

Effective Governance in the Era of Caliphate `Umar Ibn Al-Khattab (634-644)

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Abstract

The concept of governance is the process of decision making by which decisions are implemented, how power is exercised and how citizens have their say. The purpose of this paper is to explore and comprehend the theory of effective governance from both a modern and Islamic perspective. This paper analyzes the key element of this theory in the reign of caliph Umar ibn al-Khattab. It is hypothesized that the teaching of effective governance can be understood from the *al-siasah al-shariyyah* and *shariah* framework. The concept of effective governance emerged and became known as a policy formulation with its implementation through synergistic participation by various sectors including administrative, political and economic, focusing on several characteristics – efficient, honest, equitable, transparent and accountable – in order to obtain a higher quality of governance. Thus, it is consistent with the concept of *al-siasah al-shar`iyyah*, which is to safeguard and recognize the lawful benefit for the citizen (*maslahah `ammah*) through a pattern of management. This concept was practised by caliph Umar al-Khattab throughout his reign and it is shown that the concept of *al siyasaah al-shar`iyyah* can be developed with a more specific approach so that it will be more relevant and applicable to the current needs and situation.

Keywords: Islam, effective governance, Islamic governance system, caliphate Umar ibn al-Khattab.

Introduction

With a focus on government reformation and reinvention in policies and approaches towards better ruling, the notion of “governance”, “good governance”, “effective governance” or as identified by some researchers ‘humane governance’ and ‘participatory governance’ has become increasingly crucial in today’s government debate and practice. Even though the concept of governance is not new, it is as old as human civilization, however, its terminology became popular and fashionable and is part of the global interest in the 1990s (Thomas G. Weiss 2005).

Conceptually, governance has brought a new dimension to the administration and policy studies and planning for countries globally. Seemingly, it became one of the important strategies, processes, methods and mechanisms in governing countries and achieving public demand and interest. Nonetheless, the idea of governance is still widely debatable due to the various definitions and

understandings concerning the term. For example, in various places, good governance has been associated with democracy and good civil rights, with transparency, with the rule of law, and with efficient public services. Typically, it is defined as being synonymous with 'government' (Thomas G. Weiss, 2005), although in many descriptions it is a broader notion than government. Governance involves the interaction between formal institutions publicly and privately and those of civil society. However, although there is no governance without government, governance cannot be judged solely on outcomes but must also consider the processes and relationships that produce them.

Thus, this article tries to comprehensively investigate the concept of governance and effective governance from the aspect of processes and relationships between the governed and the governors; relationships that have in-built mechanisms for public participation. In addition, it will also explore how this concept is best explained in accordance with Islamic political science theory. Whether it is a debatable subject amongst Muslim political scientists and whether there is a certain model that can be adopted in the current practice from the Islamic history and civilisation. This article suggests that the theory of *al-siyasah al-shar'iyah* best represents the idea of Islamic governance. However, this writing is a new effort to enhance and refresh the existing theory for the benefit of current discussion and implementation ever mindful that it will not go against the basic rules and principles of Islam. In this respect, the practice of governing under the ruling of caliphate 'Umar Ibn al-Khattab will also be explored to complete the theoretical framework as well as giving a better picture on how it was exercised. This government was chosen because it was proven and accredited by many Muslim scholars as a model of good practice for innovation and reform during the Muslim leadership history (Al-Buraey, 1985).

The Concept of Effective Governance: A Contemporary Perspective

The need to promote better government services, particularly in the era of globalization became one of the major factors to adopt the concept of effective governance. At the same time, the process and mechanism of governance is also used to correct malpractices and red tape that hinder the achievement of good and effective government. Many academics employ this word to connote a complex set of structures and processes, both in public and private administration, while more popular writers tend to use it synonymously with the word 'government' (Al-Buraey, 1985). The New Webster's international Dictionary (1999) defines the term as: 'act, manner, office or power of governing; government', 'state of being governed', or 'method of government or regulation'. Goran Hyden (1995) has argued that it mainly refers to running government and other public and private agencies with social purposes. The Commission on Global Governance defines 'governance' as 'the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken'. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest (Commission on Global Governance, 1995). With some of these definitions as an introductory literature, the writer will explore 'the what' of this concept, from both modern and Islamic perspectives and understandings. The reason for this exploration is to develop the concept of effective governance from the Islamic perspective, which has not yet been exposed and discussed by academicians in this field.

