The Principle of Justice and Equality in the Perspective of Islamic Law on the Modern Concept of Human Rights

Simontaro Halenzky Sinaga[*1], *Rafie Zuhairi Ahmad*[2], *Muhammad Sultan Ulil Albab*[3], *Abimanyu Valdi Al Ghazali Setiawan*[4], *Na'il Febrian Achmad*[5]

[12345] *Universitas Negeri Semarang, Indonesia*

Author Corresponding: simonsinaga19@students.unnes.ac.id *

Abstract. This article examines the principles of justice ('adl) and equality (musāwah) in Islamic law and their relevance to the modern concept of human rights. This study employs a qualitative method with a normative-theological approach and literature analysis based on primary sources such as the Qur'an, Hadith, and both classical and contemporary Islamic legal scholarship. The findings reveal that Islam has established the values of justice and equality long before the emergence of modern human rights discourse. These principles are rooted in the doctrine of tawhid, which affirms the equality of all human beings before God. The study also identifies significant intersections between Islamic law and modern human rights, particularly in upholding human dignity, while differing in terms of epistemological foundation and source of legitimacy. Understanding this harmony highlights how Islamic legal principles can contribute to strengthening global human ethics and the development of justice-oriented national.

Keywords: Justice, Equality, Islamic Law, Human Rights

INTRODUCTION

Human rights have become an important and universal global issue, especially after the adoption of the *Universal Declaration of Human Rights* (DUHAM) by the United Nations in 1948. This declaration affirms that every human being has inherent rights from birth and cannot be revoked under any circumstances (Almahfali and Avery), regardless of race, gender, nationality, religion, or social status. This idea then became the basis for the birth of various international instruments such as *the International Covenant on Civil and Political Rights* (ICCPR) and *the International Covenant on Economic, Social and Cultural Rights* (ICESCR), and was adopted into various national legal

Simontaro Halenzky Sinaga*1, Rafie Zuhairi Ahmad 2, Muhammad Sultan Ulil Albab 3, Abimanyu Valdi Al Ghazali Setiawan4, Na'il Febrian Achmad 5

systems, including Indonesia through the recognition of the constitutional rights of citizens in Articles 28A-28J of the 1945 Constitution (Simanjutak).

Nevertheless, modern human rights discourse is often born from a secular and anthropocentric paradigm that places humans at the center of the source of rights. On the other hand, in the Islamic legal tradition, the principles of justice ('adl) and equality (musāwah) have been taught long before the emergence of the modern concept of human rights. Islam views human beings as beings who have honor and moral responsibility before Allah SWT (Ara). As affirmed in the Qur'an, *"And indeed We have glorified the descendants of Adam"* (QS. Al-Isrā': 70). Similarly, the principle of equality is affirmed in the word of Allah: *"Indeed, the most noble among you in the sight of Allah is the most pious"* (QS. Al-Ḥujurāt: 13).

Thus, the concept of justice and equality in Islam is not just a social value, but a theological principle that is the foundation of the entire Islamic legal system (sharia). These values are universal and uphold human dignity but are still based on a spiritual responsibility to God (Suhaila and Saleh). Therefore, it is interesting to review how the principles of justice and equality in Islamic law can be understood contextually and compared to modern human rights concepts that are developing in the global realm. This study is expected to show that Islam has a distinctive human rights paradigm based on revelation and moral values but is still relevant to support the strengthening of human rights in the modern era.

METHOD

This research uses a qualitative approach with normative-theological methods and literature studies. The main sources are the Qur'an, hadith and classical literature of Islamic law; secondary sources are journal articles, books and documents related to modern human rights and Islamic law. Data analysis is carried out through hermeneutic and comparative approaches, by interpreting religious texts in the context of universal human values and comparing them with contemporary human rights principles. This research seeks to find a common point between Islamic teachings and the concept of modern human rights through tracing the normative meanings contained in the sources of Islamic law, as well as its relevance in answering the problems of justice, freedom, and equality in the modern era. Thus, the results of the research are expected to be able to make a theoretical contribution to the development of Islamic discourse and human rights, as well as offer a moderate and applicable theological perspective in the implementation of human values.

