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# DEMOCRACY, HUMAN RIGHTS AND ISLAMIC LAW IN MOHAMMED ABED AL-JABIRI'S REFORMIST IDEAS

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## Abstract

*Mohammed Abed Al-Jabiri, an influential reformist Muslim thinker from Morocco, offers critical reading of the challenges of modernity and the role of religion in dealing with these challenges. This study aims to explore and present some of al-Jabiri's reformist ideas on contemporary issues that are expected to contribute to the literature of contemporary Islamic thought. This study employs the content analysis method. The analysis begins with a discussion of the relationship between religion and the state, then continues with the issue of the application of Islamic law, then the issue of democracy, and ends with a discussion of the issue of human rights. The study also compares al-Jabiri's thoughts with those of other Muslim thinkers such as Rachid Ghannaouchi, Malik Bennabi, Azyumardi Azra, and others. The results of this study reveal several main points. On the relationship between religion and the state, Al-Jabiri argues that Islam provides freedom for its people to do ijtihad to determine the ideology that is most relevant to their needs. Regarding the application of Islamic law, al-Jabiri offers two methods that he considers to be responsive to the need for legal certainty: the first method is the universality of law and the second is maqasid al-sharia which prioritizes the public good. As for democracy and human rights, al-Jabiri tries to define and harmonize the two ideas with Islam.*

**Keywords:** *Al-Jabiri; Democracy; Islamic Law; Human Rights; Islamic Thought*

## INTRODUCTION

Mohammed Abed Al-Jabiri is a Moroccan intellectual and thinker who was born on December 27, 1936 CE and died on May 3, 2010 CE. He is known for his contributions to philosophy, politics, and contemporary Islamic thought. Al-Jabiri spent his childhood in post-colonial Morocco characterized by the struggle for independence and the search for national identity. One of Al-Jabiri's greatest contributions is in renewing and reforming Islamic thought. Al-Jabiri emphasizes the need to understand Islamic intellectual heritage critically and contextually while considering modern challenges. Some of his famous works include *Bunyah al-Aql al-Arabi* (Al-Jabiri 1986)*, Al-Aql al-Siyasi al-Arabi* (Al-Jabiri 1991)*, Takwin al-Aql al-Arabi* (Al-Jabiri 2014)*, Isykaliyat al-Aql al-Arabi* (Al-Jabiri 2015)*,* and others. In his works, Al-Jabiri often highlights the need for Arab societies to update their methods of thought, especially regarding their intellectual traditions.

Al-Jabiri is also known for his focus on "Critique of Arabic Epistemology" which emphasizes the importance of historical, social, and philosophical contexts in understanding and researching various Islamic knowledge traditions. He argues that to address modern challenges, Arab societies need to build a strong epistemological base that combines Islamic intellectual traditions with contemporary methods of reading. Traditions should not be regarded as frozen or static entities, but rather as a basis for constructive and adaptive criticism (Al-Jabiri 1994). In addition to being known as a contemporary Muslim thinker, Al-Jabiri is also known as a political activist in Morocco and a sharp critic of the political regime in his country. He encourages building a society that is democratic, inclusive, and based on social justice. Al-Jabiri's thought and work made an important contribution to renewing Islamic thought and strengthening Arab intellectual identity. Despite his passing, his legacy continues to influence thought in the Arab world and for Muslims in general.

In his work entitled *Democracy, Human Rights, and Law in Islamic Thought,* al-Jabiri highlights several important themes, including the relationship between religion and the state, the application of Islamic law, democracy, and human rights (Al-Jabiri 2009a). It can be said that in his work al-Jabiri tries to use the idea of his new epistemology in analyzing these important themes. What al-Jabiri does is the actualization of a model of reading the tradition using contemporary methods that are critical, rational, and relevant to the times.

Regarding the relationship between religion and the state, many Muslim thinkers equate religion and the state. One of them is Hamka (1984) who argues that Islam is a religion that regulates the life of the world and the hereafter, oneself, and the public. Simply put, religion also regulates the state, and the state is closely related to religion. Al-Jabiri challenges this view arguing that historically Islam does not regulate what ideology its followers should adopt and practice (Al-Jabiri 2009a). Islam provides fundamental values that should be the foundation of governmental activities. As for the form, name, and originator, Islam frees Muslims to choose the one that best suits their needs.

