

Human Rights and The New Normal Challenges: A Sharia Perspective

Ayi Ishak Sholih Muchtar

Program Doktor Hukum Islam, Universitas Islam Negeri (UIN) Sunan Gunung Djati Bandung
email: ayiishak.sm@gmail.com

Received: June 14, 2022 | Accepted: December 14, 2022

Abstract

This study aims to elaborate ideas and debates on human rights in the era of the Covid-19 pandemic. The point of view of this study is Islamic Sharia. This study uses a literature review method complemented by personal reflection to connect Islamic sharia ideas with social dynamics during the pandemic. Several relevant pieces of literature are reviewed and analyzed to find the suitable core of sharia ideas. By exploring some basic principles of human rights, this study concludes that in this era of the Covid-19 pandemic, some people view government policies as contrary to human rights because they have to experience many restrictions and pressures, such as the obligation to wear masks, vaccinations, social distancing, restrictions on worship activities, isolation. They also feel that their human rights have been violated by regulations requiring them to wear masks, feeling insecure by the threat of contracting the virus, losing their jobs, threats of death, and so on. On the other hand, some other humans support regulations and legal rules based on health protocols. The support of this second group is also for the sake of protecting human rights. They support the government's policy of enforcing health protocols solely to avoid the danger of contagion of Covid-19 which can lead to severity and even death. In the perspective of Islamic Sharia, human rights which are based on freedom are actually limited by the rights of others. Freedom as one of the core of human rights is also balanced with obligations and responsibilities.

Abstrak

Kajian ini bertujuan untuk mengelaborasi gagasan dan perdebatan tentang hak asasi manusia di era pandemi Covid-19. Sudut pandang kajian ini adalah Syariah Islam. Kajian ini menggunakan metode literature review yang dilengkapi dengan refleksi personal untuk menghubungkan gagasan syariah Islam dengan dinamika sosial di masa pandemi. Beberapa literatur yang relevan dikaji dan dianalisis untuk menemukan inti gagasan syariah yang sesuai. Dengan menggali beberapa prinsip dasar hak asasi manusia, penelitian ini menyimpulkan bahwa di era pandemi Covid-19 ini, sebagian masyarakat memandang kebijakan pemerintah bertentangan dengan hak asasi manusia karena harus mengalami banyak pembatasan dan tekanan, seperti kewajiban memakai masker, vaksinasi, social distancing, pembatasan kegiatan ibadah, isolasi. Mereka juga merasa hak asasinya telah dilanggar oleh peraturan yang mewajibkan mereka memakai masker, merasa tidak aman dengan ancaman tertular virus, kehilangan pekerjaan, ancaman kematian, dan sebagainya. Di sisi lain, sebagian manusia lainnya mendukung regulasi dan aturan hukum berdasarkan protokol kesehatan. Dukungan kelompok kedua ini juga demi melindungi hak asasi manusia. Mereka mendukung kebijakan pemerintah yang memberlakukan protokol kesehatan semata-mata untuk menghindari bahaya penularan Covid-19 yang bisa berujung pada keparahan bahkan kematian. Dalam perspektif Syariat Islam, hak asasi manusia yang didasarkan pada kebebasan sebenarnya dibatasi oleh hak orang lain. Kebebasan sebagai salah satu inti dari hak asasi manusia juga diimbangi dengan kewajiban dan tanggung jawab.

Keywords: Covid-19, human rights, new normal, Sharia.

Introduction

One of the issues that challenged Muslim scholars, especially Islamic law and sharia experts in the Covid-19 pandemic era, was

fulfilling fundamental human rights and legal justice. Some people view government policies in this era as unfair because they experience a number of restrictions, such as social restrictions, restrictions on economic activity, difficulty working, isolation, quarantine, and even restrictions on worship activities. On the other hand, some people feel that their human rights have been violated by regulations requiring them to wear masks, feeling insecure by the threat of contracting the virus, losing their jobs, threats of death, and so on. In other words, in this era of the Covid-19 pandemic, Muslims face challenges of legal justice and human rights at the same time.¹

It must be admitted that the Covid-19 pandemic has disrupted almost all countries' social, economic, and legal systems. Of those countries, the Muslim-majority country was the worst hit.² Since the end of 2019, the Novel Coronavirus (Covid-19) has become a pandemic in almost all countries worldwide. Pros and cons have emerged among Muslim leaders regarding the origins and nature of Covid-19, its impact on humans, and the procedures for worship amid the virus pandemic.³ Several Muslim figures view Covid-19 as a manufactured virus that was deliberately created as a biological weapon. Some say Covid-19 is a virus that is being researched and developed in microbiology laboratory centers.⁴ Because of the carelessness of their researchers, the virus spreads out of control.

¹ Elise Ann Allen, "During Coronavirus, Vatican Employs Spiritual, Political Silence," *CruXnow*, last modified 2020, accessed April 30, 2020, <https://cruXnow.com/covid-19/2020/04/during-coronavirus-vatican-employs-spiritual-political-silence/>.

² World Health Organization, *Coronavirus Disease (Covid-19) Advice for the Public* (Geneva, 2020), <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>.

