

The rights of the citizens in Islam

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Abstract

Rights and fundamental freedoms have always been a psychological subject, hard to avoid and impossible to ignore in a public debate. The explanation is that no human in this world can be indifferent, consciously or unconsciously, to the manner his rights and freedoms are protected. The concept of “human’s right” crystallized with the evolution of human’s public freedoms which involved not only their proclamation, but also their guarantee and legal protection. Koran is the main source instituting Islamic law, moral and theology. When we talk about human’s rights in Islam, we refer to those rights guaranteed by God.

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Mid XVIIIth century, the French philosopher Jean-Jacques Rousseau began his dissertation “The Social Contract” with the famous formula “Human being was born free, but is chained everywhere”. Rousseau analyzed the relation between individual and collective freedom inside the society. He admitted that individuals have certain economical freedoms: what to buy, where to work and how to invest their income; but these freedoms are exercised in a system of laws restraining and limiting them.

Almost every newspaper, radio or TV broadcasting relate about Islam. Many of these reports are accompanied by violent images, as in Kashmir, Bosnia, Algeria or Palestine. Islam’s image, as displayed in the newspapers or on TV is that of a harsh, intransigent religion, whose followers would use violence to defend their principles or to impose their will over others [1]. Nevertheless, for the ones who are more familiar with the Moslems and their traditions, the image of a militant Islam is not fit for a religion regarded by many of its followers as no less peaceful, as far as the temper is concerned, than Buddhism or Christianity [2].

Human being’s and citizen’s rights and freedoms are not just a reality, but also a purposefulness of the entire human activity, the democratic and progressive one, obviously. Hence, the proper care shown almost everywhere in nowadays world to the theoretical and practical problems concerning human rights, protection and respect of the human’s fundamental freedoms. We consider that democracy and constitutional

guarantees are two essential coordinates for positioning of the social offer. The social structures are complex and huge resources consumers to fulfill the role of increasing the level of attractiveness through society's instant action but also through permanent recreating situated on a spiral of temporal development of the democracy's mechanisms and constitutional texts [3].

Koran is the main source instituting Islamic law, moral and theology [4]. When we talk about human's rights in Islam, we refer to those rights guaranteed by God [5]. It is true that the majority of the European societies are multicultural, multiethnic and multi-confessional but the special importance of those who generally support the functioning of the heavy mechanism – the modern state, can't be neglected [6].

Security of life and prosperity

Islam forbids all killings except the ones serving the law. During wars or insurrections, only a lawful and fair government, following sharia, can decide if taking a life is justified. This hard decision can't be left in the hands of a court which became indifferent to God's will and is under the influence of administration.

Protecting the honor

The second important right is citizens' right to protection of the honor. The Prophet did not forbid the Moslems only taking the life or the property of other Moslems, but also violating their honor, dignity and chastity. Koran says: "You, believer, don't allow a group of people to mock at one another. Don't denigrate one another. Don't talk bad words behind your backs about each other [7]".

Personal life sanctity and safety

Islam acknowledges each citizen's right in an Islamic state to have the privacy of his life not violated in an inappropriate manner. Koran commanded: "Don't spy on each other [8]". The Prophet even instructed His followers not to barge in or sneak in their own homes. One must somehow let the ones inside know he came home so to prevent seeing his mother, sister or daughter in an undesirable circumstance to them or to him.

Peeking in other's home was also strictly forbidden to the extent where the Prophet says that if a person finds another one secretly peeking into his home and removes one of his eyes as a punishment, he would not be held responsible. The Prophet forbade people to read the letters addressed to others.

Personal freedom safety

Islam stipulated the principle according to which no man can be imprisoned unless his guilt was proved in a court house. Arresting a person based on suspicions and throwing him in jail without following the proper legal procedures or giving him the right to defend himself is not allowed in Islam. Koran's command is very clear in this respect: "When you judge people, you must do it with the sense of justice [9]".

The right to protest against tyranny

Amongst the rights given by Islam to the people, there is also the right to protest against government's tyranny. Koran says: "God doesn't love public disparaging, unless committed by an offended person [10]". This means that God disapproves the abusive language and harsh condemning words, but that the person, victim of the tyranny or injustice, has the right to protest strongly against the harm done to him.

Freedom of expression

Islam grants freedom of thinking and expression to all the citizens of an Islamic state, provided this right to be used for spreading the good and not the evil.

Freedom of association

Islam granted the freedom of association and founding a party and organizations. This right is subordinated to certain general rules. It should be exercised to spread virtue and justice and under no circumstances to spread evil and discord in the world.

It is ironic that in a Moslem country, the assembly and the association founded in order to spread evil and discord has even the right to rule the country while the association and the party founded in order to spread virtue and justice lives in a constant fear of being harassed and declared illegal.

Freedom of conscience and beliefs

Islam grants the citizens of an Islamic state the freedom of conscience and opinions. Koran provides the command: "There must not be any constraint regarding matters related to religion [11]".

The Moslems must respect the decision of those who do not accept Islam; no moral, social or political pressure should be exercised upon them in order to determine them to change their minds.

