



## THE CONCEPT AND SCOPE OF OWNERSHIP IN ISLAMIC STATE

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## THE CONCEPT AND SCOPE OF OWNERSHIP IN ISLAMIC STATE

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### ABSTRACT:

*In Capitalism a Person has full authority of Ownership over one's wealth. One can spend one's wealth in whatever and whenever one likes. Due to this false impression a person considers it one's right to spend one's wealth even in illegal activities. In this regard, Islam has a totally different concept as compared to capitalism. Islam recognizes the ownership of a person over one's wealth. But some restrictions are set forth on the ownership, so that use of the ownership of wealth right must not incur the wrath of Allah and should not cause sufferings to people. So, Islam has a system of the right of ownership and its use, The system delineates very clearly that having the right of ownership of wealth does not permits the owner to spend the wealth on unlawful and forbidden activities as they may cause sufferings to the neighbors and other people.*

**KEYWORDS:** Ownership in Islam, Ownership of wealth in Capitalism,

### INTRODUCTION:

Islam has laid out this system because; in view of Islam health of an individual is a trust of Allah in the hands of that individual. Hence, one is answerable for the wealth one is trusted with on the Day of Judgment. This demands allegiance and obedience of the system to seek easiness in the accountability for the trust before Allah. The western researchers and those who Support the Capitalism think that People are entrusted fully with the ownership and authority of their wealth with the freedom they wish to spend it the way they like. Then are no restrictions and limits

imposed upon its use. But the concept of ownership Islam has given is very different than that of Capitalism. Islam declines that spending of one's own wealth beyond and against the Islamic Shariat rules incur the wrath of Allah. So, it simply means that one cannot use one's wealth on unlawful and prohibited things and in these ways. One cannot spend one's health on gambling, dice and batting. One cannot be extravagant and Spendthrift with one's wealth. One cannot buy gold utensils with his wealth, and it cannot be spend on one's lewdness. Any spending mode that can bring and/or inflict difficulty to one's neighbors or any other person is not permissible of one's wealth in Islam. One can spend one's wealth on things and in this way which is allowed by Allah and the Islamic Shariat has made allowance to spend on these things.

So, the restrictions free concept of wealth and its ownership the western thinkers have propounded does not match, at all, with Islamic concept of wealth and ownership. Famous western thinker and researcher in law John Austin says "In its original meaning it determines a right on the indicated thing which is unlimited in use and restriction free in spending".<sup>1</sup>

In this way, with this idea of ownership, the ownership concept in their minds remains limitless and is not confine. This is absolutely wrong, because this definition suggests that a person can earn wealth in any way, and being the ownership of it one has the right to make use of it the way one likes no matter if a common person may be affected with it adversely. This is not right in any way because our religion does not allow us to collect wealth in any way and then spend it disregarding the harms it is

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<sup>1</sup> John Austin, Lectures on Jurisprudence, vol.01, London plurray, P.990 (reference: Dr. Nijatullah Siddiqi, Islamic concept of Ownership, Lahore, Islamic Publications, (991, part: 01, P.128)

causing to common people. Islam does permit to have ownership on and of the things but at the time does not let anyone go free and beyond. The limits set upon. As Mufti Muhammad Taqi Usmani says in this regard in his book “Takmilha Fath ul Mulhim”.

Translation: “A person can be the ownership of things, and can make use of them. But one is not at all in spending and using those things what one owns. One is obliged to obey the command and orders of Allah while making use of them and not go beyond the limits and obey the laws set forth it. One upon must not go in defiance of the orders of Allah in spending one’s wealth, and one must refrain oneself from the usage which are prohibited by Allah”.<sup>2</sup>

He, in the book says further:

Translation: “Islam recognizes and accepts the individual and personal ownership but does not leave it limitless and restriction less.”<sup>3</sup>

Maulana Modoodi in his book “Islamic Economy” writes:

Islam recognizes a person’s right of ownership on whatever one gets through lawful means, but does not leave one free in its use. Many limits one applied on it.”<sup>4</sup>

Maulana Modoodi, in his book “Islam and Modern Economic Theories” writes:

“It puts some restrictions on individual freedom so that it should not turn out to be harmful, rather it should turn out to be positive and beneficial.”<sup>5</sup>