Al-Jabiri's ijtihad in examining the form of government validated by Islam produces two main ideas, the first is that Islam is a religion that provides direction on the values that must exist in government activities such as prioritizing deliberation, justice, and responsibility. The second is that the Prophet Muhammad freed his people to exercise ijtihad in choosing the form of government that best suits their needs (Al-Jabiri 2009a), referring to a hadith that means *"You know better about the affairs of your world."* (al-Qushairy 2021) Al-Jabiri's view does not emphasize the idea of secularism of religion and the state but invites us to reflect on the foundations of Islamic law.

Regarding the application of Islamic law, al-Jabiri tries to offer two methods that he considers as methods that are responsive to the need for legal certainty. The first method is the universality of law and the second is *maqashid al-shari'a* which prioritizes the public good (*al-maslahah al-ammah)* (Al-Jabiri 2009a). As

for democracy and human rights, al-Jabiri tries to define them and harmonize them with what is taught in Islam. He concluded that the two themes are not contrary to Islamic teachings so their actualization must be supported by Muslims, especially by Arabs who long for change and renewal (Al-Jabiri 2009b).

This study seeks to present al-Jabiri's ideas as an applicative form of the renewal of Arabic epistemology that he promoted. So far, the existing research only focuses on providing explanations for al-Jabiri's criticism of *bayani, burhani*, and *irfani* reasoning while previous studies were reluctant to try to actualize the Arabic reasoning criticism and renewal project with today's problems. It is hoped that this research can contribute to enriching the literature of contemporary the literature of contemporary Islamic thought.

## METHOD

This research uses a qualitative-descriptive method to elaborate the ideas described by Al-Jabiri in his book entitled *Democracy, Human Rights and Law in Islamic Thought*. The approach used in this research is figure research and content analysis. This approach is adopted because it seeks to the discourse of a figure in academic development. Figure research and content analysis of the work of the figure being studied are very useful in testing the relevance of the figure's thoughts in the current context that is increasingly developing (Mustaqim 2014). This research thus aims to reflect al-Jabiri's views on democracy, human rights, and the application of Islamic law in the modern context and compares his views with other thinkers such as Rachid Ghannaouchi, Malik Bennabi, and others. This research is expected to contribute to the literature of Islamic thought.

## A TYPOLOGY OF CONTEMPORARY ISLAMIC THOUGHT

There are three typologies of thought that fill the discourse of contemporary Arab thought that focus on discussing tradition and modernity (Wijaya 2004a). The first typology is Transformative typology. This typology represents Arab

thinkers who violently and radically offer a transformation process in Arab-Islamic society from the old culture that tends to be traditional-partiarchal to the ideal of contemporary society that is more likely to be rational. They put aside overly theocentric and mystical perspectives that are not based on practical reasoning. They also consider that the religions and traditions of the past are no longer relevant to the demands and problems of the present. Therefore, the old worldview must be abandoned.

The next is the Reformative typology (Wijaya 2004b). If in the first typology, the idea they propose is social transformation, then in this typology the project worked on by the initiators is the reformation of the classical interpretation style with new interpretations that are more alive and more relevant to the problems and demands of the times. This typology, if examined more specifically, can be divided into several trends. One of the trends is the Arab thinkers who use the reconstructive approach method. The reconstructive approach method is a method that views tradition with a rebuilding perspective. This means that for the tradition of a society to remain alive and to be accepted, it must be rebuilt with a contemporary perspective, that is, with a more modern and rational framework of thought. This perspective is different from the traditionalist view which prioritizes the method of restating traditions. According to the traditionalist view, all Muslim problems have been discussed by scholars in the past. Therefore, the task of Muslim thinkers now is only to re-analyze and re-popularize all the thoughts that have been initiated by previous scholars. The reconstructive thinking tendency is represented by reformers such as Jamaluddin al-Afghani, Muhammad Abduh, and Abdurrahman Al-Kawakibi.

