

Human Rights, Islam, and the West: Rethinking Convergence in Contemporary Islamic Law

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Abstract: This study examines the convergence between human rights and Islamic law in contemporary debates between Islam and the West, focusing on their normative and philosophical foundations. It aims to identify the possibilities and limitations of reconciling universal human rights principles with Islamic legal values. This study employs normative legal research using conceptual, philosophical, and statutory approaches. Data are collected through an analysis of Islamic legal thought, international human rights frameworks, and contemporary scholarly debates on human dignity, equality, religious freedom, and cultural diversity. The findings indicate that the relationship between human rights and Islamic law cannot be adequately understood through a binary opposition between Islam and the West. Convergence is possible through contextual interpretation, critical engagement with classical Islamic jurisprudence, and the reconstruction of legal principles in response to contemporary social realities. Islamic legal values, particularly justice, human dignity, equality, and public welfare, provide foundations for engaging with human rights discourse. However, tensions remain regarding gender equality, religious freedom, and the relationship between religious norms and state authority. This study concludes that meaningful convergence requires neither the uncritical adoption of Western legal paradigms nor the rigid preservation of inherited interpretations of Islamic law. Instead, it requires a dialogical and context-sensitive approach that acknowledges shared ethical commitments while critically addressing normative differences. Academically, this study contributes to contemporary Islamic legal scholarship by proposing a framework for understanding human rights convergence as an ongoing process of normative negotiation, interpretive renewal, and cross-cultural engagement.

Keywords: Human Dignity, Human Rights, Islamic Law, Legal Convergence, Western Perspectives

1. Introduction

Human rights remain a central issue in contemporary legal debates, particularly concerning the relationship between universal standards,¹ religious traditions,² and cultural diversity. The interaction between Islam and Western legal thought has attracted sustained attention because disagreements concerning religious freedom, gender equality,³ individual autonomy, and state authority influence discussions about legal legitimacy and fundamental freedoms. These debates are particularly important for contemporary Islamic law, which must engage with changing social realities while maintaining meaningful connections with its ethical and jurisprudential foundations. International human rights instruments establish standards for protecting human dignity and equality, while Islamic legal traditions

¹ B Gerbaka, S Richa, and R Tomb, "Islam, Traditions and Legislation: The Context of Human Rights' Conventions in MENA," *Child Maltreatment: Contemporary Issues in Research and Policy* (Chair of Pediatric Department, Saint Joseph University, Beirut, Lebanon: Springer Nature, 2021), https://doi.org/10.1007/978-3-030-66507-4_20.

² D Ahmed and M Z Abbasi, *Democracy under God: Constitutions, Islam and Human Rights in the Muslim World, Democracy under God: Constitutions, Islam and Human Rights in the Muslim World* (Comparative Constitutions Project, United Kingdom: Cambridge University Press, 2023), <https://doi.org/10.1017/9781316662618>.

³ T Virgili, *Islam, Constitutional Law, and Human Rights: Sexual Minorities and Freethinkers in Egypt and Tunisia, Islam, Constitutional Law and Human Rights: Sexual Minorities And Freethinkers In Egypt And Tunisia* (European Foundation for Democracy, Brussels, Belgium: Taylor and Francis, 2021), <https://doi.org/10.4324/9780429259418>.

offer normative perspectives on justice,⁴ responsibility, and public welfare. Nevertheless, tensions emerge when different interpretations produce competing understandings of rights and obligations. Such disagreements can influence legislation,⁵ judicial reasoning, public policy, and the protection of vulnerable groups. Examining these issues is therefore necessary to move beyond generalized assumptions that Islam and the West represent inherently incompatible traditions. A more systematic analysis can clarify shared ethical commitments, identify substantive disagreements, and explain the conditions under which constructive engagement between Islamic law and human rights becomes possible.

Existing scholarship has examined the relationship between Islamic law and human rights through several perspectives, including universalism, cultural relativism, Islamic jurisprudence, and the objectives of Islamic law. Research on *maqasid al-shariah* has explored how justice, human dignity, and public welfare may support contemporary legal interpretation.⁶ Other studies have investigated tensions involving religious freedom, gender equality, and the relationship between religious authority and individual rights.⁷ These approaches provide valuable foundations for understanding both compatibility and disagreement. However, the literature requires further synthesis concerning the relationship between shared ethical principles and the practical conditions necessary for legal convergence. General claims of compatibility may overlook disagreements concerning the interpretation and implementation of particular rights.⁸ Conversely, approaches emphasizing incompatibility may insufficiently consider interpretive diversity within Islamic jurisprudence and Western legal thought.⁹ The research gap addressed here is therefore analytical rather than an assertion that previous scholarship has ignored the subject. A focused examination is needed to explain how convergence can be assessed without reducing complex legal traditions to uniform categories or assuming that shared moral principles automatically produce equivalent legal outcomes.

