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## **Rights of Muslims minorities in non-Muslim majorities: The provisions of insurance contracts outside the lands of Islam as a model**

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### **ABSTRACT:**

Islamic law is the only good and beneficial for the people of every time that has passed or will come, and for every place that has approached or distanced itself from the lands of Islam.

The research paper aim to investigate “ The Rights of Muslims minorities in non-Muslim majorities land in the recent history of Islamic jurisprudence is novel yet debatable and controversial covering assorted topics, including Western perspectives, Islamic principles, and historical analogies. We looked at how the Universal Declaration of Human Rights addresses minority rights, emphasizing the essential values of equality, non-discrimination, and religious freedom that support minority rights protection in the West. Methodology of the research will be “analytical and descriptive ” as followed in the research.

After researching the Islamic viewpoint, we investigates that the holy Quran and sunnah of the Prophet's strongly emphasize protecting minority communities, non-coercion in faith, and equality.

**Key words:** Rights, Muslims minorities, non-Muslim majorities lands, provisions, outside the lands of Islam

## INTRODUCTION:

The Muslim Ummah called its Lord charity by saying in the Holy Quran -: " كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ وَلَوْ ءَامَنَ أَهْلُ الْكِتَابِ لَكَانَ خَيْرًا لَهُمْ مِمَّنْ آمَنُوا وَكَأَتْرُهُمْ الْفَاسِقُونَ " <sup>1</sup> "You were the best nation brought out to people to command good and forbid evil and believe in God", and with this charity the muslim umma began calling to God with its faith, law and morals that spread guidance everywhere, and it is only a few decades and a short period after the death of its Prophet - may God's peace and blessings be upon him - until religion appeared in the horizons and reached the East and the West, and the promise of the honest and trustworthy - may God's peace and blessings be upon him - was fulfilled, and this reached Religion has not reached night and day, and there is no house left without Islam entering it with great glory or servile sacrifice And the state of Islam arose feared side, wide-sided, and it was said to the cloud, rain wherever you want, and your abscess will come to me! At that time, Muslims rightly believed that this religion had appeared over the whole religion, and God's promise had reached its end. And that is a great joy for the people of Islam, the Almighty said: " قُلْ بِفَضْلِ اللَّهِ وَبِرَحْمَتِهِ فَبِذَلِكَ " <sup>2</sup> {Say thanks to God and his mercy, so let them rejoice is better than what they gather} The nation's benevolent giving has extended to the entire continents of the world, and there are a third of Muslims distributed in countries where most of its people do not owe Islam. Tomorrow, the Islamic tide is growing, opening hearts and preaching the true religion, and just as Muslim merchants yesterday opened Southeast Asia with peaceful advocacy, Muslims today open countries and shine on hearts in the East and the Maghreb with their tolerant faith.

It is indisputable that Muslims living as small groups of individuals in non-Muslim countries have become more collective, stronger and better able to claim many of their stolen rights.

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<sup>1</sup> [Al-Imran: 110]

<sup>2</sup> [Yunus: 58].

Although they are treated as numerical minorities, they represent large numbers, in Europe there are about seventy million Muslims, representing 7% of the population, and it is expected, according to a report published by the British newspaper (The Sunday Telegraph) in August 2009 that Muslims in 2050 represent about 20% of the population. Muslims in India alone are approaching 200 million people, and they are a minority there! The same is the case in China, Russia and other countries.

In the West, the defense and advancement of minority rights have long been considered essential to democracy and human rights. These rights, recognized in several international agreements and conventions, are crucial for guaranteeing the respect, equality, and full inclusion of minority groups<sup>1</sup> The Universal Declaration of Human Rights (UDHR), approved by the United Nations in 1948<sup>2</sup> one of the most important international documents supporting preserving minority rights.

### **What Minority Rights Mean:**

An ethnic, religious or linguistic minority is any group of persons which constitutes less than half of the population in the entire territory of a State whose members share common characteristics of culture, religion or language, or a combination of any of these. A person can freely belong to an ethnic, religious or linguistic minority without any requirement of citizenship, residence, official recognition or any other status.

Understanding what minority rights entail is crucial before exploring the connection between those rights and the UDHR. When we talk about minority rights, we are talking about the privileges and safeguards offered to marginalized or disproportionately smaller persons and groups inside a given society. Numerous factors, such as ethnicity, race, religion, language, culture, gender, sexual orientation, and disability, can define these minorities. Minority rights protect these groups against prejudice, repression, and exclusion and guarantee equal access to opportunities and resources.