The third is the Ideal-Totalistic Typology (Wijaya 2004b), which has the main characteristics of having an idealistic attitude and view of Islamic teachings. This group is committed in totality to all aspects of religion that are summarized in Islamic culture. They seek to revive Islam as a religion, culture, and civilization. They reject foreign elements including all kinds of modern thought coming from

the West. They are of the view that Islam is sufficient to cover all guidance in social, political, and economic order. In their opinion, Islam does not need imported methods and theories from the West. They call for the authentication of Islam, which is the process of returning Islam to practice, especially to the practice that was carried out by the Prophet and his Caliphs.

In Abdullah Saeed's view, there are six typologies of Muslim thinkers today (Saeed 2006). Their styles of thought and epistemology are different. These include the Legalist-Traditionalists who focus on the laws developed by pre-modern scholars, the Theological Puritans' whose emphasis is on the ethical dimension and Islamic doctrine, the Political Islamist whose focus is on the political aspects of Islam to re-establish an Islamic state, the Islamist Extremist who tends to use violence against any individual or group that he considers an opponent or does not match his thoughts with them, the Secular Muslims who try to separate religious affairs from the state and consider religion a private matter, and the Progressive Ijtihadists, who are modern Muslim thinkers who seek to reinterpret religious teachings so that they can answer and meet the needs of modern society.

The position of al-Jabiri who offers a renewal project of Arabic-Islamic epistemology can be positioned as reformist and progressive ijtihadists. His focus on criticizing and renewing Arabic reasoning and his deconstruction agenda against the old heritage makes al-Jabiri one of the influential figures in the reform agenda of Islamic thought. The following are some discussions about al-Jabiri's paradigm on the relationship between religion and the state, the application of Islamic law today, democracy, human rights.

## RELATIONSHIP BETWEEN RELIGION AND

The Prophet Muhammad was sent to a social setting without a state. As is well known, the Arabs at that time held firm to the ideology of leadership and the application of laws that were adjusted by their respective tribes, so that to become

a country led by one person required a fairly long process (Haikal, et al. 2023). There needs to be a unification of dozens of tribes, not to mention the presence of the Baduy Arab community who often do not want to accept intervention or rules. War between tribes at that time was inevitable, because all tribes had their ambitions for power. We can reflect together at the time of the renovation of the Kaaba in the pre-prophetic period. The leaders of the tribe argued about who was most entitled to put the *hajar aswad* in its position. The leaders of the tribe almost committed bloodshed between one another. This was due to the ambition and pride of those who felt the noblest and most entitled to carry out the mandate (Dirraz 2003).

The young Muhammad who was nicknamed *al-Amin* (trusted person) by the Arabs then came and wanted to break the tension between the leaders of the tribe, and these leaders were sincerely ready to listen to the direction to solve this problem. After the Prophet Muhammad had deliberated on the solution to this problem, he then spread his *turban*, while telling the leaders of the tribe to grasp all sides of his turban, placed the *hajar aswad* on the cloth and the leaders of the tribe could take the role of delivering the hajar aswad to its position on an elbow of the four elbows of the kakbah, then ended with the Prophet lifting and placing the hajar aswad in its position as before (Al-Siba'i 1985).

From the story it can be concluded that friction between the tribes in the pre-prophetic era was very vulnerable. The issue underlying the debate, among others, was about who had the most right to lead. This kind of thing is caused by the absence of fixed rules in society and the emergence of an awareness of the importance of the unity of the people. In other words, the Arab community in that era did not yet have the awareness to unite in the state. The leadership model that existed in that era was the monarchy/royal leadership model as practiced by the Romans.

The issue of leadership arose again after the death of the Prophet Muhammad. The Prophet who had succeeded in becoming a messenger to spread

a new religion also found success in uniting the Arab tribes at that time so that the first Islamic state government was formed and led by the Prophet who also held the mandate as God's messenger in spreading religious treatises. The problem of leadership arose because, after the death of the Prophet Muhammad, the companions were confused about being able to choose and decide who was entitled and suitable to replace the Prophet Muhammad as the leader of religion and government (Al-Jabiri 2009a).

