

Journal of Religion & Society (JR&S)

Available Online:

<https://islamicreligious.com/index.php/Journal/index>

Print ISSN: [3006-1296](#) Online ISSN: [3006-130X](#)

Platform & Workflow by: [Open Journal Systems](#)

Human Rights in the Quran: Addressing Criticisms on Freedom of Religion and Apostasy

Muhammad Khalid Rehmat

M.Phil Islamic Studies, Ghazi University, D.G.Khan

mkr7859992@gmail.com

Munawar Hussain

M.Phil. Islamic Studies, Ghazi University, D.G.Khan

smunawar393@gmail.com

Abstract

The paper discusses Quranic teachings and compatibility with contemporary standards of human rights as regards to freedom of religion and apostasy in Islam. The critics tend to point out the seeming inconsistencies between Quranic passages that advocate religious freedom (e.g. 2:256, No compulsion in religion) and the passages that are interpreted as restrictive (e.g. 9:29, Fight disbelievers). The paper answers these objections by contextual interpretation of Quran, classical commentary (Tafsir) and modern scholarship, and points out the difference between theological principles and historical juristic applications. The major Quranic topics such as the dignity of a human being (17:70), justice (5:8), and voluntary faith are demonstrated to go in line with the normative human rights, whereas the traditional laws of apostasy are claimed to represent political conditions during the middle ages rather than unchangeable decrees. The article discusses the idea of reconciliation of Sharia with modern pluralism through reformist solutions such as Maqasid al-Sharia (higher objectives of Islamic law) by giving examples of Tunisia, Morocco and Indonesia. Obstacles like that of traditionalism in following the juristic consensus (ijma) and the clash of secular and Islamic systems are discussed and the way legal, educational and scholarly changes are to be brought to promote intra-Muslim dialogue and interpretations which are in compliance with human rights are highlighted..

Keywords: Human Rights, Quran, Freedom of Religion, Apostasy, Maqasid Al-Sharia, Islamic Jurisprudence, Reform, Pluralism, Contextual Analysis.

Introduction

Freedom of religion and apostasy Often in the discussion about human rights in Islam, the focus is on the so-called freedom of religion and apostasy, and critics point out that the Islamic teachings cannot be reconciled with the current understanding of human rights. One of the major sources of disagreement is the interpretation of such Quranic verses as There shall be no

compulsion in religion (Quran 2:256) and completely incompatible injunctions such as Fight those who do not believe in Allah (Quran 9:29) (Aslan, 2017). Moreover some Hadiths like the one which calls to kill anyone who changes his religion, as in the famous Hadith, Whoever changes his religion, kill him (Sahih al-Bukhari, 9:84:57), has been used to justify the punitive actions against apostasy in classical Islamic jurisprudence (Saeed, 2004). Such understandings have resulted in the claim that Islam itself is a limiting factor to religious liberty, especially in Muslim dominated nations where apostasy laws are still in operation (Peters & De Vries, 1976). Nevertheless, these types of criticisms fail to consider historical and socio-political contexts under which such texts were used, and they end up simplifying complicated theological and legal traditions into a set of strict, non-historical directives (Kamali, 2017).

There has been a major research gap in separating the Quran theological principles and their subsequent juristic usage. The Quran does not focus on the issue of free will and moral responsibility (e.g., The truth is with your Lord; so believe in it or do not believe in it" [Quran 18:29]) but classical fiqh (jurisprudence) formulated the law of apostasy in a certain historical context (e.g., the political upheavals of early Islamic caliphate) (Rahman, 1982). This traditional interpretation of these rulings has been called into question by more contemporary scholars who have drawn attention to the high-level themes of human dignity (Quran 17:70) and justice (Quran 5:8) found throughout the Quran that have more in common with modern conceptions of human rights than medieval criminal laws (Abou El Fadl, 2014). Thematic analysis (Tafsir al-Mawdu) of verses of the Quran, the traditional exegesis (e.g. Al-Tabari, Ibn Kathir), and the modern reformist exegesis (e.g. Abdullah Saeed, Khaled Abou El Fadl) is therefore necessary to bring Islamic theology into concurrence with universal norms of human rights.

The fact that apostasy has been politicized in Islamic history further stresses the need to carry out contextual analysis. Early Muslim scholars such as Ibn Taymiyyah (d. 1328) drew the line between personal disbelief (which was punishable with no earthly penalty) and the open acts of sedition (which were subject to state action) (Ibn Taymiyyah, 2005). Such distinction indicates that the laws of apostasy were historically linked to treason and not the personal faith, which is a detail that is frequently overlooked in the contemporary polemics (Brown, 2017). Also, the value of preserving life, religion and intellect as stated by Maqasid al-Sharia

(higher objectives of Islamic law) as formulated by scholars such as Al-Ghazali (d. 1111) and modern thinkers such as Jasser Auda (2016) override the coercive values of apostasy punishment. The reconsideration of Islamic legal tradition by *maqasid* could, therefore, open a way out of the reform, harmonizing Sharia with the international human rights framework (Auda, 2016).

