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# Reconciling Tradition and Modernity: Sharia Law, Human Rights, and Economic Law in the Context of Contemporary Legal Systems

*Shikdar Mohammad Riazul<sup>1</sup>, Obydur Rahman<sup>2</sup>, Mahmudulhassan<sup>3</sup>*

<sup>1</sup>Faculty of Computer Science, Lincoln University College, Malaysia

<sup>2</sup>Faculty of Arabic Language, Islamic University of Madina, Saudi Arabia

<sup>3</sup>Faculty of Islamic Studies, Islamic Arabic University, Bangladesh.

<sup>1</sup>[mohammadriazulshikdar2002@gmail.com](mailto:mohammadriazulshikdar2002@gmail.com), <sup>2</sup>[obydurdk@gmail.com](mailto:obydurdk@gmail.com)

<sup>3</sup>[hassanfaruky@gmail.com](mailto:hassanfaruky@gmail.com)

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## Abstract

**Objective:** This research aims to explore the tensions as well as the potential for reconciliation between sharia (Islamic law) and the modern human rights framework, with a focus on understanding the extent to which Islamic legal traditions can be aligned or deviate from contemporary human rights principles in the context of globalization. **Theoretical framework:** This study uses the theoretical framework of legal pluralism, cultural relativism, and ethical principles inherent in sharia and international human rights law, thus allowing for an analysis that considers the interaction between religious, cultural, and universal human rights norms. **Literature review:** The literature review includes academic literature, legal texts, and religious documents, as well as an analysis of legal cases from countries that implement sharia in various forms, including Saudi Arabia, Iran, and Indonesia. **Methods:** This study uses a qualitative approach with an emphasis on document review and comparative analysis. **Results:** The results of the study show that there is a common point between sharia and human rights in the aspects of justice, human dignity, and social welfare. However, the study also revealed significant differences in issues such as gender equality, freedom of expression, and treatment of non-Muslims. **Implications:** This study contributes to the global discourse on the compatibility of Islamic law with international human rights norms and offers a perspective for Muslim countries in developing legal systems that maintain cultural and religious integrity while being responsive to human rights standards. **Novelty:** The authenticity of this research lies in the comprehensive integration of historical, legal, and cultural perspectives, which not only maps the tension between tradition and modernity but also offers an alternative path of reform in Islamic fiqh to be more in line with contemporary human rights standards.

**Keywords:** sharia, human rights, legal pluralism, gender equality, economic law.

## INTRODUCTION

Sharia, the Islamic legal system derived from the Quran and Hadith, plays a pivotal role in shaping the legal and ethical framework of Muslim-majority countries. Over the centuries, Sharia has been interpreted and applied in diverse ways, leading to significant

debates regarding its compatibility with modern human rights standards. The research problem centers on understanding how Sharia can be reconciled with contemporary human rights principles, especially as global human rights frameworks continue to evolve. This article aims to explore both the areas of convergence and divergence between Sharia and human rights, particularly focusing on issues such as gender equality, freedom of expression, and social justice [1]–[3].

The research hypothesis posits that while Sharia and human rights share common ethical values, significant challenges remain in aligning certain practices, such as polygamy, corporal punishment, and the treatment of women, with modern human rights norms. The importance of this research lies in its potential to inform ongoing debates about the reform of Sharia law and its role in contemporary legal systems, offering insights into how Islamic jurisprudence can evolve while respecting its spiritual and moral foundations. The literature review highlights existing research that addresses the relationship between Sharia and human rights, noting the ongoing tension between tradition and modernity [4]–[6].

This study employs a qualitative research methodology, incorporating legal analysis, textual interpretation, and case law studies from Muslim-majority countries. The scope of the research is limited to an examination of Sharia's interaction with human rights in the 21st century, focusing on countries that implement Sharia in various forms, such as Saudi Arabia, Iran, and Indonesia. By analyzing both historical perspectives and modern legal interpretations, the study aims to contribute to a more nuanced understanding of how Sharia can coexist with universal human rights principles [7]–[9].

## LITERATURE REVIEW

The relationship between Sharia and human rights has been the subject of growing scholarly attention, particularly in light of ongoing debates regarding the compatibility of Islamic law with international human rights norms. A recent study examines the impact of Sharia law on women's rights and the economy, focusing on Afghanistan and Iran [10]. The paper critiques Sharia's traditional interpretations that restrict women's freedoms, such as access to education and freedom of speech, and argues that religious doctrines should not interfere with political systems. Meanwhile, Polymenopoulou investigates the constitutional role of Sharia in the Gulf Cooperation Council (GCC) states, specifically addressing how Sharia references in constitutions interact with human rights protections. The study concludes that there is potential for judicial entities in these countries to align more closely with international human rights standards, particularly regarding gender equality and non-discrimination [11].

