



The Concept of Humanity from the Perspective of *Maqāṣid al-Sharī'ah*

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Abstract

It is widely mentioned that Sharia in Islam, especially the application of law (ḥudūd) is widely seen as treatment that is not in accordance with human rights. The conception of human rights and humanity still has various epistemological and theological problems. Human rights as discussed by the West are loaded with the paradigm of secular humanism which is very contradictory in Islam. This study discusses the suitability of the purpose of implementing maqāṣid al-sharī'ah with humanity based on Islamic views. The implementation of Sharia has encountered many obstacles in the form of protests or rejections from many parties. In this article we argue that Muslims devise their own conception of human rights that is in accordance with the Islamic worldview. In the end, by the application of maqāṣid al-sharī'ah, Sharia can meet ever-changing contemporary discourses.

Keywords: *maqāṣid al-sharī'ah, humanity, human rights, Islamic views*

Introduction

The issue of humanity has been an ongoing discourse throughout the course of human civilization. Since the end of World War II with the dropping of atomic bombs on the cities of Hiroshima and Nagasaki on August 6 and 9, 1945, in Japan, humanity began to build a peaceful human civilization. This was marked by the adoption of the Universal Declaration of Human

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Rights (UDHR) by the United Nations General Assembly on December 10, 1948 (Omonijo et al., 2018).

Nevertheless, various crises that occurred did not simply come to an end. Many more crises emerged thereafter, such as environmental crises, cultural crises, moral crises, and various other crises. The same goes for humanitarian crises, which can be viewed from many perspectives (Alatas, 2020). Humanitarian crises can arise from unstable economic and political situations, as seen in Afghanistan (Awan, 2022). Additionally, humanitarian crises can also occur due to political power, as demonstrated by the Myanmar government's treatment of the Rohingya Muslim ethnic group in Myanmar (Towadi, 2017). However, the fundamental aspect to understand when examining the issue of humanitarian crises is the concept of humanity itself. In Indonesian, *manusia* (human) implies a sentient being, while humanity encompasses everything that is dignified for humans, such as compassion for fellow living beings (Pusat Bahasa Departemen Pendidikan Nasional, 2008).

The Concept of Humanity in Anthropological Perspective

The word *manusia* in English is human, derived from the Latin word *hōmō* or *hūmānus* (Glare, 2012). The study of humanity began to be seriously examined in ancient Greece, particularly during the pre-Socratic period. The pre-Socratic philosophers didn't directly address the concept of humanity, but rather explored the natural order of the cosmos in which humans reside. If classified, there are seven discussions by philosophers about humanity, which include humans and nature, humans and society, divinity, evolution and human history, humans as individuals, ideal humans and how to achieve them, and education (Wild, 1960). Socrates initiated discussions regarding the conception of humanity. He asserted that humans consist of two distinct elements: the body and the soul. Going deeper into this, Plato posited that the body is perishable while the soul is eternal (Russell, 2004). Furthermore, Aristoteles argued that in reality, the body and soul are not separate but interdependent (Tonelli, 2022). He then proposed his theory known as hylomorphism, which has since become a Western perspective on humanity (Aristotle, 2016).

Studies about humanity continued to evolve, eventually culminating in a mature ideology in the West known as humanism. Humanism began to take a centre stage as a significant discourse after the Renaissance and into the Age of Enlightenment (Lamont, 1997). In fact, humanism has become its own worldview within the realm of Western thought. This began during the Renaissance period, marked by the scientific revolution. Research on humanity has spanned centuries, but Western thinkers generally agree that the materialist theory of Marxism is the only one capable of explaining the essence of humanity (Mitin, 1960). As a consequence of employing this materialist philosophy, humans are seen as a substance not significantly different from the natural world. In fact, humans are referred to as the pinnacle of this natural evolution, enabling them to utilize the natural world according to their desires.

Based on their respective fields of expertise, scholars have provided formulations and definitions of humanity. There are five well-known definitions, namely *homo sapiens*, *homo*

faber, homo economicus, homo religious, and homo loquens. In addition, humans are also referred to as animal rationale, animal *symbolicum*, and animal *educandum* (Khasinah, 2013). Of all these definitions of humanity that are still adhered to today, they all primarily describe humans from biological and social perspectives (CAN, 2023).

