



Received: 2026-02-11

Accepted: 2026-06-16

Published: 2026-06-22

Original Article

## The Standing of Human Rights in Criminology and Victimology: An Analysis of Contemporary Islamic Law

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### ABSTRACT

This research aims to analyze the position of human rights in the realm of criminology and victimology using a contemporary Islamic law approach. Criminology highlights aspects of crime in society, while victimology focuses on the study of crime victims. Both are closely related to the protection of human rights. This study employs a normative juridical research method with a qualitative approach through comparative legal analysis. The research relies on library research by examining primary, secondary, and tertiary legal materials, including Islamic legal sources, legislation, scholarly journals, books, and relevant literature related to human rights, criminology, and victimology. The focus of the study includes the basic concepts of human rights in Islam, protection of crime victims, handling of criminals, and the social responsibility of society. The results of the analysis highlight that Islamic law provides a strong foundation for understanding human rights in the context of criminology and victimology. Principles such as justice, equality, and protection of individual rights are strongly recognized in Islamic teachings. Furthermore, the social responsibility of society in preventing crime and supporting victims is also emphasized in the perspective of Islamic law.

**Keywords:** Human Rights, Criminology, Victimology, Contemporary Islamic Law, Social Justice

### Introduction

Human Rights are universal principles that guarantee the freedom and dignity of every individual regardless of race, religion or belief. The concept of human rights does not only apply in secular legal systems, but also has relevance in the perspective of contemporary Islamic law. Criminology and victimology are two fields of study that are specifically concerned with the problem of crime and crime victims. The concept of human rights does not only apply in secular

legal systems,<sup>1</sup> but can also have relevance in the perspective of contemporary Islamic law. In Islam, there are principles similar to human rights known as "Human Rights in Islam" or "Insani Huquq." These principles include freedom of religion, fair and equal treatment before the law, and protection against abuse of power. Criminology is a field of study that studies the causes, control, prevention and handling of crime. <sup>2</sup>The focus of criminology includes social, psychological, and economic aspects that influence criminal behavior. Criminology seeks to understand the factors that influence the occurrence of crime and develop effective strategies in reducing crime. <sup>3</sup>Victimology, on the other hand, is a field of study that focuses on understanding crime victims, the impact of crime on victims, and victims' recovery efforts. Victimology seeks to identify and understand the physical, psychological, and social impacts that crime has on victims. <sup>4</sup>The main goal of victimology is to encourage attention to the rights and needs of victims and increase efforts to protect and support them. Both criminology and victimology are fields of study that are interrelated in understanding the phenomenon of crime. Criminology studies the nature of crime and the factors that contribute to its occurrence, while victimology focuses on the impact and recovery of crime victims. Criminology studies the nature of crime and the factors that contribute to its occurrence, while victimology focuses on the impact and recovery of crime victims.

Criminology examines crime from various perspectives, including legal, social, psychological, economic, and cultural aspects. It seeks to understand why individuals commit crimes, how criminal behavior develops, and what conditions within society may encourage unlawful acts. Factors such as poverty, unemployment, family problems, social inequality, lack of education, substance abuse, and weak law enforcement are often analyzed within criminological studies. Through this approach, criminology aims not only to explain criminal behavior but also to contribute to the development of effective crime prevention strategies and fair criminal justice policies.

Victimology, on the other hand, places greater attention on individuals who suffer harm as a result of criminal acts. This field studies the physical, emotional, psychological, and economic consequences experienced by victims.<sup>5</sup> Victimology also examines the relationship between victims and offenders, the role of victims within the criminal justice system, and the forms of protection and assistance that should be provided to them. In many cases, victims experience long-term trauma, fear, social isolation, and financial difficulties after becoming targets of crime.<sup>6</sup> Therefore, victimology emphasizes the importance of victim support services, including counseling, legal assistance, compensation, rehabilitation, and social reintegration.

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<sup>1</sup> T. Jeremy Gunn. Do Human Rights Have a Secular, Individualistic & Anti-Islamic Bias?. *Dædalus, the Journal of the American Academy of Arts & Sciences*. 149(3)Summer(2020), 148-169

<sup>2</sup>Topo Santoso dan Eva Achjani Zulfa. *Kriminologi*. (Jakarta: PT Raja Grafindo Persada 2007), 9.

<sup>3</sup>Indah Sri Utami. *Aliran dan Teori Dalam Kriminologi*. (Yogyakarta: Thafa Media 2012), 48.

<sup>4</sup>Juhaya. *Teori Hukum Dan Aplikasinya*. (Bandung: Pustaka Setia 2017).65

<sup>5</sup> Jo-Anne Wemmers "Victims' Experiences in the Criminal Justice System and Their Recovery from Crime" , *International Review of Victimology* 19(3)(2013), 221–233.

<sup>6</sup> Robyn L. Holder & Elizabeth Englezos "Victim Participation in Criminal Justice: A Quantitative Systematic and Critical Literature Review" , *International Review of Victimology* 29(2)(2023), 143–165.

Both criminology and victimology are closely connected because crime affects not only offenders but also victims and society as a whole. Modern criminal justice systems increasingly recognize that justice should not focus solely on punishing offenders, but also on restoring the rights and well-being of victims. As a result, contemporary approaches such as restorative justice encourage dialogue, accountability, reconciliation, and recovery for all parties affected by these two fields of study have an important role in preventing crime, dealing with criminals, and protecting crime victims. In this paper, we will discuss human rights in the context of criminology and human rights victimology from the perspective of contemporary Islamic law.

## **Discussion.**

### **A. Human Rights in Criminology**

#### **1. Definition of human rights in criminology**

In criminology, human rights refer to human rights. Human rights are a set of rights that are inherent in every individual naturally and inherently as human beings, without any discrimination, be it race, color, gender, religion, nationality, or other factors. The concept of human rights involves the protection of individual dignity, freedom and equality. In the context of criminology, human rights are often related to law enforcement, criminal acts and the criminal justice system. The application of human rights in criminology aims to ensure that the law enforcement process and criminal justice system do not violate individual rights.<sup>7</sup> Some important aspects of human rights in criminology include:

Principle of Presumption of Innocence: Every individual is presumed innocent until legally and convincingly proven guilty before a court. Fair and Equal Treatment: Everyone has the right to be treated fairly and equally before the law without discrimination. Personal Freedom: The right of every individual not to be detained arbitrarily or without just cause. Detained persons have the right to resist arbitrary arrest and to due process of law.<sup>8</sup> Humane Punishment: The right of every individual not to be subjected to punishment that is inhumane, cruel, or degrading to human dignity. The principle of Humane Punishment does not stand on its own, but is based on various underlying theories and principles within human rights, modern criminal law, and the philosophy of justice. This principle emphasizes that every individual has the right not to be subjected to punishments that are cruel, inhumane, or degrading to human dignity. In its development, this principle emerged from the understanding that the purpose of criminal law is not merely to retaliate against crime, but also to uphold human values and protect the dignity of every person, including criminal offenders.