## **Clarifications on who is a member of a minority:**

Following mainly the Human Rights Committee jurisprudence, additional elements as to who is a member of a minority can be summarized as follows:

- 1- Indigenous peoples may constitute linguistic, religious or ethnic minorities in the States in which they find themselves. Both are not mutually exclusive, nor undermine any applicable rights as a minority or indigenous people.
- 2- The “territory” to consider in determining whether or not a group is a linguistic, religious or ethnic minority is the entire territory of a State, and not one of its political or territorial subunits;
- 3- One of the main objective criteria for determining whether a group is a minority in a State is a numerical one. A minority in the territory of a State means it is not the majority. Objectively, that means that an ethnic, religious or linguistic group makes up less than half the population of a country.<sup>3</sup>

## **Western Perspectives on Minority Rights:**

Minority rights are a topic that the Western world, especially Europe and North America, has long struggled with. Many Western nations are diverse, with many different ethnic, religious, and cultural groups coexisting inside their boundaries, which contributes to these problems. The historical fights for civil rights and the realization of the significance of preserving the rights and identities of marginalized populations led to the acceptance of minority rights in the West.

Minority rights are an essential component of the larger Western human rights framework. The fundamental values of equality, non-discrimination, and inclusivity are upheld by Western nations and codified in domestic and international law. Equal treatment, non-discrimination, cultural preservation, and the capacity to fully engage in public and political life for all people, regardless of their membership in a minority, are essential components to protecting minority

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<sup>3</sup> [About minorities and human rights | OHCHR](#)

rights in the West The Universal Declaration of Human Rights and Minority Rights in the West.<sup>4</sup>

**Identify the causes of this phenomenon and ways to treat it:**

- 1- The need to address this phenomenon within the framework of a strategy planned by states, Islamic international organizations, representing the Islamic presence, which includes strong mechanisms and measures that include the media, political, economic and social aspects, and the formation of a clear media message to introduce the Islamic religion, and to state the facts, principles and lofty values on which it is based, with its dissemination in various media outlets.
- 2- The need for coordination between the various countries and Islamic international organizations to take decisions and take the actions they deem appropriate to respond to the campaigns of skepticism and insults directed at the Islamic Ummah.
- 3- To call upon the international community to cooperate with Islamic countries and peoples in resisting this vicious attack on Islam and Muslims, and to spread a culture of love and cooperation among peoples;
- 4- Calling on Islamic gatherings outside Islamic lands to be messengers of peace and security, carrying the pure message of Islam in various countries and peoples, and avoiding practices and behaviors that offend Islam in those countries, while adhering to the values and principles of Islam.<sup>5</sup>
- 5- Listing the writings and writings that dealt with this phenomenon, and urging Muslim thinkers who are fluent in other languages to communicate

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<sup>4</sup> Acharya A (2004) How ideas spread: Whose norms matter? Norm localization and institutional change in Asian regionalism. *International Organization* 58(02): 239–275.

<sup>5</sup> Fiqh al-Nawazal li'l-Qali'at al-Muslimah "Ta'asila wa'tabiqah, Al-Daktoor Muhammad Yasser Ibrahim  
Asal-ul-Kitab: Risala Daqatoorah fi al-Fiqh al-Islami min Kaliyat al-Shari'ah wa Qanoon Ba'amat al-Azhar  
Al-Nashr: Dar al-Yasser, Al-Qahra - Republic of Egypt Al-Tabaqat: Al-Awli, 1434 AH – 2013,2:8

with the other, dialogue with them, and work to correct the image of Islam and Muslims at home and abroad.

- 6- Qualifying preachers who come to non-Muslim countries to master the languages of those countries, and encouraging existing institutions concerned with the rehabilitation or training of preachers, if they do not exist, to be role models in their presentation of Islam in behavior, science and treatment.<sup>6</sup>
- 7- Building the relationship with the other on the basis of mutual respect, and communicating the pure message of Islam, for mutual understanding, and raising awareness of this in the educational curricula.

If the contemporary world today has begun to recognize the rights of minorities, recognize this type of rights and codify legislation that guarantees and protects them - we must mention here the precedence of Islam with its divine legislation the whole world in preserving those rights and caring for those freedoms, for example: the Christian minority lived in Egypt fourteen centuries under the shadow of the tolerant law of Islam, and the Jewish minority in Morocco has enjoyed a decent life under Islamic civilization, so no problems arose, nor revolutions, No conflicts have erupted.

Just as the Islamic Ummah has not known throughout its long history the problem of minority rights, neither has it known regionalism or artificial borders between nationalities!

