



## **THE VALUE OF JUSTICE IN ISLAM IS CONFRONTED WITH INTERNATIONAL HUMAN RIGHTS**

1<sup>st</sup> Robingun Suyud El Syam, 2<sup>nd</sup> Hidayatu Munawaroh

<sup>1,2</sup> Universitas Sains Al-Qur'an Wonosobo

e-mail: [1robysy@unsq.ac.id](mailto:1robysy@unsq.ac.id), [2hidayatumunawaroh@unsq.ac.id](mailto:2hidayatumunawaroh@unsq.ac.id)

### **Abstract**

*The theme of justice will continue to develop over time. Justice can be perceived differently depending on who, when, where, and in what context justice is defined. With a literature approach, the research concludes: that the difference between the values of Islamic justice and international human rights issues is that the justice in Islam promoted by the Prophet is theocentric, everything is centered on God, and God is the benchmark for everything so that it is perfect. Meanwhile, the international version of human rights is anthropocentric, everything is human-centered so that it opens a gap for inconsistency.*

**Key words:** justice, islam, international human rights.

### **INTRODUCTION**

The Arabs before the arrival of Islam, especially around the city of Mecca, were colored by the worship of idols as God or known as paganism. In addition to worshipping idols, among the Arabs at that time, there were also those who adhered to the Christian religion. This religion is embraced by the people of Yemen, the people of Najran and the people of Sham. In addition, there are also those who embraced Judaism. This religion is embraced by the immigrant Jewish population in Yemen and Medina, as well as the religion of the Magi (Mazdaism), the religion of the Persians. It was at this Millieu, which came to be known as the era of jahiliyyah (الجاهلية), where the meaning refers to the despicable behavior that is rampant in aspects of their life and mindset (Karim, 2012).

The decadence of human values can be seen, for example, in the Ukaz market where slaves of various races are sold. That way, the Ukaz market becomes an easy field to make profits from the common people (Asy Syarqowi, 2015). Poverty, hunger and naked people (pornography) are common sights (traditions) in society (Al Mubarakfuri, 2018). Therefore, the Messenger of Allah was sent to humans as an enlightener of dzulumāt (الظلمات), manifesting in various expressions such as: ignorance, humiliation, backwardness,

arbitrariness, monopoly, oligopoly, anarchy, instability, materialistic attitude to life, blasphemy of religion, and others. another, towards the path of nūr (النور), which means the truth of the Essence, and His path is only one, for the development of human life (Az Zuhaili, 2018).

The Arabs before the arrival of Islam were in uncertainty, so the Prophet was sent to give an awareness, from the jāhiliyyah tradition (الجاهلية). For this reason, through the guidance of revelation, he was provided with basic qununs in the form of the Qur'an and his ijtihād (hadīṣ), which were the source of teachings (normative resource). The Qur'an, which consists of 30 juz, 60 hijb, 114 letters, 554 bows, 6236 verses, 77277 sentences, and 325,345 letters, is a shari'ah law and a source of Islamic law (Shihab, 2014).

The Islamic Shari'a, which is implied in the Qur'an and reflected in the hadith, is a perfect rule so that ālih likulli zamān wa al-makān, because it is the evidence of birth (dilālah aḥriyah) is the most basic for Islamic universalism (Nine, 2004). Islamic Shari'ah in its legal provisions, systems and principles has sibghah insāniyah (human immersion) which is a mercy for the universe and a guide to life for all humans. It is not a legal system that applies only to certain territories and human classes, but applies to everyone in the capacity of a human being regardless of race, nation, language and place of residence (Ulwan, 2003). A law that reflects an ideal of justice order.

The Qur'an as the main source of Islamic teachings, mentions justice a lot. The word al-Adl, in various forms of the word is mentioned 28 times, the word al-Qisth in its various shighah is mentioned 27 times, and the word al-Mizan which contains meanings relevant to both is mentioned 23 times (Al Baqi, 2007). The many verses of the Qur'an that talk about justice show that Allah is the source of justice and commands justice in this world to His messengers and all His servants (Shihab, 2014).

However, justice in Islam is often seen as inconsistent with the international version of justice. So it is important to study how the position of control in Islam is compared with international human rights. Meanwhile, the International World recognizes that there is a justice that must be a common consensus starting from the adoption of the Rome Statute at the United Nations open conference on July 17, 1979. With the variety of human crimes, in accordance with the contents of the Rome Statute, the ICC which was active in 2002 was inaugurated as a permanent institution that has full power

to exercise jurisdiction over people who commit serious crimes. Since then, the Rome Statute and the ICC have become an important part of upholding Universal Human Rights in the world (Azmi, 2021).