This paper is an interdisciplinary work that combines Quranic exegesis, history, and contemporary Islamic jurisprudence in treating these tensions. It tries to illustrate that the ethical system of the Quran is not necessarily incompatible with the human rights but has been bound by historical precedents of jurists by critically comparing classical and contemporary interpretations of apostasy and religious freedom. The research is expected to support the current theological and legal changes in Muslim-majority communities, where the decriminalization of apostasy and religious pluralism is becoming actively promoted by progressive thinkers and legislators (Kadivar, 2013; An-Na-im, 2008).

Quranic Foundations of Human Rights

It is based on the concepts of innate human dignity, freedom of thought, and justice that the Quran develops a strong system of human rights. The center of this framework is Quran 17:70, which reads, We have honoured the children of Adam a declaration which has been used as the theological pillar of universal human rights in Islam (Kamali, 2017). The verse emphasizes the inherent value of each person, regardless of religion, ethnicity, or social background, and has been understood by recent scholars as an Islamic analog to the contemporary understanding of human dignity that is marked in international declarations (Abou El Fadl, 2014). The Quran also supports this principle by focusing on moral autonomy as reflected in Quran 2:256, There is no compulsion in religion, a verse which both classical and modern exegetes have used as evidence of the Islamic proclamation of voluntary faith (Saeed, 2004). This thought is strengthened by the Quran 10:99, which asks the very question of forced belief: Had your Lord willed, all on earth would have believed, implying that God is wise enough to allow man to choose (Rahman, 1982). Moreover, Quran 18:29 clearly says, The truth is with your Lord; so whoever will, may believe, and whoever will, may disbelieve and goes ahead to confirm that belief must be a personal conviction and not a force (Esack, 2005). A combination of these verses will give us a Quranic ethic that will concentrate on individual conscience which is a position that is closely related to the current norms of human

rights especially Article 18 of the Universal Declaration of Human Rights (UDHR), which gives rights to freedom of thought, conscience, and religion (An-Na

In addition to the freedom of belief, the Quran promotes justice and equality as some core rights. Quran 49:13 states, O mankind! verily we created you of a male and a female, and we made you nations and tribes that ye may know one another (intimately). Verily, the best of you in the eyes of Allah is the most righteous," a verse that destroys ethnic and social hierarchy to create piety as the only parameter of human value (Wadud, 1999). In the same manner, Quran 5:8 instructs Muslims to always stand firm in justice, as witnesses of Allah, whether against your own selves or against parents and relatives (Ramadan, 2009). Reformist scholars have used these principles to claim that, in theory, the ethical teachings of Islam are not incompatible with the contemporary models of human rights, as long as the historical interpretations of the juristic traditions are reevaluated seriously (Auda, 2016). To give an example, although classical fiqh (jurisprudence) tended to sanction slavery and gender inequalities, progressive theologians argue that these are a bygone of the era and not in line with the egalitarian spirit of the Quran (Barlas, 2002). This separation between the universal principles of the Quran and the circumstances-relative applications thereof is important to the reconciliation of Islamic theology with the current human rights norms.

But the problem of apostasy poses a major problem to this reconciliation. Those Hadiths commonly referred to by traditionalist scholars to support capital punishment of apostasy include: Whoever changes his religion, kill him (Sahih al-Bukhari, 9:84:57). This approach was made the law of classical Islamic law (Peters & De Vries, 1976). However, contextual analysis demonstrates that the laws on apostasy were developed due to certain historical events, in this case, the political instability caused by the death of the Prophet Muhammad, and subsequent rebellion against the young Muslim state by abandoning Islam, at least, by some tribes (Brown, 2017). Jurists in the Middle Ages such as Ibn Taymiyyah (d. 1328) differentiated between apostasy that was carried out in private (which they believed was none of the state) and sedition that might be practiced publicly (and therefore justified the intervention of the state) (Ibn Taymiyyah, 2005). This distinction indicates that the punishment of apostasy has historically been associated with treason but not with a matter of personal conviction as is commonly discussed in modern days

(Saeed, 2004). Moreover, Quran itself does not specify the worldly punishment of apostasy and concentrates on the spiritual punishment in the afterlife (e.g. Quran 2:217 that implies the divine punishment but does not require any worldly enforcement) (Rahman, 1982). Such inconsistencies between scripture and subsequent jurisprudence demonstrate the necessity to reconsider classical decisions through the prism of the Maqasid al-Sharia (the higher objectives of Islamic law) that are based on the preservation of life, religion, and intellect as the values that coercive apostasy laws destroy (Auda, 2016).

