The Urgency to Incorporate the Islamic Concept of Rights into the International Human Rights Law Course in Indonesian Law Schools

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Abstract:
The discourse between International Human Rights Law (IHRL) and Islam has been a longstanding one. However, not all IHRL courses in Indonesia include Islamic human rights as one of the taught chapters. This normative research explores the urgency to include Islamic human rights in the IHRL curriculum, and finds that it is indeed urgent to do so. There are two reasons found to include Islamic human rights in IHRL. First, it becomes a counter towards the Eurocentric discourse of IHRL. Second, there are paradigmatic differences between IHRL and Islam which, if not understood, will make it difficult to fairly consider the discourse and analyze the derivative issues. There are two paradigmatic differences between IHRL and Islamic human rights, which are the epistemology and rights-obligation construction.

Keywords:
Islamic Concept of Rights, Human Rights, International Law, Indonesia

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Abstrak:
Diskursus antara Hukum Hak Asasi Manusia Internasional (HHAMI) dan Islam telah ada sejak lama dan hingga kini tidak habis-habis. Akan tetapi, ternyata tidak semua mata kuliah HHAMI yang diajarkan di fakultas-fakultas hukum Indonesia mencakupi HAM Islam sebagai salah satu pokok bahasan. Penelitian yang bersifat normatif ini akan mengkaji urgensi memasukkan konsep HAM Islam ke dalam kurikulum HHAMI, dan ditemukan bahwa hal tersebut memang memiliki urgensi. Ditemukan dua alasan utama untuk melakukan hal tersebut. Pertama, sebagai salah satu counter terhadap narasi eurocentrisme dalam diskursus HHAMI. Kedua, ternyata ada beberapa perbedaan yang bersifat paradigmatic antara HHAMI dan Islam, yang apabila tidak dikenal maka akan sulit mendudukkan diskursus HHAMI dan Islam dengan akurat apalagi mengkaji isu-isu turunan dengan tepat. Perbedaan paradigmatic ini ada dua, yaitu pada tatanan epistemologi serta konstruksi antara hak dan kewajiban.

Kata Kunci:
Konsep HAM Islam, Hak Asasi Manusia, Hukum Internasional, Indonesia

Introduction
There are so many discourses between international human rights law (hereinafter, IHRL) and Islam. There are so many fierce debates on this issue, and perhaps it can be agreed by all that there are matters of agreement and disagreements between IHRL and Islam. There are differences not only in the detailed rights and application, but also at a paradigmatic level as this research will show. Therefore,

2 See inter alia: Abdullahi Ahmed An-Na'im, “Why Should Muslims Abandon Jihad? Human Rights and the Future of International Law,” Third World Quarterly 27, No. 5 (2006): 785-97; Mashood A. Baderin, Hukum Internasional Hak Asasi Manusia Dan Hukum Islam (Jakarta: Komisi Nasional Hak Asasi Manusia, 2010); Ann Elizabeth Mayer, “Universal versus Islamic Human Rights: A Clash of Cultures or Clash with a Construct,” Mich. J. Int’l L. 15 (1993): 307.
3 The differences can go as deep as epistemology, as Islam and the Western-secular rooted human rights concept are worlds apart in this regard. Surely the derivative products (knowledge and rules) of the two would have differences which cannot be...
it should be common sense to teach the Islamic concept of rights as one of the subjects in the teaching of IHRL in the world, and it should be more so in Islamic nations.\textsuperscript{4}

However, a short survey conducted by the Research Team reveals that the teaching of IHRL courses in a number of universities in Indonesia has little to do in Islamic rights content. How can a law graduate, understand, interpret, and apply Islamic laws or laws influenced by Islamic teachings without understanding or even knowing Islamic law theories? This is despite Islam being the second largest religion in the world,\textsuperscript{5} and Indonesia having the largest Muslim population in the world.\textsuperscript{6} In addition, the Indonesian legal system has some Islamic influence albeit not formally being an Islamic state. The making of the Pancasila as the state ideology and ‘source of all sources of law’ was very heavily influenced by Islamic teachings and the Muslims.\textsuperscript{7}

Some researches have addressed concern towards the issue mentioned above and also suggested prospects towards Islamization of knowledge.\textsuperscript{8} Those researches focus only on the Introduction to Jurisprudence course and only on particular chapters. As for the relation between IHRL and Islam, academic works mostly discuss comprehended without first understanding the paradigmatic differences. This research goes deeper into this. Further reading on this difference of epistemology: Adian Husaini and Dinar Dewi Kania, eds., 

Filsafat Ilmu: Perspektif Barat dan Islam (Jakarta: Gema Insani Press, 2013).

\textsuperscript{4} See for example, at the Ahmad Ibrahim Kuliyyah of Laws, International Islamic University of Malaysia, there is a course named “Fundamental Rights in Islam”.\textsuperscript{5}

\textsuperscript{Drew Desilver and David Masci, “World’s Muslim Population More Widespread than You Might Think,” Pew Research Center, 2017, http://www.pewresearch.org/fact-tank/2017/01/31/worlds-muslim-population-more-widespread-than-you-might-think/}.

\textsuperscript{6} Desilver and Masci.

\textsuperscript{7} M. Saifullah Rohman, “Kandungan Nilai-Nilai Syariat Islam dalam Pancasila,” 

Jurnal Studi Agama Millah 13, No. 1 (2013): 209–11.

\textsuperscript{8} See \textit{inter alia}: Fajri Matahati Muhammadin and Hanindito Danusatya, “De-Secularizing Legal Education in Indonesian Non-Islamic Law Schools: Examining The ‘Introduction to Jurisprudence’ Textbooks On The ‘Norm Classification’ Chapter,” 

Lilul Albab: Jurnal Studi Dan Penelitian Hukum Islam 1, No. 2 (2018): 135–58.
prospect of reconciliating the two different. It is difficult to find researches addressing the urgency to apply Islamization of knowledge specifically in context of the teaching of IHRL. Therefore, this research brings forth something new by observing the need for Islamization of knowledge in the context of teaching IHRL.

This research observes the urgency to incorporate the Islamic concept of rights into the IHRL courses in law schools. There are two major problems found, and it is these two problems which are discussed in this research: first, Islam’s relation with international law throughout the ages has been met with problems of ‘Eurocentrism’. Second, there are two paradigmatic differences between IHRL and the Islamic concept of rights, which are: epistemology (secular and non-secular) and the construct of rights and responsibilities.

These two problems are the focus of the discussion in this research, and it is found that they are essential to understand in order to objectively comprehend the discourse of IHRL and Islam. Likewise, it will be very difficult to understand the discourse of IHRL and Islam without introducing the Islamic concept of rights, especially at the paradigmatic level, in the IHRL courses.