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<sup>2</sup>Usmani, Muhammad Taqi, Mufti, Takmilah Fath ul Mulheni, Karachi, Maktaba Darul-uloom, 1407 AH, P.203, vol.01

<sup>3</sup> Ibid, P.303

<sup>4</sup>Modoodi, Abul Ala, Syed, Islamic Economy, Lahore, Islamic Publications Ltd, 1996, P.58

The ideas and thinking's of the men of letters give the idea that it is necessary that we should observe the limits of one's rights to have a better society. People should protect each other's rights rather than exploiting them. So, Allah, for the purpose, has put certain limits on the owner in regard of his property, and has ordered some restrictions. The limits and restrictions Islam has suggested on the property of an owner are as follows:

01. Prohibition of wastage of property.
02. Prohibition of extravaganza and spend thrift.
03. Prohibition of lewdness
04. Prohibition of carefully and usurpation
05. Prohibition of hoardings
06. Prohibitions of accession the property of the living beings

#### **01. PROHIBITION OF WASTAGE OF PROPERTY.**

The owner of property, in reality, is Allah Himself. Human being is the trustee, and because of this status of him, he is bound of follow the orders of Allah in its use. Islam does not give the right of wasting the property. The property in possession belongs completely to the ownership of Allah and it is simply given to him as a trustee. A trustee does not have the right to waste it. So, Islam has told him such ways which do not include wastage and extravagance of it. One has to use one's property for performing the rights and obligations one is bound to perform such as spending on one's family, paying zakat, perform hajj, if it is affordable. Besides the performance of obligatory rights, Islam also encourages one to pay charity and alms which is the spending beneficial and brings him

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<sup>5</sup>Modoodi, Abul Ala, Syed, Islam and Modern Economy Theories, Lahore, Islamic Publications, 2001, P.77

reward. But even in it, Islam forbids one to give all property in charity, so that one may not be able to perform his family rights and other obligatory rights after spending all one's property in charity and become himself needy and dependent on others. For example, Allah advises Qaroon, in this regard:

“And seeks the ultimate abode with what Allah has given to your, and do not neglect your share from this world, and do good use as Allah did good to you, and do not seek to make mischief in the land. Surely, Allah does not like the mischief-makers.” (28:77)<sup>6</sup>

Moreover, Allah has called those mischief-makers who waste their property, which is not permissible, in any case, So, Allah says in chapter: ‘The Al Baqarah’:

“Once he turns back, he moves about in the land trying to spread disorder in it, and to destroy the tillage and the stock; and Allah does not like disorder.” (2:205)<sup>7</sup>

The sayings of the messenger of Allah also explain this point that it is prohibited for a human being to waste his wealth, as it is mentioned in the Sahi Bukhari narrated by Mughirah Bin Shoabah:

Translation: “The prophet of Allah used to forbid and to be reluctant asking too many questions wasting wealth, not to give himself and demanding from others, disobeying's mothers and burying daughters alive”<sup>8</sup>

Another Tradition narrated by Mughirah Bin Shoabah is:

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<sup>6</sup> The Quran: 28:77

<sup>7</sup> The Quran: 2:205

<sup>8</sup> Bukhari, Muhammad Bin Ismail, Sahi-al-Bukhari, Kitab-al- Riqaq, Ch-Mayakrah Min Qeel-o-Qal, Krachi, Qadeemi Kutub Khana, 1381 AH, P.958, Vol.2

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Translation: “I have heard it from the Messenger of Allah that for us Allah as declared three things as disliked: whaling out, wasting wealth and asking too many questions.”<sup>9</sup>

The above-mentioned verses of the Quran and the Traditions of the prophet tell us that wasting of one’s owned wealth and property is condemned. The owner should spend his wealth on the permissible deeds, and does not waste on the prohibited actions. It is a detestable act before Allah, it should be avoided.

