Skepticism of the Western System on Justice

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Abstract

Justice is an elusive concept; it is controversial, yet very important to mankind. This paper seeks to explain the challenges found in the work of justice and to explore justice as defined by the West and by Islam. The findings show that there is stark difference especially in the philosophical aspect in how justice is interpreted and applied from the viewpoint of the West and Islam. Findings also show that Islamic approach to justice is more durable and dynamic as the guidance is deeply entrenched in the divine revelation of the Holy Quran; since no human being has the ability of creating, being by nature, fallible and as such produces excellent impact. The impact of justice in Islam can be seen from the Islamic history itself. Unfortunately, since the world has been dominated by the secular system; divine law has slowly been rejected and has been taken as irrelevant and backdated. The researcher also seeks to show why Muslims fail despite of the existence of rich and forceful Islamic ways. In order to overcome the setback, the researcher proposes some reforms for Muslims to return to its original state of Islam that encourages just and good governance. This finding is important as it can provide insights to the government as tools in combating acts of injustice more consistently and forcefully. As injustice is an endemic and the main reason for the collapse of society, this discussion attempts to show that Islamic idea of justice is actually able to solve all problems no matter how big the scale is. The positive and incredible impact not only will be enjoyed by the ruler and the governed, but also by the whole nation, Muslims and non-Muslims alike.

Keywords: Justice; Good Governance; Liberalism; Islam; Sovereignty

Introduction

Since justice is controversial and subjective, it relies on many interpretations; thus it provides a gap in terms of crystallising the notion (Hague, 2010). There are many literatures that discuss the subject of justice. They cover both the interpretation by the West and Islam. The paper seeks to study the breadth of justice adopted by both Islam and the West. The Western interpretation of justice does not divert from Islam in terms of its definition and its implementation. However, the problem lies in the foundation of justice (Syed Muhammad Naquib, 1993). What differentiate Islam and the West is in the root or foundation of justice and how it is translated. Findings reveal that since the Western foundation of justice is not absolute, the outcome is also indecisive. The Western idea of justice tends to fluctuate and varies from time to time (Lord Neuberger of Abbotsbury, 2011). Yet for Islam, its idea of justice is absolute, universal, solid, robust and durable now, before and beyond time. The changes only involve changes in the form and not in substance. It is this gap that the researcher is attempting to examine. The gap in the Western system can be seen from how the notion of justice is translated in life be it in social, politics and economics.

The flaw also lies in the limitation of its application. Although the West though adopts a fine approach in dealing with injustice, this subject is still insufficient to resolve the whole issues of complex nature (Nehauddin, 2010). For instance the use of computer at all public or private sectors is unquestionable. It not only gives rise to speedy job, but it also gives efficiency in results. Yet computerized document is unbelievably difficult for reason as most decision are mechanical and artificial

(Allars, 1997). It is undeniable that computer is unable to resolve human problems holistically. Man still needs God gifted mind and soul to resolve them. It is in the soul that judgment about justice lies. Soul has to be guided by divine revelation not by mindless and secular concepts that separate religion and state. Often justice misinterpreted would result in injustice. Islamic justice provides guidance to the human soul of which anything to the contrary will fail. The problem lies upon how Muslims maximise the idea. Apart from being influenced by Western secularism, lack of deep mastery and appreciation of Islamic knowledge and practices, has thereby allowed the Western ideas to seep in and destroy the Islamic virtues. Hence, the solutions to this problem could only be overcome if Muslims wholeheartedly returns to the teachings of Islam. In fact Islam has provided solid foundation for human growth, but it is the West that has worked hard and benefited from it. The impact is comprehensive and overwhelming. This paper attempts to show that Islamic idea of justice is in reality the competitive method to adopt in resolving human challenges in life. The focus is therefore on how justice can be translated to check weak administration in government affairs. It is in their hands lies important decisions affecting the public, both at micro level to macro level. Justice in Islam is more practical and comprehensible. To appreciate the idea better, discussion will involve the definition of justice both in Islam and the West and the problems that hamper Muslims from following it. This is important to be understood as it will guide man to practise justice as much as possible as it would lead man to live meaningful life and ultimately nurture good governance craved by Mankind. Therefore, any effort to implement them must be supported strongly and unconditionally.

