

Concept of Social Justice in Islam

(A Study of Hamka's Perspective in Tafsīr al-Azhār)



THESIS

This Final Project is submitted to the Theology Faculty in Partial Fulfillment of the Requirements for the degree of Islamic Theology in Tafsir Hadith Department

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SPECIAL PROGRAM OF THEOLOGY FACULTY

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2016

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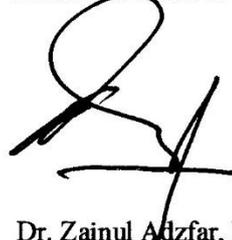
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MOTTO

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ

The Translate:

“Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice.”

DEDICATION

This thesis is dedicated to:

My dear Parents; Drs. Abdul Wahib and Tutik Kartiningsih S.Psi, love and respect are always for you. My high school teachers, Bambang Sukmadji and KH Asnal Matholib, thank you for the valuable efforts and contributions in making my education success.



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All of my friends' thanks for lovely friendship, especially Fayumi, Munfarid, Baihaqi, Hakki, Farid Isnan, Muchlisin, Alfi, Aminati, Bagus, Taqi, Hajir, Mbah Abid, Aseffudin, Jeki, Fahmi, thaks for being friend to me.

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Semarang, 18th May
2016

The Writer

Hasan Ismaili

TRANSLITERATION

a = ا	z = ز	f = ف
b = ب	s = س	q = ق
t = ت	sh = ش	k = ك
th = ث	ṣ = ص	l = ل
j = ج	ḍ = ض	m = م
ḥ = ح	ṭ = ط	n = ن
kh = خ	ẓ = ظ	h = هـ
d = د	‘ = ع	w = و
dh = ذ	gh = غ	y = ي
r = ر		

Short: a = ‘ ; i = , ; u = `

Long: ā = ا̄ ; ī = ي̄ ; ū = و̄

Diphthong: ay = اي ; aw = او

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ABSTRACT

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Qur'an as the source of guidance assists human beings to worship Allah. Qur'an as the sources of human life arranges every aspect of it. Life in the world is just temporary, the eternal life in the beyond here after. So that, the main aim of social life is achieve justice in as person and society.

Therefore, this paper focuses on the concept of social justice according to Hamka in tafsīr of al-Azhār. Hamka explains on happiness clearly and deeply. And it will be different by the discussion of Hamka, because he has ever lived in the prison. According to him, Happiness is the main topic of life. Every people want to happy trough many ways, both of the wrong and right ways.

Hamka in his tafsīr use the certain term which he explains the social justice, there are *al-qīsth*, *al-'adl*, and *al-mîzân*. Each term has its own meaning and characteristic. Hamka as the interpreter also has his own characteristic to interpret the justice. Some of the reason of it, because he was staying in the prison when wrote down his book, Tafsīr al-Azhār.

Keyword: justice, *al-qīsth*, *al-'adl*, and *al-mîzân*.

CHAPTER I

INTRODUCTION

A. Background

The main purpose of the Quran is to establish a just society, based on ethics, and also survival on earth. Human and society cannot be separated; nobody can live without society. Perfect relationship in society can be created by the caring sense among them, wiping fear, discrimination, and intimidation to the human rights. Islam as a reflection of the Quran is teaching to care each other as creator of Allah and not to be hostile. Islam as an affections and tolerant religion, also teaching about justice and honest. It means Islam is a fundamental belief that not supporting any unfair attitude by the reason of class, tribe, race, gender, or any grouping in society.¹ The main point in Islam is that human is created into two kinds, male and female, also various race just for live side by side in harmony.

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ
شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۗ
إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

“O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.”

According to Universal Islamic Declaration of Human Rights in September 1980 in Paris, it described four points of human rights in

¹ According to Abdurrahman Wahid, Islam is the religion of love and tolerant also religion of truth and honest. Means, that belief that admit all human are equal in God. See Greg Barton in *Prisma Pemikiran Gus Dur*, LKiS, Yogyakarta, 2000, p.xxxi

Islam.² First, Islam has the original human rights concepts, which already formulated since 7th century. The Islamic declaration categorically describe that human right is not a brand new in Islam, but it is already the main teaching in Islam itself. Second, in Islamic declaration of human rights is based on the Quran and Sunnah. It means that human's mind cannot find the best way to sustain the real life without guidance from the God. Third, what human have is not the rights that their belonging since their birth. In other word, the meaning of human rights basically is the human responsibility to the God, or God privileges to human. Fourth, sharia becomes the final truth, and the only one to judge all human's acts. According to this declaration founder, sharia is the formulation of Islamic law which is interpreted by the Muslim scholars (ulamā').

Generally, human's activities cannot be separated from four things, they are: law, politics, economy, and social spheres. When all of those components work in balance, then the human rights cannot be disturbing. Law justice shape means that treats people equally in front of justice. Islam does not know the term of law discrimination and above the law man.³ Political justice means giving guarantee to the existence of human rights transparently. Economical justice means giving rights of business equally to all people. Whereas social justice means that putting all society member into equal position.

The discourse of social justice becomes a dream to any people or society which not earn their rights. Through the religious leaders, Muslim scholars (ulamā'), intellectual, and activists working together to spread this discourse. So, social justice is not only talk about justice in the term of constitution or by law, but explain wider about specific rights that stick existentially inside identity of humanity without regarding nations,

² Ahmad Qodri Abdillah Azizy, *Ensiklopedi Tematis Dunia Islam: Dinamika Masa Kini*, (Jakarta: Ichtiar Baru Van Hoeve, 2002), p.167.

³ Imas Rosyanti, *Esensi al-Quran*, Pustaka Setia, Bandung, 2002, p.256.

religion, gender, social status, job, wealth, or characteristic ethnic, culture and any other different identities.⁴

Islam as the majority people's religion in Indonesia has major role to achieve the justice as the spirit of Islam. The spirit of justice that brought by prophet Muhammad that become the base of this religion is creating moral and prosperous society without any discrimination, like Prophet did such as freeing a slave, raising dignity of women, protecting non-Muslim society also warranting of security to the society based on Madinah Charter. It continues to the glorious era of Islam, such as the era of Abbasid dynasty that signed by development of intellectual product rapidly. At this era, many philosophers were emerged like Ibn Sina, Ibn Rushdie, al-Farabi, and so on until Islam can be accepted by almost to the whole world. But since the downfall of Islamic civilization at 15th century, marked by conquering Europe nations to East and the start of *renaissance* era in the west. The center of intellectual basic in the west triggering effect to the other countries. Especially in the third country that not inside Europe nations become imperialism object and westernization. Whereas the east side as the center of Islamic civilization facing the stagnation phase and natural exploitation by the imperialist.

On the other hand, by the establishment of the school of Islamic studies in Europe and many students from East that study in Europe becoming a big contribution to the awareness of imperialism to the East, especially to Muslim society. Many responses among Muslim students, between pro and contra with the product of western studies. For example, Sayyid Quthb in Egypt, he is one of the Muslims figure that contrary against western scientific product and criticizing against the west after he finish his study in US. His argument is the westernization that already inside of Islamic culture must be fight back with the pure Islamic concept which come from Quran and Hadith. Sayyid Quthb feels the weakness

⁴ Said Agil Husin al-Munawar, *al-Quran Membangun Tradisi Kesalehan Hakiki*, (Jakarta, Ciputat Press, 2003), p.296.

inside Muslims society nowadays that causing separation is materialism keep spreading among Muslim. He representing his idea through his group *Ikhwanul Muslimin*⁵ by rejecting westernization effect in his country Egypt. Through his writings, Sayyid Quthb invites Muslim people back to pure Islamic concept such prophet Muhammad era. Through his group, Sayyid Quthb actualizes his idea by the revolution action. From that point, that revolution affect to the eastern countries.

Indonesia was colonized by other countries almost in four centuries. Most of Indonesian people during that colonization live in poverty and hunger. The colonialist kept treating the Indonesian people injustice, it means the Indonesian live without any education, work in field all the time without enough payment from the government or the colonialist.

During that time or maybe even before the colonization, the society in Indonesia never has any real concept to build the equality among people during that time. People live under the feet of the colonialist, land owner, or even the government itself by giving high tax to the people. Not even suffer by the economic side, Indonesian people at that time especially women do not have any equality in their life. They been considered as weak human, so that is why if in the social feudal society women treated under man. That low status of women in society is worsen by the tradition, especially in “*pingitan*” tradition in Javanese society that shutdown their social activity. The other treatment is polygamy that victimize and harm women. They been forced to marry the indigenous leader to become a concubine.

From the Islamic side, many people fight against the injustice in Indonesia. For example, Prince Diponegoro, KH Hasyim Asy’ari, Ahmad Dahlan, Mohammad Natsir, Prof. Dr. Haji Abdul Malik Karim Amrullah (Hamka) and so on. For the last mentioned name, is Prof. Dr. Haji Abdul

⁵ Ikhwanul Muslimin (Islamic Brotherhood) is the revivalist movement that motorized by Hasan al-Banna in 1928. See Tariq Ali, *The Clash of Fundamentalism* trans. Hodri Arieiev, (Jakarta, Paramadina, 2004), p.108.

Malik Karim Amrullah as one of Islamic reformer in Indonesia, he has high knowledge discipline. His role in Indonesia is he fight the independency through *Sarekat Islam* (SI) in 1925.⁶ At revolution war, Hamka by his speech, he flare the spirit of the warrior to grab the state sovereignty. He also participated to refuse the return of the colonialist to Indonesia by guerilla in the jungle in Medan. One of contribution to Indonesia by his writing is *Tafsīr al-Azhar*. From this tafsīr, Hamka spreads the objective of Islam that represented in the Qur'an by the Malay Language. One of his main idea is about social concept in Islam that according to him is perfect to answer the problem of the society today.

One of the most person who stressing social movement and justice is Muhammadiyah with Hamka as the figure. In his experience, Hamka been experiencing injustice from the government. He been held in prison and quarantined because his speech criticizing the government. So from this side, Hamka has the “real” concept of social justice because he already experiences it in his life. One of the book he wrote when he was in jail is *Al-Azhar*.

For example, when Hamka interpreting surah Al-Hujurat verse 11:

يا ايها الذين امنوا لا يسخر قوم من قوم عسى ان
 يكونوا خيرا منهم ولا نساء من نساء عسى ان يكن
 خيرا منهن ولا تلمزوا انفسكم ولا تنابزوا بالالقباب بئس
 الاسم الفسوق بعد الايمان ومن لم يتب فاولئك هم
 الظالمون

Hamka quoting hadith from Imam Muslim to extend his interpretation:

⁶ Sarekat Islam or Union Islamic Trader is the organization inspired by Jamiat Kheir and the goal is to empower local merchant against Netherland traders, especially in batik industry. See https://en.wikipedia.org/wiki/Sarekat_Islam (07/01/2015)

حدثنا عمر بن حفص بن غياث حدثنا أبي حدثنا الأعمش حدثنا سعد بن عبيدة عن أبي عبد الرحمن عن علي رضي الله عنه قال بعث النبي صلى الله عليه وسلم سرية وأمر عليهم رجلا من الأنصار وأمرهم أن يطيعوه فغضب عليهم وقال أليس قد أمر النبي صلى الله عليه وسلم أن تطيعوني قالوا بلى قال قد عزمت عليكم لما جمعتم حطبا وأوقدتم نارا ثم دخلتم فيها فجمعوا حطبا فأوقدوا نارا فلما هموا بالدخول فقام ينظر بعضهم إلى بعض قال بعضهم إنما تبعنا النبي صلى الله عليه وسلم فرارا من النار أفدخلها فبينما هم كذلك إذ خمدت النار وسكن غضبه فذكر للنبي صلى الله عليه وسلم فقال لو دخلوها ما خرجوا منها أبدا إنما الطاعة في المعروف

When interpreting surah Hujurat verse 11, Hamka giving an example from his childhood when at that time many kids has the same name; Abdul Malik. So the society giving a nickname to each “Abdul Malik with their characteristic or by some specific occurrence. For example, Malik Iman, Malik Uban, Malik Ekor, even Hamka itself been called as Malik Periuk by his society⁷.

When Hamka interpreting Quran, he very adopting reality of the society around him. So the interpretation itself can be understand to the reader and apply it to their life. as same as Dilthey saw when understanding as the key for the human sciences (*Geisteswissenschaften*) in contrast with the natural sciences. The natural sciences observe and

⁷ HAMKA, Tafsir al-Azhar, XXV. 203-204

explain nature, but the humanities understand human expressions of life. So long as a science is “accessible to us through a procedure based on the systematic relation between life, expression, and understanding” Dilthey considered it a part of the human sciences.

From this short background, research will study further about the concept of social justice in tafsīr Al-Azhar of Hamka’s work by the hermeneutics of Wilhelm Dilthey. Because within the book itself there are some “Psychological Atmosphere”

B. Research Question

Based on the background above, we want to formulate the matter of social justice according to Hamka in Tafsīr al-*Azhār* and break it down into two questions in order to focus the discussion:

1. What is the concept of social justice in Tafsīr Al-Azhār?
2. How is the implementation of social justice of Hamka in Indonesia?

C. Aim and Significance of Research

From the research questions above, the researcher sets some aims as follow:

1. To know the concept of social justice in Tafsīr Al-Azhār.
2. To know the implementation of social justice of Hamka in Indonesia.