For example, Sheikh Muhammad al-Khidr Hussein emigrated from Tunisia to Damascus and settled there before the First World War, and after the French occupation of Syria, he emigrated to Egypt, and the editor-in-chief of the magazine Islam Brigade, then became the Sheikh of Al-Azhar, and did not occur to anyone of the Egyptians how to be Tunisian Sheikh of Al-Azhar, and Sheikh Rashid Reda in Tripoli Levant migrated to Egypt, and established Al-Manar magazine, and perhaps many thought that he was Egyptian to settle Egypt, as Sheikh Abdul Hamid bin Badis was from an ancient Berber family, has turned Algeria all around the Sheikh and head of

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<sup>6</sup> (1) Qararat al-Dura al-Thamanah Ishra"Butrajaya - Bamalizia", (pp. 14 - 16).

the Association of Scholars, and was one of the most severe benefits for Arabic and Islam<sup>7</sup>"

As for the Muslim minorities over the centuries, they have tasted types of torment, and colors of calamities, even if we end up in the modern era, we find history recording with red ink what happened to Muslims from physical killings, and bloody massacres in Bosnia and Herzegovina, and other Eastern European countries, as well as the tragedies of Muslims in India, the Philippines, Thailand, and Palestine! They are countries located in the heart of Asia, and other countries in Africa.<sup>8</sup>

### **INTERNAL ADDRESSING THE CHALLENGES:**

The best way for Muslim minorities to combat negative perceptions or discrimination in the West is by promoting their good manners based on Islamic ethics or akhlaq in their daily lives. This involves embodying the virtues of Islam, such as compassion, patience, honesty, and respect, in all their interactions with others (al-Ghazali 1964). Greater understanding and acceptance of Muslim communities are crucial to ensure that they can live fulfilling lives as valued members of society. It is important for society to work towards overcoming discrimination, prejudice, and unfair treatment faced by Muslims in the West. By embodying Islamic ethics in their daily lives, Muslims can counter negative perceptions and stereotypes that are often perpetuated by the media and others in the West. This can help to create a more positive image of Islam and promote greater understanding and tolerance between Muslim and non-Muslim communities.

Thus, the way that Muslim minorities can combat negative perceptions and discriminatory opinions is by promoting good manners based on Islamic ethics in their daily lives. Islam is a religion that emphasizes the importance of ethical conduct in all aspects of life. The Quran and Hadith provide

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<sup>7</sup> Syed shameel ahmad Qadiri, Rights of Minorities in Islam and Situation of Minorities in Pakistan: Analysis from Public Policy Discourse, October 2020 ,Al-Qanṭara 6(2):88

<sup>8</sup> Fiqh al-Nawazal li'l-Aqaliyyat al-Muslima al-Daktoor Muhammad Yasri Ibrahim Asal al-Kitab: Risalat-e-Daqatoorah fi al-Fiqh al-Islami min Kaliyat al-Shari'ah wa Qanoon Ba'ama'at al-Azhar, Dar-ul-Yasser, Al-Qahra al-Taba'ah: Al-Awli, 1434 AH – 2013,1:10

numerous examples of good manners and ethical behavior that Muslims should strive to emulate. Some of the key ethical principles in Islam include compassion, honesty, fairness, forgiveness, and respect for others. These principles are applicable in all aspects of life, including personal, social, and professional settings.<sup>9</sup>

One of the ways that Muslim minorities can promote good manners based on Islamic ethics is by exemplifying these principles in their daily lives (al-Ghazali 1982). Muslims can demonstrate compassion by volunteering in their local communities, helping those in need, and showing kindness and empathy towards others. Honesty and fairness can be demonstrated by being truthful in all interactions and treating others with respect and dignity. Muslims can also practice forgiveness by letting go of grudges and anger towards those who may have wronged them in the past. Another way that Muslims can promote good manners based on Islamic ethics is by being role models in their communities. Muslims can serve as ambassadors for their faith by exemplifying the values and principles of Islam in their daily lives. This can involve being active in their communities, participating in interfaith dialogues, and working to promote understanding and tolerance between different religious and cultural groups.

