

MEDINA CHARTER: EARLY WORLD MILESTONE IN THE HUMAN RIGHTS CONSTELLATION

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Abstract - *The Medina Charter is a political and legal document containing a peace agreement amidst the plurality of the people in the city of Medina. The text was initiated by the Prophet Muhammad and became a historical and foundational record for the enforcement of human rights constellations in the world. The Medina Charter was an Islamic product to contribute to upholding human rights and had three perspectives. These three perspectives were mostly oriented to Islamic paradigms referring to the sources of the Qur'an and as-Sunnah. The concept of human rights has mainstream differences between Islam and the West, namely, historical mainstream seen from the background of its birth, theoretical mainstream which examines the basic theoretical basis for the birth of human rights, and philosophical mainstream to analyze the nature of the birth of human rights itself. The Medina Charter could be considered as the answer that the natural rights of individuals are a trust given by Allah, that should be safeguarded and developed.*

Keywords: *Medina charter; contribution; constellation; human rights*

INTRODUCTION

The Medina Charter is a factual, political, and legal enforcement document recorded in gold ink in Islamic history. It was born after the Prophet Muhammad migrated through a very tiring journey (or *hijrah*) from Mecca to Yathrib (later the name changed to Medina) in 622 AD. The hijrah was a socio-political and socio-religious event requiring Muslims to leave Mecca, which, at that time, was full of oppression, cruelty, and intolerance towards Medina having sociological conditions as city life that was more humanistic and religious. It was from Medina that the birth of a political agreement and humanitarian considerations were hatched in the Medina Constitution regulating human rights with the concept of a united people, with no injustice, no violence, and full of freedom to practice their religious teachings. The migration of the Prophet with a group of Muslims to Medina brought a reconciliation amidst the diversity of communities¹ who also existed Christians and Jews.² They made a written agreement containing recognition of their religions, protection of their property, and terms of reciprocal relations for social activities among them.³ The Prophet also improved the internal conditions of the people in Medina, resulting in the creation of the Medina Charter which became the basis for rules for peaceful interaction between Muslims and non-Muslims, especially Jews and Christians.⁴ The Medina Charter is a world document that Islam has laid the foundation for human rights to live side by side, be tolerant of each other, to reject violence, maintain an attitude of unity above differences and uphold laws that are humane and just.

The Medina Charter is also named *shâhifah*, which was a written sheet or book written by the Prophet. The word *charter* refers to the manuscript, while the Medina to the place where the manuscript was made. In another sense, a charter means an official letter containing a statement granting rights, or containing a statement and confirmation regarding something. A charter is a written document created by a ruler or law-making body that recognizes the rights of the people, both the rights of social groups and individual rights. Charter also means every letter or official

¹ T. W. Arnold, *The Preaching of Islam*, (Lahore: Ashraf Printing Press, 1979) 36

² J. S. Pulungan, *Prinsip-Prinsip Pemerintahan dalam Piagam Madinah Ditinjau dari Pandangan Al Qur'an*, (Jakarta: Rajawali Pers, 1993) 35

³ M. H. Haikal, *Sejarah Hidup Muhammad*, (Jakarta: PT.Pustaka Litera Antar Nusa, 2000) 199

⁴ Y. Qardawy, *al-Mujtama' al-Islam fi Ghair al-Muslimin*, (Beirut: Dar al-Fikr, 1996) 22

document such as an agreement, agreement, award, constitution, and the like which contains a statement of something called a charter.⁵

If you would like to know the details and thoroughly the substance of the Medina Charter, there are three important pillars of it: equality of humanity, a sense of justice in society, and the existence of independence. The pillars liberate humans by encouraging a critical attitude and constantly trying to explore new possibilities. Its main characteristics is the recognition of the need to seriously fight for the problem of human spiritual-material bipolarity by reorganizing an order that is friendly, does not contain elements of exploitation, and upholds justice and equality.⁶ This charter was able to unite the heterogeneous people of Medina into unity.⁷

The presence of the charter cannot be separated from the history of the leadership of the Prophet and the people of Medina at that time; there were 47 articles containing narratives regarding human rights, rights and obligations in the state, the right to legal protection, and tolerance among religious believers. The charter became the basis for a social contract to regulate, develop, and organize the lives of the people of Medina.

