Islamic Law and the Regulation of Human Rights Issues in Separatist Conflicts

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Abstract

This study reveals how Islamic law and human rights can be a voice of justice in challenging situations, offering exciting and relevant answers for a harmonious future of peace. The research method applied in this study is designed in an integrative and comprehensive manner to explore the relationship between the two in the context of conflict separatism. The study results show that Islamic law and human rights have similar perspectives in respecting religious plurality, avoiding discrimination, and prioritizing peace in dealing with conflict separatism. Both emphasize the importance of understanding the root causes of conflict and seeking comprehensive and sustainable solutions to achieve reconciliation and just peace. In separatism conflicts, Islamic law and human rights also emphasize the importance of social justice, solidarity, education, and accountability as integral parts of conflict management. Both perspectives view that efforts to achieve peace and reconciliation must involve all elements of society, including religious leaders, community leaders, and community organizations, in mediating and promoting peace values. In addition, the harmony between Islamic law and human rights emphasizes the importance of understanding human rights as a universal value that must be upheld by all people, not only in the context of separatism conflicts but also in broader social and political life.

Keywords: Islamic Law, Human Rights, Separatism, Reconciliation, Social Justice.

Abstrak

Kajian ini mengungkapkan bagaimana hukum Islam dan Hak Asasi Manusia (HAM) dapat menjadi suara keadilan dalam situasi yang penuh tantangan, menawarkan jawaban yang menarik dan relevan untuk masa depan perdamaian yang harmoni. Metode penelitian yang diterapkan dalam kajian ini dirancang secara integratif dan komprehensif untuk mengeksplorasi hubungan keduanya dalam konteks konflik separatisme. Hasil kajian menunjukkan bahwa hukum Islam dan HAM memiliki perspektif yang sejalan dalam menghormati pluralitas agama, menghindari diskriminasi, dan mengutamakan perdamaian dalam menangani konflik separatisme. Keduanya menekankan pentingnya memahami akar permasalahan konflik dan berupaya mencari solusi yang menyeluruh dan berkelanjutan untuk mencapai rekonsiliasi dan perdamaian yang berkeadilan. Dalam konflik separatisme, hukum Islam dan HAM juga menekankan pentingnya keadilan sosial,

solidaritas, pendidikan, dan akuntabilitas sebagai bagian integral dalam penanganan konflik. Kedua perspektif memandang bahwa upaya mencapai perdamaian dan rekonsiliasi harus melibatkan seluruh elemen masyarakat, termasuk pemimpin agama, tokoh masyarakat, dan organisasi-organisasi masyarakat dalam memediasi dan mempromosikan nilai-nilai perdamaian. Selain itu, keselarasan antara hukum Islam dan HAM menegaskan pentingnya memahami hak asasi manusia sebagai nilai universal yang harus dijunjung tinggi oleh seluruh masyarakat, tidak hanya dalam konteks konflik separatisme, tetapi juga dalam kehidupan sosial dan politik yang lebih luas.

Kata Kunci: Hukum Islam, Hak Asasi Manusia, Separatisme, Rekonsiliasi, Keadilan Sosial.

INTRODUCTION

The separatist conflict has become a complex and controversial issue in the political and legal world in various regions worldwide (Allison, 2009). These conflicts often arise due to tensions between ethnic, religious, cultural, or political groups within a country. Historical experience shows that separatist conflicts often lead to serious human rights violations, including violence, arbitrary detention, restrictions on civil liberties, forced displacement and forced evictions. Countries with a majority Muslim population are also inseparable from separatist conflicts. In some regions, such as the Middle East, Southeast Asia, and North Africa, separatist conflicts have led to political instability and substantial human losses (Aspinall, 2007; Suntana & Tresnawaty, 2021; Viartasiwi, 2013). Therefore, it is essential to understand how Islamic law responds to human rights issues that arise in these conflicts and how internationally recognized human rights principles can be integrated within the framework of Islamic law.

Islamic law plays a significant role in Muslim-majority countries' societies and legal systems (Karimullah, 2023). This legal system is based on the principles of the Qur'an and the Sunnah of the Prophet Muhammad and the interpretations of the scholars who are the sources of law (Sugitanata et al., 2023). The Islamic legal system covers various areas of life, including civil law, criminal law, and public law. In the context of separatist conflicts, Islamic law can be one of the factors affecting the protection of human rights. However, as with other legal systems, the interpretation and implementation of Islamic law on human rights issues can vary across different countries and groups of people. Therefore, it is essential to conduct an in-depth analysis of the views of Islamic law on human rights issues and how these human rights principles can be integrated within the

framework of Islamic law.

