



An Analysis of the Principles of Human Rights in Islam

NIMAH M. ABDULRAHEEM

Abstract. The concept of human rights in Islam presupposes that the purpose of existence under Islamic law is basically to serve Allah. Hence the duty of man towards his creator embraces both his duty to the society and to his fellow human beings. The relationship between the concept of human rights in Islam and that of the West has been a very controversial one. It is the belief of the West that non-Western cultures, including Islam did not possess the notion of human right before it was conceptualized by them. While not denying the fact that contemporary human rights law are basically products of Western civilization, this paper argues that human right is not an exclusive idea of the West as the idea was first conceived in Islam some fourteen centuries ago and that the principles which were enshrined in the contemporary human right instruments were originally conceptualized by Islam from its cradle. This paper therefore analyses the principles of human rights in Islam with a view to ascertaining its existence in Islamic culture before the Western conception. The paper intends to argue further that since Islam predates the Western notion of human rights, it then means that genuine human rights are contained in Islam. It will at the end concludes that Islam is a complete way of life and has left no stone unturned, including the concept of human rights.

1. Introduction

The concept of human right in Islam is regarded as fundamental basic rights for all mankind

without exception. These rights are ordained by Almighty Allah, as such, they are divine and obligatory on all Muslims to protect and restore them whenever they are violated. This assertion goes to show that individual rights in Islam are adequately catered for and protected, and an Islamic state being subject to the divine law is compelled to protect the rights of every individual living in the state, whether they are Muslims or non- Muslims. The rights are to be observed and respected under all circumstances. Hence, human rights in Islam are based on the idea that all human beings, irrespective of circumstances of their birth , religion, creed or other differences have the same rights which must be protected at all time and under any circumstances by an Islamic state. The rights are comprehensive and applicable to all situation and circumstances regardless of any consideration as to race, religion, colour or any other consideration. They can neither be amended nor suspended and their violation warrant divine punishment in this world and in the hereafter, unless the offender is forgiven by the offended. This paper therefore analyses the basic principle of human right in Islam with a view to ascertaining its existence in Islamic culture before the Western conception. It will at the end concludes that Islam is a complete way of life and has left no stone unturned, including the concept of human rights.

2. Notion of Human Rights

The relationship between the concept of human rights in Islam and that of the West has been a

very controversial one. This is because the West, due to her economic power, has always dominated human right discourse and forced her ideas on other parts of the world, especially the third world countries such as Africa which is noted for her economic weakness. Many Western scholars are of the view that human right is a Western concept and that non-Western culture did not have the notion of human rights before it was conceptualized by them. They argued that, at best, other cultures only possess the notion of human dignity and not genuine human rights. It was particularly argued that human rights in Islam are only duties of rulers and individuals and not a right by anyone. It was further argued that the Islamic injunctions often cited by Muslims as establishing a right to protection of life are in fact divine injunctions not to kill and to consider life as inviolable. In the same vein, it was argued that the right to justice proves to be a duty to the ruler to establish justice only and not even an obligation to others but an obligation of the alleged right holder. Further in the argument, it was stated that although Muslims are regularly and forcefully enjoined to treat their fellow men with respect and dignity but that the basis for these injunctions are not human rights but divine commands which establish duties. It can therefore be seen that the contemporary global world is dominated by a Western attitude of cultural superiority, which views the concept of human right as its own ideological context alone and as such treats the concept as exclusive of cultural relativism. Some Muslims followed the terrain of argument of the West in believing that the contemporary human rights laws, are basically the products of the Western civilization. Their argument is premised on the language used by various treaties and conventions being English, which is the language of the West and claimed that the equivalent of such may not be found in the non-Western cultures, including Islam. This position could be said to be incorrect, as evidence are abound in the Qur'an and *Sunnah* of the Prophet (SAW) showing clearly a more concrete and robust human rights in Islam which uncontrovertibly predates the Western notion of the concept.

Apart from the above argument, it is further submitted that the concept of human right in the contemporary sense is alien even to the Medieval England. At this period, all men and women were subject to the will of Almighty God and under him, to his worldly 'agents', primarily, the King and the higher Clergy. At this period the people could only do or practice what they wish with the consent or tacit approval of the Worldly authorities. However, the development which led to the modern notion of human rights started with the recognition of the rights of the lesser individual which began in 1215 with the issue of Magna Carter, which in English language means the "Great Charter." The Charter only granted the Baron and the freemen in England certain specific rights, primarily, freedom from imprisonment without trial. Arguably, the document later serves as the foundation for many European Constitutions and the contemporary human rights which was finally embodied in the Universal Declaration of Human Rights in 1946.

Although the Universal Declaration of Human Rights was adopted and approved by all nations, with a vote of forty eight to zero and eight absentions, happened to be the first proclamation on the rights and freedom of man, the document is not legally binding or enforceable but serves as the bedrock of human rights under English law. Some Muslim scholars have postulated and persistently argued that human rights as it is laid down today is not an exclusive idea of the West as claimed by some Western scholars. According to them, the idea was first conceived in Islam some Fourteen Centuries ago and that the principles which were enshrined in the Universal Declaration of Human Rights were originally conceptualized by Islam from its cradle. Hence, they belief that the basic provisions contained in the Universal Declaration of Human Rights are consistent with the basic ideals of Islamic law and not vice-versa. On the other hand, some other Muslim Scholars have argued that since Islam predates the Western notion of human rights, it then means that genuine human rights are contained in Islam. They argued further that Western human right is incomplete because it left out certain basic ideals which according to Muslims, are human rights within Islamic parlance.

