INCLUSIVE GOVERNANCE AND THE RULE OF LAW: HUMAN RIGHTS PROTECTION IN THE POST-GLOBALIZATION ERA IN THE REVIEW OF THE HADITH

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Abstract:

This study examines the concept of inclusive governance and the rule of law in protecting human rights in the post-globalization era through the perspective of the Hadith. The research employs a qualitative method with a normative-analytical approach, focusing on the thematic interpretation of selected Hadiths that emphasize justice, inclusivity, and legal supremacy. Data collection includes literature review and the analysis of classical and contemporary Islamic texts. The findings highlight that principles of inclusive governance and legal supremacy align with the core values of the Hadith, which advocate for justice, the prevention of oppression, and the protection of minority rights. The research reveals that integrating these principles into modern governance models can address socio-political inequalities and strengthen human rights protection. The study concludes that the Hadith offers valuable guidance for reimagining governance frameworks that are just, inclusive, and rooted in moral and ethical principles, making them adaptable to the challenges of the post-globalization era.

Keywords: *Inclusive Governance, Rule of Law, Human Rights, Post-Globalization, Legal Supremacy, Equity.*

INTRODUCTION

The post-globalization era has brought forth challenges that necessitate reimagining governance and the rule of law to ensure the protection of human rights. Globalization, while fostering interconnectedness, has also deepened socio-economic inequalities and weakened local governance systems(Morita et al., 2020). In this context, inclusive governance and legal supremacy emerge as critical components of a sustainable framework to address systemic injustices and promote equity. Inclusive governance entails the equitable participation of all societal groups, ensuring their voices are heard in decision-making processes(Bruch & Feinberg, 2017). Meanwhile, the rule of law establishes a legal framework that protects individual rights and ensures accountability, vital for upholding justice in diverse societies(Tom Tyler, Robert J Boeckmann, Heather J Smith, 2019).

In the post-globalization era, the protection of human rights has become increasingly important as societies become more interconnected and diverse. The expansion of international trade and communication has led to a greater awareness of human rights abuses and the need for governments to uphold their obligations to protect the rights of their citizens (Mena et al., 2010). In this new era, it is crucial for governments to not only respect the rights of their own citizens, but also to work together

with other countries to address global human rights challenges (Dunning, 2004). By promoting a culture of respect for human rights, governments can help to create a more just and equitable world for all.

The post-globalization era is characterized by increasing complexity in interstate relations and cross-cultural interactions, which bring new challenges in safeguarding human rights. In this context, the principles of inclusive governance and the rule of law play a vital role in ensuring fair and equitable protection of human rights (Freeman, 2022).

For example, in some countries with authoritarian governance systems, ethnic or religious minorities are often neglected in political decisions and marginalized in social aspects, leading to increasing social inequality (Luckham et al., 2000). This can lead to tensions between community groups and reduce public trust in government institutions.

In the context of Indonesia, the government's failure to guarantee human rights also often occurs. Not only in the pre-reform era, but even in the post-reform era, there are still several declines in the protection of human rights (Reformasi Putar Balik, 2024). For example, the incidents of wrongful arrests by the police that still frequently occur to this day (Tim Redaksi Kompas.com, 2024). Moreover, there are still instances of friction between law enforcement officials and civilians, as has happened several times, such as the incident that occurred in Alas Tlogo in 2007 (Tim Redaksi Detiknews, 2007).

In addition, there are still many other cases of human rights violations occurring in various regions in Indonesia. This shows that the protection of human rights is still not optimal in Indonesia. Concrete steps and real actions from the government are needed to enhance the protection of human rights so that violations that harm the community do not occur again. Not only that, fair and transparent law enforcement is also the key to maintaining the supremacy of the law and public trust in government institutions.

Various legal issues that occur should serve as a warning signal for the decline of the rule of law in Indonesia. The supremacy of law should be strengthened and emphasized again in the framework of law enforcement in Indonesia. As stated by Soetandjo Wignjosobroeto, the Supremacy of Law is an effort to place the law and its enforcement in the highest position within a country in order to protect all layers of society without any intervention from any party, especially state officials. Thus, it can be understood that enhancing the integrity of law enforcement, providing social justice, and ensuring the protection of each individual's rights in the state and society are the main objectives of the rule of law (Idayanti et al., 2020).

As one of the preventive measures that can be taken is to strengthen the functions of an inclusive and accountable government. This is important to ensure that every individual in Indonesia has the same protection of their rights, without exception. Thus, it is hoped that Indonesia can become a better country in maintaining the welfare and justice for all its people.

