

Distributive Justice of Waqf: A Critique of Rawlsian Liberalism in the Perspective of the Qur'an

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Abstract

Social justice is a fundamental principle underpinning the formation of a fair and prosperous society. In modern literature, John Rawls's theory of justice, which includes the Equal Liberty Principle and the Difference Principle, is widely recognized as a key framework for social justice in the Western world. However, this theory has been criticized for its lack of attention to the spiritual and moral dimensions relevant to religious societies. In contrast, Islam offers a more holistic concept of social justice, implemented through waqf as a sustainable wealth redistribution mechanism. This study critically analyzes Rawls's theory of social justice from the perspective of Islamic social justice, specifically through waqf. Using a qualitative method with a descriptive-comparative approach, it explores the key differences and similarities between these two concepts. The findings indicate that while both seek to achieve justice, the Islamic concept, embodied through waqf, incorporates spiritual and moral dimensions absent in Rawls's theory. In conclusion, this study provides a more comprehensive perspective on social justice by integrating Islamic principles, particularly waqf, as a complementary alternative to Rawlsian justice. The research aims to enrich the literature on social justice and serve as a foundation for further studies on the application of Islamic justice concepts in modern society.

Keywords: Social Justice, John Rawls, Waqf, Distributive Justice.

1. Introduction

Social justice is one of the main pillars of a fair and prosperous society (Buettner-Schmidt and Lobo, 2012). In the era of globalization, marked by increased economic and social mobility as well as the complexity of international relations, efforts to build a fair and inclusive society have become increasingly challenging (De Haan, 2000). In a socially just society, there are no extreme disparities in education, the economy, political access, and other areas, as differences should not be excessive, and self-sufficiency should be encouraged. Simply put, a socially just society is one where major inequalities in economic status, education, legal access, healthcare, or political participation do not exist (Perkins and Bell, 2024).

In the modern context, social justice is not only about material distribution but also about equal access to opportunities, basic rights, and the recognition of human dignity (Singh, 2015). Modern society, despite its advancements, often faces systemic inequalities, where certain groups encounter barriers to accessing resources, education, healthcare services, and economic opportunities. If left unaddressed, these inequalities may lead to social tensions that could threaten societal stability and sustainability.

The social justice theory proposed by John Rawls in his book *A Theory of Justice* (1971) has become one of the most influential frameworks for understanding and formulating social justice in the modern world (Rawls, 2017). His theory introduces two main principles that underpin his concept of social justice: the Equal Liberty Principle and the Difference Principle. The Equal Liberty Principle states that everyone is entitled to the same freedom, while the Difference Principle asserts that social and economic inequalities are permissible only if they benefit the least advantaged members of society (ibid.). In other words, according to Rawls, justice is not solely about absolute equality but also about how inequalities can be structured to benefit society's most vulnerable (Faiz, 2017).

Although Rawls's theory has been widely accepted, especially in the Western world, it is considered insufficient to sustain a social structure that fosters genuine societal welfare (Tapias, 2001). According to G.A. Cohen, Rawls's theory, which justifies inequality for the benefit of the least advantaged, is flawed because it risks perpetuating exploitation rather than promoting true equality. Additionally, Rawls's theory has been criticized from various perspectives, including religious and moral viewpoints (R. Yu. and S.V., 2021). One major critique is that it focuses on distributive justice within a secular context, emphasizing fair cooperation among free and equal individuals while prioritizing the welfare of the least advantaged, yet neglecting the spiritual and moral dimensions of social justice (Kameda, 2024).

In contrast, within the Islamic tradition, social justice encompasses not only material distribution but also the integration of spiritual and moral values into social and economic systems. In Islam, the concept of social justice is strongly rooted in the Qur'an, where justice is emphasized through three main aspects: social equality, balance (the absence of disproportion in natural and social order), and the elimination of social injustice in a proportional manner that accords rights to their rightful owners (Syibly, 2015). One crucial instrument for achieving social justice in Islam is waqf (endowment). Waqf is a key instrument in Islamic philanthropy that facilitates the redistribution of wealth and resources to those in need, thus strengthening social justice (Ulfah Saefurrahman and Amanah, 2024). In practice, waqf functions as a mechanism for the fair redistribution

of wealth and contributes to both societal and economic development (Obaidullah Abid, 2024). The principles of social justice in waqf, such as equality, balance, and proportional justice are strongly grounded in Qur'anic teachings. Verses like Al-Nisa' 58, which emphasizes equal rights; Al-Qasas 77, which stresses balance; and Al-Nisa' 135, which underscores proportional justice, all illustrate how Islam views social justice as an integral part of religious life.

With its two main principles, the Equal Liberty Principle and the Difference Principle, Rawls offers a framework for establishing a just society (Rawls, 2017). However, this theory is grounded in a liberal-secular paradigm that places individual freedom at the core of justice (Gamel, 2022). In Islam, justice extends beyond individual liberty, encompassing a holistic spiritual and moral dimension aimed at achieving harmony between individuals, society, and God (Shaukat, Shafique, and Madbouly, 2024). Criticism of Rawls' theory is particularly relevant due to its abstract approach, which tends to overlook the transcendental values central to the Islamic concept of justice.

Philosophically, Rawls' theory is based on the assumption that principles of justice can be formulated through a social contract under the "veil of ignorance," without involving metaphysical or spiritual aspects, focusing instead solely on political claims (Tomé, 2023). This approach contrasts with the Islamic concept of justice, which is seen as a divine trust (*amanah ilahi*), wherein social justice is understood as part of *maqasid al-shariah* (the objectives of Islamic law) to advocate for fairness and balance, protecting individual rights while promoting societal well-being (Sumarta, Burhanudin, and Budiyo, 2024). Sociologically, Rawls' theory tends to ignore the context of pluralistic and collectivist societies, excessively emphasizing the legal regulation of basic structures while neglecting other influential social norms (Richardson, 2023). In contrast, Islam views social justice not only in terms of individual rights but also as collective responsibilities rooted in the Qur'an and Sunnah (Muratov, 2023). These principles are manifested through mechanisms such as waqf (endowments), designed not only to reduce social inequality but also to build sustainable community welfare (Hamzah, 2024).

