

Islamic economics is about solutions theology religion flashcard



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Contents

- The Islamic System Compared with Other System

Muslim economic sciences is about solutions to economic issues in existent life on the footing of the Shariah rules. The Shariah position implies that the Islamic economic solutions will give the best consequences in a Shari'ah-compliant institutional model. As explained hereunder, this does not restrict the pertinence of the Islamic economic solutions. These solutions remain applicable in Islamic every bit good as other scenes, whether in Muslim or in other societies. The Shari'ah-perspective aid to pull attending to institutional agreements that are not frequently appreciated in the academic discourse.

Harmonizing to the Islamic worldview, this life is a trial for adult male. For the intent of trial, Allah SWT gave adult male free will and let private ownership. This, in bend, implies that people can have belongings and exchange belongings rights. How can 1000000s and 1000000s of economic agents do so with their free will? The reply is a^•through the establishment of market.

It is, hence, safe to reason that the Shari'ah prescribes a market-based economic system. This decision is besides confirmed by tonss of Ahadith on signifiers of minutess and the grounds available for the first Islamic economic system during the yearss of the Prophet SAAWS and his rightly-guided replacements. One may add the undermentioned point to the above point about market-based character of Islamic economic system. Allah SWT is the Original, the Absolute and the Ultimate Owner of everything that is in the celestial spheres and the Earth. This, in bend, implies that when two people

enter into exchanges with one another, Allah SWT is ever the Third-Party. Thus, His Will besides affairs in how minutess are to take topographic point. The Divine Will is available to us in the signifier of general rules regulating allowable exchanges every bit good as elaborate regulations for the assorted minutess norms. The former include, among others, free willing consent of all stakeholders, no dealing of a thing on which 1 does non hold a Shari'ah-recognized claim, no obscure elements in contracts, no qimar and no riba.- The rule of no qimar implies that all exchanges inspired by economic considerations must affect some quid pro quo. And, the rule of no riba requires that all loans, debts and similar other exchanges must be carried out on an equal footing in footings of the relevant units of exchange. With these chief limitations, people may make trading, renting, partnership-based exchanges, lending and a host of other exchanges. The list besides extends to more complex instances affecting many exchanges among several parties, both at a point in clip and across clip. The possibilities are virtually limitless. It is easy to conceive of the being of an economic system comparable to a modern economic system where persons, concerns and companies exist, and work in a paid mode for themselves and the others. Market signifiers would depend on the being of replacements for different merchandises and the figure of participants on the demand and the supply sides.

On the fiscal plane, the Islamic rules for exchanges will hold the undermentioned deductions. Institutions like Bankss may be for economic grounds, but with the following differences from the modern-day scene. Banks would no more be pure fiscal mediators that borrow short and lend

long. They would be economic agents. They would interact with resource-surplus units in two ways. First, they may supply interest-free demand sedimentations for those seeking security of their money and flexibleness in the usage of the financers.

Second, they would come in into partnership contracts with proprietors of financers witting about seeking a return on their money. On the funding side, the limitation of a[^]•no involvement will govern out the Bankss supplying recognition to their clients who can utilize it at their discretion. This will coerce the Bankss to really come in into the dealing procedure at the grassroots degree as bargainers, lesser and spouses. To this, one may add that Shari'ah-based divisible and tradable fiscal instruments will add deepness to the Islamic money market. This will take the duality between funding by the Bankss and its usage at the beneficiaries'end, and, therefore that between fiscal flows and existent flows in the economic system.

The Aims of the Islamic Government

It is our responsibility to work toward the constitution of an Muslim authorities. The first activity we must set about in this regard is the extension of our instance ; that is how we must get down.

It has ever been that manner, all over the universe: a group of people came together, deliberated, made determinations, and so began to propagate their purposes. Gradually, the figure of like-minded people would increase, until eventually they became powerful plenty to act upon a great province or even to face and subvert it, as was the instance with the ruin of Muhammad ' Ali MA« rzA? and the displacement of his absolute monarchy with constitutional

authorities. Such motions began with no military personnels or armed power at their disposal ; they ever had to fall back to propagating the purposes of their motion foremost. The larceny and dictatorship practiced by the government would be condemned and the people awakened and made to understand that the larceny inflicted on them was incorrect. Gradually, the range of this activity would be expanded until it came to encompass all groups of society, and the people, awakened and active, would achieve their end.

You have neither a state nor an ground forces now, but propagating activity is possible for you, because the enemy has been unable to strip you of all the needed agencies.

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You teach the people affairs associating to idolize, of class, but more of import are the political, economic, and legal facets of Islam. These are, or should be, the focal point of our concern. It is our responsibility to get down exercising ourselves now in order to set up a truly Muslim authorities. We must propagate our cause to the people, teach them in it, and convert them of its cogency. We must bring forth a moving ridge of rational waking up, to emerge as a current throughout society, and bit by bit, to take form as organized Islamic motion made up of the awakened, committed, and spiritual multitudes who will lift up and set up an Muslim authorities.

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Propagation and direction, so, are our two cardinal and most of import activities. It is the responsibility of theA fuqahA? A to proclaim faith and

teach the people in the credo, regulations, and establishments of Islam, in order to pave the manner in society for the execution of Islamic jurisprudence and the constitution of Islamic establishments. In one of the traditions we have cited, you will hold noticed that the replacements of the Most Baronial Messenger (s) are described as “ learning the people ” -that is, teaching them in faith.

A

This responsibility is peculiarly of import under the present fortunes, for the imperialists, the oppressive and unreliable swayers, the Jews, Christians, and materialists are all trying to falsify the truths of Islam and take the Muslims astray. Our duties of extension and direction are greater than of all time earlier. We see today that the Jews (may God cuss them) have meddled with the text of the Qur'an and have made certain alterations in the Qur'ans they have printed in the occupied districts. It is our responsibility to forestall this unreliable intervention with the text of Qur'an. We must protest and do the people aware that the Jews and their foreign angels are opposed to the very foundations of Islam and wish to set up Judaic domination throughout the universe. Since they are a craft and resourceful group of people, I fear that-God forbid! -they may one twenty-four hours accomplish their end, and that the apathy shown by some of us may let a Jew to govern over us one twenty-four hours. May God ne'er let us see such a twenty-four hours!