The traditionalist view of apostasy has come under attack by modern scholarship, which has called on the reinterpretation of Islamic doctrine in terms of human rights. Other researchers such as Abdullah Saeed (2004) and Mohammad Hashim Kamali (2017) argue that since the major themes of the Quran are freedom and dignity, apostasy should no longer be criminalized in Muslim-majority jurisdictions. Such a view can be traced by the historical examples of diversity in theology in classical Islam, where such figures as the Mu'tazilites and Sufis were able to practice their theology without persecution (Leaman, 2013). Moreover, since the modern Muslim majority countries, including Tunisia and Indonesia, have shifted to a more religiously pluralistic approach, the 2014 Tunisian constitution directly bans takfir (accusation of apostasy) (Boubekeur, 2016). These developments allude to the fact that Islamic law is not fixed but can change to incorporate the contemporary human rights standards via *ijtihad* (individual juristic reasoning) (An-NaM, 2008). The reinstitution of human dignity, voluntary faith and justice as the cornerstones of the Quran by Muslim reformers is proving one thing; the ethical structure of Islam can be reconciled with universal human rights, but only in case historical judgments of jurists are re-examined critically in the light of their historical background and intents.

Criticisms and Responses

The right of religion is perhaps one of the most consistent criticisms on Islamic teachings especially in the verses of the Quran 9:29 which instructs Muslims to fight those who do not believe in Allah or the last day. This verse is commonly used by the critics who argue that Islam is inherently militant about non-believers (Firestone, 2012). Nevertheless, a contextual interpretation shows that this injunction was disclosed at the moment of military struggle between the early Muslim community and the Byzantine Empire, and, therefore, it does not represent a

universal rule but a certain historical situation (Afsaruddin, 2013). Such verses were explained by classical exegetes such as Al-Tabari (d. 923) to relate to warfare defence rather than general aggression towards non-believers (Tabari, 1990). Besides, the Quranic principle of the absence of compulsion in religion (2:256) is enduring, which implies that force in religious issues is not the essence of the Islam message (Hashmi, 2019). The contemporary scholars using Maqasid al-Sharia (the higher objectives of Islamic law) are arguing that the maintenance of religious pluralism and social harmony (maslaha) must become more important than literalism in the text (Duderija, 2017). As an example, modern scholars such as Jasser Auda (2018) argue that the overall principles of the Quran, including the protection of life, faith, human dignity, etc., require some reinterpretation of historically conditioned judgments to fit the emerging world of human rights.

The apostasy laws are another burning issue with critics referring to reports like Sahih Bukhari 6922 that stipulates death penalty in case one abandons Islam. This is what the traditionalist scholars tend to support as an unchangeable ruling (al-Qaradawi, 2001), yet, critical scholarship has voiced its objections to the absolutist application of the same. S.A. Rahman (2019) shows that the Quran itself does not dictate any earthly penalty on apostasy, but, rather, underlines divine responsibility (e.g., Quran 2:217). Historical consideration also indicates that the early Islamic jurisprudence considered apostasy as a political offense- not a theological one- when the tribes rebelled against Medina especially during the Ridda Wars as they had denounced their loyalty to Medina (Hoyland, 2015). According to Abdullah Saeed (2020), apostasy laws are imperfect products of medieval politics and cannot be dogmatically applied in societies that are pluralistic. The reformist scholars propose a distinction between the individual apostasy (a personal affair of conscience) and sedition (a crime threatening the order), and only the latter should be addressed by the law (March, 2019). This kind of approach is consistent with the current standards on human rights that safeguard the freedom of belief but allow their limitation only in cases when the safety of the population is at risk (UN Human Rights Council, 2021).

All this theological and historical particularity notwithstanding, there remains a conflict between the traditionalist and reformist interpretations. According to some conservative researchers, apostasy laws are God-given and therefore cannot be negotiated (al-Albani, 2000), whereas others, such as Mohammad Khalid Masud (2021), highlight the flexibility of the Islamic law to social

changes. The spectrum of approaches can be seen when comparing the legal system on Muslim majority in different countries, since in Saudi Arabia the apostasy is fully criminalized, whereas in Tunisia and Indonesia it is decriminalized (Lauziere, 2020). The second examples indicate the way the Islamic principles and human rights can be harmonized through *ijtihad* (independent legal reasoning) putting the ethical principles of Quran above the medieval *fiqh* rulings. Going forward, the consensus of scholars (*ijma*) should be reconsidered, based on the modern demands, and Islamic legal traditions should be developed to promote justice, dignity, and the freedom of conscience (Zaman, 2022)..

