

Law Enforcement through Justice and Ethical Institution: Historical Perspective

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Abstract

Islam is the way of life which guides mankind to attain the happiness in here and the hereafter (falah). It is also a religion of peace through the submission to the will and laws of God, advocates the establishment of ethic and social justice in order to achieve peace. In the history of Islam, enforcement of law was implemented to preserve good ethic and justice in the society. Therefore, it is needed to know how the implementation of Islamic law enforcement regarding ethic and justice in Islamic framework. This paper aims to study how the Islamic state in the early of Islam pays attention to ethic and justice of society in its government affair or administration and how the wilāyat al mazālim and hisbah as Islamic institution will stand for law enforcement to promote justice and higher ethic in the society. Moreover, finding of the study states that the Justice and ethical values have been still concerned by Islamic State. The administration of justice carried out by Muslim should consist of the application of Shari'ah in name of God without any temporal consideration. Enforcement of law regarding ethic and justice is manifested in hisbah and wilāyat al-mazālim. Each institution has different duties, but has mutual relation to administrate the state toward welfare state. The hisbah institution plays its role to command good action (amar ma'ruf) and prohibit evil (nahi munkar). It has a responsible for the implementation of Shari'ah principles in society. Furthermore, wilāyat al-mazālim is an institution that carries out the justice around the society. This institution looks into the cases which are not included in common court authority, such as persecution matters which are committed by the authority, judges or member ruling family.

Keywords: Ethic, Justice, Law, Enforcement, Islamic State, Hisbah, Wilāyat Mazālim

Introduction

Islam is the way of life which guides mankind to obtain the happiness in here and the hereafter (*falah*). It is also a religion of peace through the submission to the will and laws of God, advocates the establishment of ethic and social justice in order to achieve peace. The justice is a set of moral rules that concern the essentials of human well-being, is of more absolute obligation than any other rules for the guidance of life. Linguistically, the word root of Islam is metamorphosis of three-letter (*tsulatsi*); *salima-yaslamu-salaaman* that means safe and peaceful. The four-letter (*ruba'i*); *aslama-yuslimu-islaman*, meaning to save and to bring peace. Indeed, Islam has very fundamental concern from peace, justice and well-being.

In the view of Ibn Sina, *Muamalah* "mutual dealing" demands law (*Sunnah*) and justice, and law and justice demand a lawgiver and dispenser of justice.¹ It is supported by the statement of Imam al-Ghazali that the country populous and flourishing can be only achieved by justice.² In the Islamic history was the fact that the rulers and ruled alike are subject, equally and without exception to *Shari'ah*.³ Therefore, Islamic state should do these responsibilities by establishing kind of institution which promotes ethic and justice to mankind. Historically, there are two important institutions in the Islamic civilization; *wilāyat al-mazālim* and *hisbah*. Firstly, it is institution that specialized in investigating complains levied by member of public against the high and mighty in society and the state.⁴ Secondly, it is an institution which carries out *amar ma'ruf* and *nahi munkar*. For *hisbah* institution was used in time of Prophet Muhammad peace be upon him, but formally used in the time of Umar Ibn Khattab and was fully established as institution during Mamluk period (1260-1382 AD). Indeed, both institutions are very important to bring justice and welfare in the society.

This paper aims to study how the Islamic state in the early of Islam pays attention to ethic and justice of society in its government affair or administration and how the *wilāyat al mazālim* and *hisbah* as

¹ Ibn Sina, *Al-Shifa in Metaphysic*. ed. Muhammad Yusuf Musa *et.al.* (Egypt: al mathabi' alamiriyah, 1960).

² Nik Roskiman Abdul Samad, *Al-Ghazali on Administrative Ethics (with special reference to his nasihat al-muluk)* (Kuala Lumpur: ISTAC Publication, 2003), 49.

³ Muddathir 'Abd al-Rahim, *Human Rights and The World Major Religions: The Islamic Tradition*, vol. 3, ed. William H. Brackney (London: Preager Publisher, 2005), 42.

