***Legal system***

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**Introduction**

The current assessment is concerned with undertaking detailed discussion about the Islamic economic legal system and its applications. Apart from that, the discussion is also based on identification of different factors of the Islamic economic legal system along with the advantages that it has for the economic systems and individuals around the globe.

**definition**

"Islamic economic system is designed to satisfy human needs within the framework of Islamic

values and ethics, which is a kind of balance occurs between the individual and society that

achieves the advancement of man and society in all spheres of life."

**Islamic economic system**

**Islamic Econamic System**

The Islamic regime has organized standards in human life according to the Quran and the

Sunnah. One of these standards organized by the Islamic legal system is the Islamic economic

system.Economic System in Islam is a set of rules governing the economy in Islam.

The Islamic economic system refers to the economic system which is being undertaken in accordance with the Islamic rules and principles. Just as Islam promotes equality and justice, its economic and legal system is also based on the principles of equity and justice. The economic system of Islam is significantly different from the laws that have been made by man and from the definitions provided by human being while defining economic problems. The economic system of Islam is based upon the directions given in the Holy Quran which states that the all the resources belong to Allah. The economic and the financial activities in Islam are carried out on the basis of this principle (Islamic-Banking, 2017).

One of the major principles of Islamic economics and finance system is related to the fact that money itself does not possess any intrinsic value. Therefore, a Muslim is not allowed to lend money and benefit from it in the form of interest. To generate money from money is strictly forbidden in Islam as wealth can be generated by means of legal trading and investing activities. The other fundamental principle of Islamic finance is related to the concept of trading which involves sharing of profit and loss. The profit is shared between the provider of the capital and the person who is offering the management expertise. Therefore, sharing of profit in this manner promotes the benefits and well-being of all the parties that are involved in the trading activities (Islamic-Banking, 2017).

**Islamic organization of economic**

The economic organization of Islam believes the money belongs to God and people are

responsible for their behavior according to the Islamic law.There are Islamic directives related to production and trade transactions.

**Production**

Is the work of producing a new interest of the people and the Islam always asks people to

work and create a new thing that might be useful for the society,this appears in two major:

**1/**Encourage people to work, Islam has urged people to work to get money and life. The

person must work perfectly to bring the livelihood for him self first and society second.

**2\**Encourage people to exploit natural resources,Revival of the Earth is one of the most

important human functions that he was created for.In Islam, the destruction of resources that can

help revive the earth is corrupting the earth and Islam punish people who intended to destroy

these resources.

**Spending**

"The money in buying or hiring goods or services".Islam has developed criteria for spending the public interest and individual interest.

- Spend money as people need and that withholds a person to spend money on things that

could be harmful.

- The Muslim must be moderate in spending so as not to be extravagant nor miserly.

**Organization of trade deal**

Because of the exchange of benefits between people Islam set conditions for people in the

commercial market if the acts are legitimate and based on mutual consent. Islam prohibited

illegal trade such as fraud, drug trade and the things that pollute the environment.

**Economic System in Islam properties**

- There should be a balance between public interest and private interest.

- Economic market must be characterized by moral discipline.

- Economic System in Islam must ensure basic human needs and addresses poverty and provide

people with a prosperous life.

- Balanced sharing of income and wealth and this began many rulings such as prohibition of

illegal trade such as Riba and Gambling.

- Creating provisions divide the wealth between strata of society such as Zakat and spending for

the poor and needy people.

- Creating provisions divide the wealth such as Inheritance, which works on the distribution of

wealth on a large number of inheritors.

**Inheritance in KSA**

The inheritance in KSA during pre Islam age was of benefit to the male members only; they had no responsibility to take care of the female members. When a Muslim man dies, there are duties that his family has to perform. First they have to pay for his funeral expenses, then they have to pay for his debts if any, they must ensure to execute his will and the remaining assets should be distributed among the heirs according to the Sharia. The daughter receives half the amount of inheritance as compared to her brother and half of the total asset if only daughter and if more than one daughter and no son then they will have 2/3share each. When a man has daughters only, his brothers will have share and they will be responsible for the well being of his family.