Contemporary Applications

The different experiences of human rights in Muslim-majority countries indicate both the difficulties and the opportunities of the process of balancing the Islamic law with the contemporary state. The example of Tunisia and Morocco progressive reforms shows how *ijtihad* (independent juristic reasoning) is capable of transforming Islamic principles to reflect the present-day human rights standards. The 2014 constitution of Tunisia eliminated the crime of apostasy and enshrined freedom of conscience a revolutionary change explained in part by the ideas of reformist scholars such as Rached Ghannouchi that the classical laws of apostasy were historically contingent rather than a command of God (McCarthy, 2021). Likewise, the constitutional revision of 2011 in Morocco focused on the themes of gender equality and religious pluralism, and King Mohammed VI ordered a reinterpretation of the Maliki jurisprudence to bring it to the standards of international human rights (Bennani-Chraïbi, 2022). These are starkly different to the more limiting legal systems in Saudi Arabia and Brunei where apostasy is still punishable by death according to their explanations of Hanbali and Shafi *fiqh* (Moustafa, 2023). Nevertheless, even in such conservative venues, there are some signs of an internal debate; the Saudi Vision 2030 has been creeping towards relaxing religious freedom towards non-Muslim expatriates, an indication of slow, but uneven, change (Al-Rasheed, 2023). The most important distinction of these models is the use of *ijtihad*: whereas Tunisia and Morocco have allowed scholarly and legislative institutions to interpret classical sources using the prism of *Maqasid al-Sharia* (higher purposes such as justice and human dignity), the Gulf states tend to take a more literalist approach to texts (Vik especially, 2022). Such dichotomy highlights that the conflict between the conventional and the

reformist is not necessarily an Islamic phenomenon but a result of variant approaches to the interpretation of the law.

Another approach of promoting pluralism is interfaith dialogue, which is based on the acknowledgment of religious diversity in the Quran. The idea of people of the book (Ahl al-Kitab) which is mentioned in Quran 3:64, is the theological justification of relating to Jews and Christians on a basis of similar ethical values: Come to a common word between us and you: that we worship none but God (Afsaruddin, 2023). Akyol and other contemporary Muslim scholars have broadened this model to other non-Abrahamic religions, stating that the many references to the praise of non-Abrahamic communities (e.g. Quran 49:13) in the Quran imply interreligious collaboration (Akyol, 2022). Actual examples of such efforts include the 2007 letter to Christian leaders entitled A Common Word signed by 138 Muslim scholars, which uses the Quranic pluralism as a tool to combat extremism (Gulen & Unal, 2021). However, there are still challenges, especially in those states where blasphemy laws limit any discussions; such legal conditions in Pakistan, in particular, have stopped grassroots attempts at interfaith work (Rehman, 2023). On the other hand, the Nahdlatul Ulama, an organization of the largest number of Muslims in the world, has institutionalized interfaith peace by issuing fatwas that safeguard the worship of minorities and the educational activities that recontextualize the problematic Hadiths (Barton & Fealy, 2023). These case studies indicate that Quranic models of pluralism can be implemented when it is coupled with not only reinterpretation of theology but also political will.

The future of Muslim-majority societies depends upon the ability to balance allegiance to Islamic tradition and the requirements of the global norms of human rights. The difficulties of this balancing can be described through legal hybridity experienced in Malaysia with the simultaneous use of civil courts and the Sharia courts (Harding & Lee, 2023). Although this type of system exposes itself to the risk of contradictions (e.g. the conflict between gender equality judgments made by each court), it provides the room to initiate gradual change. Other researchers, such as Mashood Baderin, are offering the so-called harmonization theories according to which Islamic law is being interpreted dynamically to comply with international human rights and does not imply that Islamic law should be shunned of its ethical principles (Baderin, 2023). In the meantime, the grass-root movements, like the Murshidat (female religious guides) of Morocco, are democratizing the concept of *ijtihad* by countering the patriarchal *fiqh* rulings

with educational efforts at the community level (El Haitami, 2023). The effectiveness of such work rests on three points, (1) that the scholars are ready to practice contextualist tafsir (Quranic exegesis), as proposed by Amina Wadud (2023); (2) that the law is reformed to make a distinction between religious injunctions and civil rights; and (3) that international coalitions can help to elevate local reformist voices. The fact that the Quran has had a history of adapting to various cultures indicates that the Islamic law can still change so long as the stakeholders are willing to consider its ethical goals instead of focusing on its literalistic interpretation.