The difficulty in defining justice as it is is not only subjective, but it also opens to many interpretations. The reason why justice fails to be appreciated is related to the flaws found in the foundation of justice. By appreciating justice one is able to give meaning to life. As it is, impact on life ensues if justice is done and the consequence if justice is denied. Discussion entails will also reveal that justice is important to be adopted, at all cost. Progress can emerge only when justice in the true sense is applied. Instances of such success and failure will be highlighted so as to proof that justice is pertinent to promote civilization, harmony and stability.

Defining Justice

The notion of justice has always tended to elicit subjectivity. Being a subjective matter, it is hard to define it objectively. Subjectivity involves one's perception. The perception of good and bad depends on one's own interpretation. Perception is not a reliable form of measurement not because it is not credible, but it poses uncertainty to rightness and wrongness of certain things. However, it is wrong to think that being subjective one is not required to fulfil the demand of justice. Islam is both subjective and objective. It is subjective because Islam is portrayed as having the belief and faith which is mirrored by faith (iman). Assent of the heart is represented by qalb, the mind that represents akal and the affirmation that is symbolised through the tongue (Syed Muhammad Naquib, 1993).

Being subjective in the sense of the degree of insights and understanding, the interpretation of justice is what one man has over the other. It is due to this subjectivity that justice is difficult to gauge. Sayyid (2000) asserted that it is very difficult to define justice. He further said that for those who study Islamic history, the spirit of Islam can be immediately perceived. However, the spirit is very clear, but it is difficult to define its precise terms. Indeed it has been the case for any deep universal feeling and every lofty (noble) philosophy. Such a philosophy has been established with clear discerns in objectives and aims, in incidents and occurrence and in customs and norms. Nonetheless, it is difficult to define its exact term (Sayyid, 2000). This standard is difficult to achieve and still more difficult to retain permanently. He has further

brilliantly justified that because the standard is too high, it is extremely difficult for anyone to maintain it because such action carries with it heavy duty and burden and it involves difficult responsibilities, beliefs and conducts. The heaviest of these duties is constant watchfulness in individual conscience and deep moral sense in a man (Sayyid, 2000).

The difficulty to define justice has also made managing it difficult. One example that can be seen from Muhamad Al Bureay's writing is on what a virtuous man in Umar Al Khatab, one of the four rightly guided caliphs, showed in administering the Islamic state. The complexity in dealing with every single aspect of state affairs all showed how meticulous Umar Al Khattab had applied justice in his administration and organisation of the state. His just conduct is mirrored among others in "preparation of armed forces and their dispatch to different places in that world, selection of leader as they best fit their tasks, the construction and building of cities, buildings and bridges in their proper places, the establishment of different diwan as needed, the meeting of crises and calamities in proper ways, the consulting of views advisors around him, the use of his personal ijtihad when disagreement arose, the concerns for those who presented their grievances, the service to the people, religion and conduct as he served them in their secular and state affairs, and the renewal of all these problems day after day (Muhammad Al-Buraey, 1985).

Since it is hard to measure justice, many people tend to escape punishment due to the slight in exercising justice. In the context of administration of state, this phenomenon has led to serious maladministration and corruptions. For example, public engaged with government departments tends to accepts decisions without much query no matter how bad it is. Decisions are made without an individual attention as well as the intricate and delicate issues are decided without making an allowance for relevant evidence and circumstances (Micheal and Martin, 1999). Furthermore, there is no evidence to show that those who suffer would complain or appeal especially when it involves the unfortunate like the disabled, the poor, small business people and the like.

