

RULE OF LAW AND FUNDAMENTAL HUMAN RIGHTS: AN ANALYTICAL STUDY OF QUR'ĀNIC TEACHINGS AND 30 ARTICLES OF THE UDHR

Dr. Muhammad Tahir Akbar

Assistant Professor: UCP Bahawalpur Campus.

E-mail: 786tiens@gmail.com

ORCID ID: [0009-0008-2290-594X](https://orcid.org/0009-0008-2290-594X)

• **Abstract:**

In the present era, when there is global Islamophobia and misunderstandings regarding Islamic laws, this research proves that Qur'ānic rights are not the result of a temporary political necessity but are permanent moral laws bestowed by the Creator of the universe, which provide the basis for global justice, rather than color, race and geographical boundaries.

The article under review examines the close relationship between the thirty (30) articles of the Universal Declaration of Human Rights (1948) and the teachings of the Quran. The main objective of the research is to clarify that the concept of "Global Justice" and human dignity, which the Holy Qur'an presented fourteen and a half centuries ago, is the basis of modern human rights law.

The article analyzes that while the Universal Declaration is based only on social and political agreements, the Qur'an presents these rights as "divine obligations", which increases the importance of their sustainability and implementation, which is sufficient to meet the needs of every era. This research article seeks answers to the following two questions:

- 1. How can the concepts of "justice and beneficence" of the Holy Qur'an be helpful in meeting the demands of "Global Justice" in the present era?*
- 2. What are the effects of the difference in "Source of Authority" between Qur'ānic rights and secular human rights on their practical implementation?*

This research adopts the "Comparative and Descriptive Method". In which interpretations of the Holy Qur'an, books of Hadith, authentic documents of the United Nations Charter (UDHR 1948), and reputable academic books written on human rights have been utilized.

• **Key Words:**

Qur'an, United Nations, Global Justice, Human Rights, social, political,

• **Introduction:**

The protection of human rights is not just a modern legal debate, but a matter of the dignity and survival of humanity. When the United Nations presented 30 articles in the form of the Universal Declaration of Human Rights (UDHR) in 1948, it was considered a very important achievement of modern civilization. However, deep scientific observation proves that the moral and legal foundations of these articles were provided by the Holy Quran fourteen and a half centuries ago.

One of the objectives of this research is also to negate the negative propaganda made regarding 'Islamophobia'. The fact is that the concept of 'respect for man' in the Holy Quran and the universal teachings of the last sermon of the Prophet Muhammad (peace be upon him) are the real spirit of the Universal Declaration of Human Rights. However, there are some differences, such as in Islam, along with rights, duties are also given great importance. The rights of an individual in society are actually the duties of another individual or the government. But in the Universal Declaration of Human Rights (UDHR), except for Articles 29 and 30, the entire focus is on "rights". However, Article 29 and indirectly Article 30 refer to the responsibilities and duties of the individual.

The Universal Declaration of Human Rights (UDHR) and its modern interpretations define gender as a “self-identified gender”. This is also against Islamic principles. According to Islam, changing one’s gender based on mental desire or identifying as a “third gender” is a rebellion against nature. The 30 articles of the Universal Declaration of Human Rights are divided into five key groups, which are directly related to the Quranic injunctions:

Article 28 is fundamental in this whole structure, which calls for an ‘international order’ in which every individual enjoys his rights. This article is similar to the Quranic concept of ‘collective justice’, where the state has the responsibility to eliminate oppression and establish justice.

The article under review proves that the 30 articles of the UDHR are in fact a continuation of the same inspired code of conduct that the Quran presented for the welfare of humanity, and the establishment of global justice is possible only if we adopt these universal principles without discrimination of religion or nationality.

- **Research Methodology:**

The following methodology has been adopted in the preparation of this research paper:

1. Nature of Research: This is a descriptive, analytical and comparative research, in which the Universal Declaration of Human Rights (1948) and Islamic and Quranic teachings have been compared. The research is mostly based on authentic book and written sources, which include the following:

- o The Holy Quran: Translations and interpretations of the verses.

- o Books of Hadith: Authentic collections of Hadith (e.g. Sahih Bukhari, Sahih Muslim, etc.).

- o International Documents: The Charter of the United Nations and the 30 Articles of the UDHR.

The 30 Articles of the UDHR have been divided into 5 major groups according to their nature so that they can be logically analyzed with Quranic principles. The research not only compares rights but also critically examines the performance of global institutions (e.g., the Security Council, ICJ, and ICC) to find solutions to contemporary challenges.

