
Fundamental Human Rights towards Childhood: Islamic Guidelines are Unique to Protect the Child

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Abstract: *The human rights of child are not assured by the arrangements of the parents, civilizations, societies, or even the regimes. Allah Himself assures the child's rights. Islam is not only a system of worship, but also, an entire legal system that touches every aspect including, respect and ensuring individual rights. This article is an effort to highlight the guarantee of fundamental human rights towards childhood that not started after the birth but it does originate even before birth; in fact these activate earlier of conception. This work also focuses on the mechanism for implementation of these rights combine involvement of parents, society and state as well.*

Key words: *Human rights, Childhood, Islam, Mechanism*

1. Introduction

The concern of human rights is one of the greatest, subtle and fundamental matters in this time. Rights of the child are remains one of the most significant areas of human rights. Accordingly, the term of “human rights” has increasingly been applied to child over the past century through national and international laws. (Wall, 2008) During the recent times, in the context of highly absence of ethics and international geopolitical problem child is treated more vulnerable and dependent to protection all over the world. It is unfortunately mention that, in some countries by the civil war and some through oppression from abroad Childs are easily facing to death or become a care & shelter less which ultimately denotes the process of destroy the nation. Islam is a comprehensive divine guide conferred by Allah for human being in all places, at all eras. It was revealed at a time when the Arabs used to often killing and burying their female babies alive. Islamic view concerning childhood states that it is an exceptional age for an individual's life. (Giladi, 1992) Islam launches a legal outline, represents a code of morals to protect the rights of child for proper and peaceful upbringing. The exact Islamic guidance for raising child covers all aspects of life including

Physical, spiritual and emotional wellbeing. Islam has approved a full-bundle of Rights which is to be acknowledged all over the world by the Muslims as like as by the non-Muslims. (Patwari) This is pure distinction to secular and western ideology where the idea of childhood was not addressed until the 16th century. (Ariès, 1962) From this study specific objectives are to identify the Islamic approaches regarding fundamental human rights of child. To clarify these rights from the view point of main sources of Islamic laws and to explore the opinion of Muslim jurist in particular matters. In this study the analytical methodology is used and the sources are to be drawn from original sources of Islamic shariah and the opinions of Muslim jurists. For more support numerous books, articles, journals and internet sources are also cited.

2. Literature Review

The researcher has sighted this issue in following aspects: ibn-Qaiyam al-Jawziyah : “Tuhfatul Mawdud fi Ahkam al-Mawlud”, that discusses the rules of Islamic law from the birth of a Muslim child until childhood. Abdullah Nasih ‘Ulwan (2004): “Tarbiyatul Awlad fil Islam” in Arabic, translated in English as “Child education in Islam”, that emphasizes on child education. Khalid Dhorat (1996): “The Rights of Children in Islam”, that focused on identifying of children’s rights. UNICEF – Al-Azhar University (2005): “Children in Islam: Their Care, Development and Protection”, that offers descriptive analysis of child rights in Islam but ignores the formulations of Muslim jurists regarding the rights of the child in Islam. Al-Qaradawi (1985): “The Lawful and the Prohibited in Islam”, that partly mention some dynamic rights of child. Muhammad Munir (2014): “Rights of the Child: An Islamic Perspective on Preventing Violence, Abuse, and Exploitation of Children and Pakistani Law”, that highlights of child rights in respect of violence and exploitation. Most of authors reflect on the various formalities on the birth of the child, disciplining and educating the child. Most focus on child care to be a family responsibility and pay no attention to the role of the state and society.

3. Concept of Childhood in Islam

In the Qur'an several terms are used for child e. g. Arabic terms "dhurriyya; bunayya; ghulam; ibn; walad; mawlid; tiftl; saghir. The Qur'anic announcements about child are mostly connected with "infanticide, normal offspring, adoption, breast-feeding, and fatherless children."(Giladi) According to the Article 1 of OIC Covenant on the

Rights of the Child in Islam (CRCI), child is "... every human being who, according to the law applicable to him/her, has not attained maturity." (CRCI) For this matter Islamic law considers every person who has not reached puberty to be a child for all purposes of religious and legal responsibilities. Childhood under Islamic Law is therefore not strictly defined by age, as different children reach puberty at different ages as a matter of fact. (Almihdar, 2008) However, most jurists have fixed the age of nine for girls and the age of 12 for boys as the minimum age of maturity below which there is an indisputable assumption that majority has not been reached. They have also placed the age of fifteen to be the upper limit for childhood beyond which there is an undisputable assumption that majority has been reached (El-Alami, *et.al.*,1996)

4. Fundamental Human Rights towards Childhood in Islam

According to Islam every child is entitled to numerous fundamental human rights. Some of these rights are started even before birth; in fact some begin before conception. The rights of a child before birth are conducted in two stages. Firstly, before conceived and finally, after conceived.

Before Conception

4.1 Get worthy Parents

Child has right get righteous and worthy parents by selecting a righteous and bearing the solid characteristics of a spouse. Islam forbids all illegal relations by commanding marriage. Allah declares, "...Marry women of your choice, Two or three or four." (Quran 4:3) The Prophet said: "...!O young people! Whoever among you is able to marry, should marry, and whoever is not able to marry, is recommended to fast, as fasting diminishes his sexual power." (Bukhari 4695) From the Holy Quran and the dependable Hadith of Prophet it clear that two people should not involve into a marriage mindlessly or without care. The Prophet guided marriage suitors to look the religious, pious, well-mannered and devout partner. (Ulwan, 2004) He said: "A woman may be married for four reasons: her wealth, her lineage, her beauty and her religious commitment. Marry the one who is religiously committed, may your hands be rubbed with dust (i.e., may you prosper)." (Muslim 3499) He also said: "If there comes to you one with whose character and religious commitment you are pleased, then marry (your daughter) to him, for if you do not do that there will be *Fitnah* in the land and widespread corruption." (Ibn majah 1967) In addition, Islam also laid down directions for selecting a spouse from such family whose are religiously committed,

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righteous, morals and good descent. (Ulwan, 2004) The apostle of Allah said: "Choose the best for your sperm, and marry compatible women and propose marriage to them." (Ibn Majah 1968) In modern times, Genetic Science proved that child receives his parent's moral, physical and intelligent characteristics. So, when the choice of a spouse is centered on moral, pious and righteousness, child grow up bearing these same attributes and attains the culmination of religion, morality and piety. (Ulwan, 2004)

Before Birth after Conception

Islamic Shariah recognizes some child rights while being in womb of the mother.