Inclusive governance can be defined as a system of governance that actively involves all members of society in decision-making processes, regardless of their race, gender, socioeconomic status, or other characteristics (Kusters et al., 2020). The rule of law, on the other hand, refers to the principle that all individuals and institutions are subject to and accountable under the law (Idayanti et al., 2020). When these two concepts are combined, they form the foundation for a just and equitable society where every voice is heard and every individual is treated fairly. Inclusive governance and the rule of law are essential components of a functioning democracy, ensuring that power is distributed evenly and that the rights of all citizens are protected (Weingast, 1997). By upholding these principles, governments can create a more stable and prosperous society for all.

However, it would be a reversed condition if under a dictatorial government where there are no values of inclusivity and the rule of law is upheld. In such a system,

power is concentrated in the hands of one individual or group, leading to widespread oppression and injustice for the majority of citizens (Rahim, 2019).

While existing studies broadly discuss the principles of inclusive governance and the rule of law, they are still limited in terms of ethical frameworks or traditional concepts. However, it is extremely difficult to find research related to Islamic teachings derived from Hadith and their contribution to contemporary governance challenges. This research gap highlights the untapped potential of integrating religious values into modern governance systems to address disparities and strengthen the mechanisms of governmental legitimacy.

The implementation of these principles often faces challenges due to differences in values, norms, and approaches in different regions of the world. As one of the world's largest religious traditions, Islam offers valuable ethical and legal perspectives through its primary sources, including the Hadith.

From an Islamic perspective, governance and justice are deeply rooted in the teachings of the Qur'an and Hadith. Islamic jurisprudence underscores the importance of justice ('adl), inclusivity (shura), and the protection of the weak and marginalized (Assari & Zare, 2024). The Hadith, as a source of ethical and legal guidance, provides insights into principles of governance that align with modern values of equity and justice(Jerald Greenberg, 2014). Several studies have explored the integration of Islamic principles with contemporary governance, emphasizing the relevance of justice and inclusivity in addressing global issues(T. M. et al., 2021). However, there remains a gap in contextualizing these principles in the post-globalization landscape(Roudometof, 2024).

This study aims to bridge that gap by examining the role of Hadith in shaping inclusive governance and legal supremacy for human rights protection. The research objectives are to analyze thematic principles from selected Hadiths, explore their alignment with modern governance concepts, and provide recommendations for integrating Islamic values into governance frameworks(Al-Badi et al., 2018). By offering a normative-analytical approach, this study seeks to contribute to the discourse on sustainable and just governance models in a rapidly changing global context.

RESEARCH METHODS

The research focuses on the alignment of Hadith-based principles with contemporary governance practices. The thematic analysis encompasses Hadiths that discuss social justice ('*adl*), consultation (*shura*), and the protection of minority and marginalized groups(Rohman et al., 2019).

This study focuses on aligning hadith-based principles with contemporary governance practices (Ribbers et al., 2002). Thematic analysis includes hadith that discuss Human Rights and the Rule of Law. This study does not involve a specific geographical fieldwork location, but relies on textual analysis of classical Islamic texts and contemporary governance literature. Informants include scholars specializing in Islamic jurisprudence, governance, and human rights, selected through purposive sampling.

Primary sources include Hadith collections such as *Sahih Bukhari* and Sahih Muslim, alongside contemporary interpretations of Islamic principles in governance. Secondary sources include academic journals, books and reports on governance, human rights and Islamic studies. The analytical tools involved coding software to facilitate thematic categorization.

Data was collected through Document Analysis and Interviews. Conducting semi-structured interviews with scholars and experts on Islamic governance. Data were analyzed using thematic analysis, which involves identifying, analyzing and reporting patterns (themes) in the data. The themes were contextualized within the governance and human rights framework to draw connections between Islamic teachings and contemporary practices. This study seeks to provide a comprehensive understanding of how Hadith principles can contribute to inclusive governance and the protection of human rights.

RESULTS AND DISCUSSION

This study identified three main thematic principles from the Hadiths that align with inclusive governance and the rule of law: justice (*'adl*), consultation (*shura*), and protection of the weak and marginalized. These principles were extracted from primary sources such as *Sahih Bukhari* and *Sahih Muslim*, supplemented by scholarly commentaries.