One of the main foundations of Humane Punishment is the principle of human dignity. This concept asserts that every human being possesses intrinsic value that must be respected by the state and the legal system. Therefore, punishments involving torture, inhumane treatment,

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<sup>7</sup>Achmad Ali. *Menguak Teori Hukum Dan Teori Keadilan*. (Jakarta: Kencana 2010), 375.

<sup>8</sup> Heri Purwanto. Reconstructing the Legal Understanding of the Presumption of Innocence in Criminal Justice to Achieve Justice. *Indonesian Journal of Criminal Law Studies* 10(2)(2025), 417-450

or humiliation of prisoners are considered contrary to universal human rights values.<sup>9</sup> This principle is reflected in various international instruments such as Article 5 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, both of which prohibit torture and degrading treatment.<sup>10</sup>

In addition, the principle of Humane Punishment is also grounded in the rehabilitation theory of modern criminal law. This theory views offenders as individuals who still have the right to be reformed and reintegrated into society through guidance, education, and social rehabilitation. Thus, punishment should not merely function as revenge, but should also provide opportunities for offenders to improve themselves and become better members of society.<sup>11</sup>

This principle is also closely related to the principles of proportionality and due process of law. Punishment must be proportional to the severity of the offense and imposed through a fair legal process.<sup>12</sup> From the perspective of Islamic law, this concept is consistent with the values of justice (al-'adl), compassion (rahmah), and the prohibition against oppression or ظلم toward any individual. Therefore, Humane Punishment is a principle built upon interconnected moral, legal, and humanitarian foundations.

Right to Privacy: The right of individuals to maintain privacy and protect their personal information from misuse or unauthorized monitoring. Right to Justice and Access to the Justice System: The right of every individual to obtain effective justice, access to a fair justice system, and equal participation in the judicial process. Prohibition of Torture and Degrading Treatment : The right of every individual not to be tortured, treated in an inhuman or degrading manner. The application of human rights principles in criminology plays an important role in maintaining justice, protecting individual rights, and preventing abuse of power by law enforcement or the judicial system.<sup>13</sup>

The principle of human rights, or human rights, has an important role in dealing with criminals. When dealing with criminals, it is important to respect and protect their rights, even if they have committed unlawful acts. The following are several human rights principles that are relevant in dealing with criminals:

Principle of Freedom and Fair Treatment: Criminals have the right to be presumed innocent until legally and fairly proven guilty in a court of law. They have the right to humane treatment, not to be tortured or treated in an inhuman or degrading way. Principle of Non-Discrimination: Offenders have the right not to be discriminated against based on race, color,

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<sup>9</sup> Natasa Mavronicola, Inhuman and Degrading Punishment, Dignity, and the Limits of Retribution, *The Modern Law Review* 77(2)(2014), 292–307.

<sup>10</sup> Nimisha Patel, Conceptualising Rehabilitation as Reparation for Torture Survivors: A Clinical Perspective, *The International Journal of Human Rights*, 23(9)(2019), 1546–1568.

<sup>11</sup> Esther F.J.C. van Ginneken & David Hayes, 'Just' Punishment? Offenders' Views on the Meaning and Severity of Punishment, *Criminology & Criminal Justice* 17(1)(2017), 15-17..

<sup>12</sup> Susan Nagelsen & Charles Huckelbury, *The Death Penalty and Human Dignity: An Existential Fallacy*, *Laws* 5(2)(2016), 77-78..

<sup>13</sup>Hasaziduhu Moho, "Penegakan Hukum di Indonesia Menurut Aspek Kepastian Hukum, Keadilan dan Kemanfaatan", *Jurnal Warta Universitas Dharmawangsa* 59(Januari 2019), 6

religion, gender, or other factors. The justice system must ensure that every individual is treated fairly without discrimination.

**Principles of Privacy and Private Life:** The rights to privacy and private life still apply to criminals. This means that in the process of dealing with crimes, their personal information must be protected and must not be disclosed carelessly without a valid reason. **Principles of Fair Legal Process:** Criminals have the right to fair legal process, including the right to have an attorney and the right to self-defense. They also have the right to obtain information about the charges they face and the right to present witnesses and evidence to support their defense.<sup>14</sup> **Principles of Recovery and Rehabilitation:** Apart from punishment, a human rights-oriented approach also emphasizes the importance of recovery and rehabilitation of criminals. The goal is to help them change behavior, correct mistakes, and reintegrate into society in a productive way.

**Principle of Proportionality and No Cruel Treatment:** Sanctions and punishments against perpetrators of crimes must be proportional to the crimes committed. Handling crimes that reflect the principle of proportionality ensures that perpetrators are not subjected to cruel, inhuman or degrading treatment. These principles help ensure that treatment of criminals respects their rights as human beings. Although criminals must be held accountable for their actions, it is important for the justice system to adhere to human rights principles to ensure justice and respect for human dignity. Human rights principles in dealing with criminals, human rights principles in dealing with criminals” refers to the application of fundamental human rights standards within the criminal justice system. These principles ensure that individuals accused or convicted of crimes are still treated with dignity and fairness. They include the presumption of innocence, the right to a fair trial, equality before the law, protection from arbitrary detention, and freedom from torture or cruel punishment. Human rights principles emphasize that punishment must remain humane and proportional to the offense committed. Therefore, the criminal justice process should not only focus on punishing offenders but also on protecting their basic rights and human dignity.

