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Self-Responsibility for Legal Rights and Freedoms: A Perspective of Fiqh and the Universal Declaration of Human Rights

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Abstract

Ideally, every individual holds a balanced responsibility toward their rights and legal freedoms, as guided by Islamic Fiqh and the Universal Declaration of Human Rights (UDHR). However, in reality, imbalances between the exercise of rights and responsibilities often occur, both in social and legal contexts. This study aims to analyze the concept of individual responsibility toward rights and legal freedoms from the perspectives of Islamic Fiqh and the UDHR, as well as to identify the common ground between these two perspectives. This article falls under normative research with a qualitative approach, utilizing analysis of relevant primary and secondary literature. The findings reveal that both Islamic Fiqh and the UDHR emphasize a balance between rights and responsibilities, although differences exist in principles and contexts of application. These findings underscore the importance of harmonizing Islamic legal principles and universal norms to achieve social justice.

Keywords: Responsibility, Legal Freedom, Human Rights

Abstrak

Idealnya, setiap individu memiliki tanggung jawab yang seimbang terhadap hak dan kebebasan hukum, sebagaimana dituntunkan dalam Fiqh Islam dan

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Deklarasi Universal Hak Asasi Manusia (DUHAM). Namun, realitasnya, ketidakseimbangan antara pelaksanaan hak dan tanggung jawab masih sering terjadi, baik dalam konteks sosial maupun hukum. Penelitian ini bertujuan untuk menganalisis konsep tanggung jawab individu terhadap hak dan kebebasan hukum dalam perspektif Fiqh Islam dan DUHAM, serta mengidentifikasi titik temu kedua perspektif tersebut. Artikel ini tergolong dalam penelitian normatif dengan pendekatan kualitatif, menggunakan analisis terhadap literatur primer dan sekunder yang relevan. Hasil penelitian menunjukkan bahwa Fiqh dan DUHAM sama-sama menekankan keseimbangan antara hak dan tanggung jawab, meskipun terdapat perbedaan dalam prinsip dan konteks penerapannya. Temuan ini menegaskan pentingnya harmoni antara prinsip hukum Islam dan norma-norma universal dalam mewujudkan keadilan sosial.

Kata Kunci: Tanggung Jawab, Kebebasan Hukum, HAM

Introduction

Legal rights and freedoms are two fundamental pillars in social and national life. As part of human rights, individual freedoms have been globally recognized and protected by various legal instruments, including the Universal Declaration of Human Rights (UDHR). These freedoms encompass the right to life, the right to express opinions, and the right to justice without discrimination. However, these rights cannot operate in isolation. There is an inherent responsibility—legal, moral, and social—to respect the rights of others and maintain harmony within society (Winarsih et al., 2023).

In the Islamic legal system, *fiqh* also places significant emphasis on the balance between rights and responsibilities. In Islam, individual rights are always accompanied by obligations to uphold collective interests. For instance, the freedom of expression is limited by moral guidelines to avoid slander or falsehood. This concept is reflected in the principle of *al-huquq wa al-wajibat*, which underscores that individual freedoms must not violate *sharia* or harm the rights of others (Almahfali & Avery, 2023). Guided by this principle, *fiqh* provides a clear ethical and legal framework for maintaining the balance between individual rights and social responsibilities. The Universal Declaration of Human Rights (UDHR) and *fiqh* share common ground in emphasizing the importance of responsibility in exercising rights and freedoms (Humphrey, 1949). Article 29, paragraph (2) of the UDHR asserts that individual rights must be exercised with regard to the well-being of society at large. In *fiqh*, this principle aligns with the concept of *maslahah*—the pursuit of collective welfare through just laws. This alignment demonstrates a convergence between universal norms and Islamic teachings in fostering a just and balanced society.

Ideally, responsibility for legal rights and freedoms can create harmony between individuals and society. The perspectives of the UDHR and *fiqh*, when integrated, offer a framework that not only protects human rights but also promotes moral and social obligations to maintain collective harmony. This concept is crucial for effective implementation, ensuring that individual rights do not conflict with public interests, thereby achieving a just society. However, reality

reveals a significant gap. Public awareness of the responsibilities tied to legal rights and freedoms often remains low. Many violations occur due to the misconception that freedom is an absolute, unlimited right. In both positive law and *sharia*, this misunderstanding leads to social conflicts and injustice. Such phenomena highlight the importance of legal education rooted in ethical and religious values.

In practice, the UDHR and *fiqh* face challenges in balancing rights and responsibilities. The UDHR is often criticized for overly emphasizing individual rights, while *fiqh* is sometimes seen as overly strict in emphasizing obligations. A complementary approach between these two perspectives is needed to develop a holistic understanding of sustainable legal rights and freedoms (Triwahyuningsih, 2018). The primary concern of this study is how individual responsibility for legal rights and freedoms is understood from the perspectives of the UDHR and *fiqh*. Can these frameworks synergize to create social harmony, or do they present fundamental differences that are difficult to reconcile? This question is particularly relevant given the increasing complexity of social dynamics.