- **Five Major Groups of UDHR:**

Group 1: Basic Rights for Everyone

- Article 1: We are all born free and equal.
- Article 2: These rights are for everyone, no matter who you are.
- Article 3: Everyone has the right to live in safety.
- Article 30: No one can take these rights away from you.

Group 2: Protection from Harm and Law

- Article 4: No one has the right to make us slaves.
- Article 5: No one has the right to hurt or torture us.
- Article 6: You have rights everywhere in the world.
- Article 7: The law is the same for everyone.
- Article 8: You can ask for legal help if you are treated badly.
- Article 9: No one can put you in jail without a good reason.
- Article 10: If you go to court, it must be a fair and public trial.
- Article 11: You are innocent until someone proves you are guilty.

Group 3: Personal Life and Freedom to Move

- Article 12: You have the right to privacy at home and in letters.
- Article 13: You have the right to travel and move as you wish.



- Article 14: You have the right to go to another country to stay safe.
- Article 15: You have the right to belong to a country.
- Article 16: Every adult has the right to marry and have a family.
- Article 17: Everyone has the right to own their own things.

Group 4: Freedom of Thought and Politics

- Article 18: You have the right to follow any religion or belief.
- Article 19: You have the right to say what you think.
- Article 20: You have the right to meet friends and join groups.
- Article 21: You have the right to vote and help run your country.

Group 5: Work, School, and Daily Life

- Article 22: You have the right to basic help (housing/medicine) from your country.
- Article 23: You have the right to work for fair pay in a safe place.
- Article 24: You have the right to rest and take breaks from work.
- Article 25: You have the right to food, clothing, and a home.
- Article 26: You have the right to go to school for free.
- Article 27: You have the right to enjoy art, music, and science.
- Article 28: There should be a fair world where these rights are protected.
- Article 29: We must respect the rights of other people too.

• **Fundamental Rights and Equality (Analysis of Groups 1 and 4) :**

This chapter examines the fundamental principles of human rights that relate to the personal freedom of man, his identity and his belief. These rights comprise the first group and the fourth group of the Universal Declaration of Human Rights (UDHR).

The UDHR begins with the declaration that all human beings are born free and equal (Article 1) and that in the provision of these rights there shall be no distinction on the basis of colour, race, language or religion (Article 2).

• Quranic Context: The Holy Quran has clarified this concept through the "unity of humanity".

Allah Almighty says:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقْوَىٰ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ¹

"O mankind! We created you from a male and a female and made you nations and tribes that you may know one another. Indeed, the most honored of you in the sight of Allah is the most righteous."

يَا أَيُّهَا النَّاسُ أَلَا إِنَّ رَبَّكُمْ وَاحِدٌ وَإِنَّ أَبَانَكُمْ وَاحِدٌ أَلَا لَا فَضْلَ لِعَرَبِيٍّ عَلَى الْعَجَمِيِّ وَلَا عَجَمِيٍّ عَلَى الْعَرَبِيِّ وَلَا أَحْمَرَ عَلَى الْأَسْوَدِ وَلَا أَسْوَدَ عَلَى الْأَحْمَرِ إِلَّا بِالتَّقْوَىٰ²

O people! Listen, there is only one God, the one who rises, and you are all children of one father (Adām). There is no superiority of an Arab over a foreigner and a foreigner over an Arab. There is no superiority of a white over a black and a black over a white, except piety.

Article 3 guarantees life, liberty and security of person to everyone. The Quran also declared the sanctity of human life to be the life of all humanity: Article 3 guarantees life, liberty and security of person to everyone. The Quran also declared the sanctity of human life to be the life of all humanity:

“مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا”³



“Whoever kills a human being for any reason other than for blood or for spreading mischief in the land, it is as if he has killed all human beings and whoever saves the life of one as if he has given life to all human beings”.

“قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ مَنْ قَتَلَ قَتِيلًا مِنْ أَهْلِ الدِّمَّةِ لَمْ يَرِحْ رَائِحَةَ الْجَنَّةِ وَ إِنْ رِيحَهَا لِيُوْجَدُ مِنْ مَسِيرَةِ أَرْبَعِينَ عَامًا.”⁴

“The Prophet ﷺ said! A person who kills a Dh’immi (Non-Muslim) will not even be able to smell the fragrance of Paradise, although the fragrance of Paradise can be felt from a distance of seventy years”.