Muhammad Faris Alfadh's research concluded: So far, the theory of justice in the political philosophy tradition has been dominated by social contract theory. Justice in this view is seen as the result of an agreement made together in order to achieve the benefit of all parties, and leaving what Thomas Hobbes called "the state of nature" and surrendering completely to the law (Alfadh, 2014).

The results of Emmy Latifah's research show that the principle of justice contained in the WTO rules contains two meanings, namely the meaning of "the equality of opportunity" and "distributive justice". Equality of opportunity can be realized if the principle of reciprocity is enforced both in terms of reducing trade barriers, market access, and resolving disputes. Distributive justice means that international trade is a means to realize mutually beneficial trade relations between member countries (Latifah, 2015).

Recca Ayu Hapsari's research concludes, denial of justice this comes as no availability or provides a means of justice as appropriate in resolving the case by using local legal institutions. So when there is denial of justice one party can sue the State Responsibility of the provider country of law (Hapsari, 2016).

Fauzan Fakhri Azmi's writing merely interprets the international justice day referring to the Rome Statute as a milestone in the commemoration of the international justice day. Muhammad Faris Alfadh's research, focused on global justice and international norms, Emmy Latifah's research, focused on justice in the international trade law system, Recca Ayu Hapsari focused on state accountability for denial of justice in international arbitration. Thus, this article is different from previous research.

## **METHOD**

In seeking answers to the assumptions above, the study uses an explanatory approach in which the researcher will explain the position and relationship (Sugiyono, 2018) between Justice in Islam versus international human rights, based on the facts as they are (Nueuman, 2014). Research is included in the type of library research, so it uses library data (Semiawan, 2010), both from books, websites, journals, and others as the

main data, to then be processed to strengthen the research results. The qualitative data is then analyzed comparatively by first describing justice in Islam (Yin, 2016), the relationship between the two becomes a node that presents the final results of the research.

## RESULT AND DISCUSSION

### *1. The value of justice in Islam*

Justice is a unified attitude which places something in its place proportionally, containing interpretations: there is a balance between rights and obligations; not heavy-side; impartial; side with the truth; duly; not arbitrary (Muhammad & Siroj, 2016). Al-Qurtubi said;

"Justice is categorized into three parts: first, a servant's fair attitude towards his Lord; second, a fair attitude to oneself, namely preventing things that damage and destroy oneself, not being greedy, and being qanā'ah in every situation; and third, A just attitude towards creatures, namely giving advice, not betraying, convicting and awakening them, not doing bad to them, either in word or deed, and being patient with the disturbances caused by them" (Qurtubi, 2006).

From the above opinion, it can be narrowed down, that the concept of justice in Islam is a balanced justice, because justice is personal, social, and even environmental. So one must act fairly in all aspects of life, impartially for material gains. Thus, this justice can be accounted for, before God the Supreme Judge, Allah SWT.

The teachings brought by the Prophet believe that God is Single (tawhid), which from the very beginning is related to human values in the form of a sense of economic and social justice, whose intensity is not less than the intensity of the monotheistic divinity. Therefore, anyone who carefully reads the revelations of the early teachings received by the Prophet Muhammad, of course, will come to that conclusion (Rahman, 2002).

The justice offered by the Prophet Muhammad is a building on the concept of impartial justice, both for oneself and for others, for family and for others, but justice is based on truth. That justice (justice) will lead to piety, and piety will produce prosperity. While justice is the embodiment of the attitude of serving and protecting humans both individually and collectively so that they feel comfortable with all kinds of interests that proceed around them (Shihab, 2014).

The urgency of justice can also be traced in the Qur'an which, if read narrowly, it seems that there is an aspect of discrimination, but if you look closely, there is actually a real justice, as described in the holy book of the Qur'an. surah an-Nisa' [4]: 34:

"Men are the leaders of women, because Allah has made some of them (men) superior to others (women), and because they (men) have spent part of their wealth."

Reflecting on the verse, Imam Tabary states that men are the implementers in order to educate their wives, and meet the needs of their wives, due to the advantages that Allah has given to them. Here the husband has the right to command his wife to obey Allah, and if he refuses, the husband can teach him a lesson (Thabari, 1992). This verse also explains that men have privileges over women, so men are given the authority to lead women, but it is possible for women who are given the advantage to play a role (Qurtubi, 2006).

Ar-Razi expressed the importance of being fair and honest in testifying. Honesty in witnessing and doing justice not only when it is related to the interests of others, even when dealing with one's own interests, must be fair and honest. Doing justice and telling the truth even though it would be self-defeating. This commitment to doing justice and being honest is not related to gender (Al Razi, 1994).

The Qur'an demands justice for oneself (individual); both when speaking, writing or acting, both physically and mentally. In the Qur'an, one can find various discussions about the principle of justice, from the issue of monotheism to beliefs about the Day of Resurrection, from prophethood issues (nubuwwah) to leadership, from individual issues to community issues (social-ummah). This is certainly a good guide, because the concept of justice is a prerequisite for the creation of personal perfection (insān kāmil), the standard of social welfare, and the path to happiness in the hereafter (Shihab, 2014).

