

## **Analysis of the Book al-Ahkam al-Sultaniyyah: Towards the Development of a Fiqh Employment Model**

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### **Abstract**

Employment jurisprudence involves the discussion of Islamic laws regarding

employment. Every Muslim is obliged to seek sustenance to meet their own and their dependents' daily needs. While many believe that high salaries are exclusive to

professions like education, medicine, and business, Islam views all occupations, whether prestigious or ordinary, as acts of jihad. This study explores the legal discussions and work scope in the book *al-Ahkam al-Sultaniyyah* and its application in Malaysia. Abu al-Hassan Ali bin Muhammad bin Habib Al-Mawardi, the author, is renowned in political science and Islamic jurisprudence. The research analyzes key elements of employment laws and addresses specific employment issues in Malaysia. Utilizing a qualitative research design, data is gathered from various books, theses, journals, articles, and official portals on occupational jurisprudence, analyzed through content analysis. The findings reveal that the rights of Muslim workers in The book *al-Ahkam al-Sultaniyyah* align with Malaysian employment rights, with several criteria and values also matching the professional standards of Malaysian workers.

**Keywords:** Employment jurisprudence; Fiqh employment; Religion; Professional; Al-Ahkam al-Sultaniyyah

## Introduction

Fundamentally, work is an intrinsic aspect of human nature, essential for sustaining life. Allah SWT has instilled a love for labor and the rewards it brings in every person (Abdul Hamid & Sa'ari, 2014). This inherent trait drives individuals to diligently fulfil their duties to support themselves, meet family needs, and assist others. Those with mental and physical capabilities should maximize their knowledge, wealth, skills, and potential to benefit humanity (Ismail, 2021).

In Islam, any work performed with the intention to please Allah is considered an act of worship and jihad. Therefore, Muslim workers must adhere to their employer's ethics and religious guidelines

to ensure their actions are accepted by Allah (Kasim & Mansor, 2007). It is clear that Muslims must follow both divine and employer-imposed regulations in their work. Additionally, both male and female workers should be aware of and fulfill their rights and responsibilities.

Islam emphasizes the importance of employees exhibiting virtuous character traits (Mydin et al., 2020). Workers should embody the four main qualities of Prophet Muhammad SAW: honesty (*siddiq*), trustworthiness (*amanah*), communication (*tabligh*), and wisdom (*fatanah*) (Embong et al., 2022; Marzuki, 2015). Applying these traits in their roles helps individuals strive towards excellence in their professions.

Thus, the rights and responsibilities of Muslim workers are paramount. These duties must align with organizational standards and Islamic law. The ethical and moral values instilled in employees should reflect both their professional and religious commitments, ensuring their conduct meets the criteria of both domains (Embong et al., 2024).

Malaysia is a multi-ethnic country, with the Malays being the largest ethnic group compared to the Chinese and Indians. The country is renowned for its polite and highly moral society, indicating that ethical education has been deeply embedded in its culture (Khairuldin et al., 2019). These noble morals are highly valued in Islam, and individuals with good character are seen as highly responsible in both personal and societal behaviors.

Moral conduct and good personal character are emphasized in all aspects of life, including employment. However, current issues in Malaysia related to employee rights and responsibilities remain unsatisfactory. Examples include

disciplinary issues, employer misconduct, challenges faced by working women, and work-related issues during pandemics. Disciplinary issues include absenteeism and neglect of duties, often exacerbated by substance abuse and document fraud (Husin, 2022).

Employer misconduct, such as prohibiting Muslim employees from praying during work hours (Noor et al., 2019) or physical abuse during Ramadan fasting (Zainury, 2021), highlights the need for ethical practices. Working women face challenges related to modesty, interactions, and travel for work, with instances of hijab bans in 13 hotels (Azril, 2018) and heightened scrutiny in male-dominated fields (Hamzah, 2015).