Theoretically, criticism of Rawls' theory is relevant because its underlying assumption of universal rationality does not entirely align with the Islamic approach. In Islam, human actions are guided by innate nature (*fitrah*) and divine revelation (*wahyu*), meaning justice is based not only on rationality but also on divine values (ÖZDEMİR, 2022). Moreover, Rawls' principles are often considered overly abstract and lack practical guidance in addressing contemporary social justice challenges. By contrast, Islam offers concrete solutions through *fiqh mu'amalah*, which integrates economic justice with social responsibility. Critiquing John Rawls' theory of social justice from an Islamic perspective, particularly in the context of waqf, is crucial as it provides a more holistic and multidimensional view of social justice. In an increasingly interconnected and multicultural world, approaches that are solely secular and rational may be insufficient to address the diverse challenges faced by societies. Therefore, comparing and analyzing social justice concepts from these two perspectives can offer deeper insights into how social justice can be realized more comprehensively and inclusively. The Islamic perspective, with its spiritual values and distinctive distribution systems such as waqf, presents concrete solutions for creating a more equitable and sustainable social welfare system.

The purpose of this paper is to critically analyze John Rawls's theory of social justice by applying the principles of social justice in waqf, as derived from the Qur'an.

By examining both perspectives, this paper aims to explore the strengths and weaknesses of each concept, offering a more balanced and in-depth view of how social justice can be implemented in modern society. Additionally, this paper seeks to contribute to the development of a more relevant theory of social justice that aligns with contemporary needs and challenges.

2. Methods

This study employs a critical approach with a descriptive-comparative analysis method, relying on secondary literature, including books, scholarly journals, articles, and Qur'anic exegeses relevant to the concept of social justice according to John Rawls and Islam. The primary instrument used is a literature review that encompasses Rawls's A Theory of Justice, Islamic literature on waqf, and critiques of Rawls's theory from moral and religious perspectives. The research procedures include literature collection to build a strong foundational understanding, theoretical analysis that not only explains but also evaluates and questions the underlying assumptions of both concepts of justice, and comparative analysis that highlights the philosophical and practical differences between the two, focusing on their social and ethical implications. The results of the analysis will be organized to provide a clear picture of the fundamental principles of both concepts, as well as to identify their strengths and weaknesses in a modern context. The limitation of this study lies in its theoretical scope, as it does not involve empirical data. However, this critical approach is expected to provide deeper and more reflective insights into social justice in a contemporary context.

3. Results and Discussion

3.1. Theory Of Justice in John Rawls

3.1.1. Theory Of Justice and Social Contract

John Rawls developed his ideas with the aim of formulating a broader and more abstract concept of justice compared to the social contract theories proposed by his predecessors. He sought to introduce two main principles of distributive justice. The first principle is the equal liberty principle, which asserts that every individual has the same right to the most extensive basic liberties, as long as these liberties are equally granted to everyone. This principle represents a fundamental right that must be upheld for every individual, and justice can only be achieved if there is a guarantee of equal freedom for all. In this regard, the equal liberty principle refers to the principle of equal rights, granting the same rights to all individuals, even though these rights are accompanied by corresponding obligations. This principle serves as the foundation of the freedom of contract doctrine.

The second principle states that social and economic inequalities must be managed based on two key rules: the difference principle and the principle of fair equality of opportunity. These principles aim to maximize benefits for the least advantaged groups and ensure that all positions and roles remain accessible to everyone under fair conditions and equal opportunities. The difference principle and the principle of fair equality of opportunity guarantee proportionality in the exchange of rights and obligations between parties, ensuring that any existing inequalities remain within reasonable limits, as long as

they adhere to the principles of good faith and fairness. Therefore, these two principles are interrelated and must be applied together to achieve ideal justice. Rawls emphasized that in cases of conflict, the equal liberty principle should take precedence over the difference principle and the principle of fair equality of opportunity, while the principle of fair equality of opportunity should have a higher priority than the difference principle.

Rawls' concept of justice must be understood as fairness, meaning that social benefits should not only be enjoyed by individuals with superior talents and abilities but should also provide opportunities for disadvantaged groups to improve their living conditions. Therefore, those who are more fortunate have a moral responsibility to support the less fortunate. The difference principle does not demand equal benefits for all individuals; instead, it promotes reciprocal benefits, such as higher compensation for skilled workers compared to less skilled workers. In this context, justice as fairness emphasizes the principle of reciprocity, which is not merely a simple exchange but also considers objective differences among members of society. To achieve justice that is accepted as fairness, Rawls underscores the importance of pure procedural justice, which ensures that justice is achieved through fair procedures that lead to fair outcomes.

In the context of contractual relationships in business, particularly in contract justice, Rawls argued that justice analysis should not be limited to classical justice concepts. The concept of justice in contracts must accommodate the principle of equality in exchange (performance for counterperformance), as found in commutative justice, as well as distributive justice as the basis for contractual relationships. The understanding of justice in contracts should not be monistic but rather comprehensive. In commutative justice, relationships between individuals in contracts cannot be solely based on the principle of equality, as this could result in injustice for the weaker party. Therefore, the concept of commutative justice must include aspects of proportional distribution. Similarly, in distributive justice, which focuses on the relationship between the state and its citizens, the principle of proportional distribution can also be applied to contractual relationships between individuals. (Rawls, 2017)

To realize this idea, Rawls proposed the concept of the original position, a hypothetical situation in which individuals determine the principles of justice that will form the foundation of a particular society or government structure. The principles of justice within this basic social structure result from an original agreement made by free and rational individuals pursuing their own interests. These principles then serve as the basis for determining the form of social cooperation and the type of government that can be established. This concept is known as justice as fairness. (ibid.)