## *2. Protection of human rights for suspects and prisoners*

Protection of human rights (HAM) is a fundamental principle that must be upheld in the criminal justice system.<sup>15</sup> This applies to both suspects and prisoners. Under applicable law, the following are some of the human rights protections generally provided to suspects and prisoners: **Presumption of innocence:** Every suspect is presumed innocent until legally proven guilty by a court. This means that they have the right to be presumed innocent and should not be treated as criminals until proven guilty. **Protection from arbitrary detention:** Suspects have the right not to be detained arbitrarily. They may only be detained on lawful grounds and for clear reasons. **Legal representation:** Suspects and prisoners have the right to be accompanied by an attorney or legal representative. They have the right to competent and trained legal

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<sup>14</sup>Satjipto Raharjo. *Sosiologi Hukum Perkembangan Metode Dan Pilihan Masalah*. (Yogyakarta: Sinar Grafika, 2002). 190.

<sup>15</sup>Didin Sudirman, *Reposisi dan Revitalisasi Pemasyarakatan dalam Sistem Peradilan Pidana di Indonesia*, (Jakarta: Alnindra Dunia Perkasa, 2007), ix

assistance to defend themselves. Prohibition of torture and inhumane treatment: Suspects and prisoners shall not be tortured or treated inhumanely. They have the right not to be subjected to treatment that is degrading to human dignity or physically or psychologically painful.<sup>16</sup>

Right to privacy: Suspects and prisoners have the right to maintain their personal privacy to the extent permitted by law. Their personal information must be protected and must not be disclosed unlawfully. Right to a fair trial: Suspects have the right to a fair and public trial before an independent and impartial tribunal. They have the right to question witnesses, present witnesses, and gain access to the evidence against them. Humane treatment in the correctional system: Prisoners have the right to be treated humanely and with dignity in the correctional system. They must be protected from treatment that violates their human rights. Human rights protection for suspects and prisoners aims to ensure that the legal process runs fairly and in accordance with the principles of justice and human rights.

### *3. Criticism of the criminal justice system which violates human rights*

There is some criticism of the criminal justice system which violates human rights. Here are some of them: Unfair detention: Criminal justice systems that violate human rights often have unfair detention practices. This includes arrest without good reason, detention that is not based on strong evidence, prolonged detention without a fair trial, or detention in inhumane conditions. Use of torture or cruel treatment: One of the main criticisms of the criminal justice system that violates human rights is the use of torture or cruel treatment of detainees. This includes the use of physical or psychological violence, abuse of power by prison officials, and inhumane treatment of prisoners. Lack of fair legal process: A criminal justice system that violates human rights often does not provide defendants with a fair legal process. This may include the inability to access competent counsel, limitations in obtaining supporting evidence, a trial that is not neutral or impartial, or denial of the right to testify or defend oneself.

Lack of transparency: Criminal justice systems that violate human rights often lack transparency. This includes a lack of public access to legal processes and trials, restrictions on press freedom, as well as deficiencies in providing necessary information to relevant parties.<sup>17</sup> Discrimination and human rights violations: Criminal justice systems that violate human rights are often prone to discrimination and human rights violations. This can occur in the form of unfair treatment of minority groups, disproportionate use of violence against citizens, or unequal access to justice for the less fortunate. It is important to address these criticisms and ensure a criminal justice system that is well-functioning, fair, and in line with human rights principles. This involves implementing and strengthening comprehensive legal protection, transparency of legal processes, fulfillment of the basic rights of defendants, and protection against discrimination and inhumane treatment.

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<sup>16</sup>Sunarto, D.M, Alternatif Meminimalisasi Pelanggaran HAM dalam Penegakan Hukum Pidana, dalam Hak Asasi Manusia Hakekat, Konsep dan Implikasi dalam Perspektif Hukum dan Masyarakat, (Bandung: PT. Refika Aditama, 2007), 139.

<sup>17</sup>Joko Setiyono, Kebijakan Legislatif Indonesia, dalam Hak Asasi Manusia Hakekat, Konsep dan Implikasi dalam Perspektif Hukum dan Masyarakat, (Bandung: PT Refika Aditama, 2007), .120

#### 4. *Islamic legal perspective on human rights in criminology .*

In the perspective of Islamic law, Human Rights are considered important and profound principles in law enforcement. Even though Islamic law has a unique legal system and is different from secular legal systems, human rights principles are considered compatible with Islamic teachings. In criminology, human rights involve the protection of individual rights which include the rights to life, liberty, dignity and justice. In the perspective of Islamic law, these rights are also respected and considered important. Islamic law emphasizes the protection of the human soul and places the values of justice and equality as core principles. In the context of criminology, Islamic law establishes several basic principles that are relevant in upholding human rights. Some of these principles include: Principles of Justice: Islamic law emphasizes the importance of justice in the legal system.<sup>18</sup> Every individual has the right to be treated fairly and equally before the law. This means that everyone, both perpetrators of crimes and victims, has the same right to obtain justice in the legal process. Principle of Legal Certainty: Islamic law emphasizes the need for legal certainty in handling criminal cases. Every individual has the right to know and understand the applicable law and has the right to be processed in accordance with clear and fair legal procedures. Principle of Protection of Life: In Islamic law, the right to life is considered very important. Therefore, murder and violence that harm human life are strictly punished. Protection of human life is included in the category of fundamental human rights.

Principle of Protection of Dignity: Islamic law also respects the dignity of every individual. Everyone has the right not to be treated inhumanely or humiliated.<sup>19</sup> This means that in the context of criminology, individuals accused of crimes still have the right to be presumed innocent until proven otherwise, and have the right to be treated with dignity and avoid treatment that hurts their honor and dignity. However, it is important to remember that the implementation and interpretation of human rights in the context of criminology may vary across countries with Muslim majority populations. Countries with Islamic legal systems can have a variety of approaches to human rights, and the interpretation of Islamic law itself can be subjective depending on the viewpoint and approach of the school used.

### **B. Human Rights in Victimology**

#### *1. Definition of human rights in victimology*

Human rights is an abbreviation of Human Rights. In the context of victimology, human rights refer to a set of basic rights that every individual has as a human being.<sup>20</sup> These rights are considered universal, independent of race, religion, gender, or social background. In victimology, human rights have an important role because they involve protecting and fulfilling the rights of crime victims. Victims of crime have the right to receive fair treatment, a sense of

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<sup>18</sup>Muhammad Tahir Azhary,, Negara Hukum Suatu Studi tentang Prinsip-prinsipnya dilihat dari Segi Hukum Islam, Impelementasinya pada Periode Negara Madinah dan Masa Kini, Kencana, Jakarta, 2003 . 9.

