

6 ADALAH

Buletin Hukum & Keadilan

Terminology of Justice in the Quran On the Dimensions of Constitutional Law

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Abstract:

The Quran places great importance on justice, which significantly influences the development of constitutional Law. The Quran offers a thorough and inclusive explanation of justice language, encompassing individual and social dimensions. This essay examines the terminology of justice found in the Quran and its potential application within Constitutional Law. Amidst the growing trend of globalization, it is crucial to comprehensively comprehend how the principles of justice outlined in the Quran can be effectively incorporated into constitutional legislation. This essay emphasises the significance of incorporating Islamic principles into constitutional Law to establish a fair and enduring society.

Keywords: Justice; Constitutional law; Quran

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A. PROLOG

One of the essential ideas that serves as the foundation for various legal and governmental systems worldwide is the concept of justice. Justice serves as a moral basis inside the Islamic framework and as the primary guiding principle in controlling social, economic, and political life. The Quran considered the sacred book of Muslims, offers comprehensive teaching regarding the concept of justice, which encompasses both individual and societal components.¹



In the Quran, the concept of justice is referred to by several different names, including *adl* (which means "fairness"), *qist* (which means "balance"), and *ihsan* (which means "goodness"), each of which has its own set of nuances and applications. When applying the principles of justice within the

¹ Muhyidin, S. (2019). Konsep Keadilan dalam Alquran. Al-Riwayah: Jurnal Kependidikan, 11(1), 89-108. Rahmat, R. (2016). Konsep Keadilan dalam Alquran. NUKHBATUL'ULUM: Jurnal Bidang Kajian Islam, 2(1), 167-175.

constitutional law framework, a comprehensive understanding of this terminology is paramount. The Constitutional Law itself is a subfield of the legal system that controls the connection between individuals and the state, in addition to the processes that govern the functioning of the government. Therefore, one of the most crucial steps in developing a political system that is both equitable and sustainable is to investigate how the concept of justice found in the Quran might be incorporated into constitutional legislation.²

Legal scholars and practitioners have shown tremendous interest in incorporating Quranic ideas of justice into constitutional Law in numerous Muslim countries. Saudi Arabia, Iran, and Indonesia have distinct methods of integrating the teachings of the Quran into their legal frameworks. Nevertheless, this application frequently encounters numerous obstacles, encompassing the understanding and execution aspects.³

Given the growing interconnectedness of legal systems worldwide, it is crucial to have a comprehensive understanding of how universal concepts of justice can be reconciled with religious beliefs. It is essential to guarantee that constitutional

² Rangkuti, A. (2017). Konsep keadilan dalam perspektif Islam. *TAZKIYA: Jurnal Pendidikan Islam*, 6(1).

³ Nadir, N. (2020). Sistem Pemeritahan Dan Kebijakan Luar Negeri Arab Saudi. *Qaumiyyah: Jurnal Hukum Tata Negara*, 1(2), 161-175. Hidayat, U. (2014). Politik Hukum Islam Dalam Sistem Hukum Tata Negara Republik Islam Iran. *Asy-Syari'ah*, 16(2), 89-98.

Law operates efficiently and with a strong ethical and moral foundation.

This essay examines the terminology of justice found in the Quran and its potential application within the realm of constitutional Law. This approach aims to offer a more profound understanding of the significance of justice in establishing a fair and sustainable legal framework while also making a substantial contribution to scholarly and practical debates on incorporating Islamic principles into Constitutional Law.



B. DISCUSSION

1. Definition of Justice in the Quran

The keywords and terms in Arabic that refer to justice are:⁴

First: 'Adl (عدل). 'Adl means balance, honesty and justice. This word reflects putting things in their

⁴ Qureshi, T. A. (1982). Justice in Islam. *Islamic Studies*, 21(2), 35-51. Askari, H., & Mirakhor, A. (2020). *Conceptions of Justice from Islam to the Present* (pp. 1-16). Cham: palgrave macmillan.

proper place and acting fairly without taking sides. 'Adl is often mentioned in the context of upholding justice and the individual's obligation to do justice. For example, in Surah An-Nisa' verse 58: "Indeed, Allah orders you to convey a message to those who are entitled to receive it, and (orders you) when you determine a law between people so that you determine it fairly."