This research aims to analyze individual responsibility for legal rights and freedoms from the perspectives of the UDHR and *fiqh*. The focus is on exploring similarities, differences, and potential synergies between these approaches in addressing global human rights challenges. Additionally, the study seeks to provide practical solutions for raising public awareness of the importance of legal responsibility. By integrating the universal values of the UDHR with the ethical principles of *fiqh*, it is hoped that society can better understand and exercise their rights and freedoms with full responsibility. This study aspires to contribute significantly to the academic discourse on the conceptual framework of responsibility for legal rights and freedoms. Through a thorough and comprehensive approach, this research not only offers theoretical analysis but also practical solutions to foster a harmonious and just society.

Literature Review

The study of individual responsibility toward rights and legal freedoms, particularly from the perspective of *fiqh* and the Universal Declaration of Human Rights (UDHR), is not a new field of research. Various scholars have explored the intersection of legal rights, obligations, and normative frameworks. These studies demonstrate that human rights are a multidimensional issue involving theological, legal, and philosophical perspectives. Syarifaatul Hidayah, in her work titled "*State Responsibility in Protecting Human Rights: An International Legal Perspective*," discusses the state's responsibility in protecting human rights from the perspective of international law (Hidayah, 2023). The similarity between Hidayah's study and this research lies in their shared focus on the relationship between rights and responsibilities within a legal framework. Both emphasize the importance of balancing individual rights and social obligations. However, the difference lies in their respective approaches. Hidayah's study is confined to state responsibility in international law, while this research integrates *fiqh* principles and the UDHR to provide a more comprehensive understanding of individual responsibility complementing state obligations.

Selyawati and Dewi, in their publication titled "*Implementation of Universal Human Rights Values Based on the Universal Declaration of Human Rights in Indonesia*," address the application of UDHR values within Indonesia's legal context. Their research shares similarities with this study in discussing the universal implementation of human rights and the challenges of applying them in specific contexts (Selyawati & Dewi, 2017). The commonality lies in their emphasis on adapting UDHR principles to local contexts. However, the difference lies in the scope of the research. Selyawati and Dewi focus solely on Indonesia's legal system, while this research incorporates Islamic legal perspectives (*fiqh*) to explore how these principles align with or diverge from global human rights frameworks.

Yuanitasari and Kusmayanti, in their work titled "*Human Rights Thought: Between Islamic Law and The Universal Declaration of Human Rights*," explore the comparative aspects of Islamic law and the UDHR in understanding human rights (Yuanitasari & Kusmayanti, 2021). The similarity of their research with this study lies in the comparative approach used to examine the relationship between Islamic principles and global human rights norms. However, the difference lies in the depth and focus of the discussion. Yuanitasari and Kusmayanti provide a general overview of human rights interpretation within Islamic law and the UDHR. In contrast, this study specifically examines the concept of responsibility inherent in rights and freedoms, highlighting the importance of the principle of *maslahah* (public benefit) in *fiqh* and social responsibility in the UDHR.

After reviewing the aforementioned works, it is evident that while numerous studies discuss the relationship between human rights and responsibility, none have specifically integrated the *fiqh* approach with the UDHR to explore the balance between rights and responsibilities comprehensively. This gap underscores the uniqueness and significance of this research. The position of this study within existing literature lies in its unique contribution to bridging the gap between Islamic jurisprudence and the international human rights framework. This integrative approach fills a critical void by offering a perspective that emphasizes not only the universality of human rights but also the contextual relevance of individual and collective responsibilities. The novelty of this research lies in the exploration of *maslahah* as a fundamental element in *fiqh* and its alignment with the principle of social responsibility in the UDHR. By addressing this gap, this research provides valuable new insights into understanding rights and legal freedoms within both Islamic and international legal contexts.

Research Methodology

This article employs a qualitative approach with a juridical-normative focus. This method is chosen to examine in depth the individual's responsibility for legal rights and freedoms from the perspectives of *fiqh* and the Universal Declaration of Human Rights (UDHR). Through this approach, the research aims to understand legal norms, Sharia principles, and their relevance to contemporary society and modern legal systems. The research is descriptive-analytical, aimed at describing fundamental concepts and legal principles related to responsibility for legal rights and freedoms as interpreted by both the UDHR and *fiqh*. Moreover, the study endeavors to conduct a critical analysis of the application of these two

perspectives in legal and social contexts. The approach includes a normative examination of legal and *fiqh* texts, as well as comparative analysis to highlight similarities, differences, and potential synergies between the two systems.

The data utilized in this study are derived from secondary legal materials. Primary legal materials include the original text of the UDHR, relevant verses from the Qur'an, pertinent *hadith*, and classical and contemporary *fiqh* texts. Secondary legal materials are obtained from books, scholarly journal articles, and other academic literature relevant to the themes of individual responsibility, rights, and legal freedoms. Tertiary legal materials, such as encyclopedias and legal dictionaries, are used to reinforce the understanding of foundational concepts. Data collection is conducted through library research, involving a systematic review of legal documents, *fiqh* texts, and other relevant scholarly publications. The data gathered from these various sources are analyzed using content analysis, which enables the researcher to extract meaning from legal and *fiqh* texts and to identify patterns or principles relevant to the research theme.