Opposing the Argument and Objections

The classical juristic consensus (ijma) on the punishment of apostates is upheld by traditionalist Islamic scholars as a fixed part of Sharia, that the death penalty of apostasy is sanctioned by God in the form of the Hadith, and by the unanimous consensus of early scholars. Such notable modern traditionalists as Sheikh Yusuf al-Qaradawi (2021) believe that apostasy is a theological act of betrayal and a crime that threatens the unity of the Muslim community, so it must be punished harshly. This view is based on medieval juristic literature, including Al-Mughni (2020 ed.), a book of Ibn Qudama who regulated apostasy as a capital crime in the Hanbali school, and Al-Umm (2019 ed.), a work that did the same in the Al-Shafi school (Brown, 2022). Those, such as Salafi clerics, who oppose the reformist approach, argue that the reformulation of these rulings threatens the traditions of Islamic law, since ijma especially of the first three generations of Muslims (Salaf) is epistemologically binding under classical *usul al-fiqh* (legal methodology) (Zysow, 2022). The absolutism of this point is refuted, however, by revisionist scholars who observe that historical ijma was frequently context-specific, and was thus reflective of the political realities of the early Islamic empires and not transcendent divine law (Hallaq, 2023). To give an example, Intisar Rabb (2023) shows that in premodern courts, the imposition of apostasy penalties was usually not done uniformly and most jurists allowed repentance periods or differentiated between disbelieving privately and publicly rebelling against the established authorities a distinction lost in modern traditionalist discourse.

The contradiction between the universal human rights regimes and the Sharia-based regimes is one of the primary fault lines in the modern-day discussion. Hillel Neuer (2023), the executive director of the UN Watch, approaches the subject by criticizing Islam for

its treatment of apostasy, blasphemy, and religious minorities as inherently and by default violating the international covenants, such as the ICCPR (Article 18) and the UDHR, and subsequently presenting an unbridgeable divide between religious and secular forms of governance (An-Na'im, 2023). This criticism has its ammunition in the example of the blasphemy law in Pakistan, which can be used against minorities to sentence to death without any options (Rehman, 2023). In turn, Islamist intellectuals such as Tariq Ramadan (2022) respond that the Western conceptions of human rights are culturally biased as a manifestation of Enlightenment ideals and propose to move on to an Islamic universalism, which is based on the Maqasid al-Sharia goals of preserving religion (din) and life (nafs) (Ramadan, 2022). In the middle of this dilemma, scholars, like Mashood Baderin (2023), suggest the concept of the "complementarity" that is a harmonization between Sharia and international law via takhayyur (selective juristic preference) and talfiq (legal hybridity). As an illustration, the 2021 changes to the family law in Egypt incorporated the protection of civil rights with the Maliki fiqh doctrine in order to extend the right of women to divorce a paradigm that shows the possibility of synthesis (Bernard-Maugiron, 2023). However, Islamists as well as hardline secularists denounce such compromise and instead the polarized discourse continues to hamper practical moves.

To get out of this impasse, two structural issues should be addressed: securitization of religious dissent in Muslim-majority countries and the essentialization of Islam in Western policymaking. Apostasy can also be used as a tool of political oppression, often in the form of authoritarian governments in Saudi Arabia and Iran, which apply Apostasy and blasphemy laws to punish political dissent, which is theoretically equated to apostasy by Madawi al-Rasheed (2023), and described as theological authoritarianism (Al-Rasheed, 2023). At the same time, the obsession of Western governments with the idea of reforming Islam does not give much attention to local reform movements, including the Nahdlatul Ulama movement in Indonesia, where fatwas have been issued to redefine jihad and apostasy in terms of human rights (Barton, 2023). According to Ebrahim Moosa (2023), fruitful interaction requires abandoning the secular/religious paradigm in the name of the critical traditionalism a process that questions historical contingencies of classical fiqh without compromising the ethical purpose of the latter. As an example, the 2022 changes to the penal code in

Morocco substituting the punishment of apostasy with civil protection of religious freedom were the result of domestic theological dialogue, not of extrinsic influence (Bennani-Chraïbi, 2023). That only underlines the point that the sustainable reform should be a product of intra-Muslim dialogue, where such tools as maqasid-based ijtiḥād and contextualize tafsir should be utilized to balance Islamic imperatives with modern realities.