The charter contains the basic rules for living together in Medina, in order to create unity of life among all its inhabitants. This unity of life was led by the Prophet himself who protected all the people of Medina. This social contract agreement became the constitutional document for the birth of a sovereign state. Thus, in Medina, the Prophet not only carried out religious duties as the Messenger of Allah, but also as Head of State.⁸ Islam was taught by him as a unity that Religion and Politics can be compared. The Prophet succeeded in creating one nation under one leadership, an embodiment of the great idea in the form of the principles of Arabian national life, and he was able to make Islam a religion that produces reconciliation. This means that the Prophet was a religious leader and also a Head of State.⁹

The Medina Charter can be used as a reference for managing conflict as a pillar of the constellation of human rights in the world. The contents of this agreement are an authentic text in the form of humane and just legal protection. The narrative that is built applies democratic social and state life in a very plural and heterogeneous society with various ideologies and politics. The egalitarian leadership of the Prophet was able to accommodate these differences amidst the strong urge for conflict at that time. The Prophet in the contents of the Medina Charter made the city "radiant" (*al Madinatul Munawarah*), illuminating moral darkness and expanding the narrow way of thinking of Arab society (at that time), and providing an exemplary example for the nations of the world (today).

Medina has an increasingly knit social order, the political system tends to be stable, equal rights and justice before the law are upheld, and the harmonization of mutual relations is more accommodating. This phenomenon is clearly reflected in the socio-political and socio-religious institutions that were created by the Prophet in maintaining and implementing the contents of the Charter.

Ibn Khaldun argued that social phenomena appear in rules, laws and disciplines that are stable and inherent so that they become part of society such as political, familial, civil, religious, and ethical rules; all of which are carried out by society and realized in action.¹⁰ This charter was prepared by taking into account the benefit of the people regardless of differences, and guaranteeing the rights of all groups¹¹ while creating mutual agreements and agreements in building a just, plural, and civilized society.¹² Islam cannot be separated from politics because Islamic teachings regulate various aspects of human life from the smallest to the largest level, including political and constitutional issues. Politics began to appear since the Prophet moved to Medina in 622 AD, and in Islam there is no separation

⁵ S. Pulungan, Prinsip-prinsip Pemerintahan dalam Piagam Madinah Ditinjau dari Pandangan Al-Qur'an, (Jakarta: Rajawali Press, 1996) 14-15

⁶ H. M. Lukman, *et al.*, Syari'ah Sosial. (Malang: Universitas Muhammadiyah Malang, 2004) 268

⁷ Rahmaningsih, A. A., 'Konsep Persatuan Bangsa dalam Piagam Madinah dengan Konstitusi Indonesia' (2022) 1(3) Jurnal Multidisiplin Ilmu 242-249

⁸ H Nasution, Islam di Tinjau dari berbagai Aspek, (Jakarta: UI Press, 1985) 50

⁹ M. H. Haikal, *Op Cit*, 199.

¹⁰ A. A. W. Wafi, Ibnu Khaldun Riwayat dan Karyanya, (Jakarta, Grifiti Pers, 1985) 86

¹¹ Fajriah, N, Kerukunan Umat Beragama: Relevansi Pasal 25 Piagam Madinah dan Pasal 29 UUD 1945. (2019) 21(2) Jurnal Ilmu-Ilmu Ushuluddin 162. <https://doi.org/10.22373/substantia.v21i2.5525>

¹² Z. Misrawi, Madinah: Kota Suci Piagam Madinah dan Teladan Muhammad SAW, (Jakarta: PT Kompas Media Nusantara, 2009) 301

between religion and the secular; all this is different from Christianity which separates the Church and the world.¹³