Marxist materialism philosophy became a worldview for Western scholars, including the founders of academic disciplines such as anthropology and sociology. Four pioneers of modern anthropology, namely Franz Boas, Bronislaw Malinowski, A.R. Radcliffe-Brown, and Marcel Mauss, were proponents of Marxist materialism philosophy as well as evolutionism. The discipline of anthropology emerged from the womb of the European bourgeoisie. It was developed as a scientific justification for racism during the optimism of the enlightenment and as a crucial ideology in imperialism. African, Asian, and American nations were biologically considered inferior, thus deemed suitable for enslavement and colonization (Mulyanto, 2016).

The Concept of Humanity in Islam

The concept of humanity in Islam can be classified into two aspects: creation and potential. In terms of creation, the Quran refers to humans in three categories: 1) *al-insān, al-ins, al-nās*, and *insiy*; 2) *al-basyar*; and 3) *banī ādam*. Quraish Shihab explains that the term *insān* in the Quran signifies being gentle, harmonious, and visible. The word is also contrasted with *jinn*, which means subtle and invisible, while *insān* is seen as tangible and approachable. Furthermore, the term *insān* comprehensively refers to humans who possess physical, mental, and intellectual attributes that distinguish them from other creatures. Additionally, the word *bashar* signifies skin and is used to imply the step-by-step process of human creation (Shihab, 2006).

Regarding the creation of humans, the Quran provides detailed explanations of the process. In broad terms, there are four main aspects of human creation mentioned: the creation of Adam, the creation of Hawa (Eve), the creation of Isa (Jesus), and the creation of humans in general. The creation of Adam, as the first human, is described as being formed from the essence of the earth. Subsequently, the creation of Hawa, according to the majority of scholars, occurred at the request of Adam, and she was created from his rib. Then, the creation of Isa is described as a process involving pregnancy but without a father. Lastly, the general process of human creation begins with fertilization, leading to the formation of a clot of blood, from which bones are then fashioned and covered with flesh (Kurniawati & Bakhtiar, 2018).

Human beings are not just physical creatures. Suhrawardi stated that humans are two-dimensional beings; on one hand, they are made from clay (*ṭīn*), which makes them physical creatures, and on the other hand, humans are also spiritual beings because God breathes the soul into them. However, between the two dimensions, Al-Ghazali asserts that the spiritual dimension, or what he refers to as *al-nafs*, is the essence of a human being, as it is this substance that makes them unique and distinct from others (Kirabaev & Chistyakova, 2023).

Furthermore, in terms of the purpose of human creation and their potential, the Quran refers to humans with three words. First, humans are described as servants of Allah (*`Abd Allāh*).

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Second, humans are seen as social beings (*al-nās*). Third, humans are considered as representatives of Allah (*khalīfatullāh*).

As mentioned in the Quran, Allah created human beings not in jest or without purpose but with a set of responsibilities to fulfill. Human beings, as servants of Allah, have the duty to worship and adore Allah (Izomiddin, 2018). It is stated in the Quran that Allah created both humans and jinn solely for the purpose of worship. Sheikh Wahbah Az-Zuhaili emphasizes that the command for humans to worship is for their own benefit, not for Allah. He also states that the creation of humans for worship is so that Allah may be recognized as the Lord, citing the hadith *kuntu kanzan makhfiyyan...* (Az-Zuhaili, 1991).

The dimension of worship in Islam encompasses not only acts like prayer, fasting, remembrance, or individual worship but also includes many social dimensions. Therefore, another task of humans is to function as social beings who require interaction with others, engage in trade, seek companionship, provide assistance, and more. This is a command from Allah to harness and develop all the potential that Allah has bestowed upon humanity.

The most noble task of humanity is to serve as the Khalifah or representative of Allah on Earth, as Allah had conveyed to the angels before the creation of Adam, the first human. The term "khalifah" in the Quran has two meanings: one as a successor and the other as leadership or governance. The role of humans as Khalifah is not an easy one, as it comes with responsibilities and potentials bestowed by Allah, which will be held accountable for. Therefore, this role is both a divine trust and a test for humanity.