In justice as fairness, the original position in the social contract reflects the natural state found in classical social contract theory. However, this original position is not considered a historical reality but rather a hypothetical concept designed to produce ideal principles of justice. In this initial situation, individuals are assumed to be rational and mutually disinterested, meaning they do not have vested interests in each other, even though they have the potential to oppress one another based on wealth, prestige, or social status. Under such conditions, they are expected to choose two main principles: first, equality in fundamental rights and duties; and second, recognition that social and economic inequalities are acceptable only if they benefit everyone, particularly the least advantaged groups.

Nevertheless, Rawls acknowledged that applying these principles of justice is

highly complex. He did not expect that everyone would fully accept his proposed theory. Therefore, justice as fairness, like other social contract theories, consists of two main components: first, an interpretation of the original position and the decision-making problems within it; and second, a set of agreed-upon principles. One may accept the original position concept but reject the specific principles Rawls proposed, or vice versa. Rawls' social contract theory demonstrates how classical thought remains relevant in contemporary philosophical discussions.

3.1.2. Concept and Construction of Social Justice in John Rawls

John Rawls employs a theoretical framework known as The Original Position, a hypothetical condition designed to establish fair and rational principles of social justice. In this position, individuals are placed behind a Veil of Ignorance, where they lack knowledge of their social status, class, wealth, natural talents, or psychological tendencies. As a result, they cannot select principles of justice that favor a particular group but must instead choose principles that are just for all members of society. The Original Position ensures that the principles of justice derived from it are free from bias or personal interest. Since individuals in this hypothetical scenario are unaware of their own position in society, they are more likely to choose principles that protect the fundamental rights of all individuals and promote an equitable distribution of justice. They must consider the possibility that they might occupy the least advantaged position in society, which leads them to select principles that provide maximum protection for the most vulnerable groups (Rawls, 2017).

Under these conditions, individuals are regarded as rational agents with self-interests, yet they also recognize that justice must be applied universally. Therefore, they would choose principles that not only guarantee fundamental freedoms for all but also ensure that social and economic inequalities are permissible only if they benefit the least advantaged members of society. Rawls refers to this approach as Justice as Fairness, which implies that justice should be based on the principles of equal rights and a fair distribution of social and economic advantages. The principles that emerge from The Original Position represent an impartial and rational agreement among individuals in an equal standing.

From this framework, Rawls formulates two fundamental principles of social justice: first, the Equal Liberty Principle, which asserts that every individual is entitled to the most extensive set of basic freedoms, provided that these freedoms can be equally granted to all. These liberties include freedom of speech, freedom of thought, freedom of religion, and equal political rights within a democratic system. Secondly, the Difference Principle, which states that social and economic inequalities are justified only if they benefit the least advantaged members of society. This principle emphasizes that disparities in wealth or status are acceptable only if they improve the well-being of the most vulnerable and provide equal opportunities for all individuals to attain positions of advantage (Rawls, 2001). Rawls argues that by implementing these two principles, society can achieve an ideal form of social justice, in which individual freedoms are respected equally, and resources are distributed fairly. This model challenges utilitarian theories of justice, which prioritize overall happiness or utility without considering the equitable distribution of justice among all members of society.

3.1.3. Distribution of Social Justice in John Rawls

John Rawls's theory of justice as fairness is a foundational framework in modern political philosophy that seeks to establish a just distribution of social and economic resources. Rawls asserts that justice must be understood in the context of fairness, ensuring that the social structure is designed in such a way that it benefits all members of society, especially the least advantaged groups. Within this framework, Rawls develops two main principles that form the foundation for the distribution of social justice: the Equal Liberty Principle and the Difference Principle.

The first principle, the Equal Liberty Principle, ensures that every individual has an equal right to a scheme of basic liberties that is fully adequate and compatible with the same liberties for others. These freedoms include political rights, freedom of speech, freedom of thought, freedom of religion, property rights, and legal protection against arbitrary arrest or detention. This principle emphasizes that basic rights should not be sacrificed for economic gain or collective welfare because individual freedom is a fundamental element in a fair justice system.

The second principle consists of two parts: Fair Equality of Opportunity and the Difference Principle. In Fair Equality of Opportunity, Rawls emphasizes that access to social and economic benefits, such as education and employment, must be open to all individuals without discrimination based on social, racial, or economic backgrounds. Meanwhile, the Difference Principle states that social and economic inequalities can only be justified if they benefit the least advantaged members of society. In other words, the distribution of wealth, income, and power must be arranged in such a way that it does not deepen inequality but rather compensates those in the most vulnerable social positions.

To determine the fair principles of justice, Rawls introduces the concepts of the original position and the veil of ignorance as a thought experiment. In this scenario, individuals are placed in a hypothetical condition where they do not know their social status, wealth, or natural abilities. Therefore, they would choose principles of justice that do not favor any particular group but accommodate all individuals fairly. Through this approach, Rawls argues that a rational society would accept both principles of justice, as they guarantee a fair starting point for all individuals and prevent bias based on unfair social factors (Rawls, 2017).

In relation to other theories, Rawls's approach differs from utilitarianism, which focuses on maximizing collective happiness, even if it sacrifices individual rights. He criticizes utilitarianism for allowing injustice if it results in greater welfare for the majority. Furthermore, Rawls also contrasts with libertarianism, as proposed by Robert Nozick, which emphasizes individual freedom in the accumulation of wealth without state intervention. While libertarianism tends to allow economic inequality to grow without limits, Rawls argues that justice requires a distribution mechanism to ensure that marginalized groups still benefit from the existing social structure (Sun, 2024).

Rawls's theory has important implications for social and economic policies, such as the implementation of progressive taxation for wealth redistribution, affirmative action programs to guarantee equality of opportunity, and universal health and education policies that ensure access to essential resources for all individuals (Jamnik, 2022). His concept of justice remains highly relevant in contemporary discussions on economic inequality, welfare policies, and sustainable development, particularly in developing countries that face significant challenges in creating a just distribution system.