4.2 Well start of Life Journey

This is scientifically verified that a pregnant woman must refrain from smoking, intoxicating liquors and should also avoid tensions. If she fails to maintain these protective methods it may detriment to her own health and some of the tissues of the fetus in the womb. (Afshar, 2013) The Quran says, "They ask you concerning wine and gambling. Say, in both there is great sin and some uses for men, but their sinfulness is greater than their usefulness." (Quran 2:219) The Holy Prophet said that, "All intoxicants are (Haram) prohibited." (Abu Dawud 3687) A pregnant woman should make sure that, all safety measures are taken to prevent the transmission of any transmissible diseases to her fetus. (Unicef-2005) Islamic view is that, a human being should do nothing that might lead to damaging any other human being. The Prophet said: "There should be neither harming nor reciprocating harm." (Ibn majah 2340, 2341)

Islam permits a pregnant woman not performs fast during the month of Ramadan if she doubts her fetus might be injured by fasting. It has been reported in a Hadith: "Allah has remitted a portion of the prayer, or half of the prayer, and fasting from a traveler, and a suckling mother, or pregnant woman." (Abu Dawud 2408) Doing well to the expectant woman is mandatory for healthy life of unborn child, even if the woman has committed an offense against society such as adultery. The Court or guardian should postponement her sentence so that the unborn will not be exaggerated by it. The Prophet (SAW) postponed the punishment of woman for committing adultery until the delivery of child. It was narrated that "a woman from the tribe Juhainah came to Messenger of Allah while she was pregnant from (Zina) adultery and said to him: "O Messenger of Allah! I have committed an offense liable to Hadd (prescribed punishment), so exact the execution of the sentence." Messenger of Allah

called her guardian and said to him, "Treat her kindly. Bring her to me after the delivery of the child." That man complied with the orders. At last the Prophet commanded to carry out the sentence." (Al Nawai)

4.3 Prohibition of Abortion

Islam is very cautious and attentive about the life of the infant and giving the infant his complete rights born either through legitimate or illegitimate means. The Quran states, "...Everyone will bear the consequence of what he does, and no one shall bear the burden of another." (Quran 6:164) The Shari'ah identifies a child's right to life from the moment of its presence in the womb through prohibits abortion. (Al-Ahmad, 2009) Islam marks it very strongly that all life is blessed and it is not ever admissible to dismiss a pregnancy because of incompetent to economically support the child. Allah says, "And do not kill your children out of poverty; we will provide for you and them."(Quran 6:151) Al Quran says, "... that he who slays a soul unless it be (in punishment) for murder or for spreading mischief on earth shall be as if he had slain all mankind; and he who saves a life shall be as if he had given life to all mankind." (Quran 5:32)

Islam considers whosoever kills unlawfully is thus not only guilty of doing erroneous to one person but is an enemy of all mankind. (Maududi) As the contemporary Muslim jurist, Yusuf al-Qardawi has stated, "Muslim jurists decide universally that after the fetus is totally shaped and has been given a soul, aborting it is haram." (Al-Qardawi, 1997) He also considered this as a crime and wrongdoing against a complete live human being. (Al-Qardawi, 1985) It is proved from the authentic hadith, human life beings within couple of days from conception. Hudhaifa b. Usaid Ghifari said: "...I have heard Allah's Messenger as saying: When forty nights pass after the semen gets into the womb, Allah sends the angel and gives him the shape. Then he creates his sense of hearing, sense of sight, his skin, his flesh, his bones..." (Muslim 6537)

4.4 Intensive Care at the Time of Pregnancy

According to observance of Islam and medical science Care of child must begin with conception. Throughout the pregnancy, the expectant parents must take care of child. Ibn Qayyim advises parents against carrying the baby around or moving him much in the first three months of his life as, during this period, he is still not comfortable. (Al-Jawziyya) In this time the fetus needs special nutrition which can only be fulfilled via

the conceiving mother by consumption the proper food, getting the rest, and seeking medical assistance when required. (Unicef-2005) Islamic Shariah makes incumbent upon the father to take good care of his pregnant wife in order to safeguard the fetus's physical and psychological health. (Al-Ahmad, 2009) Allah says, "And if they are pregnant, then spends on them until they deliver." (Quran 65: 6) Another verse is stated, "The father of the child shall bear the cost of the mother's food and clothing on a reasonable basis." (Quran 2: 233)

Islam considered spending and supporting family is the best of all expenses and support. Allah's Messenger as saying: "The most excellent dinar is one that a person spends on his family..." (Muslim 2181) It is also the child's right that, the delivery should take place at accurately such place where medical facilities and qualified medical officers are available. The holy Quran says, "Allah intends for you ease and does not intend for you hardship." (Quran 2:185) The Holy Prophet said, "Make things easy and do not make them difficult, cheer the people up by conveying glad tidings to them and do not repulse (them)." (Bukhari 6125) Preparing for birth also includes remembering Allah and seeking His aid always for smooth delivery. Al Quran declares, "O my Lord! Grant me from You, a good offspring. You are indeed the All-Hearer of invocation." (Quran 3:38)

5. Rights of Child after Birth

After the birth of child, Islamic shari'h organizes a lot of rights that include but are not limited to, good name, good upbringing, education, and safeguard from all types of cruelty, harassment, mental or physical abuse or punishment. (Almihdar, 2008) Islamic law also guarantees child rights in distinct statuses such as divorce, orphan, guardianship and custody and the like. (Elsaman, 2011) Islamic Shariah emphasizes on the obligation of parents, legal guardian, society and state to protect child and ensure the implementation of the rights guaranteed by the Allah. (Elsaman, 2011)

