Human Rights in Bangladesh in Light of The Five Objectives of Islamic Law: A Critical Analytical Study

*Muhammad Kamrul Islam Bhuiyan[1], Hussein Ali Abdullah Al-Thulaia[2], Musa Hussien[3], Mohammad Ishaque Husain[4]

[1]Faculty of Contemporary Islamic Studies (FKI) University Sultan Zainal Abidin (UniSZA), Malaysia

[2]Faculty of Contemporary Islamic Studies (FKI) University Sultan Zainal Abidin (UniSZA), Malaysia

[3]Faculty of Arts, Department of Arabic Language and Literature Jerash University, Jerash, Jordan

[4]Faculty of Contemporary Islamic Studies (FKI) University Sultan Zainal Abidin (UniSZA), Malaysia

Corresponding Author's

ABSTRACT

This article critically examines the trajectory of human rights in Bangladesh from its independence in 1971 to the present through the analytical framework of the five objectives of Islamic law (maqāṣid al-sharīʿah): protection of religion (ḥifẓ al-dīn), life (ḥifẓ al-nafs), intellect (ḥifẓ al-ʿaql), lineage (ḥifẓ al-nasl), and property (ḥifẓ al-māl). Bangladesh has constitutionally enshrined fundamental rights and acceded to major international human rights treaties, including the ICCPR and CEDAW. Nevertheless, a persistent gap remains between formal legal commitments and their practical realization, particularly in areas related to civil liberties, governance, and family law. Adopting a qualitative critical-analytical methodology, this study integrates international human rights law with a maqāṣid-based ethical evaluation in order to assess both normative alignment and practical tensions. Drawing on constitutional texts, international treaties, human rights reports, development indicators, and classical as well as contemporary Islamic jurisprudential sources, the analysis demonstrates that Bangladesh has achieved notable progress in socio-economic domains such as health, education, and poverty reduction. These advancements reflect partial fulfillment of the objectives of protecting life and property. However, enduring challenges remain with respect to freedom of expression, judicial accountability, protection of women and children, and the politicization of legal and security institutions, which undermine the comprehensive realization of maqāṣid al-sharīʿah. The article argues that maqāṣid al-sharīʿah provides a coherent and culturally resonant normative framework capable of contextualizing human rights discourse within Muslim-majority societies without rejecting international standards. Rather than serving as a defensive or apologetic construct, the maqāṣid framework functions as an internal ethical criterion for critique, reform, and moral accountability. The study concludes by advocating an integrative maqāṣid-oriented reform paradigm that bridges Islamic ethical objectives and international human rights norms, thereby enhancing both the legitimacy and effectiveness of human rights reforms in Bangladesh and comparable contexts.

Keywords: Human Rights, Bangladesh, Maqāṣid al-Sharīʿah, Islamic Thought, International Law, Muslim Societies

INTRODUCTION

Human rights discourse in Muslim-majority societies unfolds within a complex and often contested interaction between constitutional commitments, international legal obligations, and deeply rooted religious–ethical frameworks. Unlike secular legal systems in which rights are primarily grounded in positivist norms, many Muslim societies operate within layered normative orders where constitutional law, international human rights law, and Islamic moral reasoning coexist and occasionally collide. Bangladesh represents a particularly

instructive case in this regard. Since gaining independence in 1971, the country has adopted a constitutional order that formally guarantees fundamental rights while simultaneously navigating a socio-political landscape shaped by Islamic cultural heritage, postcolonial state formation, and development-oriented governance.

The Constitution of the People's Republic of Bangladesh enshrines a broad catalogue of fundamental rights, including equality before the law, the right to life and personal liberty, freedom of expression, and freedom of religion. These domestic guarantees are reinforced by Bangladesh's accession to major international human rights instruments, most notably the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which together impose binding obligations across civil, political, economic, social, and cultural domains (Office of the United Nations High Commissioner for Human Rights [OHCHR], n.d.). From a formal legal perspective, Bangladesh thus appears firmly embedded within the global human rights regime.

