

Express the principles of accountability of rulers according to the Holy Quran and Sunnah.

I. Introduction

Accountability has a elevated status in Islam. It is what guides the actions of an individual, particularly rulers. Islam has a dual concept of accountability as its model. The precedents and principles of accountability were set by Prophet Muhammad (PBUH) and later the Caliphs. The principles of accountability of rulers include: being accountable to Allah, aiming to maintain justice and fairness, consultation, claiming responsibility, and avoiding tyranny. Moreover, the election must be transparent and maintain law and order. Governance must be aimed at welfare; they must also follow a code of conduct. In case they become corrupt - they must be removed. Additionally, accountability is a necessity for the administration of a territory, thus setting rules and principles of how the rulers are held accountable.

II. Liberal Meaning of Accountability

The word 'Hisbah' in accountability is

derived from Arabic "Hisab" meaning
retribution from Allah; says Ibn Manzur.
Murtaza al Zubaidi, says that it is derived
from the word "hisban" which means to
calculate.

III. Definition of Accountability

Ibn Taymiyyah:

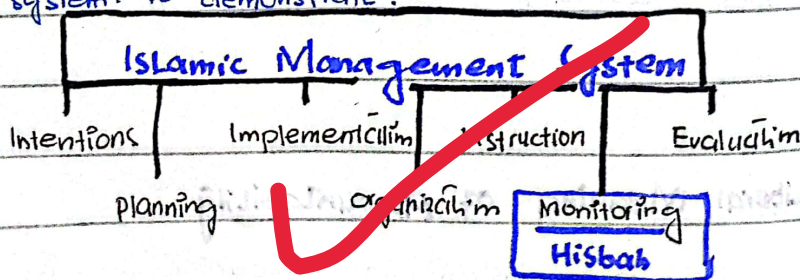
"Hisbah invites one to do good
when there is a lack of it and
abstain from evil misdeeds when
there is an inclination to commit
it."

Thus, accountability is taking responsibility
for one's deeds.

IV. Hisbah: An Element of Islamic Management System

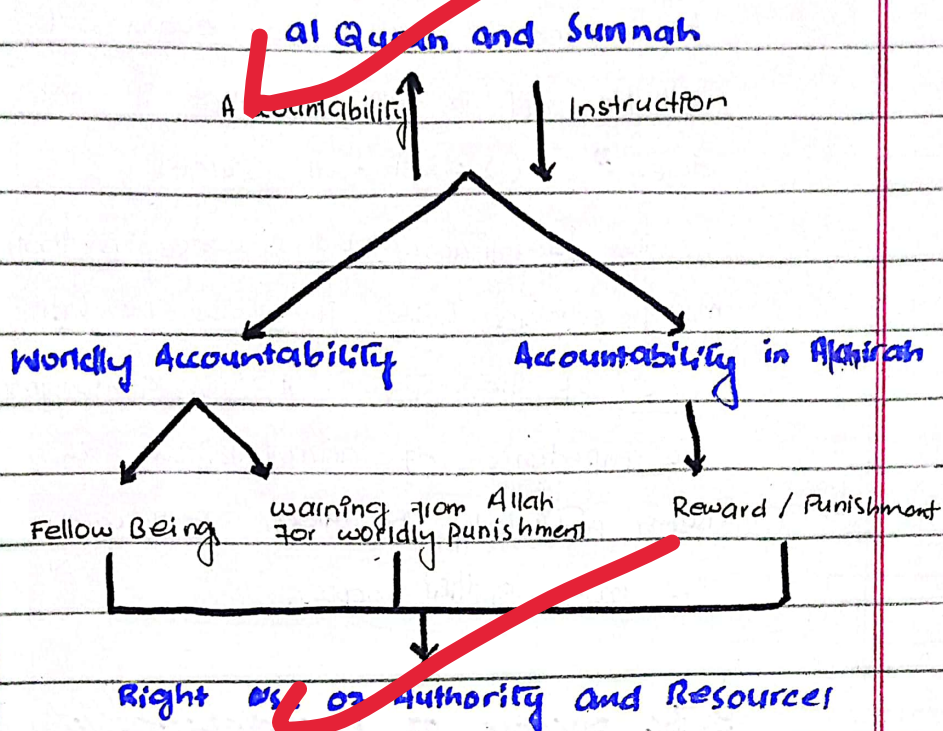
Hisbah is a part of Islamic management.

System. To demonstrate:



v. The Accountability Model in Islam

Islam has a dual concept of accountability. This makes a ruler accountable to people as well as Allah. The levels of accountability in Islam are:



vii. Principles of Accountability of Rulers In the Light of Quran and Sunnah

The rulers are ^{with} accountable to Allah and their people. This has been established in the Quran and Sunnah.