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At the same clip, a figure of orientalises functioning as propaganda agents for the imperialist establishment are besides active in enterprise to falsify and belie the truths of Islam. The agents of imperialism are busy in every <https://assignbuster.com/islamic-economics-is-about-solutions-theology-religion-flashcard/>

corner of the Islamic universe pulling our young person from us with their evil propaganda. They are non change overing them into Jews and Christians ; they are perverting them, doing them irreligious and indifferent, which is sufficient for their intents. In our ain metropolis of Tehran now there are centres of evil propaganda run by the churches, the Zionists, and the BahA?'is in order to take our people astray and do them abandon the regulations and instructions of Islam. Do we non hold a responsibility to destruct these Centres that are damaging Islam? Is it plenty for us merely to possess Najaf? A (Actually, we do non even have Najaf!) Should we be content to sit keening in Qum, or should we come to life and be active?

A

You, the younger coevals in the spiritual establishment, must come to the full to life and maintain the bid of God alive. Develop and polish your thought, and lay aside your concern with the minutiae and nuances of the spiritual scientific disciplines, because that sort of concentration on junior-grade item has kept many of us from executing our more of import responsibilities. Come to the assistance of Islam ; salvage Islam! They are destructing Islam! Raising the Torahs of Islam and the name of the Most Baronial Messenger (s) , they are destructing Islam! Agents-both aliens sent by the imperialists and indigens employed by them-have spread out into every small town and part of Iran and are taking our kids and immature people astray, who might otherwise be of service to Islam one twenty-four hours. Help salvage our immature people from this danger!

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It is your responsibility to circulate among the people the spiritual cognition you have acquired and to introduce them with the topics you have learned. The bookman or theA faqA« hA is accorded congratulations and glorified in the traditions because he is the 1 who makes the regulations, philosophies, and establishments of Islam known to the people and instructs them in the Sunnah of the Most Baronial Messenger (s) . You must now give your energies to the undertakings of extension and direction in order to show Islam more to the full to the people.

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It is our responsibility to chase away the uncertainties about Islam that have been created ; until we have erased these uncertainties from people ' s heads, we will non be able to carry through anything. A We must affect upon ourselves and upon the generation-and even the coevals after that-the necessity for chase awaying these uncertainties about Islam that have arisen in the heads of many people, even the educated among us, as the consequence of centuries of false propaganda. You must introduce the people with the worldview, societal establishment, and signifier of authorities proposed by Islam, so that they may come to cognize what Islam is and what its Torahs are.

Gradual Change

If we truly eager to witness our Islamic Ideal are being applied into world, one must non supervise the cardinal footing of the jurisprudence of the nature which brings all inactive and alterations which seems impossible in

the corporate life[1]of a human to make about increasingly. The more sudden of alteration, the more ephemeral (persons) by and large turns out to be. In order to hold an ageless alteration, it is to be said basically that it shall be avoid in being radical bias and unstable attack.

Revolution brought on by the Holy Prophet[2](peace be on him) in Arabia will be one of the well performed illustrations of such gradual alteration. One who is holding cognition of, being cognizant, and even superficially[3], with the history of the Prophet ' s achievements, knows, that he did non implement the full frame of Islamic jurisprudence at one time. The populace was ready increasingly for their execution. He started his actions of transmutation by learning belief in the basicss of Islam[4]and by bringing the people to populate a life of righteous and sacred. Those who recognized this message were trained by him to hold faith in and pattern the Islamic manner of life. The Prophet (peace be on him) went a measure further and established an Islamic province in Madinah with the object of doing the full life of the state conform the Islamic form when this was achieved to a considerable grade. After obtaining political power and taking the disposal in his custodies, he (peace be on him) started an thoroughgoing run for the reclamation and the reestablishment of the corporate life of the community on Islamic constructs of life[5]: an terminal for which he had been trying by ways of sermon and carrying merely. He (peace be on him) announced a new construction of instruction, a system which in protection the state of affairss obtaining in his clip entailed chiefly of verbal instructions and went on with a organized program for an general reform in the society, moral, economic and cultural life of the discredited

society of his years. In proportionate with the development made in his field, the Prophet (peace be on him) relocated the behaviors during the “ Age of Ignorances ” and replaced for them recent, sensible and civilised political orientations of human behaviour and mode.

A cautious research of the Qu’ran and the Hadith[6]discloses the steady and spectacularly operative patterned advance implemented by the Prophet. We found that the Islamic jurisprudence of heritage was applied merely in the 3rd twelvemonth after the migration (hijrah) . An atmosphere pleasant for the prohibition of wine was created bit by bit and its absolute prohibition was exaggerated in the twelvemonth 8 A. H. Similarly, though the immoralities of involvement were worried early in the Meccan life (before the Holy Prophet migrated to Madinah) yet it was non about forbidden until twelvemonth 9 A. H. when the whole economic construction of the Muslim society had undergone a complete change and the new community order had been resolutely established. The on-going application of the instructions and guidelines referring matrimony and divorce merely finalized in the twelvemonth 7 A. H. The execution of condemnable codification was influential over an age of many old ages and was been finalized in the twelvemonth 8 A. H.

