISLAM

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Abstract:

This study aims to present the provisions of human rights in Islam. Attempts to describe the normative basics of human rights in Islam and analyze the relationship between amar ma'ruf nahi mungkar in Islam by fighting for human rights. This paper is a qualitative descriptive study using a multidisciplinary approach including normative, historical, and anthropological juridical approaches. This study shows that Islam has great respect for the status of the human race. The teachings of human rights in Islam are not merely a matter of normative doctrine, but it is also an empirical problem in history. This is how the Prophet saw, strives to convey Islamic treatises to mankind as a whole. He continues to strive for treatise with friends until the end of his life that teaches human values. In order for the mission of the Prophet to be successful in achieving the target, the da'wah was continuously guarded by jihad, so that mankind could feel the human values that had been lost in their lives. Here we can see how the teachings of human rights in Islam have a very close relationship with amar ma'ruf and nahi mungkar.

Therefore, amar ma'ruf and nahi mungkar in Islam are the most effective medium-to fight for the teachings of human rights in Islam.

Keywords: Human Rights, Amar ma'ruf, Nahi Mungkar

I. INTRODUCTION

A. Background

Since the formulation of the Universal Declaration of Human Rights in Paris in 1948, human rights have an important position in public opinion around the world. The United Nations has a commission for human rights that is tasked with monitoring the extent to which these rights are fulfilled or violated in various countries. Many countries are accused of having committed violations of human rights, both on a large and small scale, and among those belonging to this group are several Islamic countries.

Islam is a religion that highly respects the status of the human race. The teaching of human rights in Islam is not only a normative doctrine, but also an empirical problem in history. It can be seen from how the Prophet Muhammad and his friends throughout his life struggled to uphold the teachings of human rights by practicing *Amar ma'ruf Nahi Mungkar* and opposing the tyrannical tendencies of anyone. Examples of human rights teachings can be seen from QS. Al-Nahl: 36 "worship Allah and avoid *Thagut*". *Thagut* in this case means a tyranny. The principles expressed are the emphasis on the obligation of humans to submit to Allah and avoid tyranny and despotism. It can be said that through this doctrine humans are placed as beings that have nobility and virtue, have high dignity and worth.

Islam has made many innovations and improvements to customs / attitudes that apply in Arab society. This is because the pre-Islamic Arab society did not have rights as individuals, but only as members of a group of relatives.

The most essential and main doctrine of *amar ma'ruf* and *nahi mungkar* is preaching to invite people to convert to Islam and to fight for that *da'wah* to study the *sirah* (history) of prophet Muhammad. Objectively, including the various wars that occurred during the time of the Prophet with his companions, it would be clear to him that the wars were aimed at guarding the Prophet's *da'wah*. To do *amar ma'ruf* and *nahi mungkar*. Namely, inviting people to convert to Islam and then do commendable actions, and leave all forms of idolatry and forms of unjust acts.

Therefore, the expansion carried out by Muslims through war at that time carried a very noble mission, namely fighting for human values such as values of justice, values of freedom, and values of *al-Musaawah* (equality before God).

B. Problem Statements

Based on the background above, the formulation of the problem is stated as well as the subject matter of the discussion in this paper as follows:

- 1 . What is the normative basis for human rights in Islam ?
- 2 . How is the correlation between the teachings of human rights and *amar ma'ruf* and *nahi mungkar* in Islam ?

II. DISCUSSION

A. Principles on Human Rights in Islam

In the Fiqh, there is a basic stipulation that all creatures have the status of *muhtaram* (dear) law, that is, their existence is respected and it is forbidden to kill them as living beings.¹ Based on the information of the Qur'an, humans are given priority over other creatures.²

It is not only human existence that must be protected, but also five other basic problems which are commonly called *maqasid al-syari'ah* which animate the entire area of Fiqh in one *Ishmah* (legal protection). This basic benefit covers the right to protect religion, soul, mind, honor and property.

According to F. Mas'udi,³ Five principles of human rights can be derived from the concept of *Dharuriyyaat al-Khams* (protection religion, protection the soul, protection reason, protection offspring, and preserving property) which can be stated as follows:

1. Protection of religion (belief)

The protection of this belief is stated in the teachings of *laa ikraaha fi al-dien* (there is no coercion in religion) or *waliya dien* punishments (for you your religion, for me my religion). Therefore, there is no compulsion to embrace religion. However, in later history, this right to protect religion was translated into legal regulations that gave strict provisions for converting religions. In fact, in the most basic context (al-Qur'an), there is no compulsion to embrace religion.

2. The right to protect the life or the right to live

Protection of life is an inexorable right. The most basic translation of the right to life is stated in the legal system, one of which is human rights. Because life is something that is absolutely necessary and should not be violated by anyone. So whoever deliberately violates someone's life, he must be punished accordingly so that person does not do the same thing in another place.