A wife receives 1/8 part of her husband’s property if he has a descendant and ¼ ratio if had no descendant, the husband receives ¼ part of property if wife has a descendant and half of her property he has no descendant. The mother and father receives 1/6 ratio of sons property if he has a descendant and they receive 1/6 plus the rest of agnation if deceased has a female descendant only. The inheritance law addresses all the relations and sets a certain amount of share for the heir. A non Muslim heir cannot inherit from a Muslim father and a also a Muslim heir cannot inherit from a non Muslim inheritor. The inheritance rights are not restricting women but the misinterpretation of laws stop women from taking advantage of their rights. The economic well being of the women is challenged by the cultural norms of the society; the male members exploit the women rights and increase their own share.

Women are deprived of their rights that sharia has given to them according to sharia the share of inheritance should be given as prescribed and no one should leave the share. The emphasis is women’s security; Islam gave right of inheritance to women much earlier than it was realized by the western countries. This indicates that there is need for awareness of the women; they need to be educated on the rights.

**Terms of the seller,buyer and sales**

There are conditions and rules of the Islamic economics for those who want to buy and sell

**1/** reaching the age of majority, anyone who wishes to sell a commodity or procured must be an adult is not permissible for those who have not reached the age of majority to sell or buy.

In addition,no one is allowed to buy from people who have not reached the age of majority and It is not permissible to sell them things.

**2/** mentally aware,no one is allowed to buy from people who have mental problems or who is insane in the brain.Also,It is not permissible to sell them things.

**3/** Not to ban the person.the person who been has banned because of bankruptcy or extravagance is not permissible for him to buy or sell in any case**.**

**Also,Islam created terms for things that will be sold**

**1/** Compromise,Islam does not compromise in the sale and purchase only by mutual consent,If someone enforced the seller or the buyer to sale or buy something it will not be permissible commodity.

**2/** To sale something that Islam does not prohibit,It's not possible to sale anything that Islam does not allow to sale such as pork and Alcohol.

**3/** Permission,the person whose selling something must be allowed to sell it otherwise it will not be true selling

**4/** Sale things that could be manageable.In Islam no one can sale some thing is not under his/her control,For example,is not true to sale land on the moon.

**5/** Own the thing,anyone who wants to sale something he must be the owner or has the permission to sale it.

**6/** Things must be known,For example,is not true to say i will sell one of my car.It has to be known which car the person is selling

**7/** Agreement of the price.It is not permissible to sale something without making agreement of the price.As a good example,is not true to say i will sell you my car without mentioning certain amount.

**Taboo in the Islamic economic system**

**1/** Usury)RIBA),All of kinds Riba Is forbidden in islam.lending money at unreasonably high rates of interest is illegal and the islam punish anyone who would do Riba.

**2/** monopolism,the exclusive possession or control of the supply or trade in a commodity or service is forbidden in Islam.

**3/** Loans,a sum of money that is expected to be paid back with interest is not permissible.

**4/** something not owned,prohibition of selling something not owned by the seller if the seller does not have permission to do so.

**5/** selling something is not known such as the sale of fish in the sea.

**6/** Trafficking in taboo ,Islam forbidden all kinds of trafficking in taboo such as drug trafficking, human trafficking, child trafficking.

**elements of Islamic economic**

- dual ownership:Private property that is belonging to or for the use of one particular person or group of people only.

-Public ownership is for members of the community.

Islamic economics is based on those two at the same time which brings a balance between the individual's interest and the interest of the Community.

**Principles of Economic and Legal System of Islam**

Islam is the complete code of life. Islam is not just a religion or Economic framework but rather a Deen. It gives direction to all parts of Individual and Collective lives. Islam implies peace and accommodation. Islam has set out specific standards and points of confinement for the economic actions of man so that the whole example of creation, trade, and dissemination of riches may fit in with the Islamic standard of equity and value.

