

## THE CONTROVERSY OF FREEDOM IN TAKE AND GIVE BETWEEN WESTERN AND ISLAMIC CIVILIZATIONS IN INDONESIA: AN EPISTEMOLOGICAL DISAGREEMENT APPROACH

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**Abstract:** *Freedom intake and give are caused by weak self-control that desires hedonistic pleasure, jouissance, materialism, enjoyment, and libidinal drives. Conversely, the existence of freedom aggravation (the freedom to determine one's own peculiar desires) kept within the framework of metaxy freedom will be forced towards ethics, aesthetics, and salvation. Take and give freedom leads between vice of defect and vice of excess, as seen in Indonesia in cases such as contract marriages in Puncak Bogor and interfaith celebrity couples. This study aims to deeply examine the impact of take and give freedom in Indonesia from various aspects of karmic (karma effects) and binged (self-beating consequences) using a library research method. This article indicates that take and give freedom falls within a legal vacuum scope, but in reality, it can operate through modus vivendi (loyalty to enemies or friends) and modus ponens (illative affirmation). Freedom has two forms: positive freedom, which means there is no modus vivendi or modus ponens, and negative freedom, where both exist. Positive freedom consists of general will (the common good/shalom) and last will. Negative freedom is more dominant in free will, as the eyes of ardent libertarians are limited by a balance of interests. Thus, everything is locked in within the best interest of balance, as legal privilege aligns with legal rights. Free will tends towards "freedom from" rather than "freedom to" due to exploitation, control, oppression, and abandonment.*

**Keywords:** *Civilized, Freedom, Human Right, Liberty, Take and Give.*

**Abstrak:** Kebebasan untuk mengambil dan memberi diakibatkan oleh kelemahan kontrol diri yang menginginkan kesenangan hedonistik, jouissance, materialisme, kenikmatan, dan libido. Di sisi lain, adanya *freedom aggravation* (kebebasan menentukan arah hasrat diri) yang dipelihara dalam bingkai *metaxy freedom* (kebebasan yang sehat) akan terdorong ke dalam beretika, berestetika, dan *salvation*. Kebebasan *take and give* berada di antara dua ekstrem, yaitu keburukan karena

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kekurangan (*vice of defect*) dan keburukan karena kelebihan (*vice of excess*), seperti contoh di Indonesia, yaitu perkawinan kontrak di Puncak Bogor dan praktik kawin antaragama di kalangan selebriti. Penelitian ini mengkaji secara mendalam dampak *freedom take and give* di Indonesia dilihat dari berbagai sudut kehidupan *karmic* (dampak karma) dan *hinged* (dampak bantingan ke diri sendiri) berdasarkan metode studi kepustakaan. Artikel ini mengindikasikan bahwa kebebasan *take* and *give* masuk dalam ruang lingkup *law vacuum*, namun dalam kenyataan bisa masuk *modus vivendi* (hak pada kasus khusus) dan *modus ponens* (penyebab dan efek). Kebebasan memiliki dua bentuk, yaitu kebebasan positif, artinya tidak ada dampak *modus vivendi* dan *modus ponens*, sedangkan kebebasan negatif terdapat *modus vivendi* dan *modus ponens*. Kebebasan positif termasuk *general will* (kebaikan umum/*shalom*) dan *last will* (kemauan terakhir). Kebebasan negatif lebih dominan terjadi pada *free will* karena mata kelompok pro-kebebasan dibatasi oleh keseimbangan kepentingan. Semua terkunci pada keseimbangan kepentingan karena hak istimewa sesuai dengan hak yang sah. *Free will* condong ke *freedom from* ketimbang *freedom to* karena eksploitasi, dipermainkan, dizalimi, dimanfaatkan, dan ditinggalkan.

**Kata-kata Kunci:** *Hak Asasi, Kebebasan, Kemerdekaan, Mengambil dan Memberi, Peradaban.*

## Introduction

In Indonesia, human rights are known as *hak asasi manusia* (HAM), or *ḥuqūq al-insān* in Arabic, *ḥuqūq-i-insāne* in Persian, and *insāne ḥukūklan* in Turkish. Human rights function as claim-rights, while freedom acts as a privilege (Chadwick 2025, 479). In the general will context, human rights relate to freedom of speech, expression, and religion, particularly in eliminating majority domination over minorities (Asyari 2023, 101). In the last concept, human rights become private authorization rights, such as granting inheritance, even beyond legal heirs, justified through heirs open.

Human rights strongly regulate free will within the framework of the liberty principle, considering personhood in public order, where legal rights are moral rights (Brink 2024, 289). For example, drinking wine is permitted where no law prohibits it (as in Western societies), while it is strongly forbidden in Islam. Free will, for human rights, is positioned within incompetent human contexts, such as organ markets, extreme sports, adventureholic, self-mutilation, euthanasia, and voluntary prostitution (Menges 2022, 1).

Human rights are identical with ignored rules of life in freedom to classification general will (legal right), last will (conventional right), and free will (privilege) as worldview, which is the supreme values (Sardar 2007, 140). Freedom as autonomy is what Flathman takes issue with between freedom and a person's autonomy (Flathman 2003, 9). Hershberger emphasized that freedom follows the instruction or does the opposite based on meta-volitional control on the rank of eat-not-eat or binge-not-binge (Hershberger 1989, 345). Freedom as autonomy is estimated by relevant material desires.

Freedom and the harm principle, as Feinberg said, each freedom has a liberty interest that is harm, and this causes the justification for moral harm at its peak, influenced by greater harm, which is driven by *volenti maxim* (Feinberg 1984, 116). John Stuart Mill argued that freedom, in the context of the harm principle, is consistent with the principle of utility, which, according to paternalistic

interference, is motivated by individual autonomy (Mill 1998, 239). The freedom and harm principle is required for both relevant moral desires to prejudge what is good and bad based on the prediction of discomfort (Nasution et al. 2024, 2).

Freedom in a multicultural society, as Charles Taylor said that the freedom must fit a multicultural curriculum frame, not a traditional curriculum, and does not have special rights in a partial cultural *milieu* (Taylor 1995, 252). Siebeck said that freedom is between the existence of freedman and freedwoman as the fight competition in a gladiator school arena (Siebeck 2017, 170). Freedom in a multicultural society is accredited for innovative courses in curriculum and teaching style.

