



## **ASPECTS OF PEACE AND JUSTICE OF ISLAM**

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### **ABSTRACT**

The whole planet seems to be in the midst of a never-ending war, the origins of which may not be immediately apparent to the average observer but are, in large part, founded in a struggle for global dominance. This uproar will continue as long as people are aware of it and work to eradicate the dominance of bad ideology. Social justice is one way in which this theory may be questioned and used to reshape international relations and the globe at large. However, there are also justifiable concerns, and determining what factors into Social Justice is essential. Because no empathetic person wishes harm on others, social justice is an important idea in any flourishing community. In order to create objectivity, several definitions and frameworks have been proposed, any one of which may be used to regulate the way a country is run. But there are still challenges to creating objectivity on a global scale. This study attempts to weigh the benefits and drawbacks of various legal codes enacted by humans in an effort to foster objectivity, and then lays out the framework suggested by Allah (the Supreme Being), the Sovereign Ruler of the Universe. Everything possible has been done to illustrate why achieving ultimate social justice is important and how to go about doing it in a way that benefits the average person.

**KEYWORDS:** Fairness, Consistency, Impartiality, Globe, Social Justice and Al-Quran

### **INTRODUCTION**

Islam's conception of justice is expansive, touching every facet of a person's existence. It regulates the public and private spheres of human interaction, from the ruler to the ruled to the spouse to the children to the parents. Qadi is the Islamic term for "one who administers justice." Qadi has the literal meaning of "executioner" in several dictionaries. By explaining the rights of the legitimate claimant and exposing the falsity of the counterclaim, arbitration in the language of Fiqh may help resolve a disagreement or perhaps prevent it from occurring in the first place. A Qadi, often known as a judge, is the head of the body with the authority to settle legal disputes and claims between individuals.

The king appoints the Qadi to judge on civil and criminal cases, as well as marriage, divorce, maintenance, inheritance, and the care of orphans and the management of public trusts.

For a culture to be considered really Muslim, social justice must be at its core. Justice in Islam is essential to the development of dogma and has close ties to the realm of religion.

Additionally, the Prophet Muhammad (saw) is said to have stated, "No, he does not believe nor in Allah, nor in Last Judgment, he who eats his fill at night while his friend is tormented with hunger."

Aqida itself rests on the bedrock of faith, or iman, and it follows from this that social justice, or adl, is fully realized via social solidarity.

A balanced and compassionate society is built on the Islamic principles of brotherhood, social solidarities, and the equality of rights and responsibilities for all members of the community. All members of our community need to pull together for the greater good. Income and expenditure are two of many topics that have been thoroughly defined by Islamic law. In addition to enforcing rights and responsibilities, Islam also encourages people to be charitable (badhl), to make financial sacrifices (tadhiya), and to purify their riches via Zakat (tazkiya), all with the goal of achieving social justice. As a result of Islam's emphasis on economic fairness, the religion's adherents have been able to ensure that all members of the Ummah, regardless of whether they are rich or poor, healthy or sick, married or single, able-bodied or disabled, childless or bereaved, are provided for and cared for.

## **DISTRIBUTIVE JUSTICE**

According to proponents of the distributive system, who base their work on the concept of allocation, the best way to ensure justice is via the equitable distribution of resources, including both good and bad. This section discusses the numerous sub-systems that make up the distributive system:

### **JUSTICE AS EQUALITY: EGALITARIANISM**

According to the egalitarianism idea, since members of a society are not completely different from one another, all of the societal rewards and costs should be distributed fairly among all members. Egalitarianism is the concept that holds that all people should be treated equally, regardless of their gender, ethnicity, or skin color. It is important to remember that the notion of egalitarianism is not without flaws, despite the fact that it is unrealistic to assume that all members of a society would be same in terms of their health, gender, talents, efforts, intelligence, and age. Therefore, in a community where individuals are differentiated by a variety of factors, the notion of treating everyone the same cannot function. So how far is it justifiable and plausible that justice and fairness can be attained when the promoters and sponsors of this system divide obligations evenly without taking into account the elderly, those with impairments, etc. The implementation of egalitarianism as a social justice framework raises challenges like these.