As we all know really good, the British people did not compel the mistake of changing the whole agreement of Indian life including its legal building all at one time. The tribunals had the Qadis to make up one’s mind the instances in conformity with the Islamic Shari’ah which was merely to the single affairs of the Muslims but instituted the jurisprudence of the jurisprudence. The

Britishers tolerated all that and took about a hundred old ages to replace the
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Shari'ah by their own codification of jurisprudence. The Islamic Shari'ah[7] was the jurisprudence of the land before their reaching, and it was no easy occupation passing over the current imposts of life and to convey about a thorough Westernisation of the full life. Consequently, for a significant period of time after the formation of the British regulation, the Islamic Shari'ah remained in tendency in the state.

Down to our own times state, Pakistan, even if we demand to propagate the whole building created by British and the building of a new one in its topographic point. It is apprehensible that this will never be accomplished by merely a parliamentary measure or an authorised declaration. This is because it is an amazing responsibility rendering to a well-planned and comprehensive work. For an illustration, we need a thorough reorientation of our educational system. At current state of affairs, two sorts of our instruction institutes working outright in our state, viz. , the modern secular school, colleges and universities and the old spiritual ' madrasahs[8]' . None of them stated above able to bring forth endowments in running the modern society of Islamic province. The modern secular establishments, they produce people who are bereft of even a fundamental cognition of Islam and its Torahs, as for the old fashioned schools as viz. were to plunge in conservatism to such an extent that they have already lost all touch with the modern universe.

There is nevertheless, a superior and larger obstruction, which is populating under the control of an unfamiliar influence deprived of the Islamic effects for ages, the ornament of our cultural, moral, societal and economic life has suffered a sweeping fluctuation and is at present far to be able to take from <https://assignbuster.com/islamic-economics-is-about-solutions-theology-religion-flashcard/>

Muslim criterions. With state of affairss as such, it shall non be productive. Even after all agencies, if it were still likely, to alteration on the legal building of the state all at a clip because so the overall ornament the legal construction and life will be fall apart and the legal alteration will hold to agonise the destiny of being in a hostile state of affairs. Therefore, it is critical and unchangeable that the obligatory reform should be steady and the fluctuations in the Torahs should be achieved in such a mode as to equilibrium positively to the alteration in the cultural, moral, societal and economic life of the countrywide.

If we replicate for an blink of an eye and consider the samples cited above in endorsing up the steady alteration in the change of corporate life, we can grok that a rhythm of life, whether un-Islamic or Islamic, can be carried into world when the aim is clearly strong and a certain scheme is drawn out for the achievement of that purpose.

The Islamic rebellion brought approximately by the Holy Prophet (peace be on him) was the effect of old ages of work, old ages spend in building work forces appropriate for the beginning and in changing the point of view of the populaces by proclaiming the wisdoms of Islam. However from the above all, the whole running organisation mechanism of the province of Madinah was exploited for reclamation of the civilization and the formation of a fresh execution of the Islamic ordinances.

The Correct Procedure of an Islamic Country – Pakistan

None reasonable person can disown that Pakistan was claimed and well-known in the name of Islam and in the interest of the Restoration of the

impressiveness of Islam, hence, doing it theoretically an Muslim ideological province. Hence, it is critical that Pakistan being known as an undeniable component that it is the state which must demo a constructive portion in the formation of the Islamic life of rhythm.

First measure, which means if what has been specified, is accurate so the undermentioned phase towards our mark would be to Muslims (convert into Islam) the province. Such action will merely Muslims the province but the province itself is still grounded on and occupied harmonizing to the same secular vases on which it did during the British period. The applied figure for the achievement would be doing that our Fundamental law Assembly to unequivocally denote:

Claiming the authorization of Pakistan belongs to the God Almighty entirely and entirely merely, whereby Pakistan will administrate this provinces as merely His agent.

The cardinal footing jurisprudence of the land shall be Shari'ah (Islamic jurisprudence) which the Islamic jurisprudence has been go throughing down to us through our Holy Prophet, Prophet Muhammad (peace be on him) .

All Torahs which are non in conformity to Shari'ah (Islamic jurisprudence) shall be repeal as to accommodating the Islamic jurisprudence or destruct the struggle jurisprudence and no jurisprudence which is in conflicting with Islamic jurisprudence shall be enacted.

The province itself shall by any agencies in transporting out or moving out its power, shall non in capable to disobey or in oversight with the boundary placed down by Islam.

This declaration will hold far-reaching consequence on every section of our life. For case, after such a declaration, our electors will go cognizant of the intent for which they have elected their representative. Howsoever deficient the general mass of our electors may be in regard of formal instruction, they surely possess the sense to make up one's mind as to what type of people can be relied upon for a certain intent. We have ne'er seen them perpetrating the foolishness of seeking the services of a medical practitioner to plead a legal instance for them or to near a attorney for a medical intervention. They do cognize, if non to the full at least to a considerable extent, as to who, among their fellow countrymen, are God-fearing and virtuous[9]and who are wholly given to worldliness, self-interest and frailty. Peoples choose individuals harmonizing to the terminals in position. Up till now they ne'er had in position the object of electing representatives for running an Islamic system of authorities. Therefore, they had no demand of happening out the people suited for this intent. The state had system of authorities devoid of spiritual ideals and moral values and it required a peculiar type of people to administrate it. Peoples, hence, had the same type of work forces in position and voted them to power. Now, if we frame an Islamic fundamental law and the people are confronted with the inquiry of electing those who are capable of expeditiously running the Islamic system of authorities, the will of course maintain Islamic criterions before themselves. Their choice may non be an ideal one, but this much is certain

they will not choose the wicked or the corrupt type or the unsighted impersonators of the West. They are bound to choose those individual who are both mentally equipped for the undertaking.

Second Step – Our following measure towards the constitution of the Islamic manner of life should be the transference[10]of the reins of power to the people who are capable utilizing it efficaciously for the realisation of the above mentioned nonsubjective. This will of course be achieved through the well-known democratic process of general elections.

