

Emphasizing The Strategic Significance Divine Instructions As The Key to Establishing Justice



Bangladesh woke up in the morning for almost 36 days last July and August to injustices: the sound of gunshots, the spraying of rubber bullets, the roaring of armored personnel carriers or APCs, and other heinous crimes. Lots of people are either murdered, tortured, arrested or disappeared. When anyone switches to various print, electronic, and social media to watch the news, chances are one could see all this happening right in front of their eyes, in our physical world, in our neighborhood, on our streets, in our very beloved motherland!

Injustice is rampant on this planet earth. There can be no peace without the firm establishment of justice. The more we see injustice, the more we realize the strategic significance of establishing justice in the land. Generation Z and ordinary people en masse stormed down to the streets, in reality, to demand the right to justice. Historically, justice always came to the rescue of those rejected for fundamental human rights. Prophets (Peace be Upon Them All) were sent with the expressed divine missions to bring justice to humanity. Justice inspires youngsters who like to imitate or seek refuge in superheroes fighting for justice. Indeed, if there is no justice, life appears unfair.

Justice is an idea that has been considered since early history. Plato discusses justice by comparing society to a chariot in which each part—horse and driver—contributes to the proper working of the whole. When one part fails, the remaining parts suffer. Each individual in society has their duty and must act appropriately for the whole to function well. Justice is the need in a society to repay one for a wrong committed against them. It can be the system of punishing one for breaking a law of society, or it can mean that a person received retribution for committing a wrong.

Ulpian, the third-century Roman jurist, reportedly said, “Justice is the constant and perpetual will to allot to every man his due.” This quote resonates with the historical significance of divine justice, a concept explored and upheld for centuries. Almost nine centuries before Ulpian, Athenians credited Solon's body of laws as very wide-ranging, covering various matters such as inheritances, adultery, damages, theft, funerals, and, importantly, the workings of political institutions. Solon's laws about trade also facilitated an economic recovery. Solon's legal code replaced Draco's harsh laws, except for those concerning homicide. He introduced two critical changes into judicial practice: any Athenian—not merely the injured party—might initiate a suit, and some measure of control over the verdict of magistrates was provided by the right of appeal to a court of the citizens at large.

Michael H. Hart writes in his monumental book, “The 100: A Ranking of The Most Influential Persons in History”, that Prophet Muhammad (Peace and Blessings of Allah be Upon Him) was the most influential personality in world history. The first person on Hart's list is the last of God's messengers—Prophet Muhammad (Peace and Blessings of Allah be Upon Him). Hart asserted that Muhammad (Peace and Blessings of Allah be Upon Him) was “supremely successful” in religious and secular realms. When analysed, it is evident that the Prophet's historic success was mainly because of the most critical justice factor for all in society, irrespective of their social status or color. Speaking on the subject of equality and justice before God, the famous poetess of India, Sarojini Naidu, says: “It was the first religion that preached and practised democracy; for, in the mosque when the call for prayer is sounded and worshipers are gathered together, democracy of Islam is embodied five times a day when the peasant and king kneel side by side and proclaim; “God Alone is Great” ... I have been struck over and over again by this invisible unity of Islam that makes man instinctively a brother.”

The Prophet was born to establish peace and unity in the world. In his Last Sermon, the Holy Prophet removed all forms of inequalities, creating a bond of universal brotherhood. He said, “There is no superiority for an Arab over a non-Arab, and for a non-Arab over an Arab, or for white over the black, or for the black over the white, except in piety. Verily the noblest among you is he who is the most pious.”

Building on this historic foundation, this article urges all concerned to delve into the ideology and practice of divine justice and adjudication. It underscores the believer's crucial role in the strategic mission to administer justice through divine instructions. Drawing from the Qur'anic texts and the Prophetic practices, the article explores practical problems that may arise from the interrelationship between divine justice and human justice. It raises crucial questions: how are judges expected to reach the “correct decision”, especially in “difficult cases”? How do the divine texts reconcile the claim of divine involvement in adjudication with the stark reality of human fallibility?

[When humanity lacks guidance on how to live their lives, the entire structure of society is damaged. Allah—the Most Exalted, has sent down the Qur'an as guidance for all of humanity, with all the rules and regulations we need to stay just and on the right track. Islam is the complete code of life. Every good rule for humanity has been ordained in the

Shari'a (the holy laws of Islam covering all parts of a Muslim's life) of Allah—the Most Exalted. Almost everything we need to live successfully can be found in the Qur'an. Among these fundamental divinely instructed laws is the law of establishing justice. The Khateeb in the weekly Jumu'a sermon recites from the Qur'an, though we remain unaware or heedless that Allah states in the Quran: "Allah commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion: He instructs you, that you may receive admonition." (Surah AnNahl: 90). And in another passage: "O you who believe, be upright for God, and (be) bearers of witness with justice!..." (Surah Al Ma'idah:8). Therefore, one may conclude that justice is an obligation of Islam and injustice is forbidden. The following verse displays the centrality of justice to the Qur'anic value system: "We sent Our Messengers with clear signs and sent down with them the Book and the Measure to establish justice among the people..." (Surah Al Hadid:25).

Harvard Law School, one of the most prestigious institutions of its kind in the world, has posted a verse of the Qur'an at the entrance of its faculty library, describing the verse as one of the greatest expressions of justice in history. "O you who believe! Stand out firmly for justice, as witnesses to Allah, even if it be against yourselves, your parents, and your relatives, or whether it is against the rich or the poor..." (Surah An Nisa: 135). According to another Quranic passage: "Let not the hatred of a people swerve you away from justice. Be just, for this is closest to righteousness..." (Surah Al Ma'idah:8). With regards to relations with non-Muslims, the Qur'an further states: "God does not forbid you from doing good and being just to those who have neither fought you over your faith nor evicted you from your homes..." (Surah Al Mumtahanah:8). The scholars of the Qur'an have concluded that these rulings apply to all nations, followers of all faiths, as a matter of fact to all humanity. In the view of the Qur'an, justice is an obligation. That is why the Prophet was told: "...If you judge, judge between them with justice..." (Surah Al Ma'idah:42).