Protecting the religious feelings

Along protecting the freedom of beliefs and conscience, Islam guarantees the individuals the proper respect for their religious feelings and that nothing potentially violating this right would be said or done. God says in Koran: “Do not abuse of those who turn to someone different than God [12]”. These instructions are not limited to gods and idols, they include also leaders or national heroes of the people. Islam doesn't forbid the people to debate decently.

Protection against arbitrarily imprisoning

Islam grants the right to not be arrested or imprisoned for felonies committed by others. Koran draws this principle: “No burden-bearer will be asked to carry another's burden [13]”. Islam believes in personal responsibility.

The right to satisfying life's basic needs

Islam acknowledges the right of the ones in need to get help. “And their wealth is an acknowledged right for the needy and the poor [14]”. In this verse, Koran didn't only grant a right to the wealth of a Moslem for any human asking for help, but also ascertained that, if a Moslem finds out that a man lacks the basic needs, regardless his asking for help or not, it is the Moslem's duty to provide all the help he can give.

Equality under the law

Islam grants the citizens the right to absolute freedom in the eyes of the law. Regarding the Moslems, the Koran and the Hadith have clear instructions about people being equal in their rights and freedoms: “Believers are brothers [15]”

Leaders are not above the law

Islam insists and claims that all authorities in an Islamic state, from the highest to the lowest, to be equal in the eyes of the law. None can ask for immunity. The most humble of the citizens has the right to file a complaint against the person with the highest rank in the country.

The right to avoid sin

Islam grants every citizen the right to refuse to commit a sin or a crime; if a government or a leader commands an individual to do something bad, he can refuse to obey. Not only that his refusal is not an offence, but to command a subordinate to

commit a sin or do something bad is an offence itself, that serious that the commanding officer, regardless of his rank, is liable of immediate dismissal.

The right to be a part of the state's affairs

According to Islam, governments are representatives of the universal Creator; this responsibility is not given to an individual, a family, a class or a certain group of people, but to the whole Moslem community.

The rights of the enemies in a war

Before Islam's birth, humankind did not know the concept of human, decent rules of the war. The West began developing this concept with the works of the XVIIth thinker, Grotius. Before that, all forms of ferocity and wildness had been committed and the rights of the people at war were not even acknowledged, not to mention respected.

The laws promoted along the XIXth century or the following period up to present time can't bear the name of laws considering the appropriate meaning of the word. They are but conventions and agreements because the nations don't consider them compulsory unless their enemies agree to comply too.

The rights of the elders

In the Islamic world there are few elders' homes because Islamic religion obliges the Moslems to support their families and the older relatives [16]. Koran recommends for us to be good with our parents, respect them, treat them gently and respectful, help them, not reproaching anything. Good relations are a must also with the older people who are not part of the family. The person who is violent or impolite with an older person is despicable. One of the major sins is not obeying the parents.

Conclusions

The fundamental rights and freedoms signify those subjective rights and freedoms belonging to the citizens. These fundamental rights and freedoms – guaranteed by the Constitution and national and international laws- are essential for their life, freedom and dignity and ipso facto for the free development of the human personality.

The subject of these rights and freedoms is the human being. This is why it is rightfully stated that human rights derive from human being's dignity and inherent value that should be the main beneficiary and actively participate to their fulfillment.

As already shown, Islam began dealing with the relation between individual and collective freedom twelve centuries ago. Muhammad himself expressed the principle of general will by the often quoted formula “my community will never agree with an error”. In those times there was no popular electing system in the empires or other big countries.

Citizens, in Islam, have the following rights: security of life and prosperity, protecting the honor, personal life sanctity and safety, personal freedom safety, the right to protest against tyranny, freedom of expression, freedom of association, freedom of conscience and beliefs, protecting the religious feelings, protection against arbitrarily imprisoning, the right to satisfying life’s basic needs, equality under the law, leaders are not above the law, the right to avoid sin, the right to be a part of the state’s affairs, the rights of the enemies in a war, the rights of the elders and so on.

The Moslem woman, if subordinated during certain stages of history was subordinated due to the abandoning and non-complying to the commandments of Koran and not because of the Islamic religion itself. We are prone to judge according to our own history of ideas and ideologies and to presume that the other cultures calk the Western model; in the West, woman regained the essential rights and freedoms from a laic ground, following the process of secularism and the separation between the laic and the religious.

The Moslem woman doesn’t need complicated philosophical constructions, rules made up by people to have her rights enacted and to be plenary valued in harmony with acknowledging her belonging to humanity. All these – and even more – were confirmed by absolute divine decree more than 1400 years ago in Koran.

As a conclusion, using the Koran verses, Allah talks with the whole mankind, no matter the sex, race, nationality or religion. A strictly linguistic mention: the words man and woman are equally mentioned, each 24 times in Koran. Men and women have the same origin, the same nature and the same spiritual goal in this life. They are both vulnerable to temptations, they have the same responsibilities and moral and religious debts and the rewards and punishing methods are equally split, based on the same criteria, regardless the sex.

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- [8] Sura Al-Hujurat:12.
- [9] Sura An-Nisa:58
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