Judging from the contextualization of the teachings of the Prophet on justice, the community in question is as a unified whole towards the creation of a unity of humanity based on the values of equality, dignity and position on earth. This is in accordance with the joints of life that have been determined by the Qur'an in Surah an-Nahl [16]: 90, to be implemented in social life, namely justice in life that does not recognize religion, origin, and community position. So, humans are responsible for doing justice through the differences that exist as part of the ideals to realize the nature and values of humanity.

If justice is not held hostage for the benefit of the oppressor group, surely people will feel free in life. Thus, the justice resulting from the application of these actions creates freedom (al-hurriyah) for all citizens (ummah). The basic goals are universal brotherhood, equality, and social justice, with the assumption: (1) Islam emphasizes the principle of human unity (ummah wāhidah), as confirmed by the Qur'an (Q.S. al-Hujurāt [49]: 13); (2) Islam places great emphasis on justice in all aspects of life, and this justice will not be created without freeing the weak and marginalized people from suffering, and giving them the opportunity to become leaders (Ibn Majjah, 2016).

The terms found in the Qur'an and hadith to mention the meaning of justice are so diverse, which include: 'adl (عدل), qisṭ (قسط), and virtue, including: ihsān (إحسان), birr (بر), ma 'rūf (معروف), etc., has a broad and comprehensive meaning. In a social context, these terms mean social equality and social justice. Social justice and social equality deny the existence of social classes based on differences, economic and social inequality. Furthermore, social justice and equality require social ownership of the main means of production, and therefore equitable development for all. Justice must be carried out regardless of one's status, position or power, all of which are the same (سواء) and are free. Everyone is responsible for his own actions. One person will not bear the burden of another. Services and rewards will be given to those who are entitled to meet the requirements. Everything is determined individually based on good or bad (Haque, 2011).

For people who pay close attention to the Qur'an, they will surely find justice as the main teaching of Islam, because the Qur'an teaches mankind to be fair and do good. This is the ideal and coveted form of justice for many people, if not all of them. Justice, using the word 'adl (عدل), which in Arabic does not mean justice in a narrow sense, but contains an identical meaning with sawiyyat (equalization and equality). This generalization and equality is the opposite of ulm (evil) and jaur (oppression). The word Qis (قسط), contains the meaning of distribution, installments, equal distribution and justice, honesty (siddīq), and fairness (Engineer, 2009). Thus, justice cannot be realized only by using a historical approach that is very different from current conditions. The desire in order to manifest humanitarian actions based on equality and justice in a society, must really be advocated equally so that the real ideals can be realized.

## ***2. The Value Of Justice In Islam Is Confronted With International Human Rights***

The human rights movement in the world was born for the first time in England in the 17th century, precisely in 1679 with the birth, "Habeas Corpus", a historical document that became the forerunner of the "rule of law" principle, replacing the arbitrariness of "rule by man", at that time. The essence of this document is that a detained person must be brought before a judge within three days at the latest for processing and trial. This fact is a milestone in what is now known as freedom from arbitrary arrest and the right to a fair trial (Terre, 2013).

The document, confirmed by the formation of the United Nations on October 24, 1945, was born a declaration that we know as the Universal Declaration of Human Rights (UDHR) (United Nations, 2022). This Universal Declaration of Human Rights became a new milestone in the struggle and movement for human rights until contemporary times, along with its derivatives in the form of two main covenants, namely the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Universal Declaration of Human Rights has become a kind of holy book for fighters and subjects of human rights holders around the world, known as the 'International Bills of Human Rights'. In human rights discourse, what are often referred to as third generation human rights, namely the human right to development, a healthy environment, including the rights of minorities and vulnerable groups. Again, the UN plays an important role here, in the form of CSR (Corporate Social Responsibility) under the name 'UN Global Compact' (UNglobalcompact, 2022).

The journey of human rights in history is still ongoing, and we still have not been able to capture the absolute synthesis other than only temporary syntheses. The universality of the horror of suffering, so not just an ethical universality (Terre, 2013), meaning the common will of all mankind to say 'Nie wieder' (German) or 'nunca más' (Spanish) both of which mean the negative imperative 'no more' to suffering, and not just a result of ethical and rational reflection, is the main driving force to arrive at that absolute synthesis.

If we compare the idea of human rights with the concept of justice of the Messenger of Allah, we will find the fact that he had initiated the issue first, even more beautifully. The Medina law (dustur Medina), which includes the building of human rights perfectly, so that with it Islam millieu Rasulullah, can live side by side in peace and get the legislation of the Qur'an as a building of a society that is Baldatun Tayyibatun Warabbun Qhafūr' (Q.S. Saba' [34]: 15), a country full of prosperity and peace and accommodated in terms of the people of Medina (civil society).