Third Step – the 3rd measure will be to chalk out a comprehensive program for a done reform of all the sections of our national life for which all the resources of the province will hold to be utilised. Therefore, the educational system will be reorientated ; all the agencies of propaganda – the imperativeness, the platform, the film and the wireless – will be used for the intent of making new Islamic consciousness, a new healthy mentality ; and an incessant and systematic attempt will hold to be made to model the society and its civilization into Islamic forms.

Zia ' s Islamization plan was pursued within a instead complicated ideological model. His stance was in contrast of the popular civilization, in which most people are “ personally ” really spiritual but non “ publically ” spiritual. An unexpected result was that by trusting on a policy grounded in Islam, the province fomented factionalism: by passing what is Islamic and what is non, Islam itself could no longer supply integrity because it was so being defined to except antecedently included groups. Disputes between Sunnis and Shia, cultural perturbations in Karachi between Pakhtuns and muhajirs, increased

animus toward Ahmadiyyas, and the resurgence of Punjab-Sindh tenseness — can all be traced to the loss of Islam as a common vocabulary of public morality. More deeply, in a move that reached into every place, the province had attempted to order a specific ideal image of adult females in Islamic society, an ideal that was mostly antithetical to that being in popular sentiment and in mundane life. Persons who have been incorrigibly affected by decadent, iniquitous and corrupt system of life can be compared to a fiber of discordant coloring material which will not suit into our form. They are the lost work forces and are of no usage from point of position. Such people will hold to be replaced everywhere by those who can turn out helpful in the undertaking in front.

The economic system will besides hold to be fundamentally altered and its whole construction which is built on the Hinduistic and Western semi-feudalistic and semi-capitalistic foundations will hold to be demolished.

I am certain that if a righteous group of people possessing vision and statecraft, wields political power and doing full usage of the administrative machinery of the authorities, utilizes all the resources at its disposal for the executing of a well conceived program of national regeneration, the corporate life of this state can be wholly changed within a period of 10 old ages and as this alteration comes about bit by bit, the British made Laws can be amended or repealed and replaced by the Islamic Torahs. This procedure will go on as such for some clip and finally all un-Islamic Torahs will be repealed and our province will be governed by Islamic Torahs entirely.

Constructive Work for the Enforcement of Islamic Law

At this phase it seems necessary to throw some visible radiation on the constructive work that has to be done in order to alter the bing legal system of the state and to replace it by an Islamic 1. The huge programme of reform demands an tremendous sum of difficult work in about every walk of life.

After centuries of stagnancy and inactiveness, devolution and mental parasitism and servitude, we find that every facet of our national and cultural life has been reduced to a muss. There are ways and means necessary for set uping reform in the legal system and will non cover with the steps that should be adopted for the reform of other facets of our national life. The place of the bench in Pakistan has besides been affected by periods of military regulation in the state. When General Zia al-Huq imposed soldierly jurisprudence in 1977, military tribunals were given legal power over test and penalty of civilians found guilty of go againsting soldierly jurisprudence ordinances. The finding of facts could non be appealed to a higher civilian tribunal. Furthermore, a proviso of the 1973 fundamental law that Judgess could be removed merely by the supreme judicial council, dwelling of the main justness and two superior Judgess from the Supreme Court and the high tribunals, was revoked by the military authorities in June 1979. Under the 1981 interim fundamental law, a new curse was imposed on all Supreme Court, high tribunal, andA Shari'ahA tribunal Judgess, and all Torahs promulgated by the soldierly jurisprudence government were exempted from judicial reappraisal. The Supreme Court main justness and several other Judgess were replaced after declining to take the curse.

Although the military tribunals were abolished in December 1985, their determinations still can non be appealed to civilian tribunals

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(A) The Academy Of Laws

The first thing that should be done towards this way is the constitution of an Academy of Law which should take stock of the full legal literature bequeathed[11]by our ascendants. This academy should non merely interpret into our national linguistic communication all those books which are necessary for geting an apprehension of Islamic Jurisprudence and Law but besides edit and annotate[12]them afresh harmonizing to modern methods of redacting so they may go accessible t the modern educated people and utile for our present twenty-four hours needs. As we all know a really great portion of the literature on Islamic Jurisprudence is still Arabic and the modern educated of our people are by and large non conversant[13]with this linguistic communication. The consequence is that owing to inability of their attack to the existent beginnings and the unfriendly[14]propaganda of our oppositions they have come harbour many misconstruing about Islamic Law. These misinterpretations have in some instances assumed such proportions that some people have started even stating in so many words that the full mass of age old contentions, legal hair splitting and ling drawn statements should be thrown into the ashcan and that we should get down work on Islamic Law all fresh. But the fact of the affair is that the people who express such amusing thoughts betray non merely their deficiency of cognition but besides their deficiency of vision and imaginativeness. I such people seriously and dispassionately analyze the accomplishments of their ascendants in the field of law ; they will shiver[15]at their ignorance. They will come to cognize that during the last 13 centuries, their sires had non been engaged in fruitless[16]contentions: on the contrary, they have left us a really huge and invaluable hoarded wealth of cognition and research for <https://assignbuster.com/islamic-economics-is-about-solutions-theology-religion-flashcard/>

the descendants[17]. They have built for us quite a considerable part of the building[18]; and what a foolishness it would be if, out of sheer ignorance, we insist on pulverizing what has already been built and get down building all new. Even common sense demands that we should do the best usage of what we have inherited from our sires and pass our energies merely on farther enlargement harmonizing to our present demands. Otherwise, if every coevals of ours were to cut down the labor of its predecessors to naught[19]and get down new, we would ne'er be able to do any advancement worth the name.