Previous studies provide important insights into the philosophical, jurisprudential, and institutional dimensions of human rights in Islamic legal contexts. Scholarship emphasizing *maqasid al-shariah* demonstrates the relevance of public welfare and justice to discussions of legal reform, while contextual approaches highlight the importance of interpreting religious sources in relation to historical circumstances and contemporary needs. Human rights scholarship also emphasizes universal protection,¹⁰ equality, and accountability, although debates continue concerning the interpretation and application of these principles across different legal systems. Taken together, these perspectives suggest that neither complete compatibility nor inherent incompatibility adequately describes the relationship between Islamic law and human rights. Nevertheless, their analytical implications require further clarification, particularly regarding how shared ethical commitments interact with disagreements about religious freedom,¹¹ gender equality, and legal authority. The present study positions itself within this debate by examining convergence as a process of normative engagement and critical interpretation. Rather than merely identifying similarities between Islamic and Western perspectives, it investigates the

⁴ M.-C. Foblets, "Islam Under the Rule of Law in Europe: How Consistent Is the Human Rights Test?," *Religions* 12, no. 10 (2021), <https://doi.org/10.3390/rel12100857>.

⁵ B. Tibi, "Islam, the Principle of Subjectivity, and Individual Human Rights," *Routledge Handbook on Human Rights and the Middle East and North Africa* (Taylor and Francis, 2016), <https://doi.org/10.4324/9781315750972>.

⁶ A. A. An-Na'im, "Islam, Islamic Law, and the Dilemma of Cultural Legitimacy for Universal Human Rights," *Applied Ethics: A Multicultural Approach: Sixth Edition* (Emory University, United States: Taylor and Francis, 2017), <https://doi.org/10.4324/9781315097176>.

⁷ M. F. Hamdani, "Islamic Family Law in the Perspective of Universal Declaration Human Rights (UDHR) and the Universal Islamic Declaration Human Rights (UIDHR).," *Ahkam: Jurnal Ilmu Syariah* 16, no. 1 (2016): 21–30, <https://doi.org/10.15408/ajis.v16i1.2892>.

⁸ A. M. Ibrahim, "A Not-So-Radical Approach to Human Rights in Islam," *Journal of Religion* 96, no. 3 (2016): 346–77, <https://doi.org/10.1086/686568>.

⁹ N. Ghobadzadeh, "Wasatiyya Discourse in Shi'i Islam: Ayatollah Montazeri and Human Rights Jurisprudence," *Religions* 13, no. 2 (2022), <https://doi.org/10.3390/rel13020126>.

¹⁰ A. A. An-Na'im, "Islam and Human Rights: Beyond the Universality Debate," *The Development of International Human Rights Law (The Universality Of Human Rights, France: Taylor and Francis, 2017)*, <https://doi.org/10.4324/9781315086750>.

¹¹ R. Fazaeli and J. Hanisek, "Human Rights, Islam, and Debates Around CEDAW," *Religion and Human Rights* 16, no. 2–3 (2021): 93–116, <https://doi.org/10.1163/18710328-bja10020>.

conditions under which common principles can inform legal reasoning while preserving analytical attention to substantive differences and competing interpretations.

The aim of this study is to analyze the conceptual relationship between Islamic legal principles and contemporary human rights standards, identify the ethical foundations supporting their convergence, and examine the normative tensions that complicate their reconciliation. The central argument is that meaningful convergence can be achieved through contextual interpretation, critical engagement with Islamic jurisprudential traditions, and careful consideration of human dignity, justice, equality, and public welfare. However, convergence should not be understood as complete normative uniformity or the elimination of every disagreement. Instead, it requires transparent reasoning concerning legal sources, competing rights, and the consequences of particular legal interpretations. This study employs normative legal research to examine relevant legal principles and scholarly arguments within contemporary debates concerning Islam and the West. Its contribution lies in developing an analytical perspective that moves beyond the binary opposition between Islam and the West and conceptualizes convergence as an ongoing process of interpretation, evaluation, and normative negotiation in contemporary Islamic law.

2. Method

This study employs normative legal research to examine the convergence between human rights principles and Islamic law within contemporary debates involving Islam and the West. The research adopts conceptual, philosophical, and statutory approaches to investigate the normative foundations, interpretive traditions, and legal principles underlying the relationship between these frameworks. The conceptual approach examines scholarly understandings of human rights, Islamic jurisprudence, justice, equality, and human dignity. The philosophical approach explores the ethical foundations and epistemological assumptions informing universal human rights and Islamic legal thought. The statutory approach examines relevant international human rights instruments and legal provisions concerning fundamental rights and freedoms. The research focuses on identifying areas of convergence, persistent normative tensions, and opportunities for interpretive reconstruction within contemporary Islamic law. As library-based research, data are obtained from legal documents, authoritative Islamic legal texts, academic books, peer-reviewed journal articles, and relevant scholarly publications. The research period and document selection criteria should be specified by the authors to ensure methodological transparency and consistency with the objectives of the study.

Data collection is conducted through systematic documentary research and literature review, focusing on primary and secondary legal materials relevant to the relationship between human rights, Islam, and Western legal thought. Primary materials include international human rights instruments, relevant statutory provisions, classical Islamic jurisprudential texts, and contemporary interpretations of Islamic legal principles. Secondary materials comprise peer-reviewed articles, academic monographs, and scholarly analyses addressing universalism, cultural relativism, religious freedom, gender equality, human dignity, and public welfare. Materials are selected purposively according to their relevance, academic credibility, conceptual significance, and contribution to the research questions. The collection process involves identifying relevant publications, examining their substantive arguments, recording significant legal principles, and organizing the materials into analytical categories. Searches may be conducted through academic databases, scholarly journal platforms, library catalogues, and official legal repositories. The researchers should specify the databases consulted, search terms, publication period, document inclusion and exclusion criteria, and the month and year of data collection. As the study does not involve human participants, participant sampling and informed consent procedures are not applicable.