Broad definitions of governance are often discussed and have brought various meanings and perspectives, such as that given by the United Nations Development Programme (UNDP), which is an organization that promotes and advocates change and connecting countries to knowledge, experience and resources to help people build a better life. According to the UNDP, governance refers "*to the exercise of political, economic and administrative authority to manage a nation's affairs. It is the complex mechanisms, processes and institutions through which citizens and groups articulate their*

interests, exercise their legal rights and obligations, and mediate their differences” (Sakiko Fukada-Parr & Richard Ponzio, 2007).

From another perspective, the *Asian Development Bank (ADB)* has defined governance through its contribution towards the economic sector. “Governance is *the manner in which power is exercised in the management of a country’s social and economic resources for development. Governance means the way those with power use that power” (Asian Development Bank, 2007).* Furthermore, John Graham, Bruce Amos and Tim Plumptre have explained the governance concept as:

... The art of steering societies and organizations. Governance is the interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how citizens or other stakeholders have their say. Fundamentally, it is about power, relationships and accountability: who has influence, who decides, and how decision-makers are held accountable. The concept may usefully be applied in different contexts – global, national, and institutional and community (The Institute on Governance, 2007).

Meanwhile, the Organization of Economic Co-operation and Development (OECD) denote the concept of governance as the use of political authority and exercise of control in a society in relation to the management of its resources for social and economic development. This broad definition encompasses the role of public authorities in establishing the environment in which economic operators function and in determining the distribution of benefits as well as the nature of the relationship between the ruler and the ruled (The Organization of Economic Co-operation and Development, 2008). The studies done by a few scholars such as Acemoglu, Johnson, and Robinson (2001), Rodrik, Subramanian, and Trebbi (2004) find that non-transparent, unaccountable, and restricted governance is detrimental to development and welfare, while the opposite tendency is advantageous.

Several other definitions on governance from various international organizations are presented here to give more understanding, as follows:

1. *World Bank.* Governance is defined as the manner in which power is exercised in the management of a country’s economic and social resources. The World Bank has identified three distinct aspects of governance: (1) the form of political regime; (2) the process by which authority is exercised in the management of a country’s economic and social resources for development; and (3) the capacity of governments to design, formulate and implement policies and discharge functions (Thomas G. Weiss, 2005).
2. *Institute of Governance Ottawa.* Governance comprises the institutions, processes and conventions in a society, which determine how power is exercised, how important decisions affecting society are made and how various interests are accorded a place in such decisions (<http://infoweb.magi.com/igvn>).
3. *International institute of administrative Sciences.* Governance refers to the process whereby elements in society wield power and authority, and influence and enact policies and decisions concerning public life, and economic and social development. Governance is a broader notion than government. Governance involves interaction between these formal institutions and those of civil society (<http://www.britcoun.org/governance/ukpgov.html>).
4. *Tokyo Institute of Technology.* The concept of governance refers to the complex set of values, norms, processes and institutions by which society manages its development and resolves conflict, formally and informally. It involves the state, but also the civil society (economic and social actors, community-based institutions and unstructured groups, the media, etc) at the local, national, regional and global levels (<http://www.soc.titech.ac.jp/uem/governance.html>).

Based on the above definitions, governance is perceived as an alternative to government, to control by the state. It has multiple meanings but most of those meanings cluster around what might be called a ‘post-political’ search for effective regulation and accountability. Most of the usages of governance signal a situation that poses a real threat to the conventional forms of democratic government (Paul Hirst, 2000). Governance is used by some of the alternative policy bodies in the advanced countries and by NGOs acting in the developing world as a new potential for organization through ‘civil society’ (Paul Hirst, 2000). The concept also relates to the growth of new public

management strategies since the early 1980s. In another usage, it also relates to the new practices of coordinating activities through networks, partnerships and deliberative forums that have grown up on the ruins of the more centralized and hierarchical corporatist representation of the period up to the 1970s. It embraces a diverse range of actors: labour unions, trade associations, firms, NGOs, local authority representatives, social entrepreneurs and community groups (Paul Hirst, 2000).