Second: Qist (قسط). Qist means fair share or balance. This term is often used to describe fair distribution and impartiality. Qist is used in the context of social and economic balance. For example, in Surah Al-Hadid verse 25: "...and We sent down with them the Book (Quran) and the balance (justice) so that humans can carry out justice."

Third: Ihsan (إحسان). Ihsan means kindness, generosity, and good treatment. Although not directly translated as justice, ihsan includes actions beyond fundamental justice by treating others with kindness. Ihsan is often mentioned as a recommended behaviour in human relationships. For example, in Surah An-Nahl verse 90: "Indeed, Allah commands (you) to act justly and do good..."

The explanation of the meaning of justice according to classical and contemporary commentators is:⁵

⁵ Adawiyah, R., & Fauzan, M. N. (2023). Social Education Values in Society from Quranic Perspective: Interpretation of Qs. Al-Hujurat/49: 6-10 in Tafsir Al-Azhar. UInScof, 1(2), 1083-1094. Abd Muid, N., & Jamiluddin, A. (2020). Qur'anic Social Transformation In

First: Classic Mufassir

1). Ibnu Katsir. Ibnu Katsir's perspective underscores that justice ('adl) in the Quran encompasses both truthfulness in speech and conduct and the fulfilment of others' rights. Furthermore, he emphasized that fairness serves as the foundation of God's rule, so every decision made should be predicated upon this fundamental premise.

2). Al-Qurtubi. According to Al-Qurtubi's opinion, justice is a fundamental component of sharia. According to his perspective, justice encompasses not only granting rights to those who deserve them, but also eradicating any form of injustice or oppression within society.

Second: Contemporary Mufassir ⁶

1). Sayyid Qutb. Sayyid Qutb, in his tafsir "Fi Zilalil Quran," highlighted the societal and governmental dimensions of justice as portrayed in the Quran. Qutb asserts that justice within the Islamic framework encompasses social, economic, and political dimensions, all of which must be effectively enforced to attain societal harmony.

Al-Azhar Interpretation. Mumtaz: Jurnal Studi Al-Quran dan Keislaman, 4(01), 1-12.

⁶ Syukri, A. (2005). Metodologi Tafsir al-Qur'an kontemporer dalam pemikiran Fazlur Rahman. Kontekstualita: Jurnal Penelitian Sosial Keagamaan, 20(1), 37111. Sakinah, E. H. (2020). Keadilan dalam Al-Qur'an (Studi Keadilan dalam Konteks Hukum Perspektif Tafsir Al-Manar). At-Tahfidz: Jurnal Ilmu Al-Qur'an dan Tafsir, 2(01), 1-15.

2). Muhammad Asad. In his tafsir "The Message of the Quran", Muhammad Asad elucidates that the pursuit of justice is a primary objective of sharia. Asad stressed the importance of impartially applying justice, regardless of ethnicity, religion, or social standing. He also highlighted that every member of society must ensure justice is upheld.

By comprehending the diverse terminology and elucidations of justice in the Quran via the lens of traditional and modern commentators, we can discern the significance of this notion in constructing an equitable and enduring legal and governmental framework. The concept of justice in the Quran encompasses not only individual behavior but also social structures and organizations that promote fair and prosperous existence.



2. Principles of Justice in the Quran

The principles of justice in the Quran are as follows:⁷

⁷ Nidaurrahmah, A. (2018). Prinsip Keadilan dalam One Man One Vote Perspektif Hukum Islam dan Hukum Positif (Doctoral

First: Justice is One of the Main Goals of the Sharia

Sharia, also called Islamic Law, is specifically formulated to accomplish a set of primary objectives known as Maqasid al-Shariah. One of the primary objectives of sharia is to maintain and promote justice ('adl). Sharia law encompasses many areas in life and seeks to establish fairness and unity within society.

Some of the main principles of justice in Sharia include:

1). Balance of Rights and Obligations. Sharia places importance on maintaining a harmonious equilibrium between the rights and responsibilities of individuals. Every privilege bestowed must be matched by commensurate accountability.

2). Justice in Decision Making. Sharia mandates the application of fairness in all aspects of decision-making, encompassing personal, social, and governmental domains.