In the contemporary world, it is obvious that many Muslim states have adopted and ratified some international and regional human rights Conventions but without domesticating them. The bone of contention, however, remains that there are certain principles in the various Conventions which are not in conformity with the Islamic principles.

i. Western Concept of Rights

The Word ‘right’ under English law is the singular form of rights derived from the Latin word ‘rectus’, which means something to which a person has a total and valid claim, be it land, a thing, or other privilege of doing something or saying something. Right under English law is a word derived from the language of lawyers and it is solidly influenced by their origin. Similarly, some Western scholars consider rights to be a special entitlement of an individual. This view has however warned that it is not just any benefit that qualifies to be a right but only those ones to which an individual is entitled to claim. This view also postulates that not even all benefits that one is obliged to render to another will qualify as a right. Thus human rights according to the West, connotes the rights which a person has for being a human being or rights that are derived from the inherent dignity of human person. To have a human right under the Western law, one does not need to do anything other than being born as a human being. Thus the rights are inalienable because they are attached to human personality and can neither be renounced nor transferred, to do this will be tantamount to destroying one’s humanity and become something less than human being which is not morally recognized.

ii. Concept of Rights in Islam

The Arabic word for ‘right’ under Islamic law is called *haqq*, which is the singular form of rights known in Arabic as *huquq*. The word literally means truth, correctness, rightness, rightful possession, and property, one’s due, duty, true, authentic, real, right, fair and reasonable etc. The term, technically, can be defined as the ways human beings make use of, and benefit from, what God has created for them in the world in which He has placed them. Islam clearly specifies to the Muslims that Almighty Allah

makes the bounties of the world as the right of mankind. Nonetheless, it has been a major objective of Sharia to specify different kinds of rights according to the categories of people entitled to them.

Rights in Islam apart from being divine in nature are irrevocable and immutable. Thus both the state and its subject are bound divinely to follow and observe the individual rights unless otherwise provided by due process of law. The notion of right under Islamic law could be classified into two: Right of Allah (*Huquq-Allah*) and right of Man (*Huquq Al-Ibadat*).

a. Huquq-Allah (Right of Allah). The *Usulists* referred to this right as acts which are solemnly due to Allah. This right must not be construed to mean the right attached to Almighty Allah in His Majesty as His personal right but relates to the realm of faith (*Iman*) and devotional act of worship. For instance, Fasting, Jihad, Hajj, Zaka’at and acts of rituals like Zaka’atul-fitr and ordained punishments. These are basically rights which are due to Almighty Allah from man. The right of Allah includes acts which are duties to Allah and man but that of Allah prevails. This refers to a set of rights belonging to the community as whole by means of which, a universal benefit is realized. These acts and duties are ordained by Allah for the societal benefit alone and in which case, individual benefit is not considered as the rights are generally attached to public interest. The rights are attached to Allah because they emanated from Him for the betterment of the public. For instance, the right embodied in public treasury, the punishment for slander (*qadhif*) and rape. Similarly, the right of Allah includes rights which are duties to Allah and man but that of man prevails. For instance, the right of Victim of a murderer to forgive his killer before his death. This is because, the right to life for the purpose of which killing is prohibited can no longer be rectified, hence priority is given to the right of the man over that of Allah. One point of caution in this case is that, regardless of the fact that priority is given to the right of man over that of Allah does not totally ignore the right of Allah over the murderer, as he is still expected to be punished by an Islamic state. Hence observing the right of Allah. Also, the

right of Allah includes specific cases, such as the right of people who are incapable of self-protection. For instance, the right of women and children and custody of children without guardians.

It must be noted that an individual or the Islamic state does not have any power or option over rights which are due to Allah or on rights where that of Allah and man interlock but that of Allah prevails, however, where that of man prevails, an individual has the veto power to do as he wishes on the rights.

b. Huquq Al-Ibadat (Right of Man). This refers to acts which are strictly due to man. They are acts and duties due to man and ordained by Allah for the benefit of respective individuals and not for public interest. It refers to the action that people perform to acquire what is suitable and useful for them. It includes prevention of what is harmful, that is provided but which does not result in the undermining of public interest and which does not cause general harm or the undermining of an individual's interest or the causing of harm to him or her. In this case, an individual who is the possessor of the right can claim the right or may decide to forgo it. For instance, tortious liability due from the damage incurred on one's property, recovery loan or debt and retaining mortgaged property.

It must be stated that right of Allah is inseparable from right of man as both are ordained by Allah. Hence, it will be an affront to observe the right of man without having first obey Allah from Whom the commandments originated. This is because, obedience to Allah in itself is a right of Allah, which must be observed, hence, the classification of right into that of Allah and that of man is just an academic exercise which can be discountenanced with, as all rights emanate and belong to Allah. Thus the cumulative right of Allah consist of those rights which Allah has prescribed as obligatory and the protection of which, people are compelled to observe.

As stated earlier, one very important nature of this right which is necessary to be reiterated is that no one is allowed to ignore them because they serve as a means of preserving the universal and ultimate objective of the Sharia, which is

going to be the subject of the next segment of this work. They also serve to prevent the people's action in pursuit of their personal or public interest from leading to the undermining of those objectives of Sharia. In the like manner, they serves to safe guard the rights of the weak who might not be able to protect their rights.

3. Muqasid-Al- Sharia (Objectives of Sharia)

Objective of Sharia consists of the methods intended by law giver for realizing the useful purpose of human beings or preserving their public interest relating to their private conduct. The aim of Islam is to prevent people's pursuit of the personal interests from leading to the undermining of their established public interests. Before engaging into an in-depth discussion on principles of human rights in Islam, it is pertinent to discuss in brief the state of human rights which are basically the content of the Sharia objectives, in Arabia before Islam.

In pre-Islamic Arabia, which is usually referred to in Islam as *Jahiliyyah* period, chaos, anarchy, bloodshed and insecurity characterized the days. Killings of the fellow human beings were common occurrence as there was no respect for sanctity of human life. Aside this, property right was not recognized, the strongest among them usually take over the property of the weak. Thus, the issue of human rights was not a recognized concept since there was no means through which individuals could claim and attain their dignity. The concept was only known in Islam at the advent of the message of Islam to the entire mankind through the medium of the holy Prophet (SAW). It will therefore be right to say that the concept of human right in Islam was not as a result of any evolution of any human thought but by the divine revelation which was conveyed to the whole world through Prophet Muhammad. Having laid down this background, it is pertinent to discuss the basic human rights in Islam as contained in various objectives of Sharia since the basic objective of Sharia is to protect the interest of the public from being undermined in the course of pursuit of individual interests.

Basic objective of Sharia

The basic objective of Sharia can be classified into three major division:

- (i) Daruriyyah (The Essential)
- (ii) Hajjiyyat (The Complementary)
- (iii) Tahsiniyyah (The Embelishment)

The author of this classification Posits that the above classification is not mentioned in the Holy Qur'an and *Sunnah*, he however, suggests that Scholars of Islamic Jurisprudence have come up with this classification based on their readings and understanding of the general objectives of Sharia mentioned in the various text. It must be noted that all the various injunctions of Sharia aim at realization of one objective or the other. For the purpose of this work, however, focus shall be on the first classification, Daruriyyah (The Essential) as it forms the central theme of this work.