Empirical evidence, however, reveals a more complex reality. International monitoring bodies consistently document enduring structural challenges, particularly in relation to civil and political rights. Reports by Human Rights Watch identify recurrent patterns of enforced disappearances, extrajudicial killings, custodial abuse, and restrictions on peaceful assembly, indicating persistent weaknesses in accountability mechanisms and the rule of law (Human Rights Watch, 2025a). Similarly, Reporters Without Borders records a sustained decline in Bangladesh's ranking in the World Press Freedom Index, linking this trend to restrictive legislation, digital security laws, and political pressure on journalists and media institutions (Reporters Without Borders, 2025). According to the 2025 index, Bangladesh remains positioned in the lower tier globally, reflecting a constrained civic and informational environment.

At the same time, Bangladesh has achieved notable socio-economic progress. World Bank data indicate that national poverty levels have declined significantly over the past three decades, adult literacy rates have exceeded 75%, and life expectancy has risen to over 73 years, placing Bangladesh among the more successful development cases in South Asia (World Bank, 2025). The country is frequently cited for improvements in public health, disaster preparedness, and gender parity in primary education. This coexistence of socio-economic advancement and persistent civil–political deficits raises a fundamental analytical question: how can progress and regression in human rights coexist within the same national trajectory?

Prevailing academic and policy analyses largely approach this question through the lens of international human rights law and governance theory, emphasizing treaty compliance, institutional capacity, and enforcement gaps. While indispensable, such approaches remain insufficient for capturing the normative and ethical dynamics that shape human rights practices in Muslim-majority societies. In particular, they often marginalize the religious and moral frameworks that continue to influence legal interpretation, public legitimacy, and societal values in contexts such as Bangladesh.

In contrast, maqāṣid al-sharīʿah (the higher objectives of Islamic law) offers a comprehensive ethical framework capable of enriching human rights analysis. Systematically articulated by classical jurists such as Abū Ḥāmid al-Ghazālī and Ibrāhīm al-Shāṭibī, the maqāṣid paradigm conceptualizes Islamic law as a moral system aimed at safeguarding essential human interests: religion (ḥifẓ al-dīn), life (ḥifẓ al-nafs), intellect (ḥifẓ al-ʿaql), lineage (ḥifẓ al-nasl), and property (ḥifẓ al-māl) (al-Ghazālī, n.d.; al-Shāṭibī, n.d.). These objectives are deeply rooted in the Qurʾān and the Sunnah, which emphasize human dignity, justice, and the inviolability of life and property. The Qurʾān declares: "Whoever kills a soul … it is as if he had slain all mankind" (Qurʾān 5:32), and commands justice as a universal moral obligation: "Indeed, Allah commands justice and excellence" (Qurʾān 16:90). Likewise, the Prophet Muḥammad ﷺ affirmed the sanctity of human life and property in his Farewell Sermon: "Your blood, your property, and your honor are sacred to you" (Ṣaḥīḥ al-Bukhārī; Ṣaḥīḥ Muslim).

By applying the maqāṣid framework to the Bangladeshi context, this study seeks to move beyond the binary of compliance versus violation and to provide a normatively grounded and culturally resonant evaluation of human rights practices. Rather than positioning Islamic ethics in opposition to international human rights standards, the article argues that maqāṣid al-sharīʿah can function as a bridge framework, reinforcing universal human rights through an internal moral vocabulary that enhances societal legitimacy and reform sustainability.

This integrative approach aligns closely with the intellectual orientation of the Journal of Islamic Thought and Civilization, which emphasizes critical engagement between Islamic intellectual heritage and contemporary socio-political challenges. By situating human rights analysis at the intersection of international law, governance realities, and Islamic ethical objectives, the study contributes to a more holistic and context-sensitive understanding of human rights in Bangladesh and comparable Muslim-majority societies.

Table 1 Qurʾān–Ḥadīth Foundations of Maqāṣid al-Sharīʿah and Human Rights

Maqṣad (Objective)	Qurʾānic Reference	Prophetic Tradition (Ḥadīth)	Human Rights Implication
Ḥifẓ al-Dīn (Religion)	"There is no compulsion in religion" (2:256)	"Whoever harms a non-Muslim citizen, I am his adversary" (reported in Sunnah literature)	Freedom of belief and religious pluralism
Ḥifẓ al-Nafs (Life)	"Whoever kills a soul… it is as if he killed all mankind" (5:32)	"The blood of a Muslim is inviolable…" (Bukhārī; Muslim)	Right to life and security
Ḥifẓ al-ʿAql (Intellect)	"Do they not reflect?" (30:8)	"Seeking knowledge is obligatory upon every Muslim" (Ibn Mājah)	Education and freedom of thought
Ḥifẓ al-Nasl (Lineage)	"Do not approach indecency" (17:32)	"The best of you are the best to their families" (Tirmidhī)	Family integrity and child protection
Ḥifẓ al-Māl (Property)	"Do not consume one another's wealth unjustly" (4:29)	"Your property is sacred" (Farewell Sermon)	Property rights and economic justice