Islamic teachings make the Right to Life a religious duty, the protection of which is the duty of both the state and society.

Article 18 grants freedom of conscience and religion, while Article 19 guarantees freedom of expression. In Islam too, there is no room for coercion in matters of faith. Allah Almighty says:

“لا إكراه في الدين.”⁵

“There is no coercion in the matter of religion”.

“وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ”⁶

“Do not insult those who invoke other than Allah as gods”.

Proponents of Islamophobia often propagate that Islam does not grant religious freedom, even though this Quranic principle (la ikrah fi din) is the greatest foundation of religious tolerance for the modern world.

Article 21 gives every individual the right to participate in the government of their country and to vote. The Holy Quran also links communal matters to 'shura' (consultation):

“وَشَاوِرْهُمْ فِي الْأَمْرِ.”⁷

“And advise them also in the work of religion.”

“وَأَمْرُهُمْ شُورَى بَيْنَهُمْ.”⁸

“And they (Muslims) work through mutual consultation.”

Maulāna Gohar Rahmān writes: It was a constant policy of the Khulfa e Rashdin, the Companions and the followers that they preferred the opinion of the Shura over personal opinion in collective matters and during the time of the Rashidah Caliphate, there was a Majlīs Shūra of scholars.⁹

The above Islamic teachings prove that all the articles of the first and fourth groups of the UDHR are a reflection of the Quranic teachings. The Quran not only gave rights to man but also enforced them as "obligations" bestowed by Allah, so that no powerful person could take them away.

● **Protection and Legal Justice (Group 2 Analysis)**

Articles 4 to 11 of the UDHR; essentially provide legal protection, a fair system of justice and guarantees against violations of human dignity. Article 4 states that no one shall be held in slavery and that the slave trade is prohibited in all circumstances. Islam entered a period when slavery was part of the world economy. The Quran described the liberation of slaves as a "greater good" (faqq al-raqabah). Allah Almighty says:

وَمَا آذْرَبَكُمْ مَا الْعَقَبَةُ. فَكُّ رَقَبَةٍ. أَوْ اطْعَمْتُ فِي يَوْمٍ ذِي مَسْغَبَةٍ.¹⁰

"And what do you know what that difficult path is? Freeing someone's neck from slavery".

“ارْقَانِكُمْ اطْعَمُوهُمْ مِمَّا تَأْكُلُونَ وَأَكْسُوهُمْ مِمَّا تَلْبَسُونَ.”¹¹

“Take care of your subordinates, feed them what you eat and dress them as you wear.”

Islam showed a gradual and permanent path to the abolition of slavery, which is the foundation of today's international law.

Articles 6, 7 and 8 make it clear that the law is equal for all, everyone should get equal legal protection and have the right to approach the court in case of injustice. Justice and fairness have great importance in the Quran and Sunnah.

“وَأْمُرْتُ لِأَعْدِلَ بَيْنَكُمُ”¹²

“And I have been commanded to judge between you”.

“وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ ٓأَلَّا تَعْدِلُوا”¹³

“Do not be enraged by the enmity of any group so much that you turn away from justice”.

The Holy Quran commands us to be just towards our enemies as we are towards our own. This is the highest example of global justice.

According to Articles 9, 10 and 11, no one can be imprisoned without evidence or guilt, the trial will be held in open court, and every person is innocent until proven guilty. The law of evidence and the system of justice of Islam are also strictly based on the fact that no innocent person should be punished. During the time of Hazrat Umar Farooq (RA), this principle was clear that "punishment cannot be given on the basis of suspicion". The Quran states:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنْ جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا”¹⁴

"O you who believe! If an evil person brings you news, investigate it thoroughly."

It is a fact that the modern legal principle of innocence until proven guilty is actually a branch of the Islamic justice system.

All modern standards of legal protection are borrowed from Quranic principles. Islam gave the concept of the 'Rule of Law' where even the Caliph of the time was answerable to the court like an ordinary citizen. This comparison is a clear answer to those who propagate Islamic laws as harsh or inhumane.

- **Socio-economic rights (analysis of groups 3 and 5)**

The UDHR consists of articles 12 to 17 (private life) and 22 to 29 (socio-economic rights). These articles discuss the material needs of man, his family and the establishment of a just world order. Articles 12 to 17 protect the right of man to privacy, freedom of movement, marriage, family and property. The Holy Quran also made respect for private life part of faith. God Almighty says:

“يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّىٰ تَسْتَأْذِنُوا”¹⁵

“Do not enter houses other than your own, unless you ask permission from them”.