A. The Rulers Are Accountable to Allah

To rule is a political and worldly

task. However, they rulers are predominantly accountable to Allah. Therefore, Allah says in the Quran:

وَاتَّقُوا يَوْمًا تُرْجَعُونَ فِيهِ إِلَى اللَّهِ ...

"Be mindful of the day when you will be returned to Allah, then every soul will be paid in full for what it has done." (2: 281, al Quran)

The significance of this verse is that many scholars believe it to be the last verse of the Quran. It thus demonstrates the importance of accountability in Islam, particularly the rulers, who carry the onus of their people.

B. The purpose of Accountability is To Establish Justice and Fairness

Accountability is preceded and followed by justice and fairness. To maintain justice, there must be accountability, and when there is accountability, justice prevails. In this context, the Holy prophet (PBUH) said:

ان المقسطين عند الله على منابر من نور

"The just will be seated upon the pulpits of light." (Hadith)

C. Consultation : A Pillar of Accountability of Rulers

Conducting the affairs of a state by mutual consultation ensures the rule of law and accountability.

Consultation reduces the chances of error of committing fallacy and even if something goes wrong, the responsible can easily be distinguished. The Holy

Quran emphasized on consultation so much that there is a Surah (Chapter) named after it - ash Shurah. There Allah says, "Those who

اورشهم شورا بينهم

"conduct their affairs by mutual consultation."

will be rewarded.

D. The Ruler is to Take Responsibility

Every person with authority is responsible for his actions. Thus, he

must be held responsible for his actions to people and to Allah. The Apostle of Allah said,

ان كل من راعى فاعلم مسؤول من رعيته

* Surely, everyone of you is a guardian and is responsible for his charges: The Imam of the people is a guardian and is responsible for his subjects; a man is the guardian of his household and is responsible for it; a woman is a guardian of her husband and children and is responsible for them.*

E. There is No Place for Tyranny in Islam

A ruler must be aware of tyranny and injustice for it will not go unaddressed. He will be held accountable to his deeds. Thus,

a Sahih Hadith says,

ايامم والظلم فان الظلم ظلمات يوم القيامة

* Beware of injustice, for injustice will appear as darkness on the day of resurrection.*

F. Promotion of Good Governance

The rulers are held accountable so that good governance can be established. Without the rulers being held accountable, it is not possible for good governance to prevail. As the Quran says,

وكل انسن الزمنا طئره في عنقه

“And we have bound every humans destiny to their necks.”

Thus, when a ruler realizes that he is answerable for his deeds, he strives for the best and in this quest, he successfully establishes good governance.

G. The process of Impeachment and Removal of the Rulers

Rulers are held responsible for their actions. The basic principle of accountability is to bring to the table the actions of the ruler, whether or not he fulfill his duty. Hazrat Umar (RA), one of the best rulers in Islamic history once stood in front of his people:

Umar (RA): O Muslims, straighten me with your hands when I go wrong.

One Muslim called: O Amir al Mumineen, if you are not straightened by our hands, we will use our swords to straighten you!

Umar (RA): Alhamdulillah, I have such followers.

Add more arguments

VIII. Conclusion

In conclusion, Islam has a dual concept of accountability. Everyone's especially the rulers are responsible for their actions to fellow being as well as to Allah. The principles of accountability of rulers include accountability to Allah, doing so to establish justice, with consultation and responsibility. Moreover, the responsibility extends to eliminating tyranny and oppression, promotion of good governance, and establishing a system where the ruler is punished by taking off his title. Islam, thus, lays a comprehensive framework for the accountability of rulers.

Elaborate the concepts of Ijma and Ijtihad.
Explain their principles and contemporary relevance.

I. Introduction

Ijma and Ijtihad are secondary sources of Shari'ah following Quran and Sunnah. The importance of both have been described in the Quran and Hadith. The principles of Ijma include it be done by mujtahids, must be based on unanimous opinion of muslims, the jurists must be contemporaries and must be solely based on Quran and Sunnah. Furthermore, the principles of Ijtihad are similar to Ijma, with the exception that consensus is necessary in Ijma while it is independent for Ijtihad. Both Ijma and Ijtihad have contemporary relevance. As a matter of fact, the need for the two is more than ever before.

II. Meaning and Definition

A. Ijma: Consensus

Literal meaning

The root word from which Ijma is derived means 'resolution', says Shaikh Uthaymin. Imam Shafe' malik, in many rulings, in Muwatta, begins his

ruling by "the generally agreed-on way of doing things with us..."

Definition

Az Zarkashi defines ijma very comprehensive

-ly:

"Ijma is the agreement of the mujtahids, from the Ummah of Muhammad after his death in certain incidents for certain matters in a certain time."

B. Ijtihad: Independent Reasoning

Literal meaning

Al Ansari says, 'Ijtihad means to

strive hard to know the rules of

Shariah. Ijtihad is a struggle

in understanding Deen.