Data analysis employs qualitative content analysis and critical legal interpretation to examine the collected materials systematically. The analysis proceeds through several stages, beginning with document classification and the identification of recurring legal concepts, normative arguments, and interpretive positions. The materials are then categorized into analytical themes, including universality of human rights, Islamic legal ethics, human dignity, equality, religious freedom, and the tensions between

religious authority and state law. A comparative analytical framework is applied to identify similarities, differences, and potential areas of reconciliation between international human rights principles and Islamic legal reasoning. The analysis also considers the historical and intellectual contexts shaping competing interpretations to avoid treating either Islamic law or Western thought as internally uniform. Findings are synthesized through normative evaluation and philosophical reasoning to formulate an interpretive framework for understanding legal convergence. Analytical rigor is maintained through cross-referencing primary and secondary sources, examining alternative scholarly interpretations, and ensuring consistency between evidence and conclusions. The authors should identify any analytical software used, if applicable, and explain the procedures adopted to strengthen transparency, interpretive credibility, and reproducibility.

3. Result and Discussion

3.1. Shared Ethical Foundations of Human Rights and Islamic Law

The convergence between human rights and Islamic law can be identified through shared ethical principles that emphasize justice, human dignity, equality, and the protection of human welfare. Within Islamic legal thought, these principles are reflected in discussions of *maqasid al-shariah*, which concern the objectives of Islamic law in protecting essential human interests. International human rights frameworks similarly recognize inherent human dignity, equal rights, and fundamental freedoms as normative foundations for legal protection. Although these traditions emerge from different intellectual and historical contexts, their ethical commitments provide opportunities for meaningful dialogue. Justice, for example, connects Islamic legal reasoning with contemporary understandings of equal treatment and protection against arbitrary power. Human dignity provides another point of convergence by emphasizing the moral significance of individuals and their entitlement to appropriate protection. Nevertheless, identifying shared principles does not establish complete agreement between the two frameworks. Their interpretations, legal sources, and institutional applications may differ considerably. Convergence therefore requires systematic examination of both common ethical foundations and the specific normative conditions shaping their interpretation within contemporary Islamic law.

The principle of human dignity provides an important foundation for examining the relationship between Islamic law and international human rights. In Islamic legal thought, dignity may be connected with human responsibility, moral agency, justice, and the protection of essential interests. Human rights discourse, meanwhile, generally emphasizes the inherent worth of every individual and the protection of fundamental freedoms without discrimination. These perspectives can support discussions concerning personal security, access to justice, equality before the law, and protection against degrading treatment. The principle of justice further strengthens this relationship by requiring legal institutions to consider fairness, accountability, and the consequences of legal decisions. Similarly, the protection of human welfare offers a conceptual connection between *maslahah* and contemporary concerns about social justice and public interests. However, differences arise when these principles are interpreted through competing understandings of religious authority, individual autonomy, and collective responsibility. The convergence identified here is therefore substantive but conditional. It depends on demonstrating how shared ethical commitments can inform legal interpretation while acknowledging differences in the sources, scope, and implementation of human rights protections.

Another important manifestation of convergence concerns the relationship between *maqasid al-shariah* and the protection of fundamental human interests. The classical objectives of Islamic law are commonly associated with the protection of religion,¹² life, intellect, lineage, and property, although contemporary scholars have proposed broader interpretations encompassing dignity, freedom, and social justice. These objectives provide a framework for evaluating whether legal rules contribute to human welfare and prevent harm. International human rights standards offer complementary mechanisms for articulating

¹² S S Ali, "Human Rights in Islam and International Law: A Conceptual Analysis," *Challenges in International Human Rights Law* (Taylor and Francis, 2017), <https://doi.org/10.4324/9781315095905>.

protections concerning life,¹³ liberty, education, property, and equal treatment. Nevertheless, the relationship between these frameworks cannot be established through terminological similarities alone. Researchers must examine how particular objectives are interpreted, prioritized, and translated into legal obligations.¹⁴ For instance, protecting religion may involve questions concerning religious practice, conversion, and freedom of conscience,¹⁵ while protecting family interests may intersect with debates about gender equality and individual rights. Such examples demonstrate that convergence involves both agreement and interpretive negotiation. A contemporary approach to Islamic law can therefore use *maqasid* as an analytical framework for evaluating legal consequences while ensuring that claims about human rights protection remain grounded in defensible interpretations and applicable legal standards.