During critical periods like pandemics, issues such as the Work From Home (WFH) concept have led to misunderstandings and neglect of duties (Embong et al., 2023; Sulaiman, 2020). These issues stem from a lack of religious knowledge and conflicting interpretations of Islamic jurisprudence (Embong et al., 2024; Rahim et al., 2010), influenced by Western thought and modern interpretations (Hamzah, 2015; Alwie 2012). This study aims to identify the work concepts in the book *Al-Ahkam al-Sultaniyyah* and to conduct an initial investigation into Islamic jurisprudence.

## Methodology

This study employs a qualitative research approach, utilizing three primary sources for data collection. The first source comprises printed materials from library research, the second includes electronic resources from *Maktabah Syamilah*, and the third involves data from individuals through unstructured interviews. Relevant data for this study are obtained from written sources such as excerpts, complete

documents, correspondence, recordings, and historical cases (Jasmi, 2012).

The researcher utilizes content analysis methods on printed materials discussing the scope of employment. Additionally, the researcher transcribes non-text data into textual form and translates data as necessary.

## Results and Discussion

### *The Book of Al-Ahkam Al-Sultaniyyah*

*Al-Ahkam al-Sultaniyyah* is the formal title of a book known as "*al-Ahkam al-Sultaniyyah wa al-Wilayah al-Diniyyah*," or in Malay, "Laws of Governance and Authority in Islam." This book, published in 1989, was authored by Ali bin Muhammad bin Habib al-Mawardi al-Basri Asy-Syafi'i. Born in 364H in Basra, al-Mawardi later moved to Baghdad, where he passed away in 450H at the age of 86. He was a prominent scholar of the Shafi'i school and held the highest judicial positions in his time, serving as a judge in various districts of Baghdad.

According to Yusuf (2022), the main themes of this book revolve around governance, administration, and power from an Islamic legal perspective. The book consists of 20 chapters across 390 pages, divided into two main sections. The first section, covering chapters one to three, discusses political theory and governance in Islam. The second section focuses on key methods in public administration and government. The language used is moderately complex to facilitate readers' understanding.

Originally written in Arabic, the book was translated into English in 1853 by German Orientalist Enger to study Islamic political thought (Ghazali et al., 2012). There are also Malay translations aimed at providing

readers with knowledge about individual rights and responsibilities in life (Hayyie & Nurdin, 2000).

The primary purpose of writing this book was to meet the needs of the rulers at that time by understanding the opinions of different fiqh schools to fulfill their duties and uphold justice in governance and their actions (Yate, n.d.). The comparative writing style helps the author gather data quickly and adapt views to both traditional and new norms.

Many modern Islamic and non-Islamic writers agree that ethical leadership is crucial for achieving exemplary leadership standards (Ghazali et al., 2012). Every individual is responsible for leading themselves to success and excellence in all aspects (Yusoff, 2024). Therefore, the organization and discussion in al-Mawardi's book align well with the study's objectives.

### *Rights in Employment*

The general definition of "rights" is truth and its opposition to falsehood. The term "rights" is also mentioned in various verses of the Quran with different meanings, as seen in Surah al-Ma'arij, verses 24 and 25. Meanwhile, from an Islamic perspective, rights are associated with obligations and steadfastness, as affirmed by the word of Allah SWT:

Meaning: Indeed, the word (punishment) will be fulfilled against most of them, for they do not believe. (Surah Yasin, 36: 7)

The verse above warns about the truth that those who die without faith die in disbelief. Hence, this verse explains that those who do not believe will inevitably face Allah's punishment (al-Qurtubi, 2007).

