

## THE PLACE OF ISLAM AS A SOURCE OF HUMAN RIGHTS IN THE CONTEXT OF MODERN CENTURY

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Throughout history, equality had been sought between people. Religions were utilized as a regulator to protect Human Rights. In this case, it can be considered that Islam as a basis of Human Rights is complicated because Koran which is also a foundation of moral and religious norms and is static, therefore Islamic laws are practically impossible to develop and alter according to new time conditions, because its commands are sacred. It states that a person has the right to freedom of speech, thought, action, work and the most significant thing for life, and that his life must be safe, that every effort should be made to protect it. Despite of this fact, human rights in the Islamic world are frequently violated from the aspect of women's rights. The state is responsible apparatus which provides protection against women, but there is no visible achievement yet, the only slight progress can be seen at the age of marriage in Pakistan and Yemen. In general, the state continues to support the situation that exists in this kind of countries. Therefore, this paper will analyze Islamic rules as a part of Human Rights and its implementation in Muslim countries in the contemporary century.

**Keywords:** Islam, Koran, Human Rights, Muslim, Violation.

**Introduction.** All through history, equity had been looked for between individuals. Religions were used as a controller to secure Human Rights. They likewise endeavored to ensure the freedoms surprisingly, opportunity in activities and words. Numerous years back, there were huge contrasts between individuals as far as status in the public eye. Those who were a noble person could decide the fate of the person who serves him. This tendency indicates a strong difference between people (Cranston, 1973). Therefore, many attempts emerged to create rights equal for all people, where it would be written that all people are equal and that everyone should have the same rights. The efforts appeared tried to ensure that human rights were legalized and applied in practice. Progress in this area occurred, however, tracts were created for the most part, where it could be written about the freedom of man, about the right of choice (D' Amato, 1982). With the development of human rights, the documents were being shaped, but they did not have a goal to defend the rights of people, such documents were aimed more at resolving certain circumstances in the state. Thus, it can be thought that despite the creation of various documents and the mention of human freedom in them, it can be supposed that the state did not have the priority of protecting human rights, their goal was only a way to resolve problems in the state (Sano, 2000).

The most significant progress in the development of human rights was in the nineteenth century, because there were attempts for abolition of Atlantic slavery trade. The freedom of individuals from servitude was an imperative advance towards the improvement of human rights. However, this entailed conflicts between people who did not share views with the people who advocated the abolition of slavery. Nevertheless, this rule has come into force and now there are no slave markets and the institution of slavery in general. The general population were more liberated, and most nations were gone for the advancement of human rights and help with the improvement of those nations where human rights were disregarded. Even in 1948 was a resolution by the UN General Assembly adopted and proclaimed the "Universal Declaration of Human Rights" and every year

from that moment it is celebrated as the International Human Rights Day (Risse-Kappen, 2013).

This paper will analyze Islamic rules as a part of Human Rights and its implementation in Muslim countries in the contemporary century.

**1. The scientific problem:** The violation of Human Rights.

**2. The object:** Koran as a part of law

**3. The goal:** to analyze implementation of the law of Koran in modern century

**4. The tasks:** a) to research place of Islam in Human Rights; b) to analyze implementation of Koran rules in modern century.

### **Islam as a source of Human Rights**

It should begin with the way that human rights in the Arab nations originate from the religion – Islam. Some countries apply sharia rules to govern country such as Pakistan, Saudi Arabia, Yemen and etc. The concept of human rights in Islam is based on the conviction that God is the author of the law and the source of human rights (Faruqi, 1983).

"Islam's bill of Human Rights was promulgated by God for all places and times. The Islamic bill of human rights is the oldest, as well as the most perfect and the greatest" (Faruqi, 1983).