Al-Jabiri argues that the friction between groups that occurred after the Prophet died, was none other than the cause of the absence of direct appointment by the Prophet regarding who was entitled to be entrusted with the leadership of the Islamic state after his death. The Prophet also did not convey in detail and specifically in his revelation regarding the ideal state ideological model according to Islam (Al-Jabiri 2009a). Many theories suggest that the Prophet had implicitly appointed Abu Bakr as his successor (Bon 2012). However, in the case of the election of the successor leader of the Prophet carried out at *Saqifah Bani Saidah* was a gathering place in Medina where an important political meeting took place after the death of Prophet Muhammad. This meeting was crucial in determining the leadership of the Muslim community after the Prophet's passing. There was still disagreement among the companions.

In the conflict, there was a group that insisted on saying that the Muhajirin were the most suitable to be made caliph because they were the Quraysh who were faithful in following and supporting the Prophet's preaching. There is also a group that insists on proposing candidates from the Anshar group, the reason for this group is because the Anshar are the cause of the state of Medina can develop and proselytize Islam is getting better and more widespread. It can also be identified that this period was the first time the emergence of the Shi'a sect, namely the group supporting Sayyidina Ali to replace his father-in-law as the leader of Islam (caliph) (Amin 1969). The model of election of the caliphs was practically different according to the period. The leadership model of the Caliphs after the

Prophet in form and policy was much different from what the Prophet had done, but the principle used remained the same, namely the principle of deliberation (Al-Shura).

Al-Jabiri further argues that there is a fundamental question about the relationship between religion and the state, which is 'Does Islam prescribe the form of leadership for a state in detail in its revelation? Or can we choose the form of leadership ideology that best suits our time and place? By referring to the Prophet's hadith which means *"You are more knowledgeable about the affairs of your world."* (al-Qushairy 2021) Al-Jabiri gives many examples in his book of various state ideologies from the beginning of Islam to the advent of democracy in this modern era. He considers that the value foundations in Islam are sufficient to represent the form of state that Islam aspires to. Ijtihad is necessary because the demands of the times require Muslim thinkers or those in charge of a country to choose what ideology or form of government is most appropriate.

What al-Jabiri underlines when describing changes in the form of government since the early Islamic era and the next era is the change in the form of leadership in Islamic history which encourages the search and research of the ideological model that best suits the current place and time. Islam is a guide to life, and the state is the setting in which Islamic values can be applied. This is because Islam conveys more ethical values and virtues globally and does not focus on a particular model of ideology. From here it can be understood that in the relationship between religion and the state, Islam with its noble values occupies a position as a supervisor of the ideology that will be formed and adopted by society. As for the 'what or how' ideology to be chosen, Islam opens the opportunity for the world community to make ijtihad to determine the form of ideology that best suits the development and challenges of the times.

Azyumardi Azra recognizes that the issue of religion and the state has been of Islamic scholars since centuries ago until the present era, and this problem has not been solved completely (interpretation of it remains open) (Azra 2016). The

statement can be understood that Islam as a religion has a role in providing an understanding of all the virtues of its followers, and Islam also encourages its people to continue to develop various kinds of renewal to face the challenges of the present as well as the future.

## APPLICATION OF ISLAMIC LAW

The application of Islamic Law is the process of implementing the rules and principles of Islamic Law in the lives of individuals, communities, and states. The discussion focuses on the application of Islamic law as the state law (official state law) by trying to present a historical study of the differences in Islam, both in matters of faith and law since the death of the Prophet Muhammad (Al-Jabiri 2009a). When viewed from the form of these differences, there is an element of problem-solving carried out by the moderate group. The emergence of moderate groups is nothing but the result of novelty from the process of reflection on old thinking. Muhammad bin Idris al-Shafi'i for example, reconciled rational and textual groups in the field of Islamic law (Nahrawi 1988). Likewise, Abu al-Hasan al-Ash'ari reconciled two extreme theological school, Jabbariyah and Qadariyah, in the field of faith (*aqidah*) (Al-Ghazali 1985). Al-Jabiri then concludeds that there would be no significant development unless the *mujtahids* tried to reflect on the roots of the authoritative sources to be constructed according to the current time and place (Al-Jabiri 2009a).