In the context of employment, rights are often associated with responsibilities, where responsibilities are seen as a trust that must be fulfilled by the employee. Thus, anyone who is not trustworthy in carrying out their duties is considered to be committing a betrayal. Therefore, the responsibilities in one's job do not negate the primary responsibility that already exists, which is the responsibility as a Muslim. Consequently, the obligations as a servant of Allah SWT must be fulfilled as prescribed by Him. Allah mentions the obligation of fulfilling trusts:

Meaning: "O you who have believed, do not betray Allah and the Messenger or betray your trusts while you know [the consequence]." (Surah Al-Anfal, 8: 27)

The majority of scholars agree that although this verse was revealed for a specific reason, it holds a general meaning. Any action that deviates from righteousness is considered a form of betrayal, whether minor or significant, and poses risks to oneself and others. Therefore, Allah forbids betrayal towards Him and His Messenger, akin to the actions of the hypocrites (Ibn Kathir, 2003).

Responsibility also implies a command or duty that is burdensome, exhausting, challenging, and difficult for an individual. Despite this, Allah SWT assures that the burdens placed on an individual are not beyond their capacity. It is a form of Allah's compassion through the tests He provides. Allah states:

Meaning: "Allah does not burden a soul beyond that it can bear." (Surah al-Baqarah, 2: 286).

This verse explains that Allah never burdens His servants with tasks beyond their capacity. Thus, it reflects Allah's compassion, gentleness, and kindness

towards His creations. Here, the concept of burden is synonymous with responsibility (Ibn Kathir, 2003).

In the context of work, rights are divided into three categories. Fulfilling all three is essential for gaining blessings in one's livelihood. The first category pertains to the rights owed to Allah SWT, the second to the employer, and the third to the employee. The detailed explanation is as follows:

#### Rights Related to Allah SWT

The foremost right in employment involves the intention or purpose behind engaging in a chosen profession. Every moment granted by Allah to His servants on earth will be questioned in the Hereafter, and only those deeds performed sincerely for Allah SWT will be accepted. Thus, while a person may carry out worldly tasks for tangible rewards, their ultimate benefit in the Hereafter is contingent on the correct intention. *Al-Ahkam al-Sultaniyyah* mentions the rights related to Allah SWT in the context of warfare, highlighting the necessity of pure intentions for defending the faith, not for worldly gains like spoils of war. Similarly, a Muslim worker should not work solely for material gains but should primarily intend to serve Allah SWT.

#### Rights Related to Employers

*Al-Ahkam al-Sultaniyyah* outlines the rights of leaders, such as the duties of a commander in jihad, emphasizing obedience and loyalty. Though originally meant for jihad commanders, these principles apply broadly to all sectors, especially concerning employers. Employers, as leaders within a company or organization, are owed compliance and loyalty from their employees, provided the directives do not contravene Islamic

teachings. Employers, in turn, must avoid oppressive actions like reducing wages or increasing workloads unfairly.

#### Rights Related to Employees

Employees are entitled to several rights from their employers, including health benefits, reasonable workloads, freedom to unionize, and timely payment of wages (Portal Rasmi Pejabat Mufti Wilayah Persekutuan, 2019). These rights must be fulfilled, and if neglected, employees can seek redress from authorities. *Al-Ahkam al-Sultaniyyah* forbids employees from demanding higher wages or lighter workloads unjustly. However, if general worker rights are not met, employees can lodge complaints against exploitative practices, as undue burdening of workers is prohibited in Islam.

#### *Criteria for Workers as Demanded*

The Book *al-Ahkam al-Sultaniyyah* outlines criteria demanded by Islam for individuals involved in work. Although these attributes are specifically related to political roles such as electors, council members, and ministers, they can also be categorized as essential traits for every Muslim worker. The criteria mentioned include:

#### Justice

The concept of justice has a broad meaning and can encompass all aspects of human life. This trait is not only a requirement for leaders but also for every Muslim individual. Justice is the opposite of the trait of *fisq*, which involves deviating from goodness and inclining towards wrongdoing (Hamzah, 2015). The meaning of justice is also explained in the Quran as the opposite of oppression (Al-Zuhaili, 2007). In national law, the testimony of a *fisq* person is not accepted. Allah SWT

commands caution when receiving any news:

Meaning: "O you who have believed, if there comes to you a disobedient one with information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful." (Surah al-Hujurat, 49: 6)

In this verse, Allah SWT commands the believers to carefully verify any news received from disobedient individuals. This is because such individuals are often deceitful and act against righteousness, especially in financial matters (Ibn Kathir, 2003). Therefore, the attribute of justice is essential for every worker as it prevents them from falling into negative traits such as favoritism. For example, during job interviews to find new employees in an organization, the attribute of justice helps interview panels make fair and accurate decisions in selecting candidates who meet the required criteria.