RESULT AND DISCUSSION

The Philosophical Foundations of Human Rights in Islam

Islam as a religion of rahmatan lil 'alamin has established basic principles that are a strong foundation in upholding human rights (HAM) (Zahrah). In the context of Islam, human rights are not a concept separate from spiritual values and social responsibility, but rather an integral part of sharia teachings.

1. Humans Are Created with Honor and Responsibility

    The Qur'an affirms that man was created in a noble state. Allah says in QS. Al-Isra: 70, which means: "And indeed, we have glorified the children of Adam, We have carried them on land and in the sea, We have given them sustenance from the good, and We have made them superior to the many creatures that We have created."

    This verse shows that glory and honor are basic human rights since creation. Islam does not discriminate between human dignity status based on race, skin color, or social status. However, this glory comes with the responsibility to live a life in accordance with divine values.

2. The Principle of Tauhid as the Basis of Human Equality

   Tawheed, which is the belief in the oneness of Allah, is a fundamental principle in Islam. Tawheed affirms that only Allah has the right to be worshipped, and all mankind are His servants. Thus, no one human being has absolute authority over another. This principle is the basis of equality, because all human beings are equal before God. There is no room for discrimination or oppression, because all come from the same origin and will return to the same God.

3. The Concept of Caliph fil-Ardh as a Form of Social Responsibility

   Islam appoints man as a caliph of fil-ardh (the representative of Allah on earth) as mentioned in many verses, such as QS. Al-Baqarah: 30. This position is not only an honor, but also contains a great responsibility in maintaining justice, benefit, and balance of the universe. As caliphs, humans are responsible for upholding the values of truth and justice, both towards fellow humans and the environment.

   Thus, the philosophical foundation of human rights in Islam is firmly rooted in the concept of the integrity of the relationship between man and God, as well as social relations between human beings based on the principles of honor, responsibility, and equality.

The Principle of Justice ('Adl) in Islamic Law

Justice ('adl) is the core of Islamic teachings that touches all aspects of life, including in the legal, social, and moral realms. Islam not only regulates formal relationships, but also emphasizes the importance of fairness in everyday life.

1. Justice as a Basic Value of Sharia

   Allah says in QS. An-Nisa: 58, which means: "Indeed, Allah has commanded you to convey the message to those who are entitled to receive it, and (instructs you) when you establish a law among men that you may judge justly..."

   And in QS. Al-Ma'idah: 8, which means: "... Be fair. Because justice is closer to piety..." (Katsir). These two verses affirm that justice is a direct command from Allah and is the main foundation in the application of Islamic law. Justice in Islam is not relative or situational, but must be upheld in all circumstances, even against people who are not liked.

2. Justice Is Not Only Legal, but Also Moral and Social

   Islam does not limit justice only to the scope of formal law. Justice is also about morality and social. This means that a Muslim is required to be fair in thinking, speaking, behaving towards others, and in carrying out social responsibilities. Social justice includes economic equity, the elimination of discrimination, and equal treatment of all levels of society.

3. Examples of the Application of Justice in Islamic History

   One of the examples of the application of justice in Islamic history can be seen from the leadership of Caliph Umar bin Khattab. He is known to be very firm and fair, regardless of status or power. One of the famous stories is when the son of a governor slapped an ordinary citizen's son. Umar summoned the governor's son and gave him a commensurate punishment, and affirmed the principle of legal equality among citizens. He said, "Since when did you enslave people, when they were born to their mothers in a state of freedom?"

   This example shows that the principle of justice in Islam is not only a concept, but also practiced in real life in Islamic government.

The Principle of Equality (Musawah) in Islam

1. General Meaning

   The principle of musawah (المساواة) means equality or equality. In Islamic teachings, this principle states that all human beings have an equal position before Allah, regardless of race, ethnicity, gender, social status, or wealth (al-Qaradawi). Islam teaches that man comes from the same source, namely Adam and Eve, so there is no reason for anyone to feel superior to others except through piety. This principle is the basis for the creation of a just society, in

Simontaro Halenzky Sinaga*1, Rafie Zuhairi Ahmad 2, Muhammad Sultan Ulil Albab 3, Abimanyu Valdi Al Ghazali Setiawan4, Na'il Febrian Achmad 5

which respect for human dignity and dignity takes precedence regardless of worldly differences.