**Research Method**

This research is mainly a doctrinal legal research which analyses legal principles, doctrines, and theories and their relevance towards the teaching of IHRL. Two approaches will be combined, i.e. post-colonial theories in critical international law especially as argued by Antony Anghie, and the Islamic worldview as developed by Syed Muhammad Naquib Al-Attas. A literature review is conducted primarily using information and data obtained from books, articles, researches, and the primary, secondary, and tertiary sources of law of both international law and Islamic law.

**Analysis**

**Islam, Islamic Law, and International Law**

Unlike the secular understanding of what ‘religion’ means and encompasses, Islam is an Al-dīn whose meaning includes ‘judicious

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9 See *inter alia*: Mashood A Baderin, *International Human Rights and Islamic Law* (Oxford: Oxford University Press, 2003). Baderin’s work juxtaposes the rights in IHRL and Islam, and suggests possible ways to reconcile the differences.
power’. The Islamic legal system itself has the Al-Qur’ân and Sunnah as primary sources, and matters not specifically and explicitly regulated in those primary sources will be derived from those primary sources through *ijtiham*.11

### Islam and International Law

One of the branches of Islamic law (*fiqh*) regulates the conduct of the Islamic nation with other nations, namely *fiqh al-siyar* (known also as the ‘Islamic international law’).12 This branch of *fiqh* recognizes agreements and customary laws as source as law as long as they do not contradict the primary sources.13 *Fiqh al-siyar* has historically contributed positively in the development of the norms of international law.14 In fact, there are claims that the first charter of rights in the world is the Madinah Charter.15 In this age, there is still a little role for Islamic law in modern international law, such as the use of Islamic law rules or maxims by the judges of the International Court of Justice.16

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10 Edward William Lane, *An Arabic-English Lexicon: In Eight Parts*, Vol. 3 (Bayrût: Librairie du Liban, 1968), 942–47. For a detailed comparison between the Islamic notion of ‘religion’ and the secular one, see: Syed Muhammad Naquib Al-Attas, *Islam and Secularism* (Kuala Lumpur: ISTAC, 1993); Zara Khan, “Refractions Through the Secular: Islam, Human Rights, and Universality” (The City University of New York, 2016).

11 Imran Ahsan Khan Nyazee, *Islamic Jurisprudence* (Selangor: The Other Press, 2003), 20; Wahbah al-Zuhayli, *Uṣūl Al-Fiqh Al-Islāmī*, vol. 1 (Tehran: Dar Ihsan, 1997), 19; ‘Abd al-Karim Zaydan, *Synopsis on the Elucidation of Legal Maxims in Islamic Law*, trans. Md. Habibur Rahman and Azman Ismail (Kuala Lumpur: IBFIM, 2015), 29.

12 Imam Al-Shaybānī, *The Islamic Law of Nations: Shaybani’s Siyar*, trans. Majid Khadduri (Maryland: John Hopkins Press, 1966), 5–6.

13 Al-Shaybānī, 8.

14 Jean Pictet, *Development and Principles of International Humanitarian Law* (Geneva: Henry Dunant Institute, 1985), 15–17; Nahed Samour, “Is There a Role for Islamic International Law in the History of International Law?,” *European Journal of International Law* 25, no. 1 (2014): 313–19.

15 Badria Al-Awadhi, “Address by the Dean of the Faculty of Law and Shari`a in the University of Kuwait,” in *Human Rights in Islam* (Geneva: International Commission of Jurists, 1982), 28.

16 Awn S. Al-Khasawneh, “Islam and International Law,” in *Islam and International Law: Engaging Self-Centrism from a Plurality of Perspectives*, ed. Marie-Luisa Frick and Andreas Th Müller (Martinus Nijhoff Publishers, 2013), 34–41.
Additionally, there are numerous human rights treaties ratified by Muslim nations which also submitted reservations on the basis of Islamic law. The practice of these Islamic nations which diverge from the other nations may be recognized as a persistent objection which creates an exception from the development of the customary international law of human rights. This is in addition to the Cairo Declaration on Human Rights in Islam (1990). However, there are various challenges and problems which diminish the role of Islam in international law. Some scholars suggest that it is partly due to the failure of the Organization of Islamic Cooperation to take lead, while others point their fingers towards the crisis of knowledge within the Islamic community itself.

‘Eurocentrism’ as an External Problem

Scholars do not seem to deny that modern international law is of European origin. Some of these scholars accept this without questioning further, but other scholars and thinkers, especially those using the post-colonial theory, are more critical and point out that there have been injustices throughout history which need to be corrected.

These thinkers have traced back this problem to medieval Europe during the rise of the natural law school of Fransisco De Vitoria who justified colonialism as the center of international law at the time: the ‘civilized nations’ (i.e. the European nations) must

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17 The examples are the International Covenant on Civil and Political Rights 1966 (ICCPR) and Convention on the Elimination on all forms of Discrimination against Women 1979 (CEDAW) where some Islamic states were engaged.
18 Malcolm N Shaw, International Law, 6th ed. (New York: Cambridge University Press, 2008), 91–93. There is a debate on the ‘other states’ approval’ requirement in this.
19 See *inter alia*: Salim Farrar, “The Organisation of Islamic Cooperation: Forever on the Periphery of Public International Law?,” *Chinese Journal of International Law* 13, no. 4 (2014): 787–817.
20 See *inter alia*: Syed Muhammad Naquib Al-Attas, *Risalah Untuk Kaum Muslimin* (Kuala Lumpur: ISTAC, 2001).
21 Sugeng Istanto, *Hukum Internasional* (Yogyakarta: Penerbit Universitas Atmajaya Yogyakarta, 1994), 9–10.
'civilize the uncivilized nations' (i.e. other than the European nations).22

In that global colonial era, the colonial powers have made various efforts to eradicate the practice of Islamic law in their colonies. For example, in the part of Nusantara (which is now Indonesia), well established and pre-existing adat and Islamic courts were abolished and replaced by the Dutch law courts.23 It was only after independence that Islam could become an important element in the system of governance in Indonesia,24 and this was even only to a few matters. This was how a ‘Eurocentric’ international law was formed, and then preserved through the era of legal positivism.25 It was even further preserved throughout the post-World War II decolonization period,26 and continues to this day where the European (more referred to as ‘Western’) worldview becomes the measure of truth and correctness by the mere virtue of being Western.27

22 Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (New York: Cambridge University Press, 2004), 251. This train of thought was adopted by other scholars in that era including those dubbed as ‘fathers of international law’ such as Emer de Vattel. De Vattel justified the conquest over the natives of North America because these natives were nomadic, while the ‘natural law’ (according to the Europeans) demands the permanent cultivation of the lands. See: Emer De Vattel and Joseph Chitty, *The Law of Nations: Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns* (PH Nicklin & T. Johnson, 1835), 35.