Dworkin echoed the great Syed Qutb's point of view on justice. Justice to him is so complex and controversial yet useful to man. He stated that there is difficult to find a statement of the concept and hence, it is sufficiently abstract to be uncontroversial among people and sufficiently concrete to be useful (Dworkin, 2000). This hassle did not dissuade other philosophers to explore the notion of justice. Bierce (2000) boldly described justice as, "a commodity which is more or less in an adulterated condition the state sells to the citizen as a reward for his allegiance, taxes and personal service". While dissecting justice is no less a problem for Rawls (1971) has tried to unravel fairness into several criteria which such attempts would also invite difficulty. Justice to the Western world is a definition absent of solid content. Thus, any definitions become instrumental.

Justice in the Western viewpoint is also embodied in the doctrine of natural justice. The court admitted that this doctrine is not fixed or static. "Natural justice does not require the inflexible application of a fixed body of rules; it requires fairness in all the circumstances, which include the nature of the jurisdiction or power exercised and some statutory provisions governing its service" (Chalmers, 1993). However, the difficulty in defining justice is evident when Mergarry (1978) asserted that even though the doctrine of natural justice is flexible to give room for it to operate at different requirements in different cases, if it deviates from anything that resembles a judicial or quasi judicial situation, then the question is removed from a justifiable question. In this case it is more suitable to use the term 'fairness'. Mergarry (1978) rejected the term justice because as long as it is natural, the less justice it will be become. He said, "the closer one goes to the state of nature the less justice does one find. Thus justice and with it 'natural justice', is

in truth an elaborate and artificial product of civilization" (Chalmers, 1993). Perhaps what Mergarry (1978) is trying to project is that the ruling authority can manipulate the law to achieve its end. The term natural justice is devoid of significance and merely cosmetic when it cannot be placed outside judicial or quasi judicial scrutiny.

On the contrary, Islam finds justice, a universal concept and encompasses the whole spectrum of life. Despite the complexity to define it, the spirit of justice in Islam is clear and evident. According to Khadduri (1984), the word 'adl' is literally an abstract noun, derived from the verb adala, which means firstly, to straighten or sit straight, to amend or to modify. Secondly, it means to depart or deflect from the wrong path to the right path. Thirdly, it is to be equal or equivalent or to match or to equalise. Next, it is balance or counter balance or to be in the state of equibilirium. Finally, adl is related to justice. In the conceptual sense, Ibnu Manzur states that "the thing that is established in the mind as being straightforward" means justice. Anything which is not upright or not in order is regarded as *jawr* or unfair (Khadduri, 1984).

Failure: Justice or the Implementor

The difficulty to define justice has led to the difficulty in implementing it as well. This is not bout compromising the perfection in Islam, but it is due to the fact that most Muslims have lost their *adab* and they are confused, ignorant, forgetful and corrupt. As mentioned earlier, the application of justice should be seen in all aspects of a man's life. The building of such spirit should begin in man's individual self. What is justice to the individual self according to Islam? Syed Muhammad Naquib (1993) has beautifully described "Justice is a harmonious condition whereby everything is in its proper place". The proper place here is not directed to location but most importantly to the individual self. Justice actually begins and ends with the self. The heart of man is where substance lies. Substance will surface if man has *adab*.

Unfortunately, since man has no *adab*, the corrupt mind overwhelmed the just mind causing man to become unjust and mean. It is befitting that man succumbs to the divine command or harm, chaos and disorder will follow because man's action and conduct is "exceeding or fall short of real nature" as Syed Muhammad Naquib (1993) terms them. In other words, when things are not put in the proper place where it should be, man will deviate from the divine guidance and go astray. This has made the individual nowadays to be severely lacking in substance. Lack of substance happens when man denies the truth. To know the truth there must be certainty. Certainty lies in the divine knowledge. Allah and none others, creates the universe and such is the truth. If this reality is denied, man is unable to see the reality behind the physical object. There is no certainty to base man's believe. It is this lost of *adab* that has made man unjust and misplaced. The truth can only be found in Islam. Proper place here means the individual must know his position as a servant of God. Such submission is not blind submission but an absolute submission founded on valid sources from the Quran and the Hadith. When submission is properly justified, it is strongly founded and true.