### **JUSTICE AS BASED ON NEEDS AND ABILITIES: SOCIALISM**

The socialist ideology promotes the belief that those with more needs in society should be provided with greater resources, while those with greater potential in society should be expected to shoulder greater responsibilities. The socialist or collectivist ideal depicts society as a single, interdependent unit, with all members working together sympathetically to care for those in

need. People with greater incomes tend to contribute more than those with lower incomes, and similarly, residents with more skills and better health tend to put in more effort than those with disabilities. However, there are constraints to this method since it produces a sluggish and unproductive economy. In this calm framework, the idea of inducement is not prevalent. The people's efforts have slowed to a crawl as they struggle to meet their most fundamental requirements. The idea of personal agency is snatched away when all decisions are made at the behest of a central government body. Here are some of the key characteristics of a socialist system:

1. It's a fair system when everyone gets what they put in. In contrast to the traditional pay system, participants in this system share in the company's profits.
2. The need for government oversight and regulation.

### **JUSTICE BASED ON CONTRIBUTION: CAPITALISTIC JUSTICE**

In this framework, justice is achieved by the act of making a contribution, with the idea being that people should be rewarded more for their efforts if they help produce better results. On the other hand, if someone gives less than that, they'll just get what they put in, and if they don't put anything in, they won't get anything at all. The system's distinctive feature is its support for laissez faire, free markets, individual property rights, and unrestricted personal property usage. According to this point of view, the producer has complete autonomy over how to spend his or her hard-earned money. One key idea put up by advocates of the free market is the "effort formula," which holds that an individual should be rewarded proportionally for the amount of work he or she expends, regardless of the results of those efforts. Puritan ethics, which hold that each person is obligated by God to devote himself fully to his chosen vocation, serve as its primary inspiration (the career to which God summons each individual). The poor grow poorer and the affluent get wealthier under this system, hence the Gini coefficient rises. In addition, capitalists have an inherent bias toward maximizing their own benefit at the expense of the poor, which raises a host of justice-related issues and provides an opening through which to discuss the system's shortcomings.

### **COMPENSATORY JUSTICE**

According to this theory, if someone has been wronged, society has a responsibility to compensate them properly for their losses. If person A causes injury to person B, then A has a moral obligation to make amends for B's loss. However, although this system of reparative justice may help a person in the short term, it cannot serve as the foundation for the highest form of societal justice because of the unrealistic expectations that it creates. There are several problems with the system, like as:

**Restoring to what the person has lost.** However, even if the situation is one of compensatory justice, it remains unclear how proponents of the system would really go about restoring the potential losses that the victim may have sustained. What would they think if they had to resort to giving up an irretrievably lost life? How would they handle the responsibilities of families who had lost loved ones.

**The question of reputation.** In the event of a criminal assault, such as a female being gang raped, similar dumping acid on the victim, and/or molesting in various ways, how does one go about restoring their reputation? Before establishing such a framework as a mechanism for social justice, however, it must have its many shortcomings addressed.

## **THE RULINGS RELATED TO DISTRIBUTION OF WEALTH AMONG NEEDY**

You should give the kin, the poor, and the homeless their 'haqahu', but do not be excessive or extravagant, as the Quran specifies as beneficiaries of the:

*“Zakat is for the poor and the needy and those who are employed to administer and collect it, and for those whose hearts are to be won over, and for the freeing of human beings from bondage, and for those who are overburdened with debts and for every struggle in God’s cause, and for the wayfarers: this is a duty ordained by God, and God is the All-Knowing, the Wise.”*

Because of Allah's usage of the term "haqahu," we know that He is referring to the required Zakat and not to optional donations. In addition to the required Zakat, Islam also places a strong emphasis on voluntary Sadakaat. This unmistakably demonstrates that genuine efforts are made to support the welfare of the state's poor, disadvantaged, and handicapped citizens.

