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# The Principles of Natural Justice: A Comparative Analysis between Secular and Islamic Law in Administrative Decision-Making

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## Abstract

This study aims to examine the principles of natural justice as conceptualized and applied in both common law and Islamic legal systems, with particular attention to the right to a fair hearing (*audi alteram partem*) and the rule against bias (*nemo iudex in causa sua*). The underlying values, interpretive methods, and procedural expressions of these principles were also assessed across distinct legal traditions. The study procedures were carried out using a qualitative comparative legal methodology. Data were obtained from primary sources, judicial precedents, and scholarly interpretations to analyze the doctrinal foundations and practical applications in both systems. The results showed that although Islamic law was based on religious texts and common law on judicial precedents, both systems upheld the core values of justice, fairness, impartiality, and procedural integrity. Islamic law established these principles in the Qur'an, Sunnah (Hadith), and interpretive tools, such as *ijtihad*, *maṣlaḥah*, and *istiḥsān*, while common law emphasized constitutional norms and case law. The originality of this study lies in its integrated approach, which shows both the convergence and divergence of procedural justice across secular and religious frameworks. The results are significant for fostering cross-cultural legal understanding and informing reforms in pluralistic jurisdictions. Although primarily theoretical, this current study provides a foundation for future empirical studies in countries such as Malaysia, Indonesia, and Nigeria, where both systems co-exist. These further studies could enrich discussions on legal pluralism and support the development of more inclusive legal systems.

**Keywords:** Natural Justice; Islamic Law; Common Law; Comparative Law; Rule against Bias.

## Abstrak

Penelitian ini bertujuan untuk mengkaji prinsip-prinsip keadilan alamiah sebagaimana dikonseptualisasikan dan diterapkan dalam sistem hukum umum (*common law*) dan sistem hukum Islam, dengan fokus khusus pada hak atas persidangan yang adil (*audi*

*alteram partem*) dan larangan terhadap bias (*nemo judex in causa sua*). Nilai-nilai mendasar, metode interpretasi, dan ekspresi prosedural dari prinsip-prinsip tersebut juga dievaluasi di berbagai tradisi hukum yang berbeda. Prosedur penelitian dilakukan menggunakan metodologi hukum komparatif kualitatif. Data diperoleh dari sumber primer, putusan pengadilan, dan interpretasi akademis untuk menganalisis landasan doktrinal dan penerapan praktis dalam kedua sistem tersebut. Hasil penelitian menunjukkan bahwa meskipun hukum Islam didasarkan pada teks-teks agama dan hukum umum didasarkan pada preseden yudisial, kedua sistem tersebut tetap memegang teguh nilai-nilai inti keadilan, kesetaraan, imparsialitas, dan integritas prosedural. Hukum Islam menetapkan prinsip-prinsip ini dalam Al-Qur'an, Sunnah (Hadis), dan alat-alat interpretasi seperti *ijtihad*, *maslahah*, dan *istihsan*, sementara hukum umum menekankan norma-norma konstitusional dan yurisprudensi. Keunikan studi ini terletak pada pendekatan terintegrasinya, yang menunjukkan baik konvergensi maupun divergensi keadilan prosedural di antara kerangka sekuler dan agama. Hasilnya penting untuk mempromosikan pemahaman hukum lintas budaya dan memberikan masukan untuk reformasi di yurisdiksi pluralistik. Meskipun bersifat teoretis, studi ini menyediakan landasan untuk penelitian empiris di masa depan di negara-negara seperti Malaysia, Indonesia, dan Nigeria, di mana kedua sistem tersebut berjalan bersama. Penelitian lebih lanjut dapat memperkaya diskusi tentang pluralisme hukum dan mendukung pengembangan sistem hukum yang lebih inklusif.