3). Non-Discrimination. The principle of fairness in Sharia unequivocally opposes any prejudice or bias rooted in race, religion, or social standing. Every person must be subjected to fair and equal treatment under the Law.

dissertation, UIN Sunan Kalijaga Yogyakarta). Yurista, D. Y. (2017). Prinsip Keadilan dalam Kewajiban Pajak dan Zakat Menurut Yusuf Qardhawi. Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam, 1(1), 39-57.

Second: The Role of Justice in Social, Economic and Political Life from the View of the Quran

The role of justice in social life, from the view of the Quran, is seen in social life, both in the family and in society.⁸ The Quran emphasizes the importance of justice in family relationships, including inheritance distribution, marriage, and the treatment of children. Surah An-Nisa verse 135 states: "O you who believe, be upholders of justice, witnesses for Allah, even if it is against yourselves or your parents and relatives...". The Quran emphasizes the importance of justice in social interactions, including treating the poor and needy. Surah Al-Ma'idah verse 8 states: "O you who believe, let you be those who always uphold (the truth) for the sake of Allah, be witnesses fairly. Never let your hatred towards people encourage you to act unfairly. Be fair because justice is closer to righteousness."

From the Quran's perspective, justice's role in economic life is seen in justice in financial transactions and the distribution of wealth.⁹

⁸ Rasya, H. S., & Triadi, I. (2024). Akses Keadilan dan Kesenjangan Sosial: Transformasi Melalui Peran Hukum Tata Negara. *Indonesian Journal of Law and Justice*, 1(4), 12-12. Latifah, E. (2015). Eksistensi Prinsip-Prinsip Keadilan Dalam Sistem Hukum Perdagangan Internasional. *Padjadjaran: Jurnal Ilmu Hukum (Journal of Law)*, 2(1).

⁹ Rasya, H. S., & Triadi, I. (2024). Akses Keadilan dan Kesenjangan Sosial: Transformasi Melalui Peran Hukum Tata Negara. *Indonesian Journal of Law and Justice*, 1(4), 12-12.

The Quran emphasizes honesty and fairness in economic transactions. Surah Al-Baqarah verse 282 underlines the importance of recording debt and receivable transactions to prevent injustice and disputes in the future. Meanwhile, the principle of zakat in Islam is a clear example of economic justice. Zakat functions as a wealth distribution mechanism that ensures that wealth is not concentrated in a few people but is spread evenly throughout society.

From the Quran, justice's role in political life is seen in justice in government and constitutional Law. The Quran teaches that leaders must treat their people fairly. A just leader will be accountable before God. Surah Al-Hujurat verse 9 states the importance of justice in resolving conflicts between groups: "If there are two groups of believers at war then make peace between the two... and if one of them persecutes another group then fight the group that is doing the wronging so that the group returns to Allah's command; if the group has returned (to Allah's command), then make peace between the two of them fairly and act justly. Indeed, Allah loves those who act justly."¹⁰

Justice in Constitutional Law is manifested through a multitude of societal ideals. The Quran underscores the principle of equal treatment under the Law for all individuals, irrespective of their

¹⁰ Rasya, H. S., & Triadi, I. (2024). Akses Keadilan dan Kesenjangan Sosial: Transformasi Melalui Peran Hukum Tata Negara. *Indonesian Journal of Law and Justice*, 1(4), 12-12.

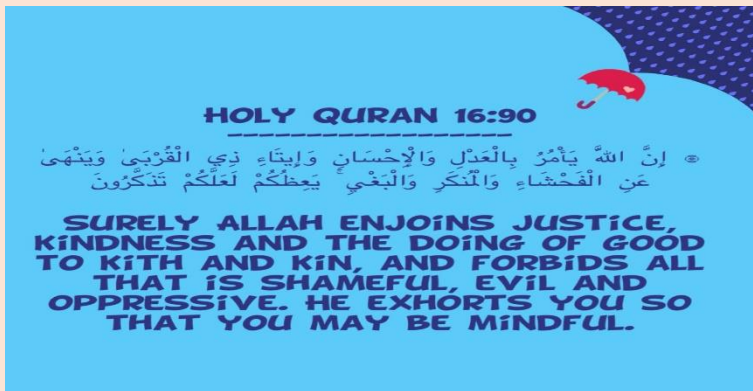
origins. This notion is utilized in the creation of just and unbiased legislation. The Quran promotes and advocates for the active involvement of the general populace in making decisions. Verse 38 of Surah Ash-Shura emphasizes the significance of deliberation or consultation in matters concerning the community.