23 Ramlah, “Implikasi Pengaruh Politik Hukum Kolonial Belanda Terhadap Badan Peradilan Agama Di Indonesia,” *Jurnal Kajian Hukum Islam* 12, No. 1 (2012): 386–90.

24 As explained earlier, even the Pancasila as state ideology was heavily influenced by Islam and the Muslims. See: Rohman, “Kandungan Nilai-Nilai Syariat Islam dalam Pancasila”; Marybeth T. Acac, “Pancasila: A Contemporary Application of Maqasid Al-Shari‘ah?,” *Journal of Indonesian Islam* 9, no. 1 (2015): 59–78.

25 Fajri Matahati Muhammadin, “Universalitas Hak Asasi Manusia dalam Hukum Internasional: Sebahah Pendekatan Post-Kolonial,” in *Hak Asasi Manusia: Dialektika Universalisme vs Relativisme di Indonesia*, ed. Al-Khanif, Herlambang P. Wiratraman, and Manunggal Kusuma Wardaya (Yogyakarta: LKiS, 2017), 7; John Austin, *The Province of Jurisprudence Determined* (London: John Murray, 1832), 1–2.

26 Anghie, *Imperialism, Sovereignty, and the Making of International Law*, 254; Antony Anghie, “Towards a Postcolonial International Law,” in *Critical International Law: Post-Realism, Post Colonialism, and Transnationalism*, ed. Prabakhar Singh and Benoit Mayer (Oxford–New Dheli, 2014), 136–37.

27 Wan Mohd Nor Wan Daud, *Islamization of Contemporary Knowledge and the Role of the University in the Context of De-Westernization and Decolonialization* (Johor Baru: UTM Press, 2013), 6–7.
Examples to this include the imposition of the Western human rights standards of good governance at the World Bank, strange and ill-justified UN reports issued by the Committee Against Torture and UN Rapporteurs regarding lashing as penalty, the European Union policy on investments which requires the investee state to apply EU-style human rights as prequisite to investments, the imposition of Western-secular gender equality standards in CEDAW (Convention on the Elimination on all forms of Discrimination against Women), and many others. This is the unjust imposition of Western worldview and its products as a universal standard, also referred to as ‘Eurocentrism’.

Traces of Eurocentrism in Law School Education

It has been explained earlier how Islamic law in Indonesia has been heavily reduced due to colonialism. This heavily impacts education. For many years and decades, Islamic law was made alien to law students (including the Muslim students) except the few parts of it which had already been codified to the Indonesian national legislation. In fact, a survey has been conducted towards the law students (Muslims only) of one of the best law schools in Indonesia. One hundred percent of the respondents did not know any basic of al-qawā‘īd al-fiqhiyyah, but they all recognized the latin legal maxims which have the same meaning with the basic al-qawā‘īd al-fiqhiyyah asked to them.

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28 The primary victims were the Latin American States. See: Anghie, Imperialism, Sovereignty, and the Making of International Law, 261–62.
29 Fajri Matahati Muhammadin et al., “Lashing in Qanun Aceh and the Convention Against Torture,” Malaysian Journal of Syariah and Law 7, no. 1 (2019): 18–20.
30 Lorand Bartels, “The European Parliament’s Role in Relation to Human Rights in Trade and Investment Agreements,” 2014, http://www.europarl.europa.eu/cmsdata/86031/Study.pdf.
31 Muhammadin, “Universalitas Hak Asasi Manusia dalam Hukum Internasional: Sebuah Pendekatan Post-Kolonial,” 12, 13, and 16.
32 In fact, it is not universal. See: Muhammadin, “Universalitas Hak Asasi Manusia Dalam Hukum Internasional: Sebuah Pendekatan Post-Kolonial.”
33 Vina Berliana Kimberly, Novita Dwi Lestari, and Fajri Matahati Muhammadin, “Incorporating Qawa'id Fiqhiyyah to the ‘Principles of Law’ Chapter in the Introduction to Jurisprudence Course in Indonesia’s Legal Education,” in International Conference on Research in Islamic Education 2018 Conference Proceeding, Fakulti Tamadun Islam, Universiti Teknologi Malaysia (Kuala Lumpur: Springer, 2019), (upcoming).
From the most fundamental aspects, the concept of religion as a norm is taught to display as if it is disconnected to other aspects of life. In the Introduction to Jurisprudence course, for example, most textbooks explain that ‘religious norms’ is a separate norm from the others such as legal norms, ethical/moral norms, and social norms (although they may complement each other).34 In fact, religious norms are said to be: (i) only regulating human-God relations, and (ii) has weaknesses because it only prescribes obligations and does not have worldly sanctions.35 On the other hand, Islam, as explained earlier, is not at all like that.36

Because of that, all courses with traces of Eurocentrism, including IHRL, must be critically reviewed and renewed. Otherwise, these courses will do nothing but preserve and continue the intellectual legacies of colonialism. It must be noted that the Preamble of the Indonesian constitution in its first line reads “...penjajahan di atas dunia harus dihapuskan.”37 Law students must be aware of a broader extent of the IHRL discourses. Particularly in the discussion of this research, the Islamic concept of rights must be introduced as it is not only a very contemporary discourse but also because it is very close to the identity of the Indonesian people which was once eroded by colonialism.

**Islam, Islamic Epistemology, and Its Implications**

An undeniable reality of the human rights concept in international law (i.e. IHRL) is its secular concept.38 This is despite some states which ratify the IHRL instruments are not secular states and implement the instruments in a non-secular manner (insofar as

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34Sudikno Mertokusumo, *Mengenal Hukum (Suatu Pengantar)*, 3rd ed. (Yogyakarta: Liberty, 1991), 5–12; Peter Mahmud Marzuki, *Pengantar Ilmu Hukum* (Jakarta: Prenadamedia Group, 2008), 79–83; Satjipto Rahardjo, *Ilmu Hukum* (Bandung: Citra Aditya Bakti, 1991), 26.

35Mertokusumo, *Mengenal Hukum (Suatu Pengantar)*, 9–10.

36 See further: Muhammadin and Danusatya, “De-Secularizing Legal Education in Indonesian Non-Islamic Law Schools: Examining The ‘Introduction to Jurisprudence’ Textbooks On The ‘Norm Classification’ Chapter”; Khan, “Refractions Through the Secular: Islam, Human Rights, and Universality.”

37 Loosely translated: “… colonialism must be eradicated from the face of the earth.”

38Michael Freeman, “The Problem of Secularism in Human Rights Theory,” *Human Rights Quarterly* 26, no. 2 (2004): 399.
they can do so). The problem is that the distinction between a secular and non-secular worldview is often understood only at the surface. This is while the differences between the two are very fundamental, and the failure to understand it would render students unable to properly and objectively understand derivative issues.