Islam was the footing for the creative activity and the fusion of a separate province, but it was non expected to function as the theoretical account of authorities. Mohammad Ali Jinnah made his committedness to secularism in Pakistan clear in his inaugural reference when he said, “ You will happen that in the class of clip Hindus would discontinue to be Hindus and Muslims would discontinue to be Muslims, non in the spiritual sense, because that is the personal religion of each person, but in the political sense as citizens of the State. ” This vision of a Muslim bulk province in which spiritual minorities would portion every bit in its development was questioned shortly after independency. The argument continued into the 1990s amid inquiries of the rights of Ahmadiyyas (a little but influential religious order considered by Orthodox Muslims to be outside the picket of Islam) , issue of individuality cards denoting spiritual association, and authorities intercession in the personal pattern of Islam. During the past centuries the assorted Muslim provinces which flourished over a big portion of the so civilized universe, had Islamic Fiqh as their Lex Loci. Muslims of those yearss were non “ savages ” .

Rather, they had a extremely advances civilization and their bookmans of spiritual jurisprudence had applied Islamic rules to all the jobs of their civilization. It were these experts of Islamic Fiqh who held of import places as magistrate, Judgess and main justness and their opinion, and edicts have produces a big volume of legal case in points. Indeed, these experts have made colossal[20]part to every subdivision of jurisprudence. Their plants evoke one highest esteem non merely when they discuss jobs of Civil and Criminal Law but besides when they deal with the jobs of Constitutional and International Law. A perusing[21]of their Hagiographas and opinions given us an thought of their deep penetration in and their intelligent and consummate appreciation of all their jobs. A organic structure of bookmans should take a elaborate stock of all Hagiographas left by our ascendants and to re-edit them in the signifier of modern books of Law.

Quranic poetries give us assorted tax write-offs by great legal experts in the yesteryear and their statements in favour of those tax write-offs.

Other than books on Quranic injunctions, there are commentaries on the books of Hadith. In these books, other than commandments and Torahs, the best stuff on legal rules and their account can besides be found. From this hoarded wealth, there are some books that should be translated. For illustration, on al-Bukhari[22]: Aini and Fat'h al-Bari[23], on Muslim: Nawewi and Fat'h al-Badhl, on Abu Daud[24]: Aunul-Ma'bud and Badhl al-Majihud, on Muwatta[25]: Shah Wali-ullah ' s[26]Musawwa and Musaffa, and Aujaz al-Masalik[27]by a modern-day Indian bookman, on Muntaqa al-Akhbar: Shaukani ' s Nail al-A'wtar, on Mishkat[28]: Att'aliq-us-Sabeeh and on Hm-al-A'thar: Ma'ani al-A'thar by Iman Tahawi[29].

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Besides, some cardinal books of fiqh besides must be peculiarly translated. These include, on Hanafi[30]Fiqh: Al-Mabsut and Sharh al-Siyar al-Kabir[31], by Iman Sarakhsi[32]; Badai al-Sana'I by Kashani ; Ibn Humam 's Fat'h al-Qadir ; Hidayah and Fatawa-i-Alamgir, on Shafe'I Fiqh[33]: Kitab al-Umm[34], Sharh al-Muhadhdhab and Mughni al-Muhtaj, on Maliki Fiqh[35]: Al-Mudawwanah[36]and any other of import book that might be selected by bookmans ; on Hanbali Fiqh[37]: Al-Mughni by Ibn Qudamah[38]; on Zahiri Fiqh: Al-Muhalla[39]by Ibn Hazim[40]; on Madhahib-e-Arba'ah: Bidayat al-Mujtahid by Ibn Rushd[41]and Al-Fiqh-fil-Madhahib by Ibn Rushd and Al-Fiqh-fil-Madhahib al-Arba'ah compiled by Egyptian bookmans ; on certain particular jobs: Kitab al-Kharaj[42]by Iman Abu Yusuf[43]; Al Kharaj by Yahya Ibn Adam ; Kitab al-Amwal by Abu ' Ubaid al-Qasim ; Ahkam al-Wakf by Hilal Ibn Yahya and Ahkam al-Muwarith by Dimyati.

On the other manus, some of the books on law and doctrine of jurisprudence are required in order to understand the spirit of Islamic fiqh right. These include Usul al-Ahkam by Ibn Hazm, Al-Ihkam li-Usul al-Ahkam by Amidi, Usul al-Fiqh by Khadari, Al-Muwafaqat by Iman Shatibi, I'lam al-Muwaqqi'in by ibn al-Qayyim and Hujjat Allah al-Balighah by Shah Waliullah.

We non merely have to interpret those books but besides re-arrange the contents of these books into the form of modern books of jurisprudence. Besides, we should put new headers and garner the scattered treatments on legal jobs. The method of roll uping books in the yesteryear is really different from the method used today. Besides, in the yesteryear, there was no elaborate categorization of jurisprudence and hence, legal experts in the yesteryear had no separate the subdivision of jurisprudence such as

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Constitutional Law, International Law, etc. They dealt with these jobs under several headers such as Jihad[44], Kharaj[45], Marriage and Inheritance. They had no separate subdivision of condemnable jurisprudence. They merely discussed these jobs under headers of hudood[46]and Diyat[47]. The people in the yesteryear used to discourse a topic at different topographic points. They did non divide the topics of Economics and Finance. They dealts with these topics under headers of ‘ the book of gross revenues ‘ , ‘ the book of land-cultivation ‘ , etc. They did non hold the footings ‘ Law of Evidence ‘ [48], ‘ Civil Procedure Code ‘ [49]and ‘ Penal Code ‘ [50]. They discussed inquiries refering these facets of jurisprudence under the headers of ‘ the etiquette for the Judgess ‘ , ‘ the book of claims ‘ , ‘ the book of statements ‘ and etc. Therefore, these books may non be utile to us if they are merely simply translated.

