

# Concept of Justice in the Malay Muslim Historiography (16<sup>th</sup> – 19<sup>th</sup> centuries)

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# Introduction

- Justice is a fundamental value of humanity and the driving force of human history. The intention to build up a just society was the basic idea for the creation of great civilizations, and the lack of justice led to the collapse of many great empires and kingdoms.
- The concept of justice in Islam is a complex and multi-valued virtue. According to Professor al-Attas Justice is a state of being, a condition of things ***being in their proper places***.
- It is also a quality of human act; ***a quality that springs from moral excellence whose source is wisdom***. This human act of justice is the act putting things in their proper places.
- To put a thing in its proper place involves the possession of prior ***knowledge of the nature of the things*** and of its association with other known things in the system of relation already present in the soul (i.e. the intellect).

# Introduction

- ***Justice is the reflection of wisdom***, and right action, which is an act of justice. ... This right action is ***adab***.
- ***Justice is the condition of being in proper place, adab is the purposeful act by which that condition is actualized.***
- On one side, justice (*adl*) is derived from one of the Beautiful Names of God, reflecting Divine wisdom (*hikmah*) and is one of the true foundation of ethics (*akhlak*). It could be defined as a natural stage of justice.
- ***Justice is natural because it is an integral part of a Divine principle of law*** that regulates the uniformity and rationality that is apparent in the whole of nature (al Attas)
- **The ultimate standard of justice is natural (*fitri*) and precedes political and social justice;** it applies to all human institutions and acts as well as to the character of human individuals.

# Introduction

- On the other side, political and social level of justice reflects its **practical actual aspect**. According to Prof. al-Attas, political and social justice operates in agreement with the constitution of the state, laws, rules and regulations determining system of government, justification of rights and liberties, etc.
- **The Divine Command to act with justice refers to both the Community in relation to the state and the individual in relation to the self.**
- In order to act justly, theoretical reason must be developed and trained by **proper discipline**; otherwise, practical reason will not be able to achieve right action or avoid errors.

# Classification of virtues

- The concept of justice in Islam as elaborated by Professor al-Attas includes a few different levels:
  - **The natural justice** (theoretical/theological aspect)
  - **The political and social justice** (practical aspect)
  - **The individual / personal justice** (ethics)
- Malay Muslim historiography, as one of the most important genres of Islamic intellectual tradition in the Malay world, represents all of them.
- Theoretical aspect of justice is reflected in one of the main ideas of Malay historiography—the **interrelation between historical events and Divine Retribution for the human acts** (didactical function of historiography).
- The practical aspect (communal level) is reflected in the **concept of the prosperity of the state and its decline, and in the concept of Sins and Punishments.**
- The individual aspect is reflected in **the concept of the ideal and the unjust rulers** as well as in reports on granting honors and awards, on the decisions on civil and criminal offences, on the implementation and the enforcement of law and order, etc.

# Historical events and Divine Retribution

- Medieval Malay chroniclers presented history as a Divine plan in which everything happens according to religious law, carried out with justice. They interpreted historical events in the context of the **concept of *Dosa and Pembalasan*** (sin and retribution), which determines the didactic nature of Malay historiography.
- Historical texts contain many of such stories. For example:
  - **The legend about swordfish** (ikan todak): Immediately after the ruler of Singapura killed the Ulema Awliya Allah Tuan Zain al-Khatib, Singapura was attacked by swordfish. As a result, not only did many of his people die, but the entire kingdom was captured and sacked by the Javanese Majapahit Empire in 1398. (*Hikayat Raja Pasai, Sejarah Melayu, Tuhfat al-Nafis*). Here the tool of divine punishment was nature itself, and as a result the entire kingdom have been sacked and destroyed.