Thus, John Rawls's theory of distributive justice provides a strong philosophical foundation for creating a fair society, where individual freedoms are protected but social and economic inequalities are regulated in a way that does not harm the most vulnerable groups. Through the concepts of the original position, the veil of ignorance, and the difference principle, Rawls offers a normative framework that continues to influence discourse on justice, democracy, and public policy

3.2. The Concept of Social Justice in Waqf

3.2.1. Theoretical Prespective of Waqf for Social Justice in Islam

Waqf is one of the key instruments in Islamic economics, playing a significant role in wealth redistribution and the realization of social justice. From an Islamic perspective, social justice (*al-'adalah al-ijtima'iyyah*) requires the fair distribution of resources, poverty alleviation, and the fulfillment of public needs through sustainable mechanisms (Meiningsih and Putri, 2019). Waqf, as a form of *sadaqah jariyah* (ongoing charity), is not only philanthropic but also strategic in creating sustainable societal welfare. Its inalienable nature, where endowed assets cannot be inherited, sold, or transferred ensures that the benefits continuously flow for social purposes over the long term (Laila2024).

Theoretically, the concept of waqf is rooted in *maqashid al-shari'ah* (the objectives of Islamic law), which include the preservation of religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and wealth (*hifz al-maal*). Waqf plays a role in safeguarding these aspects by providing educational services, healthcare facilities, and sustainable economic support to society (Norman and Ruhullah, 2024; Rusydiana, Sukmana, and Laila, 2023). For instance, educational waqf, as exemplified by Al-Azhar University in Egypt, has contributed to accessible education for centuries. Additionally, waqf ensures economic sustainability by funding various productive projects such as agriculture and small businesses, benefiting underprivileged communities.

From Ibn Khaldun's perspective, waqf can be linked to the concept of *asabiyyah* (social cohesion), where the prosperity of a society relies heavily on social solidarity and cooperation. Waqf serves as an instrument that strengthens social bonds by encouraging collective participation in supporting communal well-being. Furthermore, in Islamic economic thought, waqf functions as a mechanism that balances wealth accumulation with social responsibility. In an Islamic economic system that rejects exploitation and economic disparity, waqf provides a means for more equitable wealth distribution without eliminating individual productivity incentives (Afifi, 2024).

The implementation of waqf in achieving social justice is evident in various aspects, such as poverty alleviation, resource equalization, and social infrastructure development (Laila2024). Unlike *sadaqah* or *zakat*, which are consumptive and short-term, waqf generates long-term impacts due to its sustainable nature. An example is agricultural waqf, where its yield is allocated to support the poor, or hospital waqf, which provides free healthcare services for the underprivileged. In Islamic civilization, waqf has historically financed public infrastructure, including roads, irrigation systems, and clean water supplies, benefiting all societal strata (Askouri, 2024).

However, despite its significant potential in achieving social justice, waqf management faces several challenges in the modern era. One of the primary issues is the lack of clear regulations and effective governance systems, which has led to the mismanagement

of many waqf assets. Additionally, the absence of innovation in waqf utilization hampers its optimal benefits for society. Therefore, modernizing waqf through integration with Islamic financial instruments, such as waqf sukuk, or digitalizing waqf via technology-based platforms is essential. With more innovative and professional management approaches, waqf can become a major pillar in developing a more inclusive and just Islamic economic system (Judijanto2024a).

Thus, waqf is not merely a philanthropic instrument in Islam but also a structural solution for achieving social justice. As a wealth redistribution mechanism grounded in Islamic values, waqf effectively addresses economic inequality, strengthens social solidarity, and supports sustainable development. Therefore, revitalizing waqf in the modern era is essential to ensure its continued contribution to broader societal welfare in line with the principles of justice in Islam.

3.2.2. Principles of Waqf in the Qur'an.

In Islam, social justice is not just a theoretical concept but a principle integrated into various aspects of social and economic life (S. Nur and Dzaton, 2024). One of the mechanisms developed in Islam to achieve social justice is waqf. Waqf is a concrete manifestation of social justice, as it involves the donation of valuable property, given freely for the public interest on an ongoing basis (Uyun and Hamida, 2024).

The basic principle in Islam is that every property carries the rights of other people (Mursid, Janwari, and Zulfikar Hafizd, 2023). This is in accordance with the word of Allah SWT in Surah Adh-Dhariyat, Verse 19, which reads:

"And in their possessions there are rights for those who ask (because they don't have any) and for those who are neglected."

The Qur'an provides guidance to always maintain togetherness as social beings and to place its values within the framework of humanity by continuing to respect, guard, protect, love, and support one another, as prescribed in its teachings (Ridwan and Robikah, 2019). Thus, waqf can positively influence social life, fostering social responsibility and avoiding the rise of capitalism that leads to individualistic attitudes. Through waqf, social justice can be achieved as an economic practice that encourages and recognizes both individual and community property rights in a balanced manner (Obaidullah Abid, 2024). These principles are evident from the Qur'an, which provides clear guidance on how social justice can be realized in practice.

1. Equality of Haq In the Qur'an, Surah An-Nisa' verse 58 states: "Indeed, Allah commands you to convey a message to those who are entitled to receive it, and when you establish a law between people, you must determine it fairly." This verse emphasizes justice in the management of trusts, including the management of waqf assets. Waqf, as a trust given to managers, must be administered with consideration for the rights of all parties involved, without discrimination or privilege (Luayyin and Arifin, 2023).

Equal rights in waqf mean that the benefits of waqf property must be distributed fairly to all those entitled, in accordance with the waqf's purpose. This ensures that no particular group or individual is favored and that all eligible recipients have equal access to its benefits. The principle of conveying rights is rooted in faith,



Figure 1. Lecture Material on ZISWAF and the Industrial Revolution by Assoc. Prof. Dr. Syamsuri, M.Sh

as stated in Surah Yunus verse 55: "Know that, verily, to Allah belongs whatever is in the heavens and whatever is on earth. Know that the promise of Allah is true, but most of them do not know (it)." This verse underscores that everything in this world belongs to Allah, and humans are merely temporary stewards of the property entrusted to them. Therefore, in managing waqf property, the principle of faith obliges managers to recognize their moral and spiritual responsibility to use the property in accordance with Allah's will namely, for the welfare of all people (Junaidi Abdullah, 2015).