³ Baris Seckin, "Pope Leads Empty Good Friday Ceremony Amid Covid-19," last modified 2020, accessed April 30, 2020, <https://www.aa.com.tr/en/europe/pope-leads-empty-good-friday-ceremony-amid-covid-19/1800683#>.

⁴ Suyadi, Zalik Nuryana, and Niki Alma Febriana Fauzi, "The Fiqh of Disaster: The Mitigation of Covid-19 in the Perspective of Islamic Education-Neuroscience," *International Journal of Disaster Risk Reduction* 51 (2020): 101848, <https://www.sciencedirect.com/science/article/pii/S2212420920313509>.

Other Muslim figures see this virus as an army of Allah to destroy the evil people on earth.⁵ However, not a few Muslim leaders see this virus as a common disease that occurs naturally.

The diversity of views and attitudes among Muslim scholars manifests their world views in understanding reality. Their perspective is formed through a long journey, intense dialogue, and significant interaction with the factors of their education, social, cultural, economic, political, power, and religious understanding. Different perspectives among Islamic scholars and leaders on reality have implications for how they respond to this virus. It is happening among Muslims and adherents of other religions in various parts of the world. The response of the American people to the measles virus was studied by four researchers in 2014. The study yielded the vital finding that as the United States experiences an increase in measles outbreaks, the virus affects more people who are not vaccinated. Some people choose to refuse vaccination for several reasons, but the main reason is because of religious and ideological considerations. The religious reasons mainly stem from the use of human fetal tissue in the rubella element of the combined vaccine product and gelatin of animal origin as the base material for vaccine production.⁶

Several scientific studies have tried to understand the relationship between religion and epidemics. Marshall, for example, stated that religious actors play an essential role when society is dealing with disease outbreaks.⁷ Another study by Becker mentions that the Muslim community has found a way to relate scientific descriptions of epidemics to the Koran and to accept epidemics as God's will, without having to relinquish their responsibility to try to

⁵ Islamic Religious Council of Singapore Fatwa Committee, *Administration of Muslim Law Act (Chapter 3, Section 32) Fatwa Issued by Fatwa Committee, Islamic Religious Council of Singapore (Fatwa on Precautionary Measures in Dealing with the Covid-19)* (Singapore, 2020).

⁶ Eric Wombwell et al., "Religious Barriers to Measles Vaccination," *Journal of Community Health* 40, no. 3 (June 2015): 597–604.

⁷ Katherine Marshall, "Roles of Religious Actors in the West African Ebola Response," *Development in Practice* 27, no. 5 (July 4, 2017): 622–633.

contain and prevent them.⁸ Covid-19, which has broad and very serious implications for human life in various parts of the world, is also closely related to religion, regarding aspects of faith and ethics and the practice of ritual worship. Covid-19 has forced almost all countries to implement social distancing policies, physical distancing, regional lockdowns, large-scale social restrictions, or even total state lockdowns.

The policy that restricts movement, mobility, and human association has direct implications for the practice of worship rituals of all religions, which require the movement and gathering of people in one place to worship. For example, the supreme leader of the Catholic community, Pope Francis, had to lead the ritual of Good Friday, April 10, 2020, in St. Peter's Square, which was almost empty and very quiet due to Covid-19.⁹ The "Regina Coeli" prayer reading ceremony on April 13, 2020, must also be via live streaming.¹⁰ Places of ritual and worship for Muslims, Jews, Catholics, Protestants, Hindus, Buddhists, and Confucians were forced to close due to this virus pandemic.

Among the major religions, the impact of Covid-19 is most pronounced on Muslims because, unlike other religious communities, Muslims carry out crowds of ritual processions at least five times a day. That's just the obligation of *shalah fardhu*. When coupled with other rituals of worship such as Friday prayers, *tarawih* prayers in Ramadan, *Eid* prayers, and *tawaf* and *sa'i* during Umrah or Hajj, the practice of worshiping Muslims bears the most burden of Covid-19. So, scholars, especially legal experts and Islamic Sharia, are tasked to answer the challenges and problems of human rights and legal justice caused by the Covid-19 outbreak.

Human Rights Challenges in the New Normal Era

During the Covid-19 pandemic, human right is a challenge for every nation. How a person struggles to defend his life from the indifference of others who refuse to wear masks, reject social

⁸ Felicitas Becker, "The Virus and the Scriptures: Muslims and AIDS in Tanzania," *Journal of Religion in Africa* 37, no. 1 (2007): 16–40.

⁹ Seckin, "Pope Leads Empty Good Friday Ceremony Amid Covid-19."