Basically, human rights in Islam are centered on five main aspects which are summarized in *al-dloruriyat al-khomsah* or what is also called *al-huquq al-insaniyah fi al-islam* (human rights in Islam). This concept contains five main things that must be maintained by every individual, namely *hifdzu al-din* (respect for religious freedom), *hifdzu al-mal* (respect for property), *hifdzu al-nafs wa al-'ird* (respect for the soul, the right to life and individual honor), *hifdzu al-'aql* (respect for freedom of thought), and *hifdzu al-nasl* (the obligation to protect offspring). The aspects must be maintained by every Muslim in order to produce a more humane order of life, based on respect from individuals to individuals, individuals for society, society for society, society for the state, and religious communities for other religious ones.¹⁴

For Muslims, these life guidelines are beautifully codified in the Al-Qur'an and As-Sunnah which are implemented in social practices and worship. Both are absolute reference sources that are not doubted and do not have the slightest doubt. The Al-Qur'an is a book of guidance, a guide to life and a basic reference for humans, especially Muslims. There is no doubt whatsoever about the news and explanation of every verse in it. The information is clear, the stories contained therein are based on history and facts, and can be used as a reference for the dynamic development of social life, research, and science.

"This book (Al-Qur'an) has no doubt in it, (is) guidance for those who are pious."¹⁵

It was revealed to point humans to a clear goal and direct them to the straight path, upholding the fundamental basics of life for mankind,¹⁶ as a *hudan linnas* containing norms and values, both in idealistic and empirical form,¹⁷ and becomes worship if you read and practice it. The Al-Qur'an is not human words, because it was truly revealed by the *Rabb* of all the worlds, through the intermediary of *ar-Ruhul al-Amin* (Gabriel),¹⁸ and its authenticity and originality is very well preserved, given to the noble figure (the Prophet) as the bearer and successor of the message. The divine who carries it out does not follow mere desires.¹⁹

The softness of the Qur'an's pronunciations has an appeal and ennoblement, which is visible in the beauty of its language and philosophy.²⁰ Various verses in the Al-Qur'an are sprinkled with values that regulate the governance of the universe, human life patterns, ethics of living with the inhabitants of the universe and are a reward for those who read and practice them. Therefore, it is very appropriate to say that this holy book is a straight direction in guiding humans in carrying out the tasks of humanitarian civilization. The presence of the Qur'an becomes a diagnosis and prognosis of human life in any context. The practice of polarization that occurred in the pre-Islamic era became the basis for the revelation of the Al-Qur'an, which at that time had little respect for basic human principles and rights. The arrival of Islam through the revelation of the Qur'an brought by the Prophet, was able to improve the sociological and psychological conditions of Arab society at that time which has now changed the world view that Islam through its holy book offers and teaches the principles of humanity with dignity and justice. The contents of the Medina Charter are a concrete form of recording the contents of the Qur'an that Islam is a religion of *rahmatan lil 'alamin* (a conditioner of peace for all the inhabitants of nature).

The Qur'an is not only a book of guidelines for life in worship, it is also a book of guidelines for Islamic law. Law is a guideline in regulating human actions, which are both abstract and concrete. Without law, human actions become wild and dark, and proceed without certainty. This certainty is a value that is derived as a legal principle so that humans respect the rights of themselves and others. The value of certainty in law as a legal principle is a value that is pursued in the form of symbols, and a value that is

¹³ A. Sukardja, *Piagam Madinah dan UUD 1945*, (Jakarta: UI Press, 1995) 121

¹⁴ S. Aprita & Y. Hasyim, *Hukum dan Hak Asasi Manusia*, (Bogor: Mitra Wacana Media, 2020) 29

¹⁵ M. Hasan, *Al Qur'an dan Terjemahannya*, (Surakarta: PT. Tiga Serangkai Pustaka Mandiri, 2013) al Baqarah ayah 2

¹⁶ M. Al-Qatthan, *Dasar-Dasar Ilmu Al-Qur'an*, (Jakarta Timur: Ummul Qura, 2018) 121

¹⁷ A. Yamamah, *Tafsir Al-Wasi' Islam Transitif*, (Jakarta: Siraja, 2021) XV

¹⁸ *Op cit*, *Asy-Syura'* 192-193

¹⁹ *Ibid*, An Najm 3-4.