The data analysis process is carried out in stages, beginning with the reading and identification of legal texts and relevant literature. Key issues related to individual responsibility for legal rights and freedoms are then mapped. These issues are analyzed based on legal principles and Sharia values to draw connections between the UDHR and *fiqh*. Furthermore, the research seeks to integrate normative perspectives with social realities, resulting in findings that are not only theoretical but also practical, aimed at enhancing public awareness of the importance of legal responsibility.

Self-Responsibility

Self-responsibility is an essential concept in human life that reflects the direct relationship between the individual and their actions. In everyday life, every human being is bound by the consequences of their actions, both personally and within the social context. This makes responsibility a crucial foundation for creating harmony between the individual, themselves, society, the environment, and even God. The concept transcends mere formal obligations and encompasses moral and spiritual aspects, emphasizing an individual's awareness of living with integrity and justice (Sunga, 2021).

Etymologically, the term 'responsibility' in Indonesian is formed from two words: *tanggung* (meaning to bear or carry something) and *jawab* (meaning to provide an explanation for what happened). In English, responsibility is translated as *responsibility*, referring to the relationship between actions and the actor, or more specifically, an individual's ability to be accountable for the consequences of their actions. In Arabic, the term for responsibility is *mas'uliyyah*, which refers to the characteristic or state of a person who is held accountable for a particular matter, where all consequences become the individual's burden (Idris et al., 2024).

In a terminological sense, responsibility includes an individual's duty to bear the consequences of their actions, whether directly or indirectly. This perspective is emphasized by various scholars, including Erich Fromm, who views responsibility not as an obligation imposed by external forces but as an action performed with the awareness and willingness from within the individual (Azis &

Sukaraja, 2024). This perspective places responsibility as something more than just an external demand; it is also a form of moral awareness that grows from within the individual.

However, responsibility is not always understood uniformly. In a legal context, responsibility is often associated with an individual's obligation to rectify or compensate for the consequences of their wrongdoings according to legal provisions. In this case, the law provides external coercion to ensure an individual fulfills their responsibility. On the other hand, in the perspective of ethics, responsibility is more internal, where the individual voluntarily accepts the consequences of their actions without external pressure. The existence of responsibility is often a challenge for individuals. Not everyone possesses sufficient awareness or consciousness to accept responsibility for their actions. In certain conditions, external encouragement is often needed to motivate someone to fulfill their responsibility. This is considered reasonable if the encouragement is aimed at protecting or fulfilling the interests of others.

However, ideally, responsibility is carried out with full awareness from within the individual. This awareness allows a person to carry out their responsibility voluntarily, without the need for external pressure or coercion. Abdulkadir Muhammad explains that when a person fulfills their responsibility with awareness and devotion, a balance is created between the individual, society, the environment, and God (Sulaiman et al., 2019). Responsibility also forms the basis for harmony in life. When an individual is aware of their responsibility—morally, socially, and spiritually—they are able to create a balance between rights and obligations. This is crucial to ensure that one person's rights do not harm the rights of others, thus creating justice and harmony in communal life. Furthermore, responsibility can be understood as a form of devotion, where the individual is not only focused on themselves but also contributes to the welfare of others and the environment around them.

Legal Rights and Freedoms: A Historical Overview

Legal rights and freedoms are fundamental concepts that serve as the cornerstone of social justice and the protection of human rights. These two principles form the primary foundation of various legal systems worldwide, both at national and international levels. Legal rights and freedoms reflect the inherent dignity of human beings, which must be respected by states, societies, and individuals alike. In the modern era, the discourse surrounding legal rights and freedoms has transcended theoretical debates to become practical elements in public policy-making, the development of international law, and the resolution of social conflicts (O'Callaghan et al., 2024). The existence of legal rights and freedoms is a benchmark of a nation's progress in upholding universal human values.

Legal rights and freedoms encompass the recognition of fundamental rights inherent in every individual from birth. These include the freedom to express opinions, practice religion, choose education, and live without threats from others. In a legal context, rights refer to legally enforceable claims against individuals or institutions, while freedoms denote the scope of actions free from unlawful

constraints or pressures. Thus, legal rights and freedoms encompass both individual and collective dimensions, aiming to foster social justice, legal protection, and harmony within society.

The historical development of legal rights and freedoms can be traced back to ancient civilizations when humans began formulating social norms to regulate communal life. One of the earliest milestones was the Code of Hammurabi from ancient Babylon around 1754 BCE, which represented the first written legal system governing the rights and obligations of citizens. Although hierarchical and discriminatory, the Code of Hammurabi laid the groundwork for the development of justice concepts (Agustinus, 2022). In ancient Greece, philosophers like Plato and Aristotle introduced the ideas of justice and freedom as essential elements of political and legal life.

Globally, the evolution of legal rights and freedoms gained significant momentum during the Enlightenment era of the 17th and 18th centuries. Charters such as the Magna Carta (1215) in England symbolized the struggle against absolute power and the enforcement of individual rights against government authority. Later, the Declaration of the Rights of Man and of the Citizen (1789) in France and the Bill of Rights (1791) in the United States expanded the recognition of fundamental human rights in modern legal systems. This momentum culminated after World War II with the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 by the United Nations. The UDHR became the foundation of international law, binding nations to protect and promote human rights.