5.1 Right to Life

The right to life is that a human being has the right to live and, in particular, should not to be unjustly killed by another human being or by state and authority. Right to life is a core and center right of human being. When the right to life is ensured all other rights will be significant and relevant. The Holy Quran declares: "And do not kill the soul which Allah has forbidden, except by right." (Quran 17:33, 6:151) The parents or guardians have no right to take the life of the child either boy or a girl, by

killing it or burying it alive as fear of poverty or as fear of discredit in the society in case of a daughter, Islam absolutely prohibits this barbaric act. (Al Qardawi, 1985) Allah Says: And do not kill your children out of fear of poverty; We shall provide for them and for you. Truly, the killing of them is ever a great sin.” (Quran 17:31) Again it has been said, “...When the female child who was buried alive is asked for what crime she was killed.” (Quran 81:8-9) If anybody violates this right, he will be penalized on the earth and also penalized in the hereafter in accordance with Islamic shari’a. The Quran lays down in the regards - “And whoever kills a believer intentionally, his recompense is Hell to abide therein, and the Wrath and the Curse of Allah are upon him, and a great punishment is prepared for him.” (Quran 4:93) The Quran also says: “Those will have lost who killed their children in foolishness without knowledge...” (Quran 6: 140)

Islam not only prohibits the killing of human being but also it considered as a grievous, heinous and great destructive sins. The Prophet said, "Avoid the seven great destructive sins." The people enquire, "O Allah's Apostle! What are they?" He said, "To join others in worship along with Allah, to practice sorcery, to kill the life which Allah has forbidden except for a just cause, (according to Islamic law)..." (Bukhari 2578) It was narrated from 'Abdullah Bin Mas'aud: I said 'O Allah's Apostle! Which sin is the greatest?' He said, "To set up a rival unto Allah, though He Alone created you." I said, "What next?" He said, "To kill your son lest he should share your food with you." (Bukhari 5575) In addition to, according to Allah ordered the Prophet took an oath from the both men and women at the time of their accepting Islam that they would not kill their child. (Ahmad, 2011)

5.2 Acquire of Good Name

A parent obligation takes great consideration to choosing a name for his newly born child by selecting the good and beautiful name. (Ulwan, 2004) A child hears his name day and night and has a psychological effect by the meaning of that name on the person by subconsciously those characteristics which are implied in that name. It is disliked to use names that convey bad or ugly meanings, or which sound unusual, or cause him embarrassment. The Prophet said: “On the Day of Resurrection you will be called by your names and by your father's names, so give yourselves good names.” (Abu dawad 4948) He also said: “The most beloved of names to Allah is Abdullah and Abdurrahman.” (Al-Tirmidhi 2833) The Prophet used to change the bad names of people and places for better ones. Islamic scholar Ibn al-Qayyim wrote: “The purpose of naming is to define the thing named, because if there is something whose name is unknown it

is difficult to refer to it. So it is permissible to name him (the child) on the day he is born, and it is permissible to delay the naming until the third day, or until the day of the ‘aqeeqah, or before or after that. The matter is broad in scope.” (Al-Jawziyya) It is haram to provide a name which indicates a slave or worshipper of someone other than Allâh, for example ‘Abd al-Nabi (Servant or worshiper of Prophet), ‘Abd al-Masih (Servant or worshiper of Christ), and the like. (Al Qardawi, 1985)

5.3 Established Lineage and Identify through Father’s Name

Islam prohibits for the parent’s to deny their parentage of their own child without a justifiable reason. The view of Islamic Sharia is that, it is not permitted for the father to reject his paternity of any child born to his wife as long as they are married to each other. Such a rejection is the ugliest indignity upon both the wife and the child. He is, therefore, not permissible to take such a step on the basis of a mere doubt or an evil rumor. Islam, unlike others, establishes lineage as a natural right through designed marriage and prohibiting *zina*, legal adoption and artificial insemination so that parentage may be established without doubt or ambiguity. Through marriage a woman is reserved for one man for ascertain child lineage. (Al qardawi, 1985) Islam not permits, Like the Arabs jahiliyyah, anyone cannot add in the lineage. Allah's Messenger says: The child is to be attributed to one on whose bed he is born.” (Muslim 3479)

Islam rightly views legal adoption as a falsification of the natural order and of reality and also considers as haram. (Al qardawi, 1985) Islam admits adoption by the recommendation that "believers treat child of unidentified origin as their brothers in the faith." (Giladi, 1992) Allah trained adoptive parents to mention their adoptive child by the names of their organic parents. Adopted child inherits from his or her natural parents, not habitually from the adoptive parents. Al Quran says “...Nor has He made your adopted sons your (real) sons; that is simply a saying of your mouths. But Allah speaks the truth, and He guides you to the (right way). Call them by (the names of) their fathers; that is more just in the sight of Allah. But if you do not know their fathers, they are your brothers-in-faith and your wards...” (Quran 33:4-5) Allah further says, “Muhammad is not the father of any man among you, but he is the Messenger of Allah and the Seal of the Prophets..” (Quran 33:40) Islam also strictly prohibits for the child to accredit the parentage, lineage and to claim as father someone who is not his genuine father. (Al qardawi, 1985) “One of the Prophet’s statements was the following: The one who claims descent from someone other than his (real) father, are cursed by Allâh,

His angels, and the people. Allâh will accept neither repentance nor ransom from such a person on the Day of Resurrection”. (Bukhari) (Al qardawi, 1985) The Prophet said, “If someone claims a person as his father with the knowledge that he is not his father, the Garden will be forbidden to him.” (Bukhari 6310)

5.4 Right to Breast Feeding

The child entitled the right to breastfed through mother straight in a way that should please psychologically, physically and enthusiastically. (Unicef-2005) Islam recommended every mother to breastfeed her newly born child immediately and it's continuing up to the age of two years. In the early breastfeeding, it is vastly nutritious and complete of antibodies which giving the child strong and lasting immunity against illnesses. (Katme) The Quran says, “The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling.” (Quran 2: 233) It is mentionable; after the birth of the Moses Allah ordered his mother for suckle him. Allah says, “And we inspired to the mother of Moses, Suckle him; but when you fear for him, cast him into the river and do not fear and do not grieve.”(Quran 28:7) Breast milk is prepared by Allah as a natural wholesome pure healthy diet with the right formula to specifically fit the needs of each individual child. It is also elements for bonding between mother and child. Modern science has proved that breast milk maintain the remarkable qualities including disease-destroying cells called antibodies that help protect infants from germs, illness, and even ‘Sudden Infant Death Syndrome’.(The USA Federal govt.)