Freedom appreciates two concepts of liberty as positive and negative freedom. Negative freedom involves individuals or groups enjoying freedom from (moral harm, self-sacrifice) through loosened autonomy. Negative freedom can act as an opportunity to act as one likes without interference by other persons to drive one's own mood (Farrelly 2019, 163). Positive freedom is the doctrine of self-abnegation for virtue passions. Positive freedom reflects respect for freedom to, is concerned with conscious purpose, ennobling, benignity, and harmony (Moller 2012, 29). In Indonesia, negative freedom is exemplified by the sensational marriage of Andi Soraya and Steve Emmanuel on the agreement of a mate without marriage, which was not accommodated by the Ministry of Religion and the Ministry of Home Affairs in 2001. Thus, they were raided by the unmarried couple, even though the Constitutional Court did not have space to dissent opinions on turning this marriage into a legal one. They even have an 11-year-old child from that marriage who was difficult for national education and election participation. The unmarried, who are not registered at the civil registry office and Office of Religious Affairs, are lying to God because they acknowledge themselves as people who do not belong to any religion (Pusat Data dan Analisis Tempo 2019a, 38)

Public controversies in Indonesia reveal tension between religious norms, civic regulation, and freedom in the public sphere. The freedom hullabaloo, such as *Sound Horeg*, is not prohibited in Malang by the activist in the manner of the freedom and harm principle. Only the Indonesian Council of Ulama prohibits it to infringe on way of freedom of autonomy. *Sound horeg* reflects self-sacrifice within freedom due to the loss of moral benignity. Activists often rely on legal liberty, while religious scholars uphold moral rights in the absence of binding laws. Meanwhile, the sound of mosques calling people to prayer is taken to be an issue, even strongly, by every party and activist who judge to contravene a multicultural society (Darmawan and Efendi 2025, 2). Positive freedom in Indonesia, such as the freedom of marital rights and division of inheritance, is delegated between husband and wife. For instance, marital property rights rely on moral rights grounded in legal frameworks.

The paradigm of human rights tends to engineer the culture in the beating of society, which causes preservation versus innovation that forms a break cultural event. Morocco organizes that polygamy restricted in the society; in Malaysia, a man marries a second wife to license the first wife (Whitehouse 2023, 152). While

in Tibet, there was a woman, in the past, who practiced polyandry by having three husbands, which was allowed by spotlight polygyny (Thurgood and LaPolla 2017, 406). Meanwhile, in Iran, plural marriages are especially done by the absent pilgrim. This marriage is a kind of contract marriage, and it is forbidden based on jurisprudence.

Human rights in civilized (*madani*) societies fight for hegemony, which holds good value above bad. Do not let the bad value still run and try to hold it up in every way (Musa 2023, 2). Bali, once a cultural city, has transformed into a free-will culture due to tourism dominance by tourists without marriage, not the jet-set one. Pseudo-freedom is relevant through passionate culture. *Madani* civilization is the Malayan citizen under the taboos and prohibitions tradition (Freud 2018, 21). Moderate civilization, as the archipelago culture, is wrapped in tolerance.

Human rights balance the positive law on a constitution that is made by all countries in the world. The existence of human rights in Muslim-majority countries regulates the treatment of general will and free will. This has led Muslim governments to reduce the laws of *qisās*, tying, and stoning to prison terms, as the secret of freedom is putting the living in the same predicament. Human rights considerations tend to reflect positive liberty. On the other hand, the more aggressive effort is doing the break law event to the law that combines positive laws with human rights, especially the deletion of the death penalty and presumption of innocence. Freedom in the general view is Heilig. Freedom in the positive value must be cleansed from discrimination, neglect, torture, and exploitation. Because freedom becomes the law problem if it breaks the principle of precedent rules (Regent 2022, 108).

## The Archetypes of the Horizon of Human Rights Standards

Human rights have a significant influence on positive law in all countries, particularly the abolition of the death penalty, gender concerns, and freedom to take and give. Principles of general customary law, combined with judicial precedent, judicial recognition, and artificial precedent in lawmaking, are considered. Freedom is more meaningful through free will action because it is not indicated to non-entire and non-holy values, with the queue, which is not included as pure good will (Holmberg 2024, 429).

Freedom is synonymous with liberty, autonomy, agency, or free will. Freedom within liberty, as Aristotle stated, is synonymous with free will (*joissance*), which is an action that fulfills hedonistic desires (Aristotle 1894, 538). Moreover, as Plato views it, freedom is defined as a reflection of the ideal of equality, namely freedom from poverty (Plato 1990, 206).

Whereas freedom within autonomy, in Hegel's view, states that freedom is a general will (a quality of subjectivity), then that citizens have the right to freedom over their right to life (Hegel 2008, 104). Meanwhile, as Rousseau's expression defines freedom as a fraternal human ideal, namely freedom from the wishes of citizens (Rousseau 1997, 21). Likewise, as Kant states, freedom is a reflection of compatibilism, where noumenal freedom (morality grows everywhere) is a

guideline constituting free subjectivity (in the manner/*cognitio* inferior) in the sense of moral freedom (Noller and Walsh 2022, 24). While, as Sade's expression, ensures that freedom places last will (the ending will), such as granted assets, self-migration, etc. The post-death is more certain suffering than happiness (Sade 1966, 59). Therefore, Kant leads to salvaged freedom. Sade clarified that freedom is limited to the will and right of self-hypnosis (autonomy/wholeness).

Freedom within agency, as Lacan argues, advocates freedom as *jouissance* (a will to *jouissance*/regulated pleasure) that drives the subject's desires. Freedom always exists within the inner sphere and within self and other (Lacan 2002, 10). Furthermore, Adorno characterized freedom in the mind, aligning with freedom that avoids falling into unfreedom due to the totality of individual autonomy (Adorno 2004, 40). The freedom within free will, which is harmful (non-social), like Freud's perspective, doubts that freedom can lapse into bad faith due to the need for homeostasis (Freud 2003, 20).

Different dimensions of diversity of language, tradition, and practice realistically are not obstacles and challenges to the expansion and penetration of human rights. Freedom comes into conflict with the established social order, resulting from the agreement of ethical values, a binding social contract, where the sacred canopy bases local wisdom as an umbrella canopy (indigenous power), as Papuans bind themselves to their traditions. Bali is used by domestic tourists to exercise free will, where special clothing is worn only in Bali. The human rights authority appreciates autonomy rights as the freedom of expression (Trinity 2016, 273).

Freedom is the supreme objective (the highest purpose) that is directed through the individualistic decision systems. The concept of freedom is accumulated as a way acceptable to all (Rabaka 2010, 216). Human rights become individual liberty that is not felt to be a crime or hurting people. Human action, especially taking and giving, is often not right, except based on the awareness and trust that is true. The goal of human rights is to portray epistemic freedom within the framework of negritude, decoloniality, and deprovincialization. Human rights authorities respect the autonomous rights of autonomous persons, but theonomous authorities restrict photography, pornography, and pornographic acts in public spaces because they constitute abuses of free expression. Faith, creed, spirituality, and religion (the common good/Shalom) limit the right to exercise freedom, including the right to think, act, and speak beyond competence (Skolnik 2018, 226).