The first thing to understand is that the term ‘secular’ is fundamentally a worldview of reality as explained by C. A. van Peursen: “…deliverance first from religious, and then from metaphysical, control over human reason and language.” Secularism is then derived into the disenchantment of nature, desacralization of politics, and deconsecration of values.

Secularism then affects epistemology, especially on the sources of knowledge. The human mind’s ratio becomes the only criteria of truth and source of knowledge, while metaphysical realities have neither relevance nor epistemological value based. One of the effects is the promulgation of secular-derived theories such as August Comte’s Law of Three Stages which assumes that a man taking knowledge from religion is the most primordial stage of man, while a man taking knowledge from scientific inquiry is the modern (and most advanced) man.

On the other hand, Islam is very different. The first time the al-Qur‘ân mentions taqwâ, it is in the form of muttaqîn (‘people of taqwâ’). That mention is followed by a list of characteristics of the muttaqîn, and the very first characteristic is ‘to believe in the ghayb’.

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39For example: Indonesia, Saudi Arabia, and others.
40Cited in: Harvey Cox, The Secular City: Secularization and Urbanization in Theological Perspective (New Jersey: Princeton University Press, 2013), 2.
41Al-Attas, Islam and Secularism, 18.
42Adnin Armas and Dinar Dewi Kania, “Sekularisasi Ilmu,” in Filsafat Ilmu: Perspektif Barat Dan Islam, ed. Adian Husaini and Dinar Dewi Kania (Jakarta: Gema Insani Press, 2013), 7.
43Justus Harnack, Kant’s Theory of Knowledge (London: Macmillan Publisher, 1968), 142–45.
44Auguste Comte, “Plan of the Scientific Work Necessary for the Reorganisation of Society,” in Comte: Early Political Writings, ed. H.S. Jones (Cambridge: Cambridge University Press, 1998), 81.
45Taqwî means the consciousness of Allah.
46Ghayb means ‘the unseen’, referring to things that exist in a metaphysical but not a physical materialistic plane. See Q.S al-Baqarah 2:2-3, especially verse 3 where the characteristics of the ‘people of taqwâ’ are mentioned.
How can someone believe in metaphysical realities without making them a source of knowledge? This is why the Islamic epistemology puts *khabar sâdiq* (which includes divine revelation) as one of the causes of knowledge other than ratio, senses, and intuition.\(^\text{47}\) This is where the secular and Islamic epistemology clashes.

Some scholars such as Helen Quane merely demands that secular international law must take precedence over religious teachings when they contradict each others.\(^\text{48}\) Meanwhile, one cannot simply put man-made laws over God-made laws unless they have by default applied a secular framework which sees anything ‘religious’ as primordial as per Comte’s theory. Quane simply dismisses the Islamic epistemology without any mention of it and bases her entire case on a secular view.

On the other hand, putting Islamic laws below other laws is one of the nullifiers of Islam.\(^\text{49}\) Even the Pancasila, considering what the first *sila* says, cannot accept Quane’s argument. However, it may seem that Quane’s position represents the mainstream scholarship. Therefore, secular thinkers would not recognize the epistemological problem behind this train of thought and therefore unable to address the issue objectively and correctly.

**Case Study: Religious Blasphemy**

One of the most concrete case studies to best illustrate the significant difference between both epistemologies is the criminalization of religious blasphemy. On one hand, the position of IHRL is clear. Various bodies under the UN have stated that the criminalization of religious blasphemy is a violation of the freedom of expression.\(^\text{50}\) On the other hand, Islam clearly supports the

\(^{47}\) Sa‘d al-Din Al-Taftazani, *A Commentary on the Creed of Islam* (Sa‘d Al-Din Al-Taftazani on the Creed of Najm Al-Din Al-Nasafi) (New York: Columbia University Press, 1950), 15–17.

\(^{48}\) Helen Quane, “Legal Pluralism and International Human Rights Law: Inherently Incompatible, Mutually Reinforcing or Something in Between?,” *Oxford Journal of Legal Studies* 33, No. 4 (2013): 675.

\(^{49}\) Committing a nullifier of Islam would render a Muslim no longer within the fold of Islam. Shalih bin Fauzan Al-Fauzan, *Syarah Nawaaqidhul Islam* (Jakarta: Akbar Media, 2017), 122–40.

\(^{50}\) OHCHR, “Blasphemy Law Has No Place in a Tolerant Nation like Indonesia – UN Rights Experts,” *Office of the High Commissioner of Human Rights*, May 22, 2017,
criminalization of religious blasphemy. In fact, there is a consensus among the classical Muslim jurists that religious blasphemy is punishable by death.\footnote{Imam ibn Al-Mundzir Al-Naysaburi, \textit{Al-Ijma} (Saudi Arabia: Maktabah Al-Furqan, 1999), 174.} Behind both of these different positions are significant epistemological differences.

The secular IHRL position sees no virtue in criminalizing religious blasphemy. This is because \textit{inter alia} most major textbooks explain its ‘benefit’ as a purpose of law with Jeremy Bentham’s utilitarianism.\footnote{John Stuart Mill, Bentham’s student, stated that punishments should only be applied only to prevent material danger or loss towards other members of the society (as opposed to moral infringement).\footnote{Sudikno Mertokusumo, \textit{Mengenal Hukum: Suatu Pengantar} (Yogyakarta: Liberty Press, 2006), 80; Marzuki, \textit{Pengantar Ilmu Hukum}, 119; Achmad Ali, \textit{Menguak Tabir Hukum}, 2nd Edtio (Jakarta: Penerbit Kencana, 2015), 92–95.} Bentham is clearly secular, and Mill clearly accepts Comte’s Law of Three Stages.\footnote{John Gray, \textit{Mill on Liberty: A Defence}, Second Edi (London and New York: Routledge, 1996), 3.} Surely they do not consider metaphysical danger or loss such as in context of \textit{aqidah}.\footnote{Further discussions regarding utilitarianism and \textit{maqāṣid al-syarī‘ah}: Nurizal Ismail, Fajri Matahati Muhammaddin, and Hanindito Danusatya, “The Urgency to Incorporate Maqasid Shari’ah as an Eludication of ‘Benefit’ as a Purpose of Law in Indonesia’s Legal Education,” in \textit{1st International Conference on Law, Technology, and Society (ICOLESS) 2018} (Malang: Universitas Islam Negeri Maulana Malik Ibrahim, 2019).}