(B) The Codification of Law

Next, a organic structure of Islamic bookmans and experts should be appointed in order to codify the subdivisions and clauses of Islamic Law harmonizing to the form of modern jurisprudence. Not everything that contained in a book of Fiqh constitutes Islamic Law. There are merely four things that constitute Islamic jurisprudence. First, an expressed commandment of God laid down in the Quran. Second, an account or elucidation of a Quranic commandment or an expressed order or prohibition from the Holy Prophet. Third, an reading, interface, qiyas, ijtihaad or istehsan on which there has been a consensus of the Ummah ; or it may be a bulk determinations of the ulema which have been accepted by an overpowering bulk of our ain people. Last, an ijma or a bulk determination of the nature

discussed in supra arrived at by our ain work forces of acquisition and authorization.

A organic structure of experts of Islamic jurisprudence should roll up the first three classs of jurisprudence into a Code. The compiled codification will be the basic book of jurisprudence and all current books of Fiqh will function as commentaries for this book. The enforcement of Islamic jurisprudence by tribunals and instructions of Islamic jurisprudence in colleges will be facilitated.

(C) Reform of Legal Education

The following step is to alter the prevailing system of instruction. Both the classs of survey and the methods of instructions should be changed radically in order to bring forth pupils that are both academically and morally good.

The type of instruction in the jurisprudence montages today fail to develop penetration in Islamic jurisprudence. Besides, pupils in these montages do non hold the opportunity to get moral qualities that needed in order to run an Islamic province. Therefore, we have to amend the course of study and the methods of instructions to bring forth pupils who are well-versed in both Islamic jurisprudence and modern legal idea.

Some reforms should be made for the intent above. First, cognition of Arabic shall be made a pre-requisite for admittance to a jurisprudence college. This cognition of Arabic may enable pupils to analyze the Quran, Hadith and Fiqh.

An penetration of Islamic jurisprudence can non be obtained unless one knows the linguistic communication of the Quran and that of the Prophet. In

initial phases, there may be jobs of deficiency of Arabic cognizing pupils in <https://assignbuster.com/islamic-economics-is-about-solutions-theology-religion-flashcard/>

the colleges. But, after several old ages if the Arabic is made compulsory in the college, Arabic cognizing pupils will be easy available.

Besides, pupils should besides be made to analyze Quran and Hadith before get downing their instruction in Law. This is to enable them to understand the spirit of Islam better. In some establishments, they begin with the instruction of Fiqh. This is a incorrect method because although pupils who graduate from these establishments are good cognizant of inside informations of Islamic jurisprudence, but they may non understand the existent spirit of Islamic Law. Therefore, this state of affairs should be changed. The survey of Quran and Hadith should be done before the survey of Fiqh.

The jurisprudence pupil in Pakistan must be able to understand that Islam is a system through the survey of Quran[51]and the Hadith[52]together with the survey of fiqh[53].

In the yesteryear, there were no alumnuss with good cognition in Quran and Hadith. Therefore, Quran and Hadith started to be taught in jurisprudence colleges. Merely those pupils who choose Tafsir[54]and Hadith as optional topic will be eligible for jurisprudence colleges.

The course of study of jurisprudence colleges in Pakistan must dwell of Principles of Islamic Jurisprudence, History of Islamic Jurisprudence and Fiqh. Without holding cognition of these topics, pupils non merely can non understand the fiqh but besides can non develop qualities of sound logical thinking. All these qualities are the demands of going good attorneies and legal experts. They will non be able to go experts in jurisprudence. They can
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non border new regulations and ordinances and can non articulate judgements of the criterion, lucidity, vision and deepness evinced. If they can non organize such judgements, they will non be able to have regard and blessing from the people. Besides, without holding cognition of their ain jurisprudence, they will non be able to use jurisprudence to the new jobs. Merely the fiqh reveals the development of Islamic jurisprudence and points out the lines along which jurisprudence can develop.

Other than altering the course of study of legal instruction, Pakistan besides give attending to the character-building and moral preparation of the pupils. Under construct of Islamic jurisprudence, jurisprudence colleges should bring forth attorneies and legal experts with high moral criterion and unimpeachable unity but non to bring forth unscrupulous and unfair attorneies or Judgess. The pupils should be able to populate with equity, honestness and justness.

The highest grade of piousness, the acutest sense of duty and the greatest step of fright of God are required in the professions of dispensation of justness. Therefore, pupils that graduated from the jurisprudence colleges in Pakistan must be able to replace leading lights of history such as Qadi Shurayh[55], Iman Abu Hanifah[56], Iman Shafe'I[57]and Qadi Abu Yusof[58]. The alumnuss of these montages must besides hold strong and reliable character, have their eyes, fixed on God, non swayed by greed, fright, personal involvement or single penchants while make up one's minding instances.

(D) Reform of Judicial System

Besides that, in order to implement Islamic Law, our judicial system will hold to be reformed. Attention must be paid to two of import evidences for the enforcement of Islamic jurisprudence. First, the legal profession is one of the worst and likely the greatest curses of the present judicial system. From the moral point of position, non a individual statement can be put frontward in its favor. In practical field, there is non a individual echt demand of tribunal process for which a better option can non be provided for. The legal profession bases in contrast with rules of Islam since it exists. Therefore, it is rather hard to implement Islamic jurisprudence in its existent spirit.

Furthermore, if the same jugglery is practiced with the God ' s jurisprudence as is being practiced with semisynthetic jurisprudence, may non merely deprive us from justness but may besides rob our religion. Therefore, it can be said that this profession in its present signifier is bit by bit abolished.

In theory, the attorney ' s responsibility is to help tribunal in understanding jurisprudence and using it to instance under test. It is possible that two experts of jurisprudence may hold different sentiments and positions in the same instance. It can besides be possible that one of the experts has the stronger sentiment than the other and frailty versa. Therefore, it is necessary for the tribunal to cognize and hear statements on behalf of both parties in a peculiar instance in order to make at a sound judgement. But there is a inquiry: are these terminals achieved in existent pattern and does this profession truly run into this merely demand?

