

ABSTRACT

Islamic law intensely more protects human right than the view and the consideration of western uerope law. That differencess is happened because western law's consideration view human right only for antropocentris, it means that it focused on human being. By those consideration, human being is so emphasized. On the contrary, islamic law's viewing is included on teosentris, it means it is focused into God. Human creature is surely important but the most prominent thing is Allah. Allah is the principal of everything. The Koran as the first source of law for moslem was put the principals of human right, the truth, and also the justness. This matter can be observed in the Koran sura Al-Maidah 32th verse, sura al-Hujarat 13th verse, dan sura al-Kahfi 29th verse.

The kind of this research is included on normative law's research. It means that normative research in the kind of research that focuses to examine the assembling of positive law's rules and norms. In addition, it is available from the regulation of legislation and the books or the result of research related to main problem which is examined in Islamic law.

Within ensure human right in islamic law is not only organizes the relationship between human creature and God, but it is also organizes the relationship between human creature and them self, with society and good and the nature around them. As one system, it organizes the life and human life in kind of dimension. These matters can be observed on the purpose of islamic law. It is to maintain religion right that reflect on sura Al-Maidah 45th verse and sura Al-Isra 33th verse, maintaining mind in sura At-Taubah: 122th verse, maintaining the generation in sura Al-Baqarah 233th verse, and maintaining wealth in sura An-Nisa 29th verse.

The islamic judicature law is based on the quran and Al-Hadist thats are: the argumetation in the Koran sura an-Nisa ' 135th verse, sura al-Maidah 8th verse, sura an-nahl 90th verse dan sura an-Nisa' 58th verse. Meanwhile, in Al-Hadist by Buraidah Radliyallaahu 'anhu, Abu Hurairah Radliyallaahu *anhu*, Abu Bakrah Radliyallaahu 'Anhu and also by Ali Radliyallaahu 'an. Therefore, the Islamic judicature law that is to erect the justness forms the part of Islamic law which is inseparable. It is also included as strategy for Muslim's prosperity that is formed as the substantive of Allah's justness and the prophet.

Keywords: Islamic criminal law protects human right.

DAFTAR ISI

HALAMAN JUDUL	i
HALAMAN PERSETUJUAN	ii
HALAMAN PENGESAHAN	iii
HALAMAN KEASLIAN	iv
HALAMAN MOTO	v
HALAMAN PERSEMBAHAN	vi
HALAMAN PENGANTAR	vii
ABSTRAK	viii
DAFTAR ISI.....	ix

BAB I PENDAHULUAN	1
1.1 Latar Belakang	1
1.2 Rumusan Masalah.....	7
1.3 Tujuan Penelitian.....	7
1.4 Memfaat Penelitian.....	7
1.4.1 Memfaat Teoritis	7
1.4.2 Manfaat Peraktis.....	8
1.5 Keaslian	8
1.6 Metode Penelitian	8
1.6.1 Jenis penelitian.....	9
1.6.2 Metode Pendekatan	9
1.6.3 Bahan Hukum.....	9
1.6.4 Teknik Pengumpulan Bahan Hukum	10
1.6.5 Metode Analisa Bahan Hukum	10

BAB II PERLINDUNGAN HAK ASASI MANUSIA.....	12
2.1 Jaminan Hak Asasi Manusia Dalam Konstitusi	12
2.2 Jaminan Hak Asasi Manusia dalam Peradilan.....	19
2.3 Jaminan Hak Asasi Manusia dalam Islam	24
2.4 Lembaga Kekuasaan Kehakiman Islam.....	38
2.4.1 Al-Mazalim.....	38
2.4.2 Al-Qadha'	41
2.4.3 Al-Hisbah	44

BAB III PERLINDUNGAN HAK ASASI MANUSIA DALAM HUKUM PIDANA ISLAM	48
3.1. Perlindungan Hak Asasi Manusia Menurut Pidana Islam.....	48
3.2. Perlindungan Hak Asasi Manusia Di Arab Saudi	60
3.3. Perbandingan	66
3.3. Analisis	75

BAB IV PENUTUP	92
4.1 Kesimpulan	92
4.2 Saran	94
DAFTAR PUSTAKA	96