The challenge in dealing with human rights issues in the context of separatist conflicts is to find a balance between protecting individual rights and the security and stability of the state. Some countries may find it necessary to sacrifice individual rights to achieve national security goals. However, this approach can risk violating internationally recognized human rights principles. Therefore, this study seeks to answer these issues through an in-depth analysis of the views of Islamic law on human rights issues in the separatist conflict to provide a comprehensive understanding of this issue. Through this study, it is hoped that a middle ground will be found that respects human rights and justice while considering the social and cultural context in which conflicts occur. The results of this study are expected to contribute to efforts to prevent human rights violations and promote peace in the face of complex challenges in the context of separatist conflicts.

Previous studies have shown that the interpretation of Islamic law on human rights issues in the context of separatist conflicts can vary across countries and groups of people (Barter, 2013; Gladney, 2003; Lele, 2023). This is due to the variety of views and interpretations of scholars on the sources of Islamic law, as well as the influence of local culture and history (Harris, 2010; Rupprecht, 2014; Vu & Van Orden, 2020). These differences in interpretation reflect the cultural, social, and political diversity within Muslim communities in different regions (Chalk, 2001; Ilham et al., 2020; Venkatesh et al., 2020). Therefore, this study needs to consider these variations in exploring the views of Islamic law on human rights in the context of conflict. In addition, the dilemma between human rights protection and state stability in the context of separatist conflicts in Muslim-majority countries, so this study needs to consider how Islamic law and international human rights principles can blend and be integrated harmoniously in the face of this challenge.

This study contributes significantly to an in-depth understanding of the complex relationship between Islamic law and human rights issues in the context of the separatism conflict. By conducting a detailed analysis of Islamic Law's views on human rights issues, such as the right to life, freedom of religion, and fair treatment of detainees, this study is expected to provide valuable insights for policymakers, legal practitioners, and other stakeholders in addressing the challenges of protecting human rights amid conflict. The main difference

between this study and previous studies lies in its comprehensive approach that focuses on legal analysis and considers the social, political, and cultural aspects that influence the interpretation of Islamic law in conflict situations. Previous studies have focused on one particular aspect, such as theological views or human rights policies in general, without relating them in depth to actual field conditions in the context of separatism conflicts.

The importance of this study also lies in its ability to reveal the role of Islamic law in voicing justice and protecting human rights that are often marginalized in conflict situations. The study provides interesting and relevant answers for the future of peace and harmony by showing how the principles of justice in Islamic law can be integrated with international human rights standards. Moreover, it provides a holistic view of the interaction between Islamic legal systems and international human rights law in an increasingly connected global context. This is important for finding a just and sustainable solution to the conflict of separatism, which is not only locally applicable but can also serve as a model for handling similar disputes in other parts of the world. Thus, this study is expected to be an essential reference for international collaborative efforts in building peace and harmony through a fair and inclusive legal approach.

RESEARCH METHOD

The research method applied in this study was designed in an integrative and comprehensive manner to explore the relationship between Islamic law and human rights issues in the context of the separatism conflict. The research began with secondary data collection through an extensive literature study from various sources, including academic books, journal articles, research reports, theses, dissertations, and national and international legal documents. Relevant literature was selected based on credibility, topical relevance, and contribution to understanding the relationship between Islamic law and human rights. This selection was done by setting inclusion criteria that included literature that explicitly addressed the research topic and exclusion criteria to eliminate irrelevant or academically invalid sources. This literature identification and selection process ensured that only high-quality sources were used in the analysis.

Once the literature was collected and screened, the next step was an in-depth content analysis of the selected sources. Each document was read and examined in detail to identify key concepts, major themes, and significant arguments regarding the relationship between Islamic law and human rights, such as the right to life, freedom of religion, and fair treatment of prisoners. Coding techniques were used to organize and categorize the data based on emerging themes. Next, literature from various sources was compared to find similarities, differences, and contradictions in views on Islamic law and human rights. This comparative process resulted in a synthesis of information that builds a comprehensive theoretical framework to explain the contribution of Islamic law to the protection of human rights in separatism conflicts. A critical evaluation is conducted to assess the strengths and weaknesses of the arguments in the literature, considering the historical, cultural, and political contexts that influence the interpretation of Islamic law and human rights.