²⁰ M. Yasir & A. Jamarudin, *Studi Al Qur'an*, (Riau: Asa Riau, 2016) 25

pursued in the form of goals (ideals),²¹ so that these two values become the basis for the existence of humane legal principles.²²

In the context of the contents of the Medina Charter, the Prophet has firmly established that Islam as a *samawi* religion has teachings and doctrines that consistently regulate human life in a different world, godly, humane, lawful, and just.

“Indeed, Allah commands you to convey a message to those who are entitled to receive it, and when you establish a law between people, you must establish it fairly. Indeed, Allah is the best who teaches you. Indeed, Allah is All-Hearing, All-Seeing.”²³

“So, do not follow your desires because you want to deviate (from the truth). If you distort (words) or turn away (reluctant to be a witness), verily Allah is most observant of everything you do.”²⁴

In this research, two research problems can be stated: what is the role of Islamic Conception of Human Rights in the Medina Charter and how do Medina Charter, Social Contract Theory and Differences contribute to the enforcement of human rights in the world?

1. Research Methods

The research used a philosophical approach research method as well as qualitative and analytical-descriptive methods; the philosophical approach refers to the narrative of the Al-Qur'an as a source of normative data. Moleong argued qualitative research is the one aimed to understand the phenomena experienced by those being studied. It is easier and more precise to investigate issues related to the study of a subject's behavior, attitudes, motivation, perceptions, and actions.²⁵ Another methodology, such as library research, was involved to seek reference materials and study analysis. This research constructs historical reality by explaining the meaning of an authentic event.

2. Islamic Conception of Human Rights

The Al-Qur'an is the word of Allah which is used as a guide to life (way of life) containing basic teachings (basic principles) regarding all aspects of life. The Al-Qur'an is like a spring that never dries up when humans take and study the wisdom of its contents.²⁶ Then, its application requires the as-Sunnah of the Prophet as an explanation, guarantor, and complement to the commands in the Qur'an.²⁷

According to Fazlur Rahman, as-Sunnah is a concept of behavior, both applied to physical and mental actions. The as-Sunnah does not only focus on an action as it is, but this action is actually repeated or may very well be repeated, and is a law of behavior, whether it happens once or repeatedly.²⁸ The Prophet's as-Sunnah contained in many hadith texts is used as the main reference in interpreting the verses of the Al-Qur'an before referring to the power of reason.²⁹

Islam has a broader explanation in human rights and the Islamic paradigm views human rights not only as commands coming from Allah, but also as a phenomenon of human life that grows and develops following the flow of time. We argue the Islamic concept in explaining and affirming human rights has three perspectives, namely, theo-centric, anthro-centric, and cosmo-centric perspectives. They have a basis and reasons based on referring to the Al-Qur'an and the Prophet's as-Sunnah as Islamic guidelines.

The first perspective refers to the inherent conception of human rights determined by the *Khaliq* (the Creator) that humans are caliphs and bearers of His mandate to safeguard, maintain, appreciate, and develop all the potentials in the universe. Such mandate emphasizes that humans are chosen creatures who deserve to lead and be led (Al-Baqarah: 30), to protect and maintain nature so that it is not damaged (Al Araf: 56), to respect life to coexist and not to cause spillage of blood (Al Maidah: 45; Al Isra': 33), to maintain legal equality and freedom (At Taubah: 6), to gain personal and family honor (Al-Baqarah: 21; Ar-Rum: 21; An-Nisa: 4; At-Tahrim: 6; Al-Taubah: 6), to reach the equality of women

²¹ M. Erwin, *Filsafat Hukum*, (Padang: Rajagrafindo, 2011) 29

²² M. S. A. Nasution *et al.*, *Hukum dalam Pendekatan Filsafat*, (Jakarta: Fajar Interpratama Mandiri, 2017) 273

²³ Syeikh Muhammad Hasan, *Op Cit, Al Qur'an dan Terjemahannya*, QS. An Nisa : 58.

