

Rethinking Justice: Unraveling the Tapestry of Justice in Islamic and Western Philosophies

Penelitian Semula Keadilan: Merungkai Struktur Keadilan Menurut Perspektif Pemikir Islam dan Barat

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ABSTRACT

Throughout human civilization, justice has been an enduring value, evolving through continuous advocacy. Fueled by human reason, individuals consistently elevate their standards, leading to the transformation of justice derived from natural law, societal changes, and religious doctrines. This dynamic process signifies that humanity, along with its cultures, laws, and justice perceptions, progresses rather than regresses—growing more intricate, sophisticated, and advanced. This article delves into the development of justice concepts in Islamic and Western cultures across classical, modern, postmodern, and contemporary eras. Utilizing a philosophical approach, it argues that justice undergoes a developmental evolution in both cultures—from discussions in the context of natural law to exploring religious justice and culminating in discussions of social justice. Despite epistemological differences, both Islamic and Western cultures remain inseparable from justice principles: enforcing justice, presupposing equality, aligning with truth, embodying equilibrium, and positioning things rightly.

Keywords: justice, Islam, Western, review, philosophy

ABSTRAK

Sepanjang jejak sejarah peradaban manusia, keadilan adalah salah satu nilai yang sering diperjuangkan dan mengalami perubahan. Hal ini kerana manusia dianugerahkan dengan akal, yang berfungsi untuk konsisten dalam meningkatkan standard dirinya. Hasilnya juga akan meningkatkan standard dari keadilan yang terdapat dari hukum alam, perubahan sosial, dan doktrin agama. Hal ini sekaligus menjadi penegasan bahawa manusia dan kebudayaan, undang-undang dan keadilan, tidak pernah mundur, melainkan semakin maju, kompleks, dan canggih. Artikel ini bertujuan untuk memahami perkembangan konsep keadilan dalam pandangan Islam dan Barat dari zaman klasik, moden, postmoden, hingga kontemporari. Pendekatan falsafah digunakan untuk menulis literatur kajian dan hasil dapatan mendapati bahawa konsep keadilan dalam pandangan Islam dan Barat mengalami perkembangan dalam bentuk definisi dan perspektif, iaitu dari pembahasan keadilan dalam konteks hukum alam sehingga pembahasan keadilan dari sudut agama, dan terakhir sehingga ke pembahasan keadilan sosial. Walaupun terdapat perbezaan dari segi epistemologis, sama ada dalam perspektif Islam mahupun Barat, kedua-duanya tidak dapat dipisahkan dari prinsip-prinsip keadilan seperti; keadilan yang menuntut untuk dibicarakan, keadilan dalam kesamarataan, keadilan berpihak kepada kebenaran, keadilan ialah suatu keadaan yang seimbang, dan keadilan juga adalah keadaan bagi sesuatu perkara itu diletakkan pada tempat yang tepat.

Kata kunci: Keadilan; Islam; Barat; tinjauan; falsafah

INTRODUCTION

Justice stands as an indispensable facet intricately interwoven into the fabric of any civilization. Examining the annals of human history reveals a fundamental truth: each civilization, in its unique trajectory, has developed distinct values and systems of justice. This observation prompts a critical inquiry into whether the existence of diverse civilizations implies a uniform perspective on the nuanced connotations and meanings inherent in the concept of justice. The acknowledgment of disparate values and justice frameworks across civilizations does not necessarily indicate a universal consensus on the understanding of justice. Instead, it underscores the rich tapestry of human experiences and cultural diversity, where interpretations of justice are shaped by a myriad of factors, including historical context, societal norms, and philosophical underpinnings (Sandel 2010). In the pursuit of a holistic understanding of justice, it is imperative to recognize and embrace the diversity inherent in societies worldwide. This acknowledgment becomes a cornerstone in fostering a comprehensive dialogue that appreciates the multifaceted nature of justice. In doing so, we move beyond simplistic and ethnocentric perspectives, allowing for a more nuanced and inclusive comprehension that transcends cultural boundaries. Embracing this diversity involves recognizing the various historical, social, and cultural contexts that shape the concept of justice across different communities.

Moreover, a nuanced understanding of justice requires an exploration of how various philosophical, religious, and cultural traditions contribute to shaping perceptions of what is fair and equitable (Wijsman & Berbés-Blázquez 2022: 379-380). Different societies may emphasize distinct values, principles, and priorities, influencing their unique perspectives on justice. By engaging in a thoughtful exploration of these diverse viewpoints, we can enrich our understanding of justice, appreciating the complexity and richness that arises from the convergence of varied cultural and philosophical backgrounds.

In this context, fostering open and respectful dialogue becomes crucial, as it provides a platform for individuals from diverse backgrounds to share their perspectives on justice. Through such exchanges, commonalities and differences can be identified and explored, contributing to a more comprehensive and inclusive conceptualization of

justice. This approach allows for the recognition that justice is not a one-size-fits-all concept but rather a dynamic and evolving principle shaped by the myriad influences of human experience.

As we navigate the intricate landscape of justice, acknowledging and valuing diversity becomes a catalyst for fostering a global conversation that transcends borders. Embracing the multifaceted nature of justice ensures that our pursuit of fairness and equity is enriched by the collective wisdom of diverse voices, fostering a more inclusive and universally relevant understanding of justice.