LITERATURE REVIEW

Human Rights in Bangladesh: Legal, Empirical, and Governance-Oriented Studies

Contemporary scholarship on human rights in Bangladesh reveals the emergence of a broad and growing body of literature that is predominantly legal-descriptive and empirical-reporting in nature. Most studies focus on analyzing the constitutional framework, international treaty obligations, and documented human rights violations reported by international human rights organizations. Constitutional law scholars generally agree that the 1972 Constitution of Bangladesh—despite numerous subsequent amendments—contains one of the most comprehensive bills of fundamental rights in South Asia, particularly with respect to equality before the law, the right to life, freedom of expression, freedom of religion, and guarantees of due process and fair trial (Haque, 2019).

However, a substantial segment of the literature argues that this advanced constitutional framework has not translated into stable and effective institutional practice. This gap is commonly attributed to structural factors, including the weakness of judicial independence, the politicization of law enforcement agencies, and the dominance of the executive branch over the public sphere. In this regard, several analysts contend that the core problem in Bangladesh is not fundamentally legislative, but rather governance-based, as legal instruments are at times deployed as mechanisms of political control rather than as safeguards for rights protection (Haque, 2019).

Empirical human rights research relies heavily on reports produced by international non-governmental organizations, most notably Human Rights Watch, which over the past two decades has documented recurring patterns of violations. These include extrajudicial killings, enforced disappearances, custodial torture, and restrictions on the right to peaceful assembly (Human Rights Watch, 2025a). Such reports emphasize that these violations are not isolated incidents but reflect systemic practices linked to the structure of the security sector and the absence of effective accountability mechanisms.

Within the domain of civil and political rights, freedom of expression and press freedom constitute some of the most extensively examined issues in recent literature. Media and legal studies consistently document Bangladesh's declining ranking in the World Press Freedom Index, attributing this deterioration to broadly worded legislation—particularly digital security laws—and their application against journalists, activists, and critics under the pretext of protecting national security or social values (Reporters Without Borders, 2025). These studies further note the emergence of what is commonly described as a chilling effect, whereby legal harassment and prosecution foster widespread self-censorship within media institutions and civil society.

In relation to women's rights and family law, the literature highlights persistent tensions between Bangladesh's international commitments under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the country's religiously grounded personal status laws. Comparative legal analyses suggest that Bangladesh's reservations to key provisions of CEDAW—particularly Article 2 and Article 16—reflect an unresolved conflict between the gender equality discourse of international human rights law and a religious–cultural framework perceived as integral to national identity (United Nations Treaty Collection, n.d.).

Despite the richness and volume of these studies, they share a notable methodological limitation: religion, where addressed, is frequently treated as a problematic variable or an obstacle to full compliance with international human rights standards. Little effort is made to reinterpret religion as a potentially constructive ethical framework that could complement or reinforce rights protection. As a result, much of the human rights literature on Bangladesh remains confined within a binary logic of compliance versus violation, without engaging more deeply with culturally grounded normative perspectives.

Table 2 Analytical Mapping of Human Rights Scholarship on Bangladesh

Analytical Dimension	Dominant Focus in Existing Literature	Key Findings	Identified Limitations	Implications for This Study
Constitutional & Legal Framework	Analysis of the 1972 Constitution and international treaty obligations	Constitution provides a comprehensive bill of rights; formal alignment with ICCPR and CEDAW (Haque, 2019)	Overemphasis on textual guarantees with limited assessment of practical enforcement	Necessitates a framework that evaluates law-in-practice, not law-in-text
Governance & Institutional Practice	Judicial independence, executive dominance, law enforcement behavior	Structural weaknesses undermine rights protection; governance failure rather than legislative deficit (Haque, 2019)	Limited normative evaluation of legitimacy and ethical accountability	Opens space for maqāṣid-based governance critique
Empirical Documentation of Violations	NGO reporting (e.g., Human Rights Watch)	Systematic patterns of extrajudicial killings, disappearances, torture, and assembly restrictions (Human Rights Watch, 2025a)	Descriptive and reactive; lacks an internal ethical or normative framework	Requires integration of ethical evaluation beyond reporting
Freedom of Expression & Media	Press freedom indices and legal analysis of digital security laws	Declining press freedom; chilling effect and self-censorship (Reporters Without Borders, 2025)	Focus on legal misuse without deeper cultural–normative analysis	Calls for ethical frameworks addressing intellect, truth, and public reason

