

A Review Of Jurists' Views On State Intervention

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Abstract:

Muslim economic experts have pointed out the intervention in these areas of economic affairs for the state in the light of the Quran and Sunnah, the sayings of the Companions and the fatwas and ijthadat of the jurists. It is the responsibility of the state to establish the national economic sectors in a comprehensive manner. In the light of Islamic teachings and the thoughts of Muslim economic thinkers, the state shall not use any kind of force and coercion to pay and provide all the above-mentioned rights. Can work.

Introduction

The Islamic economic system fully protects the rights of both individuals and the community. As the Holy Prophet (PBUH) said:

(السلطان ولي من لا ولي له)

"Government (State) is the custodian of the person who has no custodian."

Since the state has the general responsibility of protecting the society, the state is required to take care of the needy, poor and humble of its subjects.

The behavior of jurists in matters of state economic intervention:

In the light of Islamic teachings and the thoughts of Muslim economic thinkers, the state can use any kind of force and coercion to pay and provide all the above rights. The behavior of the jurists in this regard is as follows.

Allama Ibn Taymiyyah's position on state intervention:

Allama Ibn Taymiyyah says:

Regarding fulfilling the needs of the needy, Ibn Taymiyyah says that

"The state has the responsibility that when the zakat is not enough for the needy, it will be given to them from the treasury and they

will be prioritized over other expenses." will be.

When Rasulullah ﷺ established the state of Madinah, he made the first agreement in the form of Muwakhat Madinah, which is the best manifestation of economic support and state support. After the era of the Prophet ﷺ, the Caliphs of the Rashidun also continued the Sunnah of the Prophet ﷺ and made a special arrangement for this matter that the wealthy and wealthy people of the society must be given alms, as it was narrated from Hazrat Abdullah bin Umar that famine Hazrat Umar said at the end of

(فوالله لو أن الله لم يفرجها ما تركت أهل بيت من المسلمين له سعة إلا أدخلت معهم أعدادهم من الفقراء)

"By God: If the famine had not been removed, I would not have left any house in which there was food, but I would have allowed other deserving and needy people to enter it, equal to the other members of that house."

Ibn Hazm's position on state intervention:

Ibn Hazm says about state intervention for public sponsorship:

(فرض على الأغنياء من أهل كل بلد أن يقوموا بفقراتهم وخيرهم السلطان على ذلك إن لم تقم الزكاة هم ولا في سائر أموال المسلمين بهم فيقام لهم بما يأكلون من القوت)

(الذي لا بد منه !)

"It is the duty of the wealthy people of each township that they will support the economic life of the poor and the poor and if they can force them to support the economic needs of the poor with their Zakat and Baitul Mal income." '

The state can compel the wealthy to support the poor and bankrupt members of the society and provide financial support for their financial needs and otherwise disciplinary action can be taken against such persons.

Qazi Abu Yusuf's stance on state intervention:

Qazi Abu Yusuf says in Kitab al-Kharaj;

(و ليس للامام ان يخرج شئنا من احدالا
بحق معروف)

"The Imam (Government) has no right to take anything out of a person's possession without a proven legal right."

If there is a need for the government to take possession of a person's property for some collective need, it will either take possession of it at the will of the owner or compensate him for his ownership.

The Islamic State has the authority to distribute surplus property and agricultural and non-agricultural land to those who are deprived and needy. Is right.

With regard to the intervention of the state for emergency situations and national defense expenses, the state is responsible for the protection of the property and life of its subjects, so in an emergency situation, if the state has the preparation of the army, defense resources and people. If there is no money in the treasury to spend on people, it is permissible for the state to seize the wealth of rich people and spend it on necessary expenses.

Imam Ghazali's position on state intervention:

Imam Ghazali writes in this regard:

(إذا خلت الأيدي من الأموال ولم يكن من
مال المصالح ما يفي خراجات العسكر.....
فيجوز للامام أن يوظف على الأغنياء مقدار
كفاية الجند)

"When the hands of the army are empty of wealth and the country's treasury does not have enough wealth to bear the expenses of the army. So, it is permissible for the ruler (of the state) to make it obligatory on the rich to give their wealth to the treasury as much as the army needs.

Imam Shatabi's stance on state intervention:

Imam Shatabi writes:

(و خلا بيت المال وارتفعت حاجات الجند
الى ملا يكفيهم فللامام إذا كان عدلاً أن
يوظف على الاغنياء ما يراه كافياً لهم في
الحال إلى أن يظهر مال بيت المال)

"When the treasury is empty and the expenses of the army increase, in such situations it is necessary for the ruler to oblige the rich to continue spending their wealth for the expenses of the army until the treasure does not come from anywhere in the treasury."