Moral violations are synonymous with non-representative expressions of social order or customary law. Freedom that violates morals falls under negative free will (freedom from), such as Sound Horeg having caused sound pollution, while positive free will falls under the umbrella of marriage over a set of prayer equipment for women. This is morally unjustified, but legally, because it reduces the law to a greater good, it is considered *hiyal* (a legal artifice) or *hīlah* (legal device) (Sunaryo et al. 2025, 16). Violations of free will against ethics generally break away from the aesthetic provisions of the community (Latham 2019, 107). Negative free will that violates laws applies to acts such as contractual marriages in Puncak Bogor. Meanwhile, positive free will violates ethics, namely marrying a widow with a

minimal dowry. Violations of positive law result from going beyond the limits of the enactment of a statute (Ochwat 2025, 125).

Freedom that violates positive law includes violating general will, such as *wanprestasi* (breach of warranty) (Nasokha and Noor 2023, 135). Natural law freedom is exercised within the limits of positive freedom, such as volcano climbers who suffer physical danger. Liberty is essentially free from restraint and violence; hence, all freedoms within the framework of the workmanship model or natural freedom, including cloned replicas, online loans, vulgar tourism, consumption of alcohol, gambling, and non-marital partnership, are considered a legal vacuum in positive law (Tandungan and Parinussa 2020, 412).

Human rights hold individual liberty. In fact, this is difficult to distinguish between perpetrator and victim because take-and-give behaviors lead people into mistakes and collective negligence (Korompot et al. 2021, 136). This is ensured in Islam that negatively prioritizes building consciousness or humans' effort to be better merely with manmade law. Islam prioritizes right belief and right conduct, which are realized and known as humans' performance (Rahman 2003, 334).

In Indonesia, there was a difficulty in handling the legitimacy of freedom in interfaith free marriages, seen as a reflection of 'freedom from,' such as the marriage of Jamal Mirdad with Lidya Kandow through civil registration in DKI Jakarta in 1988. Marriage is an individual autonomy right in accordance with the general will, but communal norms and religious authorities in Indonesia do not consider it permissible to perpetuate this freedom act (Pusat Data dan Analisis Tempo 2019b, 56).

Civil rights in the state are considered mixed marriages are not regulated in positive Indonesian law at that time. Consequently, the marriage is valid in the view of the state because it is recorded in the DKI Jakarta Civil Registry but is considered invalid according to the Indonesian Ministry of Religious Affairs (the department that handles official marriages). From the perspective of positive law, interfaith marriage is in line with liberty (general will) where the judge approves the request for permission from the marriage parties and is then re-registered at the DKI Jakarta Civil Registry Office. Sole judge Endang Sri Kawuriyan, in 1986 as a civil court judge, considered this marriage to be decided as an ethical violation because it is contrary to social order or customary law, but is indicated by a law vacuum from a positive legal basis, but in line with free will (Pusat Data dan Analisis Tempo 2019b, 62).

Under civil law, mixed marriages are not unlawful, but human rights at the level of free will violate ethics or non-moral scenarios (Fillon et al. 2025, 2). Any freedom to whose behavior violates cultural, religious, and legal values constitutes a negative freedom, as the ethics of all religions prohibit interfaith marriage (Sholehudin et al. 2025, 37).

Another mixed marriage, however, was between Adri and Vony in 1986. Judge Imam Soekarno did not allow the marriage to proceed pending a Supreme Court ruling. The Supreme Court then ruled that the marriage could proceed provided the parties no longer considered their religious status. Interfaith marriage, as a

right derived from free will, respects the value of liberty, and judges must heed the considerations of the Supreme Court to shift religious authority to state authority to safeguard general will (civil rights). Several Indonesian celebrities have engaged in mixed marriages; they did not marry in Indonesia, seeking countries that permitted such marriages due to mutual respect. Every general will align with some human rights values, but every negative free will violates ethics and norms (Chandrashekar 2020, 1).

Mixed marriage, as a privilege, not a right, removes the individual's religious status within the state. This freedom is a form of give and take that aligns with the *I-Thou* (we-ness/solidarity) relationship. Therefore, a household with children constitutes *I-Thou* freedom. Freedom in Indonesia must align with one of six religions according to Pancasila (Guyanie 2021, 161). Therefore, marriages not registered in the Indonesian civil registry are often conducted in other countries, which are administratively secular states. Freedom in mixed marriages within the *I-It* (It-ness/harassment) relationship will be broken quickly due to the loss of ethical bonds that align with the values of community and religious togetherness.

Human rights lie between the sacred canopy and sacred reverse. In cases of sacred reverse that rely on *modus vivendi*, such as interfaith marriages in Indonesia, the judge requested the Supreme Court's opinion to transfer regulations from the Ministry of Religious Affairs to the Ministry of Home Affairs, namely, to be re-registered at the Civil Registry Office. Several human rights values are incoherent and inconsistent between the *I-Thou* and *I-It* relationships. In religion and ethics, every *I-Thou* marriage involves providing a dowry, and there is no free marriage. Meanwhile, marriages within the *I-It* relationship are viewed as victims of elopement, unregistered marriage, forced marriage, and marriage without a dowry.

The freedom of human rights has some fighting in every space, therefore each person must pay attention to the appropriate and right behavior in that space. The value of human rights in the stage of sacred canopy (created by us and arrange us/sacred sky), such as receiving dressed in cultural spheres (cultural space), such as the traditional dress which fits the local wisdom, public spheres as modest clothing in the general place, *shari'ah* spheres as the clothes that cover entire body (as Muslim women clothes), while social spheres as hoodie dress which may preserve the respect and prestige, private spheres as the nightdress, *muhrim* spheres as the freedom of receiving dress of shoulder top. If something happened otherwise, it can be classified as having violated one of them; they are religion norm, country law, and ethical sanctions. The human rights of Islam more emphasize *shari'ah* spheres, which dominate the other space; meanwhile, Western human rights permits privacy spheres wider until it may include the other space with no effect, cause, benefit, or *muḍārat* problem in the ratio perspective that is considered the crime will not happen (Hussain and Marghoob Ahmad 2024, 229).

Before human rights appeared, determinants had already applied in indigenous ethics, religion, people, and society. Those values are impenetrable because human rights' reason is that the original value (noble values) that sometimes increased to be norm. So, action, behavior, value, and new awareness do not merely receive

those determinants' values.