RESEARCH FINDINGS AND DISCUSSION
Understanding of Islamic Law on Human Rights

Understanding Islamic law on human rights comes from the primary sources of Islamic teachings, namely the Qur'an and the Hadith of the Prophet Muhammad. As the primary legal basis, the Qur'an emphasizes universal values such as humanity, justice, and equal rights for all humanity (Fatarib et al., 2023). Several verses in the Qur'an explicitly state fundamental human rights, such as the right to life, freedom of religion, and human dignity (Alwi et al., 2022). The Hadith of the Prophet Muhammad is another source that guides protecting human rights. However, it is essential to note that understanding human rights in the context of Islamic law can have various interpretations. A more conservative understanding argues that Islamic law has provided sufficient rules to protect human rights. However, other groups argue that there is room for Islamic law to develop a broader and more profound concept of human rights, especially in addressing contemporary issues such as women's rights, minority rights, and socio-economic rights (Insani, Ibrahim, et al., 2024).

When separatist conflict situations occur, understanding Islamic law on human rights can face complex challenges. On the one hand, Islamic law emphasizes the importance of peace, brotherhood, and rejection of violence (Drevon, 2015). However, implementing these values can be complex in conflict

due to possible interaction with emergency laws and harsh enforcement (Abu-Nimer, 2001). In addition, the role of religious scholars and authorities in interpreting and applying human rights in separatist conflict situations also plays a key role. Ulama is essential in giving *fatwas* (Islamic legal opinions) and directing Muslims in tension and uncertainty. The approaches and views of scholars regarding human rights in separatist conflicts can vary and affect people's understanding of this issue.

In the face of such complexity, several principles of Islamic law are often highlighted to protect human rights in situations of separatist conflict. Principles such as *maslahāh* (public benefit), *maqasid syariah* (goals of Shari'a), and *hifz al-dīn* (protection of religion) are seen as relevant in dealing with human rights issues in the context of conflict (Suberu, 2009; Wilhelmsen, 2005). To achieve a comprehensive and in-depth understanding of Islamic law on human rights in a situation of separatist conflict, an in-depth analysis of primary and secondary sources is required. The study of literature from different Islamic scholars, theologians, and thinkers has become essential to achieve an inclusive and holistic perspective.

The understanding of Islamic law on human rights in separatist conflict situations must also be understood in the context of developments and social changes. Over time, the interpretation and implementation of human rights in Islamic law may change in line with the Times's demands and society's development. The understanding of Islamic law on human rights in separatist conflict situations also needs to be seen from the perspective of comparison with international human rights norms. Issues such as the death penalty, the treatment of prisoners, and the protection of women and children are essential to note. This comparison can help gain a broader perspective and see the extent to which Islamic law is in line with or different from international human rights standards.

The diversity of Islamic law in different countries or regions must also be considered. Each country has different traditions and interpretations of Islamic law, which can affect the views and protection of human rights in situations of separatist conflict. Comparative studies between countries with a context of separatist conflict and the application of Islamic law can provide a richer understanding of the challenges and potential in protecting human rights. In addition, globalization and the interconnection of the world can also affect the

understanding of human rights in Islamic law. Increased access to information and cross-cultural interactions change views and demands on human rights. This can affect how Muslim scholars, scholars, and thinkers view and formulate views on human rights in the context of separatist conflicts.

Islamic law's understanding of human rights in situations of separatist conflict can be viewed through the lens of ethics, political philosophy, and Islamic legal thought (Barter, 2011; Bourchier, 2019; Chalermsripinyorat, 2021). In ethics, the concept of humanity found in Islamic teachings becomes essential for examining human rights issues. The Qur'an affirms that every human being was created as Allah's Caliph (representative) on Earth, so it has dignity and rights that must be respected (Karimullah et al., 2023). This understanding underlies the universal principles of human dignity, freedom and equality at the heart of human rights. Therefore, in situations of separatist conflict, Islamic legal understanding of human rights can be viewed as an extension of humanitarian ethics that teaches peace, justice, and respect for freedom and human rights.

In political philosophy, understanding Islamic law on human rights in a situation of separatist conflict can be seen as an attempt to achieve social justice and harmony. Islamic law has an inclusive view of society that includes all its citizens, including minority groups. In the context of the separatist conflict, human rights become an integral part of the struggle to restore peace and stability amid differences and tensions. The regulation of human rights in Islamic law aims to create an equitable environment for all citizens, thus promoting unity and harmony.