It should be noted that the civilizations with resilience to various changes and a long history of justice-oriented thinking are the Islamic and Western civilizations (Turner 1994: 84). Moreover, the idea of justice in both of these civilizations continues to evolve from classical times to the present. This is possible because humans, as the founders of a civilization, are endowed with reason, which tasks them with continually improving themselves. The consequence is certainly an improvement in the quality of justice deduced from natural law, religious doctrines, or social changes. This indicates that the enhancement of thought quality directly or indirectly affects the quality of justice. Therefore, as humans advance, they also elevate the quality of justice they produce.

It is imperative to acknowledge that the prevailing definition of justice in Islam is encapsulated in the perspective positing justice as the act of “placing something in its right place”, regarding the *mutakallim* and Sufis, part of, if not all, seems to agree with the definition of justice proposed by the philosophers (al-Attas 2009). Nevertheless, drawing upon textual evidence, the perspective articulated by Muslim scholars establishes a fundamental principle regarding human knowledge of good and evil—namely, that individuals can discern the notions of good and evil through the guidance of revelation. Thus, humans can ascertain the values of justice at all levels of life through the legal precepts delineated in the *Qurān*.

However, this perspective does not stand alone, influenced both by dynamic paradigms at specific times and by responses to the simple question, “Can the human intellect discern good and evil without the guidance of revelation, or conversely, can humans know what is good and bad only with the guidance of revelation in the effort to establish justice as caliphs on the Earth?” Not without counterarguments, an examination of the literature within the intellectual

tradition of Islam reveals that several Muslim figures presented differing perspectives across various eras. These include Ibn Miskawayh, al-Farabi, and al-Ghazali in the classical era, Muhammad Abduh and Muhammad Iqbal in the middle era, Sayyid Qutb in the modern era, and Syed Muhammad Naquib al-Attas representing the contemporary era.

Meanwhile, justice in the Western civilization paradigm is widely known by the term “justice” in English, rooted in the Latin word “jus,” which means right and law. However, the conception of justice constructed by Western philosophers goes beyond the etymological definition in dictionaries. It considers, for instance, the nature of justice as a moral virtue of character, the qualities of the desired political society, and how it applies to ethical and social decision-making. All these discussions can be traced in the theories of justice from ancient Greek thinkers (Plato and Aristotle) and medieval Christian philosophers (Augustine and Aquinas) to early modern figures (Locke and Marx), later modern thinkers (Kant and Mill), and several contemporary scholars (Rawls and Sandel).

This article discusses the perspectives of Islam and the West on justice. The questions addressed in this study are focused on the conceptual level of justice as presented through the epistemology of the related thinkers. However, as a general overview, an etymological review of the perspectives of Islam and the West on the concept of justice will be presented first.

ETYMOLOGICAL REVIEW

Justice in Islam is known by the term al-ʿadl. The term ʿadl is a verb in the Arabic language rooted in three letters, namely ʿayn-dal-lam, which signifies a state of straightness or equality (Zakariyyā 2002: 246-247). In line with that, Ibn Manẓūr in *Lisān al-ʿArab* explains that ʿadl refers to something straight, equalizing something with another, balanced, true, redemption (Manẓūr al-Ifriqī al-Misr n.d.: 251-252). The term ʿadl, as expressed by Ibn ʿAshūr, is to give something to its rightful owner, and a state of harmony where everything is in its proper place and functions according to the appropriate rules (Ibn ʿAshūr n.d.: 112; Kausar 2005: 85; Dahlan 1996: 25; Maʿarif 2004: 173). Louis Maʿluf al-Yassuʿī (1977: 491, 628) states that justice or al-ʿadl means acting justly, being impartial, and administering punishment correctly. Raghīb al-Aṣḫānī (n.d.: 551-552) and al-Jurjānī (n.d.: 47) concludes the

meaning of ʿadl as a term that signifies the concept of equality.

The term “justice” itself is always juxtaposed with the term “cruel” (al-Ayubi 2016: 2). Originating from the Arabic word “zūlm”, the term “zūlm” is used to symbolize cruelty, committing wrongdoing, inhumanity, and perpetrating injustice (Maʿluf al-Yassuʿī n.d.: 998). Fundamentally, the attribute of “cruel” is highly contradictory to the ethics and innate nature of humans, which should inherently prioritize the role of reason in its true function, that is, to engage in goodness (Irfan 2019: 307; Wan Daud 1998: 99). Therefore, “cruel” is an act of placing something or a matter in a wrong place. When connected to punishment, the retribution received by the perpetrator is negative because the term “punishment” itself refers to the infliction of pain or suffering, both physically and mentally, as a punishment for actions that violate religious prohibitions (Merriam-Webster n.d.). Therefore, grounding the values of justice will give rise to logical consequences in the form of harmonizing the structure of societal life, and conversely, neglecting the values of justice is the primary cause of inequality and social problems.

Meanwhile, justice in Western civilization is known as “justice.” The word justice originates from the Latin term “jus,” which means “what is agreed upon or established” and “law” (Simpson, Weiner & Murray 1989: 292-293, 325-326), “right”, or “just” (Glare 1982: 984). The word “jus” has at least four different meanings, namely jus which means command, fear, and violence. “Jus” means necessity, demand, distribution, and acceptance. “Jus” means something that binds or makes us bound. “Jus” means life and limitation (Boatright 2017: 730).