Generally, the purpose of this research is to gain an objective and universal insight about social justice according to Hamka in Tafsīr al-Azhār.

As this research is about social justice in Tafsīr al-Azhār Researcher will explain few things that related to this research, which is:

First, the relation with Pancasila verse V (five) especially in goal and hope that what Indonesian citizen dreamt for. Second, Indonesia as the context, problems, injustice, and realization efforts of justice.

Thus, the study aims to enrich the treasure of exegesis in order to respond to the contemporary problems. And, makes the Quran be able to solve the challenges of worldly problems.

The significance of this research are as the following:

1. To more clearly about social justice and its practice to make an ideal society.
2. The result of this research is expected to contribute thought that is useful to develop treasures of Islamic studies, primarily for Ushuluddin (theology) Faculty in Quran and Hadith Studies Department and to be referred for further research in the same topic.

D. Prior Research

Based on my literature review, there are some books or even works related to the title that discuss about social justice, but according to the researcher no literature had specifically address or analyze the concept of social justice of Hamka scientifically, even Hamka itself explain the concept of social justice in his work *Islam: Revolusi Ideologi dan Keadilan Sosial*, but it seems less comprehensive.

First, a research by Muhammad Rifai Subhi with the title: “*Studi Analisis Pemikiran Hamka Tentang Tasawuf Modern dan Pendidikan Islam*” (Unpublished, undergraduate thesis, Tarbiyah Faculty IAIN Walisongo Semarang, 2012). This thesis is discussing about how is Hamka’s thought about modern tasawuf and Islamic education. The study is based on the equality of the purpose between the concept of modern tasawuf and Islamic education, which is creating quality of human kind by the balance of their life. The point of this research is to answer the question about the concept of Hamka’s thought about modern tasawuf and Islamic education.

Second, thesis by Dina with the title: “*Konsep Tasawuf Modern Hamka dan Implementasinya dalam Bimbingan Konseling Islam*” (Unpublished, undergraduate thesis, Dakwah Faculty IAIN Walisongo Semarang, 2006). This thesis is discussing about implementation of the modern tasawuf concept of Hamka is Islamic counseling guidance based on the definition of Islamic Counseling Guidance, function and the purpose itself also principle of Islamic Counseling Guidance.

Third, a research by Musyafa’ with title: “*Pemikiran Prof. Dr. Hamka mengenai Ayat-Ayat Dakwah kaitannya dengan Penyebaran Agama Islam Masa Kini*”. (Unpublished, undergraduate thesis, Dakwah Faculty IAIN Walisongo Semarang, 1995). In this research he explains how dakwah is an obligation to each muslim which already mature and minded, and guide people to the truth, telling to do good and prevent doing wrong (*munkar*). All must be done by few methods which is *bil hikmah* methods (wisely), *bil mauidotil hasanah* (with an advice or good talk), *bil mujadalah allati hiya ahsan* (good debate/discussion). But to complete the context of modern dakwah must be supported by some method for example propaganda method, asking question, and other constructive method which can construct Islamic dakwah.

Fourth, a research by Muhammad Satif with title: “*Pesan Dakwah Hamka dalam Surat An-Nahl ayat 125*”. (Unpublished, undergraduate thesis, Dakwah Faculty IAIN Walisongo Semarang, 1997). Hamka use various media and resources to aim further intensive dakwah. As for the media to improve is by formal education, family, majlis ta’lim, social organization, mass media, and others.

If the researches above is compared with writer’s writing, the can be concluding that the writing about Hamka’s thought such as the theme of this thesis already researched by other people. But the research not yet focused into the concept of social justice in islam. Which means the

researcher will be discuss about Hamka's thought about the concept of social justice as a media to gain perfect community.

E. Theoretical Framework

Justice is the aim of all people to reaching a good life and maintain stability in community. When some group or community life without justice in their life it can cause imbalance in society.

Every definition has own characteristic. Sometimes, new problem appears causing the miss understanding of justice. And they use a wrong way to escape it. even justice is a metaphysic thing, and it is not easy to make it certainly clear based on many definitions, but the moral, esthetic and also the religions make it sure to determine which one is true.

Quran explain in the context of an order to human to be justice is expressed in three word - *al-qisth*, *al-'adl*, and *al-mîzân*. Each term has its own meaning and characteristic. Hamka as the interpreter also has his own characteristic to interpret the justice. Some of the reason of it, because he was staying in the prison when wrote down his book, *Tafsîr al-Azhar*.

F. Research Method

1. Type of Data

As the title implies, this research is qualitative, which purely based on bibliographical research. In this research, the sources of data are written texts related to the topic.

2. Sources of Data

The sources of data that have researcher use is literature that consist of papers, research and other kind of documents that usually included in book, journal, magazine, research, thesis, and other writings.

a. Primary sources

Because the discussion topic in this research is the concept of social justice in *Tafsir al-Azhar*, then for the primary

source in this research is Tafsir *al-Azhar* itself. *Islam: Revolusi Ideologi dan Keadilan Sosial* by Hamka.

b. Secondary sources

Secondary sources are taken from supporting books, journals, magazines, researches, and thesis that relevant to the theme of social justice and can enrich the discussion and study.

3. Collecting Data Method

Since this research is bibliographical research, the collecting data is supported by books, websites, journals, and papers that have relationship to the topic. In this research, the researcher explores several previous findings and researches done by the experts who have discussed the same topic.

Those previous research have functions as raw data. Based on the data, it is necessary to look for outlines, fundamental structures and basic principles in detail and to ignore the irrelevant data. The data which have been collected by the researcher is utilized and synchronized with the topic based on inductive method.

G. System of Writing

In describing this study, the researcher arranges the systematic design of study in order to get easy description:

Chapter I locates background of this study which makes problem appears, formulation of problems and the significance of this study, at last elaborate the research methodology and writing systematic. By this chapter, so the readers can understand the aim of this study.

Chapter II explains about the concept of social justice generally. The researcher will discuss about definition of social justice, the different between social justice and social welfare, and other view about justice.

Chapter III is divided into some sections which are biography of Hamka including birth, social life and his scholarly, thought and work of

Hamka; the history of Tafsir al-Azhār including history of writing and the systematic of Tafsir al-Azhār.

Chapter IV discusses about Hamka's thought about the concept of social justice in Tafsir al-Azhār. And the implementation of social justice of Hamka in the Indonesia.

Chapter V is closing that contain conclusion, suggestion and epilogue in which explains the result of this study after employing scrupulous methods and meticulous analysis.

CHAPTER II

CONCEPT OF SOCIAL JUSTICE

A. Definition of Justice

Justice is something abstract, and it will be hard to creating some justice if does not know the meaning of justice itself. Justice generally is some circumstance where each person gaining his own right and each person gaining same portion. Al-Quran explain the order to be justice using word *qisth* in His saying:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوَّامِينَ بِٱلْقِسْطِ شُهَدَاءَ لِلّٰهِ وَلَوْ عَلَىٰ
 أَنفُسِكُمْ أَوِ ٱلْوَالِدِينَ وَٱلْأَقْرَبِينَ إِن يَكُنْ غَنِيًّا أَوْ فَكِيرًا فَٱللّٰهُ
 أَوْلَىٰ بِهِمَا فَلَآ تَتَّبِعُوا ٱلْهَوَىٰٓ أَن تَعْدِلُوا وَإِن تَلَوُّا أَوْ تُعْرَضُوا
 فَإِنَّ ٱللّٰهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allah is more worthy of both. So follow not [personal] inclination, lest you not be just. And if you distort [your testimony] or refuse [to give it], then indeed Allah is ever, with what you do, Acquainted. (QS an-Nisâ' (4): 135)

From explanation above, can be distinguished the meaning between word *al- 'adl* and *al- 'adalah*. The word *al- 'adl* means fair action, and *al- 'adālah* means the character encourages fair deeds.⁸

Islam has concept about human and nature life which regulated relationship with god. From here, appears provisions of Islam as life guidance, limitation, and guide in politic, economy, family law, rights and obligations in relationship.

That's why, the generality command in Quran are not limited to specific group or people. But, part of it is limited when judging or

⁸ Dra. Imas Rosyanti, *Esensi Al Qur'an*, (Surakarta: Pustaka Setia, 2002), p. 246.

solving problem emerging between people such as said in verse An-Nisa': 58

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

“Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing.”

All people who in faith is ordered to always do justice to anyone, even hurt himself, parent, friend, also not differ between rich and poor as Allah said in surah An-Nisa:135.⁹

Justice which discussed and told in Quran is very vary, not only in application process in law or to disputants, but Quran also demand justice to our self, even when saying, act, or writing.

لَا تَقْرُبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَأَوْفُوا بِالْكَيْلِ وَالْمِيزَانَ بِالْقِسْطِ لَا نُكَلِّفُ نَفْسًا إِلَّا وُسْعَهَا وَإِذَا قُلْتُمْ فَاعْدِلُوا وَلَوْ كَانَ ذَا قُرْبَىٰ وَبِعَهْدِ اللَّهِ أَوْفُوا ذَلِكُمْ وَصَاكُم بِهِ لَعَلَّكُمْ تَذَكَّرُونَ

“And do not approach the orphan's property except in a way that is best until he reaches maturity. And give full measure and weight in justice. We do not charge any soul except [with that within] its capacity. And when you testify, be just, even if [it concerns] a near relative. And the covenant of Allah fulfills. This has He instructed you that you may remember.” (QS al-An'âm [6]: 152).

... وَ لِيَكْتُبَ بَيْنَكُمْ بِالْعَدْلِ ...

⁹ Ibid, p.254.

“...And let a scribe write [it] between you in justice...”
(QS al-Baqarah [2]: 282).

The prophecy is assertive in Quran in point to establish humanitarian system which is fair.

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ
لِيُقِيمُوا النَّاسَ بِالْقِسْطِ ...

“We have already sent Our messengers with clear evidences and sent down with them the Scripture and the balance that the people may maintain [their affairs] in justice....” (QS al-Hadîd [57]: 25).

Quran sees leadership as “contract to the God” which bring responsibility to against tyranny and maintain justice.

Allah said,

وَإِذِ ابْتَلَىٰ إِبْرَاهِيمَ رَبُّهُ بِكَلِمَاتٍ فَأَتَمَّهُنَّ قَالَ إِنِّي جَاعِلُكَ
لِلنَّاسِ إِمَامًا قَالَ وَمِنْ ذُرِّيَّتِي قَالَ لَا يَنَالُ عَهْدِي
الظَّالِمِينَ

“And [mention, O Muhammad], when Abraham was tried by his Lord with commands and he fulfilled them. [Allah] said, "Indeed, I will make you a leader for the people." [Abraham] said, "And of my descendants?" [Allah] said, "My covenant does not include the wrongdoers.” (QS al-Baqarah [2]: 124).

It can be seen that leadership in verse above not only social contract, but also becoming contract or agreement between Allah and the leader to maintain justice.

Even Quran assert that in this universe is enforce base on justice:

وَالسَّمَاءَ رَفَعَهَا وَوَضَعَ الْمِيزَانَ

“And the heaven He raised and imposed the balance.”
(QS ar-Rahmân [55]: 7)

It can be said that in Quran we can find some topic about justice, from tauhid until believe in day of resurrection, from *nubuwwah* (prophecy) until leadership, and start from individual to society. Justice is a term to create personal perfection, a standard to social wealthiest, and also a closer path to afterlife happiness.

Quran explain in the context of an order to human to be justice is expressed in three word - *al-qisth*, *al-'adl*, and *al-mîzân* – ¹⁰

قُلْ أَمَرَ رَبِّي بِالْقِسْطِ وَأَقِيمُوا وُجُوهَكُمْ عِندَ كُلِّ مَسْجِدٍ
وَادْعُوهُ مُخْلِصِينَ لَهُ الدِّينَ كَمَا بَدَأَكُمْ تَعُودُونَ

“Say, [O Muhammad], "My Lord has ordered justice and that you maintain yourselves [in worship of Him] at every place [or time] of prostration, and invoke Him, sincere to Him in religion." Just as He originated you, you will return [to life]." (QS al-A'râf [7]: 29)

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ
عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

“Indeed, Allah orders justice and good conduct and giving to relatives and forbids immorality and bad conduct and oppression. He admonishes you that perhaps you will be reminded.” (QS an-Nahl [16]: 90)

وَالسَّمَاءَ رَفَعَهَا وَوَضَعَ الْمِيزَانَ (٧) أَلَّا تَطْغَوْا فِي الْمِيزَانِ
(٨)

“And the heaven He raised and imposed the balance
That you not transgress within the balance.” (QS ar-Rahmân [55]: 7-8).

¹⁰ M. Quraish Shihab, *Wawasan al-Quran* (Bandung: Mizan Pustaka, 1996), p. 151.

When Quran asserting god substances that having justice, the word been using is *al-qisth*.

See Âli ‘Imrân [3]: 18,

شَهِدَ اللَّهُ أَنَّهُ لَا إِلَهَ إِلَّا هُوَ وَالْمَلَائِكَةُ وَأُولُو الْعِلْمِ قَائِمًا
بِالْقِسْطِ لَا إِلَهَ إِلَّا هُوَ الْعَزِيزُ الْحَكِيمُ

“Allah witnesses that there is no deity except Him, and [so do] the angels and those of knowledge - [that He is] maintaining [creation] in justice. There is no deity except Him, the Exalted in Might, the Wise.”