The physician Ibn Sina (known in west as Avicenna, 937-1037 AD) described breast milk as “white blood.” In addition to Breast-feeding is reducing HIV infections in the babies. Moreover, it is very economical and saves us a lot of money. UNICEF in Dhaka reported that, mother's milk can save Bangladesh \$500 million per year! (mwht.org. 1996) If the mother die or suffer from an sickness avoiding her from breast feeding, or if the child rejects to take her breast, the father is duty to find someone to breast feed and nursing his child with as *nafaqah* (financial support). Al Quran says, “...No person is charged with more than his capacity. No mother should be harmed through her child, and no father through his child... And if you wish to have your children nursed by a substitute, there is no blame upon you as long as you give payment according to what is acceptable.” (Quran 2:233) The Quran further says “**..Then if they give suck to the child for you, give them their due payment and let each of you accept the advice of the other in a just way.**” (Quran 65: 6) Islam

postponed punishment of adultery at the time of breastfeeding of child. It was narrated that, “a woman came to the Messenger of Allah and informed him that she had committed adultery and was pregnant..... The Messenger of Allah said to her, "Go away until you have suckled and weaned the baby." He gave the order and she was stoned.” (muatta malik, kitabul hudud) This hadith establishes that for offence of mother child right should not be infringed.

5.5 Required Nursing, Good Upbringing and Special Care to Disabled Child

Child has the right to adequate nursing till grow up to adulthood. (*Arshed*) Childhood is habitually a time of dependence, subordination and vulnerability. (Saunders, *et al.*, 2009) The idea of good upbringing is ensuring the necessities of life and whatever a person normally needs to live a respectably with neither extravagance nor stint. However, the financial matter is based on the father’s capability. The Holy Quran declares, “Let the rich man spend according to his means; and the man whose resources are restricted, let him spend according to what Allah has given him. God puts no burden on any person beyond what He has given him. Allah will grant after hardship, ease.” (Quran 65:7) The Messenger of Allah said: “Each of you is a shepherd and is responsible for his flock... The man is the shepherd of his household and is responsible for them. The woman is the shepherd of her husband’s house and child and is responsible for them.” (Bukhaari 2389) A Saudi Sheikh said that, giving the child food without emotional nourishment is neglecting the child. (Fatwa no 50731) In case of divorce, father is fully responsible regarding food, clothing, schooling, and health expenses for the child according to the father's standard of life. (Afshar, 2013) The Almighty Allah said: “The duty of feeding and clothing nursing mothers in a seemly manner is upon the father of the child. No person is charged with more than his capacity.” (Quran 2:233) The Prophet said, "The best penny a man spends is that on his children, on his camel for the sake of Allah, and on his friends for the sake of Allah." (Ibn Majah 2760) He also said: “This sin is enough for a man that he withholds the subsistence from one whose master he is.” (Muslim 2183) A woman asked the Prophet, how much she was entitled to take from her miser husband without his knowledge. The Prophet replied: “Take in a seemly manner what suffices you and your children.”(Bukhari 4973) This hadith indicates the quantity that can be measured satisfactory *nafaqah* (financial support) for the wife and her child, which is linked to the capacity and adequacy and can vary depending on availability.

Disabled child need exceptional care and consideration from the parents, the society and the state. Parents who take care of disabled child will be receiving special rewards from Allah. (Munir, 2014) Parents have an obligation to seek treatment if available. The Prophet says, “Not a single disease that Allah has brought down is without cure.” (Ibn Majah 3438) Islam excludes the humiliation of sick, disabled and those in special needs. The Qur’an says, “Believers, let not a group (of men) scoff at another group, it may well be that the latter (at whom they scoff) are better than they; nor let a group of women scoff at another group, it may well be that the latter are better than they.” (Quran 49:11) In addition, Wealthy Muslims and other members of the society should show their role in providing support to persons with special needs and disabled child. Because of Allah says, “Ye are the best of peoples, evolved for mankind.” (Quran 3:110) The Qur’an also urges Muslims to collaborate in all good things. Qur’an declares, “Help one another in acts of righteousness and piety, and do not help one another in sin and transgression.”(Quran 5:2)

5.6 Healthcare and Protection from Harmful Components

Every child is entitled a right to healthcare and protection of childhood from harmful and neglect till grow up to adulthood. (*Arshed*) “Adult indifference towards child may reveal a lack of parental spending in child likely to succumb to fatal illness or injury in childhood.” (Ari è s, 1962) The concept of child protection includes protection against physical as well as moral, intellectual harm and anything that is prospective to lead near sinning. (Ahmad, 2011) Intoxicant and spread of HIV virus are very common perilous factor in the society towards physical as well as moral destruction of child. The devastating scenario of the world is that, 3.2 million children living with HIV around the world at the end of 2013 and more than 240,000 children were infected with HIV during 2013 - around 700 new infections every day. (UNAIDS, 2014) In addition, millions more child every year are indirectly affected by the impact of the HIV epidemic on their families and communities. Allah says, “ O ye who believe! Intoxicants and gambling, stones, and arrows, are an abomination, - of Satan's handwork: eschew such that ye may prosper.” (Quran 5:90) The Prophet is reported to have prohibited every intoxicant and sedative (substance). (Abu Dawood 3686)

A researcher in this field has properly stated, “due to consumption of intoxicants mankind are suffering from mental disorders, delirium tremens, nervous breakdown to which are added the statistics of suicides, homicides, sales of wealth.” (Al-Qardawi, 1985) In the lack of control this would lead to the collapse of the Muslim society. Protection cannot be

satisfied without diminish all forms of intoxicant, abuse and violence that deny child from rights to attain sufficient parental care, education, healthcare and sports. (Unicef-2005) Islam prescribes the parents, the society and the state has responsibility do their best to prevent harmful things and ensure guarantee for safety of child. Neglecting such responsibility amounts to a grave sin for which the parent is accountable before Allah. The Noble Prophet said: "...Beware, every one of you is a guardian and every one of you shall be questioned with regard to his trust." (Muslim 4576) He also said: "It is sufficient sin for a man if he neglects those on whom he is obliged to spend." (Abu Dawood 1692) Child also has the right to enjoy protection from the attack of the devils. Allah's Apostle said, "When night falls (or it is evening), keep your children close to you for the devils spread out at that time. But when an hour of the night elapses, you can let them free. Close the doors and mention the Name of Allah, for Satan does not open a closed door." (Bukhari 3050)