<sup>19</sup>A. Djazuli, Fiqh Jinayah; Upaya Menanggulangi Kejahatan dalam Islam, (PT Raja Grafindo Persada, Jakarta, 1997), 151

<sup>20</sup>Stephen E. Brown, *Criminology Explaining Crime and Its Context*, (Anderson Publishing, 2013), 511.

security and adequate recovery after being victims of a crime. Some of the victims' rights included in human rights in the context of victimology include:

The right to be recognized and respected as a human being with dignity. The right to personal security and protection from violence. The right to access justice and an effective legal system. The right to obtain accurate information about criminal cases involving them. The right to receive appropriate support and recovery after being a victim. The right not to be treated discriminatorily based on status or personal characteristics. The right to participate in legal proceedings involving them.

It is important to ensure that victims of crime receive fair and equal treatment to those who commit crimes. Protection and fulfillment of human rights for crime victims is an important element in efforts to prevent revictimization and ensure that victims have adequate access to justice and recovery.<sup>21</sup>

*2. Protection of human rights for crime victims is an important aspect in a fair and just legal system.*

The following are several forms of human rights protection provided to crime victims: The right to be treated with dignity: Every victim of crime has the right to be treated with equal respect and dignity, without discrimination based on race, religion, gender, or any other factor. The right to security and protection: Victims of crime have the right to receive protection from threats or dangers that may arise as a result of the crimes they experience. This includes the right to report crimes to authorities and receive the protection of the police or legal system. Right to justice: Victims of crime have the right to fair and effective access to the criminal justice system. This includes the right to participate in judicial proceedings, provide testimony, and obtain appropriate compensation or relief. Right to information: Victims of crime have the right to obtain relevant information about their rights, the justice process, and the support services available to them. They should be given clear and accessible information about their rights and how to access help and services.<sup>22</sup>

Right to recovery and rehabilitation: Victims of crime have the right to appropriate physical, psychological and social support and rehabilitation services for their recovery. This includes medical support, counselling, legal aid, and other assistance that can help them overcome the traumatic impact of the crime they experienced. The right not to be persecuted again: Victims of crime have the right to be protected from all forms of harassment, threats or retaliation by the perpetrator of the crime or other related parties. The criminal justice system must ensure the safety and protection of victims and prevent unwanted contact or intimidation. It is important to note that human rights protections for crime victims may vary from country to country, and each legal system has different regulations and policies. The main goal is to ensure that crime victims are treated fairly, heard, and receive appropriate protection in accordance with their rights as human beings. Human rights protection for crime victims

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<sup>21</sup>Ezzat A. Fattah, *Victimology: Past, Present and Future*, (Presses de l'Universite de Montreal, 2000), 22.

<sup>22</sup>Soedjono Dirdjosisworo, *Pengadilan Hak Asasi Manusia Indonesia*, (Penerbit, Bandung, Citra Aditya Bakti 2002), 18.

### 3 . *Restorative justice from a human rights perspective*

Restorative justice is an approach to the justice system that emphasizes restoration and reconciliation, not just punishment and retribution. The main principle of restorative justice is that crime and conflict involve relationships between perpetrators, victims, and society, and recovery must involve the active participation of all parties involved. From a Human Rights perspective, restorative justice has several important considerations. First, restorative justice recognizes the dignity and rights of crime victims. In traditional justice systems, victims are often ignored or marginalized, while primary attention is paid to the perpetrator and punishment. With a restorative approach, victims are given space to participate in the reconciliation and recovery process, and express their needs and concerns. Second, restorative justice also recognizes the rights of perpetrators. Even though the perpetrator has committed an act that violates the law and harms the victim or society, they also have human rights that need to be respected.<sup>23</sup> In restorative justice, perpetrators are given the opportunity to acknowledge their responsibility, repair the damage they have caused, and participate in a healing process that involves social reintegration.

Apart from that, restorative justice also pays attention to the rights of society as a whole. This approach focuses on rebuilding social bonds damaged by crime or conflict. By involving communities in restorative processes, restorative justice attempts to strengthen social networks and avoid the stigmatization or marginalization that can occur in traditional justice systems. However, it is important to note that restorative justice is not the right solution for every crime or conflict. Some crimes may be too serious or the perpetrator may not be willing to participate in a restorative process. In such cases, it is important to keep the needs of the victim in mind and ensure that traditional justice is administered with the rights of the perpetrator in mind. In order to properly implement restorative justice from a human rights perspective, it is important to ensure that the rights of all parties are safeguarded, including the victim's right to obtain recovery, the perpetrator's right to have the opportunity to improve themselves, and the community's right to live in a safe and connected environment. social.

### 4 . *Criticism of traditional approaches to crime victims*

The traditional approach to crime victims has come under a lot of criticism in recent years. Some criticisms of this approach include: Ignoring victims' needs: Traditional approaches often focus more on law enforcement and prosecuting perpetrators than on victims' needs. Victims are often considered as witnesses or tools to achieve criminal justice, without considering the impacts they experience and their rehabilitation or recovery needs. Lack of victim participation: Traditional approaches tend to ignore victim participation in the legal process. Victims are often not given the opportunity to provide input or participate in decisions

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<sup>23</sup>Abdul Aziz Hakim. Konsep Keadilan Transisional dalam Perspektif Hukum Islam, *Al-Mazalib* 2(1)(Juni 2014), 92-94

that affect them, such as the decision to prosecute or punish the perpetrator.<sup>24</sup> This can make victims feel disrespected and harm the justice process. Stigmatization and revictimization: Traditional approaches to crime victims often result in additional stigmatization of victims. They can experience revictimization, that is, experiencing trauma that is exacerbated by interactions with the criminal justice system. A court process that is confrontational and full of questions that re-trigger trauma can interfere with the victim's recovery.