“لَا تَجَسَّسُوا”¹⁶

“Don't be curious”.

Islam declared the family as the basic unit of society and gave it the protection required by Article 16.

According to Articles 22 and 25; Everyone has the right to work, to fair wages and to social security in the event of sickness or unemployment. Article 25 declares food, clothing, housing and medical care as fundamental rights. Islam has established a permanent system of zakat and sadaqah for economic justice. The Quran says:



وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ.

"And in their wealth is the right of the beggar and the destitute".

Islam has linked the economy to "rights", not just charity. The state of Medina was the first welfare state in the world to guarantee all these rights. Islam was linked to the economy and "rights", not just to grazing. The state of Medina was a welfare state in the world that guaranteed all these rights.

• **Article 28 and the International Order**

Article 28 states that everyone has the right to a social and international order in which all these rights can be fully realized. The Holy Quran envisions a world community that is founded on justice. Allah Almighty says:

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَاتِّبَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ.¹⁷

Indeed, Allah commands justice and kindness and giving to relatives, and forbids indecency and every evil and oppression. He advises you so that you may receive admonition.

Article 28 is, in fact, a call for the same "universal justice" that the Quran commands. This article recognizes that unless the world's political and economic system is just, individual rights cannot be protected. Islam's concept of the Caliphate and universal brotherhood is a prime example of this international order where human rights are respected beyond borders.

In the present era, powerful countries use human rights for their own interests, while silence is maintained over violations in poor countries. The Holy Quran has commanded absolute justice!

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَ لَوْ عَلَىٰ أَنفُسِكُمْ أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ إِن يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ بِهِمَا □ -فَلَا تَتَّبِعُوا الْهَوَىَٰ أَنْ تَعْدِلُوا- وَإِنْ تَلَّوْا أَوْ تُعْرَضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا.¹⁸

O you who believe! Stand firm for justice, witnesses for Allah, even if it is against yourselves or your parents or your relatives. Whether you are rich or poor, Allah is nearer to them. So do not follow your desires against justice. If you turn away or turn away, then Allah is well-acquainted with what you do.

If Quranic principles are adopted in families, countries and globally, then the rule of law can be established worldwide. This also shows that Article 28 is actually the philosophy of the Holy Quran itself.

• **Conclusion:**

This research paper presents a comparative analysis between the Universal Declaration of Human Rights 1948 and the teachings of the Quran. The following main points are summarized in the discussion:

1. The first two articles of the Universal Declaration of Human Rights (liberty and equality) are in fact the legal expression of the Quranic concept of 'the dignity of man'. The Quran abolished discrimination on the basis of colour, race and tribe and made piety the standard of excellence, which is the basis of the modern principle of 'non-discrimination.'
2. Articles 4 to 11 of the UDHR deal with legal protection. The Islamic system of justice is based on the 'presumption of innocence' and 'equal protection of the law'. Where modern law today talks about 'fair trial', Islam centuries ago provided an ideal legal framework by making justice mandatory even for enemies
3. Freedom of thought and religion (Articles 18, 19) has revealed that the Quranic injunction "There shall be no compulsion in religion" is a bright aspect of human rights that is still a beacon

of light for the world today. Islam has declared the privacy of a person's private life and family as a legal right as well as a moral and religious duty.

4. Economic and social rights (Articles 22 to 27) are fully compatible with the philosophy of Islam's system of Zakat, Infaq and 'Social Security'. Islam has declared bread, clothing, housing and education not only as necessities but also as the right of the individual and the responsibility of the state.

5. The most important point of the article is Global Justice. Article 28 calls for a just international system where the rights of every human being are protected. The Quranic concept of 'collective justice' and global brotherhood is the only way through which the spirit of this article can be put into practice.

6. The Universal Declaration of Human Rights states what a person should expect from society, the state and the world. However, Articles 29 and 30 briefly mention duties, but they are not given any special importance. Article 29 says that every person has certain responsibilities towards his society. Similarly, Article 30 briefly states that no state, group or individual has the right to use any provision of this Declaration in such a way as to deprive others of their rights. Whereas in Islam, the "right" of one person is actually the "duty" of another. Thus, the concept of rights in Islam is not merely legal but religious. Islam has made this concept of Article 29, enjoining good and forbidding evil, a regular social duty, so that the protection of rights is not only out of fear of the law but as a moral and religious obligation.