2. Al-Qur'an

The principle of musawah is clearly affirmed in the words of Allah SWT, which means: "O man! Indeed, We have created you from a male and a female, and made you into nations and tribes, so that you may know one another. Indeed, the most noble among you in the sight of Allah is the most pious." (QS. Al-Hujurat (49): 13)

This verse shows that the benchmark of human glory is not origin, skin color, or social position, but piety to God. Therefore, Islam rejects all forms of discrimination based on race (colorism), social strata, or gender. This principle emphasizes that in the Islamic view, every human being has the same value as God's creation, and differences only aim to know each other and collaborate in goodness.

3. Implementation of the Musawah Principle

In daily life, the principle of musawah is applied in various fields. In terms of the right to life, Islam states that no one should be deprived of their life without valid sharia law. In terms of the right to opinion, Muslims are encouraged to deliberate, where every view is given space to be respected and considered, as affirmed in QS. Ash-Shura verse 38. Meanwhile, in terms of the right to worship, every individual has the same freedom to worship Allah directly without intermediaries. Thus, musawah is not only a spiritual value, but also a social and moral guide that ensures justice and equality between human beings.

The Concept of Modern Human Rights and the Meeting Point with Islamic Law

1. The Universal Declaration of Human Rights (1948))

The Universal Declaration of Human Rights (DUHAM) was ratified by the United Nations in 1948 in response to the atrocities of World War II. This declaration states that every human being is born with the same rights and freedoms regardless of race, gender, language, religion, or social status. The content includes basic principles such as: The right to life, liberty, and personal security, the right not to be tortured or enslaved, the right to freedom of opinion, religion, and expression, the right to work, get an education, and a decent life, the right to participate in government and community development, and the philosophical foundation of DUHAM is secular and universal, because it comes from the view that human dignity is the highest moral value inherent in every individual without depending on certain beliefs or value systems.

2. Cairo Declaration on Human Rights in Islam (1990)

The Cairo Declaration was drafted by the Organization of the Islamic Conference (OIC) in 1990 to convey an Islamic perspective on human rights. This declaration states that all human rights and freedoms must be exercised within the framework of Islamic sharia as the supreme law. It explains that Islam guarantees the right to life, honor, freedom of thought, and social justice for all human beings, and rejects all forms of racial or social discrimination. The rights of men and women are recognized in a balanced manner according to the limits of Islamic law. However, individual freedom in Islam is not absolute as in the concept of secular human rights, but is bound by moral values and divine laws. Thus, the Cairo Declaration affirms that respect for human rights must be in harmony with adherence to the principles of justice and piety to God.

3. The Meeting Point between Modern Human Rights and Islamic Law

Despite fundamental differences in its philosophical foundations, there are strong similarities between modern human rights concepts and Islamic legal principles. Both place human beings as subjects who have dignity and rights that must be respected (Esposito). Islam and modern human rights alike oppose oppression, injustice, and violations of human rights

and basic freedoms. However, the main difference lies in the source of legitimacy and its orientation.

Modern human rights are based on secular thinking and human rationality, while Islam uses revelation and sharia as the supreme source of law. In the Islamic view, human rights are not only individual freedom, but also moral responsibility to God and society (Shihab). Therefore, Islam views that human freedom must be exercised within the limits of piety so as not to cause freedom that damages the social and moral order. Thus, the common point of the two lies in the common goal of maintaining human dignity but with different approaches in moral and legal foundations.

The Relevance of Islamic Principles Of Justice And Equality In The Modern Context

The principles of justice (*al-'adl*) and equality (*al-musāwāh*) in Islam are two fundamental values that are at the core of the teachings of the Shari'a. These two principles not only have a theological dimension, but also play an important role in the formation of social and legal norms. In the modern context, these values acquire new relevance when they are associated with the concept of human rights (HAM) as regulated in national and international legal instruments.