⁴ *Ibid*, 42.

Islamic institution will stand to promote justice and higher ethic in the society.

The Importance of Ethic and Justice in Human's life

Ethic in general is defined as "a set of principles prescribing a behavior code that explains what is good and right, bad and wrong, it may even outline moral duty and obligations generally".⁵ However, Islamic ethic means an integrated body concept about means and ends of human life as presented by total life, including administration. In the Islamic tradition, politics, government and administration have been always regarded as matters of great religious and ethical, rather than of purely practical or managerial side.⁶

Accordingly, the justice can be simply defined as quality of being right and fair. In Islam, 'adl is most common associated to the justice, besides the word *mizan* and *qist*. Literally, the word of 'adl is derived from 'adala which means possessing that quality of good, righteous, or veracious. It also means a combination of moral and social values denoting fairness, balance, temperance and straightforwardness.⁷ According to Mahathir (1993), a former prime minister of Malaysia, Justice means placing something in its rightful place, which he elaborates into three important aspects of justice according to him:

First, placing someone in a post or function appropriate to his capabilities. Second, to mete out sentence or make decision appropriate to a situation or the person about receive it. Third, to place wealth or property to those who rightly deserve them.⁸

In al-Qur'an, almost a hundred expressions embody the notion of justice. Some important Qur'anic verses which relate to justice can be seen as follows:

God commands justice and good doing.....and He forbids indecency, dishonor and insolence (QS: 15; 92).

⁵ M.A. Shaikh, "Ethics of Decision making in Islam and Western Environments," *The American Journal of Islamic Social Scientists*, AJISS. 5 (1) (1998): 116.

⁶ M.A. Shaikh, *Ethics of Decision making in Islam and Western Environments*, 40.

⁷ Majid Khadduri, *The Islamic Conception of Justice* (USA: The John Hopkins University Press, 1984), 8.

⁸ Mahathir Mohamad, *Islam as a Religion of Justice; Islam and Justice*, ed. Aidit Ghazali (Malaysia: IKIM, 1993), 4.

God commands you to deliver trusts back to their owners, and when you judge among men, you should judge with justice (QS: 4; 61).

Of those We created are a people who guide by the truth and by it act with justice (QS: 8; 180).⁹

By these points, the ethic and justice are two components that cannot be separated in subject of law and state. They constitute the integration of values which encourages human aspects of life. Moreover, human as vicegerent of Allah on the earth need rules or laws that will guide them how to behave between one another. Clearly said that justice is Allah's attribute, and to stand firm for justice is to be witness to Allah (SWT) by worshiping Him and follow all Divine law which is commanded to them. Those laws (Shari'ah) provide the underlying principles of justice which would serve as guidelines to distinguish between just and unjust act. It constitutes a declaration of right and wrong which is called in Islamic vocabulary; "permission and prohibition" (*halal wa al-haram*).

The Implementation of Ethic and Justice in the History of Islam

Before emergence of Islam in Arab peninsula, people lived in tribal system which means there were no kingdoms or quasi-monarchies. Through power and influence could impose their sovereignty over the whole territory. Social relation in the period before Islam was no better. The tribes had become hardened by everlasting war and conflicts in which they were always seeking to defeat and humiliate one another. So merciless had they become that they killed their offspring in cold-blood, especially the girl, fearful of poverty and starvation through having too many mouths to feed. There were no moral values which rule them except their desires and wants that regulated them. The justice happened in the right of human life such as killing the girl, killing took place between tribes and oppressing the slave.

The advent of Islam opens a new chapter in new history of civilization, especially after Prophet Muhammad peace be upon him migrated to Medina, he lay down norms of behavior and provide arrangements for the protection and perpetuation of these norms.

⁹ Al-Qur'an: *Text, Translation and Commentary* by Abdullah Yusuf Ali (Beirut: Darul 'Arabiyyah, 1959).