The kinds of rights are individual rights, civil rights, social rights, local rights, national rights, and international rights. Individual rights include individual space, freedom of conscience, freedom of speech and expression, religion, and so on. Civil rights include protection against discrimination, physically and mentally, which includes gender, religion, race, nationality, age, and status. Local rights include local identity, local sites, customary rules, and sacred and profane values. National rights include national identity, constitution, country symbols, and positive law. Meanwhile, international rights include liberation from colonialism, *embargo*, and bilateral or multilateral relationships. Those rights protect each other, such as civil rights in the form of poverty, backwardness, suffering, emancipation, feminism, gender, and equality, they are a must to be maintained, local rights or national rights. The honor of rights and freedom creates progressive steps, national and international, giving the guarantee of confession, effectively and universally. Western human rights more accommodated one step away justification of relativism, while the Cairo Declaration on Human Rights (Islamic human rights) is the positivist ethical posture. The western human is rights of totalitarianism, while in Islam is *thurāth* civilized (Haller 2025, 140).

### The Passionate of Human Rights in Islamic Discourse

Nowadays, the existence of human rights is oriented toward socialistic tendencies applied. The Islamic tradition is firmly embedded throughout Islamic civilization with the characteristics that hold all of the regulations which rely on prophetic tradition, jurisprudence, and *thurāth* (*fiqh* views) as law in action. Meanwhile, the Islamic law in the Qur'an and Hadith as the law in book is an ideal worldview. Human rights values are imprecisely linked to rights and objectives. Every 'right' is binding and must be upheld, while every 'objective' necessarily contains flexibility. Each right encompasses a plethora of positive rights (property care, health care, employment skills, profitable living, assisted living, and welfare). Human rights, at the ultra-minimalist level, encompass equality, protecting gender, diversity, exploring culture, and humanity. Many human rights think tanks advocate for LGBT people, Malaysian view gender taboo on harassment dangerous rise in the HIV/AIDS epidemic, whose treatment is expensive, and even doctors are reluctant or extremely cautious to be near them (Shah and Jha 2025, 102).

*Fiqh* is the implementation of law in action that conveys the space of behavior (good-bad, right-wrong, legal-illegal, benefit-useless) in the frame of manmade law with the positivism of Islamic tradition in the stage of good morals and etiquette. The Quran and Hadith classify positive freedoms as acts of *lagha* (indecent acts), *la'ib* (indecent acts), and *lahwun* (indecent acts). *Lagha* and *la'ib*, in the Islamic perspective, fall into the category of freedom to because they are merely pleasurable and have no impact on benefits in this world or the hereafter. Both are intended to fill remaining time. Examples of *lagha* include gaming without betting, *cybernetting*, listening to music, and hypersomnia. Examples of *la'ib* include self-absorption, *tafakhur* (boasting about jewelry), *takathur* (boasting about wealth), smoking,

mountaineering, and over-healing. Examples of *lahwun* include watching shows, joking, enjoying delicious food, being a watchman, dismantling, aimless activity, pranayama, and carrom. *Lagha*, *la'ib*, and *lahwun* are natural liberties that do not violate religion or law.

Negative freedom, in the Sharia context, as a normative source, prohibits actions that result in *jilid* (whipping for drinking alcohol, homosexual, adultery, accused of adultery), *kafārat* (comparing wife with his mother, homicide, oath and sexual intercourse during Ramadhan days), *diyyat* (homicide), *arsh* (compensation with a sum of money), *dam* (fine of the taboo system of pilgrim hajj as wearing stitching, parfum, killing animal, marrying, shaving, cutting nail, pruning, and taboo for men as wearing shirt, turban, skullcaps, shoes, and taboo for women as wearing gloves, covering face) (Mustolehudin et. al 2021, 311).

Meanwhile, *fiqh* as a result of juridical reasoning is used as a jurisprudence protocol as theonomous, while autonomous places the fall into positive freedom depending on the treatment that fulfills the conditions of *ḥilāh* or *ḥiyal*, such as people avoiding paying zakat, marrying *muḥallil* (legalizer), giving property to biological children, pawning land accompanied by an oath for cultivation permits and usury transactions *mutakhalifayn* (credit transactions by barter). Negative freedoms such as gratification, marital partnerships, *al-ribā mutajānisayn* (single-type transactions such as gold for gold, money for money, etc.), living with a partner during the engagement period, consuming the wealth (services for raising) of orphans, taking parking on state land, etc.

The principle of *fiqh* is based on the modern principle of rights, that is, the rights of a person who has property to seek the assistance of law towards the disturbance of their property. For example, the behavior of *ḥaqq al-'ibād* in Muslim's life is killing people whose family receives *islāh* (peace); therefore, the murderer is obliged to change *diyyat*, or fine, for 100 camels. Or, in the theft of things, the arrested thief must return those stolen things. If it is lost, the thief must pay for the stolen things, with the highest price of those things at the stolen time. Meanwhile, *ḥaqq Allāh* in Muslim's life, the doer of killing and committing adultery gets the heavy punishment, such as *qisās* (bodily harm), *rajam* (stoning for adultery by a married man), *ḥudūd* (the cutting off of a robber, stealing), and *jilid*, based on the judge. The lowest punishment is *ta'zīr*, which is applied *ṣulḥu* (reconciliation) and can be whipping, deportation (beyond the prayer of *qasar*), *arsh* (a small amount of *diyyat*, counting the lack), and small *ṣulḥu*, such as shaking hands or making peace by eating together.

While law is a social contract that unites in a worldview that binds civil rights and imposes sanctions on violators, such as the laws of *ḥuqūq al-'ibād* or *ḥuqūq al-nās*, it is justified in the realm of forgiveness, waiver (*tanazzul*), dynamism, and *ṣulḥu*. Human rights are fundamentally in line with rights and obligations in Islam, but the contemporary development of human rights has become authoritative, such that the rights and obligations advocated by religion seem like a burden on humanity. The loss of religious urgency has led to the destruction of the sensitivity of common sense, permitting that good and bad, and right and wrong, cannot be

measured by common sense alone (Kuqi and Esati 2025, 37). Human rights are not measurable by common sense but are wild, merely following pleasure and will, which leads to exaggeration (*tafrīt*) and belittling (*ifrāt*).

In Islamic ethics, freedom to do that within reasonable limits is not considered imprecise, while freedom from acts that fall under positive free will is considered important because they do not depart from God's commands and violate criminal and civil law. Therefore, this category includes acts of *lagha* (useless, meaningless, and frivolous), etc. Human rights, from the perspective of *ḥaq al-ʿibād*, concern freedoms that damage lineage (descendants), such as dating, cohabitation, clubbing, and non-marital relationships. Therefore, *taʿzīr* is the law, such as marrying the person, deporting them, or paying for the shortfall. Meanwhile, freedoms that damage property, such as theft, robbery, phishing, and theft, require restitution, rehabilitation, or replacing the shortfall, depending on the case.