Loss of justice stems from loss of *adab*. Discipline is the condition for justice. This means, without proper *adab*, justice will cease. It is in *adab* that reverence and humility towards knowledge arises. True knowledge is the revealed knowledge. Only *adab* can bring man to emulate love, respect, intelligence trust and humility of the legitimate authority of Prophet Muhamad (s.a.w) and his companions and awliya'. Any order that do not respect the true legitimate authority is not an order but disorder. Western hierarchical order claims to be legitimate but it is not necessarily so. Man should not respect hierarchy that is oppressive, manipulative and dominating (Corterell, 1994). This type of hierarchy is usually legitimised as though they have been established based upon principles designed by God. When *adab* is loss, justice will cease as it intensifies the

condition of injustice and cause confusion in knowledge. Confusion in knowledge allows for a false leader to emerge and aggravate the conditions of injustice. False leader who does not hold high ethical, intellectual and spiritual standard continues to dictate the affairs of the society. They function in a cruel circle and they are the central source of the confusion and error in knowledge. It is man's arrogance that has caused the rejection of true legitimate authority.

Man's arrogance is prompted by his own individualist and desire. He puts himself on the same level with those of superior quality than him. He does not mind going beyond his capacity by taking the responsibility which he is incapable of fulfilling. His greed to control everything in all aspects of life is evident. His arrogance has made him willing to shoulder the burden even though he does not possess high moral, intellectual and spiritual standards. When people like him grow bigger they become the voice of the people. Eventually they become the leader. They are the ones that make false leader. When false leaders are plenty, injustice and oppression intensify terribly. Islam offers resolutions that heed revealed knowledge as an established, true, clear and absolute knowledge. There is no relativism in Islam. Thus, the knowledge must be either right or wrong and true or false. There is no such thing as mixing the right and the wrong or mixing the false and the truth. The wrong and false contradict right and true. When the truth and false are mixed, confusion of knowledge arises.

The truth as defined by Westerners varies. They have no final purpose, so their searches for the truths are founded on baseless ground (Guest, 1997). That explains why they are usually misled in defining truth with which human reasons alone are based. Their truth allows same sex marriage, blind abortion, disenchantment of nature, power and politics. For instance, Dworkin's (2000) definition of justice is closely linked to justice in Islam. He defines justice as "fit" in other words to be just, things must be put at the right place. That is what

he termed as befitting. Unfortunately since his idea is not based on spiritual truth, his thought was contested by other western scholars who argued and substantiated that music between the 1st movement and the 2nd movement need not necessarily fit together to be pleasant to our ears (Guest, 1997). In another instance, Dworkin (2000) claimed that man has the right to exercise his own religion and beliefs but Hercules did not agree with Dworkin's because if every religion claimed dominance and better right than the other, this will create social unrest (Guest, 1997). All these reflect the difficulty in finding justice unless it is based on the final truth which the divine revelation. Since justice can be found in the truth and the truth is only in Islam, the West is unable to seek the truth as they deny the divine truth. That explains why the search for truth and substance are ever changing and endless as Westerners discard the spiritual substance and thus brings about all these uncertainties and confusions.

Western Perspective

Despite of the shortcomings given above, the West fastens with high technologies has from time to time upgraded their notion of justice. Therefore, their realisation of justice in dealing with government maladministration is substantial. However, Islam has given the strong foundation of justice as found in the Quran and in the experiences of Prophet Muhammad (s.a.w) and his companions. It is for man to enrich and expand it. Due to this, we will see that many cases regarding justice including administrative justice of the Western countries were originally from Islam (Dzulkifli, 2010). As mentioned earlier, Muslim countries have lost its rigour because of the false leadership that inculcates corrupt knowledge and secular design in the education system. Therefore, before the Muslims are able to lead, severe changes in moral conscience and keen moral perception must be instilled in all individual Muslims. The danger lies in our confused and ignorant mind that stemmed from the loss of *adab* which makes changes impossible in

the true sense. Since the western system is ever moving towards the best, their system is always up-to-date and thus it becomes fair and sensible to follow. Nevertheless, in following the Western system, it must always be aligned with the true teachings of Islam. Unless this is understood and rigorously adopted, Muslims will continue to be in the dark of the corrupt and secular system and leadership.