Women's Rights & Family Law	CEDAW compliance and personal status laws	Persistent tension between international norms and religiously grounded laws (United Nations Treaty Collection, n.d.)	Religion framed as an obstacle rather than a normative resource	Justifies maqāṣid-based reinterpretation of family and gender justice
Role of Religion	Marginal or problematized	Religion often viewed as incompatible with rights discourse	Lack of constructive engagement with Islamic ethics	Central research gap addressed by this study

Maqāṣid al-Sharīʿah in Contemporary Islamic Thought and Reform Discourse

In contrast, the field of maqāṣid al-sharīʿah studies has experienced significant intellectual development over recent decades. Islamic legal objectives have been revitalized as a reform-oriented framework capable of transcending textual rigidity and the traditional dichotomy between Islamic law and social reality. Classical jurists, most prominently Abū Ḥāmid al-Ghazālī and Ibrāhīm al-Shāṭibī, firmly established the view that Islamic law was instituted to secure human welfare, with its essence encapsulated in the preservation of five essential necessities: religion, life, intellect, lineage, and property (al-Ghazālī, n.d.; al-Shāṭibī, n.d.).

With the advent of the twentieth century, maqāṣid theory evolved from an internal juristic tool into a broader ethical framework within Islamic reformist thought. This transformation was particularly advanced by Ibn ʿĀshūr, who reconceptualized maqāṣid as a system of universal human values, placing dignity, freedom, and social justice at the heart of Islamic legislation (Ibn ʿĀshūr, n.d.). This reconceptualization enabled the application of maqāṣid to contemporary issues such as good governance, women's rights, Islamic economics, and medical ethics.

In recent decades, maqāṣid-based approaches have expanded into fields including public policy, development studies, and governance theory. A growing number of scholars argue that maqāṣid al-sharīʿah can function as a conceptual bridge between Islamic values and modern global norms. Nevertheless, most of this scholarship remains theoretically normative, focusing on demonstrating the abstract compatibility of Islamic law with human rights, rather than critically engaging with the empirical realities of Muslim-majority states.

Where attempts have been made to link maqāṣid and human rights, they often take the form of apologetic discourse, emphasizing general areas of convergence while avoiding sustained engagement with sites of tension, contradiction, or institutional failure. Only a limited number of studies have advanced toward applied analysis, employing maqāṣid as an evaluative framework for assessing the policies and practices of a specific state across an extended historical period.

Consequently, despite its theoretical richness, the maqāṣid field continues to suffer from a methodological gap in relation to contemporary human rights realities, particularly in politically and socially complex regions such as South Asia.

Table 3 Analytical Mapping of Maqāṣid al-Sharīʿah Scholarship in Contemporary Islamic Thought

Analytical Dimension	Dominant Scholarly Orientation	Key Contributions	Methodological Limitations	Relevance to This Study
Classical Foundations	Juristic–theoretical	Maqāṣid framed as protection of five essential necessities; law oriented toward	Primarily internal to legal theory; limited engagement with	Provides normative foundations for ethical evaluation

		human welfare (al-Ghazālī; al-Shāṭibī)	modern state systems	
Modern Reformist Thought	Ethical–philosophical	Expansion of maqāṣid to include dignity, freedom, and social justice (Ibn ʿĀshūr)	Conceptual broadening without systematic empirical application	Enables maqāṣid to engage contemporary rights discourse
Contemporary Applications	Normative and interdisciplinary	Application to governance, economics, bioethics, and public policy	Largely abstract; focuses on theoretical compatibility	Calls for operationalization in real-world contexts
Maqāṣid and Human Rights	Apologetic–convergent	Emphasis on harmony between Islamic law and human rights	Avoidance of tension, contradiction, and institutional failure	Necessitates critical rather than defensive analysis
Empirical State-Level Analysis	Limited and underdeveloped	Few attempts to assess specific countries longitudinally	Absence of sustained, data-informed evaluation	Central gap addressed by this research
Regional Context (South Asia)	Marginally addressed	Minimal engagement with complex political realities	Lack of contextual sensitivity	Justifies focus on Bangladesh as a case study

Identified Research Gap

A critical synthesis of the two bodies of literature reveals a multidimensional research gap that can be summarized as follows.