Definition

Allama Iqbal defines it as,

"To exert a view to form an

Independent judgement but

not independent of Quran and

Sunnah"

Ijtihad, -has, is an attempt

-to reach a conclusion with the

help of Quran and Sunnah.

VI. Principles of Ijma

The principles of Ijma can be explicitly derived from Al Zarkashi's definition.

A. Agreement of the Mujtahids

Al Zarkashi says ^{that} it is necessary that there is an agreement or consensus of the qualified scholars.

This implies that the agreement of a layman may be necessary. The

qualifications of mujtahidun include:

- i) Must be a master of Arabic language.
- ii) Must be proficient in theology.
- iii) Must be a pious and practicing Muslim.
- iv) Must have a thorough knowledge of Quran and Sunnah.
- v) Must have a comprehensive knowledge of legal theory (usul al Fiqh).

Example: Asbab ul Nuzul.

Asbab ul wurud and Naskh wal

Mansuk.

B. It Must Be Done After the Death of Prophet (PBUH)

The reasoning about this principle is that when prophet (PBUH) was alive, problems could be solved by referring them to him (PBUH). In that

case, it would be Sunnah and the need of Ijma becomes redundant. Thus, it is a necessity since the passing away of Muhammad (PBUH).

C. The Quran and Sunnah To Be The Only Source

Some schools of Islamic thought differ on this idea saying Qiyas could also be utilized as a primary source. However, majority of the Mujtahidin are of the view that Ijma is to be derived from Quran and Sunnah only since they are the sole infallible resources available. This is also to ensure the sanctity of Shariah.

Add and highlight references/examples against these arguments

D. All Mujtahids of The Same Era

Another principle of Ijma is that the scholars must be from the same era. Taking the Ijma of an older era to validate a contemporary consensus may undermine the flexibility of Ijma. Moreover, issues of all eras differ and, therefore, the solutions may differ for problems of

another era.

E. The Matters On Which Ijma Can Be Done Are Limited

Az Zarkashi said that the matters for Ijma are limited to:

i) Siyarak

These are the matters related to deriving laws from Quran and Sunnah.

ii) Aqiliyat

These are concerning minorities.

For instance, the minorities of Muslim states pay jizya no more. There has been consensus that it is valid since they now give military services.

iii) Uruq

The matters related to customs and culture fall in the domain of Ijma.

Any practice that may or may not harm religion may be brought for Ijma.

iv) Language

Whether or not a language for a matter, say being a scholar, matters may be subjected to Ijma.

IV. The Principles of Ijtihad

The principles of Ijtihad are same as Ijma with the exception that there is no need for consensus here. It is an independent reasoning. An addition would be that there must be consistency with established precedents. This means that any Ijtihad must not contradict established legal precedent / principle of Fiqh.

V. Contemporary Relevance of Ijma

Ijma was a necessity in the past and it is required today as well. There are certain issues in today's time that require Ijma.

A. Organ Donation and Transplant

A common debate about whether or not organ transplant is permissible for saving a life needs more consensus.

B. Cryptocurrency

In a digital age, everything is shifting online, including money. Many scholars are of the view that it is haram. However, it must be taken into consideration.

I. Bioethics - Related Issues

The Question of Euthanasia - painless killing of a suffering person, is on rise. A Law in The UK is to be passed in this matter whether or not it must be permitted requires Ijma.

Additionally, issues like abortion of potentially impaired child; surrogacy and In-vitro Fertilization require attention.

"Gather together the righteous from among the community and decide the matter with their council." (Abu Dawud)

VI. Neo-Ijtihadism: Modern Issues Requiring Ijtihad

Mujtahids in Baghdad in 5 AH or 11 CE announced 'Insided bab al Ijtihad' - "closing the gate of Ijtihad". This was propagated by scholars like Abu Zahra. However, scholars like Allama Iqbal, Muhammad Shaltut and Qazwini oppose the closure of Ijtihad and emphasize on its closure. Iqbal went to the extent of calling Parliament a Ijtihadi Legislative Body.

Ijtihad can be used for issues such as:

A. Bioethics and Financial Questions

Mujtahids, as qualified scholars must ponder over the issues related to human body and digital currency.

B. The Question of Intellectual Rigor and Diversity

The gates of Ijtihad are not closed as Muhammad al-Shafi'i said. Ijtihad promotes intellectual rigor and growth.

C. Globalization and Ijtihad

Scholars such as Masmoudi favor globalization. They say that it was through globalization that people learned about democracy through Ijtihad.

VII. Conclusion

In conclusion, both Ijma and Ijtihad are a significant part of Shariah. The Fiqh is broader and more ^{made} comprehensible via the two secondary sources. They have principles that lay down the framework of Ijma and Ijtihad. Moreover, both are immensely needed in face of contemporary novel issues.