In relation to ijtihad, that is the exertion of effort by a mujtahid to examine a proposition to produce a new legal conclusion (Al-Subki 2003), which results in renewal *(al-tajdid),* al-Jabiri tries to analyze the method adopted in ijtihad activities from the past to the present. The method is known as analogy (*al-qiyas*). The method tries to compare particular things with other particular things. In other words analogy is comparing and equating something that is not regulated in the text to something that is regulated or something that has a textual basis. Al-Jabiri concludes that with the limited texts available and endless problems, the door to

ijtihad will undoubtedly close by itself (Al-Jabiri 2009a). From his conclusion, al-Jabiri offers new forms and methods of ijtihad that seem more relevant to developments that occur in the present and states that legal rationality is an effective way that can be used to respond to new events and developments.

The method offered by al-Jabiri is the method of legal universality and returning a new problem to the intent or purpose of shari'ah (*maqasid al-shari'ah*). *Maqashid al-Shari'a* refers to the ultimate objectives and higher intents of Islamic law, ensuring that all rulings aim to bring benefit and prevent harm in society. It is built upon five fundamental principles: the preservation of religion, life, intellect, lineage, and wealth. These principles serve as the foundation for legal and ethical decision-making in Islam, guiding individuals and communities toward justice, balance, and social well-being. By upholding these objectives, Islamic law remains flexible and applicable in different contexts, addressing contemporary challenges while maintaining its core values. Al-Jabiri mentions that with the method of legal universality, these comprehensive rules can be applied to certain possibilities that may arise. The point is that Islam has certain norms and values that are universal, so if there is a new event that does not have a textual basis, then the event is returned to the universal value. If it is accepted by universal values, then the new thing can be given syrai'a validation. If not, then it is rejected by the shariah.

The next method offered by al-Jabiri is the method of returning something new to the intent and purpose of shari'ah. Regarding this *maqasid al-shari'ah* method, al-Jabiri is interested in one prominent figure who is called the pioneer of *maqasid al-shari'ah* science, namely Abu Ishak al-Syathibi. The consideration of general benefit applied in *maqasid al-shari'ah*, in al-Jabiri's view, can be a guiding principle. He quoted the statement of al-Syathibi's followers (Al-Jabiri 2009a), when a shariah text contradicts the public good, the public good takes precedence. This is because the shari'ah text was originally revealed to safeguard the public good that was appropriate in that era. When needs change and times

change, then the public good that is relevant in the present can override the existence of texts that aspire to the public good in the past. The *maqasid al-shari'ah* method that focuses on the public good (*al-maslahah al-ammah)* in al-Jabiri's opinion is a form of dynamic and innovative ijtihad that is relevant to the needs of the present.

Regarding shari'ah, al-Jabiri takes the view that shari'ah has never been perfect and has never been fully applied in a particular era. In contrast to other opinions that state that shariah was perfect in the era of the Prophet and fully applied in that era and the era after him (*khulafa al-rashidin*). Al-Jabiri builds his view on the basis that sharia was not revealed directly at the same time but began since the prophetic treatise was assigned to Muhammad when he was 40 years old. According to him, the death of the Prophet Muhammad and the revelation of surah al-maidah (5): 3 which implies the completion of the foundation of sharia, is only part of sharia and not the whole (Al-Jabiri 2009a). The true concept of shariah will continue to be clarified and enriched by the results of ijtihad since the death of the Prophet Muhammad. The statement that sharia can overcome all times and places implies that shari'ah will never be finished. Sharia is something that is constantly evolving, just as it is in the contemporary era.