To sum up, when it comes time to settle benefits, the harder a somebody works, the more money he or she will get. As a matter of belief, it is also possible to get no benefit from one's efforts. This is because chance is what ultimately determines the success or failure of any given endeavor. It is Allah, after all, who chooses how much each person will get as a reward, no matter how hard they work to achieve their goals. Islam is the religion that emphasizes instilling moral values, so if a person acquires more, more he should denote for people all over the world, so there is no concept of limited benefits. However, people can earn it to indefinite proportions, but only in a defined way, and not through restricted business like those discussed above in divine restrictions.

Islam, which has evolved into a religion that focuses on providing help rather than placing it on its adherents, was founded 1400 years ago when humanity was in a state of total and evident ignorance. Islam promotes the rich's responsibilities to the poor residents of the state, and it created rights for women. The healthy person also has rights and, to a greater extent, responsibilities for the impaired person. Islamic social justice is based on the principles of private property, required distribution, and the inculcation of moral ideals such as those found in the Qur'an. It also places special emphasis on the needs of individuals with disabilities.

## **DIFFERENT PERSPECTIVES IN ISLAM, RETRIBUTIVE AND COMPENSATORY JUSTICE**

Islam, the all-encompassing religion and lifestyle with every possible answer for mankind, advocates a practical, not a reckless, method of solving the world's problems. There is no point in punishing a scandalous person if all it does is set him free to commit even more offenses in the future, since both retributive and compensating justice systems are reactive in nature. It's important to stress here that Islam eliminates all causes of criminal behavior. According to

Islamic law, offenders should face punishments that are commensurate with the severity of their violation, and the revealed rules show that Islam takes a constructive approach to criminal justice:

“We have sent our Messengers with clear signs and have sent down with them the book and the criterion so that man can establish justice. And we sent down iron of great strength and many benefits for man...”

**The punishment for rape in Islam** is punishment by stoning if the offender is married, or one hundred lashes and exile if they are single. When it comes to repeat offenders and criminals, Islam puts up the blinds. Research conducted in the West has consistently shown that the majority of rapists are social outcasts who commit their crimes under the influence of illicit substances. According to these analyses, commercials' stimulant effects have had a significant role in swaying audiences' attitudes towards criminal behavior. The semi-naked fashion trend amongst today's female public also contributes to this heinous act.

The most severe punishment for a sinner and a wicked person who have committed adultery is to cast them out into the wilderness and hurl stones at them until they die. However, others would be forced by this anticipation of punishment to think forward about the consequences of their own potential criminal behavior. Because of this, we may say that it is a preventative strategy. The Great Prophet Muhammad (Peace Be Upon Him) and His Companions Hazrat Abu Bakr, Hazrat Umar, Hazrat Usman, and Hazrat Ali (Rizwan-ul-Allahi Tala-alhim-ajmaeen) created these rules in Islam 1400 years ago, and this is why the crime rate was so low throughout their reigns. Because of the difficulty of restoring a person's purity after they have been subjected to molestation or gang rape, Islamic jurisprudence is justice in and of itself. Simply compensating won't fix things, unfortunately. Neither the victim nor society benefits from this, which is why punishing offenders severely is necessary to deter them from engaging in such behavior in the future. Even if the victim's honor cannot be restored by following these Islamic precepts, any more assaults on the person will be prevented. Proponents of the system are concerned about the future while working to restore the status of women, who go by many titles in today's society, including mother, aunt, sister, teacher, and wife. Islamic Sharia provides her with a full protection, and there is no better encouragement to safeguard these outstanding individuals.

Consider yet another case of stealing to learn how to keep the peace and establish justice in your society. The verdict is to amputate the offender's hand if there is sufficient proof of his or her participation in the theft. Theft and stealing have the same requirements for imposition of the punishment, hence the two cases are equivalent. Only if certain criteria are satisfied will such a punishment be carried out.