#### Knowledgeable

Knowledge, or *Ilm* in Arabic, refers to the clear understanding of a subject without ambiguity. In terminology, it is the knowledge that conveys the truth from Allah SWT, revealed to His Prophets and Messengers, as well as His creations, including humans. This is why Allah created humans as stewards on earth. With the intellect and knowledge granted to them, humans are capable of thriving on earth, thinking critically, and finding ways to manage their lives (Stapa et al., 2012). Thus, Allah SWT also highlights the difference between those who have knowledge and those who do not:

Meaning: "Say: 'Are those who know equal to those who do not know?' Only those of understanding will remember." (Surah al-Zumar, 39: 9)

This verse explains the difference between those who possess knowledge and those who were previously misguided from the truth and mislead others from His path. It also indicates that only those endowed by Allah SWT with knowledge and intellect can distinguish between these two groups (Ibn Kathir, 2003).

Therefore, every worker should possess high knowledge in their field to ensure their expertise is unquestionable and beneficial to society. Meanwhile, less experienced workers should continue to learn and have a strong determination to excel in their jobs to perform excellently.

#### Wisdom

Wisdom in the workplace is a trait that enables a person to perform their duties with full responsibility and bravery. In other words, wisdom involves making decisions with sound and careful judgment. This trait is crucial, especially when facing arising issues at work that require immediate solutions. Thus, every worker should possess wisdom to tackle problems or challenges in their job.

Overall, based on the The book *al-Ahkam al-Sultaniyyah*, the researcher identified two main themes related to employment: rights in the workplace and the criteria for workers as demanded in Islam. Workplace rights are categorized into three types: those related to Allah SWT, employers, and employees. The criteria for workers generally demanded are justice, knowledge, and wisdom.

In Malaysia, there is an institutional body dedicated to developing competent human capital in the public sector through quality education called the National Institute of Public Administration (INTAN). This institution has listed several values and

ethics for public servants as a guideline for working in the public service.

Generally, the six values listed are crucial and should be ingrained in every worker because these values will enhance their quality as an employee. Thus, the three traits found in the book *al-Ahkam al-Sultaniyyah* also fall under the aforementioned values, where justice and wisdom are part of the basic personal values that give an aura or distinguished personality as a competent worker. Meanwhile, knowledge is under the professional values that every worker should also possess.

### Conclusion

Based on the discussion in the context of employment according to the book *al-Ahkam al-Sultaniyyah*, the researcher finds that the content of the book related to employment is in line with its application in Malaysia. Therefore, awareness of religious values in every action, especially in employment, must be considered. The implications of this awareness will produce workers who are not only of high quality in Malaysia but also from a religious perspective. By instilling criteria as demanded by religion, individuals who work should be more distinguished and remain in a state of calm. Thus, the study of legal rulings in employment should be exposed and appreciated by the community, especially young people entering the workforce. Moreover, discussions in the book *al-Ahkam al-Sultaniyyah* can serve as a reference for Muslim workers in efforts to revive the appreciation of Islamic values in employment. Therefore, as religious individuals, it is essential to understand employment rights and meet the required worker criteria so that the work performed is considered a *jihad* and receives blessings from Allah SWT. Future efforts could focus on developing comprehensive educational

modules or programs that integrate the principles from *al-Ahkam al-Sultaniyyah* with modern employment practices to cultivate a workforce that upholds both professional excellence and Islamic values

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