The word ‘*adl*’ in many shape is repeated twenty time in Quran, not one of it is linked to Allah as His substances. In other side, as mentioned above, some aspect and object of justice been discussed in Quran; also the doer. The variety itself causing variety in the understanding of justice meaning.

At least there are three meaning of justice that can be conclude.

First, “fair” means “equal”. We can say if one guy is fair because he treats everybody equally or not differ between others.¹¹ But must be underlined that this equality mean justice in giving rights. In surah an-Nisâ’ (4): 58 said:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ
بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ
اللَّهَ كَانَ سَمِيعًا بَصِيرًا

¹¹ Ibid., p. 152

“Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing.”

The word “al-adl” above can be mean as “same” just in term behave attitude and behavior in taking decision. This verse guide “the judge” to put the disputants in same position for example in willing to hear and considering their sayings and others. If the equality means to equal to what they receive from decision, then it became deception.

Quran telling story about two disputants came to Prophet Daud to seeking justice. First person has ninety-nine ewes, a second person has only one goat. The goat owner who has many goats demand to give that one ewe to complete hundred. Prophet Daud does not decide this problem by dividing those ewes by equal portion, but state that the ninety-nine ewe owner is become tyranny by his demand.

See surah al-Shad [38]: 23,

إِنَّ هَذَا أَخِي لَهُ تِسْعٌ وَتِسْعُونَ نَعْجَةً وَّلِي نَعْجَةٌ وَاحِدَةٌ
فَقَالَ أَكْفَلْنِيهَا وَعَزَّنِي فِي الْخِطَابِ

“Indeed this, my brother, has ninety-nine ewes, and I have one ewe; so he said, 'Entrust her to me,' and he overpowered me in speech”

Second, “fair” means “balance”. Balance can be found in some group where inside they have various parts that coming toward one specific purpose, as long as term and specific condition is filled in each part. By the gather of this term, that group can survive and move to fulfil their purpose of existence.¹²

¹² Ibid, p.153.

يَا أَيُّهَا الْإِنْسَانُ مَا غَرَّبَكَ بِرَبِّكَ الْكَرِيمِ (٦) الَّذِي خَلَقَكَ
فَسَوَّاكَ فَعَدَلَكَ (٧)

“O mankind, what has deceived you concerning your Lord, the Generous, who created you, proportioned you, and balanced you?” (QS al-Infithâr [82]: 6-7).

If any parts of human body that less or more from portion which sould, then it will be no balance (justice) in it.

Another example is this universe with the ecosystem. Quran explain that:

الَّذِي خَلَقَ سَبْعَ سَمَاوَاتٍ طِبَاقًا مَّا تَرَى فِي خَلْقِ الرَّحْمَنِ
مِن تَفَاوُتٍ فَارْجِعِ الْبَصَرَ هَلْ تَرَى مِنْ فُطُورٍ

“[And] who created seven heavens in layers. You do not see in the creation of the Most Merciful any inconsistency. So return [your] vision [to the sky]; do you see any breaks?” (QS al-Mulk [67]: 3)

Here, justice means proportionality, not the opposition of “oppression”. Must be noted that balance does not mean equal proportion to all unit to become balance. It can be small or big, then the portion is depending on the function from it.

Quran guidance distinguish between other, such as male and female to inheritance rights and witnessing in justice view must be understand in the meaning balance, not equality. Justice in this meaning, inflict faith to Allah create and maintain everything by size, portion, and specific time for reaching purpose. This believe later will be explain in the meaning of God justice.

الشَّمْسُ وَالْقَمَرُ بِحُسْبَانٍ

“The sun and the moon [move] by precise calculation”
(QS ar-Rahmân [55]: 5).

Third, “fair” that linked to the God. All existence does not have any right to Allah. God justice basically is His Blessing and His Grace. His justice contains consequences that Allah’s Blessing not blocked as long as the creature can reach it.¹³

Commonly said when A Take B’s rights, then at that time B take his right back from A. this condition does not apply to Allah, because He has every rights above all things, does not have anything on His side.

This term must be understood in His saying that shows Allah as *qāiman bi al-qisth* (vindicates), as written in surah Ali Imran [3]: 18),

شَهِدَ اللَّهُ أَنَّهُ لَا إِلَهَ إِلَّا هُوَ وَالْمَلَائِكَةُ وَأُولُوا الْعِلْمِ قَائِمًا
بِالْقِسْطِ لَا إِلَهَ إِلَّا هُوَ الْعَزِيزُ الْحَكِيمُ

“Allah witnesses that there is no deity except Him, and [so do] the angels and those of knowledge - [that He is] **maintaining [creation] in justice**. There is no deity except Him, the Exalted in Might, the Wise.”

Or another verse that contain His Justice as:

مَنْ عَمِلْ صَالِحًا فَلِنَفْسِهِ وَمَنْ أَسَاءَ فَعَلَيْهَا وَمَا رَبُّكَ
بِظُلْمٍ لِّلْعَبِيدِ

“Whoever does righteousness - it is for his [own] soul;
and whoever does evil [does so] against it. And your

¹³ Ibid, p.155.

Lord is not ever unjust to [His] servants.” (QS Fushshilāt [41]: 46).

According to Franz Magnis Suseno, justice can be divided into two parts: individual justice and social justice. Individual justice is justice that depends on good will or bad from each individual. For example, a teacher must give a proper credit according to the achievement of each student by using some measurement to the examinee¹⁴.

Also a justice that can't be depend on each individual will, but come from structural process in society. That process is not only from economic side, but also from political society, ideology, and culture. Not only in wagering shape, but also in every aspect; is the farmer gaining proper value to their product; whether a claim upon land will work or not; which one is relatively expensive and which one is relatively cheaper; did everyone in some criminal case really defend well or just a victim; all of it depend of the process of structural politic, social, culture, and ideology in the society. This is what the meaning of social justice.¹⁵

So, social justice means justice that the implementation depends on the structure of power in society, structures that include in politic, economy, social, culture, and ideology. Then to construct social justice means creating structures that can running justice. And the social justice problem is how to change power structure that somehow already ensure injustice, means that at the same time there are some grouping in society, also the existence of groups that live at their own will because they control most of work result and rights of poor groups.¹⁶

This thing is different according to Sayyid Quthb that social justice itself does not came from positive law of human but all provision is already existing in Quran and been practiced in Rasulullah

¹⁴ Franz Magnis, *Kuasa dan Moral*, (Jakarta: Gramedia, 1988) p.50

¹⁵ Ibid, p.51

¹⁶ Ibid, p.51-52

era. So according to Quthb, if we want social justice then the proper power structure is using Islamic government system that build based on three ground; ruler justice, obedience of the people, consultative between ruler and people. Such as Islam in first period because, he thinks that in Prophet Muhammad era is success creating society in justice and fit with Quran.

B. The Differences Between Social Justice and Social Welfare

Quran establish that one of relationship in social life is justice. Quran also command to be justice and virtue as His saying:

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَ
يَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ
تَذَكَّرُونَ

“Indeed, Allah orders justice and good conduct and giving to relatives and forbids immorality and bad conduct and oppression. He admonishes you that perhaps you will be reminded.” (QS an-Nahl [16]: 90)

Because *ihsan* (virtue) consider as something above justice. But in social life, justice is more important than virtue or *ihsan*.

Ihsan is treating other people better than his behave, or treating guilty with good treatment. *Ihsan* and virtue is good in individual level, but can be dangerous if done in social level.¹⁷

Ali bin Abi Thalib said “fair is putting something in order, then *ihsan* is putting something that not in order.”¹⁸ If this thing become part of social life, then the society will become imbalance. That’s why

¹⁷ Ibid, p. 166

¹⁸ Taufik Yusmansyah, *Akidah dan Akhlak*, (Bandung: Grafindo Media Pratama, 2008),

Prophet Muhammad was rejecting to forgive thief once already at court, even the owner already forgives it.

وحدثني عن مالك عن ابن شهاب عن صفوان بن عبد
الله بن صفوان أن صفوان بن أمية قيل له إنه من لم
يهاجر هلك فقدم صفوان بن أمية المدينة فنام في
المسجد وتوسد رداءه فجاء سارق فأخذ رداءه فأخذ
صفوان السارق فجاء به إلى رسول الله صلى الله عليه
وسلم فأمر به رسول الله صلى الله عليه وسلم أن تقطع
يده فقال له صفوان إني لم أرد هذا يا رسول الله هو
عليه صدقة فقال رسول الله صلى الله عليه وسلم فهلا
قبل أن تأتيني به

Potency of each human is different, even potency every prophet is different as Quran said in surah al-Baqarah [2]: 253,

تِلْكَ الرُّسُلُ فَضَّلْنَا بَعْضَهُمْ عَلَى بَعْضٍ مِّنْهُمْ مَّن كَلَّمَ
اللَّهُ وَرَفَعَ بَعْضَهُمْ دَرَجَاتٍ وَأَتَيْنَا عِيسَى ابْنَ مَرْيَمَ
الْبَيِّنَاتِ وَأَيَّدْنَاهُ بِرُوحِ الْقُدُسِ وَلَوْ شَاءَ اللَّهُ مَا اقْتَتَلَ
الَّذِينَ مِن بَعْدِهِمْ مِّن بَعْدِ مَا جَاءَتْهُمْ الْبَيِّنَاتُ وَلَكِن
اِخْتَلَفُوا فَمِنْهُمْ مَّنْ آمَنَ وَمِنْهُمْ مَّنْ كَفَرَ وَلَوْ شَاءَ اللَّهُ مَا
اقْتَتَلُوا وَلَكِنَّ اللَّهَ يَفْعَلُ مَا يُرِيدُ

“Those messengers - some of them We caused to exceed others. Among them were those to whom Allah spoke, and He raised some of them in degree. And We gave Isa, the Son of Mary, clear proofs, and We supported him

with the Pure Spirit. If Allah had willed, those [generations] succeeding them would not have fought each other after the clear proofs had come to them. But they differed, and some of them believed and some of them disbelieved. And if Allah had willed, they would not have fought each other, but Allah does what He intends.”

Diversity is the nature of society, but it can't be resulting conflict. In fact, that diversity must deliver to the cooperation that giving benefit to every side. As Allah said in surah al-Hujurât (49): 13.

يَأْتِيهَا النَّاسُ إِنَّا خَلَقْنَاهُمْ مِنْ ذَكَرٍ وَأُنثَىٰ وَجَعَلْنَاهُمْ شُعُوبًا
وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقْوَاهُ إِنَّ اللَّهَ
عَلِيمٌ خَبِيرٌ

In surah az-Zukhrûf (43): 32 the purpose of diversity is explained:

أَهُمْ يَقْسِمُونَ رَحْمَةَ رَبِّكَ نَحْنُ قَسَمْنَا بَيْنَهُمْ مَعِيشَتَهُمْ فِي
الْحَيَاةِ الدُّنْيَا وَرَفَعْنَا بَعْضَهُمْ فَوْقَ بَعْضٍ دَرَجَاتٍ لِيَتَّخِذَ
بَعْضُهُمْ بَعْضًا سُلْحِرِيًّا وَرَحْمَةٌ مِنْ رَبِّكَ خَيْرٌ مِمَّا يَجْمَعُونَ

“Do they distribute the mercy of your Lord? It is We who have apportioned among them their livelihood in the life of this world and have raised some of them above others in degrees [of rank] that they may make use of one another for service. But the mercy of your Lord is better than whatever they accumulate.”

Each member of society is charged to be raced in goodness (*fastābiq khairāt*), as God said in al-Baqarah [2]: 148,

وَلِكُلِّ وِجْهَةٌ هُوَ مُوَلِّيُّهَا فَاسْتَبِقُوا الْخَيْرَاتِ أَيْنَ مَا تَكُونُوا
يَأْتِ بِكُمْ اللَّهُ جَمِيعًا إِنَّ اللَّهَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ

“For each [religious following] is a direction toward which it faces. So race to [all that is] good. Wherever you may be, Allah will bring you forth [for judgement] all together. Indeed, Allah is over all things competent.”

Every race promising “present”. In here the present is earning specialty to the achievers. Also will be not fair if contestant is distinguished or not giving same chance. But, also not fair if after race with different achievement, the prize is same, because mind or religion refusing this thing.

لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ غَيْرُ أُولِي الضَّرَرِ
وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ فَضَّلَ اللَّهُ
الْمُجَاهِدِينَ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ عَلَى الْقَاعِدِينَ دَرَجَةً وَكُلًّا
وَعَدَ اللَّهُ الْحَسَنَىٰ وَفَضَّلَ اللَّهُ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ
أَجْرًا عَظِيمًا

“Not equal are those believers remaining [at home] - other than the disabled - and the mujahideen, [who strive and fight] in the cause of Allah with their wealth and their lives. Allah has preferred the mujahideen through their wealth and their lives over those who remain [behind], by degrees. And to both Allah has promised the best [reward]. But Allah has preferred the mujahideen over those who remain [behind] with a great reward –“(QS an-Nisâ’ [4]: 95).