Daruriyyah (The Essential) are the matters on which religion and the worldly affairs of the people rest. The neglect of it may lead to total disruption and disorder of the society. As such, Islam makes it an obligation on the individual, the rulers and the entire society to take all necessary measures to safeguard them. Daruriyyah (The Essential) is further divided into five fundamental values, these values are necessary and basic to human life and existence. Hence, Islam makes it a duty on all Muslims to protect these values and remove all impediments which may inhibit the full application of the values. Based on this fact, Islam has decreed certain guiding principles to ensure the full and effective application and protection of the values. This guiding principles are what is referred to in the modern sense as the principles of human rights in Islam. Some of these principles are therefore discussed under these various fundamental values as follows:

i. Protection of al adin (Religion)

The phrase 'protection of religion' in this case is not used in its narrow sense to restrict it to rituals but in its wider application to include a total way of life which is guided by the Qur'an and *Sunnah*. Islam makes it compulsory for every Muslim to protect his religion at both personal and general levels. This can be achieved at personal level through performance of various acts of *Ibadah* such as praying, fasting, performing hajj and payment of zaka'at. Performance of this acts will guide a Muslim

and prevent him from engaging in evil or sinful acts. The protection of religion can be viewed from two dimensions, protection from aggression and right to justice.

Protection from Aggression

The protection of *al din* at the general level and in its wider application extends to defending an Islamic state when it is attacked by enemy or external aggressors. This can be achieved by means of writing, spoken words and even by physical means. In fact Islam grants Muslim permission to wage war against aggressors if the situation warrants, however, it must be done for the sole purpose of protecting an Islamic state from destruction and extinction. This obligation is part of the means to prevent evil. Thus, if the *din* is not protected, it may lead to an evil. To prevent such, Muslims have been commanded by Almighty Allah to defend their faith when the need arises.

Right to Justice

In Islam, upholding Justice ('adl) is another basic objective of Sharia in social sphere. It is the supreme goal and objectives of Islam and Allah has sent messengers to establish justice on earth. It is another way of protecting of *al din* and preventing evil in the society. Justice literally means placing things in their right place where they belong. It is a way of establishing a balance by way of fulfilling rights and obligations and by eliminating excess and disparity in all sphere of life. The concept of justice in Islam is not confined to the judicial aspect but covers all areas of life including individual justice, social justice and international justice. Islam obliged Muslims to be upright in character and deal justly with all manner of people without any discrimination. This obligation on government or other public agencies translate to the citizen's right to be treated fairly. In this respect, the Qur'an provides that:

O you who believe! Stand out firmly for Allah as just witnesses, and let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety; and fear Allah. Verily, Allah is well acquainted with what you do.

The fact that somebody is not a Muslim should not preclude him or her from getting justice

from a Muslim leader. In another verse, the Qur'an says:

O you who believe! Stand out firmly for justice, as witnesses to Allah, even though it be against yourselves, or your parents, or your kin, be he rich or poor, Allah is a better protector to both (than you). So follow not the lusts (of your hearts), lest you avoid justice; and if you distant your witness or refuse to give it, verily, Allah is ever well – acquainted with what you do.

Thus, Muslims are enjoined to oppose injustice of any kind and be just in all circumstances whether personal or public, in words and in conduct, irrespective of whether the victim is your friend or foe, relative or not or whether the victim is a rich or poor member of the society. Thus, for justice to prevail in the society, Ash-Sha'biy while giving his opinion on this verse expressed certain attributes which a Muslim Judge or leader must possess. According to him, a Muslim Judge should dispense justice without fear or favour, abstain from personal volition and refrain from trading the commandments of Allah with worldly material. These attributes, if strictly complied with, will assist the Judge to arrive at a just conclusion of any matter that comes before him. The hadith of the Prophet attested to this when he was quoted as follows:

The nations that lived before you were destroyed by God because they punished the common man for their offences and let their dignitaries go unpunished for their crimes. I swear by Him Who holds my life in His hand that even if Fatima, the daughter of Muhammad, had committed this crime, I would have amputated her hand.

Notwithstanding the above however, Islam prefers a sinner to escape than to punish the innocent in error. On this note, Aisha, (May Allah be pleased with her) said that the Apostle of Allah (May peace and blessings of Allah be with him) said:

Relax (drop) punishment for the Muslim as much as possible. If he (the suspect) has an escape route, leave him. Verily, for the Imam to err on the part of pardon and forgive a sinner is better than Imam's mistake on the path of punishment, by punishing the innocent.

ii. Protection of Life (Al Nafs)

The first and the most important value granted by Islam and which is expected to be protected is the right to life and sanctity of human life. In Islam, life of every citizen, Muslims or not is essential and sacred. Every Muslim is expected to protect and respect the sanctity of human life at all circumstances, and makes no distinction between the life of Muslim and non-Muslim, Rich and poor, noble or common. Protection of life or right to life as popularly referred to in modern term could come in different forms, these forms will therefore be examined one after the other.

a. Prohibition of Murder

Murder is the greatest sin that can be committed on earth. As such, Islam prohibits taking of another's life except under due process of law. The Qur'an confirms:

And do not kill anyone whose killing has forbidden except for a just cause. And whoever is killed wrongfully (intentionally with hostility and oppression and not by mistake), We have given his heirs authority (to demand Qisas or to forgive): but let him not exceed limits in the matter of taking life. Verily he is helped by Law

According to Ad-Dahak, the above verse was the first revelation on prohibition of murder. From this verse, it is obvious that Allah does not permit the killing of another person save by due process of law or by mistake. Scholars have expressed their opinions in respect of intentional killing. Ad-Dahak, Ibn Abbas, Ash-Hab and Shafi' while commenting on the verse stated that the heirs of the deceased of an intentional killing are left with two options. The first option is to have the killer of the deceased killed in retaliation or to forgive him in return for Diyyah (blood-money). The second option opens to the heirs is to forgive the killer with no payment if they so wish. However, the Qur'an specifically warns the heirs if they decides to retaliate, not to exceed their limit by not mutilating the body or by taking the revenge of the killing of another person other than the killer. The rationale for this protection is to save other lives.