Freedoms within the realm of Allah's truth, such as adultery, are punishable by stoning or stoning. Murderers must pay heavy or light *diyyat*, or forgiveness means turning to paying 100 camels (the equivalent), depending on the case. Meanwhile, bodily injury is punishable by *qisas* (retribution) to the extent of the possible joint, while any excess damage must be repaid (to calculate the shortfall). *Ribā* (usury) is repaid to the borrower. Punishment for indecent acts (*ikhtilāt*) and light gambling is *taʿzīr*. Therefore, freedom from crimes that are forgiven by following a heavy reconciliation (*sulḥu*) can include flogging, deportation (to the extent of shortening prayers), and *arsh* (small redemption) to calculate the shortfall. Meanwhile, freedom from non-criminal acts, such as minor losses, is subject to small reconciliation (shaking hands) or reconciling over a shared meal.

In Islam, human rights encompass freedom from doing something of no use. First, *laghā* actions, as mentioned in Q.S. Al-Mu'minūn [23]: 3, are considered useless for a person's self, worldly life, and religion. This category of futile acts includes *laʿibun* (futility, vanity, and leaving) and *lahwun* (useless/futile), as implied in Q.S. Al-Ankabūt [29]: 64. This verse states that both *lahwun* and *laʿibun* have no impact on one's worldly life or the afterlife. Therefore, they are considered mere permissible (*jāʿiz*) acts. *Jāʿiz* can be defined as an action or behavior where an individual has the freedom of choice to engage in an act that does not lead to punishment under either *taʿzīr* (corporal law) or *jarīmah* (crime). *Lahwun* and *laʿibun* are identified with acts that seek popularity and sensationalism, providing only a sense of enjoyment (groom), as exemplified in Q.S. Al-Ḥadīd [57]: 20. In this verse, plants that astonish farmers eventually wither and are destroyed. Thus, *lahwun* and *laʿibun* are actions with zero worldly and afterlife effects.

*Laʿibun* leads to the act of lollygagging (procrastinating) a definitive (*qaṭʿī*) command because it prioritizes performing *lahwun* actions (Banhāwī 2005, 442). *Lahwun* (mere play except play horse and archery) refers to actions that bring neither reward nor sin to the doer; however, they provide no positive wisdom (Nurhidayat et al. 2024, 357). These actions or knowledge create a sense of preoccupation and indulge a person's desires in their daily life (Sulaymān, n.d.).

The second category is *talāʿub amr*, which is the act of lollygagging on God's

commands by doing them at the very last minute, such as delaying Hajj, prayer, or giving zakat. Third is the category of *tatawwu'*, which are human actions that have the potential for future good. *Tatawwu'* actions are those that are liked throughout time because of their goodness (Yūnus 1997, 298), such as asceticism, being a wise man, being light-handed (generous), a peacemaker, a socialite, etc. This aligns with freedom in the realm of the sacred *numinous*.

In the case of Sahin versus Turkey, the use of headscarves by women was viewed as a matter of the private sphere. In contrast, the cases of Dogru versus France, Lautsi versus Italy, and Dahlab versus Switzerland all concerned the wearing of headscarves by teachers and students in schools. Freedom of religion is strongly supported by Dahlab and Sahim. Finland, according to data from the Fraser Institute, holds the highest level of freedom among general will, free will, and last will. Indonesia is known as the world's most tolerant nation, but the Chairman of the Pancasila Ideology Advisory Board (BPIP) has a slightly different view regarding the ban on headscarves for female flag-raising troops (*Paskibraka*) in 2024. Meanwhile, parents have reported the frequency of teachers hitting students with the police. Indonesian Governor Dedi Mulyadi disapproves of parents criminalizing or suing teachers who discipline students, even though parents have sued or mocked teachers and asked their children to educate themselves or prepare special guidance (Warta Kota Production 2026).

A fourth category of activity in Islam is *ṣinā'ah* (goods and services). This refers to human actions that produce creative works or products through manual labor. The activity of *ṣinā'ah* itself does not violate human rights in Islam. However, the resulting goods and products must not hurt a person's self or religion. For example, making wallets from pigskins or necklaces from dog bones would be considered impermissible. This is because both the creator and the use of such products would be shunned or ostracized by the community, as these items are made from materials considered unclean (*najīs*) in Islam.

Actions of *lagha* can lead to discombobulation (losing common sense) and include participating in games or competitions, creating comedy, making statues, playing music, singing, styling oneself, playing chess and similar activities, or staying up late for no good reason. An example of *talā'ub* (frivolous and dismissive) action is to skedaddle (ignore a warning) by prioritizing temporary pleasure over religious obligations, even if the religious duty is eventually performed. This can include watching a football match before praying, purchasing a luxury car before making the Hajj pilgrimage, or selling some of one's assets or pets to avoid paying *zakat*. Examples of *tatawwu'* (voluntary good deeds) include removing a thorn from a path, giving charity to the poor, and calling people by a good nickname (*laqab*). Based on these descriptions, *laghā*, *lahwun*, *la'ibun*, *talā'ub*, and *tatawwu'*, along with *ṣinā'ah* (craftsmanship/profession), are all considered *ikhti'yāriyah* (optional actions) where an individual has the choice to engage in or abstain from them.

In Islamic Human Rights, there is a clear distinction between fundamental duties and fundamental rights. Fundamental duties are based on definitive (*qat'ī*) Sharia law. These are obligations that must be performed regardless of one's

physical or emotional state: be it laziness, sadness, chronic illness, or even paralysis. These duties are non-negotiable and include prohibitions such as marrying a foster sibling, engaging in sexual relations after a third divorce, or marrying without a legal guardian (*wali*). In contrast, fundamental rights are considered a matter of personal choice, as long as the action is not explicitly forbidden (Umami and Ghofur 2022, 92). These rights are linked to actions like *lagha* (frivolous acts), *lahwun* (amusement), *la'ibun* (playing), and *tatawwu'* (voluntary good deeds). Examples include a woman choosing not to breastfeed to maintain her figure, using skincare products to whiten her skin, or participating in horse racing, learning martial arts, and so on

Human rights concerning the rights of the people against the president, a wife's rights against her husband, and a child's rights against their parents are all aspects of *'adl* or *ta'dl* (justice) (Miqat 2025, 284). If a crime occurs, the person at the top may not be severely punished, but the person from the bottom will receive a heavy punishment. The relationship from the bottom focuses more on demanding equality and equal attention to their rights. Meanwhile, the relationship from the top down reflects *ta'dib* (guiding manners), as parents, husbands, and the government have the right to personally manage their dependents' well-being by providing them with proper facilities. It's therefore reasonable for parents, husbands, and the government to manage them with a bit more discipline. Children, wives, and people are not justified in making harsh demands if they find their leaders unwise. Instead, they should discuss their desires amicably until their rights are fulfilled. This is how drug addiction is handled. In the West, drug freedom is a matter for the family, wife, and parents. In Indonesia, there is a rehabilitation law from the National Narcotics Agency (BNN) for drug addicts, who can be treated on an inpatient or outpatient basis. This is on the condition that they are not involved in drug trafficking, are caught with a small number of drugs, and are not considered drug mafia (Armiwulan 2022, 106).