Islam does not allow individuals to hoard wealth for their own interests because humans are only caliphs and trustees of Allah SWT, entrusted with using wealth responsibly. The attitude required of those with excess wealth is one of moderation (fairness), balancing between not being too greedy in hoarding and not wasting wealth. Thus, the management of waqf assets should not be driven by personal or group interests but must be based on strong faith in Allah and the desire to realize equitable social justice. The equality of rights in waqf reflects the basic Islamic principle of justice, where every individual has the same right to the benefits generated from assets managed for the common good.

2. Balance Surah al-Qasas (verse 77) teaches, "And seek what Allah has bestowed upon you (happiness) in the land of the afterlife, and do not forget your share of worldly (pleasures) and do good (to others) as Allah has done good to you, and do not cause harm on (the face of) the earth. Indeed, Allah does not like those who cause damage." This verse emphasizes the importance of balance between worldly and spiritual needs, as well as balance in doing good to others without causing harm.

In the context of waqf, this balance is crucial in the process of distributing waqf benefits. The benefits of waqf are not only intended to meet material or physical needs but must also address broader spiritual, social, and moral aspects (Dallh, 2023). Balance in the distribution of waqf benefits includes how waqf assets are used to meet basic needs such as education, health, and social assistance, while encouraging the moral and spiritual development of society. This shows that social justice in Islam is not only about material distribution but also about improving the

quality of life holistically (Luayyin and Arifin, 2023).

This principle of balance is reinforced by Surah al-Hasr (verse 7), which explains the importance of the distribution and circulation of wealth. In the context of waqf, this principle emphasizes the fair and equitable distribution of waqf benefits to all levels of society, especially to those in need. Waqf must be managed in such a way that its benefits can be enjoyed by all parties, not only by those who are already in a better economic position (Rahmawati, 2016). This balance also includes the wise management of waqf assets, where the proceeds of the waqf are used not only for short-term needs but also with consideration for the sustainability of its benefits in the future. This means that waqf managers must consider ways to invest waqf assets so that they remain productive and continue to produce sustainable benefits for the community.

3. Proportional/Not Cruel Surah al-Nisa' (verse 135) emphasizes proportional justice and the obligation not to commit injustice: "O you who believe! Be upholders of justice, be witnesses for Allah, even if it is against yourself or your parents and relatives. If he is rich or poor, Allah knows better his benefits. So do not follow your desires, lest you deviate from the truth. And if you distort (the words) or are reluctant to be witnesses, then indeed Allah is All-Knowing of everything you do." This verse provides a moral basis for the principle of proportional justice in Islam. Proportional justice means that the benefits of waqf must be distributed according to the needs and conditions of each individual or group, without favoritism or injustice (Sulistiyo, Rasyid, and Saleh, 2024). Waqf managers must act with full responsibility and good morals (robbaniyah and insaniyah), ensuring that every decision made in waqf management is based on considerations of justice and the common good. Social justice in Islam is based on moral values, which means it naturally demands the obligation to be fair and to help one another. The Qur'an emphasizes that justice is one of the main pillars of life, even more important than generosity (ihsan) (Z. Nur, 2023). In the Islamic view, justice is a form of cooperation aimed at creating a harmonious and organically united society. Therefore, those who have advantages should feel called to help fellow Muslims who are less fortunate, so that all can experience the welfare of life.

Of the three concepts above, the concept of social justice in Islam also presents a new paradigm for waqf—not merely as a form of generosity but as an act containing a more equitable side of justice enforcement. Because of this fundamental principle, waqf must be managed professionally to ensure it provides benefits to the general public. Waqf in Islam has great potential to achieve social justice and social welfare (Zauro et al., 2020). Through various models and approaches, waqf can be used to empower the economy, increase financial inclusion, and reduce social inequality. Optimal waqf management, integrated with other Islamic financial instruments, can support the achievement of sustainable development goals and create a more just and prosperous society (Rusydiana, Sukmana, and Laila, 2023).

3.3. Practice of Waqf for Social Justice.

The practice of waqf has become one of the primary instruments in realizing social justice in Islamic societies. As a long-term wealth redistribution mechanism, waqf plays a crucial role in ensuring more equitable access to various resources, including education,

healthcare, economic empowerment, and social infrastructure development. The advantage of waqf over other forms of charity lies in its sustainability, as the endowed assets remain intact while their benefits continuously flow to society.

In the education sector, waqf has played a significant role in providing access to learning for the broader community, particularly for the underprivileged. Since the classical Islamic era, many renowned educational institutions, such as Al-Azhar University in Egypt and Al-Qarawiyyin University in Morocco, have been established and managed through waqf funding. This system has enabled impoverished communities to receive quality education without the burden of high costs. Additionally, waqf is utilized to fund scholarships, libraries, and research centers, helping to reduce educational disparities and enhance social mobility (Ahmad and Hassan, 2015).

Beyond education, waqf also contributes significantly to the healthcare sector by funding hospitals and providing free medical services to those in need. Since the time of classical Islamic civilization, waqf-based hospitals, or *bimaristan*, have offered inclusive and non-discriminatory healthcare services. To this day, many hospitals and clinics in various Islamic countries continue to rely on waqf funds to provide affordable healthcare services. In addition to medical facilities, waqf is also used to build sanitation infrastructure and supply clean water, directly improving public health (Mohamed Daud, Che Man, and Mohd Aris, 2024).