3. Protection of mind rights .

The right to protect the mind is manifested in a very elementary set of rights, namely regarding the prohibition of eating or drinking and things that can damage the consciousness of the mind. Whoever violates that right (destroys consciousness), then the law is quite harsh. This harsh punishment is meant to protect the mind. Actually, from this elementary description, it can be drawn

¹ Mujaid Kumkelo, dkk, *Fiqh HAM Ortodoksi dan Liberalisme Hak Asasi Manusia dalam Islam*(Malang: Setara Press, 2015), p. 42

² QS. al-Isra':70:

Translation:

And We have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference. Kementerian Agama RI, *al-Qur'an and Translation* (Semarang: PT. Toha Putra, 2016), p. 289

³Masdar F. Masudi, *Hak Asasi Manusia dalam Islam* , dalam E. Shobirin Nadj dan NaningMardiah (Ed), *Dimensi HAM Perspektif dan Aksi* (Jakarta: CESDA LP3ES, 2000), p. 66

further, namely the protection of freedom of speech. Can also be withdrawn education rights, and so on. However, post-elaboration of these elementary principles is still rare. This is because the rights that are understood in fiqh are subsystem rights.

4. Protection of property rights

This protection translates into the right to prohibit stealing and harsh penalties for theft of legally protected property. If translated further, it can be understood as the right to work or to earn a decent income.

5. The right to have a family or the right to obtain offspring and maintain a good name.

The right to defend a good name is translated into fiqh law which is so harsh against people who commit acts of adultery. The person who accuses someone of committing adultery must be able to prove the act with the evidence of four witnesses. If it turns out that this action cannot be proven, then according to fiqh that person cannot be blamed. Even if this adultery actually occurs, this is a matter for the adulterer with Allah SWT.

According to Muhammad al-Gazali⁴, normatively human rights in Islam are based on:

1. Prinsip al-Musawat (Equality among humans), that is, all humans are equal before Allah, no one race is superior to another, because all humans come from the same ancestor.⁵

The message contained in this verse and the verses that are in line with the Qur'an prove that human values are universal. Every human being on this earth without exception, has the same right to obtain *Karamah Insaniyah*. *Taklif* is also addressed to all human beings without exception, because every human being has the same mental and intellectual qualities without any discrimination in it.

Meanwhile, according to Abdul Wahhab Khallaf,⁶ the values of musawat (equality) are among the most essential Islamic syi'ar. Therefore Islamic law does not differentiate between humans in obeying the laws no one is higher than the others. Muslim leaders and rulers as well as each individual have the same position, there is no special legal privilege or special court for a person, but all are equal before the law (equalite before the law).

2. The principle of justice

According to Muhammad al-Gazali,⁷ a person will feel peace and serenity in his life if his soul can realize that the values of justice always accompany his life's journey. Such mental consciousness will arise when:

⁴Muhammad al-Gazali, *Huquq al-Insaan bain Ta'aaliem al-Islam wa I'laan al-Umami al-Muttahidah* (Kairo: Daar al-Da'wah, 1993), p. 17

⁵See QS. al-Nisa':1:

Translation:

O mankind! Be dutiful to your Lord, Who created you from a single person (Adam)...
Kementerian Agaama RI, *Al-Qur'an and translation*, Op.Cit.,p. 77

⁶Abdul Wahhab Khallaf, *al-Siyasat al-Syar'iyah*, terj. Zainuddin Adnan, *Politik Hukum Islam* (Yogyakarta: Tiara Wacana, 2005), p. 45

⁷Muhammad al-Gazali, *Huquq al-Insaan bain Ta'aaliem al-Islam wa I'laan al-Umami al-Muttahida*, Op.Cit.,p. 31

First, he feels that the laws or regulations that are made to be obeyed are intended to protect and glorify his life, not to destroy and humiliate his life. Because, naturally, every human being wants a sense of justice to always accompany the journey of his life, both during good times and during bad times, both when the rich are able when they are poor.⁸ Of course, this sense of justice can only be realized in the middle of society if every problem is always handled professionally, so that legal sanctions are really imposed only on people who have violated the law, not on innocent people.

Second, he can find out the limitations of the existing rules. Thus, he can avoid illegal actions. Even if, one day, he commits an act that violates the law and then gets sanctioned, he immediately realizes that the sanctions imposed on him are the right of Allah (*Haqqullah*) which must be obeyed,⁹ the sanction is not as an act of tyranny from an unjust leader.

Therefore, Muhammad al-Gazali continued, the action of a court judge who correctly and appropriately imposed sanctions on a defendant cannot be said to be an act of arbitrariness. And a society that has a high legal awareness, then obeys the decisions of the court judges also cannot be said to be an act of cowardice or humiliation.