¹⁰ Allen, "During Coronavirus, Vatican Employs Spiritual, Political Silence."

distancing, refuse vaccines, and reject legal regulations restricting his freedom. Surprisingly, all these refusals are in the name of human rights, which are their fundamental rights as citizens. It is where the problem becomes complex faced by state administrators.¹¹ Those who support regulation and the rule of law based on health protocols claim their support is solely for the sake of protecting human rights. They support the Government's policy of enforcing health protocols, such as the obligation to wear masks, vaccinations, social distancing, and isolation, to avoid the danger of Covid-19 transmission, leading to the severity and even death. On the other hand, anti-vaccine people who refuse to use masks and social distancing are also in the name of human rights.¹²

Before discussing the problem of interpreting human rights in the era of the Covid-19 pandemic from an Islamic perspective, it is necessary first to discuss the idea of human rights itself.¹³ According to Jan Materson of the United Nations Human Rights Commission, human rights are inherent in human beings, without which humans can't live as humans.¹⁴ The sentence "it is impossible to live as a human being," according to the late Baharuddin Lopa, former Secretary-General of the National Human Rights Commission, should be interpreted as "it is impossible to live as a responsible human being" because the addition of the term "responsible" means that besides humans have rights, also has responsibility for everything he does.¹⁵

Human rights are rights that are given directly by God to humans by nature. Therefore, no power in the world can uproot it. However, this does not mean that humans with their rights can act

¹¹ El Fegieri and Moataz Ahmed, "Islamic Law and Freedom of Religion: The Case of Apostasy and Its Legal Implications in Egypt," *Muslim World Journal of Human Rights* (2013): 1–26.

¹² Abdullahi A An-Na'im, "The Interdependence of Religion, Secularism, and Human Rights: Prospects for Islamic Societies," *Common Knowledge*, 2005.

¹³ Mesquita et al., "Thinking Inside the Box: A Closer Look at Democracy and Human Rights," *International Studies Quarterly* 24, no. 2 (2021): 439–57.

¹⁴ K. Ishaque, "Human Rights in Islamic Law'," *Review of the International Commission of Jurists* 12 (1974): 30–39.

¹⁵ Baharuddin Lopa, *Al-Qur'an Dan Hak-Hak Asasi Manusia* (Jakarta: Dana Bhakti Prima Yasa, 1996).

arbitrarily.¹⁶ If someone does something that can be categorized as raping another person's human rights, he must be held accountable for his actions. In this context, those who refuse the Covid-19 vaccine, refuse masks, and refuse social distancing rules can be said to violate the human rights of others who are fighting to save their lives. Why is that? Because in essence, human rights consist of two of the most fundamental foundations, namely the right to equality and freedom.¹⁷ Other human rights are born from these two fundamental rights, or without these two basic rights, other human rights are difficult to enforce. Thus, all humans are equal, no slaves are owned, but all humans are free and brothers.

If this is the case, then the basic philosophy of human rights is definitely contained in the monotheistic religion, which teaches God's unity.¹⁸ Monotheism which is the basic principle of Islam implies that there is only one creator for the universe. The first basic teaching in Islam is *la ilaha illa Allah*; there is no god but Allah, there is no creator but Allah. All nature and everything above on the earth's surface is the creation of the Almighty. Thus, monotheism contained the idea of equality and brotherhood of all humans; even more than that, monotheism includes the notion of equality and unity of all creatures, inanimate objects, plants, animals, and humans. In other words, in monotheism, there is also the idea of creaturely, which is broader in scope, including the idea of humanity, which is narrower in scope. The concept of creation is contained in Islamic Sharia which encourages humans not to behave arbitrarily but to be kind to other creatures (Nasution, 1993: xii). Islam forbids people from harming animals, such as the hadith, which states that a woman who binds a cat, does not feed it, and does not let it go in search of food, will go to Hell.¹⁹ Slaughtering animals

¹⁶ Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics* (Boulder, CO: Westview Press, 2012).

¹⁷ Jack Donnelly, "Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights," *The American Political Science Review* 21, no. 2 (2019): 303–16.

¹⁸ Mashood A Baderin, "Human Rights and Islamic Law: The Myth of Discord," *European Human Rights Law Review* (2005): 165–85.

¹⁹ Muhammad 'Abd al-'Aziz Al-Khulli, *Adab Al-Nabawiy* (Beirut: Dar al-Fikr, 1988).

should not be with a dull knife but with a sharp knife so that the animal does not suffer. When Umar ibn Al-Khattab saw someone dragging a goat violently for slaughter, he rebuked: *“Woe to you, pull the animal gently in the face of death”*.²⁰

Therefore, Muhammad Al-Ghazali, a prominent contemporary Egyptian scholar, believes that compassion in Islam is not limited only to the human community. Still, human affection includes the environment for animals, both crawling and flying in the air, as the Prophet said. Muhammad, “God divides His mercy and mercy into one hundred parts, and one of them is sent down to the surface of the earth. It is where the love between fellow creatures comes from so that the mother animal stretches its legs so that its cubs do not step on their nails”.²¹ It is not only animals that must be cared for properly, but also plants and inanimate objects. The Prophet Muhammad to soldiers going to war issued a prohibition: “do not kill women, children, and the elderly, do not destroy date palms, do not uproot trees, and do not destroy houses”.²²

The idea of humanity is not only confirmed by the hadith, but also stated by the Qur’an, as stated in the letter Al-Hujurat: 13, which reads: *“O mankind, indeed We created you from a male and female, and made you into nations and tribes so that you may know one another. Verily, the most honorable of you in the sight of Allah is the one who is most pious; Indeed, Allah is All-Knowing, Most Merciful.”* In line with the above verse, it is also emphasized in the following hadith: *“O mankind, indeed your Lord is one, and your father is one. You are all descendants of Adam, and Adam came from the land. The most noblest among you to God is the most pious. The Arab is not nobler than the non-Arab; the non-Arab is from the Arab, the colored person is from the white person; the white person is from the colored person, except because of his piety”*.²³

Between humans who are brothers and love each other, there is no difference in position, but they have the same place so that during this Covid-19 pandemic, every human being is required

²⁰ Al-Khulli, *Adab Al-Nabawiy*, 41.

