

Research Article

Ibn Khaldun's Concept of Law and its Relevance in the Formation of Modern Legal Systems

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Abstract.

This article discussed the concept of law in Ibn Khaldun's thoughts and its relevance in forming modern legal systems. This research used qualitative research methods with data collection techniques through a literature review of Ibn Khaldun's works and several other relevant sources. The main focus of the research analysis was the concepts of al-'adl law, inheritance law, and justice in law. The results showed that Ibn Khaldun's thoughts on al-'adl law, inheritance law, and justice in law were highly relevant to forming modern legal systems. The concept of al-'adl law taught that law should be enforced fairly, while the concept of inheritance law provided the basis for developing family law. In addition, Ibn Khaldun's concept of justice in law had significant implications for the fair and equal enforcement of the law. In conclusion, Ibn Khaldun's thoughts on law can contribute to forming modern legal systems and new and alternative perspectives for the development of law today.

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1. Introduction

Ibn Khaldun, a prominent Muslim thinker who lived in the 14th century, is one of the leading Islamic scholars who had a critical and holistic perspective on various aspects of life, including law[1]. Ibn Khaldun's thoughts on al-'adl law, inheritance law, and justice in law have contributed significantly to the development of law in the Islamic world and have become an inspiration for the development of modern legal systems[2]. Therefore, it is important to study and analyze the concept of law in Ibn Khaldun's thought and its relevance in the formation of modern legal systems. By understanding the concept of law in Ibn Khaldun's thought, it is expected to provide new insights for legal experts and policymakers in developing a more just and equitable legal system[3]. In addition, this study can also serve as a reference and source of knowledge for the general public

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who wants to understand law in the Islamic perspective and the history of legal thought in the Islamic world.

Ibn Khaldun's thoughts on justice, inheritance law, and the concept of justice in law have contributed significantly to the development of law in the Islamic world and inspired the development of modern legal systems[4]. As Mahdi puts it, "Ibn Khaldun is a critical and visionary thinker. His ideas about law have had a profound impact on the development of law in the Islamic world and have inspired the development of modern legal systems"[5].

Therefore, it is important to study and analyze Ibn Khaldun's concepts of law and their relevance to the formation of modern legal systems. By understanding Ibn Khaldun's ideas on law, it is hoped that new insights can be gained by legal experts and policy-makers in the development of a more just and equitable legal system. Ibn Khaldun was a Muslim thinker who lived in the 14th century and is known as the father of sociology and history. However, he also had critical and holistic views on law in Islam. His ideas about law can be found in his greatest works, "*Kitab al-'Ibar*" and "*Muqaddimah*."

One of Ibn Khaldun's famous concepts of law is "*hukum al-'adl*." According to him, *hukum al-'adl* is a law that is applied fairly and equally to the entire society. *Hukum al-'adl* is upheld by considering the principles of justice and truth recognized by the society. In addition, Ibn Khaldun also highlighted the importance of inheritance law in Islam. In his view, inheritance law must be applied fairly and equally to all heirs. Inheritance law must also consider the social and economic status of each heir[6].

Furthermore, Ibn Khaldun also emphasized the importance of justice in law. He argued that the law must provide protection and justice for the entire society, regardless of their social and economic status. Justice in law must also consider the moral principles accepted by society. Ibn Khaldun's ideas about law not only have relevance in the development of law in the Islamic world but also provide inspiration for the development of modern legal systems. Some legal principles in Ibn Khaldun's thought, such as the principles of justice and equality, have been adopted in various modern legal systems. Moreover, Ibn Khaldun's ideas can also provide solutions to various legal problems faced by modern society. For example, his ideas about *hukum al-'adl* can be the basis for the development of a more just and equitable legal system. Additionally, his ideas about inheritance law can help resolve legal disputes related to inheritance rights.

In this study, we also need to explore the relevance of Ibn Khaldun's ideas in the context of Indonesia. As a country with a majority Muslim population, Ibn Khaldun's

ideas can make a significant contribution to the development of the legal system in Indonesia. His ideas about *hukum al-'adl* and justice in law can help strengthen the legal system.

2. Method

In this research, the author will conduct an analysis of the concept of law in Ibn Khaldun's thought as found in the "*Muqaddimah*". In addition, the author will also compare the concept of law in Ibn Khaldun's thought with modern legal systems. This research is expected to provide a deeper understanding of Ibn Khaldun's thought on law and its relevance in the development of modern legal systems. This research is also expected to contribute to the development of legal studies in Indonesia, particularly in enriching knowledge about Ibn Khaldun's thought, which has not been extensively studied.