This is the concept of property Islam presents. Islam does not permit, at all, to waste one’s property and wealth. In contrast the western researchers present the concept of ownership of property I that give the idea that the owner is authorized to such an extent if he wants to, waste his wealth He has this provision to do so. Contrary to that, our religion does not Condon such concept of ownership. Islam encourages everyone to save and collect wealth for his lawful needs, so one’s own needs be fulfilled with one’s own property and he should not depend on others. The practice of traders to waste property so that the remaining property should have increased prices and then to put it into the market it’s an exploitation of numerous human beings. For example, Muhammad Muhtaram Fahim Usmani writes in his book “Some Salient Features of Islamic Economy”:

“One big demerit of capitalism is this right of a trader that whenever he wishes, whatever amount he wishes, can destroy his commercial property or industrial and agriculture products instead to bring them into the market despite of thousands of people being in need of them. When a trader or

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<sup>9</sup>Ibd: Kitab-al-zakat, ch. Qawlihi Taalah La Yasa’loon-al nasa-il-Hafa, P.200, vol.1

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industrialist realizes that it will give hike to prices of the remaining products and commodities if one part of them is destroyed, he readily agrees to do so, being selfish. The capitalist concept of absolute ownership of property permits him to do so. But in Islam wealth and property which are sources of human life, declares their destruction and wastage against the human rights tantamount to cruelty.<sup>10</sup>

So, sometimes an owner destroys his own wealth and property just to get sale of his remaining property on high prices. Islam does not allow this method because this property is for all humanity. If it is destroyed it will be a violation of human rights which is cruelty and Islam does not permit to do so.

#### **02. PROHIBITION OF HOSTAGE AND EXTRAVAGANCE:**

Both spend thrift and extravagance is equal to wastage and destruction, and our religion prohibits us to do so. Let's see, first of all, what our researchers say about the meanings of both:

#### **SPEND THRIFT AND EXTRAVAGANCE:**

Allama Aalosi defines extravagance in 'Rooh-al maani':

"Spending at such a place which is not likely called extravagance".<sup>11</sup>

Qazi Sana ullah Panipati and Imam Abul Hasan al baqai write about the meaning of extravagance:

"That is, not to spend your wealth on any sinful act.

And Imam Mujahid says:

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<sup>10</sup>Usmani, Muhammad MuhtaramFahem, Islamic EconomykaychendNomayarPehla, Lahore, Islamic Publishers, 1987, P.18

<sup>11</sup>A'loosi, Syed Mahmood, Rooh-ul-Ma'ani, Multan, Muktaba Imdadia, 1267 AH, P.23, Vol.15



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If a person spends all his wealth in the way of uprightness, it is not extravagance, and if only one saer (one kilo) grain is spent on the sinful way, it will be extravagance.

When Abdullah bin Masaud was asked about extravagance, he said:

Spending on others than the rightful' (is extravagance)".<sup>12</sup>

Imam Qurtabi writes in his commentary:

Translation: "Imam Shafai says that extravagance is to spend on others than the rightful. And there is no extravagance in virtuous way. And this is saying of the people".<sup>13</sup>

Shaikh Abu Saud defines spend thrift and extravagance in his commentary:

Translation: "Spending without the need is extravagance... and spending beyond the limits is spend thrift"<sup>14</sup>

Moajumu Dictionary of Juris prudence defines spend thrift:

"Spending more than the habit on some lawful act is called spend thrift".<sup>15</sup>

The research of the researchers tells that spend thrift and extravagance are not the one and the same thing. They are rather different, and the majority is of the view that extravagance is Serener then spending thrift any spending on prohibited and unlawful acts is extravagance no matter less or more is spent. Mufti Muhammad Shafi Usmani says in Marif al Quran:

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<sup>12</sup> Al-baqai, Abul Hasan, Imam, Nazmuddurar, Cairo, DarulKutub al Islmai, 1413 AH, P. 405, Vol: 11

<sup>13</sup> Al Qurtabi, Muhammad bin Ahmed, Abu Abdullah, al Jami-ul Ahkam al Quran Egypt, DarulKutub-al- Misria, 1359 AH, P.247, Vol. 10

<sup>14</sup> Abu-al-Saud, Shaikh, Tafseer Abi-al-Saud, Beruit, Darullhaya, al tarasul Arabi, 1347, P.168, Vol.5

<sup>15</sup> Muhammad Rawas Qilaji wa Hamid Sadiq Qunaibi, Mujam ul Lughat al Fuqaha, Karachi, Idara-al Quran wal uloom al Islamia, P. 07

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“Some people say that both words are of the same meaning. Spending some sin or inappropriate is called extravagance and spend thrift. And some people have given the detail that spending on some sin or on some totally in appropriate acts is called extravagance and there is a situation to spend but much more than the need is spent is called spend thrift. So, extravagance is worse than spend thrift: Extravagance are called brother of satan”.<sup>16</sup>