The emerging notion of governance in political, economic and social arenas shows a dramatic shift in government practice compared to the phenomenon in the 1960s and earlier periods. The political and economic landscapes of the country are under local as well as serious international public scrutiny. Internationally, good and effective governance can be a condition to pursue bilateral and multilateral relations and financial assistance. Thus, governance is a multiparty and multifocal process and, therefore, it is a more complex process in practice, interactive in decision-making and needs continuous effort from those parties. Paradoxically, the bottom line is: there is no short cut to accomplish effective governance in a country. Indeed, the actual achievement will also vary from one country to another.

What is Effective Governance?

Governance, however, can be good or bad, effective or ineffective based on the characteristic or quality values associated and embedded in governing practice. Value is one of the important elements of the governance management of a country. This simple explanation is in accordance with that promoted by the UNDP.

This organisation has outlined nine characteristics for effective governance. The nine important indicators are (UNDP, 2007):

Chart 2: Indicators of Effective Governance



However, according to Thomas G. Weiss (2005) another attribute to accomplish the desired effective governance is the universal protection of human rights, non-discriminatory laws, efficient, impartial and rapid judicial processes and devolution of resources and decision making to local levels from the capital. Mohd. Zawawi Mohd. Nordin (2004) suggest four characteristics of effective governance – management of government affairs within the rule of law, clean, efficient and trustworthy. In addition, the United Nations System-wide Special Initiative on Africa (UNSI) 2009 has other criteria, which are legitimacy, freedom of association and participation, freedom of the media, fair and established legal frameworks that are enforced impartially, bureaucratic accountability and transparency, freely available information, effective and efficient public sector management and cooperation between governments and civil society organisations. However, Gary (2002) set out the dimension of effective governance as the effective management of a country's resources in a manner that is open, transparent, accountable, equitable and responsive to the people's need; the rule of law; transparency, accountability and effectiveness of public sector management; and an active civil society.

From the above-mentioned criteria of effective governance, it shows that most of the writings provide anonymous dimensions with a major focus on the effective and efficient management of the public sector; cooperation between government, private sector and civil society; and bureaucratic accountability and transparency. In contrast, "poor" or "ineffective governance" can be operated by one country where there is a personalisation of power, lack of human rights, corrupt practices and unaccountable government in practice (Oxford University: Merton College, March 10th-11th, 2006).

The Concept of Effective Governance in Islam

The concept of effective governance in Islam can be best described by the most popular concept for governing the state in Islam, which is *al-siasah al-shar'iyah*. The word *siasah*, which is literally derived from the Arabic language '*sasa*', meaning to arrange, to manage, to rule and politics. The basic purpose of *siasah* is to arrange, manage and use political wisdom to achieve certain objectives (Ibnu Manzur, 1968).

Conceptually, according to Ibnu Qayyim al-Jawziyah (1961), *al-siasah al-shar'iyah* is an act of providing human benefit and protecting them from any destruction, even if the action is not specifically mentioned by Prophet Muhammad (p.b.u.h) and revealed by Allah the Almighty. While Ahmad Fathi Bahansi (1965) states that *al-siasah al-shar'iyah* is the management of Muslim benefits in accordance with the Islamic law (*shariah*). According to 'Abdul Wahab Khallaf (1984) it means to administer general matters for an Islamic state including to promote benefits and protect pupils from any harm in line with Islamic law.

In a more general definition, al-Maqrizi defines it as to carry out good purposes. He also divided *al-siasah* into two categories, namely, "fair or good governance" that must also follow the rule of *syariah* known as *al-siasah al-shar'iyah* and the second category, which is the opposite to *al-siasah al-shar'iyah* known as "bad or unfair governance", or *al-siasah al-zalimah* (Al-Maqrizi). However, according to Fathi Uthman (1979), *al-siasah al-syar'iyah* is a term that refers to the practice of administration and constitutional law, the authority of government, including the *caliph* (ruler), *ahlul-halli wa al-Aqdi* (consultative member), right of the individual, public interest (*maslahah ammah*) and others. In this respect, all of these are closely related definitions and indicate that one of the main focuses of *al-siasah al-shar'iyah* is managing government institutions and state resources for the interests and benefit of the public, in line with the rules of *shariah*.