Besides that, he took care the institutionalize, the perpetuation and preservation of this code by enjoining upon everyone to engage in commanding good and prohibiting evil (*'amr ma'ruf wa al-nahi 'anil munkar*). Prophet Muhammad peace be upon him as head of Islamic state carried out that function who often undertake inspections of market to see that the merchant did not engage in improper behavior.¹⁰ The first *muhtasib* (judge of public right) appointed by him was Umar bin Khattab who inspected the market in Mecca and Medina. Sometimes, he himself was *muhtasib* (judge of public right) also that can be derived from following *hadits*:

“Abu Hurairah said: The Apostle of Allah (may peace be upon him) passed a man was selling grain. He asked him: How are you selling? He informed him. Revelation then came down to him saying: “Put your hand into it.” So he put his hand into it, and felt that it was damp. The Apostle of Allah (may peace be upon him) then said: “He who deceives has nothing to do with us.”¹¹

In regard to justice, he also established an Islamic state with a written constitution of the world, the Madinah Charter, in year 622 CE. The Madinah Charter rejected nepotism (Article 11), offering protection to the non-Muslims; treating the local religious minority (Jews) as a community with the Believers' (Article 30-34), promising to help the signing parties in the event of outside attacks (38), mutual advice and consultation (Article 39), and no liability for misdeeds of anybody's ally (Articles 41). He appointed his companions to be a governor and a military commander and then established some institutions like principle of secretary (*kuttab*) and translator. These functions were used to make sure that the Islamic state established by him bring the justice and welfare to either Muslim and non-Muslim society.

The Islamic government's policy is related to social justice values. It appeared in time of four caliphs. Abu Bakar decided an important point of law, as the custody of infant; Umar and his divorced wife approached Caliph Abu Bakar to decide this point. Abu Bakar said: “*Oh, Umar for this infant his mother's spit is better than honey which you may procure.*”¹² In Caliph Umar period, the justice was

¹⁰ Abdul Azis b. Muhammad b. Murshad, *Nizam al-Hisbah fil-Islam* (Riyadh: University of Imam Muhammad b. Saud, 1395 H), 29.

¹¹ Sunan Abu Daud, vol. 2 Chapter 1297, Trans. Ahmad Hasan (Lahore: Sh. Muhammad Ashraf Publisher, 1982).

¹² Muhammed Ullah. *The Administration of Justice in Islam: An Introduction to the*

well practiced in which the case of horse purchase between Umar ibn Khattab and the seller. Umar purchased a horse on approval and he allowed a rider to test it. The horse was injured because of trial. Umar wanted to return back the horse and the owner refused to take it back. Eventually, this case referred for decision to Shurah observed," that if the horse was used for the purpose of riding with the permission of the owner then it be returned otherwise not." It is said that Umar was pleased with the judgment and appointed Shurayh Kazi at Kufa.

The actions were carried out by Apostle of Allah and the Four Caliph is always related to social justice of society, because Islam is the religion which concerns to social justice. The Justice is attribute of God and the administration of justice as the performance of religious duty. So, the administration of justice carried out by Muslim should consist of the application of Shari'ah in name of God without any temporal consideration.

Hisbah and Wilāyat al Mazālim in the Islamic History *Wilāyat al-Mazālim*: Its Development and function in the Islamic State

In the time of Prophet Muhammad peace be upon him had special jurisdiction of compelling doing each other wrong, *mutazalimun*, to mutual justice, and restraining litigants from repudiating claims by inspiring fear and awe in them.¹³ But, the *wilāyat al mazālim* was not institutionalized during his time. Linguistically, *wilāyat al mazālim* means the authority of unjust act (*sultha al mazālim*) or authority which accomplishes violation of right (*mazālim*) concern. According al-Mawardi, *wilāyat al-mazālim* means the institution that concerns with leading those who have committed wrongs to just behavior by instilling fear in them and with dissuading litigants from undue obstinacy in their dispute by instilling a felling of respect.¹⁴

Wilāyat al mazālim is the most important non judicial mechanism for public complaint. It is a bureau for complaint against public officers. This institution is important in public governance because of all public officials are considered to be representatives of the ruler, who is accountable for all their deeds. It constituted the highest

Muslim Conception of the State, eds. 3 (New Delhi; Kitab Bhavan. 1990), 18.