3. Right to life protection

Life is a blessing that Allah bestows on humans. The right to live is the most basic right for a person and the teachings of Islam provide a full guarantee for every human being, unless of course if there is a justification for the *syara* 'law. This principle, among others, is explained in the QS. al-An'am: 151:
Translation:

Say, "Come, I will recite what your Lord has prohibited to you. He commands that you not associate anything with Him, and to parents, good treatment, and do not kill your children out of poverty; We will provide for you and them. And do not approach immoralities – what is apparent of them and what is concealed. And do not kill the soul which Allah has forbidden to be killed except by [legal] right. This has He instructed you that you may use reason."¹⁰

According to Abu al-A'la al-Maududi, this verse clearly distinguishes between murder that is criminal in nature (which is forbidden by Allah), and murder which is carried out to uphold justice. For the second, it is only the court which has the right to decide whether a person should lose his right to live because he has neglected the right to live and public peace.¹¹ So here must apply the principles of an honest and impartial trial, as in other fields.

⁸Ibid., p. 32

⁹Ibid.

¹⁰Kementerian Agama RI, al-Qur'an and Translation, Op.Cit., p.133

¹¹ Abu al-A'la al-Maududi, Human Rights in Islam, The Islamic Foundation dalam Rusidi Ali Muhammad, Hak Asasi Manusia dalam Perspektif Syariat Islam(Banda Aceh; Ar-Raniry Press, 2004),p.116

Likewise, war warnings can only be decided by the competent government. After all, a person does not have the right to take the life of another person, either as a retaliation or as a punishment for spreading damage on earth.¹²

This is because when someone kills another it is as if he has killed mankind, because killing is seen as denying the right to live, regardless of who has that right. The eternal *Shari'at* of Allah contains this principle, namely that the issue of the right to live is universal.¹³ Owned by all human beings without exception, regardless of skin color, race, religion, gender, and all kinds of other differences. Human blood is *Haram* to be shed, until the mistake is proven.

4. Rights in Relations with Equality and Justice before the Law

One of the other fundamental principles in Islamic teachings is that before the law all human beings are equal. Legal provisions must be treated absolutely without discrimination, if all the conditions for that have been met. This principle can be seen in QS. al-Nisa': 135:

Translation:

“O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allah is more worthy of both. So follow not [personal] inclination, lest you not be just. And if you distort [your testimony] or refuse [to give it], then indeed Allah is ever, with what you do, Acquainted.....”¹⁴

According to history, this verse was revealed in connection with a dispute between two male companions of the Prophet Muhammad with different positions are rich and poor. They disagreed and submitted their case to the Prophet. Apparently Rasulullah saw. in his heart tends to defend his poor friend because he pity his poverty. The Prophet felt that it was impossible for the poor to persecute the rich. However, Allah swt. immediately revelation to order for the Prophet would still be fair to both the rich and the poor.¹⁵

This verse calls for justice to be carried out strictly against everyone, be it one's own family or other people, be it rich or poor. Physical attributes should not be used as reasons for preference in a legal stipulation

In the verse above the word *qawwamin bi al-qisht* is used, with the lafaz *shighat mubalaghah* (superlative). This implies: "really upholding justice".¹⁶ o the commandment contained in the verse has a strong accentuation to actually be carried out and must not be neglected at all. Allah also forbids Muslims to follow lust in deciding laws or acting as witnesses just because they want to protect the good name of certain people, so that they do not act fairly.¹⁷ Thus is implied in the

¹² Ibid.

¹³ Hasbi Ash-Shiddieqy, Pengantar Hukum Islam (Jakarta: Bulan Bintang, 1980), p. 685

¹⁴ Kementerian Agama RI, al-Qur'an dan Terjemahnya, Op.Cit., p.100

¹⁵ Abu al-Hasan 'Ali al-Wahidi, Asbab al-Nuzul (Kairo: Daar al-Fikr, 1968), p. 106

¹⁶ Abdoerraoef, Al-Qur'an dan Ilmu Hukum (Jakarta: Bulan Bintang, 1970), p. 216

¹⁷ Abi al-Fadhl Syihabu al-Din Mahmud al-Aluusi, Ruuhu al-Ma'aani fi Tafsir al-Qur'an al-'Azhim wa al-Sab'u al-Matsaani, jilid. IV (Beirut: Daar al-Fikr, t.th), p. 246

verse the principles of Islamic legal justice which emphasize equality before law and justice.

In another verse that is similar, Allah swt obliges the Muslim ummah to act fairly and honestly, in such a way that hatred against someone encourages them to act unfairly against them. This principle can be seen in QS. al-Maidah: 8:

Translation:

“O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah; indeed, Allah is acquainted with what you do”.¹⁸

The content of this verse implies that all people are equal and equal before the law and the judiciary and all are subject to the law. All procedures, provisions and procedures that exist in the judicial process must be treated equally for all parties involved, without differentiating from one another. Even the enemy can enjoy justice and a system of equality before the law.