Unsuitable and inappropriate spending means to spend on the works or things which are declared un lawful and are prohibited by Allah, for example, drinking liqueur, gambling, making pictures, lewd games, and such other customs and traditions of unlawful kinds. These kinds of things and actions are explicitly condemned by the Quran:

The Quran and the Traditions of the holy prophet have never encouraged both extravagancy and spend thrift. They are rather condemned. Allah says in the chapter: The Heights -Al A’Raf:

Translation: “Eat and drink and do not be extravagance. Surely, He does not like the extravagant. (7:32)<sup>17</sup>

About extravagant, Allah in chapter: Bani Israil Says:

Translation: “And do not squander recklessly. Surely, squanderers are brothers of satans”. (17:26-27)<sup>18</sup>

Now, let us see extravagance in the light of the Traditions Ahadith of holy prophet. A Tradition is narrated in the Sahi Bukhari:

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<sup>16</sup>Usmani, Muhammad Shafi, Mufti, Maarif-al-Quran, Karachi, Idara-al-Maarif, 1415 AH, P.470, vol.05

<sup>17</sup> Al-Quran: 7:31

<sup>18</sup> Al-Quran: 17:26,27

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Translation: “Eat, drink, dress up and do alms but in such a way that nothing of such things reflect extravagance and pride. And Abdullah Bin Abas said: Whatever you eat and dress does it without any extravagant and pride”.<sup>19</sup>

Anus bin Malik narrates a Tradition of the prophet: The prophet says:

Translation: “One of the ways of extravagance is to eat anything whatever one likes”.<sup>20</sup>

These Traditions explain that human beings should apply moderation and reasons in fulfilling one’s needs, and every person should spend in accordance with one’s financial situation and position. Secondly, these traditions tell that fulfilling every desire and wish of one’s comes into the definition of extravagance. Islam does not permit us to do what we like to eat what one wants, and dress what one wishes. Islam teaches us to be moderate and rational in life, and in orders to avoid excess and less. It is extravagance, and not moderation and rationality to fulfilling every desire of oneself.

### **03. PROHIBITION OF LUXURY:**

One kind of luxury is that which completely declared unlawful and prohibited by Islam. It will be explained later, before it that kind of luxury will be explained which is though not prohibited and unlawful in the sharia, but it is disliked. Islam also advises people to avoid it. For example to fulfill every lawful desire and unnecessarily spending beautification and ornamentation Allah, in the Quran says on the disliked things:

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<sup>19</sup>Sahi Bukhari, Kitab-al-libass, Bab: Qawl Allah Qul man Harrama zeenat Allah, P.860, Vol.3

<sup>20</sup> Al-Qazveeni, Muhammad Bin Yazid, Abu Abdullah, Sunan e Ibne Maja, Abwab ul Atimah, Bad Min al Israf, Karachi, Qadeemi Kutub Khana, 1407, P.240

Translation: “Know well that the worldly life is but a play and an amusement and a show of beauty, and exchange of boastful claims between you”. (57:20)<sup>21</sup>

The world is called the place of play, amusement, and beauty and lust fullness between each other. So that people should not involve into the luxuries of it, and they should not fall in love of its love and beauty to indulge in any sort of luxury. Due this, it is called the discipline abode.

In real, Allah and the prophet did not ordered to stop being luxurious, and it is not declared prohibited if it is within the limits of shariah, and do not exceed beyond the limits, and there is no wastage of money, rather it has some benefit. However, the Quran and the Traditions of the prophet have prohibited such luxuries which can make one forgetful of remembrance and worship of Allah and there is extravagance and spend thrift. The Quran says:

Translation: “There is a man among the people who buys discourses of dispatching amusements, so that he may mislead from the way of Allah and makes a mockery of it. For such people there is disgraceful punishment”.<sup>22</sup>

The Tradition of the prophet mentions that when the prophet appointed Maaz Bin Jabal as governor of Yemen, he advised him:

Translation: “Beware! Avoid Luxurious life because people of Allah are not the people of Luxury”<sup>23</sup>

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<sup>21</sup> Al-Quran: 57:20

<sup>22</sup> Al-Quran: 31:6

<sup>23</sup> Al Baghvi, Hussain, Abu Muhammad, Mishkat-al-Masabeeh, Kitab al- riqaq, bab; Fazl ul Fuqara, Karachi, Qadeemi Kutub Khana, 1368 AH P. 449

Let us see now the second aspect of luxury that is to buy luxury items, prohibited item for example, wearing silk dress by man, using gold ornaments and using gold utensils for eating and drinking by both man and women) none of them is lawful. Islam declares: This kind of luxury prohibited. Ali Narrates: “The Prophet has prohibited to wear dress of crimson and purple colors and to wear rings made of gold”<sup>24</sup>.