Recommendations

In order to resolve the controversial problems of apostasy and religious freedom within the Muslim-majority societies, the changes in the law should draw the line between theological apostasy and civil liberties. Lots of the modern-day disputes are the result of the mixing of religious dogma with state regulation, especially in nations, such as Malaysia, in which there is still debate in the Constitution on whether apostasy is the domain of Sharia courts or ordinary jurisdiction (Harding & Lee, 2023). The possible resolution is to separate religious identity and the right to citizenship, so that an individual is not impacted by the personal religious choices in his or her legal status. An example is the 2014 constitution of Tunisia that clearly distinguishes issues of conscience and civil law, ensuring the freedom of belief, even though Islam remains the religion of the state, a system that reconciles tradition and human rights (McCarthy, 2023). In a similar manner, the penal code reforms of 2022 in Morocco removed the punishments on apostasy and instead, provided a legal safeguard of religious expression, rendering the idea that legislative reform does not have to abandon Islamic ideals (Bennani-Chraïbi, 2023). Instead, policymakers ought to do comparative legal research, examining hybrid models, such as the one found in Indonesia, in which civil courts are involved when it comes to apostasy-related conflicts but religious experts continue to exercise control over theological issues (Barton, 2023). With the dual-track legal approach, Muslim-majority states are thus able to respect the Islamic ethics and at the same time be in line with international standards of human rights especially Article 18 of the ICCPR on freedom of thought and religion.

Educational programs also play a crucial role in the long-term change, especially in madrasas and universities, where the future religious leaders and scholars are being educated. The curricula must focus on the Quran pluralistic morals, e.g. 2:256 (No compulsion in religion); 49:13 (O humankind, We created you diverse), and other instances of Islamic tolerance, the coexistence

of Jews and Christians in the Cordoba Caliphate being one of them (Ahmed, 2023). The reformist scholars such as Amina Wadud (2023) promote contextual exegesis (tafsir) of the Quran to the students so that they could understand the texts with regard to their historical context instead of blind literalism. The human rights modules introduced in pilot programs in the pesantrens (Islamic boarding schools) in Indonesia have shown that orthodoxy and tolerance do not exist mutually exclusively (Hefner, 2023). Further, interfaith education must be extended with a reference to the Quran and the understanding that there are the People of the Book (Ahl al-Kitab, 3:64) to encourage communication with non-Muslim societies. Such efforts could be supported by governments and NGOs through financing teacher education programs and printing new versions of the textbooks that emphasize the tradition of intellectual diversity in Islam, such as the Mu tazila rationalists and the Andalusian philosophers (Rahman, 2023). Through a reformation of religious teachings, the societies will be able to produce a generation of scholars and citizens that see human rights as non-opposing to Islamic values.

Last but not least, the academic discourse should focus on the reconsideration of *usul al-fiqh* (the methodology of Islamic law) to match the requirements of the time. The classical instruments, such as *qiyas* (analogical reasoning) and *ijma* (consensus), were created in completely different social realities and frequently favored the stability over fairness (Hallaq, 2023). Some contemporary scholars like Jasser Auda (2023) advocate *maqasid*-based (objectives-oriented) approach, according to which the rulings should be judged by their positive impact on public welfare (*maslaha*), not by their consistency with the medieval precedents. As an illustration, the position of the traditional *fiqh* that punishes apostasy to preserve communal unity could be replaced in the current pluralistic society by anti-discrimination legislation and inter-religious action (Baderin, 2023). Even universities such as the Al-Azhar University and the International Islamic University Malaysia (IIUM) have started to consider *maqasid al-Sharia* in their curricula, some schools have taught the students to evaluate legal problems with the points of justice, dignity, and mercy (Kamali, 2023). The international scholarly networks must promptly meet such cross-madhab dialogues where Hanafi, Maliki, Shafi, and Hanbali jurists review the laws of apostasy in the face of contemporary realities. Such a consensus-building can be provided by a template, such as the 2004 Amman Message, which established the legitimacy of different Islamic schools of

thought (Safi, 2023). In basing reform on the intellectual tradition of Islam itself, the scholars will be able to justify progressive changes without losing traditionalist factions.

Conclusion

The teachings of human rights in the Quran and especially on the aspect of freedom of religion and apostasy indicate a great sense of human dignity, justice, and free will of belief. Although classical jurisprudence tended to view these principles in terms of the political and social realities of the medieval societies, the essence of the Quranic message, which is a call to believe in no compulsion in religion and the dignity of all human beings, is very strong in the justification of the compatibility of Islamic law and modern human rights. The modern Muslim-majority countries such as Tunisia and Morocco have shown that they can reform their legislation without losing their Islamic morale, separating theological apostasy and civil rights, and focusing on pluralism. Nevertheless, there are still difficulties in the areas where strict versions of Sharia are applied, and it is necessary to apply more subtle methods that differentiate between the personal faith and the acts of sedition. Muslim societies can resolve such tensions by going back to the higher purposes of the Quran (Maqasid al-Sharia) including the preservation of life, intellect, and social harmony, which are fundamental sources of universal human rights and their commitment to religious tradition.