In positive law, there is no benefit in applying prison sentences to drug addicts and abusers (W.P 2023, 40). The use of drugs and marijuana is legal in the West, and the state does not prohibit it, but only dealers and traffickers are heavily punished, while the BNN rehabilitates others. Negative freedom is seriously handled only after its consequences disrupt or conflict with the common good in social order (Stojadinović 2023, 246). In Indonesia, for example, there has been extreme bullying of prospective medical specialists. The academic culture of student organizations subjects them to campus orientation or hazing, where they are even ordered to eat grass, face physical and verbal abuse, intimidation, push-ups, punishment for being late, exhaustion, and demands for money. Juniors are treated as walking ATMs or exploited, required to purchase cell phones, and yelled at in the name of mental education. The bullying of juniors by seniors is a betrayal of positive freedom, leading to harmful action.

The effects of human rights that precede divine law and human law are observed as appreciating human errors related to pleasure. It is difficult for people to find a representative space that does not violate both divine and human law. Human

rights theory is based on the values of universalism. Universalism supports civil liberalism, which blurs the lines between take and give. For example, the freedom of a biologist to combine various sperm to create a new creature (cloning), the freedom of people to engage in immorality or promiscuity, the freedom to wear sensual clothing in public, the freedom to enjoy drunkenness, and the freedom to create or use weapons. All these freedoms, as mentioned above, can lead to crimes against humanity or the mastery of agonistic acts (Bekele 2024).

### The Taboo Systems for Legalist and Freedomist

In Islam, human rights are limited by the principle that all actions, behaviors, values, and awareness must adhere to the Sharia spheres (the boundaries of Islamic law). Actions that are considered *maṣlaḥah* (beneficial) are not a problem, such as a doctor requiring a patient to observe a patient's private parts for a specific medical treatment. Nevertheless, actions that are *shubḥah* (doubtful as to whether they are permissible or forbidden), like dubious sexual intercourse, are treated differently (Ashqar 1997, 223). Sharia sets specific boundaries based on several core principles. First, Muslim dress must cover *‘awrat* (the parts of the body that should be covered). Second, Muslim food must be halal and *mubāḥ* (lawful). Third, Muslim ethics dictate proper social and business relationships (*mu‘āmalah*), which involve respecting and assisting others, avoiding harm, and benefiting the community. Fourth, Muslim law distinguishes between severe punishment for major crimes, such as *qiṣās* (retaliation), *ḥudūd* (prescribed punishment), *jildan* (whipping), and *rajam* (stoning), and less severe punishment for lesser crimes, which are limited to *ta‘zīr* (discretionary punishment). Finally, Muslim work encompasses all deeds and acts of worship that are considered permissible, with all work being allowed unless it is explicitly forbidden.

In Islam, freedom is not absolute but rather upholds a Divine Constitution, Qur'an and Hadiths, as well as conventional law, such as customary law (*‘urf*). Both constitutional law and conventional law have different spheres of influence in their enforcement. Constitutional law is stronger in physical punishment, while conventional law is stronger in social sanctions. Fundamental rights and universal freedom are integrated into Islam, general will emphasizes the rights of all human beings, while free will is often seen as avoiding ethics because it is too agape and too effect *legibus solutus* (lack of accountability) for take-and-give actions such as abortion, dating behavior that results in pregnancy, violence in dating, treaty bodies, forced marriage, forced abortion, and sexual intimidation (attempted rape) (Moreira-de-Oliveira et al. 2022, 464). In Indonesia, abortions within the first 40 days of pregnancy are permitted under Government Regulation Number 61 of 2014, but they are considered a criminal act under the Indonesian Criminal Code (KUHP).

The secret of freedom is placing the living being in the same circumstance. Perfect soul liberty, or freedom of conscience, is capable of avoiding negative free will. Among Muslims, there is no such thing as pure freedom (*ḥurriyah*), but rather command power (*ikhtiyāriyah*), which entails responsibility for wrongdoing.

This includes offering expiation (*kafārat*), food (*fidyah*), animal sacrifice (*dam*), heavy fines (*diyyat*), and light fines (*arsh*), as well as avoiding haram (forbidden) and harming others, except in emergencies. Whereas acquisition (*kasb*) is an act of charity, virtue, creativity, and positive human behavior (Rosenthal 2025, 117).

Human rights can move in a strong positive direction, striving for justice, equality, and fairness. In contrast, they can also trend negatively towards things like sexual freedom, the freedom to clone, castration, euthanasia, freedom or pornographic acts (erotica), and the freedom to use addictive substances. Freedom often operates in a *modus ponens* manner, where a weakness in considering others allows the worst things to grow into social disasters. Examples of this include the widespread HIV-AIDS epidemic, gay and lesbian marriage in the United States, children born out of wedlock, and accidents caused by intoxication. However, positive human rights will continue to evolve with the times. For example, the traditional division of inheritance between men and women at a 2:1 ratio can be adjusted to be equal if the male sibling permits a portion of his share to his sister. The fundamental fact is that both men and women are equally human, and this foundational equality demands that every individual has an equal claim to human rights. However, this does not grant them the right to make the unequal equal. Furthermore, the issue of gender equality for men and women can be established as a permanent rule if its development assists in breaking the chain of immoral acts. However, if the development of gender equality is directly proportional to the growth of vice, then it may require re-evaluation or reduction.

In Indonesia, there is cultural tolerance and alcohol regulations, based on Article 7 of Presidential Regulation No. 74 of 2013, which permits the sale of Class A liquor with an alcohol content of 1-5%, with vendors prohibited from being located near places of worship, educational institutions, or hospitals. Furthermore, Article 14, paragraph 1 of Trade Ministry Regulation Number 20 of 2014 permits the direct sale of alcoholic drinks in bars, restaurants, and hotels. Article 28 of Trade Ministry Regulation Number 20 of 2024 prohibits the sale of alcoholic beverages near youth centers, bus terminals, street vendors, train stations, small kiosks, campsites, and youth hostels. It is also worth noting that Category B (20% alcohol content) and Category C (55% alcohol content) are permitted to be sold in bars, restaurants, and hotels. Some bars even allow for clubbing, queer karaoke, and light erotic entertainment.