**Kata kunci:** Keadilan Alamiah; Hukum Islam; Hukum Umum; Hukum Perbandingan; Larangan Diskriminasi.

## Introduction

Natural justice, often referred to as procedural fairness, constitutes a foundational doctrine in legal systems that governs the legitimacy of decision-making processes involving individual rights and obligations. It primarily rests on 2 core principles, namely *audi alteram partem* (the right to a fair hearing) and *nemo judex in causa sua* (the prohibition of bias). Despite its ancient roots in Roman law and early religious jurisprudence, natural justice has become increasingly significant in contemporary legal discourse, specifically with the global expansion of administrative law and the rise of international human rights norms (J. S. Butt, 2024; Rozpedowski, 2020). However, in an era marked by growing bureaucratic complexity and the expansion of state discretion, procedural fairness is not always guaranteed, particularly in contexts involving immigration control, national security, or digital governance (Grieve, 2023; Meers et al., 2023). For instance, according to a 2022 report by the UK Public Law Project, over 27% of immigration appeal cases were associated with allegations of unfair hearings, indicating systemic vulnerabilities in upholding natural justice.

In secular legal systems, specifically common law jurisdictions, natural justice serves as a major check against the arbitrary or disproportionate exercise of authority by administrative or judicial bodies (Bari, 2019; Graver, 2018). Case law across various domains shows that the doctrine has undergone functional adaptation in response to evolving political and institutional contexts (Patterson & Huitema, 2019). In the United Kingdom,

the Supreme Court's decision in *R (on the application of Pathan) v Secretary of State for the Home Department* [2020] UKSC 41 reaffirmed that individuals must be granted a meaningful opportunity to respond before adverse administrative decisions are taken (Graham, 2024). Meanwhile, in Canada, the Supreme Court has refined the scope of procedural fairness through a contextual and proportionality-based lens, as evidenced by its landmark rulings in *Canada (Minister of Citizenship and Immigration) v Vavilov* [2019] SCC 65. Such developments show the dynamic interplay between legal traditions and contemporary challenges in sustaining fair legal processes (Pomaza-Ponomarenko et al., 2024). Despite these advancements, significant disparities persist in how procedural fairness is interpreted and enforced across jurisdictions, raising critical questions about the universality and adaptability of natural justice in pluralistic legal orders.

Secular law, in this study, refers to legal systems that derive their authority from human reasoning, constitutions, and democratic processes, which are independent of religious doctrines (Safa'at, 2022). Meanwhile, common law is a major secular legal tradition that emphasizes precedent and judicial reasoning in ensuring procedural justice (Mousourakis, 2025). Islamic law (Sharī'ah), while also upholding justice as a core value, derives its principles from divine sources, primarily the Qur'ān, Sunnah (Hadith), and juristic consensus (*ijmā'*), along with analogical reasoning (*qiyās*). In Islamic jurisprudence, procedural fairness is articulated through principles, such as *'adl* (justice), *shūrā* (consultation), and the prohibition of *ẓulm* (oppression), and is reflected in classical legal manuals and modern fatwas (Rosen, 1981).

Several recent studies have increasingly explored the intersection of procedural justice across diverse legal systems, indicating the presence of both convergence and divergence in foundational principles. According to Craig (2021), natural justice in common law has undergone a shift toward contextual proportionality, specifically in administrative law. Fairness is no longer applied as a rigid formula but tailored to case-specific factors. Beaudoin (2020) examined the Canadian approach, emphasizing the evolving thresholds for ensuring fair hearing based on the nature of administrative decisions. Meanwhile, Tew (2019) reported the constitutional dimensions of procedural fairness in post-colonial legal systems, suggesting that common law's flexible standards have allowed for local adaptation. In the context of Islamic law, Kamali (2019) and Auda (2021) argued that concepts, such as *'adl* (justice) and *shūrā* (consultation), function as normative equivalents to secular fairness, though grounded in divine authority rather than procedural codes. Al-Dawoody (2020) explored Islamic criminal justice and reported the strong emphasis on impartiality, the presumption of innocence, and the right to be heard. In a comparative study, Baderin (2022) analyzed how international human rights law increasingly

recognized Islamic legal mechanisms that were consistent with procedural justice. Meanwhile, Mansoor and Syed (2023) reported recent reforms in Sharia-based courts in the UAE and Malaysia that incorporated fair hearing standards similar to those in secular systems. These studies collectively revealed that while the terminologies and sources differed, the commitment to impartial adjudication and participatory processes was a shared ideal across both traditions.