In understanding Islamic administration or management as a sub-concept and practice to *al-siyasah*, Al Buraey (1985) states that the Holy Quran used the term *yudabbiru* in several places. The general meaning is to order, lead, operate, manage, plan, steer, arrange both for economic planning and performing business. According to him, Islamic administration essentially operates through the understanding of the government and the people or what modern political science terms democracy. Therefore, the basic cooperation between the ruler, the administrator and the citizen is inseparable in governing the country well. Indeed, the major aim of *al-siasah al-shar'iyah* is also to attain *al-falah*

(felicity) and to avoid destruction (*al-fasad*) as emphasized in one of the *shariah* methodologies ‘to promote benefit and abstain destruction’ – جلب المصالح ودرء المفاسد.

In the Holy Quran, Allah The Almighty stressed that:

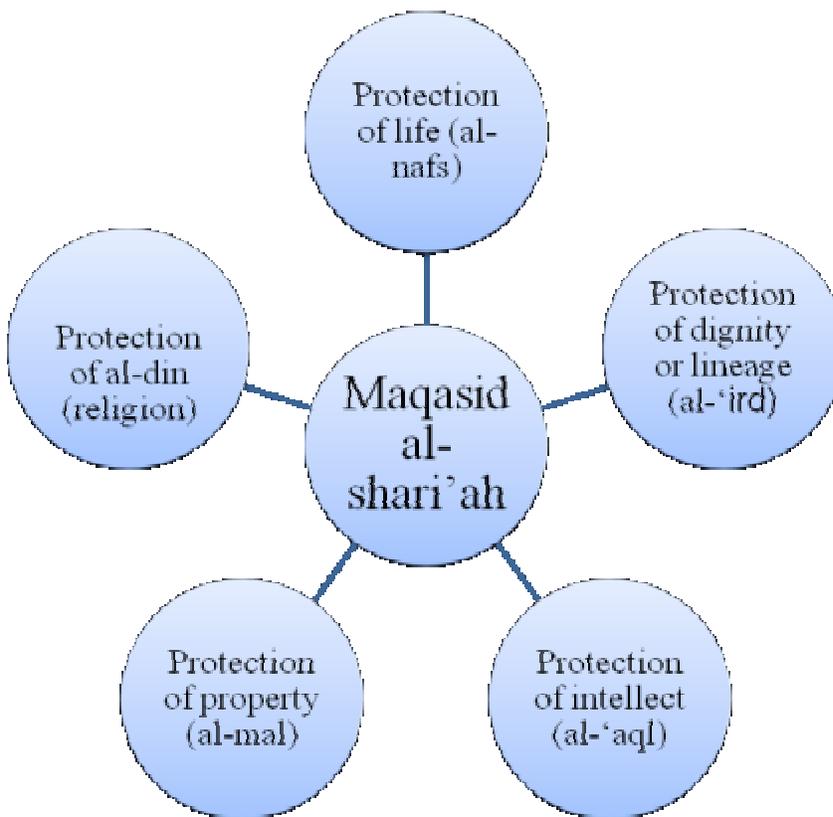
“And let there be such a group among you, that they may call towards goodness and command what is just and forbid evil. And the very same attained to their goals”. (Ali-Imran (3):104).

With the intertwining and unchangeable aim of *al-siasah al-shar’iyyah* and *shariah* itself, any new incoming idea or concept proven to promote the achievement of this aim is encouraged. To avoid confusion between *al-siasah al-shar’iyyah* and *shariah*, the writer shall first provide a basic explanation about the *shariah* term before further discussion.

Shariah & Al-Siasah Al-Shar’iyyah as the Source and Framework of Effective Governance

For one to fully comprehend the nature of Islamic practice in general, the term *shariah* must first be understood clearly. *Shariah* is an Arabic word that literally means ‘way’ or ‘path to the water source’. It is a system of Divine law, and a way of belief and practice (Fathi Uthman, 1979). *Shariah* is Divine in nature as it came from Allah the Almighty and His Messenger Prophet Muhammad (p.b.u.h) as the major rules provider. Thus, all Muslim actions must follow the basic Islamic rules and guidelines underlined in the Holy Quran, *Sunnah*, *al-ijma’* (consensus and unanimity of Muslim jurist scholars) and *al-qiyas* (analogy from the essence of Divine principles). Indeed, to prevent any outdated and irrelevant Muslim practices, *Shariah*, in itself contains general principles and broad outlines; it leaves the details of the subject practices to the discretion of Muslims. Furthermore, it is independent and allows individuals to work according to their intellectual, conscience and faith (Fathi Uthman 1979). The five major objectives of *Shariah* known as *maqasid al-shariah* are:

Chart 1: Objective of Shari’ah (*Maqasid al-shari’ah*)



Shariah is also a set of standards for the Muslim work system. With *Shariah* we can determine whether the understanding and practice are complying with the standard or not. Moreover, as a standard it allows people to distinguish right from wrong, moral from immoral, ethical and unethical. In fact, this standard is not merely a theory but also a practice that can be traced in the history of early practice of the Muslim state, especially in the period of Prophet Muhammad and the four Pious Caliphs, with special emphasis on the reign of Umar. Indeed, Luther Gulick and James Pollock, both prominent scholars in contemporary public administration, concluded in the 1962 report on 'The Organisation of Governmental Administration of the United Arab Republic (Egypt), that Islamic culture during the era of caliph Umar is one of the best bases for a strong and successful government and efficient bureaucracy in modern times (Abdul Malek A.Al-Sayed, 1982).

Guidelines and rules pertaining to governance from the source of the Holy Quran can be referred to in several verses such as (4:58, 59),(5:2),(21:105), (22:40,41), (24:55) and (57:25). While some rule of conduct mentioned by Prophet Muhammad (p.b.u.h) can be read as follows:

'Behold! Each one of you is a guardian, and each one of you will be asked about his subjects. A leader is a guardian over the people and he will be asked about his subjects.' (Bukhari, 1986)

'Whosoever of you sees an evil action, let him change it with his hand, and if he is not able to do so, then with his tongue; and if he is not able to do so, then with his heart-and that is the weakest of faith'.

If the concept of effective governance cannot be separated with various sets of good values, we can see that in Islam, every human practice must be compliant with good values. Without good values, such practices, no matter how mighty they are, are not countable as a good deed in the Eye of The Almighty. This good value, known as *Akhlaq*, is part of the *Shariah* and, therefore, is also part and parcel of the practice of *al-siyasah al-shar'iyyah*. Indeed, with *Akhlaq*, not only does the practice of governance meet its standard but it will also gain reward from Allah the Almighty. Reward can be given in various forms depending on Allah's will. Among the rewards are the blessing of life, blessing of possessions such as age, health, family, job position and property and the most priceless is Paradise ('Ahmad Ibrahim 'Abu Sin, 1981). This can be read in Allah's verse:

"And whoever does good deeds, whether male or female, and he (or she) is a believer – these will enter the Garden, and they will not be dealt with a whit unjustly." [al Nisa' (4): 124]

In contrast, bad or unfair governance in Islam is not judged based on public complaint or non compliance with the specified indicators *per se* but also when it is not in compliance with the standard of *Shariah* and principles of *al-siyasah al-shar'iyyah*. It is, therefore, considered as sinful. In Islam, there will be no such thing as one 'lives up to one's own deeply held values' because it has its standards and principles to be followed. In fact, one must check one's progress not only against one's own ideals but against the ideals and behaviour of the ethical community and Islamic teachings. Only in this way can an ethical culture be formed and formulated in governing. Allah Said to the effect:

'But seek, with the (wealth) which God has bestowed on thee, the Home of the Hereafter, not forget thy portion in this world: but do thou good, as God has been to thee, and seek not (occasions for) mischief in'. [al-Qasas: 77]

Some examples of *Akhlaq* that can be referred in the Quran from several verses are as follows:

- Honesty and integrity in all dealings (16:92)
- The Administration of justice (4:58,42) (6:153) (42:15)
- Loyalty (4:59)
- The principle of personal responsibility (6:164)
- Cooperation and its limit (5:2) (76:24)

Three features of early Islamic governance are: First, Islamic governance assimilated some foreign systems with its own concept. For example, in Syria and Egypt, the Arabs adopted the Roman system and in Persia, the Persian government system. Second, Islamic governance is dominated by a religious and moral spirit with 'Fear of Allah the Almighty' as the central focus. **Third**, Islamic

governance encourages Muslims to practice *ijtihad* and respect Muslim opinions and experience if they do not contradict *Shariah* (Al-Buraey, 1985).