Examining the four distinct meanings associated with the root word “jus” in the context of justice, it becomes evident that each interpretation carries implications related to prohibitions and restrictions (Boatright 2017: 735). When “jus” is traced back to words denoting command, fear, and violence, it implies coercion, compelling individuals to act against their will. Alternatively, if “jus” is rooted in terms signifying the allocation of rights and restoration, it revolves around questions of entitlement and deprivation. In cases where “jus” emanates from words indicating obligation, the focus shifts to the curtailment of freedom. Finally, if “jus” is linked to the concept of life, it pertains to the limitations imposed on one’s existence. Within

the framework of these four competing etymologies, “jus” fundamentally embodies the notion that rights, justice (in the sense of equity), and law serve as instruments for constraining or regulating human actions. These linguistic roots illuminate the multifaceted nature of justice, portraying it not merely as an abstract ideal but as a set of principles that delineate and, at times, restrict the boundaries of permissible conduct within a societal context.

PHILOSOPHICAL REVIEW OF ISLAMIC JUSTICE

The ontology of the discourse on justice concluded by Muslim philosophers is highly complex. Some philosophers focus on discussing justice at the individual, motivational, or action levels. Others concentrate on the discourse at the level of guidance, outcomes, or benefits. Moreover, a single philosopher may sometimes have two or more areas of focus in the discussion, reflecting the comprehensive nature of the discourse on Islamic justice. This multifaceted approach highlights the richness and depth of the subject, prompting an exploration of justice at various levels—action, outcomes, and individual perspectives. The intricate interplay of these dimensions contributes to a holistic understanding of Islamic justice, capturing its nuanced implications in diverse contexts and scenarios. In this study, the analysis of Islamic justice will delve into these layers, unraveling the complexities inherent in the multifaceted concept within the Islamic philosophical tradition.

1. Justice as the Highest Moral Virtue (Ibn Miskawayh)

The epistemology of Ibn Miskawayh’s thought on justice can be examined through several specific themes such as the typology of justice, the definition of justice, and efforts to achieve justice. All discussions of these themes are expected to provide a clear understanding and overview of the framework of Ibn Miskawayh’s concept of justice.

Ibn Miskawayh classifies justice into three types: natural justice (al-‘adl al-ṭabi’i), human justice (al-‘adl al-wad’i), and divine justice (al-‘adl al-Ilāhi) (Ibn Miskawayh 1998: 120). Natural justice or sunnatullah is the inherent mechanism of the universe established by Allāh and is absolute (Darmaji 1999: 43). “Absolute” here means that, as long as it is not disrupted by humans, the natural

mechanism is inherently just. The role of humans is to understand and preserve this natural mechanism so that it remains in its natural state.

Human justice (al-‘adl al-wad’i) is formulated by humans themselves. Human justice extends to what is agreed upon as just, whether at the universal level, agreed upon by everyone, partial, agreed upon by some people, individual discourse (intrapersonal), and social discourse (interpersonal) (Darmaji 1999: 44). Human justice tends to be historical, meaning that every conception of justice concluded by humans is inseparable from the historical background that gives birth to those ideas.

Divine justice (al-‘adl al-Ilāhi) is understood as the determination and decision of Allāh that is undoubtedly just. The point of contention is that not all humans can grasp the essence of Allāh’s justice from every aspect of life decreed by Allāh. Therefore, in responding to the justice of Allāh, humans are commanded to accept and obey everything that Allāh has decreed (Mohamed 2000: 657-679 & Bayram 2021: 36).

Justice, as defined by Ibn Miskawayh, is the highest virtue of the soul (Bayram 2021: 44). He positions justice as the moderation between the extremes of deficiency and excess (Ibn Miskawayh 1998: 109). Both deficiency and excess, according to Ibn Miskawayh, are deviations that contradict the values of justice and ethics (Nizar, Barsihannor & Amri 2017: 56). Therefore, he considers everything good and virtuous as i’tidālat (balance or harmony), and the essence of balance is the moderation (al-wasat) between excess and deficiency.

Further discussion on justice as the middle path (Naẓar Aus’at) can be observed through the division of the soul explained by Ibn Miskawayh. According to him, the structure of the human soul consists of three aspects: bahimiyah (animalistic), sabu’iyah (predatory), and natīqah (intellectual) (Maftukhin 2012: 122). These three aspects of the human soul revolve around three conditions: the condition of deficiency (tafrīt), the condition of moderation (wasat), and the condition of excess (ifrāt) (Supriyadi 2013: 115-116).

The animalistic aspect of the soul is centered in the heart, driving humans to seek their basic needs such as food, drink, and sexual fulfillment (Najati 2002: 88). When the soul aspect is controlled appropriately and balanced, individuals can make the right choices and maintain purity (al-iffah) to avoid being enslaved by their desires (Khoiriyah 2018: 70). On the contrary, if individuals

excessively follow this animalistic aspect of the soul (al-nafs al-bahīmīyah), it is called greed, leading to indulgence beyond limits. Similarly, when basic needs like eating, drinking, and engaging in sexual activity are neglected, it results in self-oppression or what is termed as neglecting one's desires (khumūd al-syahwah) (Nizar, Barsihannor & Amri 2017: 55).

The second division of the soul is al-nafs al-sabu'iyah (the predatory animal soul). This soul resides in the heart and functions to drive humans to pursue their ambitions, dreams, and compete with others for various perfections (Nizar, Barsihannor & Amri 2017: 53). In a state of deficiency (tafrīt), this soul can make a person timid (jubn), while in a state of excess (ifrāt), it can turn a person into someone reckless or blindly bold (tahawwur), showing courage in situations where it is not warranted (Nizar, Barsihannor & Amri 2017: 55). Balancing the predatory animal soul (al-nafs al-sabu'iyah) allows an individual to exhibit courage (syajā'ah) regarding significant rights if their implementation brings benefits, and defending them is praiseworthy (Khoiriyah 2018: 70).