This verse also contains a threat from Allah SWT. against people who do not behave properly because of hatred, as well as threats against unfair treatment because of love. These two attitudes are not justified in resolving disputes in society. A judge is expected to be impartial in dealing with a case.

6. The Right to Acquire Freedom

In the perspective of the Qur'an, humans are creatures chosen by Allah SWT. to become his caliph on earth. Free human based guidance of Allah Almighty. and is responsible for himself and for the world. Human existence begins with weaknesses then gradually becomes strong and superhuman. His intellectual and spiritual abilities are unlimited. Dignity and glory are human traits. Humans can be excited because of good or because of evil. Humans have been given the mandate to make lawful use of this gift, but they must be accountable to Allah SWT.¹⁹

The accountability that is required of a person must be preceded by freedom of choice. Freedom is an inseparable part of responsibility. Freedom must also be seen as respect for the dignity of humans as His servants and caliphs on earth. Violation and oppression of human dignity are crimes against humanity and universal human rights.²⁰

It should be understood that human freedom in Islam is not absolute. Therefore, human rights are not absolute. Absolute things only belong to Allah. In essence, the universe belongs to Allah, including man himself. As the caliph of Allah on earth, humans have the free will to live together in equal in society, as long

¹⁸Kementerian Agama RI, al-Qur'an and translation, Op.Cit., p.108

¹⁹ Murtadha Mutahhari, Man and Univese. Terjemah oleh Afif Maulani, Falsafah Agama dan Kemanusiaan: Perspektif al Qur'an dan Rasionalisme Islam. (Yogyakarta: Rausan Filer, Institut, 2014). p. 3

²⁰ Ahmad Kosasih, HAM dalam Perspektif Islam: Menyingkap Persamaan dan Perbedaan antara Islam dan Barat. (Jakarta: Salemba Diniyah, 2003), p. 30

as they are on the path of shari'ah as the highest servant, as a realization of their devotion to Allah SWT.

Among the freedoms which bind to man are:

a. Political Freedom According to Muhammad al-Gazali, political freedom which is owned by every human being consists of two components:

1) Every human being has the same rights to occupy a position, as long as he has the competence to hold that position.

2) Every human being has the same right to state an opinion as input for a policy that has been issued by the government; either that opinion justifies the policy or blames it.²¹

Political freedoms with these two components show that positions of various kinds are a means / media to serve the masses and that which becomes their supervisor is society at large.

b. Freedom of Thought and Speech

Allah created reason as the foundation of religion, and Allah created reason as a supporting pillar for the life of the world. That is, the perfection of one's intellect is the basis for blowing into it. And Allah governs the life of the world according to the provisions of human reason.²²

Therefore, through human reason, Allah created man with his various desires, inclinations, hopes, and interests, linked together.²³ Because human idea is a medium for knowing and realizing the differences that exist between them, for example differences in language, skin color, interests, tastes, hobbies, and so on. Allah commands humans to know each other over these differences.²⁴

Islam respects the freedom of thought of every human being, as long as freedom of thought is framed with sincere intentions and noble intentions. Islam also gives every human being the right to express his opinion with all the characteristics they have, both those with textual tendencies and those with contextual tendencies.

²¹ Muhammad al-Gazali, *Huquq al-Insaan bain Ta'aaliem al-Islam wa I'laan al-Umami al-Muttahida*, Op.Cit., p. 63

²² Abu al-Hasan Ali ibn Muhammad ibn Habib al-Basri, *Adab al-Dunya wa al-Dien* (Mansurah: maktabah al-Iman, T.th), p.31

²³Ibid

²⁴ See QS. Al-Hujurat: 13:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ
خَبِيرٌ

Translation:

O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted. Kementerian Agama RI, *al-Qur'an and Translation*, Op.Cit., p.517

In the event of the war, the Quraiza descendant, the Prophet sent a friend to the Quraizhah descendant, he said: "Whoever believes in Allah and the hereafter, he should not pray Asr except in the Quraizhah descendant!" The companions were divided in two responses to the Prophet's message, among them there were those who responded textually, they only performed Asr prayers after they arrived at the Quraizhah, even though the time for Asr prayer had passed. Some of them responded to the Prophet's message contextually, they then prayed Asr on the way.²⁵ Because, according to this last group, the purpose of the Prophet's message was that they would quickly arrive at the Quraiza people.

When their case was reported, the Prophet respected the decision of the two groups of friends, fairly.²⁶ This is clear evidence that Islam really values freedom of thought, as well as educating its people to be tolerant of existing differences of opinion, especially those of a *furuiyah* (distinction) nature.

c. Freedom of Religion

The Qur'an repeatedly advises people to use common sense and rational methods to learn from all natural occurrences, to then choose which teachings are right and which are wrong. The Qur'an does not allow coercion in embracing beliefs, even though it is for the message of Islam itself. This principle is stated in many verses of the Qur'an.²⁷ Confession of faith by someone because of coercion is null and void according to the *ijma' ulama*.²⁸ This is because the act of coercion is beyond the capabilities of the Apostles and is not their job.