²¹ Muhammad Al-Ghazali, *Khulq Al-Muslim* (Kuwait: Dar al-Bayan, 1970), 362.

²² Al-Khulli, *Adab Al-Nabawiy*, 33–34.

²³ Al-Syaukani, *Nayl Al-Awthar* (Kairo: Dar al-'Ulum, 1952), 88.

to respect his human rights and the human rights of others. In Islamic law, although there are differences between people of different nationalities, colors, languages, and religions, the only difference is piety and good deeds. Therefore, humans should not be enslaved by other humans. Humans in Islamic law are free humans; free in will and deed; free from pressure and coercion of others; free from exploitation by others; and free from the ownership of others. Humans in Islam belong only to Allah and are servants of Allah (*'abd Allah*) and cannot be servants other than Allah. When Umar ibn Al-Khaththab heard that the Governor of Egypt, 'Amr ibn Al-'Ash, was rude to one of the Egyptians, he said: "Since when have you enslaved people, while their mothers were born free".²⁴

In the perspective of Islamic law, humans have a basic right to be free. Humans must be free from slavery, freedom of religion, freedom from want, freedom from fear (including fear of death and fear of contracting the virus), freedom of expression, freedom of movement, freedom from persecution, and others. From here, human rights emerge, such as the right to life, the right to own property, the right to get an education, the right to speak, the right to think, the right to get a job, the right to get justice, the right to equality, the right to have a family and so on. Human rights are part of the most intrinsic nature of humanity, the enforcement of which is integrated with the history of human civilization, as the Qur'an confirms about the incident of the murder of two sons of Adam and Eve, Qabil and Abel, which means: they tell the story of the two sons of Adam (Habil and Qabil) according to the truth when both of them offered sacrifices, it was accepted from one of them (Abel), and not accepted from the other (Qabil). He said (Qabil): "*I will surely kill you!*"; Said Abel: "*Indeed, Allah only accepts sacrifices from those who are pious*" (Al-Ma'idah: 27). The incident of the first killing of a fellow human by Qabil against Abel resulted in God's decree: "*Whoever kills another soul or causes damage to the earth, it is like killing all mankind, and whoever helps the life of a soul, it is like helping the life of mankind. entirely*" (Al-Ma'idah: 32)

²⁴ Badri Yatim, *Sejarah Peradaban Islam* (Jakarta: Raja Grafindo Utama, 1999), 24.

However, there is inherent freedom in humans, which is their human right, but human freedom in Islamic law is not absolute, including human rights. Absoluteness and infinity, according to Islamic law, exist in God, the Lord of the worlds. The freedom of other humans limits human freedom. In addition, humans, in addition to having rights, also have obligations imposed by Allah on him, namely being obedient and obedient to orders and staying away from all His prohibitions. Allah's prohibition is so that humans do not make mischief on the surface of the earth, not to harm or harm others, and do not spread the disease or virus to others. God also commands humans to do good and not to prioritize their own interests and ignore the interests of others. In Islam, the interests of the individual and society both have a place. Individual interests must not be overlooked, but personal interests must not defeat the interests of society. So, regulations regarding health protocols in the era of the Covid-19 pandemic, such as the obligation to wear masks, social distancing, and vaccinations, are in order to balance the fulfillment of human rights.

Why? Because Islamic Sharia sets the limits of human freedom. Freedom of expression must not violate the public interest; the privilege to collect assets must also not harm the community; freedom to manage nature, must not bring harm to nature; freedom of action must not harm others; the freedom to refuse vaccination must not threaten the life of another person. If a person takes another person's life, their fundamental right to life will be disrupted by his/her actions that violate another's right to life. The right to collect property must be balanced with the obligation to manage it lawfully and legally, as well as the commitment to issue zakat to help the poor and needy. The illegal and illegal collection will interfere with that right. The human right to obtain education must be accompanied by the obligation to spread the knowledge he has acquired to others. The human right to get a job must be followed by the responsibility not to take other people's work. In this era of the Covid-19 pandemic, claims on one's human rights must not harm others, let alone threaten others.