The third element in the division of the structure of the human soul, according to Ibn Miskawayh, is al-nafs al-naṭīqah (the intellectual soul), located in the brain (Nizar, Barsihannor & Amri 2017: 53). A person who does not sufficiently educate themselves and underutilizes their intellectual capacity will be in a state of ignorance (balah). Meanwhile, someone who excessively uses their intellectual capacity is considered reckless (safah), displaying negligence in the use of their knowledge (Nizar, Barsihannor & Amri 2017: 55). The balanced state of al-nafs al-naṭīqah is wisdom (ilm). Someone who can fulfill themselves with knowledge and use their intellectual capacity prudently will be wise in utilizing their knowledge for beneficial purposes (Khoiriyah 2018: 70).

Ibn Miskawayh's profound insights into the soul delve into the intricate dynamics of its three essential elements—al-nafs al-bahīmīyah (the animal soul), al-nafs al-sabu'iyah (the predatory animal soul), and al-nafs al-naṭīqah (the intellectual soul). According to his perspective, the soul attains its zenith when these elements are not in discord but rather in a state of harmonious equilibrium, referred to as “wasat.” This delicate balance becomes the key to unlocking a transcendent state known as justice, as elucidated by Bayram (2021: 74).

In this profound state of justice, each soul recognizes and embraces its inherent virtues, guided

by a sense of proportionality and control. The realization of individual virtues is not merely an isolated achievement but an interconnected dance where the animal, predatory, and intellectual aspects of the soul seamlessly collaborate. It is through this intricate interplay that justice emerges as a manifestation of the harmonized souls working in unison.

Ibn Miskawayh's philosophical framework underscores the importance of nurturing and guiding these disparate elements within, steering them toward a collective and balanced expression. The pursuit of justice, therefore, becomes a transformative journey wherein the soul evolves into its highest form, transcending the limitations of its individual components. By acknowledging the significance of each soul's virtues and ensuring their appropriate modulation, a society can aspire to achieve a state of equilibrium and justice that resonates at its core. The interconnectedness of the soul's elements serves as a poignant reminder of the intricate tapestry woven by human nature and the potential for a harmonious existence.

2. Islamic Social Justice (Sayyid Quṭb)

Sayyid Quṭb emerges as the inaugural modern Muslim intellectual to address the issue of social justice in contemporary times. Much like his counterparts in Islamic thought, his reflections on social justice are deeply infused with the nuances of revelation, forming a bridge between theological principles and the pragmatic facets of social reality. Consequently, the crux of Quṭb's intellectual framework lies in portraying Islam as a tangible and influential force within both social and political domains (Rahman 2010).

The underpinning of Sayyid Quṭb's reflections on social justice is rooted in the understanding of Islam as a comprehensive religion that seamlessly integrates worldly affairs and the afterlife (Rimpeng 2022: 347-372). Quṭb contends that Islam systematically delineates a comprehensive framework encompassing nature, life, humanity, as well as specific aspects of worship and interpersonal transactions (Sayyid Quṭb 1984: 24). Quṭb's perspective can be viewed as a responsive critique to what he perceives as the materialistic essence and absence of fundamental human values in Western civilization (Sayyid Quṭb 1985: 6). This critique leads him to the conclusion that a Western civilization devoid of such humane values is destined to bring about spiritual, physical, and societal ruin.

In response to this assessment, Quṭb endeavors to present a remedy for societal well-being by formulating the concept of social justice within the framework of Islam. His conceptualization of social justice extends across economic, legal, and political dimensions, offering a comprehensive approach to address the multifaceted challenges within society (Purwanto 2019: 39-48).

In the realm of economic discourse, Sayyid Quṭb introduced the notion that social justice in Islam encompasses both human material and spiritual well-being (Esposito 2005: 178). Consequently, within Islam, the spiritual needs of individuals are regarded as inseparable from their physical needs. Quṭb critiqued Christianity for emphasizing spiritual needs exclusively and communism for adopting a materialistic perspective that confines human needs to the material realm.

Sayyid Quṭb appears to position the Islamic economic framework as an antithesis to communism rather than an alternative system. While communism prioritizes economic freedom above all else, Quṭb challenges this notion, asserting that economic freedom, as perceived by communism, serves as a guarantee of spiritual freedom (Sayyid Quṭb 1984: 44). Within the communist discourse, justice is construed as the absolute equality of rewards, even if such equality contradicts the varying capacities of individual efforts (Sayyid Quṭb 1984: 47).

Sayyid Quṭb emphasizes balance and compatibility as core values in the Islamic economic paradigm. In his view, Islam promotes a balanced and socially just environment by ensuring the equitable distribution of life and economic values to sustain life (Sayyid Quṭb 1984: 37). According to Quṭb, justice in the Islamic economy entails providing individuals with ample opportunities to engage in productive endeavors and receive rewards within the boundaries set by the noble purpose of life inherent in Islam. The Islamic economic system, as advocated by Quṭb, seeks to create a harmonious and just society where individuals can flourish economically while adhering to the principles and values embedded in Islam.