¹³ Anwar Ahmad Qadri, *Justice in Historical Islam* (Lahore: Ashraf Press, 1968), 10

¹⁴ Al-Mawardi, Imam, *Al-Ahkam al-Sulthaniyyah* (Beirut: Darul kutub, 1997); Al-Mawardi, *Al-Ahkam al-Sulthaniyyah (The Laws of Islamic Governance)*, trans. Asadullah Yate (UK: Ta-Ha Publisher ltd, 1996), 116.

authority in the court field rather than judge and muhtasib authority. This institution looks into the cases which are not included in common court authority, such as persecution matters which are committed by the authority, judges or member ruling family. In addition, the subject matter of *mazālim* has included executive lawlessness, corruption by public officials, impropriety by officer of *diwan* (treasury), and execution of judgment against influential and recalcitrant persons.

In the time of Prophet Muhammad (SAW), he himself who handled and solved all complain regarding to officer who committed the just act (*mazālim*) to the society. For example as mentioned below:

The Messenger of Allah, may be peace and blessing of Allah be upon him, investigated the dispute about irrigation between az-Zubayr ibn al-Awwam, may Allah be pleased with him, and a man from the *Ansar*. He came personally and said to az-Zubayr: "You water, O Zubayr, and then the Ansari," to which the latter said; "Surely he is the son of your maternal aunt, O Messenger of Allah." The Prophet became angry at this words and said: "O Zubayr, cause it to flow over his stomach until the water reaches the ankles."¹⁵

The four caliphs did not conduct this institution, because of the society in that time could be affected by in the beginning of Islamic teaching which guides them to the truth.¹⁶ Then, conflicts happened among one another could be solved by the common court. Moreover, in the end of his tenure, Ali ibn Abi Thalib realized in the importance of using actions and inspection in regard with the complaint of unjust officers. Moreover, *al-mazālim*, in accordance with the policy of Prophet and early Caliphs, the judges were entrusted with *mazālim* jurisdiction. **It was a combination of governmental power and judicial discretion, it required strong hand with great authority to subdue the evil-doer and restrain aggression among two litigants.**¹⁷

Furthermore, Umar ibn Abdul Azis was the caliph who maintained righteousness and defended the society from unjust action of authorities. So, he was a really caliphs who carried out the *wilāyat al-mazālim*. He personally received complaints and heard appeals and then was the first Caliph to sit in this court. He checked unjust act by member of the ruling family, repressed them severely,

¹⁵ Al-Mawardi, *Al-Ahkam al-Sulthaniyyah* ...116.

¹⁶ Abu Ya'la Muhammad Ibn al-Husayn al-Farra al-Hanbali, *Al-Ahkam al-Shultaniyyah* (Beirut: Darul Kutub, 1983), 73.

¹⁷ *Ibid*, 33.

though the persons against whom the jurisdiction was invoked were thought to retaliate upon him.

In time of Umayyad Caliphate, the Caliph himself would receive the complaints from the society in order to make everything goes easily. Consequently, in the beginning of Abbasid Caliphate, all the caliphs from Mahdi to Muhtadi did as well as Umayyad done. Though, caliph Qahir already promised to attend and lead the court, but was deputed by his deputy. In *Risalah al-kharaj*, Abu Yusuf, the grand judge in Harun al-Rasyid time, advised the caliph to attend the court in order to look into the society complaints on officers.

The duties of *wilāyat al-mazālim* had been given to governors or judges since caliph Qahir period. They decided certain days for society complaints toward public officials and *masjid* as to be the court. Al-Mawardi mentions that there are ten cases can be examined in *wilāyat al-mazālim*:

1. Persecution by authority to the society either group or individual.
2. Cheating by officers who were assigned to collect *zakat al mal*.
3. Controlling and supervising the officers.