This is an imperative point, in light of the fact that not at all like the European law, which is controlled by acts, laws and different admissions with the reason for its advancement, the Muslim right can't be altered or abrogated by any decision gathering, on the grounds that their Muslim right is sacred. Muslims use such a notion as sharia, which includes a set of rights that a person must oblige according to the Koran and his writings and be a part of laws and the source of specific norms that regulate almost all spheres of the daily life of Muslims (Mortimer, 1983). The rights and duties of man are sagged in the Koran, they are based on such rules as the dignity and freedom of man, equity and justice. The one of the indicators of a democratic state is the fact that the rulers should answer to the people on matters relating to the administration of the state as a whole, but also inform them in detail about the expenditure of the people's means. Nevertheless, in fact, in many Arab and Muslim countries, people suffer from vio-

lation of their rights, which is often accompanied by rallies and protests (Youssoufi, 1987). For example, in Syria, a war is being waged because of the policy of the head of state, which damages the infringe of people's rights where people live are not protected and are at risk through terror and chemical attacks, despite the fact that one of the main provisions in Muslim law is human freedom and the protection of it Life (Peters, 2012). Another example is the Arab spring, which was accompanied by demonstrations and protests, which showed the discontent of citizens in relation to the state. Additionally, European Neighborhood Policy action plan was attempted to apply in Islamic countries during Arab spring to promote protection of Human Rights however there was no big achievements. So, we see that in spite of the fact that the Koran prescribes certain rules, many rules are not followed (Peters, 2012).

The Koran is not only a sacred book, but also a document that sets out the rights and norms that a person must observe. In addition to the right to life there is also prescribed that a person has the right to social protection, to education, to personal freedom of speech, actions and thoughts. In addition, an important rule, despite the fact that for Muslims an important attribute is the right to life and its protection, there is the death penalty. Usually, the death penalty will be applied, if a person violated God's commandments. This shows how important the Koran is to the countries professing Islam, its rules and observance, they are so important that they simultaneously act as a regulation of the life of Muslims and in case of any violations are also punishments (Shah, 2006). However, in order to punish a person for this, there must be a law that will regulate the life of people and pass judgment in the event of a crime. Nevertheless, it is unequivocal to say that Muslim law does not have certain laws, since, as mentioned above, the rules prescribed in the Koran are moral norms for them, and they can also act as laws that provide punishment, in other words, the rights of Muslims come from their religion. It should also be noted that some Muslim countries are members of the United Nations and therefore are required to comply with the items spelled out in the European human rights instruments. However, most Arab human rights researchers require Arab states to return to Islam, sources of Islamic law and human rights in Islam, because European goals in the field of human rights and international law do not meet the requirements of Islam do not reflect or take into account the Arab specificity and its traditions. In general, it can be said that Muslim law is very vague, because some countries have to comply with European law, while they have their own laws that are based on the injunctions of Allah and come from their religion as a whole. This means that people have to seriously comply with European rules and can also lead to protests due to differences of views and traditions (An-Naim and Naim, 1996).

#### **Women's Rights and Islam**

In the Koran there is a place for women. An important step in the development of women's rights in the Islamic world is the prohibition on the murder of daughters, which once existed several years ago. And now one of the important rules is the equality of men and women. It states that a woman should have the same rights as a man. That is impor-

tant fact that, there must have the right to education, moreover, it is an obligatory attribute for women. A woman is responsible for her actions to the same extent as a man, she has the right to work. But women's rights can be limited in the political sphere, as many believe that a woman should not occupy leading positions. However, according to the 1952 convention, there should be no gender discrimination in the Muslim world, therefore women have the right to elect and be elected even to public post. The restriction of rights for women can be observed in the issue of inheritance, since the male sex receives a greater share than the female. This shows the partial presence of discrimination among the sexes (Shah, 2006).

#### **Early marriage in Pakistan**

An important point that is prescribed in the Koran is the fact that a woman herself has the right to choose her husband and no one dares to encroach on the freedom of her choice. Despite this, in many Arabic countries, a girl can be forcibly given away for the person who was chosen by her parents. Usually this is done with the goal of a prosperous and comfortable life for her daughter, because usually parents choose their husband for their daughter following the financial status of the groom or if the families of the groom and the bride are in friendly relations. It is probably now practiced by families with traditional views on marriage. Even if there is such a creation of the family, it is not always husband can be with a good material condition or young, and also the age of the girls can be very small at the time of marriage. The first example is Pakistan. It should start with the fact that a small age for marriage falls on the female half. About fifty percent of the girls were married before the age of eighteen and gave birth at the same age. However, this is not the most horrible figure, because about thirteen percent of girls are married before the age of fifteen and some of the girls are married at thirteen years, and in the northwestern regions of Pakistan more than half of the girls from eight to thirteen are already married (Farooq and Deen, 2016). It is also important to note that only a small percentage of girls married at their own volition, eighty percent of them were married against their will, despite the fact that it is a Muslim country and in the Koran is written that the girl should choose her husband by herself. It turns out that the rights of women are violated and not respected, based on their sacred book. Usually girls are given early marriage in connection with material difficulties, because after the issuance of the daughter in marriage, the girl will be on the provision of the husband and if the marriage is early, the parents will quickly be free from parental responsibilities. In addition, the age for marriage depends on the education of the girl. If a girl has an education or receives it, then her chances of getting married later are much more likely than those who do not have an education (Singh and Samara, 1996).