In Indonesia, the 1945 Constitution, especially Articles 28A to 28J, has guaranteed the basic rights of citizens which are essentially in line with the spirit of justice and equality in Islam. Therefore, a discussion of the relevance of Islamic principles to modern human rights concepts is important to see the extent to which Islamic values contribute to the national legal system and global ethics (Asshiddiqie).

Application of Islamic Principles of Justice and Equality in Indonesian National Law

The application of Islamic values in the Indonesian legal system can be seen in the spirit of the constitution which places justice and equality as the basis for the administration of the state. Articles 28A to 28J of the 1945 Constitution guarantee the right to life, freedom of religion, equality before the law, and the right to justice. In Islam, this principle is in line with the words of Allah in Q.S. Al-Hujurāt [49]:13 which affirms that the glory of man is not determined by race or social status, but by piety (Ministry of Religion of the Republic of Indonesia).

The principle of Islamic justice can be the moral and ethical foundation in national law enforcement. For example, in family law, the concepts of gender justice and child protection have been adopted in Law Number 1 of 1974 concerning Marriage and its revisions. Similarly, in the practice of religious justice, judges often use the principle of benefit (maṣlaḥah mursalah) to ensure that decisions are in line with the community's sense of justice (Syarifuddin).

The Constitutional Court (MK) also plays an important role in harmonizing Islamic values with constitutional human rights norms. For example, in several rulings related to religious freedom and equality before the law, the Constitutional Court emphasized the importance of a balance between individual freedom and the moral values of the nation. This shows that there is a space for dialogue between Islamic law, positive law, and modern human rights principles.

Islamic Values as the Basis of Global Ethics

Islam universally teaches human values that are the foundation of global ethics. The principles of justice and equality apply not only to Muslims, but also to all humans. In the context of globalization and relations between nations, Islamic values can contribute to the development of a more just and civilized world order (Shihab).

Islam can make an ethical contribution to human rights discourse by offering a morally based approach and social responsibility. Islam does not reject human rights, but rather proposes the concept of a balance between rights and obligations, individuals and society, as well as between freedom and social justice.

Furthermore, the principles *of maqāṣid al-sharī'ah* (the goals of Islamic law), such as the protection of soul, intellect, religion, descent, and property, have direct relevance to basic human rights in modern law (Almahfali, 2023). Thus, Islam can be a source of universal value that enriches

Simontaro Halenzky Sinaga*1, Rafie Zuhairi Ahmad 2, Muhammad Sultan Ulil Albab 3, Abimanyu Valdi Al Ghazali Setiawan4, Na'il Febrian Achmad 5

global ethics, especially in the fight for social justice, honesty, and humanitarian solidarity across religions and nations.

Efforts to Harmonize Positive Law and Islamic Law

Efforts to harmonize Islamic law and positive law in Indonesia is a process that continues to develop. This harmonization concerns not only normative aspects, but also institutional and social aspects. In the field of family law, for example, Law Number 3 of 2006 concerning Religious Courts has expanded the authority of religious courts to handle the sharia economy, demonstrating the integration of Islamic values in the national legal system.

Harmonization is also seen in the drafting of laws based on Islamic justice values, such as the Law on Zakat, Waqf, and Sharia Economics. The success of legal harmonization depends on the maqāṣidiyyah approach, which is to understand the text of Islamic law contextually in accordance with the goals of justice and the public benefit (Qonuni).

However, there are still a number of challenges in this process, including:
- Differences in *interpretation of fiqh between schools* can cause a diversity of legal views (al-Zuhayli).
- The issue of gender equality and minority rights is often a debate between traditional interpretations and modern human rights standards (Mulia).
- Limited institutional capacity in the application of Islamic law in state institutions, which is sometimes not in line with the principles of transparency and accountability.

For this reason, an adaptive harmonization strategy is needed through:
- Strengthening contextual ijtihad based on maqāṣid al-sharī'ah.
- Collaboration between scholars, academics, and state institutions in policy formulation.
- Improving Islamic law and human rights education for law enforcement officials in order to create a complete and fair understanding (Azra).