These three cases above should be examined by *wilāyat al-mazālim*. If persecutions and cheats are found, the court will proceed without waiting of delay from related person. Other cases do not need complain previously:

1. Complain by army regarding with cut or deferred salary paid to them.
2. Returning back the wealth to the society that is taken by unjust authorities.
3. Pays attention to wealth of *waqf*. If the *waqf* is the public *waqf*, and then the institution has to supervise *waqf* administration which is given by *waqf* giver (*waqif*).
4. Carries out decisions of judge which cannot be solved by common judge, because of the defendant has the highest degree in his tenure.
5. Researches and examines the cases related to public interest which cannot be carried out by *muhtasib*.
6. Maintains the rights of Almighty Allah such as real worship; Jum'at prayer, *hajj* and *jihad*.
7. Accomplishes the cases which have been not solved by the parties.

Hisbah Institution: Its Development and function in the Islamic State

Al-Hisbah literally meaning is reward or calculation. Terminologically, as an institution throughout Muslim history to implement what is proper and to prevent what is improper.¹⁸ It also has been defined as **“to enjoin what is commonly known as good (*al-ma'ruf*) and forbid what is commonly known as evil (*al-munkar*)**.¹⁹In the view of al-Mawardi, it is an injunction to promote good if obviously forsaken, and prohibit evil if manifestly done.²⁰ Abu Ya'la defined hisbah as if command good (*amr bil ma'ruf*) appears, it just leave it and if prohibit evil (*nahi munkar*) appears, do it.²¹ Ibn Taimiyyah gives more specific definition in *hisbah* is “the prescription of good and the prescription of evil as may not come under jurisdiction of rulers, judge, or state auditors.²² In addition, Ibn Khaldun and al-Maqrīzi, in their presentation of the public functions of the Islamic state, define the *hisbah* as a religion office (*wadīfa dīniyya* for Ibn Khaldun and *Khidma dīniyya* for al-Maqrīzi).²³

According to Ash-shiddieq (1997) that *hisbah* is a self-obligation (*fardhu ain*) to the authority.²⁴ The authority should appoint for this responsibility to right person who has good characteristic. **The practice of *hisbah* emerged in the period of Prophet Muhammad (SAW). In that time the person who carries out *hisbah* was called as ‘*āmil ‘alā l-sūq***.²⁵He appointed some *muhtasib* to control goods or foods sold in the market, which one of them was **Sa'id bin Ash Ibn Umayyah who had responsible to control and supervise the Mecca market**.²⁶ Therefore, the first cause emerged the law of *hisbah* is because of human have not carried out the honesty and justice, especially in economic activities.

¹⁸ Muhammad Akram Khan, *Glossary of Islamic Economics* (London: Mansell Publishing Limited, 1990), 57.

¹⁹ Abd. Rahman, Azah, “*Al-Hisbah in the Thought of Ibn Al-Ukhuwa*,” (Master Thesis., International Islamic University Malaysia, 1992), 7.

²⁰ *Ibid*, 260.

²¹ *Ibid*, 283.

²² Victor, E. Makari, *Ibn Taimiyyah's Ethic The Social Factor*, ed. H. Ganse Little (Jr, California: Scholars Press, 1983), 160.

²³ Yassine Essid, *A Critique of the Origin of Islamic Economic Thought* (Leiden: E.J. Brill, 1995), 118.

²⁴ Tengku Muhammad Hasbi ash shiddieqy, *peradilan dan hukum acara islam* (Semarang: PT. Pustaka Rizki Putra,1997).

²⁵ Yassine Essid, *A Critique of...* 116.

²⁶ *Ibid*, 117.