Lack of recovery and rehabilitation: Traditional approaches focus primarily on punishing the perpetrator, with little attention to the recovery and rehabilitation of the victim. The perpetrator-oriented criminal justice system often fails to provide adequate resources to help victims overcome trauma, obtain emotional support, and restore normalcy to their lives. Not considering social context: Traditional approaches tend to treat crimes as isolated incidents without considering the social context surrounding them. This can ignore factors that contribute to crime, such as social inequality, structural injustice, and social conditions that affect both victims and perpetrators of crime. These criticisms have led to the emergence of alternative approaches to crime victimization that focus more on victims' needs and recovery, as well as involving them in the justice process. This approach aims to reduce the negative impacts experienced by victims and provide better support in their recovery process.<sup>25</sup>

#### 5 . Islamic legal perspective on human rights in victimology

In the perspective of Islamic law, Human Rights are considered important and necessary principles in protecting and respecting human dignity. The concept of human rights in Islam is based on the teachings of the Al-Quran and Sunnah of the Prophet Muhammad SAW, as well as the principles contained in Fiqh (Islamic legal science). In victimology, which is the study of victims and the crimes they experience,<sup>26</sup> Islam recognizes the importance of protecting victims' rights. Islam emphasizes the importance of social justice and rejects all forms of violations of individual rights. In this context, human rights in Islam include several main principles that are relevant in victimology, including: Human Dignity: Islam recognizes the dignity and value of every individual, regardless of religion, race or ethnic background. Every human being has the same right to live with dignity and respect.

Justice: Islam emphasizes the importance of justice in the treatment of victims and perpetrators of crime. Victims have the right to get justice and adequate compensation, while perpetrators of crimes must be punished fairly in accordance with applicable law. Legal Protection: Islamic law emphasizes the need to protect the rights of crime victims, including the rights to security, liberty, and recovery. The Islamic legal system pays special attention to victims' rights, such as the right to protection, compensation, rehabilitation and social support.

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<sup>24</sup>Ali Abdurahman dan Mei Susanto, Urgensitas Pembentukan Undang-Undang Komisi Kebenaran dan Rekonsiliasi di Indonesia dalam Upaya Penuntasan Pelanggaran HAM Berat di Masa Lalu, *Padjadjaran Jurnal Ilmu Hukum* 3(3)(2016), 510.

<sup>25</sup>Dikdik M.Arief Mansur dan Elisatris Gultom, *Urgensi Perlindungan Korban Kejahatan Antara Norma dan Realita*, (Jakarta: Raja Grafindo Persada, 2008), 34

<sup>26</sup>Rena Yulia, *Viktimologi: Perlindungan Hukum Terhadap Korban Kejahatan*, (Yogyakarta: Graha Ilmu, 2013), 19.

Retribution and Forgiveness: In the context of victimology, Islam teaches the importance of providing compensation to victims, but also encourages people to forgive perpetrators of crimes if they show remorse and attempt to repair their mistakes. Forgiveness is a value recommended in Islam, but it should not be used as a justification for avoiding justice. Prevention and Rehabilitation: Apart from providing attention to victims, <sup>27</sup>Islam also emphasizes the importance of crime prevention and rehabilitation of perpetrators. In this perspective, education, social support and rehabilitation programs have an important role in preventing crime and helping offenders to change. However, it should be noted that the implementation and understanding of human rights in Islam may vary between Muslim countries and Muslim communities. There are differences in the interpretation and interpretation of Islamic law which can influence approaches to human rights in the context of victimology.

### **C. Human Rights in the Context of Contemporary Islamic Law :**

#### *1. Human rights principles from the perspective of Islamic law*

The principles of Human Rights in the view of Islamic law are based on the framework of Islamic religious teachings, which include the Al-Quran as a holy book and Hadith as teachings taken from the sayings and actions of the Prophet Muhammad SAW. Human rights principles in Islam include the protection of individual rights, equality before the law, justice, freedom of opinion, freedom of religion, and protection of privacy, among others. Below, I will explain several human rights principles that are relevant from the perspective of Islamic law: Human Honor and Dignity: Islam recognizes human honor and dignity as inherent rights of every individual. Al-Quran teaches that every human being was created with glory and is respected as God's vicegerent on earth. <sup>28</sup>Therefore, in the view of Islamic law, there should be no treatment that humiliates or treats humans unfairly. Equality: Islamic law emphasizes the principle of equality before the law. All individuals, regardless of ethnicity, race, religion or gender, have the same rights before the law and to obtain legal protection. This principle also includes fair and equal treatment in terms of granting social rights and obligations.

Justice: The concept of justice is an important principle in Islamic law. Islam encourages justice in all aspects of life, including the justice system. Justice in Islamic law includes not only respect for individual rights, but also fair law enforcement and balanced treatment for all parties involved in the legal process. Religious Freedom: Islam respects religious freedom. Al-Quran states that there is no compulsion in religion. Every individual has the freedom to choose and practice their religion without pressure or persecution from other parties. In the view of Islamic law, all individuals have the right to practice their religion peacefully and follow their beliefs.<sup>29</sup> Privacy: Islam also recognizes an individual's right to privacy. Islamic law protects the honor, privacy and private life of every individual. Respect for privacy includes protection against

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<sup>27</sup>C. Maya Indah, *Perlindungan Korban: Suatu Perspektif Viktimologi dan Kriminologi, Cetakan Pertama, Agustus*, (Jakarta: Kencana PrenadaMedia Group, 2014). 7

<sup>28</sup>Hussain, *Syaukat. Hak Asasi Manusia dalam Islam*. (Terj.) Abdul Rochim. (Gema Insani Press, Jakarta, 1996), 34

<sup>29</sup> Abdullah Osman, "The Right to be Forgotten: an Islamic Perspective": *Human Rights Review* 24(2023), 53–73

unauthorized snooping, defamation, or unauthorized disclosure of personal information. It is important to note that the interpretation and implementation of human rights principles in the context of Islamic law may vary across countries and different schools of Islamic law.<sup>30</sup>

## 2. Conformity of the concept of human rights with Islamic teachings

The concept of Human Rights and Islamic teachings have some similarities, although there are also some differences in emphasis and interpretation. The following are several important points regarding the compatibility of the concept of human rights with Islamic teachings: Human Dignity and Welfare: Both the concept of human rights and Islamic teachings recognize and respect the dignity of every human being. Islam teaches that every individual has high intrinsic value as a creature created by Allah, and they have basic rights that need to be respected and protected. This is in line with human rights principles which recognize the inherent dignity and rights of every individual. Justice and Equality: The concept of human rights emphasizes the importance of fairness and equality in the treatment of all individuals, regardless of their race, religion, gender, or social background. Islam also promotes justice and equality among humans. Al-Quran firmly states that all humans are equal before Allah and the only difference lies in taqwa (devotion to Allah). In Islamic teachings, fair treatment of all individuals is a moral obligation.<sup>31</sup>