Al-Jabiri continues to write about his rejection of the term hudud in Islamic law. He argues that the current activities of cutting off hands for thieves or even stoning adulterers are no longer relevant, especially since there are Prophetic traditions that urge us to avoid hudud punishment if we are in doubt (Al-Jabiri 2009a). Modern society argues that all violence in this world must be eliminated, even if it is in the name of religion. Al-Jabiri based his rejection of the term hudud on the ijtihad that had been carried out by Sayyidina Umar in the famine season of his time when Umar temporarily abolished the punishment of cutting hands for thieves based on *istihsan* (Zuhaili 1997). With these historical foundations, Al-Jabiri became increasingly convinced that Islamic law, or more specifically, the law governing worldly matters can be reformulated, and can also be adapted to

the times. This is in line with the opinion of a Muslim scholar Wahbah Zuhaili. He wrote that if we consider physical punishment for wrongdoers solely aimed at improving the morals of the perpetrator, is not the most basic thing is to provide counseling to them in a more polite style so that polite guidance can be more imprinted on their feelings and it is hoped that with this counseling, they can repent not to repeat their actions (Zuhaili 1997). Although his views are often considered controversial, especially by conservative circles, it cannot be denied that Al-Jabiri's thoughts make a valuable contribution to efforts to formulate a more inclusive and contextual understanding of sharia. In a changing world, where the challenges and complexities of society are growing, sharia reforms such as the one he proposes are becoming increasingly relevant and important.

## DEMOCRACY

Al-Jabiri has an interesting take on democracy. His views often challenges traditional views in the context of the Arab world. Al-Jabiri emphasizes the need to understand democracy as a dynamic and contextual concept, which can be interpreted and applied according to the social, cultural, and political realities of a society. According to his perspective, democracy is a political, social, and economic system based on three principles. The first principle is to uphold human rights to freedom and equality for each citizen. The second principle is the need for the purification of state institutions, he highlighted that most state institutions today are too focused on social status, ethnicity, religion, and even affiliation to certain parties, so inequality often occurs in the decision-making process (Al-Jabiri 2009a).

He adds that if a country wants to transition into a democracy, it is necessary to purify and eliminate all kinds of differences or divisions, which are the fundamental causes of unfair decisions. The third principle is about minority voices that must be heard by leaders. Usually, the state always upholds the voice of the majority. So that the voice of the struggle for the rights of the minority

becomes faded and increasingly inaudible. Likewise, regarding differences in social status in society, usually, the law is more often blunt upwards and pointed downwards (Al-Jabiri 2009a).

Furthermore, al-Jabiri highlights the dangers of a too-narrow understanding of democracy, which considers democracy only as an electoral process. For him, true democracy should encompass more than just formal political mechanisms but should also include aspects such as freedom of speech, social justice, protection of human rights, and active political participation of all citizens. However, al-Jabiri is also aware that the implementation of democracy in the Arab world is faced with unique challenges, including issues such as authoritarianism, the concept of a religious state, and the issue of secularization. Therefore, he emphasizes that the process towards a successful democracy in the Arab world requires a deep renewal of political, social, and cultural thought (Al-Jabiri 2015).

In addition, al-Jabiri highlights the importance of building an inclusive and participatory democracy where all levels of society have equal access to the political and decision-making process. Al-Jabiri argues that the Arab society's need for democracy must be balanced with the Arab society's need for rationality. Democracy and rationality can be a complete unity in carrying out politics by reason, logic, and morals. It can also prevent political actors from lust, fanaticism, and other bad things that can lead to chaos (Al-Jabiri 2009a). In conclusion, al-Jabiri does not see democracy as an end goal, but as an evolving process that requires the active involvement of all members of society. For him, true democracy can only be realized through continuous renewal, inclusive dialogue, and a strong commitment to the principles of justice, equality, and human dignity.

Al-Jabiri suggests in his book entitled *Al-Aql al-Siyasi al-Arabi*, that we focus on efforts related to the development of democracy in the Arab-Islamic tradition. Efforts related to the development of democracy in the Arab-Islamic tradition include liberating the authoritarian political system by exposing the shortcomings of ideological centralization, both in social, religious, and

philosophical forms (Al-Jabiri 1991). According to al-Jabiri, awareness of the need for democracy requires an overhaul of the style of thinking that underlies the emergence of authoritarianism and its centralization. The overhaul of this mindset is one part of his 'critique of Arabic reason' project and is a top priority in his works.