²⁴ *Ibid*, An Nisa 135

²⁵ L. J. Moleong, *Metodologi Penelitian Kualitatif*, (Bandung: PT Remaja Rosdakarya, 2006) 6

²⁶ H. Djunaid, 'Konsep Pendidikan dalam Al Qur'an: Sebuah Kajian Tematik', (2014) 17(1) *Jurnal Lentera Pendidikan* 139-150

²⁷ A. Rafiq, 'Studi Analisis atas Al Qur'an dan As-Sunnah antara Tekstual dan Kontekstual' in Hairillah, *Kedudukan As-Sunnah dan Tantangannya dalam Hal Aktualisasi Hukum Islam*, (2015) XIV(2) *Mazahib Jurnal Pemikiran Islam* 192-203

²⁸ F. Rahman, 1995, *Membuka Pintu Ijtihad*, Terj. Anas Mahyudin, Bandung, Pustaka, hal. 115

²⁹ Hairillah, *Op Cit*, 192.

and men in obtaining education (Al-Baqarah: 228; Al-Hujurat: 13; At-Taubah: 122; Al-'Alaq: 5), and to have freedom to practice their religious teachings (Al-Kafirun: 1-6; Al -Baqarah: 265, Al-Kahf: 29).

“Indeed, We have truly created humans in the best form“ (At Tin 4)³⁰

A.K. Brohi states that Islamic strategy places great importance on respect for human rights and basic human freedoms as an aspect of the quality of religious consciousness that is imprinted in the hearts, minds, and souls of its adherents. The Islamic perspective is truly theocentric.³¹ Human rights are a destiny that Allah has determined, and humans are obliged to live them. Human rights are God's rights which have been handed down to His servants (humans) who are the trustees of these human rights.

The second one is concerned with the conception of human rights which is enforced based on an agreement formulated in the social contract that humans need to regulate and maintain the natural rights of individuals not to damage and oppress each other. The future of human life on earth is largely determined by humans themselves. Law, future, and justice without human agreement in the social contract system would not be upright and running. In this perspective, humans are part to determine themselves to survive and be excited. Basically, the perspective is conveyed in Ar Ra'du: 11, as written below:

“Indeed, Allah does not change the condition of a people until they change what is within themselves. If Allah wills evil for a people, no one can resist it, and there is absolutely no protector for them besides Him.”³²

This verse reiterates that humans have the ability and authority to change, improve, and organize their interactions in life. Even though God has full authority, but human beings can change themselves and the world.

The last perspective remains to relate to the conception of human rights which is in line with the direction of change and development over time. Changes and developments in this era are in line with the dynamics of change in society, both rationally and naturally. A change is a natural law from within humans, such as rationality, character, nature, life goals, and interests. The change is not wild and directionless, because it is definitely something that has been planned according to the interests of the human group itself. Friction of interests leading to conflict is inevitable, which, in turn, upholds human rights and can be threatened on earth. Islam has described through the Qur'an (see below) that damage and conflict are also human activities. Damage and conflict that lead to war also threaten the human right to life itself.

“It has been seen that damage on land and at sea is caused by the actions of human hands, so that Allah will make them feel some of the (consequences of) their actions, so that they will return (to the right path).”³³

According to Hegel's philosophy, cosmocentrism is a contingency, namely a necessity that refers to the law of certainty, boundaries and formal laws of the world, and of human freedom, as well as the origin of evil. In the Islamic teachings, human rights are closely related to social change, both rational and natural, that occurs through planning.