This current study presents a timely and critical comparative analysis of natural justice principles, specifically the right to a fair hearing and judicial impartiality, in the frameworks of common and Islamic laws. While both legal systems strive to uphold fairness and justice, their mechanism is rooted in distinct doctrinal foundations, sources of authority, and institutional mechanisms. By revisiting the conceptual framework and integrating recent legal developments and academic discourse, this study offers a renewed and nuanced perspective on an area that is often oversimplified in legal literature. The urgency and importance of the current study lie in its potential to bridge gaps in understanding between secular and religious legal traditions, particularly in an era where cross-system dialogue and legal pluralism are increasingly necessary. The results are expected to provide insights on the enduring relevance of natural justice in the 2 most influential legal systems, one grounded in secular rationality and the other in divine revelation.

## Methods

This study aimed to examine and compare the principles of natural justice in common law and Islamic legal systems by investigating how both traditions conceptualize fairness, impartiality, and due process. The similarities and differences in their foundations and applications were also identified. The goal was to provide an understanding of how natural justice operated within each system and contributed to broader notions of legal and moral order. A qualitative approach was applied using a comparative-normative design grounded in library-based studies. Primary and secondary sources, including legal texts, judicial decisions, journal articles, and authoritative commentaries, were analyzed to understand how the principle of impartiality was framed and operationalized in both secular and Islamic legal systems. This study specifically examined indicators of judicial impartiality, such as the independence of adjudicators, the presence of conflicts of interest, procedural transparency, and the right to challenge or disqualify a judge to ensure a focused comparison. Furthermore, these indicators were derived from contemporary legal scholarship and international procedural standards (such as Bangalore Principles of Judicial Conduct, 2002; UN Basic Principles on the Independence of the Judiciary, 1985)

and were then used as analytical tools to assess how both legal traditions embodied and applied the principle of impartiality. Through this comparative framework, the study aimed to reveal both the convergence and divergence between the secular and Islamic notions of justice.

The data were collected using Systematic Literature Review (SLR) method to ensure a structured and comprehensive analysis of relevant sources. This method comprised clearly defined inclusion and exclusion criteria, database selection, and thematic coding to improve the reliability and transparency of the review process. The scope of the study was delimited to the principle of judicial impartiality in the broader framework of natural justice, as understood and implemented in 2 legal traditions, namely common law (secular legal systems) and Islamic law (Shari'ah). Furthermore, the review focused on academic publications, court rulings, legal commentaries, and normative texts, ensuring that the analysis was grounded in recent scholarly developments. In Islamic context, primary sources such as the Qur'an, Hadith, and classical Islamic jurisprudence were used, along with modern interpretations by Islamic legal scholars. Secondary sources included peer-reviewed journals, legal encyclopedias, and digital academic databases. The analysis was conducted through content analysis, allowing for the classification and comparison of principles such as fair hearing, impartiality, legal representation, and proportionality of punishment. By comparing these elements in both legal systems, the study identified convergences and divergences in how justice was framed and practiced. This approach ensured a deep and balanced assessment of both common law and Islamic legal understandings of natural justice.

## Results and Discussion

### Natural Justice in Common Law and Islamic Legal Traditions: A Comparative Ethical Framework

Natural justice referred to the cornerstone of procedural fairness in legal systems globally (Gaffar & Al Mamari, 2024). In common law jurisdictions, such as the UK and Australia, this principle evolved through case law into broader doctrines of administrative fairness and judicial accountability (Brewer-Carias, 2023). In this study, 2 foundational maxims formed its core, namely *nemo iudex in causa sua* (no one shall be a judge in their own case) and *audi alteram partem* (the right to a fair hearing). These were not merely legal requirements but ethical imperatives, upholding judicial legitimacy and public trust in legal institutions.

In common law, the evolution of natural justice could be traced through major judicial decisions (Olwig, 2019). The case of *R v Sussex Justices, ex parte McCarthy* [1924]



affirmed that “justice must not only be done, but must manifestly and undoubtedly be seen to be done.” Similarly, in *Kioa v West* (1985), the High Court of Australia emphasized the procedural obligation to inform affected parties and allow responding. These cases established the modern understanding of procedural fairness and marked a shift toward the more general “duty of fairness” in administrative decision-making (Collins & Golding, 2024; Hammond, 2018).

