

CHAPTER 1 UPHOLDING JUSTICE IN RESOLVING CONTEMPORARY ISSUES

Siti Suraya Abd Razak and Roshazlizawati Mohd Nor

1.1 INTRODUCTION

The path to sustainable development faces economic, social, technological, environmental, and political challenges. The world is also undergoing significant changes with the advancement of technology. Digitalisation has caused shifts across sectors and industries and thus disrupts business and the labour market. This global transformation has posed many challenges, and thus various approaches are undertaken to identify solutions to the arising issues. Climate change, artificial intelligence, economic inequality, health crises, and cybersecurity are some of the contemporary issues that need to be addressed to maintain its sustainability. Addressing these issues through a legal approach is essential, as laws provide the framework for regulating behaviour, resolving disputes, and upholding justice.

There are various interpretations of the word ‘law’ according to legal jurists. According to Sir John William Salmond (1924), a renowned legal scholar, “the law may be defined as the body of principles recognised and applied by the state in the administration of justice”. While

according to John Austin, law is understood as “a command issued by a sovereign, backed by a sanction.” Austin viewed sanction as an important element in law. Commonly, the term ‘law’ denotes a system that consists of a set of rules that is recognised by the society, enforced by the government, and must be obeyed by the society. Any individuals who disobey the law will be sanctioned. Punishment constitutes a fundamental element of law, with the primary objective of achieving justice. Aristotle defines justice as “giving people what they deserve based on merit and virtue.” Similarly, according to Kant (1797/1996), justice is rooted in moral duty and the respect for human dignity. According to Sayyid Qutb (2013), realisation of social justice in Islam can be achieved through placing someone in a post or function befitting his capabilities, making a decision befitting a situation, and placing wealth or property with those who rightly deserve it. The Qur’an, as the main source of Islamic law, includes verses on the concept of justice:

“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.”

(Surah an-Nisa, 4:58)

“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.”

(Surah al-Ma'idah, 5:8)

As modern societies grapple with various challenges, legal principles are important to ensure that these issues are managed fairly, consistently, and in alignment with established norms. Laws serve as mechanisms for regulating conduct, resolving conflicts, and protecting individuals from injustice, making them indispensable tools for shaping ethical and sustainable solutions. This book explores contemporary issues in legal perspectives. The next part describes the chapters in detail.

1.2 PUBLIC SERVICE MANAGEMENT

Public service management and ethical governance are critical components of a functioning government and a prosperous society. They guarantee that public institutions run smoothly, resources are used appropriately, and citizens enjoy high-quality service from the government. While public service management is concerned with the administration and operation of government services, exemplary governance emphasises transparency, accountability, and citizen participation. A transparent government is one of the things that society hopes for. Transparency is where the community and other stakeholders can easily, quickly, and accurately access government information (Ibrahimy et al., 2023). Public service management is also expected to integrate technology in its system to improve its service delivery, such as e-governance platforms. Public service management, through good governance, will ensure the society receives justice.

1.3 RIGHTS OF *MUT'AH* AND *'IDDAH*

Islam protects the position of women. After dissolution of marriage, Islam protects women's status by granting them the rights of *mut'ah* and *'iddah*. However, the implementation of this right is weak and caused injustice to the wife. *Mut'ah* is a financial gift that a husband provides to his wife after divorce as a form of goodwill, support, or compensation (Arma, 2022). Meanwhile, *'iddah* is a mandatory waiting period a Muslim woman must observe following the dissolution of her marriage, whether due to divorce or the death of her husband. The primary purpose of *'iddah* is to confirm the absence of pregnancy, uphold the sanctity of marriage, and allow time for reflection or mourning (Arma, 2022). The rights of *mut'ah* and *'iddah* are important to ensure fairness, protecting women's rights and maintaining social order. Thus, legal project management is implemented in this matter to ensure divorced women can enjoy these rights.