Within the justice domain, judges must possess impeccable integrity and remain impervious to personal biases or external coercion. They are required to make decisions based on the evidence presented and the applicable laws, ensuring fairness. The judicial process must be conducted with transparency and impartiality. All parties involved in a court proceeding must be granted equal access to defence and the ability to present evidence.

Within law enforcement, the concept of justice underscores the absence of impunity. According to the Quran, everyone is subject to the law, and no one is exempt. All individuals, including leaders, are required to adhere to the relevant laws. The sanctions imposed must be commensurate with the transgression committed. The severity of punishment should be proportionate and primarily focus on rehabilitating the criminal and safeguarding the community.¹¹

¹¹ Sudirman, L. (2023). Peran Media Sosial Sebagai Alat Pencapaian Suara Keadilan Dalam Penegakan Hukum Di Indonesia: No Viral No Justice. *Paulus Law Journal*, 5(1), 16-40. Keadilan

In light of this, the concepts of justice included in the Quran encompass many facets of life and offer comprehensive advice for establishing a just and harmonious society. Incorporating these principles into constitutional Law is of utmost significance to guarantee that the laws and policies formulated and put into effect can pave the way for prosperity and fairness for all members of society.



3. The Relationship between Justice and Constitutional Law

The relationship between justice and constitutional law is reflected in the principles of justice that influence lawmaking.¹²

The principle of fairness serves as the moral and ethical basis for creating laws. In constitutional

Restoratif, S. H. Peran Masyarakat Dalam Penegakan Keadilan Restoratif Di Indonesia: Perspektif Sosiologi Hukum.

¹² Rajab, A. M., Pamungkas, A. C., Muhamad, S., Supardi, E., & Sanaba, H. F. (2023). Haluan Konstitusi Dan Kebijakan Keadilan Sosial Dalam Hukum Tata Negara. *Jurnal Pemerintahan, Politik Anggaran Dan Adiminstrasi Publik*, 3(2), 142-150.

Law, justice guarantees that the laws enacted are legally legitimate and ethically equitable. The Quran underscores the significance of justice in every facet of existence, encompassing the creation and execution of legislation.

Fair laws must consider the equilibrium between citizens' rights and responsibilities. In light of this, it is imperative that every law safeguard the rights of individuals and groups without ignoring their duties to the state and communities.

Participation in the legislative process from all levels of society is required to fulfil the requirements of the principle of justice. Laws should not be formed unilaterally by the government without the participation of the community, as the Quran emphasises the concept of deliberation (shura) in decision-making. This indicates that individuals should be involved in the process.

In a country that applies the principle of justice, fair representation of various society groups in the legislature is essential to ensure that all voices are heard and considered in lawmaking.

Examples of the Implementation of Justice in Constitutional Law in Various Countries namely:¹³

First: Indonesia

¹³ Juliennelzky, O. (2023). Pemenuhan Hak-Hak Perlindungan Anak (Studi Perbandingan Hukum Positif dan Hukum Tata Negara Islam).

The laws enacted in Indonesia are designed to promote gender equality and prevent discrimination against women. This exemplifies the principle of justice in the Quran, which emphasizes equitably treating all individuals, regardless of gender. Thanks to the country's judicial system, citizens of Indonesia can contest actions taken by the government that they believe to be unfair. Citizens can seek justice through the judicial system, which guarantees that the government's actions are under the Law and justice.¹⁴

Second: Saudi Arabia

The Islamic legal system, known as sharia, is the foundation of Saudi Arabia's legal system. Several different areas of Law, including criminal Law, civil Law, and Constitutional Law, all use the ideas of justice in the Quran. As an illustration, the Qadis (judges) in the Saudi court system are obligated to make decisions about cases according to the principles of justice outlined in the Hadith and the Quran. This consultative council plays a significant part in the legislative process, providing recommendations to the king. The Majlis Ash-Shura acts as a reflection of the principle of deliberation in