Negative human rights were once prevalent in the Jahiliyah era, or the pre-Islamic period. This was a time when the truth of the holy scriptures was not followed because all divine books were considered to have been *mansūkh* (abrogated or expired). As a result, everything was measured by individual logic, leading to the dominance of jungle law. This era was marked by an increase in murder, adultery, robbery, and warfare, all in the pursuit of worldly pleasure. The Jahiliyah era was a time without normative boundaries, doctrines, or ideologies; there was only absolute freedom. People were driven to use their rights to kill, commit adultery, and wage war to protect their identity, honor, and to avoid being oppressed. The practice of circumcision in Islam is believed to better control one's sexual desires,

while in Western human rights, it is argued that a woman's genital pleasure is removed. The line between art and pornography becomes blurred when based on the sheer potency of sex, which can lead to situations like gang rape. Sometimes, freedom is difficult to distinguish between the slave and the master. The slave lacks freedom, while the master gains pure recognition. The slave can easily experience delirium (sudden fluctuations in consciousness) (Barry 2019, 83). As a result, children who are victims of rape suffer revictimization (difficulty in recovering). They are often forced to transfer schools or drop out.

The key difference between Islamic Human Rights (IHR) and Western Human Rights (WHR) is that WHR are anthropocentric and egocentric, whereas IHR are theocentric and *mubāḥ*-centric (centered on permissible acts). WHR allows for actions, behaviors, values, and consciousness to operate beyond the bounds of freedom and liberty in both quantity and quality. At a minimum level of freedom, one can still observe empathy, suggestion, and sympathy in actions like early marriage, death-defying stunts, eating food that is harmful to the body, dangerous magic tricks, smoking, using chemicals on the body or plants, growing lasting hair, diving, extreme jumping, illegal racing, rock climbing, all forms of competitive games, plastic surgery, selling body organs, owning dangerous animals, and more. However, at the maximum level of freedom, a sense of jiggery-pokery (deception or trickery) is implied, which many people cannot accept because it is considered taboo (Putnam 2025, 317).

This euphoria can lead to social chaos, sparked by public disapproval of acts such as cohabitation outside of marriage, contractual marriages, narcotics parties, owning weapons (for non-police and non-military), liquor parties, hypnosis, prostitution, gambling, suicide due to suffering (euthanasia), malpractice, cloning between animal sperm, commercial sex work, and motorcycle gangs. In Indonesia, indecent assault is referred to as indecent activity. In Islam, it is called *zinā ghayru muḥṣan* (adultery by an unmarried person) and is punished with 100 *jilid* (lashes). In Aceh, the punishment for indecency is 125 floggings. The scandal of gay partnership was punished with 80–85 floggings in March 2021 (Andriansyah and Mazrieva 2025, 1).

What is desired from human rights is at least participation in minimum good values; therefore, the maximum evil values are ensured that everyone tries to get rid of them. The parties harmed by human rights are mostly weak people, women, and children. Human rights treat women more discriminatorily and discredit them, such as concubines, divorce, prostitution, the prohibition of minidresses, pornographic exploitation, domestic violence, and career limitation. There was a case in Indonesia where an in-vitro fertilization (IVF) baby from cloning was not a suitable replica and was rejected by one of the partners. This situation indicates that VF is vulnerable to problems. Likewise, marriage between clans is not allowed, but interfaith marriage often occurs. Interfaith marriage is prohibited by Islam but is not prohibited by the state because it does not indicate a law, such as Jamal Mirdad with Lidya Kandow and Sarwendah with Giorgio Antonio. Meanwhile, in Malay custom (a strong Indonesian tradition), this is observed as violating the

customary taboo systems.

Therefore, cultural rules are stronger/more positive than the religious rules that are adhered to. Because of this, sometimes transgender people are not free to be in public spaces, especially in Aceh; therefore, the Circular Letter of the Ministry of Religious Affairs of Bireuen prohibits employing transgender people in the Bireuen area. The same goes for conventional rules in the Malay customary prohibitions, which are: it is forbidden for women to expose their intimate parts, wear thin clothing, wear tight clothes, wear fashionable clothes against custom, wear clothes according to context such as death, engagement, *iḥdād* (waiting period days), pregnancy without marriage, having children without a father, taking other people's land, raising one's voice, talking too much, stretching out one's legs, using the left hand, being indifferent to parents, not receiving along with friends, pointing with the left hand, peeking at people bathing, taking side dishes with one's hands, not receiving along with friends, holding a friend's head, farting while eating, peeing on a beehive tree, spitting, picking unripe fruit, wearing a t-shirt to the mosque, not mentioning the name of God in the toilet, non-Muslims entering the mosque, holding the Qur'an without wudhu', etc.

Calculative, maximum freedom is predicted not to reach a dramatic number; for example, a village, sub-district, city, or even country level does not reach a fantastic number. However, the existence of those who enjoy maximum freedom greatly influences negative situations in the surrounding environment. Therefore, human rights within the limits of maximum freedom are more of a serendipity (feels good later) that is difficult to distinguish as a trigger for crime because every end of their actions is confirmed to fall into crime (Satar et al. 2022, 68). They deserve to be labeled as amoral, having severe psychological damage, and being religious liars (Blasi et al. 2023, 4).

Freedom serendipity is the concern of all people about human rights at the level of maximum freedom, giving a nuanced feeling of unrest. An example of minimum freedom is expressing Bismillah when eating *samnong/cujica* pork crackers, which led to Lina Mukherjee being sentenced to two years in prison for blasphemy. However, there are also concerns due to the hullabaloo from minimum freedom, such as the Sound Horeg phenomenon (sound system parade) in Indonesia, which is a mix of popular entertainment and a source of unrest. The East Java MUI issued decision number 1 of 2025, declaring Sound Horeg as forbidden for any reason, including celebrations, parades, folk parties, and processions with a sound volume of 120 dB with trucks or pickups, making *toa* (loudspeaker) a source of discrimination (Darmawan and Efendi 2025; Darmawan and Nurahmad 2007, 41). Meanwhile, Malang Regional Police have not provided a legal basis for their actions. However, they already inserted a halal logo on the truck as satire of MUI.

Human rights should ideally present a social equilibrium; therefore, people who enjoy human rights do not participate in breaking the law, breaking religious events, and breaking cultural events (Pangle 2025, 156). For example, a person who smokes does not violate any law, and there is no religious rule that prohibits it; in fact, culturally, it is highly appreciated and observed as relevant to the development

of the culture itself.

## Human Rights: Between Revolution and Evolution in The World and Indonesia

Human rights are different from constitutional rights. Human rights are different from constitutional rights. Human rights require thoughts that are based on standards of decency, dignity, and self-respect in a normative universal. Constitutional rights are juridical institutions to process the most comprehensive of rights, which make good on the social contract and against all tinkering (Do 2023, 306).