Islam has no concern about time-bound strategies and procedures of monetary generation or with the subtle elements of hierarchical examples and systems. Such techniques are particular to each age and are developed as per the necessities and prerequisites of the group and the exigencies of the monetary circumstance. Islam's worry is that whatever the specific type of financial movement in operation, its fundamental standards ought to dependably be the same. Therefore, the legal and the economical system of Islam are based on these factors.

**Principles of Islamic Economic System**

One of the major principles of Islamic economic system is that Allah determines what is right and wrong along with the principles of moderation and use. Furthermore, the principles of Islamic economic system are concerned with the economic freedom and principles of Justice. The principle regarding the determination of right and wrong by Allah illustrates the fact that only Allah has the right to determine what is right and wrong and no human being has the right to decide about it. On the other hand, principles of use are concerned with the fact that the wealth and the resources should be used for human welfare in accordance with the guidance and teachings of Islam. Principles of moderation illustrates the importance of Muslims to stay within the limits and do not cross them in their routine activities. The principles of moderation should also be followed while earning and spending money. With respect to economic freedom, Islam provides significant value to the freedom of individual’s activities in different walks of life such as political, economical, religious and moral. Perhaps the most fundamental principles of Islamic economic system are the principle of Justice. The principle of Justice signifies the importance of avoiding illegal and unfair exploitation of resources along with the unfair exploitation of individuals. Furthermore, Islam accepts the right of every individual to earn livelihood but in a legal manner as an individual is not supposed to resort to illegal and unfair means of earning such as bribery, corruption and robbery etc (Muslimtents, 2017).

**Objectives of Islamic economic system**

The primary objective of Islamic economic system is the establishment of equality within the society and avoiding illegal and unfair exploitation of resources. The other key objective of Islamic economic system is the development of kindness within the economic system. The objective of kindness is directed towards development of environment of coordination and cooperation among the individuals within the society. The Islamic economic system is directed towards achievement of maximum economic growth through reducing unequal distribution of wealth. Through equal distribution of wealth, the economic system of Islam aims to maximize the opportunities of employment for the individuals of the society. Overall, it can be stated that the economic system of Islam puts significant importance on providing opportunity to the weaker communities of the society to earn their livelihood and lead a respectable life (Blogspot, 2011).

**Characteristics of Islamic Economic System**

One of the basic features of the Islamic economic system is the obligation of Zakat through which wealth is transferred from the rich to the poor. There is a fixed rate of Zakat which is paid by the wealthy individuals to the poor and needy sections of the society. The basic aim of the system of Zakat is to ensure that unequal distribution of wealth within the society is eradicated and objective of economic growth and welfare can be achieved in an effective manner (IslamicBanker, 2017).

The other primary characteristic of Islamic economic system which differentiates it from the Western economic system is its Interest free nature. The economic system in Islam illustrates the importance of partnership as the preferred mode of business while avoiding Interest which has become the cornerstone of the Western economic system. Islam considers interest as interest as one of the greatest evils and prohibits its followers from indulging into any activities.

**Advantages of Islamic Economic System**

Islam gives a total and straight forward financial system which is the best other option to both free capitalism and communism. The elements that are involved in this system provide a much better alternative for the investors to make investments.

Essentially, one of the principle favorable circumstances of the Islamic economy is that Banks are not charging loans or interests. Actually, credits are viewed as a trade of advantages, instead of the loaning of cash. At the point when an advance is taken out to buy an advantage, the bank will make the buy, and then pitch the resource for the person at an increased cost. In spite of the fact that this is generally taking the time value of cash into thought, and is, actually, like charging a premium, it leaves the borrower free from changes in financing costs. On the off chance that cash has been utilized to put resources into a business, the bank won't charge a premium, yet get a rate of the benefits. In the event that the business falls flat, the bank shares the risk. In this manner, risk of the business is shared in an appropriate manner which reduces the possibilities of failures.