It must however be noted that whatever decision taking by the heir of the deceased can only be implemented by the Islamic state and not by the

heirs themselves. This assertion further justifies the position of the Qur'an that life is sacred in Islam and cannot be taken by anyone save the constituted authority. This position is shared by many modern constitutions. The Qur'an further buttressed the above point when it provides that: *It is not for a believer to kill a believer except (that it be) by mistake, and whosoever kills a believer by mistake (it is ordained that) he must set free a believing slave and compensation (blood-money) be given to the deceased's family.*

From the above verse, it is clear that Allah condemns the killing of a believer by a believer under any circumstances except by mistake. Thus, when it is done by mistake, it is incumbent upon the person to free a Muslim slave as fine and pay compensation to the heirs of the deceased.

In similar term, the immediate following verse provides as follows:

And whoever kills a believer intentionally, his recompense is Hell to abide therein, and the wrath and the curse of Allah are upon him, and a great punishment is prepared for him.

In another verse, the Qur'an provides *Say O Muhammad "Come, I will recite what your Lord has prohibited you from: join not anything in worship with Him, be good and dutiful to your parents, kill not your children because of poverty. We provide sustenance for you and for them; come not near shameful and sins (illegal sexual intercourse) whether committed openly or secretly, and kill not anyone whom Allah has forbidden except for a just cause (according to Islamic law). This He has commanded you that you may understand.*

The Prophet (SAW) in his last sermon at the Farewell Pilgrimage said:

O! You people, your lives, your properties and your honour are as sacred upon you until you meet your Lord as this day.

Based on the above facts Islam regards murder as a major criminal offence except when it is committed mistakenly. The Qur'an supports this assertion when it provides as follows:

...We ordained for the children of Israel that if anyone killed a person not in retaliation of murder or (and) to spread mischief in the land –

it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind.

Ibn Abbas, commenting on this verse stated that whoever kills any messenger of Allah or a just leader of Muslim community has killed the entire human race. In a similar opinion supporting Ibn Abbas, Mujahid in Quritubiy is of the opinion that if any one destroys the entire human race, his punishment will not be greater than the punishment of taking one life in accordance with the law of retribution. He further opined that whoever kills a Muslim intentionally and not by mistake will face the wrath of Allah and above all get his abode in the hell-fire. In a similar opinion, Hasan in the same book is of the opinion that the entire Muslim community should wage war against the killer of a Muslim. According to him, the killer has by his action reduced the population of the Muslim in the world, whereas, if he saves the life of a Muslim, he is deemed to have increased the population of the Muslim in the whole world. As such the entire Muslim community should express gratitude to him.

Similarly, Anas bn Malik narrated that the prophet (peace be upon him) said:

The greatest sins are to associate anything in worship with God and to kill human beings

In another tradition it was reported that:

Anas narrated from the Apostle (May peace and blessing be upon him) about the major sins. He (the Holy Prophet) observed: Associating anyone with Allah, disobedience to parents, killing a person and false utterance.

In fact, Islam abhors the taking of life of another in retaliation of anything or for causing any mischief on earth. Thus, the killing of a human being in Islam is tantamount to the killing of the entire human race. This is supported by the Qur'an that:

...if anyone killed a person not in retaliation of murder or (and) to spread mischief in the land – it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind.

b. Prohibition of Suicide

Apart from the fact that Islam prohibits the killing of a fellow being, it in the same manner

frowns at taking one's life. The Qur'an Provides:

O you who believe! Eat not up your property among yourselves unjustly except it be a trade amongst you, by mutual consent. And do not kill yourselves (nor kill one another) surely, Allah is most merciful to you.

Scholars while commenting on the above verse in Quritubiy are unanimous in their opinions that Islam prohibits the taking of one's or another's life through obsession with worldly materials or greed. The provision for the protection of life or the right to life under Islamic law is couched in both positive and negative term. Thus, much as it does not permit Muslims to take the life of another or to eat up the property of another in an unjust manner, it in like manner, specifically prohibits suicide be it as a result of poverty, hardship or even in the course of acquiring material wealth or in any other course. Islam is emphatic on the fact that life does not belong to anyone but to Almighty Allah. It is only He who has the power to give and take life at will. Anyone who arrogates such power to himself by mistakenly believing that he is taking his own life will face the wrath of Allah.

In further support of the above verse, the Prophet is quoted as follows:

And whoever commits suicide with a piece of iron will be punished with the same piece of iron in the Hell fire

In another tradition, Abu Hurairah reported the Prophet saying:

He who commits suicide by throttling shall keep on throttling himself in the Hell-fire (forever) and he who commits suicide by stabbing himself shall keep on stabbing himself in the Hell fire (forever).

Similarly, it is narrated on the authority of Abu Hurairah that:

The Messenger of Allah (May peace be upon him) observed: He who killed himself with steel (weapon) would be the eternal denizen of the fire of Hell and he would have that weapon in his hand and would be thrusting that in his stomach forever and ever, he who drink poison and killed himself would sip that in the hell fire where he is doomed forever and ever, and he

who killed himself by falling from (the top of) a mountain would constantly fall in the fire of hell and would live there forever and ever.

In the same vein, Thabit b. Dahhak reported that:

He pledged allegiance to the Messenger of Allah (May peace be upon Him) under the tree, and verily the messenger of Allah (May peace be upon him) observed: He who took an oath of a religion other than Islam, in the state of being a liar, would become so, as he professed. He who killed himself with a thing would be tormented on the day of resurrection with the very thing. One is not obliged to offer votive offering of a thing which is not in his possession.

c. Prohibition of Infanticide

In further protection of human life, Islam condemns the killing of one's children for the fear of poverty. The Qur'an provides:

And kill not your children for the fear of Poverty. We shall provide for them as well as for you. Surely the killing of them is a great sin

And when the female (infant) buried alive is questioned. For what sin was she killed?"

The prohibition of murder in Islam extends to the prohibition of killing of one's children or the killing of the female children for the fear of poverty or shame, as practiced by the Arabs before the arrival of Islam. Similarly, when Abdullah bn Mas'ud, a Companion of the Prophet (SAW), was asked about the grievous sin a man can commit, he answered grading them as follows:

To associate partner with Allah, to kill one's children for the fear of poverty and to commit ` Zina (adultery).