In order to achieve effective governance *via al-siasah al-shar`iyyah* several fundamental principles should be taken into account:

1. *Al-Iman* (Faith and hold sovereignty to Allah and His Messenger (p.b.u.h))
2. *Al-Amanah* (Accountability)
3. *Al-Akhlaq* (Good morale value)
4. *Al-Shura* (Mutual Consultation)
5. *Al-Hisbah* (Prevention and forbidding wrongdoing)

For the purpose of this writing, only the principle and practice of *al-amanah* and *al-Shura*, which are centred on public interest and concern, are discussed. It must be noted that there are many opinions on the principles underlined by different scholars including Al-Mawardi, al-Farabi, Ibn Taimiyyah and Ibn Khaldun. However, besides the differences, the main objective of *al-siasah al-shar`iyyah*, which is to feed the purpose of better ruling and bringing social benefit to the public, is undisputable. This concept is flexible in nature whereby it must always comply with the guidelines from the Quran and *Sunnah* (the prophet tradition) as well as be relevant to the needs of the society as the circumstances of the age and place require, and as long as the needs are not against Islamic law or *shariah*. According to Al-Mawdudi (1987):

The *shariah* has given framework of administrative law – exactly in the same way as it has given the fundamentals of constitutional law and has left it to the discretion of the Muslims to build up the details in accordance with the demands of the age or country in which they live – subject, of course, to the limits prescribed by the *shariah*.

In practising the concept and principles of *al-siasah al-syar`iyyah* in the context of what is contemporarily known as effective governance, Caliphate Umar ibn al-Khattab proved successful in His ten year leadership. His governance is categorized by innovation, reform and high accountability (Al-Buraey, 1985). To illustrate, many Islamic writings wrote that during his leadership, Umar once said he was afraid that a mule might fall off the mountainous roads in Iraq and break its legs, and that God might ask him why he had not paved the roads in the area. His concern for public interest and safety can be clearly understood from the citation below (Al-Buraey, 1985);

‘I have appointed over you governors and agents not to beat your bodies or take your monies, but rather to teach you and service you’.

‘Listen, verily I am not sending you as rulers and potentates; rather, I am sending you as the leaders of guidance so that men may follow you. Render unto the Muslims their rights; beat them not, lest you humiliate them; praise them not lest you make them undisciplined. Do not shut your doors against them, lest the strong among them devour the weak ones.’

In upholding the principle of *al-amanah* (responsibility and accountability) the caliph said: ‘What I do right, assist me; Where I do wrong correct me’ (Ibn al-Jawzi, 1987). In governing effectively based on public interest, his rulership underlined several conditions in the selection and appointment of civil servants: first, they must possess good characteristics including being a pious, capable and trustworthy person; second, the one selected will be appointed temporarily for two or three months to undergo a testing period before joining the government permanently. A testing period is to evaluate the person’s behaviour and competency and before appointment is made, caliph ‘Umar usually consulted his advisory council. This institution and practice is known as *al-Shura*; third, the promoted state officials will be paid a high salary. This high salary policy was initiated to pay for their honesty and ensure that there was no reason for them to take bribery (Shibli Nu’mani, 1957). These merit-based recruitment and promotion, career growth policies and incentives are crucial to retain the better performers within the civil service. Indeed this was one of the mechanisms to curb malpractice and corruption, which undermined the practice of effective governance. Civil servants need to be adequately paid if they are to maintain the probity, professionalism and integrity that should be required of the public service.

Caliph ‘Umar often checked on Muslim affairs and obtained information about them through an in person survey. He entered the markets and strived to solve any conflicts that occurred during his time. He even aspired to explore all the Islamic territories to obtain a view of his people through his own eyes. He also stated that: *“If I’m being able to live for a long time, I will go and explore all the Islamic territories by myself to view on my people. I know that they have various needs that cannot be fulfilled without my presence. Only that the problem did not reach to me, whether the governor failed to contact me. I go to Syam and stayed there for two months. And then I go to Jazirah and been there for two months. And then I go to Egypt, Kufah and Basrah, and each place I stayed for two months. I hope that my effort can be regarded as a good effort by Allah”* (Ibn al-Jawzi, 1987).