Sharia Perspectives on Human Rights in the Era of the Covid-19 Pandemic

In this era of the Covid-19 pandemic, there are several human rights issues that should be discussed from the perspective of Islamic law. Several human rights issues are relevant to be addressed in this pandemic era: First is the right to equality and freedom. Human life that intersects in the association causes conflict. Efforts to obtain competitive necessities of life often also give rise to violations of human rights. Therefore, the lives of community groups, however small, still require arrangements so that relationships can run in an orderly manner. The Cairo Declaration affirms that every human being has the same rights under the law and is free from the presumption of innocence before being decided by a court. This statement is based on the Qur'an, which reads: *When establishing a law between humans so that you judge fairly* (Al-Nisa: 58); and another verse reads: *And do not argue in defense of those who betrayed him. Verily, Allah does not like those who always betray* (Al-Nisa: 107). *Asbab Al-nuzul* this last verse is when one of the Bani Dhafar stole his uncle's clothes, which the armor was a deposit of someone else, then the crime of theft was accused of a Jew named Zaid ibn Al-Samin. So the Jews came to complain about the problem to the Prophet Muhammad. After the Bani Dhafar knew about it, they came to the Prophet to strengthen the accusations against the Jews. The Prophet almost decided that the one who stole the armor was a Jew, even though the one who stole was Bani Dhafar themselves so that the above verse came down.²⁵

The equality of human rights before the law has been emphasized by the Prophet Muhammad, who reads: *O mankind, indeed people before you have gone astray, because if an honorable person among them steals he allows it, but if a weak person steals, they punish him. For the sake of the right, if Fatimah bint Muhammad stole, I would have cut off her hand* (Hadith from Muslim). On another occasion, he asserted: *Acting justly one hour is better than seventy years of worship* (Hadith from Muslim). The principle of human equality was also emphasized by the Prophet Muhammad, when he made a speech in the midst of the sea of people at the Wada pilgrimage, with

²⁵ Ahmad Musthâfâ Al-Marâghî, *Tafsîr Al-Marâghî* (Beirut: Dar al-Fikr, 1979).

the words: “O people, your God is one, your father is one. An Arab is not higher than a non-Arab, just as a non-Arab is higher than an Arab; nor does a brown man enjoy superiority over a black man; on the other hand, no black person enjoys superiority over a brown person, except by piety (Hadith from Muslim). With this statement, it is clear that the Prophet Muhammad has established the principles of equality for all human beings, regardless of color, race, ethnicity, power, or common people. In the Islamic History of the Caliphate Al-Rashid’s period, cases related to the Caliph were found that were sued by ordinary people, so he had to appear in court to resolve these cases.

The guarantee of the right to freedom of expression and expression as stated in the Universal Declaration of the United Nations is based on a statement that he thinks is good and fights what is wrong, because in Islam, it is obligatory to state what is right, whatever the risk, as in the hadith: *Qul Al-haqq wa law kana murra*; Speak the truth even if it is bitter.²⁶ Nevertheless, the difference of opinion should be discussed among them, as Allah says: Their affairs are decided by deliberation between them (Al-Shura: 38). This fact has happened during the time of Muhammad and *Khulafa Al-Rasyidah*, who firmly gave freedom of thought and opinion in dealing with various life problems, ranging from family problems to government administration problems; In other words, Rasulullah applied the principle of democracy in which humans act and act not based on their own opinions, but are always consulted with the views of others so that every policy taken reflects a common idea or majority vote.

One example of the implementation of democratic principles developed by the Prophet Muhammad is when deciding the fate of prisoners of war. He discussed with his companions. At that time, Abu Bakr proposed that the prisoners of war be returned with a ransom, while Umar ibn Al-Khattab suggested that the prisoners be killed. Rasulullah decided to agree with Abu Bakr’s opinion. In addition, in the Ahzab war, Rasulullah also approved the war

²⁶ Abu al-Hasan Muslim bin al-Hajjaj Al-Naisaburi, *Shahih Muslim* (Beirut: Dar al-Kutub al-Ilmiyyah, 1991), I/365.

strategy presented by Salman Al-Farisi to dig trenches into paralyzing the enemy before they could enter the city.

Meanwhile, on the eve of the battle of Uhud, Rasulullah thought that it was better to stay in the city, but the young people who were passionate about war argued that the Muslims should go out of the town to face the polytheists. Rasulullah finally agreed and carried out the opinion of the young Muslims, which in turn the Uhud war was defeated and very sad. The tolerant attitude of Rasulullah by winning the youth in the war strategy was seen as the beginning of the application of democratic principles.²⁷

Second, the right to life and personal safety. The climate of human life, which is very competitive in meeting the necessities of life, also results in the birth of colonialism and even the destruction of a weak nation by a strong country, so that a weak government is threatened with losing the rights of life given by God. The colonization of humans on the earth's surface is prohibited because it causes hardship and suffering in life and threatens the safety of the souls of the colonized nation. The Qur'an confirms the guarantee of the safety of life: And do not kill the soul of someone whom Allah has forbidden, except for a right reason. And whoever is murdered unjustly, then indeed We have given the power to his heir, but let the heir not exceed the limit in killing; indeed, he is the one who gets help (Al-Isra ' : 33). Every human soul has the right to live unless there is a reason that justifies it. Killing a human being is equated with killing all humans because killing is seen as denying the right to life (Al-Ma'idah: 32). This is also confirmed by the Prophet Muhammad: *Yaa Ayyuha Al-nas, inna dima-akum wa amwalukum, wa a'aradhakum, 'alaykum haramun, kahurmati yawmikum hadza, fi syahrikum hadza fi baladikum hadza; "O mankind, indeed your blood, your wealth and your honor are forbidden to you, just as this day, this month and this country are forbidden"* (Hadith from Muslim). In another saying, the Prophet Muhammad also emphasized: *Kullu muslimin, haramun, dammuhu wa 'irdhuhu wa maluhu; every Muslim against other Muslims is forbidden, whether blood, honor, or property.*²⁸

²⁷ Muhammad Haikal, *Kehidupan Muhammad* (Jakarta: Lentera, 1989).