Additionally, Muslims can use social media and other platforms to promote good manners based on Islamic ethics. By sharing positive messages, quotes, and stories from the Quran and Hadith, Muslims can help combat negative stereotypes and perceptions of Islam. Muslims can also use social media to highlight their contributions to their communities and showcase their positive impact on society. It is important to note that promoting good manners based on Islamic ethics is not just the responsibility of Muslims. It is also the responsibility of society to work towards greater understanding and acceptance of Muslim communities. This can involve promoting interfaith dialogues, educating the public on the true teachings of Islam, and working to combat discrimination and Islamophobia in all its forms.<sup>10</sup>

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<sup>9</sup> Qararat wa Fataawa al-Majlis al-Awwabi li'l-Ifta'a wa'l-Bahooth, al-Majmu'atan al-Awli wa'l-Thaniyyah, (p. 148)

<sup>10</sup> Fataawa al-Shaykh Muhammad Rashid Reza, (5/1977).



**ADDRESSING OF CHALLENGES:**

Muslims in Western countries face challenges which affect their social, economic, and political well-being. These challenges can stem from discrimination, Islamophobia, cultural differences. To address these issues, and challenges, including government officials, civil society organizations, and the broader public, need to work together to create tolerant society. The findings suggest that negative portrayals of Muslims in the media, political rhetoric that stigmatizes and marginalizes Muslims, and double standards in the application of laws and policies contribute to discrimination and exclusion (Abdelkader 2017).

**Strategy which can help to promote greater understanding and tolerance between Muslims and non-Muslims.**

- 1- One effective approach to addressing discrimination and prejudice towards Muslims is through education and awareness-raising campaigns. This can involve promoting the positive contributions of Muslims in Western societies through teaching about Islamic culture and history in schools and universities, and by showcasing positive media representation of Muslims in the mainstream media. By creating more positive narratives about Muslims, the broader public can be encouraged to challenge their biases and misconceptions about the community.<sup>11</sup>
- 2- Another important strategy is interfaith dialogue, which can help to promote greater understanding and tolerance between Muslims and non-Muslims. This can involve engaging in discussions and activities with people from different faith backgrounds to create a sense of shared purpose and respect. For instance, organizations such as the Interfaith Youth Core have been successful in bringing young people from diverse backgrounds together to learn about each other's cultures and beliefs.<sup>12</sup>

Political engagement is also critical in addressing the challenges faced by Muslims in the West. Muslim communities should be encouraged to participate in the political process, such as through voting and running for

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<sup>11</sup> Qararat wa Fataawa al-Majlis al-Awwabi li'l-Ifta'a wa'l-Bahooth, al-Majmu'atan al-Awli wa'l-Thaniyyah, (p. 148)

<sup>12</sup> Al-Waqqat al-Hadiyyah with Fatwa ibah al-Qur'ad al-Rabwiyyah Latmu'il Shar'a al-Masakin fi al-Mujtamat al-Gharbiyyah, d. Salah al-Saawi, Dar al-Andalus al-Khizra, Ja'da, (pp. 15-16).

office. By increasing representation, Muslim voices can be heard and their interests better represented in public policy decisions. The election of Ilhan Omar, one of the first Muslim women to serve in the United States Congress, is an example of how Muslims can be effective in influencing public policy decisions.

Building strong and supportive Muslim communities can also help to reduce feelings of marginalization and exclusion. This can involve supporting community centres and organizations that provide social and economic opportunities for Muslims, as well as promoting social activities and events that encourage community engagement. For example, the Muslim Women's Association of South Australia provides a range of services for women, including education and advocacy programs, that support social cohesion and the empowerment of Muslim women. Finally, governments must ensure that there are strong legal protections in place to prevent discrimination and hate crimes against Muslims. Law enforcement should also be trained to recognize and respond to hate crimes effectively. In the United Kingdom, for example, the Crown Prosecution Service has developed a Hate Crime Action Plan to increase the prosecution rate of hate crimes and to provide support for victims of hate crimes.<sup>13</sup>

### **Summary and Results of the research :**

In the journey of this research we concluded some results as follows:

- 1 - Islamic law is the only good and beneficial for the people of every time that has passed or will come, and for every place that has approached or distanced itself from the lands of Islam.
2. The existence of Muslim minorities today should not be seen as a complex set of problems, as much as Islamic embassies that define the truths of Islam.
3. In order for Muslim minorities to fulfill their duty towards themselves, their religion and their nation, it is imperative to unite them nationally, organize them in practice, regulate their authority legitimately, and create the so-called "jurisprudence of Muslim minorities".

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<sup>13</sup> Al-Mu'tahr wa'l-'Amal al-Muqabiyah, d. Gharib al-Jamal, (p. 435)

4. There is still an urgent need to tighten the structure of the approach to considering the calamities of Muslim minorities and to consolidate the fundamental rules to which Muslim minority issues are addressed in today's world through international councils.