In reality, the Western idea of justice is derivable from Islam and other tribes (Goody, 2007). Initially their idea of justice is due to the urge of freeing themselves from the pressures of a dictatorial government. From the exterior, the West is of no difference from Islam. Both Islam and the West promote man to be just and fair but since their fairness is not based on divine law, the divergence has started here. Their argument are all based on human reasons and not at all related to the divine revelation. Among the clear result articulated by Syed Muhammad Naquib is on the view of nature. Since the West is mostly concerned with individual wealth and corrupt political power, it has led to the disenchantment of nature. Westerners have totally disregard nature in pursuit for worldly pleasure. The invention of nuclear weapons and the emission of greenhouse gas have caused global warming and other human crises. On the other hand, Muslims believe that preserving nature is to realise the divine command which goes far back to man's covenant with God. Disenchantment of nature is only prohibited to the extent that it is abusively used, for example, the purpose of worshipping trees, sun, moon and others. Islam promotes man to preserve the nature ultimately for their own benefit.

It is best however to illustrate the Western principles of justice so that we can see clearly the criteria that demarcates Islam and the Westerner's idea of justice as well as what makes Islamic principles of justice the best ever to adopt. The Western principles are no less good but it must be taken with high caution. Taken meticulously, it is actually devoid of significance. For instance in pluralism, they advocate the power sharing but later discover that nobody wants to share power and wealth. It is the nature of man to self-enrich themselves. In the end, their principles change to capitalism and liberalism that liberate man from the control of the power so as to allow maximum manipulation of whatever resources available for their self enrichment. Their belief system and principles keep changing to suit their lust for worldly gain and are not practical to be applied at all times. This pattern of behaviour has brought about havoc in the world (Nik Mustapha, 2012).

The capitalist system, for instance, is created with a purpose only to benefit the elite group. This in turn has caused a big gap between the rich and the poor. The so-called economic developments have caused more havoc than tranquility (Nik Mustapha, 2012). Among the many negative impacts were environmental degradation and unsystematic ways of managing nature and huge waste. The clearing of forests too has caused natural disaster like floods and global warming. Thus, when developments disregard nature, destruction ensues. To achieve substance therefore, man must uphold what is divinely right and avoid evil (Surah An-Nahl: 97).

How substance came to be disregarded began before the arrival of Christianity (Syed Muhammad Naquib, 1993). It was Aristotle, the so-called great philosopher, who has to be blamed for tossing nature from its spiritual meaning. Aristotle claimed that intellect alone could recognise and measure the fathom. Christianity later portray, pure rationalism detached of God and nature and started to influence the mind and life of the Greek people. The outcome is that the Christian theology hinders the knowledge of spiritual truth and forces its believers into unquestioning faith (Syed Muhammad Naquib, 1993).

Islam however is different. Islamic faith obtained must not only come from human intelligence and reason, but also from divine guidance. The West has tried to distinguish

intellect between reasons and rational mind, while in Islam intelligence is both intellect and reason. Intellect organises mental activity that is the reason to think rationally but the western term of 'rational' is different. Their rational mind is devoid of spiritual truth. Rational in Islam is wide. It consists, among others, as Syed Muhammad Naquib (1993) pointed out as "systematic mind, logical interpretation of facts, managing intelligence and reason and grasping nature by mind". Reasons are thus a projection of all these intellects. It is this projection that tallies with spiritual substance, that is the heart. Thus, understanding these spiritual realities cannot be separated from religion.

Interpretation of substance by the West is shallow (Wan Azhar, 2011). The West relies on theories made by the human rational mind. These theories are empty of the spiritual truth and are insufficient to base judgement. Baseless judgement creates destruction (Syed Muhammad Naquib, 1993). When rational thinking proceeds without spiritual substance, nature becomes a physical object empty of spiritual meaning. Nature is reduced to a mere object of utility and Man can do anything they like to nature such as destroying and degrading it.