Though often framed in secular legal discourse, the ethical support of natural justice was not unique to Western jurisprudence (Elmahjub, 2021). Islamic legal tradition (fiqh) also embraced procedural integrity, though conceptualized differently (Seema Gul et al., 2025). While the terminology of “natural justice” was not found in classical Islamic literature, its substantive principles, such as impartiality, right to defense, and transparency in decision-making, were deeply embedded in the ethical and legal mandates of Shari‘ah (Ismail et al., 2024). These values were not only abstract ideals but operationalized through judicial guidelines and theological imperatives grounded in the Qur’an and Hadith.

Impartiality, for example, was a central theme in both legal traditions, grounded in distinct epistemological foundations. In secular law, the rule against bias ensured that judges and decision-makers functioned without prejudice or personal interest (Kislowicz, 2018). Cases such as *Dimes v Grand Junction Canal* (1852) and *Surinder Singh Kanda v Federation of Malaya* (1962) had established that even the appearance of bias was enough to render a decision invalid. This reflected a legal culture that prioritized public perception of fairness as much as actual fairness.

In Islamic jurisprudence, impartiality (‘adl) was not simply a legal requirement but a religious command. The Qur’anic verse (4:135) mandated believers to “stand firmly for justice, even against yourselves, your parents, or your kin,” emphasizing the moral seriousness of adjudicative neutrality. Classical jurists such as al-Māwardī outlined the conditions under which a judge (qāḍī) must be disqualified, including personal enmity, shared economic interests, or any circumstance that could cast doubt on the judge’s impartiality. Therefore, while rooted in divine ordinance rather than secular rationalism, Islamic law upheld a parallel commitment to unbiased adjudication (Graber-Mitchell, 2022).

This ethical alignment was further observable in legal systems that integrated both secular and Islamic elements (S. Ahmad et al., 2023). In Indonesia, administrative law reflected a synthesis of Dutch colonial legal heritage and Islamic ethical frameworks (Saleem et al., 2024). Principles of *keadilan* (justice) in judicial reasoning were often drawn from both *Pancasila*, which was the state ideology emphasizing social justice, and Islamic legal ethics (Abra & Wahanisa, 2020). Similarly, in Egypt, a civil law jurisdiction had a strong

Islamic legal influence, and the constitution affirmed the rule of law while also recognizing the role of *uṣūl al-fiqh* (Islamic legal theory) in constitutional interpretation (Anshori & Abdurrahman, 2025). Article 94 of the Egyptian Constitution identified the rule of law as the foundation of governance, while judicial decisions from the Constitutional Court often cite *maqāṣid al-sharīʿah* (the higher objectives of Islamic law) to reinforce principles of administrative fairness and due process (Siddiq et al., 2024).

Another major component of natural justice was the right to a fair hearing (Završnik, 2020). In common law, this principle had been reinforced through cases, such as *Ridge v Baldwin* (1963) and *Kioa v West* (1985), which emphasized that individuals must be given adequate notice and a real opportunity to respond to allegations or decisions. This principle was integral to the legitimacy of legal procedures, ensuring that justice was not only carried out but also perceived as participatory and equitable (Carrick et al., 2023).

Islamic legal tradition embodied this right through the doctrine of *ḥaqq al-difāʿ* (right to defense) (Bayoumi & Hamdy, 2023). Classical jurists argued that litigants must be notified of claims against their personality and be given a full opportunity to present their side (Jeklic, 2023). The Prophet Muhammad's reported statement, "When people are given according to their claims, some could claim the lives and property of others. But the burden of proof is upon the claimant, and the oath is upon the one who denies," (Hadith, Bukhārī and Muslim), clearly articulated the necessity of balanced, evidence-based proceedings. Islamic courts historically enforced these procedural guarantees, and modern religious courts, such as Indonesia's *Pengadilan Agama*, institutionalized similar protections (Azzahra & Shuaib, 2022; S. Butt, 2018). These included parties that were summoned, could submit evidence, and were entitled to legal representation, mirroring both secular standards and Islamic legal ethics (N. Ahmad et al., 2025).

