

## Answers to Q. No. 8

### a. Accountability in Islam

#### Introduction

Accountability (hisbah) is the root of Islamic civilization. It means that those ruling are accountable to the rule, and also to Allah. Islam does not allow absolute rule. There are certain checks and instructions. The ruler(s) are not above law. It also means that everyone is accountable for his actions. If they are good, they will be rewarded; if bad, will be punished by monitoring body which deals with accountability.

**Hisbah (accountability): the root of Islamic public administration**  
The public administration

is responsible, questionable, challengeable and accountable to Allah and to people being served. Administrator is not all powerful.

Allah says,

"To the hearing and sight, and heart, each of these shall be asked."

- Bani Israel

Hazrat Abu Bakr (RA) on one occasion said,

"If I do good, follow me, if I do wrong, set me right"

**Hisbah creates order and justice in society**

When everyone is held accountable for the deeds they do, there will be peace, justice and order in the society. Without hisbah, the civilized society will turn into lawless jungle.

Hajrat Muhammad (SAW) emphasised upon its importance. He said,

"All of you are guardian and responsible for your words. The ruler is a guardian and a man is guardian of his family."

## Accountability achieves all and transparency

Without accountability, there cannot be any justice. Through accountability violence, illegal and immoral activities are controlled, and through it system is kept transparent.

"Those of you believe, let not hatred of anyone deviate you from justice. Act justly as it is your duty" - Al-Maida

Other than this, his bat

promotes:

- Fairness
- Integrity (continuous improvement)
- Service improvement
- Peace
- Social Equality

## How to achieve accountability

Monitoring in Islamic management creates Hisbah. The job is done by muhtasib (inspector)

According to Imam - al-Mawardi,

Hisbah is a religious duty to invite one to do good. The monitoring body monitors the activities of individuals, institutions, society and state in matters related to morality, religion, and economy.

## Internal monitoring

It is part of hisbah

It emerges from belief that Allah is always watching

"O you, who believe, fear Allah.

And let every soul look to what it has put forth for tomorrow. And fear Allah. Allah is acquainted with what you do".

- (al-Hashr)

## Conclusion

Hisbah (accountability) is an important ingredient which keeps people from astraying. It is inevitably important for the growth of individuals, institutions, rulers/administration, society and state. It lays the foundation of just, peaceful and stable society.

## Answers to Q. 2.6

### Characteristics of Islamic Civilization

#### Introduction

Islamic civilization

has distinctive features which sets it apart from other civilizations. These characteristics are based on utility and the well-being of the whole universe. Some of the major characteristics are: Tauheed, rule of law (as defined by Allah), universality, its all-encompassing nature (political, economic, social), moral values, human dignity etc.

## Characteristics

### ① Tauheed (monotheism)

Islamic credo is

La illaha illa Allah

(There is no god but Allah)

Allah is the Creator of this universe, and everything which is above it or beneath it.

Say He, Allah, is One. Allah is He on whom all depend. He begets not, nor is He

begotten. And none is like Him."  
-(al-Ikhlās)

## ② Words of God is the law of the land

Allah is the perfect legislator. He has shown the right path, and identified the wrong. So, no one is above the laws made by Allah.

According to Abu A'la Maududi,

"Laws repugnant to Shariah cannot be added to Islamic State".

## ③ Universal

Islamic civilization is not for a selective area or some special breed. It is for all.

## ④ All-encompassing

Islamic civilization

Covers each and every aspect of life (personal, social, political and economic) It is not limited to rituals

"Shall I seek a judge better than Allah when He it is who has sent down the Book fully explained"

- (al-Hadid)

### ⑤ Justice, <sup>Peace</sup> and equality

Islamic civilization greatly emphasise justice and equality.

"Those of you who believe, let not hatred for people restrain you from justice. Deal justly as it is your duty"

- (al-Maida)

Through perfect social and economic system, Islam promotes equality.