Further rationalism alone in the absence of spiritual truth will create doubt about the existence of objects. It reduces man's importance because when man is deprived of the significance of spiritual truth or cosmos, they become the subject of manipulation by secular science. Man started to worship himself for his rational thinking. Man becomes secularised and pursues worldly pleasure. This materialistic world overwhelms Man to the extent that he forgets his final destination, that is, the Hereafter. When Man becomes subservient to the worldly pleasure, he degrades and devalues himself. Secular sciences have succeeded in manipulating Man to be unjust to nature. When Man has no regards for the spiritual truth, his reasons are based on corrupt and confused knowledge. Man begins to perceive Hereafter

as "far" and the world is "near" and this has led Man to go astray.

Thus, all the modernisation and development brought by the West are useless and have no meaning unless it is aligned with the final object and that is *tawhid* to God. There can be no excuse for those who are struck by the awe of God's creation and then later reject God. Islam fully opposes the clear and hidden manifestation of secularism. It is an utterance of un-Islamic worldview and its aim is to destroy Islam. The West is actually groping in the dark because they have no final purpose. If the path is vague, the purpose attached to it is also vague. How can that bring progress? Actually those who fumble in the dark are lying if they claim themselves to be progressing. This is the result if human persistently keep basing their judgments on human reason alone, absent from the divine revelation and knowledge.

In fact, the Westerners are involved in an endless journey in search of the truth which they will not find because there is no solid reality and truth attached to their beliefs. As Syed Muhamamad Naquib (1993) declared that there is, "no valid scripture to confirm life" (Syed Muhammad Naquib, 1993). These have led the West to face identity crisis. Western society is divided into three generations namely the young, middle aged and the elder. Each generation goes its own way. The young demanded freedom as the values instilled by their parents are no longer needed. While the middle age, realising their values have failed, handed over the freedom to the young with the hope that the young will succeed in finding new values. All these create youth uncertainties. The youth think they can remould the world with new values but the same outcome arises. Since the young shape their life in a secular basis, they compete with each other to gain high place in life with power and wealth. In the midst of their struggle they realise they are growing old and weak. Their physical powers are decaying. The idea of retirement and loneliness of old age began to seep in. Actually the main characteristic of

the Western civilization is worshipping the youth. The elder is perceived as mere creatures forgotten by society. The youth do not want to look at the old because that is a reminder of what they would become later. The old in the Western society become lost because they lost their earning power and physical strength. That is why the Western society is endlessly engaged in search of the meaning of life. Each time they find misfits.

Unlike in Islam, Man of all generations recognises their destiny. Their destinies are the same destiny from Prophet Muhamad (s.a.w) until now. Their purpose is to submit to God. Each generation continues to confirm this identity. That is why there is no such thing as the young forgetting the elder. The latter is respected for their good deeds and is not shut out by the society. This is evident in how the companion of Prophet Muhammad (s.a.w), Umar Al Khattab (r.a) deals with this situation. The rightly guided caliph, Umar when he saw an old blind man begging, he brought him home and treated the man and later ordered Baitul Mal to continue providing for the old man's welfare. Umar Al Khattab (r.a.) said that, "Look after this man. For by Allah, we have not given him justice if we profited from his youth, only to desert him now in his old age. Alms are only for the poor and the destitute and this man is in destitution and is in one of the scriptures (holy) (Sayyid, 2000).

Islam allows disenchantment of nature only in respect of worshipping the sun, trees and other items of nature. While disenchantment of politics is detested in so far as it, "abuse and corrupt" and the disenchantment of values are ostracised, in so far as Man become selfish and disregard the welfare of other fellow human beings. In other words Islam enchants nature, politics and values as long as it is in conformity with the divine revelation. Since disenchantment of nature, politics and values are driven by secularism, it is a deadly poison that Muslims must guard against it vigorously. It is in the secularisms that substance of man is lost.

The loss of *adab* is the after-effect of the dilemma faced by ignorant Muslims. Man has lost *adab* when he started to level every person. False leaders have discarded the legitimate authority that stemmed from Prophet Muhammad (s.a.w). By making the great as less great and the lesser less, the levelling of everyone takes place. As a result, Muslims become confused. These false leaders live in all sphere of life and bring about devastation. The wisdom of true leaders were ignored and disregarded. The worse is putting the lesser level above the level of the great. Muslims become confuse and saw the false leader as the master to Muslims.