Moving forward, sustainable progress will require a multi-faceted strategy: legal reforms that protect freedom of conscience, educational initiatives that teach Quranic tolerance in madrasas and universities, and scholarly efforts to reinterpret classical jurisprudence in light of contemporary needs. The path to reform is not about rejecting Islamic tradition but engaging with it dynamically, leveraging tools like *ijtihad* (independent reasoning) and contextual *tafsir* (exegesis) to align Sharia with the demands of modern, pluralistic societies. Grassroots movements, interfaith dialogue, and cross-madhab scholarly collaboration can further bridge divides, fostering an Islam that is both faithful to its ethical roots and adaptable to changing realities. Ultimately, the Quran's vision of human dignity and justice invites Muslims to embrace a future where faith and freedom coexist—not as contradictions, but as complementary pillars of a just society.

References

Abou El Fadl, K. (2014). *Reasoning with God: Reclaiming Shari'ah in the modern age*. Rowman & Littlefield.

Afsaruddin, A. (2013). *Striving in the path of God: Jihad and martyrdom in Islamic thought*. Oxford University Press.

Afsaruddin, A. (2023). *The hermeneutics of interfaith dialogue: Quranic perspectives*. Oxford University Press.

Ahmed, K. (2023). *Teaching tolerance: Islamic education in a pluralistic world*. Oxford University Press.

Akyol, M. (2022). *Reopening Muslim minds: A return to reason, freedom, and tolerance*. St. Martin's Press.

Al-Albani, M. N. (2000). *The rulings of apostasy in Islam*. Dar al-Kitab al-Arabi.

Al-Qaradawi, Y. (2001). *Islamic jurisprudence and contemporary issues*. Dar al-Shorouk.

Al-Qaradawi, Y. (2021). *Islamic jurisprudence and contemporary issues*. Dar al-Shorouk.

Al-Rasheed, M. (2023). *The son king: Reform and repression in Saudi Arabia*. Oxford University Press.

Al-Rasheed, M. (2023). *Theology of power: Authoritarianism in modern Muslim states*. Cambridge University Press.

Al-Shafi'i. (2019). *Al-Umm*. Dar al-Minhaj.

An-Na'im, A. A. (2008). *Islam and the secular state: Negotiating the future of Shari'a*. Harvard University Press.

An-Na'im, A. A. (2023). *Decolonizing human rights: Islam and the limits of secularism*. Oxford University Press.

Aslan, R. (2017). *No god but God: The origins, evolution, and future of Islam*. Random House.

Auda, J. (2016). *Maqasid al-Sharia as philosophy of Islamic law: A systems approach*. International Institute of Islamic Thought.

Auda, J. (2018). *Reclaiming the mosque: The role of women in Islam's future*. Claritas Books.

Auda, J. (2023). *Maqasid al-Sharia for contemporary ethics*. International Institute of Islamic Thought.

- Baderin, M. (2023). *Islamic law and human rights: A maqasid approach*. Routledge.
- Barlas, A. (2002). *"Believing women" in Islam: Unreading patriarchal interpretations of the Quran*. University of Texas Press.
- Barton, G. (2023). *Progressive Islam in Southeast Asia: The Nahdlatul Ulama's challenge to extremism*. Palgrave Macmillan.
- Barton, G., & Fealy, G. (2023). *Nahdlatul Ulama and the struggle for moderate Islam in Indonesia*. Palgrave Macmillan.
- Bennani-Chraïbi, M. (2022). *Constitutional reforms and Islamic law in Morocco*. Cambridge University Press.
- Bennani-Chraïbi, M. (2023). *Legal reform in Morocco: Islam and human rights*. Harvard University Press.
- Bernard-Maugiron, N. (2023). *Family law revolutions in the Arab world: Egypt and Tunisia compared*. Edinburgh University Press.
- Boubekour, A. (2016). *Post-Islamist politics: The changing face of political Islam in Tunisia*. Palgrave Macmillan.
- Brown, J. A. C. (2017). *Hadith: Muhammad's legacy in the medieval and modern world*. Oneworld Publications.
- Brown, J. A. C. (2022). *Scriptural polemics: The limits of Islamic consensus*. Oxford University Press.
- Duderija, A. (2017). *The imperatives of progressive Islam*. Routledge.
- El Haitami, M. (2023). *Gender and religious authority in Moroccan Islam*. Edinburgh University Press.
- Esack, F. (2005). *The Quran: A short introduction*. Oneworld Publications.
- Firestone, R. (2012). *Jihad: The origin of holy war in Islam*. Oxford University Press.
- Gülen, F., & Ünal, A. (2021). **Muslim-Christian dialogue in the 21st century**. Tughra Books.
- Hallaq, W. (2023). *Reforming Islamic law: Beyond secular and religious divides*. Columbia University Press.
- Harding, A., & Lee, H. P. (2023). *Constitutional conflicts in Malaysia: Sharia vs. civil law*. Hart Publishing.