# Historical events and Divine Retribution

- **Because of a jackfruit (nangka)**: The replacement of dynasty on the throne of Johor and the disappearance of the Malaccan dynasty of Iskandar's descendants was interpreted as a consequence of the unrighteous behavior of Sultan Mahmud, the last representative of the Malaccan dynasty. Sultan Mahmud, who “*married a peri (a type of jinn), [became] averse to sleeping with a human wife*”. He stopped caring about his kingdom and could not give an heir. He became subject to fits of unmotivated rage, and during one of them, he brutally killed a pregnant woman and her unborn child because she ate a piece of jackfruit. As a result, this led to the death of not only himself, but also to the disappearance of an ancient dynasty. (Tuhfat al-Nafis, Hikayat Siak)
- **Sultan – Freemason**. The removal of Sultan Mahmud IV (1823–1864) from power by the Dutch in 1857 was an extraordinary event that resulted in the actual loss of power and a change in the dynasty. Raja Ali Haji interpreted it as a consequence of the unrighteous behaviors of Sultan Mahmud, who neglected his duties as a ruler, made friends with non-believers, and committed acts that were unacceptable from the point of view of tradition and faith, including becoming a member of the Zetland Freemasonic Lodge in Singapore (1845).
- The divinity of the justice that has been done is emphasized by the formulas: *Takdir Allah, Hukum Allah, Kodrat Allah*, as well as by phrases like *insya yuadzadzahu wa insya yughfaru* etc.

# Concept of a just ruler and criteria of excellence

- The concept of political justice from the point of view of leadership and governance as well as criteria of excellence represented in Malay Muslim historiography reflects insights of justice, similar with ideas formulated by Ibn Khaldun and other great Muslim scholars.
- According to **Ibn Khaldun**, glory of *royal authority depends upon **Individual personal qualities of a just ruler.** People who possesses group feeling and who have gained control over many lands and nations, we find into them an eager desire for goodness and good qualities such as:*
- *generosity, the forgiveness of errors, tolerance towards the weak, hospitality towards guests, the support of dependents, maintenance of the indigent, patience in adverse circumstances, faithful fulfillment of obligations, liberality with money for the preservation of honor, respect for the religious law and for the scholars who are learned in it, ... thinking highly of religious scholarship, ... acceptance of the truth in response to those who call to it, fairness to and care for those who are too weak to take care of themselves, humility towards the poor, avoidness of fraud, cunning, deceit, and shirking of obligations.*
- Ibn Khaldun also emphasized that proper leader should have *a good reputation as a virtuous man* and should be proficient in *usuluddin and fikh*; he should have knowledge *in the affairs of state administration*; he has to be *a brave man to protect the common people and defeat his enemies*, he should have *good looks and good health (both physical and mental).*



# Concept of a just ruler and criteria of excellence

- Professor al-Attas justified:
- **In the man who is gifted with the special intellectual power of justice (*quwwat al-adl*), acting justly is for him a habit of action.**
- True just leader has true understanding regarding his duty, responsibility and accountability to the self, the state, the society, the environment, and God.
- According to Malay concept of a just ruler, **justice and wisdom are the true foundation of ethics and main criteria of true leadership.**
- The image of a just ruler that rises in front of our eyes from the pages of Malay chronicles contains **descriptions of his personal qualities, necessary skills, knowledge, rights and duties.**

**Criteria of  
excellence of  
a just leader  
(*raja adil*):**  
He must  
have  
following *sifat*:

- rupa yang baik
- suara yang hebat
- budi dan adab yang baik-baik
- bahasa yang ikhlas
- berani
- pahlawan (syahid fi sabilillah)
- pemurah
- sabar
- bijaksana
- sederhana (rendah hati)
- asal usul yang murni

- good looking
- beautiful voice
- excellent manners and adab
- sincere and respectful speech
- brave
- ready to sacrifice himself
- generous
- patient
- wise
- humble
- noble

**Criteria of excellence of a just leader (*raja adil*):**  
He must have following *knowledge*:

- ilmu usuludin
- ilmu fikih
- ilmu tentera (peperangan)
- perniagaan
- pemerintahan negara
- perundingan

- principles of religion (Theology)
- jurisprudence
- warfare
- trade and economics
- science of governance
- diplomacy and negotiations

## Criteria of excellence of a just leader (*raja adil*): his duty as a good Muslim and spiritual leader

- taat pada Allah SWT
  - mengikut sabda Nabi Muhammad SAW
  - mengukuh agama
  - membela Islam
  - menjadi khalifah Allah
  - berbuat ibadah
  - melaksanakan amanah dan amalan secara baik-baik
  - jangan tukar agama dengan dunia
  - menuntut ilmu
  - membangun masjid
  - mengukuh akhlak
- to obey Allah SWT
  - to follow the Prophet SAW
  - to strengthen the religion
  - to protect Islam and to fight for Islam
  - to be a proper *khalifah* of Allah
  - to do ibadat
  - to implement and to practice *amalan* (to do good things)
  - to not replace *iman* (religion) with the *dunia*
  - to improve the science and knowledge
  - to build the mosques
  - to strengthen morality (*akhlak*)