In the Indonesian context, the concept of legal rights and freedoms has been integral since the struggle for independence. The preamble of the 1945 Constitution recognizes that independence is the right of all nations, reflecting a commitment to human rights. During the reform era, legal rights and freedoms gained greater attention, especially after amendments to the 1945 Constitution that expanded protections for individual rights and civil liberties (Agustinus, 2022). This progress is also evident in the establishment of independent institutions like the National Commission on Human Rights (Komnas HAM), tasked with ensuring respect for and protection of human rights in Indonesia.

However, the implementation of legal rights and freedoms in Indonesia still faces numerous challenges. Gender, religious, and ethnic discrimination remains a recurring issue in various aspects of societal life. Moreover, legal freedoms are often understood in a fragmented manner, leading to clashes with social norms or specific political interests. Addressing these issues requires a holistic approach that integrates international legal principles with local cultural values. For instance, the protection of religious freedom can be strengthened through interfaith dialogue involving civil society elements.

Legal rights and freedoms are not merely moral imperatives but also practical necessities for establishing a fair and harmonious social order. Amid the dynamics of globalization, it is crucial for every nation, including Indonesia, to reinforce its commitment to the principles of legal rights and freedoms (Kaur, 2015). Through education, law enforcement, and international collaboration, legal rights and freedoms can serve as a solid foundation for building inclusive and just

societies. Hence, the existence of legal rights and freedoms is not only a symbol of human civilization but also an effective means to achieve collective progress.

Personal Responsibility for Rights and Freedoms in the Perspective of UDHR

In human life, the rights and freedoms possessed by each individual are governed by various principles contained in the Universal Declaration of Human Rights (UDHR). The UDHR establishes rights that are inherent to every individual as basic rights that cannot be infringed upon. However, the implementation of these rights cannot be separated from the responsibilities that accompany them. Responsibility for rights and freedoms can be divided into two main categories: internal and external responsibilities (Selyawati & Dewi, 2017). Internal responsibility pertains to how individuals manage their rights for themselves, while external responsibility concerns how these rights are practiced in social relationships and in maintaining the sustainability of ecosystems.

In general, the individual rights and freedoms guaranteed by the UDHR encompass various dimensions of human life, from the right to personal freedom to the right to social protection and security. Each individual has the responsibility to ensure that the freedom they possess does not harm others. The first principle of the UDHR, the right to be born free and equal, emphasizes that every individual is born equal, without discrimination. This principle requires individuals to respect the rights of others to be treated equally, without prioritizing differences in race, religion, or social status (Brown, 2016). Without a proper understanding of this responsibility, freedom can be misused to oppress others.

Furthermore, in the context of the right to life and security, the UDHR provides protection for each individual to live free from threats of harm or violence. Responsibility for this right means that individuals are not only responsible for their own survival but must also contribute to creating a safe and peaceful environment for others. This responsibility extends to the awareness of protecting others' rights from threats of violence, whether from individuals or unjust systems. Therefore, the exercise of the right to life must always be accompanied by efforts to protect and respect the lives of others. In addition, the UDHR clearly prohibits discrimination in any form. Article 7 of the UDHR underscores that every individual has equal standing under the law and is entitled to equal protection.

This demands that each individual not only fight for their own rights but also respect the rights of others without differentiation. In daily life, discrimination often arises due to neglect or ignorance of the importance of respecting differences. Therefore, it is crucial for each individual to educate themselves on equality and acceptance of differences (Merrigan, 2015). The next principle outlined in the UDHR is the right to freedom of thought, conscience, and expression. Articles 18 and 19 of the UDHR affirm the freedom of individuals to choose their religion, beliefs, and ways of expressing themselves. While this freedom grants the right to express opinions and ideas, it also comes with responsibilities. The freedom of expression should not be misused to spread hatred or incite violence against other groups. Therefore, freedom must always be

exercised with consideration so as not to violate others' rights to live in peace and without fear.

The freedom of association guaranteed by the UDHR in Article 20 gives individuals the right to join communities or organizations according to their will. This freedom supports the democratic process, as it allows individuals to participate in political and social processes. However, this freedom of association is also accompanied by the moral responsibility not to engage in activities that may disrupt social order or violate the law. This external responsibility involves efforts to maintain a balance between individual freedom and the public interest, both of which must support each other. Each individual also has the right to work and earn a fair wage, as outlined in Article 23 of the UDHR. This highlights the importance of social welfare and the right to a dignified life.

However, this right also carries the responsibility to work with integrity and not exploit others. For example, in the workplace, an individual working in a company has the responsibility to maintain professional ethics, respect the rights of colleagues, and contribute to creating an inclusive work environment free from discrimination (Selyawati & Dewi, 2017). Additionally, it is important to note that the right to education guaranteed by the UDHR provides individuals with the opportunity to develop intellectually. Education is not only an individual right but also a social duty to produce generations capable of critical thinking and responsibility. This responsibility is not limited to the individual themselves but also includes the obligation to use that education for the advancement of society as a whole. The education received should be used to support the principles of justice, freedom, and human rights worldwide.