As we examine Jesus's (Prophet Isa's) life and the mandate given throughout the Scriptures, it is clear that Christ-followers are also called to "do justice." The call to do justice is evident throughout the Old and New Testaments. For instance: "...A God of faithfulness and without iniquity, just and upright is He." (Deuteronomy 32:4); "Give justice to the weak and the fatherless; maintain the right of the afflicted and the destitute." (Psalm 82:3). And in another verse, it is mentioned: "Learn to do good; seek justice, correct oppression; bring justice to the fatherless, and please the widow's cause." (Isaiah 1:17).

According to the American Heritage Dictionary, "Justice" can be defined as the quality of being just and fair. The principle of moral rightness is equity, conformity to truth, fact, or sound reason. The Islamic definition of 'justice' falls into the same category. As the Qur'an defines, justice commands humanity to behave reasonably and justly. According to the quranexplorer.com, the word 'justice' appears 24 times in the Qur'an in 22 verses, demonstrating the importance of this term in the eyes of the Almighty. Furthermore, the word 'Justice' is one of the central ideas of the Qur'an because it is one of the most important attributes of Allah Himself. The Most Just. Allah is Al-Muqsit (The Equitable),

which is similar in meaning or connection to the names Al Adl (The Embodiment of Justice) and Al-Hakam (The Impartial Judge). He is the one who perfectly balances the punishment with the crime. He brings satisfaction to the victim while holding the perpetrator accountable in equal measure.

The sources of Islamic Laws are primarily the Qur'an and the authentic Sunnah (Prophetic traditions and practices). This combination of the two crucial sources of Islamic Law is seen as a link between reason and revelation. Indeed, the marriage between these two sources has resulted in the emergence of Islamic Law. The Qur'an is considered the most sacred and essential source of Islamic Law, which contains verses related to God, human beliefs and how a particular believer should live in this worldly life. The Qur'an comprises about five hundred legal verses that explicitly set out legal rulings that need to be applied by all believers. Even non-legal verses in the Quran support the establishment of the legal system of Islam, as expounded by Islamic jurists. The second primary source of Islamic Law is the Sunnah, which represents the Prophet Mohammad's (Peace and Blessings of Allah be Upon Him) deeds and sayings formulated in the form of narratives and became known as Prophetic Hadith. The Sunnah also comprises several legal provisions that all believers of Islam must apply. Specific legal rulings in these transmitted Islamic sources are definitive. In other words, the law-giver (Allah) has formulated them in a way that does not need personal legal reasoning and is not open to different interpretations as they are clear and definitive. Conversely, there exists a corpus of legal contents stated in both the Qur'an and the Sunnah, the application of which requires reasoning. However, there has been a pivotal reason behind making many legal contents mentioned in the Qur'an and the Sunnah open to legal reasoning. This flexibility in the law qualifies it to be legally valid for all legal cases regardless of time and place, as it is amenable to development and change. The detailed discussion of which needs experts and more space, thus, cannot be discussed in this brief essay.

Two famous adages apply when dealing with legal procedures: Justice delayed is justice denied, and justice hurried is justice buried. Justice delayed is almost always justice denied, whether in criminal or civil cases. With time, the stakes in the outcome of a case become diluted, if not non-existent, with the lengthy trial process that plagues our courts. Martin Luther King discussed in Birmingham jail that delayed justice equals injustice. This aphorism is perhaps pertinent to Bangladesh's legal system, where the whole system seems to ignore the time. People get justice after a lengthy period when it is useless for them. It is the right of people to get timely justice. The experts in the field of the current government need to identify the loopholes and complexity in our judicial system. However, the delay has different reasons: the unavailability of sufficient judges from district to Supreme Court, political interference and corruption hindering the system, and lacking of infrastructures and staff leads to delayed justice.

On the contrary, when it is said that justice hurried is also almost always justice buried. In this context, we need laws and justice to work together. There is a good chance that justice will not be served if it is hurried. It's better to wait for enough proof than to convict an innocent person hurriedly. It shouldn't be considered an injustice if the judgment is

delayed due to a lack of proof. But if the judgment is delayed due to any reasons hindering justice, then without any doubt, that is injustice. Bangladesh has a population of about 180 million. But is the judiciary's workforce proportionately available to keep up with the number of cases filed daily? Since the interim government has the popular mandate of reforming the nation's institutions, it must take the initiative to reform the judicial system in the true sense of the term, most importantly, adding divine instructions. Otherwise, justice will always be delayed or denied.

Given the above discussion, some of the suggestions to contemplate by the concerned authority may include revising the syllabi of the Department of Law, revisiting the colonial laws that are in vogue and replacing them with divine laws compatible with citizens' needs, building fast-track courts, reviewing the entire system of investigation and administration of justice, setting upper limits on lawyer fees, increasing transparency in judicial proceedings, and expanding IT and AI's role etc., in the legal system. Therefore, with the proper reform of the judicial system in our new republic, let's hope to become better citizens of the country and be just to Allah's creation and to Him, just like He is to all of us.

Writer: Commodore Syed Misbah Uddin Ahmad, (C), NUP, ndc, afwc, psc, BN (retd),
Director General, Bangladesh Institute of Maritime Research and Development
(BIMRAD). Email: misbah28686@gmail.com

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