Mentioning such traditions, Ibn Hazm writes:

From the above specifications, it is clear that the state can demand financial assistance from the rich and wealthy people in emergency and war situations. According to the ijtihaads of some jurists, in such a case, the state is also authorized by the Shari'ah to enforce compulsory charity (forcing charity). In the contemporary context, the deadly epidemic like Corona, which has created an economic and economic crisis, surely the state alone is not able to bear the economic loss. And to encourage the wealthy to spend, but also to oblige the needy to provide food and essential goods in order to overcome the economic crisis and malnutrition.

Following are some examples of state intervention in the following sectors.

1. Payment of Inheritance Rights and State Intervention:

Allama Ibn-e-Qayyim's position on state intervention:

Scholars have said that just as the government is the heir of a person who has left no heir, it is also responsible for paying his debt if he dies without leaving anything to pay the debt and also his in life, she is also responsible for her support when there is no one to support her.

The right to inheritance is a fundamental human right. In the Madinah welfare state, where individual and collective rights were easily available, the state was responsible for the payment of basic rights such as inheritance. Regarding the responsibility of inheritance, the Messenger of Allah, peace be upon him, said:

"I have the greatest relationship with every believer in this world and the hereafter. If you wish, read this verse: The Prophet has a greater relationship with the believers than with their lives."

So, whosoever is a believer who leaves wealth, his family will be his heirs, whoever they are, and if he leaves a debt or something that can be taken care of, then come to me and I am his guardian.

From the above hadiths, there is a clear argument that timely distribution of inheritance and equitable distribution are included in the responsibility of the state. If a member of the state wants justice in this regard, the state can force the heirs to do justice. Last year, state concessions and legislation for women's inheritance is a good step in the process of inheritance justice in our dear country, Pakistan.

Privatization is of special importance in the western economic system, especially the capitalist system. But in Islamic economic system it is restricted. In the Islamic economic system, government and public resources and institutions cannot be privatized.

Abdullah bin Abbas' position on state intervention:

Therefore, it was narrated from Hazrat Abdullah bin Abbas that the Messenger of Allah, peace and blessings be upon him, said:

(الناس شركاء في ثلاث في الماء والكلا والنار)

"All Muslims share in three things, water, pasture and fire."

In the light of this hadith, privatization of river water, dams, canals, pastures and forests is prohibited. The reserves and mines of oil, gas, sulfur and coal etc. cannot be privatized either. According to the tradition of Abayd Bin Hamal, the Companion of the Prophet, may Allah bless him and grant him peace, Allah took back the mine of salt from him. When the Prophet ﷺ came to know that it was used in the common things of the Muslims, he said:

(أنه وقد إلى النبي فاستقطعه الملح الذي يحارب فقط فلمعه أن ولي قال رجل من المجلس أندري ما قطعت له إنما قطعت له الماء العد قال: فانتزع منه)

They went to the Messenger of Allah (PBUH) and asked him to grant them the salt mines in 'Marb'. So you did the same. When they left, a man in the assembly said: Do you know what you have given them? You have given them an endless supply. So you ﷺ took it back from them.

It is clear from the above hadiths that the state can intervene in its economic affairs, especially when it is necessary to privatize such institutions and resources that affect basic human rights or those resources that are nationally owned. According to the interpretations of the jurists, if any caliph, overseer or governor of the state has taken such steps, then such agreements will be null and void under the collective interest. Therefore, state intervention in relation to privatization is legally obligatory.

2. State intervention in hoarding:

The establishment of economic justice is one of the first responsibilities of an Islamic state. For economic justice, it is necessary for the state to take such measures and legislate to promote the

circulation of wealth and free trade in the society, so if there are vices like hoarding, high-selling, adulteration and embezzlement, contrary to the Islamic concept of economy, then such State intervention is necessary to eradicate canker sores. Therefore, the Messenger of Allah (peace and blessings of Allah be upon him) took several measures in the state of Madinah to eliminate hoarding and artificial scarcity of goods.

How can the state deal with coercion and reluctance as well as hoarding and artificial shortages, so it is narrated from Hazrat Abdullah bin Umar that once there was a food famine in Madinah, at the end of the famine, Hazrat Umar Farooq said:

(فوالله لو أن الله لم يخرجها ما تركت أهل
بيت من المسلمين هم سعة إلا ادخلت معهم
أعدادهم من الفقراء)

"By God! If the famine had not been removed, I would not have left any house in which there was no food, but I would have admitted other deserving and needy people equal to its members.

Syed Abu Ala Maududi's stance on state intervention:

Syed Abul Ala Maududi states about state intervention in the matter of haram sources:

"In Islam, only that business is permissible which is not by any forbidden means. Theft, cheating, cheating, embezzlement, usury and gambling are all forbidden. Therefore, the Islamic government is the supervisor of the market and in all these matters. Obligated to intervene and stop them."