²⁸ Sulaiman bin al-Asy'as al-Sijistani Abu Dawud, *Sunan Abu Dawud* (Beirut: Dar Ibn Hazm, 1978), I/321.

Likewise, Islam forbids suicide, to guarantee the right to life, as in the words of the Prophet Muhammad: *Man tardda min jabalin fa qatala nafsahu fa huwa fi Al-nar jahannama khalidan mukhalladan fiha Abadan; wa man tahassa tsumman fa qatala nafsahu, fa summuhu fi yadhi yatahassahu fi nari Jahannam khalidan mukhalladan Abadan; wa man qatala nafsahu bi hadidatin fa hadidatuhu fi yadhi yaja'u biha fi bathinihi fi nari jahannama khalidan mukhalladan fiha; Whoever throws himself from a hill and then dies, he will be eternally in Hell; and whoever drinks poison and then dies, the poison remains in his hand which he will revel in the fire of Hell, he will abide in it forever; and whoever kills himself with a piece of iron, the iron remains in his hand, he will be stabbed in the stomach with it in the Hellfire, he will abide in it* (Abu Dawud). This hadith shows that it is strictly forbidden to commit suicide or aspire to die if the hope is not achieved because the gift of life can increase and increase goodness and correct various mistakes.

Likewise, a person's rights are guaranteed and protected from acts of persecution because that people whose rights to life are disturbed are closer to Allah, as explained by the Prophet Muhammad: *Ittaqu da'wata Al-madzlum wa in kana kafiran, fa innahu laysa dunaha hijabun; fear the supplications of those who are persecuted, even if they are disbelievers; for indeed his request to Allah has become a right for him; and verily Allah will not reject the prayer of those who claim rights on the basis of their rights.*²⁹

The third is the right to protection. Humans as social beings are always related to one another. Therefore, the relationship between human beings must always be fostered in order to create a harmonious life among human beings in this world. In life together, humans are commanded by God to relate in an atmosphere of love which will be realized if there is mutual understanding and respect for one another, as emphasized by the Prophet Muhammad: *Irhamuu man fi Al-ardh, yarhamkum man fi Al-sama'i; have mercy on those who are on earth, then you will be loved by those in the heavens* (narrated by Bukhari and Muslim). In the hereafter, Allah will only give mercy to those who are merciful in this world, as confirmed by another

²⁹ Abu Bakar Ahmad ibn al-Husain ibn 'Aliy ibn 'Abdullah ibn Musa Al-Baihaqi, *Sunan Al-Shaghir Al-Baihaqi* (Makkah: Maktabah Dar al-Baz, 1994), 452.

hadith: *La yarhamu Allah yawm Al-qiyamah illa uwla'ika Al-rahimin fi Adunya; Allah will not have mercy on the Day of Judgment, except those who have compassion in this world.*³⁰

Every human being has the right to have a happy and enjoyable life as long as it does not harm and disturb the happiness of others. Allah teaches that useful wealth is practiced in a way that is pleasing to Allah as a manifestation of high faith, as Allah says: And they give the food they like to the poor, orphans and captives (Al-Insan: 8). This verse was used as the basis for the Cairo Declaration, which emphasized that humans are not allowed to abuse other humans within the limits of their humanity. It is not among those who are pious and love their Lord if they do not love the poor, orphans, and prisoners/prisoners well. The Prophet Muhammad himself had done this in the battle of Badr. The Muslims in the Battle of Badr captured 70 polytheists who had been so hostile to Islam that they expelled the Prophet Muhammad from his hometown, and they had fought fiercely in Badr. However, after the polytheists lost, many were taken captive. In addition to many who died, then the Prophet Muhammad ordered that food be provided for them while being held captive properly, even they were given priority to eat at midday. According to Ikrimah and Sa'id ibn Jubayr that what is meant by captives is not merely prisoners of war, but slaves and slaves must also be treated well so that freeing slaves is considered a major practice. In this regard, the Prophet Muhammad, before his death, said: *Al-Shalah wa ma malakat aymanukum*; keep your prayers and your slaves.³¹

Fourth is the right of personal honor. Humans are born equal and free but are not free from interference from each other. Therefore, every human being is entitled to protection from the Government for his honor and personal abilities. In the security of this human right, even the disbelievers are forbidden by God to be treated arbitrarily, as the Word of God: *And if any of the polytheists seek protection from you, then protect him so that he may hear the Word of God,*

³⁰ Al-Naisaburi, *Shahih Muslim*, II/524.