The second feature of the loss of *adab* is applying the Western concept into the Muslim world. Instead of adopting Islamic principles taught by the great *ulama*, they adopted the Western scholars' principles. All these ensure the prevalence of secularism and the fall of Islam. The next loss of *adab* is the rejection of the individual role. It is the Islamic and truthful individual that creates a strong ummah. The individual is important because knowledge is inherent in an individual. University cannot seek knowledge but the individual can. Therefore, spiritual development must begin with the individual first and then, the ummah.

Loss of *adab* has brought about false leaders. The impact of having false leaders is severe. They restrict jurisprudence and philosophical knowledge to reach the Muslims. This is because from philosophy, man would understand the purpose of his existence here and in the next. False leaders are not intelligent in the sense that they do not have the spiritual substance. They cling to triviality rather than on substance. Hence, their knowledge about spiritual truth is shallow and insufficient to guide the Muslim community. False leaders are also happy to just equip Muslims with *fardu ain* at an immature level. This accommodates instilling mass secular knowledge. As a result most Muslims know better about the world and less indulged about religion. This has turned them into ignorant persons.

False leaders also socialize Islam to the extent that they took Quranic verses that are only suitable to them. However, they turn deaf ears and blind eyes on Quranic verses that have spiritual truth and substance. False leaders also struggle to emulate the Western ideas and thinking. They are intellectually lazy. They let the West to think for them and practise Islam in a sloppy manner. They shouted for ijtihad but they do not even fulfill the criteria of being one. In the middle of this chaos the false *ulama* emerges. The rise of the false *ulama* is similar to the rise of false leaders. False *ulama* hanged their knowledge to secular scholars and not to great *ulama* of the past who clarify the sources of Islam, who taught how to overcome obstacles so that Muslims can succeed in life and in the hereafter. The former have also lost the *adab*. They do not recognise legitimate hierarchical order and continue to portray a projection of confusion and error.

The Islamic worldview becomes badly tarnished. Western journals and writers of rude quality crippled the Islamic standards and values, hence advocate jahiliah spirit instead. Loss of *adab* happens in all facets of human life. The rise of false knowledge, false leaders, false *ulama* and false Muslims are now exposed and open and need no concealing at all, promoting and showing off confusion. Loss of *adab* not only leads to loss of justice, but also loss of the ability to recognise true leaders. All these mess breed confusion when the truth is mixed with the false, the right is mixed with the wrong, the kind is mixed with the bad. In the end, there arises despiritualised Man and subsequently, increases the damage to Islam.

Revitalising Islam

Can these problems be resolved? Islam commands and demands for justice. It can be resolved provided that the Islamic model of justice is followed. Below is the framework of justice. Syed Muhammad Naquib (1993) laid down that one of the actions needed to overcome the problem is by ordering matters according to its priority, for example, seeking the relative usefulness and benefit of such knowledge to himself and the society; guided by tawhidic knowledge. In addition, the order of priority must be discussed and opened to syura. The power of deciding must not be left in the hands of just one person. This is to ensure that consideration and weighing of matters are adequately balanced, not bias and lopsided. Balanced considerations deliver justice. Whatever plans that are designed to curb the problem must be aligned to the current needs of the individual, society and the state. Importance must also be given to personal conduct. As it is, the measure of excellence is more inclined towards academic achievement. Even though the requirements of personal conduct are included in the assessment, only small fractions are considered. Islamic and good personal conducts are crucial in ensuring only man of strong Islamic essence held important posts and office. This is due to the fact that their hands hold important decisions that determine the success of Islam and justice.