The obligation to respect the rights of others is also reflected in Article 29 of the UDHR, which affirms that every individual has the responsibility to respect the rights and freedoms of others. This shows that an individual's freedom cannot be used to harm others or infringe upon their rights. Therefore, freedom and responsibility must go hand in hand, with each individual understanding that their rights are not only for themselves but also affect others. In an increasingly interconnected world, social responsibility becomes more important in creating a fairer and more peaceful world (Hallo de Wolf & Moerland, 2023). The principle of security guaranteed in the UDHR asserts that every individual has the right to feel safe and protected in their life. However, this principle also requires individuals to contribute to ensuring security for others. Responsibility for security is not only limited to the obligation not to pose a threat but also involves an active role in maintaining peace and social stability. This security is not only related to protection from physical threats but also includes the right to live free from psychological and social threats.

Perspective of Fiqh

In Islam, individual rights and freedoms are not a concept newly introduced in modern times. On the contrary, Islam has long regulated human rights (HR) in the daily lives of its followers, as reflected in the teachings of the Qur'an and the Hadith of Prophet Muhammad SAW. In this context, the term 'hak' (rights) in Arabic carries a deeper meaning, referring to a truth granted by God (Farhan,

2016). These rights are not only meant to protect individuals but also to uphold justice and social welfare. Therefore, understanding rights and freedoms from the perspective of fiqh is crucial to ensuring that individuals' responsibilities in exercising their rights do not conflict with Islamic principles.

In Islamic teachings, individual rights are rooted in two main principles: human dignity and the obligation to act justly. The Qur'an affirms that humans are created in the best of forms, as stated in Surah At-Tin (95:4): "*We have certainly created man in the best of stature.*" This verse indicates that every individual has the right to have their dignity respected, which must be protected by both individuals and the state. This principle is also emphasized in the Hadith of Prophet Muhammad SAW, which teaches the sanctity of life, wealth, and honor, which should not be harmed or violated by others, under any circumstances. In addition to the right to have their dignity respected, every individual also has the freedom to determine the direction of their life. Surah Al-Isra (17:70) states, "*We have honored the children of Adam,*" reflecting the respect for an individual's freedom to choose a path they consider good.

However, this freedom cannot be separated from responsibility, because misusing one's freedom can harm others and contradict the values of justice in Islam. Therefore, in fiqh, individual freedom and rights must be balanced with the obligation not to harm others' rights. Responsibility for these rights and freedoms is also reflected in the principle of amanah (trust), which is highly emphasized by Prophet Muhammad SAW. In his farewell sermon in 632 AH, he stressed that the lives, wealth, and honor of fellow Muslims are trusts that must be safeguarded. "*Indeed, your blood, your wealth, and your honor are sacred to one another,*" the Prophet said in his sermon (Ridwan, 2018). This teaches that every right an individual holds is a trust from Allah, which must be used wisely and not misused for personal gain. Therefore, the responsibility for these rights is not only about an individual's obligation to protect themselves but also about safeguarding the rights of others.

The obligation to return this trust is reflected in various aspects of life, including social, political, and economic relationships. In family life, for example, Prophet Muhammad SAW emphasized the rights between husband and wife. A husband has the responsibility to treat his wife well, as narrated in the Hadith that says, "*The best of you are those who are the best to their families.*" Therefore, from the fiqh perspective, the rights within the husband-wife relationship must be exercised with full responsibility, including the fulfillment of both material and moral rights of each party (Anzaikhan et al., 2023). Moreover, in the context of equality, Islamic teachings emphasize that all human beings, regardless of race, ethnicity, or social status, have equal rights.

Prophet Muhammad SAW firmly rejected any form of superiority based on race or ethnicity, as he stated in the famous Hadith, "*Every child is born in a state of fitrah (natural inclination), and it is their parents who make them Jews, Christians, or Magians.*" This indicates that in Islam, the human rights of every individual are respected, and no one is superior to another except through piety and good deeds. However, although every individual has rights that must be respected, Islam also regulates limits in the exercise of rights and freedoms. An individual's rights must not harm others, and one's freedom should not disturb public order or damage

society. Therefore, in fiqh, the principle of '*la dharar wa la dirar*' (no harm and no harming others) serves as a guide in regulating individual rights and freedoms. In other words, every individual has the right to be free, but this right must be exercised without causing harm to others.

Individual responsibility for their rights is also viewed in the context of leadership. Prophet Muhammad SAW taught that a leader is a guardian responsible for the people they lead. A man is a guardian and responsible for his family, while a woman has responsibility for the household and her children. This principle teaches that in every position or role, individuals must fulfill their responsibilities justly and not misuse the rights they hold (Alwi, 2022). In the legal context, Islam provides space for individuals to demand their rights, but always with consideration for their obligations to others. The Qur'an teaches that no individual should be wronged, whether through exploitation, oppression, or violence. Therefore, responsibility for individual rights in fiqh also includes the obligation to uphold justice and avoid any form of oppression against others. Islam emphasizes that human rights must be protected and upheld, both in personal life and in social relations.

Fiqh also teaches about the right to protection from the abuse of power. Islam acknowledges that the state and government have the responsibility to protect the rights of their citizens. Therefore, from the fiqh perspective, every individual has the right to justice and protection from the abuse of power by authorities. This aligns with the principle of justice, which is strongly emphasized in Islam, including the protection of individuals' rights from arbitrary actions. In a broader perspective, responsibility for rights and legal freedoms also includes an individual's obligation to respect the rights of others, whether in personal, social, or political life.