Huzaifa narrates prophet as saying:

Translation: “Do not drink water in gold and silver made utensils and do not wear heavy and light Silk dress. It is good for them in the world and for you on the Day of Judgment.”<sup>25</sup>

It narrated by Abu Musa Ashari that the prophet said:

Translation: “gold and silk are declared prohibited for males of his Ummah, and lawful for females”<sup>26</sup>.

In these Traditions of the prophet the things which are mentioned are those things which are not lawful in form of any kind of luxury, so, these things are made unlawful in Islam.

#### **4. PROHIBITION OF CRUELTY AND EXCESS:**

It is prohibited to inflict cruelty and excess on other persons through one’s own property and to snatch others property. Our religion does not allow such thing at all. It teaches permanently to take care of other rights. It teaches to be helpful and cooperative to the others. It encourages always justice and rightfulness through extension of brotherhood. The Quran says:

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<sup>24</sup>Muslim Bin Hajaj, Abul Hasan, Sahi Muslim, Kitab-al-Libass wa Zeenah, Bab: Al Nahyu an Lubs al Rajul, Karachi, Qadeemi Kutub Khana, 1375 AH, P.193, Vol.2

<sup>25</sup>Ibd

<sup>26</sup>Tirmizi, Muhammad bin Essa, Jami-al-Tirmizi, Kitab-ul-Laibas, Bab Majaa fil Hareer wa Zazhab lirrijal, Multan, Farooqi kutub Khana, 1393 AH, P.205

Translation: “All believers are but brothers, therefore, seek reconciliation between your two brothers, and fear Allah, so that you may be blessed with mercy.” (49:10)<sup>27</sup>

Abdullah bin Umar quotes the prophet saying:

Translation: “Muslim is brother to Muslim, neither is to be made subject of cruelty nor to be men to oppressor”.<sup>28</sup>

The Quranic verses and the Traditions of the prophet they both command us to give rights of each other, and emphasis not to be cruel and oppressor to each other through establishing the relationship of brotherhood in between. They encourage us to be helpful in difficult times to each other. A Muslim should extend a helping hand to the other Muslim in times of difficulty. The prophet, due to this spirit, has declared such act of helping a Muslim in difficulty as alms and charity.

Abu Huraira narrates a Tradition of the prophet:

Translation: “Removal of difficult and harmful thing from the way and path is an act of charity”.<sup>29</sup>

The Quran and the Traditions of the prophet have explicitly called the act of cruelty against each other after entering into the relationship of brotherhood and fraternity among the Muslims, and there are warnings upon that kind of actions: Allah says in the Chapter: Surah Nisa:

“Surely, Those who unjustly devour the property of the orphans do nothing but devour fire into their bellies, and soon they shall enter blazing hell”.(04:10)<sup>30</sup>

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<sup>27</sup> Al-Quran: 49:10

<sup>28</sup>Sahi Bukhari, Abwab al- Mazim wal Qisass, Babu la yazlimu al Muslimu al muslima, P.330, Vol.1

<sup>29</sup>Ibid, babul Imatat al Azi, P.334

Hazrat Aaisha narrates the Prophet saying:

“Anyone who has snatched one palm- stretch length land with cruelty, he will be given a collar of seven lands to wear”<sup>31</sup>.

In light of the Quran and the Traditions of the prophet it is to be said that it is not lawful in Islam to snatch one’s property. This act is also punishable in the Shariah.