First, there exists a clear methodological disconnect between human rights studies on Bangladesh—largely grounded in international legal paradigms—and maqāṣid-based scholarship, which tends to emphasize ethical analysis without sustained contextual or empirical engagement. This disconnect limits cross-fertilization between the two fields and results in fragmented understandings of the human rights landscape.

Second, the existing literature lacks a comprehensive longitudinal study that traces the evolution of human rights in Bangladesh from independence to the present, while systematically analyzing the country's transition from post-liberation governance, through periods of military rule and procedural democracy, to its contemporary security–developmental state model.

Third, to the best of current knowledge, no peer-reviewed study has employed the five objectives of Islamic law as a critical analytical framework for evaluating the human rights situation in Bangladesh, linking each maqṣad to specific rights domains and public policies.

Fourth, the issue of Bangladesh's reservations to international human rights treaties has not been sufficiently examined from a maqāṣid-based perspective that balances religious considerations with social justice imperatives and the protection of vulnerable groups, rather than framing the issue as a simplistic opposition between religion and international law.

Accordingly, this study seeks to address these gaps by offering an integrative and critical analysis that deploys maqāṣid al-sharīʿah as a normative evaluative framework and reinserts it into the human rights discourse on Bangladesh. In doing so, the study aims to contribute to the development of a more nuanced and context-sensitive human rights paradigm in Islamic settings, moving beyond the reductive binary between "religious reference" and "global standards."

Theoretical Framework: Maqāṣid al-Sharīʿah and Human Rights

The theoretical foundation of this study is grounded in maqāṣid al-sharīʿah, a normative-ethical framework within Islamic legal theory that conceptualizes the ultimate purposes and higher objectives of Islamic law. Unlike literalist or rule-based approaches that focus narrowly on textual commands, the maqāṣid paradigm emphasizes the teleological dimension of law—namely, the realization of human welfare (maṣlaḥah) and the prevention of harm (mafsadah) across individual and collective life (al-Ghazālī, n.d.; al-Shāṭibī, n.d.).

Classical Islamic jurists, most notably Abū Ḥāmid al-Ghazālī and Ibrāhīm al-Shāṭibī, articulated the idea that all legal rulings ultimately serve to protect five indispensable human interests: religion (ḥifẓ al-dīn), life (ḥifẓ al-nafs), intellect (ḥifẓ al-ʿaql), lineage (ḥifẓ al-nasl), and property (ḥifẓ al-māl) (al-Shāṭibī, n.d.). These objectives—commonly referred to as the ḍarūriyyāt (essentials)—constitute the core of Islamic normative reasoning, such that any legal system or public policy claiming Islamic legitimacy must demonstrably safeguard them.

Maqāṣid al-Sharīʿah as a Normative–Ethical System

From a theoretical standpoint, maqāṣid al-sharīʿah operates as a comprehensive ethical matrix rather than a fixed set of legal rules. It provides evaluative criteria through which laws, institutions, and policies can be assessed in terms of their contribution to human dignity, justice, and social equilibrium. As al-Shāṭibī famously argued, legal rulings lose their legitimacy when they undermine the very interests they were designed to protect (al-Shāṭibī, n.d.).

Modern reformist scholars such as Ibn ʿĀshūr further expanded the maqāṣid paradigm by foregrounding human dignity (karāmah), freedom (ḥurriyyah), equality, and social justice as overarching objectives of Islamic law (Ibn ʿĀshūr, n.d.). This expansion marked a critical shift from a narrowly juristic conception of maqāṣid to a civilizational and human-centered vision, rendering the framework particularly relevant for contemporary discussions on governance, citizenship, and human rights.

Within this expanded understanding, maqāṣid al-sharīʿah transcends its classical role as an internal tool of jurisprudence and becomes a theory of moral legitimacy, capable of interrogating state practices, legal institutions, and public authority. This makes it especially suitable for evaluating modern nation-states in Muslim-majority contexts, where constitutionalism and international law coexist with religious and ethical traditions.