Addressing the legal dimension, Sayyid Quṭb delves into the concept of human freedom in Islam. While Islam inherently guarantees freedom to its adherents, Quṭb emphasizes that this freedom is not absolute; it comes with limitations. The concept of human freedom is addressed both explicitly and implicitly in the Qurān, as evident in Chapter Al-Insan, verse 3; Al-Balad, verse 10; Al-Kahfi, verse

29; and Al-Mudathir, verses 35-37. These verses discuss human freedom to determine their voluntary actions, actions that are attributed to humans and become their responsibility due to their capacity to perform or abstain from them. The concept of human freedom is addressed both explicitly and implicitly in the Qurān, as evident in Chapter Al-Insan verse 3; Al-Balad verse 10; Al-Kahfi verse 29; and Al-Mudathir verses 35 until 37. These verses discuss human freedom to determine their voluntary actions, actions that are attributed to humans and become their responsibility due to their capacity to perform or abstain from them (Machasin 1996: 30-31). Quṭb argues that unrestrained absolute freedom and complete equality, devoid of conditions, pose risks to societal stability and can lead to its destruction (Sayyid Quṭb 1984: 79). He contends that Islam's designation of justice inherently involves a mechanism that governs freedom, and within the prescribed limits, absolute fairness prevails. Therefore, Quṭb asserts that none can interfere with or influence what Islam has established as just, even in the enforcement process.

Sayyid Quṭb elucidates the concept of justice in Islamic politics through a complex interplay of relationships between the ruler and the people. According to Quṭb, the political framework of Islamic governance rests on three fundamental pillars: the justice of dominion, the obedience of the people, and the consultation between the ruler and the governed (Sayyid Quṭb 1984: 129). The justice of the ruler, as outlined by Quṭb, entails impartiality devoid of any biases such as affection or aversion, familial or tribal ties, and racial or ethnic affiliations (Sayyid Quṭb 1984: 130).

Having underscored the imperative of absolute justice for a ruler, Quṭb further emphasizes the people's obligation to obey the ruler within certain limits (Sayyid Quṭb 1984: 131; Sjadzali 1993: 150). This limitation is contingent on the ruler upholding justice as a manifestation of the Shari'a of Allāh and His Messenger; as long as the ruler adheres to these principles, the people are duty-bound to obey him. Conversely, if the ruler transgresses the Shari'a prescribed by religion, the obligation of the people to comply with his directives becomes non-mandatory.

In addition to the intricate dynamics of the soul, the governance philosophy of Sayyid Quṭb incorporates a profound consideration of the consultation process between rulers and their people. While not providing a detailed procedural blueprint, Quṭb emphasizes the indispensability of deliberation

within the framework of Islamic governance. According to him, this deliberative process is not only a fundamental principle but also a linchpin for the effective functioning of the government, as expounded in his work (Sayyid Qutb 1984: 133).

Delving deeper into this perspective, Qutb underscores that this consultation serves as a vital conduit, a channel through which the aspirations of both the governed and the governors find expression. This process becomes a dynamic arena where shared interests and collective needs are identified and addressed. By fostering an environment of open dialogue, Islamic governance, in Qutb's view, can bridge the gap between the rulers and the people, creating a symbiotic relationship that resonates with the principles of justice and equity.

Within the context of this deliberative framework, the nuances of the consultation process remain subject to interpretation and adaptation to the unique circumstances of each community. The absence of a rigidly prescribed procedure allows for flexibility and responsiveness to the diverse socio-political landscapes that Islamic societies may encompass. Consequently, the implementation of this principle becomes a dynamic and evolving process, shaped by the specific needs and dynamics of the governed populace.

Sayyid Qutb's emphasis on the importance of consultation within Islamic governance not only highlights its intrinsic value but also underscores its adaptability, making it a living principle that can evolve to meet the changing demands of society. In this way, the philosophy of governance, as articulated by Qutb, reflects a holistic approach that considers both the spiritual intricacies of the soul and the pragmatic dynamics of political consultation, weaving them into a comprehensive tapestry of Islamic governance.

3. Justice as a Reflection of Manners (Syed Muhammad Naquib al-Attas)

al-Attas provides three distinct definitions of justice. Firstly, justice is characterized as a state in which everything occupies its rightful place (Wan Daud 1998: 99; al-Attas 2015: 13). The notion of the right place extends beyond the empirical world to encompass the metaphysical realm (al-Attas 2015: 15). Notably, al-Attas's conception of justice transcends the conventional understanding limited to the relationship between the state and society prevalent in Western-secular thought. Instead, it encompasses relationships between God and His

beings, humanity and God, and other entities within His creation, as well as the relationship between an individual and oneself (al-Attas 2001: 40). Consequently, al-Attas delineates justice into two categories: civil justice, rooted in the state, and the justice of nature, grounded in divine principles.

Civil justice, as elucidated by al-Attas, pertains to justice entwined with the organization and functioning of all civil institutions and citizen communities defined as states. In this context, justice is construed as partial and political. Its parameters encompass social justice, issues of distribution and correction related to equality, fairness, and benevolence in the execution of various transactions, agreements, work assessments, and the determination of rights and freedoms (al-Attas 2001: 19). Examining the multifaceted dimensions of governance and justice within Islamic thought, the insights of Ibn Khaldun, widely recognized as the father of Islamic sociology, contribute a distinctive perspective. Ibn Khaldun posits that the purpose of allocating entities to their rightful places lies in the fulfillment of entitlements and the execution of duties in alignment with their societal functions and roles (Muftisany 2014). This assertion weaves into the broader narrative of justice within Islamic philosophy, connecting with the concept of innate nature justice. Implicit in this idea is the recognition that justice, as a fundamental aspect of divine laws, is intricately interwoven with the uniformity and rationality pervasive throughout the universe. It extends beyond a mere societal construct, finding its roots in the inherent nature of individuals.