In a similar manner, Islam prohibits the killing of foetus in the womb save when it is done in good faith as to protect the life of the mother. In this case, Islam opted for a lesser loss between the mother and the foetus based on the principle of necessity. This position therefore intensifies the sacredness of life in Islam. The Qur'an supported this position when Allah speaks as follows:

He has made unlawful to you only which dies of itself, and blood and flesh of swine, and that on

which the name of Allah has been invoked. But he who is driven by necessity, being neither disobedient nor exceeding the limit, it shall not constitute sin

d. Avoidance of Genocide

Islam in its bit to further protect life mandates Muslims to avoid genocide by prescribing an acceptable code of conduct during the period of war. It enjoins Muslims to deal nobly with the opposing side at the battle field and abhors torture and mutilation of enemy soldiers. Allah (SWA) says in the Qur'an that:

And fight in the way of Allah those who fight you, but transgress not the limits. Truly, Allah likes not the transgressors"

This particular verse confirms that in period of war, life is still held sacred and Muslims have been enjoined not to kill unjustifiably. It is important to note that the right is extended to an unborn child in the womb, to the extent that the Prophet was reported to have postponed the capital punishment against a pregnant woman for the protection of the right to life of the child in her womb.

Similarly, Islam condemns the killing of women, the elderly person and the children during the period of war. The Prophet in this regard was quoted to have said:

..I instruct you in ten matters: Do not kill women or children, nor the old and infirm, do not cut fruit bearing trees; do not destroy any town, do not cut the gums of sheep or camels except for the purposes of eating, do not burn date trees or submerge them, do not steal from booty and do not be cowardly.

In another tradition, the Prophet was quoted saying:

The Apostle of Allah (May peace be upon him) prohibited those people who killed Ibn Abi al-Huqaiq from killing women and children. One of them said: The wife of Ibn Abi al-Huqaiq shouted out and disclosed our presence and I raised my sword, but, remembering the command of the Apostle of Allah (May peace be upon him) restrained myself. Had it not been so, we would have rid of her also.

In the same vein, the Apostle of Allah, (May peace be upon him) found women killed in some

battles and he condemned such act and prohibited the killing of women and children." Furthermore, a Muslim is not permitted to kill a non-Muslim who have a treaty of peace with Muslims. Islam specifically protect the right to life of the Jews, the Christian and all those with whom Muslims have entered into a covenant to regulate their religions and civil life according to their own laws. In this wise, the Prophet was quoted to have said that:

One who kills a man under covenant will not even smell the fragrance of paradise.

It can therefore be summarily stated that right to life under Islamic law is most sacred and it is the most important of all value and cannot be denied unjustifiably except under due process of law. Otherwise, the law of retaliation will take its due course against the violator(s) of such right, no matter the status and the number of culprits. In this regard, the Qur'an provides as follows:

And we ordained therein for them: life for life, eye for eye, nose for nose, ear for ear, tooth for tooth and wounds equal for equal...."

It is worthy of note that before the advent of Islam, punishment for murder were awarded by the rulers based on various consideration ranging from wealth, nobility of birth, race and so on. With the advent of Islam however, the above verse emphasized the need to apportion punishment in equal proportion with the offence committed regardless of any consideration. This punishment is expected to serve as deterrent to others. It must also be note that the penalty stated in the above verse cannot be implemented by an ordinary citizen, the implementation must be left in the hand of the Muslim ruler (Khalifah) or the Islamic state. This position goes further to justify that a Muslim is not allowed to kill a Muslim brother. Thus, the position of *Boko Haram*, an acclaimed Islamic sect operating in the North- Central part of the Nigeria is contrary to the stance of Islamic law.

Although it is sacred and essential to safe life, Islam on the other hand withdraws the protection giving to life when it will be done at the cost of another life. For instance, Islam makes it obligatory to save the life of drowning person, however, if that will lead to loss of another's life in an attempt to save the life of a drowning person, then life is not expected to be protected in that circumstance. This is following the

tradition of the Prophet which says: “A particular harm shall not be removed by inflicting another harm”

iii. Protection of Dignity or lineage (Al ‘Irid)

Having protected the life of a person in Islam, one other essential value of life is the protection of human dignity. This segment of the work comprises of the rights to human dignity and honour, equality, privacy and personal freedom against arbitrary imprisonment. These rights will therefore be discussed one after the other.

Right to Dignity and Honour.

Islam recognizes the dignity of all human beings without any qualification or consideration. It feels so much concern about it and was emphatic on its protection. Thus, human beings are endowed with dignity, nobility and honour which cannot be detached from them at any time. The protection of dignity includes the protection of individual rights to privacy and not exposing or accusing others of misbehavior. Islam has laid down a number of guidelines to protect the dignity of mankind.

Allah (SWA) states that:

And indeed we have honoured the children of Adam, and we have carried them on land, on sea, and provided them with At- Tayyibat (lawful good things); and we have preferred them above many of those who We have created with a marked preferment.

From the above verse, it must be mentioned that, the fact that Allah has honoured the children of Adam was not as a result of any personal attributes or special status they have acquired in the society but for the fact of being human being and being born alive. Thus, Islam has endorsed the right to human dignity and honour as a fundamental principle and an absolute right which must be enforced by an Islamic state and the entire Muslim community when violated. Similarly, Muhammad bn Ka’b while commenting on the above Verse and the right in Quritubiy, stated that, the fact that the Prophet is created from among us is enough dignity. As such, every human being is entitled to his integrity, honour and reputation during his life

time and even after his death. The Prophet is reported to have said:

It was reported by Abdur-Rahman bin Abi laila: Sahil bin Hunaif and Qais bin Sa’ad were sitting in the city of Al-Qadisiya – a funeral procession passed in front of them and they stood up. They were told that that funeral procession was of one of the inhabitants of the land i.e. of a non-believer, under the protection of Muslim. They said “a funeral procession passed in front of the Prophet and he stood up. When he was told that it was the coffin of a Jew, he said; “Is it not a living being (soul)?

The above hadith indicates that Islam accords highest respect for all souls, notwithstanding their faith and race. However, it must be noted that human dignity is not attained by any estimable act from the society, it is just an expression of Allah’s favour and grace on His creatures. It is a natural and confirmed right which is established at the moment of birth of every human being. The protection should be done without discrimination to race, colour, religion, sex or even between the rich and the poor members of the society to the extent that even a criminal is entitled to a dignified treatment as punishment in Islam is meant for reformation and not for humiliation. The Prophet (SAW) explained this position in the following hadith:

Allah defined good and bad deeds and then He explained their clarification: He Who aims at a good deed but did not do it, Allah will regard it as a complete good deed. If he intends to do and carries it out, He records it as ten good deeds (and a times), multiply it up to 700 and even to several multiplications. If a man aims to do an evil deed and does not carry it out, Allah records it as good deed. If he thinks of one evil deed and does it Allah records it against him as only one evil deed”.