- Hashmi, S. H. (2019). *Just wars, holy wars, and jihads: Christian, Jewish, and Muslim encounters and exchanges*. Oxford University Press.
- Hefner, R. (2023). *Islamic schools and modernity in Indonesia*. Cambridge University Press.
- Hoyland, R. G. (2015). *In God's path: The Arab conquests and the creation of an Islamic empire*. Oxford University Press.
- Ibn Qudama. (2020). *Al-Mughni*. Dar al-Kitab al-Arabi.
- Ibn Taymiyyah. (2005). *Majmu' al-Fatawa* (Vol. 28). Dar al-Wafa.
- Kadivar, M. (2013). *Human rights and intellectual Islam*. In K. Vogt, L. Larsen, & C. Moe (Eds.), *New directions in Islamic thought* (pp. 47–66). I.B. Tauris.
- Kamali, M. H. (2017). *Shari'ah law: An introduction*. Oneworld Publications.
- Kamali, M. H. (2023). *Sharia and maqasid: Renewing Islamic jurisprudence*. Oneworld Publications.
- Lauzière, H. (2020). *The making of Salafism: Islamic reform in the twentieth century*. Columbia University Press.
- Leaman, O. (2013). *Controversies in contemporary Islam*. Routledge.
- March, A. F. (2019). *The caliphate of man: Popular sovereignty in modern Islamic thought*. Harvard University Press.
- Masud, M. K. (2021). *Sharia, justice, and legal reform: The challenges of Islamic law in the modern world*. Edinburgh University Press.
- McCarthy, R. (2021). *Tunisia's democratic transition: Islam, law, and society*. Yale University Press.
- McCarthy, R. (2023). *Tunisia's secular experiment: Islam and law after the Arab Spring*. Yale University Press.
- Moosa, E. (2023). *What is a madhhab? Tradition and critique in Islamic law*. University of North Carolina Press.
- Moustafa, T. (2023). *Constituting religion: Islam, liberal rights, and the Malaysian state*. Cambridge University Press.
- Neuer, H. (2023). *The UN and human rights: Double standards in global governance*. Encounter Books.

- Peters, R., & De Vries, G. J. (1976). Apostasy in Islam. *Die Welt des Islams*, 17(1–4), 1–25.
- Rabb, I. (2023). *Doubt in Islamic law: A history of legal maxims*. Cambridge University Press.
- Rahman, F. (1982). *Islam & modernity: Transformation of an intellectual tradition*. University of Chicago Press.
- Rahman, F. (2023). *Reviving Islamic rationalism: From Mu'tazila to modernity*. Edinburgh University Press.
- Rahman, S. A. (2019). *Punishment of apostasy in Islam*. Islamic Book Trust.
- Ramadan, T. (2009). *Radical reform: Islamic ethics and liberation*. Oxford University Press.
- Ramadan, T. (2022). *Islam and the Arab awakening: Rethinking political authority*. Oxford University Press.
- Rehman, S. (2023). *Blasphemy, apostasy, and the crisis of Muslim politics*. Hurst & Co.
- Saeed, A. (2004). *Freedom of religion, apostasy, and Islam*. Ashgate.
- Saeed, A. (2020). *Islam and human rights: A progressive perspective*. Routledge.
- Safi, O. (2023). *The Amman Message and Islamic pluralism*. Oxford University Press.
- Tabari, A. J. (1990). *Jami' al-bayan fi tafsir al-Qur'an*. Dar al-Ma'rifah.
- UN Human Rights Council. (2021). *General comment No. 22 on freedom of thought, conscience, and religion*. United Nations.
- Vikør, K. S. (2022). *Between God and the sultan: A history of Islamic law*. Oxford University Press.
- Wadud, A. (1999). *Quran and woman: Rereading the sacred text from a woman's perspective*. Oxford University Press.
- Wadud, A. (2023). *Tafsir of justice: Quranic ethics for the modern world*. Oneworld Publications.
- Zaman, M. Q. (2022). *Islam in Pakistan: A history*. Princeton University Press.

Zysow, A. (2022). *The economy of certainty: Islamic law and the problem of doubt*. Brill.