5.7 Get Love and Affection

The outcome of insufficient childcare and an absence of parental love and affection for individual child is that, some child may has been intentionally ignored and neglected. (Pinchbeck and Hewitt, 1969) Child has many psychological needs such need constant demonstrations of love and affection, caressed, kissed and hugged. (Arshed)The Prophet loved child impressively. He would allow his grandsons Hassan and Hussein to ride his shoulders even during his prayers. (Ahmad, 2011) He played various games and cut jokes with them and befriended them. (Watt, 1974) In streets he would offer 'salaam' to child and kiss small child. (Arshed) 'Aishah reported: Some *bedouins* came to Messenger of Allah and asked: "Do you kiss your children?" He said, "Yes". They then said: "By Allah, we do not kiss them." The Prophet replied, "I cannot help you if Allah has snatched kindness from your hearts". (Bukhari 5572) It is Narrated Allah's Messenger kissed Al-Hasan bin `Ali while Al-Aqra' bin H`Abis at-Tamim was sitting beside him. Al-Aqra said, "I have ten children and I have never kissed anyone of them," Allah's Messenger cast a look at him and said; "Whoever is not merciful to others will not be treated mercifully." (Bukhari 5571)

Muhammad also used to let *Umamah* sit on his shoulders while he was praying. (Phipps, 1999) It is Narrated Abu Qatada: The Prophet came out towards us, while carrying Umamah, the daughter of Abi Al-As (his grand-daughter) over his shoulder. He prayed, and when he wanted to bow, he put her down, and when he stood up, he lifted her up. (Bukhari

5570) Muhammad also exposed love to child of other beliefs. Once he go to see his Jewish neighbor's son when the child was sick. (Yust, 2006)

5.8 Show Mercy and Compassion

The common *fitrat* (nature) of childhood is commit wrong and mistake out of intent and thoughtful. Under the Islamic principle intent or guilty mind of wrong is necessary component to imposing punishment. The Prophet is reported "The reward of deeds depends upon the intentions and every person will get the reward according to what he has intended..." (Bukhari 01) Moreover, The Prophet acquitted immature persons completely from responsibility by stating that, "three (categories of) people are free from responsibility, the insane until he is sane, the sleeping until he wakes up and the child until his reaching maturity." (Abu Dawud 4402) One Sheikh said, "The one who is harsh towards his children is going against sound human nature (*fitrah*). (Fatwa no 50731)

Islam enunciates directions to show mercy, compassionate and kind treatment to child and to smile for keep away from feeling sad or neglected. Narrated Usama bin Zaid: Allah's Apostle used to put me on (one of) his thighs and put Al-Hasan bin 'Ali on his other thigh, and then embrace us and say, "O Allah! Please be Merciful to them, as I am merciful to them." (Bukhari 5577) The Prophet said to Aqra b. Haabis Al-Tameemi that "The one who does not show mercy will not be shown mercy." (Bukhari 5571) He also said, "The one who does not demonstrate sympathy to human being he will not be shown sympathy by Allah." (Tirmizi 1922) In another hadith the Prophet says: "He is not one of us who does not have mercy on our young and does not respect our elders." (Tirmizi 1919, 1920) The compassion of Prophet towards child was so great that he would shorten the prayer because of crying the child. Allah's apostle said: "I start to pray intending to make it long, then I hear the crying of a child, so I make it short because of his mother's distress." (Bukhaari 674, 675)

5.9 Enjoyment and Recreation

Playing is most common component towards enjoyment and recreation which associated with child and their juvenile-level activities. Examples of enjoyment and recreational activities are indefinite and include sports, music, games, travel, reading, arts and crafts. The need to do something as recreation and refreshment is an essential element of human biology and psychology. (Daniels, 1995) Muhammad played sports with child, joked with them and be friended them. Sometimes he ran after Hussein in a

game until he caught him. Anas b. Malik reported that Allah's Messenger had the sublimes character among mankind. I had a brother who was called Abu 'Umair. I think he was weaned. When Allah's Messenger came to our house he saw him, and said: Abu 'Umair, what has done the Nughair (an Arabian bird)? He (Anas) said that he had been playing with that. (Muslim 2150, the Book of Manners and Etiquette) It was narrated from Um Khalid, "...Then I started playing with the seal of Prophethood. My father admonished me. But Allah's Apostle said (to my father), Leave her,..." (Bukhari 5567)

5.10 Right to Education and Acquire Worldly Knowledge

Islam enforces much significance on understanding and obtaining of knowledge. Islam is the unique religion which first verse of the Holy Scripture revealed regarding instruction of education. Allah says, "Read in the name of your Lord who created, created man from a clinging form. Read! Your Lord is the Most Generous, who taught by means of the pen; taught man what he did not know." (Quran 96:1-5) In these verses, the Prophet was instructed to read. Finally the significance of the pen is defined. Pen which is means to shield human advancement, civilization and culture. (Hameedullah) According to Islamic scholars *Beekum* and *Badawi*, The right to education is a genuine right of the child from an Islamic perception on religious and ethical grounds. (Elsaman, 2011) These verses emphasis **human** being to acquisition of knowledge by surpasses any action denying the right to education. The Quran states, "O my Lord, increase my knowledge" (Quran 20:114)

Islam affirms the right to education for all without gender discrimination. The Prophet said "Seeking knowledge is compulsory for every Muslim." (Bukhari 9) In respect of education Islamic view is not limited to bookish knowledge but includes harmonious and healthy growth of all fields of child's ability. (Ahmad, 2011) The Prophet advised families to teach their child in both spiritual and material fields i.e. archery, swimming, calculation, medicine, technology, genealogy and other religious books. Allah says: "Are those equal, those who know and those who do not know?" (Quran 39:9) The Prophet said: "A strong believer is better and is more lovable to Allah than a weak believer." (Muslim 6441) It is reported from Zaid bin Thabit: "The Messenger of Allah ordered me to learn some statements from writings of the Jews for him, and he said: 'For indeed by Allah! I do no trust the Jews with my letters.'" He said: "Half a month did not pass before I learned it, when he wanted to write to the Jews I would write it to them, and when they wrote to him I would read their letters to him." (Tirmidhi 2715)