It is clear from the above hadiths, monuments and the statements of the jurists that it is the responsibility of the state to take such measures to reduce the accumulation of imbalances, adulteration and fraud as possible, Shariah-based legislation and emergency measures. Included in

the category of legitimate interference in economic affairs.

3. Establishing the system of zakat and sadaqat and state intervention:

Establishment of Zakat and Sadaqat system and state intervention, Zakat system is a part of Islamic economy and this economy is based on economy. Islam has prioritized the system of Zakat over the system of Sadaqat. This is the reason why when Allah Ta'ala mentioned the government of the believers, he also mentioned the economic system in the Qur'an.

With this instruction, the Holy Quran makes it clear that the ruler in an Islamic state has the responsibility to collect the wealth from the nobles and deliver it to the deserving, and in this regard, according to Islamic teachings, the state has special powers. Therefore, the payment of Zakat is obligatory on every person who has the right to pay it. If he does not pay, the state can forcibly collect it. The opinion of some jurists is that it is the responsibility of the state to pursue such a person and the state has the right to collect the zakat. He should also receive some more share from his property.

(من أعطاه موطراً فله أجرها ومن كتمها
فأنا أخذوها)

"Whoever pays Zakat to get a reward, he will get a reward and whoever hides it, We will take it from him."

It is clear from the above Quranic verses and hadiths that the maintenance of Zakat system is the responsibility of the government, which cannot be established without state patronage. Therefore, if the rich and the owner do not pay zakat despite reaching the required amount, then the state can not only take action against such persons under the special authority in this regard, but can also demand additional wealth along with forced collection. That Hazrat Abu Bakr Siddiq had declared war against those who did not pay Zakat during his reign.

Hazrat Shah Waliullah Muhaddith Dehlvi's stance on state intervention:

Hazrat Shah Waliullah Muhaddith Dehlavi (1176-1114 AH) explains this point in "Hujjatullah Al-Baagah" and writes:

(الأرض كلها في الحقيقة بمنزلة المسجد أو
رباط جعل وقفاً على أبناء السبيل وهم
شركاء فيه فيقدم الأسبق فالأسبق)

"The whole earth is like a mosque and an inn, which is built for the lodging of travelers, and all the people are partners in it, so the one who has the right to it before has (the right to usufruct) before (and the latter) later."

4. State Interference in Government Expenditures and Dispositions:

According to Islamic teachings, the status of the ruler, emir and caliph is that of a guardian and responsible. This is the reason that in Islam, the position, authority and responsibility of authority are not honorary or hereditary, but a trust given by Allah Almighty out of the spirit of accountability and responsibility. This is the reason that in an Islamic state, a government person or a ruler can spend the national treasury and treasury at will. People holding government positions are not authorized to receive gifts and other benefits apart from salary, as the Prophet ﷺ said:

"Whoever We appoint to a job and We also pay him a fixed salary for that job, then whatever that salary is, he If you take it apart, it will be treason." (Abu Dawood, Sun.

During his caliphate, Sayyid Umar Farooq strictly enforced the expenditure of the treasury (Bait al-Mal) at the government level and forbade all kinds of extravagance, as narrated in Sahih Bukhari:

(أن عمر بن الخطاب كتب إلى عماله أن لا
تطيلوا بناءكم فإنه من شر أيامكم)

"Umar bin Khattab gave written instructions to his workers and officials that they should not raise their residences because

such Action is a sign of the worst times."

The economic policy formulated by Hazrat Ali during his caliphate as an emir is as follows.

(إلا أن أكون عليكم ألا وإنه ليس لي أمر
دونكم ألا إن مفاتيح مالكم معي ألا وإنه ليس
لي أن أخذ من درهما دونكم رضيتم)

"Say: I will become your caliph only on one condition that although I will have the keys to your treasury, I will not take a single dirham without your consent."

It is the responsibility of the state to look after the interests of the people and to supervise the economic activities of the subjects because when the ruler is responsible for the economy of the subjects, he also has the right to interfere in the economic activities. According to Islamic teachings, the meaning of the court in economic matters is to supervise the financial affairs of the people, to provide economic justice, to protect the collective economic interests and to bind the people to Islamic rules and regulations so that the economic A prosperous society was formed.

Summary:

Regarding state intervention, the jurists have presented various fatwas in the light of Prophetic sayings. Different types of issues come up in the Jats and there is a need to do all kinds of methods and issues to solve them, as Imam Shatabi and Imam Ghazali both hold the position regarding military expenses that if the military expenses increase, then They should be fulfilled with the wealth and it is obligatory on the rich to give the wealth to Baitul-Mal according to the need. Apart from this, the matters of inheritance, accumulation of Zakat and Sadaqat etc. are also included in this. This would indicate that the state can intervene in the economic affairs and improve it according to the situation.

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