A broader exploration of Sharia's application outside the Muslim-majority world is provided by another study, which discusses the introduction of Sharia principles in Western legal systems, particularly in Great Britain [12]–[14]. This paper highlights the challenges surrounding the integration of Sharia in secular states, focusing on family law and its implications for human rights, especially concerning women. Similarly, Muchtar offers an interesting perspective by analyzing the impact of Sharia principles on human rights during the COVID-19 pandemic [15]. The paper critiques government policies, such as mask mandates and lockdowns, through the lens of Islamic Sharia, suggesting that individual freedoms must be balanced with the rights and welfare of others.

On the topic of Sharia reform, an important work by another study critically assesses Abdullah Ahmed An-Na'im's approach to Sharia deconstruction. An-Na'im's theory calls for a reinterpretation of Sharia to make it compatible with modern human rights standards, specifically advocating for freedom of religion and gender equality [16]. His work challenges the traditional, rigid interpretations of Islamic law and proposes a more flexible and evolving approach. This aligns with a few studies, which discuss the implementation

of Sharia in Indonesia's democratic, secular state and how various models of Sharia can coexist with human rights and justice [17].

Other scholars have also focused on the application of Sharia in specific contexts, such as the protection of minority rights. For example, A research analysis of Sharia's role in defending the rights of the Rohingya minority argues that Islam's historical commitment to protecting minority groups aligns with international human rights standards [18]. Similarly, another article explores the intersection of Sharia law and modern technology, particularly DNA testing, emphasizing how modern advancements can coexist with Sharia's legal framework in areas like family law [19].

These recent studies collectively offer valuable insights into how Sharia law is interpreted and applied in diverse contexts, shedding light on its potential to either align with or diverge from modern human rights standards. While there is agreement on the need for reform in some areas, such as gender equality and freedom of expression, scholars also highlight the flexibility and adaptability of Islamic law, which can evolve to meet contemporary challenges.

**Table 1. Literature Review Summary**

Author(s)	Title	Key Focus	Findings
Kaza (2024)	Sharia Law and Impact on Women, Human Rights, and Economy	Impact of Sharia on women's rights and economy, focusing on Afghanistan and Iran	Critiques Sharia's restrictive interpretation of women's rights and its impact on the economy
Polymenopoulou (2024)	Sharia and Human Rights Law in the Constitutional Framework of Gulf States	Sharia's constitutional role in Gulf States and its alignment with human rights	Suggests that judicial entities in Gulf States should align Sharia with international human rights standards
Rostoványi (2022)	Sharia in Great Britain	The introduction in Western countries, specifically Great Britain, focuses on family law.	Focuses on Sharia's challenges in integrating with secular legal systems in the West
Muchtar (2023)	Human Rights and The New Normal Challenges: A Sharia Perspective	Human rights challenges during COVID-19 from a Sharia perspective	Discusses how Sharia balances individual freedoms with public health measures during a pandemic
Al Hurriyah et al. (2023)	Deconstructing Sharia: A Critical Study of Abdullah Al-Naim's Thought on Naskh	Abdullah Al-Naim's approach to Sharia reform and its alignment with human rights	Supports An-Na'im's Sharia deconstruction approach for reforming Sharia in accordance with human rights
Syarif & Astarudin (2020)	Legal Justice for All and Anti-Discrimination: Models for Practicing Sharia in the	Exploring models of Sharia practice in Indonesia and their relationship with human rights	Highlights the potential models for Sharia practice in Indonesia that protect human rights and justice

	Democratic Secular State of Indonesia		
Al-Umairi & Hamdan (2023)	The Role of Islamic Sharia in Protecting the Rights of the Minorities, Rohingya as A Case Study	Sharia's role in protecting minority rights, with a focus on the Rohingya minority	Shows how Sharia can align with international human rights to protect the rights of minorities
Korbatieh (2020)	Evidence Laws in Sharia and the Impact of Modern Technology and DNA Testing	Incorporating modern technology like DNA testing in Sharia evidence laws	Explores the compatibility of Sharia law with modern technologies, specifically in family law and DNA testing

While existing literature has extensively analyzed the relationship between Sharia law and human rights, there remains a notable gap in understanding how Sharia can be reformed without losing its foundational principles. Much of the existing research tends to focus on either defending traditional interpretations of Sharia or advocating for its complete reformation in alignment with modern human rights. However, there is limited scholarly work on finding a balanced approach that respects the essence of Sharia while addressing contemporary human rights concerns, such as gender equality and the rights of religious minorities. Furthermore, the impact of globalizing forces, such as international law and technology, on Sharia's adaptation remains underexplored [20]–[22].