3. Medina Charter, Social Contract Theory and Differences

The embryo of discussion about human rights began to develop in the early 17th and 18th AD. At that time there was a reaction to the arrogance of the kingdom which ruled dictatorially and of feudal groups towards people who were employed arbitrarily. There were two stratifications of society at that time, namely the upper strata of society (minorities) who had great power and influence, and the lower strata (majority) who were powerless and always faced acts of discrimination and exploitation. The two groups often clashed because their interests were contradictory and very different.

The emergence of the issue and the study of human rights in the western world began with the movement for equal rights and justice through the *Magna Charta*³⁴ (Great Treaty) in England in 1215. The strong dominance of the king as absolute power was limited. His people also asked the King to be accountable so that he would not be discriminatory in upholding law and justice. Continuing the effects of the Magna

³⁰ M. Hasan, *Op Cit*, At Tin 14

³¹ Nu. Asiah, Hak Azasi Manusia: Perspektif Hukum Islam, (2017) 15(1) 55-66 Jurnal Syari'ah dan Hukum Diktum

³² M Hasan, *Op Cit*, Ar Ra'du 11

³³ *Ibid*, Ar Rum 41

³⁴ *Magna Charta* was born as a result of the conflict and dispute between the Pope, King John and his barons over the rights of the king. Magna Charta "forced" the king to cancel some rights and respect some legal procedures that the king's power and desires needed to be regulated and limited by law. Magna Carta is a charter recognizing the rights of individuals and the State which was signed on June 15 1215 limiting the absolute power of the English king. This is where the historical milestone of the birth of human rights in the western world began



Charta, which was born again in England in 1689, the next *Bill of Rights*³⁵ emerged, the seeds and facts of the integrity of the emergence of human rights as essential and inherent principles that encourage the equal rights of everyone before the law, or what is called *equality before the law*.

In the western world, John Locke (1632 - 1704) was considered the main figure who formulated the basics of human rights through natural law theory. The natural law theory has a major influence on human rights inherent in themselves, consisting of the right to life, the right to personal liberty, and the right to property.³⁶ Natural law means the rules of human behavior in natural conditions and in this state of natural law, order and peace already exist. Natural law theory emphasizes that humans are subject to the laws of morality regarding individual human obligations to obey the laws of nature itself. Society is a group of people who have a social contract that must be agreed to. The purpose of building a social contract is to protect every individual human being as a member of society.

Damage and evil occur on the surface of the earth due to humans not being able to preserve nature with the laws of nature itself.³⁷ According to Locke, the natural state of man should be in harmony in which all have equal freedom and rights. In this situation, each person is free to choose and use what he has, without depending on the will of others. Humans live according to the natural laws given by God, so that there is no chaos. According to Locke, God's natural law is a prohibition against harming or destroying the life, liberty, or property of others. Locke said that all people have basic rights inherent in their nature and are gifts from God. This concept is similar to human rights in modern society.³⁸

Apart from John Locke, the idea of Jean Jacques Rousseau (1712-1778 AD) about *the social contract* emphasizing that the State must have a contract between the government and the people in achieving justice and prosperity in their lives, including law enforcement, eliminating slavery, respecting freedom of argument and recognizing equality.³⁹ The government creates laws as guidelines so that the law is upheld and justice can be felt by all parties.

When linked to the Medina Charter, the Prophet who was also the head of government built a social contract throughout the occupation of Medina which was inhabited by various religious adherents of different beliefs, namely Islam, Jews, and Christianity. This social contract contains fair law enforcement, respecting the rights of each individual, uniting people amidst plurality, freedom to practice their religion, comfort in trading, not being allowed to kill each other, living side by side advising each other and protecting the property of their brothers from confiscation and violence.

John Locke noted that people agreed to enter into *primitive contracts* or so-called social contracts to provide a way out of a state of war while protecting private property rights. That was the birth of the country. Therefore, the purpose of establishing a state is not to create equality for all, but to guarantee and protect the personal rights of every citizen who makes an agreement.⁴⁰ The Medina Charter also manages conflict or war to ensure the comfort of the people of Medina with the upholding equality of society⁴¹ within a democratic life frame.