From the perspective of Islamic legal thought, understanding human rights in a separatist conflict situation requires an in-depth interpretation of the sources of Islamic law. Islamic law is dynamic and open to *ijtihād* (interpretation efforts) that accommodate society's changing times and needs. Muslim scholars and scholars are instrumental in formulating Islamic legal views on human rights in this changing and complex context. In addition, the general principles of Islamic law, such as *maslahāh* (public benefit) and *maqasid al-syariah* (goals of Sharia), also play an important role in facing human rights challenges in conflict situations. These principles can provide space for adapting Islamic law to universal human rights values without compromising religious integrity.

The concept of Human Rights in situations of separatist conflict can also be understood by thinking about a sense of humanity and social justice. The

concept of humanity (*insaniyyāh*) in Islamic law emphasizes respecting each individual's dignity and human values, regardless of ethnic background, religion, or social status. In situations of separatist conflict, this principle of humanity is fundamental in treating all citizens fairly, without discrimination, and respecting their fundamental rights. Meanwhile, the concept of social justice (*'adl*) in Islamic law emphasizes the need to create equality in rights and duties among all members of society. In the context of separatist conflicts, social justice is critical in resolving tensions and differences between the groups involved in the conflict. Understanding Islamic law on human rights is realized through implementing social justice that embraces all levels of society, including minority groups and provides protection for their rights.

The understanding of human rights in separatist conflict situations can also be seen through *hikmāh* (wisdom) and *fitrāh* (innate nature). The concept of wisdom in Islam teaches the importance of carrying out Wise and thoughtful actions in the face of challenging and complex situations, including enforcing and protecting human rights in separatist conflicts. Understanding Islamic law on human rights needs to prioritize wisdom in making decisions and finding appropriate solutions to achieve peace and justice for all parties involved. On the other hand, the concept of fitrah in Islam asserts that humans have an innate instinct or nature that tends to truth and justice. This understanding implies that human rights align with human nature and that humans have rights that must be respected and maintained. In a situation of separatist conflict, understanding Islamic law on human rights must ensure that natural human rights are recognized and protected without exception, regardless of background, religion, or ethnicity. To achieve peace and harmony in conflict situations, an understanding of Islamic law on human rights can be a mighty pillar in promoting justice, reconciliation, and respect for the dignity of every individual, regardless of any differences.

Islamic Law in the Context of Separatism

Separatist conflicts refer to disputes between groups that seek to break away from a particular state or region to establish an independent political or religious entity. This phenomenon is not new and has occurred in various parts of the world, with different countries facing different challenges in responding to

the demands of separatism. In such situations, Islamic law plays a significant role in regulating and providing guidance in dealing with conflicts that involve religious, political, and social aspects.

In general, Islamic law views the importance of maintaining the unity of the ummah in the form of a state that has the sole authority to decide on public affairs and enforce justice. This unity is considered one of the main principles in Islamic law as it is the key to maintaining stability and harmony in society. However, while Islam advocates unity, some provisions grant rights of autonomy to minority groups in the broader environment. These principles often require careful and contextual interpretation to be effectively applied in situations of conflict separatism.

In the context of conflict separatism, Islamic law demands a balance between the need to maintain unity and allow for the legitimate autonomy of minority groups. This requires a holistic and flexible approach, where law serves not only as a tool to enforce order but also as a means to achieve justice and respect for human rights. For example, Islamic law recognizes the importance of social and economic justice and the need to protect individual and group rights. In many cases, demands for separatism are often rooted in feelings of injustice and marginalization, making fair and inclusive law enforcement crucial.

Countries around the world face different challenges in dealing with separatist groups. For example, in the Middle East, some countries face secessionist movements based on ethnic or sectarian identities. In Yemen, the separatist conflict in the southern region has been one of the main challenges for the central government, with groups seeking to establish an independent state (Al-Saidi, 2020; Kwarten, 2020). In Syria, the protracted civil war has involved various ethnic and religious groups seeking to secede or gain greater autonomy (Ahram, 2020). In these situations, multiple parties often use Islamic law as a platform to support or oppose separatist demands. In Africa, several countries are also facing challenges from secessionist groups. In Nigeria, for example, the northern-based Boko Haram group has long sought to establish an Islamic state separate from the central government. The separatist movement is based on an extreme interpretation of Islamic law and opposes any form of government deemed incompatible with their principles. In Somalia, the Al-Shabaab group also uses Islamic Law as an ideological platform to demand separation and the establishment of an independent Islamic state.