Ibn Khaldun's sociological framework adds depth to the understanding of justice, emphasizing the importance of individuals and entities fulfilling their roles within the societal structure (Hasan et al. 2023). This perspective echoes the interconnectedness of governance and justice, portraying them as integral components of a harmonious social order. As entities are assigned their proper places, the reciprocal fulfillment of rights and duties becomes a linchpin for the seamless functioning of society.

Furthermore, delving into the concept of innate nature justice, Ibn Khaldun's insights dovetail with the broader Islamic ethos that recognizes justice as an inherent quality deeply embedded in the human essence. This innate justice becomes a guiding principle, aligning individuals with the divine laws that govern the universe. It reinforces the idea that justice is not merely a societal construct imposed from the outside but an intrinsic aspect of human

nature, harmonizing with the broader cosmic order (Paudi & Ahmad 2022: 14-16).

In another of his works, al-Attas states that justice is a reflection of wisdom (al-Attas 2001: 126). This implies that justice is a quality of human actions that arises from the excellence of character derived from wisdom. According to al-Attas, humans cannot attain wisdom solely through reason without the guidance of revelation. In their pursuit, wisdom can be obtained in two ways: through direct bestowal from Allāh and by seeking knowledge from those endowed with intellect (Wan Daud 1998: 156).

Al-Attas further delineates justice as the embodiment of correct action, specifically characterized by *ādāb* (al-Attas 2015: 14). *Ādāb*, intimately entwined with justice, stands as a pivotal facet within the Islamic mode of living. Al-Attas expounds upon various instances wherein *ādāb* manifests across diverse strata of human experience. The adherence to *ādāb* in one's self-conduct initiates with the recognition that an individual comprises two fundamental constituents: intellect and animalistic tendencies. The establishment of cognitive ascendancy over one's animal nature signifies the rightful placement of both elements, thereby aligning them appropriately. Such equilibrium is deemed just for the individual; conversely, any deviation results in an unjust state (Hanafy 2017: 74; Butt & Ghauri 2022: 131-166).

Ādāb, in the context of interpersonal relationships, denotes ethical norms applied to social interactions that must adhere to specific criteria based on an individual's position within the family and society. In this framework, an individual's standing is not determined by human standards such as strength, wealth, or lineage but is established by the Qurān, predicated on criteria of knowledge, intellect, and good deed. Adhering to the criteria set by the Qurān signifies that an individual recognizes their true place in relation to it.

Concerning nature, *ādāb* involves disciplining the practical mind regarding the hierarchy characterizing the universe. This, in turn, influences an individual in making informed decisions about the values inherent in all things. *Ādāb* toward the environment entails placing plants, rocks, mountains, rivers, valleys, lakes, animals, and their habitats in their rightful places (Robert 1999: 35).

PHILOSOPHICAL REVIEW OF WESTERN JUSTICE

The rational discourse on justice in Western civilization has been present since the inception of philosophical history itself around the 5th century Before the Common Era (BCE). Justice was debated by philosophers in ancient Greece, with Plato's Republic recounting discussions on justice between Socrates and figures such as Thrasymachus and Glaucon. Thrasymachus, a radical Sophist, argued that justice is what benefits the stronger. Laws are made according to the needs and interests of the more powerful. In a unique manner, Socrates responded that an athlete needs to eat a lot of meat to stay strong; does that mean it is just? Glaucon, Plato's younger brother, proposed that justice is a compromise. In society, some can commit injustice and escape punishment, while others experience unfair treatment without defending themselves; Justice lies between these two extremes. A similar viewpoint was expressed by Cephalus, a prominent Athenian businessman, who argued that justice is nothing more than people being fair and honest in making agreements. Compromise decisions are adhered to not as morally good or bad but as a necessity to abide by mutually beneficial agreements (Suseno 1999: 50).

Plato rejects the concept of amoral justice as stated above. For him, justice is not a convention but a concept that can be derived and formulated through reason. Plato believes that an ideal state is based on justice, and justice, for him, is balance or harmony. Harmony here means citizens living in harmony with the state's goals, where each citizen leads a good life in accordance with their nature and social position. Rulers govern wisely, soldiers focus only on preparing for war, and slaves serve to the best of their abilities. The state would descend into chaos if, for example, soldiers wanted to become traders or slaves tried to become lords.

In his contemplation, Plato attempts to establish the concept of justice from an inspirational perspective. Plato, in his theory, divides justice into two: individual justice and justice within the state. From there, Plato states that the highest virtue comes from a good condition, and a good person is one guided by reason. Plato then adds that justice is created and upheld by society itself. This means that justice can only be achieved if every member of society acts in a way, they deem good and in

accordance with natural law (Gaarder 2017: 30; Christiani 2008: 349).

Aristotle emphasizes his theory of justice on the principle of balance or proportionality. The balance or proportionality referred to is, on the one hand, justice defined as equal rights, but on the other hand, justice is also understood as unequal rights. In essence, this theory explains that justice exists only when similar cases are treated equally, and conversely, dissimilar cases are treated unequally. Aristotle divides justice into two: distributive justice and cumulative justice. Distributive justice is considered fair if each person receives what is proportionate, while cumulative justice is the process of fair allocation of rights.