In terms of economic empowerment and poverty alleviation, waqf serves as a vital instrument in fostering economic independence for the less fortunate. One form of this is productive waqf, where endowed assets such as agricultural land, commercial properties, or small businesses generate income that is allocated to social programs. Many countries have adopted this model to support microfinance programs, provide interest-free capital for small entrepreneurs, and create job opportunities for low-income communities. Thus, waqf not only helps individuals meet their basic needs but also empowers them economically to break free from the cycle of poverty (Ghozali and Annas, 2024).

Public infrastructure development is another sector supported by waqf. For centuries, many public projects, such as road construction, bridges, irrigation systems, and housing for the poor have been funded through waqf. This model enables governments and communities to develop facilities accessible to all societal groups without imposing direct financial burdens on them. Today, many Islamic countries are revitalizing unproductive waqf assets, repurposing them for social and economic development (Judijanto2024a).

In the modern era, waqf management continues to evolve through innovative approaches to maximize its benefits. One key strategy is integrating waqf with Islamic financial instruments, such as waqf *sukuk*, which facilitates large-scale funding for social projects. Additionally, the digitization of waqf through technology-based platforms is gaining traction, enhancing transparency and accountability in its management. Some countries have also taken proactive steps by introducing clearer regulations on waqf management and encouraging innovations to ensure its relevance to contemporary societal needs.

With its various strategic roles, waqf remains a fundamental instrument in achieving social justice in Islam. Through proper and innovative management, waqf can continue to contribute to a more inclusive economic system, address social inequalities, and ensure the equitable distribution of welfare across all segments of society. Therefore, revitalizing and modernizing waqf in the present era is essential to fully harness its vast

potential in supporting sustainable social development in accordance with Islamic principles.

3.4. Discussion

Based on the findings, it was determined that the concept of social justice in Islam, through the mechanism of waqf, has advantages compared to John Rawls' theory of social justice. Rawls proposed a justice principle based on social contract theory, with two main concepts: the Equal Liberty Principle and the Difference Principle. These principles aim to create justice by ensuring equal liberty for every individual and permitting social inequality, as long as it benefits the least advantaged group. However, this Rawlsian approach tends to be materialistic and secular, thus neglecting the moral and spiritual dimensions in the distribution of justice.

In contrast, Islam offers a more holistic concept of social justice through the principles of maqasid al-shari'ah, which include the protection of religion (hifz al-din), life (hifz al-nafs), intellect (hifz al-aql), lineage (hifz al-nasl), and wealth (hifz al-maal). In this context, waqf is not only a tool for wealth redistribution but also an instrument for social development, ensuring a balance between individual rights and collective interests.

3.4.1. Comparison of Social Justice Concepts in Waqf and Rawls' Theory

In Rawls' theory, the distribution of resources is based on the rationality of individuals, where society would choose the most just system without knowing their position in the social structure (the veil of ignorance). This model emphasizes that redistributive policies are only legitimate if they benefit the least advantaged group. However, Rawls does not provide concrete mechanisms to ensure the sustainability of such distribution.

On the other hand, waqf has proven to be an effective system for creating long-term economic balance. Waqf does not only function as a philanthropic system but also as a model for sustainable social investment. Throughout Islamic civilization, waqf has been used to finance various public sectors such as education, healthcare, and social infrastructure, all of which contribute to the achievement of social justice. Institutions like Al-Azhar University in Egypt and bimaristan hospitals in various Islamic regions are real examples of how waqf has provided affordable or free access to education and healthcare for the general public. Furthermore, the waqf mechanism is more flexible compared to Rawls' distributive justice system, as it does not rely on government policies or tax systems that may fluctuate. With waqf, resources remain secured for the benefit of society without depending solely on the state to regulate the distribution of justice.

Table 1. Comparison of Social Justice Concepts in Waqf and Rawls' Theory

Aspect	John Rawls (Theory of Social Justice)	Waqf in Islam
Main Principle	Equal Liberty Principle & Difference Principle	Principle of Justice, Equality, and Sustainability
Philosophical Foundation	Social contract in the "Original Position" with the "Veil of Ignorance"	Qur'anic values and Hadith on justice & welfare
Dimension of Justice	Focuses on material distribution and political rights	Integrates material, spiritual, and moral aspects

Beneficiaries	Disadvantaged groups in society	The broader society, especially those in need
Distribution Instrument	Wealth redistribution through progressive taxation, social policies	Waqf as a sustainable redistribution mechanism
Main Objective	Reducing social inequality without eliminating individual freedom	Building sustainable social welfare based on Islamic values
Nature of Justice	Relative, based on social consensus	Absolute, based on Sharia law
Role of the State	The state plays a role in enforcing justice principles	The state and individuals have roles in waqf management
Sustainability Mechanism	Dependent on government policies and social changes	Waqf is perpetual and continuously provides benefits
Implementation	Social welfare programs, subsidies, affirmative action	Cash waqf, productive waqf, property waqf for education and healthcare

The Role of Waqf in Social Justice Development Waqf plays a significant role in creating social justice in various sectors, including:

1. Education: Many Islamic educational institutions are funded through waqf, such as Al-Qarawiyyin University and Al-Azhar. This demonstrates that waqf can ensure equitable access to education without imposing high costs on the poor.
2. Healthcare: Waqf-funded hospitals have provided free or low-cost healthcare services to the underprivileged since the classical Islamic era. This system is more effective compared to social security systems that rely on taxes or government subsidies.
3. Economy and Community Empowerment: Productive waqf allows endowed assets to generate profits, which are then used to support the underprivileged and create employment opportunities. Many countries have adopted this model to develop microfinance programs based on waqf, providing interest-free capital for small entrepreneurs.
4. Infrastructure Development: Since ancient times, waqf has been used to build roads, bridges, irrigation systems, and provide clean water to communities. This shows that waqf can serve as an alternative funding system for development without burdening the state budget.