فَاسْتَجَابَ لَهُمْ رَبُّهُمْ أَنِّي لَا أُضِيعُ عَمَلَ عَامِلٍ مِّنْكُمْ مِّمَّنْ دَكَرٍ أَوْ أُنْثَىٰ بَعْضُكُم مِّنْ بَعْضٍ فَالَّذِينَ هَاجَرُوا وَأُخْرِجُوا مِنْ دِيَارِهِمْ وَأُودُوا فِي سَبِيلِي وَقَاتَلُوا وَقُتِلُوا لَأُكَفِّرَنَّ عَنْهُمْ سَيِّئَاتِهِمْ وَلَأُدْخِلَنَّهُمْ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ سَوَاءٌ مِّنْ عِنْدِ اللَّهِ وَإِنَّ عِنْدَهُ لَخُسْرًا لَّسَوَاءٍ

Translation: *And their Lord responded to them, 'Never will I allow to be lost the work of any worker among you, whether male or female; you are of one another. So those who emigrated or were evicted from their homes or were harmed in My cause or fought or were killed I will surely remove from them their misdeeds, and I will surely admit them to gardens beneath which rivers flow as reward from Allah, and Allah has with Him the best reward.'* (QS. Ali 'Imran [3]: 195).

Tafsir (Interpretation). This verse emphasizes the principle of equality and justice in Islam. Allah affirms that the deeds of every person, whether male or female, will be rewarded fairly without discrimination. According to Tafsir Ibn Kathir, the verse demonstrates that human worth in Islam is determined by faith and righteous actions rather than gender, ethnicity, or social status. The verse also reflects the Islamic principle of protecting human dignity and recognizing equal spiritual value among all human beings.

<sup>30</sup> Siti Kuraesin, Tajul Arifin, Ine Fauzia, "Analysis of Islamic Law on the Protection of the Right to Privacy in Article 12 of the Universal Declaration of Human Rights, *Jurnal Agama dan Hak Azasi Manusia* 14(1)(2024), 1–20.

<sup>31</sup> Eggi Sudjana, *HAM dalam Perspektif Islam, Mencari Universalitas HAM bagi Tatanan Modersitas yang Hakiki*, (Jakarta: Nuansa Madani, 2000), 3.

Freedom of Religion and Expression: The concept of human rights champions freedom of religion and freedom of expression as fundamental individual rights. Islamic teachings also recognize religious freedom and view it as a protected individual right.<sup>32</sup> Al-Quran states that there is no compulsion in religion and every individual has the freedom to choose and practice religion according to their beliefs. Protection of Life and Freedom from Torture: The concept of human rights emphasizes the protection of life and prohibits torture or cruel treatment of individuals. Islamic teachings also respect human life and prohibit torture. Al-Quran states that killing one person is like killing all of humanity, and teaches the importance of protecting human life with grace and justice.<sup>33</sup> However, it is important to note that there are also some differences in interpretation and emphasis between the secular concept of human rights and the view in Islamic teachings. Several issues such as homosexuality, women in matters of inheritance and succession, as well as criminal law in Islam may be subject to differences and controversy in their understanding and implementation. Therefore, the understanding and interpretation of Islamic teachings regarding human rights can vary depending on the perspective and cultural context as well as the understanding of individuals or groups.

### *3. Interpretation of Islamic law that pays attention to human rights*

Interpretation of Islamic law that pays attention to human rights refers to an approach that combines Islamic values with universally recognized human rights principles. Human Rights principles emphasize the importance of respecting the dignity, freedom and justice of every individual without discrimination. In the context of the interpretation of Islamic law, there are several principles that serve as a reference for paying attention to human rights, including: Equality: Islamic law recognizes equality between all individuals regardless of differences in ethnicity, race, religion or gender. In an interpretation that pays attention to human rights, the principle of equality is emphasized to protect individual rights in line with human rights principles.<sup>34</sup> Freedom of religion: Islam recognizes the freedom of individuals to choose and practice religion according to their individual beliefs. In an interpretation that pays attention to human rights, the principle of religious freedom is upheld, so that individuals have the freedom to embrace, profess and spread religion without pressure or discrimination.

Protection against inhumane treatment: Islamic law emphasizes the importance of avoiding inhumane or torturous treatment of any individual. In an interpretation that pays attention to human rights, this principle is the basis for prohibiting practices such as torture, discriminatory treatment, or treatment that degrades human dignity.<sup>35</sup> Social justice: The principles of social justice are an integral part of Islamic teachings. In an interpretation that pays

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<sup>32</sup> Sasmita, E., Righayatsyah, E., & Muhyi, A. A. Islam and human rights in the perspective of the Qur'an: A thematic interpretive study. *Bulletin of Islamic Research*, 2(1)(2024), 17–32.

<sup>33</sup> Marbangun Hardjowirogo, HAM in Mekanisme-mekanisme Perintis Nasional, Regional dan Internasional, (Bandung: Patma, 1977), 10; dan Habib Shulton Asnawi, "Hak Asasi Manusia Islam dan Barat: Studi Kritik Hukum Pidana Islam dan Hukuman Mati," *Jurnal Supremasi Hukum* 1(1)(Juni 2012), 28.

<sup>34</sup> Mukharrom, T., & Abdi, S. Harmonizing Islam and human rights through the reconstruction of classical Islamic tradition. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 7(1)( 2022), 1–20.

<sup>35</sup> Ahmad Kosasih, HAM Dalam perspektif Islam, (Jakarta: Salemba Diniyah, 2003) .24.

attention to human rights, this principle is emphasized to ensure a fair distribution of society's basic needs and to overcome social disparities that violate human rights principles. This approach allows for an interpretation of Islamic law that respects human rights values, thereby encouraging the protection and recognition of individual rights guaranteed by international law.<sup>36</sup> However, it is also important to remember that interpretations of Islamic law can vary depending on the social context, culture and traditions that exist within Muslim societies.

Interpretation of Islamic law that pays attention to human rights refers to an approach that combines Islamic values with universally recognized human rights principles. Human rights principles emphasize the importance of respecting the dignity, freedom, and justice of every individual without discrimination. In the context of the interpretation of Islamic law, there are several principles that serve as references for paying attention to human rights, including equality, freedom of religion, protection against inhumane treatment, and social justice. These principles are not only supported by contemporary legal thought but are also rooted in the Qur'an, tafsir, and hadith.