In Southeast Asia, several countries also face significant separatist movements. In the Philippines, Moro groups have long struggled for autonomy or independence from the central government. After years of conflict, the Philippine government and separatist groups finally reached a peace agreement that granted greater autonomy to Muslim regions in the south. In Thailand, separatist conflict in the Muslim-majority south has also been ongoing for decades, with demands for greater autonomy or even complete independence (Chalermsripinyorat, 2021). In Europe, the issue of separatism has also emerged in different contexts. For example, the separatist movement in Catalonia has become a highly controversial political issue in Spain. Although not based on Islamic law, the movement demonstrates how demands for autonomy and independence can arise in various cultural and political contexts. In Russia, the conflict in the Chechen region also involves groups using Islamic law as a platform to demand separation from the central government.

In all these contexts, applying Islamic law to address conflicts of separatism requires a cautious and contextualized approach. It is essential to understand that Islamic law is not a monolith and can be interpreted differently depending on the social, political, and cultural context. One of the core values in Islamic law is justice (*'adl*). This principle applies in all aspects of life, including handling separatism conflicts. Islamic law demands that every party involved in a conflict be treated fairly and without discrimination. This principle of justice also applies to law enforcement, where human rights violations must be handled fairly and in line with the human values contained in Islamic teachings. Muslim clerics and scholars have an essential role in guiding and understanding Islamic law in the context of the separatism conflict. They act as guardians of religion and science to provide *fatwas* (legal opinions) based on Islamic law principles and human values. The contribution of Muslim scholars in addressing the separatism conflict is critical to achieving a comprehensive and equitable understanding.

Human rights became a central issue in the separatist conflict situation (Zeccola, 2011). From Islamic law's perspective, every individual's inalienable rights must be respected and protected without exception. Islamic law affirms that each individual's life, religion, honor, property, and descendants must be solemnly protected. In a situation of separatist conflict, protecting human rights becomes a test for the justice and humanity of the parties involved (Cannie &

Voorhoof, 2011). In some cases, groups involved in separatist conflicts want the application of Islamic law as the basis of their law. This can pose a challenge as each group may have different interpretations regarding the application of Islamic law. Therefore, a balanced and fair approach is needed in enforcing Islamic law so as not to sacrifice human rights and avoid abuse for political purposes.

The state is responsible for dealing with separatist conflicts by promoting justice, dialogue, and reconciliation. States must also ensure that the application of law and the enforcement of security are fair and respect the rights of every individual, including minority groups involved in conflict. Islamic law's understanding of justice and state responsibility is critical in dealing with this complex challenge. Islamic law also considers that conflict resolution efforts must be made with wisdom and justice. The hikmah principle demands that actions taken to resolve the separatist conflict should be carefully considered, consider the long-term implications, and seek the best solution for all parties involved.

Wisdom-based conflict resolution is expected to create sustainable peace and avoid more significant divisions. In addition, Islamic law also teaches that conflicts must be resolved through dialogue and deliberation (Insani, Sumiyati, et al., 2024). The principle of deliberation or shura is an approach taught in Islam to seek standard solutions to complex problems. In the context of separatist conflicts, deliberation can be a means to reach agreement and reconciliation among disputing groups. By putting forward the values of deliberation, it is expected to create cooperation and better understanding between the parties to the conflict.

Separatist conflicts often involve human rights violations and oppression of minority groups. From Islamic law, this is considered contrary to the principle of fitrah since it does not respect the dignity and rights of every human being determined by God. Therefore, Islamic law emphasizes respecting equality and equal rights between all individuals, regardless of religious, tribal, or ethnic background. Furthermore, Islamic law also emphasizes the importance of justice as a foundation in dealing with separatist conflicts. The concept of justice in Islam demands that every individual be treated fairly and equally before the law. Justice is critical in resolving disputes and achieving reconciliation between the parties involved in the conflict. Islamic law's understanding of justice demands

that no group feels persecuted or neglected so settlement efforts can achieve equitable and sustainable results.