It is also worth mentioning that Pakistan is a country where blood marriages are the most popular. This can be a serious problem, since such marriages can give rise to unhealthy children or in such a family the woman will have many miscarriages and child deaths that will affect the health of women. Besides these very often Pakistani women are subjected to violence, many of them are absolutely not protected, because it is believed that the main task of a woman is to marry and devote all her time to family and

husband. Moreover, in 2016 a bill was put forward, where a husband can be slightly beaten his woman if she refuses to him in intimate relations. This can be done as a last resort, so that the wife remembers about her religious duties, even in this project it is prescribed almost by the points, how it should be done, in what places it is possible to beat, and for what it is impossible. So, we see that women's rights are very weak. But according age of marriage people try to increase age for this and now they have a little progress in this sphere. Now greater efforts should be directed to women's rights and protection from violence (Nasrullah and Bhatti, 2012).

#### Early marriage in Yemen

Another example of early marriage and infringement of women's rights is Yemen. Marriages in this country are earlier than in Pakistan. The average age for marriage entry for girls is twelve or thirteen. This age is spreading both in rural areas and in cities. More likely to marry at such an age girl can get if they marry a relative, because the related marriages there are also practiced. In rural areas, the age can reach even eight years. This is very dangerous for the health of girls, since they are not physically ready for intimate relationships. There was even a case when an eight-year-old girl died of a genital rupture after contact with her husband, who was forty years old. Why then do parents issue daughters to marry early? Usually they do this for several reasons. The first reason is that it's faster to be free from parental responsibilities. The second is prickly is the payment, which the groom pays for the ransom of the bride. This reason is one of the most popular, because in many families of Yemen, parents do not have the capacity to provide their children to adulthood, because as some rule children in families are very numerous and as a result, parents can't provide all their children. As a rule, the older a husband, the more he can pay. That's why very often the age difference between husband and wife can be very large. Also, the husband himself has the right to choose his wife and she must agree. The third reason why parents give out early to marry their daughters is to exclude the possibility of sexual intercourse before marriage so as not to discredit the honor of the

family. It even happens that girls do not resist early marriage, because the younger the girl, the easier it is for her to get married. Problems with embarrassment for them very seriously because for them family is the main priority, the husband and children, and also the imprint on the family and her sisters. They have been taught since childhood that she has no rights, that she must obey her husband and give birth to children, that this is her main mission, that's why some get married early. Early marriages deprive young girls of their youth, as well as the opportunity to get an education. This is also a violation of their right, since the Koran states that a woman must receive knowledge and education.

Early marriage is not the only problem for Yemen's women. Many of them are beaten by their husbands. Some women say that a husband can be beaten because of quarrels and problems in the family, some say he does it for no reason. The rights of women in Yemen should be carefully protected. The government must make progress in this area. However, it even aggravated the situation when, in 1999, the restriction on marriage was abolished from the age of fifteen, which eventually led to marriage from any age. This in turn affected the health of girls who were early confirmed as violent and sexual (Khalife, 2012).

**Conclusion.** In conclusion, it can be considered that Islam as a basis of Human Rights is complicated, because Koran which is also a foundation of moral and religious norms and is static, therefore Islamic laws are practically impossible to develop and alter according to new time conditions, because its commands are sacred. It states that a person has the right to freedom of speech, thought, action, work and the most important thing for life, and that his life must be safe, that every effort should be made to protect it. Despite of this fact, human rights in the Islamic world are frequently violated from the aspect of women's rights as well. The state is responsible apparatus which provides protection against women, but there is no visible achievement yet, the only slight progress can be seen at the age of marriage in Pakistan. In general, the state continues to support the situation that exists in this kind of countries.

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