By the explanation above, it is clear that there was *hisbah* before institutionalized. **The institutionalized was in the period of Umar bin Khattab.** Umar himself appointed woman named al-Syifa, mother of Sulayman ibn Abi Khatamah al-asyariyah, to control and supervise the market in Medina. According to Judge Ibn Sa'id that her responsible is related to special cases which focus on woman cases.²⁷ Nevertheless, the term of *hisbah* had been known in the period of Mahdi. Caliph Utman Ibn Affan period, wide of market in Medina and need of people to who supervise their activities in selling and trade. He appointed al-Harist ibn al-Hakim as *muhtasib* to supervise weight problem and justice.

The duty of *hisbah* institution is to give help to people who cannot ask their rights from others except by helping of *muhtasib*. In this matter the *muhtasib* will solve the dispute happened and explain how to do good act. According to Ibn taimiyyah that duties of Muhtasib include: ordering the common people to perform the five prayers at the proper times and punishing with flogging or imprisonment those who do not pray; supervising the prayer-leaders and those who give the call to prayer, seeing to it that the former do not neglect the duties of their office and that latter keep within the legally prescribed form.²⁸ So, the authority of *muhtasib* is to supervise either happen or not the public law and moral values.

Moreover, the duties should be carried out by *hisbah* institution consists of two categories:

(1) Commanding good (*amar ma'ruf*)

The command to do good (*amar ma'ruf*) comprises of three sections, namely: Firstly, Divine Law or related the rights of Almighty God. It focuses on public and individual society of rights, such as in the case of abandoning the Friday prayer in an inhabited country. Secondly, society rights (*huquq ul adamiyyin*) which comprises of public and private right. It is related to the accuracy of weights and measures and honesty in dealing. Thirdly, relating both rights mixed. (*Musytarak*), such as attempting to find guardian for wedding of orphans, keeping the road or street clean and advising the moral values in the society.

²⁷ Syech Musa Radhi Nashar, *Nizam al-Hisbah fil al-Islam*, Juz.1 (Beirut: Darul Hadi, 2002), 270.

²⁸ Ibn Taimiyyah, *Public Duties in Islam*, trans. Muhtar Holland (UK: The Islamic Foundation, 1982), 26.

(2) Prohibit evil (*nahi munkar*)

It consists of three categories, namely: Firstly, Rights of Almighty God (*huquq ul Allah*) which is included in worship matter (*ibadah*), prohibition and material matter (*muamalat*) which is commonly related to economic activities or market supervision. Secondly, society rights which means the deed that disturbs other parties, such as disturbing of neighbor's security. Thirdly, both rights mixed (*musytarak*).

The *hisbah* is in between of law of *qadha* and *mazālim*. There is the similarity and difference between judge of *mazālim* and *hisbah*. The similarity consists of two aspects: the first is that it is activity based on intimidation applied with the force of authority and with energetic severity and the second, is that this activity may be concerned with the matters of public interest and with seeing that manifest acts of wrong-doing are denounced.

The *hisbah* is also more restricted than the *wilāyat al-mazālim*. First, it is not able to entertain complaints of a general nature, such as contracts, transaction and all other rights and claims which do not constitute reprehensible activities of a manifest kind. Second, the *muhtasib* is limited to dealing with rights and claim which have been acknowledged; if however, denials and disputes have arisen between two parties, he may not investigate such case. Moreover, the *muhtasib*'s sphere of authority exceeds that of the judiciary (*ahkam al qadha*): the first, the *muhtasib* may investigate those matters in which he is commanding concerning the good or forbidding evil, even if the litigant seeking his help is not present, whereas the *Qadhi* may not involved himself like this unless the litigant is present from whom may then hear his claim. The second, he has to exercise the sovereignty of government official, and he so may have resource to the haughtiness and arrogance of the forces of order when dealing with reprehensible matter.²⁹

Conclusion

The Justice and ethical values have been still concerned by Islamic State. The Justice is attribute of God and the administration of justice as the performance of religious duty. So, the administration of justice carried out by Muslim should consist of the application of Shari'ah in name of God without any temporal consideration. In order

²⁹ Syech Musa Radhi Nashar, *Nizam al-Hisbah fil al-Islam*,... 339-340.

to realize those principles, Islamic state established *hisbah* and *wilāyat al-mazālim* as the institution of law enforcement. Each institution has different duties, but has mutual relation to administrate the state toward welfare state.