#### **05- PROHIBITION OF HOARDING:**

People of trade use hoarding as one of the tools to decrease the supply of things so that they may sell their goods on high rates. The goods that cannot be hoarded people of business destroy them to create less supply of them into the market to get high prices. These kinds of practices are an open cruelty on numerous people. The hoard able things do not last much to hoard them and can be saved for a longtime. These kinds of goods are hoarded in ware houses. This kind of practice is much more done at the time when due to natural occurrences the supply of such things is reduced and due to this prices of such things are going higher and lighter. Businessmen hoard such things in their ware houses for the sake of higher prices. They keep on waiting to see that the prices go even higher in the market. The demand of good by the people keeps on increasing and people are forced to buy them on higher prices. This act is, clearly, called cruelty and excess. The teaching of the prophet condemns this act. It is never taken as an encouraging act Moamer relates a Tradition of the Prophet:

Translation:” One who has practice of hoarding is sinful”<sup>32</sup>.

Umer Farooq narrates the Tradition of the Prophet:

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<sup>30</sup> Al-Quran: 4:10

<sup>31</sup> Sahi Muslim, Kitab al Musaqat, Bab Tahreem Al Zulm wa Ghasab Al ard, P.33

<sup>32</sup> Sahi Muslim, Kitab Al Buyo, Bab Tahreem-al-Ihtikar Fil Aqwat, P.31 Vol.2

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Translation: “One who hoards is a cursed one”.<sup>33</sup>

Abu Huraira relates:

Translation: “One who hoards for the sake of high prices for the Muslims is a sinful and Allah is free of it”.<sup>34</sup>

The sayings of the prophet clearly explain that hoarding practice is a condemnable act and is cruelty upon the people. It is, therefore due to so, is unlawful and reason of curse. So, the jurists of the Ummah in the Light of the Traditions, call this act shameful, and act of cruelty upon numerous human beings. Hidayah writes while throwing light on it: writes:

Translation: “it is disliked to hoard the provisions of human beings and animals because with these things a right of common person is attached”<sup>35</sup>.

In the Hidayah more detail:

“It is the exploitation of right to stop selling. It is to create shortage, but it is so when the city is small. If people do not feel difficulty with that (it is not disliked) the city is big. One is holding his property in which way people do not have difficulty”<sup>36</sup>.

After describing the dataset fullness of hoarding Hidayah writes also when something is hoarded of which people are in dire need, the authority to rule should take that thing from the owner by force and sell them to the people on appropriate price? The responsibility of the ruler is described:

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<sup>33</sup>Inam Darmi, Abdullah bin Abdul Rehman, Abu Muhammad, Sunan e Darmi, Kitab al Buyo, Bab Fil Nabi Anal Ehtaikar, Faisal Abad, hadith Acade- Miy, 1404 AH, P.165, Vol.2

<sup>34</sup>Al-Sunan-al Kubra, Kitab-al-Buyo, Bab Maja Fil- Ehtikar, P.30, Vol.96

<sup>35</sup>Ali-bin Abu Bakr, Abu Hasan, Al Hidiyah, Kitab al Karahia, Fasi fil Bai, Multan, Maktaba Shirkat Ilmia, 1396, P.470, Vol.4

<sup>36</sup>Ibid: P.399



Translation: “It is not suitable for the king that he fix. The prices for the people because the Prophet said: ‘Do not fix price, because Allah fixes prices, He gives shortage and expansion and he is the provider of provision. The price is the right of the seller, so he is the one to fix it. So, the ruler should not interrupt in any of his rights, except when difficulty or hardship of common nature demands it, as we will describe. When this matter is brought forward to the judge he will order the hoarder to estimate, generously, the need of this family and of himself. Whatever is in excess should be sold out. The judge will stop him to hoard. If that business person is presented before the judge, the ruler will put him in prison, and punish him with the sentence which deems fit and suitable to stop him from doing wrong. It will facilitate the shortage for the common people. If the traders of grains charges exuberant prices, whatever they demand, and charge more than the suitable prices, and the judge does not have any other way to fix the prices to safeguard the rights of the Muslims, there is, then no harm in fixing the prices with the help of the people of vision and opinion”<sup>37</sup>.

The description tells that hoarding is not right, and particularly at the time when in the area things of need are not available, people are in need of those things, and some traders have hoarded those things for the sake of getting higher prices. In that situation, it is the responsibility of the ruler that he should take those goods from the trader by force. Give the trader according to his need from them and remaining goods should be sold to the people on suitable prices.