Conceptual Convergence Between Maqāṣid and Human Rights

When examined through a comparative normative lens, the five objectives of Islamic law display substantial conceptual convergence with the core principles of international human rights law. This convergence is neither incidental nor superficial; rather, it reflects a shared concern for protecting fundamental aspects of human existence.

- **Protection of life (ḥifẓ al-nafs)** corresponds directly to the internationally recognized right to life, personal security, and freedom from torture and arbitrary killing, as enshrined in instruments such as the ICCPR.

- **Protection of intellect (ḥifẓ al-ʿaql)** aligns with rights related to education, freedom of thought, expression, and access to knowledge, which are essential for human agency and moral responsibility.

- **Protection of lineage (ḥifẓ al-nasl)** relates closely to family integrity, child welfare, protection from exploitation, and the rights of women, forming the ethical basis for safeguarding vulnerable members of society.

- **Protection of property (ḥifẓ al-māl)** resonates with economic and social rights, including the right to property, livelihood, fair distribution of resources, and freedom from systemic poverty.

- **Protection of religion (ḥifẓ al-dīn)**, when understood beyond coercive interpretations, supports freedom of belief, conscience, and religious practice, reinforcing pluralism and moral autonomy.

This structural overlap suggests that maqāṣid al-sharīʿah and human rights share a common moral grammar, even if they emerge from different epistemological traditions. Whereas human rights discourse is grounded in secular legal rationality and international consensus, maqāṣid reasoning is rooted in ethical teleology and moral accountability before God. Nevertheless, both frameworks converge in their ultimate aim: the preservation of human dignity and the prevention of structural harm.

Maqāṣid as a Contextualizing Framework for Human Rights

One of the most significant theoretical contributions of maqāṣid al-sharīʿah lies in its capacity to contextualize human rights norms within Muslim societies without reducing them to external or culturally alien constructs. Rather than positioning human rights as an imposed Western paradigm, the maqāṣid framework enables their reinterpretation as ethically indigenous imperatives, deeply resonant with Islamic moral philosophy.

This is particularly relevant in postcolonial contexts such as Bangladesh, where human rights discourse is sometimes perceived with skepticism due to historical experiences of colonialism, geopolitical power asymmetries, and selective enforcement of international norms. By grounding rights in maqāṣid, reform-oriented discourse can move beyond binary oppositions between "Islamic values" and "universal rights" and instead articulate a locally legitimate yet globally engaged rights framework.

Importantly, maqāṣid al-sharīʿah does not function as an uncritical endorsement of existing practices carried out in the name of religion. On the contrary, it provides a critical internal standard by which state policies, legal traditions, and social norms can be evaluated and, where necessary, challenged. Any practice—whether justified by security, culture, or religion—that systematically violates life, intellect, lineage, or property must be deemed inconsistent with the objectives of Islamic law, regardless of its formal legality.

Analytical Utility for the Present Study

In this study, maqāṣid al-sharīʿah is employed not as a theological assertion but as a normative analytical framework. Each major category of human rights in Bangladesh is examined through the lens of a corresponding maqṣad, allowing for a structured and principled evaluation of both achievements and shortcomings.

This approach enables the study to:

1. Move beyond descriptive reporting of violations toward ethical evaluation.

2. Identify structural patterns of harm rather than isolated incidents.

3. Bridge Islamic intellectual heritage with contemporary human rights debates in a methodologically rigorous manner.

By doing so, the study contributes to Islamic thought not merely by reaffirming the compatibility of Islam and human rights, but by demonstrating how maqāṣid al-sharīʿah can serve as a dynamic tool for critique, reform, and moral accountability in modern governance.

METHODS

This study employs a qualitative critical–analytical methodology to examine the evolution of human rights practices in Bangladesh (1971–2026) through the normative evaluative framework of maqāṣid al-sharīʿah. A qualitative approach is adopted to enable interpretive analysis of legal norms, institutional practices, and ethical principles, which are not reducible to quantitative indicators alone.

Analytical Design and Criteria

The research follows a normative–contextual analytical design structured around three interrelated analytical dimensions:

1. **Legal–Institutional Analysis**: examining constitutional provisions, statutory laws, and Bangladesh's international human rights obligations to identify formal commitments and regulatory frameworks.

2. **Empirical–Contextual Analysis**: assessing documented human rights practices and patterns as reported by international monitoring bodies and development indicators.