أَمَّنْ هُوَ قَانِتٌ آنَاءَ اللَّيْلِ سَاجِدًا وَقَائِمًا يَحْذَرُ الْآخِرَةَ
وَيَرْجُو رَحْمَةَ رَبِّهِ قُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ
لَا يَعْلَمُونَ إِنَّمَا يَتَذَكَّرُ أُولُو الْأَلْبَابِ

“Is one who is devoutly obedient during periods of the night, prostrating and standing [in prayer], fearing the Hereafter and hoping for the mercy of his Lord, [like one who does not]? Say, "Are those who know equal to those who do not know?" Only they will remember [who are] people of understanding.” (QS az-Zumar [39]: 9).

Social justice as mentioned above, is not equaling all member of society, but equaling their chance in creating achievement.

In *Kamus Besar Bahasa Indonesia* (KBBI), social justice defines as “working together to creating society that unite by organic, so each member of society having equal chance and real to grow according to its own capability.”

So, if between them there are some people who cannot reach achievement or fulfilling his basic needs, people of social justice is called to help them who in need so they can feel the welfare. This kind of social justice which produce social welfare. In other word, prove or branch of social justice is social welfare.

Prosperous according to KBBI is “safe, tranquil, and wealth; out of any disturbance, difficulty, and other.” So social welfare is some social circumstances in wealthiest.

Some expert said that social welfare is like what coveted by Quran that reflected in heaven that be habited by Adam and his wife, before the down to the earth to fulfill their duty of leadership. As been known, before Adam and his wife ordered to coming down, they been placed in heaven.

Welfare paradise is explained in Quran as a warning to Adam

فَقُلْنَا يَا آدَمُ إِنَّ هَذَا عَدُوٌّ لَّكَ وَلِزَوْجِكَ فَلَا
يُخْرِجَنَّكَمَا مِنَ الْجَنَّةِ فَتَشْقَى (١١٧) إِنَّ لَكَ أَلًا
بِجُوعٍ فِيهَا وَلَا تَعْرَى (١١٨) وَأَنَّكَ لَا تَظْمَأُ فِيهَا
وَلَا تَضْحَى (١١٩)

So We said, "O Adam, indeed this is an enemy to you and to your wife. Then let him not remove you from Paradise so you would suffer. Indeed, it is [promised] for you not to be hungry therein or be unclothed. And indeed, you will not be thirsty therein or be hot from the sun." (QS Thâhâ [20]: 117- 119)

From this verse is clear that food, clothes, and housing which termed as not to be hungry, unclothed, not be thirsty and be hot from the sun is already fulfill in there. Fulfillment of this needs is one element and principal in social welfare.

From other verse can be gathered information that society in heaven live in peace, harmony, no sin, and also no unnatural thing, also nothing useless:

لَا يَسْمَعُونَ فِيهَا لَعْنًا وَلَا تَأْتِيهَا (٢٥) إِلَّا قِيلًا
سَلَامًا سَلَامًا (٢٦)

“They will not hear therein ill speech or commission of sin - Only a saying: "Peace, peace." (QS al-Wâqi’ah [56]: 25-26).

They live happily with their faithful as explain in surah Yâ Sîn [36]: 55-58, and ath-Thûr [52]: 21).

إِنَّ أَصْحَابَ الْجَنَّةِ الْيَوْمَ فِي شُغْلٍ فَاكِهِونَ (٥٥) هُمْ
 وَأَزْوَاجُهُمْ فِي ظِلَالٍ عَلَى الْأَرَائِكِ مُتَكِوُونَ (٥٦)
 لَهُمْ فِيهَا فَاكِهَةٌ وَهُمْ مَا يَدَّعُونَ (٥٧) سَلَامٌ قَوْلًا
 مِنْ رَبِّ رَحِيمٍ (٥٨)

“Indeed, the companions of Paradise, that Day, will be amused in [joyful] occupation -They and their spouses - in shade, reclining on adorned couches. [And] "Peace," a word from a Merciful Lord.”

وَالَّذِينَ آمَنُوا وَاتَّبَعَتْهُمْ ذُرِّيَّتُهُمْ بِإِيمَانٍ أَلْحَقْنَا بِهِمْ
 ذُرِّيَّتَهُمْ وَمَا أَلْتَنَاهُمْ مِنْ عَمَلِهِمْ مِنْ شَيْءٍ كُلُّ امْرِئٍ
 بِمَا كَسَبَ رَهِينٌ

“And those who believed and whose descendants followed them in faith - We will join with them their descendants, and We will not deprive them of anything of their deeds. Every person, for what he earned, is retained. (QS ath-Thûr [52]: 21).

Adam with his wife be expected to actualize the shadow of heaven to the earth with real efforts, be guided of God guidance.

قُلْنَا اهْبِطُوا مِنْهَا جَمِيعاً فَإِمَّا يَأْتِيَنَّكُمْ مِنِّي هُدًى فَمَنْ تَبَعَ
 هُدَايَ فَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ

“We said, "Go down from it, all of you. And when guidance comes to you from Me, whoever follows My guidance - there will be no fear concerning them, nor will they grieve.” (QS al-Baqarah [2]: 38).

It's the formulation of welfare that explained in Quran. This formulation can be included in every aspect of social welfare that can

be narrowed or wider depend on personal condition, society, also current development.

At this time, we can say that welfare is spared of fear of oppression, hunger, thirst, disease, stupidity, self-future, family, even society. Sayyid Quthb said:

The system of social welfare that taught in Islam is not just only help in funding-or any shape. Help funding just one of many shape that recommended by Islam.¹⁹

C. Social Justice According to Philosopher

1. Social justice according to John Rawls

The purpose of the theory of justice by John Rawls is for defining general principles of justice that underlie and explain any moral decision which very consider in specific circumstances. Moral decision is some moral evaluation that already we made lead into social act. Truly moral decision is consider based in moral evaluation we made reflectively. The theory of justice of Rawls can be assumed has capability to explain any moral decision that related to social justice.²⁰

John Rawl explain about theory of justice is based on two main principles which related to the freedom principle. First, “Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.” In this case, basic freedom to the citizen is political freedom, which is right to vote and right above public position, freedom of speech and gathering, freedom of conscience and freedom of thinking, freedom of belonging, also freedom from takeover. This kind of freedom is

¹⁹ M. Quraish Shihab, *Wawasan Al-Quran: Tafsir Tematik atas Pelbagai Persoalan Umat*, (Bandung: Mizan, 1996), p.172

²⁰ Franz Magnis-Susseno, *Pijar-pijar Filsafat: Dari Gatholoco ke Filsafat Perempuan, dari Adam Muller ke Postmodernisme* (Yogyakarta: Penerbit Kanisius, 2005)., p. 165.

needed to create justice, so every society has right and equal position. But, in fact sometimes social structure of institution and society is never treat human kind with equality and full of freedom.²¹

Repression and restraint to the way of thinking, ideology, or belief is often happen. Even in democratic society, the social system itself is planned and grown to have this basic rights. But sometimes, the institution like the country is not fair enough to their citizen. They didn't give equal freedom and maximum to every citizen. Violation to the rights above is also happen in many places, even in democratic country. This because, according to Rawl, the condition is just hypothetical which mean will be valid in original position to reach social justice.

Original position itself is some condition where some individual is assumed to choose an option to create or establish justice without considering facts of other people (such as race or religion), knowing what they must choose as a fundamental principal in social organization, rational, and owning self-interest. In this position, actually, some individual can be assumed to act for the common good until creating social justice to whole society.

Second, "Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage and (b) attached to positions and offices open to all." By this principal, welfare distribution and earning must be consistent with the principal of freedom and equality chance. This distribution must become a benefit and goodness to all people. Social justice according to this principal, will be reached if able to divide all social benefit and economy to all side. Although, inequality position in reaching economical rights and social is still happening. Still many citizens who lose and incapable to gaining this rights.

²¹ Ibid, p.170.

As rational creature, human is expected by Rawls to act to reach their freedom for establishing this social justice principal. Practically, naturally each human will be grown by his own destiny and will be inside specific social structure. This position characteristic will influence the prospect of his life, including affecting the way of think and act. Here will become weakness to the Rawls's thought. Human will always try minimalize their weakness and incapability. Even if needed, the human will defeat and prevent other people freedom so he can reach their will. But it will be hard to find justice as fairness except every human really practicing their position in this original position. The situation can be called as fair if every "excess" people compensate their advantage to the other people, including the unprofitable. But that aspect will not fully happen in reality. Actually, this is the gap which exist in Rawls's thought about social justice.

2. Social justice according to Sayyid Quthb

Quthb thought about social justice in Islam based on his view that the principal of western social justice is based on western view that secular, which is religion's job only for education awareness and soul purification, while temporal laws and secular is having job to arrange society and organizing human life. Islam isn't like that, Quthb said "we do not have basic to strengthen hostility between Islam and struggle for social justice such as hostility between Christianity and Communism". In introduction of Sayid Quthb book, Social Justice in Islam, Hamid Algar said that Sayyid Quthb can be seen as first person in Islamic world that articulate the problem of social justice in modern era. Maybe because of this topic that giving bridge between theology and social reality, some relation that become core of his thought, which is Islam as social and political power. Islam people stand in the circle of different culture in their life. The cultures that not fully Islam as exemplified by Prophet

Muhammad and his associates. To answer those question, Quthb giving some recipe that already lived by Prophet Muhammad and his associates, which is creating small group that commit to Allah in every aspect of life, separating emotional (*uzla shuuriyya*), and then creating Quranic generation and finally creating social law order or guiding society.

In his book *al-Adālāh al-Ijtimā'iyah fi al-Islām* (Social Justice in Islam) Quthb did not interpret Islam as obsolete moral system. But, it is real social and political power in Moslem world. Also Quthb deny Ali Abd al-Raziq and Taha Husein that stating Islam and politic is not convenient. Quthb said that there is no reason to separate Islam with different manifestation from society and politic.

What Quthb formulated is an idea about social justice of prophecy. Which is Islam people must take moral construction of social justice from Quran that interpreted concretely and success by Prophet Muhammad and his associates. According to Quthb, this prophetic tradition is always coming up no matter how many obstacles that making this tradition disappear.

D. Theories about social justice

Theory about social justice can be classified into three parts, which is:

1. Egalitarianism Theory

Based on the equal distribution, this theory think that fair distribution is when every people earning same portion (equal). Divide fairly mean dividing equally. If because any reason every people didn't get same portion, according to egalitarianism, those distribution is very not fair. Egalitarianism can be understanding as doctrine or view that humans is destined same, equal, no class different and grouping. Egalitarianism itself gains many sympathy, all

human is same. This thinking is some belief since modern era, which means since France Revolution overthrow absolute monarchy and feudalism. And carry new principal, liberty, egalitarian, and fraternity.

The meaning of every human is same is the dignity. The consequence is for example in law side every member of society be treated equally, not distinguish social state, race, ethnic and religion. But, even human dignity always same, in many thing human is different. Intelligence and skills often different.

Egalitarian is one characteristic of civil society. Madinah society at Prophet Muhammad era can be sample as egalitarian society, Madinah Charter as reference to guaranty fulfilling rights and obligation of Muslim and non-Muslim society without discrimination under leading of Prophet Muhammad.

2. Socialism Theory

Socialism people base their ideas to the claim of equal value, social justice, teamwork, progression, individual freedom, non-private belonging, and control of the country above production commodity. Socialism has an idealism to realize of those values by eliminating capitalism replaced by public ownership, some social system where country controlling production and distribution. Movement shape which applied to reach social transformation is fight by constitutional way, even by revolutionary.²²

In socialism theory about justice has principle about how burdens must be divided, things that needs sacrifice. Second thing explain how benefits must be divided, good

²² Eko Supriyadi, *Sosialisme Islam Pemikiran Ali Syari'ati*, (Yogyakarta: Pustaka Pelajar, 2003), p. 59.

things to earn while hard things must be divide by capability. It is not fair if disabled people must be work as hard as normal people. To the disabled people should be given proper job by their capabilities.

3. Liberalism Theory

Liberalism pushing secularism, disjuncture from God and all His support. Liberalism releasing human from their social attributes, make them formal citizen in the country who ignore them.

CHAPTER III

HAMKA AND HIS TAFSIR *AL-AZHAR*

A. Biography and Social Condition of Hamka

1. The Biography of Hamka

Haji Abdul Malik Karim Amrullah also as known with nickname as Hamka, is one of best people from Minangkabau, he was born in Tanah Sirah in Sungai Batang village near Maninjau Lake (West Sumatra) at 17th February 1908 in 14th Muharram 1326 Hijri. His father, Dr. H. Abdul Karim Amrullah also known as Haji Rasul descendant of Abdul Arif title Tuanku Pauh Pariaman Nan Tuo, one of hero also known as Haji Abdul Ahmad. Dr. H. Abdul Karim Amrullah also one of most reputable ulama beside Syekh Muhammad Djamil Djambek and Dr. H. Abdullah Ahmad that pioneering youngster movement in Minangkabau.

Hamka start his education by learning reading Quran in his parent's house until finish it, when the family migrate from Meninjau to Padang Panjang in 1914. As children in his age, in age 7 Hamka was school in village school. But he was stopped after finishing his second grade. His father was planned to put him in Gubernemen school, but the class already full. In 1916, when Labai el-Yunusi establish religious school in Pasar Usang, Hamka was sent there by his father. In the morning Hamka studied in village school while at the noon he studied at religious school, and the night learning Quran.