There are three important functions of the role that humans can perform as Khalifah of Allah, even though they will never be as perfect as Allah in these aspects. First, as the Creator, representing Allah as al-Khāliq. Second, as the Sustainer of all things, representing Allah as *Rabb al-'ālamīn*, which includes the care of the environment, natural order, laws, and life. Third, as the one who exercises authority over all things, representing Allah as *al-Mālik*. Therefore, as *khalīfatullāh*, humans must always rely on the All-Knowing Being and seek guidance to ensure their actions align with what Allah desires (Aqib, 2008).

Human Rights in Islam

Human beings, as both servants of Allah and representatives of Allah on earth, have been endowed with various inherent human potentials. Each individual possesses their own rights as a human being. Human rights, in essence, constitute a set of rights that are intrinsic to the nature and existence of human beings as creatures of the One Almighty God, bestowed as a divine gift (Pashayeva, 2022). These rights are obligatory to be respected, upheld, and protected by the state, the law, the government, and every individual, all in the interest of upholding the honour and safeguarding the dignity of humanity (Hashemi & Qureshi, 2022).

Throughout history, Islam has produced three significant documents related to human rights: the Charter of Medina, the Universal Islamic Declaration of Human Rights (UIDHR), and the Cairo Declaration of Human Rights in Islam (CDHRI) (Strzelecka, 2020).

The first document is the Charter of Medina or the Madinah Declaration, created by Prophet Muhammad for the community of Medina. The Charter of Medina stands as an exceptionally comprehensive document on human rights and serves as the most perfect prototype (Martinus Sardi, 2014). The second document is the Universal Islamic Declaration of Human Rights (UIDHR), established in 1981 at UNESCO and attended by several Islamic countries. This document was created as a counterpart to the Universal Declaration of Human Rights (UDHR) by the United Nations in Paris. However, the UIDHR did not gain much traction among Muslims because its content primarily legitimizes the UDHR based on the Quran and Sunnah. Despite limited popularity, this document did shift the perspective of human rights from secular to Islamic. The third document is the Cairo Declaration of Human Rights in Islam (CDHRI), which has been widely accepted by many Muslims because it is highly practical and applicable to both Western and Islamic societies (Delling, 2004).

In this Cairo Declaration, there are 25 articles, all of which are based on Islamic Shariah, as stated in Article 25: The Islamic Shariah is the only source of reference for the explanation or clarification of any of the articles of this Declaration. The Cairo Declaration possesses five inherent characteristics:

- a. Sourced in the Quran and Sunnah.
- b. Enforcement of human rights should not contradict Islamic law.
- c. Balance between rights and responsibilities.
- d. Emphasis on the social interest of the community.
- e. Recognition that humans are entrusted with rights by God, and it is their duty to safeguard them (Hafniati, 2018).

Sayyid Abū al-A'īn al-Maudūdī wrote in a series of lectures that there are five human rights granted by Allah and obligatory for all human beings to uphold. These five rights are the right to life and the respect for human life, the right to safety of life, the respect for the sanctity of women, the right to live with a certain standard of living, and the right to freedom (al-Maudūdī, 1980). However, in essence, these formulated human rights are interpretations and elaborations of several Quranic verses and Hadith texts.

In each clause of the human rights documents formulated by Islam and the United Nations, both share a commonality. This commonality lies in their support for the respect of human rights without discrimination based on race, religion, gender, or other attributes. However, there is a fundamental difference between them, which is the worldview or philosophical framework used in creating these documents. The Western perspective is based on a humanistic-secular (anthrocentric) worldview, while Islam utilizes an Islamic worldview centred around the concept of Tawhid (Theo-centric).

The Principle of Humanity in Maqāṣid Al-Sharī'ah

Maqāṣid al-sharī'ah is one of the disciplines within Islamic jurisprudence (Mulia, 2020). Linguistically, *maqāṣid* is derived from the Arabic language and is the plural form of *maqṣūd*, which comes from the word *qaṣada*, meaning to rely on, face, and steadfastly adhere to one

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path (Nashoha et al., 2020). It also conveys the notion of proportionality and avoidance of excess (Al-Khādimī, 2001). As for the term *al-sharī'ah* itself, it signifies the source or origin of a flowing spring (Al-Anshārī, 1992).