³¹ al-Imam Abi al-Fidha al-Hafidz Ibn Katsir Al-Dimisqiy, *Tafsir Al-Qur'an Al-Adzim* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1987), 713; HAMKA, *Tafsir Al-Azhar* (Jakarta: Pustaka Panjimas, 1984), 273.

then take him to a safe place for him; That is because they are a people who do not know (Al-Tawbah: 6). This verse explains that Muslims are required to protect the human rights of fellow people, including non-believers who ask for protection, especially fellow Muslims that security must be given, in line with the hadith which reads: A Muslim as a brother to fellow Muslims, should not persecute or allow to be persecuted. ; and whoever is conveying the wishes of his brother, then Allah will carry out his wishes; and whoever relieves a Muslim's troubles, Allah will alleviate his distress on the Day of Resurrection; and whoever covers the ugliness of a Muslim, Allah will cover his ugliness in the hereafter (narrated by Bukhari). This hadith shows that humans have an obligation to protect and protect their honor, especially fellow Muslims. Humans need a life free from threats to the safety of their souls and bodies, and Allah will reward you in kind in the hereafter.

Fifth, the rights of children from parents. Children are future human beings born to every mother, whose "black and white" are determined by their parents in educating them. Therefore, every child has the right to obtain his rights from his parents to form himself into a strong human being in facing life in the future. The Qur'an states: Mothers should breastfeed their children for two whole years, that is, for those who wish to complete breastfeeding. And the obligation of the father to feed and clothe the mothers in an acceptable way (Al-Baqarah: 233). This is reinforced by the hadith that asks parents to pay attention and educate their children from an early age so that they become pious and faithful people so that they become the next generation of good behavior with the words: *Tell your children to pray, when they are seven years old, and beat them for leaving the prayer when they are ten years old; and separate boys and girls in their beds* (Hadith from Abu Dawud).

Sixth, the right to work. Humans need to meet the needs of life for survival in the world. Therefore, humans need to work because by working, humans will humanize themselves as creatures of God, as in the Qur'an it is stated: It is He who made the earth easy for you, so walk in all directions and eat some of His sustenance. ; and to Him, you will be resurrected (Al-Mulk: 15). Regarding the type of work, each individual is free to determine it, but the most important thing is that the result is a clean and lawful job, as the

Prophet Muhammad said: *Inna Al-Nabiyya su'ila; "ayyu kasbin athyabu?, Qala: "amal Al-rajul biyadih wa kullu bay'in mabrurin*; indeed the Prophet Muhammad was once asked; "What is the best effort? The Prophet replied: "The work of a person with his hands and all buying and selling are clean" (Narrated by Bukhari). In addition, a worker must complete his work completely, so that the leadership of the company is happy to see him, which then the leader gives him wages, as the Prophet Muhammad said: "Perfect from the work that suits you, because, in fact, the best work is the one that is continuous, even if it is a little bit." (Hadith from Ibn Majah); and also another Hadith states: Give a worker's wages before his sweat dries, and tell him his wages while he works.³²

Seventh, the right to get the same opportunity. To be able to meet the needs of life, humans are required to try and work according to their abilities to earn profits. Still, humans are often greedy in pursuing these profits to harm the interests of others, such as business monopoly and usury, which in turn creates various gaps in life, especially life. Socioeconomic. For this reason, the Government should try to prevent such harmful business activities through different laws and regulations concerning the economy so that that gaps can be overcome. The Qur'an confirms the rules of business: Allah has permitted buying and selling and forbids usury (Al-Baqarah: 275). People who eat usury, their lives are not calm, always restless, are like someone who has been possessed by the devil, as the Prophet Muhammad said: Stay away from the sins that are not forgiven, *ghulul* (i.e. hiding booty in war and others), and whoever commits *ghulul*, later the hidden item will be brought on the Day of Resurrection; and the eater of usury, whoever eats usury, he will be resurrected on the Day of Resurrection in a state of madness, again possessed by the devil (Riwayat Al-Thabrani). Riba creates hostility between individuals and erodes the spirit of cooperation among human beings, the mental growth of a wasteful class that does not work, and usury as a way of colonizing.

So the prohibition of monopoly, fraud, usury and other crimes is a prohibition that aims for the good of humans themselves so that their lives are happy in this world and the hereafter, live in a

³² Al-Baihaqi, *Sunan Al-Shaghir Al-Baihaqi*, 549.

state full of love for fellow humans, and live a life full of peace and tranquility.

Conclusion

From a sharia perspective, the issue of human rights in the era of the Covid-19 pandemic can become a protracted debate if Islamic sharia experts do not respond to it. In this era of the Covid-19 pandemic, some people view government policies as contrary to human rights because they have to experience many restrictions and pressures, such as the obligation to wear masks, vaccinations, social distancing, restrictions on worship activities, isolation. They also feel that their human rights have been violated by regulations requiring them to wear masks, feeling insecure by the threat of contracting the virus, losing their jobs, threats of death, and so on. On the other hand, some other humans support regulations and legal rules based on health protocols. The support of this second group is also for the sake of protecting human rights. They support the government's policy of enforcing health protocols solely to avoid the danger of contagion of Covid-19, which can lead to the severity and even death. In the perspective of Islamic Sharia, human rights which are based on freedom are actually limited by the rights of others. Freedom as one of the cores of human rights is also balanced with obligations and responsibilities.

Acknowledgement: Thanks to colleagues who have shared, discussed, and provided their comments which were very useful for improving the manuscript.

Conflict of Interest: There are no disclosed conflicts of interest for the writer. I attest that the submission is unique and is not already being considered by another publisher.

Ethical Considerations: The sources of this research—articles, books, research papers, and scientific forum proceedings—are all free of copyright violations.