In 1918, when Hamka 10 years old, when his father return from his journey from java, his father establishing Thawalib School. In that school, his father giving religious studies with old system. With hope when someday Hamka become ulama like him, Syekh Abdul Karim Amrullah put Hamka in that school and quit from village school.

Even by classical system is applied in Thawalib school but the curriculum and the learning is still using old-school method. Old books and memorizing is characteristic of this school. This thing bored Hamka, even he can pass his grade. After four years' study, Hamka is refusing to continue his study, even this school was programmed to study in seven years.

After quitting from his school, Hamka start reading books in library of Zainuddin Labay el-Yunusi and Bagindo Sinaro, named Zainaro Library. His father is dislike the attitude of Hamka quit from school. In his education period, Hamka was sent to study in Syekh Ibrahim Musa Parabek school in Parabek Bukit Tinggi, but not for long time, in 1924 Hamka is leaving Minang and go to Yogyakarta.

Overall time formal education who've taken Hamka only about seven years old, between 1916 untill 1924. In that time when he was studied in village school, also in Diniyah School, and Sumatra Thawalib Padang Panjang and Surau Inyjak Parabek in Bukit Tinggi, beside that Hamka also study from big Ulama such as his father, Engku Mudo, Abdul Hamid, Zainuddin Labay el-Yunusi, and Syekh Ibrahim Musa Parabek.

Hamka only visit java in one year, but giving impact to him in learning Islam. He starts his journey from Yogyakarta and Pekalongan. By his uncle Ja'far Amrullah, Hamka is able to follow some course organized by Muhammadiyah and Syarikat Islam. Also from that chance, Hamka is able to meet with Ki Bagus Hadikusumo, and getting study of tafsir Quran. He also met with HOS Cokroaminoto and listen his lecture about Islam and Socialism. Beside that he is having chance to discuss with several important persons such as Haji Fakhruddin and Syamsul Ridjal.

Hamka start his carrier as religion teacher in Padang Panjang in 1927. And then he establishes Muhammadiyah branch in 1928. In 1931, he was invited to Bengkalis to establish another branch of

Muhammadiyah. In 1932 he was trusted by Muhammadiyah leader as *mubaligh* to Makassar, South Sulawesi.

When he was in Makassar, he was doing researching manuscript of local Muslim historian. In fact, he became first indigenous researcher who reveal wider the history of great ulama in South Sulawesi, Syeikh Muhammad Yusuf al-Makassari.

In 1934, Hamka leaves Makassar and return to Padang Panjang and then depart to Medan. In Medan, with M. Yunan Nasution he gets an offer from Haji Asbiran Ya'kub, and Mohammad Rasami (former Secretary of Muhammadiyah Bengkalis) to lead weekly magazine *Pedoman Masyarakat*.²³ In this magazine, for the first time he introduce his pen name "*Hamka*", in Tasawuf Modern rubric, his writing is adoring the reader, even ordinary people or intellectual. Brilliant thought he expressed in *Pedoman Masyarakat* will become link between him and other intellectual people such as Natsir, Hatta, Agus Salim and Muhammad Isa Anshary.

In 1945, Hamka return to Padang Panjang. Once he in Padang Panjang, he been trusted to lead Kulliyatul Muballighin and express his journalistic capability by producing some papers, for example: Negara Islam, Islam dan Demokrasi, Revolusi Pikiran, Revolusi Agama, Adat Minangkabau Menghadapi Revolusi, and Dari Lembah Cita-Cita. In 1949, Hamka decide to leave Padang Panjang to go Jakarta. In Jakarta, he joins journalistic world by becoming correspondence of magazine Pemandangan and Harian Merdeka. In 1950, after finishing haji for second time, Hamka visiting several Arabs country. In there, he able to meet in person with Thaha Husein and Fikri Abadah. His return from that visit, he writes some roman books, which is Mandi Cahaya di Tanah Suci, Di Lembah Sungai Nil, and Di Tepi Sungai Dajlah. Also he write his autobiography, Kenang-

²³ Herry Mohammad, *Tokoh-Tokoh Islam Yang Berpengaruh Abad 20*, (Depok: Gema Insani, 2006)p. 61

Kenangan Hidup in 1951,²⁴ and in 1952 he visit United States as invitation from local government.²⁵

Hamka also participate in politic via Masyumi. In 1955, Hamka was elected to the constituent representing Middle Java. But he refuses it because he feels those place not suitable for him. By encouragement of his brother in-law, Ahmad Rasyid Sutan Mansur, finally Hamka accept to be appointed as constituent member. His attitude that consist in religion causing him face many obstacles, especially in government policies. This persistence causes him jailed by Soekarno in 1964 to 1966. At beginning he was exiled in Sukabumi, and then to Puncak, Megamendung, and last he was treated in Persahabatan Rawamangun hospital as prisoner. In the jail he starts writing Tafsir al-Azhar that become his greatest work.

In 1977, Hamka was selected as first chairman of *Majelis Ulama Indonesia* (Indonesian Ulama Council). During his work, Hamka issuing fatwa about refusing government policy that will imposing constitution plan of marriage (*RUU perkawinan*) in 1973, and criticize policy of allowance celebrating Christmas with Christian. Even government push him to pulling back his fatwa with some threats, Hamka still insist with his stand. But in 24th July 1981, Hamka decide to release his duty as chairman of MUI, because his fatwa is ignored by the government of Indonesia.

2. Socio-cultural Condition of Hamka

Hamka is one of contemporary scholar that try to teaching mankind by digging old treasury of Islamic and non-Islamic philosophy, to guide them to reach prosperous life. Besides that, Hamka also out from the main stream of traditional scholars in his era because he using many media to spread and to explain Islam to the society. Also he creates novel or roman that love themed in

²⁴ Ibid, p.66

²⁵ Ibid, p.67

Tenggelamnya Kapal van der Wijck (TKvdW). But, not so far from the story, he tries to put Islamic teaching and the ideas of social critics to guide human life. He also putting universal element in Islam and criticizing exclusive elements that came from culture and tradition of some nation or society. Essentially, *TKvdW* is some story that contains aspect that become ground basic of humanity and society such as tradition, culture, and social ethic that can be seen as main elements that influencing social life and society.

In this book Hamka describing society and nature and also the human that based on the history of Islamic society in Minangkabau. Even so, the accident of van der Wijck sinking is real, but the story that written by Hamka in that book just a fictional story. The main character in *TKvdW* is Zainuddin, Hayati and Aziz that described by Hamka as a portrait of young people at that time that faced by the stream of transformation and attachment to the limits of culture and tradition.

The ideas of social criticism in Hamka's novel is not only described in *TKdvW*, but also this idea is consistently happening in the novel *Di Bawah Lindungan Ka'bah*, because the society of Melayu that tend to the tradition. In the book *Di Bawah Lindungan Ka'bah*, Hamka explaining love story that been faced by the different of social status. It was the story about imagery of tradition and the view about woman in Minangkabau.

TKvdW is describing story between Zainuddin and Hayati that cannot be together because Zainuddin is not came from some tribes. He come from non-tribe person and poor people. That thing is different from Hayati because she came from a noble and wealth people.

“Hayati kau kebanggaan keluarga, tetapi Zainuddin ia tidak bersuku, buat malu saja, cemarkan nama baik, merosakkan

orang kampung halaman dan meruntuhkan rumah tangga. Adat masih berdiri kuat, tak lapuk dek hujan tak akan lekang dek panas."²⁶

The spirit of *'asabiyyah* is the one thing that want to be criticized by Hamka. *'asabiyyah* or fanatic attitude that resulting the ego about himself and his family, group, ancestry, and his society. This attitude is causing people to do persecution and insulting another people and able to refusing every truth and also refusing every justice. In social life of Minang society that described by Hamka, Minang tribe accepting other tribe to join in their society, but they often to limit the relations. In *TKvdW*, Zainuddin that considered as Bugis-Makassar was insulted in social life. Because of the unreasonable tradition, Hamka describe the in his writing about the limitation of woman rights in Minang and illustrated by Hayati. Social life at that time make woman as a second class. Woman cannot make decision and also every decision must be decided by the leader. Hamka also criticize the social life that happen at Minang tribe which unreasonably tell people to die rather than humiliate tribe and the leader

"Bagi orang yang beradat, lebih baik Hayati itu mati dan kecewa kerana cinta daripada memalukan penghulu adat, merosakkan adat, negeri dan asal-usulnya. Tidak guna hidup jika hanya mengaibkan."²⁷

Hamka describe how woman is not having chance to study to the higher grade as a man.²⁸ Hamka also criticize social status and wealth as a judgement to the people and happiness. The story of Zainuddin explains how human happiness cannot depend on the social status and wealth:

²⁶ Hamka, *Tenggelamnya Kapal van der Wijck*, (Jakarta: Bulan Bintang, 2014), p. 90-91

²⁷ Ibid, p.180

²⁸ Ibid, p.35

“Demikianlah ahli seni, tidak peduli kepada wang, kerana kekayaan yang sangat dicita-citakan oleh ahli seni bukan kekayaan wang, tetapi kekayaan bahagia, kekayaan alam yang tercurah ke dalam kalbunya.”²⁹

B. About Tafsīr al-Azhār

1. History of Tafsīr al-Azhār

This tafsir at the beginning is some studies that delivered in lecture in dawn by Hamka in al-Azhār mosque at Kebayoran Baru since 1959. At that time, the mosque is not yet named al-Azhār. Also in that time, Hamka and K.H. Fakhri Usman and H.M. Yusuf Ahmad, publishing *Panji Masyarakat* magazine. And then the naming al-Azhār to that mosque is given by Syaikh Mahmud Shaltut, dean of al-Azhār University when he visits Indonesia in Desember 1960 with hope become the campus of al-Azhār in Jakarta. Also the naming tafsir Hamka with the name Tafsīr al-Azhār related with where the tafsir born which is al-Azhār grand mosque.

There is some factor that push Hamka to produce that tafsir. It is explained by Hamka itself in his preamble in his tafsir. Which is his willing to plant the spirit and confidence of Islam in the soul of young generation in Indonesia who willing to understanding Quran but unable to master Arabic language.

Hamka start writing his tafsir from verse *al-Mu'minūn* because he thinks that maybe he cannot finish the complete analysis the tafsir in his life.

Start in 1962, tafsir studies that delivered in al-Azhār mosque is published in *Panji Masyarakat* magazine. This tafsir studies is continues until there are political chaos is happening and that mosque been accused as place of “Neo Masyumi” and “Hamkaiisme”. In 12th Rabi’ul Awwāl 1383/27th January 1964,

²⁹ Ibid, p.157

Hamka is arrested by the leader of old ordo by the accusation of treason to the country. In two years' detention is giving blessing to Hamka because he can finish his tafsir writing.

First publish of *Tafsir al-Azhār* is published by Pembimbing Masa, under management of Haji Mahmud. First copy, complete publishing from first chapter until fourth chapter. And then also publish chapter 30 and chapter 15 until 29 by Pustaka Islam Surabaya. And finally chapter 5 until chapter 14 is published by Yayasan Nurul Islam Jakarta.

2. The Systematics of Tafsir al-Azhar

a. Source of Reference

In picking reference, Hamka is bit moderate, not fanatic to a single work of tafsir and not stick at one Mazhab of thought. Hamka is quoting from several books not only from tafsir books but also from hadith books and others which he considers is important to quote. But there is some book of tafsir that he admits has significance influence in his tafsir. Not only from thought side but also course and characteristic. First is tafsir *al-Manār* works of Sayyid Rasyid Ridha who based on his teacher teaching Syaikh Muhammad Abduh. Beside that there are Tafsir *al-Marāghī*, Tafsir *al-Qasimi*, and Tafsir *Fi Zilāl al-Quran* works of Sayyid Quthb. Besides from those four books of tafsir, Hamka also quoting opinion from other book of tafsir.

b. Methodology of Tafsir

Referring to mapping of Islah Gusmian about the method of interpreting then there are at least three methods that used by interpreter in serving their tafsir. First, classification method of tafsir based on source of interpretation. Second, classification method of tafsir based on

servicing. Third, classification method of tafsir based on generality and exclusivity of theme.³⁰

First, based on that thought, then seeing from the content of *al-Azhār* so Tafsir *al-Azhār* is obvious combining between *riwayah* (*ma'tsur*) and thought (*ra'yi*). In interpreting Quran, firstly Hamka quoting some opinions of ulama about the meaning of word (etymology) or opinions of ulama about the problem that will be discuss and then Hamka explains his thought based on the thought of that ulama. But frequently he quoting some opinion that he himself disagree with it by the purpose of comparison.³¹

Second, classification of method based on the servicing. Based on this mapping, then can be said that Tafsir *al-Azhār* is take the shape of *Tahlili*. This shape is stressing on analysis of interpretation in detail, deep, and comprehensive. Key term each verse is analyzed to find the exact meaning and suit in some context of verse. After that, the interpreter pulls the conclusion from interpreted verse, which previously finding the aspect of *asbāb an-nuzūl* with various analysis, such as sociologist analysis, anthropology, and others.³²

Third, classification based on generality and exclusivity of term. Seen from this last classification hen whole tafsir work can be divided into two parts which is general tafsir and thematic tafsir. General tafsir is tafsir who not taking one term as reference in interpreting. Otherwise in thematic tafsir, an interpreter going from some term to start interpretation. Based in this mapping it can be said that category of Tafsir *al-Azhār* is general theme.