7. Regarding gender rights, the Holy Quran has clearly limited the creation of humanity to the pair of 'male and female' (male and female), therefore, in Islam there is no room for a third gender or 'mental concept of the opposite sex' other than these two. The individuals who are called the third gender; Islam considers them to be medically disabled or physically defective rather than having a permanent gender. According to Islamic jurisprudence, it is a religious duty for the parents and the state of such individuals to undergo a complete medical and psychological examination so that the dominant gender (masculine or feminine) hidden in them can be diagnosed. Islam does not aim to isolate such individuals from society. On the contrary, the Universal Declaration of Human Rights (UDHR) and its modern interpretations define gender as a "self-identified gender", which is contrary to Islamic principles. According to Islam, changing one's gender based on mere mental inclination or adopting an identity as a "third gender" is a rebellion against nature.

The outcome of the discussions is that the Universal Declaration of Human Rights and the teachings of the Quran are moving towards the same goal, namely "human welfare and dignity." Also, that the propaganda against Islam is not based on facts, and that the solution to the human rights crisis facing the world today lies in adopting these universal principles with sincerity and creating a global system that is based on "justice" rather than "power."

• Findings

The following conclusions have been drawn through this research:

1. Fundamental coherence: This research proves that all 30 articles of the UDHR are modern legal translations of Quranic teachings in their basic philosophy. There is no principled conflict between the two.
2. Universality of rights: The findings show that the concept of "human dignity" and "non-discrimination" (Articles 1 & 2) was introduced by the Quran before the West, which made human rights universal by freeing them from geographical boundaries.

3. Article 28 and global justice: The research proved that the “global just system” required under Article 28 is possible only through the implementation of the Quranic principle of absolute justice, which emphasizes the rule of law rather than force.

4. Scientific refutation of Islamophobia: This research proves that the negative propaganda against Islam is based on a mere misunderstanding. Quranic provisions (e.g. religious freedom and women's rights) are even higher than the standards of modern human rights.

5. Presence of a practical model: The research concludes that Islam does not just claim rights but provides a complete socio-economic system (zakat, shura, justice) that is capable of implementing the provisions of the UDHR in practice.

In short, the Universal Declaration of Human Rights is in fact a recognition of the same universal truth that Islam presented centuries ago. The world must be guided by Quranic principles to achieve global justice.

● **Recommendations**

- 1) After a comparative review of the Universal Declaration of Human Rights and the teachings of the Quran, the following steps are recommended for the practical implementation of Global Justice:
- 2) For the implementation of human rights, it is essential that all countries of the world, especially the major powers, become full members of the International Criminal Court (ICC). Until all states are accountable to the jurisdiction of this court, the concept of "equality before the law" or the implementation of Article 7 will remain a dream.
- 3) The "veto power" in the United Nations Security Council is the biggest obstacle to global justice. The power of the veto power should be abolished so that political interests cannot become obstacles to justice.
- 4) The decisions of the International Court of Justice should be made legally binding. An automatic system should be created to impose immediate and severe economic and political sanctions against governments that violate these decisions.

● **References:**

-
1. Al-Quran 49: 13.
 2. Ahmad Bin Muhammad Bin Hanbal, Al-Musnad Ahmad, Kitab Murviat e Sahabi, Hadith no.22395.
 3. Al-Qur’ān 5:32.
 4. Āhmad Bin Hanbal, Musnad Āhmad, Kitab Hazrat Ābdullah Ibn e Umer , Bāb Haddathna Ismail..., Hadith 6457.
 5. Al-Qur’ān 02: 256.
 6. Al-Qur’ān 06: 108.
 7. Al-Qur’ān 3: 159.
 8. Al-Qur’ān 42: 38
 9. Molāna Syed Abul Alā Modudi, Islami Riasat, p 289.
 10. Al-Quran 90: 12,13.
 11. Prof. Dr. Nisar Ahmad, Khutba Hajjat Ul Wadaa, p 191.
 12. Al-Qur’ān 42:15.
 13. Al-Qur’ān 5:08.
 14. Al-Quran 49: 06.
 15. Al-Qur’ān 24:27.
 16. Al-Qur’ān 49:12.
 17. Al-Quran 16: 90.
 18. Al-Quran 4: 135.