3. **Normative–Ethical Evaluation**: applying the five maqāṣid al-sharīʿah (ḥifẓ al-dīn, al-nafs, al-ʿaql, al-nasl, al-māl) as evaluative criteria to assess alignment, tension, or contradiction between state practices and Islamic ethical objectives.

Each maqṣad is operationalised as a normative benchmark, against which relevant rights domains are evaluated. For example, ḥifẓ al-nafs is applied to the right to life and personal security, while ḥifẓ al-ʿaql informs the evaluation of education, freedom of expression, and intellectual autonomy.

Data Sources and Selection Logic

The study relies exclusively on qualitative documentary sources, selected according to relevance, credibility, and longitudinal coverage.

- **Primary sources** include the 1972 Constitution of Bangladesh and its amendments, ratified international human rights treaties, and key national legislation affecting civil, political, and socio-economic rights.

- **Secondary sources** comprise reports by international human rights organizations, global governance and development indicators, and classical as well as contemporary Islamic scholarship on maqāṣid al-sharīʿah.

Sources were selected to ensure triangulation between legal norms, empirical documentation, and ethical theory, thereby enhancing analytical reliability and minimizing normative bias.

Analytical Procedure and Scope

The analysis proceeds in three stages:

1. mapping state commitments and observable rights practices since independence;

2. evaluating these practices against maqāṣid-based ethical criteria; and

3. identifying patterns of convergence, tension, and reform potential at the state level.

While the study does not aim at statistical generalization, its qualitative design enables depth, contextual sensitivity, and normative clarity, which are essential for interdisciplinary legal–ethical analysis.

PART II

RESULTS

This section presents the principal findings of the study by evaluating human rights practices in Bangladesh through the five objectives of Islamic law. Each subsection distinguishes clearly between empirical observations and maqāṣid-based normative evaluation.

Protection of Life (Ḥifẓ al-Nafs)

Empirically, Bangladesh has achieved measurable progress in public health, disaster preparedness, and poverty-related mortality reduction, as reflected in improved life expectancy and maternal and child health indicators (World Bank, 2025). These developments demonstrate significant advancement in safeguarding biological life.

At the same time, persistent patterns of extrajudicial killings, enforced disappearances, custodial deaths, and torture indicate systemic failures in protecting the right to life. Reports consistently document excessive use of force by security agencies and weak accountability mechanisms (Human Rights Watch, 2025a; 2025b).

From a maqāṣid perspective, life constitutes a non-negotiable necessity (ḍarūrah). Institutional practices that normalize lethal force outside judicial oversight represent a fundamental ethical breach, regardless of security-based justifications.

Protection of Religion (Ḥifẓ al-Dīn)

Bangladesh formally guarantees freedom of religion while declaring Islam as the state religion. In practice, religious worship is generally protected, and interreligious coexistence remains a historical characteristic.

However, periodic failures to protect religious minorities from violence and discrimination reveal gaps between constitutional commitments and enforcement. Documented attacks on minority communities, coupled with inadequate state response, undermine substantive religious freedom (Human Rights Watch, 2025a).

Normatively, ḥifẓ al-dīn entails safeguarding freedom of belief and moral security, not merely preserving religious identity. Selective protection or tolerance of coercion contradicts this objective, positioning minority protection as a maqāṣid-based ethical obligation.

Protection of Intellect (Ḥifẓ al-ʿAql)

Educational expansion and literacy gains constitute a major success in Bangladesh's human development trajectory (World Bank, n.d.-a), aligning with the maqāṣid aim of intellectual cultivation.

Yet, these gains are offset by a contracting civic and intellectual space. Legal and political constraints on media, academic inquiry, and civil society have contributed to declining press freedom rankings (Reporters Without Borders, 2025).

From the maqāṣid standpoint, protecting intellect requires cognitive freedom and moral deliberation, not education alone. Practices that induce self-censorship or penalize dissent undermine the ethical foundation of ḥifẓ al-ʿaql.

Protection of Lineage (Ḥifẓ al-Nasl)

Despite legislative reforms, child marriage persists due to legal exceptions, socio-economic pressures, and enforcement gaps (Government of Bangladesh, 2017). Reservations to CEDAW further constrain progress toward gender equality (United Nations Treaty Collection, n.d.).