The right to life, the right to freedom, the right to justice, and the right to protection from the abuse of power are fundamental rights recognized in Islam, which must be protected and respected by every individual and the state. Therefore, individual responsibility for their rights is not only an obligation to protect their own rights but also an obligation to safeguard the rights of others, in order to create a just and prosperous society (Ridwan, 2018). Thus, Islamic teachings, through the principles contained in the Qur'an and Hadith, provide clear guidelines on how one should treat rights and legal freedoms in daily life. Responsibility for these rights is not only related to personal interests but also to the interests of society as a whole. Therefore, every individual must exercise their rights with full responsibility while considering the rights of others, in order to create a harmonious and just life.

Comparative Analysis

A comparison between the Universal Declaration of Human Rights (UDHR) and Fiqh is crucial for understanding human rights from two distinct perspectives: the international, universal perspective and the more specific religious perspective. UDHR, adopted by the United Nations in 1948, outlines fundamental principles of human rights that must be respected and protected by nations worldwide. On the other hand, Fiqh, as the Islamic legal system, refers to laws

developed through interpretations of the Qur'an and Hadith (Sholeh, 2018). Although both perspectives focus on protecting individual rights, they offer different views on how these rights should be applied in their respective social, cultural, and legal contexts. Therefore, comparing both is essential to gain a more comprehensive understanding of human rights from both global and religious perspectives.

One key aspect that can be compared between UDHR and Fiqh is religious freedom. UDHR Article 18 states that everyone has the right to freedom of thought, conscience, and religion, and the right to change their religion or belief. This is a form of universal protection, without distinguishing religion, race, or nationality. In contrast, in Fiqh, although there is recognition of religious freedom, in some interpretations, this freedom is limited by Sharia laws (Haloo de Wolf & Moerland, 2023). For example, in some countries with Islamic legal systems, religious freedom is often restricted to the right of Muslims to remain in their faith, with limitations on the proselytizing of religions other than Islam. This creates a significant difference between the two perspectives in terms of religious freedom and the freedom to change religion.

In this regard, there is a similarity between UDHR and Fiqh in their recognition of religious freedom. Both emphasize the importance of respecting the individual's right to choose and practice their religion or belief. The advantage of UDHR is its more inclusive and universal nature, offering religious freedom without sectarian or religious restrictions. Meanwhile, Fiqh provides more space for interpretation regarding religious freedom, which may vary depending on the school of thought or specific viewpoints (Hamdani, 2016). A drawback of Fiqh is the limitation of religious freedom for non-Muslims, such as prohibitions on proselytizing or conversion, which do not apply in UDHR. This leads to tension between the application of religious freedom in the international context and within the framework of Islamic law.

The next aspect to compare is the right to life. UDHR Article 3 declares that everyone has the right to life, liberty, and personal security, and this right cannot be taken away without due legal process. The right to life is recognized as a fundamental, inviolable right. In Fiqh, the right to life is also highly regarded, but there are stricter provisions regarding the taking of life in certain situations, such as in Islamic criminal law, which permits the death penalty for certain crimes, such as murder or actions that threaten public safety. While both recognize the importance of the right to life, Fiqh offers a more detailed view on restrictions to the right to life under specific circumstances.

The similarity between UDHR and Fiqh in the right to life is the recognition that human life is a fundamental right that must be protected. UDHR provides protection for life in a more flexible and open manner, ensuring that the right to life is respected in various social and political contexts. However, a limitation is that in some cases, state policies may infringe upon the right to life through legal procedures that could be questioned by some, particularly in cases of the death penalty (Alfarishy, 2023). On the other hand, Fiqh provides clearer guidelines on exceptions to the right to life, often favoring the execution of the death penalty in certain circumstances deemed valid by Sharia law. Nevertheless, Fiqh's advantage

is the clear guidance on the protection of life in Islamic law, although interpretations can vary significantly across Muslim countries.

Furthermore, it is important to compare these perspectives in the context of gender equality. UDHR Article 1 affirms that all human beings are born free and equal in dignity and rights. This principle serves as a foundation for recognizing equal rights between men and women in various aspects of life, including social, economic, and political participation. However, in Fiqh, although there is recognition of women's rights, there are often differences in interpretation regarding the status of women in society. For example, in some cases, women's inheritance rights are smaller than those of men, creating an imbalance in the treatment of men and women. This reflects a difference in how both perspectives view gender equality, although both emphasize the importance of respecting women's dignity and rights (Almahfali & Avery, 2023).

The similarity between UDHR and Fiqh in terms of gender equality is the recognition of women's rights as part of human rights. The advantage of UDHR lies in its broader recognition of gender equality, providing equal rights for both men and women in various social and economic contexts. On the other hand, Fiqh offers more detailed recognition of women's rights in religious contexts, although in some cases, Sharia regulations may limit these rights, especially in matters of inheritance and testimony. The advantage of Fiqh is the more detailed recognition of women's rights within the religious framework, but its limitation lies in the imbalance in the application of women's rights in certain cases, such as inheritance rights and lower social status in some Muslim communities.