## Duty and responsibility of just leader (raja adil)

- merajakan secara adil
  - menghukum secara adil
  - menuntut undang-undang
  - mengampun dosa
  - bermesyuarat dan bermuafakat dengan orang alim (orang besar-besar, orang tua-tua dan lain-lain)
  - memelihara negeri
  - mengukuhkan negeri
  - mengawali negeri
  - meramaikan negeri
- to govern with justice
  - to judge with justice
  - to demand the law
  - to be ready to forgive
  - to be open for advices and to listen those who have knowledge and authority (keepers of trust)
  - to preserve the kingdom
  - to strengthen the kingdom
  - to protect the kingdom and to keep it save
  - to increase the population

# Duty and responsibility of just leader (raja adil)

- memperbaiki negeri
- memelihara rakyat dan semua isi negara
- memelihara harta benda orang
- bencikan orang-orang jahat
- meramaikan perniagaan
- mengatur rezeki
- mengatur orang-orang besar-besar
- menjaga semua orang-orang besar-besar dan pegawai-pegawai supaya mereka jangan membuat jahat terhadap rakyat
- jangan tamak harta orang
- jangan tamak harta dunia

- to improve the social environment of the kingdom
- to take care of his people and the population of the kingdom
- to take care of people's property and prosperity
- to hate crime and *zulm*
- to improve trade
- to arrange properly the sources of income and livelihood
- to arrange the bureaucracy
- to control the bureaucracy and to avoid bureaucratic arbitrariness (to control the possessors of commands)
- to avoid greediness for people's possessions
- to avoid covetousness for material possessions and other temptations of this world

# Signs of injustice (zulm)

- According to Ibn Khaldun, “anything (done by royal authority) that is dictated by force, superiority, or the free play of the power of wrathfulness, is **tyranny and injustice** and considered reprehensible by (the religious law), as it is also considered reprehensible by the requirements of political wisdom”.
- Prof. al-Attas truly emphasized that “**injustice being the opposite of justice, is the putting a thing in a place not its own**; it is to misplace a thing; it is to misuse or to do wrong; it is to exceed or fall short of the mean or limit; it is to suffer loss; it is deviation from the right course; it is disbelief of what is true, or lying about what is true knowing it to be true.”
- Oppression is wrongful exercise of power which ultimately caused by ignorance of the order of proper place leading to a condition of injustice (zulm) which is none other than displacement of the right order.

# Signs of injustice (*zulm*)

- **Didactic instructions** warning the ruler against committing injustice (*zulm*) occupy an important place in Malay Muslim historiography.
- The didactic instructions are written in an expressive style. Definitions and terms related to the category of *zulm* give the insight on which sins were considered the most serious in Malay Muslim society. Among them:
  - polytheism (*syirik*), atheism (*mulhid*), claiming to be God Almighty (*mengaku dirinya Allah Taala*), rebellion (*derhaka*), apostate (*murtad*), breaking an oath (*mengubah sumpah setia*), assassination of the king (*pembunuhan raja*), slander (*fitnah*), wrath (*murka*), anger (*marah*), intolerance (*tiada sabar*), follow devil's lust (*ikut nafsu syaitan*), hate (*benci*), revenge (*dendam*), greediness (*tamak, loba*), gambling (*judi*) etc.



# Concept of prosperity and decline

- If the possessor of command (ruler) doesn't practice *amanah* and justice, his kingdom is not secure anymore. **Nafs leads to the decline of the kingdom as well as the whole society.** (al-Attas)
- The analysis of the information contained in the old Malay texts helps us to understand the system of the state's governance, including the concept of the national prosperity and decline.
- The textual comparative analysis shows that **the concept of national prosperity and decline written in old Malay texts is directly related with the quality of the ruler** and can be considered as part of the Malay Islamic concept of justice on its political and social level.

# Criteria of prosperity and decline

## Prosper

- A large **population** that is growing in number. Many rich people, cities population growing, urbanization and many buildings from stones, wakaf houses and mosques are full of people.
- **Security and home affairs**: peace, many soldiers, big territory, fine customs, no evil people, the country is improved by a just king, the people of the country rejoice, performances and entertainments without stop, food is cheap
- **Ships and seafaring**: many ships from outside, people travelling, advanced seafaring, country attractive and famous.