Human Rights

Regarding the certainty of human rights, from the perspective of Islamic values, the Prophet Muhammad SAW has reminded us of the importance of this matter. He said,

"ليس من نفس تقتل ظلما، إلّا كان على ابن آدم الأوّل كفلٌ منها – وربّما قال سفيان من دمها – لأنّه أوّل من سنّ القتل أوّلًا" رواه البخاري

"The blood of a Muslim who bears witness that there is no god but Allah and that I am the Messenger of Allah is not lawful except in one of three cases: a married person who commits adultery, a life for a life, and one who abandons his religion and separates from the community." Narrated by Bukhari (Bukhari, Hadith No. 6359).

It is clear that the act of taking a life unjustly is a grave sin, as mentioned in the hadith. The severity of this action is emphasized by the fact that it is the first sin that was committed by the son of Adam, according to some scholars. This highlights the importance of valuing and respecting the sanctity of human life in Islam Then this was further reinforced by another hadith, in which the Prophet Muhammad said:

"لا يَحِلُّ دَمُ امْرِئٍ مُسْلِمٍ يشهدُ أن لا إله إلّا الله، وأنّي رسولُ الله إلاَّ بإِحْدَى ثَلاثٍ: الثَّيِّبُ الزَّانِيْ، وَالنَّفْسُ بِالنَّفْسِ، وَالتَّاركُ لِدِيْنِهِ المُفَارقُ للجمَاعَةِ " رواه مسلم

"The blood of a Muslim who bears witness that there is no god but Allah and that I am the Messenger of Allah is not lawful except in one of three cases: a married person who commits adultery, a life for a life, and one who abandons his religion and separates from the community." Narrated by Muslim

Violations of human rights are considered a form of tyranny, as they place something in the wrong context, meaning that human blood should not be shed (Maharani, 2024). In this matter, the Prophet Muhammad also conveyed a message in one hadith,

"انصر أخاك ظالما أو مظلما" فقال رجل: يا رسول الله، أنصره إذا كان مظلوما، أفرأيت إذا كان ظالما كيف أنصره؟ قال: "تحجزه، أو تمنعه، من الظلم فإنّ ذلك نصره" رواه البخاري

"Support your brother, whether he is an oppressor or the oppressed." A man said, "O Messenger of Allah, I can support him when he is oppressed, but how can I support him when he is the oppressor?" He said, "Prevent him or restrain him from committing injustice, for that is how you support him." Narrated by Bukhari.

Justice (*'adl*)

The hadith emphasizes the importance of justice in governance, highlighting its role in ensuring equality and preventing oppression. Therefore, it is important for every government, as a servant of the people, to ensure justice for every citizen. So that the government can provide appropriate and good services to each of its citizens. The Prophet Muhammad also praised anyone who is able to contribute positively to others. For example, the Hadith narrated by Tirmidzi,

أنّ النبي صلى الله عليه وسلم قال : أحبّ الناس إلى الله أنفعهم للناس، وأحبّ الأعمال إلى الله سرور تدخله على مسلم أو تكشف عنه كربة أو تقضي عنه دينا أو تطرد عنه جوعا ولأن أمشي مع أخٍ لي في حاجة أحبُّ إليّ من أن أعتكف في هذا المسجد ـ يعني مسجد المدينة – شهرا ومن كفّ غضبه ستر الله عورته و من كظم غيظه ولو شاء أن يمضيه أمضاه ملأ الله عزّ وجلّ قلبه أمنا يوم القيامة ومن مشى مع أخيه في حاجة حتى أثبتها له أثبت الله عزّ وجلّ قدمه على الصراط يوم تزلّ فيه الأقدام.

" The Prophet, peace be upon him, said: "The most beloved people to Allah are those who are most beneficial to people, and the most beloved deeds to Allah are bringing joy to a Muslim, relieving him of a hardship, paying off his debt, or alleviating his hunger. Walking with a brother of mine to fulfill a need is more beloved to me than secluding myself in this mosque - meaning the mosque of Medina - for a month. And whoever suppresses his anger, Allah will cover his faults, and whoever controls his rage, even if he could have acted on it, Allah will fill his heart with security on the Day of Judgment. And whoever walks with his brother to fulfill a need until it is established for him, Allah will establish his foot on the Sirat on the Day when feet will slip."." (Tirmidhi, Hadith No. 194). Then, in another hadith, the Prophet Muhammad explained the prohibition of committing injustice (*Dzolim*), as opposed to being justice (*'Adl*).

عن النبي صلى الله عليه وسلّم، فيما يرويه عن الله تعالى أنّه قال : يا عبادي إنّي حرّمت الظلم على نفسي، وجعلته بينكم محرّما، فلا تظالموا.