## METHODOLOGY

This study employs a qualitative research methodology, combining legal analysis and textual interpretation. The primary method of data collection is a critical review of scholarly literature, legal texts, and religious documents. The study will compare various interpretations of Sharia with key human rights principles to identify areas of convergence and divergence [23]–[25].

In addition to reviewing existing literature, the study also analyzes case law from countries where Sharia is implemented to explore how it is applied in practice. The research will focus on examples from countries such as Saudi Arabia, Iran, and Indonesia, which represent a spectrum of Sharia application, from theocratic to pluralistic [26], [27].

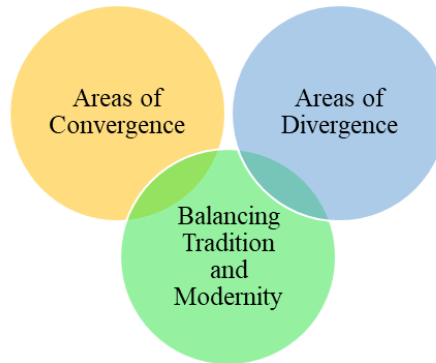
**Table 2. Research Method Summary**

Research Method Element	Description
Objective	Examine the relationship between Sharia and human rights, exploring areas of convergence and divergence.
Theoretical Framework	Legal pluralism, cultural relativism, and Islamic law principles.
Method	Qualitative approach, combining legal analysis and textual interpretation.
Data Collection	Review of scholarly literature, legal texts, religious documents, and case law from Sharia-applying countries.
Analysis Approach	Comparative analysis and critical review of case law to assess Sharia's compatibility with human rights.

Scope

Focus on Muslim-majority countries, specifically those applying Sharia, such as Saudi Arabia, Iran, and Indonesia.

## RESULTS AND DISCUSSION



**Figure 1. Balancing Tradition and Modernity in the Context of Sharia and Human Rights**

### Areas of Convergence

Despite the differences in interpretation, several significant points of convergence exist between Sharia and modern human rights principles. One of the fundamental aspects of Sharia is its emphasis on the dignity and equality of all human beings. This is especially relevant in the context of gender, social status, and ethnicity. Sharia stresses that all people, regardless of their background, are entitled to dignity and respect, which directly aligns with the universal human rights principle that every person has inherent dignity and the right to be treated equally [28]–[30].

At the core of Sharia's ethical foundation is the pursuit of justice, which is a central tenet of both Islamic law and modern human rights frameworks. Sharia mandates that justice be upheld in all aspects of life, from personal interactions to the legal system. The concept of justice in Sharia is not limited to fairness in legal matters but extends to economic and social justice as well. This commitment to justice resonates with the human rights principle that advocates for equal treatment, fair legal processes, and protection from discrimination. In fact, Sharia's emphasis on fairness can be seen as complementing the modern human rights concept of equality before the law [31]–[33].

Sharia also prioritizes the protection of the vulnerable, including women, children, the poor, and marginalized groups, which aligns with the human rights commitment to safeguarding the most vulnerable members of society. In its provisions, Sharia provides for the rights of women to own property, engage in business, and seek education rights that are foundational to human dignity and equality. These provisions show a clear overlap with human rights norms advocating for gender equality and economic empowerment [34], [35].

Furthermore, Sharia's emphasis on the pursuit of knowledge resonates with the human rights principle that underscores the right to education. Sharia encourages both men and women to seek knowledge and wisdom, emphasizing its role in individual and societal development. This support for education, particularly its advocacy for both genders to acquire knowledge, reflects the values found in the Universal Declaration of Human Rights (UDHR), which recognizes the right to education as a fundamental human right [36]–[38].

Sharia's focus on social justice also mirrors contemporary human rights concerns, particularly regarding poverty alleviation and economic justice. For example, one of the

most prominent charitable practices in Sharia is zakat, a form of obligatory almsgiving, which directly addresses the rights of the poor. Zakat mandates that individuals with wealth contribute a portion of their income to help those in need, aligning closely with the human rights principle that every individual has the right to an adequate standard of living. This reflects Sharia's commitment to reducing inequality and ensuring that all members of society have access to the necessities of life, such as food, shelter, and healthcare [39]–[41].