On the other hand, Islam sees it differently. The purpose of the \textit{syarī‘ah} (\textit{maqāṣid al-syarī‘ah}) is to achieve \textit{maṣlaḥat} both in this world and the hereafter.\footnote{Imam Ibn Ashur, \textit{Treatise on Maqasid Al-Shariah} (London: IIIT, 2006), 71.} \textit{Maṣlaḥat} is therefore divided into the hereafter’s \textit{maṣlaḥat} dan the worldly \textit{maṣlaḥat}.\footnote{Imam Al-Ghazali, \textit{Shifā‘al-Ghalīl Fi Bayān Al-Syabāh Wa Al-Mukhīl Wa Masālik Al-Ta‘līl} (Baghdad: Mathba‘ah al-İrsyad, 1971), 159–61.} The hereafter’s \textit{maṣlaḥat} truly takes
precedence over the worldly *mašlahat*,\(^{58}\) because Islam sees this world as a mere means to achieve the hereafter\(^{59}\) and heaven is the best destination in that hereafter.\(^{60}\)

One of the subjects under *mašlahat*, the *hifdz al-dīn* (preservation of belief, meaning towards Islam) is the glorification of Allah, His *dīn*, and his messengers (i.e. prophets).\(^{61}\) Blasphemy violates that very fundamental and basic aspect of Islam,\(^{62}\) and Muslims committing it are considered no longer in the fold of Islam and therefore the laws related to apostasy (*riḍdah*) would apply towards them.\(^{63}\)

It is therefore clear that IHRL which is based on secular-based jurisprudence and thought cannot accept the criminalization of religious blasphemy, while Islam can. Which epistemology should one choose? This is not a difficult choice for a Muslim studying law in a state based upon the Pancasila as state ideology. Surely this can be debated further. However, if this difference is not even introduced in the classrooms, students will not be able to objectively and accurately comprehend problems rising from these epistemological differences between IHRL and Islam. Consequently, they will be unable to make proper and coherent conclusions when analyzing those problems.

It is understood that this discussion seems more of a philosophical discussion rather than that of law. However, multidisciplinary approaches in legal education (or the education any field, really) is an inevitability.\(^{64}\)

**The Concept of ‘Human Obligations’ in Islam**

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\(^{58}\)Al-Ghazali, 159; Nyazee, *Islamic Jurisprudence*, 204–6.

\(^{59}\)Imam Ibn Al-Qayyim Al-Jawziyah, *Uddatush Shabirin* (Jakarta: Qisthi Press, 2010), 264.

\(^{60}\)See *inter alia*: Q.S Ali Imron 3:185.

\(^{61}\)Abd al-Rahmān Al-Sa‘dī, *Taysiru Al-Karīma Al-Raḥmān Fī Taṣāri̊ fi Kalāmi Al-Ma‘nān* (Cairo: Dar al-Hadith, 2002), 357.

\(^{62}\)Al-Sa‘dī, 357. See also: Imam Ibn Al-Qayyim Al-Jawziyah, *Al-Jawāb Al-Kāfī* (Al-Maghrīb: Dar al-Ma‘rifah, 1997), 46.

\(^{63}\)See: Q.S al-Tawbah, 9:65-66. See also: Imam Muhammad bin ‘Abd al-Wahhab, *Nawaqidhul Islam - Pembatal Islam (Matan Dan Terjemah)* (Surabaya: Pustaka Syabab, 2015), 164–83.

\(^{64}\)See: Mochtar Kusumaatmadja, “Pendidikan Hukum Di Indonesia: Penjelasan tentang Kurikulum 1993,” *Jurnal Hukum & Pembangunan* 6, no. 1994 (1994): 498–99.
In the realm of IHRL, the term ‘right’ (means ‘entitlement’) is often mentioned as a recurring theme. On the other hand, the term ‘obligation’ is rarely mentioned rather than ‘obligation to respect/guarantee rights’. It means that the highest rule in IHRL is ‘rights’. Islam is different in this respect, and this difference has paradigmatic implications.

IHRL is constructed to be heavily lean towards rights. One of the factors is that it was historically a regime born out of the extremely massive violation of human rights during World Wars I and II. However, this absence of ‘human obligations’ to balance the ‘human rights’ was one of the main critics of the Indonesian Council of Ulema towards international human rights. This problem is also a deviation from the pattern of balance between rights and obligations in legal education. For example, law students are taught in their first semester about the relation between ‘law, rights, and obligations’. Even, Law No. 39 of 1999 concerning Human Rights actually prescribes Kewajiban Dasar Manusia (i.e. human fundamental obligations).

If two different regimes have different constructions of balancing rights and obligations, surely there would be very different understandings of what ‘rights’ mean and how they are perceived. As consequence, the detailed enumeration of rights would surely have different meanings between the two different regimes altogether. This is the case with IHRL and Islam.

Islam, contrast to IHRL, provides both rights and obligations though somewhat inclining towards obligations. From the most fundamental nature of a human being, humans are created with the obligation – not rights – to worship Allah as explained in Q.S al-Dzâriyât 51:56: “And I did not create the jinn and mankind except to worship Me.”

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65Shaw, International Law, 271.
66“Fatwa Majelis Ulama Indonesia No. 6/MUNAS VI/MUI/2000 Tentang Hak Asasi Manusia” (Jakarta, 2000), 381, https://mui.or.id/wp-content/uploads/2017/02/26.-Hak-hak-Asasi-Manusia-HAM.pdf.
67Mertokusumo, Mengenal Hukum (Suatu Pengantar), 38–46.
68Articles 67-70 of Law No. 39 of 1999 concerning Human Rights: Obeying the law, defending the state, and respecting the human rights of other people.
Only then that Allah decrees that humans have rights as He is \textit{al-Rahmān} which means The Most Compassionate and Merciful towards all creation without exception\textsuperscript{69} and has prohibited \textit{dzulm} (the violation of rights) upon Himself and all creation.\textsuperscript{70} This is why, as argued by Shamrahayu bt. Abdul Aziz, Islam is essentially duty-based.\textsuperscript{71} This difference with IHRL would create paradigmatic differences towards derivative issues which, if not understood, would result in misunderstanding.

**Case Study on Derivative Issues**

Among the differences between IHRL and Islam due to the difference in construction of rights and obligations is related to knowledge and education. IHRL, through Article 13(1) of the International Covenant on Economic, Social, and Cultural Rights 1966 (ICESCR), prescribe a right to education.