"From the Prophet Muhammad, peace be upon him, as narrated from Allah, the Exalted, who said: "O My servants, I have forbidden injustice (dzolim) upon Myself and made it forbidden among you, so don't being injustice one another." Narrated by Muslim (Muslim, Hadith No. 4676) Oppression (dzolim) is against justice and fairness, and it is one of the actions that provoke God's anger. Therefore, a believer must avoid oppression in all its forms, whether in financial or social rights. Those who avoid oppression and act with justice, God will make them steadfast on the Sirat on the Day of Judgment and fill their hearts with security and tranquility. This is in line with the framework of modern governance that prioritizes justice in public policy.

Consultation (*shura*)

Consultation in decision-making is a recurring theme, as exemplified in the Hadith:

أنّ رسول الله صلى الله عليه وسلّم قال : ألا كلكم راعٍ، وكلكم مسئول عن رعيّته، فالأمير الذي على الناس راعٍ عليهم، وهو مسئول عنهم، والرجل راعٍ على أهل بيته، وهو مسئول عنهم، والمرأة راعيةٌ على بيت بعلها وولده، وهي مسئولةٌ عنهم، والعبد راعٍ على مال سيّده، وهو مسئول عنه، فكلكم راعٍ، وكلكم مسئول عن رعيّته. رواه أبو داود

The Messenger of Allah, peace be upon him, said: "Indeed, each of you is a shepherd, and each of you is responsible for his flock. The ruler is a shepherd over the people and is responsible for them. A man is a shepherd over his family and is responsible for them. A woman is a shepherd over her husband's house and children and is responsible for them. A servant is a shepherd over his master's property and is responsible for it. So, each of you is a shepherd, and each of you is responsible for his flock." Narrated by Abu Dawood (Sunan Abu Dawood, Hadith No. 2858).

The Prophet Muhammad SAW emphasized the importance of taking responsibility for those under our care. Whether it be a leader responsible for their people, a man responsible for his family, a woman responsible for her household, or a servant responsible for their master's wealth, everyone is a shepherd and will be held accountable for their flock.

This hadith highlights the importance of leadership and accountability in all aspects of life. In the context of leadership and governance, this form of responsibility can be realized by implementing inclusive governance, as those in charge must fully understand what their responsibilities entail. This reflects the principles of participatory governance (Osmani, 2008), where inclusivity ensures diverse perspectives in policy formulation.

Protection of Marginalized Groups

Numerous Hadiths underscore the importance of protecting vulnerable groups, such as the saying,

"من نفّس عن مؤمن كربة من كرب الدنيا، نفّس الله عنه كربة من كرب يوم القيامة. ومن يسّر على معسر، بسّر الله عليه في الدنيا والآخرة. ومن ستر مسلما، ستره الله في الدنيا والآخرة. والله في عون العبد ما كان العبد في عون أخيه" رواه مسلم

"Whoever alleviates the hardship of a believer in this world, Allah will alleviate his hardship on the Day of Resurrection. And whoever makes it easy for a debtor, Allah will make it easy for him in this world and the Hereafter. And whoever conceals the faults of a Muslim, Allah will conceal his faults in this world and the Hereafter. And Allah is in the help of the servant as long as the servant is in the help of his brother." (Muslim, Hadith No. 2699). This principle resonates with the rule of law, which seeks to uphold the rights of all individuals, particularly those at risk of marginalization.

Principle	Hadith Source	Relevance to Governance
Human Rights	Muslim, Hadith No. 1676 and Bukhari, Hadith No. 2443 and 6359	Legal certainty and safety for the community
Justice (*'adl*)	Tirmidhi, Hadith No. 194 and Muslim, Hadith No. 4676	Equity and fairness in policy
Consultation (*shura*	Abu Dawood, Hadith No. 2928	Inclusive decision-making
Protection of the Weak	Muslim, Hadith No. 2699	Upholding rights of the vulnerable

Discussion

The findings demonstrate that the principles derived from the Hadith provide a robust ethical framework for governance and the rule of law. When juxtaposed with modern governance theories, these principles offer a unique blend of moral guidance and practical relevance.

1. **Human Rights**

At a glance, this hadith shows the importance of preserving life and human rights in the Islamic perspective. The Prophet Muhammad also taught his followers to respect each other and ensure each other's safety. Mutual respect and the protection of human rights are integral parts of Islamic teachings that must be firmly upheld by every Muslim.

This hadith underscores the significance of combating injustice, as demonstrated in Prophet Muhammad's admonition that it is necessary to assist both victims and perpetrators of injustice, even those closest to us or whom we love. This serves as a reminder that our devotion should always be directed toward justice and truth, rather than mindlessly supporting people who may be wrong. By speaking out against injustice and holding those responsible accountable for their acts, we eventually help them become better people and contribute to a more just society.