Human rights do not aim to solve legal events or even break cultural traditions that have been embedded in customary norms. In contrast, constitutional rights are clearly contained in culture, state, and religion, which have been proven to have ideologies, doctrines, or dogmas regulated in written law as a breakdown of a social contract that binds them in an effort to harmonize society as the owner of civilization. Freedom is not a right but a privilege to act on one's own free will. Unfortunately, sexual cohabitation, love hut, and blind date incite libidinal licentiousness that makes a current conflict appear at an earlier level (promiscuity playing) to raise pregnancy (genetic rejection/this is eat-no-eat). Alcohol consumption is like binge-no-binge, where the sick will waste eating. The Sexual friendship culture of the Mystique Era in Japan permits women the right to *samen leven* (cohabitation) (Mortelmans et al. 2025, 339).

The Kreung tribe in Vietnam provides freedom in a love nest (*agamang*) for romantic relationships. In China, people are permitted the freedom to 'blind date' as a tradition to find the right one before proper marriage (Sciubba 2025, 182). In Thailand, 18 genders are permitted to them to achieve the pleasure of total freedom.

Meanwhile, in Indonesia, there has been a recent phenomenon of women seeking divorce from the court after they were officially appointed as P3K (Government Employees with Work Agreements) in July 2025. This has been observed as an act of female career hegemony due to their change in economic status. As a result of these improvements, many P3K women will be minimized to enlighten acting without thinking is a characteristic of the general will when they solve careless problem-solving style that have no foresight about the consequences of their behaviors. Divorces have become known as P3K Syndrome, a new *modus vivendi* of freedom (Rabiah 2025, 1).

Ultimately, human rights do not recognize a stationary truth that is once and for all. The truth of human rights is pluralistic, while the values of religion, culture, and state are self-doctrinal, embracing an all-at-once approach. The open actions that may be taken within human rights include justification, which is immortalized as a priority for seeking subjective justification that is anything goes (Bekele 2024, 47). Human rights aim to disclose the world and life from a worldview perspective that affects everyone.

Freedom is the highlight of a person's rights, not the duties that must be

performed. The freedom of human rights is tentative, not deliberate, and is accommodated in an atmosphere of simplicity that desires sympathy and empathy from others. Freedom is about determining a representative place for the expression of divine law and human law. Religious freedom is included in human rights. This human right is in line with fundamental liberties, an agreement on the freedom of religious values. Freedom here does not mean the freedom not to embrace a religion, but the freedom to select a religious belief that is in line with one's own convictions or leeway to act (Lee 2024, 567).

Meanwhile, interfaith marriage is fundamentally condemned by all religions because of the difficulties in resolving problems later on. Even same-sex marriage is not identical to true marriage but is a lack of unity due to the inability to have intercourse. As for the issue of wearing revealing clothes in public, no religion in the world condones this. This is proven by the fact that no religious leader dresses in such a way because it can lead to reproach, slander, and a loss of dignity. Marriage *cum manu* (the transfer of rights from father to husband) is more honorable than marriage *sine manu*, such as unregistered or eloped marriages, which make the husband not fully responsible. Marriage between *sui heredes* (heirs/of the same lineage) is not permitted. In Indonesia, especially among Batak, a boy is not allowed to marry someone from the same clan, which is known as exogamous marriage.

Human rights should provide a dynamic opening to follow the paradigm of human behavior in the pursuit of pleasure and happiness. Generally, negative friendships between men and women have been proven to cause fatal diseases. Human rights are three characteristics: freedom; the last will be as heavy a request for final decision; freedom in general will order cultural freedom as equality, religion, expression, speech, fair trial, petition, assembly, law, and justice.

There are three types of freedom: freedom within the limits of a last will, which is freedom that demands heavy demands based on majestic or extreme desires, such as building the most magnificent mosque, donating all one's wealth, donating one's organs, euthanasia, replica cloning, etc. Second, freedom within the character of a general will, which includes freedoms such as the right to equality, the right to religion, the right to freedom of expression, the right to speak, the right to a fair trial, the right to petition, the right to assembly, the right to law, and the right to justice.

Meanwhile, freedom within the character of free will seeks the fullest hedonistic pursuits, jouissance, materialism, pleasure, extreme sports, adventure holism, etc. Pure freedom is Anglo-Saxon freedom, such as limiting the power of kings, landlords, and legal authoritarians, thus becoming a *Philemon* (human compassion) and *Onesimus* (useful man) in creating *Chrestotes* (harmonious social interactions). In Islam, it is known as *akhlākul karīmah* (not harming or harming others).

Human rights find it difficult to clarify certain issues related to criminal law norms and standards. Human rights provide a much broader protection for women, children, and minorities (Miles-Johnson 2022, 74). In the context of human rights, freedom is far from discriminatory behavior, arbitrary treatment,

legal violations, and genocide. Human rights advocate for restorative justice (Alarcon 2001), which prioritizes crime prevention and balancing the interests of victims (Flora 2021, 672).

## Conclusion

The freedom to take and give at the level of free will in Indonesia includes examples such as contract marriages in Puncak Bogor, investment in crypto or stock academies, interfaith marriages, alcohol sellers in Jakarta, friendships between online motorcycle taxi drivers and foreign women in Bali, terrorists, and volcano climbers. The freedom to take and give in *I-Thou* behavior is given the broadest possible rights to develop into preboom. Meanwhile, the freedom to take and give in *I-It* behavior requires a written legal barrier that can impose definite penalties to prevent the spread of social damage and loss.

The legalist hinders someone from getting salvaged (the path/destiny), but the freedomist chances the opportunity cultures for that improvement in the absence of galling. The legalist is in goodwill; the freedomist tries to liberate a legalist. Pseudo-freedomists mismatch taboo systems that standardize provision as life curriculum. The criteria for freedom take and give, firstly, move inward as the ability to have freedom to and still consider himself good comes to hinge on the issue of selfishness with which she struggles to oppose freedom from. Freedomism further elaborates that when a soul gets polluted due to karmic effects, it needs to purify through repeated cycles of *I-Thou* and *I-It* before it can merge with agapeic.

All effects of freedom carry with them responsibilities to perfect a defect of self-freedom such as *kafārat*, *fidyah*, *dam*, *diyyat*, and *arsh*, which entail paying for all losses suffered by others, breach of contract, and negligence. Freedom within the *I-Thou* character forms progressive values because it can develop skills, tasks, profits, career advancement, or salary increases. Meanwhile, freedom within the *I-It* character, which seeks self-pleasure, has the potential to be exploited, manipulated, toyed with, wronged, or exploited in sensational behavior. The *I-It* is often used as a game or as an object of suffering.

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