In surah al-Baqarah verse 256 it is clearly stated that the prohibition to force to embrace religion, with the reasons stated in one of the verses' phrases: *Qad Tabayyana al-Rasyd Mina al-Gayy* (the right course has become clear from the wrong) So, the compulsion is not justified, because bringing the right path (al-rusyid) and bringing the wrong path (al-gayy) is really clear, namely through the various calls and preaching that is delivered.²⁹ From this verse, there is an implicit recognition that the human person does have the ability, reason and reason to choose

²⁵ Muhammad Said Ramadhan al-Bati, *Fiqh al-Sirah: Dirasaat Minhajiyah Ilmiah Li sirat al-Mustafa' Alaih as-Salam wa maa tawtawi 'Alaih Min Izhat wa Mabaadi Wa Ahlam* (Kaioro: Dar al-Fikr, 1980), p. 304

²⁶Ibid.

²⁷ Diantaranya QS. Al-Baqarah: 256:

لَا إِكْرَاهَ فِي الدِّينِ ۗ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ ۗ فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِنْ بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَىٰ لَا
أَنْفَصَامَ لَهَا ۗ وَاللَّهُ سَمِيعٌ عَلِيمٌ

Translation:

There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong.....Kementerian Agama RI, *al-Qur'an and Translation*, Op.Cit., p.42

²⁸ Rusjdi Ali Muhammad, *Hak Asasi Manusia dalam Perspektif Syariat Islam*, Op.Cit.,p.

²⁹Ibid.

or *iradah ikhtiyariyah*, which makes him able to distinguish truth from error. Freedom of thought and freedom to make choices as a human natural right.

d. Freedom to Work and Do Business

This is the main opportunity principle in relation to guaranteeing human rights in the economic field. This principle is based on several verses of the Qur'an, including QS. Al-Baqarah: 29.

هُوَ الَّذِي خَلَقَ لَكُمْ مَّا فِي الْأَرْضِ جَمِيعًا

Translation:

“It is He who created for you all of that which is on the earth.....”³⁰

Thus, the earth and all its contents are not meant to be owned by any people or nation, but are for all kinds of people. Therefore, it is the right of every individual human being to try to get "their share of this divine heritage".³¹

So no one has the right to claim these rights on the basis of skin color, creed or race. Everyone enjoys this in the same way. There is not the slightest bit among human beings, as there are also no restrictions on a particular person, ethnic group or group from trying to obtain life according to their own choice.³² Likewise there is no difference between human beings on the basis of skin color, creed or ethnicity, which can give a person a monopoly on certain methods of production, consumption and distribution of any economic good.

B. Correlation of Human Rights Values with *Amar Ma'ruf* and *Nahi Mungkar* in Islam

Amar ma'ruf and *nahi mungkar* or inviting people to good deeds and preventing people from doing bad deeds are noble duties that are highly recommended in Islam. Many religious texts mention the virtue of people who practice *amar ma'ruf* and *nahi mungkar*, including QS. Ali Imran: 110:

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ ۗ

Translation:

“You are the best nation produced [as an example] for mankind. You enjoin what is right and forbid what is wrong and believe in Allah.....”³³

³⁰Kementerian Agama RI, al-Qur'an and translation, Op.Cit., p.5

³¹Afzalar Rahman, Hak Asasi Manusia dalam Sistem Ekonomi(Bandung: Citra Aditya, 2009), p. 107

³²Mannan, Islamic Economic, theory and Practice dalam Rusjdi Ali Muhammad, Hak Asasi Manusia dalam Perspektif Syariat Islam, Op.Cit., p. 159

³³Kementerian Agama RI, al-Qur'an and translation, Op.Cit., p.64

Imam Tirmizi narrated from Bahz ibn Hakim from his father, from his grandfather said: "That is actually the Messenger of Allah. when reciting the verse he said:

انتم تتمون سبعين امة انتم خيرها واكرمها عند الله³⁴

Translation:

"You are the last people to seventy; you are the best and most glorious with Allah."

Abu Haurairah said: We are the best of humans to humans. Because, we invite people to enter Islam through arrows (warfare to guard the da'wah of the Prophet)³⁵) While Mujahid said: You are the best people when you do *amar ma'ruf* and *nahi mungkar*.³⁶

Based on some of these opinions, it can be understood that Allah gives praise and loyalty to Muslims. Because, they do *amar ma'ruf and nahi mungkar* (enjoining good and forbidding wrong). Therefore, if Muslims have been apathetic in facing their surrounding environment, then leave the activities of *amar ma'ruf* and *nahi mungkar*, they are no longer worthy of getting praise and glory from Allah SWT. On the contrary, they are more apt to get blasphemous from Allah SWT. Because, their attitude of leaving *amar ma'ruf* and *nahi mungkar* is an action that can be the cause of their destruction. An enthusiastic attitude to do *amar ma'ruf* and *nahi mungkar* is the most prominent characteristic that can distinguish a Muslim from another. People who believe are always *istiqamah* (consistent) to protect and maintain the environment around them through *amar ma'ruf* and *nahi mungkar*.³⁷ Because, their hearts are very sensitive and easily disturbed by social problems that arise around them.