3.2. Normative Tensions and Conditions for Legal Convergence

Despite shared ethical foundations, tensions remain between certain interpretations of Islamic law and contemporary international human rights standards.¹⁶ These tensions are particularly visible in discussions of religious freedom, gender equality, family relations, and the relationship between religious norms and state authority. Disagreements may arise from differences in legal sources, interpretive methodologies, historical circumstances, and assumptions concerning the relationship between individual autonomy and collective obligations.¹⁷ Some approaches prioritize inherited jurisprudential interpretations, whereas others emphasize contextual reasoning and the objectives of Islamic law. International human rights frameworks also contain legal standards whose interpretation and implementation vary across jurisdictions.¹⁸ Consequently, neither Islamic legal thought nor Western human rights discourse should be treated as a completely uniform system. The relevant issue is how particular interpretations and legal arrangements affect the recognition and protection of fundamental rights. A rigorous analysis must distinguish theological commitments, jurisprudential doctrines, state legislation, and institutional practices. This distinction prevents broad cultural comparisons from obscuring specific legal disagreements and enables researchers to identify where reconciliation is possible, where interpretive reform may be required, and where substantive normative differences remain unresolved.

The emergence of normative tensions is influenced by the interaction between historical jurisprudence, contemporary political institutions, cultural expectations, and competing theories of legal authority. Classical Islamic jurisprudence developed through diverse scholarly traditions responding to particular social and historical circumstances. Contemporary legal debates, however, involve constitutional governance,¹⁹ international obligations, changing family structures, and expanding expectations concerning individual rights. Difficulties arise when historical interpretations are treated as universally applicable without considering their underlying reasoning or present consequences. Conversely, uncritical application of external legal standards may overlook the interpretive traditions and social contexts through which Islamic legal principles acquire meaning. Political institutions can further intensify these tensions when religious norms are incorporated into legislation or judicial practice without adequate

¹³ N A Shah, "Women's Human Rights in Islam: Towards a Theoretical Framework," *International Law and Islamic Law* (Lauterpacht Research Centre for International Law, Faculty of Law, University of Cambridge, United Kingdom: Taylor and Francis, 2017), <https://doi.org/10.4324/9781315092515-21>.

¹⁴ A Fornerod, "Islam Before the European Court of Human Rights: Case Law Mapping," *Quaderni di Diritto e Politica Ecclesiastica* 22, no. 1 (2019): 191–209, <https://doi.org/10.1440/93556>.

¹⁵ A Van-Engeland, "Violence, Islam, and Human Rights: Islam, a Religion of Peace or a Religion of War?," *Human Rights* 14, no. 2 (2019): 183–205, <https://doi.org/10.22096/hr.2020.121453.1196>.

¹⁶ T Kayaoğlu, "Cairo Declaration on Human Rights in Islam," *Elgar Encyclopedia of Human Rights: Volume 1-4* (University of Washington, Tacoma, United States: Edward Elgar Publishing Ltd., 2022), <https://doi.org/10.4337/9781789903621.cairo.declaration.hr.islam>.

¹⁷ N Hashemi and E Qureshi, "Islam and Human Rights: A 50 Year Retrospective," *Muslim World Journal of Human Rights* 19, no. 1 (2022): 1–18, <https://doi.org/10.1515/mwjhr-2022-0007>.

¹⁸ Z Mir-Hosseini, "Global Contestations over Gender Equality in Islam: On Legal Interpretation and Muslim Feminist Scholars' Activism in a Human Rights Frame," *Global Contestations of Gender Rights* (Centre for Islamic and Middle Eastern Law, SOAS, University of London, United Kingdom: Transcript-Verlag, 2022), <https://doi.org/10.14361/9783839460696-019>.

¹⁹ H Ibrahim, "Women, Islam, and the Law: Womanism, Shari'a, and Human Rights in Africa," *The Palgrave Handbook of African Women's Studies* (The Peace Institute, Sudbury, MA, United States: Springer International Publishing, 2021), https://doi.org/10.1007/978-3-030-28099-4_137.

consideration of equality and fundamental freedoms.²⁰ Differences between ethical principles and their institutional implementation are therefore essential to the analysis. These factors indicate that conflict does not necessarily originate from an unavoidable incompatibility between Islam and human rights. It may instead emerge from particular interpretive choices, institutional arrangements, and political circumstances. Identifying these influences enables a more precise assessment of legal disagreements and the conditions under which constructive dialogue and interpretive development can occur.

The implications of these findings extend to legal interpretation, human rights protection, and the development of contemporary Islamic law. Recognizing shared ethical foundations may support legal reasoning that considers justice, dignity,²¹ equality, and public welfare when interpreting disputed legal questions.²² At the same time, acknowledging normative tensions prevents convergence from becoming an assumption that all differences can be resolved through general appeals to shared values. Legal analysis must establish how particular principles relate to concrete rights, institutional responsibilities, and applicable legal obligations.²³ In practice, this approach can encourage more transparent judicial reasoning,²⁴ critical evaluation of legislation,²⁵ and careful assessment of the consequences of legal decisions for affected individuals. It can also contribute to scholarly discussions about the relationship between religious legitimacy and constitutional protection. However, conceptual convergence does not automatically produce institutional reform or guarantee effective protection. Implementation depends on legal procedures, judicial independence, public accountability, and the availability of remedies for rights violations.²⁶ The transformative significance of convergence therefore lies in its capacity to improve the quality of legal reasoning and clarify competing normative claims. Its practical value must ultimately be assessed through specific legal contexts rather than assumed from theoretical compatibility alone.