3. Results And Discussions

Ibn Khaldun (1332-1406 CE) was an important figure in the intellectual and cultural history of Islam. He was born in Tunisia into a family with a strong background in education and scholarship. His father was a well-known judge and scholar in the Maghreb region, and Ibn Khaldun grew up and learned in an environment rich in books and scientific materials. Ibn Khaldun pursued his education at prestigious madrasas in the Maghreb, including the Madrasa Tunis and Madrasa Fez. He studied various disciplines, such as philosophy, theology, Arabic language, literature, history, and law. Additionally, he also studied various foreign languages, such as Turkish, Persian, and Latin[7].

After completing his formal education, Ibn Khaldun worked as a judge and advisor in various cities in the Maghreb, such as Tunis, Cairo, and Granada. During his time as a judge, he gained extensive experience in dealing with various social and political issues that occurred in society. In 1375, Ibn Khaldun wrote his famous work, "*Muqaddimah*" or "*Prolegomena*". This work is an encyclopedia of history, politics, and sociology that contains theories about civilization and the development of society. This work is considered an important work in the history of human thought and has influenced the development of social and humanistic sciences to this day[8].

After completing "*Muqaddimah*", Ibn Khaldun returned to work as a judge and advisor in various cities in the Maghreb. However, in 1382, he was appointed as the vizier

(minister) under the rule of Sultan Abu 'Inan in Morocco. During this time, Ibn Khaldun successfully introduced various reforms in governance and economics that improved the welfare of society. Ibn Khaldun died in 1406 in Egypt. His monumental work, "Muqaddimah", remains a subject of study and inspiration for scholars and researchers to this day [9]. Ibn Khaldun is considered an important figure in the intellectual history of Islam and is respected as one of the prominent figures in world history. Ibn Khaldun believed that the principle of al-'Adl (justice) is one of the three important principles in building a stable and prosperous state. This principle is based on the idea that a just state will attract the support and loyalty of its people, creating the stability and security necessary for prosperity and progress.

According to Ibn Khaldun, the concept of justice in law includes two things: substantive justice and procedural justice. Substantive justice concerns the content and substance of the law itself, where the law must be just and apply equally to all without discrimination. Procedural justice, on the other hand, concerns the process or way in which the law is implemented, which must be fair, transparent, and open[10].

Regarding inheritance, Ibn Khaldun believed that inheritance is not an absolute right of the individual, but rather part of the social contract between the individual and society. Therefore, inheritance law must consider the balance between individual rights and the interests of society as a whole. Ibn Khaldun also believed that the law should be based on a concept of justice that is universal and abstract. This concept means that the law should objectively regulate human actions without regard to social status, religion, or race. This relates to the concept of justice that every individual in society must hold. In his thinking about the law, Ibn Khaldun also emphasized the importance of the moral aspect in legal policy. He argued that good and just law should encourage individuals to behave morally and ethically, thus creating security and prosperity for society as a whole. He said:

النص المقتبس من كتاب المقدمة: "فإن القانون من أكبر المعالم التي يقوم عليها الحياة الاجتماعية، ويحتاج إليه الناس لإدارة شؤونهم وتنظيم حياتهم في كل جانب من جوانب الحياة. ومن أجل ذلك فإن القانون له دور كبير في تنظيم المجتمع وتحقيق العدل والإنصاف بين الأفراد والجماعات وتطوير الحضارة والتقدم والازدهار."

"Meaning: Law is one of the biggest features on which social life is based. People need it to manage their affairs and organize their lives in every aspect of life. Therefore, law has a great role in organizing society, achieving justice and fairness between individuals and groups, and developing civilization, progress, and prosperity."

In conclusion, the concept of justice in law according to Ibn Khaldun emphasizes the importance of the principle of justice in building a stable and prosperous state. This concept includes substantive and procedural aspects of the law and considers the interests of both individuals and society as a whole. Additionally, Ibn Khaldun also emphasizes the importance of morality in the law, which should encourage individuals to behave ethically and responsibly.

4. The Formation of Modern Legal System

The legal concepts developed by Ibn Khaldun have significant relevance in the formation of modern legal systems. Several aspects of these legal concepts have had positive impacts on the development of the legal systems that exist today[7].