On the other hand, in Islam, to receive education is not a right but rather an obligation.\textsuperscript{72} Islamic jurists divide knowledge in two types: first, knowledge which is obligatory to be learned by everyone (\textit{farḍ al-‘ayn}) such as the knowledge of \textit{tawḥīd} and basic \textit{fiqh};\textsuperscript{73} and second, knowledge which is obligatory to some people (\textit{farḍ al-kifāyah}) due to a collective necessity of it within the community, such as medical science.\textsuperscript{74}

The Islamic state has obligations to \textit{inter alia} implement and enforce the \textit{syar’ī’ah} (which contains rights and obligations),\textsuperscript{75} which includes to provide education in order to facilitate the society’s need

\textsuperscript{69}Imam Ismail ibn Katsir, \textit{Tafsir Al-Qur’an Al-Adzim}, Vol. 1 (Beirut: Dar al-Kutub Ilmiya, 1998), 39.
\textsuperscript{70}Imam Muslim, \textit{Saḥīḥ Muslim} (Riyadh: Bait Al-Afkar Ad-Dauliyah, 1998), ḥadīts no. 2577. Imam An-Nawawi and Muhammad bin Shalih Al-Utsaimin, \textit{Syarah Ḥadīṣ Arba‘īn Imam Nawawi} (Yogyakarta: Media Hidayah, 2006), 195.
\textsuperscript{71}Shamrahayu binti Abdul Aziz, “Islamic Concept of Human Rights,” in \textit{Human Rights Law: International, Malaysian and Islamic Perspectives}, ed. Abdul Ghafur Hamid (Khin Maung Sein (Selangor: Thomson Reuters Malaysia Sdn Bhd, 2012), 329.
\textsuperscript{72}See \textit{inter alia}: QS. Taha 20: 114, QS. Al-Nahl 16: 78, QS. Muhammad 47: 19, and see also: Imām Al-Ghazālī, \textit{Iḥyā’ Ulūm Al-Dīn}, Vol. 1 (Beirut: Dar al-Kutub Ilmiya, 1971), 14.
\textsuperscript{73}Al-Ghazālī, 1:14.
\textsuperscript{74}Al-Ghazālī, 1:15–16.
\textsuperscript{75}Musthafa Al-Khin and Musthafa Al-Bugha, \textit{Konsep Kepemimpinan dan Jihad dalam Islam: Menurut Madzhab Syaf’i} (Jakarta: Darul Haq, 2014), 110–11.
to fulfil their obligation to receive education. This would also mean that the society would then also have rights to be guaranteed to receive education by the Islamic State so that they can fulfil their obligation as explained earlier. From here, more derivative issues may follow, such as whether someone may choose to be uneducated (IHRL: yes, Islam: no), and many more.

A second derivative issue resulted from the different construction in rights and obligations, which is very central, is the issue of religion and worship. On one hand, the ICCPR in articles 18(1)-(2) rules that every human being has a freedom to choose their religion and manifest them in acts of worship, and that they may not be forced in a manner that would disrupt that freedom. Here, the role of the government is to guarantee that such freedom is enjoyed by their people. Islam sees the issue very differently. As explained earlier, to worship Allah is essentially an obligation (instead of a right) towards all jinn and human beings as per Q.S al-Dzâriyât 51:56. In addition, Islam only recognizes one religion (i.e. Islam) as the true religion as per Q.S Ali Imrân 3:19: “Indeed, the religion in the sight of Allah is Islam.”

As a side note, it is important to note that the consequence of the obligation to worship Allah in the Islamic terms does not mean that Muslims may coerce non-Muslims to accept Islam. Rather, it is understood to mean that Muslims must conduct da’wah (propagation, preaching) with good arguments and in the best of manners. If a non-Muslim refuses to accept Islam until the end of her/his life, it would be their personal business with Allah.

The differences of construction between IHRL and Islam regarding religion and worship, which is a right according to IHRL and an obligation according to Islam, causes a complex relation between the two. At times, IHRL and Islam can agree on certain issues. For example, the Human Rights Committee declared that the

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76See: QS. Al-Baqarah 2: 256, and: Haji Abdulmalik Abdulkarim Amrullah, Tafsir Al-Azhar, vol. 1 (Singapore: Pustaka Nasional PTE Ltd, n.d.), 623–24.
77 Haji Abdulmalik Abdulkarim Amrullah, Tafsir Al-Azhar, Vol. 5 (Singapore: Pustaka Nasional PTE Ltd, n.d.), 3989-90.
78 I.e. to receive punishment in the hereafter. See: QS. Al-Kahf 18:29, also see: Haji Abdulmalik Abdulkarim Amrullah, Tafsir Al-Azhar, Vol. 6 (Singapore: Pustaka Nasional PTE Ltd, n.d.), 4191.
hijāb (or khimār, referring to the headscarf worn by Muslim women) prohibition in Uzbekistan was a violation of human rights. The Muslims would surely support the condemnation towards that Uzbekistan policy. However, there are times when disagreements and misunderstandings occur between IHRL and Islam. An example to this is Ann Elizabeth Mayer’s critic towards the imposition of hijāb in Saudi Arabia.

According to Mayer, Saudi’s policy is not an Islamic teaching but rather a mere political maneuver. In her explanation, it is clear that Mayer sees that for Muslim women, to wear the hijāb is a right (which may or may not be exercised, at the discretion of the individuals), while the government should have only taken the role as guarantor of rights. However, in Islam, wearing a hijāb is obligatory for grown up women. As explained earlier, the duty of an Islamic state is to implement and enforce the syari’ah which is duty-based. This is different from an IHRL construct, where Mayer seems to misunderstand and therefore ends up with an inaccurate conclusion.

Conclusion
It has been explained in this research that a Eurocentric teaching of IHRL is not only lack objectiveness and accuracy but also contradicts the spirit of Indonesia’s independence and legal system. However, the Islamic concept of rights, which seems closer to Indonesia’s society and legal system due to its Islamic influence and socio-historical background, is instead more alien to the Indonesian law students. Meanwhile, it has also been shown that there are some paradigmatic differences between IHRL and the Islamic concept of rights which, if not understood, will cause much misunderstanding. It is difficult to truly understand religion-related issues such as deviant sects or religious blasphemy if one analyzes the relevant Islamic laws but using a secular epistemology.

79 UN Human Rights Committee, Hudayberganova v. Uzbekistan, CCPR/C/82/D/931/2000, para. 6.2.
80 Mayer, “Universal versus Islamic Human Rights: A Clash of Cultures or Clash with a Construct,” 393–97.
81 Mayer, 402–3.
82 Except in front of their immediate family. Imam ibn Ḥazm, Marāṭib Al-Ijmā’ (Beirut: Dar al-Kutub al-’Ilmiyyah, n.d.).
In addition, failing to understand the difference in construction of rights and obligations (i.e. IHRL focusing on rights, and Islam focusing on both but leaning towards obligations) would also lead to misunderstanding and confusion in derivative issues as explained in the previous sub-section. Therefore, it is essential to incorporate the Islamic concept of rights in the curriculum of the IHRL course in Indonesian law schools. More importantly, the syllabus must emphasize on the identification and understanding of the paradigmatic differences between IHRL and the Islamic concept of rights. This is hoped to help facilitate the students to be able to study and analyze issues related to IHRL and Islam more objectively and accurately.