## **ISLAMIC CRIMINAL JUSTICE SYSTEM**

Those who practice Islam believe that the law of Allah, also known as divine law, is perfect in every respect, applicable everywhere at all times, and incapable of being changed. Therefore, Sharia and Islamic law are not a work in progress but rather a fully formed legal system that has matured through time without requiring any revisions. The Quran describes Shariah as a religious "straight way." Fiqh, also known as Islamic Jurisprudence, is the result of humans' efforts to explain and interpret Sharia, as given by Allah in the Quran and also recorded in

Hadith. The four schools of Fiqh that are followed by Sunni Muslims were written by Muslim jurists Hanifa, Malik, Shafii, and Hanbal between the years 700 and 855 ad. Shia Muslims follow a different legal code called Fiqh, which originates from the Jafri School and dates back to the seventh century. By developing the Islamic legal doctrine known as sharia, the Shafi'i School made a monumental contribution. The Sharia and the Fiqh are the two essential parts of Islamic law, and together they include all of the rules and interpretations that fall under Islamic law.

## **CONCEPT OF JUSTICE IN ISLAM**

The concept of justice is referenced often in the Holy Quran. The notion of a just person has long played a crucial role in Islamic legal judgements, such as whether or not a witness is qualified to testify in court. Islamic law's ultimate purpose parallels that of Islamic society as a whole: achieving justice. Justice, according to the Quran and Hadith, calls for the offender to accept responsibility for his or her conduct and, in most situations, make restitution for the victim's hurts and losses.

In Islam, both religious law and secular law are seen as manifestations of Allah's will. For justice to be achieved, law's ultimate function must be maximized. Since the Quran reflects Allah's divine justice, traditional Islamic legal philosophy holds that law and justice, although distinct, may and should overlap to the greatest degree possible, with Sharia being the component of the law wholly contiguous with justice.

## **HUDUD CRIMES**

It is possible to categorize crimes in Islamic law based on the severity of their penalties. Hudud crimes, which are the most heinous since they constitute offenses against Allah, are given specific penalties in the Holy Quran. That means the offender cannot be forgiven or pardoned, nor can the sentence be reduced. It is "the right of Allah" to punish offenses against Allah such as adultery, false accusations of adultery, drunkenness, slaughter and looting, robbery, apostasy, and revolt. A wide variety of physical penalties, from lashings to amputations to death sentences, are imposed for such offenses.

## **CRIMES OF QISAS CATEGORY**

Punishment for crimes classified as Qisas, which include murder and physical damage, may include revenge in kind or the payment of a monetary penalty, known as Diyya, by the offender to the victim. In this context, it's important to clarify why adultery and other forms of sexual misconduct fall under the Hudud category of crime whereas murder is classified as a Qisas offense. One of society's most vital pillars, the family, may be shattered by adultery or extramarital sexual activity. As an offense against the community and its social structure, adultery and even false allegation of adultery qualify as Hudud crimes, for which Allah enacts particular punishments in the Quran. But although murder is a damage that tears at society's seams, it is often motivated by private issues. In other words, the murder is the outcome of a private conflict between the victim and the perpetrator, and will have little impact on the lives of others who aren't related to either party. Given this, it stands to reason that the victims should have a say in the final sentence handed down, including the option to pardon the perpetrator and abstain from enforcing the Qisas or Diyya fines. 28

What follows are passages from the Holy Quran that explain the purpose of and punishments for murder and bodily harm:

**A.** All you faithful! In situations of murder, you are to use the code of equality: free for free, slave for slave, woman for woman. But if the brother of the murdered person asks for forgiveness, give him everything he wants as long as it's appropriate. This is a favor and compassion extended to you by the Lord. From here on out, anybody caught going overboard will face severe consequences.

**B.** We decreed that they should treat each other as follows: "life for life; eye for eye; nose for nose; ear for ear; tooth for tooth; and wounds equal for equal." But if someone forgives the punishment out of compassion, it is an act of penance. And whoever does not judge in the light of (Allah's) revelation is a scoffer and a sinner.

### **Tazir Crimes**

Crimes listed in the Quran and Hadith but for which no penalty is provided are known as Tazir. Embezzlement, perjury, sodomy, usury, breach of trust, abuse, bribery, and a host of other offenses are all Tazir specialties. Punishment for offenses committed by Tazir is left up to the authorities. Hudud and Qisas offenses that don't follow the correct procedure are sometimes treated as Tazir offenses. The death sentence is seldom given for Tazir crimes, although it is possible in exceptional cases. The victims of these crimes may petition the state for a pardon, and the court may grant it at his or her discretion.