Plato, in his philosophical endeavor, bifurcates justice into individual justice and justice within the state. He posits that the highest virtue arises from a state of goodness, with virtuous individuals guided by reason. Plato contends that the establishment and upholding of justice lie in the hands of society itself. Justice, according to him, can only be achieved if every member of society engages in actions deemed virtuous and adheres to natural law. Aristotle, on the other hand, emphasizes the theory of justice in his view, involves treating similar things in a similar manner and dissimilar things in a dissimilar manner. Distributive justice requires that benefits and burdens be distributed proportionally, while cumulative justice involves correcting imbalances. Although Plato and Aristotle differ in their methods and perspectives in formulating justice theories, both share a common goal. Their aim is to construct a conceptual framework that distinguishes between good and bad based on the principles of justice or injustice. The divergence lies in Plato's emphasis on the world of ideas and reason as a tool for discernment, while Aristotle grounds his approach in the existing political and legal structures. Despite these differences, both philosophers strive toward the common objective of fostering a society based on justice and moral values (Nasution 2014: 121).

It is crucial to note that the conceptualization of justice presented by Plato and Aristotle played a pivotal role in the development of Western thought, particularly in the realm of justice philosophy. Plato's theory of justice, subsequently elaborated by Augustine (354-430 AD), evolved into a religious conception. According to Augustine, God is the ultimate source of justice, defining it as the rightful relationship between humans and their Creator. For Augustine, the essence of justice lies in the

existence of a proper and true connection between humans and God. Thus, justice is the most authentic element within a society, and its realization can only occur within the kingdom of divinity, which serves as the repository of justice. God is the true source of justice; hence, if an individual maintains a good and proper relationship with God, they will be imbued with truth and justice (Trainor 2011; Onuche 2020: 47-48).

Moreover, religious justice introduced by Augustine was further developed by Thomas Aquinas (1225-1274 AD). While Augustine viewed the church as the embodiment of God's justice, Thomas Aquinas asserted that, in addition to the church, there is another entity tasked with establishing divine justice in the world—the state. Consequently, Thomas Aquinas categorized justice into two realms: divine justice and human justice. Nevertheless, he emphasized the absence of conflict between the power of the church and the power of humans. Therefore, the concept of church justice fully aligns with human reason, as encapsulated in the divine law (Adliyati, Zakki & Achmad 2019: 419).

Another aspect to be noted is the challenge to the idea of natural law in terms of justice in the modern era. The concept of justice in the modern era is colored by developments in thinking about freedom and collective ownership. Several major streams have shaped the concept of justice in this era, such as classical liberalism advocated by John Locke (1632-1704), utilitarianism pioneered by Jeremy Bentham (1748-1832), socialism by Karl Marx (1818-1883), and liberalism by John Rawls (1921-2002).

Liberalism is a philosophical perspective based on the understanding that freedom and equal rights are fundamental political values. Liberalism aspires to a society characterized by freedom, equal service before the law, respect for individual rights and property ownership, and the rejection of state and religious restrictions (Schmandt 2002: 336-345). Liberalism, a political philosophy deeply rooted in the thoughts of John Locke (1632-1704), an influential English philosopher during the Age of Enlightenment in the Western world, has significantly shaped the principles of individual freedoms, government legitimacy, and the protection of natural rights in modern political discourse.

John Locke's understanding of justice is constructed through his thoughts on the state. Locke divides the stages of societal development into three

phases: the state of nature, the state of war, and the formation of the state (Tjahjadi 2004: 238-241). First, according to Locke in the “state of nature,” everyone lives in a harmonious condition marked by freedom and equal rights. In this state, no one is more powerful than another, and they live freely (Locke 2002: 25). Locke states that natural law requires everyone to see others as equals. Thus, no one can harm the life, freedom, health, body parts, or property of others. Locke adds that living in the “state of nature” allows freedom without threat because everyone lives based on the natural law given by God (Tjahjadi 2004: 239).

Secondly, according to Locke, with the creation of money, the harmony in the “state of nature” gradually transitions to a state of war or what he calls a “state of war” (Locke 2002: 33-35). This state occurs because humans seek wealth beyond their capacity to use and for an extended period. This differs from what happened in the initial stage of life in the “state of nature,” where differences in human wealth were not noticeable because they did not accumulate more than they could consume for themselves within a certain period (Locke 2002: 46, 52). The inequality in wealth then divides humanity into master-servant, lord-slave, bourgeoisie-worker statuses. Status based on wealth widens the gap between the poor and the rich (Alwino 2016: 313). Consequently, according to Locke, feelings of envy, jealousy, mutual suspicion arise, and humans live in a potentially warlike competition characterized by hostility, envy, violence, and mutual destruction.

Thirdly, Locke then proposed a solution to avoid the potential state of war by having people agree to implement the “original contract,” from which the commonwealth is established. The purpose of creating this state is to guarantee and protect the private property of each citizen who enters into the contract, and the laws established therein serve as guidelines for a free and intelligent individual to pursue their own interests (Tjahjadi 2004: 240). However, according to Locke, the state created through the “original contract” is not an absolute state but one with a very limited role. The duty of the state is to ensure the protection of every person’s life and property (Alwino 2016: 314). Therefore, the state is only considered fair if it allows its people to act according to their freedom and capabilities.

Criticism and rejection of John Locke’s idea of justice were voiced by a German socialist philosopher, Karl Marx (1818-1883). Unlike liberalism, socialism is a philosophy that asserts that

the wealth of the world belongs to everyone, and communal property is better than private property. It is considered better because this principle eliminates the distinction between the rich and the poor, bourgeoisie workers, and capitalist workers (Suseno 2001: 14). Socialism limits the desire for personal gain so that personal interests, which are the cause of crime, envy, and war, can be eliminated because everyone is a family (Hujibers 1982: 113).