While the right to legal representation and the duty to provide reasons for judicial decisions were not always absolute in secular systems (Khaitan, 2019), see *R v Secretary of State for the Home Department, ex parte Tarrant* [1985], Islamic law tended to emphasize both clarity and accountability in legal rulings. Jurists such as al-Shāṭibī advocated that judgments must be articulated and grounded in the objectives of *Sharīʿah* (Tajdin, 2020). This idea of *bayān al-ḥukm* (clarity of ruling) was consistent with the modern emphasis on reasoned decision-making as a component of procedural fairness.

This ethical coherence was reflected in contemporary practice. In Indonesia and Malaysia, for instance, judicial opinions often invoked *qawāʿid fiqhiyyah* (Islamic legal maxims) alongside statutory frameworks (Shebaita, 2025). The use of *maqāṣid al-sharīʿah*, particularly concepts, including *ʿadl* (justice) and *ḥifẓ al-nafs* (protection of life), demonstrated how Islamic principles reinforce the values associated with natural justice

(Abdelzaher et al., 2019; Bhat & Nabi, 2024). Courts annulled decisions made without adequate process, citing both statutory norms and Islamic ethical considerations (Aljber et al., 2025). Egypt's judiciary had followed similar reforms since the 1990s, gradually integrating fair hearing guarantees and requiring greater transparency, specifically in administrative adjudication.

Secular and Islamic legal systems were built on different epistemological foundations, namely rationalism and empiricism in the former, divine revelation and ethical theology in the latter. This study showed that both traditions converged on key procedural values (Hanifah et al., 2019). Furthermore, this convergence was not merely coincidental but reflected a universal human concern with justice, fairness, and accountability.

This study argued that recognizing natural justice's shared ethical core across legal traditions is both timely and essential. As global systems face growing complexity, pluralism, and transnational issues, cross-jurisdictional dialogue becomes vital. This comparative ethical analysis of natural justice, rooted in both common law and Islamic thought, fostered this dialogue by showing shared norms and clarifying differences. Examining natural justice through these 2 lenses revealed both doctrinal diversity and ethical unity. By showing a mutual commitment to fairness, impartiality, and participatory justice, this study significantly contributes to contemporary legal scholarship. It also emphasized the urgent need to re-examine foundational legal principles regarding global changes, promoting intercultural understanding and strengthening the universal demand.

### **The Principles of Natural Justice in Islamic Law: A Comparative Perspective**

While the term “natural justice” was not explicitly found in Islamic legal terminology, *maqāṣid al-sharīʿah* (objectives of Islamic law) and principles derived from the Qurʾan and Hadith upheld key values such as fairness (*ʿadl*), procedural integrity, and impartiality. In comparative legal study, specifically between secular and Islamic legal systems, it was essential to align the concepts being compared. This section examined 2 major principles of natural justice, namely the rule against bias and the right to a fair hearing, and drew structured comparisons between their application in secular and Islamic legal traditions.

In common law systems, the rule against bias was comprised in the maxim *nemo iudex in causa sua* (no one should be a judge in their cause) (Valsan, 2019). Judicial decisions must not only be free from actual bias but must also appear impartial (Levi, 2020; Mehrabi et al., 2021). The standard was not only actual bias but also apprehended bias, as emphasized in *Ebner v Official Trustee in Bankruptcy* (2000) and *Dimes v Grand Junction Canal* (1852), where a judge's financial interest led to the annulment of the judgment. Islamic legal system upheld impartiality as a divine command. The Qurʾan (4:135) stated:



“O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives...”

Judges (qāḍī) were required to maintain neutrality and disqualified from hearing cases involving personal interest, kinship, or enmity, criteria closely resembling the secular concern over bias. Classical jurists such as al-Māwardī and Ibn Farḥūn emphasized that any inclination, such as personal, tribal, or emotional, rendered a judge unfit to rule on a case.