4. Conclusions

This study critically analyzes John Rawls’ theory of social justice and compares it with the Islamic concept of justice through waqf. While Rawlsian justice emphasizes fairness through the Equal Liberty Principle and the Difference Principle, it remains secular and materialistic, lacking a moral and spiritual dimension. In contrast, the Islamic framework, particularly through waqf, integrates material, spiritual, and moral elements, ensuring a holistic and sustainable approach to wealth redistribution. The findings highlight that waqf is not merely a philanthropic instrument but a structural mechanism for achieving long-term social justice. Waqf’s sustainability, along with its roles in education, healthcare, economic empowerment, and infrastructure development, provides a practical

alternative to redistributive policies that rely on state intervention. Unlike Rawls' approach, which depends on government-led redistribution, waqf secures long-term benefits without being vulnerable to policy shifts. Ultimately, this research suggests that integrating Islamic justice principles, particularly waqf, can complement and enhance contemporary social justice frameworks, offering a sustainable and morally grounded approach to equitable wealth distribution. Future research should explore practical strategies for optimizing waqf management in modern economic systems to further its role in achieving global social justice.

References

- Afifi, A. A. (2024). "Waqf Business Model (WBM): Towards A Sustainable Social Business Model on The Mainstream Economics". In: *Journal of Regional Development and Technology Initiatives* 2, pp. 63–78. DOI: 10.58764/j.jrdti.2024.2.75.
- Ahmad, Mahadi and Yakubu Hassan (2015). "Funding the Sub - Saharan African education sector with waqf: Experiences from al-Azhar university and selected universities in Malaysia". In: *Journal of Creative Writing* 1.2, pp. 40–54.
- Askouri, E. (2024). "The Role of Waqf in Achieving the Purposes of Islamic Law". In: *Iqtisad: Reconstruction of Justice and Welfare for Indonesia* 11.1, pp. 101–120. DOI: 10.31942/iq.v11i1.10922.
- Buettner-Schmidt, K. and M. L. Lobo (2012). "Social justice: a concept analysis". In: *Journal of Advanced Nursing* 68.4, pp. 948–958. DOI: 10.1111/j.1365-2648.2011.05856.x.
- Dallh, M. (2023). "Accumulate but Distribute: Islamic Emphasis on the Establishment of Waqf (Pious Endowment)". In: *Religion and Development* 2.1, pp. 21–40. DOI: 10.30965/27507955-20230014.
- De Haan, L. J. (2000). "Globalization, Localization and Sustainable Livelihood". In: *Sociologia Ruralis* 40.3, pp. 339–365. DOI: 10.1111/1467-9523.00152.
- Faiz, P. M. (2017). "Teori Keadilan John Rawls (John Rawls' Theory of Justice)". In: *Jurnal Konstitusi* 6.1, pp. 135–149. DOI: 10.2139/ssrn.2847573.
- Gamel, C. (2022). "The "Difference Principle"". In: *Economic Reason and Political Reason*. Wiley, pp. 1–33. DOI: 10.1002/9781394188161.ch1.
- Ghozali, M. and M. Annas (2024). "PENGELOLAAN WAKAF SEBAGAI SARANA PENINGKATAN STRATEGI EKONOMI UMAT". In: *Jurnal Istiqro* 10.2, pp. 194–203. DOI: 10.30739/istiqro.v10i2.3237.
- Hamzah, M. (2024). "The Role and Legal Aspects of Infaq, Sadaqah, and Waqf in Realizing Economic Equality and People's Welfare". In: *AL IQTISHADIAH* 10.1, p. 107. DOI: 10.31602/iqt.v10i1.14950.
- Jamnik, A. (2022). "Rawls' Theory of Justice as Fairness". In: *Bogoslovska Smotra* 91.5, pp. 1037–1058. DOI: 10.53745/bs.91.5.3.
- Junaidi Abdullah, A. (2015). "Wakaf Uang sebagai Instrumen Sistem Ekonomi Islam yang Berkeadilan". In: *Jurnal Zakat dan Wakaf* 2.1.
- Kameda, T. (2024). "Adaptive Bases of Distributive Justice: Rawlsian Maximin Rule Operates as a Common Cognitive Anchor in Allocation and Risky Decisions". In: *Human Ethology*. Vol. 39. Suppl 1. Conference Presentation Abstract. DOI: 10.22330/001c.120670.