3.3. Rethinking Convergence Through Ethical Principles and Normative Differences

The results demonstrate that the relationship between human rights and Islamic law involves both shared ethical foundations and persistent normative disagreements. Justice, human dignity, equality, and public welfare provide important conceptual connections, while *maqasid al-shariah* offers a framework for examining the objectives and consequences of legal rules.²⁷ Nevertheless, differences concerning religious freedom,²⁸ gender equality, and legal authority indicate that convergence cannot be reduced to similarities between general principles.²⁹ The findings instead suggest that meaningful engagement requires examining how particular norms are interpreted and implemented. This conclusion challenges the assumption that Islam and the West constitute internally uniform and inherently opposing legal

²⁰ E J Powell et al., "Islam-Based Legal Language and State Governance: Democracy, Strength of the Judiciary, and Human Rights," *Constitutional Political Economy* 32, no. 3 (2021): 376–412, <https://doi.org/10.1007/s10602-019-09298-y>.

²¹ E Zuhriah, N A Syahriana, and Z Z Ali, "Navigating Islam and Human Rights: Examining Women's Right to Refuse Pregnancy in Indonesia," *Journal of Southeast Asian Human Rights* 8, no. 2 (2024): 263–87, <https://doi.org/10.19184/jseahr.v8i2.42631>.

²² R A George, "Islam and UN Human Rights Treaty Ratification in the Middle East: The Impact of International Law on Diplomacy," *The Routledge History of Human Rights* (Overseas Development Institute, London, United Kingdom: Taylor and Francis Inc., 2019), <https://www.scopus.com/pages/publications/85108919253?origin=resultslist>.

²³ M Kadivar and N Akhavan, *Human Rights and Reformist Islam, Human Rights and Reformist Islam* (Department of Religious Studies, Duke University, United States: Edinburgh University Press, 2021), <https://www.scopus.com/pages/publications/85212893173?origin=resultslist>.

²⁴ D H Nestby, "How Could the Norwegian RE Subject Express the Presence of Human Rights Thinking in Islam?," *British Journal of Religious Education* 45, no. 1 (2023): 14–22, <https://doi.org/10.1080/01416200.2021.1938511>.

²⁵ D Sheet, "On Conceptions of Time in Human Rights Studies: The Afterlife, Islam, and Reparative Justice in Post-Uprising Tunisia," *Journal of Human Rights* 22, no. 4 (2023): 524–40, <https://doi.org/10.1080/14754835.2023.2170708>.

²⁶ S Hasyim, "Human Rights and Democracy and the Response of Indonesian Islam," *Human Rights And Asean: Indonesian And International Perspectives* (International Centre for Islam and Pluralism, Jakarta, Indonesia: World Scientific Publishing Co., 2021), https://doi.org/10.1142/9789811229503_0008.

²⁷ J Edmunds, *Human Rights, Islam, and the Failure of Cosmopolitanism, Human Rights, Islam and the Failure of Cosmopolitanism* (University Lecturer in Sociology, University of Sussex, United Kingdom: Taylor and Francis, 2017), <https://doi.org/10.4324/9781315750521>.

²⁸ M W Sajjad, "Prioritizing Religious Freedoms: Islam, Pakistan, and the Human Rights Discourse," *Muslim World Journal of Human Rights* 20, no. 1 (2023): 47–68, <https://doi.org/10.1515/mwjhr-2023-0005>.

²⁹ F Abdallah, "Islam, Slavery, and Racism: The Use of Strategy in the Pursuit of Human Rights (1987)*," *American Journal of Islam and Society* 41, no. 1 (2024): 144–69, <https://doi.org/10.35632/ajis.v41i1.3423>.

traditions.³⁰ Islamic jurisprudence encompasses diverse interpretive approaches, while Western legal thought contains competing philosophical positions concerning rights, authority, and social responsibility. The analytical focus should therefore shift from broad civilizational comparisons toward specific legal questions and interpretive practices.³¹ By distinguishing shared ethical commitments from disagreements about legal application, the study provides a basis for assessing convergence critically. Such an approach recognizes the potential for dialogue without overlooking substantive differences that require further legal, philosophical, and institutional examination.

The tensions identified in the results can be understood through the interaction of historical interpretations,³² differing normative assumptions, and contemporary institutional arrangements. Islamic jurisprudence developed through complex processes of textual interpretation, legal reasoning, and engagement with changing social circumstances.³³ Contemporary human rights discourse, meanwhile, reflects international legal developments and debates about individual freedom, equality, and state responsibility.³⁴ Differences emerge when these traditions address questions through distinct interpretive priorities or understandings of legitimate authority.³⁵ Problems may become more pronounced when historical jurisprudential positions are applied without examining their contextual foundations or when contemporary legal reforms disregard the internal reasoning of Islamic legal traditions. Institutional and political factors can further influence which interpretations receive legal recognition. These observations suggest that tensions should not automatically be attributed to an essential conflict between religion and universal rights. Instead,³⁶ researchers must investigate the particular doctrines, legal provisions, and institutional practices involved.³⁷ This approach also requires recognizing disagreements within both Islamic and Western traditions.³⁸ Examining these internal differences helps explain why similar ethical principles may produce different legal outcomes and identifies opportunities for reasoned dialogue, contextual interpretation, and carefully justified legal reform.