لِئَلَّهَا النَّاسُ إِخْلَافًا مِّنْ ذَكَرٍ وَأُنثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقْوَىٰ  
 إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

Translation: *“O mankind! Indeed, We created you from a male and a female and made you into nations and tribes so that you may know one another. Indeed, the most honored of you in the sight of Allah is the most righteous among you.”*  
 (Qur'an al Hujarat:13)

According to Tafsir Ibn Kathir, this verse emphasizes that all humans are equal in origin and that superiority is determined Equality is one of the fundamental principles in Islam. Islamic law recognizes equality among all human beings regardless of ethnicity, race, religion, or gender.<sup>37</sup> The Qur'an states: only by piety and righteous conduct, not by race, lineage, or social status. This interpretation strengthens the principle of equality in human rights discourse. In addition, the Prophet Muhammad ﷺ said:

لَا فَضْلَ لِعَرَبٍ عَلَىٰ أَعْجَمِيٍّ، وَلَا لِأَعْجَمِيٍّ عَلَىٰ عَرَبِيٍّ، وَلَا لِأَحْمَرَ عَلَىٰ أَسْوَدَ، وَلَا لِأَسْوَدَ عَلَىٰ أَحْمَرَ، إِلَّا  
 بِالتَّقْوَىٰ

Translation: *“An Arab has no superiority over a non-Arab, nor does a non-Arab have superiority over an Arab, except by piety and good action.”* (Musnad Ahmad)

Freedom of religion is also recognized in Islamic teachings. The Qur'an clearly states:

<sup>36</sup> Almahfali, M., & Avery, H. Human rights from an Islamic perspective: A critical review of Arabic peer-reviewed articles. *Social Sciences*, 12(2)(2023), 106.

<sup>37</sup> Mashood A. Baderin. “Islam and the Realization of Human Rights in the Muslim World: A Reflection on Two Essential Approaches and Two Divergent Perspectives” *Muslim World Journal of Human Rights. De Gruyter* 4(1)(2007), 1–25.

لَا إِكْرَاهَ فِي الدِّينِ

Translation: "There shall be no compulsion in religion." (Qur'an al Baqarah :256)

Islamic law also strongly prohibits inhumane treatment and actions that violate human dignity. Allah says in the Qur'an:

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ

Translation: "And indeed, We have honored the children of Adam." (Qur'an al Isra:70)

According to Tafsir al-Qurtubi, this verse indicates that every human being possesses inherent dignity bestowed by Allah. Therefore, any form of torture, humiliation, oppression, or degrading treatment is contrary to Islamic teachings. The Prophet Muhammad ﷺ also said:

إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ وَأَعْرَاضَكُمْ عَلَيْكُمْ حَرَامٌ كَحُرْمَةِ يَوْمِكُمْ هَذَا فِي شَهْرِكُمْ هَذَا فِي بِلَدِكُمْ هَذَا

Translation: "Your blood, your property, and your honor are sacred to one another." (Sahih al-Bukhari and Sahih Muslim)

This hadith highlights the protection of life, property, and honor as essential rights that must be safeguarded in society.

Through these Qur'anic verses, tafsir interpretations, and prophetic traditions, it can be understood that Islamic law contains strong foundations for the protection of human rights. An interpretation of Islamic law that pays attention to human rights therefore seeks to harmonize Islamic teachings with universal principles of justice, equality, freedom, and human dignity. However, interpretations may still vary depending on social context, cultural background, and legal traditions within different Muslim societies.

#### 4. Protection of human rights in Islamic criminal law

In Islamic criminal law, there are principles that provide protection for human rights. Some of these principles include: Principle of Equality and Non-Discrimination: Islamic criminal law respects the principle of equality among all individuals.<sup>38</sup> There is no discrimination based on race, religion, or social background. Everyone is considered equal before the law. Principle of Honor and Dignity: Islamic criminal law protects the dignity and honor of individuals.<sup>39</sup> Torture, inhumane treatment and degrading punishment are prohibited. Principles of Freedom and Human Rights: Islamic criminal law recognizes individual freedom as long as it does not violate the provisions of Islamic law. Basic rights such as freedom of religion, freedom of opinion and

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<sup>38</sup> Noor Mohammad Osmani & Md Fakar Uddin "The 'Right to Equality' in Universal Declaration of Human Rights (UDHR): A Qur'anic Analysis" *Al-Risalah: Journal of Islamic Revealed Knowledge and Human Sciences* 6(2)(2021), 95–112.

<sup>39</sup> Hamzah Hasan & La Ode Ismail Ahmad "The Correlation Between Human Rights and Human Obligations (An Analysis of Islamic Criminal Law)" *Jurnal Diskursus Islam* 8(2)(2020), 71–76.

freedom of association are respected.<sup>40</sup> Principle of Consciousness and Guilt: Islamic criminal law considers the principle of conscientiousness and culpability in imposing punishment. A person cannot be punished if his actions were carried out without awareness or if his guilt was not proven. Principle of Proportionality: Islamic criminal law emphasizes proportionality in imposing sentences. The punishment must be commensurate with the crime committed. The imposition of punishments that are excessive or inappropriate to the crime is not permitted.<sup>41</sup>

However, it is important to remember that the implementation and interpretation of Islamic criminal law may vary between the countries that implement it. The practice of Islamic criminal law can be influenced by cultural factors, traditions and interpretations of ulama in each country. Therefore, human rights protection in Islamic criminal law can vary depending on the applicable legal context.

Protection of human rights in Islamic criminal law is based on principles that uphold justice, mercy, equality, and respect for human dignity. Islamic law seeks to protect essential human rights such as life, religion, intellect, property, and honor. These protections are reflected in the Qur'an, tafsir, and hadith. The Principle of Justice is one of the most important foundations in Islamic criminal law. Islam commands Muslims to uphold justice fairly without discrimination or personal bias. Allah says in The Qur'an, QS. Al-Mā'idah: 8:

لَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلٰٓى اَلَا تَعْدِلُوْا اَعْدِلُوْا هُوَ  
اَقْرَبُ لِلتَّقْوٰى وَتَّقَوْا اِنَّ اِلٰهَكُمْ خَبِيْرٌ يَّمْلِكُ مَا تَعْمَلُوْنَ

Translation: *“O you who believe! Stand firmly for Allah as witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah; indeed, Allah is All-Aware of what you do.”*

According to the tafsir of Tafsir Ibn Kathir, this verse teaches that justice must be applied universally, even toward people who are disliked or considered enemies. Justice in Islam is a moral obligation that protects human rights and prevents oppression.