Regarding Islamic law, handling separatist conflicts must also be based on *hikmāh* (wisdom). *Hikmāh* demands that the actions taken in dealing with such conflicts be carefully considered, consider the long-term implications, and seek the most practical and peaceful solutions. *Hikmāh* also demands that leaders and law enforcers have the wisdom and integrity to uphold justice to create a conducive climate for sustainable conflict resolution. In dealing with separatist conflicts, Islamic law emphasizes the importance of fair enforcement of laws and avoiding abuse of power. Islamic law demands that the ruling leader act with justice, be impartial, and not use power for personal or group purposes. In conflict situations, the fair and transparent application of the law becomes essential in creating public trust in the state and the legal system.

It is also essential to explore the concept of *amar ma'ruf nahi munkar* (enjoining good and preventing evil) as a foundation for dealing with separatist conflicts. This concept demands leaders voice the truth, fight for justice, and prevent disobedience or human rights violations. In the context of the separatist conflict, the concept of amar ma'ruf nahi munkar demands that Muslim leaders, scholars, and scholars dare to voice justice and oppose all forms of violence and human rights violations. They should actively engage parties to the conflict to seek peaceful solutions and avoid actions that harm and undermine peace. In addition, Islamic law also emphasizes the importance of forming a society based on human values and mutual respect. In separatist conflicts, polarization and division often occur between different groups. Therefore, Islamic law demands that each individual and society respect differences, seek to understand the perspectives of others and seek understanding in achieving common goals, namely peace and justice.

In the view of Islamic law, the resolution of separatist conflicts should be based on *akhlakul karimāh* (noble character) and good ethics. *Akhlakul karimāh* teaches the importance of being polite and wise and respecting the rights of others. In conflict situations, enforcement of *akhlakul karimāh* can help ease tensions and create an environment conducive to dialogue and reconciliation. Regarding epistemology, the understanding of Islamic law about the separatist conflict must be based on a scientific and objective interpretation. Muslim

scholars and scholars should use scientific methods in interpreting Islamic legal texts and seek a comprehensive and contextual understanding of the issue of separatist conflict. With a scientific epistemological approach, the understanding of Islamic law can be more accurate and relevant in facing the challenges of the conflict.

The separatist conflict also demands an understanding of jihad, which is often misunderstood in global society. Jihad in Islam includes various dimensions, including jihad Against tyranny, jihad against lust (destructive soul), and jihad in the pursuit of peace and Justice. In the context of separatist conflicts, jihad against tyranny means fighting for justice, truth, and the enforcement of human rights. Jihad, in this case, teaches the importance of fighting against all forms of oppression, injustice, and violence that harm human beings. Such jihad must be carried out proportionately and by human values and the rules of Islamic law.Furthermore, jihad against the passions shows the importance of overcoming egoism, self-interest, and negative traits in man. In the context of separatist conflicts, it teaches that each individual involved must introspect themselves and avoid negative impulses that can aggravate the situation. Jihad against passions demands an awareness of the importance of kindness, cooperation, and reconciliation amid challenging situations.

To achieve peace and justice, jihad in Islam also includes the establishment of peace through dialogue, deliberation, and negotiation. Islamic law emphasizes the importance of seeking peaceful solutions and resolving conflicts fairly by promoting the values of truth and justice in every stage of conflict resolution. From an ethical perspective, Islamic law also teaches the importance of weighing the consequences of every action taken in dealing with separatist conflicts. In this context, the principles of wisdom and maqashid al-shariah (the goals of Islamic law) become essential to be upheld. In conflict resolution, the ultimate goal is peace, justice, and the welfare of society.

From the perspective of Islamic law, handling separatist conflicts also requires the application of the values of *ukhuwāh* (brotherhood) and *tawazūn* (balance) in human and Intergroup Relations. *Ukhuwāh* emphasizes the importance of establishing harmonious relationships and mutual assistance among fellow human beings, regardless of differences in religion, ethnicity, or race. In the context of separatist conflicts, *ukhuwāh* is the key to creating a relationship of mutual respect and respect for human rights between the parties

to the dispute. In addition, the concept of *tawazūn* emphasizes the importance of maintaining balance in every action and policy taken in dealing with separatist conflicts. *Tawazūn* reflects the principles of proportionality and justice in determining sanctions or conflict resolution measures. In this case, Islamic law emphasizes that law enforcement and policy must be balanced, not excessive, and not unfairly harm one party.