**Bibliography**

‘Abd al-Wahhab, Imam Muhammad bin. *Nawaqidhul Islam - Pembatal Islam (Matan Dan Terjemah).* Surabaya: Pustaka Syabab, 2015.

Acac, Marybeth T. “Pancasila: A Contemporary Application of Maqasid Al-Shari’Ah?” *Journal of Indonesian Islam* 9, no. 1 (2015): 59–78.

Al-Attas, Syed Muhammad Naquib. *Islam and Secularism.* Kuala Lumpur: ISTAC, 1993.

———. *Risalah Untuk Kaum Muslimin.* Kuala Lumpur: ISTAC, 2001.

Al-Awadhi, Badria. “Address by the Dean of the Faculty of Law and Shari’a in the University of Kuwait.” In *Human Rights in Islam.* Geneva: International Commission of Jurists, 1982.

Al-Fauzan, Shalih bin Fauzan. *Syarah Nawaqidhul Islam.* Jakarta: Akbar Media, 2017.

Al-Ghazali, Imam. *Shifa’al-Ghalil Fi Bayan Al-Syabah Wa Al-Mukhil Wa Masalik Al-Ta’ilil.* Baghdad: Mathba’ah al-Irsyad, 1971.

Al-Ghazali, Imâm. *Ihya’ ‘Ulum Al-Din.* Vol. 1. Beirut: Dar al-Kutub ‘Ilmiya, 1971.

Al-Jawziyah, Imam Ibn Al-Qayyim. *’Uddatush Shabirin.* Jakarta: Qisthi Press, 2010.

———. *Al-Jawaab Al-Kafi.* Al-Maghrib: Dar al-Ma’rifah, 1997.

Al-Khasawneh, Awn S. “Islam and International Law.” In *Islam and International Law: Engaging Self-Centrism from a Plurality of Perspectives,* edited by Marie-Luisa Frick and Andreas Th Müller, 29–44. Martinus Nijhoff Publishers, 2013.
Al-Khin, Musthafa, and Musthafa Al-Bugha. *Konsep Kepemimpinan Dan Jihad Dalam Islam: Menurut Madzhab Syafi’i*. Jakarta: Darul Haq, 2014.

Al-Naysaburi, Imam ibn Al-Mundzir. *Al-Ijma*. Saudi Arabia: Maktabah Al-Furqan, 1999.

Al-Sa’di, ‘Abd al-Rahmân. *Taṣṣiru Al-Karima Al-Raḥmân Fī Taṣṣirī Kalāmi Al-Mānnân*. Cairo: Dar al-Hadith, 2002.

Al-Shaybânî, Imam. *The Islamic Law of Nations: Shaybani’s Siyar*. Translated by Majid Khadduri. Maryland: John Hopkins Press, 1966.

Al-Taftazani, Sa’d al-Din. *A Commentary on the Creed of Islam (Sa’d Al-Din Al-Taftazani on the Creed of Najm Al-Din Al-Nasafi)*. New York: Columbia University Press, 1950.

al-Zuḥaylî, Wahbah. *Uṣūl Al-Fiqh Al-Islâmî*. Vol. 1. Tehran: Dar Ihsan, 1997.

Ali, Achmad. *Menguak Tabir Hukum*. 2nd Edition. Jakarta: Penerbit Kencana, 2015.

Amrullah, Haji Abdulmalik Abdulkarim. *Tafsir Al-Azhar*. Vol. 1. Singapore: Pustaka Nasional PTE Ltd, n.d.

———. *Tafsir Al-Azhar*. Vol. 5. Singapore: Pustaka Nasional PTE Ltd, n.d.

———. *Tafsir Al-Azhar*. Vol. 6. Singapore: Pustaka Nasional PTE Ltd, n.d.

An-Na‘im, Abdullahi Ahmed. “Why Should Muslims Abandon Jihad? Human Rights and the Future of International Law.” *Third World Quarterly* 27, no. 5 (2006): 785–97.

An-Nawawi, Imam, and Muhammad bin Shalih Al-Utsaimin. *Syarah Hadits Arba’in Imam Nawawi*. Yogyakarta: Media Hidayah, 2006.

Anghie, Antony. *Imperialism, Sovereignty, and the Making of International Law*. New York: Cambridge University Press, 2004.

———. “Towards a Postcolonial International Law.” In *Critical International Law: Post-Realism, Post Colonialism, and Transnationalism*, edited by Prabakhar Singh and Benoit Mayer, 121–42. Oxford–New Delhi, 2014.

Armas, Adnin, and Dinar Dewi Kania. “Sekulerisasi Ilmu.” In *Filsafat Ilmu: Perspektif Barat Dan Islam*, edited by Adian Husaini and Dinar Dewi Kania. Jakarta: Gema Insani Press, 2013.

Ashur, Imam Ibn. *Treatise on Maqasid Al-Shariah*. London: IIIT, 2006.
Austin, John. *The Province of Jurisprudence Determined*. London: John Murray, 1832.

Aziz, Shamrahayu binti Abdul. “Islamic Concept of Human Rights.” In *Human Rights Law: International, Malaysian and Islamic Perspectives*, edited by Abdul Ghafur Hamid & Khin Maung Sein. Selangor: Thomson Reuters Malaysia Sdn Bhd, 2012.

Baderin, Mashood A. *Hukum Internasional Hak Asasi Manusia Dan Hukum Islam*. Jakarta: Komisi Nasional Hak Asasi Manusia, 2010.

Baderin, Mashhood A. *International Human Rights and Islamic Law*. Oxford: Oxford University Press, 2003.

Bartels, Lorand. “The European Parliament’s Role in Relation to Human Rights in Trade and Investment Agreements,” 2014. http://www.europarl.europa.eu/cmsdata/86031/Study.pdf.

Comte, Auguste. “Plan of the Scientific Work Necessary for the Reorganisation of Society.” In *Comte: Early Political Writings*, edited by H.S. Jones. Cambridge: Cambridge University Press, 1998.

Cox, Harvey. *The Secular City: Secularization and Urbanization in Theological Perspective*. New Jersey: Princeton University Press, 2013.

Crimmins, James E. “Bentham on Religion: Atheism and the Secular Society.” *Journal of the History of Ideas* 47, no. 1 (1986): 95–110.

Daud, Wan Mohd Nor Wan. *Islamization of Contemporary Knowledge and the Role of the University in the Context of De-Westernization and Decolonialization*. Johor Baru: UTM Press, 2013.

Desilver, Drew, and David Masci. “World’s Muslim Population More Widespread than You Might Think.” Pew Research Center, 2017. http://www.pewresearch.org/fact-tank/2017/01/31/worlds-muslim-population-more-widespread-than-you-might-think/.

Farrar, Salim. “The Organisation of Islamic Cooperation: Forever on the Periphery of Public International Law?” *Chinese Journal of International Law* 13, no. 4 (2014): 787–817.