At-Tabari narrated that Sayyidina ‘Umar Ibn al-Khattab gave a speech to the public on one day and said (Ibn al-Jawzi, 1987):

“O my comrades, in the name of Allah, I did not send a representative or a governor to hurt you all. Not also to confiscate your property. But they are sent to you to teach you about Islam and al-Sunnah. Those who do things beside this, please forward the complaints to me. In the name of Allah, I will take serious action to those who deviate from that. Suddenly stand up ‘Amr al-‘As and say ‘O Amirul Mukminin, are you going to take an action to those who carried out nation’s affairs and give out services to the citizen? ‘Yes’ said Sayyidina ‘Umar, “Why not?” Whereas I witnessed Rasulullah also doing so by myself. Then Sayyidina ‘Umar said to ‘Amr al-‘As “What fears the citizen most are a cruel leader and a brutal king. Then he advises his officers “Remember! Don’t you ever hurt the Muslims. If you do so, it means that you have insulted them. Don’t leave your army too far and too long from their families because it can lead to a defamation to them and also don’t you ever obstruct their rights, because this will make them opposed”.

To meet the necessity of the public and for governing well, caliph Umar also introduced the following reformation (Ibn al-Jawzi, 1987):

1. Institution of *hisbah*. This is an institution to maintain law and order in the marketplace. It is headed by an officer known as *muhtasib*.
2. A special office for investigating complaints that reaches caliph. A very reliable and trustworthy person is appointed for the post.
3. A *bait al-mal* or Treasury House.

Under caliph ‘Umar’s leadership, he also changed the administrative pattern effectively and efficiently. He separated the judicial and executive duties in order to specialize the management of both effectively. Special judges (*qadi*) were appointed to perform the function of the judiciary who were distinct and separate from the role of the governor of the province and territories and *qadi*’s were placed under the supervision of the caliph (Ibn al-Jawzi, 1987). Separation of power can give the benefit of judicial management and enable the administration of the court to run efficiently. The ideological system suggested by ‘Umar was among the best with the separation of power encouraging both leaders and the people to use power and authority in the right place (Irfan Mahmud Ra’ana, 1970).

Further, strategic planning in economic systems was also introduced, providing the most benefit to the people, state and in due respect to his responsibility and accountability to Allah. Caliph ‘Umar inspired the best economic systems, where economic equality was set as the goal to be achieved as well as the principle to be established successfully, emphasizing equity and equality, which are based upon the Quranic principles. He introduced a variety of revenue systems for countries, which formed the foundation of the land tenure system. The different systems of land tenure that were prevalent in the Muslim Empire during the caliphate of ‘Umar Ibn al-Khattab were:

- 1) *Iqta* or *Individual ownership system*. The grant of *iqta*’s conferred proprietary rights on the beneficiaries such that an *iqta* became *iqta tamlik*, where the owners were, free to use the land in any way they liked.
- 2) *Hima* or *collective land-ownership system*. *Hima* was a very important institution prevalent at the time of Umar. It means that the land is owned by one or more tribes.

- 3) *Crown lands and state landlordism*. With the conquest of different countries, state landlordism also flourished. Under this system land belonged to the state and cultivators were the tenants of the state. The tenant did not enjoy proprietary rights and the land could not be transferred or sold by the occupants.
- 4) *Private Landlordism*. This was first practiced by the Prophet who made an agreement with the Jews and Khaybar.
- 5) *Peasant-proprietorship*. In this system the owner tilled the land. This system was common in Arabia, especially in those parts that were arable and fertile (Irfan Mahmud Ra'ana, 1970).

Caliph 'Umar also introduced land reform following the conquest of agricultural countries like Iraq, Iran and Egypt. 'Umar took a bold step in which he abolished absentee-landlordism and changed the whole pattern of land ownership in the Islamic Empire. A hadith of the Holy Prophet reported by Aishah reads (Al-Nasa'i, 1991):

من أحيا أرضا ليست لأحد وهو أحق بها

“One who cultivated the untilled land which did not belong to anyone has prior right to it”.