Next, freedom of expression is a right enshrined in UDHR Article 19, granting everyone the right to express opinions and receive information without undue restriction. In Fiqh, freedom of expression is also recognized but with certain restrictions. Freedom of expression in Fiqh is constrained by Islamic moral and ethical principles, such as prohibitions on spreading falsehoods or slander, and the respect for the honor of Prophet Muhammad (SAW). This shows that although freedom of speech is recognized in both, Fiqh imposes stricter limits on expressions that may undermine social or religious order (Atika & Hamid, 2023).

The similarity between UDHR and Fiqh in freedom of expression is the recognition of the right to speak and express opinions. The advantage of UDHR is that it provides greater freedom and flexibility, allowing individuals to express themselves in various forms without many restrictions. However, the downside is that this freedom can be misused, such as in the spread of hate speech or harmful information (Azizah, 2019). On the other hand, Fiqh emphasizes the importance of maintaining social and moral harmony, and so freedom of expression is limited by religious principles. The advantage of Fiqh is its protection of moral values within society, though this can limit individual freedom in some cases.

The final analysis of the comparison between UDHR and Fiqh can be conducted in the context of the right to work. UDHR Article 23 acknowledges everyone's right to work and earn a fair income. Fiqh also recognizes the right to work, but with restrictions on the types of work that can be performed. In Fiqh, jobs that violate Sharia principles, such as those involving usury or haram activities, are not permitted. This shows that while both perspectives recognize the right to work, Fiqh imposes stricter limitations based on religious principles.

The similarity between UDHR and Fiqh in the right to work is the recognition of the individual's right to work and earn a decent income. The advantage of UDHR is its flexibility, providing individuals with the freedom to choose any occupation according to their abilities and interests. However, the downside is that in some cases, workers' rights may be overlooked, especially in the global market, which does not always provide adequate protection for workers. On the other hand, Fiqh offers stricter guidelines on permissible types of work, although this may limit individual freedom to choose certain types of work that are financially more beneficial.

Conclusion

Individual responsibility is an essential element in the implementation of legal rights and freedoms, both from the perspective of fiqh and the Universal Declaration of Human Rights (UDHR). In fiqh, rights are always accompanied by obligations to protect the common good, as reflected in the concept of *al-huquq wa al-wajibat*. This principle positions responsibility as a regulator of individual freedoms to prevent violations of Sharia and harm to others. Meanwhile, UDHR also emphasizes the importance of responsibility through Article 29(2), which states that the exercise of rights and freedoms must respect the rights of others and the well-being of the community as a whole. This similarity shows that both fiqh and UDHR share a similar vision in creating a balance between individual rights and social obligations, even though there are differences in the philosophical and normative frameworks that underlie them.

This research also found that in practice, there are still challenges in raising public awareness of the responsibility that accompanies legal rights and freedoms. A lack of understanding of this responsibility often leads to violations of rights, both in the context of positive law and Sharia. Therefore, a holistic educational approach, which integrates legal, ethical, and religious values, becomes crucial in increasing public awareness. This study offers a contribution by providing an in-depth analysis of how fiqh and UDHR can synergize to guide the responsible implementation of legal rights and freedoms.

References

Agustinus, E. (2022). Individual Freedom in the Legal Discourse in Indonesia. *Indonesia Media Law Review*, 1(1), Article 1. <https://doi.org/10.15294/imrev.v1i1.56677>

Alfarishy, Y. (2023). Kebebasan Beragama dalam Perspektif Deklarasi Universal HAM dan Deklarasi Kairo 1990. *IN RIGHT: Jurnal Agama Dan Hak Azazi Manusia*, 12(1), Article 1. <https://doi.org/10.14421/inright.v12i1.2815>

Almahfali, M., & Avery, H. (2023). Human Rights from an Islamic Perspective: A Critical Review of Arabic Peer-Reviewed Articles. *Social Sciences*, 12(2), Article 2. <https://doi.org/10.3390/socsci12020106>

Alwi, Z. (2022). Non-Muslims in The Nation-State: The Medina Charter as a Prototype for Islamic Wasathiyah Implementation in Indonesia.

Ihyaussunnah: Journal of Ulumul Hadith and Living Sunnah, 2(1), 1–14.
<https://doi.org/10.24252/ihyaussunnah.v2i1.28431>

Atika, F. B., & Hamid, R. A. (2023). Kebebasan Anak Perspektif Filsafat Khudi Muhammad Iqbal pada TKIT Salsabila Al-Muthi'in Bantul. *Humanika: Kajian Ilmiah Mata Kuliah Umum*, 23(1), Article 1.
<https://doi.org/10.21831/hum.v23i1.52994>

Azis, F. A. A., & Sukaraja, D. (2024). Ecological Sovereignty from an Islamic Perspective: Surpassing National Sovereignty and Legal Responsibilities. *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam*, 16(1), Article 1. <https://doi.org/10.32505/jurisprudensi.v16i1.8109>

Azizah, D. (2019). Teologi Pembebasan Dalam Pendidikan Islam Perspektif Asghar Ali Engineer. *Oasis: Jurnal Ilmiah Kajian Islam*, 4(1), Article 1.
<https://doi.org/10.24235/oasis.v4i1.4128>