5.11 Learning the Method how to Perform Worship of Allah

Worship denotes perform of Allah's order regularly and accurately which is the media of salvation in hereafter. For performing of Allah worship learning and training is necessary for child. The parents or guardians must be teach the child all rules, correct way of worshipping and modes of worshipping. Allah says: "And (remember) when *Luqmaan* said to his son: "O my son, do not associate with Allah. Indeed, association others with Allah is a great *Zulm* (injustice)." (Quran 31:13) The Messenger of Allaah said: "Teach the child to pray when he is seven years old, and smack him (lightly) if he does not pray when he is ten." (Abu Dawood 494) Learning about religion or worship must conducted early stages of childhood when mind of child is entirely free from all kinds of debauched things. It was narrated that al-Saa'ib ibn Yazeed said: I was taken for Hajj with the Messenger of Allah when I was seven years old. (Bukhari 1737) It was narrated that al-Rubayyi' bint Mu'awwidh said: "...We used to observe this fast after that, and we used to make our children fast and make them toys of wool; if one of them cried for food we would give him that toy until it was time to break the fast." (Bukhaari 1836)

5.12 Guarantee of Good Environment

Parents and family is the main institute where child is not only fostered but also trained elementary moralities and manners as per Islamic ethics and standards. A constant family will give growth to a constant society as like as stable civilization. (Afshar, 2013) Ibn Qayyem states that, child grows up according to what his parents have inculcated in him during childhood. If they inculcated in him isolation, annoyance, obstinacy, rashness, carelessness, or greed it would be so difficult for him to avoid such things in future. (Al jawziyah) Moreover, every child has born on the basis of nature. Environment has played vital role to build up mind, physiological and ideological growth up of the child. Allah's Messenger said, "Every child is born with a true faith of Islam (i.e. to worship none but Allah Alone) but his parents convert him to Judaism, Christianity or Magainism." (Bukhari 1359)

5.13 Brought up as Righteous, Moral through Religious Training and Spiritual Guidance

Indeed, the noble duty of parents is guiding the future generation. (Kasamali) Islam commands that, duties of Parents or guardians are not limited to physical well-being of child only; they must be vigilant to educational, moral and spiritual development that makes his soul with a

clad of piety and the fear of Allah. (Afshar, 2013) Al-Ghazali, known in Europe as Algazel, wrote “The child is a trust in the hands of his parents, and his blameless heart is a precious component capable of taking impressions.” (Al-Ghazali, 1993) Allah says, “O you who believed, protect yourselves and your families from a Fire (Hell) whose fuel is men and stones, over which are (appointed) angels harsh and severe...” (Quran 66:6)

Islam is the sole religion which makes moral values, pious feelings and good thinking in any one’s heart. Child should be given decent, adequate, suitable, reasonable and satisfactory religious, moral and ethical supervision to sustain for whole lives. He should possess real concept of right and wrong, real and false, correct and incorrect, appropriate and inappropriate and so forth. (Afshar, 2013) The Prophet said, “Honor your children and educate them well.” (Suwayd, 2005) In this regards Al-Nawawi said: The father must discipline his child and teach him what he needs to know of religious duties. According to Al-Shaafa’i, if there is no father, this teaching and guidance is also obligatory upon the mother, because it is part of the child’s upbringing and the costs for teaching may be reserved from the child’s own wealth. (Al-Nawawi) It has been narrated that the Prophet said: “... A man is a guardian over the members of his family and shall be questioned about them (as to how he looked after their physical and moral well-being). A woman is a guardian over the household of her husband and his children and shall be questioned about them (as to how she managed the household and brought up the children)..” (Muslim 4576) This is authentic indications of Islam that, virtuous deeds of a righteous son will continue in the hereafter for his parents. The Messenger of Allah said, "When a man dies, his deeds come to an end, except for three: A continuous charity, knowledge by which people derive benefit, righteous son who prays for him." (Muslim 4076) Al-Qurtubi said, Parents (He) should teach child what is *halaal* (lawful) and what is *haram* (unlawful) and make him avoid sin, and teach him other rulings. (Al-Qurtubi)

5.14 Prohibition of Discrimination in Respect of Gender Issue

Child possesses the right to treatment equally in terms of all matters necessary for living especially financial gifts. It is mandatory for a father to treat his entire child equally and impartially. (Al qardawi, 1985) The Holy Quran lays down, “And if you judge, judge between them with justice. Indeed, Allah loves who act justly.” (Quran 5:42) The Prophet said, “Do justice among your children in case of donation.” (Bukhari 1616) Islam has not made any preference in the treatment of males and females. Making discrimination between males and females regarding

*Fundamental Human Rights towards Childhood: Islamic Guidelines are Unique to
Protect the Child*

treatment, love and sympathy is an abominable pre Islamic practice. (Ulwan, 2004) Al Quran proclaims that all human being in the world have sprung from the parents (Adam and Eve). (Quran 4:1 & 49:13) Islam castigates and deplors the attitude of discrimination towards celebrated the birth of male child and expressed unhappiness and frustration when females were born. (Quran 16:58 & 59) Depriving or exclusion the right of inheritance or other pecuniary rewards throughout the period of the parents or the favorite of a parent for one child over the other is measured as an act of prejudice according to Islam. In addition to, Injustice will definitely lead to a mood of hate, jealousy, antagonism, disappointment and bad moods within the family. In dangerous cases, it may even lead to the infringement of family bonds. (Ahmed, 2011) Allah says, "Say, (O Muhammad), My Lord has ordered justice." (Quran 7:29) Traditions of Prophet clearly show that one child should not be preferred over other child.

The practical examples are available regarding prohibition of discrimination from the prophet practices. It was narrated from An-Nu'man bin Bashir: that his father took him to Allah's Apostle and said, "I have given this son of mine a slave." The Prophet asked, "Have you given all your sons the like?" He replied in the negative. The Prophet said, "Take back your gift then." (Bukhari, 2415) Some other hadiths in this regard are as follows: "...Fear Allah and observe justice in case of your children." (Bukhari, 2416, Muslim, 4035) "...Do not ask me to be a witness; I cannot be witness to an injustice..." (Muslim, 4036)

If the father demonstrates partiality to particular child over others, and does not maintain them justly, this will explore to many troubles, such as: Deprived child will grow up hate to father. The Prophet referred to this in the hadith narrated by Muslim (1623) when he said to the father of al-Nu'maan, if you want them all to honour you equally, then be fair in giving gifts to them. In clear words, the messenger of Allah described partiality of one's child over the others as injustice which is equal with *Zulm* (wrongdoing) and *Zulm* is Haram (prohibited). Allah's apostle said: "Be fair and just in terms of the gifts you offer your children. If I was to give preference to any (gender over the other) I would have preferred females over males (in terms of giving gifts)." (Al-Sheha, 2000) On the other hand, if a parent arranged one of his child economic support under certain specific circumstances, such as a medical treatment, for seeking knowledge, the expenses of a marriage etc., then such a donation would not be characterized an act of inequality. Such a grant will consider as the right to expend in the important wants of the child. (Afshar, 2013) According to Imam Ahmad bin Hanbal, favored treatment of a child is

permitted due to a need, handicap or blindness while others are not. (Ibn qudamah) Al-Manawi said: In case of gift If preference is exposed without intention, that is watched as illegal by some of the scholars and as *makrooh* (disliked) by others. (Al-Manawi)