"Arab has no superiority over non-Arab"



## ⑥ Tazkiyah e Nafs: the purification of soul

Along with focus on material aspects and collective aspects, Islamic civilization also highlights the importance of Tazkiyah e Nafs

"By the sun, and its  
brightness

By the moon <sup>when</sup> ~~and~~ its  
follows it...

He has succeeded who  
purifies it

And he has failed who  
instills it (with corruption)"

(al Iqam)

## Conclusion

These distinctive characteristics of Islamic civilization sets it apart from other civilizations of past and present. If these features are adopted (in letter and spirit), the world will be a better place.

## Answer to Q.3

### Judicial system of Islam...

#### Introduction

Islamic judicial system encompasses and regulates all aspects of life (material and spiritual) To create the equilibrium between in man, both body and soul are attended. It also speaks of both rights and duties. Through judicial system, Islam ensure that people refrain from the forbidden elements which create chaos and violence in society.

Islam protects the dignity of man. No one is given special treatment. Everyone is considered equal before law. These features of Islamic judicial system and Islamic concept of justice create social justice.

# Features of Islamic judicial system

## ① Justice for all

No one is above law. Law is not to be implemented only on the weak, but everyone will be treated according to law. Prophet (SAW) had said: "If my daughter had stolen, I would have cut her hands"

Even the great Caliph Umar (RA) appeared in the court of public.

## ② Specific sources of law

Quran (Divine revelation)

Hadith (Muhammad (SAW) sayings)

Ijma (Consensus of Islamic scholars)

Qiyas (Analogical reasoning)

Fatwas (Opinions of Islamic scholars)

### ③ The structure of Court

- i) Qadi (judge)
- ii) Mufti (Islamic scholar advising the judge)
- iii) Shariah courts at various levels
- iv) Supreme Court or Council of Islamic Judges

### ④ Punishments or Islamic penal system

Hudud:

Hudud refer to fixed punishments for serious crimes. They are: theft, adultery, highway robbery (harabah), rebellion, apostasy (irtidad), and drunkenness.

The punishments are fixed as they are defined by Quran and Sunnah.

Tazir:

Tazir refers to those crimes where punishment is at the discretion of the state, ruler or Qadi, and they are

not permissible as *hadd* or *qisas* under Shariah.

### Qisas

It refers to retribution (eye for an eye)

For example, the punishment for murder can be in the form of *qisas*.

### Diyat

Refers to compensation payable to the victims or their legal heirs. It is an alternative punishment to *qisas*.

## ⑤ Qualification of Judges

In his book, *Al Ahkam ul Sultaniya*, Al Mawardi mentions following qualities to be found in the judge:

Academic excellence

Integrity

Impartiality

Suitability of character

## ~~⑥ Separation of power~~

### ⑥ Separation of Judiciary from executive

Caliph Hazrat Umar (RA) separated judiciary from executive. Judiciary is made independent, and not subordinate to executive.

Hazrat Umar (RA) appeared before Qadi in courts as ordinary citizen.

## Basic principles leading to social justice

### ① Preservation of peace

Islam means peace. The whole system is designed to grow peace and end violence. Muhammad (SAW) said, "ill practices of Age of Jahiliyat are 'under my feet'."

### ② Protection of life

Human dignity is at the heart of Islamic justice system. No one can wrong, mistreat

another person.

"Whoever kills anyone, other than (spreading fitnah), it is as if he has killed whole of mankind. - (al Maidah)

### ③ Protection of fundamental rights

There is long list of rights which judicial system is bound to protect. There is right to justice as well.

"And if you judge between mankind, judge justly (al Nisa)

### ④ Tolerance and freedom

"There is no compulsion in Deen" (al Baqarah) Islam does not force others (non-Muslims) to enter the perfect religion Islam unless they make choice.

## Conclusion

To sum up, Islamic judicial system with its golden principle has the

great potential to achieve social justice. It promotes equality, peace, fair-dealing, brotherhood, and spreads fairness. It discourages violence, injustice, inequality and evil play. Resultantly, such society emerges which is purified and cleansed from social evil, and which is insured/protected by social justice.