The findings have implications for how contemporary Islamic law engages with human rights principles and changing social realities.³⁹ First, the relationship between *maqasid al-shariah* and human rights can provide an analytical basis for evaluating whether legal interpretations adequately protect human interests and prevent harm.⁴⁰ However, such evaluation requires explicit reasoning about the meaning, scope, and prioritization of relevant objectives.⁴¹ Second, legal interpretation should distinguish between

³⁰ M Khalfaoui, "Is Child Marriage Lawful in Islam? Modern and Classical Positions in the Mirror of Modern International Human Rights," *Legal Transformation in Muslim Societies* 1, no. 3 (2024): 1–13, <https://www.scopus.com/pages/publications/85218941250?origin=resultslist>.

³¹ M S Saruhan, "Prejudices Concerning Human Rights Vis-à-Vis Islam," *Jurnal Ilmiah Peuradeun* 8, no. 2 (2020): 397–408, <https://doi.org/10.26811/peuradeun.v8i2.463>.

³² S A Jackson, "Islam and the Promotion of Human Rights," *Telos*, no. 203 (2023): 59–77, <https://doi.org/10.3817/0623203059>.

³³ T Mukharrom and S Abdi, "Harmonizing Islam and Human Rights Through the Reconstruction of Classical Islamic Tradition," *Samarah* 7, no. 1 (2023): 40–57, <https://doi.org/10.22373/sjhk.v7i1.16436>.

³⁴ Peters R., ed., "(In)Compatibility of Religion and Human Rights The Case of Islam," *Studies in Islamic Law and Society* (Brill Academic Publishers, 2020), https://doi.org/10.1163/9789004420625_036.

³⁵ R Bahlul, "Religion, Democracy, and Human Rights: The Example of Islam," *The Islamic World and the Mediterranean: From Colonial Legacy to Political and Cultural Interdependence* (Philosophy Programme, Doha Institute for Graduate Studies, Qatar: Taylor and Francis, 2025), <https://doi.org/10.4324/9781003431206-9>.

³⁶ A Duderija, "Women's Rights as Human Rights in Islam," *Religious Soft Diplomacy and the United Nations: Religious Engagement as Loyal Opposition* (Centre for Interfaith and Cultural Dialogue, Griffith University, Australia: Bloomsbury Publishing Plc., 2024), <https://doi.org/10.5040/9781978729636.ch10>.

³⁷ A Allawi, "Islam, Human Rights, and the New Information Technologies," *Speech and Society in Turbulent Times: Freedom of Expression in Comparative Perspective* (National University of Singapore, Singapore: Cambridge University Press, 2017), <https://doi.org/10.1017/9781316996850>.

³⁸ C Arminjon, "Islamic Law and Human Rights: The Doctrinal Controversies in Sunni and Shi'ite Islam Since the 1948 Universal Declaration," *Welt des Islams* 59, no. 2 (2019): 127–70, <https://doi.org/10.1163/15700607-00592P01>.

³⁹ P Prentice and A Saeed, "The Concept of Human Rights in Islam," *The Concept of Human Rights in Judaism, Christianity and Islam* (University of Melbourne, Australia: De Gruyter, 2022), <https://doi.org/10.1515/9783110561579-005>.

⁴⁰ M R Goudarzi, "Resolving the Conflict Between Traditional Islam and Human Rights: A Comparative Study of Mahmoud Mohammed Taha's and Mohsen Kadivar's Views," *Critical Research on Religion* 9, no. 3 (2021): 284–99, <https://doi.org/10.1177/20503032211015293>.

⁴¹ M Vidūnaitė, "The Agency in Islam or (and) Human Rights? The Case of Pious Baltic Muslim Women," *Religions* 14, no. 7 (2023), <https://doi.org/10.3390/rel14070937>.

ethical aspirations,⁴² established jurisprudential positions, statutory provisions, and enforceable rights. This distinction helps prevent conceptual agreement from being mistaken for actual legal protection. Third, convergence should be assessed through the consequences of particular legal rules for individuals and communities,⁴³ especially where disputes involve equality, religious freedom, or personal autonomy. These implications do not establish that every conflict can be resolved by appealing to public welfare or human dignity.⁴⁴ Rather, they require transparent justification, engagement with competing interpretations, and attention to applicable legal obligations. A context-sensitive approach can strengthen contemporary Islamic legal scholarship by explaining both the possibilities and limits of normative reconciliation.⁴⁵ Its effectiveness,⁴⁶ however, depends on whether proposed interpretations are supported by credible legal reasoning and translated into institutional practices that provide meaningful protection. The conceptual direction of this study relates to scholarship examining the compatibility of Islamic legal principles with international human rights standards, particularly research addressing *maqasid al-shariah*, contextual interpretation,⁴⁷ universalism, and cultural relativism.⁴⁸ Existing approaches commonly explore shared ethical values,⁴⁹ tensions between religious norms and individual rights, or the possibility of reform through renewed Islamic legal reasoning.⁵⁰ The present analysis brings these concerns together by treating convergence as a process requiring both recognition of common principles and critical examination of normative disagreements. Rather than assuming that shared concepts necessarily produce equivalent legal outcomes,⁵¹ it emphasizes the importance of investigating interpretation, institutional implementation, and the consequences of particular legal rules.⁵² This approach also avoids treating either Islamic law or Western thought as a single,⁵³ unchanging tradition. However, the precise differences between this study and individual previous studies must be established through direct comparison with identified publications.⁵⁴ Without examining specific works,⁵⁵ claims of theoretical

⁴² A E Mayer, *Islam and Human Rights: Tradition and Politics*, *Islam and Human Rights: Tradition and Politics* (University of Pennsylvania, United States: Taylor and Francis, 2018), <https://doi.org/10.4324/9780429495120>.