³⁰ Islah Gusmian, *Khazanah Tafsir Indonesia: dari Hermeneutika hingga Ideologi* (Jakarta: Teraju, 2003), h. 115.

³¹ Hamka, *Tafsir Al-Azhar, Juzu' I*, (Jakarta: Pustaka Panjimas, 1982), p.80.

³² Islah Gusmian, Op.Cit, p. 152.

c. Interpretation Model

According to Howard M. Federspiel, the excellence of Hamka's tafsir is in revealing history and contemporary events.³³ Also on this basis, *al-Azhār* can be categorized as tafsir that modelled *adab al-ijtima'i*. Named *adabi* with hypothesis that Hamka is poet who studied literature values, and also discuss a lot of social problems that happen, while *ijtima'i* because in his tafsir, Hamka not only giving view of Arab nation in 6th century. But more than that, Hamka also bring the contemporary problem in his tafsir.

d. System of Interpret

There are several steps is reached by Hamka in the proses of interpreting Quran in Tafsir *al-Azhar*, which is:

1. Writing preface (*muqadimah*) in each *juz*

Hamka consistently serve preface in each section before start interpreting. It contains review of *juz* (section) that will be discussed. Besides that, Hamka also searching the correlation (*munāsabah*) between the section before and the section that will be discussed.

2. Serving several verse in the beginning of discussion thematically

Even Hamka using *tahlili* methods in interpreting Quran, but Hamka did not interpret verse by verse such seen in few classic tafsir book. But he groups of verse which considered has suitability of theme.

3. Putting translation from verse group

³³ Howad M. Federspiel, *Kajian al-Qur'an di Indonesia; dari Mahmud Yunus hingga Quraish Shihab* (Bandung: Mizan, 1996), h. 142

To ease interpretation, at first, Hamka translate those verse into Indonesian so it will be easier to understand

4. Avoiding the understanding of word

Hamka avoiding long explanation about the meaning of word, besides that, he considers that thing is not fit for people in Indonesia which most of them is not understand Arabic language. Hamka think that those understanding is already covered in translation.

5. Giving detail explanation

After translating verse, Hamka start his interpretation of the verse wider and sometimes is associated with the occurrence at this era, so the reader can make Quran as guidance of all time.

e. Interpretation Sample

In this section, the researcher will take sample of Hamka's interpretation in surah an-Nisā' verse 34 which discuss about the position of man above woman and how Hamka interpret this verse that some people consider this verse is gender bias.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ
عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ
حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ
فَعِظُوهُنَّ وَأَهْبِجُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ فَإِن
أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا
كَبِيرًا

” Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand.”

In this verse there are no direct order that stated to man to be a leader. Or women must be accepting the leadership of man. But explained in advance is reality. Even there is no order, but in fact is man who take leadership of woman. So that whenever come order for example woman lead man, that order cannot run because not fit with the reality of human life.

Man lead woman not only in mankind but also happen in animal. As explained that first reason in verse above because Allah is overstating part of them, that man is above from other, which is woman. More in power, more in intelligence, because of it also more in responsibilities.

No matter how modern the modern in household, the final decision is still on the man. Even in house, it's not possible two authorities that same in rights and duty. So, on the basis of the rule of religious law, the leadership man above woman is a command.

So in the next verse said about characteristic of woman who lead by man, “*So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard.*” Which mean every relationship of husband and wife there must be secret that should stay secret. And the one who keep the secret in household must be the wife.

C. Verses of Social Justice

The verses that will be discussed in this thesis is:

Surah As-Shurā : 15

فَلِذَلِكَ فَادْعُ وَاسْتَقِمْ كَمَا أُمِرْتَ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَقُلْ ءَامَنْتُ بِمَا
 أَنْزَلَ اللَّهُ مِنْ كِتَابٍ وَأُمِرْتُ لِأَعْدِلَ بَيْنَكُمْ اللَّهُ رَبُّنَا وَرَبُّكُمْ لَنَا أَعْمَلْنَا
 وَلَكُمْ أَعْمَلُكُمْ لَا حُجَّةَ بَيْنَنَا وَبَيْنَكُمْ اللَّهُ يَجْمَعُ بَيْنَنَا وَإِلَيْهِ الْمَصِيرُ

An-Nisā': 58

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ
 أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا
 بَصِيرًا

Al-Mā'idah:42

سَمِعُونَ لِلْكَذِبِ أَكْلُونَ لِّلْسِحْتِ فَإِنْ جَاءُوكَ فَاحْكُم بَيْنَهُمْ أَوْ
 أَعْرِضْ عَنْهُمْ وَإِنْ تُعْرِضْ عَنْهُمْ فَلَنْ يَضُرُّوكَ شَيْئًا وَإِنْ حَكَمْتَ
 فَاحْكُم بَيْنَهُم بِالْقِسْطِ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

Al-Hujurat: 9

وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا فَإِنْ بَغَتْ
 إِحْدَاهُمَا عَلَى الْأُخْرَىٰ فَقْتُلُوا الَّتِي تَبْغِي حَتَّىٰ تَفِيءَ إِلَىٰ أَمْرِ اللَّهِ
 فَإِنْ فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ يُحِبُّ
 الْمُقْسِطِينَ

An-Nisaa': 3

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِّنَ
النِّسَاءِ مَثْنَىٰ وَثُلَّةَ وَرُبُعٍ فَإِنِ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا
مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا

An-Nisā':135

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ
أَنْفُسِكُمْ أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ إِن يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ
بِهِمَا فَلَا تَتَّبِعُوا هَوَىٰ أَنْ تَعْدِلُوا وَإِن تَلَوْرَأَ أَوْ تَعْرِضُوا فَإِنَّ اللَّهَ كَانَ
بِمَا تَعْمَلُونَ خَبِيرًا

Al-Mā'idah: 8

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ
شَنَاةُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا أَعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ
اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

Adh-Dzāriyāt: 19

وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ

Al-Baqarah:275-278

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ
الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ
اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِّن رَّبِّهِ فَانْتَهَىٰ فَلَهُ مَا
سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَٰئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا

خُلِدُونَ * يَمَحِقُ اللَّهُ الرَّبَّوَا وَيُرِّي الصَّدَقَاتِ وَاللَّهُ لَا يُحِبُّ كُلَّ كَفَّارٍ
 أَثِيمٍ * إِنَّ الَّذِينَ ءَامَنُوا وَعَمِلُوا الصَّالِحَاتِ وَأَقَامُوا الصَّلَاةَ وَءَاتَوْا
 الزَّكَاةَ لَهُمْ أَجْرُهُمْ عِنْدَ رَبِّهِمْ وَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ * يَأْتِيهَا
 الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرَّبَّوَا إِن كُنتُمْ مُؤْمِنِينَ

An-Nahl: 97

مَنْ عَمِلَ صَالِحًا مِّن ذَكَرٍ أَوْ أُنثِيَ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيَاةً طَيِّبَةً
 وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

At-Taghābun : 16

فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ وَأَسْمِعُوا وَأَطِيعُوا وَأَنْفِقُوا خَيْرًا لِّأَنْفُسِكُمْ وَمَنْ
 يُوقَ شُحَّ نَفْسِهِ فَأُولَٰئِكَ هُمُ الْمُفْلِحُونَ

Al-Baqarah: 180

كُتِبَ عَلَيْكُمُ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِن تَرَكَ خَيْرًا الْوَصِيَّةَ
 لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ

Al-Baqarah:43

وَأَقِيمُوا الصَّلَاةَ وَءَاتُوا الزَّكَاةَ وَارْكَعُوا مَعَ الرَّاكِعِينَ

At-Taubah:71

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ
 وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ
 وَرَسُولَهُ أُولَٰئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

At-Taubah:60

إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمَلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ
وَفِي الرِّقَابِ وَالْغَرَمِينَ وَفِي سَبِيلِ اللَّهِ وَأَبْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ
وَاللَّهُ عَلِيمٌ حَكِيمٌ

At-Taubah:102-104

وَأَخْرُونَ اعْتَرَفُوا بِذُنُوبِهِمْ خَلَطُوا عَمَلًا صَالِحًا وَءَاخَرَ سَيِّئًا عَسَى
اللَّهُ أَنْ يَتُوبَ عَلَيْهِمْ إِنَّ اللَّهَ عَفُورٌ رَّحِيمٌ # خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً
تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ
عَلِيمٌ # أَلَمْ يَعْلَمُوا أَنَّ اللَّهَ هُوَ يَقْبَلُ التَّوْبَةَ عَنْ عِبَادِهِ وَيَأْخُذُ
الصَّدَقَاتِ وَأَنَّ اللَّهَ هُوَ التَّوَّابُ الرَّحِيمُ

Al-An'am:141

وَهُوَ الَّذِي أَنْشَأَ جَنَّاتٍ مَّعْرُوشَاتٍ وَغَيْرَ مَعْرُوشَاتٍ وَالنَّخْلَ وَالزَّرْعَ
مُخْتَلِفًا أَكْلُهُمُ وَالزَّيْتُونَ وَالرُّمَانَ مِثْلَهَا وَغَيْرَ مِثْلَهَا كُلًّا مِّنْ ثَمَرِهِ
إِذَا أَمَرَ وَعَاتُوا حَقَّهُ يَوْمَ حَصَادِهِ وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ
الْمُسْرِفِينَ

CHAPTER IV

THE CONCEPT OF SOCIAL JUSTICE ACCORDING TO HAMKA

A. The Concept of Social Justice

1. Social Justice in the Framework of Islamic Sharia

Justice in social life sometime can be said as social justice. Social justice is the purpose which born from deeper heart of human. This purpose is inspiring and spark several human thought and society movement who feel called to build some ideal society, society that social justice. Many group of society is willing to create their own society with the spirit of social justice with their own way. In the context of Indonesia, social justice is elementary and ideology of social life and in state.

Islam is stressing about justice, Quran itself emphasizing themes of human justice. Even Prophet Muhammad explicitly instructed to do justice to non-Muslim

فَلِذَلِكَ فَادَعُ أَتَّعَمَّ وَأَسْتَقِمَّ كَمَا أُمِرْتُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَقُلْ
 ءَامَنْتُ بِمَا أَنْزَلَ اللَّهُ مِنْ كِتَابٍ وَأُمِرْتُ لِأَعْدِلَ بَيْنَكُمْ
 اللَّهُ رَبُّنَا وَرَبُّكُمْ لَنَا أَعْمَلْنَا وَلَكُمْ أَعْمَلُكُمْ لَا حُجَّةَ بَيْنَنَا
 وَبَيْنَكُمْ اللَّهُ يَجْمَعُ بَيْنَنَا وَإِلَيْهِ الْمَصِيرُ

“So to that [religion of Allah] invite, [O Muhammad], and remain on a right course as you are commanded and do not follow their inclinations but say, "I have believed in what Allah has revealed of the Qur'an, and I have been commanded to do justice among you. Allah is our Lord and your Lord. For us are our deeds, and for you your deeds. There is no [need for] argument between us and you. Allah will bring us together, and to Him is the [final] destination." (As-Shurā : 15)

As mentioned above, Quran is stressing and ordered to do justice. For example, an order to government officials to rule with justice:

﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا﴾

“Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing.” (An-Nisā’: 58)

To the judge is ordered to enforce the law fairly:

﴿سَمْعُونَ لِلْكَذِبِ أَكَلُونَ لِلسُّحْتِ فَإِنْ جَاءُوكَ فَاحْكُم بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ وَإِنْ تُعْرِضْ عَنْهُمْ فَلَنْ يَضُرُّوكَ شَيْئًا وَإِنْ حَكَمْتَ فَاحْكُم بَيْنَهُمْ بِالْقِسْطِ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ﴾

“[They are] avid listeners to falsehood, devourers of [what is] unlawful. So if they come to you, [O Muhammad], judge between them or turn away from them. And if you turn away from them - never will they harm you at all. And if you judge, judge between them with justice. Indeed, Allah loves those who act justly.” (Al-Mā’idah:42)

To mediator is ordered to do *ishlah* or reconciliation or peace among disputants with fair:

وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا
فَإِنْ بَغَتْ إِحْدَاهُمَا عَلَى الْأُخْرَى فَقْتُلُوا الَّتِي تَبْغِي
حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ فَإِنْ فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا
بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

” And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses the other, then fight against the one that oppresses until it returns to the ordinance of Allah. And if it returns, then make settlement between them in justice and act justly. Indeed, Allah loves those who act justly.” (Al-Hujurat: 9)

A husband that having wives more than one is perquisite to act fair among his wives:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ
لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَّةً وَرُبُعًا فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا
فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا

“And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice].” (An-Nisaa’: 3).

Justice must be done without any bargain. It must be treated to anyone without an exception even cause to hurt family, group, even themselves:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ
عَلَىٰ أَنْفُسِكُمْ أَوْ الْوَالِدِينَ وَالْأَقْرَبِينَ إِنْ يَكُنْ غَنِيًّا أَوْ

فَقِيرًا فَاللَّهُ أَوْلَىٰ بِمِمَّا ۖ فَلَا تَتَّبِعُوا أَهْوَىٰٓ أَنْ تَعْدِلُوا وَإِن تَلَّوْا أَوْ تُعْرَضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

“O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allah is more worthy of both. So follow not [personal] inclination, lest you not be just. And if you distort [your testimony] or refuse [to give it], then indeed Allah is ever, with what you do, Acquainted.” (An-Nisā’:135).