The Principle of Protection of Life is another important aspect of Islamic criminal law. Human life is considered sacred and must not be violated unlawfully. Allah says in QS. Al-Mā'idah: 32:

مِنْ اَجْلِ ذٰلِكَ كَتَبْنَا عَلٰٓى بَنِي اِسْرٰٓءِيْلَ اَنَّهُ مَن قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ اَوْ فَسَادٍ فِي الْاَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ  
جَمِيْعًا وَمَنْ اَحْيَاهَا فَكَأَنَّمَا اَحْيٰ النَّاسَ جَمِيْعًا وَلَقَدْ جَاءَهُمْ رُسُلُنَا لُبَيِّنٰتٍ ثُمَّ اِنَّا كَثِيْرًا مِنْهُمْ بَعَدَ ذٰلِكَ فِي  
الْاَرْضِ لَمُسْرِفُوْنَ

<sup>40</sup> Muhammad Eko Saputro, Andhika Febriansyah & Faradisya Diandra Putri “A Discourse of Capital Punishment in the Islamic Law and Human Rights Law”. *Contemporary Issues on Interfaith Law and Society* 2(1)(2023), 31–60.

<sup>41</sup>Ismail, “Hak Asasi Manusia Menurut Perspektif Islam,” *Jurnal Asy-Syir’ah* 43(1)(2009), 111.

Translation: "Because of that, We decreed upon the Children of Israel that whoever kills a soul unless for a soul or for corruption done in the land — it is as if he had slain mankind entirely. And whoever saves one it is as if he had saved mankind entirely. And Our messengers had certainly come to them with clear proofs. Then indeed many of them, even after that, through the land, were transgressors." (Qur'an 5:32)

In the tafsir of Tafsir al-Jalalayn, this verse emphasizes the sanctity of human life and shows that preserving life is among the greatest objectives of Islamic law. Islamic criminal law also promotes mercy and compassion in legal punishment and social interaction. The Prophet Muhammad ﷺ said:

الرَّاحِمُونَ لِرَحْمَتِهِمُ الرَّحِيمُونَ، ارْحَمُوا مَنْ فِي الْأَرْضِ يَرْحَمَكُم مَّن فِي السَّمَاءِ

Translation: "The merciful are shown mercy by the Most Merciful. Show mercy to those on earth, and the One above the heavens will show mercy to you."

This hadith is narrated in Sunan al-Tirmidhi. The hadith demonstrates that Islamic teachings encourage compassion, humane treatment, and respect for the dignity of others, including within the legal system.

Moreover, Islamic criminal law requires clear evidence before punishment can be imposed. Suspicion alone is insufficient to establish guilt. This principle protects individuals from injustice, arbitrary punishment, and false accusations. The purpose of punishment in Islam is not merely retaliation but also the protection of society, prevention of crime, and moral reform.<sup>42</sup>

Nevertheless, the implementation of Islamic criminal law differs across Muslim societies due to variations in legal systems, cultural traditions, and interpretations by scholars. Therefore, the realization of human rights protections in Islamic criminal law depends greatly on the legal and social context in which Islamic law is applied.

##### *5. The relevance of human rights in the contemporary Islamic justice system .*

The importance of human rights in the contemporary Islamic justice system is a complex issue and requires a careful approach. Islamic justice, as implemented in various countries with a majority Muslim population, must consider and respect human rights principles in implementing their justice system. The following are some of the relevance of human rights in the contemporary Islamic justice system: Equality and Non-Discrimination: Human Rights principles emphasize the need for fair and equal treatment of all individuals regardless of race, religion, gender, or social background. In the context of Islamic justice, this means that all individuals must have equal access to justice, and there should be no discrimination based on these factors. Right to Justice and Fair Process: Human Rights principles guarantee the right of every individual to obtain justice and undergo a fair trial process. In the Islamic justice system, this means that suspects must have the right to defend themselves, obtain legal assistance, face

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<sup>42</sup> Akbar, Khairil, and Sumardi Efendi. "criminal law and human rights: a study on the principle of human rights protection in aceh qanun no. 6 of 2014 on jinayat law." *Dusturiyah: Jurnal Hukum Islam, Perundang-Undangan Dan Pranata Sosial* 14(2)(2024): 197-211.

the evidence presented against them, and have access to an independent and neutral court. Prohibition of Torture and Cruel, Inhuman or Degrading Treatment: Human Rights Principles prohibit torture, cruel, inhuman or degrading treatment of individuals.<sup>43</sup> In the Islamic justice system, this means that the application of punishments or sanctions must be in accordance with human rights standards and must not involve torture or inhumane treatment. Freedom of Religion and Freedom of Opinion: Human Rights principles recognize the right of every individual to have religious beliefs and express opinions freely. In the Islamic justice system, this means that individuals must have the freedom to practice their religion and express their opinions without fear of being punished or receiving unfair treatment because of their beliefs or opinions.<sup>44</sup>

Privacy Rights and Protection of Personal Data: Human rights principles include protection against invasion of privacy and unauthorized use of personal data. In the context of Islamic justice, this means that individuals must be protected from surveillance or use of their personal data without lawful permission. The importance of considering human rights principles in the contemporary Islamic justice system is to ensure that justice is administered fairly, every individual is treated with dignity, and basic rights are protected. This requires harmonization between universally recognized human rights principles and the values and teachings of Islam.

### Conclusion

In the context of criminology and victimology, human rights have an important role in maintaining justice and individual dignity in the legal system. The perspective of contemporary Islamic law also contributes to understanding and applying human rights principles. In this regard, it is important to recognize the individual rights guaranteed by Islam and ensure that the criminal justice system and approach to crime victims are in line with human rights values. The integration of the concept of human rights in contemporary Islamic law will create a legal system that is fair, humane, and takes into account the interests of all parties involved in the context of crime and crime victims.

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<sup>43</sup>Rusjidi Ali Muhammad, *Hak Asasi Manusia dalam Perspektif Syari'at Islam*, (Aceh: ArRaniri Press, 2004), 93.

<sup>44</sup>Muhamad A Mufti dan Sami Salih al Wakil, *HAM Menurut Barat dan HAM menurut Islam* (terj). Yahya Abd Rahman, (Bogor: Pustaka Thariqul Izzah, 2009), 22.

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