⁴³ G Tamer and C Rachik, *The Concept of Human Rights in Judaism, Christianity, and Islam*, *The Concept of Human Rights in Judaism, Christianity and Islam*, vol. 2 (Universität of Erlangen-Nürnberg, Germany: De Gruyter, 2022), <https://doi.org/10.1515/9783110561579>.

⁴⁴ K V Karpenko, "Relationship Between Human Rights and Freedoms and Islam in Arab Countries," *Gosudarstvo i Pravo* 2023, no. 7 (2023): 147–55, <https://doi.org/10.31857/S102694520018174-2>.

⁴⁵ K S Rotabi et al., "Erratum to: The Care of Orphaned and Vulnerable Children in Islam: Exploring Kafala with Muslim Unaccompanied Refugee Minors in the United States (*Journal of Human Rights and Social Work*, (2017), 2, 1-2, (16-24), 10.1007/S41134-017-0027-2)," *Journal of Human Rights and Social Work* 2, no. 1–2 (2017): 62, <https://doi.org/10.1007/s41134-017-0032-5>.

⁴⁶ M R Goudarzi and A Najafinejad, "Necessity of Reinterpretation of Sharia in the Thoughts of a Grand Ayatollah: Saanei's Response to the Challenge of Human Rights in Islam," *Muslim World Journal of Human Rights* 16, no. 1 (2019): 27–49, <https://doi.org/10.1515/mwjhr-2018-0017>.

⁴⁷ H Hofifah and K H Farosy, "Transitional Perspectives on the New Criminal Law, Human Rights and Islamic Law on the Death Penalty," *Jurnal Konstitusi* 21, no. 3 (2024): 464–81, <https://doi.org/10.31078/jk2137>.

⁴⁸ O Keles, *Rethinking Islam and Human Rights: Practice and Knowledge Production in the Case of Hizmet*, *Rethinking Islam and Human Rights: Practice and Knowledge Production in the Case of Hizmet* (Oxford University Press, 2023), <https://doi.org/10.1093/oso/9780197662489.001.0001>.

⁴⁹ A Saeed, *Human Rights and Islam: An Introduction to Key Debates Between Islamic Law and International Human Rights Law*, *Human Rights and Islam: An Introduction to Key Debates between Islamic Law and International Human Rights Law* (Arab and Islamic Studies, University of Melbourne, Australia: Edward Elgar Publishing Ltd., 2018), <https://doi.org/10.4337/9781784716585>.

⁵⁰ M.A.M.H. Barry, "Human Rights in Islam and Their Relevance in the Present Time," *Advanced Science Letters* 23, no. 5 (2017): 4856–59, <https://doi.org/10.1166/asl.2017.8927>.

⁵¹ L Chamankhah, "From Political Islam to Civil Religion: The Possibilities of a Pluralistic Constitution and Its Impact on Human Rights in Post-Revolutionary Iran," *Teosofi: Jurnal Tasawuf Dan Pemikiran Islam* 12, no. 1 (2022): 125–44, <https://doi.org/10.15642/teosofi.2022.12.1.125-144>.

⁵² S S Ali, *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?*, *Gender and Human Rights in Islam and International Law: Equal before Allah, Unequal before Man?* (University of Peshawar, Pakistan: Brill, 2021), <https://doi.org/10.1163/9789004479951>.

⁵³ D Peterson, *Islam, Blasphemy, and Human Rights in Indonesia: The Trial of Ahok*, *Islam, Blasphemy, and Human Rights in Indonesia: The Trial of Ahok* (University of Melbourne, Australia: Taylor and Francis, 2020), <https://doi.org/10.4324/9781003007814>.

⁵⁴ M E Badar and P Florijančić, "Killing in the Name of Islam? Assessing the Tunisian Approach to Criminalising Takfir and Incitement to Religious Hatred against International and Regional Human Rights Instruments," *Nordic Journal of Human Rights* 39, no. 4 (2021): 481–507, <https://doi.org/10.1080/18918131.2021.2021665>.

⁵⁵ A Faizin, A Mansur, and A M Abdillah, "Islam, Human Rights, and AKP (Adalet ve Kalkınma Partisi) in Turkey," *Ahkam: Jurnal Ilmu Syariah* 21, no. 2 (2021): 279–98, <https://www.scopus.com/pages/publications/85126752211?origin=resultslist>.

originality or disagreement with earlier findings would be premature.⁵⁶ The contribution can therefore be framed as an integrative analytical perspective whose distinctiveness should be demonstrated through a systematic review of relevant literature and clearly documented comparisons.