Disclaimer: The views and assumptions expressed in this article are those of the author and do not necessarily reflect the official policy or position of any affiliated agency of the authors.

REFERENCES

- Abu Dawud, Sulaiman bin al-Asy'as al-Sijistani. *Sunan Abu Dawud*. Beirut: Dar Ibn Hazm, 1978.
- Al-Baihaqi, Abu Bakar Ahmad ibn al-Husain ibn 'Aliy ibn 'Abdullah ibn Musa. *Sunan Al-Shaghir Al-Baihaqi*. Makkah: Maktabah Dar al-Baz, 1994.
- Al-Dimisqiy, al-Imam Abi al-Fidha al-Hafidz Ibn Katsir. *Tafsir Al-Qur'an Al-Adzim*. Beirut: Dar al-Kutub al-'Ilmiyyah, 1987.
- Al-Ghazali, Muhammad. *Khulq Al-Muslim*. Kuwait: Dar al-Bayan, 1970.
- Al-Khulli, Muhammad 'Abd al-'Aziz. *Adab Al-Nabawiy*. Beirut: Dar al-Fikr, 1988.
- Al-Marâghi, Ahmad Musthâfâ. *Tafsîr Al-Marâghî*. Beirut: Dar al-Fikr, 1979.
- Al-Naisaburi, Abu al-Hasan Muslim bin al-Hajjaj. *Shahih Muslim*. Beirut: Dar al-Kutub al-Ilmiyyah, 1991.
- Al-Syaukani. *Nayl Al-Awthar*. Kairo: Dar al-'Ulum, 1952.
- Allen, Elise Ann. "During Coronavirus, Vatican Employs Spiritual, Political Silence." *Cruxnow*. Last modified 2020. Accessed April 30, 2020. <https://cruxnow.com/covid-19/2020/04/during-coronavirus-vatican-employs-spiritual-political-silence/>.
- An-Na'im, Abdullahi A. "The Interdependence of Religion, Secularism, and Human Rights: Prospects for Islamic Societies." *Common Knowledge*, 2005.
- Baderin, Mashood A. "Human Rights and Islamic Law: The Myth of Discord." *European Human Rights Law Review* (2005): 165–85.
- Becker, Felicitas. "The Virus and the Scriptures: Muslims and AIDS in Tanzania." *Journal of Religion in Africa* 37, no. 1

(2007): 16–40.

Donnelly, Jack. “Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights.” *The American Political Science Review* 21, no. 2 (2019): 303–16.

Fatwa Committee, Islamic Religious Council of Singapore. *Administration of Muslim Law Act (Chapter 3, Section 32) Fatwa Issued by Fatwa Committee, Islamic Religious Council of Singapore (Fatwa on Precautionary Measures in Dealing with the Covid-19)*. Singapore, 2020.

Fegierey, El, and Moataz Ahmed. “Islamic Law and Freedom of Religion: The Case of Apostasy and Its Legal Implications in Egypt.” *Muslim World Journal of Human Rights* (2013): 1–26.

Haikal, Muhammad. *Kehidupan Muhammad*. Jakarta: Lentera, 1989.

HAMKA. *Tafsir Al-Azhar*. Jakarta: Pustaka Panjimas, 1984.

Ishaque, K. “Human Rights in Islamic Law’.” *Review of the International Commission of Jurists* 12 (1974): 30–39.

Lopa, Baharuddin. *Al-Qur’an Dan Hak-Hak Asasi Manusia*. Jakarta: Dana Bhakti Prima Yasa, 1996.

Marshall, Katherine. “Roles of Religious Actors in the West African Ebola Response.” *Development in Practice* 27, no. 5 (July 4, 2017): 622–633.

Mayer, Ann Elizabeth. *Islam and Human Rights: Tradition and Politics*. Boulder, CO: Westview Press, 2012.

Mesquita, Bruce Bueno, George W Downs, Alistair Smith, and Feryal Marie Cherif. “Thinking Inside the Box: A Closer Look at Democracy and Human Rights.” *International Studies Quarterly* 24, no. 2 (2021): 439–57.

Seckin, Baris. “Pope Leads Empty Good Friday Ceremony Amid Covid-19.” Last modified 2020. Accessed April 30, 2020. <https://www.aa.com.tr/en/europe/pope-leads-empty-good-friday-ceremony-amid-covid-19/1800683#>.

- Suyadi, Zalik Nuryana, and Niki Alma Febriana Fauzi. "The Fiqh of Disaster: The Mitigation of Covid-19 in the Perspective of Islamic Education-Neuroscience." *International Journal of Disaster Risk Reduction* 51 (2020): 101848. <https://www.sciencedirect.com/science/article/pii/S2212420920313509>.
- Wombwell, Eric, Mary T. Fangman, Alannah K. Yoder, and David L. Spero. "Religious Barriers to Measles Vaccination." *Journal of Community Health* 40, no. 3 (June 2015): 597–604.
- World Health Organization. *Coronavirus Disease (Covid-19) Advice for the Public*. Geneva, 2020. <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>.
- Yatim, Badri. *Sejarah Peradaban Islam*. Jakarta: Raja Grafindo Utama, 1999.