Regarding the traditional Islamic model of government, after a long debate on "whether the Imamate is something that is prescribed or not", al-Jabiri concludes that the form of government is a matter that must be adjusted to the context of the times. Al-Jabiri reveals that reforms and changes in the form of government of a country are built on elements referred to by al-Jabiri as Islamic ethics (values) in government (Al-Jabiri 2009a). These elements are the principle of deliberation, the principle of responsibility, and the freedom of ijtihad by the context and setting of needs. It is from this element of freedom of ijtihad that al-Jabiri chose democracy as the most suitable concept of government for Arab society.

Almost in line with al-Jabiri, Ghannouchi, a Tunisian thinker, strongly supports and believes that Islam is not against democracy. According to him, the traditions of Islam have concepts that are compatible with democracy. From the basis of this concept, Ghannouchi believes that Islamic societies will certainly have no difficulty in understanding democracy. The concepts he refers to include deliberation, mutual agreement *(ijma'),* renewal of understanding *(ijtihad),* and the concept of leadership (Ghannouchi 1993a). In his opinion, Islam also strongly upholds good values, such as freedom, justice, equality, human rights, community welfare, peace, tolerance, and others.

For Ghannaochi, democracy is a set of tools and mechanisms to control government power. Democracy is not just a philosophy or ideology (Ghannouchi 1993a). His view is like that of Malik Bennabi, who sees democracy as not just a political process, but a way of looking at collective issues that begins with awakening the democratic and ethical spirit in everyone (Bennabi 1991). For him,

Islamic governance is a psycho-sociology and educational mechanism for the entire nation. This view is in line with what is stated by al-Jabiri who emphasizes that democracy is not limited to elections conducted by everyone, but a social, cultural, and political system of society that is bound by certain values and principles.

In the context of Indonesia, Quraish Shihab argues that the invitation and efforts to uphold democracy are essentially none other than to realize a civilized society. He asserts that the state that Islam wants to form is a state that prioritizes deliberation in finding or resolving community problems and applies justice and equality regarding the rights and obligations of all people regardless of religion, ethnicity, and social position (Shihab 2023). The values of democracy, which include the freedom to choose leaders, the upholding of justice, and the eradication of injustice, are nothing less than the breath of Islam that we must strive for and fight for. Therefore, any invitation that is not accompanied by efforts to uphold democracy must be kept away, because it will only threaten the stability of the state and security.

## HUMAN RIGHTS

Islam has many humanitarian principles that are regulated in its sharia. An example is the principle of *amar ma'ruf nahi munkar* (Al-Haqil 1997). With this principle, Muslims can accept and accommodate all forms of goodness regardless of its source. Likewise, the principle derived from the Prophet's hadith which reads: *"If you find an evil, then change your hands, if you are unable to then try to change it with the help of your tongue, if you are not able to also then pray that it can soon turn into good."* (Al-Fayumi 2018).

Shari'ah guidelines encourage us to continue to internalize and create all kinds of goodness and also encourage us to avoid and eliminate all kinds of evil (Al-Syathibi 1997). The struggle for human rights is an example of human awareness to defend their rights that are taken away by others, in this case, Islam

also encourages its people to fight for all goodness and eliminate all evil, therefore we can conclude that the struggle for human rights is something that is justified by Islam.

European philosophers in the 18th century based human rights on two main rights, the right to liberty and the right to equality (Al-Jabiri 2009a). These rights were established to reaffirm the correlation between the human natural system with reason, basic human needs, and the social contract between humans. In the Islamic context, the Qur'an emphasizes the use of reason to be able to weigh the benefits of things done. An example is Surah Ash-Shu'ara (71): 4, which questions the benefits of idol worship to the polytheists. What is initiated by tradition does not necessarily have to be followed, because we are given a reason to be able to change it for the better. Similarly, oppression and discrimination perpetrated by people in the past are embodied by the Declaration of Human Rights.