Actually, in world, the state of affairs is rather different. A individual

possessing legal cognition sells his services in the market and ever ready to
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calculate out and supply legal points in favor of the highest bidder, irrespective of virtues of the instance. Thus, a attorney helps his client, no affair the client is right or incorrect. They fight for the clients without taking consider whether the clients committed an offense or inexperienced person. They besides ne'er concerned whether what the client wishes to acquire is truly due to him. What concerns to a attorney is that whether that client has paid his fees. He hides the weaker points of his client ' s side, displays the favorable 1. He tries to act upon or confound the informant in order to misdirect the justice to do judgement in favor of his client.

A attorney does non care about whether a individual acquitted is being a felon or inexperienced person. It is non his concern to back up truth and uphold justness. The exclusive purpose of a attorney is money. A individual who ready to pay the highest sum of money is ever the right for a attorney. Can a legal profession of such a nature be declared right and merely if we have even the least respect for Islam? Can any adult male with moral values, a healthy scruples and the fright of God, take such an atrocious duty upon himself as to hold a wronged adult male deprived of justness and see that the wrong-doer continues to bask the fruit of his evil? And can the advice of such legal experts who are paid to show a nonreversible image giving any aid to the tribunal in make up one's minding a instance rightly? Who can believe that the differences of sentiment in the reading of attorneies " hired " by opposing parties can moderately be honest and genuine?

Therefore, seemingly, incalculable ill service has been done to the cause of jurisprudence and justness by doing jurisprudence a profession. It gives premium to misdemeanor of jurisprudence instead than observation of <https://assignbuster.com/islamic-economics-is-about-solutions-theology-religion-flashcard/>

jurisprudence. It has corroded the corporate life and made the political relations highly dirty. Actually, the seeds of immoral character are sown during the attorney ' s educational life. Debates in college make them to speck against their strong beliefs habitually. A individual with the capacity to talk with the same energy[59]and fluency[60]both for and against a proportion, irrespective of his personal positions is deemed as a good debator. He sharpened his proficiency in speech production and reasoning against truth and becomes perfect in utilizing his lingua and head against dictates of his scruples during his class of jurisprudence. After alumnus, they poison the academic, cultural and political life of the whole state when they enter the country of political relations and public life.

Such an ugly province of personal businesss is non permitted by Islam. There is no room within its legal and judicial construction for this profession as it is prevailing today as it is rather contrary to the spirit and tradition of Islam. Moslems have ruled half the universe in the last 10 centuries but no legal profession can be traced in their judicial system. The muftis[61]in the past ever had independent agencies of support and used to render the service of publishing edicts[62]and assisting the tribunals in gratis[63]. We can prosecute legal experts including specializers in different subdivisions of jurisprudence and give them sensible wages from the authorities treasury. However, attempt should be made to immune these legal experts from any duty to any postulating parties and protecting them from any force per unit area or allurement. Even the authorities of the state is non entitled to act upon sentiment of the Judgess. The tribunal can mention instances to them and beg their sentiment. They can be asked to look before tribunals and

argue their positions. Other than the cross-examination of informants by tribunals, during proceedings of a instance, these legal experts should be entitled to pull out facts from them which throw any visible radiation on the instance.

However, if there is absence of attorney, one of import spread shall hold to make full up. The spread is the readying of the instances for presentation in tribunals. Without this machinery, non merely will do incommodiousness but besides waste the clip of the tribunals and confound them. To work out this job, the old establishment of ' Mukhtari ' may be revived. Law colleges should hold categories learning procedural jurisprudence to the people of mean instruction and do them conversant with the practical facets of judicial concern. Such individuals own the responsibility of giving legal form to a instance in order to be presented in tribunal decently. They would besides teach judicial process at assorted phase of a instance to the parties. They may be permitted to bear down fees for their services. This may non take to evils that found in the legal profession today.

In order to do the states judicial system accommodates to the Islamic criterions, reformation is needed and the one of it is the abolishment of the court-fee. However, the domination of Western political idea and values over us is a baneful invention where Muslim citizen were non even acquainted with it. It is foreign to the really spirit of the Islam that out tribunals of jurisprudence, alternatively of rendering the service of distributing justness, should be turned into ' shops of jurisprudence ' whose doors are closed for the individuals who are in a place to pay the monetary value of their services. Besides that, it is to remind the British government and besides <https://assignbuster.com/islamic-economics-is-about-solutions-theology-religion-flashcard/>

now the foreign regulation has come to the terminal and immorality should besides travel. Harmonizing to the Islamic constructs, tribunals should follow in which to dispensing of justness is non a “ concern ” but a spiritual responsibility of every Muslim and of their province most of all – a responsibility for which no fees should be charged.

The two point that can be regard in the disbursals incurred on the bench be met in can be said that under an Islamic dispensation the present heavy bench constitution, rendered indispensable by the current province of personal businesss, will no longer be necessary. The reduction in the portion of judicial proceeding[64]will besides get rid of the attorney ‘ s profession. Social, economic and moral reforms will travel a long manner in restricting the figure of instance. In the reforms of the section of the preparation of the constabulary and gaol officers will indirectly lend to cut down the figure of offense. Thus we will non be in demand of as many Judgess and magistrates and a heavy an indicial constitution as we need at present, and accordingly, these will be rather singular lessening in the outgo of the judicial section. Furthermore for an Islamic province, the graduated tables of wage will besides non be the same as today society.