### Comparison

Indicator	Secular Law	Islamic Law
<b>Definition of Bias</b>	Actual or perceived lack of impartiality	Any personal connection or prejudice violating ‘adl
<b>Standard</b>	Apprehended bias invalidates a decision	Presumption of injustice if personal interest exists
<b>Authority</b>	Judicial precedents and administrative law	Qur’anic injunctions and legal treatises of jurists
<b>Example</b>	Dimes v Grand Junction Canal (judge’s financial interest)	Prophet’s refusal to judge where tribal affiliation existed ( <a href="#">Sahih Bukhari, Hadith 2690</a> )

The principle audi alteram partem (let the other side be heard) ensured that no individual was condemned unheard. This included the right to notice, opportunity to respond, and to present evidence. Key cases such as *Kioa v West* (1985) and *Ridge v Baldwin* (1963) establish this right as foundational to procedural fairness in administrative and judicial decisions. Islamic jurisprudence mandated the right to be heard as a component of justice. The Prophet Muhammad stated that:

“If people were given according to their claims, some would claim the lives and wealth of others. But the burden of proof is upon the claimant, and the oath is upon the one who denies.” ([Sahih Muslim](#))

This reflected a structured hearing process. In the case of the missing camel, the Prophet required the accuser to provide evidence, and when none was forthcoming, the accused was acquitted ([Sahih Muslim, Book 3, Hadith 1039](#)). Similarly, in the false accusation case, a thorough investigation and defense opportunity led to the exoneration of the falsely accused ([Sahih Bukhari, Book 8, Hadith 78](#)).

Comparison

Indicator	Secular Law	Islamic Law
Right to Notice	Mandatory for valid decision	Required to ensure just process
Right to Respond	Parties must be heard before judgment	Equal opportunity to present defense
Proof Standards	Varies (civil/criminal); procedural fairness	Burden of proof on claimant; defense by oath
Authority	Judicial decisions and procedural codes	Hadith and jurisprudence (fiqh)
Example	Kioa v West (immigrant denied procedural hearing)	Prophet’s adjudication in camel theft case

This comparative analysis demonstrated that while secular and Islamic law arose from different epistemological sources, namely rationalism versus revelation, a commitment to procedural integrity was shared. Both systems upheld the principles of impartiality and fair hearing, though grounded in different legal doctrines. Recognizing these parallels enriched comparative legal studies and supported the development of hybrid legal systems such as those in Indonesia and Egypt, where both traditions informed administrative justice.

Converging and Diverging Principles of Natural Justice in Secular and Islamic Legal Systems

The comparative analysis revealed a jurisprudential novelty by demonstrating that both secular and Islamic legal systems embraced structurally similar procedural commitments to natural justice (Riyadi et al., 2025). This included fairness, impartiality, and accountability, which diverge sharply in their epistemological roots and ontological orientations (Kumalo, 2021). The core finding was significant because it was beyond descriptive similarities to unveil how each system conceived justice not merely as a legal procedure (Stivers et al., 2023), but as a reflection of deeper philosophical and theological commitments. Furthermore, the secular tradition situated natural justice within human reason, evolving through legal positivism and institutional practice (Murphy, 2019). Islamic law embedded these values in a theocentric moral framework sourced from divine revelation (Siddiqi, 2021). This contrast redefined the principle of natural justice not as a universal abstraction but as a contextual legal construct shaped by different cosmologies and interpretive authorities.

Table – Structured Similarities and Differences

Aspect	Secular Legal System	Islamic Legal System
<b>Ethical Foundation</b>	Fairness, impartiality, justice (via legal philosophy and administrative law)	‘Adl (justice), fairness, prohibition of bias (through Qur’an and Hadith)
<b>Due Process Mechanisms</b>	Right to be heard, legal representation, judicial review	Right to be heard, fair judgment, grounded in scriptural ethics
<b>Governance Objective</b>	Accountability through legal institutions and review mechanisms	Accountability through Hisbah, divine command, and communal responsibility
<b>Sources of Normativity</b>	Human reason, legal positivism, and court precedents	Divine revelation, prophetic tradition, and juristic consensus (Ijmā’)
<b>Implementation Tools</b>	Codified statutes, legal bureaucracy, judicial oversight	Ijtihād, fatwā, Qazi rulings, with tools like Maşlahah and Istihşān
<b>Ontological View</b>	Law as a man-made safeguard for liberty and fairness	Law as a divine system for moral-spiritual and social order