In a definitive sense, early scholars did not provide a detailed explanation of the definition of *maqāṣid al-sharī'ah* because their focus was on establishing and laying the foundations of this discipline (Abidin, 2019). However, as the field developed and its practical application became more necessary, scholars began to pay serious attention to it after a period of stagnation following the death of Imam Shāṭibī (Abidin, 2019). Muhammad Ṭāhir ibn 'Ashūr was the first scholar to reintroduce and popularize this field after Imam Shāṭibī (Sulistiani, 2019). He began to define *maqāṣid al-sharī'ah* as the structure of legal principles based on Sharia in various applications of Islamic law. Additionally, contemporary scholars like Muhammad Alal al-Fasi also provided definitions of *maqāṣid*, focusing on the goals of its application and the secrets within the laws established by Sharia. Sheikh Ahmad Raisuni, on the other hand, defined *maqāṣid al-sharī'ah* as the objectives set by Sharia for the benefit of the community (Al-Khādimī, 2001).

The main study of *maqāṣid* has continuously evolved since its conceptualization in the field of *uṣūl al-fiqh* by Imam Shafi'i (Awad, 2022). Subsequently, it developed in the hands of Imam Haramain Al-Juwayni, who categorized it into three main topics: *al-ḍarūrīyāt* (necessities), *al-ḥājjiyāt* (needs), and *al-taḥsīnīyāt* (improvements) (Anshor & Muttaqin, 2020). Later, Imam al-Ghazali expanded the discussion of *al-ḍarūrīyāt* by introducing five essential elements, which he referred to as *al-uṣūl al-khamsah*: *ḥifẓ al-dīn* (protection of religion), *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-nasl* (protection of lineage), *ḥifẓ al-māl* (protection of wealth), and *ḥifẓ al-'aql* (protection of intellect) (Tabrani, 2018).

This field continued to develop with Imam Fakhrudin Ar-Rāzi, who added discussions on *qaṭ'ī* (certain) and *ẓannī* (presumed) in determining evidence (Jazil, 2020). He also expanded the study of *maṣlaḥah* (public interest) to encompass worldly and hereafter interests. Later on, these principles were formulated and systematized by 'Izz al-Dīn Abd al-Salām and Imam Syihābuddīn Al-Qurafī. Eventually, during the time of Imam Shāṭibī, it was perfected into a distinct discipline that was no longer subordinate to *uṣūl al-fiqh*, with a diverse range of studies (Abidin, 2019).

As defined by many contemporary scholars like Sheikh Aḥmad Ar-Raisūnī, *maqāṣid al-sharī'ah* represents the goals behind the establishment of Islamic law, primarily aimed at the welfare of the community. Therefore, the application of Sharia in its entirety has a humanitarian dimension (Reskiani et al., 2022). When viewed through the lens of *maqāṣid*, which includes *al-uṣūl al-khomsah*, it is undeniable that all the objectives of implementing Sharia are ultimately for the benefit and welfare of humanity itself (Al-Ghazālī, 1993).

Jasser Auda states that *maqāṣid al-sharī'ah* is now being developed in line with discussions on human rights and humanity (Ni'ami & Bustamin, 2021). He mentions that the theory of *ḥifẓ al-nasl* has been expanded to encompass family rights by Ibn 'Ashūr. Furthermore, the theory of *ḥifẓ al-'aql* is now being extended to prevent issues related to wild thinking, deviant understanding, and even mental health (Auda, 2008). This demonstrates that Islamic Sharia can

be applied in any place and time as long as it takes into consideration the objectives behind its application.

Conclusion

Humanity and human rights discourse originated from Western civilization. However, Islam also has its own concept of humanity based on the objectives behind the implementation of Sharia, known as *maqāṣid al-sharī'ah*. With the application of Sharia based on these purposes, Sharia can still be applied in various places and times, in line with ever-changing contemporary discourse.

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