That the Messenger of Allah, under the direct guidance of Allah, not only succeeded in establishing an Islamic community in Medina, but more than that, he had actually injected the basics of a 'Modern state' as stated by Montgomery Watt, "The pillars of advanced civilization for the Ummah" Islam has been well laid down, a just, commendable system has been established." (Watt, 2016). This fact is an undeniable truth, the Prophet Muhammad has actually carried out a very reformist civilizational change, a major revolution from the connotation of jahiliyyah which is poor in value, towards enlightenment of life on the guarantee of human rights.

The Messenger of Allah looked at humans with clear eyes and conditions of glory, as has been mentioned in the Holy Qur'an Surah al-Isrā '[17]: 70, which according to the interpretation of Ibn Abbas, "That humans have been honored with the gift of reason" (Al Bagawī, 2005). "Human virtues include being in good shape, balanced, standing upright, able to distinguish things with reason and knowledge, understanding language or signs, mastering the earth, besides that humans have reason, with their intellect humans are knowledgeable, achieve progress and are cultured" (Az Zuhaili, 2018).

This assumption makes human rights in Islam have specificity and privileges. Among the most important is the perfection of these rights which include political, economic, community and thought rights, as these are general rights both Muslims and non-Muslims, regardless of color, type and language, as described in Q.S. Ar-Rom[30]: 22;

"And among the signs of His power is the creation of the heavens and the earth and different languages of yours and the color of your skin."

The Messenger of Allah has determined in his sermon wadā ', which occupies a universal place regarding human rights, is the right to protect life and property. During Hajj wadā the Prophet said about the protection of the soul:



"Indeed, your blood, your property, your honor, are forbidden to you as it is forbidden on this day, this month and this country. Those who are present should convey it to those who are not present." "The sin of killing a believer is greater than the destruction of the world." Whoever kills himself with a tool (weapon) will be punished with it on the Day of Resurrection. (HR. Bukhari)"

He also warned mankind not to reduce the rights of life, such as: terror, insults, beatings, where such acts are sinful and will be punished by Allah, "Indeed, Allah torments those who torture people in the world" (HR.Muslim). Humans are glorified by their general nature, therefore provisions are made on the rights to life, honor, and property, as well as the rights to life that are deprived of them. Therefore, he builds social relations based on equality:

Abū Dzar insulted Bilal and his mother. he said, "O black child", Then Bilal complained to the Messenger of Allah. He was angry. Then Ab Dzar came while he did not feel (has insulted), then the Prophet turned away from him. Abū Dzar said, "It is not that causes you to turn away from me unless something has reached you, O Messenger of Allah?" He replied, "You have insulted Bilal and his mother?" Then the Prophet said, "By the one who has sent down the Book to Muhammad or according to the will of Allah he has authority. None of me is more important than his deeds. All of you are nothing more like a full container" (HR.Baihaqi).

The right of equality is tied to other equality, that is fair, and justice in Islam is impartial, as the Prophet said to Osama bin Ziad, when he asked for syafā'at (help), against the Bani Makhzum woman who was caught stealing, "By the soul of Muhammad who is in His hands, if Faṭimah bint Muhammad stole, I would have cut off her hand." (HR. Bukhārī). So, putting things right is a characteristic of the values of the Prophet's teachings, which cannot be equated with man-made rules. The goal is that humans live noble lives to get equal rights in life (Al Nabrawi, 2008).

The Prophet also forbade attacking the individual's right to self-defense and hostility to obtain justice, "If in front of you two people who are hostile to each other, then do not decide on the punishment, until you find the other party like you heard the first party. That leaves you free to explain and make decisions"(HR. Abū Dāwūd), and upholding the right to fulfill the rights of underprivileged individuals (poor-poor), where those who are able are given the opportunity to give real charity in the form of zakat or sadaqah, even allowing hungry neighbors while someone who is able to give is categorized

as imperfect, "I do not believe in a person who sleeps full while his neighbor is hungry while he knows"(HR. Hakim).

Ignoring the rights of weak people categorized as religious liars (QS. al-Mā'ūn [107]: 1-3.), therefore, he gave an ultimatum even when there was a war, he had to protect the rights of the weak. The Prophet said, "And verily I testify to you about ten things; Never kill women, small children, old men and never cut down trees that are bearing fruit"(HR.Malik).

## CONCLUSION

From the discussion above, it can be concluded: that the difference between the values of Islamic justice and international human rights issues is that the justice in Islam promoted by the Prophet is theocentric, everything is centered on God, and God is the benchmark for everything so that it is perfect. Meanwhile, the international version of human rights is anthropocentric, everything is human-centered so that it opens a gap for inconsistency.

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