Democracy in this political document (the Medina Charter) is not just the main goal, but is aimed at achieving political equality which includes three aspects: human freedom (both individually and collectively), protection of human values, and human's self-development.⁴² The Medina Charter has given birth to the concept of protected human rights on a democratic political basis based on the guidance of the Al-Qur'an.

³⁵ Bill of Righth is a law that was passed in 1689 through the English Parliament. It regulates freedom in the election of members of parliament, freedom of speech and expression, regarding taxes and the formation of militarism with the permission of parliament

³⁶ M. T. Mansoe, *Hukum, Negara, Masyarakat Hak-Hak Azasi Manusia dan Islam*, (Bandung: Alumni Press, 1979) 95

³⁷ D. Putra, *Hak Azasi Manusia Menurut Al Qur'an*, (Jakarta: Al Husna Zikra, 1995) 33

³⁸ M. I. Kishardian, *et al.* *Teori Alamiah dalam Pandangan John Locke*, (2023), 1(1) 1-25, *Jurnal Pendidikan, Seni, Sains dan Sosial Humaniora*

³⁹ J. J. Rousseau, *The Social Contract. A Translation*. Sumardjo, (Jakarta: Erlangga, 1986) 4

⁴⁰ *Op Cit*, 7

⁴¹ A. M. Saefudin, *Ijtihad Politik Cendekiawan Muslim*, Jakarta: Gema Insani Press, 1996) 151

⁴² S. Haris, *Demokrasi di Indonesia*, (Jakarta: LP3ES, 1995) 5

“And if anyone among the polytheists asks you for protection, then protect him so that he can hear the word of Allah, then take him to a safe place for him. (So) that is because in fact they are a people who do not know.”⁴³

“Allah does not forbid you to do good and be fair to those who do not fight you in matters of religion and do not expel you from your hometown. Indeed, Allah loves those who act justly.”⁴⁴

The jurisprudential foundation of the Medina Charter establishes reconciliation as a midst path to reduce and manage conflict. The current conflicts and wars that have resulted in bloodshed between and within tribes have been tied up in peace agreements and have become social contracts. The Medina Charter is not only a political document that upholds democratization, and is not just a legal document that regulates patterns of social interaction and guarantees freedom of speech and worship, but much deeper, it is a humanitarian document that regulates and upholds human rights based on God, humanity, society, state, and justice.

The Medina Charter containing 47 articles is a symbol of one people to unite (articles 1 and 25), a symbol of all tribes working together to avoid murder and war (articles 2-10 and 18-19), a symbol of social solidarity among people (article 11), prohibition to form groups based on feuds, injustice, cruelty, and murder (articles 12-14), to guarantee the protection of the right to life and just peace (articles 15-17), firmness to opponents and forgiveness to them is highly recommended (articles 20- 22 and 43), resolving disputes must be relied on the provisions of Allah and of the Prophet (articles 23 and 42), the rights of every person and tribe are treated equally before the law (articles 26-35), to guarantee law enforcement for everyone (articles 36, 40 -41), warranty for the conscientious freedom of speech (article 37), all tribes and residents are obliged to protect each other by creating a sense of security and comfort in the city (articles 38-39), all residents maintain the Medina Charter in its implementation and obey it (article 44-47).

There are several differences in the birth of the concept of human rights according to the Medina Charter and the social contract theory as the basic theory for the birth of human rights in the western world. These differences can be classified into three mainstreams, namely, the historical mainstream with its background, the theoretical reference mainstream, and the philosophical mainstream. The first mainstream was initiated after the migration of Muslims led by the Prophet from Mecca to Yathrib (Medina) in 622 AD. While in Medina, conflicts between tribes or groups often occurred in which quite a large number of victims were sacrificed. Apart from conflicts among tribes, there were also conflicts between different religious beliefs, especially from Jews, Christians, and Muslims themselves. Violence, injustice, confiscation of property, and murder happened very often, with the principles of a peace agreement to live with mutual respect and protect the unity of the people.