Empirically, early marriage and gender inequality correlate with adverse outcomes in health, education, and intergenerational mobility. Normatively, ḥifẓ al-nasl prioritizes the welfare, dignity, and future viability of families and children. Practices that systematically expose minors and women to harm constitute a clear failure to meet this objective.

Protection of Property (Ḥifẓ al-Māl)

Bangladesh has made notable progress in economic growth, poverty reduction, and social welfare provision (World Bank, 2025). However, persistent inequality, labor exploitation, corruption, and weak worker protections continue to undermine economic justice.

Within the maqāṣid framework, ḥifẓ al-māl encompasses fair distribution, economic dignity, and protection from exploitation. Development strategies that privilege growth over justice remain ethically incomplete.

DISCUSSION

The findings indicate a selective realization of maqāṣid al-sharīʿah in Bangladesh. Socio-economic dimensions related to life, education, and material welfare have progressed more consistently than civil liberties, political rights, and family justice.

This pattern reflects a broader developmentalist governance model, wherein economic performance is prioritized at the expense of civic freedoms. The maqāṣid framework enables a deeper critique of this model by emphasizing the interdependence of rights: erosion of intellect, dignity, and participation ultimately weakens protections of life, lineage, and property.

Importantly, the study demonstrates that appeals to religion to justify rights restrictions often contradict the ethical objectives of Islamic law itself. By applying maqāṣid longitudinally at the state level, this research advances maqāṣid–human rights scholarship beyond abstract compatibility arguments, offering a context-sensitive, evaluative model for ethical accountability.

CONCLUSION

This study has demonstrated that maqāṣid al-sharīʿah offers a robust and contextually resonant framework for evaluating human rights in Bangladesh. While the country has made commendable progress in health, education, and poverty reduction, persistent violations of civil liberties, gender inequality, and governance deficits hinder the holistic realization of Islamic ethical objectives.

The analysis confirms that Islamic moral theory and international human rights norms are not inherently incompatible. On the contrary, when approached through maqāṣid al-sharīʿah, human rights emerge as an ethical imperative deeply embedded within Islamic civilization.

The study concludes by advocating a maqāṣid-oriented reform paradigm, one that integrates constitutional law, international obligations, and Islamic ethical reasoning to promote sustainable human dignity. Such an approach holds significant potential not only for Bangladesh but also for other Muslim-majority societies navigating similar challenges.

RECOMMENDATIONS

- Strengthen institutional accountability and judicial independence to protect the right to life, dignity, and due process.

- Clarify and limit broadly worded laws affecting freedom of expression and digital security to safeguard intellectual freedom.

- Conduct a maqāṣid-based review of family and gender-related laws, including reservations to CEDAW, to enhance the protection of women and children.

- Promote inclusive economic policies that reinforce labor rights, social welfare, and economic justice.

- Integrate maqāṣid al-sharīʿah as an ethical framework in public policy to improve the legitimacy and coherence of human rights reforms.

REFERENCES

1. al-Ghazālī, A. H. (n.d.). Al-Mustaṣfā min ʿilm al-uṣūl. Beirut: Dār al-Kutub al-ʿIlmiyyah.
2. al-Shāṭibī, I. M. (n.d.). Al-Muwāfaqāt fī uṣūl al-sharīʿah. Cairo: Dār Ibn ʿAffān.
3. Government of Bangladesh. (2017). Child Marriage Restraint Act 2017. Dhaka: Ministry of Law.
4. Human Rights Watch. (2025a). World report 2025: Bangladesh. New York: HRW.

5. Human Rights Watch. (2025b). After the monsoon revolution: Security sector reform in Bangladesh. New York: HRW.

6. Ibn ʿĀshūr, M. Ṭ. (n.d.). Maqāṣid al-sharīʿah al-Islāmiyyah. Amman: Dār al-Nafāʾis.

7. OHCHR. (n.d.). Ratification status for Bangladesh. United Nations.

8. Reporters Without Borders. (2025). World press freedom index 2025. Paris: RSF.

9. United Nations Treaty Collection. (n.d.). Reservations to CEDAW: Bangladesh. United Nations.

10. World Bank. (n.d.-a). Literacy rate, adult total (% of people ages 15 and above) – Bangladesh. Washington, DC: World Bank.

11. World Bank. (2025). Bangladesh country overview. Washington, DC: World Bank.