The reverse attitude is shown by *munafiq* people, they are apathetic about the damage done to their environment, in fact, they are swept away by the current of their damaged environment. As a result, they no longer practice *amar ma'ruf* and *nahi mungkar*, but what they do is *amar mungkar* and *nahi ma'ruf* (forbid kindness).³⁸

³⁴Abu 'Abdillah Muhammad ibn Ahmad al-Anshary al-Qurthuby, al-Jaami' li Ahkaami al-Qur'an, jilid.II, juz.III (Beirut: Daar al-Kutub al-'Ilmiyah 1993), p. 109

³⁵Ibid.

³⁶ Abi al-Fadhl Syihabu al-Din Mahmud al-Aluusi, Ruuhu al-Ma'aani fi Tafsir al-Qur'an al-'Azhim wa al-Sab'u al-Matsaani, jilid. III, Op.Cit., p. 44

³⁷ QS. al-Taubah: 71:

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ ۖ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ

Translation:

The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong....Kementerian Agama RI, al-Qur'an and Translation, Op.Cit., p.198

³⁸QS. al-Taubah 67:

الْمُنَافِقُونَ وَالْمُنَافِقَاتُ بَعْضُهُمْ مِّنْ بَعْضٍ ۖ يَأْمُرُونَ بِالْمُنْكَرِ وَيَنْهَوْنَ عَنِ الْمَعْرُوفِ

Translation:

The hypocrite men and hypocrite women are of one another. They enjoin what is wrong and forbid what is right....Kementerian Agama RI, al-Qur'an and Translation, Op.Cit., p.197

The most essential and main doctrine of *amar ma'ruf and nahi mungkar* (enjoining good and forbidding wrong) is preaching to invite people to Islam and to fight for that mission. For those who study the *sirah* (history) of the prophet Muhammad. Objectively, including the various wars that occurred during the time of the Prophet with his companions, it would be clear to him that the wars were aimed at guarding the Prophet's message. to do *amar ma 'ruf* and *nahi mungkar*. Namely, inviting people to convert to Islam and then do commendable actions, and leave all forms of idolatry and despicable deeds.

When Umar Ibn Khattab assumed the leadership of the caliphate, Muslims expanded beyond the Arabian peninsula such as Persia and Rome. The goal was the same, namely carrying out *amar ma'ruf* and *nahi mungkar* or inviting people to convert to Islam voluntarily, without any coercion or force. pressure, similarly to free humans from the shackles of oppression and tyranny.

Therefore, the expansion carried out by Muslims through war at that time carried a very noble mission, namely fighting for human values such as values of justice, values of freedom, and values of al-Musaawah (equal position before God.).

These values are then recognized as a fundamental need for humans to obtain a decent life or as human rights are part of the fundamental teachings of Islam. They have never acquired and felt such values except after the Muslims conquered their countries and introduced instead of them The most tangible result of the conquest of these countries is that the inhabitants of the conquered countries can feel the atmosphere of freedom and justice, they can get legal certainty, so that their rights can be fulfilled in proportion to their obligations. Many of them (residents of conquered countries), after studying Islamic teachings intensively and consistently, they can occupy a position, in a certain field, equal to the Islamic armies who have conquered their country, and some have even succeeded in occupying a position. position or position, in a certain field, is more than the position of the Islamic armies who have conquered their country.³⁹

Al-Sahkawy in his memoirs of the book *Alfiyah al-Hadith* by al-Iraqy says: Hisham Ibn abd-Malik asked al-Zuhri, he was a hadith imam, who was the *hadith* imam in Mecca? al-Zuhri answered: 'Atta', Hisham asked: With what did he become a hadith imam in Mecca ?, al-Zuhri replied: with a strong religion (taqwa) and many hadith narrations. Hisham then said: Yes, anyone who has a strong religion (taqwa), has the right to occupy the position of imam of hadith. Hisham then asked the hadith imams in the regions of Yemen, Egypt, al-Jazair, Khurasan, Basrah, and kufah, al-Zuhri again mentioned one by one the hadith priests from these areas, all of them consisting of slave servants who had been liberated / mawaali. At the time of mentioning the name al-Nahhay, al-Zuhri said: He is an Arab, Hisham replied: By Allah, the former slaves / mawaly have the right to become priests for the Arabian; they also have the right to preach on the pulpit in front of the Arabian.⁴⁰

³⁹ Muhammad al-Gazali, *Huquq al-Insaan bain Ta'aaliem al-Islam wa I'laan al-Umami al-Muttahida*, Op.Cit., p. 24

⁴⁰Ibid.