Caliph 'Umar recognized the importance of agriculture in a flourishing economy and took many steps for its improvement. Irrigation canals were laid out in the conquered lands, and a large department was organized for constructing dams, excavating tanks, and for the building of canals and sluices for the distribution of water (Ibn al-Jawzi, 1987).

Moreover, if the concept of modern or contemporary effective governance concentrating on transparency, accountability, people's participation and meeting their interest, in *al-siasah al-shar'iyah*, the principle of *al-shura* best explains these focuses. *Al-shura* is an Arabic term and simply means mutual consultation. It is mentioned in the Quran as a praiseworthy activity as follows:

"Those who listen to their Lord, and establish regular Prayer; who (conduct) their affairs by mutual consultation; who spend out of what We bestow on them for Sustenance" [are praised] [Ali-Imran:159]

This principle demonstrates many important values for governance including transparency, accountability, respect, empowerment, freedom of expression, dignity of the human individual and cooperation all together in one practice. In addition, it proves that Islamic governance appreciates and welcomes other parties and entities in its decision making system. These entities kept on expanding and growing with their members consisting of leaders from various tribes, who were proven to be qualified, including 'Ali Ibn 'Abi Talib, 'Uthman Ibn al-'Affan, Talhah, 'Ubaydillah, al-Zubayr 'Awwam, Sa'ad 'Abi Waqqas, and 'Abdul Rahman Ibn 'Auf. They were the meeting members, especially when it came to decide upon important matters. Caliph 'Umar gave a message to them, saying “I find out that all of you are the leaders of your community and all matters that need to be decided stop upon all of you” (Ibn al-Jawzi, 1987).

This principle and practice also stipulates *'rida al awam'*, which is popular consent; *'ijtihad jama'i'*; which is collective deliberation and *'mas'uliyah jama'iyah'*, which is collective responsibility, as a prerequisite to the establishment of Islamic effective governance.

Conclusion

This writing is intended to regenerate the concept of *al-siasah al-shar'iyah* in contemporary discussion and study. It is shown that the notion of effective or good governance in contemporary discussion is useful in activating the fundamentals of *al-siasah al-shar'iyah* to be practiced in the current situation and governance. It is proven from the literature review that the concept of effective governance itself is disputable and full of arguments, in which the public in particular may not be able to comprehend the terminology or indeed the usage before getting the clear but yet simple explanation as this writing tried to accomplish. The explanation of governance is crucial for the Muslim to see what solutions the Islamic teachings have provided in both literature and practice. It is shown in this writing that the concept of *al-siasah al-shar'iyah* with *Shariah* as a framework and their values and

characteristics can be the yardstick to effective governance. The flexibility of *al-siasah al-shar`iyyah* in getting new ideas and practice, as long as it does not contradict *Shariah*, can bring better living to the people and enable the concept to be practiced effectively to suit its period, place and population. Several characteristics underlined for governance are also in accordance with the moral rules (*akhlaq*) of Islam. There will be no such thing as governance if it is carried out in a bad and immoral manner. This idea is scrutinized in the governing system of Caliphate Umar ibn al-Khattab. His governance concentrated on the practice of accountability (*al-Amanah*) and responsibility, respect, carefulness and a high regard for his people. Many reformations and innovations in governing were introduced during his period and he is well known as a father of reformation. The process in which governance is taking place can also be learnt from the practice of *al-shura* where multiple entities are involved in decision-making.

As a result, the people gained economic, social and political benefits and prosperity with the faith to God. Umar focused on the well being of the people (*maslahah ammah*), in particular, those poor and underprivileged people, as this group constitutes the bulk of any community. The idea of Government to citizens (G2C) became the major theme for effective governance and had long been practiced in caliphate Umar's governance. For example, to ensure that nobody slept hungry in his empire, he used to walk through the streets almost every night to see if there was any one who was needy or ill. Hence, he earned the title *Al-Farooq* (The one who distinguishes between good and bad) and his house as *Darul Adal* (house of justice). Also, Omar was the first Caliph to be called (*Amir al-Mu'minin*; Commander of the Faithful). It is, therefore, strongly suggested that this concept and practice can provide good guidance in practicing effective governance.

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