Similarly, Islam prohibits Muslims from attacking each other’s honour, rather, it recognizes and encourages the protection of human honour and dignity. The Prophet (SAW) in his last sermon at the Farewell Pilgrimage said:

Narrated Ikrima: Ibn Abbas said: “Allah’s Apostle delivered a sermon on the Day of Nahr,

and said "O people! (Tell me) what is the day today?" The people replied: 'it is the forbidden (sacred) day. He asked again: 'what town is this?' They replied: it is the forbidden (sacred) town. He asked: 'which month is this?' They replied: it is the forbidden (sacred) month. He said: 'No doubt! Your blood, your properties and your honour are sacred to one another like the sanctity of this day of yours, in this (sacred) town (Makkah) of yours, in this month of yours. The Prophet repeated his statement again and again. After that, he raised his head and said 'O Allah! Haven't I conveyed (Your Message) to them?'"

Apart from this, the Qur'an seriously frowns at any attack on the honour and good name of a righteous member of the society, be it a Muslim or not. It particularly expects an Islamic society to be one whose affairs are administered and directed by an upright person. It regards them as the vicegerent of Allah on earth as well as the custodians of justice. These duties can only be performed by honourable members of the society. To safe guard this right, Islam therefore prohibits attack on human personality which may emerge from defamation of character, insult and calling of one another by offensive names. The Qur'an specifically prohibits individual honour to be abused when it provides that:

The believers are nothing else than brothers (in Islamic religion). So make reconciliation between your brothers, and fear Allah, that you may receive mercy. O you who believe! Let not a group scoff at another group, it may be that the latter are better than the former; nor let (some) women scoff at other women, it may be that the latter are better than the former, nor defame one another, nor insult one another by nicknames. How bad is it, to insult one's brother after having Faith [i.e. to call your Muslim brother (a faithful believer) as: "O sinner", or "O wicked", etc.]. And whosoever does not repent, then such are indeed Zalimun (wrong-doers, etc.). O you who believe! Avoid much suspicion, indeed some suspicions are sins. And spy not, neither backbite one another. Would one of you like to eat the flesh of his dead brother? You would hate it (so hate backbiting). And fear Allah. Verily, Allah is the One Who accepts repentance, Most Merciful.

Scholars, while commenting on this verse in Quritubiy are of unanimous opinion that to scoff at fellow Muslim, insult or calling him by nicknames (bad names) is rebellious and disobedience to Almighty Allah. The Prophet in addition to the above verse is quoted to have said:

Abusing a Muslim is an outrage and fighting against him is unbelief.

Therefore, respect for dignity and honour of fellow human beings is a fundamental right which is encouraged and sanctioned by Islam when violated. In this wise the Prophet says:

Whoever saves the honour of his brother, God will save his countenance against the blaze of fire on the Day of Judgment.

To this end, Muslims are obliged to protect the honour and dignity of other human beings, to the extent that a person who attacks the honour of another can be punished by an Islamic court when his guilt is established.

In addition, the right to human dignity and honour is not limited to free born citizens in Islam, it extends to slaves, whether Muslims or not. Islam prescribes humane and fair treatments for slaves. It specifically directs Muslims to treat their slaves with honour and dignity. It abhors hitting, insulting and even killing of slaves except under the circumstances explained earlier. The Prophet is quoted to have stated:

These (slaves) are your brothers and uncles that Allah put under your control. So the one who had his brother under his control shall feed him from his food, give him clothes from his own; and does not assign him of something he cannot do. If you assign him of a task, you shall support him.

In another tradition, the Prophet said:

The one who strikes (the face) or hits his slave shall emancipate him as atonement.

Above all, Islam generally call for emancipation of slaves in order to increase the number of free born Muslim. In fact Islam has the best treatment for slaves no matter the level of criticism against it.

Right to Equality

Islam recognizes absolute equality of human race irrespective of sex, tribe, or colour. The Qur'an says:

O mankind! We have created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honourable of you with Allah is that (believer) who is pious. Verily Allah is All-knowing- All-Aware.

The above Qur'anic verse shows that the division of man into races, and nations is by Allah's wish and not on the basis of any superiority of one nation or tribe over another. The essence of this is to enable human beings recognize themselves, cooperate and render necessary assistance to each other whenever the need arises. The Qur'an and the hadith emphatically stated that the division is neither in any way meant for one nation to discriminate against other nations as it is the case with the Western nations over the third world countries in the world today, nor is it for any tribe to humiliate or disregard another tribe. Rather, the superiority is simply on the basis of piety and not on any other consideration. It however, declares that the noblest of them will be that who is pious. In fact, an Islamic scholar, Mawdudi argued that, even the superiority based on piety is not a justifiable reason for a group of people or nation to claim superiority over others, since piety does not confer more privileges over others, except as stated in the Qur'an and *Sunnah* of the Prophet. Furthermore, no one can claim to be pious than the other, as only Allah has the knowledge of those who are pious. Therefore, Islam prohibits any racial superiority or any form of discrimination whatsoever. The Prophet during his last sermon to the Muslim emphasized in clear terms, the issue of right to equality when he stated that:

...No one is superior to another except by virtue of faith and piety. All men descended from Adam and Adam was made of clay. An Arab has no superiority over a non-Arab or non-Arab over an Arab; neither does a white man possess any superiority over a black man nor black man over a white one, except by virtue of piety

Similarly, Islam guarantees the equality of all before the law. To this extent, it declares all

persons in terms of human value as equal before the law, it gives all citizens the right to absolute and complete equality before the law. As such judgments and penalties are prescribed to be applicable to all in equal proportion without any discrimination, immunity or any other privileges.

In the same vein, Islam upholds in similar manner economic equality of men and women. This in essence signifies that the two genders are treated equal economically without discrimination. The Qur'an supported this assertion when it provides that:

...for men there is reward for what they have earned, (and likewise) for women there is a reward for what they have earned

Islam guarantees spiritual equality of the two genders. Hence, whatever is applicable to a man is applicable in the like manner to the women in equal basis. The Qur'an provides that:

For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in God's praise, for them has God prepared forgiveness and great reward.