Both secular and Islamic legal systems upheld the principle of procedural fairness as a cornerstone of justice. This commonality stemmed from a shared belief in the importance of impartiality, the right to be heard, and protection against bias. Secular legal traditions, such as those in Australia and the UK, institutionalized these principles through judicial review, codified rules of evidence, and administrative procedures. Islamic law promoted the principles through Qur’anic mandates, Prophetic traditions, and legal maxims, such as al-ḥukmu ‘ala al-shay’i far‘un ‘an taşawwurihi (a ruling depended on proper understanding), ensuring that fairness was embedded in every legal proceeding. This convergence emphasized a universal legal ethic that exceeded doctrinal boundaries, reinforcing the idea that just procedure was essential for legitimate authority in both traditions.

Despite surface similarities, secular and Islamic legal systems differed fundamentally in their sources of authority and epistemological foundations. Secular law was generally grounded in human rationality, constitutionalism, and positivism, with legitimacy derived from democratic institutions and evolving legal norms (Gibbs, 2024). However, Islamic law was rooted in divine revelation, with primary sources being the

Qur'an and Hadith, complemented by *ijmā'* (consensus) and *qiyās* (analogical reasoning). While secular legal systems emphasized autonomy and legislative supremacy, Islamic law emphasized obedience to divine will and moral responsibility (Hasan et al., 2024). This contrast revealed how each system perceived justice. One was a product of societal consensus, and the other was a reflection of transcendent command.

Beyond their core philosophies, the 2 systems adapted and administered justice differently. Secular law used statutory reform, judicial interpretation, and institutional checks for coherence. Islamic law used *ijtihād* (independent reasoning), *maṣlaḥah* (public interest), and *istiḥsān* (juristic preference) for flexibility in scriptural bounds (Farid, 2023). Therefore, a secular court might reinterpret a right, while an Islamic jurist could issue a *fatwā* balancing tradition with modern needs. Both sought adaptability, but through distinct methods reflecting their worldviews.

The 2 legal systems diverged significantly in their understanding of justice. Secular frameworks define justice as a social construct, designed to maintain order and individual rights. However, Islamic law regarded justice (*'adl*) as a divine command, linked to spiritual duty and moral order. Secular justice developed through human agreement, and Islamic law held a God-centered view, where legal acts were devotional and aimed at fulfilling divine duty. This core difference influenced not just the law's role but its ultimate aim. Secular systems sought societal harmony, while Islamic law pursued both earthly order and ultimate salvation.

## Conclusion

In conclusion, the principles of natural justice, particularly fairness, impartiality, and accountability, form a foundational element in both secular and Islamic legal traditions. Although these systems arise from distinct epistemological and normative frameworks, a commitment to ensuring procedural justice and protecting individual rights in administrative decision-making is shared. Secular law typically derives these principles from constitutional texts, jurisprudence, and legal precedents, while Islamic law is grounded in the Qur'an, Hadith, and interpretative tools such as *ijtihād*, *maṣlaḥah* (public interest), and *istiḥsān* (juristic preference). Despite differences in sources and methods of implementation, both legal systems uphold the right to be heard, the requirement of impartial adjudication, and the objective of good governance as essential procedural safeguards. This comparative inquiry is significant not only for revealing these shared values but also for demonstrating how each system offers unique mechanisms that enrich the understanding of justice. One of the strengths of this study lies in its integrated approach, which emphasizes both convergences and divergences in a balanced manner. This contributes to the broader discourse on legal pluralism, reform, and cross-cultural

legal understanding. However, this study is limited by its largely theoretical orientation and the lack of detailed case studies from jurisdictions where both secular and Islamic principles coexist in legal practice. Future study could enhance this foundation by exploring how natural justice principles are applied and contested in real-world administrative or judicial contexts, such as in Malaysia, Indonesia, or Nigeria. Such findings will not only ground the theoretical insights in empirical reality but also inform the development of more inclusive and effective legal systems that reflect both universal principles and cultural particularities.

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