The findings suggest several directions for developing more rigorous engagement between human rights and contemporary Islamic law. Conceptually, researchers should distinguish shared ethical principles from specific legal rules and explain how proposed interpretations address competing rights and obligations. The *maqasid al-shariah* framework can contribute to this process when its application is supported by clear reasoning, relevant jurisprudential sources, and careful consideration of legal consequences. Methodologically, future studies should compare judicial decisions, legislation, and authoritative interpretations across selected jurisdictions to establish how convergence operates in concrete legal settings.⁵⁷ Empirical interviews with judges, legal practitioners, scholars, and affected communities may further illuminate the relationship between normative principles and lived experiences. From a policy perspective,⁵⁸ legal institutions should assess whether relevant rules provide effective protection, accessible remedies, and consistent safeguards against discrimination. Reform proposals should be evaluated in light of constitutional requirements, applicable international obligations, and the relevant Islamic legal arguments.⁵⁹ These recommendations do not presume that all normative disagreements can be eliminated. Instead, they encourage transparent legal reasoning, context-sensitive interpretation, and evidence-based evaluation. Such measures can help clarify where convergence is achievable, where safeguards require strengthening, and where further scholarly debate remains necessary.

4. Conclusion

This study concludes that convergence between human rights and Islamic law is possible through contextual interpretation, critical engagement with Islamic legal traditions, and recognition of shared ethical principles. Justice, human dignity, equality, and public welfare provide important foundations for connecting Islamic legal reasoning with international human rights standards. However, normative tensions remain concerning religious freedom, gender equality, and the relationship between religious authority and state law. These differences require careful consideration of legal principles, interpretive contexts, and contemporary social realities. The relationship between Islam and the West should therefore not be understood as an inherent opposition between incompatible legal traditions. Rather, it represents an ongoing dialogue involving shared values, competing interpretations, and different normative priorities. Meaningful convergence requires an approach that neither uncritically adopts Western legal frameworks nor preserves inherited interpretations without critical reflection. Through contextual and balanced interpretation, contemporary Islamic law can engage constructively with human rights discourse while maintaining its ethical foundations and responding to evolving demands for justice, equality, and human dignity.

This study contributes to contemporary Islamic legal scholarship by conceptualizing convergence as a process of normative dialogue, contextual interpretation, and critical legal reconstruction. Its contribution lies in demonstrating how shared ethical commitments can provide a basis for examining relationships between Islamic legal principles and international human rights standards without overlooking substantive disagreements. This perspective offers a framework for analyzing contemporary debates beyond simplistic distinctions between Islam and the West. It emphasizes the importance of interpreting Islamic legal traditions in ways that address human dignity, equality, and fundamental rights within

⁵⁶ A Kardas, *Women's Equality in Islamic Law? A Comparative Study From the Perspective of Islamic Law and Human Rights with Particular Reference to Electoral Law and the Law of Succession*, *Jus Internationale et Europaeum*, vol. 178 (Mohr Siebeck GmbH and Co. KG, 2021), <https://doi.org/10.1628/978-3-16-159872-2>.

⁵⁷ F M Muhammadin and M H M Kamal, "The Western Universalism vs. Cultural Relativism Debate on Human Rights and Islam: An 'Aqidah-Based Approach,'" *Afkar* 21, no. 2 (2019): 175–216, <https://doi.org/10.22452/afkar.vol21no2.6>.

⁵⁸ F B J Ahmed, "Freedom of Speech, Responsibility, and Human Rights in Islam," *Global Media Ethics and the Digital Revolution* (University of Auckland, New Zealand: Taylor and Francis, 2021), <https://doi.org/10.4324/9781003203551-9>.

⁵⁹ Z Rehman, "Islam, Religious Freedom, and Human Rights beyond the Law," *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 15, no. 2 (2024): 194–211, <https://doi.org/10.1353/hum.2024.a953061>.

changing social and legal contexts. The findings also provide a conceptual foundation for further discussions on Islamic legal reform, human rights protection, religious diversity, and the relationship between religious norms and modern legal institutions. By bringing these dimensions into a common analytical framework, the study encourages a more nuanced understanding of the possibilities and limitations of legal convergence. Its central contribution is to frame convergence not as complete normative uniformity, but as a continuing process of critical engagement, interpretation, and negotiation between different legal and ethical traditions.

Nevertheless, this study has limitations arising from its reliance on normative legal analysis and documentary sources. Although this approach enables a detailed examination of legal principles and philosophical arguments, it does not independently establish how convergence between Islamic law and human rights operates in judicial practice or everyday social relations. The analysis is also influenced by the scope of the selected legal instruments, scholarly literature, and interpretive perspectives. Future research should therefore incorporate comparative analyses of judicial decisions, empirical interviews, and case studies across different legal jurisdictions. Such approaches could investigate how judges, legal practitioners, policymakers, and affected communities interpret the relationship between Islamic legal principles and human rights protections. Further studies could also examine specific issues, including religious freedom, gender equality, family law, and constitutional interpretation, to identify how convergence and disagreement emerge in particular contexts. These investigations would strengthen understanding of the practical implications of normative dialogue and clarify the institutional conditions under which legal convergence can contribute to more effective human rights protection while respecting the diversity of Islamic legal interpretations.

Declarations

Author Contribution Statement

Hamdani contributed to conceptualization, methodology, supervision, and writing of the original draft; Saiful Amin contributed to data curation, formal analysis, and writing – review and editing; Hairullfazli Bin Mohammad Som contributed to investigation, validation, and provision of resources. All authors have read and approved the final version of the manuscript.

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The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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