¹⁴ Safira, M. E. (2023). Model Sistem Peradilan Dalam Mewujudkan Kepastian Hukum Dan Keadilan Di Indonesia. *Journal of Indonesian Comparative of Syari'ah Law*, 6(1), 1-17. Rochaeti, N. (2023). Keadilan yang Berketuhanan dalam Sistem Peradilan Pidana.

making fair and inclusive decisions, despite the fact that it does not have full legislative powers.¹⁵

Third: Iran

In Iran, there is a Guardian Council responsible for ensuring that legislation that is voted by parliament is in accordance with sharia and the country's constitution. As a result, this demonstrates how the concepts of justice can be applied to ensure that no legislation conflicts with the principles of Islamic justice. Cases that are considered significant to the Islamic revolution and the country's security are heard by these courts, which place a strong focus on applying the principles of justice in their verdicts.¹⁶

Fourth: Pakistan

Following the principles of sharia, Pakistan has enacted hudud laws, which stipulate the provisions for the punishment of major offences such as theft and adultery. Even though it is controversial, this demonstrates an attempt to incorporate Quranic justice into the country's legal system. It is the responsibility of this court to examine the laws that are currently in place and determine whether or not

¹⁵ Laming, M. T. (2021). Keadilan dalam beberapa perspektif; suatu kajian beberapa paradikma tentang keadilan. *Meraja journal*, 4(2), 269-278.

¹⁶ Chumaedi, A. (2018). Pemikiran Murtadha Muthahhari tentang Negara dan Masyarakat serta Pandangannya terhadap Revolusi Islam Iran. *Journal of Government and Civil Society*, 2(1), 33-50.

they adhere to Islamic principles. The ruling of this court must be adhered to by both the legislative and executive branches of government, which demonstrates the incorporation of the principles of justice into the administration of local governments.¹⁷

By looking at the examples provided earlier, we can see how the principles of justice found in the Quran are applied in different parts of constitutional law in various countries. This implementation ensures that the laws that are written and put into effect are not only legally valid but also fair and ethical, thereby providing protection and welfare for all citizens.

4. Implementation of Justice Terminology in Constitutional Law in Muslim Countries

Several countries apply justice terminology originating from the Quran to their constitutional Law.

First: Saudi Arabia

The legal system of Saudi Arabia is primarily based on the principles of Islamic sharia. The concepts of justice outlined in the Quran significantly influence the formulation and enforcement of laws.

¹⁷ Mulyati, S., & Syukur, S. (2023). Perjuangan Muhammad Ali Jinnah Dalam Sejarah Pembaharuan Di Pakistan. *Jurnal SAMBAS:(Studi Agama, Masyarakat, Budaya, Adat, Sejarah) Journal of Religious, Community, Culture, Costume, History Studies*, 6(1), 18-32.

Sharia law in Saudi Arabia encompasses many areas, including family law and criminal Law.¹⁸

In the Saudi judicial system, the role of the "Qadi" is to ensure that every decision aligns with the ideals of justice outlined in the Quran and Hadith. They should execute the Law just and unbiasedly, relying on robust evidence.

The primary function of the Majlis Ash-Shura is to offer counsel to the monarch on a range of matters about the state, including legislative decision-making. Despite lacking complete legislative authority, the presence of Majlis Ash-Shura demonstrates the implementation of the ideals of thoughtful discussion and fairness in decision-making.¹⁹

Saudi Arabia enforces hudud laws, which encompass penalties for grave transgressions such as theft and zina, in compliance with Sharia regulations. This implementation demonstrates a steadfast dedication to upholding the Quran's precepts of justice.

Second: Iran

The Constitutional Guardian Council's primary responsibility is to ensure that laws enacted

¹⁸ Harianto, B. (2019). Sistem Ketatanegaraan Saudi Arabia Dalam Konteks Pergantian Kekuasaan Perspektif Siyasah Dusturiyah (Doctoral dissertation, UIN Sunan Kalijaga Yogyakarta).