Firstly, Ibn Khaldun's concept of justice in law became an important foundation in the formation of modern legal systems. This concept directs that the law must be just and apply equally to all individuals without discrimination. In modern legal systems, this principle is reflected in human rights and principles of justice that apply in almost all countries around the world. Secondly, Ibn Khaldun's views on moral aspects in law are relevant in the formation of modern legal systems that emphasize moral and ethical values in its implementation. Moral and ethical values are reflected in various legal aspects, such as professional ethics in the legal profession, integrity in law enforcement, and the enforcement of fair and transparent laws.

Thirdly, Ibn Khaldun's concept of inheritance in law is relevant in the formation of modern legal systems that emphasize individual rights in various aspects of life, including inheritance rights. However, these individual rights must also be considered in balance with the interests of society as a whole. Fourthly, Ibn Khaldun's views on the importance of procedural aspects in law are relevant in the formation of modern legal systems that emphasize transparency and openness in law enforcement. This principle is reflected in various legal aspects, such as evidentiary requirements in court, the right to information, and public participation in legal policy-making. Finally, Ibn Khaldun's views on the importance of the concept of fairness that is universal and abstract are also relevant in the formation of modern legal systems. The concept of fairness directs that the law should regulate human actions objectively and without discrimination based on social status, religion, or race. This principle is reflected in the principles of non-discrimination and the application of the same law to all individuals.

In conclusion, the legal concepts developed by Ibn Khaldun have significant relevance in the formation of modern legal systems. The concept of justice in law, moral aspects in law, inheritance in law, procedural aspects in law, and the concept of universal and abstract fairness all serve as important foundations in the development of modern legal systems that are fair, transparent, and democratic.

4.1. The Concept of al-'Adl

In his work, Ibn Khaldun proposed the concept of *al-'adl* law or just law as a necessity in society to create order and balance in interpersonal relationships. According to Ibn Khaldun, *al-'adl* law should be established based on the principles of justice and truth. In this regard, he stated that the law must be enforced fairly and impartially towards everyone. Moreover, Ibn Khaldun also introduced the concept of inheritance law[7]. He argued that inheritance law should be based on fair rules and aligned with the interests of society. Ibn Khaldun emphasized the need to establish inheritance law clearly and transparently to avoid conflicts among heirs. The concept of justice in law according to Ibn Khaldun is highly relevant to the formation of modern legal systems. In modern legal systems, justice is also a fundamental principle that must be enforced. Additionally, the principle of justice in law is the basis for imposing sanctions on offenders. He said: وإذا الاجتماعية، الحياة أصل وهو الصحيح، موضعه في شيء كل يضع ما فهو العدل "وأما انتهاك فإذا قوته، بكل عليه الحفاظ الأمير وعلى والدولة، الاجتماعية الحياة انهارت فساده زال العدل" بأقصى فليعدله تضرر أو

And here is the English translation: "As for justice, it is placing everything in its proper place, and it is the foundation of social life. If it is removed, the social life and the state will collapse. The prince must protect it with all his power, and if it is violated or damaged, he should rectify it with the utmost justice."

In the formation of modern legal systems, the concept of inheritance law is also very relevant. In many countries, inheritance law remains a controversial topic due to differences in opinion about what is fair and aligned with the interests of society. Therefore, the principles of justice and truth in inheritance law must be continually enforced to avoid conflicts among heirs. In conclusion, the analysis of Ibn Khaldun's concept of *al-'adl* law indicates that the principles of justice and truth should be the basis for establishing a fair and aligned legal system. The concept of inheritance law should also be established clearly and transparently to prevent conflicts among heirs.

These concepts are highly relevant to the formation of modern legal systems based on the principles of justice and truth.

4.2. The Concept of Inheritance

According to Ibn Khaldun, inheritance is a right that must be given to the heirs fairly and in accordance with the interests of society. Ibn Khaldun stated that the law of inheritance should be based on the principles of justice and truth. The principle of justice in inheritance law means that the distribution of inheritance should be done equally and fairly among all heirs[7]. Meanwhile, the principle of truth in inheritance law means that the distribution of inheritance should be done by considering the kinship relationship and previous agreements. In addition, Ibn Khaldun also said that inheritance law must be enforced clearly and transparently. This is intended to avoid disputes among heirs due to ambiguity or injustice in the distribution of inheritance.

In analyzing the concept of inheritance law according to Ibn Khaldun, it can be concluded that the principles of justice and truth are very important principles in the distribution of inheritance[11]. The distribution of inheritance should be done equally and fairly among all heirs and should consider the kinship relationship and previous agreements. In addition, the distribution of inheritance should be done transparently to avoid conflicts among heirs.