In another verse, the Qur'an while emphasizing the spiritual equality of the two genders provides in another chapter as follows:

...Never will I allow to be lost the work of any of you, be it male or female.

The Prophet during his last sermon emphasized further in the following language:

...Do treat your women well and be kind to them for they are your partners and your committed helpers. No one is superior to another ...

It has however been argued that, although, the Western concept of human rights in their various international, regional and national human rights instruments contained provisions relating to equality of human race irrespective of sex, race, colour or any other consideration. Yet ethnic inequality however pervades and constitutes one

of the major problems in the contemporary world, especially, in the West.

iv. Right to Privacy

Islam guarantees the privacy of life of everyman, and prohibit unnecessary interference with a person's personal life. In fact, Islam prohibits a man from entering his own house unannounced but enjoins him to inform members of his family of his arrival from any journey. In this respect the Qur'an says:

O you who believe! Enter not houses other than your own, until you have asked permission and granted those in them; that is better for you, in order that you may remember.

The Qur'an went further to say in the immediate following verse that:

And if you find no one therein, still enter not until permission has been given. And if you are asked to go back, go back, for it is purer for you. And Allah is All-Knower of what you do.

Similarly, Sahl bn Sa'ad reported that a person peeped through the hole of the door of Allah's Messenger (May peace be upon him) and at that time, Allah's Messenger (May peace be upon him) had with him a scratching instrument with which he had been scratching his head. When Allah's Messenger (May peace be upon him) saw him, he said:

If I were to know that you had been peeping through the door, I would have thrust that into your eyes, and Allah's Messenger (peace be upon him) said: permission is needed as a protection against glance.

In another tradition, Abu Hurairah reported Allah's messenger (May peace be upon him) as saying:

If a person were to cast a glance in your (house) without permission, and you had in your hand a staff and you would have thrust that in his eyes, there is no harm on for you.

It was reported that the Messenger of Allah asked "Ali and Fatimah:

Do you not pray (during the night) Ali said "O Messenger of Allah, we are in Allah's hands if He wishes to make us get up, we get up. The Prophet turned away when he said that. Then, they could hear him striking his thing and saying

"But men is ever more quarrelsome than anything" (Q. 18: 54).

However, the right is accorded to owners of occupied houses and not unoccupied houses or apartment. In this wise, the Qur'an says:

There is no sin on you that you enter (without taking permission) houses uninhabited (i.e. not possessed by anybody), (when) you have any interest in them. And Allah has knowledge of what you reveal and what you conceal.

Also in a bid to further protect the privacy of an individual in Islam, the Prophet was quoted to have disapproved the Saying of 'It is I' when a person is seeking permission to get into an occupied house. Jabir Ibn Abdullahi reported that:

He came to Allah's Apostle (May peace be upon him) and called him with a view to seeking permission) whereupon Allah's Apostle (May peace be upon him) said: "Who is it? I said: it is I. Thereupon he (the Holy prophet) came out saying it is I, it is I.

In another version, Jabir bn. Abdullah reported that:

I sought permission from Allah's messenger (May peace be upon him) to see him. He said: Who is it? I said: It is I. Thereupon Allah's Messenger (May peace upon him) said. It is I, it is I (these words lead me to no conclusion).

In the same vein, Abd Ar-Rahman, the son of Abu Sai'd Al-Khudri reported from his father:

The Messenger of Allah (May be peace be upon him) said: "A man should not see the private parts of another man, and a woman should not see the private parts of another woman, and a man should not lie with another man under one covering, and a woman should not lie with another woman under one covering.

Similarly, Islam frowns at a person reading another person's letter without consent and outside one official assignment. Doing this amounts to suspicion. The Qur'an has this to say:

O you who believe! Avoid much suspicion; Indeed some suspicious are sins. And spy not, neither backbite one another. Would one of you like to eat the flesh of his dead brothers? You

would hate it. And fear Allah. Verily, Allah is the one who forgives and accepts repentance, Most Merciful.

The Prophet was quoted to have said:

Beware of suspicion, for suspicion is the worst of false tales; and do not look for others fault, and do not spy on one another, and do not practice Najsh and do not be jealous of one another and do not hate one another and do not desert (stop talking to) one another. And O Allah's worshippers! Be brothers!

With the above injunctions from the Qur'an and Hadith, it is crystal clear that the contemporary method of bugging a private house to acquire information which is being held in a private manner is highly forbidden in Islam and the Islamic state is mandatory to punish the perpetrator.

Right to Personal Freedom and against Arbitrary Imprisonment

Islam guarantees this right to all human beings. It prohibits the imprisonment of a suspect until his guilt is proven in an open court. An Islamic state cannot arrest an offender until his guilt is proven. Even when an offender is kept in detention, an Islamic state must prove the ground of detention in an open court.

The Qur'an says:

O you who believe! If a fasiq (liar – evil person) comes to you with any news, verify it, lest you should harm people in ignorance, and afterwards you become regretful for what you have done.

In the same vein, Islam abhors the arrest or imprisonment of an individual for the offence of others as everyone is expected to be responsible for his own action. Islam prohibits the arrest or imprisonment of the relatives of the offender for his wrong doings.

The Qur'an says:

No person earns any (sin) except against himself (only) and no bearer of burdens shall bear the burden of another.

v. Protection of Intellect (Al 'Aql)

This is another major essential of life which distinguish mankind from animals. Almighty Allah commanded every individual to protect

this precious gift for the benefit of all and not to perpetrate evil or destruction of humanity. Protection of intellect includes the right to freedom of conscience and assertion and the right to freedom of expression.

Right to Freedom of Conscience and Assertion

This right is guaranteed to all mankind, whether Muslim or non-Muslim, and no one is expected to compel another to accept his or her own faith. Hence, non-Muslims living in an Islamic state are free to practice their religion in their own way. The Prophet in many ways exemplified respect for this right during his life time. The Qur'an has this to say:

There is no compulsion in religion. Verily the right path has become distinct from the wrong path.

The above verse clearly elucidates that this right is a fundamental one without any distinction and that no one should be compelled to accept the religion of Islam or any other religion. As evidence to the above verse, it was on record that *Khalifah Umar*, approached an aged Christian woman to accept Islam. The woman was said to have replied Umar that: "I am an old woman and death is fast approaching me." Umar said: "God be my witness, I have done my own." Umar repeated "No compulsion in religion."