Moreover, Sharia law condemns practices such as theft, murder, and other forms of violence, which align it with international human rights norms that protect personal security, property rights, and the right to life. In Sharia, the sanctity of human life and the protection of property are fundamental principles. These legal provisions reflect the shared goal of preventing harm and promoting the safety and security of individuals. The moral and legal prohibitions against violence in Sharia are congruent with human rights principles that call for the protection of individuals from harm and violence, regardless of their social status or background [42]–[44].

Overall, the areas of convergence between Sharia and modern human rights principles are substantial, especially when viewed through the lens of justice, equality, and protection of the vulnerable. While there are areas where Sharia and human rights may diverge, the shared ethical values in both systems offer a foundation for reconciling Islamic law with contemporary human rights standards.

### **Areas of Divergence**

While Sharia shares several areas of convergence with modern human rights principles, there are also significant areas of tension where the two systems appear to diverge. One of the most debated and contentious issues is the status and rights of women within the framework of Sharia. In certain interpretations of Sharia, women's testimony in court may be considered half that of a man's, and practices such as polygamy are permitted, both of which pose direct challenges to modern principles of gender equality. The issue of unequal testimony stems from some interpretations of Islamic law, which argue that women's testimony should be weighted less than a man's, based on specific religious texts. This interpretation contradicts the modern human rights concept of equality before the law and non-discrimination based on gender [45]–[47].

Polygamy, which is permitted under Sharia law, is another area of divergence, as it challenges contemporary human rights norms that advocate for gender equality and the right to marry based on mutual consent. In modern human rights frameworks, marriage is seen as a union between two individuals, typically with equal rights and responsibilities, regardless of gender. Polygamy, however, often results in the unequal treatment of women and can be seen as inconsistent with the idea of equal partnership within marriage, a value embedded in modern human rights principles [48]–[50].

Another significant point of divergence arises from Sharia's traditional punishments for apostasy and blasphemy. Under certain interpretations of Sharia, individuals who renounce their faith (apostasy) or criticize religious beliefs (blasphemy) can face severe penalties, including death. These punishments conflict with the human right to freedom of religion and expression, as outlined in the Universal Declaration of Human Rights (UDHR). Modern human rights frameworks assert that individuals have the right to freely choose, practice, and express their religious beliefs without fear of persecution or punishment. The harsh punishments for apostasy and blasphemy under traditional Sharia challenge these core freedoms, creating a significant point of tension between Islamic law and international human rights norms [51]–[54].

In addition to issues surrounding gender equality and freedom of religion, the application of corporal punishment, such as stoning for adultery or amputation for theft, represents

another major point of divergence. These forms of punishment, rooted in traditional interpretations of Sharia, have been widely condemned by human rights organizations as cruel, inhuman, and degrading. International human rights law, including conventions such as the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, explicitly forbids the use of such punishments. The debate over these practices remains contentious, as some Muslim scholars argue that such punishments are outdated and should be reinterpreted or abolished in light of modern human rights values. However, others within the Muslim world maintain that these punishments are essential components of Sharia's moral framework, arguing that they serve as a deterrent to serious crimes and uphold divine justice [55]–[59].

The divergence between Sharia and modern human rights norms on these issues, particularly regarding gender equality, freedom of religion, and corporal punishment, remains a central challenge in reconciling Islamic law with international human rights standards. While some scholars advocate for a reinterpretation of Sharia in accordance with contemporary values, others argue for the preservation of traditional legal practices, citing their religious and moral significance. As a result, the relationship between Sharia and human rights remains a complex and evolving discourse that requires careful consideration of both legal and ethical dimensions [60]–[62].

### **Balancing Tradition and Modernity**

The key challenge in the relationship between Sharia and modern human rights principles lies in finding a balance between preserving the integrity of Sharia as a spiritual and legal framework while also aligning it with contemporary human rights standards. Sharia is deeply rooted in Islamic tradition, with centuries of jurisprudence shaping its application across various societies. As a divinely inspired legal system, it offers spiritual guidance and moral structure, addressing issues such as justice, equality, and social welfare. However, as societies evolve and global human rights norms advance, there is increasing pressure to reconcile the traditional teachings of Sharia with modern concepts of individual rights and freedoms [63]–[67].