¹⁹ Harianto, B. (2019). Sistem Ketatanegaraan Saudi Arabia Dalam Konteks Pergantian Kekuasaan Perspektif Siyasah Dusturiyah (Doctoral dissertation, UIN Sunan Kalijaga Yogyakarta).

by the parliament adhere to Sharia and Iran's constitution. This council possesses the authority to refuse laws that are considered to be in contradiction with the ideals of Islamic justice. The presence of the Guardian Council guarantees the incorporation of the concepts of justice derived from the Quran into Iran's constitutional system.²⁰

The Iranian courts have jurisdiction over matters of state security and grave infringements of Islamic Law. Their purpose is to ensure that justice is maintained in conformity with the precepts of the Quran. Iran incorporates islamic laws into its judicial system. This demonstrates the state's endeavours to uphold justice in conformity with the principles of Sharia law.²¹

Third: Indonesia

Despite not being an Islamic country, Indonesia has incorporated sharia concepts into different areas of its national legislation. Family law for Muslims is governed by the Compilation of Islamic Law (KHI), serving as an illustrative instance. Certain regions in Indonesia, such as Aceh, possess the authority to enforce sharia in their local legislation, including sharia criminal law that

²⁰ Hidayat, U. (2014). Politik Hukum Islam Dalam Sistem Hukum Tata Negara Republik Islam Iran. *Asy-Syari'ah*, 16(2), 89-98.

²¹ Hidayat, U. (2014). Politik Hukum Islam Dalam Sistem Hukum Tata Negara Republik Islam Iran. *Asy-Syari'ah*, 16(2), 89-98.

adheres to the principles outlined in the Quran, thereby ensuring justice.²²

The Religious Courts in Indonesia possess the authority to adjudicate matters about family law and inheritance, specifically for individuals who practice the Islamic faith. This court guarantees that the decisions made adhere to the ideals of justice outlined in Islamic Law. The laws regarding zakat and waqf are also regulated to distribute wealth fairly and help those in need, following the principles of social justice in the Quran.

The Law on the Elimination of Domestic Violence and other legislation supporting gender equality provide an example of implementing the principle of justice in the treatment of all individuals, regardless of gender. Public participation is an integral aspect of the legislative process in Indonesia, which exemplifies the values of debate and justice in the application of decision-making processes.²³

Several nations, like Saudi Arabia, Iran, and Indonesia, have demonstrated various approaches to incorporating the concepts of justice found in the Quran into their constitutional legal systems. Even though variations in methodologies and legal systems are utilized, the idea of justice remains an

²² Sari, A. K. (2023). Pengaruh Politik Hukum Dalam Penegakan Hukum Di Indonesia. *Dalihan Na Tolu: Jurnal Hukum, Politik dan Komunikasi Indonesia*, 1(02), 51-58.

²³ Arrahman, M. R. (2023). Ketentuan Hukum Tatanan Negara Yang Sesuai Dalam Politik Islam. *Jurnal Ilmiah Muqoddimah: Jurnal Ilmu Sosial, Politik, dan Humaniora*, 7(2), 560-564.

essential foundation for formulating and interpreting laws. Not only does this application make sure that the Law conforms to Islamic moral and ethical norms, but it also seeks to establish a just and peaceful community.²⁴

C. EPILOG

Based on the preceding explanation, it can be inferred that the notion of justice found in the Quran is significant in shaping constitutional Law. By comprehending justice words such as '*adl*, *qist*, and *ihsan*' and considering the perspectives of both ancient and current interpreters, we may recognize the significance of justice principles in constructing a fair and enduring legal framework.

This paper emphasizes the need for a more thorough comprehension of the Quranic notion of justice within the constitutional law framework, particularly when confronted with global issues and the intricate dynamics between religion and the state. Nations such as Saudi Arabia, Iran, and Indonesia have demonstrated endeavours to implement the tenets of Quranic justice in their respective legal frameworks, albeit with distinct methodologies.

Hence, the primary inference drawn from this essay is the imperative to incorporate the principles

²⁴ Nasim, A. S., Bakence, L., & Basirun, A. (2023). Hukum Islam dalam Konstitusi Negara Indonesia. *Alauddin Law Development Journal*, 5(1), 33-47.

of Islamic justice into the Constitutional Law framework to establish an equitable, cohesive, and enduring society. To effectively address the intricate dynamics of contemporary culture, it is crucial to have a profound comprehension of the Quranic concepts of justice and how they can be implemented in the legal framework. This understanding is essential for establishing a government system that aligns with Islamic moral and ethical values and guarantees justice for everyone.

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