- Luayyin, R. H. and M. Arifin (2023). "WAKAF POLIS ASURANSI PERSPEKTIF HUKUM EKONOMI SYARI'AH DALAM MENGATASI PROBLEMATIKA UMAT". In: *JSE: Jurnal Sharia Economica* 2.2, pp. 27–40. DOI: 10.46773/jse.v2i2.724.
- Meiningsih, E. and E. D. P. Putri (2019). "The Effect of Taxpayer Awareness, Understanding of Taxes, Tax Services and Tax Sanctions Against Compliance with Motor Vehicle Taxpayer in Samsa Ngawi District". In: *Advance: Jurnal Akuntansi* 6.1, pp. 24–35.
- Mohamed Daud, N., N. Che Man, and N. Mohd Aris (2024). "Empowering Healthcare through Waqf: Initiatives by the State Islamic Religious Council". In: *International Journal of Research and Innovation in Social Science* VIII.IX, pp. 3657–3664. DOI: 10.47772/IJRISS.2024.8090305.
- Muratov, A. V. (2023). "Social justice in the philosophy of Islam". In: *Izvestiya of Saratov University. Philosophy. Psychology. Pedagogy* 23.3, pp. 272–276. DOI: 10.18500/1819-7671-2023-23-3-272-276.
- Mursid, F., Y. Janwari, and J. Zulfikar Hafizd (2023). "Filosofi Kepemilikan Harta dalam Perspektif Hukum Islam". In: *TAWAZUN : Journal of Sharia Economic Law* 6.2, p. 230. DOI: 10.21043/tawazun.v6i2.21151.
- Norman, Nurul Ain and Mohammad Eisa Ruhullah (2024). "EXPLORING THE ETHICAL DIMENSIONS OF FIQH: THE ROLE OF THE SOUL IN ACHIEVING MAQASID AL-SHARI'AH". In: *Al-Shajarah: Journal of the International Institute of Islamic Thought and Civilization (ISTAC)* 29.1, pp. 47–77. DOI: 10.31436/shajarah.v29i1.1827.
- Nur, S. and S. Dzaton (2024). "PRINSIP KEADILAN SOSIAL DALAM ISLAM : STUDI TEKS AL-QUR'AN DAN HADIS". In: *Unknown Journal* 04.1, pp. 35–51.
- Nur, Z. (2023). "Keadilan Dan Kepastian Hukum (Refleksi Kajian Filsafat Hukum Dalam Pemikiran Hukum Imam Syâtibî)". In: *Misykat Al-Anwar Jurnal Kajian Islam Dan Masyarakat* 6.2, p. 247. DOI: 10.24853/ma.6.2.247-272.
- Obaidullah Abid, S. M. (2024). "A HISTORICAL OVERVIEW OF WAQF". In: *International Journal of Sukuk and Waqf Research* 5, pp. 1–8. DOI: 10.46281/ijswr.v5i1.2170.
- ÖZDEMİR, H. R. (2022). "The Relationship with the Qur'an Fitrat and the Values Managing Humanity". In: *Dini Araştırmalar* 25.62, pp. 221–244. DOI: 10.15745/da.1085415.
- Perkins, K. and M. Bell (2024). "Social Inequality and Social Justice". In: *Principles and Practice to Help Young Children Belong*. Routledge, pp. 7–18. DOI: 10.4324/9781032716190-3.
- R.Yu., Belkovich. and V. S.V. (2021). "Rescuing Rawlsian Justice: Are Fraternity And Difference Principle Compatible?" In: DOI: 10.30570/2078-5089-2021-100-1-60-74.
- Rahmawati, Y. (2016). "REFLEKSI SISTEM DISTRIBUSI SYARIAH PADA LEMBAGA ZAKAT DAN WAKAF DALAM PEREKONOMIAN INDONESIA". In: *Al-Iqtishad: Journal of Islamic Economics* 3.1. DOI: 10.15408/aiq.v3i1.2498.
- Rawls, J. (2001). *Justice as Fairness*. Ed. by E. Kelly. Harvard University Press. DOI: 10.2307/j.ctv31xf5v0.
- (2017). "A Theory of Justice". In: *Applied Ethics*. Routledge, pp. 21–29. DOI: 10.4324/9781315097176-4.

- Richardson, H. S. (2023). "Why Rawls's Ideal Theory Leaves the Well-Ordered Society Vulnerable to Structural Oppression". In: *Rawls's A Theory of Justice at 50*. Cambridge University Press, pp. 181–198. DOI: 10.1017/9781009214704.015.
- Ridwan, M. and S. Robikah (2019). "ETHICAL VISION OF THE QUR'AN (Interpreting Concept of the Qur'anic Sociology in Developing Religious Harmony)". In: *Jurnal Ilmiah Islam Futura* 19.2, p. 308. DOI: 10.22373/jiif.v19i2.5444.
- Rusydiana, A. S., R. Sukmana, and N. Laila (2023). "Waqf Development Model for SDG-16 (Peace, Justice and Strong Institutions)". In: *Islamic Social Finance* 3.2. DOI: 10.58968/isf.v3i2.318.
- Shaukat, M., B. Shafique, and A. Madbouly (2024). "Islamic Framework for Behavioral and Socio-Economic Justice". In: *Islamic Finance in the Modern Era*. Routledge, pp. 52–78. DOI: 10.4324/9781003366751-5.
- Singh, A. (2015). "The Idea of Social Justice". In: *Journal for Studies in Management and Planning* 1, pp. 658–666.
- Sulistiyo, B., F. A. Rasyid, and C. Saleh (2024). "Relevansi Prinsip-prinsip Hukum Ekonomi Syariah dalam Membangun Keadilan Sosial melalui Distribusi Ekonomi yang Adil". In: *AHKAM* 3.1, pp. 38–48. DOI: 10.58578/ahkam.v3i1.2478.
- Sumarta, S., B. Burhanudin, and T. Budiyo (2024). "Maqasid Al-Syariah Mendorong Keadilan Dan Keseimbangan Dalam Hukum Islam". In: *Khulasah: Islamic Studies Journal* 6.1, pp. 16–31. DOI: 10.55656/kisj.v6i1.120.
- Sun, R. (2024). "The Influences of Utilitarianism on Rawls Theory of Justice". In: *Lecture Notes in Education Psychology and Public Media* 39.1, pp. 271–275. DOI: 10.54254/2753-7048/39/20240663.
- Syibly, M. R. (2015). "Keadilan Sosial Dalam Keuangan Syariah". In: *Millah* 15.1, pp. 73–100. DOI: 10.20885/millah.vol15.iss1.art4.
- Tapias, C. de G. (2001). "Libertad y justicia". In: *Revista Estudios Socio-Jurídicos* 3, pp. 27–50.
- Tomé, J. (2023). "Contra as críticas comunitaristas de Michael Sandel ao pensamento de Rawls". In: *Aufklärung: Journal of Philosophy* 10.2, pp. 109–124. DOI: 10.18012/arf.v10i2.63424.
- Ulfah Saefurrahman, G. and K. Amanah (2024). "Waqf in Social and Cultural Dimensions". In: *KnE Social Sciences*. DOI: 10.18502/kss.v9i16.16283.
- Uyun, L. and N. Hamida (2024). "Waqf Productivity in Indonesia: Challenges and Prospects for Sustainability Mengungkap Tantangan dan Peluang Wakaf Produktif di Indonesia". In: *Qanun: Jurnal Hukum Keluarga Islam* 2.1, pp. 80–104. DOI: 10.21580/ahkam.2015.1.25.195.4.
- Zauro, N. A. et al. (2020). "Integration of Waqf towards enhancing financial inclusion and socio-economic justice in Nigeria". In: *International Journal of Ethics and Systems* 36.4, pp. 491–505. DOI: 10.1108/IJOES-04-2020-0054.