Some scholars and legal experts argue for a more flexible interpretation of Sharia, one that reflects the changing norms of society and adapts to contemporary challenges. They suggest that Sharia, while rooted in tradition, is not immutable and can be reinterpreted in light of modern values, including gender equality, freedom of expression, and the protection of individual rights. This approach emphasizes *ijtihad* (independent legal reasoning), where scholars reinterpret Islamic texts to meet the needs of current societies while maintaining the core ethical and spiritual principles of Islam. By embracing this dynamic and evolving approach, advocates believe that Sharia can continue to provide moral guidance while aligning with global human rights standards [68]–[72].

On the other hand, some voices call for a return to a more literal and traditional application of Sharia. Proponents of this view believe that a strict adherence to the original texts of the Quran and Hadith offers the moral clarity and divine wisdom necessary to address modern challenges. According to this perspective, any attempts to adapt Sharia to contemporary human rights norms risk diluting its spiritual integrity and weakening its role as a comprehensive guide to life. Traditionalists argue that modern legal frameworks and human rights principles are often influenced by secular ideologies that are incompatible with Islamic teachings. They maintain that Sharia's divine origins provide a timeless moral foundation, which, when applied correctly, can address modern issues without compromising its ethical values [73]–[77].

The tension between these two approaches, one advocating for reinterpretation and flexibility, and the other calling for strict adherence to traditional Sharia, is central to the ongoing debate. The challenge, therefore, is not only theological but also practical: how can

societies balance the preservation of religious law with the demands of contemporary human rights frameworks? This debate involves complex considerations of cultural identity, legal pluralism, and the role of religion in governance, and it will continue to shape the future relationship between Sharia and modern human rights. Both sides of the argument highlight the importance of reconciling tradition with modernity, and it is this delicate balance that will define how Sharia evolves in response to the changing global landscape [78]–[80].

## Analysis

The analysis of the relationship between Sharia law, human rights, and economic law demonstrates the complexity of balancing religious tradition with the universal aspirations of modern legal frameworks. Sharia is often perceived as a fixed and rigid system, yet historically it has shown remarkable adaptability through jurisprudential tools such as *ijtihad* and *qiyas*. These mechanisms allowed scholars to respond to new circumstances while maintaining fidelity to the ethical and moral values of Islam. In today's context, this flexibility remains crucial, as Muslim societies face challenges posed by globalization, human rights discourses, and modern governance.

There are notable areas where Sharia and human rights converge, particularly in their shared concern for justice, human dignity, and social welfare. Both systems emphasize the protection of life, property, and family, and both oppose exploitation and arbitrary harm. Sharia's insistence on fairness in transactions and protection of vulnerable groups resonates with international legal norms that seek to guarantee equality and prevent discrimination. This convergence provides fertile ground for dialogue and collaboration, suggesting that Islamic law can be harmonized with human rights frameworks when interpreted dynamically.

At the same time, divergences remain evident, especially in areas such as gender equality, freedom of belief, and corporal punishments. Traditional interpretations of inheritance rules, polygamy, or apostasy laws often conflict with international conventions. However, many of these tensions stem not from immutable principles but from context-specific interpretations that evolved in earlier historical periods. Contemporary scholars have increasingly argued for the use of *maqasid al-sharia*—the higher objectives of Islamic law—as a means of reinterpreting rules in light of modern needs. This approach underscores the idea that reform and reinterpretation are not foreign to Islamic tradition but intrinsic to its legal heritage.

The economic dimension of Sharia adds another layer of relevance to this analysis. Mechanisms such as *zakat* and *waqf* institutionalize social justice and redistribution, addressing poverty and inequality in ways that closely align with international human rights principles concerning the right to an adequate standard of living. Moreover, the prohibition of *riba* reflects a concern with exploitation and ethical finance, which has found new resonance in global debates on sustainability and fairness in economic transactions. Islamic finance has grown into a global industry that shows how Sharia-based principles can be effectively integrated into modern economic systems, offering models of risk-sharing and social responsibility that challenge the shortcomings of conventional finance.

Political and institutional contexts also play a decisive role in shaping the interaction between Sharia and human rights. In some Muslim-majority countries, governments enforce literalist interpretations as a means of legitimizing authority, while in others, reformist currents push for integration with democratic norms and international law. These

diverse practices indicate that the tension is not merely between Islam and human rights but between competing interpretations and political uses of both. Institutions such as the Organization of Islamic Cooperation have attempted to craft human rights charters rooted in Islamic values, though these documents often face criticism for their ambiguity or their prioritization of state sovereignty over individual freedoms.