These principles include equality, *ummah* and unity, freedom, religious tolerance, mutual assistance, and defense of the persecuted, deliberation, justice, equality of rights and obligations, neighborly living, defense and peace, *amar makruf* and *nahi munkar*, piety, and leadership. All serve as the points of the Medina Charter⁴⁵ which become the initial milestone in the constellation that gives birth to the concept of human rights coming from social conflicts in each ethnic and religious community.

Human rights were born in the west based on the Magna Charta, a charter recognizing individual and state rights which limited the absolute power of the British king. Conflict among kings were very strong behind the birth of this charter, at which time the kings were always dominant that there was little respect for the rights of individual people outside the royal palace. To maintain the absoluteness and arbitrariness of the king, the Magna Charta was formed as the initial milestone in the history of its birth. In the second mainstream, the birth of human rights according to the Medina Charter was built on theoretical references to the Al-Qur'an as the source of the noblest holy book, the Great Divine Word. The Prophet as the initiator and executor of the charter always relied on the Al-Qur'an and always be fair and

⁴³ M. Hasan, Al Qur'an dan Terjemahannya, At Taubah 6

⁴⁴ *Ibid.* Al Mumtahanah 8

⁴⁵ *Ibid.*, 19



made decisions not based on likes or dislikes.⁴⁶ The social contract theory in the charter is a divine command to humans (Muslims) to act fairly without distinguishing between groups.

For the western world, human rights are based on the social contract theory constructed by John Locke and Jean Jacques Rousseau with the paradigm that to fulfill the need for peace and order, each individual in society would then make a social contract with certain parties who can provide protection and security, peace, and order. The social contract relies on the nature of each individual, guarantees freedom and ownership, and limits the arbitrariness of ruling authorities to control individual rights. Here it can be distinguished that the Medina Charter has a social contract as an order of Allah which is based on humanity, divinity, and justice. Meanwhile, the social contract from western theory is based on humanity and justice based on individual agreements.

In the last mainstream, human rights are inherent basic rights that Allah has revealed and entrusted to humans. Humans as servants of God belong to God, not to humans, so there is no logic whatsoever that justifies human rights being taken away or controlled by humans because, in fact, humans are of the same nature, except for those who believe, do good deeds and have knowledge which differentiates their position before the *Khalīq*.⁴⁷ This is the philosophy of human rights as outlined in the Medina Charter.

In the western world, the philosophy of human rights is a form of human awareness as servants of God, carrying out the humanitarian mission given by God to every human being. There are not a few differences in human rights for each individual, because all individuals have the same position before the law, the right to speak, political rights, religious rights, the right to education, the right to live economically and psychologically, and the rights to society and statehood.

CONCLUSION

The Medina Charter, in managing plurality, has become a common denominator, namely finding similarities in differences so that humans can live peacefully and side by side. The pattern of human life becomes orderly, safe, and full of certainty, regulating social interactions in differences, and uniting in the humanitarian mission of individual natural rights. The Medina Charter is a form of contribution to Islamic history which has become a document that laid the foundation for human rights in the world. At the same time, Islam emphasizes that this religion not only studies and regulates matters with a secular dimension, but also contributes much more deeply to giving birth to visionary ideas and important decisions relating to human interaction in the world.

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⁴⁶ An Nisa' 58 & 135, Al Isra' 70, and Al Mumtahanah 8. All the surah explain that Allah commands us to guard the trust given to those who are entitled to receive it, and enforce the law fairly regardless of a person's background or class, do not distort legal facts just because of lust, be a just and true witness.

⁴⁷ Al Hujarat 13, Al Mujadalah 11, At Toha: 75, An Nahl 90. The three surah are representative in the Qur'an explaining how Allah SWT has His right to differentiate between humans before Him. A distinguished human being is a human being who is devoted to Him, has faith in Him, is knowledgeable, and has noble character.

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