In another verse, the Qur'an speaks:

Had Allah willed, they would not have taken others besides Him in worship. And We have not made you a watcher over them nor are you a Wakil (disposer of affairs, guardian or trustee) over them

This verse evidenced the fact that the duty of Muslims is to establish the proof of Islam to people, so that they may distinguish the truth from falsehood. Aside this duty, no one is expected to force anyone to accept the religion. Whoever wishes to join the folk may do so at his own wish and whoever wishes not to do so is also free to continue to live in an Islamic state without been intimidated and with their full rights granted to them as ordained by Almighty Allah.

In addition Islam abhors and warned the believers from insulting other people's gods and ways of life. The Qur'an says:

And insult not those whom they (the disbelievers) worship besides Allah, lest they insult Allah wrongfully without knowledge...

The Islamic position is therefore contrary to the contemporary sayings and happenings in Nigeria, especially, in the North-East area of the county where *Boko-Haram* sect is perpetuating its havocs claiming to be acting under the guise of Islam. A genuine Islamic state is expected to respect the belief of other members of the society and must not only permit but equally respect the cultural and religious diversity.

vi. Right to Freedom of Expression

The right to freedom of expression is guaranteed to all mankind without discrimination of any kind. Muslims and non-Muslims are free to hold a different opinion in respect of a particular issue. However, this right must be exercised in conformity with the ethics and values of Islam as to bring virtues to Islamic state and not to spread vices and evils to other individuals or the state at large. As such, the use of abusive or offensive language in the name of criticism is prohibited in Islam. The Prophet is the best example in allowing his companions to express their views and will always accept the best view. It was on record that during the battle of Badr, the Prophet (SAW) suggested that the Muslims army should be camped at a particular place. Khabab b. al Mundhir inquired from the Prophet whether the place was ordered by Allah or that it was just a matter of opinion and military tactics. When the Prophet replied that it was just a matter of opinion and military tactics, he suggested another place nearer to the well of Badr which was more suitable for engaging the enemy. The Prophet agreed and ordered his men to move immediately.

In the same vein, the right was also exemplified by the Prophet (SAW) during the battle of *Uhud*. It was reported that when the Prophet asked his companions to resist the enemy's attack from the town, the companions asked the Prophet of the capacity under which he was given his directive, but when the Prophet replied that he did so as an ordinary human being and not by a divine guidance, the companions gave their opinion to fight the battle of *Uhud* and the Prophet accepted their opinion. These two scenarios can

be seen as the ultimate manifestation of freedom of expression that was practiced during the life of the Prophet.

Also, the Prophet encouraged Muslims to make *Ijtihad* in resolving matters arising from the Islamic society, which are not covered by the Qur'an and Hadith. He however warned that the person must always strive to reach the best opinion by referring to the available Islamic injunctions. Thus encouraging Muslims to make their views in resolving matters is another opportunity granted to Muslims to express their views.

vii. Protection of Property (Al Mal)

Another major value in Islam is the protection of property. Property and wealth have an impact status in Islam. Acquiring property is one of the necessities of man in life. Islam guarantees the right of ownership of property to every individual, male and female alike and ordered that no one should be deprived of its property unjustifiably and no one shall transgress and acquire the properties of others without legitimate reason and without proper contract.

The Qur'an in testimony to this says:
...for men there is reward for what they have earned, (and likewise) for women there is a reward for what they have earned

In a similar provision, the Prophet categorically lay much emphasis on this right during his last sermon at the Farewell Pilgrimage where he stated that:

Your lives, your properties and your honour are as sacred as this day...

Violation of this right is a great sin and warrants penalty and Allah has provided a severe punishment in the Day of Judgment for those who acquire property of others unlawfully. Instances of acquiring other people's property illegitimately includes usury (*ribah*), cheating in transaction and stealing the properties of others. It must however be noted that this right is only guaranteed to a person who has lawfully acquired a property. To this end, an Islamic state is forbidden from taking over or converting the property of an individual without the person being adequately compensated.

4. Conclusion

This paper discussed principle of human rights in Islam from the perspective of objectives of Sharia. It pointed out that the duty of man towards his creator comprises of his duty to the society and the duty to his fellow human beings, since the faith of every Muslim will be assessed by his compliance with these duties. It was also discovered that Islam lays down certain divine and compulsory fundamental basic rights for all mankind without exception. These rights are applicable to all situations and circumstances regardless of any consideration. They can neither be amended nor suspended and their violation warrants the prescribed punishment in this life and in the hereafter unless waived by the victims in the cases of offenses against fellow beings or pardoned by Allah in other cases. It has also shown that some Western scholars view the concept of human rights as their exclusive idea arguing that other cultures simply possess the notion of human dignity and not genuine human rights. It will be incorrect to consider the concept as an exclusive idea of the West. It has been the established fact that Islam predates the English concept of human rights and some of the provisions contained in the Universal Declaration of Human Rights have been the objective of Sharia and basic ideals and fundamental values which has been in existence from the inception of Islam. Thus, whether human rights in Islam are duties of the rulers or individual, what is paramount is that it stashed a right for the individual and the public, and expects the rights to be protected under all circumstance. It will therefore be wrong for the West to base its consideration on the terminologies used rather the goals. As such, it is apposite to conclude that genuine human rights are as provided in the Islamic injunctions. It may also be concluded that it is a well-known fact that many contemporary constitutions and other human rights instruments are subject to modifications, suspension or even total abrogation as situation demands from time to time. On the other hand, the right conferred on mankind in Islam are divine, eternal, universal and not subject to any form of modification let alone of abrogation by any true servant of Allah.

It must be reinstated here that Islam is a complete way of life which has left no stone unturned, including the concept of human rights. If there is anything that is paramount to Islam, it is the rights and dignity accorded to mankind. It has been clearly shown that the Prophet illustrated this point and was emphatic on this subject during his Farewell Message to the Muslim community.

Notwithstanding the above however, Islam enjoins an Islamic state to maintain a balance between the individual rights and the rights due to the society from individuals. It mandates the state not to be autocratic as to render the individual helpless to claim his rights, at the same time, it should not grant an absolute rights or freedom to an individual in order to protect the right of other members of the state as well as not causing injury or harm to the entire state.

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