## Decline

- Less population, people are poor, cities are empty, no new mosques.
- Lost in war, country in trouble, state in ruins, social clashes and fighting
- No guests from outside, economic crisis, less food and all is expensive, a lot of pirates

# Criteria of prosperity and decline

## Prosper

- **Trade and finance**: advanced trade and business, fair trade laws and regulations, goods are cheap, many foreign traders, abundance of weapons and ammunition, local industry, various musical instruments, large tributes, various types of currencies, fair taxes, high state revenues, support people from state revenues
- **Agriculture**: advanced agriculture, abundance of cheap and various agricultural products
- **Mines**: rich and developed mining
- **Ecology and environment**: plenty of fresh water, comfortable ecological environment, moderate climate

## Decline

- Trade and business not running, traders not coming, no proper trade and finance regulation, no income, less industry, less weapons and ammunition, a lot of debts
- Agricultural products are expensive, people are moving here and there, looking for sustenance
- Mining is abandoned and/or shared with outsiders
- Ecological environment is uncomfortable, less fresh water

# Implementation of justice

- Thus, medieval author created a **special system of coordinates, which was for his contemporaries a measuring scale for the ruler's qualities**. After all, if everything in the kingdom is expensive, corruption flourishes, social tension reigns and laws are ignored, then the ruler is not so “just”, no matter what the “palace propagandists” said.
- Malay Muslim historiography contains various plots and reports on the practical implementation of the concept of justice, first of all in the field of law and the judicial system. This is another important aspect reflecting practical social justice.
- The following document is from the **collection of legal documents of the Lingga Sharia court** (Mahkamah Syariah Kerajaan Lingga) from the Daik museum (Lingga island, modern Indonesia). It is an interesting example of the practical implementation of justice in the court.

# Implementation of justice

- This case is interesting both because of the subject of the trial and the composition of the participants. **The parties are people of different nationalities and different religions.** This case is a wonderful illustration of real life in Riau in the late 19th and early 20th centuries. The case is about the abduction of someone else's bride, i.e., about the violation of public morality.
- A Chinese man named **Goh Peng Kee**, a merchant living in Kampung Cina Daik, brought a claim against a Malay man named **Amat Bin Suleiman**, also living in Kampung Cina Daik. Peng Kee's claim stated that Amat, on the evening of 5th Jummad al-Awwal 1323 AH (8th July 1905), abducted (cajoled) his fiancée, a Chinese woman named **Abi**, from her mother's house, Nya Ahing.

# Implementation of justice

- After questioning witnesses, the court found that **Abi had gone with Amat of her own free will and not under duress**. Therefore, there had been an agreement, and they had committed the act together. Because of this, **the court found both guilty** and not just Amat. And both of them must be punished. And the punishment is *ta'zir* (compulsory labour, at the discretion of the court) for a period ranging from two weeks to one month.
- But at the time of the offense, the Chinese woman **Abi was not yet a Muslimah**, and she also belonged to so-called *rakyat guberneman* or *rakyat India Belanda*. The status of *governor's people*, according to the treaty of 1858 between the Dutch colonial administration and the ruler of Johor, was assigned mainly to immigrants from China, brought by the Dutch colonial administration to Johor as cheap labor to work in the tin mines in Singkep. These people were outside the jurisdiction of the Sharia court and were subordinate to the Dutch resident.
- According to our document, since Abi couldn't be convicted by this court, then Amat was also exempted from punishment, ***because according to Muslim law, it is unjust to punish only one for an offense committed by both in collusion.***
- *The actual sentence was eventually replaced by an admonition from the local royal representative Dato Laksmana and a ban on Amat from approaching any Chinese house where there are girls of marriageable age.*

# Final remarks

- The presented document shows that the concept of **justice was an integral part of the legal proceedings** and in many cases determined the decisions of the court, ensuring an **individual approach** in each specific case. This proves **the variability and flexibility of the Shariah judicial system**.
- Analysis of these Malay historical texts allows us to identify the **criteria for the prosperity and decline of the state**, as well as to formulate the insights of the Malay Muslim Community regarding the **qualities and duties of a just ruler** and about just and **unjust judgements**.
- The results of the study prove that the concept of justice in the medieval Malay Muslim society **was perceived and implemented in full**: both as a Divine Command as well as a political and social practice.