CONCLUSION

Based on the discussion in the previous chapter, it can be concluded that Islam has a solid concept of human rights (HAM) and is rooted in the principles of justice (al-'adl) and equality (al-musāwāh). These principles are not only normative-religious but also have universal relevance that can be implemented in the context of modern life, including in Indonesia's national legal system. Islam places justice as the main principle in all aspects of human life, both in the relationship of the individual with God and with fellow human beings. The concept of justice in Islam includes a balance between rights and obligations, between the interests of the individual and the interests of society. Meanwhile, the principle of equality affirms that all human beings have an equal standing before the law and God regardless of race, gender, social status, or religion. These values are in line with the spirit contained in Articles 28A to 28J of the 1945 Constitution which guarantees the right to life, freedom of religion, and fair treatment before the law.

Furthermore, sharia values and maqāṣid al-sharī'ah (the goals of Islamic law) have proven to be in harmony with modern universal human rights principles. The main purpose of sharia, namely the protection of religion, soul, intellect, descendants, and property, is essentially an effort to guarantee and maintain human dignity. Thus, Islam is not only in line with the idea of human rights but also provides a strong moral and spiritual foundation for its implementation.

In a global context, Islam can play a role as a source of universal ethics that encourages the creation of a just, peaceful, and civilized world order. The principles of social justice, humanitarian solidarity, and moral responsibility contained in Islamic teachings can be the basis for the formation of a more humane legal system and public policy. Therefore, Islamic values can enrich international dialogue on human rights and become a constructive alternative in realizing global justice.

BIBLIOGRAPHY

Almahfali, Nahnud and Helen Avery. "Human Rights from an Islamic Perspective: A Critical Review of Arabic Peer-Reviewed Articles." *Social Sciences 12, no. 2* (2023): 106, https://doi.org/10.3390/socsci12020106.

al-Qaradawi, Yusuf. *Fiqh al-Daulah fi al-Isla.* Cairo: Dar al-Syuruq, 1997.

al-Zuhayli, Wahbah. *Ushul al-Fiqh al-Islami.* Beirut: Dar al-Fikr, 2015.

Ara, G. "The Islamic Perspective of Equality and Equity." *Islamic Sciences 6, no. 1* (2023).

Asshiddiqie, Jimly. *Konstitusi dan Hak Asasi Manusia.* Jakarta: Konstitusi Press, 2011.

Azra, Azyumardi. *Hukum Islam dan Modernitas: Reinterpretasi Pemikiran Islam di Indonesia.* Jakarta: Paramadina, 2017.

Esposito, John L. *The Future of Islam.* Oxford: Oxford University Press, 2010.

Katsir, Ibn. *Tafsir al-Qur'an al-'Azhim.* Cairo: Dar al-Fikr, n.d.

Ministry of Religion of the Republic of Indonesia. *Al-Qur'an and Its Translation.* Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an, 2019.

Mulia, Musda. *Islam and the Inspiration of Gender Equality.* Jakarta: Gramedia, 2019.

Qonuni, Ahmad. "Harmonisasi Fiqh Waris Islam dengan Hukum Positif di Indonesia." *Jurnal Al-Syir'ah 22, no. 1* (2024).

Shihab, M. Quraish. *Insight of the Qur'an: Tafsir Maudhu'i on the Various Problems of the Ummah.* Bandung: Mizan, 2000.

Simanjutak, T. G. "Fundamental Human Rights in the Islamic Perspective,." *International Journal of Law, Social Science, and Humanities 2, no. 2* (2024): 22, https://doi.org/10.70193/ijlsh.v2i2.194.

Suhaila, Nik Salida and NIk Saleh. "A Conceptual Analysis of 'Rights' in the International and Islamic Human Rights Instruments." *American International Journal of Contemporary Research 2, no. 4* (2012): 174–180.

Syarifuddin, Amir. *Ushul Fiqh.* Jakarta: Kencana, 2014.

Zahrah, Muhammad Abu. *Human Rights in Islam, ed. M. Jamil.* Jakarta: Gema Insani, 1998.