Brown, G. (Ed.). (2016). The Long and Influential Life of the Universal Declaration of Human Rights. In *The Universal Declaration of Human Rights in the 21st Century: A Living Document in a Changing World* (pp. 29–38). Open Book Publishers. <https://books.openedition.org/obp/3058>

Farhan, I. (2016). Hak Asasi Manusia Dalam Islam: Studi Pemikiran Seyyed Hossein Nasr. *JURNAL YAQZHAN: Analisis Filsafat, Agama dan Kemanusiaan*, 2(1), Article 1. <https://doi.org/10.24235/jy.v2i1.955>

Hallo de Wolf, A., & Moerland, R. (2023). The UDHR as a living instrument at 75 and beyond. *Netherlands Quarterly of Human Rights*, 41(4), 182–189.
<https://doi.org/10.1177/09240519231214481>

Hamdani, M. F. (2016). Hukum Keluarga Islam dalam Perspektif HAM Universal (UDHR) dan HAM Islam (UIDHR). *AHKAM: Jurnal Ilmu Syariah*, 16(1), Article 1. <http://dx.doi.org/10.15408/ajis.v16i1.2892>

Hidayah, S. (2023). State Responsibility in Protecting Human Rights: An International Legal Perspective. *International Law Discourse in Southeast Asia*, 2(2), Article 2. <https://doi.org/10.15294/ildisea.v2i2.77145>

Humphrey, J. P. (1949). The Universal Declaration of Human Rights. *International Journal*, 4(4), 351–361. <https://doi.org/10.2307/40197502>

Idris, R., Idris, R. Z., Morshidi, A., & Azizan, A. A. D. A. (2024). Relationships between Ubudiyyah, Mas'uliyyah, Iqtan, Barakah principles and happiness at work among Muslims. *Multidisciplinary Science Journal*, 1(1), 1–14.

Kaur, S. (2015). Historical Development of Human Rights. *Journal of Social Science Research*, 6(2), Article 2. <https://doi.org/10.24297/jssr.v6i2.3469>

M. Anzaikhan, Sufrizal, & Idani, F. (2023). Konsep Kesetaraan Gender Dalam Islam: Studi Analisis Pemikiran Zakir Naik. *Jurnal Anifa: Studi Gender dan Anak*, 4(1), 1–24. <https://doi.org/10.32505/anifa.v4i1.4978>

Merrigan, M. (2015). Human Rights and Individual Responsibility: Identifying the Individual 'Margin of Appreciation.' In *Business, Ethics and Peace* (world; Vol. 24, pp. 103–124). Emerald Group Publishing Limited.
<https://doi.org/10.1108/S1572-832320150000024006>

O'Callaghan, P., Cronin, O., Kelly, B. D., Shiner, B., Walmsley, J., & McCarthy-Jones, S. (2024). The right to freedom of thought: An interdisciplinary analysis of the UN special rapporteur's report on freedom of thought. *The International*

Journal of Human Rights, 28(1), 1–23.
<https://doi.org/10.1080/13642987.2023.2227100>

Ridwan, M. (2018). Hak Asasi Manusia Dalam Piagam Madinah. *Veritas: Jurnal Pascasarjana Ilmu Hukum*, 4(1), Article 1.
<https://doi.org/10.34005/veritas.v4i1.201>

Selyawati, N. P., & Dewi, M. C. (2017). Implementation of Universal Human Rights Values Based on the Universal Declaration of Human Rights in Indonesia. *Lex Scientia Law Review*, 1(1), Article 1.
<https://doi.org/10.15294/lesrev.v1i01.19481>

Sholeh, M. (2018). Hak Asasi Manusia dalam Perspektif Islam. *Risda: Jurnal Pemikiran Dan Pendidikan Islam*, 2(2), Article 2.
<https://doi.org/10.59355/risda.v2i2.8>

Sulaiman, A., Supriyantho, S., & Puspitasari, F. F. (2019). Islam dan Pembebasan: Elemen-elemen Teologis dalam Menciptakan Transformasi Sosial. *NALAR: Jurnal Peradaban Dan Pemikiran Islam*, 3(2), 112–121.
<https://doi.org/10.23971/njppi.v3i2.1478>

Sunga, L. S. (2021). *Individual Responsibility in International Law for Serious Human Rights Violations*. Brill. <https://brill.com/display/title/9216>

Tri wahyuning Sih, S. (2018). Perlindungan dan Penegakan Hak Asasi Manusia (HAM) di Indonesia. *Legal Standing: Jurnal Ilmu Hukum*, 2(2), Article 2.
<https://doi.org/10.24269/ls.v2i2.1242>

Winarsih, W., Santoso, G., & Saing, S. A. (2023). Hak Kebebasan Individu dan Tanggung Jawab Sosial dalam Keputusan Pribadi pada Masyarakat Modern. *Jurnal Pendidikan Transformatif*, 2(3), Article 3.
<https://doi.org/10.9000/jpt.v2i3.1379>

Yuanitasari, D., & Kusmayanti, H. (2021). Human Rights Thought: Between Islamic Law and The Universal Declaration of Human Rights. *Asian Journal of Law and Humanity*, 1(1), Article 1. <https://doi.org/10.28918/ajlh.v1i1.582>