Hatred against other group should not be cause or reason to act injustice to them:

يَأَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ ۚ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰٓ أَلَّا تَعْدِلُوا ۗ أَعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ ۚ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

“O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah; indeed, Allah is Acquainted with what you do.” (Al-Mā’idah: 8)

Considering how Quran big stressing to the value of justice in human life and society, so it must be questioned the place of social justice in the framework of Islamic Sharia. And it can be studied by two point, first, *Risālah Islamiyah* and second, *Maqāshid al-Syari’ah*.

a. Risalah Islamiyah and Social Justice

Firstly, must be confirmed the meaning of this *Risālah Islamiyah*. By “*Risālah Islamiyah*” is mean main reason or main purpose of the prophecy of Prophet

Muhammad. There are two expressions to assert this thing, first from Quran is assert that the prophecy purpose of Muhammad is bless (*rahmat*) to whole universe

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

“And We have not sent you, [O Muhammad], except as a mercy to the worlds.”

Even Prophet Muhammad himself said that he sent to enhance the morals of human

إِنَّمَا بَعَثْتُ لِأَتَمِّمَ مَكَارِمَ الْأَخْلَاقِ

First expression contains suppression that prophet Muhammad is sent to the world to carry Islam religion to spread the value of affection to mankind. In other word, Islam did not teach hatred and malignancy.

Second expression contains suppression that whole effort and struggle of prophet Muhammad is just only to build the morals of mankind. This means that the target of Islam doctrine is build moralize human and society. From explanation above can be concluded that there are two keywords that inspire “*Risalah Islamiyah*”, which is “bless” and “morale”.

In other clear expression, can be concluded that actually “*Risalah Islamiyah*” is building some life that bonded by affection based on moral values, some society that exemplified by *salam* in Islam – *Assalamu’alaikum*

warahmatullahi wa barakatuh – full of peace, affection and bless from Allah.³⁴

b. Maqashid al-Syariah

The relation between social justice and Islamic Sharia can be clear if discussing *Maqashid al-Syari'ah*.

“*Maqashid al-Syari'ah*”, or the targets of sharia have three categories, which is: first, *dharuriyat*, second, *hajiyyat*, and third, *tahsiniyat*.³⁵

Dharuriyat means protection to the essentials thing to human life. The unprotected those essentials thing can be serious affect and or even threaten to human existence.

And *hajiyyat* mean to fulfil the rights of human life needs, but the quality is below the level of essential interests. If the things in *hajiyyat* category is not available can interfere the life of human although not threatening of their existence.

Tahsiniyat are meant for manifestation of the things that guarantee improving condition of people and society by the demand of place and time, demand of taste to manage the problems in society.

2. Principal of Balance

From explanation above, can be understand that the meaning of “social justice” is balance in social life, that concern in mental attitude, behavior and deed, to realize common prosperity

This thing at least covers three principal of balance: principal of balance in behave and act, principal of balance in economic aspect, principal of balance between man and woman.

a. Principal balance in behave and act

³⁴ A. Mukti Ali, *Memahami Beberapa Aspek Ajaran Islam*, (Bandung: Mizan, 1991), p.

³⁵ *Ibid.* p.158-159

Main principal in social system is balance, because of that, in social life it must be keep the balance, because when living together sometime the argumentation is happening, or conflict of interest, even from person to person or person to group also between group. To keep the balance, the people should plant *takwa* in him. The planted *takwa* also able to guide people to obey the agreement that already made, even agreement between people or people to group.³⁶

The agreement that must be kept is encapsulated in term “*amanat*”. If conflict is happening because of that agreement, it should be resolved equitability, which means the rights and obligation in agreement must be enforced in balance.

Allah order Muslim to convey the mandate to those entitled, and if defining the law, it must be fair

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

“Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing.”
(An-Nisaa: 58)

The mandate and justice become attention in Quran, which order to those mandate and justice must be fulfilled even sacrificing his family

³⁶ Ibid, p.161.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ
 شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنفُسِكُمْ أَوِ الْوَالِدِينَ
 وَالْأَقْرَبِينَ إِن يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ بِهِمَا
 فَلَا تَتَّبِعُوا الْهَوَىٰ أَن تَعْدِلُوا وَإِن تَلَوْا أَوْ
 تُعْرَضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

“O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allah is more worthy of both. So follow not [personal] inclination, lest you not be just. And if you distort [your testimony] or refuse [to give it], then indeed Allah is ever, with what you do, Acquainted.” (An-Nisaa’:135).

b. Principal of balance in economic aspect

Quran continuously criticize economic imbalance that become source of social imbalance. In Quran, Allah is hating people who stacking their money until they forgot that they will be dead someday. Which written in surah al-Humazah. Even so, Quran is not forbid people to get rich. But putting prosperity in reasonable position. But the one aspect that forbid is prosperity abuse. So that’s why Islam command Muslim to do zakat from his wealth and give to poor and in need

وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ

“And from their properties was [given] the right of the [needy] petitioner and the deprived.” (Adh-Dhariyat:19)

Must be noted that one of prophet Muhammad mission is to eradicating disparities of social economic that exist in

Makkah at that time. The disparities between rich and poor is very obvious, diversities between master and slave in everywhere, power abuse is also happening. To eradicate this disease, prophet Muhammad giving solution in economic aspect by zakat.

More than that, in surah al-Ma'un, Quran stated that even people who do shalat (pray) but will get punishment if they do not want to help the prosperity of the poor.

To create balance in economic life, god forbid the practice of *riba*, which is usury that many happen in that time.

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ
 الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ
 قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ
 وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِّن رَّبِّهِ
 فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ
 فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ
 *يَمْحَقُ اللَّهُ الرِّبَا وَيُرِي الصَّدَقَاتِ وَاللَّهُ لَا
 يُحِبُّ كُلَّ كَفَّارٍ أَثِيمٍ * إِنَّ الَّذِينَ ءَامَنُوا وَعَمِلُوا
 الصَّالِحَاتِ وَأَقَامُوا الصَّلَاةَ وَءَاتَوْا الزَّكَاةَ لَهُمْ
 أَجْرُهُمْ عِنْدَ رَبِّهِمْ وَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ
 يَحْزَنُونَ * يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا
 بَقِيَ مِنَ الرِّبَا إِن كُنْتُمْ مُؤْمِنِينَ

“Those who consume interest cannot stand [on the Day of Resurrection] except as one stands who is being beaten by Satan into insanity. That is because they say, "Trade is [just] like interest." But Allah has permitted trade and has forbidden interest. So whoever has received an admonition from his Lord and desists may have what is past, and his affair rests with Allah. But whoever returns to [dealing in interest or usury] - those are the companions of the Fire; they will abide eternally therein. Allah destroys interest and gives increase for charities. And Allah does not like every sinning disbeliever. Indeed, those who believe and do righteous deeds and establish prayer and give zakah will have their reward with their Lord, and there will be no fear concerning them, nor will they grieve. O you who have believed, fear Allah and give up what remains [due to you] of interest, if you should be believers.” (Al-Baqarah:275-278)

c. Principal of balance between man and woman

In Quran Allah state that He is creating mankind from one kind, and from that kind also He create his couple. If people research the contents of this saying, they will understand principally man and woman is having same position.³⁷

Principal of equality between position of man and woman is obviously stated in other verse in Quran expressing that someone doing good, man or woman, in shape of faith, they are promised to life in wealth and prosperous in accordance with their doing.

³⁷ Ibid, p.163

مَنْ عَمِلَ صَالِحًا مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ
 فَلَنُحْيِيَنَّهٗ حَيَاةً طَيِّبَةً وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ
 بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

“Whoever does righteousness, whether male or female, while he is a believer - We will surely cause him to live a good life, and We will surely give them their reward [in the Hereafter] according to the best of what they used to do.”
 (An-Nahl: 97)

So, in Islamic view, man and woman is having same contribution in building prosperous life in the world. Basically, man become the leader in household, so he has duty to fulfilling and protect his family. This why between other reason, in the division of inheritance, woman earning half from division of man.

3. Eminency of Social Justice

a. Infaq

فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ وَأَطِيعُوا وَأَنْفِقُوا
 خَيْرًا لِّأَنْفُسِكُمْ وَمَنْ يُوقِ شُحَّ نَفْسِهِ فَأُولَٰئِكَ هُمُ
 الْمُفْلِحُونَ (١٦)

“So fear Allah as much as you are able and listen and obey and spend [in the way of Allah]; it is better for your selves. And whoever is protected from the stinginess of his soul - it is those who will be the successful.”

“... and spend [in the way of Allah]; it is better for your selves...”, do not be reluctant to for enhancing the practice and in worship, to do Allah order as it should be. For example, Allah

ordering to titivate before going to mosque, or wearing nice dress and clean first. So, the money they spend is valued for himself not to the other people.³⁸

Infaq here covering *zakat* and *sadaqah*, and anything that spend for good and virtue. *Infaq* is prescribed before *zakat*, because *infaq* is comprehensive principal that specialized by text of *zakat* but not spend it all.³⁹ Generosity by giving some earnings to other people as the shape of gratitude of Allah bless and brotherhood among human.

يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلْ مَا أَنْفَقْتُمْ مِنْ خَيْرٍ
فَلِلْوَالِدَيْنِ وَالْأَقْرَبِينَ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنِ
السَّبِيلِ وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ

“They ask you, [O Muhammad], what they should spend. Say, "Whatever you spend of good is [to be] for parents and relatives and orphans and the needy and the traveler. And whatever you do of good - indeed, Allah is Knowing of it."”.

In this verse, Muhammad once been asked about what they should spend. Then Allah told Muhammad to answer: “*Whatever you spend of good is [to be]*”. What is meant is the halal substance and as a wealth. As answered in surah Al-Baqarah verse 180 about word “*khairan*”:

³⁸ Hamka, *Tafsir Al-Azhar Juzu ' 28*, (Jakarta: Pustaka Panjimas, 1985), p.249-251.

³⁹ Diriwayatkan di dalam hadits Rasulullah saw., dengan isnadnya dari Fatimah binti Qais, إِنَّ فِي الْمَالِ حَقًّا سِوَى الزَّكَاةِ “Sesungguhnya pada harta itu terdapat kewajiban selain zakat.” (HR. At-Tirmidzi)

كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدُكُمْ الْمَوْتُ إِنْ تَرَكَ
خَيْرًا الْوَصِيَّةَ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا
عَلَى الْمُتَّقِينَ

“Prescribed for you when death approaches [any] one of you if he leaves wealth [is that he should make] a bequest for the parents and near relatives according to what is acceptable - a duty upon the righteous.”

Then can be concluded the that thing must be given to the one who needs. But if asking what is that “thing”, it can be gold, silver, cattle or else but must be halal. And continued to whom, the answer is “for parents and relatives and orphans and the needy and the traveler”.⁴⁰

This expression contains two hints. First, the thing that must be given is good, good for the giver, good for the receiver, good for society, and good stuff. Second, people that doing *infaq* must choose something good from his belonging, so it can be feel together with other people. Because *infaq* is cleaning heart and purifying soul, also giving expediency and help to other people.

b. Zakat

Islam consider that helping other people who in need as shape of social solidarity, which is through *zakat* that mentioned in Quran and also mentioned after verse of *shalat*. This thing indicates that the duty of human except worship to the Allah by praying also with order to caring with others.

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَارْكَعُوا مَعَ الرَّاكِعِينَ

⁴⁰ Hamka, *Tafsir Al-Azhar juzu' 2*, (Jakarta: Pustaka Panjimas, 1982), p.177

“And establish prayer and give zakah and bow with those who bow [in worship and obedience].”
(Al-Baqarah:43)

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ
يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ
الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ
أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

“The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakah and obey Allah and His Messenger. Those - Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise.” (At-Taubah:71)

Characteristic of *mu'min* people is unite and loyal, and taking care of each other. But taking care each other in realizing good deed and rejecting mischief.⁴¹ “...*They enjoin what is right and forbid what is wrong...*” (At-Taubah:71)

“*establish prayer and give zakah and obey Allah and His Messenger.*” Because from establishing prayer, they are (*mu'min*) getting two connections. First, relation to Allah in worship side, second relation is with other *mu'min*. expend zakat is some taxes in Islam society, that been ordered by Allah to Islamic people with specific terms and condition that been written in Islam.

When explain term about the kind of thing for zakat, Hamka explain that already written in surah At-Taubah verse 60:

⁴¹ Hamka, *Tafsir Al-Azhar Juzu'10*, (Jakarta: Pustaka Panjimas, 1985) p.3029.

إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا
وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغُرَمِينَ وَفِي سَبِيلِ
اللَّهِ وَأَبْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ

“Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah. And Allah is Knowing and Wise.”

This wealth is taken and given to the poor. With the statement of giving zakat to the people as mentioned in verse above, it's prove that the giving zakat and *infaq* is different, both of it cannot be mixed. Because, zakat is duty, while *infaq* is activity that been suggested.