After all these transmutation and other decrease of expense, the value of disbursals of the tribunal on our national establishment will go much lighter and alternatively of baleful it on those who need and seek justness we can apportion it over those individuals who are in the bench to assist them in their instances. For illustration, we can look for people who can assist to acquire off from mulcts and suits. The mulct imposed upon felons can

besides be used for the same intent. In other words, a individual who gets an <https://assignbuster.com/islamic-economics-is-about-solutions-theology-religion-flashcard/>

order from the tribunal is worth more than a certain sum can be levied by a certain sum can be taxed harmonizing to certain fixed rate. Regardless, the tribunal has a staying shortage disbursement[65], shortages can the national exchequer[66], and to make justness between peoples, as said before, one of the basic duties of a Muslim state. The exchequer bear the brunt of constabulary services, instruction and wellness, so it does non fund the disposal of justness. The above are few sentiment rise which, can be put into pattern in order to implement Islamic Law[67]possible in this state. It is requested by the recognized legal people who have practical experience in legal and judicial affairs to thresh out these suggestions and seek to supplement them wherever need be. In the interim I hope that this account of mine will. To some extent, satisfy those who entertain the incorrect impression that the enforcement is non possible at present, and will do them understand that this work can be done. It will besides enable them to hold an thought of the ways and agencies of making this of import undertaking. But the enforcement of the Islamic jurisprudence requires an urge-an uncontrollable urge- to make the occupation. What we need is a group of citizen to transport out the undertaking with leading qualities and Islamic characteristic. As we know that an set up edifice has to hold a strong foundation, hence the aims of constructing the foundation has to cognize the every individual item in order to construct a stable edifice. In malice of, the freedom to construct anything, they are allowed to construct mosque and temple.

Is An Muslim State Possible?

Some Muslim minds hold that it is really hard to set up a true Muslim authorities in modern times. But it is non an impossible undertaking. The promotion of human civilization and the disenchantment of humanity will do people recognize with enthusiasm an Muslim authorities once it has been established. Muslims need merely be awakened and united to throw off the yoke of political and cultural subjection to the West or the East or Communism and return to the true values of Islam. But the undertaking is made hard because modern Muslim authoritiess are retainers of foreign imperialist powers and serve their involvements. This fact should non do and distribute desperation. We pray to God, We seek from Thee a blessed province which may be a beginning of encouragement for Islam and Muslims and a hindrance to those whose purposes are malaise. Allow us such a province and male the people to obey Thee and steer them to Thy way, and by mean of that province, set up us in Thy grace and clemency in this universe and the Hereafter.

The Islamic System Compared with Other System

Below, we give how far Islam approves or disapproves or other political constructs. We besides give a brief description of these constructs so that the reader may be able to spot their Islamic and non-Islamic elements.

Absolutism[68]is another name for absolutism in which 1 adult male has unlimited political power. In Islam, the powers and right of swayers are capable to the jurisprudence in all respects. Autocracy, absolutism, absolutism and tyranny all signify that entry to God is losing.

Anarchism[69]is the theory that formal authorities of any sort is unneeded and incorrect in rule. The word ‘ anarchism ‘ is derived from the Grecian ‘ arch ‘ significance ‘ rule. ‘ Anarchy therefore means the absence of any regulation. This theory considers authorities to be the root of all immoralities in society. As mentioned at the beginning of this chapter, Islam is wholly opposed to anarchism. Society can non be sustained without regulation and order. Political power is non an immorality in itself, but the maltreatment of political power is.

Opportunism[70]signifies the policy of accommodating one ‘ s actions and vocalizations to the prevailing fortunes in order to foster one ‘ s immediate involvements without respect for basic rules or eventual effects. The Muslim authorities is non based on self-interest and unprincipled behaviour, but this does non intend that it does non take altering fortunes into consideration or avail itself of present chances ; or that it is stiff in those policies which do n non affect basic rules. Therefore, Islam is merely partly opposed to self-interest.

Nobility[71], besides known as oligarchy, is regulation of a privileged category. In an nobility, power is held by an upper category or minority, normally possessing inherited wealth and position. In our age, some Communist and Western states have such a authorities. In an Muslim authorities, the jurisprudence is supreme and non any choice subdivision of society. Furthermore, Muslims are equal before the jurisprudence. So, familial aristocracy is impossible. Muslim swayers consult their people while oligarchs do non.

Egalitarianism[72]is the belief that all work forces should hold equal political and societal rights. Islam supports these rules, but it does not back up entire freedom and libertinism. Equality must be established by jurisprudence and it must not offend any jurisprudence.

Imperialism[73]is the policy and pattern of organizing and keeping an imperium. Imperialism is besides characterized by a battle for the control of natural stuffs and huge markets, the subjection of foreign districts and favoritism against weak states and the constitution of settlements and expansionism. Islam is wholly opposed to this policy.

Internationalism[74]as opposed to nationalism culls territorial differentiations and the chase of national involvements which divide humanity. The end of internationalism is cosmopolitan co-operation for the common good and a merely universe authorities ; because the Islamic province remainders upon ideological foundations, not upon race, colour, linguistic communication or national boundaries. Islam is international in its aim alone manner.

Individuality[75]as opposed to collectivism holds that the province exists for the person instead than the person for the province. The public assistance of the person and his involvements should predate the public assistance and involvements of the society. Individual freedom should not be restricted by governmental or societal norms. A adult male should be given entire freedom and should be his aim justice. In economic sciences, it favors the individualistic policy of limitless right of private ownership unrestricted by public involvements. In Islam it may go on that the corporate involvements

of society are considered more of import than an person ' s involvements. Therefore, Islam disagrees with individuality.

Pacifism[76]is the cult of peace and entire resistance to war or the usage of force. It insists that all aims be attained and all differences settled by peaceful agencies merely. Islamic political orientation accepts that peace is the best class. But it holds that persecution is worse than bloodshed. It is a strong protagonist of peace and abhors war but it resorts to war when no other alternate remains.

The word “ pragmatism[77]“ originates from a Grecian root significance concern and has come to mean an attitude which Judgess all Acts of the Apostless and constructs by their practical consequences. It is more moderate than ‘ secularism ‘ which concentrates merely upon this universe and considers other concerns fiddling or false. Islam rejects any position which considers entirely merely this short span of physical life. It does non restrict itself to this life entirely but strives to achieve redemption and the favour of God in the Hereafter besides.

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