Therefore, related to these historical facts, there are only 2 reasons that allow war according to the provisions of the Qur'an, namely: First, defending the independence of the homeland, as mentioned in the QS. al- Hajj: 39-40:

أُذِنَ لِلَّذِينَ يُقْتَلُونَ بِأَنَّهُمْ ظَلَمُوا ۖ وَإِنَّ اللَّهَ عَلَىٰ نَصْرِهِمْ لَقَدِيرٌ * الَّذِينَ أُخْرِجُوا مِنْ دِيَارِهِمْ بِغَيْرِ حَقٍّ إِلَّا أَنْ يَقُولُوا رَبُّنَا
اللَّهُ ۗ وَلَوْلَا دَفْعُ اللَّهِ النَّاسَ بَعْضَهُمْ بِبَعْضٍ لَهَادِمَتِ صُومُعٌ وَبَيْعٌ وَصَلَوَاتٌ وَمَسَاجِدٌ يُذَكَّرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا ۗ وَلَيَنْصُرَنَّ
اللَّهُ مَن يَنْصُرُهُ ۗ إِنَّ اللَّهَ لَقَوِيٌّ عَزِيزٌ

Translation:

Permission [to fight] has been given to those who are being fought, because they were wronged. And indeed, Allah is competent to give them victory. They are those who have been evicted from their homes without right – only because they say, “Our Lord is Allah.” And were it not that Allah checks the people, some by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of Allah is much mentioned. And Allah will surely support those who support Him. Indeed, Allah is Powerful and Exalted in Might.,⁴¹

The people who were expelled from their homeland (*alladzina ukhriju min diyarihim*) presumably were none other than those who were attacked from outside to be deprived of their homeland and independence. They are allowed to take up arms and shed enemy blood in order to defend their human rights.

Second, defending religious freedom. This is for example stated in the:QS. al-Anfaal :39:

وَقَاتِلُوهُمْ حَتَّىٰ لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ كُلَّهُ لِلَّهِ ۚ فَإِنِ انْتَهَوْا فَإِنَّ اللَّهَ بِمَا يَعْمَلُونَ بَصِيرٌ

Translation:

And fight them until there is no fitnah and [until] the religion, all of it, is for Allah. And if they cease – then indeed, Allah is Seeing of what they do.⁴²

The phrase used in the above verse: “So that religion is solely for Allah (*wayakunu al-din li Allah*) means nothing but the guarantee of freedom of religion. This guarantee is what Islam strives for in such a way that interference with it can be one of the reasons for war that is valid according to al-Qur'an.⁴³

The two reasons for warfare justified by the Qur'an above clearly show how

⁴¹Kementerian Agama RI, al-Qur'an and Translation, Op.Cit., p.337

⁴²Kementerian Agama RI, al-Qur'an and Translation, Op.Cit., p.181

⁴³ Rusjdi Ali Muhammad, Hak Asasi Manusia dalam Perspektif Syariat Islam, Op.Cit., p.

the Qur'an only justifies this to defend and defend oneself, in the form of homeland independence and freedom of religion. War in the Qur'an is not aggression, attacking and taking away the rights of others for their own interests. The lawful nature of war in Islam is detention, self-defense and self-defense, even though it costs the blood and human life.⁴⁴

Thus, the fact that war is violence that continues with the elimination of the souls of a number of humans, if judged by the criteria of war according to the Qur'an, does not at all sacrifice the right to life, which is the most important human right. Defending oneself from active attack by the opposing party actually means defending human rights itself.

Even in warfare, Islamic teachings provide sufficiently detailed provisions on what Islamic soldiers are allowed and not allowed to do. The killing of all ethnic groups (genocide) is completely prohibited in Islam. Instead, the Messenger of Allah. forbade his soldiers from pursuing fleeing enemies and ordered them to heal their wounded soldiers.⁴⁵

War in Islam should not be carried out suddenly, but must go through the stages of preaching and calling first; which can be compared to having to give an ultimatum in the present. In war, workers, messengers, nurses and the like, as civilians in the ranks of the enemy, also cannot be killed.

Even soldiers from the enemy have rights that must be respected. Among the enemy soldiers' rights regarding their right to life is that prisoners of war may not be killed. An enemy who has been captured or surrendered cannot be killed, because he has stopped the resistance. The cowardly act of placing prisoners in the vanguard of warfare as shields, which was usually done by non-Muslim soldiers in the Classical era, was never recorded as being carried out by Muslim soldiers.⁴⁶ Such a thing is not only contrary to the example of the Prophet, but also incompatible with morals and conscience. War is not aimed at killing people, or seizing their wealth, but is only a last resort that can be taken, precisely to uphold peace and human dignity.