Furthermore, the substance of the hadith also states that remaining silent in the face of injustice can also be considered a form of involvement. As individuals, we have a moral obligation to stand firm on what is right and speak out against wrong, even if it means going against public opinion or risking our own relationships. The teachings of Prophet Muhammad emphasize the idea that true strength lies in standing up for justice, even in the midst of difficulties. Therefore, we must strive to embody these principles in our daily lives and work towards creating a more just and equitable society for all.

2. **Justice and Equity**

The emphasis on justice in the Hadith aligns with Rawls' theory of justice, which advocates for fairness as the foundation of social cooperation(Rilling et al., 2002). Both frameworks stress that justice must address structural inequalities to ensure societal harmony.

In Rawls' theory of justice, he introduces the concept of the original position, where individuals make decisions behind a veil of ignorance, unaware of their own circumstances (Oriji, 2023). This ensures that principles of justice are

chosen impartially, without bias towards any particular group. Similarly, the Hadith emphasizes the importance of treating others fairly and with respect, regardless of their background or social status. This shared focus on fairness and equality underscores the importance of addressing systemic injustices in society to promote a more just and equitable world.

In the context of post-globalization, justice is an important element for the social life of society. Justice is closely related to the protection of human rights (Dewi & Selyawati, 2017). Justice is also necessary to create harmony among diverse communities. By making good contributions to others, one can help improve welfare and justice in their environment. Thus, the values taught by the Prophet can serve as a guide for us in building a just and equitable society.

3. **Consultation and Participation**

The Hadith principle of *shura* mirrors democratic ideals that advocate for participatory governance (Bussu et al., 2022). By involving diverse stakeholders, inclusive governance enhances policy legitimacy and effectiveness.

In this context, consultation is not merely a formality, but a way to ensure that the voices of all parties are heard and considered in decision-making. By involving various parties in the consultation process, the resulting policies will be more representative and can better reflect the needs and aspirations of the community. In addition, consultation can also help build trust and legitimacy towards the decisions made, as it involves all relevant parties. For example, when the government plans infrastructure development in a certain area, consultation with local communities, environmental organizations, and other stakeholders can help identify the potential impacts of the project and take into account input from various perspectives. Thus, the resulting policies will be more comprehensive and aligned with the needs and interests of the general public.

4. **Protection of Vulnerable Groups**

The Hadith's call to safeguard the marginalized aligns with the United Nations' Sustainable Development Goal 16, which emphasizes peace, justice, and strong institutions. Both frameworks underscore the need to eliminate discrimination and uphold the dignity of all individuals (Killmister, 2017).

These four points, namely human rights, justice, openness or accountability, and protection of minorities, are important elements in implementing inclusive governance. However, these four elements will not function effectively if they are not reinforced by optimal rule of law. Because without legal authorization, the four elements will only be exploited by irresponsible parties (Nikhio et al., 2023).

By integrating these principles, governance models can address the challenges of the post-globalization era, fostering systems that are equitable, participatory, and protective of human rights. Future research should explore their practical implementation within diverse socio-political contexts to validate their applicability further (Mendes et al., 2020).

This research can then serve as a foundation for case studies of countries that have successfully implemented this governance model, as well as comparative analyses with countries that have not yet done so. Moreover, it would be beneficial to assess the long-term impacts of these models on social, economic, and environmental outcomes to determine their effectiveness in promoting sustainable development and social justice. Furthermore, examining the role of civil society organizations and grassroots movements in advocating for and shaping these governance models can provide valuable insights

into the dynamics of power and participation in the decision-making process.

CONCLUSION

This study explored the role of inclusive governance and the rule of law in protecting human rights in the post-globalization era through the perspective of the Hadith. The findings identified three core principles derived from the Hadith—justice (*'adl*), consultation (*shura*), and protection of marginalized groups—as essential components of effective governance frameworks. These principles align with modern governance practices and provide ethical guidance for addressing systemic inequalities, enhancing participatory decision-making, and safeguarding vulnerable populations.

The discussion highlighted that integrating these principles into contemporary governance models can bridge gaps in policy and practice, offering solutions to challenges such as political instability and marginalization. Justice ensures equity, *shura* fosters inclusivity, and the protection of vulnerable groups reinforces the commitment to universal human rights. Together, they create a governance framework that is both ethical and practical for addressing the complexities of the post-globalization era.

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