“Fatwa Majelis Ulama Indonesia No. 6/MUNAS VI/MUI/2000 Tentang Hak Asasi Manusia.” Jakarta, 2000. https://mui.or.id/wp-content/uploads/2017/02/26.-Hak-hak-Asasi-Manusia-HAM.pdf.

Freeman, Michael. “The Problem of Secularism in Human Rights Theory.” *Human Rights Quarterly* 26, no. 2 (2004): 375–400.
Gray, John. *Mill on Liberty: A Defence*. Second Edi. London and New York: Routledge, 1996.

Harnack, Justus. *Kant’s Theory of Knowledge*. London: Macmillan Publisher, 1968.

HRC. “General Comments No. 34 (CCPR/C/GC/34).” Geneva, 2011. https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf.

Husaini, Adian, and Dinar Dewi Kania, eds. *Filsafat Ilmu: Perspektif Barat Dan Islam*. Jakarta: Gema Insani Press, 2013.

ibn Hazm, Imam. *Marâṭib Al-ījmâʿ*. Beirut: Dar al-Kutub al-‘Ilmiyyah, n.d.

ibn Katsir, Imam Ismail. *Tafsir Al-Qur’an Al-Adzim*. Vol. 1. Beirut: Dar al-Kutub ‘Ilmiya, 1998.

Ismail, Nurizal, Fajri Matahati Muhammadin, and Hanindito Danusatya. “The Urgency to Incorporate Maqasid Shari’ah as an Eludication of ‘Benefit’ as a Purpose of Law in Indonesia’s Legal Education.” In *1st International Conference on Law, Technology, and Society (ICOLESS) 2018*. Malang: Universitas Islam Negeri Maulana Malik Ibrahim, 2019.

Istanto, Sugeng. *Hukum Internasional*. Yogyakarta: Penerbit Universitas Atmajaya Yogyakarta, 1994.

Khan, Zara. “Refractions Through the Secular: Islam, Human Rights, and Universality.” The City University of New York, 2016.

Kimberly, Vina Berliana, Novita Dwi Lestari, and Fajri Matahati Muhammadin. “Incorporating Qawaidh Fiqhiyyah to the ‘Principles of Law’ Chapter in the Introduction to Jurisprudence Course in Indonesia’s Legal Education.” In *International Conference on Research in Islamic Education 2018 Conference Proceeding, Fakulti Tamadun Islam, Universiti Teknologi Malaysia*, (upcoming). Kuala Lumpur: Springer, 2019.

Kumar, Sujith Shashi. “Reassessing JS Mill’s Liberalism: The Influence of Auguste Comte, Jeremy Bentham, and Wilhelm von Humboldt.” London School of Economics and Political Science (United Kingdom), 2006.

Kusumaatmadja, Mochtar. “Pendidikan Hukum Di Indonesia: Penjelasan Tentang Kurikulum 1993.” *Jurnal Hukum & Pembangunan* 6, no. 1994 (1994): 491–501.

Lane, Edward William. *An Arabic-English Lexicon: In Eight Parts*. Vol. 3. Beirut: Librairie du Liban, 1968.
Marzuki, Peter Mahmud. *Pengantar Ilmu Hukum*. Jakarta: Prenadamedia Group, 2008.

Mayer, Ann Elizabeth. “Universal versus Islamic Human Rights: A Clash of Cultures or Clash with a Construct.” *Mich. J. Int’l L.* 15 (1993): 307.

Mertokusumo, Sudikno. *Mengenal Hukum: Suatu Pengantar*. Yogyakarta: Liberty Press, 2006.

— — —. *Mengenal Hukum (Suatu Pengantar)*. 3rd ed. Yogyakarta: Liberty, 1991.

Muhammadin, Fajri Matahati. “Universalitas Hak Asasi Manusia Dalam Hukum Internasional: Sebuah Pendekatan Post-Kolonial.” In *Hak Asasi Manusia: Dialektika Universalisme vs Relativisme Di Indonesia*, edited by Al-Khanif, Herlambang P. Wiratraman, and Manunggal Kusuma Wardaya, 1–20. Yogyakarta: LKiS, 2017.

Muhammadin, Fajri Matahati, and Hanindito Danusatiya. “De-Secularizing Legal Education in Indonesian Non-Islamic Law Schools: Examining The ‘Introduction to Jurisprudence’ Textbooks On The ‘Norm Classification’ Chapter.” *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 1, no. 2 (2018): 135–58.

Muhammadin, Fajri Matahati, Dian Agung Wicaksono, Almonika Cindy Fatika Sari, and Ola Anisa Ayutama. “Lashing in Qanun Aceh and the Convention Against Torture.” *Malaysian Journal of Syariah and Law* 7, no. 1 (2019): 11–24.

Muslim, Imam. *Sahih Muslim*. Riyadh: Bait Al-Afkar Ad-Dauliyyah, 1998.

Nyazee, Imran Ahsan Khan. *Islamic Jurisprudence*. Selangor: The Other Press, 2003.

OHCHR. “Blasphemy Law Has No Place in a Tolerant Nation like Indonesia – UN Rights Experts.” *Office of the High Commissioner of Human Rights*. May 22, 2017. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21646&LangID=E.

Pictet, Jean. *Development and Principles of International Humanitarian Law*. Geneva: Henry Dunant Institute, 1985.

Quane, Helen. “Legal Pluralism and International Human Rights Law: Inherently Incompatible, Mutually Reinforcing or Something in Between?” *Oxford Journal of Legal Studies* 33, no. 4
(2013): 675–702.
Rahardjo, Satjipto. *Ilmu Hukum*. Bandung: Citra Aditya Bhakti, 1991.
Ramlah. “Implikasi Pengaruh Politik Hukum Kolonial Belanda Terhadap Badan Peradilan Agama Di Indonesia.” *Jurnal Kajian Hukum Islam* 12, no. 1 (2012): 387–406.
Rohman, M. Saifullah. “Kandungan Nilai-Nilai Syariat Islam Dalam Pancasila.” *Jurnal Studi Agama Millah* 13, no. 1 (2013): 205–15.
Samour, Nahed. “Is There a Role for Islamic International Law in the History of International Law?” *European Journal of International Law* 25, no. 1 (2014): 313–19.
Shaw, Malcolm N. *International Law*. 6th ed. New York: Cambridge University Press, 2008.
Vattel, Emer De, and Joseph Chitty. *The Law of Nations: Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns*. PH Nicklin & T. Johnson, 1835.
Zaydan, ‘Abd al-Karim. *Synopsis on the Elucidation of Legal Maxims in Islamic Law*. Translated by Md. Habibur Rahman and Azman Ismail. Kuala Lumpur: IBFIM, 2015.