Marx’s understanding of justice is built on his analysis of the economic tensions triggered by the development of ownership of the means of production. Marx (1906) argued that liberalism paved the way for everyone to exercise their freedom to build factories and purchase machines (Dutt 1961: 149-157). The means of production then fell into the hands of individuals (capitalists) and became their private property. Subsequently, they employed labor to operate the machines and multiply production. Workers did not benefit from this progress, as the owners of capital had power over them to determine their wages, dismiss them if they were no longer needed, and force them to work arbitrarily according to capitalist terms. Marx referred to this phenomenon as “colonization,” the subjugation of workers by capitalists through the exploitation of labor and the monopolization of profits (Marx 1906: 835-837).

For Marx, such a condition is a bondage for workers because they do not become genuine humans and live in alienation. Strangely, such a condition can persist within a state. Marx argued that such a situation could endure for centuries in a country due to three factors: the state, the legal system, and religion (Hujibers 1982: 113). The state issues products and laws that are formulated to protect the privileges of those in power first and foremost. Laws and regulations are made for their benefit. Meanwhile, religion serves as an intoxicant that lulls people into warfare, causing the poor and oppressed to endure their suffering patiently (Suseno 2021: 123).

Up to this point, Karl Marx’s idea of justice can be further defined. For Marx, injustice signifies the exploitation of workers by capitalists. Will Kymlicka states that justice in Marxism is not about the extent to which resources should be generalized but more about the form that enables this equalization (Kymlicka 2004: 228). In Marx’s intricate exploration of justice, the concept goes beyond the confines of legal structures and delves deep into the socioeconomic fabric of society. His

vision advocates for a fundamental shift in the ownership of the means of production, advocating for communal ownership as the cornerstone of genuine justice. According to Marx, these means of production are not merely commodities owned by individuals but are, in fact, creations of the collective efforts of the people, existing for the ultimate benefit of the entire community.

This transformative perspective necessitates a paradigm shift towards the socialization of the means of production, where communal ownership becomes the linchpin for achieving justice. The notion of sharing and common holding (communism) of these means of production becomes imperative, reflecting Marx's belief in a collective approach to societal resources. Marx asserts that attaining communal ownership demands a revolutionary process, disrupting existing power structures and challenging established norms. Dutt's analysis (1961: 164-173) further elucidates this revolutionary aspect of Marx's pursuit of justice, emphasizing the radical transformations required to achieve a communal framework for the means of production.

In essence, Marx's conception of justice underscores the need for a profound restructuring of economic and social systems, advocating for a communal arrangement that aligns with the inherent purpose of the means of production — the collective welfare of the people. The revolutionary means proposed by Marx highlight the depth of change required to break away from traditional forms of ownership and establish a more equitable and just foundation for societal progress.

In the contemporary era, intellectual figures have emerged presenting their perspectives on justice. Consider John Rawls, an American political philosopher who crafted a justice theory while incorporating liberal principles. Rawls labels his justice theory as "justice as fairness." He subsequently introduces an abstraction linked to "justice as fairness," wherein rational, free, and equal individuals convene to embrace justice principles from a standpoint termed the original position. Under the veil of ignorance, it is conceivable that individuals lack self-awareness, enabling them to impartially choose principles of justice without preemptively favoring principles that serve their own interests or other concerns (Rawls 1971: 203-205).

Moreover, Rawls elucidates that there are two principles of justice that one can choose within this "veil of ignorance." First, the principle of liberty,

signifying that everyone has an equal right to the broadest basic liberties as afforded to all. Second, the principle of equality, where social and economic inequalities must be arranged to benefit everyone and ensure equal opportunities for all (Rawls 1971: 61).

However, the concept of justice proposed by John Rawls has faced severe criticism from a political philosopher and communitarian figure originating from America, Michael Sandel, through his work titled "Liberalism and the Limits of Justice." Sandel critiques the difference principle in Rawls's distributive justice theory. According to him, the condition for distributive justice is the existence of a binding community within which a distribution process takes place. In contrast, individuals in the liberal perspective are perceived as isolated entities wandering in a void and placed in the realm of freedom rights. In reality, however, according to communitarians, humans always live within society, traditions, and social bonds. Hence, Sandel provides a scathing commentary, stating that liberal ethics aim to place individuals beyond the realm of experience, consideration, and reflection, ultimately yielding illusions (Sandel 1982: 11, 177-178).

CONCLUSION

The discussions can be concluded from the explanations about the understanding, essence, and concepts of justice that there are two universally inherent aspects of the concept of justice: the goal and the character of justice. In Islam, the goal of establishing justice is to achieve good relationships between humans and their Creator, humans and other humans, and humans with the surrounding environment. The characteristics of Islamic justice are: it is an obligation, equality, consistency with the truth, and a balanced relationship. On the other hand, the goal of Western justice is to achieve good relationships among fellow citizens through the application of laws. The characteristics of Western justice are fairness, legal, lawful, impartial, equality of rights, and morally just. The difference lies in the orientation of Western justice, which is not centered on the afterlife and solely emphasizes pragmatic aspects and worldly pleasures. In contrast, justice in Islam prioritizes the balance between worldly and afterlife considerations. Additionally, the justice framework constructed by the West is limited to human-to-human and state relationships, whereas

justice in Islam is closely tied to harmonizing the relationships between humans, God, and the surrounding environment.

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AUTHORS' CONTRIBUTIONS

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