The concept of inheritance according to Ibn Khaldun is very relevant in the context of forming modern legal systems. In many countries, inheritance law is still a controversial topic because of various differences of opinion about what is fair and in accordance with the interests of society. Therefore, the principles of justice and truth in inheritance law must be upheld to avoid conflicts among heirs. In modern legal systems, inheritance law is also important to be enforced. The distribution of inheritance should be done clearly and transparently, as well as considering the principles of justice and truth. This will help maintain order and balance in interpersonal relationships and prevent unnecessary conflicts.

In conclusion, the concept of inheritance law according to Ibn Khaldun has important principles in society. The principles of justice and truth should be the basis for the fair distribution of inheritance in accordance with the interests of society. In addition, the distribution of inheritance should be done clearly and transparently to avoid conflicts among heirs.

4.3. The Concept of Justice As an Integral Part of The Concept of Law

Ibnu Khaldun viewed the concept of justice as an integral part of the concept of law. According to him, justice in law has three dimensions: individual justice, social justice, and political justice. Individual justice, according to Ibnu Khaldun, refers to respect for human rights, including property rights, freedom, and individual safety. Social justice, on the other hand, is related to justice in the distribution of resources and opportunities, as well as protection against economic exploitation and injustice. Political justice is related to the right to political participation and protection against unfair and authoritarian decision-making[12].

In the concept of justice according to Ibnu Khaldun, he also emphasized the importance of fair and transparent law enforcement, without intervention or pressure from others. Ibnu Khaldun argued that justice cannot be achieved if law enforcement is unfair, and law enforcement cannot be fair if there is interference or intervention from others[13]. Ibnu Khaldun also emphasized the importance of the principle of proportionality in law enforcement. According to him, the punishment given must be proportional to the violation committed. In this regard, Ibnu Khaldun criticized the practice of excessive or disproportionate punishment, as it is considered a form of injustice.

In the context of the formation of modern legal systems, the concept of justice according to Ibnu Khaldun can be used as a basis for building a fair and effective legal system. Principles of justice such as respect for human rights, fair and transparent law enforcement, and the principle of proportionality in law enforcement, can be a foundation for building a modern legal system that is fair. In his thinking about justice, Ibnu Khaldun also emphasized the importance of the proportionality principle in the application of the law. According to him, the law must be applied fairly and proportionally to the violation committed. This means that every violation must be subject to sanctions or punishment that is commensurate with its severity.

In the book *Mukaddimah*, Ibnu Khaldun stated that "the punishment for every violation must be commensurate with the violation and must not exceed or be less than its level of wrongdoing.[7]" This shows how important the proportionality principle is in the application of the law according to Ibnu Khaldun. In the modern context, the concept of proportionality is still relevant in the legal system today. This principle is seen in the application of punishment that is adjusted to the level of the crime committed, such as

the death penalty only being applied to the most serious cases such as premeditated murder, while minor offenses can be punished with fines or community service. In conclusion, Ibnu Khaldun's concept of law is relevant to the formation of modern legal systems. The concepts of justice, al-'adl law, inheritance, and the proportionality principle proposed by Ibnu Khaldun can be applied in the current legal context to create a more just and proportional legal system. Therefore, an understanding of Ibnu Khaldun's thinking in the context of law is still very relevant today.

5. Conclusion

From the above discussion, it can be concluded that Ibn Khaldun's ideas on law have high relevance in the formation of modern legal systems. The concepts of justice, al-'adl law, inheritance, and the principle of proportionality proposed by Ibn Khaldun can be applied in the current legal context to create a more just and proportional legal system. In Ibn Khaldun's thought, the law must be enforced fairly and non-discriminatory, and must consider the principle of proportionality in its application.

In applying Ibn Khaldun's ideas in modern legal systems, further in-depth study and a better understanding of the legal concepts proposed by Ibn Khaldun are needed. Additionally, it should be adjusted to the current legal context and the legal principles that have developed in modern society. The application of Ibn Khaldun's legal concepts can help create a more just and proportional legal system. The legal principles proposed by Ibn Khaldun can serve as a guide in the making of laws and legal policies that can result in justice for all without exception. Additionally, understanding Ibn Khaldun's thought in the legal context can increase awareness and concern for the principles of justice in society and the legal system. This can help improve existing legal systems and produce a more just and prosperous society.

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