5.15 Maintain the Dignity

Dignity is the idea that a being has an inherent right to be valued, respected, and to receive ethical treatment. (Wikipedia) Human dignity denotes the exact value status of human beings resultant from their humanity as such. (Mahlmann, 2010) Human dignity is inherent, inalienable, and inviolable and it must be respected and protected. Al Quran declares “..And do not spy or backbite each other..” (Quran 49:12) The proprietor of honor and dignity is Allah and Allah Himself dignified the human being. He creates human being with honor and dignity. Allah says, “And We have certainly honored the children of Adam..” (Quran 17:90) Therefore, it is widespread and unbreakable by the state or isolated parties. Islam has forbidden any encroachment upon the honor, dignity, respect and chastity. (Ud-din, 2008) The Holy Quran clearly lays down, “O you who have believed, let not a people ridicule [another] people.. And do not insult one another and do not call each other by nicknames...” (Quran 49:11) The Prophet said: “...It is evil enough for a man to hold his brother Muslim in contempt. The whole of a Muslim is inviolable for another Muslim: his blood, his property, and his honour.” (Muslim 6358)

5.16 Prevention of Harassment

Certainly, ‘child has suffered at the hands of adults throughout time’ (Goddard, 1996) Harassment means torment, annoyance, bother, trouble. (J. Amyot) It is normally understood as conduct planned to disturb or troubled. In the legal sense, it contains intentional behavior which is originated threatening or troubling. According to dictionary, Harassment has been defined as a “to create an unpleasant or hostile situation for especially by undesirable and unwelcome verbal or physical conduct.” (Merriam-webster) In the society, Verbal, psychological and physical harassment are very common. Moreover, some other harassment includes Electronic harassment, Mobile harassment, Online harassment, Racial harassment, Religious harassment etc. Islam prohibits any attack, nuisance and annoyance to the human being including mental and beating or other forms of physical exploitation. The Prophet said: “..A Muslim is the brother of a Muslim: he does not oppress him, nor does he fail him, nor does he lie to him, nor does he hold him in contempt... It is evil enough for a man to hold his brother Muslim in contempt.” (Muslim 6358)

He also said, “A Muslim is he from whose hand and tongue the Muslim's are safe.” (Muslim70)

5.17 Exclusion of Forced Labor:

Childhood is mainly a period when Childs are involved to playing, entertainment and to obtain the education and talents that will qualify them to lead a fruitful life in the future. Islamic Shari'a does not permit imposing any burden on child that would harmful their growth. (Al-Khayyatt, 2008) The Almighty Allah said, “He has chosen you, and has imposed no difficulties on you in religion.” (Quran 22:78) Sometimes child is used in hard and dangerous works that beyond their ability and physical strength which may threaten their health and lives. (Munir, 2014) Allah says in the Qur'an, “Allah does not lay responsibility on anyone beyond his capacity.”(Quran 2:286) Islamic scholars Beekum and Badawi opinion concerning child labor is that, the problem of child labor involve not only to the abuse and exploitation, but also to the Prophet's stress on education as a compulsory obligation on every Muslim. (Elsaman, 2011) Slavery was the common form for forced labour before Islam; it was not possible for Islam to eliminate it at once. (Afroz, 2000) Islam eliminates slavery in an implied and regular way through restraint unfairness, inequality and oppression. (Emarah, 2006)

Islam shows an exclusive example to prohibit forced labor as a hidden form of slavery. (Elsaman, 2011) It is note that the working of a child in an unhealthy environment is the direct result of the poverty. The state obviously prevents the child from leaving school in early. If all child leave schooling for engaged work, then society will suffer irreparable loss in the long run as highly educated and highly skillful people will not be available. This ultimately will lead to the collapse of society. (Munir, 2014) Allah said: “Allah intends every facility for you; He does not want to put to difficulties.”(Quran 2:185) The prophet greatly demonstrates the unique example to prohibit forced labor. This is evident from the report of Anus who said: “I was with the Prophet for ten years and I swear in the name of God that he never said ‘uff’ (fie) to me nor did he say, “why have you done this or why have you not done that.” (Bukhari 5612) He further proclaims that whenever I delayed to do something according to his orders or would do otherwise than would be ordered (by the Prophet), he would never blame me or chide me. As is known Anus, ‘Abdullah b. ‘Abbas, Zaid b. Haritha b. Shurahbeel and Osama b. Zaid continued with the Prophet for a longtime and served him and his household but none of them have complained of any chiding, blaming, scolding and forced labor by the Prophet. (Munir, 2014) The Hanafi scholar Muhammad Astroshni state that, if the father, or grandfather, or the court put a child in a work, then it

is allowed (in Islam law) if this is not beyond his capacity and he is paid equal to other child. However, if the child is paid less than others for similar works, then it is not allowed. (Al-Astroshni 1997) If a child got a contract of labor work and the child reached the age of puberty, he is free to keep it or terminate the contract. (Munir, 2014) The guardian is not allowed to make his daughters do any labour work. (Al-Astroshni, 1997)

5.18 Right to Inheritance

Islam identifies the right of legacy and inheritance for child in case of decease of the predecessor before child birth. (Almihdar, 2008) It is *haram* (prohibited) for a father to deny his child of inheritance, as for instance, to deny the female or the child who is not a beloved him or not a favorite with him.. Allah Himself, through His knowledge, understanding, wisdom, intelligence and fairness, has established the supply of inheritance in order to give each appropriate person his or her share. (Al qardawi, 1985) The Holy Quran says, “Allah instructs you concerning you children (i.e. their portions of inheritance): for the male, what is equal to the share of two females..” (Quran 4:11)