In dealing with separatist conflicts, Islamic law also emphasizes the importance of a goal-oriented approach (*maqashid al-shariah*). *Maqashid al-Shariah* is the goals or values to be achieved by Islamic law, including protecting the benefit, religion, soul, mind, offspring, and property. In the context of the separatist conflict, the ultimate goal is to achieve peace and the well-being of society as a whole and protect human rights. Islamic law also emphasizes the importance of protecting the rights of minorities and the less powerful and avoiding abuse of power by those in more dominant positions. By promoting ethical, moral, and humanitarian values, Islamic legal understanding of the separatist conflict can be a comprehensive and sustainable guide in dealing with this challenging situation.

Application of Islamic Law in Regulating Human Rights in Separatism Conflict

The application of Islamic law in regulating human rights in separatist conflicts includes an approach to Islamic law based on human values, justice, and peace. Islamic law, as a comprehensive legal system, provides a relevant framework for addressing conflicts and protecting human rights in complex situations such as separatist conflicts. Justice and protection of human rights are the main principles of Islamic law. In the context of separatist conflicts, Islamic law demands fair and equal treatment for all parties involved. This includes protecting fundamental human rights, such as the right to life, freedom of religion, freedom of opinion, and so on. In upholding justice, Islamic law emphasizes the importance of non-discrimination and the adverse treatment of minorities or marginalized groups.

Jihad and adherence to the rule of law are essential concepts in the face of separatist conflicts. In this context, Jihad does not mean war but instead includes efforts against injustice, tyranny, and oppression. Islamic law demands that

conflict resolution efforts be carried out through channels that follow the rule of law and do not violate ethical and moral principles. Islamic law also concerns humanitarian law and the protection of victims. The principle of humanitarian law in Islam requires the protection of civilians, children, women, older people, and innocent persons from acts of violence or persecution (Karimullah et al., 2024). Deliberation and dialogue became important in dealing with the separatist conflict. Islamic law emphasizes the importance of deliberation and dialogue to find standard solutions to complex problems. In this regard, the state and the parties to the conflict should actively seek the path of dialogue and a fair and equitable joint solution.

The protection of property and assets is of particular concern in Islamic law (Meirison & Nazar, 2021). In the context of separatist conflicts, Islamic law also pays special attention to protecting property and assets belonging to individuals or groups. Restoration and reintegration are emphasized by Islamic law. In the face of separatist conflicts, Islamic law encourages recovery and reintegration for those involved in the conflict, including former fighters or those involved in acts of violence. In addition, education and dissemination of human rights awareness become essential to Islamic law. Education and awareness about human rights, human values, and ethics in Islam can help prevent human rights violations and increase respect for human rights in conflict situations.

Islamic law also emphasizes the importance of safeguarding individual rights and avoiding abuse of power in handling separatist conflicts. Islamic law encourages leaders and security forces to act responsibly, transparently, and accountable in handling conflicts. Proper treatment of prisoners and civilians should be part of Islam's ethical and moral principles. In situations of separatist conflict, Islamic law guides peace arrangements. The concept of "sulh," or peace in Islam, teaches that seeking a peaceful solution and forgiving mistakes is commendable. These principles provide the foundation for establishing dialogue and reconciliation among the parties to the dispute to achieve a just peace for all. In addition, Islamic law encourages the creation of independent institutions responsible for monitoring the implementation of human rights in conflict situations. It should be able to investigate alleged human rights abuses and protect victims. The existence of such institutions can help prevent human rights violations and uphold the principle of justice in the handling of conflicts.

In regulating human rights in separatist conflicts, Islamic law also emphasizes educating the public about respecting human rights and values. Education and awareness about human rights can form a civilized society, respect diversity, and uphold the values of justice, peace, and tolerance. In addition, Islamic law also pays attention to the rights of women and children in separatist conflicts. Special protection is provided for those who are vulnerable groups and are often victims of such conflicts. In handling conflict, Islamic law demands the protection of their rights and the enforcement of gender justice (Insani et al., 2023). Islamic law also encourages individuals' active participation and responsibility in creating peace and reconciliation. Everyone, including scholars, scholars, community leaders, and civilians, is vital in finding equitable solutions.