In interpretation of surah Taubah verse 60, when discussing about who has right in receiving zakat, Hamka interpret this verse and analyze it. The *Mustahak*, or people has right in receiving zakat is eight kind of people, but in this verse only explain seven kind of people. Because the argumentation among scholars of the definition of *faqir* and *miskin*. Hamka also quoting the hadith:

حدثنا قتيبة بن سعيد حدثنا المغيرة يعني الحزامي
عن أبي الزناد عن الأعرج عن أبي هريرة أن
رسول الله صلى الله عليه وسلم قال ليس
المسكين بهذا الطواف الذي يطوف على الناس
فترده اللقمة واللقمتان والتمر والتمرتان قالوا فما

المسكين يا رسول الله قال الذي لا يجد غنى
 يغنيه ولا يفتن له فيتصدق عليه ولا يسأل
 الناس شيئاً

From hadith above, can be concluded that the definition of *faqir* and *maskin* is same. Sometime poor people is poorer because they shame in asking help. They have job but cannot fulfill their daily life. From outside they seem like usual people because they keeping their dignity.

Furthermore, Hamka explain this verse:⁴²

- Faqir is came from word “bowing backbone”. Taken from term of people that bent because holding though life.
- Maskin is taken from word *sukuun*, which mean stand still holding pain in his life
- Organizer of zakat that their job is collecting and gathering the zakat from wealth people.
- People’s heart that taken (وَالْمَوْلَفَةَ قُلُوبُهُمْ) or in other word is *muallaf*,
- For freeing slavery, some zakat is taken to buy slave and then free them.
- People in debt and he cannot pay it in time can be paid by zakat after doing some research about his background.⁴³
- In the road Allah, Hamka consider this definition by people who fight in war and people doing Haji. Hamka also stressing that this definition should not be understood in

⁴² Hamka, *Tafsir Al- Azhar Juzu’ 10*, (Jakarta: Pustaka Panjimas, 1985), p. 3001-3011

⁴³ Ibid, p.3007

one specific condition only, also include in good act, for example by helping poor people funeral.

- People in trip, Hamka agree with most scholars that people that apart from way home has right of zakat even he rich in his place.

If every Muslim or maybe some of Muslim people realize the function of zakat as a pillar of Islam and collected and distributed well it can build Islam as a role of freedom nation even only two and half percent. Hamka also believe that zakat is solution to the invasion to the freedom.⁴⁴

c. Shadaqah

Rasulullah ordering to take some wealth of sinner and admit it by given in good deed as clean and purifying them.

وَأٰخَرُونَ اعْتَرَفُوا بِذُنُوبِهِمْ خَلَطُوا عَمَلًا صٰلِحًا
 وَاٰخَرَ سَيِّئًا عَسَىٰ اَللّٰهُ اَن يُّتُوبَ عَلَيْهِمْ اِنَّ اَللّٰهَ
 غَفُوْرٌ رَّحِيْمٌ # خُذْ مِنْ اَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ
 وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ اِنَّ صَلٰتَكَ سَكَنٌ لَّهُمْ
 وَاَللّٰهُ سَمِيْعٌ عَلِيْمٌ # اَلَمْ يَعْلَمُوْا اَنَّ اَللّٰهَ هُوَ يَقْبَلُ
 التَّوْبَةَ عَنْ عِبَادِهِ وَيَاْخُذُ الصَّدَقٰتِ وَاَنَّ اَللّٰهَ هُوَ
 التَّوَابُ الرَّحِيْمُ

“And [there are] others who have acknowledged their sins. They had mixed a righteous deed with another that was bad. Perhaps Allah will turn to them in forgiveness. Indeed, Allah is Forgiving and Merciful. Take, [O, Muhammad], from their wealth a charity by which you purify them and cause them

⁴⁴ Ibid, p.3013

increase, and invoke [Allah 's blessings] upon them. Indeed, your invocations are reassurance for them. And Allah is Hearing and Knowing. Do they not know that it is Allah who accepts repentance from His servants and receives charities and that it is Allah who is the Accepting of repentance, the Merciful?" (At-Taubah:102-104).

Shadaqah is functioned for cleaning soul and wealth, because shadaqah is not limited by material, but also non material. For example, politeness, helping another Muslim with his power.

وَهُوَ الَّذِي أَنْشَأَ جَنَّاتٍ مَّعْرُوشَاتٍ وَغَيْرَ مَعْرُوشَاتٍ
وَالنَّخْلَ وَالزَّرْعَ مُخْتَلِفًا أُكْلُهُ وَالزَّيْتُونَ وَالرُّمَّانَ
مُتَشَبِهًا وَغَيْرَ مُتَشَبِهٍ كُلُوا مِنْ ثَمَرِهِ إِذَا أَثْمَرَ وَءَاتُوا
حَقَّهُ يَوْمَ حَصَادِهِ وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ
الْمُسْرِفِينَ

“And He it is who causes gardens to grow, [both] trellised and untrellised, and palm trees and crops of different [kinds of] food and olives and pomegranates, similar and dissimilar. Eat of [each of] its fruit when it yields and give its due [zakah] on the day of its harvest. And be not excessive. Indeed, He does not like those who commit excess.” (Al-An’am:141).

In this verse, there are three important provisions:

First, Allah reminds that the plant if already grown and have result, we can eat it because it is a gift from Allah for us.⁴⁵
Second, after we harvest it, do not forget to submit to the poor,

⁴⁵ Hamka, *Tafsir Al- Azhar Juzu ' 8*, (Jakarta: Pustaka Panjimas, 1985), p. 2215.

people who in needs, and do not consume it alone.⁴⁶ Third, do not waste. Hamka quoting from interpretation of as-Suddi that the meaning does not excess is in giving shadaqah.⁴⁷

لَيْسَ عَلَيْكَ هُدَاهُمْ وَلَكِنَّ اللَّهَ يَهْدِي مَنْ يَشَاءُ
وَمَا تُنْفِقُوا مِنْ خَيْرٍ فَلِأَنْفُسِكُمْ وَمَا تُنْفِقُونَ إِلَّا
أَبْتِغَاءَ وَجْهِ اللَّهِ وَمَا تُنْفِقُوا مِنْ خَيْرٍ يُؤَفَّ إِلَيْكُمْ
وَأَنْتُمْ لَا تُظْلَمُونَ

"Not upon you, [O Muhammad], is [responsibility for] their guidance, but Allah guides whom He wills. And whatever good you [believers] spend is for yourselves, and you do not spend except seeking the countenance of Allah. And whatever you spend of good - it will be fully repaid to you, and you will not be wronged."

Every mu'min that spend their wealth in shadaqah by purpose seeking Allah's will, not by following their desire and not for other purposes. They must spend their wealth not for looking attention of human and looking popularity.

In Tafsir Al-Azhar, Hamka also giving the reason (*asbāb an-nuzūl*) of this verse, it came from hadith

حَدَّثَنَا أَبُو بَكْرِ ، قَالَ : حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ
الْحَمِيدِ ، عَنْ أَشْعَثَ ، عَنْ جَعْفَرٍ ، عَنْ سَعِيدِ بْنِ
جُبَيْرٍ ، قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
: " لَا تَصَدَّقُوا إِلَّا عَلَى أَهْلِ دِينِكُمْ فَأَنْزَلَ اللَّهُ

⁴⁶ Ibid, p.2216

⁴⁷ Ibid, p.2217

تَعَالَى : لَيْسَ عَلَيْكَ هُدَاهُمْ إِلَى قَوْلِهِ وَمَا تُنْفِقُوا
 مِنْ خَيْرٍ يُؤَفَّ إِلَيْكُمْ سُورَةُ الْبَقَرَةِ آيَةٌ ٢٧٢ قَالَ :
 قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : " تَصَدَّقُوا
 عَلَى أَهْلِ الْأَدْيَانِ "

That the business of giving musyrik people by giving guidance is not our business, it's Allah business. Our rights is giving help to the poor even they not yet Islam.⁴⁸

And in other story from Ibnu Jarir, and Ibnu Abbas that most of Anshar people not in Islam yet. While Islamic Anshar want to give charities to them because they are poor and still family related. And those poor people also want to join in Islam.

From information of the verse reason is become clear. That *shadaqah* or zakat can be given to non-Islam. Poor people of *Ahlul Kitab* that become good neighbor can receive zakat too.

B. Implementation of Social Justice in Indonesia

According to Notohamidjojo⁴⁹, social justice is demanding people to life properly in society. Each person must be earning opportunity according to the proper way. Justice is close related to the rights. But only by theory of Indonesian justice, rights cannot be separated between its pair which is responsibility. The principle of Just and civilized humanity is clearly address the relation between rights and duty as civilized human being. Justice will be existing in civilized society and also that human who civilized will be respecting justice.

⁴⁸ Hamka, *Tafsir Al- Azhar Juzu ' 3*, (Jakarta: Pustaka Panjimas, 1985), p.60

⁴⁹ Darji Darmodiharjo dan Shidarta, *Pokok-Pokok Filsafat Hukum, Apa dan Bagaimana Filsafat Hukum Indonesia*, (Jakarta: Gramedia Pustaka Utama, 2008), p. 156-157

The correlation between rights and duty is showed that human as individual creature and social creature. The definition of fair to the Indonesian also not only directing to maximum usage of goods to some community as utilitarianism or directing to maximum usage of goods equally by paying attention to personality of each person according to the John Rawls's theory of justice. By the balance of right and duty, so justice is demanding the harmony between spiritualism and materialism value, individualism and collectivism, pragmatism and voluntarism, and others.

The definition of social justice is much wider than justice of law. Social justice not only discuss about the justice in the meaning of implementation of law or constitution, but also discuss about right of citizen in the country. Social justice is some situation which wealth and resources of some country is distributed fairly to the citizen. In this theory, contain the meaning that the government is establish by citizen to serve whole citizen needs and the government who cannot fulfill their citizen needs it can be said that the government is not fair.

Social justice means justice that apply in society in every aspects of life, even material or spiritual. Its mean that the justice is not only applied to the wealthiest people, but also to the poor, in other words, whole Indonesian citizen have the rights of justice.

The concept that contain in social justice is some order in society that always notice and treating human rights as proper in relationship between personal even material or spiritual. Social justice often equated with socialism, even the different between socialism and social justice is socialism more concerned in the attitude of togetherness in brotherhood, and social justice is more concerning in the handling of human rights as proper. But both of it have purpose to reaching together wealth, but in social justice is clearly to reaching social that just and wealth of spiritual or material. And the term that must be fulfill to establish social justice is:

1. All citizen must act justly, because social justice only can be achieving if each person act and develop justice behavior among others.
2. All human has right to life based on human value, also has rights to demand and achieve everything that related to their life needs.

Social justice is some shape to preventing some individual from other person attack, which mean creating some social protection system that creating safety to each people so they can earn equal chance to develop without under other people pressure. For example, social justice in Indonesia can be shaped the policy of *Kartu Indonesia Sehat* (KIS) and *Kartu Indonesia Pintar*, where poor people having access to education and health without feeling pressured under economic incapability.

These good policies need legal protection to protect it from people that against it. The mechanism is by creating constitution that arranged in *Dewan Perwakilan Rakyat* (DPR) and executive that running those policies, discussing policies of social justice to reaching better solution in that DPR. So the legislative must be wise to giving better solution.

Logically, to create better social justice policies, educated and justice human resource is needed. So the individual in Indonesia will try to get smarter and modern and also respecting justice. In this aspect, just and civilized humanity will be achieved. When second principle is able to establish, then Indonesian people already reaching condition of civil society. Civil society (*masyarakat madani*) as some civilize society in build, doing, and interpret their life. So when society is able to build government and feel the benefit of their natural resources, so people will reach the realization of thanking to life giver or Allah. The awareness of the power of Allah that give them bless a country named Indonesia and making people admit the power of Allah. At this stage people will understand the meaning of first principle.

CHAPTER V

CLOSING

A. Conclusion

From several explanations above can be concluded as follow: first, according to social justice discourse is born because the conflict in society that creating justice based on the structure changing of power in society, even in politic, economy, social, culture, and ideology. The discourse of social justice itself is exist since arrival of Islam, because the shape of higher justice is belonging to Allah. Because the attitude of justice will be close-related to the piety to Allah.

Second, in Indonesian context, the concept of social justice is written in Pancasila (philosophical foundation) in fifth pillar. Indonesian citizen is realizing their same right and duty to establish social justice in social life. In this side is denoted by the fair attitude among others, maintain the balance between right and duty also respecting other people rights.

B. Suggestion

Social Justice is the main aim of human life. Based on it, some people do everything to achieve it. Al-Qur'an as the regulatory of Muslim, has arranged it well. As the good Muslim, we have to go back to the regulatory of the Qur'an explanation about social justice. The characteristic of social justice that we conduct should be in accordance

with the directions of the Qur'an in order to get Allah's favor and to reach justice in the world and the hereafter.

This thesis is just some of discussion of social justice according to Hamka in tafsīr Al-Azhar. Actually, there are some chances to explore more, because of the wide of this theme. It can be investigated in other aspect, for example social justice on hermeneutic approach, or in other tafsīr.

C. Closing

By saying thanks to Allah who has been blessing and giving mercies to the researcher, it is a great gift from Him through finishing this final project. Although the researcher has worked maximally, yet the researcher is sure that the work is still far from perfection and also less satisfying. Therefore, constructive critiques and comments are always and continuously needed by the researcher.

At last, the researcher hopes that this work will be valuable and beneficial for the researcher especially and the others who concern on any other field of studies generally.

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