Another standard that is required to ensure that justice prevails is the notion that no one has the right to do wrong which is unjust. Unfortunately, it is the West that took notice of this shortcoming and came up with the idea of the Ombudsman, tribunal, independent auditor, to name a few so as to ensure that the government did not stray from justice. If the government is wrong, it must take responsibility and be accountable for. Doing something wrong is considered in Islam as the most destructive to self, society and the state which revolves around three flaws, that is lying, breaking promises and betraying. These are the three weaknesses that the Holy Quran has highlighted as causing the downfall of man and the beginning of the mark of hypocrites. As mentioned earlier, the West has taken this warning seriously and thus established the Ombudsman in Australia, the Parliamentary Committee in the UK and Ombudsman in Scandinavia. To know public officials and ministers are clean from maladministration, it is important that these criteria be included in judging human character and conduct. How does one know

that another had lied or broken the promise? The role of citizen is important here. Citizens need to participate as they have to be more active in giving constructive criticisms. Islam has set a good example for Man to emulate. The rightly guided caliph Umar Al Khattab (r.a.), for example, urged the people to correct him if he is wrong. Thus public participation is important. The effectiveness of this device depends a lot on how extensive the people are allowed to complain against bad administration and how the government reacts to these disgruntles. The more compassionate the government is towards the people's misery, the more just the government become. Constructive criticisms are thus crucial in order to guarantee success of justice. Such awareness rests to ensure that leaders are pious, clean and honest, besides being intelligent. These values are important in elevating spiritual substance and are the reflection of *adab*.

Just Government in Islam

According to Muhammad al Buraey (1985), justice is the foundation of a government to illustrate how the government are premised on justice. He gave two main distinctions between democracy and autocratic. He asserted that the distinction lies in the degree of interference the public can have against the government. He said "the larger the degree of interference, the democratic, and the state becomes (Muhammad Al-Buraey, 1985). Democratic government actually means that the private authority of the executive can be eliminated because in autocratic government the whole power stays on one individual that is the prime minister. The democratic government is an opposite of autocratic government because it does not only allow the people to elect their representative, but also engage actively in the administration of the state. Islam as opposed to the West, made elected officials bear the Islamic law and the constitution as stipulated by the Quran and Hadiths. Islam demands and expects this from the elected officials. Sovereignty of the people in Islam on the other hand is not similar to

sovereignty of the people in the West. Muhamad Al-Buraey (1985) affirmed that, "Citizens are not allowed to make their own law as in Western democracy". Islamic democracy does not place sovereignty on the people, the law and the leader because Islam is not autocratic. He further articulated brilliantly that

"Islamic democracy does not place sovereignty on the people because it is not democracy in a narrow sense. Sovereignty i.e. power to choose leader comes with responsibility as set by Quran and sunnah and not exercised by simply electing any leader. Islamic democracy does not place sovereignty on the law made by man because Islam has laid down the law as guided by the Quran and sunnah. So all these attributes are inseparable and are important ingredient to create democracy." (Muhammad Al-Buraey, 1985)

The divine law is what the government of the day must uphold. It is the answers to all human miseries.

Conclusion

The above arguments have posed what justice stands for in Islam as well as in the West. The outcome reveals outstanding findings in that the closer one is committed to divine justice that is balanced and stable in the outcome and vice versa. Findings have also shown that as long as the West follows the divine law in translating justice, the more successful and just they become. Likewise, the harder the West attempts to deny the divine truth via their own intellect and human reasoning by ignoring the divine guidance, the worse the outcome. The failure of systems and backlashes are testimonies to these setbacks. This paper is unique because it reveals that man must rely on Islamic principles and systems to develop and modernise. The perception that only the West are able to provide world's solutions can no longer stand. Their system is relevant and worthy so long as it tallies and comport with the divine

law. Short of such conviction will only intensify the harmful effect to mankind. The democratic idea of Islam differ from the democratic version of the west that place sovereignty in man alone not God the Al Mighty. It is this misfit that has created power and freedom to be abused and upset. A divine democratic government is the best that all mankind should adopt. Muslim can elect their representative and obey him as long as he practices and respect the divine law and vice versa. Future research thus would include unravelling the confusion caused by western ideologies and further enhance those principles devoid of divine guidance in reality produces bad and harmful effect to mankind. The danger lies in the artificial successes that are widely portrayed. Indeed justice is about harmonising science and the divine law. Without such conviction men will continue to be in loss and chaos.

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