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<sup>37</sup> Ibid

## **06 THE LIMITS OF USAGE OF THE LIVING BEINGS ON THE PROPERTY:**

Human being can have ownership of animals, can traded them and through them and can use them for works. But it is his responsibility that he should take care of them and arrange their foods in an appropriate way. He should treat them well and should not be cruel to them. He should not use them in worthless work so that they should not be put into difficult position and situation. They should not be cruelly treated. There are certain limits in this regard on the owner. It is better to explain them in the lights of the Traditions of the Prophet.

Sohail bin Hanzala relates:

Translation: “Once the prophet came across a camel whose back was too close to his belly. The prophet said: beware of Allah in regard of these kind of animals. When they are of the age riding on them and keep them in better conditions”<sup>38</sup>.

Abdullah bin Abbas narrates:

“The Prophet did not allow to put the animals into fighting game”.<sup>39</sup>

Abu Waqid al Laisi says:

“When the prophet came to Medina he saw that people eat the hunch and tail of live camels and sheep after cutting them. He says: The flesh of living an animal eaten after cutting them is not lawful”.<sup>40</sup>

Saeed Bin Jubair quotes the prophet sayings:

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<sup>38</sup> Al sajjistani, Sulaiman Bin Ashaath, Abu Daud, Sunan e Abu Daud, Kitab al Jihad, Bab: ma yomaru bihi Min al Qeyami Ala al Dawabbi wa al Bahaim, Multan, Muktaba Imdadia, 1361 AH. P.352

<sup>39</sup> Ibid: babu fi Tahreeshi Bain al Bahaim, P.353

<sup>40</sup> Jami al Tirmizi, Abwab-al-said, Bab: Ma jaa Ma Qataa Min al Hai fahowa Mayyit, P.179

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“I was with Abdullah bin Omar. We passed through some boys or men who had tied up a hen. They were shooting at it. When the people saw Abdullah bin Omar, they flew away. He asked who had done it, sanely, the prophet had cursed such people”.<sup>41</sup>

Shareed says that he had listen the prophet saying:

“Anyone who has killed a sparrow without any reason that sparrow will complain with Allah on the Day of Judgment that such and such person had killed me unnecessarily, and he did not kill me for any use or benefit”.<sup>42</sup>

In all these Traditions of the prophet he has advised to have better treatment with animals, and stopped in clear terms, not to be cruel to them. One who does so is the subject of the curse of Allah. The owner is restrained in having excess to an animals, unless they one not of the age to bear burden they should not be subject to burden, and put such burden on animals that they car bear. Do not take work with them in excess. The prophet says: take care of the food of animals. It is clear that how much he has warned about these things, and made to realize our responsibilities, so that animals should not be treated badly being the animals.

#### **SUMMARY:**

Islam, in regard of one’s own property and its use, has not given the similar concept as of the western concept. Unlike the west Islam does not give full liberty in use of one’s own property. The owner is ordered to use his own property within the limits. The owner is asked not to waste his

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<sup>41</sup>Sahi Bukhari, Kitab-al Zabaih wa al said wa Atasmiah, Bab Ma yakrahu Min-al-Mumassalah, P.829, vol.2

<sup>42</sup>Nisai, Ahmed bin Shoaib bin Ali, Abu Abdu Rehman, Sunan e Nisai, Kitab Al dhaya, Bab: man Qatal Usfooran, Karachi, Qadeemi Kutub Khana, SN, P.209

own property; he cannot be extravagant and go in excess. He cannot use his property for luxury, and cannot use his property in unlawful means and ways. He cannot use his own property in such a way that it may cause difficulties for others. He cannot hoard his goods and commodities for the purpose of getting higher prices. If one has animals in his ownership as his property he has to treat them well, and should not be cruel to them.

Our constitution also does not allow any owner of property to use his possession for the forbidden acts and things by sharia. Our constitution condemns, in very clear way, liquor houses and gambling dens. But, as in line with different religions people, for the sake of practicing their religion to an extent, so, the constitution allows those non-Muslims to have liquor houses for their own sake. A proper license, for the purpose, is used.

Hoarding is not encouraged by the law of the country, and the law comes into action against the hoarders.

Similarly, there is a law about the treatment of animals. Owner is not allowed to be cruel to the animals. Those owners who violate the law, and make excess to animals, like putting too much burden on animals, and or kill them, are punished with fines and sentences.



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