III. Conclusion

- A. Islam has a dimension of *rahmatan li al-alam*. The establishment of Islamic law aims to maintain human life in a balanced and sustainable manner, both in a spiritual dimension and in a social dimension. The point of Islamic assessment is not only focused on aspects of human spirituality alone, but also on aspects of social values in everyday life as a form of elaboration of the spiritual values that exist in the soul. This is reflected in

⁴⁴Ibid. p. 119

⁴⁵ Muhammad Said Ramadhan al-Bati, *Fiqh al-Sirah: Dirasaat Minhajiyah Ilmiah Li sirat al-Mustafa' Alaih as-Salam wa maa tawtawi 'Alaih Min Izhat wa Mabaadi Wa Ahlam*, Op.Cit., p. 395

⁴⁶Ibid.

how Islam highly respects the status of the human race and teaches human values. These very fundamental values for human beings are then known as human rights which are recorded in religious texts, both in the Qur'an and in the *hadith* of the Prophet.

- B. Human rights teachings have a very strong correlation with *amar ma'ruf* and *nahi mungkar* in Islam. Allah sent the prophet Muhammad with the main task of delivering Islamic messages to all mankind. The treatise that teaches mankind about human values continues to be fought for by the Prophet by fighting by means of preaching or *amar ma'ruf* and *nahi mungkar* until the end of his life. It is not uncommon for the *da'wah* to be accompanied by *jihad* / warfare to carry out its journey. The goal is that people can breathe the air of freedom and enjoy the human values that have disappeared in their lives.

BIBLIOGRAPHY

- Abdoerraof, Al-Qur'an dan Ilmu Hukum. Jakarta: Bulan Bintang, 1970.
- al-Basri, Abu al-Hasan Ali ibn Muhammad ibn Habib. Adab al-Dunya wa al-Dien. Manshurah: maktabah al-Iman, T.th.
- al-Aluusi, Abi al-Fadhil Syihabu al-Din Mahmud. Ruuhu al-Ma'aani fi Tafsir al-Qur'an al-'Azhim wa al-Sab'u al-Matsaani, jilid. IV. Beirut: Daar al-Fikr, t.th.
- al-Buuty, Muhammad Said Ramadhan. Fiqh al-Sirah: Dirasaat Minhajiyah Ilmiah Li sirat al-Mustafa' Alaih as-Salam wa maa tawtawi 'Alaih Min Izhat wa Mabaadi Wa Ahlam. Kairo: Dar al-Fikr, 1980.
- al-Gazali, Muhammad. Huquq al-Insaan bain Ta'aaliem al-Islam wa I'laan al-Umami al-Muttahidah. Kairo: Daar al-Da'wah, 1993.
- al-Maududi, Abu al-A'la. Human Rights in Islam, The Islamic Foundation dalam Rusidi Ali Rusjdi Ali, Muhammad, Hak Asasi Manusia dalam Perspektif Syariat Islam. Banda Aceh; Ar-Raniry Press, 2004), h.116
- al-Qurthuby, Abu 'Abdillah Muhammad ibn Ahmad al-Anshary. al-Jaami' li Ahkaami al-Qur'an, jilid. II, juz. III. Beirut: Daar al-Kutub al-'Ilmiyah 1993.
- al-Wahidi, Abu al-Hasan 'Ali. Asbab al-Nuzul. Kairo: Daar al-Fikr, 1968.
- Ash-Shiddieqy, Hasbi. Pengantar Hukum Islam. Jakarta: Bulan Bintang, 1980.
- Kementerian Agama RI, al-Qur'an dan Terjemahannya. Semarang: PT. Toha Putra, 2016.
- Khallaf, Abdul Wahhab. al-Siyasat al-Syar'iyah, terj. Zainuddin Adnan, Politik Hukum Islam. Yogyakarta: Tiara Wacana, 2005.
- Kosasih, Ahmad. HAM dalam Perspektif Islam: Menyingkap Persamaan dan Perbedaan antara Islam dan Barat. Jakarta: Salemba Diniyah, 2003.
- Kumkelo, dkk, Mujaid. Fiqh HAM Ortodoksi dan Liberalisme Hak Asasi Manusia dalam Islam. Malang: Setara Press, 2015.
- Masudi, Masdar F. Hak Asasi Manusia dalam Islam, dalam E. Shobirin Nadj dan Naning Mardiah (Ed), Dimensi HAM Perspektif dan Aksi. Jakarta: CESDA LP3ES, 2000.

Mutahhari, Murtadha. Man and Univese. Terjemah oleh Afif Maulani, Falsafah Agama dan Kemanusiaan: Perspektif al Qur'an dan Rasionalisme Islam. Yogyakarta: Rausan Filer, Institut, 2014