As for the basic needs of humans, Islam explains the concept of fitnah. This concept emphasizes the equality of human needs. The oppressed in Islam must be elevated, and that is one of the forms of the Islamic revolution (Al-Jabiri 2009a). Islam also provides fundamental concepts regarding social relations. Among other things, eliminating difficulties between fellow humans, the recommendation to lighten the burden of fellow humans, the recommendation to cover each other's shortcomings, and others (Imani, Adrian, dan Imawan 2025).

Al-Jabiri presents an interesting issue in this discussion of human rights, creating a chapter entitled "Freedom is one thing, Apostasy is another" (Al-Jabiri 2009a). On this occasion, he argues for the freedom of religion sought by human rights activists. He bases his argument on a verse from surah Al-Kahf (18): 29 which reads "*Verily, the truth is from your Lord; whosoever wills, believes, and whosoever wills, disbelieves*". He also quotes two verses from surah Al-Ghasiyah (88): 21-22 which read *"So warn them, verily you (Prophet Muhammad) are but a warner. You are not the one who can control them"*.

From these verses, it can be concluded that Islamic preaching is not coercive. Although there are verses that contain threats about the punishment of the hereafter, a Muslim can only be an enforcer for other humans, and the freedom to choose religion (religion) in other humans is not our control, all returns to the prerogative of God who can guide the servant he wants.

Abdullahi Ahmed al-Naim argues that the right to freedom of religion cannot be accepted by most Muslims because they are still bound by the old *maqasid al-shari'ah* concept. That is the concept of maintaining a religion that negates other forms of religiosity (Abdullah 2011). Auda with his system approach that seeks to renew the concept of *maqasid al-shari'ah* concludes that the new paradigm in *maqasid al-shari'ah* must be loaded with the value of development and rights. So, in the case of freedom of religion, Auda argues that *hifzh al-din* (protecting religion) is to maintain, protect, and respect freedom of religion and belief. Likewise, the concept of *hifzh al-'irdh* (protecting honor) has new implications for the preservation and protection of human dignity, namely by protecting human rights (Abdullah 2011).

Yusdani, in *Freedom of Religion in the Perspective of Human Rights* ( 2011)*,* argues that a solution approach is needed to overcome the problem of religious freedom. The solution approach includes a socio-cultural approach and law enforcement. In his view, the sociocultural approach is the basic capital that can help people to communicate with each other about the real differences that occur in their midst. So with this socio-cultural approach, the community becomes wiser in appreciating every difference and it is hoped that it will also create inter-religious harmony. As for law enforcement, Yusdani argues that the issue of religious freedom must be the concern of the government and law enforcement institutions. There needs to be monitoring, evaluation, and enforcement of religious freedom laws. One of them is related to the licensing of the establishment of houses of worship. With the participation of the government and

law enforcement institutions, justice and harmony can be realized immediately and the impact can be felt by all religious people in a country.

## CONCLUSIONS

From what has been elaborated above, it can be concluded that issues of renewal in Islamic thought must continue to be developed and preserved. However, sometimes these thoughts differ or even contradict what we believe in. On this occasion, in studying contemporary thought, we should not immediately accept without criticizing the novelty offered by Muslim reformists. We must read these ideas further to test whether they are *ashlah* (better) so that we must embrace them to arrive at new reforms, or whether we must maintain the old thoughts that are *shalih* (good). The main characteristic of the reformers in Islamic thought is that they offer a novelty that is very attractive to our intellectual tastes. However, if we examine further, there are still some shortcomings that we must perfect or even the incompatibility of the offers they put forward with the Indonesian context.

Reflections on democracy, the application of Islamic law, and human rights issues have become hot topics of discussion. The correlation between religion and socio-humanities has also become a model of research that is currently very intensively carried out. Likewise, the method of reading the old intellectual heritage with a new, fresher approach is also important. By examining the thoughts of Muslim reformers, we can conclude from their reading that religion and reality must go hand in hand. Religion is not only a benchmark or guideline to reach heaven alone but must also be a guide for worldly life in the present. In the face of modernity that is increasingly developing, Muslims are required to look for views that are more relevant to the context of their lives and are also required to adjust them to what is stated in the holy book so that they can be realized and cultivated in everyday life.

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