**It aids money related consideration**

The customary banking system depends on paying enthusiasm at a pre-decided rate on stores of cash. As both installment and receipt of premium are restricted by the Shariah law, Muslims, for the most part, refrain from saving money. Through Islamic keeping money,

monetary consideration can be advanced and a bigger pool of funds can be brought into the economy.

**Decreasing the effect of unsafe items and practices**

Shariah standards disallow any speculation that would support ventures or exercises that are viewed as hurtful to the general population and the general public by and large. This incorporates usury, hypothesis, and betting, independent of whether these are legitimate or not in a given domain.

**Legal System of Islam**

The Islamic Legal system refers to the kind of legal system which is based on Shariah Laws based on Islamic rules and principles. The Shariah laws that are based on the guidance provided through Holy Quran and the actions of Holy Prophet (Peace be upon him) guide the process of decision making and the jurisdictions that are needed to be made in different cases. The legal system proposed by Islam is based on the principles of equality. Islam treats all the individuals as equal and does not discriminate between them on the basis of race, color and other related factors.

The Shariah laws with respect to criminal activities are divided into three different categories of crime such as hudud, Qiyas and Taizir. The crimes related to Hudud are clearly mentioned in the Quran and provide predetermined punishments. Some of the examples of Hudud crimes are adultery and use of alcohol along with crimes related to theft. Crimes related to Qiyas are concerned with the type of crimes that are related to causing harm to the human body. In the Tazir crimes, there are no specific punishments and the judges are left at their

discretion to decide about the punishments for these crimes. The laws of the Shariah focus on the well being of the individuals as well as the well-being of the entire community (Law.wm.edu, 2016).

Apart from laws related to criminal activities, the laws of Shariah are also concerned with the family issues of an individual. One of the aspects of laws of the society related PSL is concerned with the number of wives that can be held by individuals. Maximum 4 wives are allowed for an individual to be kept at a given point of time. One of the most crucial elements of the Islamic legal system is also concerned with the right of inheritance in the property. The presentation about the right of inheritance illustrates that the brother is entitled to receive twice the amount as his sister’s in inheritance at the time of death of the father. The next important aspect is concerned with the protection of children which indicates that at the time of divorce, the mother has the right of taking her children into custody (CRF-URG.Org, 2016).

Islamic legal system is comprised of all the different branches of modern law along with general and specific laws. This legal system investigates different matters of Global law when dealing with different issues regarding wars and other related issues regarding the relationship between different Islamic states. The category of constitutional law defines the position that the government needs to take regarding the different political authorities and dealing with the dissemination of power between them. On the other hand, Administrative law is made of a body of statutes that govern the activities of executive authority in terms of performing its duties and ensuring that activities are performed in a pleasant manner (Ediscover, 2016).

The Islamic laws are also applicable on the commercial practices within an economy with respect to activities of investment. The basic aspect of the Islamic legal system in terms of investment is that it eliminates the risk in investment by making investments in a safe manner (Exportiamo, 2016).

**Advantages of Islamic Legal System**

The Islamic laws that are based on Shariah have been instrumental in implementing the processes of equality and justice within the society. By offering clear guidelines, the guidelines related to the Islamic Legal System. Apart from that, Shariah based laws are also instrumental in eradicating the possibilities of individuals getting indulged in false and immoral practices which offers valuable benefits for the entire society.

Furthermore, through providing guidance on the issue of commercial contracts, the legal system of Islam provides wide range of guidance to its followers regarding undertaking different types of ads in accordance to natures of business activities.

**Conclusion**

On the basis of the analysis that has been undertaken in this assessment, it can be concluded that the legal and economic systems of Islam are directed towards the promotion of equality and justice within the society. Through the application of these systems, unequal distribution process of wealth within the society along with illegal and false exploitation of resources along with individuals can be eradicated.

Therefore, the Islamic economic and legal system can contribute efficiently towards providing opportunities to the underdeveloped communities of the society. As a result of that, it can be stated that the application of Islamic economic legal system would be extremely important for the betterment of the individuals of the society in the years to come as it has the capability to provide a better alternative economic system which is not possible through the economic systems of capitalism and socialism.

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