The *hisbah* institution plays its role to command good action (*amar ma'ruf*) and prohibit evil (*nahi munkar*). It has a responsible on the implementation of Shari'ah principles in society. Furthermore, *wilāyat al-mazālim* is an institution that carries out the justice around the society. This institution looks into the cases which are not included in common court authority, such as persecution matters which are committed by the authority, judges or member ruling family.

References

- Abidin Ahmad, Zainal. *Negara Adil Makmur Menurut Ibnu Sina*. Jakarta: Bulan Bintang, 1974.
- Abd al-Rahim, Mudattthir, *Human Rights and The World's Major Religions*. Vol 3: The Islamic tradition. London: Praeger Publisher, 2005.
- Abd. Rahman, Azah, *Al-Hisnah in The Thought of Ibn Al-Ukhuwa*, Master thesis., International Islamic University Malaysia (1992).
- Ahmad Hasan, *Sunan Abu Dawud*, trans.. Pakistan: Ashraf Printing Press, 1982.
- Ahmad, Zainal Abidin, *Konsepsi Negara Bermoral Menurut Imam Al Ghazal*. Jakarta: Bulan Bintang, 1975.
- Al-Mawardi, *The Ordinances of Government (Al-Ahkam al-Sulthaniyyah wa al-Wilāyat al-Diniyyah)*. Trans. Wafa H. Wahba. UK: Garnet Publishing Limited, 1996.
- Al-Mawardi, *Al-Ahkam as Sulthaniyyah The Law of Islamic Governance Abu'l- Hasan al Mawardi*. London: Deluxe Printers, 1996.
- Al- Sa'adi, Abdullah Juma'an, *Fiscal Policy in The Islamic State Its Origin and Contemporary Relevance*, Trans. Ahmad al-Anani. Qatar: Maktabat al Madaris, 1986.
- Crone, Patricia, *Medieval Islamic Political Thought*. Edinburgh: University Press, 2005.
- Essid, Yassine, *A Critique of the Origin of Islamic Economic Thought*, Leiden: E.J. Brill, 1995.

- Islahi, Abdul Azim, *Economic Concept of Ibn Taimiyyah*, UK: The Islamic Foundation, 1988.
- Kharofa, Ala'eddin. *The Legal in Islamic Administration*, Malaysia: International Law Book Service, 2000.
- Makari, Victor E, *Ibn Taymiyyah's Ethics: The Social Factor*, California: Scholar Press, 1983.
- Khan, Muhammad Akram, *Economic Teaching of Prophet Muhammad*, Islamabad: International Institute of Islamic Economic, 1989.
- Khadduri, Majid, *The Islamic Conception of Justice*, London: The Johns Hopkins University Press, 1984.
- Mohammed, Mahathir, *Justice in Islam*, ed. Aidit Ghazali. Malaysia: IKIM, 1993.
- Muhammad ibn Husayn, Abu Ya'la, *Al-Ahkam al-Sulthaniyyah*, Beirut: Darul Kutub, 1983.
- Qadri, Anwar Ahmad, *Justice in Historical Islam*, Lahore: Ashraf Press, 1968.
- Radhi Nasshor, Musa, *Nizam al-Hisbah fil Islam bayna Tanzir wa al-Tatbiq*. Juz 1. Beirut: Darul Hadi, 2002.
- Sina, Ibn. *Al-Shifa in Metaphysic*, ed. Muhammad Yusuf Musa, Sulayman Dun, and Said Zaid. Egypt: al mathabi' alamiriyah, 1960.
- Taimiyyah, Ibn, *Public Duties in Islam*, trans. Muhtar Hollad. UK: The Islamic publication, 1982.
- Ullah, Al- Haj Muhammed, *The Administration of Justice in Islam an Introduction to the Muslim Conception of the State*, New Delhi: Nusrat Ali Nasri, 1990.