The matters of inheritance are commitment and restrictions of Allah. In addition to, Allah extremely warn against violation of limits ordained by Allah. Accordingly, whoever violates Allah's laws of inheritance and transgressing His boundaries must enjoy the punishment promised by him. (Al qardawi, 1985) Allah declares, “And whoever disobeys Allah and His Messenger and transgresses His limits, He will put him into the fire to abide eternally therein, and he will have a humiliating punishment.” (Quran 4:14) Narrated Sad: “The Prophet visited me at Mecca while I was ill. I said (to him), "I have property; May I bequeath all my property in Allah's Cause?" He said, "No." I said, "Half of it?" He said, "No." I said, "One third of it?" He said, "One-third (is alright), yet it is still too much, for you'd better leave your inheritors wealthy than leave them poor, begging of others...” (Bukhari 2555)

5.19 Abstain from Corporal Punishment

“Corporal punishment’ contains any punishment in which physical force is intended to cause certain degree of pain: hitting children with a hand, or with a cane, kicking, shaking or throwing children, scratching, pinching, biting or pulling their hair, forcing them to stay in uncomfortable positions, burning or forced ingestion.” (Nilsson, 2003) According to the World Report on Violence against Children, corporal punishment includes hitting (‘smacking’, ‘slapping’, ‘spanking’) children,

with the hand or with an implement – whip, stick, belt, wooden spoon, etc. But it can also involve, kicking, throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning or forced ingestion. (Pinheiro, 2006) Islam emphasis parents to discipline their child but physical and corporal punishment may not be appropriate for correcting. (Munir, 2014) Allah reminds that “Believers, there are enemies to you from among your spouses and your offspring, so beware of them. But if you forgive and overlook their offences and pardon them, then surely Allah is Most Forgiving, Most Compassionate.” (Quran 64:14) Moreover, the Prophet advises to be kind and affectionate to child, he said: “He is not one of us who does not have mercy upon our young, nor knows the honor of our elders.”(Tirmizi 1919, 1920) Therefore, corporal punishment should be avoided as much as possible. Alternative techniques of disciplining the child are available, such as; giving advice, temporary separation, admonition, warning, withdrawing rewards, denial of play time and so on. One or more of these penalties are much more effective for the child than corporal punishment. (Munir, 2014)

The corporal punishment will be detrimental on the child as psychological effects, if this is repeated with all children; society will be empty from worthy child and future leaders. (Munir, 2014) Ibn Khaldun (d. 1406) analyses the effects of physical punishment of child that, it makes him feel worried and causes him to drop his dynamism. It makes him lazy and induces him to lie and be insincere. (Khaldun) The corporal punishment of a child affects not only the victim but others in some way connected. (Saunders, *et al.*, 2009) Corporal punishment has damaging social effects. The most recognizable ‘social effects’ of the corporal punishment of child are parents’ remorse, regret, guilt and even subsequent agony (Durrant *et al.*, 2003) Hanafi jurist Astroshni mentions, if a father killed his child for correcting him, he will be liable for diyat (blood money) and *kafara* (expiation) according to the opinion of Imam Abu Hanifah. (Astroshni) In addition to, in the opinion of Abu Hanifah and Abu Yusuf, he remarks that if a teacher disciplined the child with the permission of the child’s father, then the teacher exceeded the disciplining, he will be liable for compensation. (Astroshni)

6. Mechanism to Safeguard the Fundamental Human Rights of Child:

Child is the part of three specific institutions namely family, society and state. They have specific, significant and strategic roles to safeguard the rights. Parental attention is the central base for defending child and

empowering to receive the rights assured by Islam. Society also has responsibility toward ensuring and protecting rights of child. Affluent people in the society spend money, pay Zakat and expand helpful mind to poor, orphan, disable, severe disease and founding child for care and fostering. Civil societies also have the significant duty of observing, checking and alert the state about events of child abuse, maltreatment, violence, discrimination or exploitation. In this matter The Holy Quran states, “Ye are the best of peoples, evolved for mankind.” (Quran 3:110) Allah says, “Help one another in acts of righteousness and piety, and do not help one another in sin and transgression.”(Quran 5:2) The Prophet said, “The one who does not demonstrate sympathy to human being he will not be shown sympathy by Allah.” (Tirmizi 1922)

To obtain rights conferred by Islam without discrimination, state must include exact provisions in the constitution that child has rights to a name, identity of lineage, refrain from force labor, property and inheritance, healthcare and education. State must also enact satisfactory laws with ensuring implementation mechanism that guarantee child protection from various modes of exploitation, abuse, intoxication and protected from physical or moral humiliation. In this regard, the Prophet said: “Each of you is a shepherd and is responsible for his flock. The ruler who is in charge of people is a shepherd and is responsible for them. The man is the shepherd of his household and is responsible for them. The woman is the shepherd of her husband’s house and child and is responsible for them.” (Bukhaari 2389)

7. Conclusion

Child is the result of the matrimonial relationship and an object of pleasure in the life. In the Quran child is considered as adornment (Quran 18:46) when properly trained up and as trial (Quran 64:15) as well in case of moral less brought up. If the parents trained their children so that they become comport, coolness of their eyes in this life and hereafter. When a parents complains of his child behavior’s, it directly replicates upon the upbringing that child received from his parents. A man once came to him complaining of his son’s disobedience. ‘Umar called for the boy and queried him about his father’s complaint, and his negligence of his duties to his father. The boy replied, ‘Does the child not have rights over his father? ‘Certainly’ ‘Umar replied. ‘What are they then? the boy asked. He should choose a mother with care, preferring the righteous woman. He should give his child a good name and teach him the Qur’an. ‘O caliph! My father did none of these. ‘Umar turned to the father and said, ‘You have come to complain about the disobedience of your son. You have

failed in your duty to him before he failed in his duty to you. You wronged him before he wronged you. (Ulwan, 2004)

The attitudes towards child in all aspect of human life are totally different from that of adults. Accordingly, Islam attractively presents the fundamental human rights of child for good upbringing; to explore the intelligent, protection from all sorts of exploitation and abuse over 1400 years before of the conventional experience. One of the elementary characters of fundamental human rights towards child in Islam is that these rights are heavenly and decided by Allah. Unlike conventional human rights schemes individual or legislative body does not exercise the authority to amend, alteration, or suspend these rights. (Mawdudi) If anyone rejecting these rights that have been assured by Allah; the judgment of the Holy Qur'an is strong and unambiguous: "Those who do not judge by what Allah has sent down are the disbelievers. They are the wrong-doers (*zalimun*).They are the evil-livers (*fasiqun*).” (Quran 5:44-45)

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