Islamic law emphasizes the importance of upholding justice and prosecuting perpetrators of human rights violations in separatist conflicts. The principle of Islamic law that requires justice and accountability demands that perpetrators of violence and human rights violators be tried according to applicable law. Acts of violence or human rights violations should not be left without appropriate legal consequences. Islamic law encourages reconciliation efforts and the establishment of an effective and fair dispute-resolution mechanism. The principle of *sūlh* (peace) in Islam provides the foundation for reconciliation and mediation between disputing parties. In conflict situations, peace includes the cessation of violence and the social and cultural development process that unites and promotes peace. In addition, Islamic law emphasizes the importance of paying attention to the community's welfare in handling separatist conflicts. The principles of maqashid al-shariah (the goals of Islamic law) demand the protection and fulfillment of the basic needs of society, including access to education, health, food, and decent work. Recovery and reconstruction efforts after conflict should focus on meeting affected communities' needs.

Islamic law also emphasizes the importance of avoiding the exploitation of Natural Resources and the environment in situations of separatist conflict. Islamic principles of environmental and natural sustainability demand the protection of the environment and the sustainable management of natural resources, especially in the context of conflicts that can cause environmental damage . Islamic law teaches the importance of maintaining moral and ethical

values in every action and decision. The attitude of *tawadhū'* (humility) and ihsān (kindness) must be upheld in dealing with conflicts to create a climate of mutual respect and forgiveness. It is also essential to involve clerics, scholars, and religious leaders in resolving separatist conflicts. Their involvement as competent parties in the teachings and principles of Islamic law can help convey a message of peace and encourage reconciliation between conflicting groups.

Islamic law emphasizes the importance of applying the principles of nonviolence in dealing with separatist conflicts. In Islamic teachings, violence should only be exercised as a last resort if there is no other option to defend oneself from a harmful attack. Therefore, conflict resolution in Islam emphasizes dialogue, mediation, and negotiation efforts, to find a peaceful solution that benefits all parties. In addition, Islamic law also emphasizes the importance of understanding the root causes of conflict. By understanding the root cause, the parties involved can more effectively find sustainable, long-term solutions. Systemic and comprehensive conflict management is expected to address the root cause and prevent future conflict recurrence.

Islamic law also emphasizes the importance of building a culture of peace and tolerance in a diverse society. A society that lives in harmony and values differences can be a solid foundation for overcoming separatist conflicts. Education on tolerance, mutual respect, and intercultural cooperation is integral to creating a friendly environment for peace. To achieve peace and reconciliation, Islamic law also teaches about the importance of forgiving and accepting forgiveness. This principle is part of Islamic morality and Ethics, which encourages people to be kind and open-minded and to abandon feelings of resentment and revenge that will only prolong the conflict. Islamic law also views the importance of women's role and active participation in the peace and reconciliation process. Women have a strategic role in building social peace and stability because of their role as mothers, educators, and community leaders. Therefore, including women in decision-making and conflict-resolution processes can positively contribute to achieving sustainable peace.

CONCLUSION

Islamic law and human rights have similar perspectives in respecting religious plurality, avoiding discrimination, and prioritizing peace in dealing with conflict separatism. Both emphasize the importance of understanding the

root causes of conflict and seeking comprehensive and sustainable solutions to achieve reconciliation and equitable peace. In managing conflicts of separatism, Islamic law and human rights also emphasize the importance of social justice, solidarity, education, and accountability as an integral part of conflict management. Islamic law emphasizes the importance of understanding the root causes of conflict to find appropriate solutions. For example, in the historical context, Islamic Law has recognized the importance of the right to life, freedom of religion, and justice as the basis for building a peaceful society. These principles align with human rights values that prioritize protecting basic human rights, regardless of religion, ethnicity, or social background. In addressing conflict separatism, it isessentialt to identify and address factors such as economic injustice, social marginalization, and political discrimination, often the main drivers of conflict.

The importance of social justice cannot be ignored when addressing conflict separatism. Islamic law and human rights both emphasize the need for equitable distribution of resources and equal access to economic and social opportunities. The government must take concrete steps to reduce economic disparities and empower marginalized communities. This includes investment in infrastructure, healthcare, and economic empowerment programs that can improve people's welfare and ease social tensions. Reconciliation is also an essential aspect of achieving sustainable peace. Reconciliation requires acknowledgment of past wrongs, apologies, and efforts to repair relations between warring groups. Islamic law teaches the importance of forgiveness and reconciliation as part of the process of healing and rebuilding society. Similarly, human rights emphasize the need for an inclusive and just reconciliation process to address past wounds and build the basis for sustainable peace.

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