The analysis further demonstrates that reconciliation requires more than institutional adjustments; it also demands intellectual renewal. Through *ijtihad* and the principle of *maslaha* (public interest), Sharia can address issues such as gender justice, minority rights, and personal freedoms in ways that are faithful to Islamic ethics while compatible with universal human rights standards. Viewing Sharia as a living system rather than a closed code enables a creative synthesis between tradition and modernity. This approach positions Islamic law as a resource for building just and inclusive societies, rather than as an obstacle to international cooperation.

Globalization intensifies this need for dialogue, as Muslim communities engage across borders with diverse legal and cultural frameworks. Migration, technological connectivity, and economic integration expose Muslims to multiple systems of law and ethics, producing both tensions and opportunities. The growth of hybrid models, such as Islamic finance or constitutional experiments in countries like Indonesia and Tunisia, illustrates that it is possible to embed Islamic values within structures that respect democratic pluralism and human rights. These examples highlight the potential for Islamic law to contribute to global debates on justice and ethics while maintaining cultural and religious authenticity.

The analysis suggests that the reconciliation of Sharia, human rights, and economic law is not only possible but necessary for addressing the challenges of the modern world. By embracing reinterpretation, engaging critically with tradition, and applying the objectives of Sharia to contemporary issues, Muslim societies can create legal systems that uphold both faith and universality. This integrative vision underscores that tradition and modernity are not mutually exclusive but can complement one another in the pursuit of justice, equality, and human dignity.

## CONCLUSION

The intersection of Sharia and human rights presents a complex and multifaceted challenge, rooted in centuries of legal, religious, and cultural traditions. As Muslim-majority societies navigate the evolving landscape of international human rights norms, the question of how to reconcile Sharia's spiritual and legal framework with contemporary values remains central. This article has examined both the points of convergence and divergence between Sharia and modern human rights principles, highlighting key issues such as gender equality, freedom of expression, and corporal punishment. It has also explored the debate surrounding the balance between preserving Sharia's integrity and adapting it to the demands of the modern world. In summary, while there are significant areas of alignment between Sharia and human rights, particularly in promoting justice, dignity, and social welfare, there are also substantial points of divergence, especially regarding gender roles, freedom of religion, and punitive practices. The need for a nuanced approach to these tensions is clear, one that respects the moral and spiritual foundations of Sharia while also addressing the imperatives of human rights in the 21st century. Rephrasing the thesis, this article has demonstrated that balancing Sharia with modern human rights principles is not a matter of choosing between tradition and modernity, but rather finding a path that integrates both in a way that respects religious integrity and upholds universal human rights. This balancing act requires ongoing dialogue, reinterpretation, and reform, ensuring that Sharia remains relevant in the contemporary

world without losing its foundational values. The implications of this study are far-reaching. As global human rights standards continue to evolve, Muslim-majority countries must navigate the delicate task of reforming legal systems in ways that reflect both Islamic tradition and modern human rights principles. Policymakers, scholars, and religious leaders must engage in constructive debates and legal reforms that offer practical solutions to these challenges, ensuring that justice, equality, and human dignity remain at the forefront. Further research is needed to explore specific case studies of Sharia implementation in diverse cultural and legal contexts. Comparative studies across different Muslim-majority countries, as well as in countries where Sharia is implemented alongside secular law, would shed valuable light on how these tensions are resolved in practice. Additionally, interdisciplinary research that bridges theology, law, and human rights could contribute to more robust and inclusive frameworks for interpreting Sharia in the modern world. Finally, as this issue continues to shape legal and moral discourses across the globe, a call to action is needed. Scholars, legal practitioners, and human rights advocates must collaborate to explore pathways for aligning Sharia with global human rights frameworks in ways that respect both the uniqueness of Islamic legal traditions and the universal values of equality, freedom, and justice. Only through ongoing dialogue and thoughtful reform can we create legal systems that honor both religious traditions and the fundamental rights of all individuals.

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### **Author Contribution**

This study was a collaborative effort between the participating institutions. The Faculty of Computer Science, Lincoln University College, contributed to the structural organization and technical aspects of the manuscript. The Faculty of Arabic Language, Islamic University of Madina, supported the analysis of primary Islamic texts and sources. The Faculty of Islamic Studies, Islamic Arabic University, contributed to the comparative legal and human rights framework.

### **Conflicts of Interest**

The authors declare that there are no conflicts of interest. The research was conducted independently, and no financial or institutional pressures influenced the findings or conclusions presented in this manuscript.

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