### **CONDITIONS FOR THE PENALTY OF THEFT**

The Qur'an, Sunnah, and ijmaa' all agree that stealing is forbidden. Allah has pronounced judgment against this deed and ordered a fitting penalty for it. Cutting off a thief's hand was the (traditional) penalty. And (as for) the male thief and the female thief, sever (from the wrist joint) their (right) hands as payment for that which they did, a punishment by way of example from Allah. Furthermore, Allah is both All-Mighty and All-Wise.

For theft of a quarter of a dinar or more, the Prophet (peace and blessings of Allah be upon him) commanded that the offender's hand be severed.

The thief is a corrupt part of society, and the Prophet (peace and blessings of Allah be upon him) cursed him because his corruption would spread and infect the ummah if he were not punished. Allah bless and keep him said, "May Allah curse the thief who takes an egg and has his hand cut off, or the thief who steals a rope and has his hand cut off."

The fact that a noblewoman from Makhzoom committed theft during the lifetime of the Prophet (peace and blessings of Allah be upon him) and that UsaamahibnZayd attempted to intervene on her behalf demonstrates that this judgement is final. With anger, the Prophet (peace and blessings of Allah be upon him) said, "Do you intercede about one of the (had) penalties prescribed by Allah?" People before you were wiped out due of double standards about theft punishment: if a wealthy guy among them stole, he was let free, but if a poor person stole, the penalty was carried out. Say it to Allah: "If Faatimahbint Muhammad were to steal, I would sever her hand."

As a punishment for stealing, Allah orders that the offender's hand be severed at the wrist. According to Al-commentary Nawawi's in Saheeh Muslim, "Al-Shaafa'i, Abu Haneefah, Malik, and the majority of scholars" all agreed that the hand should be severed at the point where the forearm joins the wrist. According to Al-Qurtubi, "all the experts stated" (sic) that the hand should be severed at the wrist, unlike the practices of certain "innovators" who just remove the fingers but save the thumb.

Cutting off the thief's hand is a drastic measure, and it should only be used in extreme circumstances. The thief's hand will be severed only if a number of factors come into play. The following are the terms:

If this ruling was applied in the societies which are pleased with man-made laws and which have cast aside the shariah of Allah and replaced it with human laws, this would have been the most beneficial treatment for this phenomenon. But the matter is as Allah says (interpretation of the meaning):

***“Do they then seek the judgment of (the days of) Ignorance? And who is better in judgment than Allah for a people who have firm Faith”***

## **THE PENALTY**

Shariah's philosophy of imposing punishments for the various offenses is that they avoid injury, destruction, and disorder in the community; the varied penalties specified by Shariah are not meant to inflict suffering on citizens and make them suffer. As a result, the only solution to the problems the populace would face in retributive and compensatory justice is to implement Islamic sharia law (people should bear it in mind that when topic for discussion happens to be Islam and Islamic shariah, it is meant for everyone and not for one sect of the Globe, the solution for Whole humanity lies in it, this is the religion of brotherhood and there are severe punishments for major crimes like fornication and other forms of adultery, killing other person as well). The realistic method is there to ensure that the victim receives social justice, but also that the crime in question is deterred in the future. However, its adversary has done much to tarnish its reputation by spreading false characterizations and misleading memoranda.

## **CONCLUSION**

Rather of relying only on the traditional criminal law judicial system, most common law nations have been progressively transitioning to some kind of restorative justice. The 1970s are supposedly the formative years for the restorative justice theory. Islamic law has included restorative principles for over 1,400 years; thus, this is not true.

Some recent cases imply that victim-centered restorative justice is making its way into the Indian criminal court system, although there are currently no provisions for it. It is thought, however, that instances involving Section 304A need the incorporation of restorative justice measures since the victims are often low-income individuals who suffer the most as a result of the legal process. Offenders, who are often powerful public figures, should make reparation to victims' families since it is both humanitarian and in line with natural justice.



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